



King County

1200 King County
Courthouse
516 Third Avenue
Seattle, WA 98104

Meeting Agenda

Local Services and Land Use Committee

Councilmembers:
Sarah Perry, Chair;
Girmay Zahilay, Vice-Chair;
Reagan Dunn, Teresa Mosqueda

Lead Staff: Terra Rose (206-477-4354)
Committee Clerk: Gabbi Williams (206-477-7470)

9:30 AM

Wednesday, August 21, 2024

Hybrid Meeting

Hybrid Meetings: Attend King County Council committee meetings in person in Council Chambers (Room 1001), 516 3rd Avenue in Seattle, or through remote access. Details on how to attend and/or provide comment remotely are listed below.

Pursuant to K.C.C. 1.24.035 A. and F., this meeting is also noticed as a meeting of the Metropolitan King County Council, whose agenda is limited to the committee business. In this meeting only the rules and procedures applicable to committees apply and not those applicable to full council meetings.

HOW TO PROVIDE PUBLIC COMMENT: The Local Services and Land Use Committee values community input and looks forward to hearing from you on agenda items.

There are three ways to provide public comment:

1. **In person:** You may attend the meeting and provide comment in the Council Chambers.
2. **By email:** You may comment in writing on current agenda items by submitting your email comments to kcccomitt@kingcounty.gov. If your email is received before 8:00 a.m. on the day of the meeting, your email comments will be distributed to the committee members and appropriate staff prior to the meeting.
3. **Remote attendance at the meeting by phone or computer:** You may provide oral comment on current agenda items during the meeting's public comment period by connecting to the meeting via phone or computer using the ZOOM application at <https://zoom.us/join> and entering the Webinar ID number below.

	<p>Sign language and interpreter services can be arranged given sufficient notice (206-848-0355). TTY Number - TTY 711.</p> <p>Council Chambers is equipped with a hearing loop, which provides a wireless signal that is picked up by a hearing aid when it is set to 'T' (Telecoil) setting.</p>	
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You are not required to sign up in advance. Comments are limited to current agenda items.

You have the right to language access services at no cost to you. To request these services, please contact Language Access Coordinator, Tera Chea at (206) 477-9259 or email Tera.chea2@kingcounty.gov by 8:00 a.m. no fewer than three business days prior to the meeting.

CONNECTING TO THE WEBINAR

Webinar ID: 875 1751 7363

If you do not have access to the ZOOM application, you can connect to the meeting by calling 1-253-215-8782 and using the Webinar ID.

HOW TO WATCH/LISTEN TO THE MEETING REMOTELY: There are three ways to watch or listen to the meeting:

- 1) Stream online via this link www.kingcounty.gov/kctv or input the link web address into your web browser.
- 2) Watch King County TV on Comcast Channel 22 and 322(HD) and Astound Broadband Channels 22 and 711(HD).
- 3) Listen to the meeting by telephone.
Dial: 1-253-215-8782
Webinar ID: 875 1751 7363

1. Call to Order



2. Roll Call

3. Approval of Minutes p. 5

July 17, 2024 meeting minutes

4. Public Comment

To show a PDF of the written materials for an agenda item, click on the agenda item below.

	<p>Sign language and interpreter services can be arranged given sufficient notice (206-848-0355). TTY Number - TTY 711. Council Chambers is equipped with a hearing loop, which provides a wireless signal that is picked up by a hearing aid when it is set to 'T' (Telecoil) setting.</p>	
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Consent

5. [Proposed Motion No. 2024-0040](#) p. 8

A MOTION confirming the executive's appointment of Eric Oien, who resides in council district nine, to the King County rural forest commission.

Sponsors: Dunn

Brandi Paribello, Council staff

6. [Proposed Motion No. 2024-0042](#) p. 13

A MOTION confirming the executive's appointment of Jon Matson, who resides in council district nine, to the King County rural forest commission.

Sponsors: Dunn

Brandi Paribello, Council staff

7. [Proposed Ordinance No. 2024-0221](#) p. 18

AN ORDINANCE authorizing the King County executive to execute identical interlocal agreements with Mountain View Fire & Rescue and South King Fire delegating administrative duties to perform inspections of the fire code operational permit program of regulated occupancies in fire protection districts 39 and 44.

Sponsors: Dunn

Nick Bowman, Council staff

Briefing

8. [Briefing No. 2024-B0096](#) p. 45

Exec Staff Briefing on 2024 KC Flood Management Plan

Jason Wilkinson, Flood Management Plan Project Manager, Water and Land Resources Division (WLRD)

Krista Camenzind, Deputy Director, WLRD



Sign language and interpreter services can be arranged given sufficient notice (206-848-0355).
TTY Number - TTY 711.
Council Chambers is equipped with a hearing loop, which provides a wireless signal that is picked up by a hearing aid when it is set to 'T' (Telecoil) setting.



9. [Briefing No. 2024-B0097](#) p. 73

KCD Annual Presentation

Rosa Méndez-Perez, Executive Director, King Conservation District (KCD)

Discussion Only

10. [Proposed Ordinance No. 2024-0217](#) p. 97



AN ORDINANCE revising permit review processes; and amending Ordinance 11622, Section 3, as amended and K.C.C. 16.02.260, Ordinance 14914, Section 104, as amended, and K.C.C. 16.03.120, Ordinance 1488, Section 7, as amended and K.C.C. 16.82.060, Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020, Ordinance 12196, Section 10, as amended, and K.C.C. 20.20.030, Ordinance 12196, Section 11, as amended, and K.C.C. 20.20.040, Ordinance 12196, Section 13, as amended, and K.C.C. 20.20.060, Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100, and Ordinance 10870, Section 634, as amended, and K.C.C. 21.42.140, adding new sections to K.C.C. chapter 16.02, recodifying K.C.C. 16.82.060, and repealing Ordinance 12196, Section 12, and K.C.C. 20.20.050, Ordinance 12196, Section 15, as amended, and K.C.C. 20.20.080, and Ordinance 10870, Section 618, and K.C.C. 21A.42.110.

Sponsors: Perry

Erin Auzins, Council staff

Other Business

Adjournment

	<p>Sign language and interpreter services can be arranged given sufficient notice (206-848-0355). TTY Number - TTY 711. Council Chambers is equipped with a hearing loop, which provides a wireless signal that is picked up by a hearing aid when it is set to 'T' (Telecoil) setting.</p>	
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King County

1200 King County
Courthouse
516 Third Avenue
Seattle, WA 98104

Meeting Minutes Local Services and Land Use Committee

Councilmembers:
Sarah Perry, Chair;
Girmay Zahilay, Vice-Chair;
Reagan Dunn, Teresa Mosqueda

Lead Staff: *Terra Rose (206-477-4354)*
Committee Clerk: *Gabbi Williams (206-477-7470)*

9:30 AM

Wednesday, July 17, 2024

Hybrid Meeting

DRAFT MINUTES

1. **Call to Order**

Chair Perry called the meeting to order at 9:32 a.m.

2. **Roll Call**

Present: 4 - Dunn, Mosqueda, Perry and Zahilay

3. **Approval of Minutes**

*Councilmember Zahilay moved approval of the minutes of the July 3, 2024 meeting.
Seeing no objections, the minutes were approved.*

4. **Public Comment**

The following individuals were present to provide public comments:

*Julian Loh
Kate Brouns
Leann Krainick
Lauren Silver-Turner
Katherine Jones
Jessi Bloom
Kimber-Lee Hodgen.*

Discussion and Possible Action

5. [Proposed Motion No. 2024-0166](#)

A MOTION requesting the King County executive to evaluate strategies to improve traffic safety along county-maintained roads and roadway segments in and around the Fairwood community of unincorporated King County and to prepare a report.

Nick Bowman, Council staff, briefed the committee.

Councilmember Dunn moved Striking Amendment S1. The Amendment was adopted.

A motion was made by Councilmember Dunn that this Motion be Recommended Do Pass Substitute. The motion carried by the following vote:

Yes: 4 - Dunn, Mosqueda, Perry and Zahilay

6. [Proposed Ordinance No. 2023-0263](#)

AN ORDINANCE relating to energy storage systems; amending Ordinance 10870, Section 43, as amended, and K.C.C. 21A.06.015, Ordinance 10870, Section 44, as amended, and K.C.C. 21A.06.020, Ordinance 10870, Section 45, as amended, and K.C.C. 21A.06.025, Ordinance 10870, Section 330, as amended, and K.C.C. 21A.08.030, Ordinance 10870, Section 333, as amended, and K.C.C. 21A.08.060, Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080, Ordinance 10870, Section 336, as amended, and K.C.C. 21A.08.090, Ordinance 10870, Section 337, as amended, and K.C.C. 21A.08.100, Ordinance 10870, Section 354, as amended, and K.C.C. 21A.12.170, Ordinance 10870, Section 359, as amended, and K.C.C. 21A.12.220, Ordinance 10870, Section 388, as amended, and K.C.C. 21A.16.030, Ordinance 10870, Section 390, as amended, and K.C.C. 21A.16.050, Ordinance 10870, Section 391, as amended, and K.C.C. 21A.16.060, and Ordinance 12020, Section 17, as amended, and K.C.C. 27A.30.060, adding a new section to K.C.C. chapter 21A.06, and adding a new chapter to K.C.C. Title 21A.

Jake Tracy, Council staff, briefed the committee and answered questions from the members. John Taylor, Director, DNRP, and Penny Lipsou, Director of Council Relations, Executive's Office, also addressed the committee and answered questions from the members.

Councilmember Zahilay moved Striking Amendment S3. The Amendment was adopted.

Councilmember Zahilay moved Title Amendment T2. The Amendment was adopted.

A motion was made by Councilmember Zahilay that this Ordinance be Passed Out of Committee Without a Recommendation. The motion carried by the following vote:

Yes: 4 - Dunn, Mosqueda, Perry and Zahilay

Briefing

7. [Briefing No. 2024-B0088](#)

Winery, Brewery, Distillery Legislation and Enforcement

Erin Auzins, Council staff, briefed the committee and answered questions from the members. Robin Proebsting, Government Relations Administrator, Department of Local Services, and Lena Madden, Senior Deputy Prosecuting Attorney, King County Prosecutor's Office, also addressed the committee and answered questions from the members.

This matter was Presented

8. [Briefing No. 2024-B0087](#)

Affordable Housing Panel

Jenny Ngo, Council staff, briefed the committee.

Group 1 with Barbara Rodgers, VP of Forward Planning, Connor Homes - Master Builders Association of King & Snohomish (MBAKS) member, Heidi Turner, Chief Intangible Asset, Blanton Turner, and Morgan Brown, President, Whole Water, addressed the committee and answered questions from the members.

Group 2 with Adam Weinstein, Director of Planning & Building, City of Kirkland, Carol Helland, Director of Planning, City of Redmond, and Patience Malaba, Executive Director, Housing Development Consortium, also addressed the committee and answered questions from the members.

This matter was Presented

Other Business

There was no other business to come before the committee.

Adjournment

The meeting was adjourned at 12:13 p.m.

Approved this _____ day of _____

Clerk's Signature



King County

**Metropolitan King County Council
Local Services and Land Use Committee**

STAFF REPORT

Agenda Item:	5	Name:	Brandi Paribello
Proposed No.:	2024-0040	Date:	August 21, 2024

SUBJECT

Proposed Motion 2024-0040 would confirm the Executive’s appointment of Eric Oien, who resides in Council District 9, to the King County Rural Forest Commission for a partial term to expire on September 30, 2025.

BACKGROUND

The King County Rural Forest Commission was established in October 1997,¹ to review the development and implementation of strategies, innovative programs, policies, and regulations that benefit forestry and to advise the County on ways to preserve rural forests and promote rural forestry.

The Commission has 13 voting members selected to represent diverse and specific rural forest interests and geographic regions of rural King County. Commission members serve staggered three-year terms and represent the following interests:

- At least five members representing private rural forest landowners, with at least one from each of the following ownership categories:
 - 500 acres or greater;
 - 40 to 500 acres and for whom income from forestry is an important component of total income;
 - 20 acres or greater and enrolled in the Forest Land Designation program; and
 - Less than 20 acres;
- Advocates of non-timber values, such as environmental protection, recreation, or open space;
- Washington state Department of Natural Resources;
- Affected Indian Tribes;
- Consumers or users of local forest products, such as mills, lumber suppliers, craftsmen, florist suppliers, or users of other alternative forest products;
- Academic or professional foresters, or forestry associations; and
- Rural cities.

¹ Ordinance 12901

In addition to the voting members, the Commission includes the following non-voting ex-officio members:

- The directors of the King County Department of Natural Resources and Parks, Permitting and Environmental Review, Executive Services, the Office of Performance, Strategy and Budget;
- A representative of the King County Council Natural Resources, Parks and Open Space Committee;
- A representative of the Mount Baker-Snoqualmie National Forest;
- A representative of the Washington State University Extension; and
- The director of the King Conservation District.

The Commission currently meets six times a year.

APPOINTEE INFORMATION

Eric Oien is an Instructor of Natural Resources at Green River College. He has been a forester and wildland firefighter based out of King County for over a decade and will fill the role of Academic Forester on the board.

ANALYSIS

Staff has not identified any issues with the proposed appointment. It appears to be consistent with the requirements of the Rural Forest Commission.

ATTACHMENTS

1. Proposed Motion 2024-0040
2. Transmittal Letter



KING COUNTY
Signature Report

ATTACHMENT 1
1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Motion

Proposed No. 2024-0040.1

Sponsors Dunn

1 A MOTION confirming the executive's appointment of
2 Eric Oien, who resides in council district nine, to the King
3 County rural forest commission.

4 BE IT MOVED by the Council of King County:

5 The county executive's appointment of Eric Oien, who resides in council district
6 nine, to the King County rural forest commission, for a partial term to expire on

7 September 30, 2025, is hereby confirmed.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Dave Upthegrove, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: None



King County

Dow Constantine

King County Executive

401 Fifth Avenue, Suite 800
Seattle, WA 98104

206-296-9600 Fax 206-296-0194

TTY Relay: 711

www.kingcounty.gov

February 2, 2024

The Honorable Dave Upthegrove
Chair, King County Council
Room 1200
C O U R T H O U S E

Dear Councilmember Upthegrove:

This letter transmits a proposed Motion confirming the appointment of Eric Oien, who resides in council district nine, to the King County Rural Forest Commission, for a partial term expiring September 30, 2025.

Mr. Oien's application, financial disclosure, board profile, and appointment letter, are enclosed to serve as supporting and background information to assist the Council in considering confirmation.

Thank you for your consideration of the proposed legislation. If you have any questions about this appointment, please have your staff call Rick Ybarra, Boards and Commissions Liaison, at 206-263-9651.

Sincerely,

Dow Constantine
King County Executive

Enclosures

cc: King County Councilmembers
ATTN: Stephanie Cirkovich, Chief of Staff
Melani Hay, Clerk of the Council
Karan Gill, Chief of Staff, Office of the Executive
Penny Lipsou, Council Relations Director, Office of the Executive
Rick Ybarra, Boards and Commissions Liaison, Office of the Executive
Wendy Sammarco, Staff Liaison
Eric Oien



King County

**Metropolitan King County Council
Local Services and Land Use Committee**

STAFF REPORT

Agenda Item:	6	Name:	Brandi Paribello
Proposed No.:	2024-0042	Date:	August 21, 2024

SUBJECT

Proposed Motion 2024-0042 would confirm the Executive’s appointment of Jon Matson, who resides in Council District 9, to the King County Rural Forest Commission for a partial term to expire on September 30, 2024.

BACKGROUND

The King County Rural Forest Commission was established in October 1997,¹ to review the development and implementation of strategies, innovative programs, policies, and regulations that benefit forestry and to advise the County on ways to preserve rural forests and promote rural forestry.

The Commission has 13 voting members selected to represent diverse and specific rural forest interests and geographic regions of rural King County. Commission members serve staggered three-year terms and represent the following interests:

- At least five members representing private rural forest landowners, with at least one from each of the following ownership categories:
 - 500 acres or greater;
 - 40 to 500 acres and for whom income from forestry is an important component of total income;
 - 20 acres or greater and enrolled in the Forest Land Designation program; and
 - Less than 20 acres;
- Advocates of non-timber values, such as environmental protection, recreation, or open space;
- Washington state Department of Natural Resources;
- Affected Indian Tribes;
- Consumers or users of local forest products, such as mills, lumber suppliers, craftsmen, florist suppliers, or users of other alternative forest products;
- Academic or professional foresters, or forestry associations; and
- Rural cities.

¹ Ordinance 12901

In addition to the voting members, the Commission includes the following non-voting ex-officio members:

- The directors of the King County Department of Natural Resources and Parks, Permitting and Environmental Review, Executive Services, the Office of Performance, Strategy and Budget;
- A representative of the King County Council Natural Resources, Parks and Open Space Committee;
- A representative of the Mount Baker-Snoqualmie National Forest;
- A representative of the Washington State University Extension; and
- The director of the King Conservation District.

The Commission currently meets six times a year.

APPOINTEE INFORMATION

Jon Matson is a user of local forest products (via sawmill) and a small forest landowner in King County for over 12 years and Kittitas County for 22 years.

ANALYSIS

Staff has not identified any issues with the proposed appointment. It appears to be consistent with the requirements of the Rural Forest Commission.

ATTACHMENTS

1. Proposed Motion 2024-0042
2. Transmittal Letter



KING COUNTY
Signature Report

ATTACHMENT 1
1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Motion

Proposed No. 2024-0042.1

Sponsors Dunn

1 A MOTION confirming the executive's appointment of Jon
2 Matson, who resides in council district nine, to the King
3 County rural forest commission.

4 BE IT MOVED by the Council of King County:

5 The county executive's appointment of Jon Matson, who resides in council district
6 nine, to the King County rural forest commission, for a partial term to expire on

7 September 30, 2024, is hereby confirmed.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Dave Upthegrove, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: None



King County

Dow Constantine

King County Executive

401 Fifth Avenue, Suite 800
Seattle, WA 98104

206-296-9600 Fax 206-296-0194

TTY Relay: 711

www.kingcounty.gov

February 2, 2024

The Honorable Dave Upthegrove
Chair, King County Council
Room 1200
C O U R T H O U S E

Dear Councilmember Upthegrove:

This letter transmits a proposed Motion confirming the appointment of Jon Matson, who resides in council district nine, to the King County Rural Forest Commission, for a partial term expiring September 30, 2024.

Mr. Matson's application, financial disclosure, board profile, and appointment letter, are enclosed to serve as supporting and background information to assist the Council in considering confirmation.

Thank you for your consideration of the proposed legislation. If you have any questions about this appointment, please have your staff call Rick Ybarra, Boards and Commissions Liaison, at 206-263-9651.

Sincerely,

Dow Constantine
King County Executive

Enclosures

cc: King County Councilmembers
ATTN: Stephanie Cirkovich, Chief of Staff
Melani Hay, Clerk of the Council
Karan Gill, Chief of Staff, Office of the Executive
Penny Lipsou, Council Relations Director, Office of the Executive
Rick Ybarra, Boards and Commissions Liaison, Office of the Executive
Wendy Sammarco, Staff Liaison
Jon Matson



King County

**Metropolitan King County Council
Local Services and Land Use Committee**

STAFF REPORT

Agenda Item:	7	Name:	Nick Bowman
Proposed No.:	2024-0221	Date:	August 21, 2024

SUBJECT

Proposed Ordinance 2024-0221 would authorize the execution of two identical interlocal agreements with Mountain View Fire and Rescue and South King Fire relating to fire code operational permits.

SUMMARY

The proposed ordinance would authorize the King County Executive to sign two identical interlocal agreements (ILA) with Mountain View Fire and Rescue and South King Fire (Fire Authorities). The ILA would allow the Fire Authorities to administer the fire code operational permit program on behalf of King County within the unincorporated areas of Fire Protection Districts No. 39 and 44¹.

The proposed ILAs are a continuation of efforts by the County to delegate certain fire inspection services to local fire districts. Delegated services include conducting inspections, collecting fees, issuing correction notices of fire code violations, and issuing fire permits within the fire district’s jurisdiction. Eight similar ILAs have approved by the Council since 2011, the two most recent of which were approved in January 2023.²

BACKGROUND

Fire Prevention Inspection Requirement. Title 17 of the King County Code (Fire Code) requires an annual fire prevention inspection for certain types of commercial occupancies. For commercial occupancies in unincorporated areas, these inspections have typically been conducted by the Fire Marshal’s Office (FMO), which is housed within the Department of Permitting and Environmental Review (DPER).

Transfer of Fire Prevention Inspections. As a result of staff reductions during the first decade of the 2000s, the FMO identified annual fire prevention inspections as a task that local fire authorities could perform; potentially with greater efficiency and at a lower cost. To test this possibility, the County initiated a pilot program with Bellevue Fire Department and Woodinville Fire and Rescue via ILAs authorized by Ordinance 17187.

¹ Maps of Fire Protection Districts No. 39 and 44 are provided on page 4 and 5 respectively.

² Ordinance 19736

The initial ILAs under the pilot were for one-year terms that began in December 2011. The service results were evaluated in early May 2012 and proved positive:

- Both fire departments were able to complete all required annual inspections (14 for Bellevue and 38 for Woodinville) in less than four months' time.
- Both fire departments were able to complete the inspections at a lower fee cost to the regulated occupancies than the FMO would have been able to charge (\$100 fixed fee for Bellevue and \$140/hour for Woodinville, compared to \$178.50 per hour for FMO). Over the course of the pilot, the two agencies charged an average fee of \$121.75, 32% less than the fee the County would have charged. Fees could be kept lower in part because there is less travel time involved for the local fire departments.

