



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

March 20, 2018

Ordinance 18683

Proposed No. 2018-0068.1

Sponsors Balducci, Kohl-Welles and Lambert

1 AN ORDINANCE clarifying Title 9, Title 13, Title 14,
2 Title 16, Title 17, Title 19A, Title 20, Title 21A, Title 23,
3 Title 27 and Title 27A of the King County Code,
4 establishing a gender neutral code and making technical
5 corrections; and amending Ordinance 9163, Section 2, as
6 amended, and K.C.C. 9.04.020, Ordinance 11616, Section
7 14, as amended, and K.C.C. 13.24.140, Ordinance 4895,
8 Section 7, as amended, and K.C.C. 14.28.030, Ordinance
9 6254, Section 5, and K.C.C. 14.30.050, Ordinance 4099,
10 Section 14, and K.C.C. 14.46.140, Ordinance 4099, Section
11 16, and K.C.C. 14.46.160, Ordinance 12560, Section 55, as
12 amended, and K.C.C. 16.02.170, Ordinance 12560, Section
13 13, as amended, and K.C.C. 16.02.370, Ordinance 12560,
14 Section 54, as amended, and K.C.C. 16.04.490, Ordinance
15 11923, Section 2, as amended, and K.C.C. 16.04.890,
16 Ordinance 11923, Section 3, as amended, and K.C.C.
17 16.04.900, Ordinance 7853, Section 1, as amended, and
18 K.C.C. 16.04.980, Resolution 21284, Section 2, as
19 amended, and K.C.C. 16.05.124, Ordinance 12560, Section

20 120, as amended, and K.C.C. 16.14.220, Ordinance 12560,
21 Section 137, as amended, and K.C.C. 16.14.240, Ordinance
22 15802, Section 106, and K.C.C. 16.14.321, Ordinance
23 6746, Section 19, as amended, and K.C.C. 16.32.170,
24 Ordinance 15802, Section 124, and K.C.C. 16.32.215,
25 Ordinance 15802, Section 134, and K.C.C. 16.32.315,
26 Ordinance 1283, Section 1, as amended, and K.C.C.
27 16.78.010, Ordinance 1488, Section 3, as amended, and
28 K.C.C. 16.82.030, Ordinance 2097(part), as amended, and
29 K.C.C. 17.04.210, Ordinance 12560, Section 153, as
30 amended, and K.C.C. 17.04.220, Ordinance 12560, Section
31 151, as amended, and K.C.C. 17.04.270, Ordinance 12560,
32 Section 149, as amended, and K.C.C. 17.04.280, Ordinance
33 12560, Section 150, as amended, and K.C.C. 17.04.300,
34 Ordinance 12560, Section 159, as amended, and K.C.C.
35 17.04.350, Ordinance 7980, Section 1, as amended, and
36 K.C.C. 17.04.420, Ordinance 12560, Section 171, as
37 amended, and K.C.C. 17.04.520, Ordinance 5828, Section
38 2, as amended, and K.C.C. 17.08.010, Ordinance 13694,
39 Section 14, as amended, and K.C.C. 19A.04.110,
40 Ordinance 13694, Section 15, as amended, and K.C.C.
41 19A.04.120, Ordinance 13694, Section 17, and K.C.C.
42 19A.04.150, Ordinance 13694, Section 21, and K.C.C.

43 19A.04.190, Ordinance 13694, Section 51, as amended,
44 and K.C.C. 19A.08.160, Ordinance 12196, Section 9, as
45 amended, and K.C.C. 20.20.020, Ordinance 12196, Section
46 13, as amended, and K.C.C. 20.20.060, Ordinance 4461,
47 Section 2, as amended, and K.C.C. 20.22.040, Ordinance
48 11502, Section 20, as amended, and K.C.C. 20.22.320,
49 Ordinance 10511, Section 7, as amended, and K.C.C.
50 20.36.100, Ordinance 1886, Section 11, and K.C.C.
51 20.36.120, Ordinance 1886, Section 12, and K.C.C.
52 20.36.130, Ordinance 6949, Section 3, and K.C.C.
53 20.44.010, Ordinance 6949, Section 6, as amended, and
54 K.C.C. 20.44.040, Ordinance 4828, Section 2, as amended,
55 and K.C.C. 20.62.020, Ordinance 4828, Section 3, as
56 amended, and K.C.C. 20.62.030, Ordinance 4828, Section
57 4, as amended, and K.C.C. 20.62.040, Ordinance 10870,
58 Section 105, as amended, and K.C.C. 21A.06.325,
59 Ordinance 10870, Section 121, as amended, and K.C.C.
60 21A.06.405, Ordinance 12020, Section 32, and K.C.C.
61 21A.06.467, Ordinance 10870, Section 281, as amended,
62 and K.C.C. 21A.06.1205, Ordinance 10870, Section 297, as
63 amended, and K.C.C. 21A.06.1285, Ordinance 11210,
64 Section 12, as amended, and K.C.C. 21A.16.115,
65 Ordinance 11210, Section 17, as amended, and K.C.C.

66 21A.16.330, Ordinance 10870, Section 437, as amended,
67 and K.C.C. 21A.20.170, Ordinance 11621, Section 90, as
68 amended, and K.C.C. 21A.28.154, Ordinance 10870,
69 Section 616, as amended, and K.C.C. 21A.42.080,
70 Ordinance 10870, Section 632, and K.C.C. 21A.50.040,
71 Ordinance 17287, Section 3, as amended, and K.C.C.
72 21A.55.105, Ordinance 13263, Section 10, as amended,
73 and K.C.C. 23.02.090, Ordinance 13263, Section 14, and
74 K.C.C. 23.02.130, Ordinance 13263, Section 16, as
75 amended, and K.C.C. 23.20.020, Ordinance 13263, Section
76 21, as amended, and K.C.C. 23.24.020, Ordinance 13263,
77 Section 22, as amended, and K.C.C. 23.24.030, Ordinance
78 13263, Section 29, as amended, and K.C.C. 23.24.100,
79 Ordinance 10662, Section 52, as amended, and K.C.C.
80 27.04.015, Ordinance 12020, Section 6, as amended, and
81 K.C.C. 27A.20.040, Ordinance 12020, Section 8, and
82 K.C.C. 27A.20.050, Ordinance 12020, Section 20 and
83 K.C.C. 27A.30.090 and Ordinance 12020, Section 28, as
84 amended, and K.C.C. 27A.40.080.

85 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

88 The definitions in this section apply throughout this chapter unless the context

89 clearly requires otherwise.

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

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

99 C. "Basin" means a geographic area that contains and drains to a stream or river
100 named and noted on common maps, such as the Cedar river, Sammamish river, Green
101 river, Snoqualmie river, Skykomish river or White river, or a geographic area that drains
102 to a nonflowing water body named and noted on common maps, such as Lake
103 Washington or Puget Sound.

104 D. "Basin plan" means a plan and all implementing regulations and procedures
105 including, but not limited to, capital projects, public education activities and land use
106 management adopted by ordinance for managing surface water and stormwater within the
107 basin.

108 E. "Best management practice" or "BMP" means any schedule of activities,
109 prohibition of practices, maintenance procedure, or structural and/or managerial practice
110 approved by King County that, when used singly or in combination, prevents or reduces
111 the release of pollutants and other adverse impacts to surface water, stormwater and

112 groundwater.

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

116 G. "Construct or modify" means to install a new drainage pipe or ditch or make
117 improvements to an existing drainage pipe or ditch, for purposes other than maintenance,
118 that either serves to concentrate previously unconcentrated surface water or stormwater
119 runoff or serves to increase, decrease or redirect the conveyance of surface water or
120 stormwater runoff. "Construct or modify" does not include installation or maintenance of
121 a driveway culvert installed as part of a single-family residential building permit.

122 H. "Construction stormwater pollution prevention BMP" means a control or
123 measure that prevents or reduces the discharge of pollutants and sediments resulting from
124 construction activities.

125 I. "Conveyance system" means the drainage facilities and features, both natural
126 and constructed, that provide for the collection and transport of surface water or
127 stormwater runoff. The natural elements of the "conveyance system" include swales and
128 small drainage courses, streams, rivers, lakes and wetlands. The constructed elements of
129 the "conveyance system" include gutters, ditches, pipes, catch basins, channels and most
130 flow control and water quality facilities.

131 J. "Department" means the department of natural resources and parks or its
132 successor.

133 K. "Development" means any activity that requires a permit or approval,
134 including, but not limited to, a building permit, grading permit, shoreline substantial

135 development permit, conditional use permit, special use permit, zoning variance or
136 reclassification, subdivision, short subdivision, urban planned development, binding site
137 plan, site development permit or right-of-way use permit. "Development" does not
138 include forest management activities, as defined in K.C.C. chapter 21A.06.

139 L. "Directed drainage review" means the drainage review for a proposed single
140 family residential project or agricultural project that is not subject to simplified or large
141 project drainage review.

142 M. "Director" means the director of the department of natural resources and
143 parks, or the authorized representatives of the director, including compliance officers and
144 inspectors whose responsibility includes the detection and reporting of code violations.

145 N. "Drainage" means the collection, conveyance, containment or discharge, or
146 any combination thereof, of stormwater runoff or surface water.

147 O. "Drainage facility" means a constructed or engineered feature that collects,
148 conveys, stores, treats or otherwise manages stormwater runoff or surface water.
149 "Drainage facility" includes, but is not limited to, a constructed or engineered stream,
150 lake, wetland or closed depression, or a pipe, channel, ditch, gutter, flow control facility,
151 flow control BMP, water quality facility, erosion and sediment control facility and any
152 other structure and appurtenance that provides for drainage.

153 P. "Drainage review" means an evaluation by King County staff of a proposed
154 project's compliance with the drainage requirements in the Surface Water Design Manual.
155 The types of drainage review include: simplified drainage review, targeted drainage
156 review, directed drainage review, full drainage review and large project drainage review.

157 Q. "Erosion and sediment control" means any temporary or permanent measures

158 taken to reduce erosion, control siltation and sedimentation and ensure that sediment-
159 laden water does not leave the site or enter into wetlands or aquatic areas.

160 R. "Financial guarantee" means a form of financial security posted to do one or
161 more of the following: ensure timely and proper completion of improvements; ensure
162 compliance with the King County Code; or provide secured warranty of materials,
163 ~~((workmanship))~~ quality of work of the improvements and design. "Financial
164 guarantees" include assignments of funds, cash deposit, surety bonds or other forms of
165 financial security acceptable to the director of the department of permitting and
166 environmental review. "Performance guarantee," "maintenance guarantee" and "defect
167 guarantee" are considered ~~((sub-categories))~~ subcategories of financial guarantee.

168 S. "Flood hazard management plan" means a plan and all implementing goals,
169 objectives, guiding principles, policies and programs, including, but not limited to, capital
170 projects, public outreach and education activities and enforcement programs for reduction
171 of flood risks and prepared in accordance with RCW 86.12.200.

172 T "Flow control BMP" means small scale drainage facility or feature that is part
173 of a development site strategy to use processes such as infiltration, dispersion, storage,
174 evaporation, transpiration, forest retention and reduced impervious surface foot print to
175 mimic predeveloped hydrology and minimize stormater runoff. "Flow control BMPs"
176 include the methods and designs specified in the Surface Water Design Manual. Flow
177 control BMPs are also known as low impact development, or LID, BMPs.

178 U. "Flow control facility" means a drainage facility designed in accordance with
179 the drainage requirements in this chapter to mitigate the impacts of increased stormwater
180 runoff generated by site development. A "flow control facility" is designed either to hold

181 water for a considerable length of time and then release it by evaporation, plant
182 transpiration or infiltration into the ground or to hold runoff for a short period of time and
183 then release it to the conveyance system.

184 V. "Full drainage review" means the evaluation required by K.C.C. 9.04.030 for
185 any proposed project, unless the project is subject to simplified drainage review, directed
186 drainage review targeted drainage review or large project drainage review, that:

- 187 1. Would result in two thousand square feet or more of new impervious surface,
188 replaced impervious surface or new plus replaced impervious surface; or
189 2. Would result in seven thousand square feet or more of land disturbing
190 activity.

191 W. "Groundwater" means all water found in the soil and stratum beneath the land
192 surface or beneath the bed of any surface water.

193 X "High-use site" means the area of a commercial, industrial or road intersection
194 site that generates a higher than average number of vehicle turnovers or has other
195 characteristics that generate the potential for chronic oil accumulation. "High use site"
196 includes:

- 197 1. The area of a commercial or industrial site subject to:
198 a. an expected daily traffic count greater than one hundred vehicles per one
199 thousand square feet of gross building area;
200 b. petroleum storage or transfer in excess of one thousand five hundred gallons
201 per year, not including routine heating oil storage or transfer at the end-user point of
202 delivery; or
203 c. use, storage or maintenance of a fleet of twenty-five or more diesel or jet

204 fuel vehicles each weighing over ten tons; or

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

208 Y. "Hydraulically connected" means connected through surface flow or water
209 features such as wetlands or lakes.

210 Z. "Impervious surface" means a hard surface area that either prevents or retards
211 the entry of water into the soil mantle as under natural conditions before development or
212 that causes water to run off the surface in greater quantities or at an increased rate of flow
213 from the flow present under natural conditions before development. Common
214 impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways,
215 parking lots, storage areas, areas that are paved, graveled or made of packed or oiled
216 earthen materials or other surfaces that similarly impede the natural infiltration of surface
217 water or stormwater. For purposes of applying the impervious surface thresholds in this
218 chapter, permeable pavement, vegetated roofs and underdrained pervious surfaces are
219 considered "impervious surface," while an open uncovered flow control or water quality
220 facility is not.

221 AA. "Improvement" means a permanent, human-made, physical change to land
222 or real property including, but not limited to, buildings, streets, driveways, sidewalks,
223 crosswalks, parking lots, water mains, sanitary and storm sewers, drainage facilities and
224 landscaping.

225 BB. "Land disturbing activity" means an activity that results in a change in the
226 existing soil cover, both vegetative and nonvegetative, or to the existing soil topography.

227 "Land disturbing activity" includes, but is not limited to, demolition, construction,
228 clearing, grading, filling, excavation and compaction. "Land disturbing activity" does not
229 include tilling conducted as part of agricultural practices, landscape maintenance or
230 gardening.

231 CC. "Lake management plan" means a plan describing the lake management
232 recommendations and requirements adopted by public rule for managing water quality
233 within individual lake basins.

234 DD. "Large project drainage review" means the evaluation required by K.C.C.
235 9.04.030 for any proposed project that:

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

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

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

243 EE. "Licensed civil engineer" means a person registered with the State of
244 Washington as a professional engineer in civil engineering.

245 FF. "Maintenance" means those usual activities taken to prevent a decline, lapse
246 or cessation in the use of currently serviceable structures, facilities, equipment or
247 systems, if there is no expansion of the structure, facilities, equipment or system and
248 there are no significant hydrologic impacts. "Maintenance" includes the repair or
249 replacement of nonfunctional facilities or the replacement of existing structures with

250 different types of structures, if the repair or replacement is required by one or more
251 environmental permits or to meet current engineering standards and the functioning
252 characteristics of the original facility or structure are not changed.

253 GG. "Master drainage plan" means a comprehensive drainage control plan
254 required for projects subject to large project drainage review and intended to prevent
255 significant adverse impacts to surface water and groundwater, both onsite and offsite.

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

259 II. "Natural discharge location" means the location where runoff leaves the
260 project site under existing site conditions as defined in the Surface Water Design Manual.

261 JJ. "Natural hazard" means a condition in land or water, or both, that arises in
262 whole or in part out of natural processes and that creates a threat of immediate and
263 substantial harm. A "natural hazard" may include, but is not limited to, a beaver dam, a
264 debris dam in a stream, severe erosion at the base of a steep slope or a stream displaced
265 from its original channel.

266 KK. "New impervious surface" means the creation of impervious surface or the
267 addition of a more compacted surface such as the paving of existing dirt or gravel.

268 LL. "New pervious surface" means the conversion of a native vegetated surface
269 or other native surface to a nonnative pervious surface, including, but not limited to,
270 pasture land, grassland, cultivated land, lawn, landscaping or bare soil or any alteration of
271 existing nonnative pervious surface that results in increased stormwater runoff as defined
272 in the Surface Water Design Manual.

273 MM. "Pollution-generating impervious surface" means an impervious surface
274 considered to be a significant source of pollutants in stormwater runoff. "Pollution-
275 generating impervious surface" includes those surfaces subject to vehicular use; industrial
276 activities; or storage of erodible or leachable materials, wastes or chemicals and that
277 receive direct rainfall or the run-on or blow-in of rainfall. A covered parking area would
278 be included if runoff from uphill could regularly run through it or if rainfall could
279 regularly blow in and wet the pavement surface. Metal roofs are also considered
280 pollution-generating impervious surface unless they are treated to prevent leaching.
281 Roofs exposed to the venting of significant amounts of dusts, mists or fumes from
282 manufacturing, commercial or other indoor activities are also included, as are vegetated
283 roofs exposed to pesticides, fertilizers or loss of soil.

284 NN. "Pollution-generating pervious surface" means a nonimpervious surface
285 considered to be a significant source of pollutants in stormwater runoff. "Pollution-
286 generating pervious surfaces" include: surfaces subject to vehicular use, industrial
287 activities, storage of erodible or leachable materials, wastes or chemicals, and that receive
288 direct rainfall or the run-on or blow-in of rainfall; or surfaces subject to the use of
289 pesticides and fertilizers to the loss of soil. "Pollution-generating pervious surface"
290 includes, but is not limited to, the lawn and landscaped areas of a residential, commercial
291 ((site,)) or industrial site or land use, golf course, park, sports field and county-standard
292 grassed modular grid pavement.

293 OO. "Project" means any proposed action to alter or develop a site that may also
294 require drainage review.

295 PP. "Project site" means the portion of a site and any offsite areas subject to

296 proposed project activities, alterations and improvements including those required by this
297 chapter.

298 QQ. "Redevelopment project" means a project that proposes to add, replace or
299 modify impervious surface for purposes other than a residential subdivision or
300 maintenance on a site that:

301 1. Is already substantially developed in a manner that is consistent with its
302 current zoning or with a legal nonconforming use; or

303 2. Has an existing impervious surface coverage of thirty-five percent or more.

304 RR. "Replaced impervious surface" means an existing impervious surface
305 proposed to be removed and reestablished as impervious surface, excluding impervious
306 surface removed for the sole purpose of installing utilities or performing maintenance.
307 For structures, "removed" means the removal of buildings down to the foundation. For
308 other impervious surfaces, "removed" means the removal down to base course or bare
309 soil. For purposes of this definition, "base course" means the layer of crushed rock that
310 typically underlies an asphalt or concrete pavement.

311 SS. "Salmon conservation plan" means a plan and all implementing regulations
312 and procedures including, but not limited to, land use management adopted by ordinance,
313 capital projects, public education activities and enforcement programs for conservation
314 and recovery of salmon within a water resource inventory area designated by the state
315 under WAC 173-500-040.

316 TT. "Shared facility" means a drainage facility designed to meet one or more of
317 the requirements of K.C.C. 9.04.050 for two or more separate projects contained within a
318 basin. Shared facilities usually include shared financial commitments for those drainage

319 facilities.

320 UU. "Simplified drainage review" means the drainage review for a proposed
321 single-family residential project or agricultural project that:

322 1. Would result in impervious and new pervious surface insufficient to require a
323 flow control or water quality facility as specified in K.C.C. 9.04.050 and the Surface
324 Water Design Manual; and

325 2. Meets the simplified drainage requirements and BMPs specified in the
326 Surface Water Design Manual, including flow control BMPs, construction stormwater
327 pollution prevention BMPs, and drainage plan submittal requirements.

328 VV. "Site" means a single parcel, or either two or more contiguous parcels that
329 are under common ownership or documented legal control or a portion of single parcel
330 under documented legal control separate from the remaining parcel, used as a single
331 parcel for a proposed project for purposes of applying for authority from King County to
332 carry out a proposed project. For projects located primarily within dedicated rights-of-
333 way, "site" includes the entire width of right-of-way subject to improvements proposed
334 by the project.

335 WW. "Stormwater" means the water produced during precipitation or snowmelt,
336 which runs off, soaks into the ground or is dissipated into the atmosphere. Stormwater
337 that runs off or soaks into the ground ultimately becomes surface water or groundwater.

338 XX. "Stormwater compliance plan" means a plan or study and all regulations and
339 procedures that have been adopted by the county to implement the plan or study,
340 including, but not limited to, capital projects, public education activities and enforcement
341 programs for managing stormwater quantity and quality discharged from the county's

342 municipal separate storm sewer system in compliance with the National Pollutant
343 Discharge Elimination System permit program under the Clean Water Act.

344 YY. "Stormwater runoff" means stormwater that flows over, or just below, the
345 surface where it fell or melted. "Stormwater runoff" contributes to and becomes surface
346 water or groundwater.

347 ZZ. "Subbasin" means a geographic area that:

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

350 AAA. "Surface water" means the water that exists on land surfaces before,
351 during, and after stormwater runoff occurs and includes, but is not limited to, the water
352 found on ground surfaces and in drainage facilities, rivers, streams, springs, seeps, ponds,
353 lakes, wetlands and Puget Sound. It also includes shallow groundwater.

354 BBB. "Surface Water Design Manual" means the manual, and supporting
355 documentation referenced or incorporated in the manual, describing surface and
356 stormwater design and analysis requirements, procedures and guidance. The "Surface
357 Water Design Manual" is formally adopted by rule under the procedures of K.C.C.
358 chapter 2.98 and is available from the department of permitting and environmental
359 review or the department of natural resources and parks, water and land resources
360 division or their successor agencies.

361 CCC. "Targeted drainage review" means an abbreviated evaluation required by
362 K.C.C. 9.04.030 for certain types of proposed projects that are not subject to full or large
363 project drainage review. Targeted drainage review may be required for some projects in
364 simplified drainage review.

365 DDD. "Water quality facility" means a drainage facility designed in accordance
366 with the drainage requirements in this chapter to mitigate the impacts of increased
367 pollutants in stormwater runoff generated by site development. A "water quality facility"
368 uses processes that include but are not limited to settling, filtration, adsorption and
369 absorption to decrease pollutant concentrations and loadings in stormwater runoff.

370 SECTION 2. Ordinance 11616, Section 14, as amended, and K.C.C. 13.24.140
371 are each hereby amended to read as follows:

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

373 1. An adequate public or private water supply system, as required by K.C.C.
374 21A.28.040; and

375 2. The appropriate existing Group A water purveyor, unless service cannot be
376 provided in a timely and reasonable manner as provided in RCW 43.20.260 and
377 70.116.060 or with reasonable economy and efficiency as provided in RCW 19.27.097.

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

380 1. For individual lots, the director of the department of permitting and
381 environmental review may authorize interim water service from an existing Group B
382 public water purveyor or the development of an individual well after making the
383 following findings;

384 a. The applicant has submitted a certificate of water availability from the
385 appropriate Group A or Group B water purveyor accompanied by a letter from the same
386 purveyor that demonstrates to the satisfaction of the director that the requirement to
387 receive water service from the purveyor is unreasonable or infeasible at the time of

388 construction, which means service cannot be provided in a timely and reasonable manner
389 in accordance with RCW 43.20.260 and 70.116.060(3)(b) or with reasonable economy
390 and efficiency as provided in RCW 19.27.097;

391 b. For connections to a Group B water purveyor, the applicant has received a
392 water availability certificate from an existing Group B public water purveyor or has
393 received pre-application approval for connection to a private well from the Seattle-King
394 County department of public health in accordance with the rules and regulations of Title
395 12 of the Seattle-King County board of health;

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

399 d. The applicant has provided a certificate of future connection from the
400 appropriate Group A water purveyor that certifies that an irrevocable agreement has been
401 entered into with the purveyor providing that the property shall be connected to the
402 purveyor's water system upon availability of such water service and that the property
403 owner shall pay all costs of connection. This certificate shall stipulate that the applicant
404 and ((his)) the applicant's grantees agree to participate in and not protest the formation of
405 a utility local improvement district (ULID) or local improvement district (LID) or utility
406 purveyor project that is designed to provide public water services to the property and
407 agree to decommission any well that is abandoned in the process of connection to a
408 Group A water system in conformance with applicable state law. This certificate shall be
409 recorded in the real property records of King County and shall be a permanent condition
410 on the property running with the land until such time as the costs for connection are fully

411 paid to the purveyor; and

412 e. Application of the standards of this title would otherwise preclude
413 reasonable use of the property-

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

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

420 b. The director of the department of permitting and environmental review
421 makes the following findings:

422 (1) The applicant has provided a certificate of future connection from the
423 appropriate Group A water purveyor that certifies that an irrevocable agreement has been
424 entered into with the purveyor providing that the property shall be connected to the
425 purveyor's water system upon availability of such water service and that the property
426 owner shall pay all costs of connection. This certificate shall stipulate that the applicant
427 and ((his)) the applicant's grantees agree to participate in and not protest the formation of
428 a utility local improvement district (ULID) or local improvement district (LID) or utility
429 purveyor project that is designed to provide public water services to the property and
430 agree to decommission any well that is abandoned in the process of connection to a
431 Group A water system in conformance with applicable state law. This certificate shall be
432 recorded in the real property records of King County and shall be a permanent condition
433 on the property running with the land until such time as the costs for connection are fully

434 paid to the purveyor;

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

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

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

446 SECTION 3. Ordinance 4895, Section 7, as amended, and K.C.C. 14.28.030 are
447 each hereby amended to read as follows:

448 A. ~~((PLANS:))~~ Detailed engineering and restoration plans and/or drainage plan
449 pursuant to K.C.C. chapter 9.04 and Ordinance ~~((No:))~~ 4463, K.C.C. ~~((19-20))~~ chapter
450 14.42, may be required when considered necessary by the development engineer. Costs
451 for the development of such plan and conduct of required studies shall be borne by the
452 permit applicant, and, if the plan is returned, it shall be returned to the applicant.

