



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)

1:00 PM

Wednesday, September 11, 2024

Hybrid Meeting

SPECIAL 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



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

2. Roll Call

3. Approval of Minutes p. 5

September 4, 2024 meeting minutes

4. Public Comment

	<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. 2024-0253](#) p. 8

A MOTION confirming the executive's appointment of Chris Raynham, who resides in council district two, to the King County rural forest commission, representing academic foresters/professional foresters.

Sponsors: Zahilay

Brandi Paribello, Council staff

6. [Proposed Motion No. 2024-0260](#) p. 13

A MOTION confirming the executive's appointment of Lori Price, to the King County rural forest commission, representing the Washington state Department of Natural Resources.

Sponsors: Perry

Brandi Paribello, Council staff

Discussion and Possible Action

7. [Proposed Ordinance No. 2024-0217](#) p. 18

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



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.



8. [Proposed Motion No. 2024-0214](#) p. 75

A MOTION acknowledging receipt of a plan in response to the 2023-2024 Biennial Budget Ordinance, Ordinance 19546, Section 19, Proviso P2, as amended by Ordinance 19633, Section 13.

Sponsors: Perry

Mary Bourguignon, Council staff

9. [Proposed Ordinance No. 2024-0277](#) p. 110

AN ORDINANCE relating to the concept of Complete Streets, which promotes roadways that are safe and convenient for all users, including pedestrians, bicyclists, transit riders, and motor vehicle drivers of all ages and abilities.

Sponsors: Perry

Nick Bowman, Council staff

10. [Proposed Motion No. 2024-0198](#) p. 126

A MOTION acknowledging receipt of a tree code update report, in response to the 2023-2024 Biennial Budget Ordinance, Ordinance 19546, Section 90, Proviso P2

Sponsors: Perry

Andy Micklow, Council staff

Adjournment



Sign language and interpreter services can be arranged given sufficient notice (206-848-0355).
TTY Number - TTY 711.
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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, September 4, 2024

Hybrid Meeting

DRAFT MINUTES

1. **Call to Order**

Chair Perry called the meeting to order at 9:30 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 August 21, 2024 meeting. Seeing no objections, the minutes were approved.

4. **Public Comment**

There were no individuals present to provide public comment.

Discussion and Possible Action

5. [Proposed Ordinance No. 2024-0216](#)

AN ORDINANCE approving the City of Enumclaw Water System Plan dated February 2024.

Andy Micklow, Council staff, briefed the committee.

Councilmember Dunn moved Amendment 1. The Amendment was adopted.

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

Yes: 4 - Dunn, Mosqueda, Perry and Zahilay

6. [Proposed Ordinance No. 2024-0187](#)

AN ORDINANCE approving the City of Snoqualmie Water System Plan dated November 2023.

Andy Micklow, Council staff, briefed the committee and answered questions from the members. Rebecca Maskin, Demographic Planner, Office of Performance Strategy, and Budget (PSB), also addressed the committee and answered questions from the members.

A motion was made by Councilmember Zahilay that this Ordinance be Recommended Do Pass Consent. The motion carried by the following vote:

Yes: 4 - Dunn, Mosqueda, Perry and Zahilay

7. [Proposed Ordinance No. 2024-0202](#)

AN ORDINANCE relating to river and floodplain management, adopting the 2024 King County Flood Management Plan, and amending Ordinance 11955, Section 9, as amended, and K.C.C. 2.16.045, Ordinance 9163, Section 2, as amended, and K.C.C. 9.04.020, Ordinance 9163, Section 5, as amended, and K.C.C. 9.04.050, Ordinance 1709, Section 5, as amended, and K.C.C. 13.24.060, Ordinance 15053, Section 3, as amended, and K.C.C. 16.82.051, Ordinance 17270, Section 2, as amended, and K.C.C. 18.25.010, Ordinance 11112, Section 1, as amended, and K.C.C. 20.12.480, Ordinance 19146, Section 66, and K.C.C. 21A.23.020, Ordinance 15051, Section 137, as amended, and K.C.C. 21A.24.045, Ordinance, 19128, Section 20, and K.C.C. 21A.24.226, Ordinance, 16267, Section 59, as amended, and K.C.C. 21A.24.381, Ordinance, 16985, Section 39, as amended, and K.C.C. 21A.25.160, and Ordinance 3688, Section 414.

Andy Micklow, Council staff, briefed the committee and answered questions from the members. Jason Wilkinson, Flood Plan Project Coordinator, Water and Land Resources Division (WLRD), also addressed the committee and answered questions from the members.

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

Councilmember Zahilay moved Title Amendment T1. The Amendment was adopted.

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

Yes: 4 - Dunn, Mosqueda, Perry and Zahilay

Other Business

There was no other business to come before the committee.

Adjournment

The meeting was adjourned at 10:20 a.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.:	2024-0253	Date:	September 11, 2024

SUBJECT

Proposed Motion 2024-0253 would confirm the Executive’s appointment of Chris Raynham, who resides in Council District 2, 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

Chris Raynham is a Terrestrial Resources Strategic Advisor at Seattle Public Utilities. He has been working as a forester for 20 years and will fill the role of Academic or Professional 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 2024-0253
2. Transmittal Letter



KING COUNTY
Signature Report

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

Motion

Proposed No. 2024-0253.1

Sponsors Zahilay

1 A MOTION confirming the executive's appointment of
2 Chris Raynham, who resides in council district two, to the
3 King County rural forest commission, representing
4 academic foresters/professional foresters.

5 BE IT MOVED by the Council of King County:

6 The county executive's appointment of Chris Raynham, who resides in council
7 district two, to the King County rural forest commission, representing academic

Motion

- 8 foresters/professional foresters, for a partial term to expire on September 30, 2025, is
9 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

206-477-3306 Fax 206-296-0194

TTY Relay: 711

www.kingcounty.gov

August 13, 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 Chris Raynham, who resides in council district two, to the King County Rural Forest Commission, representing academic foresters/professional foresters, for a partial term expiring September 30, 2025.

Mr. Raynham'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 Tala Mahmoud, External Affairs Coordinator, at (206) 477-3306.

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
 Tala Mahmoud, External Affairs Coordinator, Office of the Executive
 Wendy Sammarco, Staff Liaison
 Chris Raynham



King County

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

STAFF REPORT

Agenda Item:	6	Name:	Brandi Paribello
Proposed No.:	2024-0260	Date:	September 11, 2024

SUBJECT

Proposed Motion 2024-0260 would confirm the Executive’s appointment of Lori Price, who represents the Washington State Department of Natural Resources, 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

Lori Price is an Assistant Region Manager, Recreation, Conservation, and Transactions at the Washington State Department of Natural Resources. She has worked for the agency for 34 years in various capacities and will fill the role of a representative from the Washington State Department of Natural Resources 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 2024-0260 (and its attachments)
2. Transmittal Letter



KING COUNTY
Signature Report

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

Motion

Proposed No. 2024-0260.1

Sponsors Perry

1 A MOTION confirming the executive's appointment of
2 Lori Price, to the King County rural forest commission,
3 representing the Washington state Department of Natural
4 Resources.

5 BE IT MOVED by the Council of King County:

6 The county executive's appointment of Lori Price, to the King County rural forest
7 commission, representing the Washington state Department of Natural Resources, for a

Motion

8 partial term to expire on 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

206-477-3306 Fax 206-296-0194

TTY Relay: 711

www.kingcounty.gov

August 19, 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 Lori Price, to the King County Rural Forest Commission, representing the Washington state Department of Natural Resources, for a partial term expiring September 30, 2025.

Ms. Price'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 Tala Mahmoud, External Affairs Coordinator, at (206) 477-3306.

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
 Tala Mahmoud, External Affairs Coordinator, Office of the Executive
 Wendy Sammarco, Staff Liaison
 Lori Price



King County

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

STAFF REPORT

Agenda Item:	7	Name:	Erin Auzins
Proposed No.:	2024-0217	Date:	September 11, 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.

It is anticipated that the Committee will take action on this Proposed Ordinance at today’s meeting. Council staff will continue to work with Executive staff before full Council on a striking amendment to address recently issued Washington State Department of Commerce guidance on compliance with the state law in the Proposed Ordinance, as well as any additional clarifying or policy changes.

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;

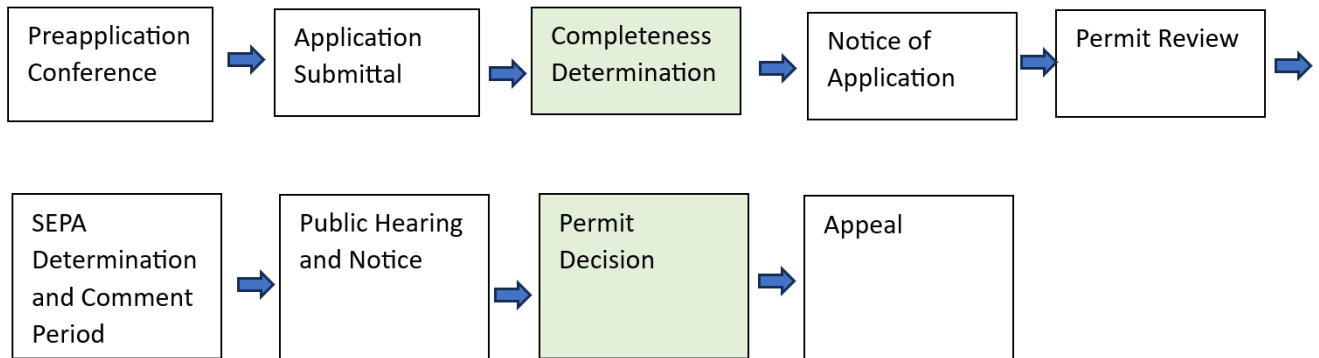
King County Code (K.C.C.) Chapter 20.20 outlines the County's procedures for permit application review for unincorporated King County. This Chapter of Code establishes requirements for different Types of permits, preapplication conferences, preapplication community meetings, application submittal, notice 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.

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.

Additionally, Executive staff provided information on the timeline for review of permits that currently have shorter timeframes prescribed by Code than the standard 150 days allowed in the Code. Permitting states “[t]he following times are total end-to-end review, including time spent waiting for the applicant, and the estimated time that the application is with Permitting or other required review agencies.”

July 2023 to June 2024 Average Data	Timeline prescribed in Code	Total end-to-end review time	Estimated DLS - Permitting review time
New residential building permits (custom)	90 days	290 days	154 days
Residential remodels	40 days	75 days	40 days
Residential appurtenances, such as decks and garages	15 days	Included in residential remodels	
Residential appurtenances, such as decks and garages that require substantial review	40 days	Included in residential remodels	
Clearing and grading	90 days	329 days	No estimate available
Department of public health review	40 days	DLS-P does not track	
Type 1 temporary use permit for a homeless encampment	30 days	None in 2023 or 2024	
Type 2 temporary use permit for a homeless encampment	40 days	None in 2023 or 2024	

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

¹ Ordinance 19791

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
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

Type of Permit	Source	Required Timeline
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
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 ((407)) 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:

TYPE 1	(Decision by ((director)) <u>manager</u> , no administrative appeal)	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
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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

401 Fifth Avenue, Suite 800

Seattle, WA 98104-1818

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www.kingcounty.gov

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 (<i>SB 5290 Implementation</i>)
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.	<p>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.</p> <p>Removes a provision allowing appeal of a preliminary determination that a proposed development is not permissible.</p>	<p>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.</p> <p>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.</p>
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.	<p>Identifies when a site plan is not required to make an application complete.</p> <p>Requires that decisions for any underlying land use approvals be included with the application.</p>	<p>Updated to align with the new requirements of RCW 36.70B.140.</p> <p>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.</p>
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.



King County

**Metropolitan King County Council
Transportation, Economy & Environment Committee**

STAFF REPORT

Agenda Item:	8	Name:	Mary Bourguignon
Proposed No.:	2024-0214	Date:	September 11, 2024

SUBJECT

Proposed Motion 2024-0214 would acknowledge receipt of the Electric Vehicle Charger Installation Plan for Rural and Unincorporated Urban Areas of King County, which was required by a budget proviso.

SUMMARY

In early 2020, the Council adopted the goal¹ of accelerating the adoption of electric vehicles (EVs), including by installing 125 EV chargers at County-owned park and rides and 150 EV chargers at County facilities by 2030; and by increasing the number of EV chargers at County-operated parks.

As part of the 2023-2024 biennial budget, the Council required the Executive to document its work in installing EV chargers by transmitting an Electric Vehicle Charger Installation Plan for Rural and Unincorporated Urban Areas of King County.²

Proposed Motion 2024-0214 would acknowledge receipt of the plan, which states that:

- Only two County-owned park and ride locations are currently situated in a rural or unincorporated area (both on Vashon Island).
- There are 10 County-owned business locations in rural or unincorporated areas, that might support public access charging, though there are constraints, such as lack of cell coverage or access to power supply.
- Advancing EV technology and increasing battery ranges mean that installing chargers at park and rides may no longer be as much of a priority as in 2020.
- Options to broaden EV charging efforts could include partnerships with Direct Current Fast Charging operators on County-owned land or garaging and charging contracted services fleet vehicles at underused park and rides.

The report appears to comply with the requirements of the budget proviso.

¹ KCC 18.22.010.A (Ordinance 19052)

² Ordinance 19546, Section 19, Proviso P2, as amended by Ordinance 19633, Section 13

BACKGROUND

2012 Strategic Climate Action Plan. In 2012, the Council adopted King County's first cross-functional Strategic Climate Action Plan (SCAP).³ The 2012 SCAP summarized King County's goals, objectives, strategies, and actions to reduce greenhouse gas (GHG) emissions and prepare for the effects of climate change. It included goals and objectives for both government operations and services the county provided in the community.

The 2012 SCAP identified five goal areas for action, one of which was transportation and land use. The SCAP set the goal of reducing the need for driving and providing and encouraging the use of sustainable transportation choices such as public transit, alternative technology vehicles, ridesharing, walking, and bicycling. Within County operations, the SCAP set the goal of increasing the efficiency of County vehicle fleets and minimizing their GHG emissions.

The 2020 SCAP update⁴ committed to a three-part strategy to reduce car trips through (1) sustained and increased use of transit; (2) focusing almost all new development in urban areas; and (3) developing vehicle usage pricing strategies that are equitable, while also reducing emissions from County-owned vehicles by 45% by 2025. The SCAP also included goals to transition the County's vehicle fleet to zero-emission and to support the installation of publicly-accessible EV chargers.

2020 "jump start" zero-emission goal. In early 2020, the Council adopted the goal⁵ of accelerating the adoption of EVs, which included goals to install 125 EV chargers at King County-owned park and rides and 150 EV chargers at County facilities by 2030; and for the Parks and Recreation Division to increase the number of EV chargers at King County-operated parks, with the goal of supporting electrification of County fleet vehicles and increasing public access in areas with limited access to EV chargers.

Budget proviso. As part of the 2023-2024 biennial budget, the Council asked the Executive to develop a Rural and Unincorporated Urban Area Electric Vehicle ("EV") Charger Installation Plan to track the County's work to site and install EV chargers, with a focus on the work being done in rural and urban unincorporated areas. The proviso states:

P2 PROVIDED FURTHER THAT:⁶

Of this appropriation, \$100,000 shall not be expended or encumbered until the executive transmits a rural and unincorporated urban area electric vehicle ("EV") charger installation plan and a motion that should acknowledge receipt of the plan, and a motion acknowledging receipt of the plan is passed by the council. The motion should reference the subject matter, the proviso's ordinance number, ordinance section, and proviso number in both the title and body of the motion.

³ Ordinance 17270, Motion 13777. The most recent SCAP was adopted in 2020 (Motion 15866).

⁴ Motion 15866

⁵ KCC 18.22.010.A (Ordinance 19052)

⁶ Ordinance 19546, Section 19, Proviso P2, as amended by Ordinance 19633, Section 13

K.C.C. 18.22.010 establishes goals to accelerate the adoption of electric vehicles by the Metro transit department, by other county agencies and by residents. These goals include installing one hundred twenty-five EV chargers at King County-owned park and rides and one hundred fifty EV chargers in county facilities by 2030. The rural and unincorporated urban area EV charger installation plan should be based on achieving these goals and shall include, but not be limited to, the following:

A. A description of the geographical distribution of both current and planned publicly accessible EV chargers at county-owned facilities and park and rides in unincorporated King County, including in rural areas;

B. An assessment of current and future estimated demand for publicly accessible EV charging at county-owned facilities and park and rides in unincorporated King County, including in rural areas, based on community outreach and engagement, including but not limited to information on EV ownership based on the state of Washington transportation electrification fee established in 46.17.324 RCW or other sources of market analysis, and consultation with jurisdictional partners, community-based organizations, utilities, existing EV working groups or private organizations;

C. A list of potential locations for publicly accessible EV chargers at county-owned facilities and park and rides in unincorporated King County, including in rural areas, based on the identified current and future estimated demand;

D. A cost estimate, as well as a list of potential funding sources, to install EV chargers and related infrastructure at the potential locations identified in section C of this proviso, based on the identified current and future estimated demand; and

E. An implementation plan and timeline to install EV chargers and related infrastructure at the potential locations identified in section C of this proviso, in the context of the overall implementation plan and timeline to meet the King County goal of installing one hundred twenty-five EV chargers at King County-owned park and rides and one hundred fifty EV chargers in county facilities by 2030.

The executive should electronically file the plan and motion required by this proviso no later than ~~((February 22, 2024))~~ June 28, 2024, with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff, and the lead staff for the transportation, economy and environment committee or its successor.

ANALYSIS

The Installation Plan, as transmitted, was prepared by King County's Executive Climate Office and King County Metro. The plan notes that EV adoption statewide has been accelerated by the Washington Department of Ecology's Clean Vehicles Program Rule,⁷ which was implemented in 2022, and which requires 100% of all new passenger cars, light-duty trucks, and medium-duty vehicles sold in the state to meet zero-emission vehicle standards by 2035.

⁷ Washington State Department of Ecology, Washington Clean Cars ([link](#))

The plan notes that, in 2023, EVs accounted for nearly 19% of new passenger vehicles sold in the state, a nearly 6% increase from 2022, making Washington second nationwide in new car market share for EVs. Approximately half of the state's 150,000 registered EVs are located in King County, where EVs comprise 6% of all registered vehicles.

The plan notes that two-thirds of EV charging in Washington currently occurs in a garage or driveway, which makes EV adoption less feasible for those who don't have access to charging at home.

The plan then moves to the terms of the proviso, responding to each of the required issues. As required, it includes information on:

A. A description of the geographical distribution of both current and planned publicly accessible EV chargers at county-owned facilities and park and rides in unincorporated King County, including in rural areas.

For park and rides, the plan states that:

- King County owns 22 park and rides and manages an additional 19 lots owned by the Washington State Department of Transportation (WSDOT).
- Only two of these park and rides are located in rural or unincorporated King County, both on Vashon Island, in areas with minimal electrical service.
- The County currently has 44 publicly available EV chargers at park and rides out of the goal of 125. None of the existing EV chargers are located in rural or unincorporated King County.

For other County facilities, the plan states that:

- The County currently has 177 EV chargers at King County facilities and buildings, which includes 100 fleet charging ports that are not publicly available.
- None of the publicly available chargers are located in rural or unincorporated King County.
- The County is exceeding the target of installing 150 EV chargers at County facilities by 2030.

The plan notes that Metro does not currently have additional funding allocated to install publicly accessible EV chargers at County-owned park and rides in rural or unincorporated King County. However, the County was recently awarded \$5.9 million from the Washington State Department of Commerce EV Charging Program, which will fund EV chargers, including at three sites in unincorporated King County: White Center, Bear Creek, and Fairwood; and will also fund 379 ports in fleet, workplace, and multi-family residential settings.

Table 1 summarizes existing King County-owned or co-managed public charging.

Table 1. King County-Owned or Co-Managed Public Charging

	Number public parking stalls	Number L2 ⁸ charging ports	Applies to 125 Park and Ride Goal	Applies to 150 County Facility Goal
Park and Rides Owned by County + Other Transit Locations				
Burien Park and Ride	488	10	✓	✓
Issaquah Park and Ride	1,010	14	✓	✓
Fauntleroy Ferry Park and Ride	12	5	✓	✓
S Kirkland Park and Ride	833	9	✓	✓
Overlake Park and Ride (KCHA ⁹)	203	2	✓	--
Tukwila Sounder Station (ST ¹⁰)	390	4	✓	--
Subtotal		44	44	38
Other County-Owned Facilities and Buildings				
KCIA ¹¹ Terminal	83	4	--	✓
Brightwater Env Edu Center ¹²	86	8	--	✓
KC Metro Safety Training Ctr	120	6	--	✓
Goat Hill Garage	580	6	--	✓
King St Center Garate	99-210 ¹³	7	--	✓
Child & Family Justice Center	176	8	--	✓
Subtotal		39	0	39
TOTAL		83	44	77

B. An assessment of current and future estimated demand for publicly accessible EV charging at county-owned facilities and park and rides in unincorporated King County, including in rural areas, based on community outreach and engagement, including but not limited to information on EV ownership based on the state of Washington transportation electrification fee established in 46.17.324 RCW or other sources of market analysis, and consultation with jurisdictional partners, community-based organizations, utilities, existing EV working groups or private organizations.

The plan includes a map showing the location of non-County-owned publicly accessible charging ports located within the county, in addition to chargers located on County property.

The plan notes that management and ownership of these non-County chargers varies and that the County could seek opportunities to invest in chargers at park and rides in

⁸ The US Department of Transportation describes several levels of EV chargers: **Level 1 (L1)** chargers use common residential 120-volt outlets and requires more time to charge; **Level 2 (L2)** chargers offer higher-speed through 240-volt or 208-volt electrical service, and are common for home, workplace, and public charging. **Level 3 (L3)**, also known as **Direct Current Fast Charging (DCFC)**, chargers offer rapid charging at installed stations. ([link](#))

⁹ KCHA = King County Housing Authority, which owns the site

¹⁰ ST = Sound Transit, which is taking over ownership of these chargers

¹¹ KCIA = King County International Airport

¹² Brightwater is located one mile outside the King County border.

¹³ Valet garage – 99 stalls with valet capacity for 210 vehicles

lower income and under-resourced communities. Based on initial analysis, these could include Redondo Heights Park and Ride, Bear Creek Park and Ride, Kent/James Street Park and Ride, and Tukwila Park and Ride, though none of these are in rural or unincorporated King County.

The plan notes that the County currently charges a flat rate of \$2 per charging session, a rate that has remained unchanged since 2012, and which encourages longer stays, resulting in below-market-rate charging. Metro holds fee-setting authority for EV chargers, and has the ability under current Code requirements,¹⁴ to increase it to as high as \$5 per session.

In terms of demand, the plan notes that, while demand for publicly accessible EV charging is expected to grow as more drivers acquire EVs, improvements in battery range may reduce the need for daily public charging. To gauge demand, the plan notes that, in 2022, residents of Bear Creek/Sammamish requested EV chargers as part of a Department of Local Services survey; also in 2022, in response to a WSDOT survey, 50 of 312 suggested charging locations within King Council were in unincorporated areas; and during engagement for the Comprehensive Plan update, 27% of respondents ranked EV charging as a priority, but did not include locations.

C. A list of potential locations for publicly accessible EV chargers at county-owned facilities and park and rides in unincorporated King County, including in rural areas, based on the identified current and future estimated demand.

In terms of future opportunities at park and rides, the plan states that there are few potential sites for publicly accessible chargers at County-owned park and rides in rural or unincorporated King County because there are currently only two County-owned park and rides in the unincorporated area, both on Vashon Island. It is possible that one or two Level 2¹⁵ charging ports could be installed, or, with a service upgrade from the power utility, additional chargers could be installed.

In terms of opportunities at other County facilities, the plan states that there are 10 potentially suitable¹⁶ County-owned facilities in rural or unincorporated areas. These locations have not yet been assessed for sufficient power supply and adequate parking space. In addition, the County owns 90 parking lots at parks or natural areas that could be assessed for installation feasibility. The plan notes that the Department of Natural Resources and Parks, in a 2020 report on options for EV charging in parks, identified Marymoor Park (partially in Redmond, partially unincorporated) and Steve Cox Memorial Park (unincorporated White Center) as the most suitable locations with sufficient electrical supply and visitation.

¹⁴ KCC 4A.700.700

¹⁵ The US Department of Transportation describes several levels of EV chargers: **Level 1 (L1)** chargers use common residential 120-volt outlets and requires more time to charge; **Level 2 (L2)** chargers offer higher-speed through 240-volt or 208-volt electrical service, and are common for home, workplace, and public charging. **Level 3 (L3)**, also known as **Direct Current Fast Charging (DCFC)**, chargers offer rapid charging at installed stations. ([link](#))

¹⁶ The plan notes that sensitive facilities, such as radio towers or Sheriff's Office locations, were eliminated from consideration.

The plan notes that the County could facilitate additional charging access for rural and unincorporated area residents by partnering with charging networks to encourage or incentivize rural installation or by working with the King County-Cities Climate Collaboration (K4C) to apply for grant funding.

D. A cost estimate, as well as a list of potential funding sources, to install EV chargers and related infrastructure at the potential locations identified in section C, based on the identified current and future estimated demand.

The plan analyzed costs for several different types of charging facilities. Table 2 summarizes these estimates.