Following the successful review of the pilot program, the Executive proposed, and the Council authorized, longer term, ten-year ILAs with Bellevue Fire Department and Woodinville Fire and Rescue³; with South King Fire and Rescue, Maple Valley Fire and Life Safety, Mountain View Fire and Rescue⁴ and the City of Redmond.⁵

The initial five ILAs with Bellevue, Woodinville, South King Fire, Maple Valley, and Mountain View are now beyond the ten-year term and have expired. According to the Executive, some existing and new fire district partners have, or are preparing, new ILAs, while other districts previously in the program have declined to continue. In discussions with the fire districts historically, Executive staff heard varying levels of concern regarding the availability of staffing and funding, the roles of the County and fire districts in code enforcement and the way permit nomenclature and permitting software varied among fire districts.

ANALYSIS

Proposed Ordinance 2024-0221 would authorize the Executive to execute identical ILAs that would allow Mountain View Fire and Rescue and South King Fire (Fire Authorities) to administer the fire code operational permit program on behalf of King County within the unincorporated areas of Fire Protection Districts No. 39 and 44.

The key provisions of the proposed agreement include:

Authority (Section 1)

Section 1 of the proposed ILA outlines the authorities delegated to the Fire Authorities including, performing building and property inspections, handling permit applications, and conducting enforcement on the County's behalf. Section 1 also establishes that the Fire Authorities may establish their own fee schedules for fire prevention inspections and keep all fees collected; provided, however, the fees cannot exceed the County's fee schedule.

¹ Ordinance 17334

⁴ Ordinance 17380

⁵ Ordinance 18367

Program Administration and Implementation (Section 2)

Section 2 of the proposed ILA describes the scope of the fire code operational program and the processes by which the program will be implemented. This section requires:

- That the County provide the Fire Authorities with a master list of properties and permits in their respective service areas within 45 days of initial execution of the ILA;
- That the Fire Authorities maintain a list of all permit applications, inspection records, and permits issued under the agreement and provide that list to the County upon request;
- That the Fire Authorities conduct permit inspections at least once annually and follow specific procedures for inspections and violations of the fire code;
- That the Fire Authorities issue operational permits to applicants once all applicable fire codes and standards have been met and any fees paid;
- That the Fire Authorities consult with the County if any questions arise regarding the interpretation or application of the code; and
- That the County respond to requests for assistance by the Fire Authorities within five days of receiving such requests.

Agreement Administration (Section 3)

Section 3 of the proposed ILA states that the County and the Fire Authorities will review the Agreement annually starting on or about January 31, 2024.

Modifications to the Agreement (Section 4)

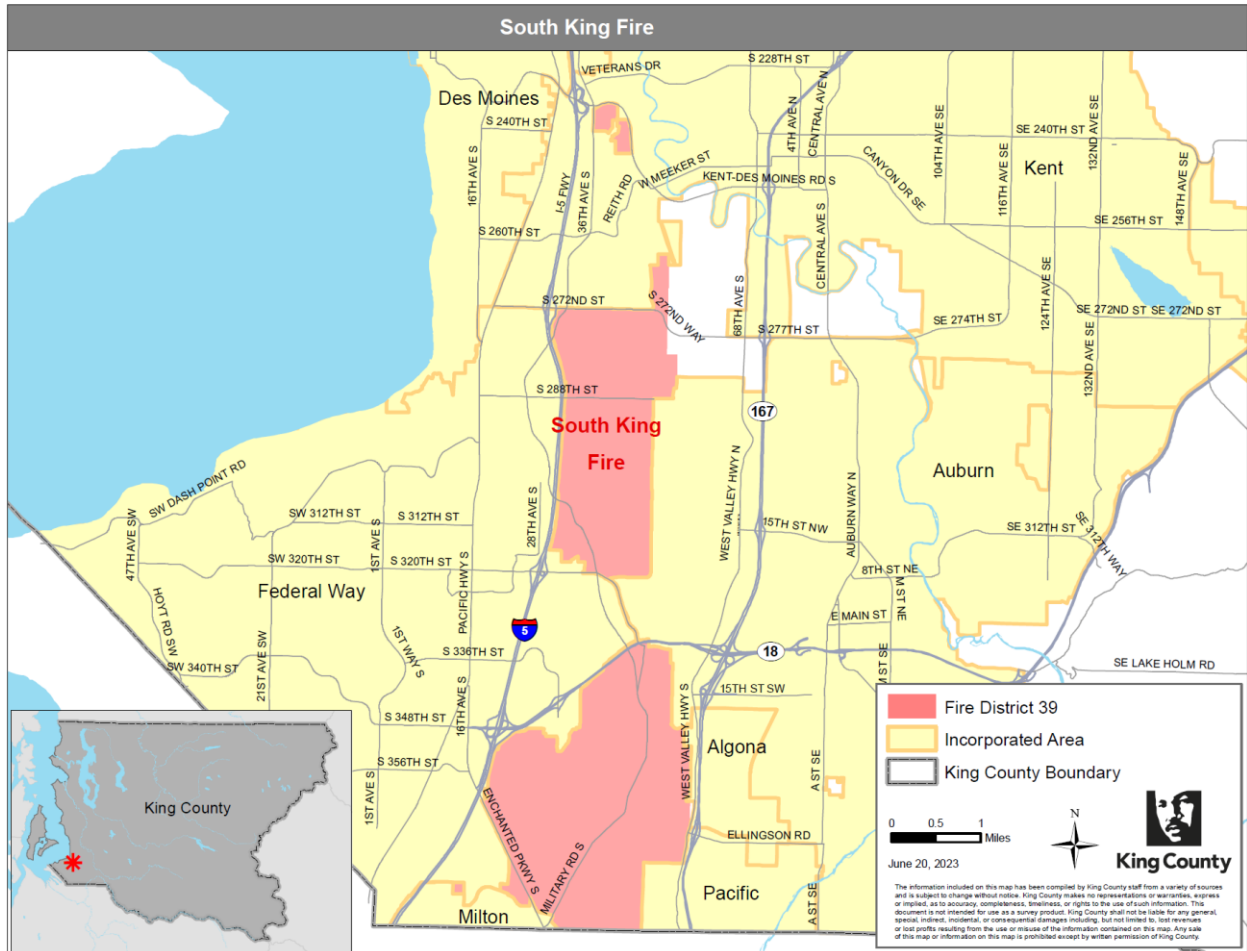
Section 4 of the proposed ILA allows for the Agreement to be amended in writing as mutually agreed upon by the County and the Fire Authorities.

Duration and Termination (Sections 5 and 6)

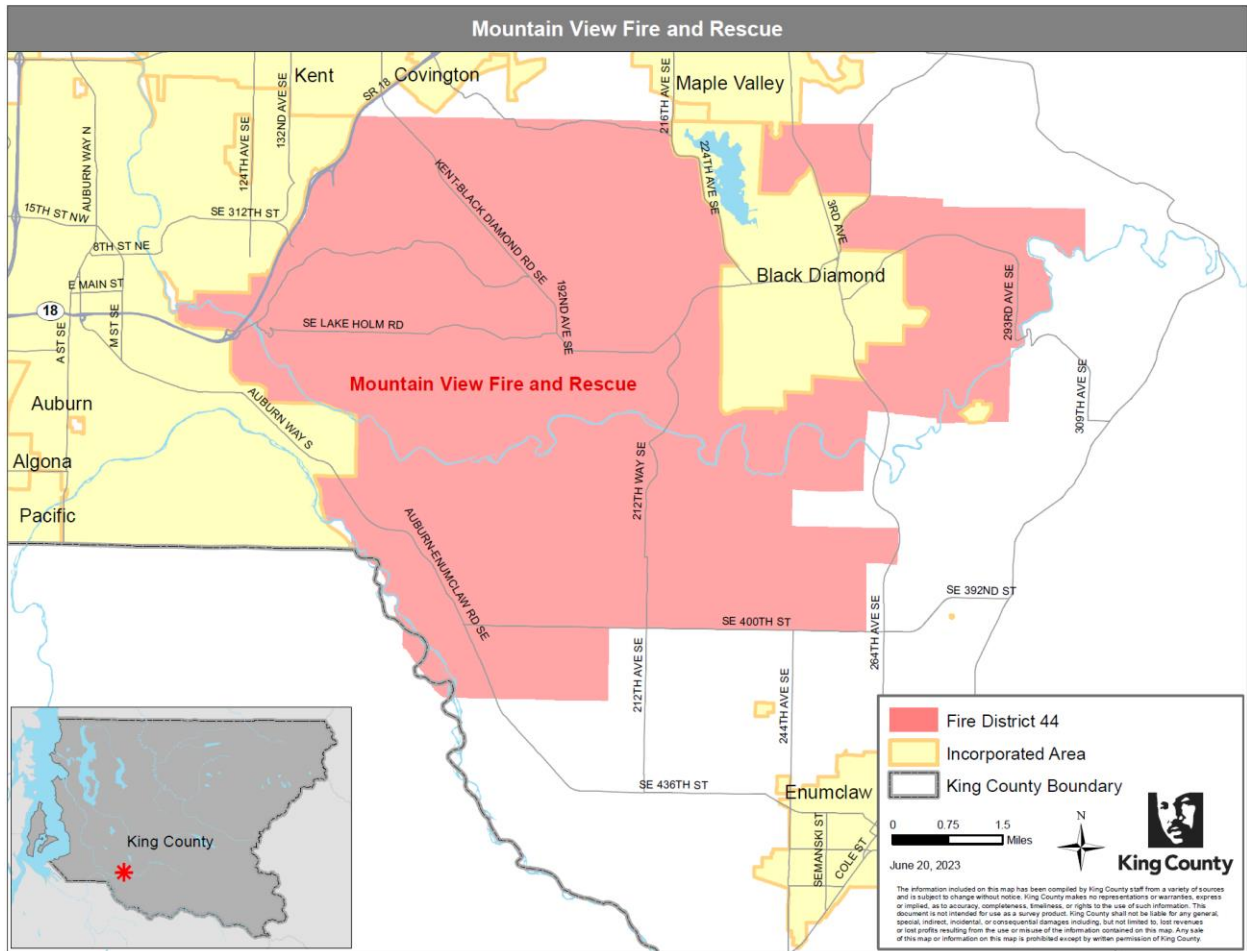
Section 5 of the proposed ILA sets the term of the Agreement at 10 years from the effective date and Section 6 allows for either party to terminate the agreement with thirty days advanced written notice.

Fire Protection District Maps

South King Fire (Fire District 39)



Mountain View Fire and Rescue (Fire District 44)



ATTACHMENTS

1. Proposed Ordinance 2024-0221 (and its attachments)
2. Transmittal Letter
3. Fiscal Note



KING COUNTY
Signature Report

ATTACHMENT 1
1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Ordinance

Proposed No. 2024-0221.1

Sponsors Dunn

1 AN ORDINANCE authorizing the King County executive
2 to execute identical interlocal agreements with Mountain
3 View Fire & Rescue and South King Fire delegating
4 administrative duties to perform inspections of the fire code
5 operational permit program of regulated occupancies in fire
6 protection districts 39 and 44.

7 **STATEMENT OF FACTS:**

- 8 1. The county enacted K.C.C. Title 17, also known as the Fire Code of
9 King County, to set fire safety standards within its unincorporated areas.
- 10 2. K.C.C. 17.04.230.3. authorizes the county fire marshal to delegate fire
11 prevention inspection authority to the chiefs of the King County fire
12 districts and city fire departments within the county through interlocal
13 agreements.
- 14 3. The county, Mountain View Fire & Rescue, and South King Fire agree
15 that Mountain View Fire & Rescue and South King Fire are in the best
16 position to administer and perform inspections of the fire code operational
17 permit program on behalf of the county.
- 18 4. Interlocal agreements between the county and Mountain View Fire &
19 Rescue and between the county and South King Fire to administer the fire
20 code operational permit program on behalf of the County is authorized by

21 chapter 19.27 RCW, the State Building Code Act, and chapter 39.34
22 RCW, the Interlocal Cooperation Act.

23 5. King County maintains all local governmental authority and
24 jurisdiction to adopt, interpret and amend the International Fire Code
25 within unincorporated King County.

26 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

27 The county executive is hereby authorized to execute contract agreements with
28 Mountain View Fire & Rescue and South King Fire relating to the administration of the

29 fire code operational permit program in unincorporated King County in substantially the
30 form of Attachments A and B to this ordinance.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Dave Upthegrove, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of _____, ____.

Dow Constantine, County Executive

Attachments: A. Interlocal Agreement between King County and Mountain View Fire & Rescue, B. Interlocal Agreement between King County and South King Fire

INTERLOCAL AGREEMENT
BETWEEN
KING COUNTY
AND
MOUNTAIN VIEW FIRE & RESCUE RELATING TO THE
ADMINISTRATION OF THE
FIRE CODE OPERATIONAL PERMIT PROGRAM IN
UNINCORPORATED KING COUNTY

THIS INTERLOCAL AGREEMENT RELATING TO THE ADMINISTRATION OF THE FIRE CODE OPERATIONAL PERMIT PROGRAM (“Agreement”) is made and entered into this date by and between King County, a home rule charter county in the State of Washington, (the “County”) and Mountain View Fire & Rescue, a municipal corporation/political subdivision in the State of Washington (“Service Provider”).

WHEREAS, the County maintains all local governmental authority and jurisdiction to adopt, interpret and amend the International Fire Code (“IFC”) within its unincorporated areas; and

WHEREAS, the County adopted King County Code Title 17, also known as the Fire Code of King County (“KCC Title 17”), to set fire safety standards within its unincorporated areas; and

WHEREAS, KCC 17.04.230.3 authorizes the County Fire Marshal to delegate fire prevention inspections authority to the Chiefs of the King County Fire Districts and City Fire Departments within the County (“Chiefs”) through inter-local agreement; and

WHEREAS, the County and Service Provider agree that the Service Provider is in the best position to administer and perform inspections of the Fire Code Operational Permit Program on behalf of the County; and

WHEREAS, the Service Provider possesses authority to provide the services identified in this Agreement pursuant to RCW 19.27.050; RCW 52.12.031(7), and RCW 52.26.090(1); and

WHEREAS, it is the parties’ intent that, except to the extent specifically delegated herein, any and all discretionary decision-making authority delegated to the County by RCW Title 19 including but not limited to code enforcement action shall remain with the County; and

WHEREAS, this Agreement is authorized by the State Building Code, Chapter 19.27 RCW, and the Inter-local Cooperation Act, Chapter 39.34 RCW.

NOW THEREFORE, in consideration of the terms and provisions herein, the County and the Service Provider agree to the following:

1. Authorization to Administer Sections of International Fire Code.

1.1 Authorization. The Fire Marshal hereby authorizes and delegates to the Chief of the Service Provider the administrative authority to conduct KCC Title 17 inspections in accordance with IFC Sections 105 and 107, and KCC Title 17 as it may be subsequently amended, on behalf of the County within the unincorporated areas as described in this Agreement (the “Program”). The Program will be conducted for those operational permits required by IFC 105 and as required by the County.

1.1.1 General Inspection Authority. The Service Provider shall have the authority to perform building and property inspections that it deems necessary to provide fire prevention services and pre-fire planning inspection for properties that do not require an operational permit as identified in the Program. No inspection fee or permit shall be required for any building and property inspected beyond the requirements of the Program. The scope of the Program may be periodically amended by written mutual agreement between the County and Service Provider, as allowed by State and County codes.

1.1.2 Designation. For the purposes of this Agreement, the County designates the Service Provider’s Fire Chief as the County’s Fire Chief and the Service Provider’s Fire Chief or designee as the fire code official within the area described in Section 1.1.3.

1.1.3 Service Area. The Service Provider shall be responsible for administering the Program in the unincorporated area of King County identified in Exhibit A (“Service Area”).

1.2 Collection of Fees. In consultation with the County Fire Marshal or the Permitting Division Director in the Department of Local Services, the Service Provider shall establish an annual fee schedule that does not exceed the County’s fee schedule. The Service Provider shall be responsible for assessing and collecting any and all fees charged under the Program and shall have the authority to retain and expend all fees collected under this Agreement.

1.2.1 Annual Fee Adjustment. The Service Provider may adjust its fee schedule each year, on a January 1st to December 31st cycle, by the amount equal to the percentage increase in the Consumer Price Index (All Wage Earners) for Seattle-Tacoma-Bellevue as reported in June, provided that the adjustment does not cause the Service Provider’s fee schedule to exceed the County’s fee schedule.

1.3 Applicable Codes and Standards. The County delegates to the Service Provider all authority under the KCC Title 17 and the Washington Administrative Code (WAC) Chapter 51-54A necessary to implement and fulfill the provisions of this Agreement.

2. Administration and Implementation of the Program.

2.1 Scope. The Service Provider shall maintain a master list of fire operational permits identified in the Program in the Service Area. The County shall provide a list of fire operational permits previously issued by the County within 45 days of initial execution of this Agreement. The Service Provider shall maintain a list of all permit applications, inspection records and permits issued under the Agreement, and provide the same to the County upon request. The Service Provider is authorized to release all inspection records to the Washington State Rating Bureau upon request.

2.2 Permit File. At the Service Provider’s request, the County shall provide the Service Provider with a copy of its fire inspection permit file or any related permit file for any property identified on the master list. The County will provide this information at no cost to the Service Provider.

2.3 Application Submittal. The County shall direct all requests for operational fire permits within the Service Area directly to the Service Provider. The Service Provider shall establish the permit application requirements and utilize its permit application form. The Service Provider shall receive and process all fire operational permit applications for properties within the Service Area.

2.4 Inspections. The Service Provider shall conduct permit inspections within the scope of this Agreement at least once annually but has the discretion to inspect more frequently. The Service Provider shall establish and utilize its inspection form.

2.4.1 Inspection Procedures. The County and the Service Provider shall adhere to the following conditions to ensure coordination of the Service Provider's inspections identified as part of the Program.

- a) The Service Provider will determine if a valid permit is held by the owner of the occupancy requiring a permit. If a valid permit is not held, the Service Provider shall inform the owner of the occupancy that a Permit Application Form must be completed and filed with the Service Provider.
- b) If the owner of the occupancy denies the Service Provider the right of entry, the Service Provider will forward the occupancy name, address, date of the denied entry and a brief written narrative of the circumstances to the County Fire Marshal for further action.
- c) If, after three attempts within ninety days (90) days, the Service Provider is unable to make contact with the owner of the occupancy, the Service Provider will forward the occupancy name, address and a brief written narrative of the circumstances including dates of attempts made to the County Fire Marshal, or as otherwise directed by the County, for further action.
- d) The County shall promptly provide a written status report on all code enforcement matters within the Service Area upon request. The Service Provider is not obligated to perform additional inspections to any occupancy that has been forwarded to the County for code enforcement, until such time as County enforcement actions have been completed.

2.4.2 Violations of the Fire Code. The County and the Service Provider shall adhere to the following conditions to ensure coordination with the County's fire code enforcement efforts.

- a) If the Service Provider identifies a code violation(s) during an inspection, the Service Provider shall document the violation(s) with any and all specific code citation(s) on the inspection form and will issue a written inspection notice to the responsible party. The Service Provider will schedule a re-inspection of the occupancy.
- b) If the Service Provider determines that a violation constitutes an immediate danger to life or property, the Service Provider shall immediately contact the County Fire Marshal and post a do not occupy placard, stop work notice or other emergency order at the Service Provider's discretion.
- c) The Service Provider shall work with the responsible party until the corrections are made, until no further progress is made in correcting the violations, or until 90 days has elapsed from the initial inspection, whichever comes first. If the responsible party is

unable to achieve required corrections as described above, the Service Provider shall forward the responsible party name, list of violations, and a brief written narrative of the circumstances to the Fire Marshal for code enforcement actions.

- d) The County shall promptly provide a written status report on all code enforcement matters within the Service Provider's Service Area upon request.

2.5 Permit Issuance. The Service Provider shall issue operational permits to applicants once all applicable fire codes and standards have been met and any fees have been paid. Permits will not be issued until all code violations are corrected and fees are received.

2.6 Form Review and Approval. Upon request of the County, the Service Provider shall provide documents for review by the County.

2.7 County Assistance.

2.7.1 Interpretation of Code. The Service Provider shall consult with the County Fire Marshal if any questions regarding the interpretation or application of the KCC Title 17 necessary to carry out the provisions of this Agreement arise. The County retains authority to make all discretionary decisions required by the KCC Title 17 and, if necessary, to reverse or modify any discretionary decisions made by the Service Provider in its performance under this Agreement.

2.7.2 Requests for Assistance. During the inspection process, there may be occasions that the Service Provider will request assistance from the County to ensure consistency in code application. The County will provide an initial response to all such requests for assistance within five (5) business days of receipt.

2.7.3 Code Appeals. In the event the owner of the occupancy at issue or other responsible party should wish to appeal any decision made by the Service Provider under this Agreement, the Service Provider shall direct the owner to file its appeal with the County. Service Provider shall assist in the code enforcement appeal process as requested by the County. The County shall provide the Service Provider, in writing, the outcome of the code appeal.

2.7.4 Access to Information. The County shall allow the Service Provider full access to the County's held records required to carry out any provision of this Agreement.

2.7.5 Construction Related Activities. The County issues development permits which include related activities such as installation of tanks, racking, and spray booths. An Operational Fire Permit would be required for these processes. The County shall notify the Service Provider that a permit application was received which would require an Operational Permit be issued by the Service Provider. This notification is to ensure coordination between the County and the Service Provider. At application processing and after final approval, the County shall provide the Service Provider with the permit number, scope of work, business name.

2.7.6 KCC Title 17 Updates. The County may consider future amendments to KCC Title 17 when requested by the Service Providers to clarify the provisions of this Agreement or streamline their efforts to carry out the provisions of this Agreement.

3. Agreement Administration. The Permitting Division Director, or authorized designee, and the Fire Chief of the Service Provider, or authorized designee, shall administer this Agreement. The County

and the Service Provider agree to review the provision of this Agreement annually, starting on or about January 31, 2024.