453 B. ~~((SURVEY:))~~ When considered necessary by the development engineer to
454 adequately define the limits of right-of-way, the permit applicant shall cause the right-of-
455 way to be surveyed by a licensed land surveyor. Such survey shall be recorded in
456 accordance with the Survey Recording Act.

457 C. (~~DEDICATION~~) A permit applicant may be required to deed additional
458 right-of-way across property under (~~his~~) the permit applicant's authority when necessary
459 to fulfill the minimum road right-of-way width prescribed in RCW 36.86.010.

460 D. (~~ILLEGAL SUBDIVISION~~) A permit shall not be issued to provide access
461 to a lot or parcel created in violation of state and county subdivision regulations.

462 SECTION 4. Ordinance 6254, Section 5, and K.C.C. 14.30.050 are each hereby
463 amended to read as follows:

464 A. (~~Survey~~) When considered necessary by the real property division to
465 adequately determine the limits of the county property, the permit applicant shall cause
466 the county property to be surveyed by a licensed land surveyor. Such survey shall be
467 recorded in accordance with the Survey Recording Act. The cost of such survey shall be
468 paid by the permit applicant.

469 B. (~~Dedication~~) A permit applicant may be required to deed additional right-
470 of-way across property under (~~his~~) the permit applicant's authority when necessary to
471 fulfill any county policy, ordinance or laws.

472 SECTION 5. Ordinance 4099, Section 14, and K.C.C. 14.46.140 are each hereby
473 amended to read as follows:

474 All privileges granted by the permits shall automatically terminate at such time as
475 the permittee ceases to use the property and any facilities authorized by the permit. The
476 permittee may terminate the agreement by written notice to the manager of the real
477 property division. Upon revocation, termination or abandonment of any permit, the
478 permittee shall remove at (~~his~~) the permittee's expense all facilities placed on such
479 property by the permittee and restore the premises to a condition which is equivalent in

480 all respects to the condition existing prior to installation of the facilities or to a condition
481 which is satisfactory to the county. If the permittee has not accomplished removal and
482 restoration at the end of a ninety-day period following the effective date of revocation,
483 termination or abandonment, the county may accomplish all of the necessary work and
484 charge all of the costs to the permittee.

485 SECTION 6. Ordinance 4099, Section 16, and K.C.C. 14.46.160 are each hereby
486 amended to read as follows:

487 The county reserves the right to use, occupy and enjoy its property for such
488 purposes as it shall desire including, but not limited to, constructing or installing
489 structures and facilities on the property, or developing, improving, repairing or altering
490 the property. The permittee upon written notice will at ~~((his))~~ the permittee's own cost
491 and expense, remove, repair, relocate, change or reconstruct such installations to conform
492 with the plans of work contemplated or ordered by the county according to a time
493 schedule contained in the written notice.

494 SECTION 7. Ordinance 12560, Section 55, as amended, and K.C.C. 16.02.170
495 are each hereby amended to read as follows:

496 Section 102 of the International Building Code is supplemented with the
497 following:

498 Moved buildings and temporary buildings (IBC 102.7.2).

499 1. Buildings or structures moved into or within the jurisdiction shall comply with
500 the provisions for new buildings or structures of the International Building Code, chapter
501 51-50 WAC, the International Residential Code for One- and Two-Family Dwellings,
502 chapter 51-51 WAC, the International Mechanical Code, chapter 51-52 WAC, the

503 International Fire Code, chapter 51-54A WAC, the Uniform Plumbing Code and
504 Standards, chapter 51-56 WAC, the International Energy Conservation Code,
505 Commercial, chapter 51-11C WAC and the International Energy Conservation Code,
506 Residential, chapter 51-11R WAC.

507 EXCEPTION: Group R3 buildings or structures are not required to comply if:

508 1. The original occupancy classification is not changed, and

509 2. The original building is not substantially remodeled or rehabilitated. For the
510 purposes of this section a building shall be considered to be substantially remodeled
511 when the costs of remodeling exceed 60 percent of the value of the building exclusive of
512 the costs relating to preparation, construction, demolition or renovation of foundations.

513 No person shall move within or into the unincorporated areas of King County, or
514 cause to be moved, any building or structure without first obtaining, in addition to the
515 building permit, a relocation investigation permit from the building official. The purpose
516 of this relocation investigation permit is to determine prior to relocation the deficiencies
517 in the building. Before a structure is relocated to a proposed site, a building permit shall
518 be obtained.

519 2. The building official shall not approve for moving nor issue a building permit
520 for a building or structure which constitutes a public nuisance or endangers the public
521 health, safety, or general welfare, and in ~~((his))~~ the building official's opinion it is
522 physically impractical to restore such building or structure to make it comply with this
523 code.

524 3. A fee shall be charged for relocation investigations and site inspection
525 services. A building permit fee shall also be charged for all structures which are

526 approved for relocation. Fees for permits and services provided under this section shall
527 be paid to the department of development and environmental services as set forth in
528 K.C.C. Title 27, Building and Constructions Fees. As a condition of securing the
529 building permit, the owner of the building or structure shall deposit cash or its equivalent
530 with the building official, or in an approved irrevocable escrow, in an amount up to
531 \$5000.00.

532 4. Relocation investigation fees do not apply to structures having acceptable
533 current inspections, such as factory built units.

534 4.1 If the building official denies a building permit for the relocation of a
535 structure, the applicant may request, within 10 days of the date of mailing or other
536 issuance of the denial notice, that building official refer the building permit application to
537 the building code advisory board. The advisory board shall review the application and
538 make a recommendation to the building official, who may reconsider the denial in light
539 of the advisory board's recommendation.

540 SECTION 8. Ordinance 12560, Section 13, as amended, and K.C.C. 16.02.370
541 are each hereby amended to read as follows:

542 Section 107.3.4 of the International Building Code is not adopted and the
543 following is substituted:

544 General (IBC 107.3.4). When it is required that documents be prepared by an
545 architect or engineer, the building official may require the owner to engage and designate
546 on the building permit application an architect or engineer who shall act as the architect
547 or engineer of record. If the circumstances require, the owner may designate a substitute
548 architect or engineer of record who shall perform all of the duties required of the original

549 architect or engineer of record. The building official shall be notified in writing by the
550 owner if the architect or engineer of record is changed or is unable to continue to perform
551 the duties.

552 The architect or engineer of record shall be responsible for reviewing and
553 coordinating all submittal documents prepared by others, including deferred submittal
554 items, for compatibility with the design of the building.

555 When an engineer or architect is required by King County for the structural
556 design of a commercial or multi-family residence building, the department will not
557 review and approve a project which has multiple engineers or architects (or engineering
558 firms) unless the owner employs an engineer or architect responsible for the overall
559 structural design. This engineer or architect responsible for the overall structural design
560 shall write a letter to the department documenting that ~~((he/she))~~ this engineer or architect
561 is the engineer or architect of record designated by the project owner to be responsible for
562 the overall structural design, and that ~~((he/she))~~ this engineer or architect has reviewed
563 the entire structural design to ensure compliance with the International Building Code.

564 SECTION 9. Ordinance 12560, Section 54, as amended, and K.C.C. 16.04.490
565 are each hereby amended to read as follows:

566 Section 2902.1 of the International Building Code, as amended by chapter 51-50
567 WAC, is not adopted and the following is substituted:

568 **Minimum number of fixtures (IBC 2902.1).** The number of plumbing fixtures
569 within a building shall not be less than set forth in Section 2902. Fixtures located within
570 ~~((unisex))~~ gender-neutral toilet and bathing rooms shall be included in determining the
571 number of fixtures provided in an occupancy. The director of public health is authorized

572 to enforce this section.

573 SECTION 10. Ordinance 11923, Section 2, as amended, and K.C.C. 16.04.890
574 are each hereby amended to read as follows:

575 A. The declarant shall, at (~~his or her~~) the declarant's expense, obtain an
576 inspection of the premises subject to condominium conversion by the department to
577 insure compliance with the International Property Maintenance Code and other applicable
578 codes and regulations as adopted by King County. Inspection shall be made within forty-
579 five days of a declarant's written request. A written residential inspection report shall be
580 issued by the department within fourteen days following completion of the residential
581 inspection.

582 B. Any public offering statement issued with respect to a conversion
583 condominium shall include a copy of the written residential inspection report by the
584 department.

585 C. Prior to the conveyance of any residential unit within a conversion
586 condominium, the declarant shall repair all violation disclosed in the residential
587 inspection report which are not waived by the department and shall obtain certification
588 from the department that such have been properly made. Certification of repairs by the
589 department shall be based upon a reinspection of the conversion condominium premises,
590 to be performed within seven days of the declarant's written request. Certification shall
591 be issued within seven days following reinspection if the property is then determined to
592 be in compliance.

593 D. Certification by the department shall state that only those defects discovered
594 by the residential inspection have been corrected and that the certification does not

595 guarantee that all relevant code violations have been corrected. No declarant shall use
596 the department's certification in any advertising nor shall a declarant indicate or imply to
597 anyone, for the purpose of inducing a person to purchase a condominium unit, that King
598 County or any of its departments has "approved" the premises or any unit for sale.

599 SECTION 11. Ordinance 11923, Section 3, as amended, and K.C.C. 16.04.900
600 are each hereby amended to read as follows:

601 A. The repairs required to be made in K.C.C. 16.04.890 shall be warranted by the
602 declarant against defects due to ~~((workmanship))~~ quality of work or materials for a period
603 of one year following the completion of such repairs.

604 B. Prior to conveyance of any residential unit within a conversion condominium,
605 the declarant shall establish and maintain an account with a bank or other financial
606 institution of the declarant's choosing, containing a sum equal to ten percent of the actual
607 cost of making repairs required in K.C.C. 16.04.890. During the one year warranty
608 period, funds contained in the account shall be used exclusively for paying the actual cost
609 of making repairs required, or for otherwise satisfying claims made under the warranty.
610 The declarant shall by private action, in writing, notify the owners' association of the
611 location of the account and of any disbursements therefrom. Following expiration of the
612 warranty period, any funds remaining in the account shall be disbursed to the declarant.

613 C. Depletion of the funds contained in the account shall not relieve the declarant
614 of ~~((his or her))~~ the declarant's obligations under this section.

615 D. The enforcement of the escrow and warranty provision shall be by private
616 right of action and implementation and enforcement shall not be the responsibility of this
617 department or of any county agency.

618 SECTION 12. Ordinance 7853, Section 1, as amended, and K.C.C. 16.04.980 are
619 each hereby amended to read as follows:

620 A. (~~Enforcement.~~) The director is authorized to enforce the provisions of this
621 chapter and any rules and regulations promulgated thereunder, pursuant to the
622 enforcement and penalty provisions of K.C.C. Title 23.

623 EXCEPTION: The director of the department of public health is authorized to
624 enforce International Building Code Section 2902.1 and Table 29-A chapter 51-50 WAC
625 and the fuel gas piping requirements in the International Fuel Gas Code, and Chapter 24
626 of the International Residential Code.

627 B. General. All construction or work for which a permit is required shall be
628 subject to inspection by the director.

629 C. Authority. The director is authorized and directed to enforce this chapter. The
630 director is authorized to promulgate, adopt, and issue those rules and regulations
631 necessary to the effective and efficient administration of this chapter, such rules and
632 regulations to be adopted and maintained in accordance with the provisions for the rules
633 of county agencies, K.C.C. chapter 2.98.

634 D. Plan Reviews and Inspections. All buildings constructed under the provisions
635 of this chapter are subject to a final inspection for compliance with this chapter. The
636 director has the authority to establish rules and procedures for accepting at (~~his/her~~) the
637 director's option an affidavit of substantial compliance with this chapter in lieu of plan
638 reviews and/or inspections.

639 SECTION 13. Resolution 21284, Section 2, as amended, and K.C.C. 16.05.124
640 are each hereby amended to read as follows:

641 Appendix AG 101 of the International Residential Code is supplemented with the
642 following:

643 **Barrier required - Exception (IRC AG 105.6).** Every person who owns real
644 property, or any person who is in possession of real property either as owner, purchaser
645 under contract, as the lessee, tenant or licensee, and which real property is located within
646 the boundaries of any residential single-family district zone or which is located within the
647 boundaries of any suburban residential district, under the zoning code, and which
648 property is located within the unincorporated area of King County, and upon which real
649 property there is situated a ~~((man))~~human-made, hard-surfaced swimming pool; or, any
650 such person above named who hereinafter constructs upon any real property, as above
651 designated, a ~~((man))~~human-made, hard-surfaced swimming pool, shall erect thereon and
652 maintain thereupon barriers meeting the requirements of AG 105.2 through AG 105.5.
653 The barriers shall completely surround such swimming pool in such a manner as to
654 minimize, as near as possible, the danger of unsupervised children gaining access thereto.
655 All gates or doors opening through such enclosure shall be equipped with a self-closing
656 and self-latching device designed to keep and capable of keeping such doors or gates
657 securely closed at all times when not in actual use. Barriers shall be installed prior to the
658 filling of the pool with water for use.

659 When a swimming pool is located within a yard enclosed by a barrier meets the
660 requirements of this chapter, and when the gates or doors in the barrier meet the
661 requirements of this chapter, a barrier immediately surrounding the swimming pool shall
662 not be required.

663 SECTION 14. Ordinance 12560, Section 120, as amended, and K.C.C. 16.14.220

664 are each hereby amended to read as follows:

665 Section 108.4 of the International Property Maintenance Code is not adopted and
666 the following is substituted:

667 Placard to vacate (IPMC 108.4). Whenever such notice is posted, the code
668 official shall include a notification thereof in the notice and order issued (~~by him~~) under
669 K.C.C. Title 23, reciting the emergency and specifying the conditions which necessitate
670 the posting. No person shall remain in or enter any building which has been so posted,
671 except that entry may be made to repair, demolish or remove such building under permit.
672 No person shall remove or deface any such notice after it is posted until the required
673 repairs, demolition, or removal have been completed and a certificate of occupancy is
674 issued pursuant to the provisions of the Building Code. Any person violating this section
675 shall be guilty of a misdemeanor.

676 SECTION 15. Ordinance 12560, Section 137, as amended, and K.C.C. 16.14.240
677 are each hereby amended to read as follows:

678 Section 108.4 of the International Property Maintenance Code is supplemented
679 with the following:

680 Compliance (IPMC 108.4.2). Whenever such notice is posted, the code official
681 shall include a notification thereof in the notice and order issued (~~by him/her~~) under
682 K.C.C. Title 23, reciting the emergency and specifying the conditions which necessitate
683 the posting. No person shall remain in or enter any building or any premises which has
684 been so posted, except that entry may be made to repair, abate, demolish or remove such
685 nuisance or building under permit. No person shall remove or deface any such notice
686 after it is posted until the required repairs, abatement, demolition or removal has been

687 completed and, if required, a certificate of occupancy issued pursuant to the provisions of
688 the building code. Any person violating this section shall be guilty of a misdemeanor.

689 SECTION 16. Ordinance 15802, Section 106, and K.C.C. 16.14.321 are each
690 hereby amended to read as follows:

691 Section 109((-)) of the International Property Maintenance Code is supplemented
692 with the following:

693 Emergency measures -- Emergency demolition permit in lieu of preparing a rapid
694 abatement plan (IMPC 109.9.1). If the owner or owner's agent submits an application for
695 an emergency demolition permit in lieu of preparing a rapid abatement plan, the owner or
696 owner's agent shall state that (~~he or she~~) the owner or owner's agent is applying for an
697 emergency demolition permit in lieu of preparing a required rapid abatement plan and the
698 owner or owner's agent shall provide:

- 699 1. The names of all owners of the structure;
700 2. The address of the structure; and
701 3. A plan describing the method for demolishing the structure while protecting
702 the public health and safety and maintaining appropriate access to the public right-of-
703 way.

704 SECTION 17. Ordinance 6746, Section 19, as amended, and K.C.C. 16.32.170
705 are each hereby amended to read as follows:

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

- 708 a. one member representing journey(~~man~~) level plumbers;
709 b. one member representing plumbing contractors;

710 c. one member representing professional mechanical engineers;

711 d. one member representing and building owners; and

712 e. two members representing the public.

713 2. The authority having jurisdiction shall serve as a nonvoting member of the
714 board. The board of appeals shall elect a chair and a secretary who shall serve at the
715 pleasure of the board.

716 B. Any party aggrieved by a decision of the authority having jurisdiction made
717 pursuant to this code either in the context of a specific project or permit application or in
718 the context of an application for approval of an alternate material or method of
719 construction, or both, may file a written petition for appeal to the board accompanied by a
720 nonrefundable fee of one hundred dollars. Appeals shall be heard at reasonable times at
721 the convenience of the board, but not later than thirty days after receipt of the petition.
722 However, this time requirement may be waived by written agreement between the
723 authority having jurisdiction and the appellant if doing so will facilitate resolution of the
724 dispute. The appellant shall be entitled to appear in person before the board, to be
725 represented by an attorney, and to introduce evidence in support of such petition. The
726 appellant shall cause to be made at the appellant's own expense any test or research
727 required by the board for the substantiation of any claim or claims made by the appellant.
728 The board of appeals shall determine whether a correct interpretation of this code has
729 been made by the authority having jurisdiction.

730 C. Decisions of the board shall be in writing, distributed to the authority having
731 jurisdiction and the appellant and apply only to the case being heard. Board decisions are
732 deemed issued on the date that the decision is delivered to the appellant or the appellant's

733 counsel or, if the decision is mailed, on the date of mailing. A person aggrieved by a
734 decision of the board may appeal the decision of the board to the King County hearing
735 examiner as provided in K.C.C. chapter 20.22.

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

738 SECTION 18. Ordinance 15802, Section 124, and K.C.C. 16.32.215 are each
739 hereby amended to read as follows:

740 Section 102.2.3 of the Uniform Plumbing Code is not adopted and the following
741 is substituted:

742 Stop Work Order and Correction Order (UPC 102.2.3).

743 A. Whenever any work is being done contrary to the provisions of this code, the
744 authority having jurisdiction may order the work stopped by notice in writing served on
745 any persons engaged in the doing or causing such work to be done, and any such persons
746 shall forthwith stop work until authorized by the authority having jurisdiction to proceed
747 with the work. Service of a stop work order shall be made by one or more of the
748 following methods:

749 Personal service: Personal service of a stop work order may be made on the
750 property owner and/or on any person doing or causing the work to be done, or by leaving
751 the stop work order at the house of usual abode of the person being served, provided that
752 the stop work order is left with a person of suitable age and discretion who resides there.

753 Service by posting on the property: Service directed to the property owner and/or
754 person engaged in doing or causing such work to be done may be made by posting the
755 stop work order in a conspicuous place on the property where the work is occurring, and

756 concurrently mailing notice as provided for below, if a mailing address is available.

757 Service by mail: Service by mail may be made for a stop work order by mailing

758 two copies, postage prepaid, one by ordinary first class mail and the other by certified

759 mail, to the property owner and to any person engaged in doing or causing such work to

760 be done, at ((his or her)) their last known addresses, at the address of the location of the

761 work being done, or at the address of the place of business of the person being served.

762 The taxpayer's address as shown on the tax records of the county shall be deemed to be

763 the proper address for the purpose of mailing such notice to the person being served.

764 Service by mail shall be presumed effective upon the third business day following the day

765 upon which the stop work order was placed in the mail.

766 B. Whenever any work is being done contrary to the provisions of this code, the

767 authority having jurisdiction may order the violations corrected without ordering all work

768 stopped by issuing a correction notice that identifies the violation. The correction notice

769 may require an inspection before further construction or at the time of the next required

770 inspection. The correction notice shall be served or posted in the same manner as a stop

771 work order.

772 C. The remedies set forth in this section are in addition to those authorized

773 elsewhere in this code.

774 SECTION 19. Ordinance 15802, Section 134, and K.C.C. 16.32.315 are each

775 hereby amended to read as follows:

776 Section 103.5.6.1 of the Uniform Plumbing Code is not adopted and the following

777 is substituted:

778 Corrections (UPC 103.5.6.1). Notices of correction or violation shall be issued by

779 the authority having jurisdiction and may be posted at the site of the work or mailed or
780 delivered to the permittee or ((his)) the permittee's authorized representative. Refusal,
781 failure, or neglect to comply with any such notice or order within ten (10) days of receipt
782 thereof, shall be considered a violation of this code and shall be subject to the remedies
783 for violations as set forth elsewhere in this code.

784 SECTION 20. Ordinance 1283, Section 1, as amended, and K.C.C. 16.78.010 are
785 each hereby amended to read as follows:

786 A. "Depth" means a perpendicular measurement from the top lip of the pool to
787 the deepest point.

788 B. "Drainage facility" means the system of collection, conveying and storing
789 surface and storm water runoff. Drainage facilities shall include but not be limited to all
790 surface and storm water runoff conveyance and containment facilities including streams,
791 pipelines, channels, ditches, swamps, lakes, wetlands, closed depressions, infiltration
792 facilities, retention/detention facilities, erosion/sedimentation control facilities, and other
793 drainage structures and appurtenances, both natural and ((~~man~~))human-made.

794 C. "Ornamental pool" means any ((~~man~~))human-made structure, basin, chamber,
795 tank or pool except drainage facilities containing an artificial body of water and having a
796 depth of more than six inches and less than two feet and whose primary function is for
797 other than swimming, diving or recreational bathing.

798 D. "Persons" means any individual or a firm, partnership, company, corporation,
799 trustee, association or any public or private entity.

800 E. "Wading pool" means any artificial structure, basin, chamber, tank or pool of
801 water intended and constructed for wading purposes which is not over two feet in depth

802 at any point((;

803 E. "Persons" means any individual or a firm, partnership, company, corporation,
804 trustee, association or any public or private entity)).

805 SECTION 21. Ordinance 1488, Section 3, as amended, and K.C.C. 16.82.030 are
806 each hereby amended to read as follows:

807 The director is authorized to enforce the provisions of this chapter.

808 A. ((INSPECTIONS.)) The director is authorized to make such inspections and
809 take such actions as may be required to enforce the provisions of this chapter.

810 B. ((RIGHT OF ENTRY.)) Whenever necessary to make an inspection to
811 enforce any of the provisions of this chapter, or whenever the director has reasonable
812 cause to believe that any land, building, structure, premises, or portion thereof is being
813 used in violation of this chapter, the director may enter such land, building, structure,
814 premises, or portion thereof at all reasonable times to inspect the same or perform any
815 duty imposed upon the director by this chapter; provided, that if such building, land,
816 structure, premises or portion thereof is occupied, ((he)) the director shall first present
817 proper credentials and demand entry; and if such land, building, structure, premises, or
818 portion thereof be unoccupied, ((he)) the director shall first make a reasonable effort to
819 locate the owner or other persons having charge or control of the land, building, structure,
820 premises, or portion thereof and demand entry.

821 No owner or occupant or any other person having charge, care or control of any
822 building, land, structure, premises, or portion thereof shall fail or neglect, after proper
823 demand, to promptly permit entry thereon by the director for the purpose of inspection
824 and examination pursuant to this chapter. Any person violating this subsection is guilty

825 of a misdemeanor.

826 SECTION 22. Ordinance 2097(part), as amended, and K.C.C. 17.04.210 are each
827 hereby amended to read as follows:

828 Section 104.1 of the International Fire Code is supplemented with the following:
829 Enforcement (IFC 104.1.1).

830 1. The fire marshal or (~~the fire marshal's authorized~~) designee is authorized to
831 enforce the provisions of this chapter, the ordinances codified in it, and any adopted rules
832 and regulations in accordance with the enforcement and penalty provisions of K.C.C.
833 Title 23.

834 2. The fire marshal(~~(;)~~) or (~~his authorized~~) designee, any officer of the
835 department of public safety, and the chief of the fire district(~~(;)~~) or (~~his authorized~~)
836 designee, is authorized to take such lawful action, including the writing and issuance of
837 citations for civil infractions, as may be required to enforce the provisions of the fire lane
838 ordinance codified in this title.