Table 2. National Estimates of Average EV Charger Project Costs

Charging Equipment	Hardware Cost	# Charging Ports	Max # EVs per 24 Hrs	Install Cost	Total Hardware + Install Cost	Network & Support Cost/Year
Level 2	\$6-8,000	2	24 (2hr session)	\$5-15,000	\$11-23,000	\$500
Level 3 (aka DCFC)	\$50-75,000	1	96 (15min session)	\$30-75,000	\$80-150,000	\$300
Battery L3	\$85-100,000	2	20 (15 min session + recharge)	\$20,45,000	\$105-145,000	\$500
Solar L2	\$75,000	1-6	1-6 (4hr session)	\$0	\$75,000	\$0
E-Bike Charger	\$200-500	1	24 (1hr session)	\$500	\$700-1,000	\$0

The plan describes the different types of chargers as follows:

- **Level 2** chargers are what the County has historically installed at public facilities. These operate at 220-240 volts and can provide 20-30 miles of driving range from one hour of charging.
- **Level 3 (also called Direct Current Fast Charging, or DCFC)** chargers are typically installed along highway corridors. These chargers deliver power at a rate of at least 150 kilowatt-hours and can deliver 125 miles of range in 15 minutes.
- **Battery L3** chargers provide fast charging technology using an onboard storage battery that recharges itself using a more conventional Level 2 charger between charging sessions. This type of charger does not need the level of utility infrastructure as a traditional Level 3 charger, so may be more feasible for rural locations with constrained power supply.
- **Solar L2** chargers use an onboard battery to store solar energy then charge EVs at Level 2 speeds. This type of charger, which does not require electrical power, could also be appropriate for rural locations.

- **E-Bike** chargers are listed because the plan notes that e-bikes are typically too heavy to be transported on Metro bus racks. As a result, e-bike users may wish to park their bike at a park and ride or transit center and have the opportunity to recharge while the bike is parked.

To secure funding for additional EV chargers, the plan points to grants from the Washington Department of Commerce and Department of Ecology, as well as federal grants through the Federal Highway Administration’s Charging and Fueling Infrastructure grant program and the National Electric Vehicle Infrastructure Formula Program.

E. An implementation plan and timeline to install EV chargers and related infrastructure at the potential locations identified in section C, in the context of the overall implementation plan and timeline to meet the King County goal of installing 125 EV chargers at King County-owned park and rides and 150 EV chargers in county facilities by 2030.

The plan includes a list of action items. These are summarized in Table 3:

Table 3. Implementation Plan Action Items

Action Item	Lead/Support	Progress and Timeline
Steve Cox Park and Marymoor Park: Refresh analysis	DNRP/ECO	Steve Cox Park: 2024 Q4 Marymoor Park: Coord w/ PSE (2024)
DNRP parking areas shortlist	DNRP	2024 Q4
Enterprise-wide EV Charging Feasibility Study	DES	2025 Q2
Vashon Park and Rides: Site and power feasibility studies	Metro/ECO	2025 Q4 (possibly sooner w/ PSE)
Seek funding for rural/unincorporated installation	EDO	State Commerce grant (underway) State Ecology grant (next cycle) Fed Energy grant (May 2024) Federal EPA grant (July 2024) Federal FHWA CFI ¹⁷ (Aug 2024)
Partnerships with K4C	ECO	Ongoing
Conversations with commercial charging networks	ECO	Ongoing

Proviso Requirements. The report appears to comply with the requirements of the budget proviso.

INVITED

- Ross Freeman, Electric Vehicle Planner, Executive Climate Office

¹⁷ FHWA = Federal Highway Administration, CFI = Charging and Fueling Infrastructure Grant Program

ATTACHMENTS

1. Proposed Motion 2024-0214 (and its attachment)
2. Transmittal Letter



KING COUNTY
Signature Report

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

Motion

Proposed No. 2024-0214.1

Sponsors Perry

1 A MOTION acknowledging receipt of a plan in response to
2 the 2023-2024 Biennial Budget Ordinance, Ordinance
3 19546, Section 19, Proviso P2, as amended by Ordinance
4 19633, Section 13.

5 WHEREAS, the 2023-2024 Biennial Budget Ordinance, Ordinance 19546,
6 Section 19, Proviso P2, as amended by Ordinance 19633, Section 13, requested that the
7 executive submit by June 28, 2024, a plan to the council, the receipt of which should be
8 acknowledged by motion;

9 NOW, THEREFORE, BE IT MOVED by the Council of King County:

10 The council acknowledges receipt of the plan, in response to Ordinance 19546,

Motion

- 11 Section 19, Proviso P2, as amended by Ordinance 19633, Section 13, which is
- 12 Attachment A to this motion.

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. Electric Vehicle Charger Installation Plan for Rural and Unincorporated Urban Areas of King County, June 28, 2024

Electric Vehicle Charger Installation Plan for Rural and Unincorporated Urban Areas of King County

June 28, 2024



King County

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II. Proviso Text¹

PROVIDED FURTHER THAT:

Of this appropriation, \$100,000 shall not be expended or encumbered until the executive transmits a rural and unincorporated urban area electric vehicle ("EV") charger installation plan and a motion that should acknowledge receipt of the plan, and a motion acknowledging receipt of the plan is passed by the council. The motion should reference the subject matter, the proviso's ordinance number, ordinance section and proviso number in both the title and body of the motion.

K.C.C. 18.22.010 establishes goals to accelerate the adoption of electric vehicles by the Metro transit department, by other county agencies and by residents. These goals include installing one hundred twenty-five EV chargers at King County-owned park and rides and one hundred fifty EV chargers in County facilities by 2030. The rural and unincorporated urban area EV charger installation plan should be based on achieving these goals and shall include, but not be limited to, the following:

A. A description of the geographical distribution of both current and planned publicly accessible EV chargers at county-owned facilities and park and rides in unincorporated King County, including in rural areas;

B. An assessment of current and future estimated demand for publicly accessible EV charging at county-owned facilities and park and rides in unincorporated King County, including in rural areas, based on community outreach and engagement, including but not limited to information on EV ownership based on the state of Washington transportation electrification fee established in 46.17.324 RCW or other sources of market analysis, and consultation with jurisdictional partners, community-based organizations, utilities, existing EV working groups or private organizations;

C. A list of potential locations for publicly accessible EV chargers at county-owned facilities and park and rides in unincorporated King County, including in rural areas, based on the identified current and future estimated demand;

D. A cost estimate, as well as a list of potential funding sources, to install EV chargers and related infrastructure at the potential locations identified in section C of this proviso, based on the identified current and future estimated demand; and

E. An implementation plan and timeline to install EV chargers and related infrastructure at the potential locations identified in section C. of this proviso, in the context of the overall implementation plan and timeline to meet the King County goal of installing one hundred twenty-five EV chargers at King County-owned park and rides and one hundred fifty EV chargers in county facilities by 2030.

¹ [Ordinance 19546](#), Section 19, Proviso P2.

III. Executive Summary

This plan provides information on the current distribution and future installation of public electric vehicle (EV) chargers in rural and unincorporated areas of King County, focusing primarily on charging potential at County-owned park and rides and other County facilities.

According to data from the Washington State Department of Licensing,² electric vehicle ownership in King County is most prevalent in denser, more populous ZIP codes. The State's recent EV charger map³ confirms that these more urban ZIP codes also tend to be the locations where more public EV charging has been installed.

Only two County-owned park and ride locations are currently situated in a rural or unincorporated area (both on Vashon Island). Mapping conducted as part of developing this plan reveals that there are 10 County-owned business locations operated by various Divisions located in rural or unincorporated areas, that might support public access charging, pending further investigation. The only other major category of properties owned by the County in rural or unincorporated areas sits within parks and natural areas, where a mapping exercise conducted by Metro and DNRP GIS staff identified the locations of numerous parking lots at parks/natural areas.

Each of the locations identified comes with its own constraints such as cell coverage, space available for dedicated EV charging stalls, paved surface, etc. Each location requires further evaluation for necessary infrastructure, in particular access to sufficient power supply, and also an assessment of actual EV charging demand by measuring who visits and how long they stay. Vandalism of equipment has been an ongoing challenge that would need funding and focused attention.

In the five years since Ordinance 19052 established the goal of installing 125 chargers at County-owned park and rides, a lot has changed in the EV sector. Based on 2019 data, the Ordinance reflects a time when public charging was much less widespread, rapid chargers (providing 125 miles of range in 15 minutes) uncommon, and when only ten EV models in the US market could exceed 300 miles of range per charge, compared to almost 30 models expected to do so in 2024⁴.

Based on this market evolution, focusing primarily on installing at park and ride locations may no longer be a strategic priority for King County's role in public charging. Instead, the Executive Climate Office recommends continuing to work with King County departments and external partners to engage in the many other charging installation programs that have also emerged, such as: Puget Sound Energy's (PSE) underserved areas public charging program; direct-to-consumer utility rebate programs for home charger installation; and state and federal grant opportunities to add chargers in more rural areas that currently have only limited charging mostly along travel corridors.

If the County chooses to broaden the focus of its public EV charging efforts, there are opportunities to explore new cutting-edge initiatives that also leverage the work of other agencies, such as: public-private partnerships with Direct Current Fast Charging (DCFC) operators on County-owned land, and options to garage and charge Contracted Services fleet vehicles at underused park and ride locations.

² WA Open Data Portal: Electric Vehicle Population Map by Postal Code [\[LINK\]](#)

³ WA Dept of Commerce Publicly Available Charging Mapping Tool [\[LINK\]](#)

⁴ Electrek article "These EVs offer the longest range in 2024, all surpassing 300 miles," Jan. 17, 2024 [\[LINK\]](#)

IV. Background

Department Overview

King County's Executive Climate Office and King County Metro collaborated on the development of this plan and worked closely with other departments and stakeholders outlined below.

As established in King County Code 2.16.025, the duties and functions of the Executive Climate Office (ECO) include coordinating the integration of climate change into County operations in partnership with executive branch departments and offices, King County cities, partners, communities, and residents; advising the Executive and the Council on climate-related policies, programs, and activities; and leading and fostering climate innovation among County agencies. The Office is located within the Executive Department.

After more than 20 years of King County advancing various climate initiatives, ECO was created in 2023 to expand and accelerate King County's response to climate change. This new office is focused on the coordination and alignment of climate work across the County, implementing the 2020-2025 Strategic Climate Action Plan (SCAP), developing the 2025-2030 SCAP, seeking external federal, state, and philanthropic funds to support achieving the County's climate goals, and expanding communication and education about climate risks and climate actions.

In July 2023, ECO filled an EV Planner position on its team, tasked with leading internal EV policy discussions, and assisting other departments/divisions (such as Metro, DNRP, FMD, Roads) in preparing for their EV transitions and charger implementation. The Planner also coordinates with a wide range of external partners to explore pilot projects, seek state and federal funding opportunities, and formalize the County's role in public EV charging.

King County Metro is the Puget Sound region's largest public transportation agency, committed to providing safe, equitable, and sustainable mobility, and prioritizing service where needs are greatest. In addition to its internal fleet EV chargers, Metro currently manages just over half of the County's public chargers, spread across six transit-oriented locations.

Statewide Electric Vehicle Mandates

Statewide carbon reduction initiatives like the Washington Department of Ecology's Clean Vehicles Program Rule, are helping speed up public electric vehicle (EV) adoption. Implemented in 2022, the program requires 100 percent of all new passenger cars, light-duty trucks, and medium-duty vehicles sold in the state to meet zero-emission vehicle standards by 2035.

Washington is making good progress toward this goal: in 2023, EVs accounted for nearly 19 percent of new passenger vehicles sold in the state, a nearly 6 percent increase from 2022⁵; Washington ranks second nationwide in new car market share for EVs. About half of the state's 150,000 registered EVs are located here in King County, where EVs comprise 6 percent of all registered vehicles.⁶

To partially address future charging needs, in 2021 the Legislature adopted new state building code rules requiring developers of new construction with parking to install charging at 10 percent of the available spaces, with an additional 20 percent charger-ready.⁷

⁵ Alliance for Automotive Innovation: Electric Vehicle Quarterly Report, Fourth Quarter, 2023 [\[LINK\]](#)

⁶ Seattle Times: EV Sales have soared in WA: our map shows where they're registered [\[LINK\]](#)

⁷ Washington State Legislature Electric Vehicle Infrastructure Requirements [\[LINK\]](#)

[Electric Vehicle Charger Installation Plan for Rural and Unincorporated Urban Areas of King County](#)

Currently two-thirds of EV charging in Washington is believed to occur in a garage or driveway,⁸ making EV adoption less feasible for residents who live in apartments with no parking provided or whose homes lack the space and electricity required to accommodate an EV charging set-up. Programs to increase EV adoption through access to chargers outside of the home are critical, including installation of curbside charging, chargers located near apartments and other community-focused public chargers. Some current and future opportunities to install more public chargers are discussed later in the funding section of this document.

The Washington Transportation Electrification Strategy, published in February 2024, identifies a number of priority actions that are needed to implement current state EV policies around EV charging in an equitable manner, including: continued funding to support charging along state routes via the ZEVIP program; expanded community charging programs through formula funding; and block grants to community-based organizations to help them design electrification projects.⁹

King County EV Policies

The transportation sector contributes 46 percent of King County GHG emissions.¹⁰ King County's 2020 Strategic Climate Action Plan (SCAP) adopted a strategy to reduce emissions from the transportation sector through reduction of car trips by sustaining and increasing transit service; focusing development in urban areas and centers; equitably pricing vehicle usage; and reducing vehicle emission through adoption of clean fuels and electric vehicles in County vehicle fleets.

State and local governments have a significant role to play in transportation sector emission reduction efforts, particularly in developing the charging infrastructure needed to support widespread adoption of EVs. King County prioritizes equity and social justice in all work, and EV adoption, especially heavy-duty diesel vehicles, provides direct public health benefits for communities adjacent to high traffic transportation corridors.^{11, 12}

King County's Strategic Climate Action Plan (SCAP) commits to the following strategy (GHG 2.10) to reduce greenhouse gas emissions: "Accelerate electric vehicle adoption that prioritizes environmental justice and equitable access to mobility solutions."¹³

GHG 2.10 encompasses several related measures, including:

- GHG 2.10.1 - "Evaluate opportunities to expand publicly accessible EV charging infrastructure at King County facilities that prioritize equitable access to shared mobility."
- GHG 2.10.3 - "Support engagement and partnerships with utilities and organizations to develop regional pilots to incent the transition to electric vehicle ownership for all sectors, through development of infrastructure, education, and grants and incentive."

⁸ National Renewable Energy Lab [\[LINK\]](#)

⁹ Washington Transportation Electrification Strategy [\[LINK\]](#)

¹⁰ Cascadia Consulting Group. (2022). *King County Communitywide Geographic Greenhouse Gas Emissions*. (Puget Sound Regional Emissions Analysis – Final Report) [\[LINK\]](#)

¹¹ King County Equity and Social Justice Strategic Plan [\[LINK\]](#)

¹² U.S. Environmental Protection Agency. (2024) *Greenhouse Gas Emissions Standards for Heavy-Duty Vehicles: Phase 3 - Regulatory Impact Analysis* (EPA-420-R-24-006) Assessment and Standards Division Office of Transportation and Air Quality. [\[LINK\]](#)

¹³ King County Strategic Climate Action Plan [\[LINK\]](#)

[Electric Vehicle Charger Installation Plan for Rural and Unincorporated Urban Areas of King County](#)

Further, Ordinance 19052¹⁴ lays out goals for King County agencies related to the adoption of electric vehicles, including:

- Installation of one hundred twenty-five chargers at King County-owned park and rides by 2030.
- Installation of one hundred fifty chargers by 2030 in County facilities.

This plan primarily addresses the park and ride component of Ordinance 19052 relevant to rural and unincorporated King County. There are currently 177 charging ports installed across all King County facilities, approximately half of which are public chargers, the other half fleet-only units.

Related County Studies

- In September 2020, Metro developed a report that was submitted to the Council¹⁵ which focused on bus electrification. The report included a section on options to increase charging for electric or other zero-emission vehicles (ZEV) at County-owned park and rides, with the goal of increasing ZEV access to transit.
- In November 2020, the Department of Natural Resources and Parks (DNRP) produced a report¹⁶ exploring the initial feasibility of installing EV charging at County parks. It identified Marymoor Park and Steve Cox Memorial Park as suitable locations with sufficient electrical supply at which to consider public charging pilots. King County is currently in preliminary conversations with Puget Sound Energy (PSE) about having the utility install and operate EV chargers at several unincorporated locations including Marymoor Park.
- In July 2021, Metro completed a study of options for increasing ZEV access to transit, including an assessment of opportunities for expanding publicly accessible charging at County-owned park and ride facilities.
- In October 2021, King County's Department of Executive Services (DES) submitted the Electric Vehicle Infrastructure Analysis and Implementation Plan to King County Council.¹⁷ This study focused on six Facilities and Maintenance Division (FMD) sites with the highest concentration of fleet vehicles, including Black River, Chinook, Goat Hill Garage, King County Correctional Facility, King Street Center, and Maleng Regional Justice Center. As a follow-up to the study, FMD proposed an EV charging infrastructure (EVCI) Capital Improvement Program budget request in the 2023-2024 biennial budget to upgrade, expand, and plan for additional EV charging infrastructure. King County Council approved approximately half of the funding requested. EVCI projects for Goat Hill Garage and King Street Center are currently underway, and Black River and Chinook will begin late summer or early fall, 2024. Additional funding will be needed to complete these projects.
- DES is also managing an ongoing enterprise-wide EVCI feasibility study with consultant support, which includes developing a mapping tool to identify fleet charging gaps and help prioritize future build-out and deployment. The tool will include equity and health disparity layers to better inform charger prioritization. Thus far, the tool helped County agencies identify and prioritize sites for EVCI expansion based on fleet vehicle concentrations; the consultant is conducting assessments to develop conceptual charging plans for approximately 20 prioritized

¹⁴ Ordinance 19052 [\[LINK\]](#)

¹⁵ Report required by Ordinance 19052, Section 4, C [\[LINK\]](#)

¹⁶ [\[LINK\]](#)

¹⁷ Plan required by Ordinance 19052, Section 2, B(2) [\[LINK\]](#)

sites. While these chargers will be intended primarily for fleet use, there may be potential to serve visitors to the facility and/or the public. Study outcomes are anticipated by mid-2025.

Other Active Public Charging Programs

- Seattle City Light Curbside Pilot¹⁸ – In 2023, Seattle City Light (SCL) launched a pilot program to install and operate public Level 2 EV chargers at 31 curbside locations throughout the city. Level 2 chargers deliver approximately 20-30 miles of range per hour of recharging and operate at 220-240 volts. This pilot aims to provide near-home EV charging for residents who lack off-street parking locations to charge their vehicles. Locations were chosen from almost 2,000 public nominations, reviewed by a panel, and assessed for feasibility. Drivers pay a fee for use, and adjacent parking spaces are marked as “EV charging only.” SCL plans to expand the program beyond the initial 31 locations as soon as this year.
- Puget Sound Energy Power Pole Charging Pilot¹⁹ – Puget Sound Energy (PSE) recently launched a curbside charging program as part of its *Up & Go Electric for Public* program. These chargers will be mounted on power poles, owned and operated by PSE. They will require a fee for use, and adjacent parking spaces will be marked as “EV charging only.” King County is currently in conversation with PSE to identify a handful of pilot locations that fit PSE’s criteria for underserved communities and that also align with King County infrastructure policies.
- Other right-of-way charging programs - Both SCL and PSE have other charging programs underway that install Level 2 or Level 3 (i.e. faster) chargers in public right-of-way locations in partnership with host jurisdictions. These sites often offer 4-10 charging ports and perform more like charging hubs at which numerous vehicles can park and charge at once.

Precedent at Park and Ride Facilities Elsewhere:

Different transit agencies around the country have approached access to park and ride public charging in a range of ways, with variations on cost to the driver, equipment ownership, target user, and length of stay. Metro is in frequent contact with many of these agencies.

- The LA Metro light rail/subway system provides fee-based chargers at 17 stations near the end of each line to encourage EV owners to use transit to complete their journey while their vehicle is charging.
- The Massachusetts Bay Transit Authority in Boston offers free charging at some parking lots and garages, though drivers must establish an account with the ChargePoint network in order to use them.

Methodology

This plan responds to a Proviso requesting additional information on the current distribution and future planned installation of chargers in rural and unincorporated areas of King County. It explores a range of potential installation scenarios and alternative opportunities.

King County’s Executive Climate Office and King County Metro led data collection and analysis, with guidance and feedback provided by an enterprise-wide workgroup and external consultants. Several entities provided data on charging programs, including PSE, SCL, the national Electrification Coalition,

¹⁸ Seattle City Light [[LINK](#)]

¹⁹ Puget Sound Energy [[LINK](#)]

commercial charging networks, the State Department of Commerce, and subject matter experts in other counties and states.

A mapping exercise helped identify all known, and some future, charging locations across King County, including in rural and unincorporated locations. Additionally, the plan includes reference to prior studies, including one by King County Metro on park and ride infrastructure, and one on EV charging in parks conducted by the Department of Natural Resources and Parks. Data provided by DNRP indicates that approximately 90 parking lots are located at County-owned parks and natural areas.

The County did not gather new public input to inform this plan. Rather, the plan references public input on EV charging from a range of sources, including the King County Comprehensive Plan and an ongoing public survey managed by the Washington State Department of Transportation (WSDOT).

V. Report Requirements

A. Geographical Distribution of Current and Planned Publicly Accessible EV Chargers at County-Owned Facilities and Park and Rides in Unincorporated King County

Overview of County-Owned Facilities and Park and Rides

As seen in Figure 1, King County owns 22 park and rides. It also manages an additional 19 lots owned by the Washington State Department of Transportation (WSDOT). The County-owned facilities include both parking garages and surface lots, providing from 48 to more than 1,000 parking spaces. Park and ride EV chargers are installed at dedicated parking spaces labeled as EV stalls. Per County and state policy, drivers parked in these EV stalls must plug their vehicle in to the charger while accessing transit or a Vanpool. There are only two park and rides in rural or unincorporated King County (see map shading): both are paved surface lots located on Vashon Island, with minimal electrical service for limited street lighting.

In terms of pure park and ride utilization, Metro's 2021 study²⁰ noted that the most heavily used County-owned locations at the time (95 percent or higher occupancy pre-Covid) included: Aurora Village Transit Center; Bear Creek; Bothell; Issaquah Highlands; Kenmore; Redmond; South Kirkland, and Tukwila. Post-Covid, commuting patterns have changed significantly due to modified work hours and hybrid work weeks, and the utilization depicted by the map in Figure 1 is quite different. When combined with adjusted bus service, and the opening of new Sound Transit light rail stations, including the shortened 2 Line on the Eastside (April 27, 2024), today's most heavily used park and rides (Q2 2024 data) are at different locations: Bothell (55 percent), Northgate (99 percent), Olson Place SW (49 percent), and Redmond (94 percent).

The long-standing popularity of busier park and rides may be a reason to select them for EV charging in the future, but commuting patterns continue to evolve, and will do so again as additional stations open on Sound Transit's 1 Line (August 30, 2024), and when the 1 Line and the 2 Line connect in 2025.

²⁰ [\[LINK\]](#)

Figure 1: King County-owned Park and Rides

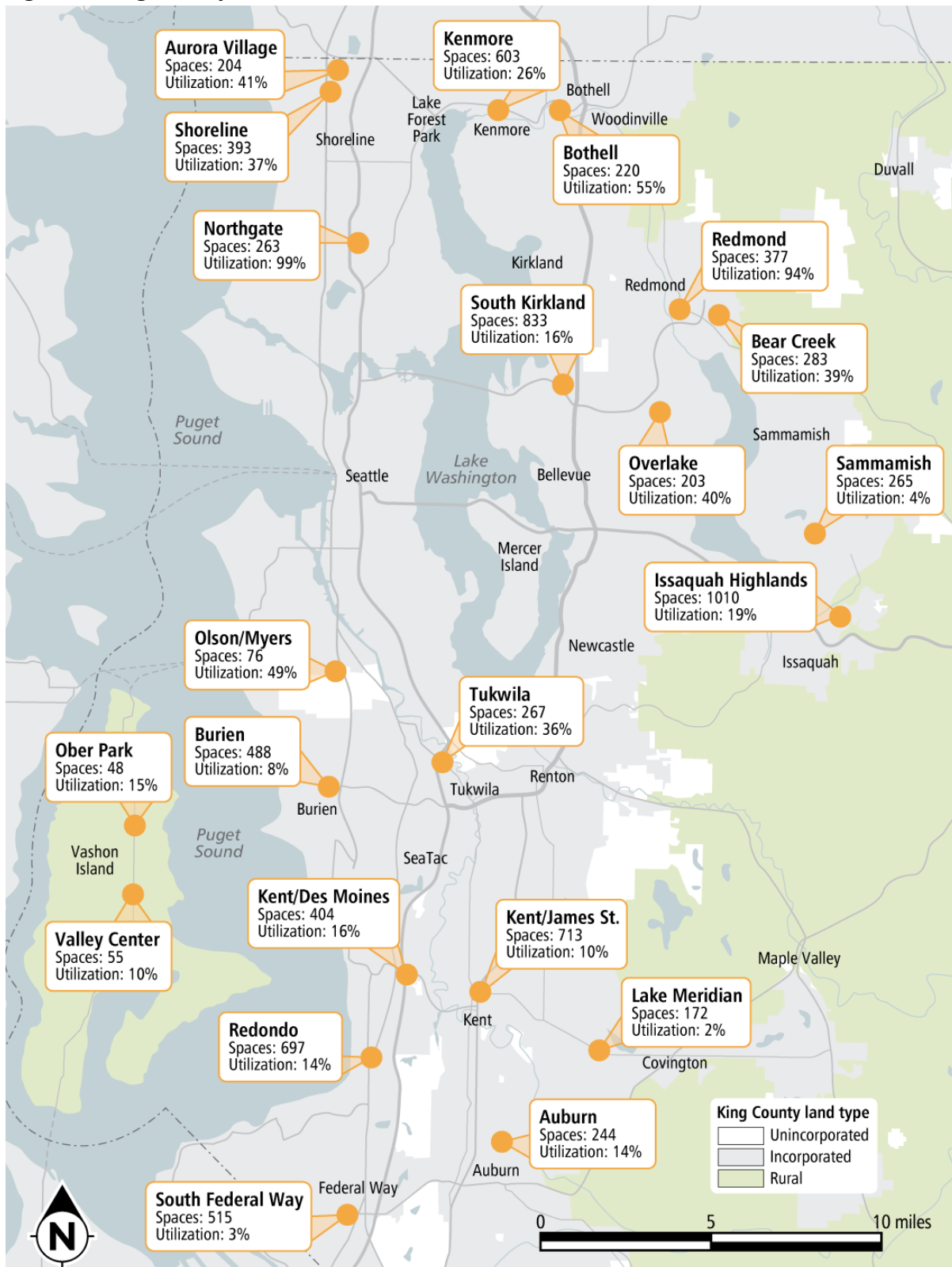


Figure 1 depicts location, capacity and utilization of King County-owned park and rides.