4. Modifications to Agreement. Pursuant to Section 8.7 this Agreement may be amended in writing as mutually agreed by the parties. All terms and conditions of the Agreement shall otherwise remain in full force and effect.

5. Duration. This Agreement shall be effective from the date signed by both the King County Executive, or authorized designee, and the Fire Chief of Mountain View Fire & Rescue, or authorized designee, and shall remain effective for a period of 10 years, unless terminated earlier as provided in Section 6.

6. Termination. Either party may terminate this Agreement with thirty (30) days advance written notice of the intent to terminate to the other party at the address listed below. The Service Provider agrees to provide the County with a status of all inspection activities for properties listed on the master list in an electronic format upon termination.

7. Indemnification. The County is transferring certain fire prevention administrative duties as stated in this Agreement to the Service Provider to obtain the localized expertise that the Service Provider acknowledges and warrants its personnel possess. The Service Provider acknowledges and warrants it and its personnel can perform the fire prevention administrative duties transferred in this Agreement in an efficient and cost-effective manner. Service Provider personnel performing services under this Agreement are not King County employees and shall not be considered King County employees for any purpose related to this Agreement. The County and Service Provider agree to indemnify, defend, and hold the other party harmless from any and all claims for personal injury, property damage, costs and reasonable attorney's fees, or other claims of any nature whatsoever arising out of the negligent acts, omissions or performance of its personnel in carrying out services contracted to be provided under this Agreement. Indemnification under this Agreement includes each party's agents or employees against the other party, notwithstanding any immunity that might otherwise have been available to the Service Provider by virtue of the Worker's Compensation Act, Title 51 RCW. The parties have specifically negotiated this waiver of Title 51 protection.

8. Miscellaneous.

8.1 No Separate Entity Created. This Agreement does not establish a separate legal entity, joint board, joint venture, or administrative section for the purpose of acquiring, managing, or disposing of property, or incurring any other financial obligation.

8.2 Property Ownership. This Agreement does not provide for jointly owned property. All property owned or hereafter acquired by either party to enable it to perform the services required under this Agreement shall remain the property of the acquiring party in the event of the termination of this Agreement.

8.3 No Third-Party Beneficiaries. This Agreement is entered into for the benefit of the parties hereto. No third-party beneficiaries are intended by this Agreement, and no other person or entity shall have any right of action or interest in this Agreement based on any provision set forth herein.

8.4 Filing/Website. A completed copy of this Agreement shall be included on the Service Provider's website and recorded with the King County Recorder's Office. It shall be listed by subject on the County's website or other electronically retrievable public source.

8.5 Non-Waiver of Breach. The failure of either party to insist upon strict performance of any of the covenants and agreements contained in this Agreement, or to exercise any option conferred by this Agreement in one or more instances shall not be construed to be a waiver or relinquishment of those covenants, agreements, or options, and the same shall be and remain in full force and effect.

8.6 Dispute Resolution. If agreement cannot be reached regarding interpretation or implementation of any provision of this Agreement, the parties should attempt to use an informal dispute resolution process such as mediation, through an agreed-upon mediator and process, to resolve the disagreement. If the parties engage in mediation all costs for mediation services will be divided equally between the parties and each party will be responsible for the costs of its own legal representation.

8.7 Amendments. No provision of this Agreement may be amended or modified except by written agreement signed by the parties.

8.8 Entire Agreement. The written terms and provisions of this Agreement, together with any Exhibits attached hereto, shall supersede all prior communications, negotiations, representations or agreements, either verbal or written of any officer or other representative of each party, and such statements shall not be effective or be construed as entering into or forming a part of or altering in any manner this Agreement. All of the Exhibits are hereby made part of this Agreement.

8.9 Severability. If any section of this Agreement is adjudicated to be invalid, such action shall not affect the validity of any section not so adjudicated.

8.10 Interpretation. Any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in interpreting this Agreement. The language in this Agreement shall be interpreted as to its fair meaning and not strictly for or against any party.

8.11 Notice. All communications regarding this Agreement shall be sent to the parties at the addresses listed on the signature page of this Agreement, unless notified to the contrary. Any written notice hereunder shall become effective upon personal service or three (3) business days after the date of mailing by registered or certified mail and shall be deemed sufficiently given if sent to the addressee at the address stated in this Agreement or such other address as may be hereafter specified in writing.

8.12 Non-Exclusive Agreement. The parties to this Agreement shall not be precluded from entering into similar agreements with other municipal corporations and/or other service providers.

8.13 Service Limitations. The services provided under this Agreement represent an extension and expansion of services the Service Provider owes to the general public. Neither party intends to create a special relationship or special duty to any individual or group of individuals.

IN WITNESS WHEREOF, the parties have caused this Agreement to be signed and shall be effective as of last date signed by both parties.

Dow Constantine

King County Executive

Date: _____

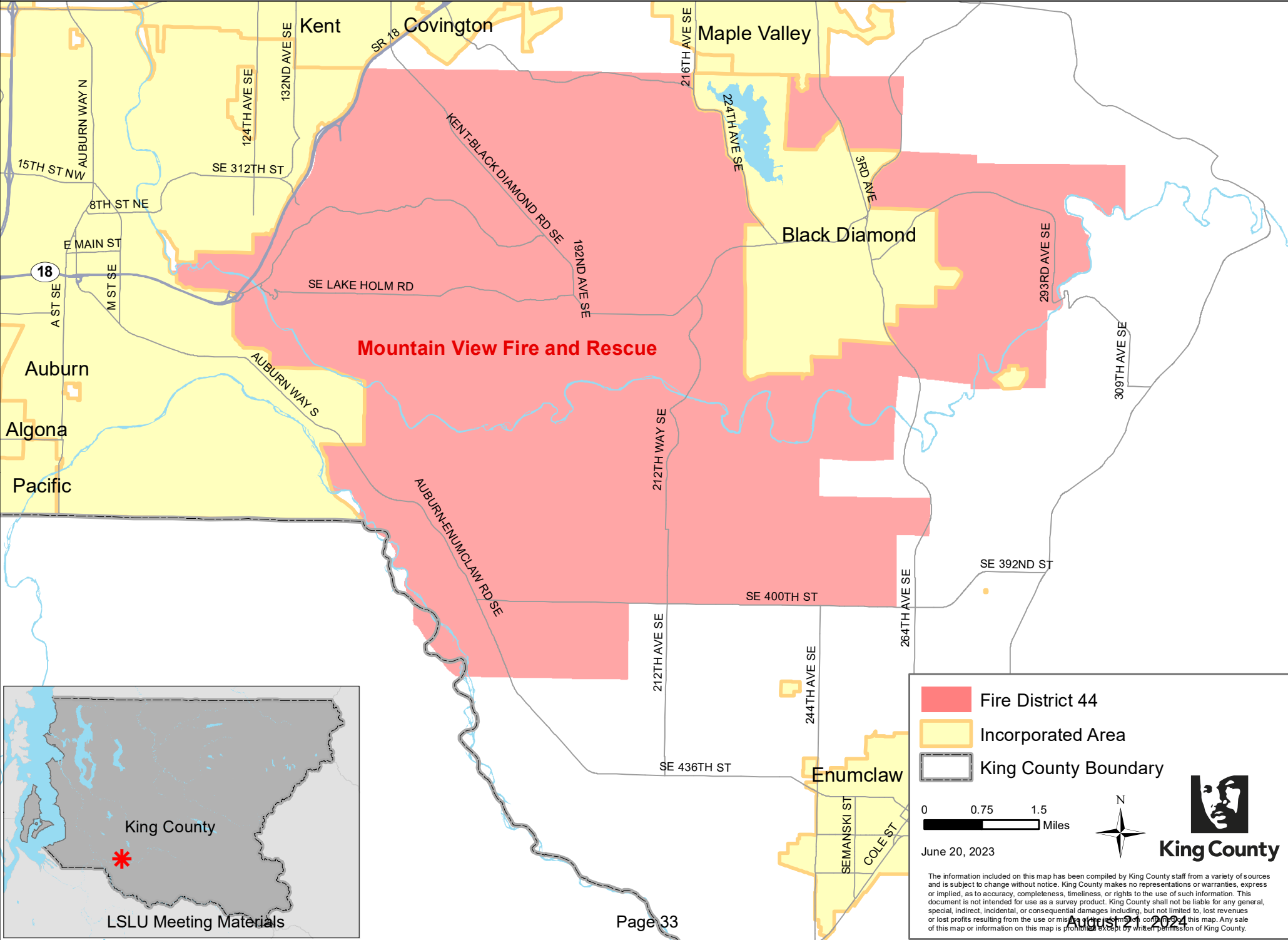
Fire Chief, Mountain View Fire & Rescue

Date: _____

Exhibit A

Map of Fire District

Mountain View Fire and Rescue



Fire District 44
Incorporated Area
King County Boundary

0 0.75 1.5 Miles

June 20, 2023

King County

The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. This document is not intended for use as a survey product. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of this map. Any sale of this map or information on this map is provided except by written permission of King County.

INTERLOCAL AGREEMENT
BETWEEN
KING COUNTY
AND
SOUTH KING FIRE RELATING TO THE
ADMINISTRATION OF THE
FIRE CODE OPERATIONAL PERMIT PROGRAM IN
UNINCORPORATED KING COUNTY

THIS INTERLOCAL AGREEMENT RELATING TO THE ADMINISTRATION OF THE FIRE CODE OPERATIONAL PERMIT PROGRAM (“Agreement”) is made and entered into this date by and between King County, a home rule charter county in the State of Washington, (the “County”) and South King Fire, a municipal corporation/political subdivision in the State of Washington (“Service Provider”).

WHEREAS, the County maintains all local governmental authority and jurisdiction to adopt, interpret and amend the International Fire Code (“IFC”) within its unincorporated areas; and

WHEREAS, the County adopted King County Code Title 17, also known as the Fire Code of King County (“KCC Title 17”), to set fire safety standards within its unincorporated areas; and

WHEREAS, KCC 17.04.230.3 authorizes the County Fire Marshal to delegate fire prevention inspections authority to the Chiefs of the King County Fire Districts and City Fire Departments within the County (“Chiefs”) through inter-local agreement; and

WHEREAS, the County and Service Provider agree that the Service Provider is in the best position to administer and perform inspections of the Fire Code Operational Permit Program on behalf of the County; and

WHEREAS, the Service Provider possesses authority to provide the services identified in this Agreement pursuant to RCW 19.27.050; RCW 52.12.031(7), and RCW 52.26.090(1); and

WHEREAS, it is the parties’ intent that, except to the extent specifically delegated herein, any and all discretionary decision-making authority delegated to the County by RCW Title 19 including but not limited to code enforcement action shall remain with the County; and

WHEREAS, this Agreement is authorized by the State Building Code, Chapter 19.27 RCW, and the Inter-local Cooperation Act, Chapter 39.34 RCW.

NOW THEREFORE, in consideration of the terms and provisions herein, the County and the Service Provider agree to the following:

1. Authorization to Administer Sections of International Fire Code.

1.1 Authorization. The Fire Marshal hereby authorizes and delegates to the Chief of the Service Provider the administrative authority to conduct KCC Title 17 inspections in accordance with IFC Sections 105 and 107, and KCC Title 17 as it may be subsequently amended, on behalf of the County within the unincorporated areas as described in this Agreement (the “Program”). The Program will be conducted for those operational permits required by IFC 105 and as required by the County.

1.1.1 General Inspection Authority. The Service Provider shall have the authority to perform building and property inspections that it deems necessary to provide fire prevention services and pre-fire planning inspection for properties that do not require an operational permit as identified in the Program. No inspection fee or permit shall be required for any building and property inspected beyond the requirements of the Program. The scope of the Program may be periodically amended by written mutual agreement between the County and Service Provider, as allowed by State and County codes.

1.1.2 Designation. For the purposes of this Agreement, the County designates the Service Provider’s Fire Chief as the County’s Fire Chief and the Service Provider’s Fire Chief or designee as the fire code official within the area described in Section 1.1.3.

1.1.3 Service Area. The Service Provider shall be responsible for administering the Program in the unincorporated area of King County identified in Exhibit A (“Service Area”).

1.2 Collection of Fees. In consultation with the County Fire Marshal or the Permitting Division Director in the Department of Local Services, the Service Provider shall establish an annual fee schedule that does not exceed the County’s fee schedule. The Service Provider shall be responsible for assessing and collecting any and all fees charged under the Program and shall have the authority to retain and expend all fees collected under this Agreement.

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1.3 Applicable Codes and Standards. The County delegates to the Service Provider all authority under the KCC Title 17 and the Washington Administrative Code (WAC) Chapter 51-54A necessary to implement and fulfill the provisions of this Agreement.

2. Administration and Implementation of the Program.

2.1 Scope. The Service Provider shall maintain a master list of fire operational permits identified in the Program in the Service Area. The County shall provide a list of fire operational permits previously issued by the County within 45 days of initial execution of this Agreement. The Service Provider shall maintain a list of all permit applications, inspection records and permits issued under the Agreement, and provide the same to the County upon request. The Service Provider is authorized to release all inspection records to the Washington State Rating Bureau upon request.

2.2 Permit File. At the Service Provider’s request, the County shall provide the Service Provider with a copy of its fire inspection permit file or any related permit file for any property identified on the master list. The County will provide this information at no cost to the Service Provider.

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2.4 Inspections. The Service Provider shall conduct permit inspections within the scope of this Agreement at least once annually but has the discretion to inspect more frequently. The Service Provider shall establish and utilize its inspection form.

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- a) The Service Provider will determine if a valid permit is held by the owner of the occupancy requiring a permit. If a valid permit is not held, the Service Provider shall inform the owner of the occupancy that a Permit Application Form must be completed and filed with the Service Provider.
- b) If the owner of the occupancy denies the Service Provider the right of entry, the Service Provider will forward the occupancy name, address, date of the denied entry and a brief written narrative of the circumstances to the County Fire Marshal for further action.
- c) If, after three attempts within ninety days (90) days, the Service Provider is unable to make contact with the owner of the occupancy, the Service Provider will forward the occupancy name, address and a brief written narrative of the circumstances including dates of attempts made to the County Fire Marshal, or as otherwise directed by the County, for further action.
- d) The County shall promptly provide a written status report on all code enforcement matters within the Service Area upon request. The Service Provider is not obligated to perform additional inspections to any occupancy that has been forwarded to the County for code enforcement, until such time as County enforcement actions have been completed.

2.4.2 Violations of the Fire Code. The County and the Service Provider shall adhere to the following conditions to ensure coordination with the County's fire code enforcement efforts.

- a) If the Service Provider identifies a code violation(s) during an inspection, the Service Provider shall document the violation(s) with any and all specific code citation(s) on the inspection form and will issue a written inspection notice to the responsible party. The Service Provider will schedule a re-inspection of the occupancy.
- b) If the Service Provider determines that a violation constitutes an immediate danger to life or property, the Service Provider shall immediately contact the County Fire Marshal and post a do not occupy placard, stop work notice or other emergency order at the Service Provider's discretion.
- c) The Service Provider shall work with the responsible party until the corrections are made, until no further progress is made in correcting the violations, or until 90 days has elapsed from the initial inspection, whichever comes first. If the responsible party is

unable to achieve required corrections as described above, the Service Provider shall forward the responsible party name, list of violations, and a brief written narrative of the circumstances to the Fire Marshal for code enforcement actions.

- d) The County shall promptly provide a written status report on all code enforcement matters within the Service Provider's Service Area upon request.

2.5 Permit Issuance. The Service Provider shall issue operational permits to applicants once all applicable fire codes and standards have been met and any fees have been paid. Permits will not be issued until all code violations are corrected and fees are received.

2.6 Form Review and Approval. Upon request of the County, the Service Provider shall provide documents for review by the County.

2.7 County Assistance.

2.7.1 Interpretation of Code. The Service Provider shall consult with the County Fire Marshal if any questions regarding the interpretation or application of the KCC Title 17 necessary to carry out the provisions of this Agreement arise. The County retains authority to make all discretionary decisions required by the KCC Title 17 and, if necessary, to reverse or modify any discretionary decisions made by the Service Provider in its performance under this Agreement.

2.7.2 Requests for Assistance. During the inspection process, there may be occasions that the Service Provider will request assistance from the County to ensure consistency in code application. The County will provide an initial response to all such requests for assistance within five (5) business days of receipt.

2.7.3 Code Appeals. In the event the owner of the occupancy at issue or other responsible party should wish to appeal any decision made by the Service Provider under this Agreement, the Service Provider shall direct the owner to file its appeal with the County. Service Provider shall assist in the code enforcement appeal process as requested by the County. The County shall provide the Service Provider, in writing, the outcome of the code appeal.

2.7.4 Access to Information. The County shall allow the Service Provider full access to the County's held records required to carry out any provision of this Agreement.

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2.7.6 KCC Title 17 Updates. The County may consider future amendments to KCC Title 17 when requested by the Service Providers to clarify the provisions of this Agreement or streamline their efforts to carry out the provisions of this Agreement.

3. Agreement Administration. The Permitting Division Director, or authorized designee, and the Fire Chief of the Service Provider, or authorized designee, shall administer this Agreement. The County

and the Service Provider agree to review the provision of this Agreement annually, starting on or about January 31, 2024.

4. Modifications to Agreement. Pursuant to Section 8.7 this Agreement may be amended in writing as mutually agreed by the parties. All terms and conditions of the Agreement shall otherwise remain in full force and effect.

5. Duration. This Agreement shall be effective from the date signed by both the King County Executive, or authorized designee, and the Fire Chief of South King Fire, or authorized designee, and shall remain effective for a period of 10 years, unless terminated earlier as provided in Section 6.

6. Termination. Either party may terminate this Agreement with thirty (30) days advance written notice of the intent to terminate to the other party at the address listed below. The Service Provider agrees to provide the County with a status of all inspection activities for properties listed on the master list in an electronic format upon termination.

7. Indemnification. The County is transferring certain fire prevention administrative duties as stated in this Agreement to the Service Provider to obtain the localized expertise that the Service Provider acknowledges and warrants its personnel possess. The Service Provider acknowledges and warrants it and its personnel can perform the fire prevention administrative duties transferred in this Agreement in an efficient and cost-effective manner. Service Provider personnel performing services under this Agreement are not King County employees and shall not be considered King County employees for any purpose related to this Agreement. The County and Service Provider agree to indemnify, defend, and hold the other party harmless from any and all claims for personal injury, property damage, costs and reasonable attorney's fees, or other claims of any nature whatsoever arising out of the negligent acts, omissions or performance of its personnel in carrying out services contracted to be provided under this Agreement. Indemnification under this Agreement includes each party's agents or employees against the other party, notwithstanding any immunity that might otherwise have been available to the Service Provider by virtue of the Worker's Compensation Act, Title 51 RCW. The parties have specifically negotiated this waiver of Title 51 protection.

8. Miscellaneous.

8.1 No Separate Entity Created. This Agreement does not establish a separate legal entity, joint board, joint venture, or administrative section for the purpose of acquiring, managing, or disposing of property, or incurring any other financial obligation.

8.2 Property Ownership. This Agreement does not provide for jointly owned property. All property owned or hereafter acquired by either party to enable it to perform the services required under this Agreement shall remain the property of the acquiring party in the event of the termination of this Agreement.

8.3 No Third-Party Beneficiaries. This Agreement is entered into for the benefit of the parties hereto. No third-party beneficiaries are intended by this Agreement, and no other person or entity shall have any right of action or interest in this Agreement based on any provision set forth herein.

8.4 Filing/Website. A completed copy of this Agreement shall be included on the Service Provider's website and recorded with the King County Recorder's Office. It shall be listed by subject on the County's website or other electronically retrievable public source.

8.5 Non-Waiver of Breach. The failure of either party to insist upon strict performance of any of the covenants and agreements contained in this Agreement, or to exercise any option conferred by this Agreement in one or more instances shall not be construed to be a waiver or relinquishment of those covenants, agreements, or options, and the same shall be and remain in full force and effect.

8.6 Dispute Resolution. If agreement cannot be reached regarding interpretation or implementation of any provision of this Agreement, the parties should attempt to use an informal dispute resolution process such as mediation, through an agreed-upon mediator and process, to resolve the disagreement. If the parties engage in mediation all costs for mediation services will be divided equally between the parties and each party will be responsible for the costs of its own legal representation.

8.7 Amendments. No provision of this Agreement may be amended or modified except by written agreement signed by the parties.

8.8 Entire Agreement. The written terms and provisions of this Agreement, together with any Exhibits attached hereto, shall supersede all prior communications, negotiations, representations or agreements, either verbal or written of any officer or other representative of each party, and such statements shall not be effective or be construed as entering into or forming a part of or altering in any manner this Agreement. All of the Exhibits are hereby made part of this Agreement.

8.9 Severability. If any section of this Agreement is adjudicated to be invalid, such action shall not affect the validity of any section not so adjudicated.

8.10 Interpretation. Any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in interpreting this Agreement. The language in this Agreement shall be interpreted as to its fair meaning and not strictly for or against any party.

8.11 Notice. All communications regarding this Agreement shall be sent to the parties at the addresses listed on the signature page of this Agreement, unless notified to the contrary. Any written notice hereunder shall become effective upon personal service or three (3) business days after the date of mailing by registered or certified mail and shall be deemed sufficiently given if sent to the addressee at the address stated in this Agreement or such other address as may be hereafter specified in writing.

8.12 Non-Exclusive Agreement. The parties to this Agreement shall not be precluded from entering into similar agreements with other municipal corporations and/or other service providers.

8.13 Service Limitations. The services provided under this Agreement represent an extension and expansion of services the Service Provider owes to the general public. Neither party intends to create a special relationship or special duty to any individual or group of individuals.