839 SECTION 23. Ordinance 12560, Section 153, as amended, and K.C.C. 17.04.220
840 are each hereby amended to read as follows:

841 Section 104.1 of the International Fire code is supplemented with the following:

842 Additional conditions (IFC 104.1.2). The (~~(F))~~fire (~~(M))~~marshal or (~~(his/her)~~)
843 designee retains the authority to impose additional conditions, including but not limited
844 to increased setbacks, use of fire retardant materials, installation of fire sprinkler systems,
845 automatic fire suppression systems, automatic fire detection systems or standpipes where
846 determined necessary to mitigate identified fire protection impacts.

847 SECTION 24. Ordinance 12560, Section 151, as amended, and K.C.C. 17.04.270

848 are each hereby amended to read as follows:

849 Section 104.8 of the International Fire Code is supplemented with the following:

850 Deviations (IFC 104.8.1). The fire marshal or ((his/her)) designee shall have the
851 authority to consider deviations from the standards established for life safety/rescue
852 access, fire detection systems and fire sprinkler systems.

853 1. If the fire marshal finds that the deviation would not unreasonably reduce fire
854 protection to the area or structures served, and determines that the deviation should be
855 approved, the fire marshal shall notify the fire chief of the applicable fire district of the
856 deviation request. The fire marshal may approve the deviation if the fire chief of the
857 applicable fire district either concurs in writing with the fire marshal or does not respond
858 in writing within seven working days after notification of the deviation request. The fire
859 district chief's lack of response shall be taken as an indication that the fire chief concurs
860 with the fire marshal's finding.

861 2. If a response is received within seven days which is not in accordance with the
862 opinion of the ((~~director of the department of permitting and environmental review~~)) fire
863 marshal or ((his/her)) designee, the issue shall be submitted to the King County fire code
864 appeals board.

865 SECTION 25. Ordinance 12560, Section 149, as amended, and K.C.C. 17.04.280
866 are each hereby amended to read as follows:

867 Section 104 of the International Fire Code is supplemented with the following:

868 Notice to fire districts (IFC 104.12).

869 A. Prior to submitting an application for a commercial building permit, site
870 development permit, binding site plan, a preliminary subdivision or short subdivision

871 approval, final subdivision or short subdivision, urban planned development, zoning
872 reclassification, conditional use and special use permits to the department:

873 1. the applicant shall submit a copy of ~~((his))~~ the application to the fire district
874 providing fire protection services to the proposed development;

875 2. subdivisions and short subdivisions applied for and/or recorded before
876 February 1, 1989, shall be submitted once to the applicable fire district for review at the
877 time of the first building permit by the applicant for that building permit;

878 3. it shall be the responsibility of the fire district to issue a receipt to the
879 applicant the same day it receives a copy of a permit application. The receipt shall
880 constitute proof to the director of the notification;

881 4. the applicant shall include the fire district receipt with the permit application
882 to the department;

883 5. it shall be the responsibility of the fire district to notify the fire marshal of any
884 comments within seven days of the receipt of an applied for permit.

885 SECTION 26. Ordinance 12560, Section 150, as amended, and K.C.C. 17.04.300
886 are each hereby amended to read as follows:

887 Section 108.1 of the International Fire Code is not adopted and the following is
888 substituted:

889 Appeals (IFC 108.1). To determine and decide the suitability of alternate
890 materials and methods of construction and to provide reasonable interpretations of the
891 provisions of the code there shall be and hereby is created a fire code board of appeals.
892 The board shall consist of five members who are qualified by experience and training to
893 pass judgment upon pertinent matters. The ~~((F))~~fire ~~((M))~~marshal shall be an ex officio

894 member and ~~((he/she))~~ the fire marshal or a designated appointee shall act as secretary of
895 the board. The fire code appeals board shall be appointed by the executive, confirmed by
896 the council, and shall serve for not more than two four-year terms or until their successor
897 is appointed and qualified. The board shall adopt reasonable rules and regulations for
898 conducting its investigations and shall render decisions and findings in writing to the
899 ~~((E))~~local ~~((F))~~fire ~~((D))~~district ~~((C))~~chief, with a duplicate copy to the appellant, which
900 shall be advisory unless otherwise specified in this code. The board may also
901 recommend to the council new legislation regarding the subject matter of this code.

902 SECTION 27. Ordinance 12560, Section 159, as amended, and K.C.C. 17.04.350
903 are each hereby amended to read as follows:

904 Section 202 of the International Fire Code is supplemented with the following:

905 Definitions - Fire detection system (IFC 202). "Fire detection system" means a
906 heat and/or smoke detection system monitored by a central and/or remote station
907 conforming to the current edition of the International Fire Code as adopted by the
908 Washington State Building Code Council and/or the ~~((F))~~fire ~~((M))~~marshal or ~~((his/her))~~
909 designee.

910 SECTION 28. Ordinance 7980, Section 1, as amended, and K.C.C. 17.04.420 are
911 each hereby amended to read as follows:

912 Section 503.3 of the International Fire Code is not adopted and the following is
913 substituted:

914 Marking of and establishment of fire lanes (IFC 503.3).

915 A. Establishment of Fire Lanes. Fire lanes in conformance with this code shall
916 be established by the King County fire marshal or ~~((his authorized))~~ designee, and shall

917 be referred to as designated fire lanes in this section.

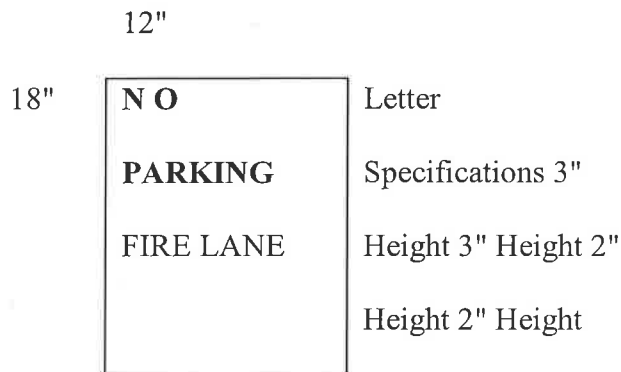
918 B. Definition of Fire Lanes. The area within any public right-of-way, easement,
919 or on private property designated for the purpose of permitting fire trucks and other fire
920 fighting or emergency equipment to use, travel upon, and park.

921 C. Marking of Fire Lanes. All designated fire lanes shall be clearly marked in the
922 following manner:

923 1. Vertical curbs (6 inch) shall be painted yellow on the top and side, extending
924 the length of the designated fire lane. The pavement adjacent to the painted curbs shall
925 be marked with minimum 18 inch in height block lettering with a minimum 3 inch brush
926 stroke reading: "NO PARKING - FIRE LANE." Lettering shall be yellow and spaced at
927 50 foot or portion thereof intervals, or

928 2. Rolled curbs or surface without curbs shall have a yellow 6 inch wide stripe
929 painted extending the length of the designated fire lane. The surface adjacent to the stripe
930 shall be marked with minimum 18 inch in height block lettering with a minimum 3 inch
931 brush stroke reading: "NO PARKING - FIRE LANE." Lettering shall be in yellow and
932 spaced at 50 ft. or portion thereof intervals, or

933 3. Fire lane signs shall be installed per the illustration:



934 a. Reflective in nature.

935 b. Red letters on white background.

936 c. Signs to be spaced 50 feet or portion thereof apart and posted on or
937 immediately next to the curb.

938 d. Top of signs to be not less than 4 feet nor more than 6 feet from the ground.

939 e. Signs may be placed on a building when approved by the fire marshal as the
940 designee of the manager of the department of permitting and environmental review.

941 When posts are required they shall be a minimum of 2 inch galvanized steel or 4
942 inch x 4 inch pressure treated wood. Signs to be placed so they face the direction of the
943 vehicular travel.

944 D. Obstruction of Fire Lanes Prohibited. The obstruction of a designated fire
945 lane by a parked vehicle or any other object is prohibited, shall constitute a traffic hazard
946 as defined in state law and an immediate hazard to life and property.

947 E. Alternate Materials and Methods. The fire marshal as designee of the manager
948 of the department of permitting and environmental review may modify any of the
949 provisions herein where practical difficulties exist. The particulars of a modification
950 shall be granted by the fire marshal and shall be entered into the records of the office.

951 F. Existing fire lane signs and markings.

952 1. Signs (minimum 9 inch by 16 inch) may be allowed to remain until there is a
953 need for replacement and at that time a 12 inch x 18 inch sign shall be installed.

954 2. Markings may be allowed to remain until there is a need for repainting and at
955 that time the provisions outlined in Section C, 1, 2 or 3 shall be complied with.

956 G. Maintenance. Fire lane markings shall be maintained at the expense of the
957 property owner(s) as often as needed to clearly identify the designated area as being a fire

958 lane.

959 H. Towing notification. At each entrance to property where fire lanes have been
960 designated, signs shall be posted in a clearly conspicuous location and shall clearly state
961 that vehicles parked in fire lanes may be impounded, and the name, telephone number,
962 and address of the towing firm where the vehicle may be redeemed.

963 I. Property owner responsible. The owner, manager, or person in charge of any
964 property upon which designated fire lanes have been established shall prevent the parking
965 of vehicles or placement of other obstructions in such fire lanes.

966 J. Violation - Civil infraction. Any person who fails to mark or maintain the
967 marking of a designated fire lane as prescribed in this chapter, or who parks a vehicle in,
968 allows the parking of a vehicle in, obstructs, or allows the obstruction of a designated fire
969 lane commits a civil infraction to which the provisions of RCW 7.80 shall apply. The
970 penalty for failing to mark or maintain the marking of a designated fire lane shall be one
971 hundred and fifty dollars. The penalty for parking a vehicle in, allowing the parking of a
972 vehicle in, obstructing, or allowing the obstruction of a designated fire lane shall be fifty
973 dollars.

974 K. Violation - Civil Penalty. In addition to, or as an alternate to, the provisions
975 of subsection E, any person who fails to meet the provisions of the fire lane requirements
976 codified in this title shall be subject to civil penalties in conformance with K.C.C.
977 Chapter 23.

978 L. Impoundment. Any vehicle or object obstructing a designated fire lane is
979 hereby declared a traffic hazard and may be abated without prior notification to its owner
980 by impoundment pursuant to the applicable state law.

981 SECTION 29. Ordinance 12560, Section 171, as amended, and K.C.C. 17.04.520
982 are each hereby amended to read as follows:

983 Section 903.1 of the International Fire Code is not adopted and the following is
984 substituted:

985 General (IFC 903.1).

986 1. An automatic fire-extinguishing system shall be installed in the occupancies
987 and locations as set forth in Section 903.2.

988 For provisions on special hazards and hazardous materials, see Section 901.4.3.

989 2. The provisions of this section shall apply to all buildings whose county
990 assessed value has increased by more than 50% within a five year period due to the added
991 value of alterations and repairs. When the first permit application is submitted to add to,
992 alter or repair an existing building, the county assessed value of the building at the time
993 the complete application is submitted shall be considered the base county assessed value
994 for the following five year period.

995 EXCEPTION: Structures damaged as a result of a disaster declared in accordance
996 with K.C.C. chapter 12.52, shall comply with K.C.C. 17.04.610 and 17.04.620.

997 3. Any additions to an existing structure shall be considered new construction and
998 subject the entire structure to the provisions of this section.

999 EXCEPTIONS: A one time exemption for buildings regulated by the
1000 International Residential Code One- and Two-Family Dwellings will be allowed for a
1001 single addition not to exceed 500 square feet, unless sprinklers or other fire protection
1002 systems are required by other statutes.

1003 4. All condominiums shall have the following wording in the recorded

1004 Declaration of Covenants and a copy of the document shall be provided to the fire code
1005 official or ~~((his/her))~~ designee:

1006 4.1. In the event that any unit should be equipped with a sprinkler system,
1007 nothing shall be hung from the sprinklers comprising a part of the system nor shall any
1008 such sprinklers be painted, covered, or otherwise changed, tampered with or altered.

1009 4.2. Prior to any alteration, amendment, modification or change thereof, the
1010 owners or their agents will submit such alteration, amendment, modification or change to
1011 the King County ~~((F))~~fire ~~((M))~~marshal or ~~((his or her))~~ designee for approval and agrees
1012 to comply with all applicable sprinkler requirements.

1013 SECTION 30. Ordinance 5828, Section 2, as amended, and K.C.C. 17.08.010 are
1014 each hereby amended to read as follows:

1015 A. Unless otherwise provided in this section, the definitions in the International
1016 Fire Code, as adopted in K.C.C. 17.04.010, and in the rules and regulations of the state
1017 board of health regarding public water systems, chapter 346-290 WAC, shall apply to this
1018 chapter.

1019 B. For the purposes of this chapter, "fire department" means the fire authority
1020 normally responsible for fire suppression in a specified area.

1021 C. For the purposes of this chapter, "water flow" means the minimum quantity of
1022 water required for domestic use or fire fighting, whichever is higher, at a specified
1023 building, development or site, expressed in continuous gallons per minute at twenty
1024 pounds per square inch residual pressure for a designated duration of time.

1025 D. For the purposes of this chapter, "fire marshal" means the King County fire
1026 marshal or ~~((his or her designated representative))~~ designee.

1027 E. For the purposes of this chapter, "water main" means piping used to deliver
1028 water to any fire hydrants or to one or more individual service connections.

1029 SECTION 31. Ordinance 13694, Section 14, as amended, and K.C.C.
1030 19A.04.110 are each hereby amended to read as follows:

1031 Development engineer: the director of the department of permitting and
1032 environmental review or (~~his or her~~) designee, authorized to oversee the review,
1033 conditioning, inspection and acceptance of right-of-way use permits, road and drainage
1034 projects constructed pursuant to permits administered by the department and required
1035 pursuant to this title. The designee shall be a professional civil engineer registered and
1036 licensed pursuant to chapter 18.43 RCW.

1037 SECTION 32. Ordinance 13694, Section 15, as amended, and K.C.C.
1038 19A.04.120 are each hereby amended to read as follows:

1039 Director: the director of the King County department of permitting and
1040 environmental review or (~~his or her~~) designee.

1041 SECTION 33. Ordinance 13694, Section 17, and K.C.C. 19A.04.150 are each
1042 hereby amended to read as follows:

1043 Financial guarantee: a form of financial security posted to ensure timely and
1044 proper completion of improvements, compliance with the King County Code or to
1045 warrant materials, (~~workmanship~~) and quality of work of the improvements and design.
1046 Financial guarantees include assignments of funds, cash deposits, surety bonds and other
1047 forms of financial security acceptable to the director.

1048 SECTION 34. Ordinance 13694, Section 21, and K.C.C. 19A.04.190 are each
1049 hereby amended to read as follows:

1050 Innocent purchaser: an individual who has purchased real property for value and
1051 states under oath that ((he or she)) the individual had no knowledge at any time prior to
1052 or during the sale that the lot had been or is being created in violation of the provisions of
1053 this title.

1054 SECTION 35. Ordinance 13694, Section 51, as amended, and K.C.C.
1055 19A.08.160 are each hereby amended to read as follows:

1056 A. Except as otherwise provided in subsection B. of this section, before final
1057 recording of a plat or short plat, the following minimum improvements shall be
1058 constructed consistent with the approved plans;

1059 1. Drainage facilities and erosion control measures consistent with K.C.C.
1060 9.04.090;

1061 2. Water mains and hydrant installed and fire flow available, sewer mains,
1062 laterals and sewer ((manholes)) maintenance holes installed, if required;

1063 3. Roadways meeting the approved engineering plan's layout drainage,
1064 geometric and road width requirements and finished with an asphalt treated base. The
1065 final surfacing on the roadways may be bonded;

1066 4. Pedestrian facilities complying with the Americans with Disabilities Act;
1067 including but not limited to, curb ramps, sidewalks and shoulders, where required;

1068 5. Specific site improvements required by the preliminary plat approval
1069 ordinance or preliminary short plat approval decision, if the decision requires completion
1070 before plat recording;

1071 6. Delineation of sensitive areas that are to remain undeveloped;

1072 7. Temporary control monuments set by a land surveyor, located in

1073 conformance with this title, and in place at final inspection. Permanent monuments and
1074 control points shall be set and verified by a land surveyor within ninety days of the final
1075 lift of asphalt;

1076 8. Improvements without which the director determines a safety hazard would
1077 exist; and

1078 9. All private improvements outside of the right-of-way or road easement and
1079 access tracts.

1080 B. The director, in consultation with the department of natural resources and
1081 parks, department of transportation, the prosecuting attorney, and other affected agencies,
1082 may allow the applicant to post a financial guarantee for any identified noncritical
1083 required improvements, as determined on a project by project basis, if:

1084 1. The expiration of the plat or short plat is imminent or other extraordinary
1085 circumstances prevent the construction of the improvements before the final recording;

1086 2. The inability to construct the improvements is due to unavoidable
1087 circumstances that in no way resulted from the actions or inaction of the applicant;

1088 3. The applicant submits a detailed construction completion timeline and the
1089 department determines the applicant will be able to complete the work or improvements
1090 to be covered by the financial guarantee within a reasonable amount of time; and

1091 4. Approval of the final plat or short plat before completion of the work or
1092 improvement will not be materially detrimental to existing county infrastructure or
1093 private properties in the vicinity of the subject property.

1094 C. The director shall have right of entry onto any lot, tract, easement or parcel
1095 that is part of the final plat or short plat to ensure compliance with the minimum

1096 subdivision improvements required in subsection A. of this section.

1097 SECTION 36. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020
1098 are each hereby amended to read as follows:

1099 A. Land use permit decisions are classified into four types, based on who makes
1100 the decision, whether public notice is required, whether a public hearing is required
1101 before a decision is made and whether administrative appeals are provided. The types of
1102 land use decisions are listed in subsection E. of this section.

1103 1. Type 1 decisions are made by the director, or (~~his or her~~) designee,
1104 ("director") of the department of permitting and environmental review ("department").

1105 Type 1 decisions are nonappealable administrative decisions.

1106 2. Type 2 decisions are made by the director. Type 2 decisions are discretionary
1107 decisions that are subject to administrative appeal.

1108 3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner
1109 following an open record hearing. Type 3 decisions may be appealed to the county
1110 council, based on the record established by the hearing examiner.

1111 4. Type 4 decisions are quasi-judicial decisions made by the council based on
1112 the record established by the hearing examiner.

1113 B. Except as provided in K.C.C. 20.44.120A.7. and 25.32.080 or unless
1114 otherwise agreed to by the applicant, all Type 2, 3 and 4 decisions included in
1115 consolidated permit applications that would require more than one type of land use
1116 decision process may be processed and decided together, including any administrative
1117 appeals, using the highest-numbered land use decision type applicable to the project
1118 application.

1119 C. Certain development proposals are subject to additional procedural
 1120 requirements beyond the standard procedures established in this chapter.

1121 D. Land use permits that are categorically exempt from review under SEPA do
 1122 not require a threshold determination (determination of nonsignificance "DNS" or
 1123 determination of significance "DS"). For all other projects, the SEPA review procedures
 1124 in K.C.C. chapter 20.44 are supplemental to the procedures in this chapter.

1125 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 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;
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		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; approvals for agricultural activities and agricultural support services authorized under K.C.C. 21A.42.300.
TYPE 21,2	(Decision by director appealable to hearing examiner, no further administrative appeal)	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 ³ ; 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.
TYPE	(Recommendation by	Preliminary plat; plat alterations; preliminary plat

31	director, hearing and decision by hearing examiner, appealable to county council on the record)	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.

1126 ¹ See K.C.C. 20.44.120.C. for provisions governing procedural and substantive SEPA
 1127 appeals and appeals of Type 3 and 4 decisions to the council.

1128 ² When an application for a Type 2 decision is combined with other permits requiring
 1129 Type 3 or 4 land use decisions under this chapter, the examiner, not the director, makes
 1130 the decision.

1131 ³ A shoreline permit, including a shoreline variance or conditional use, is appealable to
 1132 the state Shorelines Hearings Board and not to the hearing examiner.

1133 ⁴ Approvals that are consistent with the Comprehensive Plan may be considered by the
 1134 council at any time. Zone reclassifications that are not consistent with the
 1135 Comprehensive Plan require a site-specific land use map amendment and the council's
 1136 hearing and consideration shall be scheduled with the amendment to the Comprehensive

1137 Plan under K.C.C. 20.18.040 and 20.18.060.

1138 F. The definitions in K.C.C. 21A.45.020 apply to this section.

1139 SECTION 37. Ordinance 12196, Section 13, as amended, and K.C.C. 20.20.060

1140 are each hereby amended to read as follows:

1141 A. A notice of application shall be provided to the public for land use permit

1142 applications as follows:

1143 1. Type 2, 3 or 4 decisions;

1144 2. Type 1 decisions subject to SEPA;

1145 3. As provided in subsection K. and L. of this section; and

1146 4. Type 1 decisions requiring a community meeting under K.C.C. 20.20.035.

1147 B. Notice of the application shall be provided by the department within fourteen

1148 days following the department's determination that the application is complete. A public

1149 comment period on a notice of application of at least twenty-one days shall be provided,

1150 except as otherwise provided in chapter 90.58 RCW and RCW 58.17.215 with regards to

1151 subdivision alterations. The public comment period shall commence on the third day

1152 following the department's mailing of the notice of application as provided for in

1153 subsection H. of this section.

1154 C. If the county has made a determination of significance ("DS") under chapter

1155 43.21C RCW before the issuance of the notice of application, the notice of the DS shall

1156 be combined with the notice of application and the scoping notice.

1157 D. Unless the mailed notice of application is by a post card as provided in

1158 subsection E. of this section, the notice of application shall contain the following

1159 information:

- 1160 1. The file number;
- 1161 2. The name of the applicant;
- 1162 3. The date of application, the date of the notice of completeness and the date of
1163 the notice of application;
- 1164 4. A description of the project, the location, a list of the permits included in the
1165 application and the location where the application and any environmental documents or
1166 studies can be reviewed;
- 1167 5. A site plan on eight and one-half by fourteen inch paper, if applicable;
- 1168 6. The procedures and deadline for filing comments, requesting notice of any
1169 required hearings and any appeal procedure;
- 1170 7. The date, time, place and type of hearing, if applicable and scheduled at the
1171 time of notice;
- 1172 8. The identification of other permits not included in the application to the
1173 extent known;
- 1174 9. The identification of existing environmental documents that evaluate the
1175 proposed project; and
- 1176 10. A statement of the preliminary determination, if one has been made, of those
1177 development regulations that will be used for project mitigation and of consistency with
1178 applicable county plans and regulations.
- 1179 E. If mailed notice of application is made by a post card, the notice of application
1180 shall contain the following information:
- 1181 1. A description of the project, the location, a list of the permits included in the
1182 application and any environmental documents or studies can be reviewed;

- 1183 2. The name of the applicant;
- 1184 3. The date of application, the date of the notice of completeness and the date of
1185 the notice of application;
- 1186 4. If the department has made a decision or recommendation on the application,
1187 the decision or recommendation made;
- 1188 5. The applicable comment and appeal dates and the date, time, place and type
1189 of hearing, if applicable;
- 1190 6. A web site address that provides access to project information, including a
1191 site map and application page; and
- 1192 7. The department contact name, telephone number and email address;
- 1193 F. Notice shall be provided in the following manner:
- 1194 1. Posted at the project site as provided in subsections G. and J. of this section;
- 1195 2. Mailed by first class mail as provided in subsection H. of this section; and
- 1196 3. Published as provided in subsection I. of this section.
- 1197 G. Posted notice for a proposal shall consist of one or more notice boards posted
1198 by the applicant within fourteen days following the department's determination of
1199 completeness as follows:
- 1200 1. A single notice board shall be posted for a project. This notice board may
1201 also be used for the posting of the notice of decision and notice of hearing and shall be
1202 placed by the applicant:
- 1203 a. at the midpoint of the site street frontage or as otherwise directed by the
1204 department for maximum visibility;
- 1205 b. five feet inside the street property line except when the board is structurally

1206 attached to an existing building, but a notice board shall not be placed more than five feet
1207 from the street property without approval of the department;

1208 c. so that the top of the notice board is between seven to nine feet above grade;

1209 d. where it is completely visible to pedestrians; and

1210 e. comply with site distance requirements of K.C.C. 21A.12.210 and the King

1211 County road standards adopted under K.C.C. chapter 14.42.

1212 2. Additional notice boards may be required when:

1213 a. the site does not abut a public road;

1214 b. a large site abuts more than one public road; or

1215 c. the department determines that additional notice boards are necessary to

1216 provide adequate public notice;

1217 3. Notice boards shall be:

1218 a. maintained in good condition by the applicant during the notice period

1219 through the time of the final county decision on the proposal, including the expiration of

1220 any applicable appeal periods, and for decisions that are appealed, through the time of the

1221 final resolution of any appeal;

1222 b. in place at least twenty-eight days before the date of any required hearing

1223 for a Type 3 or 4 decision, or at least fourteen days following the department's

1224 determination of completeness for any Type 2 decision; and

1225 c. removed within fourteen days after the end of the notice period;

1226 4. Removal of the notice board before the end of the notice period may be cause

1227 for discontinuance of county review until the notice board is replaced and remains in

1228 place for the specified time period;

1229 5. An affidavit of posting shall be submitted to the department by the applicant
1230 within fourteen days following the department's determination of completeness to allow
1231 continued processing of the application by the department;

1232 6. Notice boards shall be constructed and installed in accordance with
1233 subsection G. of this section and any additional specifications promulgated by the
1234 department under K.C.C. chapter 2.98, rules of county agencies; and

1235 7. The director may waive the notice board requirement for a development
1236 proposal located in an area with restricted access, an area that is not served by public
1237 roads, or in other circumstances the director determines make the notice board
1238 requirement ineffective in providing notice to those likely to be affected by the
1239 development proposal. In such cases, the director shall require alternative forms of
1240 notice under subsection M. of this section.