Electric Vehicle Charger Installation Plan for Rural and Unincorporated Urban Areas of King County

Current Publicly Accessible EV Chargers at County-Owned Facilities and Park and Rides in Rural or Unincorporated King County

King County Code (KCC) 18.22.010 establishes goals to accelerate the adoption of EVs by the Metro Transit Department, by other County agencies and by residents. These goals include installing 125 EV chargers at County-owned park and rides and 150 EV chargers in County facilities by 2030. Table 1 lists all current County-owned or managed public chargers, including at County park and rides and at County-owned facilities or buildings.

As shown, King County has 44 publicly available charging ports at park and rides out of a goal of 125,²¹ and the 77 publicly available charging ports at County facilities. In total there are 177 charging ports at King County facilities and buildings, which includes 100 fleet charging ports that are not publicly available. King County is exceeding the target of installing 150 EV chargers at county facilities by 2030.²² An EV charger can charge multiple vehicles based on the number of charging ports. Progress toward the goal is tracked based on charging ports. None of the publicly available chargers in Table 1 are at locations in rural or unincorporated areas of King County.

Table 1: Existing King County-Owned or Co-Managed Public Charging

	Number of public parking stalls at site	Number of L2 charging ports	Applies to 125 at park and rides goal	Applies to 150 at County facilities goal
Park and Rides Owned by County + Other Transit Locations				
Burien P&R	488	10	Y	Y
Issaquah P&R	1010	14	Y	Y
Fauntleroy Ferry P&R	12	5	Y	Y
S Kirkland P&R	833	9	Y	Y
Overlake P&R*	203	2	Y	N
Tukwila Sounder Station**	390	4	Y	N
Subtotal		44	44	38
Other County-Owned Facilities and Buildings				
KCIA Terminal	83	4	N	Y
Brightwater Env Edu Center***	86	8	N	Y
KC Metro Safety Training Ctr	120	6	N	Y
Goat Hill Garage	580	6	N	Y
King St Center Garage	99-210****	7	N	Y
Child & Family Justice Center	176	8	N	Y
Subtotal		39	0	39
Total Ports		83	44	77

²¹ This value reflects an updated and corrected number from the King County 2023 SCAP Biennial Report (p 63), 2023 [\[LINK\]](#). No new chargers have been installed in park and rides in 2023.

²² King County 2023 SCAP Biennial Report (p 63), 2023 [\[LINK\]](#)

**Owned by King County Housing Authority, but available to Park and Ride users*

***Ownership of these chargers soon to be transferred to Sound Transit*

****Brightwater is located 1 mile outside of the King County border*

***** Valet garage: 99 by stall count but capacity is 210 vehicles*

Planned Publicly Accessible EV Chargers at County-Owned Facilities and Park and Rides in Rural and Unincorporated King County

Currently, Metro does not have additional funding allocated for the installation of publicly accessible EV chargers at County-owned facilities and/or park and rides in unincorporated or rural King County. However, the County was recently awarded \$5.9M from the Washington State Department of Commerce EV Charging Program. Approximately one-third of this grant will fund up to 50 public charging ports at various locations across the County, including three sites in unincorporated King County: White Center (four ports), Bear Creek (four ports), and Fairwood (six ports). Contracting is still underway, but most of these chargers will be installed and available to the public within the next two years.

The award will also fund 379 ports in fleet, workplace, and multi-family residential settings. King County's own portion of the grant funding (\$1.1M) was dedicated to fleet chargers at nine worksite locations, rather than public chargers, but eight of the sites are located in overburdened areas and are therefore expected to improve local air quality.

B. Current And Future Estimated Demand For Publicly Accessible EV Charging At County-Owned Facilities and Park and Rides in Unincorporated King County

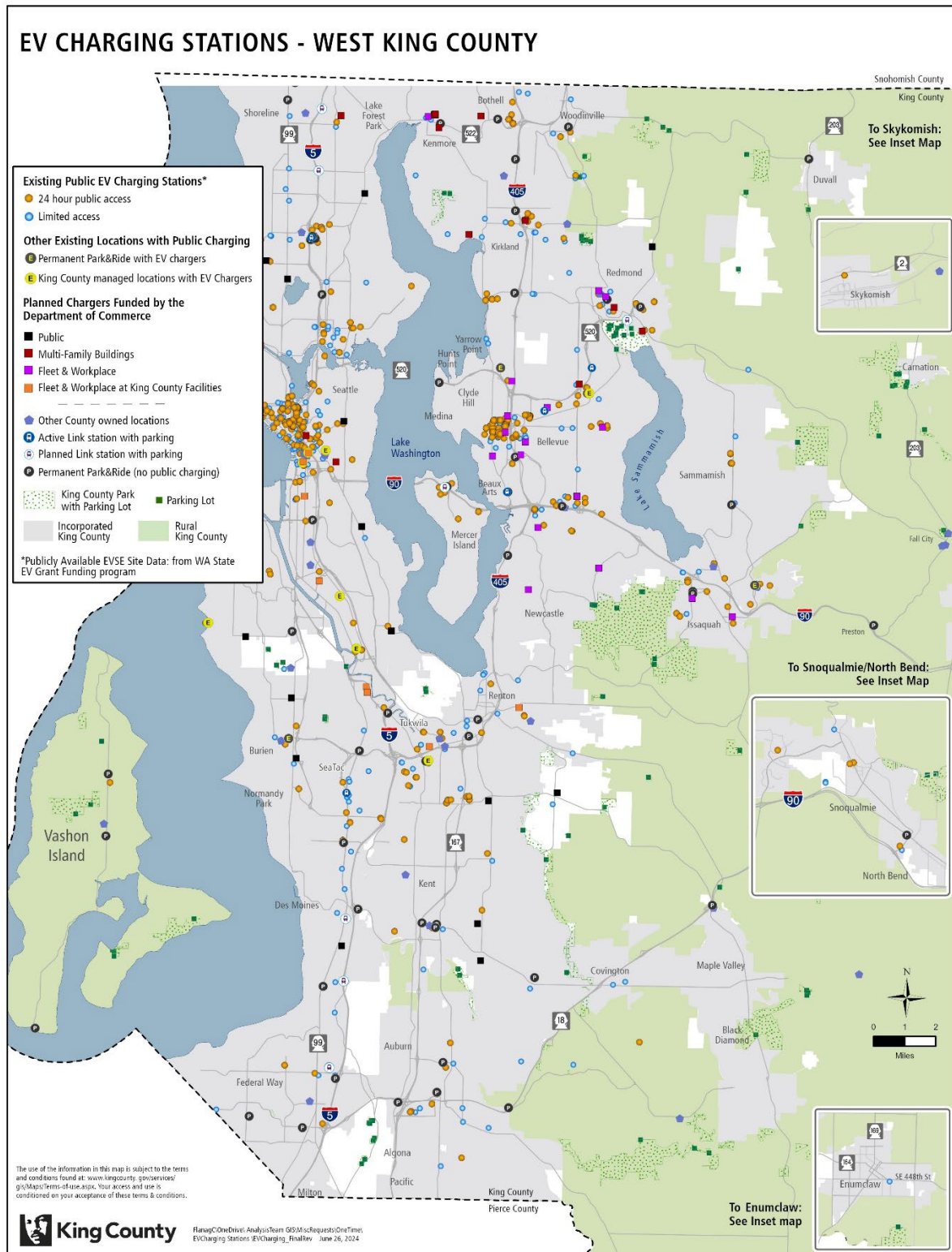
As shown in Figure 2, there are hundreds of non-county-owned publicly accessible charging ports throughout King County in addition to chargers on King County property. Management and ownership of these non-county chargers falls to a range of government agencies, local utilities, and commercial charging networks. The availability of usage data and reporting requirements on these chargers varies, and there is no centralized source of such data, making it difficult to accurately assess current demand. Since the County does not operate any chargers at county-owned facilities and park and rides in unincorporated areas, there is no current usage data for this type of installation.

Equitable Access

As a step to help promote EV use in lower income and under-resourced communities, the County could seek opportunities to invest in vehicle chargers at park and rides in those areas. From an initial review by Metro in 2020, four County-owned park and rides are located in priority census tracts from an equity and social justice (ESJ) perspective, but none of these are in rural or unincorporated King County.

- Redondo Heights Park and Ride
- Bear Creek Park and Ride
- Kent/James Street Park and Ride
- Tukwila Park and Ride

Figure 2: Electric Vehicle Charging in King County



Map depicts public charging available in King County, and selected future installations associated with Department of Commerce funding acquired by King County.

Electric Vehicle Charger Installation Plan for Rural and Unincorporated Urban Areas of King County

User Fees and Impact on Demand

The County currently charges a flat two dollars per charging session, regardless of duration or amount of energy used. The fee structure therefore encourages longer stays, which can end up being well below market rate, making these quite desirable locations given that the parking is usually free. Estimates of future demand (and length of stay) based on this uncommon fee structure may not be indicative.

The County's fee has been the same since 2012, but it could be raised as high as \$5/session KCC 4A.700.700; Metro holds fee-setting authority. Most other public chargers in the region use a per-hour rate or are moving towards setting the fee based on the amount of power provided (in kilowatt-hours, kWh). Market averages in the region are currently approximately \$0.28/kWh.²³ Modern EVs will gain about 20-25 miles of range from charging on an average Level 2 charger for 1 hour and take in about 7kW of electricity (equating to \$1.96) during that period. Almost all County-owned public chargers are ChargePoint models that can be activated with an app, swipecard, or by phone call.

Estimating Demand

Keeping in mind state mandates requiring 100 percent light-duty ZEV sales by 2035, future demand for publicly accessible EV charging is expected to grow as more drivers replace combustion-powered vehicles with EVs.²⁴ At the same time, improvements in battery range may reduce the need for daily public charging, especially for EV drivers with access to some form of home charging. Due to convenience, approximately two thirds of all EV charging occurs at home²⁵ using Level 1 (120 volt) and Level 2 (220-240 volt) charging, which typically offers the lowest electricity rate; an explanation of these charging levels is provided below in Section D. Several existing sources provide partial insights into future charging demand in unincorporated King County:

- Responses to a 2022 community needs survey conducted by King County's Department of Local Services include requests for EV chargers from Bear Creek/Sammamish residents.
- WSDOT launched an interactive web map²⁶ in May 2022 to gather suggested charging locations from the general public. To date, 50 of 312 total requested charging locations within King County fall in unincorporated areas.
- During updating of the County's Comprehensive Plan, community engagement included public surveys²⁷ and other outreach. In response to a question in the Climate Change Section about ways that the County could help community members use less gasoline day-to-day, 27 percent of respondents (260 of 978) ranked "*More Electric Vehicle Charging*" as a top three choice but did not stipulate specific locations inside rural or unincorporated King County.

Future studies of potential charging locations could include public surveys of EV user groups and community organizations in rural and unincorporated King County.

²³ Puget Sound Energy [[LINK](#)]

²⁴ National Renewable Energy Lab [[LINK](#)]

²⁵ National Renewable Energy Lab [[LINK](#)]

²⁶ Washington State Department of Transportation [[LINK](#)]

²⁷ [[LINK](#)]

C. Potential Locations for Publicly Accessible EV Chargers at County-Owned Facilities and Park and Rides in Unincorporated King County

Opportunities at Park and Rides

There are few potential sites for publicly accessible chargers at County-owned park and rides located in rural or unincorporated King County because there are currently only two County-owned park and rides in such locations. The sites, both on Vashon Island, are surface lots with lighting. The electrical capacity at these two sites has not yet been evaluated as resources were directed to assess higher priority sites. Depending on the size of that electrical service, it is possible that one or two Level 2 (220-240 volt) charging ports could be installed; a service upgrade from the power utility could allow additional charger installations.

Opportunities for Charging at Other King County Facilities

Figure 2 reflects that there are only 10 potentially suitable County-owned facilities, operated by various Divisions, located in rural or unincorporated areas (marked with blue pentagons). While these have not been assessed for sufficient power supply and adequate EV parking space, any location contemplating sharing chargers with the public must keep security and vandalism top of mind, and most would likely want to keep public charging outside the perimeter fence of the facility. Sensitive facilities, such as radio towers, Sheriff's Office locations, etc., were eliminated from consideration.

The other more extensive rural and unincorporated area property holdings in the County's portfolio are parks/natural areas. The map in Figure 2 identifies, using solid green squares, the locations of approximately 90 specific parking lots at parks or natural areas that should be assessed to develop a shortlist for installation feasibility.

In its 2020 report on options for charging in parks, DNRP identified Marymoor Park and Steve Cox Memorial Park as the most suitable locations with sufficient electrical supply and significant public visitation at which to consider public charging pilots. King County is currently in preliminary conversations with PSE about having the utility install and operate EV chargers at several unincorporated locations including Marymoor Park.

Other Ways to Deliver Rural and Unincorporated Area Charging

While there may be limited installation opportunities on County-owned land, there are several other ways that the County and ECO can facilitate additional charging access for rural and unincorporated areas residents on other land. Examples include partnering with charging networks to encourage or incentivize rural installation and leveraging relationships with members of the King County-Cities Climate Collaboration (K4C)²⁸ to apply for joint funding, such as from state grants, or other federal funding sources expected in 2024 and 2025.

D. Cost Estimate and Potential Funding Sources for Installation of EV Chargers and Related Infrastructure at the Potential Locations Identified in Section C

²⁸ [\[LINK\]](#)

[Electric Vehicle Charger Installation Plan for Rural and Unincorporated Urban Areas of King County](#)

Cost Estimates

The following cost considerations and equipment definitions are valuable when planning for EV charging opportunities across many types of locations and correlate with the cost estimates in Table 1, below.

Level 2: The County has historically installed Level 2 chargers at public facilities, that operate at 220-240 volts: these are the best compromise between price and charging speed. Modern EVs can gain 20-30 miles of driving range during one hour of Level 2 charging. The most common rate for power delivery of these units is 7 kilowatt-hours (kWh).

Level 3: Faster Level 3 charging (also known as Direct Current Fast Charging, DCFC) can cost 10-15 times more for the equipment, but deliver 125 miles of range in just 15 minutes (depending on the vehicle). As a result, these units are often placed along highway corridors and at other drop-in locations where a quick top-up is needed. Most current state and federal standards are now requiring these units to deliver power at a rate of at least 150 kWh.

Many of today's charging stations operated by commercial charging networks at retail centers, shopping malls, and convenience stores offer both L2 and L3 options; at these sites, drivers can make a choice based on their budget and time available.

Battery L3: A recent development in fast charging technology is a unit that uses an onboard storage battery to dispense power at Level 3 speeds and recharges itself using a more conventional Level 2 (i.e., 220-240-volt) power supply. An early manufacturer of this model is FreeWire²⁹ whose chargers can serve up 2,000 miles of range per day. Another newer company offering this solution, and manufacturing the equipment locally in Seattle, is Electric Era.³⁰ This type of charger is much less expensive to install than conventional Fast Charging equipment, which typically requires significant utility upgrade work and/or a new transformer. In addition to providing resilience by offering charging during power outages, battery-enabled units could make fast charging feasible at many more rural locations with constrained power supply.

Solar L2: Another newer option that provides enhanced resilience in emergencies, and that also requires no connection to the grid whatsoever, is a solar-powered Level 2 charging station. These self-contained chargers can be delivered by truck and installed in less than an hour. Using an onboard battery to store solar energy, this charger can provide up to 265 miles of range per day and can support several vehicles at once. One widely recognized manufacture for this equipment is Beam.³¹

E-Bike Charging: As E-bike ownership continues to expand in the region, there is the potential that some users may want to park their bike securely at a park and ride or transit center, and then continue their journey by bus or train. These bikes are too large and heavy to transport on Metro's bus-mounted bike racks. While parked, a subset of users may be interested in recharging their E-bike using a 120-volt outlet, though charging anywhere other than home or work is still uncommon.

²⁹ [\[LINK\]](#)

³⁰ [\[LINK\]](#)

³¹ [\[LINK\]](#)

Table 2: 2024 National Estimations of Average EV Charger Project Costs

Charging Equipment	Hardware Cost	Number of Charging Ports	Max Number of EVs Served per 24 hours	Install Cost	Total Hardware & Install Cost	Network & Support Cost/Year
Level 2 @7kW	\$6-8,000	2	24 (2-hour session)	\$5-15,000	\$11-23,000	\$500
Level 3 (aka DCFC) @150kW	\$50-75,000	1	96 (15-minute session)	\$30-75,000	\$80-150,000	\$300
Battery L3 @150kW	\$85-100,000	2	20 (15-minute session, with recharge cycles)	\$20-45,000	\$105-145,000	\$500
Solar L2 @4kW	\$75,000	1-6	1-6 (4-hour session)	\$0	\$75,000	\$0
E-Bike Charger @0.5kW	\$200-500	1	24 (1-hour session)	\$500	\$700-1,000	\$0

The table above is based primarily on information gathered by consulting firm ICF in 2022,³² that aggregated findings from four other recent installation cost studies conducted by various non-profit research organizations such as the International Council on Clean Transportation (ICCT), the National Renewable Energy Laboratory (NREL), Rocky Mountain Institute (RMI), and the Environmental Defense Fund (EDF). These estimated the cost of EV charging infrastructure deployment, including the cost of equipment, installation, needed utility upgrades (e.g., grid interconnections), permitting, etc. While the data has been adjusted somewhat to reflect increased equipment and labor costs since 2022, it is very important to note King County’s own experience with its most recent charger installs has led to total installation costs in some cases nearly double the total costs enumerated in Table 2.

Funding

In addition to state grants such as those from the Department of Commerce and Department of Ecology, other federal funding sources for EV adoption are expected in 2024 and 2025. The Federal Highway Administration’s Charging and Fueling Infrastructure (CFI) grant program recently awarded \$40 million to four projects in northwest Washington and reopened for a second round on May 30, 2024.³³ The National Electric Vehicle Infrastructure Formula Program (NEVI) has allocated \$71 million to Washington over the next five years and will generate other funding opportunities as the state builds out its program.³⁴

³² [\[LINK\]](#)

³³ US Department of Transportation Federal Highway Administration [\[LINK\]](#)

³⁴ Washington State Department of Transportation [\[LINK\]](#)

E. Implementation Plan and Timeline to Install EV Chargers and Related Infrastructure at the Potential Locations Identified in Section C

While there appears to be limited potential for installing publicly accessible EV charging at County-owned park and rides or other facilities in rural and unincorporated King County, a number of other opportunities to meet the County’s existing goals to improve access to non-urban charging are listed below.

Table 3: Implementation Plan Action Items

Action Item	Lead/Support	Progress and timeline
Refresh analysis of Steve Cox Park and Marymoor Park installations	DNRP/ECO	Steve Cox Park: 2024 Q4 Marymoor Park: Coordination with Utilities (PSE) in process
Develop shortlist of DNRP parking areas for deeper study	DNRP	2024 Q4
Complete Enterprise-wide Electric Vehicle Charging Feasibility Study	DES	2025 Q2
Conduct site and power feasibility at Vashon Park and Rides (in collaboration with PSE)	Metro/ECO	2025 Q4 at the latest – 8-12 months sooner if conducted by PSE
Pursue State and Federal funding to install in rural/unincorporated King County areas	ECO	Ongoing State: <ul style="list-style-type: none"> • Dept Commerce grant: contracting underway³⁵ • Dept Ecology grant: awaiting next cycle³⁶ Federal: <ul style="list-style-type: none"> • Dept Energy: letter of interest submitted (May 20, 2024)³⁷ • EPA: researching proposal; due July 25, 2024³⁸ • FHA CFI: researching proposal; due Aug 28, 2024³⁹
Continue partnerships with K4C and others for joint charger proposals	ECO	Ongoing
Initiate conversations with commercial charging networks on joint funding proposals	ECO	Ongoing partnership coordination underway, especially for potential CFI proposal.

³⁵ Dept of Commerce Electric Vehicle Charging Program [\[LINK\]](#)

³⁶ Dept of Ecology Charge Where You Are Grant Program [\[LINK\]](#)

³⁷ Dept of Energy Communities Taking Charge Accelerator Grants [\[LINK\]](#)

³⁸ EPA Clean Heavy Duty Vehicles Grant Program [\[LINK\]](#)

³⁹ FHA Charging and Fueling Infrastructure (CFI) Discretionary Grants Program [\[LINK\]](#)

Explore structure of public-private partnerships with third-party providers	ECO/Metro	Ongoing partnership conversations to inform P3 structures
Expand tracking of public charging to understand future rural/UKC demand	ECO	Research for non-proprietary usage data underway
Explore potential online charger request tool or map	ECO	Exploration underway to assess benefit of joining surveys by others (e.g. PSRC) vs. launching King County's own
Promote and communicate existing SCL and PSE Utility rebate programs	ECO	Ongoing as they become available

Notes on Public-Private Partnership

Metro conducted a Public-Private Partnership (P3) study in partnership with the University of Washington and published a report titled Charging Forward: Evaluating Public-Private Partnerships for Electric Bus Base Conversion to Support a Zero-Emission Fleet.⁴⁰ The study found that employing a P3 approach can reduce upfront capital costs and accelerate development for publicly owned infrastructure projects. In exchange for assuming the risk for project financing and delivery, a private entity will have the opportunity to recover its investment and potentially profit with a revenue stream for an agreed-upon operational period. A potential partnership design could include the County leasing land or individual parking stalls to a third-party provider. In exchange for the profits (if any) from the charger, the partner company may install, own, operate, and maintain all aspects of the charging operation.

One vendor that has become known for offering this business model is Electrify America⁴¹ which installs chargers in the public domain – typically, their interest tends to focus more on locations with mixed use, and that offer other retail services and amenities in the surrounding area, along with easy access to suitable power supply. As a result, these installations are less likely to focus on rural areas. Another organization, Adopt A Charger,⁴² gathers funding and donations in order to install chargers in tourist destinations that are free to use by the public. These are often installed in national parks and at other attractions, but the program has recently begun an expansion into the King County region.

To implement these programs, such arrangements may require changes in County code that would allow greater flexibility in the commercial use of park and rides, or on other County-owned land. The County may also wish to amend its code to expand which departments can set user fees and collect revenue. Early conversations are underway to explore P3s as such partnership arrangements may require new financing and contractual mechanisms.

Additional Opportunities

Beyond the action items listed in Table 3, and public-private partnership opportunities, there may be other novel approaches and pilot programs that could potentially expand access to public charging in the future.

⁴⁰ [\[LINK\]](#)

⁴¹ [\[LINK\]](#)

⁴² [\[LINK\]](#)

- Metro’s Contracted Services programs such as Metro Flex, Community Van, vanpool, and vanshare could consider ways to utilize chargers available overnight at park and rides for domiciling and charging.
- As E-bike ownership continues to expand in the region, there is the potential that some users may want to park their bike at a park and ride or transit center, and then continue their journey by bus or train. These bikes are too large and heavy to transport on Metro’s bus-mounted bike racks. While parked, a subset of users may be interested in recharging their E-bike using a 120-volt outlet, though charging anywhere other than home or work is still fairly uncommon, and equipment may be difficult to secure from theft.
- The charging industry is evolving and there could be new technologies that could facilitate charging in more rural areas. Some of these technologies may provide additional resilience in the event of power outages and other emergency events. As these technologies emerge they could be evaluated based on cost, utilization, and other key criteria.

Operation and Maintenance

- Regardless of the programs implemented, the following maintenance and operational issues must be considered to ensure user satisfaction.
- Malfunctions and uptime – to effectively operate any new charging equipment, a maintenance plan would be necessary to ensure reliable availability to the public. The County would likely contract for this service, with strict provisions around the maximum duration of malfunctions, response times, required uptime percentage, etc.
- Vandalism – Metro has experienced repeated vandalism of current chargers at park and rides, and the issue continues to be a significant problem experienced by other providers across the region. New solutions will be necessary to reduce the rate of equipment vandalism, and these may include:
 - Reinforced equipment
 - Chargers with cords that spool back into the unit when not in use
 - Monitored or staffed locations
- Parking stall enforcement – the County needs to decide how it will enforce improper parking in EV-only stalls, and who has authority to issue citations.

VI. Conclusion

EV charging infrastructure along Washington's rural state highways and interstates is developing quickly, while public charging in rural and unincorporated areas away from major travel corridors is developing at a slower pace due to lower demand and lower housing density.