IN WITNESS WHEREOF, the parties have caused this Agreement to be signed and shall be effective as of last date signed by both parties.

Dow Constantine

King County Executive

Date: _____

Fire Chief, South King Fire

Date: _____

Exhibit A

Map of Fire District



King County

Dow Constantine

King County Executive

401 Fifth Avenue, Suite 800

Seattle, WA 98104-1818

206-263-9600 Fax 206-296-0194

TTY Relay: 711

www.kingcounty.gov

July 8, 2024

The Honorable Dave Upthegrove
 Chair, King County Council
 Room 1200
 C O U R T H O U S E

Dear Councilmember Upthegrove:

This letter transmits a proposed Ordinance that authorizes execution of the interlocal agreements with Mountain View Fire & Rescue and South King Fire to allow these agencies to provide fire inspection services of existing businesses within unincorporated King County. Approval of this proposed legislation would allow these two fire agencies to conduct inspections, collect fees, issue correction notices of fire code violations, and issue fire permits within the portions of their jurisdictions that are in unincorporated King County. The King County Fire Marshal will maintain authority over fire inspection services under the interlocal agreement (ILA).

The ILAs provide the opportunity for local fire districts, which have greater familiarity with the communities they serve, and which provide fire protection services to the same communities, to provide inspection services. The County previously entered into similar interlocal agreements with several fire districts approximately 10 years ago. Having inspections provided by local fire districts, rather than by King County, is more efficient because of the districts' proximity to the locations they are inspecting.

Thank you for your consideration of this proposed Ordinance. The ILAs with fire agencies will provide fire inspection services through efficient and effective use of County resources.

If your staff have any questions, please contact Jim Chan, Director, Department of Local Services Permitting Division at 206-477-0385.

The Honorable Dave Upthegrove

July 8, 2024

Page 2

Sincerely



for

Dow Constantine

King County Executive

Enclosure

cc: King County Councilmembers
ATTN: Stephanie Cirkovich, Chief of Staff
Melani Hay, Clerk of the Council
Karan Gill, Chief of Staff, Office of the Executive
Penny Lipsou, Council Relations Director, Office of the Executive
Danielle de Clercq, Acting Director, Department of Local Services
Jim Chan, Director, Permitting Division, Department of Local Services

2023-2024 FISCAL NOTE

Ordinance/Motion: PO 2024-XXXX
Title: Mountain View Fire & Rescue and South King Fire Fire Interlocal Agreements
Affected Agency and/or Agencies: DLS-Permitting
Note Prepared By: Warren Cheney
Date Prepared: 4/13/2024
Note Reviewed By: Danielle de Clercq
Date Reviewed: 6/6/2024

Description of request:

Interlocal agreement authorizes the local fire authorities to conduct fire prevention inspections in their service areas on behalf of the County.

Revenue to:

Agency	Fund Code	Revenue Source	2023-2024	2025-2026	2027-2028
Local Services	1340		0	0	0
TOTAL			0	0	0

Expenditures from:

Agency	Fund Code	Department	2023-2024	2025-2026	2027-2028
Local Services	1340		0	0	0
TOTAL			0	0	0

Expenditures by Categories

	2023-2024	2025-2026	2027-2028
TOTAL	0	0	0

Does this legislation require a budget supplemental? No

Notes and Assumptions: All expenditures and revenues are incurred by the local fire authorities under the agreement.

2024 King County Flood Management Plan

Jason Wilkinson, Project Manager
Department of Natural Resources and Parks
Water and Land Resources Division
August 21, 2024

Presentation Overview

- **Flood Plan background and scope**
- **Planning process**
- **Overview of key plan highlights**
- **Public comment summary**
- **Questions**



Flood Plan Background

Flood Risk in King County



People and property

50k people in King County flood hazard areas



Regional economy

65,000 jobs; \$3.7B total income



Critical public infrastructure

Roadways and bridges



Role of King County's Flood Plan



- Functional plan of the Comp Plan.
 - Defines King County policies for frequently flooded areas.
- Provides credit under FEMA's Community Rating System (CRS).
- Establishes eligibility for state grants.
- 2006 plan was foundational to creation of King County Flood Control District.

Scope of the 2024 Flood Management Plan

- Describes flood hazards and problems.
- Outlines goals, objectives, and policies to guide flood risk reduction.
- Identifies strategies, projects, and programs to mitigate flood risk.
 - Preparedness and response, studies and mapping, outreach, regulations, capital projects, etc.



čakʷab – Green River, 2022

Baseline Assumptions

- Countywide scope and recognition that flooding is a cross-jurisdictional problem.
- King County will continue to exceed minimum National Flood Insurance Program requirements.
- Plan will support and elevate goals of related King County plans and initiatives, including:
 - King County Comprehensive Plan
 - King County Equity and Social Justice Strategic Plan
 - King County Strategic Climate Action Plan
 - King County Clean Water Healthy Habitat Strategic Plan

Key Differences from Past Flood Plans

1. Extensive community engagement effort informed plan development.
2. Emphasis on delivering multiple community benefits.
3. Focus on climate change adaptation and resilience.
4. Expanded focus beyond mainstem rivers to flooding in urban and coastal areas and along tributary streams.



*Lower Russell Levee Setback,
Green River, 2022*

August 21, 2024



Planning Process

Process Overview

- Planning process closely followed FEMA's CRS 10-step planning process.
- Planning also guided by Dept. of Ecology's Comprehensive Flood Hazard Management Planning Guidebook.
 - Focus on *integrated floodplain management* - bringing interests together to develop shared visions and strategies that will achieve multiple benefits.

CRS 10-Step Planning Process

1. Organize to prepare the plan
2. Involve the public
3. Coordinate with other agencies and organizations
4. Assess the hazard
5. Assess the problem
6. Set goals
7. Review possible mitigation activities
8. Draft and action plan
9. Adopt the plan
10. Implement, evaluate, and revise

Engagement and Consultation

- Tribal consultation (gov't to gov't).
- Partner Planning Committee.
- Engagement with agriculture, local leaders, unincorporated area associations, and others.
- Workshops focused on tributaries, coastal, and urban flooding.
- County-sponsored meetings, surveys.
- Community events, community partnerships.



Cedar River, June 2017

Community Engagement – Key Takeaways

Heard from over 1,700 community members across all forms of outreach.

- Most frequent suggestion was for more communication in more diverse formats.
- Support for focus on climate resilience, multi-benefit approaches, and equitable outcomes.
- Recommendations to engage community-based organizations in implementing the Flood Plan.



Fiesta Patrias, September 2023

Internal Committees

- Coordinating Committee:
 - Comprised of Flood Control District (FCD) Executive Director, FCD Chair's staff, Council Central Staff, Executive Office Council Relations staff, Flood Plan Project Manager, DNRP/WLRD leadership.
 - Provided guidance on issues where County and Flood District policies and decision-making roles intersect.
- Internal Planning Committee:
 - Comprised of King County staff from multiple departments.
 - Identified opportunities to advance multi-benefit goals, as well as potential barriers or challenges.



Plan Highlights

Flood Plan Goals

Goals are the long-term outcomes the Flood Plan is trying to reach. The plan's goals focus on flood risk reduction that will:

- Support resilient communities and economies.
- Support natural floodplain functions.
- Honor tribal rights.
- Meet community-identified needs with emphasis on historically underserved communities.
- Promote resilience to climate change.

Input called for goals to address:

- Existing development and infrastructure, including working waterfronts.
- Urban and rural needs.
- Focus on best long-term outcomes.

Flood Plan Policies

Provide the framework for flood risk reduction decision-making and project and program guidance. The draft flood plan contains 22 policies that span 6 focus areas:

- Equity.
- Natural systems.
- Multiple benefits.
- Climate change.
- Land use and regulations.
- Integrated floodplain management.



*Culvert replacement, NE
Woodinville-Duval Road*
August 21, 2024

Overview of Flooding Conditions



North Bend flooding, Nov. 2006

- Description of river flooding organized by watershed.
- Summary of flood risks associated with tributaries, coastal areas, and urban areas.
- Description of the potential for changing risk and associated impacts resulting from climate change.
- Discussion of less frequent events that contribute to flooding (i.e., landslides).

Flood Risk Reduction Activities



Levee construction along Green River, Sept. 2007

- Collected activities from King County agencies and more than a dozen partners.
- 300+ activities in total:
 - 197 capital projects.
 - 111 programs.
- King County activities include:
 - 55 capital projects.
 - Dozens of studies, programs, and preventive or maintenance actions.

Comprehensive Risk Mitigation Strategy & King County Action Plan

Comprehensive Risk Mitigation Strategy

- May be led by King County or other partners.
- Does not imply funding commitments.

King County Action Plan

- Subset of Comprehensive Risk Mitigation Strategy.
- King County is lead.
- King County can commit to funding or seeking funding.

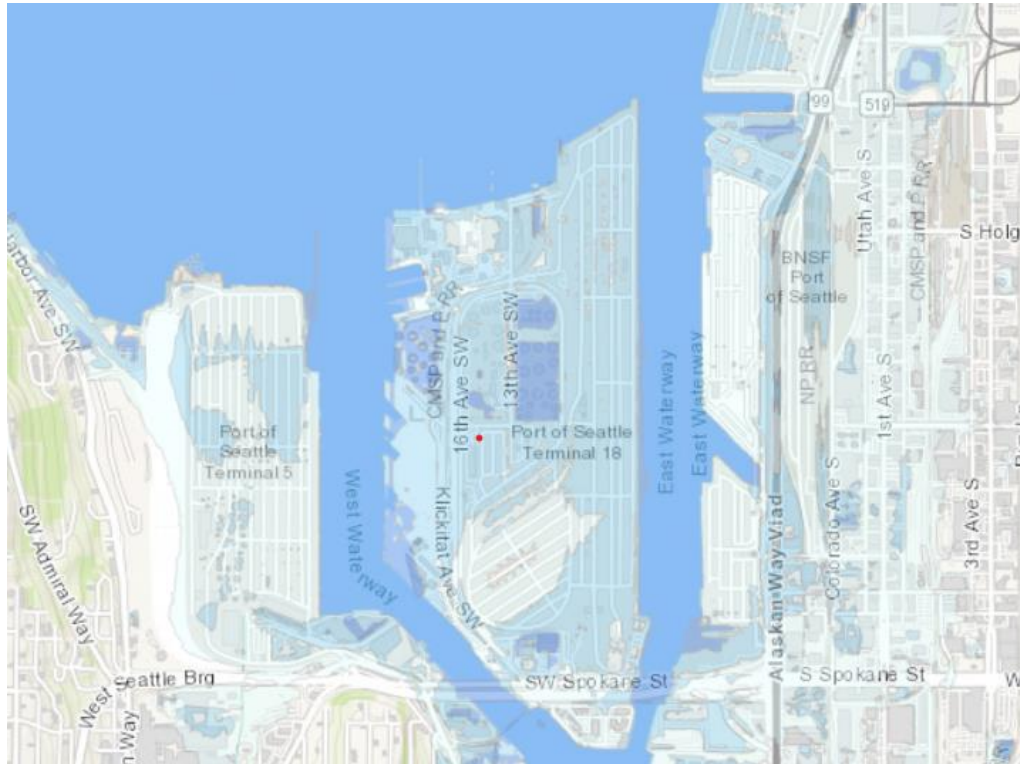
Promoting Multi-Benefit Approaches

- Plan recommends formalizing internal coordination to better identify multi-benefit opportunities and developing planning tools to facilitate coordination.
- Plan outlines expectations for partner and community engagement early in project design.



*Riverbend Floodplain Restoration –
Cedar River, 2023*

Accounting for Climate Change



Sea Level Rise Exposure

Some recommended next steps include:

- Expand understanding of changing conditions and communicate changing risks to the public.
- Use climate data to inform development of appropriate mitigation strategies and capital project design alternatives.

Addressing Coastal, Urban, and Tributary Flooding

Some recommended next steps include:

- Complete a coastal vulnerability assessment for Vashon-Maury Island.
- Map alluvial fan hazards.
- Improve conveyance via culvert replacements.
- Improve floodwater storage through urban creek restoration projects.
- Implement near-term actions to improve preparedness along Duwamish River.



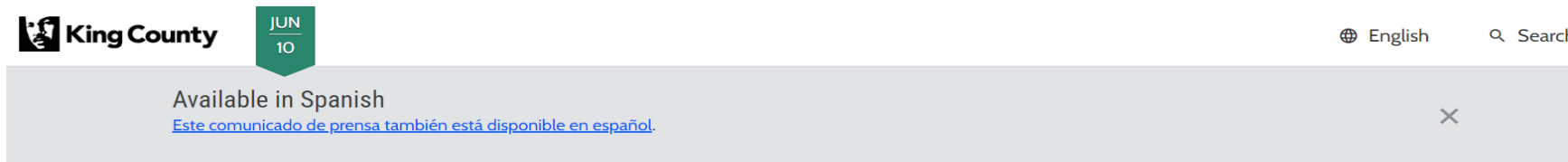
South Park Flooding, Dec. 2022



Public Comment on Draft Plan

Public Comments on Draft Flood Plan

- 45-day public comment period.
- GovDelivery, direct emails, newsletters, and a news release advertised the comment opportunity.
- Comments submitted via email and on Engagement Hub.



The screenshot shows the top navigation bar of the King County website. On the left is the King County logo. In the center is a green shield-shaped badge with the text 'JUN 10'. On the right are links for 'English' and 'Search'. Below the navigation bar is a grey banner with the text 'Available in Spanish' and a link: '[Este comunicado de prensa también está disponible en español.](#)' A close button 'X' is on the right side of the banner.

[HOME](#) / [NATURAL RESOURCES & PARKS](#) / [NEWSROOM](#) / [NEWS RELEASES](#) / [FLOOD MANAGEMENT PLAN](#)

King County is making it easy to comment on the Flood Management Plan that will guide actions to better prepare for climate impacts

Public Comment Summary

- 20 written comments submitted by community members and community-based organizations, tribes, cities, and special purpose districts.
- Primary comment themes:
 - Add greater recognition of causes and impacts of flooding along the Duwamish and along other tributaries.
 - Highlight resources for those living in flood-prone areas.
 - Clarify roles and responsibilities for implementation.
 - Support for approaches that advance multiple benefits, promote resilience to climate change, and protect or restore floodplain functions.



Conclusion

Final Thoughts

- The 2024 Flood Management Plan was shaped by an extensive community and partner engagement effort.
- The plan presents a comprehensive assessment of flood risk countywide, includes an expanded scope beyond mainstem rivers, and identifies many projects and programs to mitigate risk in the coming years.
- Passage hoped for by October 15, 2024, to meet FEMA's CRS program requirements.



*Jan Road Levee Setback,
Cedar River, 2023*

Jason Wilkinson

Project Manager

King County Department of Natural Resources
and Parks

Water and Land Resources Division

jason.wilkinson@kingcounty.gov

206-477-4786



Learn more!

Visit kingcounty.gov/FloodPlan

2023 Accomplishments



Local Food
Healthy Forests
Clean Water
Better Ground



King Conservation District is a nonregulatory, special purpose district, funded by rates and charges, with a mission to promote the sustainable use of natural resources through voluntary stewardship in King County.

We provide education, technical assistance, and cost-sharing to private residents in forest management, farm conservation planning, wildfire preparedness, and streamside and shoreline enhancement.

We also provide grants, and work with cities and other organizations to support community gardens, urban forest canopy, and local food systems.

2023 IMPACT + ACCOMPLISHMENTS

67,730

Plants Distributed via Native Plant Sale



782

Stewards Educated



42,686

Native Trees and Shrubs Planted



852

Volunteer Hours Served

47

Community Agriculture Projects Supported



\$984,162

Awarded to Member Jurisdictions for Natural Resource Education, Outreach, & Improvements



53

Equipment Rentals to Help Farmers



11

Cities Partnered with to Improve Urban Tree Canopy



56

Farm Conservation Plans Written



\$562K+

Cost-share to Help Individuals Implement Conservation Practices



1,605

Acres Covered by Wildfire Risk Assessments

128

Acres of Farmland Production Improved & Restored



13

Communities Partnered with to Reduce Wildfire Risks



24

Acres of Forest Stewarded



3.5

Miles of Shoreline Habitat Improved



25

Acres of Shorelines Stewarded



ILA Benchmarks

Priority	Program	Annual Benchmarks	2020 Actual	2021 Actual	2022 Actual	2023 Actual	4-Year Avg
Local Food	Regional Food	\$900,000 Awarded	\$858,406	\$741,352	\$975,817	\$0	\$643,894
		20% Existing Awards Evaluated	20%	100%	100%	100%	80%
	Agricultural Drainage	2.5 Miles Drainage Ditches Cleared	1.88	3.68	3.8	2.6	2.99
		300 Acres Restored/Improved	95	297	301	193	221.5
		25% of Projects Evaluated	25%	66%	33%	58%	46%
	Community Agriculture	3 New Community Gardens Assisted	3	3	3	4	3.25
5-7 Existing Gardens Provided Support		7	5	7	8	6.75	
Clean Water	Riparian Land Stewardship	192 Landowners Engaged	166	281	123	198	192
		19 Engaged Landowners Take Action	6	5	21	14	11.5
	Rural Land Stewardship	144 Landowners Engaged	247	273	279	435	308.5
		38 New Farm Plans	44	63	62	56	56.25
		38 Farm Plans Reviewed & Evaluated	23	80	7	11	30.25
		\$243,750 LIP Cost Share Awarded	\$117,432	\$163,812	\$299,567	\$446,460	\$256,818
	Riparian Restoration/Improvement	18 Projects	22	16	13	15	16.5
		10 Acres Impacted	12.15	6.2	13	24.1	13.86
		or 1.5 Miles Impacted	2.02	1.07	1.34	3.35	1.95
		20 Projects Evaluated	39	31	38	29	34.25
	\$112,500 LIP Cost Share Awarded	\$104,376	\$161,337	\$134,370	\$136,377	\$134,115	
Healthy Forests	Wildfire Preparedness	3-4 Communities Receive Assistance	7	15	7	10	9.75
	Urban Forest Stewardship	3 Cities Receive Funding Support	0	7	3	5	3.75
		\$150,000 Awarded	0	\$285,833	\$150,000	\$161,072	\$149,226
	Small Lot Forest Stewardship	100 Landowners Engaged	966	1199	774	361	825
		80-100 Landowners Receive Assistance	116	219	153	91	145
10 Existing Project Plans Evaluated		10	25	5	27	16.75	
Member Jurisdiction Grants	35 Jurisdictions Engaged	35	13	35	35	29.5	
	25% Develop Grant Proposals	57%	60%	80%	34%	48%	
	25% Existing/Historic Projects Evaluated	25%	25%	25%	25%	31%	
Board Elections	Paper Ballots Received at Drop Boxes	Yes	Yes	No	No	-	
	Electronic Balloting System	Yes	Yes	Yes	Yes	Yes	
	Interactive Online Voter Guide	Yes	Yes	Yes	Yes	Yes	
	Promotion on King County Elections Website	Yes	Yes	Yes	Yes	Yes	



KCD Cooperator Outcomes

Forestry

79% reported improvement to their forest after working with KCD

Farm

78% reported improvements to their farm after working with KCD

Riparian

100% reported improvements to their property
87.5% wouldn't have taken action without KCD help





KCD Partnerships

King County

WRIAs

Puget Sound CD Caucus

Cities

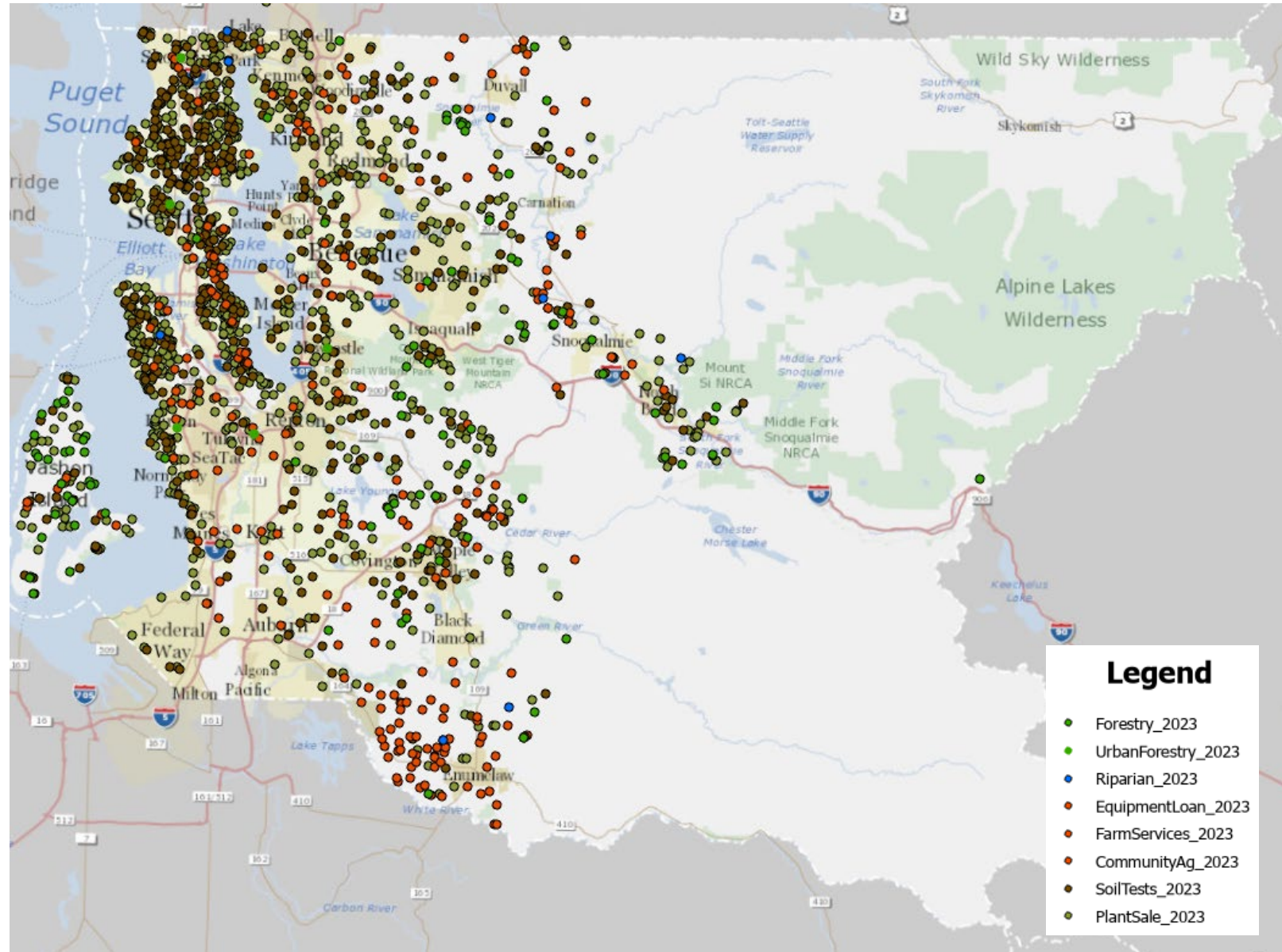
Natural Resource Conservation Service

Sound Transit

And more!