1241 H. Mailed notice for a proposal shall be sent by the department within fourteen
1242 days after the department's determination of completeness:

1243 1. By first class mail to owners of record of property in an area within five
1244 hundred feet of the site. The area shall be expanded when the department determines it is
1245 necessary to send mailed notices to at least twenty different property owners;

1246 2. To any city with a utility that is intended to serve the site;

1247 3. To the Washington state Department of Transportation, if the site adjoins a
1248 state highway;

1249 4. To the affected tribes;

1250 5. To any agency or community group that the department may identify as
1251 having an interest in the proposal;

1252 6. Be considered supplementary to posted notice and be deemed satisfactory
1253 despite the failure of one or more owners to receive mailed notice;

1254 7. For preliminary plats only, to all cities within one mile of the proposed
1255 preliminary plat, and to all airports within two miles of the proposed preliminary plat;

1256 8. In those parts of the urban growth area designated by the King County
1257 Comprehensive Plan where King County and a city have adopted either a memorandum
1258 of understanding or a potential annexation boundary agreement, or both, the director shall
1259 ensure that the city receives notice of all applications for development subject to this
1260 chapter and shall respond specifically in writing to any comments on proposed
1261 developments subject to this title.

1262 I. The notice of application shall be published by the department within fourteen
1263 days after the department's determination of completeness in the official county
1264 newspaper and another newspaper of general circulation in the affected area.

1265 J. Unless waived under subsection G.7. of this section, posted notice for
1266 approved formal subdivision engineering plans, clearing or grading permits subject to
1267 SEPA or building permits subject to SEPA shall be a condition of the plan or permit
1268 approval and shall consist of a single notice board posted by the applicant at the project
1269 site, before construction as follows:

1270 1. Notice boards shall comport with the size and placement provisions identified
1271 for construction signs in K.C.C. 21A.20.120.B;

1272 2. Notice boards shall include the following information:

1273 a. permit number and description of the project;

1274 b. projected completion date of the project;

- 1275 c. a contact name and phone number for both the department and the applicant;
1276 d. a department contact number for complaints after business hours; and
1277 e. hours of construction, if limited as a condition of the permit;

1278 3. Notice boards shall be maintained in the same manner as identified above, in
1279 subsection F of this section; and

1280 4. Notice boards shall remain in place until final construction approval is
1281 granted. Early removal of the notice board may preclude authorization of final
1282 construction approval.

1283 K. Posted and mailed notice consistent with this section shall be provided to
1284 property owners of record and to the council district representative in which it is located,
1285 for any proposed single-family residence in a higher density urban single family
1286 residential zone (R-4 through R-8) exceeding a size of ten thousand square feet of floor
1287 area as defined in the Washington State Uniform Building Code.

1288 L. Posted and mailed notice consistent with this section shall be provided to any
1289 property owner of record and to the council district representative in which is locating
1290 any application for building permits or other necessary land use approvals for the
1291 establishment of the social service facilities classified by SIC 8322 and 8361 and listed
1292 below, unless the proposed use is protected under the Fair Housing Act:

- 1293 1. Offender self-help agencies;
1294 2. Parole offices;
1295 3. Settlement houses;
1296 4. Halfway home for delinquents and offenders; and
1297 5. Homes for destitute (~~men and women~~) people.

1298 M. In addition to notice required by subsection F. of this section, the department
1299 may provide additional notice by any other means determined by the department as
1300 necessary to provide notice to persons or entity who may be affected by a proposal.

1301 SECTION 38. Ordinance 4461, Section 2, as amended, and K.C.C. 20.22.040 are
1302 each hereby amended to read as follows:

1303 The examiner shall issue final decisions in the following cases:

1304 A. Appeals of orders of the ombuds(~~man~~) under the lobbyist disclosure code,
1305 K.C.C. chapter 1.07;

1306 B. Appeals of sanctions of the finance and business operations division in the
1307 department of executive services imposed under K.C.C. chapter 2.97;

1308 C. Appeals of career service review committee conversion decisions for part-time
1309 and temporary employees under K.C.C. chapter 3.12A;

1310 D. Appeals of electric vehicle recharging station penalties of the department of
1311 transportation under K.C.C. 4A.700.700;

1312 E. Appeals of notice and orders of the manager of records and licensing services
1313 or the director of permitting and environmental review under K.C.C. chapter 6.01;

1314 F. Appeals of adult entertainment license denials, suspensions and revocations
1315 under K.C.C. chapter 6.09;

1316 G. Appeals of the fire marshal's decisions on fireworks permits under K.C.C.
1317 chapter 6.26;

1318 H. Appeals of cable franchise nonrenewals under K.C.C. 6.27A.060 and notices
1319 and orders under K.C.C. 6.27A.240;

1320 I. Appeals of notices and orders of the department of natural resources and parks

1321 under K.C.C. chapter 7.09;

1322 J. Appeals of decisions of the director of the department of natural resources and
1323 parks on surface water drainage enforcement under K.C.C. chapter 9.04;

1324 K. Appeals of decisions of the director of the department of natural resources and
1325 parks on requests for rate adjustments to surface and storm water management rates and
1326 charges under K.C.C. chapter 9.08;

1327 L. Appeals of decisions on water quality enforcement under K.C.C. chapter 9.12;

1328 M. Appeals of notices and orders of the manager of animal control under K.C.C.
1329 chapter 11.04;

1330 N. Certifications by the finance and business operations division of the
1331 department of executive services involving K.C.C. chapter 12.16;

1332 O. Appeals of orders of the office of civil rights under K.C.C. chapter 12.17,
1333 K.C.C. chapter 12.18, K.C.C chapter 12.20 and K.C.C. chapter 12.22;

1334 P. Appeals of noise-related orders and citations of the department of permitting
1335 and environmental review under K.C.C. chapter 12.86;

1336 Q. Appeals of utilities technical review committee determinations on water
1337 service availability under K.C.C. 13.24.090;

1338 R. Appeals of decisions regarding mitigation payment system, commute trip
1339 reduction and intersection standards under K.C.C. Title 14;

1340 S. Appeals of suspensions, revocations or limitations of permits or of decisions of
1341 the board of plumbing appeals under K.C.C. chapter 16.32;

1342 T. Appeals of all Type 2 decisions under K.C.C. chapter 20.20, with the
1343 exception of appeals of shoreline permits, including shoreline substantial development

1344 permits, shoreline variances and shoreline conditional uses, which are appealable to the
1345 state Shoreline Hearings Board;

1346 U. Appeals of SEPA decisions, as provided in K.C.C. 20.44.120 and public rules
1347 adopted under K.C.C. 20.44.075;

1348 V. Appeals of completed farm management plans under K.C.C. 21A.30.045;

1349 W. Appeals of decisions of the interagency review committee created under
1350 K.C.C. 21A.37.070 regarding sending site applications for certification under K.C.C.
1351 chapter 21A.37;

1352 X. Appeals of citations, notices and orders, notices of noncompliance, stop work
1353 orders issued pursuant to K.C.C. Title 23 or Title 1.08 of the rules and regulations of the
1354 King County board of health;

1355 Y. Appeals of notices and certifications of junk vehicles to be removed as a
1356 public nuisance as provided in K.C.C. Title 21A and K.C.C. chapter 23.10;

1357 Z. Appeals of decisions not to issue a citation or a notice and order under K.C.C.
1358 23.36.010.A.2;

1359 AA. Appeals of permit fee estimates and billings by the department of permitting
1360 and environmental review, as provided in K.C.C. chapter 27.50;

1361 BB. Appeals from decisions of the department of natural resources and parks
1362 related to permits, discharge authorizations, violations and penalties under K.C.C.
1363 28.84.050 and 28.84.060;

1364 CC. Appeals of department of public safety seizures and intended forfeitures,
1365 when properly designated by the chief law enforcement officer of the department of
1366 public safety as provided in RCW 69.50.505;

1367 DD. Other applications or appeals that are prescribed by ordinance.

1368 SECTION 39. Ordinance 11502, Section 20, as amended, and K.C.C. 20.22.320
1369 are each hereby amended to read as follows:

1370 As to any application or appeal under this chapter that is or could become the
1371 subject of a public hearing, the responsible county department, the council or the
1372 examiner may, at ~~((his or her))~~ the responsible department, council or examiner's own
1373 discretion, or at the request of the applicant or any person with standing to the application
1374 or appeal, initiate a mediation process to resolve disputes as to the application or appeal
1375 at any state of the proceedings on the application or appeal. The mediation process shall
1376 be conducted in accordance with rules prepared by the hearing examiner.

1377 SECTION 40. Ordinance 10511, Section 7, as amended, and K.C.C. 20.36.100
1378 are each hereby amended to read as follows:

1379 A. To be eligible for open space classification under the public benefit rating
1380 system, property must contain one or more qualifying open space resources and have at
1381 least five points as determined under this section. The department shall review each
1382 application and recommend award of credit for current use of property that is the subject
1383 of the application. In making such a recommendation, the department shall utilize the
1384 point system described in subsections B. and C. of this section.

1385 B. The following open space resources are each eligible for the points indicated:

1386 1. Public recreation area - five points. For the purposes of this subsection B.1,
1387 "public recreation area" means land devoted to providing active or passive recreation use
1388 or that complements or substitutes for recreation facilities characteristically provided by
1389 public agencies. Use of motorized vehicles is prohibited on land receiving tax reduction

1390 for this category, except for golf carts on golf courses, for maintenance or for medical,
1391 public safety or police emergencies. To be eligible as a public recreation area, the
1392 facilities must be open to the general public or to specific public user groups, such as
1393 youth, senior citizens or people with disabilities. A property must be identified by the
1394 responsible agency within whose jurisdiction the property is located as meeting the
1395 definition of public recreation area. If a property meets the definition of public recreation
1396 area, the property owner must use best practices, if any, that are defined in K.C.C.
1397 chapter 21A.06. If a fee is charged for use, it must be comparable to the fee charged by a
1398 like public facility;

1399 2. Aquifer protection area-five points. For the purposes of this subsection B.2,
1400 "aquifer protection area" means property that has a plant community in which native
1401 plants are dominant and that includes an area designated as a critical aquifer recharge
1402 area under K.C.C. chapter 21A.24 or applicable city critical aquifer recharge area
1403 regulations. To be eligible as an aquifer protection area, at least fifty percent of the
1404 enrolling open space area or a minimum of one acre of open space shall be designated as
1405 a critical aquifer recharge area. If the enrolling open space area does not have a plant
1406 community in which native plants are dominant, a plan for revegetation must be
1407 submitted and approved by the department, and be implemented according to the plan's
1408 proposed schedule of activities;

1409 3. Buffer to public or current use classified land - three points. For the purposes
1410 of this subsection B.3, "buffer to public or current use classified land" means land that
1411 has a plant community in which native plants are dominant or has other natural features,
1412 such as streams or wetlands, and that is adjacent and provides a buffer to a publicly

1413 owned park, trail, forest, land legally required to remain in a natural state or a state or
1414 federal highway or is adjacent to and provides a buffer to a property participating in a
1415 current use taxation program under chapter 84.33 or 84.34 RCW. The buffer shall be no
1416 less than fifty feet in length and fifty feet in width. Public roads may separate the public
1417 land, or land in private ownership classified under chapter 84.33 or 84.34 RCW, from the
1418 buffering land, if the entire buffer is at least as wide and long as the adjacent section of
1419 the road easement. Landscaping or other nonnative vegetation shall not separate the
1420 public land or land enrolled under chapter 84.33 or 84.34 RCW from the native
1421 vegetation buffer. The department may grant an exception to the native vegetation
1422 requirement for property along parkways with historic designation, upon review and
1423 recommendation of the historic preservation officer of King County or the local
1424 jurisdiction in which the property is located. Eligibility for this exception does not
1425 extend to a property where plantings are required or existing plant communities are
1426 protected under local zoning codes, development mitigation requirements or other local
1427 regulations;

1428 4. Equestrian-pedestrian-bicycle trail linkage - thirty-five points. For the
1429 purposes of this subsection B.4, "equestrian-pedestrian-bicycle trail linkage" means land
1430 in private ownership that the property owner allows the public to use as an off-road trail
1431 linkage for equestrian, pedestrian or other nonmotorized uses or that provides a trail link
1432 from a public right-of-way to a trail system. Use of motorized vehicles is prohibited on
1433 trails receiving a tax reduction for this category, except for maintenance or for medical,
1434 public safety or police emergencies. Public access is required only on that portion of the
1435 property containing the trail. The landowner may impose reasonable restrictions on

1436 access that are mutually agreed to by the landowner and the department, such as limiting
1437 use to daylight hours. To be eligible as an equestrian-pedestrian-bicycle trail linkage, the
1438 owner shall provide a trail easement to an appropriate public or private entity acceptable
1439 to the department. The easement shall be recorded with the records and licensing
1440 services division. In addition to the area covered by the trail easement, adjacent land
1441 used as pasture, barn or stable area and any corral or paddock may be included, if an
1442 approved and implemented farm management plan is provided. Land necessary to
1443 provide a buffer from the trail to other nonequestrian uses, land that contributes to the
1444 aesthetics of the trail, such as a forest, and land set aside and marked for off road parking
1445 for trail users may also be included as land eligible for current use taxation. Those
1446 portions of private roads, driveways or sidewalks open to the public for this purpose may
1447 also qualify. Fencing and gates are not allowed in the trail easement area, except those
1448 that are parallel to the trail or linkage;

1449 5. Active trail linkage - fifteen or twenty-five points. For the purposes of this
1450 subsection B.5., "active trail linkage" means land in private ownership through which the
1451 owner agrees to allow nonmotorized public passage, for the purpose of providing a
1452 connection between trails within the county's regional trails system and local or regional
1453 attractions or points of interest, for trail users including equestrians, pedestrians,
1454 bicyclists and other users. For the purposes of this subsection B.5., "local or regional
1455 attractions or points of interest" include other trails, parks, waterways or other
1456 recreational and open space attractions, retail centers, arts and cultural facilities,
1457 transportation facilities, residential concentrations or similar destinations. To be eligible
1458 as an active trail linkage, the linkage must be open to passage by the general public and

1459 the property owner must enter into an agreement with the county consistent with
1460 applicable parks and recreation division polices to grant public access. To receive
1461 twenty-five points, the property owner must enter into an agreement with the county
1462 regarding improvement of the trail, including trail pavement and maintenance. To
1463 receive fifteen points, the property owner must agree to allow a soft-surface, nonpaved
1464 trail. The parks and recreation division is authorized to develop criteria for determining
1465 the highest priority linkages for which it will enter into agreements with property owners.

1466 6. Farm and agricultural conservation land - five points. For the purposes of
1467 this subsection B.6., "farm and agricultural conservation land" means land previously
1468 classified as farm and agricultural land under RCW 84.34.020 that no longer meets the
1469 criteria of farm and agricultural land, or traditional farmland not classified under chapter
1470 84.34 RCW that has not been irrevocably devoted to a use inconsistent with agricultural
1471 uses and has a high potential for returning to commercial agriculture. To be eligible as
1472 farm and agricultural conservation land, the property must be used for farm and
1473 agricultural activities or have a high probability of returning to agriculture and the
1474 property owner must commit to return the property to farm or agricultural activities by
1475 implementing a farm management plan. An applicant must have an approved farm
1476 management plan in accordance with K.C.C. 21A.24.051 that is acceptable to the
1477 department and that is being implemented according to its proposed schedule of activities
1478 before receiving credit for this category. Farm and agricultural activities must occur on
1479 at least one acre of the property. Eligible land must be zoned to allow agricultural uses
1480 and be owned by the same owner or held under the same ownership. Land receiving
1481 credit for this category shall not receive credit for the category "contiguous parcels under

1482 separate ownership";

1483 7. Forest stewardship land - five points. For the purposes of this subsection
1484 B.7., "forest stewardship land" means property that is managed according to an approved
1485 forest stewardship plan and that is not enrolled in the timberland program under chapter
1486 84.34 RCW or the forestland program under chapter 84.33 RCW. To be eligible as forest
1487 stewardship land, the property must contain at least four acres of contiguous forestland,
1488 which may include land undergoing reforestation, according to the approved plan. The
1489 owner shall have and implement a forest stewardship plan approved by the department.
1490 The forest stewardship plan may emphasize forest retention, harvesting or a combination
1491 of both. Land receiving credit for this category shall not receive credit for the resource
1492 restoration category or the rural stewardship land category;

1493 8. Historic landmark or archeological site: buffer to a designated site - three
1494 points. For the purposes of this subsection B.8, "historic landmark or archaeological site:
1495 buffer to a designated site" means property adjacent to land constituting or containing a
1496 designated county or local historic landmark or archeological site, as determined by the
1497 historic preservation officer of King County or other jurisdiction in which the property is
1498 located that manages a certified local government program. To be eligible as a historic
1499 landmark or archeological site: buffer to a designated site, a property must have a plant
1500 community in which native plants are dominant and be adjacent to or in the immediate
1501 vicinity of and provide a significant buffer for a designated landmark or archaeological
1502 site listed on the county or other certified local government list or register of historic
1503 places or landmarks. For the purposes of this subsection B.8., "significant buffer" means
1504 land and plant communities that provide physical, visual, noise or other barriers and

1505 separation from adverse effects to the historic resources due to adjacent land use;

1506 9. Historic landmark or archeological site: designated site - five points. For the
1507 purposes of this subsection B.9., "historic landmark or archaeological site: designated
1508 site" means land that constitutes or upon which is situated a historic landmark designated
1509 by King County or other certified local government program. Historic landmarks include
1510 buildings, structures, districts or sites of significance in the county's historic or prehistoric
1511 heritage, such as Native American settlements, trails, pioneer settlements, farmsteads,
1512 roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites
1513 or traditional cultural properties. To be eligible as a historic landmark or archeological
1514 site: designated site, a property must be listed on a county or other certified local
1515 government list or register of historic places or landmarks for which there is local
1516 regulatory protection. Eligible property may include property that contributes to the
1517 historic character within designated historic districts, as defined by the historic
1518 preservation officer of King County or other certified local government jurisdiction. The
1519 King County historic preservation officer shall make the determination on eligibility;

1520 10. Historic landmark or archeological site: eligible site - three points. For the
1521 purposes of this subsection B.10, "historic landmark or archaeological site: eligible site"
1522 means land that constitutes or upon which is situated a historic property that has the
1523 potential of being designated by a certified local government jurisdiction, including
1524 buildings, structures, districts or sites of significance in the county's historic or prehistoric
1525 heritage, such as Native American settlements, pioneer settlements, farmsteads, roads,
1526 industrial works, bridges, burial sites, prehistoric and historic archaeological sites or
1527 traditional cultural properties. An eligible property must be determined by the historic

1528 preservation officer of King County or other certified local government program in the
1529 jurisdiction in which the property is located to be eligible for designation and listing on
1530 the county or other local register of historic places or landmarks for which there is local
1531 regulatory protection. Eligible property may include contributing property within
1532 designated historic districts. Property listed on the state or national Registers of Historic
1533 Places may qualify under this category;

1534 11. Rural open space - five points. For the purposes of this subsection B.11.,
1535 "rural open space" means an area of ten or more contiguous acres of open space located
1536 outside of the urban growth area as identified in the King County Comprehensive Plan
1537 that:

- 1538 a. has a plant community in which native plants are dominant;
- 1539 b. is former open farmland, woodlots, scrublands or other lands that are in the
1540 process of being replanted with native vegetation for which the property owner is
1541 implementing an approved farm management, forest stewardship, rural stewardship or
1542 resource restoration plan acceptable to the department;

1543 12. Rural stewardship land - five points. For the purposes of this subsection
1544 B.12., "rural stewardship land" means lands zoned RA (rural area), A (agriculture) or F
1545 (forest), that has an implemented rural stewardship plan as provided in K.C.C. chapter
1546 21A.24 that is acceptable to the department. On RA-zoned property, the approved rural
1547 stewardship plan shall meet the goals and standards of K.C.C. 21A.24.055. For A- and
1548 F-zoned properties, credit for this category is allowed if the plan meets the goals of
1549 K.C.C. 21A.24.055 D. through G. A rural stewardship plan includes, but is not limited
1550 to, identification of critical areas, location of structures and significant features, site-

1551 specific best management practices, a schedule for implementation and a plan for
1552 monitoring as provided in K.C.C. 21A.24.055. To be eligible as rural stewardship land,
1553 the open space must be at least one acre and feature a plant community in which native
1554 plants are dominant or be in the process of restoration, reforestation or enhancement of
1555 native vegetation. Land receiving credit for this category shall not receive credit for the
1556 resource restoration or the forest stewardship land category;

1557 13. Scenic resource, viewpoint or view corridor - five points.

1558 a. For the purposes of this subsection B.13., "scenic resource" means an area of
1559 ten or more enrolling acres of natural or recognized cultural features visually significant
1560 to the aesthetic character of the county. A site eligible as a scenic resource must be
1561 significant to the identity of the local area and must be visible to a significant number of
1562 the general public from public rights-of-way, must be of sufficient size to substantially
1563 preserve the scenic resource value and must enroll at least ten acres of open space.

1564 b. For the purposes of this subsection B.13., a "viewpoint" means a property
1565 that provides a view of an area visually significant to the aesthetic character of the
1566 county. To be eligible as a viewpoint, a site must provide a view of a scenic natural or
1567 recognized cultural resource in King County or other visually significant area and allows
1568 unlimited public access and be identified by a permanent sign readily visible from a road
1569 or other public right-of-way.

1570 c. For the purposes of this subsection B.13., a "view corridor" means a
1571 property that contributes to the aesthetics of a recognized view corridor critical to
1572 maintaining a public view of a visually significant scenic natural or recognized cultural
1573 resource. A site eligible as a view corridor must contain at least one acre of open space

1574 that contributes to a view corridor visible to the public that provides views of a scenic
1575 natural resource area or recognized cultural resource significant to the local area.
1576 Recognized cultural areas must be found significant by the King County historic
1577 preservation officer or equivalent officer of another certified local government program
1578 and must contain significant inventoried or designated historic properties. Eligibility is
1579 subject to determination by the department or applicable jurisdiction;

1580 14. Significant plant or ecological site - five points. For the purposes of this
1581 subsection B.14., "significant plant or ecological site" means an area that meets criteria
1582 for Element Occurrence established under the Washington Natural Heritage Program
1583 authorized by chapter 79.70 RCW. An Element Occurrence is a particular, on-the-
1584 ground observation of a rare species or ecosystem. An eligible site must be listed as an
1585 Element Occurrence by the Washington Natural Heritage Program as of the date of the
1586 application or be identified as a property that meets the criteria for an Element
1587 Occurrence. The identification must be confirmed by a qualified expert acceptable to the
1588 department. The department will notify the Washington Natural Heritage Program of any
1589 verified element occurrence on an enrolling property. Commercial nurseries, arboretums
1590 or other maintained garden sites with native or nonnative plantings are ineligible for this
1591 category;

1592 15. Significant wildlife or salmonid habitat - five points.

1593 a. For the purposes of this subsection B.15, "significant wildlife or salmonid
1594 habitat" means:

1595 (1) an area used by animal species listed as endangered, threatened, sensitive
1596 or candidate by the Washington state Department of Fish and Wildlife or Department of

1597 Natural Resources as of the date of the application, or used by species of local
1598 significance that are listed by the King County Comprehensive Plan or a local
1599 jurisdiction;

1600 (2) an area where the species listed in subsection B.15.a.(1) of this section are
1601 potentially found with sufficient frequency for critical ecological processes to occur such
1602 as reproduction, nesting, rearing, wintering, feeding or resting;

1603 (3) a site that meets the criteria for priority habitats as defined by the
1604 Washington state Department of Fish and Wildlife that is so listed by the King County
1605 Comprehensive Plan or the local jurisdiction in which the property is located; or

1606 (4) a site that meets criteria for a wildlife habitat conservation area as defined
1607 by the department or a local jurisdiction.