State grants and building code requirements will help further charging access in these locations in addition to programs offered by utilities like Puget Sound Energy and Seattle City Light.

Given these and other programs, the extensions in average EV range, and rapidly evolving charging equipment, staff recommend steering away from park and rides as the main focus of the County's public EV charging efforts. There are only two County-owned park and rides in rural King County, and both are located on Vashon Island. The potential to add chargers there could be further explored in an assessment of the electrical capacity as well as the potential demand for chargers.

Park and rides are intended to provide access to transit, as specified in County code, therefore users tend to park for longer hours while they take the bus to work, school, or other destination. This means that drivers are leaving EVs to charge for prolonged periods which precludes use by anyone else. Charging could be provided as an incentive for transit users recognizing that the chargers will be occupied for long periods and not used as efficiently as possible; Metro would want to assess how any expanded EV charging proposal integrates into other current and planned parking program rules. If the chargers installed at park and rides are also intended to be available to non-transit users, County policy would need to be adjusted to allow new business uses.

An additional, and currently unresolved, challenge with unmonitored charging in general is repeated vandalism. For example, following many months of downtime due to prior vandalism, the chargers at the Burien Park and Ride were just vandalized again, mere weeks after repair.

To fully assess the level of future charging demand and potential opportunities in rural and unincorporated areas, further public survey work may be necessary. The other widespread County-owned properties in rural areas are approximately 90 parking lots at parks and natural areas; given the significant number, and the expected time a full assessment would take, these are still under study in order to develop a shortlist for a feasibility evaluation. Criteria would include factors such as: power availability, lighting, paved surface, parking utilization, cell coverage, and other considerations. In the interim, the County should leverage a 2020 DNRP study on EV charging in two selected park locations.

If the focus on park and ride charging is reduced, this may be an opportunity for the County to leverage or promote charging programs led by others, while exploring new cutting-edge initiatives, public-private partnerships with fast charger operators on County-owned land, and options to garage and charge Metro Contracted Services vehicles at underused park and ride locations.

With the addition of an EV Planner position to the Executive Climate Office, there is also the opportunity for the County to pivot more towards a role as lead applicant for state and federal EV charger funding, in order to pass awards through to local cities, CBO's, and other climate partners working on decarbonizing transportation. The County can help promote current utility rebate programs for single-family homeowners and multi-family building managers, while also targeting installations at public locations that meet the needs of residents who live in condos and apartments that do not, or cannot, offer charge-at-home options.



King County

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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 an Electric Vehicle Charger Installation Plan for Rural and Unincorporated Areas of King County in response to the 2023-2024 Biennial Budget Ordinance, Ordinance 19546, Section 19, Proviso P2, as amended by Ordinance 19633, Section 13, and a proposed Motion that would, if enacted, acknowledge receipt of the Plan.

The enclosed plan provides information on the current distribution, and potential future installation, of public electric vehicle (EV) chargers in rural and unincorporated areas of King County, focusing primarily on charging opportunities at County-owned park and rides and other facilities. King County's Executive Climate Office and King County Metro collaborated on development of this document and worked closely with other departments and stakeholders.

State and local governments have a significant role to play in transportation-related carbon reduction efforts, including developing the charging infrastructure needed to support widespread adoption of EVs within County operations and by the public at large. The County's Strategic Climate Action Plan also commits to accelerating electric vehicle adoption that prioritizes environmental justice and equitable access to mobility solutions.

The plan references public input on EV charging from a range of sources, including the King County Comprehensive Plan and an ongoing public survey managed by the Washington State Department of Transportation. A GIS mapping exercise located hundreds of non-county-owned publicly accessible charging ports throughout the County. While the mapping revealed only two County-owned park and rides and a few other significant (non-park) County-owned facilities in rural and unincorporated areas, it identified approximately 90 parking lots in parks and natural areas, some of which may meet suitability criteria for charger installation.

In this context, the plan also presents a number of other opportunities the Executive Climate Office identifies to improve access to non-urban EV charging, including partnering with

The Honorable Dave Upthegrove

June 28, 2023

Page 2

commercial charging networks, leveraging relationships with members of the King County-Cities Climate Collaboration (K4C), joint applications to upcoming state and federal funding sources aimed at rural installations, and cross-promotion of EV charger rebates already offered by local utilities.

Thank you for your consideration; the Executive Climate Office looks forward to continuing its work on EV charging to achieve the County's Strategic Climate Action Plan goals.

If your staff have questions, please contact Ross Freeman, EV Planner, Executive Climate Office, at 206-263-5526.

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
Marissa Aho, Director, Executive Climate Office
Michelle Allison, General Manager, Metro Transit Department
Huoi Trieu, Zero Emissions Program Director, Metro Transit Department
Autumn Salamack, Sustainability & Climate Manager, Metro Transit Department
John Taylor, Director, Department of Natural Resources & Parks
Matt Kuharic, Senior Climate Program Manager, Dept of Natural Resources & Parks
Lorraine Patterson-Harris, Director, Department of Executive Services
Sarah Calvillo-Hoffman, Climate & Sustainability Mgr, Dept of Executive Services



King County

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

STAFF REPORT

Agenda Item:	9	Name:	Nick Bowman
Proposed No.:	2024-0277	Date:	September 11, 2024

SUBJECT

Proposed Ordinance 2024-0277 relates to the concept of Complete Streets, which promotes roadways that are safe and convenient for all users, including pedestrians, bicyclists, transit riders, and motor vehicle drivers of all ages and abilities.

SUMMARY

The proposed ordinance would endorse the Complete Streets concept for road design and construction and require the implementation of Complete Streets on newly constructed or reconstructed roads, except under certain conditions as determined by the county road engineer.

BACKGROUND

Recent Increase in Traffic Related Injuries and Fatalities. Traffic fatalities and serious injuries have been increasing at significant rates in recent years across Washington State and in King County. According to the Harborview Injury Prevention and Research Center at the University of Washington, there were 810 traffic deaths in Washington State in 2023, a 10% increase since 2022, and the largest number of traffic deaths in the state since 1990.¹ In King County, the Washington State Traffic Safety Commission reports that there were 167 traffic deaths involving motor vehicles in 2023; a 9% increase since 2022 and twice the number of fatalities recorded in 2014.²

What are Complete Streets? Complete Streets are an approach to planning, designing, building, operating, and maintaining roadways that enables safe access for all people who need to use them, including pedestrians, bicyclists, motorists and transit riders of all ages and abilities.³ A single roadway may not always be able to accommodate all transportation modes, however. The differences in rural and urban settings, environmental, natural, and various other right-of-way constraints can limit what transportation facilities are feasible or even desirable. In practice then, the Complete Streets approach focuses broadly on building Complete Networks to provide

¹ Harborview Injury Prevention & Research Center, University of Washington, Washington Traffic Deaths Reach 33-Year High, May 14, 2024 ([link](#))

² Washington Traffic Safety Commission Data Dashboard ([link](#))

³ National Complete Streets Coalition (<https://smartgrowthamerica.org/what-are-complete-streets/>)

multimodal connectivity. Complete Networks may use parallel routes to facilitate access that variously prioritizes different modes throughout an area while ensuring the safety of all roadway users.⁴

Figure 1 below illustrates the Complete Streets approach to roadway design.

Figure 1



Enacted Complete Street Policies. Since the National Complete Streets Coalition began collecting data in the year 2000, over 1,500 jurisdictions across the United States have adopted Complete Streets policies. This includes the majority of state governments, 95 counties, and over 1,300 cities and towns.⁵

Washington State adopted the Complete Streets Act in 2011 to encourage local governments to adopt their own Complete Streets ordinances, require the Washington State Department of Transportation (WSDOT) to consult with local jurisdictions and consider the needs of all users by applying context-sensitive solutions when constructing, reconstructing, or making major improvements to streets that are part of the state highway system, and establish the Complete Streets Grant Program.⁶ To be eligible for the state’s grant program, local jurisdictions must adopt a jurisdiction-wide Complete Streets ordinance that plans for the needs of all users and is consistent with sound engineering principles.⁷

In 2022, as part of the Move Ahead Washington transportation package, the State further required WSDOT projects starting design on or after July 1, 2022, that are \$500,000 or more to incorporate principles of Complete Streets design. WSDOT must

⁴ Active Transportation Alliance. “Complete Streets, Complete Networks.”

⁵ Smart Growth America. “[Complete Streets policies nationwide.](#)”

⁶ RCW47.04.320-340

⁷ RCW 47.04.320.2(b).

also identify locations on state rights-of-way that have inadequate bicycle and pedestrian facilities, consult with local jurisdictions to confirm existing and planned active transportation connections for integration of the state route to the local network, and modify speed limits appropriate to roadway design and local context.⁸

King County has long-standing Comprehensive Plan policies that align with the Complete Streets approach. A non-exhaustive list of Complete Streets-aligned policies in the committee recommended version of the 2024 Comprehensive Plan update include:

- **T-101 King County should provide a safe and accessible system of transportation services and facilities that offers travel options to all members of the community.**
- **~~((T102))~~T-103 As a transportation provider and participant in regional transportation planning, King County should support, plan, fund, design, and implement an integrated~~((;))~~ and coordinated ~~((and—balanced))~~ multimodal transportation system that serves the growing travel needs of the county safely, equitably, effectively, sustainably, affordably, and efficiently, and ~~((promotes a decrease in the share of trips made by single occupant vehicles))~~ reduces vehicle miles traveled.**
- **~~((T204))~~T-110 King County prioritizes multimodal transportation options in the urban areas, where they are most effective. ~~((Multimodal transportation options such as public transportation, bicycling and walking, are most effective in densely developed urban areas. As resources allow,))~~ King County's transportation investments in urban areas should emphasize public transportation and road services and facilities that support multiple modes and facilitate connections between them.**
- **~~((T202))~~T-111 ~~((As resources allow,))~~ King County's transportation investments in the Rural Area~~((s))~~ and Natural Resource Lands should emphasize maintaining, ~~((and))~~ preserving, and, where appropriate, providing flexible service options and safe road infrastructure that is compatible with the preservation of rural character and does not promote urban or unplanned growth.**
- **~~((T230))~~ T-207 King County shall consider the safety, needs, and abilities of ~~((nonmotorized))~~ active transportation users ~~((of the transportation system))~~ in the planning, design, construction, maintenance, preservation, and operation of road infrastructure and other transportation facilities ~~((to the extent feasible given available funding))~~.**
- **~~((T234))~~T-208 Consistent with the priorities defined in the County's ~~((functional))~~ transportation plans~~((;))~~ and the Regional Growth Strategy, ~~((nonmotorized))~~ active transportation system investments should aim to increase safety, accessibility, and mobility~~((, facilitating))~~; facilitate mode integration and intermodal connections~~((;))~~; improve access to centers,**

⁸ RCW 47.04.035

where appropriate~~(,);~~ and ~~((providing))~~ provide opportunities for healthy activity and alternatives to driving for all populations.

- ~~((T232))~~T-209 King County shall evaluate ~~((and implement nonmotorized))~~ active transportation improvements in its road construction projects and shall implement these improvements where appropriate and feasible.
- ~~((T243))~~T-221 King County should coordinate with ~~((bicycling, pedestrian and equestrian stakeholders))~~ active transportation users and advocacy organizations to ensure that their input is included early ~~((in))~~ and throughout the planning and project design process for projects with ~~((nonmotorized))~~ active transportation elements or that have the potential to affect ~~((nonmotorized))~~ these users.
- T-315 King County should contribute to achieving the state traffic safety goal of zero deaths and serious injuries using a safe systems approach, through which road system managers, public health organizations, law enforcement agencies, emergency responders, road users, and other parties collaborate to prioritize the elimination of crashes that result in death and serious injuries.
- ~~((313))~~T-321 The King County~~((’s))~~ ~~((f))~~Road ~~((d))~~Design and ~~((e))~~Construction ~~((s))~~Standards shall promote safe, cost effective roads that, ~~((encourage multimodal use,))~~ to the extent practical and allowed by law, incorporate complete streets infrastructure to balance the health and safety needs of all road users, contribute to the state traffic safety goal of zero deaths and serious injuries, and reflect the function of the road and the different needs of and service levels for the Urban Growth Area and Rural Area and Natural Resource Lands.

The Federal Highway Administration (FHWA) has also taken a more active role in advancing the concept of Complete Streets in recent years. In March 2021, FHWA established a Complete Streets initiative to work with State, Tribal and local transportation agencies across the country to implement a Complete Streets design model. The FHWA’s efforts focus not just on policy but on outcomes, including increasing the proportion of Federal aid funded transportation projects that are routinely planned, designed, built, and operated as Complete Streets that are safe and accessible for all users.⁹

ANALYSIS

Proposed Ordinance 2024-0277 would endorse the concept of Complete Streets and require the county to implement Complete Streets for all users on newly constructed or reconstructed roads with certain exceptions as determined by the County Road Engineer. The exceptions that may preclude the construction of Complete Streets include:

- When contrary to public safety;
- When not practically feasible because of significant adverse environmental impacts;

⁹ [Moving to a Complete Streets Design Model: A Report to Congress on Opportunities and Challenges March 2022](#)

- When not practically feasible because of significant adverse impacts on neighboring land uses, including impacts from right-of-way acquisition;
- When their establishment would violate Comprehensive Plan policies;
- When there is no identified need for the improvement; or
- When their cost would be excessively disproportionate to the need or probable use.

Under the proposed ordinance, upon determining that conditions preclude the construction of Complete Streets the County Road Engineer should consider whether nearby facilities can accommodate users and, except on new and reconstructed roadway projects, is required to consider measures that can benefit users, such as standalone sidewalks, shoulder improvements, or other projects.

According to the Executive, the proposed ordinance is intended to formally endorse the Complete Streets approach, as well as, meet the eligibility requirements of the state's Complete Streets Grant Program and improve the County's competitiveness for other related grant programs.

AMENDMENT

Striking Amendment S1 would:

- Replace language in Section 1.A. of the underlying ordinance which states the County "shall provide and require the implementation of Complete Streets for all users on newly constructed or reconstructed roads" with language stating the County "strives to provide and require the implementation of Complete Streets for all users on newly constructed or reconstructed roads". The change is meant to clarify that the ordinance is not intended as a development regulation.
- Correct an error throughout the body of the underlying ordinance wherein the term "county engineer" is used, when "county road engineer" was intended.
- Make other technical and grammatical corrections.

INVITED

- Rey Sugui, Intergovernmental Relations, Road Services Division of the Department of Local Services.
- John Vander Sluis, Strategic Development Analyst, Road Services Division of the Department of Local Services.

ATTACHMENTS

1. Proposed Ordinance 2024-0277
2. Amendment S1
3. Transmittal Letter
4. Fiscal Note



KING COUNTY
Signature Report

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

Ordinance

Proposed No. 2024-0277.1

Sponsors Perry

1 AN ORDINANCE relating to the concept of Complete
2 Streets, which promotes roadways that are safe and
3 convenient for all users, including pedestrians, bicyclists,
4 transit riders, and motor vehicle drivers of all ages and
5 abilities.

6 PREAMBLE:

7 Complete Streets are roads that prioritize safety, comfort, and connectivity
8 to destinations for all people who use the street network, particularly those
9 from underserved communities facing historic disinvestment. Those roads
10 serve: people walking, biking, using transit, and driving; children and
11 older individuals; people with disabilities; and freight vehicles. Complete
12 Streets balance the health and safety needs of all road users, reflect the
13 function of the road, and respond to the different needs and service levels
14 for urban and rural areas.

15 Designing roads with pedestrians in mind significantly reduces pedestrian
16 risk. About one quarter of the population of Washington State does not
17 drive, including people who cannot afford cars, and an increasing number
18 of older adults. Whether they walk or bicycle directly to their destinations
19 or to public transportation, those individuals require safe access to get to

20 work, school, shops, and medical visits, and to take part in social, civic,
21 and volunteer activities.

22 The development of a network of Complete Streets can improve
23 pedestrian safety, increase the capacity of the transportation network,
24 promote improvements in public health, and reduce carbon pollution from
25 transportation.

26 The Federal Highway Administration ("FHWA") encourages local
27 transportation agencies to adopt and implement policies to equitably
28 evaluate, plan, and construct Complete Streets. FHWA support for
29 Complete Streets includes a goal of increasing the proportion of federal
30 aid funded transportation projects that are routinely planned, designed,
31 built, and operated as Complete Streets.

32 King County has established policies in its Comprehensive Plan that
33 support the development of Complete Streets, including a commitment to
34 consider the needs and abilities of people walking and biking in the
35 planning, design, construction, maintenance, preservation, and operation
36 of road infrastructure and other transportation facilities; prioritization of
37 safety and mobility when improving the transportation system for people
38 walking and biking; and direction to actively seek grant funding to
39 improve infrastructure that serves the needs of people of color, low-
40 income communities, and others who might have limited transportation
41 options.

42 **BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:**

43 SECTION 1.

44 A. King County endorses the concept of Complete Streets, which promotes
45 roadways that are safe and convenient for all users. King County shall provide and
46 require the implementation of Complete Streets for all users on newly constructed or
47 reconstructed roads. The county engineer may, in the county engineer's sole discretion,
48 determine that there are exceptions to the provision of Complete Streets. Among the
49 conditions that may preclude the construction of Complete Streets are the following:

- 50 1. Their establishment would be contrary to public safety;
- 51 2. Their construction is not practically feasible because of significant adverse
52 environmental impacts to streams, wetlands, steep slopes, or other critical areas;
- 53 3. Their construction is not practically feasible because of significant adverse
54 impacts on neighboring land uses, including impacts from right-of-way acquisition;
- 55 4. Where the establishment would violate Comprehensive Plan policies;
- 56 5. There is no identified need for the improvement; or
- 57 6. When the cost would be excessively disproportionate to the need or probable
58 use.

59 B. If the county engineer determines that a condition precludes the construction
60 of Complete Streets on a roadway project, the county engineer should consider whether
61 users can be accommodated by nearby facilities. Aside from new and reconstructed

62 roadways, the county engineer shall consider other measures that can benefit users, such
63 as standalone sidewalk projects, shoulder improvement projects, or other projects.

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

August 28, 2024
Striking Amendment

[N. Bowman]

Sponsor: Perry

Proposed No.: 2024-0277

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2024-0277, VERSION**

2 **1**

3 On page 1, beginning on line 6, strike everything through page 4, line 63 and insert:

4 "PREAMBLE:

5 Complete Streets are roads that prioritize safety, comfort, and connectivity
6 to destinations for all people who use the street network, particularly those
7 from underserved communities facing historic disinvestment. Those roads
8 serve: people walking, biking, using transit, and driving; children and
9 older individuals; people with disabilities; and freight vehicles. Complete
10 Streets balance the health and safety needs of all road users, reflect the
11 function of the road, and respond to the different needs and service levels
12 for urban and rural areas.

13 Designing roads with pedestrians in mind significantly reduces pedestrian
14 risk. About one quarter of the population of Washington state does not
15 drive, including people who cannot afford cars, and an increasing number
16 of older adults. Whether they walk or bicycle directly to their destinations
17 or to public transportation, those individuals require safe access to get to

18 work, school, shops, and medical visits, and to take part in social, civic,
19 and volunteer activities.

20 The development of a network of Complete Streets can improve
21 pedestrian safety, increase the capacity of the transportation network,
22 promote improvements in public health, and reduce carbon pollution from
23 transportation.

24 The Federal Highway Administration ("FHWA") encourages local
25 transportation agencies to adopt and implement policies to equitably
26 evaluate, plan, and construct Complete Streets. FHWA support for
27 Complete Streets includes a goal of increasing the proportion of federal
28 aid funded transportation projects that are routinely planned, designed,
29 built, and operated as Complete Streets.

30 King County has established policies in its Comprehensive Plan that
31 support the development of Complete Streets, including a commitment to
32 consider the needs and abilities of people walking and biking in the
33 planning, design, construction, maintenance, preservation, and operation
34 of road infrastructure and other transportation facilities; prioritization of
35 safety and mobility when improving the transportation system for people
36 walking and biking; and direction to actively seek grant funding to
37 improve infrastructure that serves the needs of people of color, low-
38 income communities, and others who might have limited transportation
39 options.

40 **BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:**

41 SECTION 1.

42 A. King County endorses the concept of Complete Streets, which promotes
43 roadways that are safe and convenient for all users. King County strives to provide and
44 require the implementation of Complete Streets for all users on newly constructed or
45 reconstructed county roads. The county road engineer may, in the county road engineer's
46 sole discretion, determine that there are exceptions to the provision of Complete Streets.
47 Among the conditions that may preclude the construction of Complete Streets are the
48 following:

- 49 1. Their establishment would be contrary to public safety;
- 50 2. Their construction is not practically feasible because of significant adverse
51 environmental impacts to streams, wetlands, steep slopes, or other critical areas;
- 52 3. Their construction is not practically feasible because of significant adverse
53 impacts on neighboring land uses, including impacts from right-of-way acquisition;
- 54 4. Where their establishment would violate Comprehensive Plan policies;
- 55 5. There is no identified need for the improvement; or
- 56 6. When their cost would be excessively disproportionate to the need or
57 probable use.

58 B. If the county road engineer determines that a condition precludes the
59 construction of Complete Streets on a roadway project, the county road engineer should
60 consider whether users can be accommodated by nearby facilities. Aside from new and
61 reconstructed roadways, the county road engineer shall consider other measures that can
62 benefit users, such as standalone sidewalk projects, shoulder improvement projects, or
63 other projects."

64 **EFFECT prepared by Nick Bowman: Replaces language in Section 1.A. requiring the**
65 **county to require and provide the implementation of Complete Streets with language**
66 **stating the county strives to require and provide the implementation of Complete**
67 **Streets, corrects an error throughout the body of the underlying ordinance wherein the**
68 **term “county engineer” is used, when “county road engineer” was intended, and**
69 **makes other technical and grammatical changes.**



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

August 26, 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 would, if enacted, endorse Complete Streets road facilities and define the conditions that may preclude the construction of such facilities. Approval of this proposed legislation will support the development of road facilities that serve all users, improve grant competitiveness, and set clear expectations for private developers, county departments, and external agencies.

Complete Streets are roads that prioritize safety, comfort, and connectivity to destinations for all people who use the road network, particularly those from underserved communities facing historic disinvestment. The development of Complete Streets can improve pedestrian safety, increase the capacity of the transportation network, promote improvements in public health, and reduce greenhouse gas emissions from transportation.

Planning for Complete Streets is supported by the federal and state governments. The Federal Highway Administration (FHWA) encourages local transportation agencies to adopt and implement Complete Streets policies and has established a goal of increasing the proportion of federal aid funded transportation projects that develop Complete Streets. In 2011, the state legislature enacted the Complete Streets Act (RCW 47.04.320-.340), which encourages local governments to adopt Complete Streets ordinances, and established a grant program to help cities, towns, and counties with Complete Street ordinances pay for Complete Streets projects.

The proposed Ordinance is aligned with long-standing County Comprehensive Plan policy to consider the needs and abilities of non-motorized users of the transportation system and is responsive to community input received through numerous public engagement efforts with unincorporated King County residents. Complete Streets infrastructure is implemented through design requirements included in the King County Road Design and Construction Standards.

The Honorable Dave Upthegrove

August 26, 2024

Page 2

Thank you for your consideration of this proposed Ordinance. If your staff have any questions, please contact Tricia Davis, Director, Road Services Division at (206) 263-9690.

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

Leon Richardson, Director, Department of Local Services

Tricia Davis, Director, Department of Local Services Road Services Division

JoAnn Kosai-Eng, County Road Engineer, Department of Local Services Road Services Division



King County

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

STAFF REPORT

Agenda Item:	10	Name:	Andy Micklow
Proposed No.:	2024-0198	Date:	September 11, 2024

SUBJECT

Proposed Motion 2024-0198 would acknowledge receipt of a Tree Code Update Report, required under a budget proviso.

SUMMARY

Data in King County's 30-Year Forest Plan and Greenhouse Gas Mitigation (Forest Conversion Review Study) Report indicate that there has been a steady loss of tree canopy in urban unincorporated King County.

In the 2023-2024 Biennial Budget, the Council included a proviso that withholds \$100,000 from the Department of Local Service's budget until the Executive transmits a tree code update report and an accompanying motion acknowledging receipt of the report is adopted by the Council. The proviso required the tree code update report to describe the County's current tree retention regulations and enforcement mechanisms in the urban unincorporated areas and to evaluate potential updates to the regulations based on industry best practices and regulations adopted in cities in King County and neighboring jurisdictions.

Proposed Motion 2024-0189 would acknowledge receipt of the Tree Code Update Report (Report), which was transmitted on June 4, 2024. The Report includes an assessment of best practices for tree retention regulations and enforcement mechanisms within the County's urban unincorporated areas, discusses tree retention and enforcement regulations for other municipalities within King County and counties in the region, conducts a gap analysis on King County's tree retention regulations, and recommends a public engagement strategy and timeline for potential updates to the County's tree retention regulations.

The Report also suggests that adopting tree retention regulations in Rural Towns would provide the same environmental benefits to those towns as to urban areas, including shade, green space, healthier air, and cooler summer temperatures.

The transmitted report, which is Attachment A to Proposed Motion 2024-0189, appears to address the requirements of the proviso.

BACKGROUND

King County 30-Year Forest Plan (Forest Plan). In 2021, King County's Department of Natural Resources and Parks published the [30-Year Forest Plan](#), which puts forth a vision for King County's forests. This Plan outlines the priorities and goals associated with rural and urban forest cover and forest health, as well as the strategies for achieving that vision over the next 30 years.