KCD Project Map For 2023



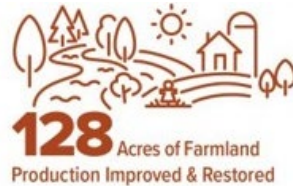
Making King County more

RESILIENT, SUSTAINABLE & EQUITABLE

2020 Strategic Climate Action Plan

Section: Reducing Greenhouse Gas Emissions

Focus Area - Forests and Agriculture

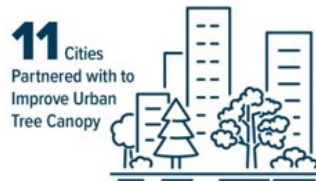


Section: Sustainable & Resilient Frontline Communities

Focus Area: Food Systems and Food Security



Focus Area: Community Health and Emergency Preparedness



Section: Preparing for Climate Change



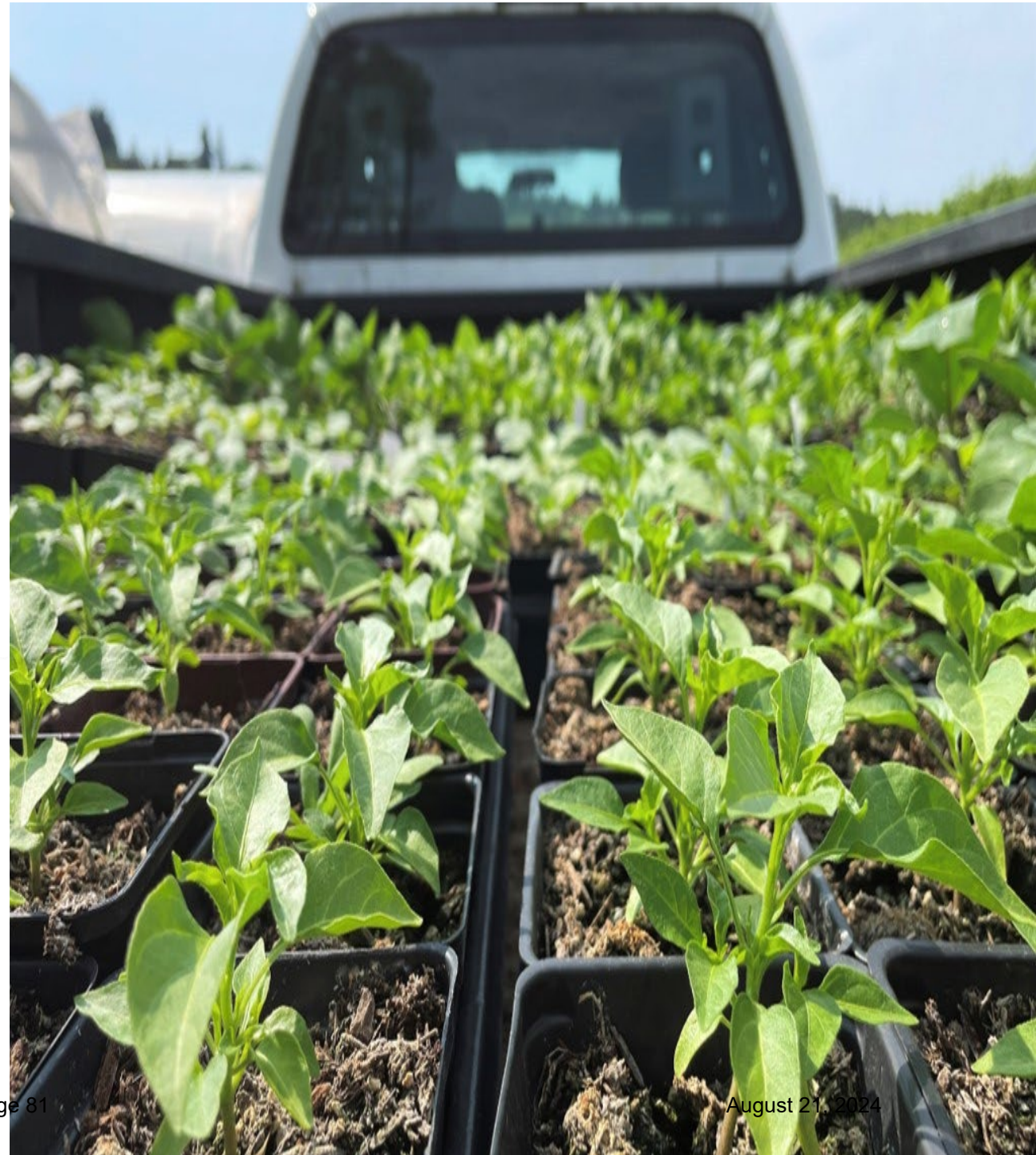


Increasing Conservation Impact - 2023

Grants & Contracts

\$1,247,287

- Examples
 - Artificial Light at Night Initiative
 - WA DNR Urban Forestry Grant
 - Burien and SeaTac Forest Restoration





Trees For Rail (District 1)

- 342 Trees
- 2,322 Native Plants
- 201 Households





YouthGrow (District 2)

- Education and job readiness
- Engages at-risk youth
- Builds job readiness skills
- Improves soil health and a sustainable food system





Wildfire Buffer Near Redmond (District 3)

- 2.2 Acres of Fuels Reduction
- KCD Provided technical and financial support
- Reduces likelihood of fire in community
- Reduces fire risk to Redmond Watershed Preserve





Snoqualmie Valley – New Water Supply from Foster Pond (District 3)

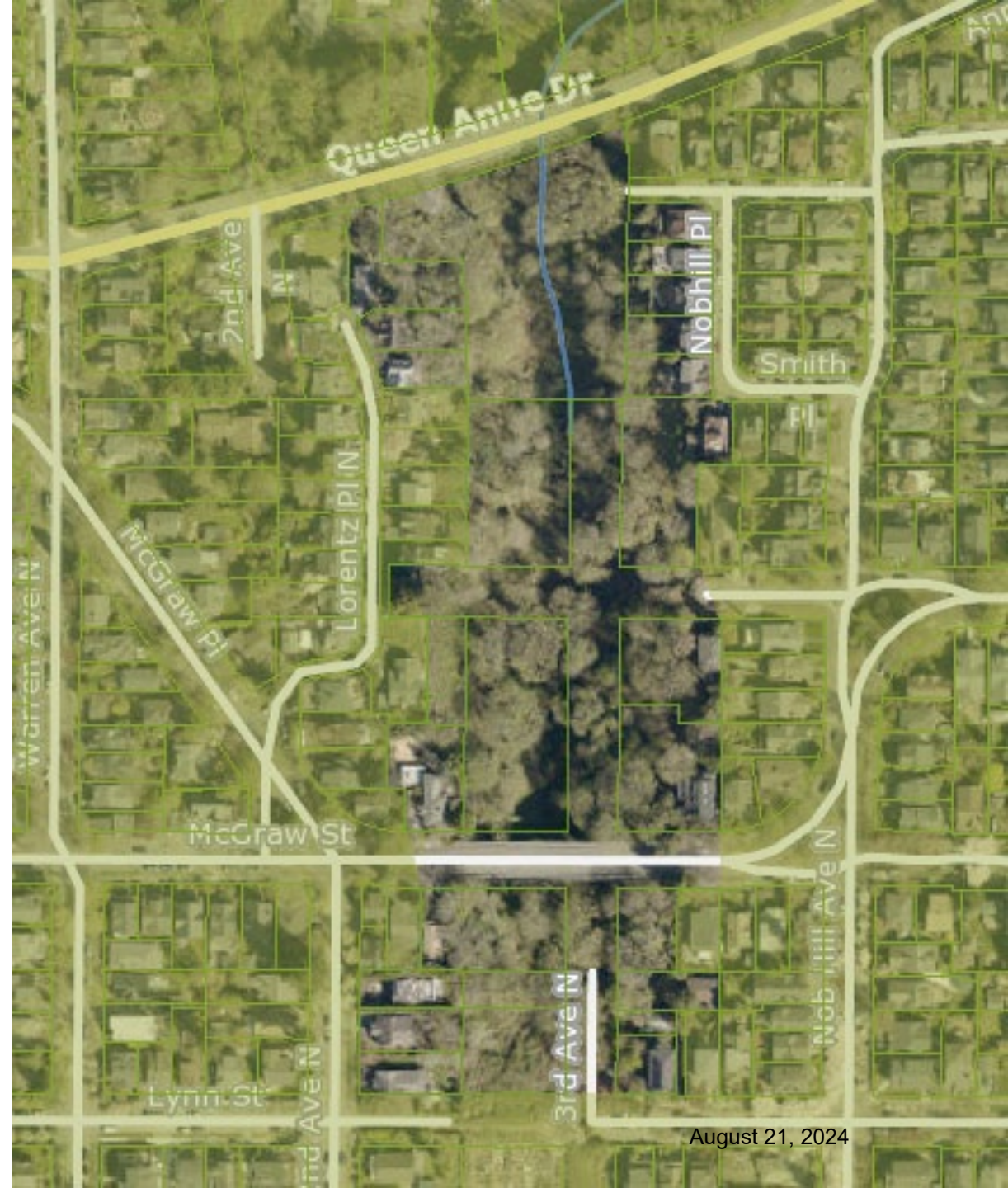
- **KCD Funding**
- **Converted pond into irrigation source**
- **Will serve 6-10 farms**





Wolf Creek Ravine Urban Forest Management Plan (District 4)

- **Community Outreach**
- **Neighborhood Driven**
- **Forest Stewardship Planning**





North SeaTac Park Restoration (District 5)

- MJ Grant Funded
- 2 Acres Restored/Maintained
- 683 Native Plants Planted
- Work Guided by KCD Forest Stewardship Plan





Senior Healthy Eating Des Moines (District 5)

- 1,000 Low-Income Seniors





Mercer Slough Blueberry Farm (District 6)

- **Treated Encroaching Hardhack**
- **Farm provides local, fresh produce**





Senior Healthy Eating Des Moines (District 7)

- 1,000 Low-Income Seniors





Hilltop Park Restoration (District 8)

- 60,000 Sq Ft Restored
- Paid and Volunteer Opportunities
- Job-Training





Enumclaw Farm Drainage (District 9)

- **Maintained 3000ft of agricultural ditch**
- **Replaced 2 farm crossings**
- **Reduced flooding on 30 acres**





Rate Renewal

- 2025-2029
- DEI-Focused Strategic Planning
- Collaborative Planning



Ayeko Farm Riparian Buffer (District 9)

- **3.5 Acre Riparian Buffer**
- **Half Mile of Newaukum Creek**
- **Chinook, coho, sockeye, and chum habitat**
- **5,000 Native Trees and Shrubs**





Vashon Cover Crop (District 8)

- **16 Farms**





Ayeko Farm Riparian Buffer (District 3)

- **37 Acre Forest Renewal**





King County

**Metropolitan King County Council
Local Services and Land Use Committee**

STAFF REPORT

Agenda Item:	10	Name:	Erin Auzins
Proposed No.:	2024-0217	Date:	August 21, 2024

SUBJECT

Proposed Ordinance 2024-0217 would modify the County’s permit review process, in order to reflect updates to state law.

SUMMARY

State law and County Code establish the process for permit review in unincorporated King County. In response to changes made by the state legislature in 2023, this Proposed Ordinance would update the County’s regulations related to preapplication requirements, permit submittal requirements, determination of complete application, Notice of Application, and timelines for final decisions.

Today’s meeting is an introduction to the Proposed Ordinance. Council staff analysis is ongoing. It is anticipated that the Committee will take action on this Proposed Ordinance at the September 11, 2024 special meeting.

BACKGROUND

RCW chapter 36.70B sets requirements for the County to establish the process for local permit review for the wide range of permits required for land use entitlement and construction in the unincorporated area. The statute establishes requirements for determining when an application is considered "complete," requirements for public noticing and timelines for final decisions to be made. It also establishes limits on the number of public hearings that may be held and has provisions for appeals.

Second Substitute Senate Bill [\(2SSB\) 5290](#) modified the requirements for local project review in the 2023 legislative session. Substantive changes in 2SSB 5290 require the County to:

- Exempt most interior alterations to buildings from site plan review;
- Establish on project permit applications (and in Code) the submission requirements for a complete application;
- Issue a final decision on project permits:
 - Within 65 days of determination of completeness, if the project permit doesn't require public notice;

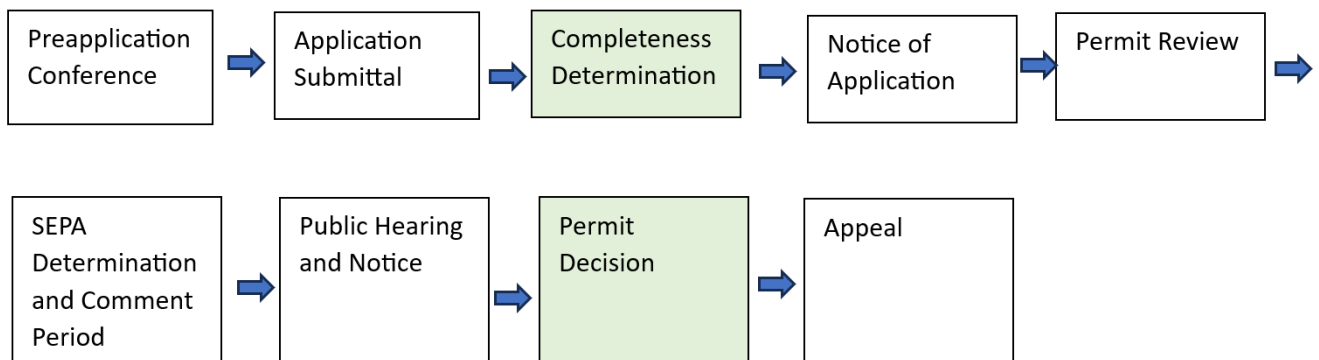
- Within 100 days of determination of completeness, if the project permit requires public notice, but not a public hearing; and
- Within 170 days of determination of completeness, if the project permit requires a public notice and public hearing;
- NOTE: The bill allows for alternative timelines for selected permit types, with certain criteria.
- Establish ways to "stop the clock" on these timelines (when waiting for additional information, when the applicant temporarily suspends review, during appeals);
- Establish circumstances when the project permit review timelines start over, which includes when the "applicant proposes a change in use that adds or removes commercial or residential elements from the original application that would make the application fail to meet the determination of procedural completeness for the new use;"
- Establish rules around temporary suspension of application review and response to additional information requests from the County, so that the timelines for final decision are extended based on "unresponsiveness" by the applicant;
- Establish a process to refund a portion of the permit fee if the timelines for final decision are not met, with criteria for the percentage of the refund based on how long the delay was (there are methods under 2SSB 5290 to implement processes that exempt the County from being required to refund permit fees);
- Starting with 2024 permit application information, prepare and submit to the Department of Commerce, and post to the County's website, an annual performance report that includes very detailed information on the time periods achieved in permit review;

King County Code (K.C.C.) Chapter 20.20 outlines the County's procedures for permit application review for unincorporated King County. This Chapter of Code establishes requirements for different Types of permits, preapplication conferences, preapplication community meetings, application submittal, notice of complete application, notice of application, notice of final decision, vesting, modifications to proposals, and permit issuance.

K.C.C. 20.20.020 establishes four Types of permits:

- Type 1 permits are those where the decision is made by the manager of the Permitting division. Type 1 permits do not have public notice (unless a preapplication community meeting is required), do not require a public hearing, and do not have an administrative appeal.
- Type 2 permits are those where the decision is made by the manager of the Permitting Division. Type 2 decisions require a Notice of Application, do not require a public hearing, and are appealable to the Hearing Examiner.
- Type 3 permits are those where the decision is made by the Hearing Examiner following a Notice of Application and a public hearing.
- Type 4 permits are quasi-judicial decisions made by the Council based on the record and recommendation of the Hearing Examiner.

Generally, permit application review follows these steps:



The green highlighted boxes are the beginning and end of the required timelines for permit decisions to be made: the clock starts at the written Completeness Determination and ends with the written Permit Decision.

ANALYSIS

Proposed Ordinance 2024-0217 would make substantive changes to the County's permit review requirements in order to comply with the new state requirements. Staff analysis is ongoing.

Preapplication Conference. The Proposed Ordinance would remove a requirement for most preapplication conferences. A preapplication conference would only be required for a Type 4 decision, or for projects that trigger the North Highline urban design standards. Type 4 decisions include site-specific zone reclassifications; shoreline environment redesignations; urban planned developments; amendment or deletion of P-suffix conditions; and deletion of special district overlays.

Permitting staff note that removing the preapplication conference requirement for other types of permits is one of the methods authorized under 2SSB 5290 that the County proposes to use in order to avoid having to refund permit fees in the event the County exceeds the final decision timelines discussed below.

"Preliminary determinations" are also proposed to be repealed. This preliminary determination allows Permitting to make a preapplication determination that a proposed development is not permissible. With this change, a determination of whether a proposed development is allowed would only be made as part of a permit application.

Application Screening Process. The first step in the permit review process is submittal of a complete application. A complete application determines vesting for a permit application, which includes the set of codes (zoning, grading, building, etc.) that the permit will be reviewed under.

The Proposed Ordinance adds a new application screening process, as part of the County's process to determine if an application is complete. As part of the application screening process, a permit applicant would submit the required materials and a screening fee. Permitting would notify the applicant within 28 days if the application is complete or incomplete.

If the application is incomplete, the department would notify the applicant what is missing, and after resubmittal, would notify the applicant within 14 days whether the application is complete.

Once all of the application materials have been found to be submitted, Permitting would invoice the applicant for the full permit fee. Review would start after the full permit fee is submitted.

There are also provisions for canceling a permit application if the applicant is not responsive, and for allowing the department to request additional information or studies if needed to review the permit application.

The existing Code section regarding determining completeness is proposed to be repealed.

Permit Application Submittal. The Proposed Ordinance would modify the existing requirements for permit application submittals in Title 20. Existing provisions remain in code for an application form, owner authorization, sewer availability or on-site septic design approval, water availability, fire district receipt, site plan, legal lot status, critical areas affidavit, SEPA checklist, permit fees, certification of future sewer and water connection, determination of drainage review and requirements of the Surface Water Design Manual, legal description, and phasing plan.

Proposed changes include:

- Adding a reference to the application screening fee described above;
- Removing a requirement for transportation concurrency certification;
- Removing a requirement for current assessor maps and a list of parcels required to receive public notice;
- Modifying an existing requirement for a description of variances to include critical area alteration exceptions, reasonable use exceptions, special use permits, conditional use permits, zoning variances, road variances, or drainage adjustments; and
- Removing an allowance to require additional materials that aren't listed in the Code.

Site plan exemptions. As required by 2SSB 5290, the Proposed Ordinance adds an exemption for a site plan to be submitted when the work is limited to interior work.

Other changes. Changes are proposed in the Building Code to add a requirement for a location of the work, such as legal description or street address; add a requirement for

an applicant’s signature; and to remove a requirement for a site plan to show easements and other encumbrances.

Changes are proposed in the grading code to reflect electronic submittals by removing language about determining the number of copies for required plans and removing a provision that requires Permitting to return materials if the permit is denied.

Notice of Application. After a permit application is determined to be complete, review begins. For Type 2, 3, and 4 permit applications, the next step is issuance of a Notice of Application. Notice of Application provides public notice of the permit application by a number of methods, including posting at the site, publishing in a newspaper, and mailing to nearby property owners.

The Proposed Ordinance would make changes to the requirements for a Notice of Application to remove the requirement if the SEPA lead agency is not the Permitting Division; change the notice period from 21 days to between 14 and 30 days as determined by the Division; and to remove a supplemental requirement for posted and mailed notice for social service facilities, settlement houses, and homes for destitute people.

Timeline for Final Decision. The final step in the permit review process is a final decision. The final decision establishes the conditions under which a project can be constructed (or denies a permit). 2SSB 5290 established new timelines for permit review, with three different timelines based on whether a Notice of Application and a public hearing is required.

The Proposed Ordinance would adopt the 2SSB 5290 provisions, while also establishing ways to “stop the clock” on these timelines, and adopt exemptions from the timelines.