1608 b. To be eligible as significant wildlife or salmonid habitat, the department or
1609 by expert determination acceptable to the department must verify that qualified species
1610 are present on the property or that the land fulfills the functions described in subsection
1611 B.15.a. of this section. To receive credit for salmonid habitat, the owner must provide a
1612 buffer at least fifteen percent greater in width than required by any applicable regulation.
1613 Property consisting mainly of disturbed or fragmented open space determined by the
1614 department as having minimal wildlife habitat significance is ineligible for this category;

1615 16. Special animal site - three points. For the purposes of this subsection B.16.,
1616 "special animal site" means a site that includes a wildlife habitat network identified by
1617 the King County Comprehensive Plan or individual jurisdictions through the Growth
1618 Management Act, chapter 36.70A RCW, or urban natural area as identified by the
1619 Washington state Department of Fish and Wildlife's priority habitats and species project

1620 as of the date of the application. To be eligible as a special animal site, the property must
1621 be identified by King County or local or state jurisdiction or by expert verification
1622 acceptable to the department or local jurisdiction. Property consisting mainly of
1623 disturbed or fragmented open space determined by the department to have minimal
1624 wildlife habitat significance is ineligible for this category;

1625 17. Surface water quality buffer - five points. For the purposes of this
1626 subsection B.17., "surface water quality buffer" means an undisturbed area that has a
1627 plant community in which native plants are dominant adjacent to a lake, pond, stream,
1628 shoreline, wetland or marine waters, that provides buffers beyond that required by any
1629 applicable regulation. To be eligible as surface water quality buffer, the buffer must be at
1630 least fifty percent wider than the buffer required by any applicable regulation and longer
1631 than twenty-five feet. The qualifying buffer area must be preserved from clearing and
1632 intrusion by domestic animals and protected from grazing or use by livestock;

1633 18. Urban open space - five points.

1634 a. For the purposes of this subsection B.18, "urban open space" means land
1635 located within the boundaries of a city or within the urban growth area that has a plant
1636 community in which native plants are dominant and that under the applicable zoning is
1637 eligible for more intensive development or use. To be eligible as urban open space, the
1638 enrolling area must be at least one acre, or be at least one-half acre if the land meets one
1639 of the following criteria:

1640 (1) the land conserves and enhances natural or scenic resources;

1641 (2) the land protects streams or water supply;

1642 (3) the land promotes conservation of soils, wetlands, beaches or tidal

1643 marshes;

1644 (4) the land enhances the value to the public of abutting or neighboring
1645 parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space;

1646 (5) the land enhances recreation opportunities to the general public; or

1647 (6) the land preserves visual quality along highways, roads, and streets or
1648 scenic vistas.

1649 b. Owners of noncontiguous properties that together meet the minimum
1650 acreage requirement of subsection B.18.a. of this section may jointly apply under this
1651 category if each property is closer than seventy-five feet to one other property in the
1652 application and if each property contains an enrolling open space area at least as large as
1653 the minimum zoned lot size; and

1654 19. Watershed protection area - five points. For the purposes of this subsection
1655 B.19, "watershed protection area" means property contributing to the forest cover that
1656 provides run-off reduction and groundwater protection. To be eligible as watershed
1657 protection area, the property must consist of contiguous native forest or be in the process
1658 of reforestation. The enrolling forested area must consist of additional forest cover
1659 beyond that required by county or applicable local government regulation and must be at
1660 least one acre or sixty-five percent of the property acreage, whichever is greater. If
1661 reforestation or improvements to the forest health are necessary, the property owner shall
1662 provide and implement a forest stewardship, resource restoration or rural stewardship
1663 plan that addresses this need and is acceptable to the department.

1664 C. Property qualifying for an open space category in subsection B. of this section
1665 may receive credit for additional points as follows:

1666 1. Resource restoration - five points. For the purposes of this subsection C.1,
1667 "resource restoration" means restoration of an enrolling area benefiting an area in an open
1668 space resource category. Emphasis shall be placed on restoration of anadromous fish
1669 rearing habitat, riparian zones, migration corridors and wildlife, upland, stream and
1670 wetland habitats. To be eligible as resource restoration, the owner must provide and
1671 implement a restoration plan developed in cooperation with the Soil Conservation
1672 Service, the state Department of Fisheries and Wildlife, King County or other appropriate
1673 local or county agency that is acceptable to the department. Historic resource restoration
1674 must be approved by the King County historic preservation officer or officer of another
1675 certified local government and must be accompanied by a long-term maintenance plan.
1676 For resource restoration credit, the owner shall provide to the department a yearly
1677 monitoring report for at least five years following enrollment in the public benefit rating
1678 system program. The report shall describe the progress and success of the restoration
1679 project and shall include photographs to document the success. Land receiving credit for
1680 this category shall not receive credit for the forest stewardship land category or the rural
1681 stewardship land category;

1682 2. Additional surface water quality buffer - three or five points. For the
1683 purposes of this subsection C.2, "additional surface water quality buffer" means an
1684 undisturbed area of native vegetation adjacent to a lake, pond, stream, wetland or marine
1685 water providing a buffer width of at least twice that required by regulation. To be
1686 eligible as additional surface water quality buffer, the property must qualify for the
1687 surface water quality buffer category in subsection B. of this section. Three points are
1688 awarded for additional buffers no less than two times the buffer width required by any

1689 applicable regulation. Five points are awarded for additional buffers no less than three
1690 times the buffer width required by any applicable regulation;

1691 3. Contiguous parcels under separate ownership - two points per participating
1692 owner above one owner. The points under this subsection C.3. accrue to all of the
1693 owners of a single application. However, the withdrawal of a participating property by
1694 an owner results in the loss of two points to the total credit awarded for each of the
1695 remaining owners under this subsection C.3. For the purposes of this subsection C.3,
1696 "contiguous parcels" means either:

1697 a. enrolling parcels abut each other without any significant natural or
1698 ~~((man))~~human-made barrier separating them; or

1699 b. enrolling parcels abut a publicly owned open space but not necessarily abut
1700 each other without any significant natural or ~~((man))~~human-made barriers separating the
1701 publicly owned open space and the parcels seeking open space classification. Contiguous
1702 parcels of land with the same qualifying public benefit rating system resources are
1703 eligible for treatment as a single parcel if open space classification is sought under the
1704 same application except as otherwise prohibited by the farm and agricultural conservation
1705 land category. Award of this category requires a single application by multiple owners
1706 and parcels with identical qualifying public benefit rating system resources. Treatment as
1707 contiguous parcels shall include the requirement to pay only a single application fee and
1708 the requirement that the total area of all parcels combined must equal or exceed any
1709 required minimum area, rather than each parcel being required to meet the minimum
1710 area. Individual parcels may be withdrawn from open space classification consistent with
1711 all applicable rules and regulations without affecting the continued eligibility of all other

1712 parcels accepted under the same application, but the combined area of the parcels
1713 remaining in open space classification must still qualify for their original enrolling public
1714 benefit rating system category or categories. To be eligible as contiguous parcels under
1715 separate ownership, the property must include two or more parcels under different
1716 ownership. The owners of each parcel included in the application must agree to identical
1717 terms and conditions for enrollment in the program;

1718 4. Conservation easement or historic preservation easement - fifteen points. For
1719 the purposes of this subsection C.4, "conservation easement or historic preservation
1720 easement" means land on which an easement is voluntarily placed that restricts, in
1721 perpetuity, further potential development or other uses of the property. The granting of
1722 this conservation easement or historic preservation easement provides additional value
1723 through permanent protection of a resource. These easements are typically donated or
1724 sold to a government or nonprofit organization, such as a land trust or conservancy. To
1725 be eligible as conservation easement or historic preservation easement, the easement must
1726 be approved by the department and be recorded with the records and licensing services
1727 division. The easement shall be conveyed to the county or to an organization acceptable
1728 to the department. In addition, historic preservation easements shall also be approved by
1729 the historic preservation officer of King County or officer of another certified local
1730 government jurisdiction in which the property is located. An easement required by
1731 zoning, subdivision conditions or other land use regulation is not eligible unless an
1732 additional substantive easement area is provided beyond that otherwise required;

1733 5. Public access - points depend on type and frequency of access allowed. For
1734 the purposes of this subsection C.5, "public access " means the general public is allowed

1735 access on an ongoing basis for uses such as, but not limited to, recreation, education or
1736 training. Access must be allowed on only the portion of the property that is designated
1737 for public access. The landowner may impose reasonable restrictions on access, such as
1738 limiting use to daylight hours, that are mutually agreed to by the landowner and the
1739 department. No physical barriers may limit reasonable public access or negatively affect
1740 an open space resource. To be eligible for public access at one of the levels described in
1741 a. through d. of this subsection C.5, a property owner shall demonstrate that the property
1742 is open to public access and is used by the public. Public access points for historic
1743 properties shall be approved by the historic preservation officer of King County or officer
1744 of another certified local government jurisdiction in which the property is located. The
1745 property owner may be required to furnish and maintain signage according to county
1746 specifications.

1747 a. Unlimited public access - five points. Year-round access by the general
1748 public is allowed on the enrolled parcel without special arrangements with the property
1749 owner.

1750 b. Limited public access because of resource sensitivity - five points. Access
1751 may be reasonably limited by the property owner on the enrolled parcel due to the
1752 sensitive nature of the resource, with access provided only to appropriate user groups.
1753 The access allowed shall generally be for an educational, scientific or research purpose
1754 and may require special arrangements with the owner.

1755 c. Environmental education access - three points. The landowner enters into
1756 an agreement with a school, an organization with 26 U.S.C. Sec. 501(c)(3) tax status, or
1757 with the agreement of the department, other community organization that allows

1758 membership by the general public to provide environmental education on the enrolled
1759 parcel to its members or the public at large. The landowner and the department must
1760 mutually agree that the enrolled parcel has value for environmental education purposes.

1761 d. Seasonally limited public access - three points. Access by the public is
1762 allowed on the enrolled parcel, (~~with or~~) without special arrangements with the property
1763 owner, during only part of the year based on seasonal conditions, as mutually agreed to
1764 by the landowner and the department.

1765 e. None or members-only - zero points. No public access is allowed or the
1766 access is allowed only by members of the organization using or owning the land; and

1767 6. Easement and access - thirty five points. For the purposes of this subsection
1768 C.6, "easement and access" means that the property has at least one qualifying open space
1769 resource, unlimited public access or limited public access due to resource sensitivity, and
1770 a conservation easement or historic preservation easement in perpetuity in a form and
1771 with conditions acceptable to the department. To be eligible a property must receive
1772 credit for an open space category and for the conservation easement or historic easement
1773 in perpetuity category. The owner must agree to allow public access to the portion of the
1774 property designated for public access in the easement. An easement required by zoning,
1775 subdivision conditions or other land use regulation is not eligible, unless there is
1776 additional easement area beyond that required. Credit for this category cannot overlap
1777 with the equestrian-pedestrian-bicycle trail linkage category.

1778 SECTION 41. Ordinance 1886, Section 11, and K.C.C. 20.36.120 are each
1779 hereby amended to read as follows:

1780 The county assessor shall approve or disapprove all applications for farm and

1781 agricultural classification with due regard to all relevant evidence. These applications
1782 shall be deemed to have been approved unless, prior to the first of May of the year after
1783 such application was mailed or delivered to the assessor, ~~((he shall notify))~~ the assessor
1784 notifies the applicant in writing to the extent to which the application is denied.

1785 SECTION 42. Ordinance 1886, Section 12, and K.C.C. 20.36.130 are each
1786 hereby amended to read as follows:

1787 A. An applicant for current assessment of farm and agricultural land who
1788 receives notice in writing from the county assessor that ~~((his))~~ the application has been
1789 denied may appeal such denial to the county council by filing a written appeal with the
1790 clerk of the county council within twenty-one calendar days of the date of the assessor's
1791 written notice of denial.

1792 B. An owner of classified land who receives notice in writing from the county
1793 assessor that all or a portion of such land has been removed from current use
1794 classification may appeal such removal to the county board of equalization by filing a
1795 written appeal with the clerk of the board of equalization within thirty calendar days of
1796 the date of the assessor's written notice of removal.

1797 SECTION 43. Ordinance 6949, Section 3, and K.C.C. 20.44.010 are each hereby
1798 amended to read as follows:

1799 A. King County adopts by reference the definitions contained in WAC 197-11-
1800 700 through 197-11-799.

1801 In addition, the following definitions are adopted for this chapter:

1802 1. "County council" means the county council described in Article 2 of the
1803 Home Rule Charter for King County or its duly authorized designee.

1804 2. "County department" means any administrative office or executive
1805 department of King County, as described in K.C.C. 2.16.

1806 3. "County executive" means any county executive described in Article 3 of the
1807 Home Rule Charter for King County or (~~his or her~~ duly authorized) designee.

1808 B. The following abbreviations are used in this chapter:

1809 1. SEPA -- State Environmental Policy Act

1810 2. DNS -- Determination of Non-Significance

1811 3. DS -- Determination of Significance

1812 4. EIS -- Environmental Impact Statement

1813 SECTION 44. Ordinance 6949, Section 6, as amended, and K.C.C. 20.44.040 are
1814 each hereby amended to read as follows:

1815 A. King County adopts the standards and procedures specified in WAC 197-11-
1816 300 through 197-11-390 and 197-11-800 through 197-11-890 for determining categorical
1817 exemptions and making threshold determinations subject to the following:

1818 1. The following exempt threshold levels are hereby established in accordance
1819 with WAC 197-11-800(1)(c) for the exemptions in WAC 197-11-800(1)(b):

1820 a. The construction or location of any residential structures of twenty dwelling
1821 units within the boundaries of an urban growth area, or of any residential structures of
1822 eight dwelling units outside of the boundaries of an urban growth area;

1823 b. The construction of a barn, loafing shed, farm equipment storage building,
1824 produce storage or packing structure, or similar agricultural structure, covering thirty
1825 thousand square feet on land zoned agricultural, or fifteen thousand square feet in all
1826 other zones, and to be used only by the property owner or (~~his or her~~) agent in the

1827 conduct of farming the property. This exemption shall not apply to feed lots;

1828 c. The construction of an office, school, commercial, recreational, service or
1829 storage building with twelve thousand square feet of gross floor area, and with associated
1830 parking facilities designed for forty automobiles;

1831 d. The construction of a parking lot designed for forty automobiles;

1832 e. Any fill or excavation of five hundred cubic yards throughout the total
1833 lifetime of the fill or excavation and any fill or excavation classified as a class I, II, or III
1834 forest practice under RCW 76.09.050 or regulation thereunder: The categorical
1835 exemption threshold shall be one hundred cubic yards for any fill or excavation that is in
1836 an aquatic area, wetland, steep slope or landslide hazard area. If the proposed action is to
1837 remove from or replace fill in an aquatic area, wetland, steep slope or landslide hazard
1838 area to correct a violation, the threshold shall be five hundred cubic yards.

1839 2. The determination of whether a proposal is categorically exempt shall be
1840 made by the county department that serves as lead agency for that proposal.

1841 B. The mitigated DNS provision of WAC 197-11-350 shall be enforced as
1842 follows:

1843 1. If the department issues a mitigated DNS, conditions requiring compliance
1844 with the mitigation measures which were specified in the application and environmental
1845 checklist shall be deemed conditions of any decision or recommendation of approval of
1846 the action.

1847 2. If at any time the proposed mitigation measures are withdrawn or
1848 substantially changed, the responsible official shall review the threshold determination
1849 and, if necessary, may withdraw the mitigated DNS and issue a DS.

1850 SECTION 45. Ordinance 4828, Section 2, as amended, and K.C.C. 20.62.020 are
1851 each hereby amended to read as follows:

1852 The following words and terms shall, when used in this chapter, be defined as
1853 follows unless a different meaning clearly appears from the context:

1854 A. "Alteration" is any construction, demolition, removal, modification,
1855 excavation, restoration or remodeling of a landmark.

1856 B. "Building" is a structure created to shelter any form of human activity, such as
1857 a house, barn, church, hotel or similar structure. Building may refer to an historically
1858 related complex, such as a courthouse and jail or a house and barn.

1859 C. "Certificate of appropriateness" is written authorization issued by the
1860 commission or its designee permitting an alteration to a significant feature of a
1861 designated landmark.

1862 D. "Commission" is the landmarks commission created by this chapter.

1863 E. "Community landmark" is an historic resource which has been designated
1864 pursuant to K.C.C. 20.62.040 but which may be altered or changed without application
1865 for or approval of a certificate of appropriateness.

1866 F. "Designation" is the act of the commission determining that an historic
1867 resource meets the criteria established by this chapter.

1868 G. "Designation report" is a report issued by the commission after a public
1869 hearing setting forth its determination to designate a landmark and specifying the
1870 significant feature or features thereof.

1871 H. "Director" is the director of the King County department of permitting and
1872 environmental review or ~~((his or her))~~ designee.

1873 I. "District" is a geographically definable area, urban or rural, possessing a
1874 significant concentration, linkage, or continuity of sites, buildings, structures, or objects
1875 united by past events or aesthetically by plan or physical development. A district may
1876 also comprise individual elements separated geographically but linked by association or
1877 history.

1878 J. "Heritage" is a discipline relating to historic preservation and archaeology,
1879 history, ethnic history, traditional cultures and folklore.

1880 K. "Historic preservation officer" is the King County historic preservation officer
1881 or ((his or her)) designee.

1882 L. "Historic resource" is a district, site, building, structure or object significant in
1883 national, state or local history, architecture, archaeology, and culture.

1884 M. "Historic resource inventory" is an organized compilation of information on
1885 historic resources considered to be significant according to the criteria listed in K.C.C.
1886 20.62.040.A. The historic resource inventory is kept on file by the historic preservation
1887 officer and is updated from time to time to include newly eligible resources and to reflect
1888 changes to resources.

1889 N. "Incentives" are such compensation, rights or privileges or combination
1890 thereof, which the council, or other local, state or federal public body or agency, by virtue
1891 of applicable present or future legislation, may be authorized to grant to or obtain for the
1892 owner or owners of designated landmarks. Examples of economic incentives include but
1893 are not limited to tax relief, conditional use permits, rezoning, street vacation, planned
1894 unit development, transfer of development rights, facade easements, gifts, preferential
1895 leasing policies, private or public grants-in-aid, beneficial placement of public

1896 improvements, or amenities, or the like.

1897 O. "Interested person of record" is any individual, corporation, partnership or
1898 association ((which)) that notifies the commission or the council in writing of its interest
1899 in any matter before the commission.

1900 P. "Landmark" is an historic resource designated as a landmark pursuant to
1901 K.C.C. 20.62.070.

1902 Q. "Nomination" is a proposal that an historic resource be designated a landmark.

1903 R. "Object" is a material thing of functional, aesthetic, cultural, historical, or
1904 scientific value that may be, by nature or design, movable yet related to a specific setting
1905 or environment.

1906 S. "Owner" is a person having a fee simple interest, a substantial beneficial
1907 interest of record or a substantial beneficial interest known to the commission in an
1908 historic resource. Where the owner is a public agency or government, that agency shall
1909 specify the person or persons to receive notices under this chapter.

1910 T. "Person" is any individual, partnership, corporation, group or association.

1911 U. "Person in charge" is the person or persons in possession of a landmark
1912 including, but not limited to, a mortgagee or vendee in possession, an assignee of rents, a
1913 receiver, executor, trustee, lessee, tenant, agent, or any other person directly or indirectly
1914 in control of the landmark.

1915 V. "Preliminary determination" is a decision of the commission determining that
1916 an historic resource which has been nominated for designation is of significant value and
1917 is likely to satisfy the criteria for designation.

1918 W. "Significant feature" is any element of a landmark which the commission has

1919 designated pursuant to this chapter as of importance to the historic, architectural or
1920 archaeological value of the landmark.

1921 X. "Site" is the location of a significant event, a prehistoric or historic occupation
1922 or activity, or a building or structure, whether standing, ruined, or vanished, where the
1923 location itself maintains an historical or archaeological value regardless of the value of
1924 any existing structures.

1925 Y. "Structure" is any functional construction made usually for purposes other
1926 than creating human shelter.

1927 SECTION 46. Ordinance 4828, Section 3, as amended, and K.C.C. 20.62.030 are
1928 each hereby amended to read as follows:

1929 A. There is created the King County landmarks commission which shall consist
1930 of nine regular members and special members selected as follows:

1931 1. Of the nine regular members of the commission at least three shall be
1932 professionals who have experience in identification, evaluation, and protection of historic
1933 resources and have been selected from among the fields of history, architecture,
1934 architectural history, historic preservation, planning, cultural anthropology, archaeology,
1935 cultural geography, landscape architecture, American studies, law, or other historic
1936 preservation related disciplines. The nine regular members of the commission shall be
1937 appointed by the county executive, subject to confirmation by the council, provided that
1938 no more than four members shall reside within any one municipal jurisdiction. All
1939 regular members shall have a demonstrated interest and competence in historic
1940 preservation.

1941 2. The county executive may solicit nominations for persons to serve as regular

1942 members of the commission from the Association of King County Historical
1943 Organizations, the American Institute of Architects (Seattle Chapter), the Seattle King
1944 County Bar Association, the Seattle Master Builders, the chambers of commerce, and
1945 other professional and civic organizations familiar with historic preservation.

1946 3. One special member shall be appointed from each municipality within King
1947 County which has entered into an interlocal agreement with King County providing for
1948 the designation by the commission of landmarks within such municipality in accordance
1949 with the terms of such interlocal agreement and this chapter. Each such appointment
1950 shall be in accordance with the enabling ordinance adopted by such municipality.

1951 B. Appointments of regular members, except as provided in subsection C of this
1952 section, shall be made for a three-year term. Each regular member shall serve until (~~his~~
1953 ~~or her~~) a successor is duly appointed and confirmed. Appointments shall be effective on
1954 June 1st of each year. In the event of a vacancy, an appointment shall be made to fill the
1955 vacancy in the same manner and with the same qualifications as if at the beginning of the
1956 term, and the person appointed to fill the vacancy shall hold the position for the
1957 remainder of the unexpired term. Any member may be reappointed, but may not serve
1958 more than two consecutive three-year terms. A member shall be deemed to have served
1959 one full term if such member resigns at any time after appointment or if such member
1960 serves more than two years of an unexpired term. The members of the commission shall
1961 serve without compensation except for out-of-pocket expenses incurred in connection
1962 with commission meetings or programs.

1963 C. After May 4, 1992, the term of office of members becomes effective on the
1964 date the council confirms the appointment of commission members and the county

1965 executive shall appoint or reappoint three members for a three-year term, three members
1966 for a two-year term, and three members for a one-year term. For purposes of the
1967 limitation on consecutive terms in subsection B. of this section an appointment for a one-
1968 or a two-year term shall be deemed an appointment for an unexpired term.

1969 D. The chair shall be a member of the commission and shall be elected annually
1970 by the regular commission members. The commission shall adopt, in accordance with
1971 K.C.C. chapter 2.98, rules and regulations, including procedures, consistent with this
1972 chapter. The members of the commission shall be governed by the King County code of
1973 ethics, K.C.C. chapter 3.04. The commission shall not conduct any public hearing
1974 required under this chapter until rules and regulations have been filed as required by
1975 K.C.C. chapter 2.98.

1976 E. A special member of the commission shall be a voting member solely on
1977 matters before the commission involving the designation of landmarks within the
1978 municipality from which such special member was appointed.

1979 F. A majority of the current appointed and confirmed members of the
1980 commission shall constitute a quorum for the transaction of business. A special member
1981 shall count as part of a quorum for the vote on any matter involving the designation or
1982 control of landmarks within the municipality from which such special member was
1983 appointed. All official actions of the commission shall require a majority vote of the
1984 members present and eligible to vote on the action voted upon. No member shall be
1985 eligible to vote upon any matter required by this chapter to be determined after a hearing
1986 unless that member has attended the hearing or ~~((familiarized him or herself))~~ is familiar
1987 with the record.

1988 G. The commission may from time to time establish one or more committees to
1989 further the policies of the commission, each with such powers as may be lawfully
1990 delegated to it by the commission.

1991 H. The county executive shall provide staff support to the commission and shall
1992 assign a professionally qualified county employee to serve as a full-time historic
1993 preservation officer. Under the direction of the commission, the historic preservation
1994 officer shall be the custodian of the commission's records. The historic preservation
1995 officer or ~~((his or her))~~ designee shall conduct official correspondence, assist in
1996 organizing the commission and organize and supervise the commission staff and the
1997 clerical and technical work of the commission to the extent required to administer this
1998 chapter.