Greenhouse Gas Mitigation (Forest Conversion Review Study) Report. Workplan Action Item 18 in the 2020 update to the 2016 King County Comprehensive Plan directed the Executive to prepare a study related to the conversion of forestland to non-forest uses and the loss of carbon sequestration capacity. In response to the Action Item, the County completed the [Forest Conversion Review Study](#). According to highlights in the Report, the Forest Conversion Review Study found that, from 1992 to 2016, total forest cover in King County decreased from 61 percent to 60 percent, which represents a loss of nearly 9,000 acres countywide. This loss was primarily due to forest conversion within cities and urban unincorporated areas.

Guide to Developing Effective Tree Regulations on Private Property (the Guide). King County Water and Land Resources Division contracted with FACET and Terra Firma Consulting to analyze urban tree protections and develop best practices and recommendations for King County and jurisdictions to consider when developing tree retention regulations. [The Guide](#) compiles and evaluates tree retention regulations and enforcement mechanisms of urban unincorporated areas of King County, the 39 municipalities within King County, and select jurisdictions nationwide. It is the primary source for the Tree Code Update Report.

Proviso Report Requirements. The 2023-2024 Adopted Biennial Budget included a proviso¹ that withheld \$100,000 in appropriation authority from the Department of Local Service's budget:

Of this appropriation, \$100,000 shall not be expended or encumbered until the Executive transmits a tree code update report and a motion that should acknowledge receipt of the report and a motion acknowledging receipt of the report is passed by the council. The motion should reference the subject matter, the proviso's ordinance number, ordinance section and proviso number in both the title and body of the motion. The report shall include, but not be limited to, the following:

- A. *A description of the County's current tree retention regulations for urban unincorporated areas, and the enforcement mechanisms for the County's current regulations;*

¹ Ordinance 19546, Section 90, Proviso P2, as amended.

- B. A description of tree retention regulations and enforcement mechanisms for urban areas in neighboring western Washington counties and King County cities;
- C. A description of industry best practices for tree retention regulation, and enforcement mechanisms, in urban areas;
- D. An evaluation and recommendation of whether and how the County's urban unincorporated areas tree retention regulations or enforcement mechanisms, or both, should be updated given other jurisdiction's requirements or industry best practices; and
- E. If updates are recommended, a timeline and public engagement strategy for completing the update and transmitting a proposed ordinance to council.

The Executive should electronically file the report and motion required by this proviso no later than June 1, 2024 with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the local services and land use committee or its successor.

ANALYSIS

Tree Code Update Report. The proposed motion would acknowledge receipt of the Tree Code Update Report, which was transmitted on June 4, 2024. The transmitted report, which is Attachment A to Proposed Motion 2024-0189, appears to address the requirements of the proviso.

The remainder of the staff report summarizes how the Tree Code Update Report responds to each of the proviso requirements.

A. A description of the County's current tree retention regulations for urban unincorporated areas, and the enforcement mechanisms for the County's current regulations.

The Report focuses on tree retention regulations on private property. The Report states that this focus is for three reasons:

- The majority of urban tree canopy is located on private property, "so regulating trees on private property has the potential for the greatest outcome for preservation and growth of the urban tree canopy" (page 14).
- Private property is the area experiencing the highest rates of development, driven in part by the need for additional housing.²
- Management of trees on public property, within rights-of-way, and parks is often regulated by various plans and legal documents, including franchise agreements for utilities within the right-of-way (page 14).

² *Guide to Developing Effective Urban Tree Retention Regulations on Private Property*, page 22.

The Report identifies the following sections of the King County Code (K.C.C.) as tree retention regulations for private property within the urban unincorporated area. The sections are summarized in Table 1 below.

Table 1.
Tree Retention and Enforcement Regulations for Urban Unincorporated King County

King County Code Reference	Summary of Regulations
K.C.C. chapter 16.82, Clearing and Grading	Regulates clearing and removal of vegetation including trees. This chapter specifies when permits are required for clearing or grading activities, and describes the criteria for retention, removal, and replacement of trees in the Urban Growth Area (U.G.A.).
K.C.C. chapter 21A.12, Development Standards - Density and Dimensions	Regulates the height of trees near Seattle-Tacoma International Airport and King County International Airport (Boeing Field).
K.C.C. 21A.34.080.B, General Provisions – Residential Density Incentives (R.D.I.)	Requires that when 75% or more of the units in the R.D.I. developments consist of townhouses or apartments, the development shall provide perimeter landscaping and tree retention in accordance with K.C.C. chapter 21A.16 for townhouse or apartment projects.
K.C.C. chapter 21A.16, Landscaping and Water Use	Provides landscaping standards for residential, commercial, industrial, institutional, and utility developments and requires either the retention or planting of trees to meet the landscaping standards.
K.C.C. chapter 21A.26, Communication Facilities	Includes criteria for landscaping at communication facility sites.
K.C.C. chapter 21A.24, Critical Areas	Contains additional requirements to address tree retention and vegetation in wetlands, streams, frequently flooded areas, geologically hazardous areas, fish and wildlife habitat conservation areas, and critical aquifer recharge areas. Many of these standards are mandated by the state requirements.
K.C.C. chapter 21A.25, Shorelines	Contains additional requirements to address tree retention within shoreline areas.
K.C.C. chapter 21A.60, Urban Design Standards - North Highline	Contains a minimum tree canopy equivalent that must be retained through landscaping for the North Highline subarea.
K.C.C. Title 23, Code Compliance	Identifies processes and methods to encourage compliance with county and state laws and regulations to promote and protect the general public health, safety, and environment of county residents.

B. A description of tree retention regulations and enforcement mechanisms for urban areas in neighboring western Washington counties and King County cities.

The Report compares tree retention and enforcement regulations from King County and the 39 jurisdictions in King County, identifying 31 components of tree retention regulations. The 31 components are divided into four categories: private tree regulations, non-development, development, and general. The results are summarized in [Appendix C of the Guide \(King County Jurisdictional Tree Code Matrix\)](#). The data collection results for the three neighboring western Washington counties are found in the Tree Retention Regulations Summary Spreadsheet for Neighboring Western Washington Counties, attached as Appendix A of the Report.

The Report notes, "Every jurisdiction in King County, and in Pierce and Snohomish counties, has a unique set of regulations for trees on private property. Since trees are not regulated by state mandates or standards for protection, unlike wetlands and other critical areas for which the state provides a model code, the extent of regulatory components in each code vary greatly, making it a challenge to determine specific code provisions that are working and overall effectiveness of a particular jurisdiction's code" (page 20).

This section of the Report also discusses King County Rural Towns' approach to tree regulation; King County tree retention regulations do not currently apply within Rural Towns. The Report states that "adopting tree retention regulations in Rural Towns would provide the same environmental benefits to those towns as it would to urban areas, including shade, green space, healthier air, and cooler summer temperatures. In addition, preserving existing trees and ensuring that new trees are planted throughout new developments is consistent with the definition of rural character as defined by RCW 36.70A.030(20)" (page 21).

C. A description of industry best practices for tree retention regulation, and enforcement mechanisms, in urban areas.

- The Guide identifies the following recommended elements of tree retention regulations and enforcement mechanisms that are integral components of tree regulations: Purpose and Intent
- Significant Trees
- Nuisance trees
- Hazard trees
- Landmark or Exceptional Trees
- Heritage Trees
- Tree Health and Viability
- Tree Retention and Removal
- Replacement Tree Quantities and Standards
- Property Owner Tree Removal Without Development/Construction
- Permitting Requirements
- Consolidated Regulations

The Report describes these elements in more detail on pages 22 through 27.

In addition to the current industry best practices identified in the Guide and the Report, the Report also identifies new elements that have not been addressed in previous tree retention regulations. These include protection of Culturally Modified Trees and aligning with and supporting the Washington Wildland Urban Interface Code.

Culturally Modified Trees (CMTs) have been modified in some way by past or current Indigenous People. CMTs are living, growing cultural resources that are with us today. The Report notes that CMTs are protected under state law³ that regulates the removal or alteration of archeological resource sites, but most jurisdictions do not protect CMTs in local tree ordinances (page 28). The Washington Wildland Urban Interface (WUI) Code is a set of regulations for land use and building construction in areas that are at risk of wildfires. The Report notes that Washington State has adopted the 2021 edition of the International Urban Interface Code, but it will not go into effect until the state legislature completes additional work to implement its WUI Code (page 28). The Report indicates that adopted regulations would need to be in alignment with the WUI Code so as not to create conflict and to help ensure the safety of people and structures in the wildland-urban interface (page 28).

D. An evaluation and recommendation of whether and how the County's urban unincorporated areas tree retention regulations or enforcement mechanisms, or both, should be updated given other jurisdiction's requirements or industry best practices.

The Report notes that "Current County regulations do not fully meet industry best practices, thus the County's tree retention regulations and enforcement mechanisms are recommended to be updated" (page 28). The Guide identified industry best practices, which were reviewed alongside the existing King County Code standards. The results are included in Appendix B to the Report. The results of the gap analysis between King County's urban tree retention regulations and industry best practices are also included in Table 2.

**Table 2.
Gap Analysis Between King County's Urban Tree Retention Regulations and Industry Best Practices**

Industry Best Practice	K.C.C. Meets Best Practice	K.C.C. Does Not Meet Best Practice
Purpose and Intent		X
Significant Trees	X	
Tree Health and Viability	X	
Nuisance Trees		X
Hazard Trees		X
Landmark or Exceptional Trees		X
Heritage Trees		X

³ RCW 27.53.060

Methods for Quantifying Tree Protection – Incentivize Retention of Large Trees		X
Tree Retention Priorities	X	
Tree Protection During Development	X	
Replacement Tree Quantities and Standards		X
Approved Trees		X
Prohibited Trees		X
Replacement Tree Size		X
Location		X
Fee In Lieu		X
Property Owner Tree Removal Without Development/Construction	X	
Permitting Requirements		X
Maintenance Requirements	X	
Incentives		X
Enforcement	X	
Monitoring	X	
Consolidated Regulations		X
Washington Wildland Urban Interface Code		X

The Report also recommends a public engagement process to gather feedback on industry best practices and the standards for implementing the best practices. The recommended public engagement strategy is included in Section E of the Report.

E. If updates are recommended, a timeline and public engagement strategy for completing the update and transmitting a proposed ordinance to council.

Section E of the Report describes a public engagement process that DLS could use to develop the County's tree retention regulations. The Report notes that "the recommended public engagement focuses on creating opportunities for meaningful input and facilitating participation in the planning process by residents who reflect the diversity of the urban unincorporated areas, including those who have not historically been included in planning" (page 29).

The Report recommends that the public engagement strategy use forums, advisory boards, coalitions, legislative briefings and testimony workshops, and community-wide events. Public outreach is recommended by the Report to be extensive and occur throughout the development of the proposed ordinance (page 29). The Report also recommends that the engagement plan be reviewed and modified by community members and organizations to ensure that the strategies and tools reach the desired engagement goals (page 29).

The Report notes that to "adequately engage underrepresented and limited English proficiency populations, the recommended approach is to engage with trusted community-based organizations, including faith-based communities and other

organizations that serve immigrant and non-English speakers, using the community liaison model. Community liaisons are community members who reflect the demographics of the populations in community" (page 29). The Report also recommends that the County conduct larger community meetings using a virtual platform like Zoom.

The Report divides the engagement into three phases. The Report recommends that early engagement should focus on building a network and developing partnerships with Indian Tribes, community groups, arborist and landscape businesses, and key community members, developers, and other businesses whose work may be impacted by tree retention regulations. The second phase, according to the Report, should focus on sharing an early draft of the tree retention regulations through online open houses, in-person meetings with individuals and small groups, topic-specific focus groups, email correspondence, and booths at community events. The third and final phase outlined in the Report should occur after the release of a Public Review Draft (PRD) and provide community members with an opportunity to review the draft standards and recommend changes to all parts of the draft regulations (page 30).

The Report also includes a potential timeline for the Executive to develop and transmit a proposed ordinance to Council. The potential timeline is included as Table 3. The Report notes that this timeline was derived from the experience of four localities that recently updated their tree retention regulations (page 31).

**Table 3.
Potential Development and Transmittal Timeline**

Year 1			
Q1	Q2	Q3	Q4
<ul style="list-style-type: none"> • First phase of public engagement to introduce project • Interdepartmental coordination 	<ul style="list-style-type: none"> • Draft early Code version • Obtain general input 	<ul style="list-style-type: none"> • Refine • Issue 1st public review draft of potential updates • Second phase of engagement 	<ul style="list-style-type: none"> • Second phase of engagement • Revise potential proposed Code
Year 2			
Q1	Q2	Q3	Q4
<ul style="list-style-type: none"> • Obtain specific input • Issue 2nd public review draft of potential updates 	<ul style="list-style-type: none"> • Third phase of public engagement 	<ul style="list-style-type: none"> • Finalize proposed Ordinance 	<ul style="list-style-type: none"> • Executive transmits to the Council

INVITED

- Jim Chan, Division Director, Department of Local Services Permitting Division
- Joanna Nelson de Flores, Urban Forestry Program Manager, Department of Natural Resources and Parks

ATTACHMENTS

1. Proposed Motion 2024-0198 (and its attachment)
2. Transmittal Letter



KING COUNTY
Signature Report

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

Motion

Proposed No. 2024-0198.1

Sponsors Perry

1 A MOTION acknowledging receipt of a tree code update
2 report, in response to the 2023-2024 Biennial Budget
3 Ordinance, Ordinance 19546, Section 90, Proviso P2

4 WHEREAS, the 2023-2024 Biennial Budget Ordinance, Ordinance 19546,
5 Section 90, Proviso P2, states that \$100,000 of the appropriation "shall not be expended
6 or encumbered until the executive transmits a tree code update report and a motion
7 acknowledging receipt of the report is passed by council. The motion should reference
8 the subject matter, the proviso's ordinance number, ordinance section and proviso number
9 in both the title and body of the motion. The report shall include, but not be limited, to
10 the following:

11 A. A description of current tree regulations for urban unincorporated areas, and
12 the enforcement mechanisms for the county's current regulations;

13 B. A description of tree retention regulations and enforcement mechanisms for
14 urban areas in neighboring western Washington and King county cities;

15 C. A description of industry best practices for tree retention regulation, and
16 enforcement mechanisms, in urban areas;

17 D. An evaluation and recommendation of whether and how the county's urban
18 unincorporated areas tree retention regulations or enforcement mechanisms, or both,
19 should be updated given other jurisdiction's requirements or industry best practices; and

20 E. If updates are recommended, a timeline and public engagement strategy for

21 completing the update and transmitting a proposed ordinance to council," and

22 WHEREAS, the King County executive is committed to implementing urban tree
23 retention regulations and enforcement mechanisms that ensure the urban forest continues
24 to store carbon and provide climate benefits, improve water and air quality, enhance
25 habitat for salmon and other wildlife, reduce polluted stormwater runoff in our
26 communities and waterways, offer recreational opportunities, and provide cool shade for
27 streams and sidewalks, and

28 WHEREAS, the King County executive hereby transmits to the council the tree
29 code update report required in Ordinance 19546, Section 90, Proviso P2;

30 NOW, THEREFORE, BE IT MOVED by the Council of King County:

31 Receipt of a tree code update report, Attachment A to this motion, is hereby
32 acknowledged.

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. Tree Code Update Report, June 2024

Tree Code Update Report

June 2024



King County

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 C. A Description of Industry Best Practices for Tree Retention Regulation and Enforcement Mechanisms In Urban Areas21

 D. An Evaluation and Recommendation of Whether and How the County's Urban Unincorporated Areas Tree Retention Regulations or Enforcement Mechanisms, or both, Should be Updated Given Other Jurisdiction's Requirements or Industry Best Practices .28

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II. Proviso Text

Ordinance 19546, Section 90, Proviso P2¹

Of this appropriation, \$100,000 shall not be expended or encumbered until the executive transmits a tree code update report and a motion that should acknowledge receipt of the report and a motion acknowledging receipt of the report is passed by the council. The motion should reference the subject matter, the proviso's ordinance number, ordinance section and proviso number in both the title and body of the motion. The report shall include, but not be limited to, the following:

- A. *A description of current tree retention regulations for urban unincorporated areas, and the enforcement mechanisms for the county's current regulations;*
- B. *A description of tree retention regulations and enforcement mechanisms for urban areas in neighboring western Washington and King County cities;*
- C. *A description of industry best practices for tree retention regulation, and enforcement mechanisms, in urban areas;*
- D. *An evaluation and recommendation of whether and how the county's urban unincorporated areas tree retention regulations or enforcement mechanisms, or both, should be updated given other jurisdiction's requirements or industry best practices; and*
- E. *If updates are recommended, a timeline and public engagement strategy for completing the update and transmitting a proposed ordinance to council.*

III. Executive Summary

Ordinance 19546 included a Proviso that requires a report provided to the King County Council that describes tree retention regulations and enforcement mechanisms for urban unincorporated King County, municipalities within King County, and urban areas in neighboring western Washington. The Proviso also requires an evaluation of whether and how the County's urban area tree retention regulations and enforcement mechanisms should be updated. The Department of Local Services gathered information and produced this report.

A. Background

Recent research documented in King County's 30-Year Forest Plan and Greenhouse Gas Mitigation (Forest Conversion Review Study) Report indicated that there has been steady loss of tree canopy in urban unincorporated King County.^{2,3} Urban forest canopy provides a range of benefits to communities including:

- Storing carbon and providing climate benefits.
- Offering a shady respite that cools streams and helps mitigate the impacts of heat.
- Enhancing salmon and other wildlife habitat.
- Hosting recreational opportunities.

¹ Ordinance 19546, pg.84 [[LINK](#)]

² King County 30-Year Forest Plan pg. 18 [[LINK](#)]

³ King County Comprehensive Plan Workplan Action 18: Greenhouse Gas Mitigation (Forest Conversion Review Study) Report pg. 5 (Executive Summary) [[LINK](#)]

- Improving water and air quality, which have environmental and human health benefits.
- Reducing stormwater runoff.
- Supplying scenic beauty.
- Providing cultural resources and supporting cultural heritage and historic values.

Data from the King County 30-Year Forest Plan showed that areas with lower canopy cover and less access to forested parks are more often occupied by low-income residents and people of color. Therefore, the report incorporates consideration of equity issues.

The County obtained funding through a Washington Department of Natural Resources Urban and Community Forestry grant, which was augmented by funds available in the 2023-24 Water and Land Resources Division budget to fund a report, titled "Guide to Developing Effective Urban Tree Regulations on Private Property" (the Guide).⁴ The Guide compiles and evaluates tree retention regulations and enforcement mechanisms of urban unincorporated areas of King County, all 39 municipalities within King County, and from select jurisdictions across the nation. This report, as well as other research into urban areas in neighboring western Washington counties, is the primary source of information for this report.

B. Report Requirements

The Guide identifies 13 industry best practices that are integral elements and strategies of effective tree retention regulations and enforcement mechanisms. These industry best practices range from including a detailed purpose and intent section of King County Code (KCC) to maintenance requirements for retained and replaced trees. See Section C of this report for a detailed list of industry best practices; these include: regulation of significant trees, nuisance trees, hazard trees, landmark or exceptional trees, heritage trees, tree health and viability, tree retention and removal, replacement tree quantities and standards, property owner tree removal without development/construction, addition of permit application requirements, consolidation of regulations; protection of culturally modified trees, and integration of the Washington Wildland Urban Interface Code.

A gap analysis conducted for this report used these elements and strategies to determine if and where current County regulations included industry best practices. The results of the gap analysis identified that current County regulations met some, but not all, industry best practices, and led to a recommendation that the County's tree retention regulations and King County Code (Code) enforcement mechanisms should be updated for urban unincorporated areas. The gap analysis also identified opportunities for adding and modifying regulations and enforcement mechanisms to strengthen protection of the urban tree canopy.

C. Conclusions and Next Actions

This report identifies that King County's tree retention regulations and enforcement mechanisms be updated for the urban unincorporated areas. It recommends that updates to the King County Code be informed through the public engagement strategy detailed in Section E of this report. The proposed public engagement strategy aims for a robust and equitable engagement process. While many industry best practices are met by the current regulations, public engagement and further analysis would determine which industry best practices would be adopted into Code and would explore options for

⁴ Guide to Developing Effective Urban Tree Retention Regulations on Private Property, 2024 [\[LINK\]](#)

how to strengthen the standards of each best practice to ensure retention and survival of the urban tree canopy.

This report also recommends adoption of tree retention regulations and enforcement mechanisms for Rural Towns. As with the urban unincorporated areas, further analysis and public engagement are needed to determine which industry best practices should be adopted into King County Code, and the standards adopted to enact the best practices.

IV. Background

Department Overview

King County Department of Local Services (DLS) works to promote the well-being of residents and communities in unincorporated King County by seeking to understand their needs and delivering responsive government services. This includes maintaining roads and bridges, issuing permits, managing land use planning, and providing several programs to unincorporated areas, such as participatory budgeting, community needs lists, and subarea planning. The DLS Permitting Division (Permitting) provides land use planning services and development permitting review to the residents of rural and urban unincorporated King County. Permitting services include building and land use permit review and the review of clear and grade permits, including the review of tree removal and landscaping plans.

King County Department of Natural Resources and Parks (DNRP) Water and Land Resources Division (WLRD) safeguards King County's water and land resources by providing services that protect public health and safety and yield significant environmental benefits. DNRP employs scientists, engineers, policy experts, ecologists, and project managers dedicated to protecting the health and integrity of King County's natural resources, so that they can be enjoyed today and for generations to come. As a department, DNRP protects and restores the natural environment for the people, fish, and wildlife of King County, promoting resilient, sustainable, equitable communities. DNRP restores habitat, builds and operates major infrastructure that protects Puget Sound, transforms waste management to reduce carbon emissions, and expands and enhances regional parks and trails, all of which contribute to our region's unique quality of life.

Key Historical Context

Trees and the Urban Forest in King County

Urban forest is a collection of woodlands, groups of trees, and individual trees located in urban areas. Trees may be on developed lots, parks, gardens, or within the public rights of way. Urban forest is composed of both public and private lands in cities, towns, and unincorporated areas.⁵ Urban forest provides a full range of benefits to communities including:

- Storing carbon and providing climate benefits.
- Offering a shady refuge.
- Enhancing/providing habitat for aquatic and terrestrial wildlife.
- Hosting recreational opportunities.
- Improving water and air quality.

⁵ American Forests [[LINK](#)]

- Reducing stormwater runoff.
- Supplying scenic beauty.
- Providing cultural resources and supporting cultural heritage and historic values.
- Supporting mental and physical wellbeing.

King County gained nearly 200,000 residents between 2000 and 2010 (11.4 percent increase) and another 270,000 between 2010 and 2020 (13.7 percent increase).⁶ Constant pressure from population growth has created challenges for retaining valuable forestland and tree canopy. Because of growth management planning, most development in recent decades has occurred within cities and the designated urban unincorporated areas instead of rural areas.

The Greenhouse Gas Mitigation (Forest Conversion Review Study) Report prepared by the County to determine how development has affected tree canopy cover loss and therefore carbon sequestration, found that during the 24 years covered by the study, from 1992 to 2016, total forest cover in King County decreased from 61 percent to 60 percent, which represents a loss of nearly 9,000 acres countywide.⁷ This loss was primarily due to forest conversion within cities and urban unincorporated areas.⁸

Data from the King County 30-Year Forest Plan (30-YFP), which was developed to expand and enhance forest cover in King County over the next three decades, show that the urban unincorporated areas have tree canopy cover that ranges from more than 45 percent in the more rural areas of the urban unincorporated areas to 21 percent in White Center and 28 percent in Skyway.⁹ The canopy cover has remained mostly the same in the rural area of the County, while it has declined from 37 percent to 29 percent in urban unincorporated areas between 1992 and 2016, as shown in Table 1. Losses in forest cover and the projected increase in population indicate that there will be a continual loss of trees unless regulations to protect forest canopy are enhanced.¹⁰

Land Cover	Rural Land		Urban Unincorporated Areas	
	1992	2016	1992	2016
Forested	70%	71%	37%	29%
Developed	3%	4%	42%	49%

Note: Percentages do not add to 100 percent, as they exclude water areas.