Standard Timeline. The Proposed Ordinance would establish three timelines for the amount of time between when an application is determined to be complete, and when Permitting issues a final decision on the permit:

Type of Permit	Existing Timeline	Proposed Timeline
Permits that don’t require public notice Type 1 permits	120 days, except smaller permits between 15 and 90 days.	65 days
Permits that require public notice, but not a public hearing Type 2 permits, Type 1 permits that require a preapplication community meeting	120 days	100 days

Type of Permit	Existing Timeline	Proposed Timeline
Permits that require public notice and a public hearing Type 3 permits	Recommendation issued to Hearing Examiner within 150 days. No timeline requirement for Hearing Examiner to issue a final decision.	170 days

Council staff asked Executive staff for information on the current timelines between a written determination of completeness and a final decision for the 3 timelines established in 2SSB 5290, and Permitting reported the following timelines. Note that these timelines include the time waiting for applicant information, which would be excluded from the required timelines.

- No Notice (example: new custom home): 290 days, including waiting for additional information from applicant.
- Notice (example: Conditional Use Permit): 225 days, including public comment period and waiting for additional information from applicant.
- Public Hearing (example: Preliminary Plat): 2 years, including public comment period and waiting for additional information from applicant.

Ways to stop the clock. Existing provisions, and modifications in the Proposed Ordinance, include time that is excluded from the timelines for a final decision to be made. This includes the time when:

- Permitting has asked for additional information in writing and the applicant responds;
- An Environmental Impact Statement is being prepared;
- An appeal is being processed;
- The applicant has not posted the public notice on the property;
- The applicant and Permitting agree to a time extension; and
- There is an outstanding fee balance.

Permit application cancellation. The Proposed Ordinance would add provisions to cancel a permit application, including if permit fees haven't been paid within 60 days of assessment. An existing provision allows permit application cancellation after two requests for additional information.

Exemptions. The Proposed Ordinance includes the following exemptions from the timelines:

- If an unforeseen event disrupts normal County operations and prevents permit review from being feasible;
- Projects that require an amendment to the Comprehensive Plan, development regulation, zoning (including P-suffix, special district overlay, or demonstration projects), shoreline environment designation;
- Shoreline variance and shoreline conditional use permits;

- Projects that require a variance, exception, or adjustment related to surface water, road standards, or critical areas;
- Projects that require approval from another agency;
- Projects that are granted concurrent review, which is where multiple permits are required and they are reviewed together;
- Projects related to mineral extraction or processing, coal mining, materials processing facilities, or fossil fuel facilities;
- Projects that have an application processing agreement;
- Projects that resolve a code violation;
- Projects that install permanent stabilization measures done as an emergency action; and
- Projects that are revised enough to be considered a “substantial change.” Substantial changes are contemplated under 2SSB 5290 as a way to restart the clock, and the Proposed Ordinance includes criteria for when a “substantial change” has been made to a permit application, including:
 - Creation of additional lots;
 - Reduction or elimination of open space;
 - Change in land uses;
 - Change in points of ingress or egress to the property;
 - 10 percent increase or more to the total value of building construction work;
 - 10 percent increase or more to the total building square footage, impervious surface area, parking, or building height; and
 - Changes to stormwater design that result in a change to the natural drainage location, require mitigation for a downstream drainage problem that was not identified in the original, require flow control or water quality treatment if it was not originally required; increase the level of water quality treatment; cause the application to be unable to comply with sufficient flow control or low impact development performance standard, or cause the application to require a drainage adjustment;
 - Changes to road design that require a road variance, unless it can be shown that the conditions requiring the variance could not have reasonably been known at application; and
 - Changes that create new or increased impacts to critical areas that will require a revision to mitigation measures.

Temporary suspension. As allowed by 2SSB 5290, the Proposed Ordinance allows an applicant to temporarily suspend permit application review, for up to 60 days. In this case, and where the applicant has not responded after 60 days, Permitting is authorized to extend the timelines for final decision by an additional 30 days.

Full Compliance with 2SSB 5290. This Proposed Ordinance is one part of the County’s efforts to comply with 2SSB 5290. Other efforts include:

- 8 FTEs were included in a supplemental budget ordinance,¹ and included engineer, geologist, land use product line manager, planner, permit review coordinator, and manager positions.
- An additional 8 FTEs are in the 2025 budget proposed by the agency, and include additional engineers, geologists, ecologists, permit review coordinator, and deputy fire marshal positions. The Executive is contemplating this proposal as overall budget determinations are being made prior to Council transmittal.
- To pay for these positions and other costs associated with compliance, the 2025 budget proposed by the agency includes a fee increase of approximately 49 percent. This is also subject to Executive approval, and the Executive’s recommended budget may include a different percentage.
- Process changes and improvement initiatives that include: “intake and screening processes, official review workflows, defining and refining roles and responsibilities for both new and existing positions, metrics management, applicant opt-out procedures, application cancellation processes, application status reporting, problem escalation protocols, website content and customer information updates, and concurrent review processes.”
- Software and reporting enhancements that include: allowing for electronic submittal for all permit types, implementing a new “web application that integrates permitting workflow management with digital plan review” that will help “monitor and report cycle times required by” the state law, and implementing a new dashboard that will “enable regular monitoring, transparent project tracking, and comprehensive reporting of timeline information, allowing us to make data-driven adjustments to our processes and ensure ongoing compliance with” the new state law.

Prioritization in Permit Review. Councilmembers have expressed interest in establishing Code requirements to prioritize certain kinds of development projects in permit review. As part of the review of the 2024 King County Comprehensive Plan, Executive staff provided a list of what is already required to be prioritized by statute, Code, or policy.

Type of Permit	Source	Required Timeline
Eligible Facilities request (EFR) for wireless communication	FCC Rule 14-153 Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, commonly known as the Spectrum Act	60 days
Fish Passage permits, including those by Tribes and other non-profits such as Irrigation Districts	RCW 77.55.181 plus guidance contained throughout Chapter 5 of the KCCP	15 days to provide comment on state permit
WSDOT Shoreline Permits	WAC 173-27-125	90 days

¹ Ordinance 19791

Type of Permit	Source	Required Timeline
Homeless Encampment permits	K.C.C. Chapter 21.45 and Executive Declaration of Emergency March 2016	Type 1 30 days Type 2 40 days
Emergency authorization requests for grading	K.C.C. 16.82.065	Not specified
Affordable housing projects	Current should policy in Ch 4 of the KCCP	Not specified
School permits	Council direction in 2000s	Not specified
Aerospace permits (Boeing, Airport, SpaceX)	Executive directive	Not specified
Medical Hardship related permits	Division Policy	Not specified
Private Property Disaster Repair permits (Floods, Fires, Snow, Wind, Landslides, etc.)	Division Policy	Not specified
Private and Public Emergency Repair permits	Division Policy	Not specified
Every year, Permitting receives requests to prioritize critical services, such as fire stations, detention facilities (such as the recent Echo Glen Childrens Center with security fencing and related permits), crisis care clinics, PSE (current "critical" power maintenance / upgrade for Vashon-Maury Island), and associated emergent needs (such as the Tolt River Warning System), as well as essential public services as sewage treatment (septic repairs), water, electricity and communication projects, fire protection services, etc.	Individual Requests	n/a

Amendment Deadlines. For this legislation, the standard amendment deadlines will apply. The draft schedule is as follows:

Action	Date
LSLU discussion	August 21, 2024
Striker deadline	September 4, 2024
Striker released	September 6, 2024
Line amendment direction	September 9, 2024
LSLU action	September 11, 2024
Direction for amendment concepts for the public hearing	October 18, 2024

Public hearing notice issued	November 1, 2024
Striker deadline	November 22, 2024
Striker released	November 26, 2024
Line amendment direction	November 27, 2024
Council hearing/action	December 3, 2024
Effective date	January 1, 2025

INVITED

- Mark Rowe, Deputy Director, Permitting Division, Department of Local Services
- Robin Proebsting, Legislative/Policy Analyst, Permitting Division, Department of Local Services

ATTACHMENTS

1. Proposed Ordinance 2024-0217
2. Transmittal Letter
3. Fiscal Note
4. Executive’s Summary of Proposed Ordinance



KING COUNTY
Signature Report

ATTACHMENT 1
1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Ordinance

Proposed No. 2024-0217.1

Sponsors Perry

1 AN ORDINANCE revising permit review processes; and
2 amending Ordinance 11622, Section 3, as amended and
3 K.C.C. 16.02.260, Ordinance 14914, Section 104, as
4 amended, and K.C.C. 16.03.120, Ordinance 1488, Section
5 7, as amended and K.C.C. 16.82.060, Ordinance 12196,
6 Section 9, as amended, and K.C.C. 20.20.020, Ordinance
7 12196, Section 10, as amended, and K.C.C. 20.20.030,
8 Ordinance 12196, Section 11, as amended, and K.C.C.
9 20.20.040, Ordinance 12196, Section 13, as amended, and
10 K.C.C. 20.20.060, Ordinance 12196, Section 17, as
11 amended, and K.C.C. 20.20.100, and Ordinance 10870,
12 Section 634, as amended, and K.C.C. 21.42.140, adding
13 new sections to K.C.C. chapter 16.02, recodifying K.C.C.
14 16.82.060, and repealing Ordinance 12196, Section 12, and
15 K.C.C. 20.20.050, Ordinance 12196, Section 15, as
16 amended, and K.C.C. 20.20.080, and Ordinance 10870,
17 Section 618, and K.C.C. 21A.42.110.

18 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

19 SECTION 1. Findings:

20 A. Chapter 36.70B RCW was updated by Chapter 338, Laws of
21 Washington 2023 to require local governments to adopt specific time limits for
22 land use and environmental permit review.

23 B. Under RCW 36.70B.140, local governments may exclude permit types
24 that present special circumstances that warrant review process time periods that
25 are different from those provided in chapter 36.70B RCW.

26 C. Permits whose approval is contingent on the prior approval of other
27 permits present a special circumstance by effectively requiring two permit
28 applications to be reviewed in the period set for one permit by chapter 36.70B
29 RCW when concurrent review is requested. Where the prior approval is an
30 adjustment under Title 21A, and where no separate permit is required, detailed
31 review must be done for the subject permit in order to approve the adjustment,
32 adding to the time needed for review.

33 D. Construction permits that are discovered to have needed prior approval
34 of a variance or exception after the permit has been deemed complete present a
35 special circumstance because additional review time is needed to confirm that the
36 scope of work proposed under the permit is not compliant with code as designed
37 and to determine how the project as designed might obtain the necessary approval
38 to enable the permit to be approvable. Halting permit review while the variance
39 or exception is obtained introduces logistical challenges to workflow
40 management, which reduces the feasibility of meeting the review periods required
41 by chapter 36.70B RCW.

42 E. Permits for which King County is not the final decision of authority
43 present a special circumstance because King County does not control the permit
44 review time, and therefore is not able to accelerate review time to meet the
45 periods specified in chapter 36.70B RCW.

46 F. Permits whose proposed scope of work changes in a manner that falls
47 under the description of a "substantial change" as used in K.C.C. 20.20.100 after
48 completeness has been determined present a special circumstance because they
49 are effectively new permit applications.

50 G. Permits whose proposed scope of work changes in a manner that falls
51 under the description of a "substantial change" as used in K.C.C. 20.20.100 after
52 completeness has been determined present a special circumstance because such
53 permits are effectively new applications. Review of these applications requires
54 new analysis based on new facts, which substantially adds to the time needed to
55 review them.

56 SECTION 2. Ordinance 11622, Section 3, as amended and K.C.C.
57 16.02.260 are hereby amended to read as follows:

58 **16.02.260 Permits - Application for permit - Complete applications.**

59 Section 105.3 of the International Building Code is not adopted, and the following
60 is substituted:

61 **Application for permit - Complete applications (IBC 105.3).**

62 1. For the purposes of determining the application of review time periods
63 and procedures adopted by K.C.C. Title 20, applications for permits authorized by
64 K.C.C. chapter 16.04 shall be considered complete (~~(as of the date of submittal)~~)

65 upon determination by the department that the materials submitted contain the
66 following, in addition to the complete application requirements of K.C.C.

67 20.20.040. Every application shall:

68 1.1. Identify and describe the work to be covered by the permit for
69 which application is made.

70 1.2. Describe the land on which the proposed work is to be done by legal
71 description, street address, or similar description that will readily identify and
72 definitely locate the proposed building or work.

73 1.3. Indicate the use or occupancy ((of)) for which the proposed work is
74 intended.

75 ~~((1.3.))~~ 1.4. Be accompanied by ((plans, diagrams, computations, and
76 specifications)) construction documents and other ((data)) information as required
77 in IBC ((107)) Section 106.1.

78 ~~((1.4.))~~ 1.5. State the valuation of ((any new building or structure or any
79 addition, remodeling, or alteration to an existing building)) the proposed work.

80 ~~((1.5.))~~ 1.6. Be signed by the applicant or the applicant's authorized
81 agent.

82 1.7. Give such other data and information as ((may be)) required by the
83 building official.

84 ~~((1.6. Identify on the site plan all easements, deed restrictions or other~~
85 ~~encumbrances restricting the use of the property, and provide details as required~~
86 ~~in IBC 107.2.6 and as otherwise required by the building official.))~~

87 NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter
88 16.02 a new section to read as follows:

89 Section 105.3.1 of the International Building Code is not adopted, and the
90 following is substituted:

91 The building official shall examine or cause to be examined applications
92 for permits and amendments thereto within timeframes set forth in K.C.C. chapter
93 20.20. If the application or the construction documents do not conform to the
94 requirements of pertinent laws, the building official shall notify the applicant of
95 the deficiencies in writing that must be addressed in order to issue a permit. If the
96 building official is satisfied that the proposed work conforms to the requirements
97 of this code and laws and ordinances applicable thereto, the building official shall
98 issue a permit therefor as soon as practicable.

99 NEW SECTION. SECTION 4. There is hereby added to K.C.C. chapter 16.02 a
100 new section to read as follows:

101 For applications for reconstruction, rehabilitation, addition, alteration, repair, or
102 other improvement of existing buildings or structures located in a flood hazard area as
103 established by Table R301.2, the building official shall examine or cause to be examined
104 the construction documents and shall make a determination with regard to the value of
105 the proposed work. For buildings that have sustained damage of any origin, the value of
106 the proposed work shall include the cost to repair the building or structure to its
107 predamaged condition. If the building official finds that the value of proposed work
108 equals or exceeds fifty percent of the market value of the building or structure before the
109 damage has occurred or the improvement is started, the proposed work is a substantial

110 improvement or repair of substantial damage, and the building official shall require
111 existing portions of the entire building or structure to meet the requirements of Section
112 R322.

113 For the purpose of this determination, a substantial improvement shall mean any
114 repair, reconstruction, rehabilitation, addition, or improvement of a building or structure,
115 the cost of which equals or exceeds fifty percent of the market value of the building or
116 structure before the improvement or repair is started. Where the building or structure has
117 sustained substantial damage, repairs necessary to restore the building or structure to its
118 predamaged condition shall be considered substantial improvements regardless of the
119 actual repair work performed. The term shall not include either of the following:

120 1. Improvements to a building or structure that are required to correct existing
121 health, sanitary, or safety code violations identified by the building official and that are
122 the minimum necessary to ensure safe living conditions.

123 2. Any alteration of a historic building or structure, provided that the alteration
124 will not preclude the continued designation as a historic building or structure. For the
125 purposes of this exclusion, a historic building shall be any of the following:

126 2.1. Listed or preliminarily determined to be eligible for listing in the National
127 Register of Historic Places.

128 2.2. Determined by the Secretary of the United States Department of Interior as
129 contributing to the historical significance of a registered historic district, or a district
130 preliminarily determined to qualify as an historic district.

131 2.3. Designated as historic under a state or local historic preservation program
132 that is approved by the United States Department of Interior.

133 SECTION 5. K.C.C. 16.02.280 is hereby recodified as a new section in K.C.C.
134 chapter 16.02 to follow 16.02.260.

135 SECTION 6. Ordinance 14914, Section 104, as amended, and K.C.C. 16.03.120
136 are hereby amended to read as follows:

137 Department: the King County department of local services, permitting division or
138 its successor.

139 SECTION 7. Ordinance 1488, Section 7, as amended, and K.C.C. 16.82.060 are
140 hereby amended to read as follows:

141 A. To obtain a permit, the applicant shall first file an application in writing on a
142 form prescribed by the department that, in addition to the requirements of K.C.C.
143 20.20.040, shall include, at a minimum:

144 1. Identification and description of the work to be covered by the permit for
145 which application is made;

146 2. An estimate of the quantities of work involved by volume and the total area
147 cleared or graded as a percentage of the total site area;

148 3. An identification and description of:

149 a. all critical areas on the site or visible from the boundaries of the site; and

150 b. all clearing restrictions applicable to the site in K.C.C. 16.82.150, critical
151 drainage areas requirements established by administrative rules or property-specific
152 development standards, and special district overlays under K.C.C. chapter 21A.38;

153 4. Location of any open space tracts or conservation easements if required
154 under:

155 a. K.C.C. 16.82.152;

- 156 b. K.C.C. chapter 21A.14;
- 157 c. K.C.C. chapter 21A.37;
- 158 d. critical drainage areas; or
- 159 e. property-specific development standards or special district overlays under
- 160 K.C.C. chapter 21A.38;

- 161 5. Plans and specifications that, at a minimum, include:
- 162 a. property boundaries, easements, and setbacks;
- 163 b. a 1:2000 scale vicinity map with a north arrow;
- 164 c. horizontal and vertical scale;
- 165 d. size and location of existing improvements on and within fifty feet of the
- 166 project, indicating which will remain and which will be removed;
- 167 e. location of all proposed cleared areas;
- 168 f. existing and proposed contours at maximum five-foot intervals, and
- 169 extending for one hundred feet beyond the project edge;
- 170 g. at least two cross sections, one in each direction, showing existing and
- 171 proposed contours and horizontal and vertical scales; and
- 172 h. a proposed erosion and sediment control plan as required by K.C.C.
- 173 16.82.095.

174 B. Materials in addition to those required in subsection A. of this section may be
175 necessary for the department to complete the review. The following materials shall be
176 submitted when required by the department.

- 177 1. Higher accuracy contours and more details of existing terrain and area
178 drainage, limiting dimensions, elevations, or finished contours to be achieved by the
179 grading, and proposed drainage channels and related construction;
- 180 2. If applicable, all drainage plans and documentation consistent with King
181 County Surface Water Design Manual;
- 182 3. Restoration plan if required under K.C.C. ~~((16.82.110))~~ 21A.22.081; and
183 4. Studies prepared by qualified specialists, as necessary to substantiate any
184 submitted materials and compliance with this chapter or other law, particularly if clearing
185 or grading is proposed to take place in or adjacent to a critical area.

186 C. Plans and specifications shall be prepared and signed by a civil engineer if
187 they are prepared in conjunction with the proposed construction or placement of a
188 structure, include permanent drainage facilities or, if required by the department, propose
189 alterations in steep slope or landslide hazard areas.

190 D. The department shall ~~((determine the number of copies of the required plans,~~
191 ~~specifications and supporting materials necessary to expedite review and may require~~
192 ~~submittal of materials in alternative))~~ specify the formats in which application materials
193 may be submitted.

194 E. The director may waive specific submittal requirements if they are determined
195 to be unnecessary for the acceptance and subsequent review of an application.

196 ~~((F. Any plans, specifications or supporting materials that are returned as a result
197 of permit denial or any other reason shall be returned to the applicant.))~~

198 NEW SECTION. SECTION 8. There is hereby added to K.C.C. chapter 20.20 a
199 new section to read as follows:

200 Throughout this chapter unless the context clearly requires otherwise, “manager”
201 means the department of local services, permitting division manager or designee.

202 SECTION 9. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020 are
203 hereby amended to read as follows:

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

208 1. Type 1 decisions are made by the ~~((permitting division))~~ manager ~~((or~~
209 ~~designee (“the director”))~~ of the department of local services, permitting division (“the
210 ~~((department))~~ division”). Type 1 decisions are nonappealable administrative decisions.

211 2. Type 2 decisions are made by the ~~((director))~~ manager. Type 2 decisions are
212 discretionary decisions that are subject to administrative appeal.

213 3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner
214 following an open record hearing.

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

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

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

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

229 E. Land use decision types are classified as follows:

<p>TYPE 1</p>	<p>(Decision by ((director)) <u>manager</u>, no administrative appeal)</p>	<p>Temporary use permit for a homeless encampment under K.C.C. chapter 21A.45; 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)) <u>division</u> 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; decisions to approve, condition, or deny nonresidential</p>
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		<p>elevation and dry floodproofing variances for agricultural buildings that do not equal or exceed a maximum assessed value of sixty-five thousand dollars under K.C.C. chapter 21A.24; approval of a conversion-option harvest plan; a binding site plan for a condominium that is based on a recorded final planned unit development, a building permit, an as-built site plan for developed sites, a site development permit for the entire site; approvals for agricultural activities and agricultural support services authorized under K.C.C. 21A.42.300; final short plat; final plat; critical area determination.</p>
<p>TYPE 2^{1,2}</p>	<p>(Decision by ((director)) <u>manager</u> appealable to hearing examiner, no further administrative appeal)</p>	<p>Short plat; short plat revision; short plat alteration; short plat vacation; 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 permit³; building permit, site development permit, or clearing and grading permit for which the ((department)) <u>division</u> has issued a determination of significance; reuse of public schools; reasonable use exceptions under</p>

		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 or variances to floodplain development regulations 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; sea level rise risk area variance adopted in K.C.C. chapter 21A.23.
TYPE 3 ¹	(Recommendation by ((director)) <u>manager</u> , hearing and decision by hearing examiner, no further administrative appeal)	Preliminary plat; plat alterations; preliminary plat revisions; plat vacations; special use.
TYPE 4 ^{1,4}	(Recommendation by ((director)) <u>manager</u> , hearing and recommendation by hearing examiner, decision by county)	Zone reclassifications; shoreline environment redesignation; urban planned development; amendment or deletion of P suffix conditions; deletion of special district overlay.

	council on the record)	
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230 ¹ See K.C.C. 20.44.120.C. for provisions governing procedural and substantive SEPA

231 appeals and appeals of Type 2, 3, and 4 decisions.