1999 I. The commission shall meet at least once each month for the purpose of
2000 considering and holding public hearings on nominations for designation and applications
2001 for certificates of appropriateness. Where no business is scheduled to come before the
2002 commission seven days before the scheduled monthly meeting, the chair of the
2003 commission may cancel the meeting. All meetings of the commission shall be open to
2004 the public. The commission shall keep minutes of its proceedings, showing the action of
2005 the commission upon each question, and shall keep records of all official actions taken by
2006 it, all of which shall be filed in the office of the historic preservation officer and shall be
2007 public records.

2008 J. At all hearings before and meetings of the commission, all oral proceedings
2009 shall be electronically recorded. The proceedings may also be recorded by a court
2010 reporter if any interested person at ~~((his or her))~~ the interested person's own expense shall

2011 provide a court reporter for that purpose. A tape recorded copy of the electronic record
2012 of any hearing or part of a hearing shall be furnished to any person upon request and
2013 payment of the reasonable expense of the copy.

2014 K. The commission is authorized, subject to the availability of funds for that
2015 purpose, to expend moneys to compensate experts, in whole or in part, to provide
2016 technical assistance to property owners in connection with requests for certificates of
2017 appropriateness upon a showing by the property owner that the need for the technical
2018 assistance imposes an unreasonable financial hardship on the property owner.

2019 L. Commission records, maps or other information identifying the location of
2020 archaeological sites and potential sites shall be exempt from public disclosure as
2021 specified in RCW 42.17.310 in order to avoid looting and depredation of the sites.

2022 SECTION 47. Ordinance 4828, Section 4, as amended, and K.C.C. 20.62.040 are
2023 each hereby amended to read as follows:

2024 A. An historic resource may be designated as a King County landmark if it is
2025 more than forty years old or, in the case of a landmark district, contains resources that are
2026 more than forty years old, and possesses integrity of location, design, setting, materials,
2027 quality of work((~~manship~~)), feeling((;)) or association, or any combination of the
2028 foregoing aspects of integrity, sufficient to convey its historic character, and:

2029 1. Is associated with events that have made a significant contribution to the
2030 broad patterns of national, state or local history;

2031 2. Is associated with the lives of persons significant in national, state or local
2032 history;

2033 3. Embodies the distinctive characteristics of a type, period, style or method of

2034 design or construction, or that represents a significant and distinguishable entity whose
2035 components may lack individual distinction;

2036 4. Has yielded, or may be likely to yield, information important in prehistory or
2037 history; or

2038 5. Is an outstanding work of a designer or builder who has made a substantial
2039 contribution to the art.

2040 B. An historic resource may be designated a community landmark because it is
2041 an easily identifiable visual feature of a neighborhood or the county and contributes to the
2042 distinctive quality or identity of such neighborhood or county or because of its
2043 association with significant historical events or historic themes, association with
2044 important or prominent persons in the community or county or recognition by local
2045 citizens for substantial contribution to the neighborhood or community. An improvement
2046 or site qualifying for designation solely by virtue of satisfying criteria set out in this
2047 section shall be designated a community landmark and shall not be subject to K.C.C.
2048 20.62.080.

2049 C. Cemeteries, birthplaces or graves of historical figures, properties owned by
2050 religious institutions or used for religious purposes, structures that have been moved from
2051 their original locations, reconstructed historic buildings, properties primarily
2052 commemorative in nature and properties that have achieved significance within the past
2053 forty years shall not be considered eligible for designation. However, such a property
2054 shall be eligible for designation if they are:

2055 1. An integral part of districts that meet the criteria set out in subsection A. of
2056 this section or if it is:

2057 2. A religious property deriving primary significance from architectural or
2058 artistic distinction or historical importance;

2059 3. A building or structure removed from its original location but that is
2060 significant primarily for its architectural value, or which is the surviving structure most
2061 importantly associated with a historic person or event;

2062 4. A birthplace, grave or residence of a historical figure of outstanding
2063 importance if there is no other appropriate site or building directly associated with ((his
2064 or her)) the historical figure's productive life;

2065 5. A cemetery that derives its primary significance from graves of persons of
2066 transcendent importance, from age, from distinctive design features or from association
2067 with historic events;

2068 6. A reconstructed building when accurately executed in a suitable environment
2069 and presented in a dignified manner or as part of a restoration master plan, and when no
2070 other building or structure with the same association has survived;

2071 7. A property commemorative in intent if design, age, tradition or symbolic
2072 value has invested it with its own historical significance; or

2073 8. A property achieving significance within the past forty years if it is of
2074 exceptional importance.

2075 SECTION 48. Ordinance 10870, Section 105, as amended, and K.C.C.

2076 21A.06.325 are each hereby amended to read as follows:

2077 Director: the director of King County department of permitting and
2078 environmental review((,)) or ((his or her)) designee.

2079 SECTION 49. Ordinance 10870, Section 121, as amended, and K.C.C.

2080 21A.06.405 are each hereby amended to read as follows:

2081 Equipment, heavy: high-capacity mechanical devices for moving earth or other
2082 materials, and mobile power units including, but not limited to the following:

2083 A. Carryalls;

2084 B. Graders;

2085 C. Loading and unloading devices;

2086 D. Cranes;

2087 E. Drag lines;

2088 F. Trench diggers;

2089 G. Tractors;

2090 H. Augers;

2091 I. Bulldozers;

2092 J. Concrete mixers and conveyers;

2093 K. Harvesters;

2094 L. Combines; or

2095 M. Other major agricultural equipment and similar devices operated by
2096 mechanical power as distinguished from ~~((manpower))~~ human-powered equipment.

2097 SECTION 50. Ordinance 12020, Section 32, and K.C.C. 21A.06.467 are each
2098 hereby amended to read as follows:

2099 Financial guarantee means a form of financial security posted to ensure timely
2100 and proper completion of improvements, to ensure compliance with the King County
2101 Code, and/or to warranty materials, ~~((workmanship))~~ quality of work of the
2102 improvements, and design. Financial guarantees include assignments of funds, cash

2103 deposit, and surety bonds, and or other forms of financial security acceptable to the
2104 director. For the purposes of this title, the terms performance guarantee, maintenance
2105 guarantee, and defect guarantee are considered sub-categories of financial guarantee.

2106 SECTION 51. Ordinance 10870, Section 281, as amended, and K.C.C.

2107 21A.06.1205 are each hereby amended to read as follows:

2108 Specified sexual activities: human genitalia in a state of sexual stimulation or
2109 arousal; acts of human masturbation, sexual intercourse or sodomy; or erotic fondling,
2110 touching or display of human genitalia, pubic region, buttock((;)) or ((female)) breast.

2111 SECTION 52. Ordinance 10870, Section 297, as amended, and K.C.C.

2112 21A.06.1285 are each hereby amended to read as follows:

2113 Trails: ((man))human-made pathways designed and intended for use by
2114 pedestrians, bicyclists, equestrians, and other nonmotorized recreational users.

2115 SECTION 53. Ordinance 11210, Section 12, as amended, and K.C.C.

2116 21A.16.115 are each hereby amended to read as follows:

2117 A. The landscape plan submitted to the department shall be drawn on the same
2118 base map as the development plans and shall identify the following:

- 2119 1. Total landscape area and separate hydrozones;
- 2120 2. Landscape materials botanical/common name and applicable size;
- 2121 3. Property lines;
- 2122 4. Impervious surfaces;
- 2123 5. Natural or ((man))human-made water features or bodies;
- 2124 6. Existing or proposed structures, fences, and retaining walls;
- 2125 7. Natural features or vegetation left in natural state; and

2126 8. Designated recreational open space areas.

2127 B. The proposed landscape plan shall be certified by a Washington state licensed
2128 landscape architect.

2129 C. An affidavit signed by an individual specified in subsection B. of this section,
2130 certifying that the landscaping has been installed in compliance with the approved
2131 landscaping plan, shall be submitted to the department within thirty days of installation
2132 completion, unless the installed landscaping has been inspected and accepted by the
2133 department.

2134 D. The required landscaping shall be installed no later than three months after
2135 issuance of a certificate of occupancy for the project or project phase. However, the time
2136 limit for compliance may be extended to allow installation of such required landscaping
2137 during the next appropriate planting season. A financial guarantee shall be required
2138 before issuance of the certificate of occupancy, if landscaping is not installed and
2139 inspected before occupancy.

2140 SECTION 54. Ordinance 11210, Section 17, as amended, and K.C.C.

2141 21A.16.330 are each hereby amended to read as follows:

2142 For purposes of this section, irrigation shall include any means of applying water
2143 to landscaped areas. All irrigation is at the applicant's option. Manually applied
2144 irrigation methods shall comply with subsections A. through C. of this section. Irrigation
2145 applied through installed irrigation systems shall comply with subsections A. through
2146 D. ~~((:))~~ of this section.

2147 A. The applicant shall provide the following information:

2148 1. Right-of-way use permit if required;

2149 2. Identity of person or entity responsible for maintenance of the irrigation; and

2150 3. Location of shut-off valves.

2151 B. Irrigation water shall be applied with goals of avoiding runoff, low head
2152 drainage, overspray((;)) or other similar conditions where water flows onto adjacent
2153 property, nonirrigated areas((;)) and impervious surfaces by:

2154 1. Considering soil type and infiltration rates((;));

2155 2. Using proper irrigation equipment and schedules, including features such as
2156 repeat cycles, to closely match application rates with infiltration rates((;)); and

2157 3. Considering special problems posed by irrigation on slopes and in median
2158 strips.

2159 C. All irrigation water outlets, except those using alternative water sources, shall
2160 be downstream of the meter used to measure irrigation water use.

2161 D. Irrigation systems shall be subject to the following additional provisions:

2162 1. Systems shall not be located on any:

2163 a. turfgrass slopes exceeding a slope of three horizontal feet to one vertical
2164 foot (3:1)((;)); and

2165 b. turfgrass portions of median strips.

2166 2. Systems in landscape strips less than five feet in width shall be designed to
2167 ensure that overspray and/or runoff does not occur by use of system design options such
2168 as low volume emitters.

2169 3. Systems shall be designed to be consistent with the requirements of the
2170 hydrozone in which they are located.

2171 4. Systems shall be designed with the minimum average irrigation efficiency of

2172 0.625.

2173 5. The use of automatic shutoff or override capabilities using rain shutoffs or
2174 moisture sensors is encouraged.

2175 6. Systems shall utilize a (~~master~~) central control valve connected to an
2176 automatic controller.

2177 7. Systems shall make provisions for winterization either by providing:

2178 a. manual drains (automatic drain valves are not permitted at all low points), or

2179 b. means to blow out lines with pressurized air.

2180 8. Separate valves shall be used to irrigate plants with differing water needs.

2181 9. Sprinkler heads with consistent application rates shall be selected for proper
2182 area coverage, operating pressure, and adjustment capability.

2183 SECTION 55. Ordinance 10870, Section 437, as amended, and K.C.C.

2184 21A.20.170 are each hereby amended to read as follows:

2185 A. Notwithstanding any other provision of K.C.C. 21A.20.130 (~~(-)~~) through
2186 21A.20.180 or other applicable laws or regulations, no billboard shall be located or
2187 oriented in a manner that is within the direct line-of-sight of views of Mt. Rainier, Mt.
2188 Baker, the Olympic Mountains, Puget Sound, or any lake or river from adjacent public
2189 roadways. All applications for billboard alteration or relocation shall be certified by the
2190 applicant as meeting this provision. Any billboard subsequently found to violate this
2191 provision shall be deemed nonconforming and shall be required to become the next
2192 nonconforming billboard relocated pursuant to K.C.C. 21A.20.160.

2193 B. Notwithstanding any other provision of K.C.C. 21A.20.130 (~~(-)~~) through
2194 21A.20.180 or other applicable law or regulation, no billboard owner or (~~his~~) agent

2195 shall remove, cut, or otherwise alter any vegetative screening on public property or
2196 private landscaping required by code as a condition of permit approval in order to
2197 improve the visibility of a nearby billboard. Should such an alteration occur, any
2198 billboard so benefited shall be deemed nonconforming and shall be required to become
2199 the next nonconforming billboard relocated pursuant to K.C.C. 21A.20.160.F.

2200 SECTION 56. Ordinance 11621, Section 90, as amended, and K.C.C.
2201 21A.28.154 are each hereby amended to read as follows:

2202 A. There is hereby created a school technical review committee within King
2203 County. The committee shall consist of three county staff persons, one each from the
2204 department of permitting and environmental review, the office of financial management
2205 and the county council.

2206 B. The committee shall be charged with reviewing each school district's capital
2207 facilities plan, enrollment projections, standard of service, the district's overall capacity
2208 for the next six years to ensure consistency with the Growth Management Act, King
2209 County Comprehensive Plan and adopted community plans, and the district's calculation
2210 and rationale for proposed impact fees.

2211 C. Notice of the time and place of the committee meeting where the district's
2212 documents will be considered shall be provided to the district.

2213 D. At the meeting where the committee will review or act upon the district's
2214 documents, the district shall have the right to attend or to be represented, and shall be
2215 permitted to present testimony to the committee. Meetings shall also be open to the
2216 public.

2217 E. In its review, the committee shall consider the following factors:

2218 1. Whether the district's forecasting system for enrollment projections has been
2219 demonstrated to be reliable and reasonable.

2220 2. The historic levels of funding and voter support for bond issues in the district;

2221 3. The inability of the district to obtain the anticipated state funding or to
2222 receive voter approval for district bond issues;

2223 4. An emergency or emergencies in the district which required the closing of a
2224 school facility or facilities resulting in a sudden and unanticipated decline in districtwide
2225 capacity;

2226 5. The standards of service set by school districts in similar types of
2227 communities. While community differences will be permitted, the standard established
2228 by the district should be reasonably consistent with the standards set by other school
2229 districts in communities of similar socioeconomic profile((-)); and

2230 6. The ~~((committee shall consider the))~~ standards identified by the state
2231 concerning the ratios of certificated instructional staff to students.

2232 F. In the event that the district's standard of service reveals a deficiency in its
2233 current facilities, the committee shall review the district's capital facilities plan to
2234 determine whether the district has identified all sources of funding necessary to achieve
2235 the standard of service.

2236 G. The district in developing the financing plan component of the capital
2237 facilities plan shall plan on a six-year horizon and shall demonstrate its best efforts by
2238 taking the following steps:

2239 1. Establish a six-year financing plan, and propose the necessary bond issues
2240 and levies required by and consistent with that plan and as approved by the school board

2241 and consistent with RCW 28A.53.020 (~~and RCW~~), 84.52.052 and 84.52.056, as
2242 amended; and

2243 2. Apply to the state for funding, and comply with the state requirement for
2244 eligibility to the best of the district's ability.

2245 H. The committee is authorized to request the school district to review and to
2246 resubmit its capital facilities plan, or to establish a different standard of service, or to
2247 review its capacity for accommodating new students, under the following circumstances:

2248 1. The standard of service established by the district is not reasonable in light of
2249 the factors set forth in subsection E. of this section.

2250 2. The committee finds that the district's standard of service cannot reasonably
2251 be achieved in light of the secured financial commitments and the historic levels of
2252 support in the district; or

2253 3. Any other basis (~~which~~) that is consistent with (~~the provisions of~~) this
2254 section.

2255 I. If a school district fails to submit its capital facilities plan for review by the
2256 committee, King County shall assume the district has adequate capacity to accommodate
2257 growth for the following six years.

2258 J. The committee shall submit copies of its recommendation of concurrency for
2259 each school district to the director (~~of the department of development and environmental~~
2260 ~~review~~), to the hearing examiner and to the district.

2261 K. The committee shall recommend to the council a Comprehensive Plan
2262 amendment adopting the district's capital facilities plan as part of the Comprehensive
2263 Plan, for any plan which the committee concludes accurately reflects the district's

2264 facilities status.

2265 L. In the event that after reviewing the district's capital facilities plan and other
2266 documents, the committee is unable to recommend certifying concurrency in a school
2267 district, the committee shall submit a statement to the council, the director and the
2268 hearing examiner stating that the committee is unable to recommend certifying
2269 concurrency in a specific school district. The committee shall recommend to the
2270 executive that ~~((he))~~ the executive propose to the council, amendments to the land use
2271 element of the King County Comprehensive Plan or amendments to the development
2272 regulations implementing the plan to more closely conform county land use plans and
2273 school facilities plans, including but not limited to requiring mandatory phasing of plats,
2274 UPDs or multifamily development located within the district's boundary. The necessary
2275 draft amendments shall accompany such recommendations.

2276 SECTION 57. Ordinance 10870, Section 616, as amended, and K.C.C.

2277 21A.42.080 are each hereby amended to read as follows:

2278 A. Decisions regarding the approval or denial of development proposals,
2279 excluding periodic review of mineral extraction operations, subject to director review
2280 shall be based upon compliance with the required showings of K.C.C. chapter 21A.44.
2281 Periodic reviews of mineral extraction operations shall be based upon the criteria outlined
2282 in K.C.C. 21A.22.050.B.

2283 B. The written decision contained in the record shall show:

2284 1. Facts, findings and conclusions supporting the decision and demonstrating
2285 compliance with the applicable decision criteria; and

2286 2. Any conditions and limitations imposed, if the request is granted.

2287 C. The director shall mail a copy of the written decision to the applicant and to all
2288 parties of record.

2289 D. ~~((t))~~The director shall adopt rules for the transaction of business and shall
2290 keep a public record of ~~((his))~~ the director's actions, finding, waivers and determinations.

2291 SECTION 58. Ordinance 10870, Section 632, and K.C.C. 21A.50.040 are each
2292 hereby amended to read as follows:

2293 A. Permit suspension, revocation or modification shall be carried out through the
2294 procedures set forth in K.C.C. Title 23. Any permit, variance, or other land use approval
2295 issued by King County pursuant to this title may be suspended, revoked or modified on
2296 one or more of the following grounds:

- 2297 1. The approval was obtained by fraud;
- 2298 2. The approval was based on inadequate or inaccurate information;
- 2299 3. The approval, when given, conflicted with existing laws or regulations
2300 applicable thereto;
- 2301 4. An error of procedure occurred which prevented consideration of the interests
2302 of persons directly affected by the approval;
- 2303 5. The approval or permit granted is being exercised contrary to the terms or
2304 conditions of such approval or in violation of any statute, law or regulation;
- 2305 6. The use for which the approval was granted is being exercised in a manner
2306 detrimental to the public health or safety;
- 2307 7. The holder of the permit or approval interferes with the director or any
2308 authorized representative in the performance of ~~((his or her))~~ the director or any
2309 authorized representative's duties; or

2310 8. The holder of the permit or approval fails to comply with any notice and
2311 order issued pursuant to K.C.C. Title 23.

2312 B. Authority to revoke or modify a permit or land use approval shall be exercised
2313 by the issuer, as follows:

2314 1. The council may, after a recommendation from the examiner, revoke or
2315 modify any residential density incentive approval, transfer of development credit, Urban
2316 Planned Development, preliminary subdivision, zone reclassification or special use
2317 permit;

2318 2. The adjustor may revoke or modify any variance or conditional use permit,
2319 provided that if it was reviewed through a public hearing, a new public hearing shall be
2320 held on its revocation or modification; and

2321 3. The director may revoke or modify any permit or other land use approval
2322 issued by the director.

2323 SECTION 59. Ordinance 17287, Section 3, as amended, and K.C.C. 21A.55.105
2324 are each hereby amended to read as follows:

2325 A. The purpose of the master planning process demonstration project is to:

2326 1. Create a comprehensive but streamlined process for the review of major land
2327 use proposals that will be developed over the course of several years by:

2328 a. utilizing a concise timeline for project review that incorporates a process for
2329 public outreach and input during project review and facility operation;

2330 b. executing a development and operating agreement, pursuant to RCW
2331 36.70B.170 that establishes:

2332 (1) a clearly defined project through a master development plan, which shall

2333 include a master site plan;

2334 (2) requirements that must be met before approval of each phase of
2335 development; and

2336 (3) operating standards governing all aspects of the project's operation,
2337 including, but not limited to, noise and traffic, hours and days of operation for racing,
2338 nonracing uses and number and types of events; and

2339 c. establishing a process that ensures timely and efficient review;

2340 2. Utilize the hearing examiner, as authorized in K.C.C. 20.22.190, to ~~((function~~
2341 ~~as a special master for the purpose of))~~ conduct fact finding and reporting on compliance
2342 by the applicant with the executed development and operating agreement, as provided in
2343 subsection S. of this section; and

2344 3. Provide for ongoing monitoring of the executed development and operating
2345 agreement by the council to ensure continued future compliance with the executed
2346 development and operating agreement.

2347 B. The master planning process demonstration project shall be implemented only
2348 for a regional motor sports facility only on the Pacific Raceways property as described in
2349 Attachment A to Ordinance 17287.

2350 C. The master planning demonstration project shall be initiated by the applicant
2351 making a written request to the department for a preapplication meeting to identify the
2352 requirements necessary for a complete application under this section.

2353 D. A master planning proposal application shall be considered complete when the
2354 following information and studies have been submitted and are adequate to review the
2355 proposal:

- 2356 1. A proposed development plan that describes the nature, size and scope and
2357 phasing of all proposed activities;
- 2358 2. A proposed site plan that identifies the location and dimensions of proposed
2359 racing surfaces, access roadways, parking areas, buildings, stormwater facilities, sewage
2360 treatment or holding facilities and any off-site traffic improvements;
- 2361 3. A proposed master drainage plan under the surface water design manual;
- 2362 4. A proposed grading plan that identifies or includes:
- 2363 a. land contours;
- 2364 b. soil types; and
- 2365 c. phasing;
- 2366 5. Proposed development conditions relating to:
- 2367 a. on-site vehicle circulation and off-site traffic control measures;
- 2368 b. protection for critical areas, especially adjacent to Soosette creek;
- 2369 c. stormwater flow control and water quality treatment;
- 2370 d. visual screening from adjoining residential properties;
- 2371 e. ongoing monitoring and reporting to measure compliance with the
2372 development and operating agreements;
- 2373 f. fire protection; and
- 2374 g. water supply and service;
- 2375 6. Proposed operating conditions that specify:
- 2376 a. days and hours of operation;
- 2377 b. frequency of events;
- 2378 c. types of activities, including types of motor vehicles; and

- 2379 d. maximum noise levels; and
- 2380 7. Any necessary information identified through the preapplication process.
- 2381 E. The development and operating agreement shall contain development
- 2382 standards and operating conditions related to the development and operation of the site
- 2383 and shall include, but shall not be limited to:
- 2384 1. A master site plan and detailed conditions establishing the:
- 2385 a. location and scope of proposed land uses;
- 2386 b. location and size of buildings and structures such as grandstands;
- 2387 c. layout and dimensions of racing surfaces and circulation roadways;
- 2388 d. site elevations and contours established by a master grading plan;
- 2389 e. excavation and processing of materials, including dust control, during
- 2390 construction of the facilities;
- 2391 f. location and dimensions parking areas;
- 2392 g. location of stormwater facilities, sewage treatment facilities, water, and
- 2393 related features; and
- 2394 h. vegetative screening required in subsection F.1. of this section;
- 2395 2. A master drainage plan consistent with the surface water design manual;
- 2396 3. A project phasing plan, including threshold requirements that must be met
- 2397 before approval of the next phase of development;
- 2398 4. Specified types of racing and nonracing activities, and where on the site the
- 2399 activities can occur;
- 2400 5((;)). Specified days and times for all racing and nonracing uses;
- 2401 6. Specified noise levels for racing and nonracing uses, including but not limited

2402 to, how noise levels will be measured and mitigated;

2403 7. Specified on-site vehicle circulation and other traffic control measures to
2404 reduce the impact of congestion on roadways in the vicinity of Pacific Raceways;

2405 8. Specified development conditions to ensure that permitted alterations
2406 provided for in subsection G. of this section achieve the appropriate level of protections;

2407 9. Specified development conditions to ensure that stormwater flow control and
2408 water quality treatment provided for in subsection H. of this section is achieved;

2409 10. Specified regular ongoing monitoring and reporting to measure compliance
2410 with the development and operating agreement requirements relating to noise, traffic, air
2411 quality, groundwater quality, stormwater flow control and water quality treatment and
2412 water volume and quality in Soosette creek;

2413 11. Specified process for the receipt and evaluation by the department of
2414 inquiries and complaints relating to the operation of the facility, in order to allow for
2415 review by the hearing examiner as provided in subsection S. of this section; and

2416 12. Specified enforcement mechanisms to address any violations of the
2417 conditions of the development agreement, including, but not limited to, the following:

2418 a. a process for monitoring condition violations and for receipt of complaints;

2419 b. a process for expedited review and remedy of possible violations; and

2420 c. a penalty schedule that recognizes the nature and impact of the violation and
2421 is sufficient to deter violations that otherwise result in financial benefit to the facility,
2422 including, but not limited to, revocation of operating permit and loss of specific days of
2423 operation.

2424 F. All development under the master plan shall be subject to the following

2425 standards relating to screening and building setbacks: as provided in K.C.C.
2426 21A.16.030.F., to the maximum extent practical, buildings and other structures shall be
2427 constructed on the project to be shielded from view from adjoining residential properties
2428 using methods that may include, but are not limited to:

- 2429 1. Retention of existing vegetation; and
- 2430 2. Placement of new vegetation to augment existing vegetation.