⁶ King County Office of Economic and Financial Analysis, King County Population. [\[LINK\]](#)

⁷ King County Comprehensive Plan Workplan Action 18: Greenhouse Gas Mitigation (Forest Conversion Review Study) Report pg. 9 [\[LINK\]](#)

⁸ King County Comprehensive Plan Workplan Action 18: Greenhouse Gas Mitigation (Forest Conversion Review Study) Report pg. 9 [\[LINK\]](#)

⁹ King County 30-Year Forest Plan pg. 16 [\[LINK\]](#)

¹⁰ King County 30-Year Forest Plan pg. 15-19 [\[LINK\]](#)

¹¹ King County 30-Year Forest Plan pg. 19, Table 2 [\[LINK\]](#)

Tree Retention and Equity Impacts

As highlighted in the 30-YFP there are disparities in urban tree canopy coverage that often align with economic disparity. It states:

“As in other parts of Washington, areas with lower canopy cover and less access to forested parks are more often occupied by low-income residents and people of color. Focusing efforts to increase and improve urban forests in areas with low canopy cover is one way to begin to address inequities created by uneven access to the benefits provided by urban trees. However, a paradox with addressing inequities in urban canopy cover is that more trees and parks can make neighborhoods more desirable for new residents. This can lead to increases in housing costs and gentrification that displaces the very residents the greening efforts were meant to benefit. Increasing urban canopy cover while preventing displacement requires meaningful collaboration and co-development of strategies between community members and urban planners. Targeted planting and urban forest maintenance, paired with input from local communities to better understand needs and cultural uses for urban forests, can provide a starting point for tree planting efforts and for designating new urban parks that can improve overall well-being.”¹²

Low-income neighborhoods and communities of color generally experience higher levels of air pollution and suffer higher rates of related health impacts.¹³ Heat produced from the heat island effect is a health threat that is projected to increase with climate change.¹⁴ An analysis by National Public Radio found that pavement and other materials can become 50 to 90 degrees Fahrenheit hotter than the surrounding air, creating an oven-like effect.¹⁵ The heat stays through the night, resulting in temperatures up to 22 degrees Fahrenheit hotter. This phenomenon is what is known as the heat island effect. Lower-income people are less likely to have air conditioning and less able to afford the higher utility bills associated with air conditioning. In addition, lower-income people are more likely to have pre-existing health conditions that can be exacerbated by heat. Increasing tree canopy cover can support efforts to improve human health, and reduce disparities in health outcomes, a determinant of equity.¹⁶

¹² King County 30-Year Forest Plan pg. 36 [\[LINK\]](#)

¹³ American Forests [\[LINK\]](#)

¹⁴ "Heat Island" definition from "What are Heat Islands?", U.S. Environmental Protection Agency: "Structures such as buildings, roads, and other infrastructure absorb and re-emit the sun's heat more than natural landscapes such as forests and water bodies. Urban areas, where these structures are highly concentrated and greenery is limited, become "islands" of higher temperatures relative to outlying areas. These pockets of heat are referred to as "heat islands." [\[LINK\]](#)

¹⁵ Trees Are Key To Fighting Urban Heat – But Cities Keep Losing Them [\[LINK\]](#)

¹⁶ "Determinants of equity" definition located in K.C.C. Chapter 2.10.210.B, means, in part, the social, economic, geographic, political and physical environment conditions in which people in our county are born, grow, live, work and age that lead to the creation of a fair and just society. Access to the determinants of equity is necessary to have equity for all people regardless of race, class, gender or language spoken. Inequities are created when barriers exist that prevent individuals and communities from accessing these conditions and reaching their full potential. [\[LINK\]](#)

In June of 2020, King County and the City of Seattle conducted a heat mapping project that investigated the impact of hotter summers on the region and its inequitable impacts.¹⁷ The data and analysis show:

- Surface level temperatures in areas with paved landscapes, less tree canopy, and industrial activity are substantially higher during summer heat events compared to less urbanized areas, and
- Areas with hard landscapes held on to heat longer than areas that have more natural landscapes, increasing the potential for heat-related health risks in those areas. More urbanized areas were as much as 20 degrees hotter than less urbanized areas, due in large part to differences in land use and land cover.

Key Current Context

King County created the Urban Forestry Forum (Forum) in 2022 to foster collaboration on county-wide urban forestry objectives and facilitate the exchange of information, strategies, industry standards, successes, and challenges among King County and its 39 municipalities. The Forum identified King County as a key player in gathering and synthesizing information and showcasing best practices that support urban tree canopy retention and growth. In response to loss of forest cover in urban unincorporated King County, DNRP's Water and Land Resources Division (WLRD) also established an Urban Forestry Program, supported by a staff person hired in mid-2023. The Urban Forestry Program Manager coordinates work of the Forum and works to identify tools and resources needed to enhance urban tree canopy across the county.

In response to the Forum's identified need for comprehensive and effective tree retention regulations, the County obtained funding through a Washington Department of Natural Resources Urban and Community Forestry grant, which was augmented by funds available in the 2023-2024 WLRD budget. These funds supported the Analysis of Urban Tree Protections in King County project. Consultants from Facet and Terra Firma Consulting (Consultants) were contracted to perform two major tasks: (1) data collection and evaluation of existing tree codes for all King County municipalities and unincorporated areas of King County and (2) development of a guide containing insights, best practices, and recommendations for King County and jurisdictions to consider when developing tree retention regulations.¹⁸ The Consultants collected data and evaluated existing tree codes on a national level and provided a summary of the national findings.¹⁹ The findings of these tasks are compiled into a report, titled "Guide to Developing Effective Urban Tree Regulations on Private Property" (the Guide).²⁰ The Guide is the primary source of information for this report.

Climate Resilience

The County's climate preparedness actions found within the King County Strategic Climate Action Plan (SCAP) address a wide range of climate impacts, including those related to heavier rain events, hotter summers, lower snowpack, increased flooding, sea level rise, and changes in the potential for wildfire.²¹ Because climate change will likely increase many existing environmental, health, and safety challenges, the actions the County takes now to prepare for climate change will create near-term and long-term

¹⁷ Heat Mapping Project [\[LINK\]](#)

¹⁸ Facet [\[LINK\]](#)

¹⁹ National Tree Code Research Spreadsheet [\[LINK\]](#)

²⁰ Guide to Developing Effective Urban Tree Retention Regulations on Private Property, 2024 [\[LINK\]](#)

²¹ King County Strategic Climate Action Plan [\[LINK\]](#)

Tree Code Update Report

benefits. One tool to promote climate resilience is the preservation and expansion of tree canopy, especially that of the urban forest where the heat island effect is exacerbated by tree canopy loss. As stated in the SCAP, neighborhoods that lack green space or tree cover face greater exposure to climate-related impacts such as the urban heat island effect or air pollution.

In addition to the SCAP, the County has produced several plans that address climate change and climate resilience. The plans are discussed in the Linkages to Other County Policies and Plans section below. These plans ensure that climate preparedness will be operationalized through the development of methods and guidelines that incorporate climate considerations into day-to-day agency processes such as policy development, strategic planning, capital planning, and project implementation. The preservation of urban forest cover plays a role in supporting the outcomes of these plans.

[Linkages to Other County Policies and Plans](#)

The plans below contain policies and recommended actions that address forest health and climate resilience in urban unincorporated King County and also address concerns about equity. Protection of existing trees, maintaining or improving the health of existing trees, and planting new trees in areas lacking adequate tree cover are core actions need to achieve the outcome of retaining urban forest cover. All of these actions directly contribute to goals outlined in numerous King County plans, including:

- King County Comprehensive Plan;
- King County Strategic Climate Action Plan;
- Clean Water Healthy Habitat Plan;
- King County 30-Year Forest Plan;
- King County Countywide Planning Policies, and
- King County Equity and Social Justice Strategic Plan.

[King County Comprehensive Plan \(Comp Plan\)](#)

The Comprehensive Plan is a policy document that guides how growth and development in unincorporated King County will occur over the next 20 years.²² The Comprehensive Plan is an important part of any County Code update as regulations must be consistent with policies established in the Comprehensive Plan. The Comprehensive Plan policies that pertain to tree retention include, but are not limited to:

- U-112 King County will work with other cities, residents, and developers to design communities and development projects that employ techniques that reduce heat islands throughout the community and the region;
- E-423 New development should, where possible, incorporate native plant communities into the site plan, both through preservation of existing native plants and addition of new native plants;
- E-449 King County shall promote retention of forest cover and significant trees using a mix of regulations, incentives, and technical assistance, and
- E-475 To improve adjacent wetlands and aquatic habitat, areas of native vegetation that connect wetland complexes should be protected. Whenever effective, incentive programs such as buffer averaging, density credit transfers, or appropriate non-regulatory mechanisms shall be used for this purpose.

²² King County Comprehensive Plan [[LINK](#)]

[King County Strategic Climate Action Plan \(SCAP\)](#)

The SCAP is a five-year plan for County climate action, integrating climate change into all areas of County operations and work.²³ The SCAP outlines the County's priorities and commitments for climate action to residents and partners. Specifically, this plan supports the following priority actions related to urban forest canopy:

Reducing Greenhouse Gas Emissions Focus Area 6: Forests and Agriculture

- Performance Measure GHG38: Increase tree canopy above baseline in unincorporated urban King County with the lowest coverage (White Center and Skyway) measured as part of the 30-Year Forest Plan.

Preparing for Climate Change Focus Area 3: Health and Equity

- Priority Action Prep. 3.1.1: Develop and implement an Urban Heat Island Strategy. The Climate Action Team will work with internal and external partners to develop and implement strategies for reducing temperatures and the associated risk of heat-related illnesses in areas identified as urban heat islands. The strategy will leverage and build on ongoing efforts related to mapping surface temperatures in King County, increasing tree canopy, providing access to green space and open space, and green building.

[Clean Water Healthy Habitat \(CWHH\)](#)

King County's CWHH initiative intends to protect water quality and habitat throughout the County.²⁴ Tree retention relates to at least two of the CWHHs defined outcomes, including 1) healthy forest and more green spaces and 2) cleaner, controlled stormwater runoff. Trees provide areas for green spaces throughout our communities. Typical medium-sized trees can capture over 2,000 gallons of rainfall per year.²⁵ Thus, protection and expansion of tree cover should be a key component of any stormwater management program.

[King County 30-Year Forest Plan \(30-YFP\)](#)

The 30-YFP was developed to expand and enhance forest cover over the next three decades.²⁶ King County's commitment to maintaining and enhancing forest cover throughout King County is evident in its 30-YFP a collaborative effort involving input from interested parties such as Indian Tribes, nonprofits, municipalities, forestland owners, managers, and community members. Among the plan's seven priorities is a focus on urban forests, with goals and strategies to increase tree canopy and urban forest health:

- Urban Forest Canopy
Increase tree canopy in urban areas, with a focus on areas with the lowest canopy cover and maintain and improve the health of existing urban forests.
 - Maintain and increase existing tree canopy in urban areas, prioritizing areas with low canopy cover.
 - Maintain urban trees and improve urban forest health.

²³ King County Strategic Climate Action Plan [\[LINK\]](#)

²⁴ Clean Water Healthy Habitat pg. 20-22 [\[LINK\]](#)

²⁵ USDA Fact Sheet #4 [\[LINK\]](#)

²⁶ King County 30-Year Forest Plan [\[LINK\]](#)

- Equity and cultural resources: Increase tree canopy above current baseline in urban unincorporated areas with low canopy cover and support urban forest projects as a foundation for youth training to develop tomorrow's forestry leaders.

- Human Health

Prioritize tree canopy improvements and increased access to forested spaces to improve human health outcomes and advance health equity.

- Increase tree canopy with improvements focused in geographies and communities with residential areas subject to high levels of summer heat and/or pollution or other human health disparities.
- Improve access to forested spaces, prioritizing communities where the needs are greatest, and support outdoor recreation opportunities that can provide physical and mental health benefits.
- Equity and cultural resources: Increase use, engagement, and sense of belonging in forested parks where access to or use of parks and green space is below the regional average.

- Salmon Habitat

Increase and improve forest cover and condition in areas where it can enhance salmon habitat.

- Protect, increase, and improve the extent and health of riparian forests.
- Equity and cultural resources: Align salmon habitat restoration with Tribal priorities and use culturally important plant species in salmon habitat restoration.

- Water Quality and Quantity

- Maintain and expand forest canopy where it provides the most benefit for improving water quality and quantity, reducing stormwater runoff, and reducing flooding.
- Maintain and expand forest cover in areas identified as having poor water quality or high pollutant loads to streams and rivers, where forest cover improvement can provide benefits. Maintain and expand forest cover to improve water quantity conditions in areas identified as having high potential to mitigate flooding or where protecting groundwater is a priority.
- Equity and cultural resources: Integrate equity considerations into prioritization of stormwater projects involving forest cover.²⁷

[King County Countywide Planning Policies \(CPPS\)](#)

CPPs create a framework for growth management planning for all jurisdictions in King County.²⁸ The CPPs implement the Washington State Growth Management Act and the VISION 2050 Multicounty

²⁷ King County 30-Year Forest Plan pg. 6-9 [\[LINK\]](#)

²⁸ King County Countywide Planning Policies [\[LINK\]](#)

Planning Policies.^{29,30} Comprehensive plans for the County and cities and towns in the County are developed within the CPP framework. The following CPPs relate to topics covered by the scope of the Proviso:

- EN-11 Enhance the urban tree canopy to provide wildlife habitat, support community resilience, mitigate urban heat, manage stormwater, conserve energy, protect and improve mental and physical health, and strengthen economic prosperity. Prioritize places where Black, Indigenous, and other People of Color communities; low-income populations; and other frontline community members live, work, and play.
- EN-21 Preserve and restore native vegetation and tree canopy, especially where it protects habitat and contributes to overall ecological function.
- EN-23 Protect and restore natural resources such as forests, farmland, wetlands, estuaries, and the urban tree canopy, which sequester and store carbon.

[King County Equity and Social Justice Strategic Plan \(ESJ Strategic Plan\)](#)

The 2016-2022 ESJ Strategic Plan's pro-equity policy agenda aims to incorporate equity considerations into long-term improvement to built and natural environments and focuses the County's work on investments that address the root causes of inequities.³¹ This plan emphasizes the importance of upstream investments and incorporating an equity lens into all policy decisions. As discussed in the Tree Retention and Equity Impacts section of this report, there is a disparity in the distribution of urban forest cover in different neighborhoods, which has the follow-on effects of urban heat and heat-related illness for the residents of those areas. It is vital to apply a pro-equity approach to address this disparity.

Report Methodology

A DLS-DNRP workgroup met monthly over the course of six months to collaborate on this work. The Indian Tribes, community partners interested in tree retention regulations, the King Conservation District, and non-profit organizations were invited to one-on-one conversations where they could share their concerns and advice about tree retention in King County. DNRP managed the contract with consultants from FACET and Terra Firma Consulting (Consultants).

The Consultants conducted an analysis of tree regulations and enforcement mechanisms for private property in urban unincorporated areas and all 39 municipalities within King County. Based on this analysis, they developed a Guide for local jurisdictions with industry best practices for tree retention regulations and enforcement mechanisms which informs Section C.³² In addition, tree retention regulations and enforcement mechanisms for urban areas in neighboring western Washington counties including Kitsap, Pierce, and Snohomish was analyzed separately, and the information gathered from these counties was integrated into this report. The tree retention regulations summary spreadsheet for neighboring western Washington counties is provided as Appendix A.

²⁹ Washington State Growth Management Act [\[LINK\]](#)

³⁰ VISION 2050 Multicounty Planning Policies [\[LINK\]](#)

³¹ King County Equity and Social Justice Strategic Plan [\[LINK\]](#)

³² Guide to Developing Effective Urban Tree Retention Regulations on Private Property, 2024 [\[LINK\]](#)

V. Report Requirements

A. A Description of the County's Current Tree Retention Regulations for Urban Unincorporated Areas, and the Enforcement Mechanisms for the County's Current Regulations

This section provides an overview of the portions of the King County Code (KCC.) that pertain to trees, followed by a summary of Code standards organized by regulatory topic (e.g., retention, replacement, etc.). There are sections of KCC. that regulate trees on public property, which are not addressed as part of this report.³³ This report focuses on tree retention on private property, rather than public trees located within public areas. The majority of the urban tree canopy is located on private property, so regulating trees on private property has the potential for the greatest outcome for preservation and growth of the urban tree canopy.³⁴ Private property is the area experiencing the highest rates of development, driven in part by the need for additional housing.³⁵ Management of trees on public property, within rights-of-way and within parks, is tied to responsibilities associated with providing utilities, access, and park amenities to and for the benefit of the public. Trees in these areas are regulated by a variety of plans and legal documents including franchise agreements for utilities within the right of way.

Tree retention regulations for private property within urban unincorporated King County are found in multiple sections of KCC., including:

- KCC. Chapter 16.82, Clearing and Grading, regulates clearing and removal of vegetation including trees. This chapter specifies when permits are required for clearing or grading activities, and describes the criteria for retention, removal, and replacement of trees in the Urban Growth Area (UGA).
- KCC. Chapter 21A.12, Development Standards - Density and Dimensions, regulates the height of trees near Seattle-Tacoma International Airport and King County International Airport (Boeing Field).
- KCC. 21A.34.080.B, General Provisions – Residential Density Incentives (RDI), requires that when 75 percent or more of the units in the RDI developments consist of townhouses or apartments, the development shall provide perimeter landscaping and tree retention in accordance with KCC. 21A.16 for townhouse or apartment projects.
- KCC. Chapter 21A.16, Landscaping and Water Use, provides landscaping standards for residential, commercial, industrial, institutional, and utility developments and requires either the retention or planting of trees to meet the landscaping standards.

³³ Although not the focus of this document, the Consultant provided public tree code sections in the Tree Retention Regulations Summary Spreadsheet for Jurisdictions within King County in their report.

³⁴ Guide to Developing Effective Urban Tree Retention Regulations on Private Property, 2024 (Executive Summary) [\[LINK\]](#)

³⁵ Guide to Developing Effective Urban Tree Retention Regulations on Private Property, 2024 pg.22 (Tree Retention and Replacement) [\[LINK\]](#)

- KCC. Chapter 21A.26, Communication Facilities, provides criteria for landscaping at communication facility sites.
- KCC. Chapter 21A.24, Critical Areas, contains additional requirements to address tree retention and vegetation in wetlands, streams, frequently flooded areas, geologically hazardous areas, fish and wildlife habitat conservation areas, and critical aquifer recharge areas. Many of these standards are mandated by the State of Washington.
- KCC. Chapter 21A.25, Shorelines, contains additional requirements to address tree retention within shoreline areas.
- KCC. Chapter 21A.60, Urban Design Standards - North Highline, contains a minimum tree canopy equivalent that must be retained through landscaping for the North Highline community service area subarea.
- KCC. Title 23, Code Compliance, identifies processes and methods to encourage compliance with county and state laws and regulations to promote and protect the general public health, safety, and environment of county residents.

Tree Retention

[Clearing and Grading Code](#)

The majority of tree retention regulations for the UGA are found within KCC. 16.82.156, Significant Trees within the Clearing and Grading.. Within the UGA, significant trees are required to be retained unless a permit has been issued for their removal. KCC. 21A.06.1167 defines a significant tree as:

"an existing healthy tree that is not a hazard tree (i.e., a tree that does not have a probability of imminently falling due to a debilitating disease or structural defect) and that, when measured four and one-half feet above grade, has a minimum diameter of:

- A. Eight inches for evergreen trees: or
- B. Twelve inches for deciduous trees."

Exclusive of areas required for site access by vehicles, pedestrians, or utility infrastructure, significant trees must be retained within perimeter areas at various rates depending on whether the trees are along the perimeter adjacent to a street or the perimeter adjacent to an interior property line (Table 4).³⁶

Table 2: KCC. 16.82.156.A.1 Retention of Trees on the Perimeter of a Site	
Perimeter Location	Tree Retention Required
Interior perimeter	100%
Street perimeter	75%

Significant trees located within the interior of a site (portion of parcel not considered perimeter) must also be retained at a rate dependent on the type of development and the zone. Project sites with twenty-five percent or greater of the total gross site area in critical areas, critical area buffers, or other

³⁶ K.C.C. 16.85.156.A.1 [[LINK](#)]

areas to be left undisturbed, are exempt from significant tree retention; however, the areas within the critical area and their buffers are subject to critical area regulations (Table 5).³⁷

Table 3: KCC. 16.82.156.A.2 through A.6 Retention of Trees on the Interior of a Site		
Zone	Type of Development	Significant Tree Retention Required
UR* or R-1**	Not specified	20 trees per acre or 10 percent of trees, whichever is greater.
Not specified	Apartment or townhouse development	10 trees per acre or 5 percent of trees, whichever is greater
R-4through R-48**	Commercial or industrial development, or a residential subdivision	10 trees per acre or 5 percent of trees, whichever is greater
Not specified	Sports fields, play fields, or other recreational facilities in institutional developments	10 trees per acre or 5 percent of trees, whichever is greater
Not specified	Utility developments and mineral extraction operations	Exempt

*UR = Urban reserve zone. This zone allows agricultural and other low-density uses, allows limited residential growth, and requires residential developments to be clustered.

**R = Urban residential zone. R-1, R-4, and R-8 zones include a mix of predominantly single detached dwelling units, with a variety of densities and sizes in locations appropriate for urban densities. R zones that are R-12 and greater, including R-48 zones, allow for a mix of predominately apartment and townhouse dwelling units, and mixed-use developments.

KCC. 16.82.156.C.2 allows damaged, diseased, or standing dead trees, not classified as danger trees, to be counted toward the significant tree retention requirement if the applicant demonstrates that such trees will provide important wildlife habitat.

Pursuant to KCC. 16.82.156.D, significant trees must not be removed before County approval. While a specific number of significant trees are required to be protected during project development, if those significant trees cannot be retained, they may be removed and replaced by planting new trees. During construction of a project, significant trees proposed for retention must be protected. A tree retention plan, showing the location, size, species, and condition of significant tree to be retained, transplanted, or replaced, must be submitted before construction begins for review and approval prior to permit issuance.

Pursuant to KCC. 16.82.156.F, dead, diseased, damaged, or stolen plantings must be replaced within three months or during the next planting season, if the loss does not occur in a planting season.

KCC. 16.82.156.F states that pruning and trimming of significant trees is allowed. Topping and removal of 20 percent or more of the tree is not allowed. Cutting of major roots is also not allowed.

³⁷ K.C.C. 16.82.156.A.2 [[LINK](#)]

[Development Standards - Density and Dimensions Code](#)

KCC. 21A.12.190 Restricts any tree from being allowed to grow to a height in excess of the height limit established by the Airport Height Maps for the Seattle-Tacoma International Airport and King International County Airport (Boeing Field).³⁸

[Landscaping and Water Use Code](#)

All development in unincorporated King County is subject to the Landscaping and Water Use Code (KCC. 21A.16), except for communication facilities that are regulated pursuant to KCC. chapter 21A.26. KCC 21A.16.020 states "tree retention for uses established through a conditional use permit, a special use permit, or an urban planned development application shall be determined during the applicable review process."³⁹

The Landscaping and Water Use code encourages tree retention by stating that one of the purposes of the Code, as provided in KCC. 21A.16.010, is "retaining existing vegetation and significant trees by incorporating them into site design."⁴⁰ This Code requires the planting or retention of landscaped perimeters to act as visual separators between residential zones and nonresidential zones, and visual screens and barriers as a transition between differing land uses, and to provide shade for and to diminish the visual impacts of parking lots. The use of trees and other vegetation species typically associated with the Puget Sound Basin is encouraged by reducing the required amount of perimeter and parking area landscaping by 25 percent when native species are used. Existing trees can be used and/or supplemented to meet the requirements of this Code; however, tree retention is not required by this Code.

[Critical Areas Code](#)

"Critical areas" are areas "subject to natural hazards or a land feature that supports unique, fragile or valuable natural resources", and include flood hazard areas, wetlands, and geologically hazardous areas, among others.⁴¹ Activities within critical area are primarily regulated by KCC. chapter 21A.24, Critical Areas. Clearing and grading activities within critical areas are also regulated by KCC. chapter 16.82, Clearing and Grading.

Within the Critical Areas Code, there is a provision that allows the removal of hazard trees as necessary for surveying or testing purposes.⁴² In addition, there are standards that minimize removal of trees greater than 12 inches in diameter when a new utility corridor is established, or when residential service distribution lines are maintained or replaced.⁴³ Construction of a tree-supported structure (e.g., a tree house used as accessory living quarters or for play) is allowed in some critical areas.⁴⁴

³⁸ Airport Height Map [\[LINK\]](#)

³⁹ K.C.C. 21A.16.020 [\[LINK\]](#)

⁴⁰ K.C.C. 21A.16.010 [\[LINK\]](#)

⁴¹ Definition of Critical area, K.C.C. 21A.06.254 [\[LINK\]](#)

⁴² K.C.C. 21A.24.045.D.18 [\[LINK\]](#)

⁴³ K.C.C. 21A. 24.045.D.34 and 21A. 24.045.D.60 [\[LINK\]](#)

⁴⁴ K.C.C. 21A. 24.045.D.64 [\[LINK\]](#)

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[Shorelines Master Program Code](#)

The Shoreline Master Program (SMP) addresses tree retention and removal in the shoreline jurisdiction.⁴⁵ This area generally includes lands within 200 feet of Puget Sound, lakes less than 20 acres in size, streams over a certain size, and the floodplains and wetlands associated with these water bodies.⁴⁶

The SMP requires that the construction of private access roads to a single detached residence within a shoreline jurisdiction must avoid the removal of significant trees.⁴⁷ Existing native vegetation located outside of critical areas in shorelines areas is required to be retained to the maximum extent practical, as are trees during construction, repair, replacement, and maintenance of utility facilities.^{48,49} Areas disturbed by construction are required to be rehabilitated as rapidly as possible.⁵⁰

[Communication Facilities Code](#)

The Communication Facilities code, requires landscaping to be used for screening purposes, but does not require tree retention specifically. As with the Landscaping and Water Use Code of KCC. chapter 21A.16, existing vegetation can be used to meet the landscaping requirements, but preservation of existing trees is not required.

[North Highline Urban Design Standards GreenCenter Requirements](#)

Developments subject to the standards of KCC. chapter 21A.60 Urban Design Standards – North Highline must meet a minimum tree canopy equivalent of 30 percent through landscaping. Pursuant to KCC. 21A.60.060, this is referred to as a GreenCenter score of 0.3. To achieve this score, a development site must provide a minimum amount of vegetation including trees, by planting or retaining vegetation. While this standard may encourage retention of trees, it does not require retention of trees.

Tree Replacement

Pursuant to KCC. 16.82.156.E.2, if the required number of significant trees cannot be retained, nonsignificant sized trees may be retained or new trees may be planted to meet significant tree requirements.⁵¹ Replacement trees shall be calculated as shown in Table 6. For this calculation, every removed significant tree is assigned a diameter of 12 inches.