232 ² When an application for a Type 2 decision is combined with other permits requiring

233 Type 3 or 4 land use decisions under this chapter, the examiner, not the ((director))

234 manager, makes the decision.

235 ³ A shoreline permit, including a shoreline variance or conditional use, is appealable to

236 the state Shorelines Hearings Board and not to the hearing examiner.

237 ⁴ Approvals that are consistent with the Comprehensive Plan may be considered by the

238 council at any time. Zone reclassifications that are not consistent with the

239 Comprehensive Plan require a site-specific land use map amendment and the council's

240 hearing and consideration shall be scheduled with the amendment to the Comprehensive

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

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

243 SECTION 10. Ordinance 12196, Section 10, as amended, and K.C.C. 20.20.030

244 are hereby amended to read as follows:

245 A. ~~((1. Except as otherwise provided in subsection A.2. of this section, before~~

246 ~~filing a permit application the applicant shall contact the department to schedule a~~

247 ~~presubmittal project review to discuss the application requirements with the applicant and~~

248 ~~provide comments on the development proposal. The department shall credit any fees~~

249 charged for the presubmittal project review towards the permit application fees provided
250 for in K.C.C. Title 27.

251 ~~2. A presubmittal project review is not required for over the counter permits or~~
252 ~~for proposals that require a mandatory preapplication conference under subsection B. of~~
253 ~~this section.~~

254 B.)) Before filing a permit application requiring a Type ((2,3,or) 4 decision ((;))
255 or a Type 1 land use decision required to comply with the North Highline urban design
256 standards in K.C.C. chapter 21A.60, the applicant shall contact the ((department))
257 division to schedule a preapplication conference, which shall be held before filing the
258 application. The purpose of the preapplication conference is to review and discuss the
259 application requirements with the applicant and provide comments on the development
260 proposal. The preapplication conference shall be scheduled by the ((department))
261 division, at the request of an applicant, and shall be held within approximately thirty days
262 from the date of the applicant's request. The ((department)) division shall assign a project
263 manager following the preapplication conference. The ((director)) manager may waive
264 the requirement for a preapplication conference if the ((director)) manager determines the
265 preapplication conference is unnecessary for review of an application. Nothing in this
266 section shall be interpreted to require more than one preapplication conference or to
267 prohibit the applicant from filing an application if the ((department)) division is unable to
268 schedule a preapplication conference within thirty days following the applicant's request.

269 ((C. Information presented at or required as a result of the preapplication
270 conference shall be valid for a period of one year following the preapplication
271 conference.)) B. An applicant wishing to submit a permit application more than one year

272 following a mandatory preapplication for the same permit application shall be required to
273 schedule another preapplication conference.

274 ~~((D. At or subsequent to a preapplication conference, the department may issue a
275 preliminary determination that a proposed development is not permissible under
276 applicable county policies or regulatory enactments. In that event, the applicant shall
277 have the option to appeal the preliminary determination to the hearing examiner in the
278 manner provided for a Type 2 permit, as an alternative to proceeding with a complete
279 application. Mailed and published notice of the appeal shall be provided for as in K.C.C.
280 20.20.060 H. and I.))~~

281 NEW SECTION. SECTION 11. There is hereby added to K.C.C. chapter 20.20
282 a new section to read as follow:

283 A. The purpose of the application screening process is to:

- 284 1. assist applicants in preparing a code compliant permit application; and
285 2. reduce the division's need to request additional information during the permit
286 review process, which extends permit review time.

287 B. Application screening is subject to the following standards:

288 1. Applicants must submit the required permit application materials, together
289 with the required screening fee payments, if any, in order to initiate the application
290 screening process;

291 2. Within twenty-eight days following receipt of the permit application and
292 application screening fee, if any, the division shall notify the applicant that the
293 application is complete or incomplete. If the application is incomplete, the notification
294 shall specify what is necessary to make the application complete. To the extent known

295 by the division, the notification shall identify other agencies of local, state, regional, or
296 federal governments that may have jurisdiction over some aspects of the development
297 proposal;

298 3. The application screening process shall be deemed concluded under this
299 section if the division does not provide written notice to the applicant that the application
300 is incomplete within the twenty-eight-day period;

301 4. If the application is found to be incomplete, and the applicant submits the
302 additional information requested by the division, the division shall notify the applicant in
303 writing within fourteen days of submittal whether the application is complete or whether
304 additional information specified by the division is necessary to make the application
305 complete. The application screening process shall be deemed complete if the division
306 fails to notify the applicant within twenty-eight days that the application is incomplete;

307 5. The division may terminate the application screening process if the applicant
308 fails to submit the additional information requested by the county within sixty days
309 following notification from the division that the application is incomplete; and

310 6. Once all information requested by the division has been provided by the
311 applicant and reviewed by the division, the division shall invoice the applicant for
312 applicable permit application fees for the permit application. The permit application shall
313 be deemed complete once the division receives full permit application fee payment. The
314 division may terminate the application screening process if the applicant fails to submit
315 the applicable review fees within sixty days of invoicing by the county.

316 SECTION 12. Ordinance 12196, Section 11, as amended, and K.C.C. 20.20.040
317 are hereby amended to read as follow:

318 A. The ~~((department))~~ division shall not begin review of any application until the
319 applicant has submitted the materials and ~~((fees specified for complete applications))~~
320 application screening fee. Applications for land use permits requiring Type 1, 2, 3, or 4
321 decisions shall be considered complete as of the date of submittal upon determination by
322 the ~~((department))~~ division that the materials submitted meet the requirements of this
323 section. Except as provided in subsection B. of this section, all land use permit
324 applications described in K.C.C. 20.20.020.E. shall include the following:

325 1. An application form provided by the ~~((department))~~ division and completed
326 by the applicant ~~((that allows the applicant to file a single application form for all land
327 use permits requested by the applicant for the development proposal at the time the
328 application is filed))~~;

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

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

336 b. the agency or private or public utility includes in the complete application
337 an affidavit declaring that notice of the pending application has been given to all owners
338 of property to which the application applies, on a form provided by the ~~((department))~~
339 division; and

340 c. the form designating who the applicant is submitted to the ((department))
341 division before permit approval;

342 3.a. A certificate of sewer availability or site design approval for an on-site
343 sewage system by ((the)) public health – Seattle ((-)) & King County ((department of
344 public health)), as required by K.C.C. Title 13; or

345 b. If allowed under K.C.C. 13.24.134.B. and the King County Comprehensive
346 Plan policies for a public school located on a RA zoned site, a certificate of sewer
347 availability and a letter from the sewer utility indicating compliance with the tightline
348 sewer provisions in the zoning code, as required by K.C.C. chapter 13.24;

349 4. If the development proposal requires a source of potable water, a current
350 certificate of water availability consistent with K.C.C. chapter 13.24 or documentation of
351 an approved well by public health - Seattle & King County;

352 5. A fire district receipt in accordance with K.C.C. Title 17, if required by
353 K.C.C. chapter 21A.40;

354 6. A site plan, prepared in a form prescribed by the ((director)) manager, except
355 for building permits when the scope of work proposed in the permit application is limited
356 to interior alterations and does not result in the following:

357 a. a change in use;

358 b. additional sleeping quarters or bedrooms;

359 c. nonconformity with Federal Emergency Management Agency substnatial
360 improvement thresholds; or

361 d. an increase in the total square footage or valuation of the structure thereby
362 requiring upgraded fire access or fire suppression systems;

- 363 7. Proof that the lot or lots to be developed are recognized as a lot under K.C.C.
364 Title 19A;
- 365 8. A critical areas affidavit, if required by K.C.C. chapter 21A.24;
- 366 9. A completed environmental checklist, if required by K.C.C. chapter 20.44;
- 367 10. Payment of ~~((any development permit review))~~ application screening fees
368 and permit application fees ~~((, excluding impact fees))~~ collectible under K.C.C. Title 27;
- 369 11. A list of any permits or decisions applicable to the development proposal
370 that have been obtained before filing the application or that are pending before the county
371 or any other governmental entity;
- 372 12. ~~((Certificate of transportation concurrency from the department of local~~
373 ~~services if required by K.C.C. chapter 14.70. The certificate of transportation~~
374 ~~concurrency may be for less than the total number of lots proposed by a preliminary plat~~
375 ~~application only if:~~
- 376 a. ~~at least seventy five percent of the lots proposed have a certificate of~~
377 ~~transportation concurrency at the time of application for the preliminary plat;~~
- 378 b. ~~a certificate of transportation concurrency is provided for any remaining lots~~
379 ~~proposed for the preliminary plat application before the expiration of the preliminary plat~~
380 ~~and final recording of the additional lots; and~~
- 381 c. ~~the applicant signs a statement that the applicant assumes the risk that the~~
382 ~~remaining lots proposed might not be granted.~~
- 383 13.)) Certificate of future connection from the appropriate purveyor for lots
384 located within the Urban Growth Area that are proposed to be served by on-site or

385 community sewage system and group B water systems or private well, if required by
386 K.C.C. 13.24.136 through 13.24.140;

387 ~~((14.))~~ 13. A determination if drainage review applies to the project under
388 K.C.C. chapter 9.04 and, if applicable, all drainage plans and documentation required by
389 the Surface Water Design Manual adopted under K.C.C. chapter 9.04 and to the extent
390 known at the time of application and when determined necessary by the ~~((director))~~
391 manager, copies of any required storm water adjustments;

392 ~~((15. Current assessor's maps and a list of tax parcels to which public notice
393 must be given accordance with in this chapter, for land use permits requiring a Type 2, 3
394 or 4 decision;))~~

395 ~~((16.))~~ 14. Legal description of the site;

396 ~~((17.))~~ 15. ~~((Variances obtained or required under K.C.C. Title 14 or 21A to the
397 extent known at the date of application or when deemed necessary by the director))~~
398 Approvals for any decisions when deemed necessary by the manager, including but not
399 limited to critical area alteration exceptions, reasonable use exceptions, special use
400 permits, conditional use permits, zoning variances, road variances, or drainage
401 adjustments; and

402 ~~((18.))~~ 16. For site development permits only, a phasing plan and a time
403 schedule, if the site is intended to be developed in phases or if all building permits will
404 not be submitted within three years.

405 B. A permit application is complete for purposes of this section when it meets the
406 procedural submission requirements of the ~~((department))~~ division and is sufficient for
407 continued processing even though additional information may be required or project

408 modifications may be undertaken subsequently. The determination of completeness shall
409 not preclude the ~~((department))~~ division from requesting additional information or studies
410 either at the time of notice of completeness or subsequently if new or additional
411 information is required or substantial changes in the proposed action occur, as determined
412 by the ~~((department))~~ division.

413 C. Additional complete application requirements for the following land use
414 permits are in the following sections of the King County Code:

- 415 1. Clearing and grading permits, K.C.C. 16.82.060;
- 416 2. Construction permits, K.C.C. ~~((16.04.052))~~ 16.02.260; and
- 417 3. Subdivision applications, short subdivision applications, and binding site plan
418 applications, K.C.C. 19A.08.150.

419 D. The ~~((director))~~ manager may;

- 420 1. Specify the requirements of the site plan required to be submitted for various
421 permits;
- 422 2. ~~((Require additional materials not listed in this section when determined to be
423 necessary for review of the project; and~~
- 424 3.)) Waive any of the specific submittal requirements listed ~~((øf))~~ in this section
425 that are determined to be unnecessary for review of an application.

426 E. The applicant shall attest by written oath to the accuracy of all information
427 submitted for an application.

428 ~~((F. Applications shall be accompanied by the payment of the applicable filing
429 fees, if any, as established by K.C.C. Title 27.))~~

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

431 are hereby amended to read as follows:

432 A. A notice of application shall be provided to the public for land use permit
433 applications as follows:

434 1. Type 2, 3, or 4 decisions;

435 2. Type 1 decisions subject to SEPA, except where the division is not the SEPA
436 lead agency for the project;

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

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

439 B. Notice of the application shall be provided by the ~~((department))~~ division
440 within fourteen days following the ~~((department's))~~ division's determination that the
441 application is complete. A public comment period on a notice of application of at least
442 ~~((twenty-one))~~ fourteen, but not more than thirty days shall be provided, except as
443 otherwise provided in chapter 90.58 RCW and RCW 58.17.215 with regards to
444 subdivision alterations. The public comment period shall commence on the third day
445 following the ~~((department's))~~ division's mailing of the notice of application as provided
446 for in subsection H. of this section.

447 C. If the county has made a determination of significance ("DS") under chapter
448 43.21C RCW before the issuance of the notice of application, the notice of the DS shall
449 be combined with the notice of application and the scoping notice.

450 D. Unless the mailed notice of application is by a post card as provided in
451 subsection E. of this section, the notice of application shall contain the following
452 information:

- 453 1. The file number;
- 454 2. The name of the applicant;
- 455 3. The date of application, the date of the notice of completeness and the date of
456 the notice of application;
- 457 4. A description of the project, the location, a list of the permits included in the
458 application, and the ~~((location))~~ publicly-accessible site where the application and any
459 environmental documents or studies can be reviewed;
- 460 5. A site plan on eight and one-half by fourteen-inch paper, if applicable;
- 461 6. The procedures and deadline for filing comments, requesting notice of any
462 required hearings, and any appeal procedure;
- 463 7. The date, time, place, and type of hearing, if applicable and scheduled at the
464 time of notice;
- 465 8. The identification of other permits not included in the application to the
466 extent known;
- 467 9. The identification of existing environmental documents that evaluate the
468 proposed project; and
- 469 10. A statement of the preliminary determination, if one has been made, of those
470 development regulations that will be used for project mitigation and of consistency with
471 applicable county plans and regulations.
- 472 E. If mailed notice of application is made by a post card, the notice of application
473 shall contain the following information:
- 474 1. A description of the project, the location, a list of the permits included in the
475 application and any environmental documents or studies can be reviewed;

- 476 2. The name of the applicant;
- 477 3. The date of application, the date of the notice of completeness, and the date
478 of the notice of application;
- 479 4. If the ~~((department))~~ division has made a decision or recommendation on the
480 application, the decision or recommendation made;
- 481 5. The applicable comment and appeal dates and the date, time, place, and type
482 of hearing, if applicable;
- 483 6. A ~~((web-site))~~ website address that provides access to project information (~~(;~~
484 ~~including a site map and application page)~~); and
- 485 7. The ~~((department))~~ division contact name, telephone number, and email
486 address;
- 487 F. Notice shall be provided in the following manner:
- 488 1. Posted at the project site as provided in subsections G. and J. of this section;
- 489 2. Mailed by first class mail as provided in subsection H. of this section; and
- 490 3. Published as provided in subsection I. of this section.
- 491 G. Posted notice for a proposal shall consist of one or more notice boards posted
492 by the applicant within fourteen days following the ~~((department's))~~ division's
493 determination of completeness as follows:
- 494 1. A single notice board shall be posted for a project. This notice board may
495 also be used for the posting of the notice of decision and notice of hearing and shall be
496 placed by the applicant:
- 497 a. at the midpoint of the site street frontage or as otherwise directed by the
498 ~~((department))~~ division for maximum visibility;
-

499 b. five feet inside the street property line except when the board is structurally
500 attached to an existing building, but a notice board shall not be placed more than five feet
501 from the street property without approval of the ((department)) division;

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

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

504 e. comply with ((site)) sight distance requirements of K.C.C. 21A.12.210 and
505 the King County road standards adopted under K.C.C. chapter 14.42((-);

506 2. Additional notice boards may be required when:

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

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

509 c. the ((department)) division determines that additional notice boards are
510 necessary to provide adequate public notice;

511 3. Notice boards shall be:

512 a. maintained in good condition by the applicant during the notice period
513 through the time of the final county decision on the proposal, including the expiration of
514 any applicable appeal periods, and for decisions that are appealed, through the time of the
515 final resolution of any appeal;

516 b. in place at least twenty-eight days before the date of any required hearing
517 for a Type 3 or 4 decision, or at least fourteen days following the ((department's))

518 division's determination of completeness for any Type 2 decision; and

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

520 4. Removal of the notice board before the end of the notice period may be cause
521 for discontinuance of county review until the notice board is replaced and remains in
522 place for the specified time period;

523 5. An affidavit of posting shall be submitted to the ~~((department))~~ division by
524 the applicant within fourteen days following the ~~((department's))~~ division's determination
525 of completeness to allow continued processing of the application by the ~~((department))~~
526 division;

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

530 7. The ~~((director))~~ manager may waive the notice board requirement for a
531 development proposal located in an area with restricted access, an area that is not served
532 by public roads, or in other circumstances the ~~((director))~~ manager determines make the
533 notice board requirement ineffective in providing notice to those likely to be affected by
534 the development proposal. In such cases, the ~~((director))~~ manager shall require
535 alternative forms of notice under subsection M. of this section.

536 H. Mailed notice for a proposal shall be sent by the ~~((department))~~ division
537 within fourteen days after the ~~((department's))~~ division's determination of completeness:

538 1. By first class mail to owners of record of property in an area within five
539 hundred feet of the site. The area shall be expanded when the ~~((department))~~ division
540 determines it is necessary to send mailed notices to at least twenty different property
541 owners;

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

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

545 4. To the affected Indian tribes;

546 5. To any agency or community group that the ~~((department))~~ division may
547 identify as having an interest in the proposal;

548 6. ~~((Be considered supplementary to posted notice and b))~~ Be deemed
549 satisfactory despite the failure of one or more owners to receive mailed notice;

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

552 8. In those parts of the urban growth area designated by the King County
553 Comprehensive Plan where King County and a city have adopted either a memorandum
554 of understanding or a potential annexation boundary agreement, or both, the ~~((director))~~
555 manager shall ensure that the city receives notice of all applications for development
556 subject to this chapter and shall respond specifically in writing to any comments on
557 proposed developments subject to this title.

558 I. The notice of application shall be published by the ~~((department))~~ division
559 within fourteen days after the ~~((department's))~~ division's determination of completeness
560 on the division website and in the official county newspaper ~~((and another newspaper of~~
561 ~~general circulation in the affected area))~~.

562 J. Unless waived under subsection G.7. of this section, posted notice for
563 approved formal subdivision engineering plans, clearing, or grading permits subject to
564 SEPA, or building permits subject to SEPA shall be a condition of the plan or permit

565 approval and shall consist of a single notice board posted by the applicant at the project
566 site, before construction as follows:

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

569 2. Notice boards shall include the following information:

570 a. permit number and description of the project;

571 b. projected completion date of the project;

572 c. a contact name and phone number for both the ~~((department))~~ division and
573 the applicant;

574 d. a ~~((department))~~ division contact number for complaints after business
575 hours; and

576 e. hours of construction, if limited as a condition of the permit;

577 3. Notice boards shall be maintained in the same manner as identified ~~((above,))~~
578 in subsection F of this section; and

579 4. Notice boards shall remain in place until final construction approval is
580 granted. Early removal of the notice board may preclude authorization of final
581 construction approval.

582 K. Posted and mailed notice consistent with this section shall be provided to
583 property owners of record and to the council district representative in which it is located,
584 for any proposed single~~((family))~~ detached residence in ~~((a higher density urban single
585 family residential zone-))~~R-4 through R-8~~((+))~~ zones exceeding a size of ten thousand
586 square feet of floor area as defined in the ~~((Washington State Uniform))~~ International
587 Building Code.

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

- 593 1. Offender self-help agencies;
- 594 2. Parole offices; and
- 595 3. ~~((Settlement houses;~~
- 596 4.)) Halfway home for delinquents and offenders ~~((; and~~
- 597 5. ~~Homes for destitute people))~~.

598 M. In addition to notice required by subsection F. of this section, the
599 ~~((department))~~ division may provide additional notice by any other means determined by
600 the ~~((department))~~ division as necessary to provide notice to persons or entity who may
601 be affected by a proposal.

602 SECTION 14. Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100
603 are hereby amended to read as follows:

604 A. ~~((The department shall issue its Type 3 or Type 4 recommendation to the~~
605 ~~office of the hearing examiner within one hundred fifty days from the date the department~~
606 ~~notifies the applicant that the application is complete. The periods for action by the~~
607 ~~examiner shall be governed by K.C.C. chapter 20.22 and the rules for conducting the~~
608 ~~examiner process adopted under K.C.C. 20.22.330.~~

609 B.1. ~~Except as otherwise provided in subsection B.2. of this section, the~~
610 ~~department shall issue its final decision on a Type 1 or Type 2 decision within one~~

611 ~~hundred twenty days from the date the department notified the applicant that the~~
612 ~~application is complete.~~

613 ~~2. The following periods apply to the type of land use permit indicated:~~

- ~~—a. New residential building permits 90 days~~
- ~~—b. Residential remodels 40 days~~
- ~~—c. Residential appurtenances, such as decks and garages 15 days~~
- ~~—d. Residential appurtenances, such as decks and garages that 40 days
require substantial review~~
- ~~—e. Clearing and grading 90 days~~
- ~~—f. Department of public health review 40 days~~
- ~~—g. Type 1 temporary use permit for a homeless encampment 30 days~~
- ~~—h. Type 2 temporary use permit for a homeless encampment 40 days~~

614 ~~C. The following periods shall be excluded from the times specified in~~
615 ~~subsections A., B., and H. of this section:)) The period to issue a final decision for each~~
616 ~~type of complete land use permit application or project type subject to this chapter should~~
617 ~~not exceed the following:~~

618 ~~1. For land use permits that do not require public notice under K.C.C.~~
619 ~~20.20.060, the division must issue a final decision within sixty-five days of the~~
620 ~~determination of completeness;~~

621 ~~2. For land use permits that require public notice under K.C.C. 20.20.060, the~~
622 ~~division must issue a final decision within one hundred days of the determination of~~
623 ~~completeness; and~~

624 3. For land use permits that require public notice under K.C.C. 20.20.060 and a
625 public hearing, the division must issue a final decision within one hundred seventy days
626 of the determination of completeness.