2431 G.1. Except as otherwise provided in this subsection G.2. of this section, all
2432 development under the master plan shall comply with K.C.C. chapter 21A.24.

2433 2. The department may approve alterations to critical areas, critical areas buffers
2434 and critical area setbacks that are not otherwise allowed as an alteration exception under
2435 K.C.C. 21A.24.070 when the applicant demonstrates that:

2436 a. the proposal does not pose an unreasonable threat to the public health, safety
2437 or welfare on or off the site;

2438 b. the proposed impacts to critical areas, critical area buffers and critical area
2439 setbacks shall be controlled and compensated for in accordance with the requirements of
2440 K.C.C. 21A.24.125;

2441 c. for proposed alterations within steep slope or landslide areas:

2442 (1) the alterations are necessary to bring existing racing or access road
2443 surfaces into compliance with applicable racing association safety standards, or to
2444 construct noise barriers or for the placement of spectator seating on the interior portion of
2445 the road course; and

2446 (2) the alterations can be constructed to maintain the stability of the hazard
2447 area through the use of structural mitigations identified through a geotechnical analysis

2448 by a licensed and qualified geotechnical professional; and

2449 d. for proposed alterations to wetlands or aquatic areas and their buffers:

2450 (1) the alterations are necessary to comply with applicable racing association
2451 safety standards either for existing racing surfaces or for providing to emergency vehicles
2452 access roads to the existing racing surfaces;

2453 (2) there is no feasible alternative to the development proposal with less
2454 adverse impact on the critical area;

2455 (3) the alteration is the minimum necessary to accommodate the development
2456 proposal;

2457 (4) the alternation has the least possible adverse impact on the critical area
2458 and critical area buffer;

2459 (5) the critical area is not used as a salmonid spawning area;

2460 (6) the director may only approve an alteration in a category III or IV
2461 wetland; and

2462 (7) the alterations to any wetland shall be mitigated in accordance with an
2463 approved mitigation plan by relocating the wetland into a new wetland, with equivalent
2464 or greater functions, or into an existing wetland at the ratios specified in K.C.C.
2465 21A.24.340 based on the type of mitigation measures proposed.

2466 H. Uses proposed under the master planning proposal shall comply with the King
2467 County surface water design manual and shall:

2468 1. Use enhanced basic water quality measures to treat stormwater and use
2469 stormwater infiltration facilities to manage stormwater to protect aquatic life in Big Soos
2470 and Soosette creeks and operation of the Soos Creek Hatchery, while protecting

2471 groundwater quality. The department shall consider the proposed use in determining
2472 whether spill control or special oil control measures in excess of the King County surface
2473 water design manual requirements are necessary to achieve the required environmental
2474 protections;

2475 2. Specify and require facilities and best management practices to insure that
2476 auto-related fluids, brake dust, and other products are properly managed and disposed of
2477 to avoid contamination of soils, surface water and groundwater;

2478 3. Develop and implement a water quality monitoring plan to assure that copper,
2479 other metals, hydrocarbons and other contaminants are not elevated in ground and surface
2480 waters on- site and in Big Soos and Soosette creeks;

2481 4. Conduct flow monitoring in Big and Soosette creeks before, during and after
2482 construction to ensure that normal or preexisting flows are being maintained.

2483 5. Conduct biotic monitoring in Big Soos and Soosette creeks before, during
2484 and after construction;

2485 6. If the department determines it to be environmentally beneficial and if it is in
2486 compliance with the surface water design manual requirements for discharge to the
2487 natural location and is approved through an adjustment, channel surface water from
2488 impervious surfaces, including buildings, structures, pit areas or raceways to drain away
2489 from Soosette creek and evaluate any impacts to Big Soos and Soosette creeks and to the
2490 alternative discharge location; and

2491 7. Develop and implement an adaptive management program to correct any
2492 flow, surface or ground water quality, or biotic problem in Big Soos or Soosette creeks
2493 caused by the development.

2494 I. Site development that entails extraction and grading of soils to achieve the final
2495 site contours for development shall be subject to the following limits:

2496 1. The amount of materials that may be extracted during any specific phase of
2497 project construction shall be only as necessary to construct that phase of the project
2498 approved for construction; and

2499 2. The on-site processing of the extracted materials shall be limited to the
2500 sorting of the material into separate dirt, sand and gravel components.

2501 J. The master planning proposal shall include site designs and features to reduce
2502 the level of noise impacts upon nearby residential neighborhoods.

2503 K. The department shall:

2504 1. Schedule and conduct a preapplication meeting with applicant within thirty
2505 days of the request for such a meeting by the applicant in order to identify the full range
2506 of potential issues related to the proposed expansion of Pacific Raceways and to
2507 specifically list information or studies needed to adequately evaluate the listed issues.

2508 2. Provide to the applicant a detailed listing of all project issues and necessary
2509 information or studies required under subsection D. of this section within thirty days after
2510 the date of the preapplication meeting;

2511 3. Accept for filing a master planning proposal application submitted by the
2512 applicant only if it provides the information and studies required by subsection K.2. of
2513 this section;

2514 4. Determine whether the master planning proposal is a complete application
2515 under this section and K.C.C. 20.20.050;

2516 5. Provide a notice of a complete application under K.C.C. 20.20.060.B. In

2517 addition to notice required under K.C.C. 20.20.060.B, the department shall provide
2518 mailed notice to:

2519 a. all parties of record, including community groups or organizations,
2520 established during the review of Conditional Use Permit File Nos. A-71-0-81 and
2521 L08CU006, Proposed Ordinance 2010-0189 or Ordinance 17287;

2522 b. persons requesting notification of any county land use action regarding
2523 Pacific Raceways; and

2524 c. residents or property owners of parcels located within twenty-five hundred
2525 feet of the boundaries of the Pacific Raceways site;

2526 6. Not later than seven days after the applicant has filed with the department its
2527 master planning proposal, issue a determination of significance and proceed with the
2528 environmental review of the master planning proposal under Ordinance 17287, Section 6;

2529 7. Conduct one or more public meetings on the master planning proposal
2530 application to gather information and public input on all aspects of the master planning
2531 proposal. The first meeting shall be held within thirty days after the applicant has filed
2532 its master planning proposal application with the department and may be combined with
2533 a public meeting required under Ordinance 17287, Section 5.D.4. At that public meeting,
2534 the applicant shall present its master planning proposal. At each public meeting, the
2535 public shall be provided an opportunity to comment on the master planning proposal.
2536 The department shall record all public meetings and make a written summary of the
2537 meetings available on its website within fourteen days after the meeting. The department
2538 may hold additional public meetings as it conducts its review of the master planning
2539 proposal application and shall provide an opportunity for the applicant to respond to

2540 questions at each public meeting;

2541 8. Issue the final environmental impact statement within eighteen months of
2542 either issuing to the applicant a notice of complete application or the master planning
2543 proposal is deemed a complete application under K.C.C. 20.20.050.B. The consultant
2544 may request additional time to prepare the final environmental impact statement;

2545 9. Not later than thirty days after the final environmental impact state is issued,
2546 propose for public review and comment a development and operating agreement
2547 consistent with this section. The department shall provide notice of the proposed
2548 development and operating agreement in the same manner as it provided the notice of
2549 application under subsection K.5. of this section. The department shall present the
2550 proposed development and operating agreement at a public meeting within fourteen days
2551 after the notice is provided under this subsection K.9.; and

2552 10. Within sixty days after the public meeting required by subsection K.9. of
2553 this section:

2554 a. transmit to the hearing examiner the department's recommended
2555 development and operating agreement, together with a proposed ordinance authorizing
2556 the executive to execute the development and operating agreement;

2557 b. publish its recommended development and operating agreement on the
2558 department's website; and

2559 c. provide notice of its recommended development and operating agreement in
2560 the same manner as it provided the notice of application under subsection K.5.a. through
2561 c. of this section and to those governmental agencies listed in K.C.C. 20.20.090.A. The
2562 notice shall also advise :

2563 (1) that the department's recommendation is subject to an open record public
2564 hearing before the hearing examiner;

2565 (2) the date that the department's recommendation has been transmitted to the
2566 hearing examiner; and

2567 (3) that interested persons may appear as parties at the open record public
2568 hearing by filing a notice of appearance with the hearing examiner within fourteen days
2569 of the date that the department's recommendation has been transmitted to the hearing
2570 examiner. The applicant will be presumed to be a party without having to file a notice of
2571 appearance.

2572 L.1. Before the transmittal of the department's recommended development and
2573 operating agreement to the hearing examiner, the transportation, economy and
2574 environment committee or its applicable successor may request reports or briefings from
2575 the department and applicant regarding how the demonstration project is proceeding.
2576 The department shall solicit input from those identified in subsection K.5.a. through c. of
2577 section to inform the committee in the report and briefing.

2578 2. If the department or the applicant is unable to meet a timeline established by
2579 this section as part of the process for review of the master planning proposal, the
2580 department shall provide written notice to the council within fourteen days after the
2581 missed deadline in the form of a letter to the chair of transportation, economy and
2582 environment committee or its applicable successor describing the causes for the delay,
2583 and the steps or actions needed to be taken by the department or the applicant to continue
2584 timely processing of the proposal.

2585 M.1. No sooner than fourteen days after receiving the department's recommended

2586 development and operating agreement, the hearing examiner shall set the date for the
2587 prehearing conference and notify the parties of interest.

2588 2. Unless otherwise agreed to by those that appear as parties, the hearing
2589 examiner shall conduct an open record public hearing within ninety days of the
2590 prehearing conference and, if necessary, shall hold the public hearing over consecutive
2591 days.

2592 3. When the hearing examiner sets the department's recommended development
2593 and operating agreement for an open record public hearing, the department shall
2594 coordinate and assemble the reviews of other departments and governmental agencies
2595 having an interest in the application and shall prepare a report summarizing the factors
2596 involved and the department's recommendation. At least fourteen calendar days before
2597 the scheduled hearing, the department shall file the report with the hearing examiner and
2598 mail copies to those identified in subsection K.5.a. through c. of section.

2599 4. The hearing examiner's recommendation may be to approve or reject the
2600 department's recommended development and operating agreement, or the examiner may
2601 recommend that the council adopt the department's recommended development and
2602 operating agreement with such conditions, modifications and restrictions as the examiner
2603 finds necessary to carry out applicable state laws and regulations and the regulations,
2604 including chapter 43.21C RCW, policies, objectives and goals of the Comprehensive
2605 Plan, the zoning code K.C.C. Title 21A and other laws, policies and objectives of King
2606 County.

2607 5. Within fourteen days after the conclusion of the open record public hearing,
2608 the hearing examiner shall issue a written recommendation and shall transmit a copy

2609 thereof to all persons who appeared as parties in the open record public hearing. The
2610 recommendation shall include findings of fact and conclusions from the record that
2611 support the decision and the findings and conclusions shall set forth and demonstrate the
2612 manner in which the recommendation is consistent with, carries out and helps implement
2613 applicable state laws and regulations, the regulations, policies, objectives and goals of the
2614 comprehensive plan and Ordinance 17287.

2615 6. To appeal the hearing examiner's recommendation, an aggrieved party must
2616 file a notice of appeal with the clerk of the council within fourteen days of the date of the
2617 mailing of the hearing examiner's recommendation. The clerk shall notify the hearing
2618 examiner and the parties of record to the hearing examiner's open record public hearing in
2619 writing of the council's receipt of the appeal. The clerk shall also cause to have posted on
2620 the council's web page the notice of the appeal. The appellant shall file a statement of
2621 appeal with the clerk within twenty-one days of filing its notice of appeal, together with
2622 proof of service of the statement of appeal to the other parties of record. The statement of
2623 appeal must specify the basis for the appeal and any arguments in support of the appeal.
2624 Failure to file a statement of appeal shall result in the dismissal of the appeal. The clerk
2625 shall cause to have the statement of appeal posted on the council's web page. Any
2626 written responsive statements or arguments to the appeal, together with proof of service
2627 on the other parties of record, must be filed with the clerk within fourteen days after the
2628 filing of the statement of appeal. The clerk shall cause to have these responsive
2629 statements and arguments posted on the council's webpage.

2630 7. At least fourteen days before the closed record hearing by the council of the
2631 appeal, the clerk will provide the parties of record with written notice of the hearing time

2632 and date. The council's consideration of the appeal shall be based upon the record as
2633 presented to the hearing examiner at the open record public hearing and upon written
2634 appeal statements and arguments submitted by the parties that are based on the open
2635 record public meeting. The council may allow the parties to the appeal a period of time
2636 for oral argument based on the record. Consistent with RCW 36.70B.020(1), before or at
2637 the appeal hearing and upon the request of the council, county staff may provide a written
2638 or oral summary, or both, of the appeal record, issues and arguments presented in an
2639 appeal and may provide answers, based on the record, to questions with respect to issues
2640 raised in an appeal asked by council members at the appeal hearing. Nothing in this
2641 subsection shall be construed as limiting the ability of the council to seek and receive
2642 legal advice regarding a pending appeal from the office of the prosecuting attorney or
2643 other county legal counsel either within or outside of the hearing.

2644 8. If, after consideration of the record, written appeal statements and any oral
2645 argument the council determines that:

2646 a. An error in fact or procedure may exist or additional information or
2647 clarification is desired, the council shall remand the matter to the hearing examiner for
2648 further hearing to receive additional information or further consideration; or

2649 b. The recommendation of the hearing examiner is based on an error in
2650 judgment or conclusion, the council may modify or reverse the recommendation of the
2651 hearing examiner.

2652 9.a. The council's final action on any recommendation of the hearing examiner
2653 shall be by ordinance, which shall include findings of fact and conclusions from the
2654 record of the hearing examiner's public hearings. The findings and conclusions shall set

2655 forth and demonstrate the manner in which the council's decision is consistent with,
2656 carries out and helps implement applicable state laws and regulations, the regulations,
2657 policies, objectives and goals of the comprehensive plan and Ordinance 17287. The
2658 council may adopt as its own all or portions of the hearing examiner's findings and
2659 conclusions.

2660 b. Any ordinance also may contain reasonable conditions, in accordance with
2661 state law and county ordinances, which must be satisfied before the ordinance becomes
2662 effective. The ordinance shall also designate the time period within which any such
2663 conditions must be satisfied. All authority pursuant to such ordinance shall expire if any
2664 of the conditions are not satisfied within the designated time period and the property shall
2665 continue to be subject to all laws, regulations and zoning as if the ordinance had not been
2666 adopted. The council may extend the period for satisfaction of the conditions if, after a
2667 public hearing by the examiner, the council finds an extension will be in the public
2668 interest and the extension was requested by the applicant within the initial time period.

2669 N. If the hearing examiner's recommendation is not appealed pursuant to
2670 subsection M. of this section:

2671 1. The clerk of the council shall place a proposed ordinance that implements the
2672 examiner's recommended action on the agenda of the next available council meeting for
2673 adoption;

2674 2. No final action to amend or reverse the hearing examiner's recommendation
2675 shall be taken at that meeting and notice to parties shall be given before the adoption of a
2676 substitute or amended ordinance that amends or reverses the examiner's recommendation;

2677 3. The council may either:

2678 a. Refer the matter to the transportation, economy and environment or its
2679 successor for further consideration deemed necessary before the council takes final action
2680 on the matter or remand the matter to the hearing examiner for further hearing to receive
2681 additional information or further consideration; or

2682 b. Adopt the hearing examiner's recommendation by an ordinance satisfying
2683 the requirements of subsection M.9. of this section.

2684 4. Any final action by the county council may be reconsidered by the council
2685 pursuant to K.C.C. 20.22.280; and

2686 5. Any appeal of the council's final action shall comply with the requirements of
2687 K.C.C 20.22.270.A.

2688 O.1. The design and operating conditions specified in any agreement adopted and
2689 executed pursuant to the process established in this section shall prospectively control the
2690 operations and design for the site and supersede the design and operating conditions
2691 established under Conditional Use Permit File Nos. A-71-0-81 and L08CU006.

2692 However, any such development and operating agreement will not have retroactive
2693 effect. Any enforcement actions relating to compliance with the design and operating
2694 conditions established under Conditional Use Permit File Nos. A-71-0-81 and L08CU006
2695 regarding activities that occurred before the execution of a development agreement shall
2696 not be affected.

2697 2. A master plan development and operating agreement approved by the council
2698 shall be in effect for a period of ten years from the effective date of the ordinance
2699 approving the master plan development and operating agreement and authorizing the
2700 executive to execute the development and operating agreement;

2701 3.a. An approved master plan development and operating agreement may be
2702 renewed one time for not more than ten years.

2703 b. The applicant shall apply to the department for renewal of the development
2704 and operating agreement at least twelve months before the agreement expires. The
2705 department shall provide a notice of the renewal request under subsection K.5.a. through
2706 c. of this section and shall conduct at least one public meeting on the request as provided
2707 in subsection K.7. of this section.

2708 c. The department shall make its recommendation to the council on the
2709 proposed renewal together with any recommended changes to the agreement not later
2710 than ninety days before the development and operating agreement expires.

2711 d. If the agreement is not renewed by the council:

2712 (1) the operating conditions established in the agreement shall remain in
2713 effect; and

2714 (2) any subsequent development permit application shall be subject to laws in
2715 effect at the time the subsequent application is filed.

2716 P. During the period a development and operating agreement is in effect, any
2717 subsequent development on the site shall be consistent with the approved development
2718 and operating agreement.

2719 Q.1. Except as otherwise provided in subsection Q.2. of this section, the laws in
2720 effect on the date the council adopts the ordinance authorizing the execution of the
2721 development and operating agreement shall apply to subsequent permits necessary for the
2722 uses authorized by the development and operating agreement.

2723 2. The following regulations in effect on the date of a complete application for

2724 any permits necessary for a use authorized by the development and operating agreement
2725 shall apply:

- 2726 a. surface water management standards under K.C.C. Title 9;
- 2727 b. public health and safety codes under K.C.C. Title 13;
- 2728 c. road standards under K.C.C. Title 14;
- 2729 c. building codes under K.C.C. Title 16; and
- 2730 d. fire codes under K.C.C. Title 17.

2731 R. During the effective period of the development and operating agreement, the
2732 applicant may request in writing and the department may propose a modification of the
2733 development and operating agreement. The applicant's request and the department
2734 initiated proposal shall be made by June 1 of each year for implementation in the
2735 following year. The department shall provide notice of the request or proposed
2736 modification as provided in subsection K.5.a. through c. of this section. The department
2737 shall submit to the hearing examiner its recommendation on the request not later than
2738 August 1.

2739 S. The hearing examiner shall conduct the following annual monitoring and
2740 reporting activities for the council:

2741 1. No later than October 15 of each year, the hearing examiner shall conduct a
2742 public meeting in the vicinity of the project site for the purpose of gathering community
2743 input on the operation of facility during the preceding year and on any modifications to
2744 the development and operating agreement. The department shall provide a notice of the
2745 meeting as provided in subsection K.5.a. through c. of this section.

2746 2. Beginning on December 31 of the year after the effective date of the ordinance

2747 authorizing the execution of the development and operating agreement, and for each
2748 subsequent year, the hearing examiner shall prepare and submit to the council a report
2749 that:

- 2750 a. describes the current status of the phases of the development;
- 2751 b. evaluates compliance with development and operation agreement conditions
2752 during the preceding year;
- 2753 c. identifies issues and concerns that have been brought forward by the
2754 community, Pacific Raceways and the department;
- 2755 d. evaluates proposed modifications to the development and operating
2756 agreement; and
- 2757 e. outlines potential steps to ensure compliance with the development and
2758 operating agreement.

2759 3. The report shall be presented in a briefing by the hearing examiner to the
2760 transportation, economy and environment committee, or its applicable successor, at
2761 which the department and project operator shall be present.

2762 T. The director shall submit a report on the master planning demonstration
2763 project to the council within sixty days of the council's adoption of the ordinance
2764 approving the development and operating agreement. The report shall evaluate the
2765 efficacy of the master planning process and may include recommended changes to the
2766 master planning process to address problems or deficiencies in the process identified by
2767 the department. The department shall solicit comments from the applicant, the hearing
2768 examiner, and the public, identified in subsection K.5.a. through c. of this section, on the
2769 master planning process and include a synopsis of those comments in the report. A paper

2770 copy and an electronic copy of the report shall be filed with the clerk of the council, who
2771 shall retain the paper original and shall forward electronic copies to each councilmember.

2772 U. Before the application for a master planning proposal application, the
2773 applicant shall be permitted to undertake the following activities, subject to an interim
2774 use permit:

2775 1. Construct up to four hundred thousand square feet of buildings, including
2776 required excavation and processing of materials, for uses allowed for a regional motor
2777 sports facility as set forth in K.C.C. 21A.06.973.C., and associated required site
2778 improvements; and

2779 2. Excavation and processing of materials shall be subject to the following limits:

2780 a. Under the interim use permit ,the amount of materials shall be only as is
2781 necessary to construct the buildings and any required site improvements associated with
2782 the construction of the buildings, subject to review by the department;

2783 b. The on-site processing of the extracted materials shall be limited to the
2784 sorting of the materials into separate dirt, sand and gravel components, and crushing and
2785 washing of those components that will be used for on-site construction of the buildings
2786 and required site improvements; and

2787 c. The on-site processing shall be limited to 9:00 a.m. to 5:00 p.m. Monday
2788 through Friday.

2789 V. A preapplication meeting shall be required for the interim use permit. The
2790 applicant shall submit the following information to the department with a request to
2791 schedule a preapplication meeting:

2792 1. Affidavit of application, on a form approved by the department;

- 2793 2. Project narrative and questions for department staff;
- 2794 3. Preliminary site plan, which shall include:
- 2795 a. location of the property, with a vicinity map showing cross street;
- 2796 b. address, if an address has been assigned;
- 2797 c. parcel number or numbers;
- 2798 d. zoning of parcel or parcels and adjacent parcel or parcels;
- 2799 e. north arrow and scaled dimensions;
- 2800 f. existing and proposed building footprints, with overhangs and projections;
- 2801 g. existing and proposed grade contours;
- 2802 h. site area in square feet or acres of the project site;
- 2803 i. area of either disturbance or development, or both, including utilities, septic
- 2804 and internal circulation, as needed;
- 2805 j. existing and proposed easements, including ingress, egress, utilities or
- 2806 drainage; and
- 2807 k. critical areas and their buffers; and
- 2808 4. Preliminary building plan.
- 2809 W. An interim use permit application shall be considered complete when the
- 2810 following information and studies have been submitted and are adequate to review the
- 2811 proposal:
- 2812 1. A proposed site plan that identifies the location and dimensions of the
- 2813 proposed buildings, vehicular circulation and parking areas, critical areas and buffers,
- 2814 landscaping, stormwater facilities, utilities and fire protection;
- 2815 2. A proposed drainage plan under the surface water design manual for the

2816 improvements proposed under the interim use permit;

2817 3. A proposed grading plan that complies with the submittal, operating and
2818 performance requirements in K.C.C. chapter 16.82;

2819 4. A proposed restoration plan that complies with this section;

2820 5. A deposit as required by K.C.C. 27.02.210 for review of the interim use
2821 permit; and

2822 6. Any necessary information identified through the preapplication process.

2823 X. The interim use permit shall contain development conditions related to the
2824 grading activities and buildings and shall include, but not be limited to:

2825 1. An approved site plan and conditions that establish:

2826 a. location, size and proposed uses of the buildings;

2827 b. location and dimensions of vehicular circulation and parking, including
2828 required parking for the existing uses;

2829 c. location of stormwater facilities, sewage treatment facilities, water, and
2830 related features;

2831 d. landscaping requirements, as required by K.C.C. chapter 21A.16;

2832 e. location of on-site critical areas. Development or operations are not allowed
2833 within critical areas or their buffers, and alterations of critical areas or their buffers are
2834 not permitted, as part of the activities allowed with the interim use permit or related
2835 construction permits; and

2836 f. necessary on-site and off-site traffic control for construction impacts on
2837 vehicular circulation and on roadways in the vicinity of the project site;

2838 2. An approved grading plan in compliance with the requirements of K.C.C.