Replacement tree size (diameter)	Replacement tree size for each inch diameter of removed tree
3 inches or greater	½ inch diameter
Less than 3 inches	1 inch diameter

If nonsignificant trees are retained in exchange for the removal of significant trees, the removed significant trees are assigned a diameter of 12 inches. The retained nonsignificant trees are calculated as

⁴⁵ K.C.C. 21A.25 [\[LINK\]](#)

⁴⁶ K.C.C. 21A.06.1082, 21A.06.1082B, 21A.06.1083A, 21A.06.1083B [\[LINK\]](#)

⁴⁷ K.C.C. 21A.25.140.E [\[LINK\]](#)

⁴⁸ K.C.C. 21A.25.160.C.9 [\[LINK\]](#)

⁴⁹ K.C.C. 21A.25.260.C.4 [\[LINK\]](#)

⁵⁰ K.C.C. 21A.25.260.D.1 [\[LINK\]](#)

⁵¹ K.C.C. 16.82.156.E.2 [\[LINK\]](#)

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their actual size. The sum of inches of the retained nonsignificant tree diameters must equal that of removed significant trees.

KCC. 16.82.156.E.4 states that if DLS determines that retaining or replacing significant trees on site is impractical or contrary to the overall objectives of the underlying zone classification, alternative off-site locations may be used as provided in Table 7.

Table 5: KCC. 16.82.156.E.4 Off -Site Replacement Tree Ratios	
Location of Tree Replacement Plantings	Ratio of Replacement Trees to Removed Trees
Within the same subbasin that also affords wildlife habitat protection or enhancement	1 to 1
Within the same subbasin but without wildlife habitat protection or enhancement	1 ½ to 1
Within the same basin that also affords wildlife habitat protection or enhancement	2 to 1
Within the same basin but without wildlife habitat protection or enhancement	3 to 1
Within the same drainage that also affords wildlife habitat protection or enhancement	3 to 1
Within the same drainage but without wildlife habitat protection or enhancement	4 to 1

Code Enforcement

Code enforcement is provided by the Permitting Division of DLS. Code Enforcement Officers (Officers) investigate unlawful activities, including violations of tree retention regulations. Officers currently have more than 300 cases each, and priority is given to those cases that pose significant safety risks to humans or the environment. Officers begin the enforcement process by investigating a complaint.⁵² Their first priority is to achieve voluntary compliance by educating the violator about specific code requirements. If the violator is not willing to work with the Officer and bring the property into compliance, a notice and order may be issued, civil penalties may be assessed, a lien may be placed on the property, and a court order may be sought to achieve compliance and ensure the property is restored. Each Officer is assigned to a specific geographic area and works in partnership with the communities to which they are assigned.

KCC. 16.02.580 authorizes staff to serve a notice of violation or order to the person responsible for violating the Code.⁵³ KCC. 16.02.590 authorizes staff to issue a stop work order upon confirmation that work is being done contrary to the provisions of the Code. KCC. 16.82.030 gives staff authorization to make inspections and take actions as may be required to enforce the provisions of the chapter. To help enforce Code compliance, KCC. 16.82.170 allows staff to require a financial guarantee (also known as a bond) be posted by applicants to ensure survival of trees either retained or planted to meet significant tree retention and replacement requirements. KCC. 21A.16.190 requires a financial guarantee to be

⁵² Introduction to Code Enforcement in King County [[LINK](#)]

⁵³ K.C.C. Title 16 [[LINK](#)]

provided to the County to ensure that all trees either retained or planted to meet landscape requirements survive.⁵⁴

B. A Description of Tree Retention Regulations and Enforcement Mechanisms for Urban Areas in Neighboring Western Washington Counties and King County Cities

Tree codes from all 39 King County jurisdictions and King County Code that applies to urban unincorporated areas were compared and 31 components of tree retention regulations were identified. The extent to which municipalities and King County include those tree retention components in their land use code is illustrated in Appendix C of the Guide (King County Jurisdictional Tree Code Matrix).⁵⁵ Key attributes of tree retention regulations in each municipality and King County are summarized in Appendix D of the Guide (King County Jurisdictional Tree Code Summary Spreadsheet).⁵⁶ The results of data collection for the three neighboring western Washington counties are found in the Tree Retention Regulations Summary Spreadsheet for Neighboring Western Washington Counties, attached as Appendix A of this report.

Every jurisdiction in King County, and in Pierce and Snohomish counties, has a unique set of regulations for trees on private property. Since trees are not regulated by state mandates or standards for protection, unlike wetlands and other critical areas for which the state provides a model code, the extent of regulatory components in each code vary greatly, making it a challenge to determine specific code provisions that are working and overall effectiveness of a particular jurisdiction's code.^{57,58,59}

King County Cities and Neighboring Counties Approach to Tree Regulation

The Consultants found that there are as many variations in the package of tree retention regulations as there are jurisdictions. The City of Bellevue is currently revising its existing tree retention regulations, and Kitsap County is currently drafting its first comprehensive tree retention regulations, so their regulations were not examined. Information summarized in the tables presented in Appendices C and D of the Guide were used to develop a suite of best practices for comprehensive tree retention ordinances.^{60,61}

King County Rural Towns Approach to Tree Regulation

The Fall City Moratorium Subdivision Work Plan Report (Moratorium Report) requested that this report provide a staff recommendation of whether tree retention regulations should be adopted for Rural Towns. Rural Towns include Fall City, Snoqualmie Pass, and Vashon Island. King County tree retention regulations do not currently apply within Rural Towns. During the public engagement process for the Moratorium Report in August and September of 2023, retaining trees was identified as one of four community priorities.⁶² Pursuant to Chapter 3, Section III.B. of the King County Comprehensive Plan,

⁵⁴ K.C.C. Chapter 21A.16 [\[LINK\]](#)

⁵⁵ King County Jurisdictional Tree Code Matrix [\[LINK\]](#)

⁵⁶ King County Jurisdictional Tree Code Summary Spreadsheet [\[LINK\]](#)

⁵⁷ MRSC Critical Areas [\[LINK\]](#)

⁵⁸ Washington State Department of Ecology Wetland Guidance [\[LINK\]](#)

⁵⁹ Washington State Department of Commerce Critical Areas Handbook [\[LINK\]](#)

⁶⁰ King County Jurisdictional Tree Code Matrix [\[LINK\]](#)

⁶¹ King County Jurisdictional Tree Code Summary Spreadsheet [\[LINK\]](#)

⁶² Fall City Subdivision Moratorium Work Plan Report pg. 12 [\[LINK\]](#)

“the purposes of the Rural Town designation are to recognize existing concentrations of higher density and economic activity in the rural area...”⁶³ While the 30-YFP states canopy cover has remained mostly the same in the rural area of King County, R-4 zoning, which is a medium-density residential zoning, is found in Rural Towns as well as within the urban unincorporated areas.⁶⁴

The Moratorium Report found that lack of tree preservation regulations, along with the denser R-4 zoning, led to lack of mature trees and did not reflect the rural character consistent with Rural Towns. Adopting tree retention regulations in Rural Towns would provide the same environmental benefits to those towns as it would to urban areas, including shade, green space, healthier air, and cooler summer temperatures. In addition, preserving existing trees and ensuring that new trees are planted throughout new developments is consistent with the definition of rural character as defined by RCW 36.70A.030(20), which states that rural patterns are ones in which natural landscape and vegetation predominate over the built environment, providing visual landscapes that are traditionally found in rural areas and communities.⁶⁵

C. A Description of Industry Best Practices for Tree Retention Regulation and Enforcement Mechanisms In Urban Areas

Industry Best Practices and Strategies

At the request of King County, the Consultants developed a guide of best practices that King County and jurisdictions could use when developing or revising tree retention regulations and enforcement mechanisms.⁶⁶

The Guide identifies the following recommended elements of tree retention regulations and enforcement mechanisms that are integral components of effective tree regulations.

- Significant Trees
- Nuisance trees
- Hazard trees
- Landmark or Exceptional Trees
- Heritage Trees
- Tree Health and Viability
- Tree Retention and Removal
- Replacement Tree Quantities and Standards
- Property Owner Tree Removal Without Development/Construction
- Permitting Requirements
- Consolidated Regulations
- Protection of Culturally Modified Trees
- Washington Wildland Urban Interface Code

⁶³ King County Comprehensive Plan pg. 3-15 [\[LINK\]](#)

⁶⁴ King County 30-Year YFP pg. 18 [\[LINK\]](#)

⁶⁵ RCW 36.70A.030(20) [\[LINK\]](#)

⁶⁶ Guide to Developing Effective Urban Tree Retention Regulations on Private Property, 2024 [\[LINK\]](#)

Each element is described in more detail below.

[Purpose and Intent](#)

A clearly stated Purpose and Intent section is important because it supports the need for strong tree retention regulations, which may be relevant in a legal challenge to the code and may also help guide interpretation of the code.

[Significant Trees](#)

A significant tree is a tree that meets a minimum size threshold and is subject to tree retention regulations.⁶⁷ Protecting significant (i.e., large) trees is important because they generally contribute the most to overall tree canopy and they provide enhanced ecosystem benefits as compared to smaller trees. Although development of a parcel may require removal of some existing trees, focusing removal on smaller trees minimizes the overall impact of tree removal. Allowing the removal of smaller trees provides flexibility for the use of property.

[Nuisance trees](#)

A nuisance tree is a tree that creates safety hazards or damages buildings and infrastructure, such as interfering with utilities, lifting sidewalks, or interfering with visibility at an intersection, and cannot be corrected by reasonable practices, such as pruning, bracing, or cabling.

[Hazard trees](#)

A hazard tree (or tree part) is a tree that is at high risk of falling, which creates a risk to public safety and adjacent infrastructure. Assessment of potential hazard trees is usually performed by a trained professional arborist.

[Landmark or Exceptional Trees](#)

These are larger, healthy mature trees, the removal of which results in immediate loss of wildlife habitat and quantifiable benefits such as heat, stormwater, and air quality mitigation. Preservation of landmark or exceptional trees is important to maintain a multi-aged, resilient urban forest.

[Heritage Trees](#)

Heritage tree codes protect trees with unique or historical attributes of significance to the community, such as size, relation to a historical event, special site location, or unusual or exemplary species. Heritage tree programs generally require increased levels of protection compared to other significant trees.

⁶⁷ Guide to Developing Effective Urban Tree Retention Regulations on Private Property, 2024 pg. 57 [\[LINK\]](#)

Tree Health and Viability

Specifying that a significant tree must be healthy or viable in the definition of "significant tree" is one way to ensure long-term tree retention. If unhealthy or non-viable trees are retained through development but do not survive more than a few years, the intent of retention is not achieved.

Tree Retention and Removal

Tree retention and removal standards are important to preserve existing canopy cover and to achieve canopy and climate goals, while allowing carefully planned development. Standards for retention and removal are foundational to effective tree retention Ordinances. The standards typically focus on preserving trees with high ecological value, replacing trees that need to be removed to enable development, and requiring remedial actions to minimize damage to retained trees. The four key elements of tree retention and removal standards are:

- Methods for Quantifying Tree Retention
- Tree Retention Priorities
- Tree Protection During Development
- Replacement Tree Standards

Methods for Quantifying Tree Retention

Generally, three methods of quantifying tree retention and replacement are used in tree retention regulations and there are advantages and disadvantages to each method which are listed in the tables below. These methods for quantifying tree retention and replacement are:

- Canopy cover
- Count or percent of total trees, including percent of total diameter inches
- Tree density credit

Canopy Cover Method

The first method used to set minimum tree retention and replacement standards is the "canopy-based approach." Tree canopy is determined by measuring the canopy cover provided by retained trees and adding the estimated canopy cover that will be provided by replacement trees at 20 or 30 years of age. Canopy cover can be measured on-site but is most often calculated through an assessment of remotely sensed imagery. Canopy cover usually does not include canopies from off-site trees, trees in public rights of way, or invasive species, unless otherwise specified. Allowable removal of existing canopy and requirements for replacement trees are determined by minimum canopy cover that must be established at the post-construction target date.

Advantages	Disadvantages
<ul style="list-style-type: none">• Canopy can be assessed in a desktop exercise using aerial imagery or field assessment.• Can be cost effective for heavily treed sites.	<ul style="list-style-type: none">• Uncertainty in aerial imagery of projected canopy cover.• Reliance on GIS tools.• Canopy cover potential for replacement tree is a future projection based on tree size or species that may or may not be the reality based on environmental and site factors.

	<ul style="list-style-type: none"> • Subjectivity of canopies from off-site sources (such as trees located near property lines and public rights of way).
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Count or Percent of Total Trees

The second method is to use a count or percentage of total significant trees on a site. These methods alone are generally less effective at retaining existing tree canopy because they do not account for individual tree size, such as diameter or canopy radius, unless other retention requirements are specified elsewhere in the Code. For example, a six-inch maple is given the same weight and value as a 24-inch Douglas fir tree. Allowable tree removal is determined by the percent of existing trees that must be retained.

A less frequently used method to quantify tree retention is the percent total of diameter inches. This method allows the permit applicant to measure the diameter of each tree and then retain a percentage of the sum of all diameter inches on a site.

Table 7: Advantages and Disadvantages to 'Count or Percent of Total Trees' Method	
Advantages	Disadvantages
<ul style="list-style-type: none"> • Simplicity of calculation. 	<ul style="list-style-type: none"> • Does not account for individual trees of different sizes. • Does not provide greater protections or value to larger diameter trees.

Tree Density Credit Method

A third method regulates tree retention based on the diameter of individual trees and assigns more credit when larger trees are retained. Tree density credits include existing trees, replacement trees, or a combination of both. Allowable tree removal and any required supplemental tree planting is regulated by the total minimum density credits established for the parcel planned for development.

Tree density credit methods are used for their ease of data collection as they require no specialized expertise. In addition, tree diameter by species can be used as a correlation for canopy, age, and ultimate size when assessing retention values for specific species.

Table 8: Advantages and Disadvantages to 'Density Credit' Approach	
Advantages	Disadvantages

<ul style="list-style-type: none"> • Does not require access to up-to-date aerial imagery. • Trunk size is easily quantifiable. • DBH measurement is correlated to canopy, age, and size. • Many jurisdictions have tree credit systems in place. 	<ul style="list-style-type: none"> • Code language can be difficult to interpret for staff and applicants. • Requires additional guidance and educational materials.
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Tree Retention Priorities

Tree retention priorities ensure that mature, ecologically significant trees are retained, and the loss of mature canopy is prevented whenever possible. Including specific retention priorities provides an opportunity to protect tree(s) that contribute to a diverse canopy and ecosystem benefits. Both larger diameter trees and grove trees provide more ecological benefits to the urban forest than single, smaller sized trees.

Tree Protection During Development

To ensure long term survival of retained trees, protection of retained trees from construction impacts is essential. Impacts can include root loss, damage to branches and trunks, and soil contamination or compaction. The ultimate effects on tree health are often not visible for several years; trees may gradually decline and eventually fail as a result of construction-related damage.

Replacement Tree Quantities and Standards

Requiring replacement for trees that are removed during construction, which eventually mitigates for loss of canopy cover, is a key component of effective tree retention regulations. Tree replacement is generally triggered when a site under development is projected to fall short of minimum required tree credits, percent canopy cover, or other tree retention standards.

Replacement Tree Species

Best practice is to retain native conifer species, such as Douglas-fir, western redcedar, and western hemlock, and replacement of these species in-kind. Although deciduous trees, small ornamental trees, and fruit trees do provide valuable canopy cover, they do not offer the same level of year-round ecosystem benefits that conifers provide in western Washington.⁶⁸ Adaptation to local climate, soils, topography, etc. are important considerations when selecting replacement tree species. Criteria for tree replacement selection include optimal growing conditions by species, proper planting practices, and protection of infrastructure such as buildings, utilities, driveways, sidewalks, and fences.

Approved Trees

To simplify the implementation of tree selection and permit review process, a list of recommended trees would provide guidance to applicants and staff. A list of replacement tree species can help alleviate confusion and ensure trees have the greatest potential for survival: a 'right tree, right place' approach.

⁶⁸ Guide to Developing Effective Urban Tree Retention Regulations on Private Property, 2024 pg. 30 (Replacement Tree Species) [[LINK](#)]

[Prohibited Trees](#)

A list of prohibited tree species, which are those known to become weedy or invasive, can provide valuable guidance when identifying species for use as replacement trees.

[Replacement Tree Size](#)

The specification of minimum size requirements to count as a replacement tree and/or toward tree credits or canopy requirements is a best practice. Requiring a minimum replacement size provides uniformity for tree replacement standards to ensure canopy replacement can be achieved in a specified timeframe.

[Location](#)

Specify tree replacement planting locations in tree regulations. Replacement trees are planted on-site to maintain tree canopy within the land use area. To ensure that the intent of replacement trees is met, best practices would include establishing a priority list of on-site replanting locations. Requiring planting in specific locations, generally where construction is not allowed on a site, can lead to long term retention of those trees or greater environmental benefit. These priority locations include:

- Perimeter areas, setbacks, or transition zones;
- Areas adjacent to existing tree groves, and
- Areas adjacent to or within critical area buffers.

If on site planting is not feasible, an option to retain benefits of planted trees is to allow for off-site planting locations.

[Fee in lieu](#)

If it is not possible to plant replacement trees on site, an option is for the jurisdiction to collect a fee in lieu of planting trees. Generally, a fee in lieu is allowed when replacement trees cannot be planted on site due to inadequate spacing, existing conditions, or other extenuating circumstances. Funds collected could be used to fund tree plantings and other urban forestry related expenses.

[Property Owner Tree Removal Without Development/Construction](#)

Not all tree canopy removal is associated with construction. Regulating tree removal in the absence of construction activity protects significant trees at all times, not just during construction, and helps maintain tree canopy. This element protects significant trees from removal where no development activity is proposed. It ensures long term survival of trees maintained during construction and provides an avenue for continued protection of replacement trees. It also prevents developers from clearcutting project sites prior to applying for construction permits.

[Permitting Requirements](#)

[Site Plan](#)

It is best practice to require site plans or tree protection and replacement plans with tree removal permit applications. The plan should identify significant trees with canopies drawn to scale, clearly mark trees to be retained and removed, and include the critical root zone of all significant trees, as well as the location of protected grove trees. It should also include components such as a tree inventory, tree protection plan, and tree replacement plan, a timeline for implementing protection and/or replacement, and discussion of any impacts to significant trees. A trend seen in jurisdictions with recently updated tree regulations is the requirement for this plan to be prepared by a qualified professional.

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[Maintenance requirements](#)

Requiring replacement trees to be maintained for the lifetime of the project encourages applicants to care for the trees and ensure that canopy cover and ecological value is being adequately replaced.

[Incentives](#)

Offering incentives to retain significant trees can encourage applicants to consider trees at the early stages of the design process and to retain large, mature trees or groves of trees. Incentives can include departures from zoning requirements, such as parking regulations, setback, or height allowances, and could also include assigning additional credit to larger trees that are retained, reduced or waived permit fees, and expedited review times.

[Enforcement](#)

Enforcement generally includes penalties for unpermitted tree removal activities and violations of tree regulations and ensures compliance with approved plans. Penalties often include civil fines and required mitigation planting. Best practice is to set penalties for removing significant trees without a permit high enough to discourage the practice of knowingly removing trees, paying fines, and tracking repeat offenders for the purpose of issuing increased penalties. Equity needs to be considered when developing enforcement measures.

[Monitoring](#)

It is best practice to monitor development sites to ensure applicants are retaining and replanting trees according to approved site or landscape plans. Pre- and post-construction monitoring is recommended.

[Consolidated Regulations](#)

The Code sections that regulate trees are found in various Code chapters. It is best practice to place all tree protection regulations in the same chapter or section of the Code, to the extent feasible, for ease of application and understanding. It is more convenient to follow (and comply with) for Code users than cross referencing multiple Code sections.

[Emerging Regulatory Best Practices](#)

In addition to the current industry best practices discussed above, some new elements that have not been addressed in previous tree retention regulations are recommended as industry best practices by the Guide.⁶⁹ These include protection of Culturally Modified Trees and aligning with and supporting the Washington Wildland Urban Interface Code.

[Protection of Culturally Modified Trees](#)

Culturally Modified Trees (CMTs) are trees that have been modified in some way by past or current Indigenous People. CMTs are living, growing cultural resources that are with us today. They are also non-renewable, and once removed, are gone forever. In the Puget Sound region, these trees are often cedar and feature sections where bark was stripped for clothing, tools, baskets, and other purposes, or have bent boughs which help indicate important harvesting and hunting areas or waterways. These trees are

⁶⁹ Guide to Developing Effective Urban Tree Retention Regulations on Private Property, 2024 pg. 50-51 (Washington Wildland Urban Interface Code, Culturally Modified Trees) [\[LINK\]](#)

physical evidence of the connection between native peoples and their lands, and many have survived where Tribal villages or longhouses were burned down by settlers to the region.⁷⁰

CMTs contribute not only to a community's canopy and ecosystem but often are part of critical native forest remnants and wildlife habitat. The cultural and ecological significance of CMTs should be considered for local jurisdictions' tree retention code.

Currently, identified CMTs are protected under state law (RCW 27.53.060), which regulates the removal or alteration of any historic or prehistoric archaeological resource site.⁷¹ However, most jurisdictions do not protect CMTs in local tree ordinances. Some jurisdictions have quasi protection for historic or culturally significant trees, which may be used to help protect CMTs within the jurisdiction.⁷²

[Washington Wildland Urban Interface Code](#)

The Washington Wildland Urban Interface (WUI) Code is a set of regulations for land use and building construction in areas that are at risk of wildfires.⁷³ The purpose of the Code is to provide a comprehensive and holistic approach to enhancing building resilience from wildfires. One tenet of the Code is to help prevent structure fires in the wildland urban interface from spreading to wildland fuels such as trees. Another tenet is to prevent ignition of buildings and trees from direct exposure to wildfire.⁷⁴ The 2021 edition of the International Urban Interface Code has been adopted by Washington State but will not go into effect for one to two more years, as the Legislature must first complete additional work for implementation of the State's WUI Code. Adopted tree regulations must be in alignment with the WUI Code as to not create conflict and to help ensure the safety of people and structures located in the wildland urban interface.

D. An Evaluation and Recommendation of Whether and How the County's Urban Unincorporated Areas Tree Retention Regulations or Enforcement Mechanisms, or both, Should be Updated Given Other Jurisdiction's Requirements or Industry Best Practices

This section provides an evaluation and recommendation of whether and how the County's tree retention regulations should be updated, given other jurisdictions' requirements and industry best practices.

The Guide provides recommendations that were developed through analysis of the industry best practices. These industry best practices were reviewed alongside existing standards in the County's Code to determine which industry best practices were already in use (Appendix B).

Current County regulations do not fully meet industry best practices, thus the County's tree retention regulations and enforcement mechanisms are recommended to be updated. This report recommends a robust public engagement process as outlined in Section E, to gather feedback on which industry best

⁷⁰ Culturally Modified Tree Training [\[LINK to video\]](#)

⁷¹ RCW 27.53.060 [\[LINK\]](#)

⁷² Guide to Developing Effective Urban Tree Retention Regulations on Private Property, 2024 pg. 21 (Heritage Trees) [\[LINK\]](#)

⁷³ International Code Council, Wildland Urban Interface Code [\[LINK\]](#)

⁷⁴ International Code Council, Wildland Urban Interface Code [\[LINK\]](#)

practices to include in a Code update, as well as the detailed standards that will implement those best practices.

E. A Timeline and Public Engagement Strategy for Completing the Update and Transmitting a Proposed Ordinance to the Council

This section provides a public engagement strategy that could be employed as part of an update of tree retention regulations, as well as a timeline for transmitting a proposed Ordinance to the County Council.

Recommended Engagement for Developing Tree Regulations

High-level Goals of Engagement

The recommended public engagement focuses on creating opportunities for meaningful input and facilitating participation in the planning process by residents who reflect the diversity of the urban unincorporated areas, including those who have not historically been included in planning. Public engagement should meet the "County engages in dialogue" level of engagement as described in the Community Engagement Guide (Appendix C). As stated in the Community Engagement Guide, at this level of engagement, "the county engages community members to shape county priorities and plans." The strategies employ the use of forums, advisory boards, coalitions, legislative briefings and testimony workshops, and community-wide events. Public outreach is recommended to be extensive and occur over the course of two years. The engagement plan should be reviewed and modified by community members and organizations in order to ensure that the strategies and tools reach the desired goals of engagement.

Methods for Collecting Input

To adequately engage underrepresented and limited English proficiency populations, the recommended approach is to engage with trusted community-based organizations, including faith-based communities and other organizations that serve immigrant and non-English speakers, using the community liaison model. Community liaisons are community members who reflect the demographics of the populations in community. Educated by the County on the issues being discussed, they share and gather information with community members. Community liaisons should be compensated for their time, involvement, and expertise. Meetings need to be held where residents already gather to be respectful of their time and engagement. The number of participants at meetings, and if possible, their race and ethnicity, should be documented to ensure they represent the demographics of the community. If the demographics are not met, the community engagement approach should be modified with the intent of engaging those racial and ethnic groups who are not being represented.

Larger meetings would be coordinated by the County and primarily conducted via Zoom, as the urban unincorporated areas are located in all corners of the county. These meetings would include breakout room discussions hosted by community liaisons. If tree retention regulations and enforcement mechanisms are updated for Rural Towns, Fall City, Snoqualmie Pass, and Vashon Island would also be affected.