627 B. The number of days an application is in review with the division shall be
628 calculated from the day completeness is determined under section 9 of this ordinance to
629 the date a final decision is issued on the permit application. The number of days shall be
630 calculated by counting every calendar day and excluding the following periods:

631 1. Any period (~~((during which the applicant has been requested by the~~
632 ~~department, the examiner, or the council to correct plans, perform required studies or~~
633 ~~provide additional information, including road variances and variances required under~~
634 ~~K.C.C. chapter 9.04))~~ between the day that the division notified the applicant in writing
635 that additional information is required to further process the application and the day when
636 responsive information is submitted by the applicant. (~~(The period shall be calculated~~
637 ~~from the date of notice to the applicant of the need for additional information until the~~
638 ~~earlier of the date the county advises the applicant that the additional information satisfies~~
639 ~~the county's request or fourteen days after the date the information has been provided.))~~)
640 If the county determines that corrections, studies, or other information submitted by the
641 applicant is insufficient, it shall notify the applicant of the deficiencies and the procedures
642 of this section shall apply as if a new request for information had been made.

643 ~~((a-))~~ The ~~((department))~~ division shall set a ~~((reasonable))~~ sixty-day deadline
644 for the submittal of corrections, studies, or other information, and shall provide written
645 notification to the applicant. The ~~((department))~~ division may extend the deadline upon

646 receipt of a written request from an applicant providing satisfactory justification for an
647 extension ((-

648 ~~b. When granting a request for a deadline extension, the department shall give~~
649 ~~consideration to the number of days between the department receiving the request for a~~
650 ~~deadline extension and the department mailing its decision regarding that request));~~

651 2. The period during which an environmental impact statement is being
652 prepared following a determination of significance under chapter 43.21C RCW, as set
653 forth in K.C.C. 20.44.050;

654 3. ~~((The period during which an appeal is pending that prohibits issuing the~~
655 ~~permit)) Any period after an administrative decision is issued until the administrative
656 appeal is resolved and any additional time period provided by the administrative appeal
657 has expired;~~

658 4. Any period during which an applicant fails to post the property, if required by
659 this chapter, following the date notice is required until an affidavit of posting is provided
660 to the ~~((department))~~ division by the applicant;

661 5. Any time extension mutually agreed upon by the applicant and the
662 ~~((department))~~ division; and

663 6. Any time during which there is an outstanding fee balance ~~((that is sixty days~~
664 ~~or more past due))~~.

665 ~~((D-))~~ C. The division may cancel the permit applications in the following
666 situations, unless the applicant voluntarily opts out of the periods specified in subsection
667 A. of this section:

668 1. Failure by the applicant to submit corrections, studies, or other information
669 acceptable to the ((department)) division after two written requests under subsection
670 ((C-)) B. of this section ((shall be cause for the department to cancel or deny the
671 application-)); or

672 2. Failure by the applicant to make full payment of review fees within sixty days
673 of assessment.

674 D. If an applicant informs the division in writing that the applicant would like to
675 temporarily suspend the review of the project for more than sixty days, or if an applicant
676 is not responsive for more than sixty consecutive days after the division has notified the
677 applicant, in writing, that additional information is required to further process the
678 application, an additional thirty days may be added to the periods for the division to issue
679 a final decision for each type of permit that is subject to K.C.C. chapter 20.20. Any
680 written notice from the division to the applicant that additional information is required to
681 further process the application shall include a notice that nonresponsiveness for sixty
682 consecutive days may result in thirty days being added to the time for review. For the
683 purposes of this subsection, "nonresponsiveness" means that an applicant is not making
684 demonstrable progress on providing additional requested information to the division, or
685 that there is not ongoing communication from the applicant to the division on the
686 applicant's ability or willingness to provide the additional information.

687 E. The time limits established in this section shall not apply if an unforeseen
688 event disrupts normal county operations and prevents permit review from being feasible.

689 F. The time limits established in this section shall not apply if a proposed
690 development:

691 1. Requires ~~((either: an))~~ amendment to the Comprehensive Plan, amendment
692 to ((or)) a development regulation ((;)), zone reclassification, shoreline environment
693 redesignation, shoreline variance, shoreline conditional use permit, amendment or
694 deletion of a P suffix condition, deletion of a special district overlay, deletion of a
695 Demonstration Project Area, or modification or waiver of a development regulation as
696 part of a demonstration project;

697 2. ~~((Requires approval of a new fully contained community as provided in RCW~~
698 ~~36.70A.350, master planned resort as provided in RCW 36.70A.360 or the siting of an~~
699 ~~essential public facility as provided in RCW 36.70A.200; or)) Requires approval of a
700 variance, exception, or adjustment for standards in K.C.C. Title 9, 14, or 21A, or
701 approval or any required modification to a previous approval from another agency after
702 the required construction permit has been deemed complete;~~

703 3. Is granted concurrent review with other permit applications applicable to the
704 development;

705 4. Involves uses or activities related to mineral extraction or processing, coal
706 mining, materials processing facilities, or fossil fuel facilities;

707 5. Is under an application processing service agreement with the county;

708 6. Is to rectify a code violation case;

709 7. Is for a development proposal to install permanent stabilization measures to
710 replace any structures or grading done as an emergency action; or

711 ~~((3-))~~ 8. Is revised by the applicant, when the revisions will result in a
712 substantial change in a project's review requirements, as determined by the ((department))
713 division, in which case the period shall start from the date at which the revised project

714 application is determined to be complete. For the purpose of this section, "a substantial
715 change" may include, but is not limited to:

716 a. the creation of additional lots;

717 b. the reduction or elimination of open space;

718 c. a change in land uses;

719 d. a change in points of ingress or egress to the property;

720 e. a ten-percent increase or more to the total value of building construction

721 work, including all finish work, painting, roofing, electrical, plumbing, heating,

722 ventilation, air conditioning, elevators, fire systems, and any other permanent fixtures;

723 f. a ten percent increase or more to the total building square footage,

724 impervious surface area, parking, or building height;

725 g. changes to documents submitted to show compliance with the county's

726 stormwater mitigation requirements as described in the King County Surface Water

727 Design Manual, that do one or more of the following:

728 (1) make corrections to the existing conditions site plan that result in a change

729 to the natural drainage location;

730 (2) require mitigation for a downstream drainage problem that was not

731 identified in the application submittal;

732 (3) change the application from no flow control facility is required to a flow

733 control facility is required;

734 (4) change the application from no water quality treatment facility is required

735 to a water quality treatment facility is required;

736 (5) increase the level of required water quality treatment from the original
737 application;

738 (6) cause the application to be unable to comply with Core Requirement 9 of
739 the Surface Water Design Manual to provide sufficient flow control Best Management
740 Practices or demonstrate meeting the low impact development performance standard; or

741 (7) cause the application to require a drainage adjustment, unless it can be
742 shown that the conditions requiring the adjustment could not have reasonably been
743 known prior at application;

744 h. changes to documents submitted to show compliance with King County
745 road standards that require a road variance, unless it can be shown that the conditions
746 requiring the variance could not have reasonably been known at application; or

747 i. proposes changes that create new or increased impacts to critical areas that
748 will require a revision to mitigation measures.

749 ~~((F. The time limits established in this section may be exceeded on more complex~~
750 ~~projects. If the department is unable to issue its Type 1 or Type 2 decision or its Type 3~~
751 ~~or Type 4 recommendation within the time limits established by this section, it shall~~
752 ~~provide written notice of this fact to the applicant. The notice shall include a statement of~~
753 ~~reasons why the time limits have not been met and an estimated date for issuance of the~~
754 ~~notice of a Type 1 or Type 2 decision or a Type 3 or Type 4 recommendation.))~~

755 G. The ~~((department))~~ division shall require that all plats, short plats, building
756 permits, clearing and grading permits, conditional use permits, special use permits, site
757 development permits, shoreline substantial development permits, binding site plans,
758 urban planned development permits, or fully contained community permits, issued for

759 development activities on or within five hundred feet of designated agricultural lands,
760 forest lands, or mineral resource lands, contain a notice that the subject property is within
761 or near designated agricultural lands, forest lands, or mineral resource lands, on which a
762 variety of commercial activities may occur that are not compatible with residential
763 development for certain periods of limited duration.

764 H. To the greatest extent practicable, the ~~((department))~~ division shall make a
765 final determination on all permits required for a Washington state Department of
766 Transportation project on a state highway as defined in RCW 46.04.560 with an
767 estimated cost of less than five hundred million dollars no later than ninety days after
768 receipt of a complete permit application.

769 SECTION 15. Ordinance 10870, Section 634, as amended, and K.C.C.
770 21A.42.140 are hereby amended to read as follows:

771 A. The School District shall hold a public hearing on the request for a building
772 permit on the proposed high school and may merge the public hearing for environmental
773 review with this hearing. The hearing shall address the proposal's compliance with the
774 applicable development standards and whether the impacts of traffic on the neighborhood
775 have been addressed pursuant to the State Environmental Policy Act, Chapter 43.21C
776 RCW ~~((, and/or through the payment of road impact fees))~~. The hearing may be
777 conducted by the Board of Directors, or where authorized by board policy, by a hearing
778 examiner appointed by the School Board. The District shall provide notice of the hearing
779 as follows:

780 1. by posting the property;

781 2. by publishing in a newspaper of general circulation in the general area where
782 the proposed high school is located;

783 3. by sending notices by first class mail to owners of property in an area within
784 five hundred feet of the proposed high school, but the area shall be expanded as necessary
785 to send mailed notices to at least twenty different property owners; and

786 4. by sending notices to other residents of the District that have requested
787 notice.

788 B. At a regularly scheduled or special Board meeting, the Board of Directors
789 shall adopt findings of compliance with applicable King County development standards,
790 including the decision criteria outlined in K.C.C. chapter 21A.44, or adopt proposed
791 actions necessary to reach compliance. If a hearing examiner has been appointed, the
792 Board of Directors shall review and adopt or reject the hearing examiner's proposed
793 findings and/or proposed actions. The board may include in the record any information
794 supporting its findings or any information from prior public meetings held on the same
795 general subject at the discretion of the Board.

796 C. Copies of the findings and(~~/or~~) the proposed actions shall be mailed to all
797 parties of record and to the county.

798 D. Any aggrieved party of record may request the Board of Directors to
799 reconsider the findings within twenty calendar days of its adoption. An aggrieved party
800 requesting reconsideration shall submit written evidence challenging the findings or
801 otherwise specifically identify reasons why the District has failed to reasonably comply
802 with the applicable King County development standards, or the decision criteria outlined
803 in K.C.C. chapter 21A.44. Within thirty calendar days after a request for reconsideration

804 has been filed with the District, the Board of Directors may reconsider and revise the
805 findings and/or proposed actions or may decline to reconsider. Failure to act, or to
806 initiate the process for reconsideration by notifying the aggrieved party of record of intent
807 to reconsider, within the thirty-day period shall be deemed to constitute a decision not to
808 reconsider.

809 E. The Board's final findings shall be attached to the District's building permit
810 application and shall be considered as prima facie evidence of compliance with the
811 applicable King County development standards.

812 SECTION 16. The following are hereby repealed:

813 A. Ordinance 12196, Section 12, and K.C.C. 20.20.050;

- 814 B. Ordinance 12196, Section 15, as amended, and K.C.C. 20.20.080; and
- 815 C. Ordinance 10870, Section 618, and K.C.C. 21A.42.110.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Dave Upthegrove, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this ____ day of _____, _____.

Dow Constantine, County Executive

Attachments: None



King County

Dow Constantine
King County Executive
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June 28, 2024

The Honorable Dave Upthegrove
Chair, King County Council
Room 1200
C O U R T H O U S E

Dear Councilmember Upthegrove:

This letter transmits a proposed Ordinance, that, if enacted, would update King County's permit review procedure Code standards to be consistent with the current requirements of the Revised Code of Washington, chapter 36.70B. This chapter was updated during the 2023 state legislative session to require local governments to set specified time limits on permit review.

Approval of this proposed legislation would update the time limits on permit review in the King County Code to align with state law. Some exceptions to these time limits are detailed in the proposed Ordinance to provide extra review time under special circumstances, as allowed by state law. The proposed Ordinance would also make complementary code changes to streamline the permit review process and maintain internal consistency within the code.

Thank you for your consideration of this proposed Ordinance. These proposed legislative changes will help accelerate and streamline the permit review process and will keep King County's code consistent with state law.

If your staff have questions, please contact Jim Chan, Director, Permitting Division, Department of Local Services, at 206-477-0385.

The Honorable Dave Upthegrove

June 28, 2024

Page 2

Sincerely,



for

Dow Constantine

King County Executive

Enclosure

cc: King County Councilmembers

ATTN: Stephanie Cirkovich, Chief of Staff

Melani Hay, Clerk of the Council

Karan Gill, Chief of Staff, Office of the Executive

Penny Lipsou, Council Relations Director, Office of the Executive

Danielle de Clercq, Acting Director, Department of Local Services

Jim Chan, Director Permitting Division, Department of Local Services

2023-2024 FISCAL NOTE

Ordinance/Motion: 2024-XXXX
Title: Permit review procedure code updates (SB 5290 Implementation)
Affected Agency and/or Agencies: Department of Local Services (DLS), Permitting Division
Note Prepared By: Warren Cheney, Permitting Division
Date Prepared: 5/1/2024
Note Reviewed By: Alex Chew, PSB
Date Reviewed: 5/6/2024

Description of request:

Proposed ordinance to enact King County Code (KCC) amendments to update King County's permit review procedure code standards, implementing the requirements of Washington State Senate Bill 5290, adopted in 2023, which will become effective on January 1, 2025.

Revenue to:

Agency	Fund Code	Revenue Source	2023-2024	2025	2026-2027
DLS Permitting	1340	Fees	0	0	0
TOTAL			0	0	0

Expenditures from:

Agency	Fund Code	Department	2023-2024	2025	2026-2027
DLS Permitting	1340	DLS	420,000	3,577,600	7,590,236
TOTAL			420,000	3,577,600	7,590,236

Expenditures by Categories

	2023-2024	2025	2026-2027
Labor	420,000	2,828,800	6,001,582
Central Costs / Overhead	0	748,800	1,588,654
TOTAL	420,000	3,577,600	7,590,236

Does this legislation require a budget supplemental? Yes

Notes and Assumptions:

1. The proposed code changes do not include funding provisions, so no new revenue is included in the fiscal impact.
2. Budget and funding proposals that support the work to implement State Bill 5290, and the resulting proposed KCC changes, will be made in the 2023-2024 3rd Omnibus Supplemental Budget and 2025 Annual Budget.
3. Estimated costs are based on the addition of 16 FTEs at \$170k/year/FTE, to be paid for by future fee increases. The amount is an estimate and is subject to change based on the Executive's Proposed Budget and adoption by the King County Council.

Summary of Proposed Ordinance relating to Permit Review Procedure Code Updates 2024

This summary fulfills Washington State Growth Management Act and King County Code (K.C.C.) 20.18.100 requirements for a “plain language summary.”

King County is updating some of its permit review procedures in response to Washington Senate Bill 5290, adopted in 2023. The bill amended the Local Project Review Act, Revised Code of Washington 36.70B, which sets requirements for local governments' permit review procedures. The proposed changes aim to bring King County's code standards in line with state law requirements. The draft proposed ordinance covers these code changes, along with other clarifications, technical adjustments, and administrative updates.

Ordinance Section	King County Code Section	Current Code	Proposed Change	Intent/Rationale
1	Findings	n/a	n/a	Provides context for the changes shown in the proposed ordinance and documents the reasons why specific permit types present special circumstances and therefore qualify under RCW 36.70B.140 to be excluded from the review process time periods in state law.
2	16.02.260	Lists the materials needed to make a building permit application complete.	This section of the local building code adopts the procedures in K.C.C. 20.20.040, and also adopts the most recent version (2021) of the International Building Code (IBC) submittal requirements.	Updates the list of materials needed for an application to be deemed complete, consistent with the IBC and with K.C.C. 20.20.
3	New section	n/a	This section adopts the standards in the IBC Section 105.3.1. However, where the model code language reads "within a reasonable time after filing", the proposed ordinance instead refers to K.C.C. 20.20.	Updates the review timelines for permits so that they are consistent both with the IBC and with K.C.C. 20.20.
4	New section	n/a	Sets requirement for determining the value of work proposed in permit applications.	This code language comes from IBC Section 105.3.1.1 and is being added because the preceding section removes Section 105.3.1. This section adds back a subsection of the IBC that the County should keep.
5	16.02.280	Establishes standards for building permit applications.	No substantive change; reorganized to mirror the IBC organization.	Reorders the existing code sections in order to mirror the IBC.
6	16.03.120	Provides a definition for the term "department".	Amends the definition of "department" to refer to the Permitting Division of the Department of Local Services.	Updates the definition to give the correct entity authority as it relates to the provisions in Title 16.
7	16.82.060	Specifies the procedures for applying for a clearing and grading permit.	Replaces language specifying the number of copies of documents required with language specifying the format of application materials. Removes a provision requiring that application	Specifying the number of copies of documents is no longer necessary or relevant now that documents are usually submitted in electronic format; however, the County still has the ability to specify the format of

Ordinance Section	King County Code Section	Current Code	Proposed Change	Intent/Rationale
			materials submitted as part of a permit that is denied be returned to the applicant.	application materials. Returning application materials is also no longer necessary or relevant, given the use of electronic documents. This requirement also risks conflicting with public records retention requirements.
8	n/a	n/a	Adds provision explaining that where the term "manager" is used in chapter 20.20, it refers to the department of local services, permitting division manager or designee.	Using the term "manager" uses the correct terminology for a division director and "director" is replaced with "manager" through the sections in K.C.C. 20.20 being updated in this ordinance.
9	20.20.020	Establishes four types of land use permit decisions, based on review process and decision authority, and lists the land use decisions that fall into each type.	Updates references to the "Dept. of Local Services" to read "Dept. of Local Service, Permitting Division".	The Dept. of Local Service, Permitting Division is more precise and more accurately describes the division's role.
10	20.20.030	Describes when preapplication meetings are required.	Removes the existing provision for "presubmittal project review". Eliminates the requirement for applicants to hold a preapplication meeting for projects requiring Type 2 and 3 decisions. Instead, this requirement will only apply to Type 4 decisions and projects subject to the North Highline urban design standards, which tend to be the most complex and therefore would benefit most from preapplication meetings. Reducing the number of preapplication meetings will free up Permitting staff time to focus on permit review, supporting the ability to meet the timelines set by SB 5290. Removes a provision allowing appeal of a preliminary determination that a proposed development is not permissible.	Presubmittal project review and preapplication meetings are proposed to be eliminated for more simple projects. This adjustment is intended to alleviate staff workload, enabling staff to concentrate on permit review and ensure compliance with SB 5290. The provision allowing appeal of a preliminary determination that a proposed development is not permissible—when no permit decision has been issued—is a confusing and unnecessary extra procedure.
11	New section	n/a	Adds standards for application screening. This replaces the "notice of complete application" standards in K.C.C. 20.20.050, which is proposed for repeal.	This new section provides standards for the timing of application completeness screening, aligning with the new requirements of RCW 36.70B.070.
12	20.20.040	Lists the materials required to make a permit application complete.	Identifies when a site plan is not required to make an application complete. Requires that decisions for any underlying land use approvals be included with the application.	Updated to align with the new requirements of RCW 36.70B.140. Updated to align with the removal of the option for concurrent review of permits that ordinarily would be reviewed in sequence, for example, a zoning variance and a building permit.
13	20.20.060	Sets standards for notices of application: for which types of permit applications notice is required, how long public comment periods must	Removes requirement for notices of application to be published in a second newspaper in addition to the official county newspaper.	Publication of notice in a second newspaper typically extends review timelines because publication oftentimes only takes place a few times per month.

Ordinance Section	King County Code Section	Current Code	Proposed Change	Intent/Rationale
		be, and by which means notice must be distributed.		
14	20.20.100	Sets maximum timelines for permit review. States which time periods are excluded from counting toward the maximum timeline. Identifies circumstances when these maximum timelines do not apply.	Replaces existing timelines for permit review and with those required by SB 5290/RCW 36.70B.080. Also aligns the methodology for counting review days with SB 5290. Adds definition for "substantial change".	Brings King County Code into alignment with the new requirements of RCW 36.70B. Exempts certain types of permit decision from the review timelines, within the allowances of state law, when outside agency review or quasi-judicial decisions are required. Defines "substantial change" to clarify when the need for a new application is triggered and therefore when the permit review clock restarts. This applies when a proposed scope of work changes to a degree that effectively requires review to start over.
15	21A.42.140	Amends permit review processes for proposed high schools.	Removes a reference to "road impact fees".	Removed because King County no longer has road impact fees.
16	20.20.050 20.20.080 21A.42.110	20.20.050 sets standards for providing notice of complete application. 20.20.080 sets standards for modifying permit applications. 21A.42.110 sets standards for combined review of multiple application types.	All these sections are proposed for repeal.	20.20.050 is proposed for repeal because this section discusses how applicants are notified whether their application is considered complete. This information is now covered in Section 7. Therefore, this section is redundant. 20.20.080 is proposed for repeal because this section discusses standards for what is considered to be a "substantial change" in an application, and when a new application is triggered. This information is now covered in 20.20.100.E.5, which makes this section redundant. 21A.42.110 is proposed for repeal because it establishes standards for "combined review", or review of multiple permit types concurrently. This practice will make it more difficult for the county to achieve the permit review timelines required by SB 5290.