2839 chapter 16.82;

2840 3. An approved drainage plan in compliance with the surface water design

2841 manual;

2842 4. A restoration plan in compliance with the following requirements:

2843 a. Final grades shall generally conform to standards in K.C.C. 16.82.100 and

2844 the following:

2845 (1) be such so as to encourage the uses permitted within the primarily
2846 surrounding zone or, if applicable, the underlying or potential zone classification; and

2847 (2) result in drainage patterns that reestablish natural conditions of aquifer
2848 recharge, water velocity, volume and turbidity within six months of restoration and that

2849 precludes water from collecting or becoming stagnant. Suitable drainage systems

2850 approved by the department shall be constructed or installed where natural drainage

2851 conditions are not possible or where necessary to control erosion. All constructed

2852 drainage systems shall be designed consistent with the Surface Water Design Manual;

2853 and

2854 b. All areas subject to clearing, grading or backfilling shall:

2855 (1) be planted with a variety of trees, shrubs, legumes and grasses indigenous
2856 to the surrounding area and appropriate for the soil, moisture and exposure conditions;

2857 and

2858 (2) except for roads and areas incorporated into drainage facilities, be

2859 surfaced with soil of a quality at least equal to the topsoil of the land areas immediately

2860 surrounding, and to a depth of the topsoil of land area immediately surrounding six

2861 inches, whichever is greater;

2862 5. A condition requiring that all grading and construction activities be
2863 completed within sixty months of the effective date of this ordinance, except as allowed
2864 to be extended in accordance K.C.C. 20.20.105.

2865 Y. For the interim use permit, the executive shall appoint a special project
2866 manager.

2867 1. The special project manager shall either be an employee of, or hired as a
2868 consultant by, the regional planning unit of the office of performance, strategy and
2869 budget.

2870 2. The Pacific Raceways property has been designated as a project of statewide
2871 significance under chapter 43.157 RCW.

2872 3. The special project manager will coordinate the reviews with the department
2873 and other agencies, be the primary point of contact for the applicant and interested
2874 parties, and ensure that the timelines established for review of the interim use permit in
2875 this section are met.

2876 4. The special project manager shall evaluate, and provide a recommendation to
2877 the executive, regarding the efficacy of options, such as review by another jurisdictions
2878 or using outside staff to complete the substantive review, for expediting the permit review
2879 process. As part of this review, the special project manager shall ensure that any
2880 recommended option will produce a review that complies with this chapter and other
2881 applicable laws, regulations and adopted policies.

2882 Z.1. In reviewing the interim use permit, the department shall:

2883 a. process the interim use permit as a Type 3 land use permit. K.C.C. chapter
2884 20.20 shall apply, except as modified by this section;

- 2885 b. conduct a mandatory preapplication meeting within fourteen days of the
2886 applicant's request for a preapplication meeting;
- 2887 c. within twenty one days of the preapplication meeting, provide a detailed
2888 listing of the required information or studies required for review of the interim permit, in
2889 conformance with this section, the other building, construction and environmental
2890 permits that will be required, and an estimate of cost for review of the interim use permit;
- 2891 d. accept the interim use permit application if the applicant provides the
2892 information and studies required by the detailed listing provided in subsection Z.1.c. of
2893 this section;
- 2894 e. determine whether the interim use permit application is complete within
2895 seven days of filing by the applicant, pursuant to K.C.C. 20.20.050, and subject to the
2896 application requirements in subsection W. of this section;
- 2897 f. provide a notice of complete application under K.C.C. 20.20.050, within
2898 seven days of determining that the application is complete;
- 2899 g. provide a notice of application under K.C.C. 20.20.060 within fourteen days
2900 of providing the notice of complete application. In addition to the notice required by
2901 these two sections, the department shall provide mailed notice to:
- 2902 (1) all parties of record, including community groups or organizations,
2903 established during the review of Conditional Use Permit File Nos. A-71-0-81 and
2904 L08CU006, Proposed Ordinance 2010-0189 or Ordinance 17287;
- 2905 (2) persons requesting notification of any county land use action regarding
2906 Pacific Raceways; and
- 2907 (3) residents or property owners of parcels located within twenty-five

2908 hundred feet of the boundaries of the Pacific Raceways site;

2909 h. complete environmental review on the interim use and activities authorized
2910 by the interim use permit;

2911 i. transmit to the hearing examiner the department's recommendation on the
2912 interim use permit and provide notice of the recommendation under K.C.C. 20.20.090.

2913 The recommendation shall be based on the conformance of the proposal with the
2914 requirements of this section; and:

2915 (1) For a determination of nonsignificance or mitigated determination of
2916 nonsignificance, transmit the recommendation within forty-five days of the end of the
2917 comment period on threshold determination;

2918 (2) For a determination of significance, transmit the recommendation within
2919 forty five days of the end of the appeal period for the final environmental impact
2920 statement; and

2921 j. coordinate and assemble the reviews of other departments and governmental
2922 agencies having an interest in the application and shall prepare a report summarizing the
2923 factors involved and the department's recommendation. At least seven calendar days
2924 before the scheduled hearing, the department shall file the report with the hearing
2925 examiner and mail copies to those identified in subsection Z.1.g. of this section.

2926 2. The exceptions to permit review timelines described in K.C.C. 20.20.100.C.
2927 shall apply to the review period deadlines outlined in subsection Z. of this section. If the
2928 department is unable to meet the time limits established by this section, it shall provide
2929 written notice of this fact to the applicant. The notice shall include a statement of reasons
2930 why the time limits have not been met and an estimated date for issuance of the notice of

2931 recommendation to the hearing examiner. In no case shall the review of the interim use
2932 permit, from the date a complete application is filed through the date the department
2933 issues the recommendation to the hearing examiner, excluding the timeframes outlined in
2934 K.C.C. 20.20.100.C., exceed one hundred twenty days, unless the parties agree to an
2935 extension.

2936 AA.1. The hearing examiner shall:

2937 a. within fourteen days of receiving the department's recommendation on the
2938 interim use permit, set the date for the prehearing conference and notify the interested
2939 parties.

2940 b. within seven days of the prehearing conference, issue a prehearing order that
2941 includes a tentative schedule and order of proceedings for the hearing required under this
2942 subsection.

2943 c. conduct an open record public hearing within thirty days of the prehearing
2944 conference.

2945 d. within ten days of the public hearing, issue a decision on the interim use
2946 permit. The examiner's determination may be to grant or deny the application, and may
2947 include any conditions, modifications and restrictions as the examiner finds necessary to
2948 carry out the provisions of this section. The examiner's decision may be appealed to the
2949 council according to K.C.C. 20.22.220.

2950 2. When reasonably required to enable the attendance of all necessary parties at
2951 the hearing, or the production of evidence or to otherwise assure that due process is
2952 afforded and the objectives of this chapter are met, the periods in subsection AA.1. of this
2953 section may be extended by the examiner at the examiner's discretion for an additional

2954 thirty days. With the consent of all parties, the periods may be extended indefinitely.
2955 The reason for the deferral shall be stated in the examiner's decision. Failure to complete
2956 the hearing process within the stated time shall not terminate the jurisdiction of the
2957 examiner.

2958 BB. Issuance of the interim use permit by the county under this section does not
2959 relieve the applicant of its obligations to obtain other approvals required under state and
2960 federal law.

2961 CC. The applicant shall pay fees to the county to cover the actual cost of
2962 providing project management, review and inspection services for the interim use permits
2963 and including environmental review, in accordance with K.C.C. 27.02.100.

2964 SECTION 60. Ordinance 13263, Section 10, as amended, and K.C.C. 23.02.090
2965 are each hereby amended to read as follows:

2966 A. Whenever the applicable department determines that a code violation has
2967 occurred or is occurring, the department shall make reasonable efforts to secure voluntary
2968 compliance from the person responsible for code compliance. Upon contacting the
2969 person responsible for code compliance, the department may enter into a voluntary
2970 compliance agreement as provided for in this section.

2971 B. A voluntary compliance agreement may be entered into at any time after
2972 issuance of a verbal or written warning, a citation, a notice and order or a stop work order
2973 and before an appeal is decided pursuant to K.C.C. chapter 20.22.

2974 C. The voluntary compliance agreement is a commitment by the person
2975 responsible for code compliance under which the person agrees to do any combination of
2976 abating the violation, remediating the site or mitigating the impacts of the violation. The

2977 voluntary compliance agreement shall include the following:

- 2978 1. The name and address of the person responsible for code compliance;
- 2979 2. The address or other identification of the location of the violation;
- 2980 3. A description of the violation and a reference to the provision or provisions of
2981 the ordinance, resolution or regulation that has been violated;
- 2982 4. A description of the necessary corrective action to be taken and identification
2983 of the date or time by which compliance must be completed. For the purpose of this
2984 subsection C.4, the department may either require that compliance be achieved by a
2985 specific date or that compliance be achieved by a date to be determined based on the
2986 occurrence of some future event;
- 2987 5. The amount of the civil penalty that will be imposed pursuant to K.C.C.
2988 chapter 23.32 if the voluntary compliance agreement is not satisfied;
- 2989 6. An acknowledgment that the voluntary compliance agreement will be
2990 recorded against the property in the records and licensing services division, the recording
2991 to be accomplished as provided for in notice and order cases;
- 2992 7. An acknowledgment that if the department determines that the terms of the
2993 voluntary compliance agreement are not met, the department may issue a notice of
2994 noncompliance, and if the notice of noncompliance is not successfully appealed pursuant
2995 to K.C.C. 20.22.080, that the county may, without issuing a citation, notice and order or
2996 stop work order, impose any remedy authorized by this title, which includes the
2997 assessment of the civil penalties identified in the voluntary compliance agreement,
2998 abatement of the violation, assessment of the costs incurred by the county to pursue code
2999 compliance and to abate the violation, including legal and incidental expenses, and the

3000 suspension, revocation or limitation of a development permit;

3001 8. An acknowledgment that if any assessed penalty, fee or cost is not paid, a
3002 director may charge the unpaid amount as a lien against the property where the civil code
3003 violation occurred if owned by the person responsible for code compliance, and that the
3004 unpaid amount may be a joint and several personal obligation of all persons responsible
3005 for code compliance;

3006 9. An acknowledgment that by entering into the voluntary compliance
3007 agreement the person responsible for code compliance thereby admits that the conditions
3008 described in the voluntary compliance agreement existed and constituted a civil violation;
3009 and that the person responsible waives the right to administratively appeal the existence
3010 of the conditions and the fact that they constituted a civil code violation, and that if a
3011 notice of noncompliance is issued and not successfully appealed, the person is subject to
3012 and liable for any remedy authorized by this title, which includes the assessment of the
3013 civil penalties identified in the voluntary compliance agreement, abatement of the
3014 violation, assessment of the costs incurred by the county to pursue code compliance and
3015 to abate the violation, including legal and incidental expenses, and the suspension,
3016 revocation or limitation of a development permit; and

3017 10. An acknowledgment that the person responsible for code compliance
3018 understands that ((he or she)) that person knowingly, voluntarily and intelligently waives
3019 the right to administratively appeal a citation, notice and order or stop work order for any
3020 violation identified in the voluntary compliance agreement.

3021 D. Upon entering into a voluntary compliance agreement, a person responsible
3022 for code compliance admits that the conditions described in the voluntary compliance

3023 agreement existed and constituted a civil code violation; and agrees that if the department
3024 issues a notice of noncompliance, and if the notice of noncompliance is not successfully
3025 challenged through administrative appeal, (~~he or she~~) that person is liable for the civil
3026 penalty available under K.C.C. chapter 23.32. The person identified in the voluntary
3027 compliance agreement is liable for the costs incurred by the county to pursue code
3028 compliance and to abate the violation, including legal and incidental expenses as
3029 provided for in K.C.C. chapter 23.24 and is subject to all other remedies provided for in
3030 this title.

3031 E. An extension of the time limit for compliance or a modification of the required
3032 corrective action may be granted by the department if the person responsible for code
3033 compliance has shown due diligence or substantial progress in correcting the violation,
3034 but circumstances render full and timely compliance under the original conditions
3035 unattainable.

3036 F. The voluntary compliance agreement is not a settlement agreement.

3037 SECTION 61. Ordinance 13263, Section 14, and K.C.C. 23.02.130 are each
3038 hereby amended to read as follows:

3039 A. It shall be the responsibility of any person identified as responsible for code
3040 compliance to bring the property into a safe and reasonable condition to achieve code
3041 compliance. Payment of fines, applications for permits, acknowledgment of stop-work
3042 orders and compliance with other remedies does not substitute for performing the
3043 corrective work required and having the property brought into compliance to the extent
3044 reasonably possible under the circumstances.

3045 B. Persons determined to be responsible for code compliance pursuant to a

3046 citation or notice and order shall be liable for the payment of any civil fines, penalties and
3047 abatement costs, provided, however, that if a property owner affirmatively demonstrates
3048 that the action which resulted in the violation was taken without the owner's knowledge
3049 or consent by someone other than the owner or someone acting on the owner's behalf,
3050 that owner shall be responsible only for bringing the property into compliance to the
3051 extent reasonably feasible under the circumstances. Should the owner not correct the
3052 violation, only those abatement costs necessary to bring the property into a safe and
3053 reasonable condition, as determined by the director, shall be assessed by the county. No
3054 civil fines or penalties shall be assessed against such an owner or ~~((his or her))~~ the
3055 owner's property interest.

3056 SECTION 62. Ordinance 13263, Section 16, as amended, and K.C.C. 23.20.020
3057 are each hereby amended to read as follows:

3058 A. A citation represents a determination that a civil code violation has been
3059 committed and that the person cited is a person responsible for code compliance. The
3060 determination is final unless contested as provided in this title.

3061 B. Subject to K.C.C. 23.02.130, a citation subjects the person responsible for
3062 code compliance to the civil fine prescribed by K.C.C. chapter 23.32.

3063 C. Subject to K.C.C. 23.02.140, a citation may subject the person responsible for
3064 code compliance to an illegal dumping cleanup restitution payment.

3065 D. The person issued a citation shall respond to the citation as provided in K.C.C.
3066 23.20.060 and 23.20.070 within seventeen days of the date of service of the citation.

3067 E. Failure to respond to the citation within seventeen days shall render the
3068 citation a final determination that the conditions described in the citation existed and

3069 constituted a civil code violation and that the person cited is liable as a person responsible
3070 for code compliance.

3071 F. Imposition of a civil fine creates a joint and several personal obligation in all
3072 persons responsible for code compliance who are served with the citation. The
3073 prosecuting attorney on behalf of King County may collect the civil fines assessed by any
3074 appropriate legal means.

3075 G. Issuance of a citation in no way limits a director's authority to issue a notice
3076 and order or stop work order to the same person responsible for code compliance
3077 pursuant to this title. Payment of the civil fine assessed under the citation does not
3078 relieve a person responsible for code compliance of ~~((his or her))~~ that person's duty to
3079 correct the violation or to pay any and all civil penalties accruing under a notice and order
3080 or stop work order issued pursuant to this title.

3081 SECTION 63. Ordinance 13263, Section 21, as amended, and K.C.C. 23.24.020
3082 are each hereby amended to read as follows:

3083 A. Subject to the appeal provisions of K.C.C. chapter 23.36, a notice and order
3084 represents a determination that a civil code violation has been committed, that the person
3085 cited is a person responsible for code compliance, and that the violations set out in the
3086 notice and order require the assessment of penalties and costs and other remedies
3087 including cleanup restitution payment, if applicable, specified in the notice and order.

3088 B. Failure to correct the civil code violation in the manner prescribed by the
3089 notice and order subjects the person to whom the notice and order is directed to the use of
3090 any of the compliance remedies provided by this title, including:

3091 1. Additional civil penalties and costs;

- 3092 2. A requirement that abatement, remediation or mitigation be performed;
3093 3. An agreement to perform community service as prescribed by this chapter;
3094 4. Permit suspension, revocation, modification or denial as prescribed by this
3095 chapter; or
3096 5. Abatement by a director and recovery of the costs of abatement according to
3097 the procedures described in this chapter.

3098 C. Any person identified in the notice and order as responsible for code
3099 compliance may appeal the notice and order according to the procedures in K.C.C.
3100 chapter 23.36.

3101 D. Failure to appeal the notice and order within the applicable time limits shall
3102 render the notice and order a final determination that the conditions described in the
3103 notice and order existed and constituted a civil code violation, and that the named party is
3104 liable as a person responsible for code compliance.

3105 E. Issuance of a notice and order in no way limits a director's authority to issue a
3106 citation or stop work order to a person previously cited through the notice and order
3107 process pursuant to this title. Payment of the civil penalties assessed under the notice and
3108 order does not relieve a person found to be responsible for code compliance of (~~his or~~
3109 ~~her~~) that person's duty to correct the violation and/or to pay any and all civil fines or
3110 penalties accruing under citations or stop work orders issued pursuant to this title.

3111 SECTION 64. Ordinance 13263, Section 22, as amended, and K.C.C. 23.24.030
3112 are each hereby amended to read as follows:

3113 The notice and order shall contain the following information:

3114 A. The address, when available, or location of the civil code violation;

3115 B. A legal description of the real property or the King County tax parcel number
3116 where the violation occurred or is located, or a description identifying the property by
3117 commonly used locators;

3118 C. A statement that the director has found the named person to have committed a
3119 civil code violation and a brief description of the violation or violations found;

3120 D. A statement of the specific provisions of the ordinance, resolution, regulation,
3121 public rule, permit condition, notice and order provision or stop work order that was or is
3122 being violated;

3123 E. The dollar amount of the civil penalty per separate violation;

3124 F. A statement advising that any costs of enforcement that exceed the amount of
3125 the penalty may also be assessed against the person to whom the notice and order is
3126 directed;

3127 G. A statement advising that the notice and order will be recorded against the
3128 property in the records and licensing services division subsequent to service;

3129 H. A statement of the corrective or abatement action required to be taken and that
3130 all required permits to perform the corrective action must be obtained from the proper
3131 issuing agency;

3132 I. A statement advising that, if any required work is not commenced or completed
3133 within the time specified by the notice and order, a director may proceed to abate the
3134 violation and cause the work to be done and charge the costs thereof as a lien against the
3135 property and as a joint and several personal obligation of any persons responsible for
3136 code compliance;

3137 J. A statement advising that, if any assessed penalty, fee or cost is not paid on or

3138 before the due date, a director may charge the unpaid amount as a lien against the
3139 property where the civil code violation occurred if owned by a person responsible for
3140 code compliance and as a joint and several personal obligation of all persons responsible
3141 for code compliance;

3142 K. A statement advising that any person named in the notice and order or having
3143 any record or equitable title in the property against which the notice and order is recorded
3144 may appeal from the notice and order to the hearing examiner within twenty-four days of
3145 the date of service of the notice and order;

3146 L. A statement advising that a failure to correct the violations cited in the notice
3147 and order could lead to the denial of subsequent King County permit applications on the
3148 subject property;

3149 M. A statement advising that a failure to appeal the notice and order within the
3150 applicable time limits renders the notice and order a final determination that the
3151 conditions described in the notice and order existed and constituted a civil code violation,
3152 and that the named party is liable as a person responsible for code compliance; and

3153 N. A statement advising the person responsible for code compliance of ((~~his or~~
3154 ~~her~~)) that person's duty to notify the director of any actions taken to achieve compliance
3155 with the notice and order.

3156 SECTION 65. Ordinance 13263, Section 29, as amended, and K.C.C. 23.24.100
3157 are each hereby amended to read as follows:

3158 A. A director may suspend, revoke or limit any permit issued by that director
3159 whenever:

3160 1. The permit holder has committed a code violation in the course of performing

3161 activities subject to that permit;

3162 2. The permit holder has interfered with a director in the performance of (~~his or~~
3163 ~~her~~) the director's duties relating to that permit;

3164 3. The permit was issued in error or on the basis of materially incorrect
3165 information supplied to the county;

3166 4. Permit fees or costs were paid to the county by check and returned from a
3167 financial institution marked nonsufficient funds (NSF) or canceled;

3168 5. For a permit or approval that is subject to critical areas review, the applicant
3169 has failed to disclose a change of circumstances on the development proposal site which
3170 materially affects an applicant's ability to meet the permit or approval conditions or
3171 which makes inaccurate the critical areas study that was the basis for establishing permit
3172 or approval conditions; or

3173 6. For a permit or approval for which fees that have been billed are sixty days or
3174 more past due. If the applicant has filed a timely written notice for a fee waiver under
3175 K.C.C. 27.02.040, the permit shall not be suspended, revoked or otherwise limited under
3176 this subsection A.6. until at least seventeen days after the fee waiver decision has been
3177 issued.

3178 B. A suspension, revocation or modification authorized by subsection A of this
3179 section shall be carried out through the notice and order provisions of this chapter and
3180 shall be effective upon the compliance date established by the notice and order. The
3181 revocation, suspension or cancellation may be appealed to the hearing examiner using the
3182 appeal provisions of this title.

3183 C. Notwithstanding any other provision of this title, a director may immediately

3184 suspend operations under any permit by issuing a stop work order pursuant to K.C.C.
3185 chapter 23.28.

3186 SECTION 66. Ordinance 10662, Section 52, as amended, and K.C.C. 27.04.015
3187 are each hereby amended to read as follows:

3188 "Director" means the director of the department of permitting and environmental
3189 review or ((his/her)) designee.

3190 SECTION 67. Ordinance 12020, Section 6, as amended, and K.C.C. 27A.20.040
3191 are each hereby amended to read as follows:

3192 "Director" means the director of the King County department of permitting and
3193 environmental review or ((his/her)) designee.

3194 SECTION 68. Ordinance 12020, Section 8, and K.C.C. 27A.20.050 are each
3195 hereby amended to read as follows:

3196 "Financial guarantee" means a form of financial security posted to ensure timely
3197 and proper completion of improvements, to ensure compliance with the King County
3198 Code, and/or to warranty materials, ((workmanship)) quality of work of the
3199 improvements((;)) and design. Financial guarantees include assignments of funds, cash
3200 deposits, surety bonds, and/or other forms of financial security acceptable to the director.
3201 For the purposes of this title, the terms performance guarantee, maintenance guarantee
3202 and defect guarantee are considered sub-categories of financial guarantee.

3203 SECTION 69. Ordinance 12020, Section 20 and K.C.C. 27A.30.090 are each
3204 hereby amended to read as follows:

3205 A. The department is authorized to require all applicants to post either a
3206 maintenance guarantee ((and/)) or a defect guarantee, or both, warranting the successful

3207 operation and maintenance of improvements, and guaranteeing the ~~((workmanship))~~
3208 quality of work, materials~~((;))~~ and design used in construction of improvements required
3209 by the conditions of any permits or approvals issued pursuant to K.C.C. ~~((;))~~ Titles 9, 14,
3210 16, 19~~((;))~~ or 21A~~((;))~~, or their successors~~((;))~~, and assuring compliance with the King
3211 County Code.

3212 B. Unless otherwise specifically indicated in the King County Code, all
3213 maintenance guarantees and defect guarantees shall guarantee successful operation,
3214 ~~((workmanship))~~ quality of work, materials~~((;))~~ and design of required facilities for a
3215 period of two years following final inspection and approval of improvements.

3216 C. Inspections of facilities required pursuant to K.C.C. Titles 9, 14, 16, 19~~((;))~~ or
3217 21A ~~((;))~~, or their successors~~((;))~~, should be scheduled by the appropriate department
3218 approximately forty-five days prior to the end of the two-year maintenance ~~((and/))~~ or
3219 defect, or two-year maintenance and defect, period.

3220 SECTION 70. Ordinance 12020, Section 28, as amended, and K.C.C.
3221 27A.40.080 are each hereby amended to read as follows:

3222 A. Financial guarantees for mitigation required pursuant to K.C.C. chapter
3223 21A.24 shall be sufficient to guarantee that all required mitigation measures will be
3224 completed no later than the time established by King County in accordance with K.C.C.
3225 chapter 21A.24.

3226 B. Performance and maintenance guarantees shall also be required for restoration
3227 of a sensitive area or buffer not performed as part of a mitigation or maintenance plan
3228 except that no financial guarantee shall be required for minor stream restoration carried
3229 out pursuant to K.C.C. chapter 21A.24.

3230 C. For maintenance guarantees associated with mitigation, corrective work,
3231 restoration or enhancement, the financial guarantee shall be sufficient to cover the time
3232 and cost to guarantee satisfactory ((workmanship)) quality of work, materials and
3233 performance of structures and improvements required by K.C.C. chapter 21A.24 and any
3234 monitoring of those structures and improvements required by approved plans and
3235 conditions.

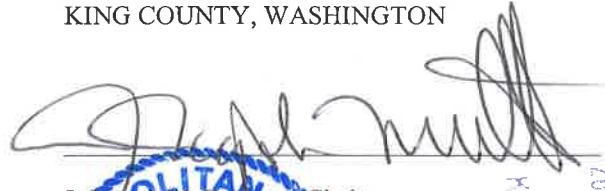
3236 D. Public development proposals shall be relieved from having to comply with

3237 the provisions of this section if public funds have previously been committed for
3238 mitigation, maintenance, monitoring or restoration.
3239

Ordinance 18683 was introduced on 1/16/2018 and passed by the Metropolitan King County Council on 3/19/2018, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,
Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles
and Ms. Balducci
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



J. Joseph McDermott, Chair

ATTEST:



Melani Pedroza, Clerk of the Council



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KING COUNTY COUNCIL
CLERK

APPROVED this 28 day of MARCH, 2018.



Dow Constantine, County Executive

Attachments: None