This geographic distribution of the unincorporated areas and Rural Towns could result in driving times being a barrier for many in attending in-person meetings if local meeting sites are not provided. When in-person meetings are held, the same topic will need to be repeated at multiple meetings strategically

located near groupings of unincorporated areas so that all residents in the urban unincorporated areas will have equal opportunity to attend those meetings.

[Addressing Barriers to Participation](#)

To reach community members not traditionally engaged in land use planning processes, County meetings should be held during the workday and in the evenings. Food, childcare, and language interpretation service should be provided at County-hosted meetings to the extent feasible. Staff could attend existing community meetings to discuss the regulations update and to receive feedback from a population reflective of the diversity of the community. Staff should make a specific effort to engage with non-English speaking communities, persons of color, community service providers, businesses, and youth. To assist with this effort, staff could create a project webpage that includes materials in English, Spanish, Vietnamese, Khmer, Somali, Mandarin, Korean, Tagalog, Hindi, Telugu, and Tamil. Communications could also occur through the King County Unincorporated Area News email newsletter. During the process, smaller group meetings with Indian Tribes, businesses or business interests, and community-based organizations could be held to engage those who have not always had a voice in the planning process.

[Phases of Engagement](#)

Early engagement should be focused on gaining an understanding of the community's concerns with tree retention regulations and enforcement mechanisms and sharing information about general land use planning concepts with a focus on tree retention regulations. Engagement activities could include hosting County-led meetings with community liaisons in a prominent role, attending existing community meetings, posting an online survey, and creating a project webpage. If possible, translators could attend meetings for communities with identified non-English speaking groups, and the project webpage could be translated into languages identified above. The County could contract with a consultant that specializes in community engagement to assist with the hosting of County-led meetings. Early engagement should focus on building a network and developing partnerships with Indian Tribes, community groups, arborist and landscape businesses, and key community members, developers, and to other business whose work may be impacted by tree retention regulations. This phase of engagement should also seek to confirm whether the recommendations in the report align with community priorities, as well as help staff learn of any issues not contemplated in the report that are important to community members.

An early draft of a proposed tree retention Code should be shared at the second phase of engagement. Early input will help drive the overall content and the details of the regulations. Channels through which the early draft could be shared include online open houses, in-person meetings with individuals and small groups, topic-specific focus groups, email correspondence, and booths at community events. County staff knowledgeable about tree retention regulations, community liaisons, and consultants should host these events. Notice of the release of the early draft should be provided using the King County website, social media (Facebook, Twitter, Instagram, Nextdoor), King County Unincorporated Area News email newsletter, and emails gathered during the early engagement process.

The third phase of engagement should occur after the release of a Public Review Draft (PRD). A PRD should be publicized through emails, social media, and a press release. Community members would be able to review draft standards and have an opportunity to recommend changes to all parts of the draft regulations. Small group meetings led by County staff and community liaisons could be held with Indian

Tribes, community groups, arborist and landscape businesses, key community members, and developers.

Timeline

As part of the tree code analysis, the Consultant interviewed four cities who had recently amended their tree regulations. Those four cities reported an average regulation amendment duration of four years. Staff estimates needing roughly two years to complete public engagement after a community engagement plan is shared with and finalized by community, draft new proposed regulations, and transmit a proposed Ordinance to the Council.

Table 9: Potential KCC Update Timeline			
Year 1			
Q1	Q2	Q3	Q4
<ul style="list-style-type: none"> • First phase of public engagement to introduce project • Interdepartmental coordination 	<ul style="list-style-type: none"> • Draft early Code version • Obtain general input 	<ul style="list-style-type: none"> • Refine • Issue 1st public review draft of potential updates • Second phase of engagement 	<ul style="list-style-type: none"> • Second phase of engagement • Revise potential proposed Code
Year 2			
Q1	Q2	Q3	Q4
<ul style="list-style-type: none"> • Obtain specific input • Issue 2nd public review draft of potential updates 	<ul style="list-style-type: none"> • Third phase of public engagement 	<ul style="list-style-type: none"> • Finalize proposed Ordinance 	<ul style="list-style-type: none"> • Executive transmits to the Council

VI. Conclusion/Next Actions

This report provides an overview of tree retention regulations and enforcement mechanisms from King County, municipalities within King County, and from neighboring western Washington counties to help inform a legislative framework that can be used to draft code standards. Industry best practices as recommended by the Guide have been discussed. The engagement strategy and timeline describe a process for translating the recommended practices into a future ordinance. Engagement and further analysis are needed to determine the industry best practices best suited for King County urban unincorporated areas and to explore options for strengthening the standards of each best practice to ensure retention and survival of the urban tree canopy.

The report recommends adoption of tree retention regulations and enforcement mechanisms for Rural Towns. Further analysis and public engagement are needed to determine which industry best practices to incorporate into tree retention regulations and enforcement mechanisms for Rural Towns and the standards adopted to enact those best practices. Those best practices and standards would need to be consistent with RCW 36.70A.030 and would need to serve the interests of the Rural Town communities.

VII. Appendices

- A. Tree Retention Regulations Summary Spreadsheet for Neighboring Western Washington Counties
- B. Gap Analysis Between King County's Tree Retention Regulations and Industry Best Practices
- C. Community Engagement Guide, May 2011

Appendix A. Tree Retention Regulations Summary Spreadsheet for Neighboring Western Washington Counties

JURISDICTION Revised	Pop.	Code Sections	Significant Tree Criteria	Other Tree Definitions	Tree Retention & Mitigation Related to Development	Tree Protection & Maintenance Related to Development	Property Owner Tree Removals No Development	Enforcement & Violations
King County 2004	Urban Unincorporated: 118,700	KCC. 16.82.156 Clear/grade KCC. 21A.16 Zoning & Landscaping KCC. 16.82.051 Critical Areas, hazard, emergency	8" DBH evergreen 12" DBH deciduous Healthy, non-hazardous. (KCC. 21A.06.1167)	Heritage designation [general] through "significant plant interpretation" (KCC. 20.36.100). Hazard tree: defined, no reference to TRAQ.	<u>Retain</u> : excluding critical areas, for trees located in the interior of the development proposal - <ul style="list-style-type: none"> For UR or R-1 development, retain 20 trees per acre or 10% of trees, whichever is greater. For apartment or townhouse development, sport fields, playfields, etc., commercial, industrial, R-4 to R-48 subdivisions, retain 10 trees per acre or 5% of trees, whichever is greater. Projects with >25% of site in critical areas are exempt from significant tree retention requirements. <u>Replant</u> : calculations outlined in KCC. 16.82.154 subsection E.1, 2. <u>Fees in lieu</u> : N/A	<u>Submittal</u> : inventory; tree retention plan (to include replacement trees); no credential designated. <u>Protection standards</u> : based on CRZ, typical tree protection measures. <u>Maintenance assurance</u> : minimal - pruning only; dead, damaged must be replaced; can require guarantees; 5 year vesting final short plats.	<u>Allowed to remove</u> : within urban growth area with clear/grade permit: trees located within site access/utility areas and trees within proposed building footprint/outside required perimeter landscape areas. Hazard per significant tree (21.A.06.1167), with utility, mining, government service areas, parks, libraries, etc. <u>Permit</u> ? Yes. Forestry Practices apply. <u>Replant</u> : Restoration plan required for clear/grade permits to restore trees on individual lots (rural area).	N/A
Kitsap County	Unincorporated: 180,259	DRAFTING NEW CODE IN PROGRESS						
Pierce County 2022	Unincorporated: 370,000	PCC 18J.15.030 Tree Conservation	8" Garry Oak 5" Pacific Yew 10" Pacific Madrone 15" (various species) 24" Douglas Fir, Sitka Spruce (PCC Table 18J.15.030-1)	Legacy tree : any tree larger than 40" or with historical, cultural, or biological significance	<u>Retain</u> : 30% of significant trees up to minimum tree density requirements PCC 18J.15.030.F.3 <ul style="list-style-type: none"> Employment Centers: 5 tree units per acre Urban Centers and Districts, Rural Centers: 20 tree units per acre Urban Residential: 30 tree units per acre <u>Replant</u> : Calculations outlined in Table 18J.15.030-3. <u>Fees in Lieu</u> : N/A	<u>Submittal</u> : Tree conservation plan, show location of trees to be retained or planted, show tree canopy. <u>Protection Standards</u> : No construction within critical root zone. <u>Maintenance assurance</u> : Irrigation is required until tree is established.	<u>Permit</u> : Development permit.	Notice and Order, Stop <u>Work Order</u> , <u>Civil penalty: \$1,000 for each violation</u>
Snohomish County 2014	Unincorporated: 79,215	SCC 30.25.016 Tree Canopy Requirements	8" for all trees except dogwoods and vine maples that are 7" and except alders Tree canopy: evergreen and deciduous 6' or greater	Hazardous tree : defined, no TRAQ reference, determined by qualified professional.	<u>Retain</u> : All significant trees within perimeter landscaping, critical areas and buffers. <u>Replant</u> : Calculations outlined in Table 30.25.016(3). <u>Fees in lieu</u> : N/A	<u>Submittal</u> : Shown on residential development <u>application</u> <u>Protection Standards</u> : No construction within the drip line, signage required <u>Maintenance</u> : Retained and planted trees may not be removed except if hazard. Must be replaced if removed	<u>Allowed to Remove</u> : Must retain trees in perimeter landscaping. <u>Permit</u> : Residential development permit <u>Replant</u> : Calculations outlined in Table 30.25.016(3).	Notice of Violation, Stop Work Order, Emergency Order, Citation: \$5,00 for each violation, Civil penalty: \$100 per day for the first violation, \$250 per day for second violation, \$500 per day for 3 rd violation and beyond

Key to Terms & Abbreviations

DBH – Diameter at breast height, measured in inches at 4.5 feet from ground level.

DSH – Diameter at standard height, measured in inches at 4.5 feet from ground level.

NGPA – Native Growth Protection Area, a designated protected area limiting potential development.

CRZ, LOD, TPZ – Critical Root Zone, Limits of Disturbance and Tree Protection Zone, in reference to areas where tree root, soil and undergrowth may require protection from construction impacts.

TRAQ – Tree Risk Assessor Qualification – standards established by the ISA for assessing and managing risk associated with trees.

ROW – right-of-way.

ISA – International Society of Arboriculture

ASCA – American Society of Consulting Arborists

Appendix B. Gap Analysis Between King County's Urban Tree Retention Regulations and Industry Best Practices

Industry Best Practice	King County Code	KCC. Meets Best Practice	KCC. Does Not Meet Best Practice
Purpose and Intent	A purpose section is provided in KCC. 16.82.010. It is missing additional purpose statements to support the goals and priorities of County plans.		X
Significant Trees	KCC. 21A.06.1167 defines significant tree, and KCC. 16.82.156 requires protection for significant trees.	X	
Tree Health and Viability	KCC. 16.82.156.C.1 requires that all retained trees be able to survive more than 10 years after the date of project completion.	X	
Nuisance Trees	KCC. does not define or address nuisance trees.		X
Hazard Trees	KCC. defines hazard trees but does not require evaluation by a qualified professional to confirm that the tree is a hazard.		X
Landmark or Exceptional Trees	KCC. does not define or provide protections for landmark or exceptional trees.		X
Heritage Trees	KCC. does not define or provide protections for heritage trees.		X
Methods for Quantifying Tree Protection – Incentivize Retention of Large Trees	KCC. 16.82.156.A does not incentivize the retention of large trees.		X
Tree Retention Priorities	KCC. 16.82.156.C.3 incentivizes, but does not require, the retention of mature trees, trees in groves, trees within 25-feet of a critical area or its buffer, or trees on a historical register by crediting each retained tree that meets these criteria as two trees for retention requirements.	X	
Tree Protection During Development	KCC. 16.82.156.D provides protection criteria for trees during development, including the installation of fencing around retained trees, and not allowing the storage of construction materials, fill, or impervious surface within the protected area of retained trees.	X	
Replacement Tree Quantities and Standards	KCC.16.82.156.E requires tree replacement and sets forth the quantity of required tree replacement, however, the formula for determining the number of replacement trees treats every removed tree the same, no matter		X

Industry Best Practice	King County Code	KCC. Meets Best Practice	KCC. Does Not Meet Best Practice
	the size. Best practice is to calculate replacements to offset the size of trees removed, i.e., like for like.		
Approved Trees	KCC. does not provide a list of preferred replacement tree species.		X
Prohibited Trees	KCC. does not provide a list of prohibited trees.		X
Replacement Tree Size	KCC. does not require a minimum replacement tree size.		X
Location	KCC. 16.82.156.E.4 allows off-site planting if planting replacement trees on site "is impractical or contrary to the overall objectives of the underlying zoning classification" but does not provide planting location priorities.		X
Fee in Lieu	KCC. does not allow for payment in lieu of tree replacement.		X
Property Owner Tree Removal Without Development/Construction	KCC. requires permit review for all significant tree removals, whether or not tree removal is associated with construction.	X	
Permitting Requirements	KCC. 16.82.156.B requires a tree retention plan to be submitted, however the plan requirements do not meet industry best practices.		X
Maintenance Requirements	KCC. 16.82.170 gives staff the authority to require financial guarantees, also known as bonds, to ensure that retained and replacement trees survive.	X	
Incentives	KCC. 16.82.156.C.3 offers some incentives to encourage the retention of mature trees, trees in groves, trees within 25-feet of a critical area or its buffer, and trees on a historical register by crediting each retained tree that meets these criteria as 2 trees for retention requirements. However, it does not offer any of the development incentives identified as best practices including deviation from zoning requirements such as parking regulations, or setback or height allowances, or reduced or waived permit fees or expedited review times.		X
Enforcement	KCC. 16.02.580 authorizes the building official to serve a notice of violation or order on the person responsible for violating the code. KCC. 16.02.590 authorizes the building official to issue a stop work order when any work is being done contrary	X	

Industry Best Practice	King County Code	KCC. Meets Best Practice	KCC. Does Not Meet Best Practice
	to the provisions of the code. Additional enforcement mechanisms are available through Title 23 of the code.		
Monitoring	KCC. 16.82.156.2 requires dead, diseased, damaged, or stolen plantings to be replaced within three months or during the next planting season.	X	
Consolidated Regulations	The tree retention regulations are not consolidated.		X
Washington Wildland Urban Interface Code	Adopted tree regulations must be in alignment with the WUI code as to not create conflict and to help ensure the safety of people and structures located in the Wildland Urban Interface. Current tree code does not address the WUI code.		X

Appendix C. Community Engagement Guide



Community Engagement Guide

May 2011

Overview

King County has developed this Community Engagement Guide for employees and programs to promote effective engagement and customer service with all county communities.

The Strategic Plan, “Working Together for One King County,” charts a path for how King County will conduct its business for 2010-2014. One of the plan’s goals is to “promote robust public engagement that informs, involves, and empowers people and communities.”

The Strategic Plan’s strategies to achieve these goals include:

- Develop communication channels that will allow all residents ongoing opportunities to be heard
- Ensure that communication, outreach, and engagement efforts reach all residents, particularly communities that have been historically under-represented
- Promote meaningful community participation in decisions that affect their community
- Develop guidelines and standards for public engagement for use by all county agencies
- Use public outreach to better communicate who we are and what we do

In late 2010, King County adopted an Equity and Social Justice Ordinance, establishing definitions and directing implementation steps related to the “fair and just principle” of the strategic plan. The ordinance defines the following equity and social justice foundational practices for the county:

- Raise visibility of equity and social justice
- Increase focus on upstream determinants of equity
- Consider equity and social justice impacts in all decision-making
- Promote fairness and opportunity in County government practices
- Collaborate across agencies
- Build community trust and capacity

This guide builds on the county’s Strategic Plan as well as the Equity and Social Justice Ordinance.

Community engagement is a two-way exchange of information, ideas and resources. Engagement activities include a range of approaches from informing to sharing leadership to resident-led efforts, depending on the degree of community and county involvement, decision-making and control.

Community engagement should offer opportunities for communities to express their views and have a meaningful role in decision-making. It should also consider the diversity of our communities, including culture and ethnicity, and seek to create an inclusive and accessible process. Effective engagement removes barriers for communities that may have previously prevented residents from successfully working with county government.

The work is challenging and complex and you might make mistakes. The rewards of successful public engagement, however, are great, and lead to better results and work products.

This guide provides tools, examples and resources to help you in the community engagement process.



King County

Getting started:

This guide should be used during the initial planning stage and before work begins with the public.

The three steps to using this guide:

1. Review the **Community Engagement Continuum** and the examples.
2. Carefully complete the **Community Engagement Worksheet**
3. Share the **Community Engagement Worksheet** with your team members and include their input before you begin next steps.

Notes:

If you have questions or need assistance contact:

Matias Valenzuela	206.205.3331; Matias.Valenzuela@kingcounty.gov
June Beleford	206.263.8762; June.Beleford@kingcounty.gov



Community Engagement Continuum

The continuum provides details, characteristics and strategies for five levels of community engagement. The continuum shows a range of actions from county-led information sharing that tends to be shorter-term to longer-term community-led activities. The continuum can be used for both simple and complex efforts. As a project develops, the level of community engagement may need to change to meet changing needs and objectives.

The level of engagement will depend on various factors, including program goals, time constraints, level of program and community readiness, and capacity and resources. There is no one right level of engagement, but considering the range of engagement and its implications on your work is a key step in promoting community participation and building community trust. Regardless of the level of engagement, the role of both King County and community partners as part of the engagement process should always be clearly defined.

Levels of Engagement				
County Informs	County Consults	County engages in dialogue	County and community work together	Community directs action
King County initiates an effort, coordinates with departments and uses a variety of channels to inform community to take action	King County gathers information from the community to inform county-led interventions	King County engages community members to shape county priorities and plans	Community and King County share in decision-making to co-create solutions together	Community initiates and directs strategy and action with participation and technical assistance from King County
Characteristics of Engagement				
<ul style="list-style-type: none"> • Primarily one-way channel of communication • One interaction • Term-limited to event • Addresses immediate need of county and community 	<ul style="list-style-type: none"> • Primarily one-way channel of communication • One to multiple interactions • Short to medium-term • Shapes and informs county programs 	<ul style="list-style-type: none"> • Two-way channel of communication • Multiple interactions • Medium to long-term • Advancement of solutions to complex problems 	<ul style="list-style-type: none"> • Two-way channel of communication • Multiple interactions • Medium to long-term • Advancement of solutions to complex problems 	<ul style="list-style-type: none"> • Two-way channel of communication • Multiple interactions • Medium to long-term • Advancement of solutions to complex problems
Strategies				
Media releases, brochures, pamphlets, outreach to vulnerable populations, ethnic media contacts, translated information, staff outreach to residents, new and social media	Focus groups, interviews, community surveys	Forums, advisory boards, stakeholder involvement, coalitions, policy development and advocacy, including legislative briefings and testimony, workshops, community-wide events	Co-led community meetings, advisory boards, coalitions, and partnerships, policy development and advocacy, including legislative briefings and testimony	Community-led planning efforts, community-hosted forums, collaborative partnerships, coalitions, policy development and advocacy including legislative briefings and testimony



King County

Justice and King County Superior Court worked together with the Office of Performance, Strategy and Budget to reduce the number of warrants and detention time for failure to appear at court hearings particularly for youth of color. Extensive feedback from all groups represented contributed to designing a pilot program that provides outreach workers to youth with prior warrant histories. [More information](#)

County and community work together: Community and King County share in decision-making to co-create solutions:

- A. **Skyway Solutions.** King County worked together with a diversity of residents in Skyway to craft an action agenda that reflects local goals and promotes community-driven activities for revitalization. The process was co-designed by community members and facilitated by a non-profit partner to engage meaningful community leadership and participation in decision making - a guiding principle of equitable development. Because the community would be responsible for leading implementation, the process was intentionally designed to build the capacity of the community to address problems, find solutions, and lead change. Today, Skyway Solutions is sustained by the collective leadership of an engaged and mobilized community; King County provides technical assistance upon request. [More information](#)
- B. **Committee to End Homelessness.** The Department of Community and Human Services and community organizations and representatives worked together in the Committee to End Homelessness in King County to identify barriers and develop strategies to link persons living below the poverty line with affordable, quality and healthy housing options. The main focus of the project is to provide culturally competent services for all clients by removing barriers that prevent them from getting and maintaining housing. [More information](#)

Community directs action: Community initiates and directs strategy and action with participation, and technical assistance from King County

- A. **Equal Start Community Coalition.** Public Health partnered with community members to form the Equal Start Community Coalition to address social determinants that lead to inequities in birth outcomes for African American, Native American and Latino families. The community-led coalition brings together affected groups, community members, health and human service providers, and policy makers to exchange ideas and identify strategic actions with technical assistance and funding support from Public Health. [More information.](#)

King County References and Resources:

2010-2014-King County Strategic Plan, www.kingcounty.gov/strategicplan/
King County Equity & Social Justice, www.kingcounty.gov/equity
King County Civil Rights Commission, www.kingcounty.gov/exec/CRC
Plain Language Style Guide, www.kingcounty.gov/exec/styleguide/plainwriting
Translation Executive Order, www.kingcounty.gov/operations/policies/executive/itao/inf142aao.aspx
Communities Count - Indicators Across King County, www.communitiescount.org/

Resources:

City of Seattle Race and Social Justice Initiative, <http://www.seattle.gov/rsji>
Community Toolbox, ctb.ku.edu/en/tablecontents/chapter_1006.aspx
Bayside Community Engagement Framework, www.bayside.vic.gov.au
An Overview of Communities Practice-National Congress of American Indians Policy Research Center
www.oes.ca.gov/operational/oes/vulnerable_populations
PBS Series, Unnatural Causes, Is Inequality Making Us Sick? www.unnaturalcauses.org



King County

Continuum of Engagement Examples:

County informs: King County initiates an effort, provides information through a variety of channels, and directs community to take action

- A. **Flooding emergency preparedness.** In preparing for an emergency flood scenario, the departments of Natural Resources and Parks, Development and Environmental Services, and Public Health worked together to communicate across various departments to ensure culturally-appropriate strategies were utilized and all communities received instruction in how to prepare for potential flooding. Websites, local ethnic media, educational materials in the most common languages, professional organizations, outreach to ethnic community centers, door-to-door contacts and Unincorporated Area Councils were used to disseminate directions to residents on how they can be prepared during an emergency. King County television featured an emergency preparedness Public Service Announcement. [More information](#)
- B. **Cancer screening outreach.** As part of an education campaign to reduce cervical cancer rates among local Vietnamese and Latina women, populations that suffer from higher rates of cervical cancer and lower rates of screening for the illness, Public Health produced materials and media releases in different languages. [More information](#)

County consults: King County gathers information from the community to inform county-led interventions:

- A. **Link Light Rail survey and outreach.** Following a Town Hall meeting hosted by King County, Department of Transportation (DOT) conducted a survey targeted to gather information from affected neighborhoods impacted by Link Light Rail services changes. DOT's *In Motion Program* consulted and worked directly with community-based agencies serving limited English proficient and English as a second language immigrant and refugee communities to ensure they were prepared on the use of the new regional ORCA fare cards. Presentations were made to community organizations that provide services to the most vulnerable populations to ensure they received information to help them access safe and efficient modes of transportation. [More information](#)
- B. **Solid Waste Management.** In cooperation with cities that were represented by interlocal agreements King County's Department of Natural Resources and Solid Waste Division, drafted a comprehensive Solid Waste Management plan to ensure dumping sites were not targeted to low income communities with higher concentrations of ESL populations. GIS mapping helped to identify, inform and promote actions to prevent those communities from becoming targeted for dumping site facilities. <http://www.kingcounty.gov/environment/dnrm.aspx>

County engages in dialogue: King County engages community members to shape priorities and plans:

- A. **Equity & Social Justice.** King County Equity & Social Justice sponsored Town hall events at various locations throughout the county utilizing the PBS series *Unnatural Causes: Is Inequality Making Us Sick?* Trained facilitators conducted dialogues with over 100 community groups representing education, criminal justice, human services, public health, youth and faith-based groups. The main goal of the dialogues was to raise awareness about the root causes of inequities, promote a common understanding of equity and social justice principles, and exchange ideas with community groups about possible actions and activities to create stronger and healthier communities. [More information](#)
- B. **Youth outreach.** Youth and community members were engaged to help develop a process for identifying causes preventing them from appearing at court hearings and being issued warrants. King County Juvenile



King County

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June 4, 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 the Tree Retention Regulation Proviso Report, as called for by Ordinance 19546, Section 90, Proviso P2, together with a proposed Motion that would, if enacted, accept the report.

As required, the report assesses current best practices for tree retention regulations and enforcement mechanisms within urban unincorporated areas. It also considers the practices of tree retention and enforcement for neighboring municipalities within King County, as well as neighboring counties. The report uses this information, combined with an examination of King County's current tree retention regulations and enforcement mechanisms, to recommendation potential updates to the County's regulations.

As noted in the Fall City Subdivision Moratorium Work Plan Report (Report 2023-0439), attached to the Snoqualmie Valley/Northeast King County Community Service Area Subarea Plan, this report considers the need for adopting tree retention regulations and enforcement mechanisms for Rural Towns.

Analysis conducted for the report finds that while King County's tree retention regulations and enforcement mechanisms incorporate some industry best practices, many of these regulations and enforcement mechanisms could be strengthened and additional practices added to provide increased protection of the urban tree canopy. The King County Code standards that could strengthen are recommended to be informed by a public engagement process, as described in the report.

Thank you for your consideration of this report and proposed Motion.

The Honorable Dave Upthegrove

June 4, 2024

Page 2

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

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, Division Director, DLS Permitting Division