



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Motion 15514

Proposed No. 2019-0282.1

Sponsors Lambert

1 A MOTION accepting the Permitting Already-Built
2 Construction Program Plan, as required by the 2019-2020
3 Biennial Budget Ordinance, Ordinance 18835, Section 81,
4 Proviso P1.

5 WHEREAS, in the 2019-2020 Biennial Budget Ordinance, Ordinance 18835,
6 Section 81, Proviso P1, the King County council adopted and the executive approved, a
7 proviso encumbering a total of \$100,000 from planning and permitting fund and
8 requiring a permitting already built construction program plan be transmitted by June 29,
9 2019; and

10 WHEREAS, the permitting division of the department of local services has
11 submitted the Permitting Already-Built Construction Program Plan consistent with the
12 requirements in the proviso;

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

14 The Permitting Already-Built Construction Program Plan in Attachment A to this
15 motion is hereby accepted.
16

Motion 15514 was introduced on 7/10/2019 and hearing held/closed and passed by the Metropolitan King County Council on 9/18/2019, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn, Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles and Ms. Balducci



KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Rod Dembowski, Chair

ATTEST:

Melani Pedroza, Clerk of the Council

Attachments: A. Permitting Already-Built Construction Program Plan



King County

Permitting Already-Built Construction Program Plan

In compliance with the 2019-2020 Biennial Budget Ordinance 18835
Section 81, Proviso P1

**Prepared by the Permitting Division of the
Department of Local Services**

June 27, 2019

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Proviso Text

PI PROVIDED THAT:

Of this appropriation, \$100,000 shall not be expended or encumbered until the executive transmits a permitting Already Built Construction program plan and a motion that should accept the plan and reference the subject matter, the proviso's ordinance, ordinance section and proviso number in both the title and body of the motion and a motion accepting the plan is passed by the council.

The permitting Already Built Construction program plan shall include, but not be limited to:

- A. Definition of Already Built Construction ("ABC")
- B. Concise summary of the current code enforcement and permitting process for ABC;
- C. The following components; and where the program does not include one or more of the following, a rationale for the exclusion shall be included:
 1. Simplified checklists for permittees to use;
 2. Timely and consistent pre-application and permit review timelines;
 3. Designated non-code-enforcement FTE positions dedicated either full time or part time to the ABC program and responsible for reviewing all ABC permits;
 4. For each project, a single point of contact within the ABC program, who should not be a code-enforcement staff; and
 5. Designated set aside time for ABC permittees to meet informally with the ABC program staff.

The executive should file the permitting Already Built Construction program plan and a motion required by this proviso by June 29, 2019, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the planning, rural service and environmental committee, or its successor.

Introduction

The Permitting Division, now a part of the Department of Local Services, began making significant changes in the experience of its Already-Built Construction (ABC) permitting customers two years ago. In January 2017, the Division put together a small work group of code enforcement, permit intake/issuance, and review staff to re-evaluate ABC permitting processes and procedures from the customer's perspective. Three takeaways came from these initial meetings:

- Customers need to be able to understand all of the steps necessary to resolve a complaint during the initial investigation;
- Customers need clearer and more concise direction on the requirements of an acceptable site plan for ABC permitting; and
- Customers need clearer direction in the ABC application materials on the requirements of a complete permit application.

Since those initial meetings, the Division has changed its forms, procedures, and roles for ABC permit applications. Below summarizes the key changes implemented by the Division:

First, the form used to intake information from the customer, the "Code Enforcement Investigation Report", was converted to a fillable form, with expandable fields that includes all of the types of information typically needed to make informed decisions for resolving a code violation.

Second, the "ABC Pre-Screening Meeting Request Form and Questionnaire" form was also significantly revised and condensed. All of the redundant information and unnecessary questions were removed, explanatory instructions added, and questions were posed using more customer friendly language. In addition, the instructions for preparing a site plan were simplified.

The Division also shifted the responsibility for managing the pre-application meeting from code enforcement staff to the permit review coordinator, in most cases. This shift was intended to make the ABC permitting process feel less punitive for the applicants.

The revised forms and procedures, including training for code enforcement staff, occurred in November 2018. As the Division continues to receive feedback from its customers on ABC permitting, further refinements have been and will be made.

Permitting Already-Built Construction Program Plan

The Permitting Division's new ABC permitting process was established in 2018 to address the challenges of reviewing and approving construction activity that had been started without the required application reviews and approvals. In recent years, the County has processed more than 200 ABC permits annually, about four to five percent of all development permits in the unincorporated area.

With a standard permit application without already-built construction observed, the approval process is sequential, as follows:

- A development proposal prepared by the customer is reviewed by Permitting to ensure that it meets current code;
- The proposal is revised or corrected, and a permit is issued prior to beginning construction work;
- Inspections are performed at construction milestones, and corrections made before proceeding;
- Final construction approval is obtained when all current or vested code requirements are satisfied.

In contrast, ABC permit applications are reviewed for construction work that has been started or even completed without a permit. Required inspections often cannot be performed because construction materials and techniques are no longer visible. Often the ABC work does not satisfy the codes in effect at the time of construction. In some cases, ABC work cannot be corrected to meet code without removal of the unpermitted work.

Beginning in 2012, a series of reforms and pilot projects were launched to make the complexities of the ABC permitting process easier to navigate and manage. The goal was to further improve internal coordination between staff as well as service delivery to customers. Early reforms included:

- Modification of the ABC permit application form to improve the quality of information provided by customers to the County.
- Because building and land use codes change over time, determining which past codes apply to work started or completed years ago without the required approvals can be confusing. A calendar guide was developed to identify the codes applicable to construction activity in past years.
- In November 2018, new application forms, customer instructions, and staff procedures were issued to clarify process roles and responsibilities, document management, handoff procedures from enforcement to review staff, and final inspection protocols.
- Further improvements to the customer experience are expected from an on-going Daily Management pilot effort conducted with the assistance of the County's Continuous Improvement Team. The process will continue to be refined and standardized, based on employee and customer feedback.

These and other improvement efforts have been brought together in a new ABC Program currently in implementation. The Program helps ABC customers through the permitting process, departing from past practices in three phases, as outlined below.

1. Pre-application Meeting with Customer

The crucial hand-off from code enforcement to permitting occurs in a pre-application meeting led by a single-point of contact (SPOC) for permitting staff, instead of code

enforcement staff. The SPOC is a Permit Review Coordinator who will guide the applicant through the entire application process. There are two SPOCs designated to support ABC permitting; one to specialize in building projects, and the other in grading or land use projects. Code enforcement staff are present at the pre-application meeting to provide reference information as needed, but otherwise have no role. For the ABC customer, the pre-application meeting generates a simplified checklist of documents and materials required to submit an application. The ABC permitting SPOC assists the customer to customize and understand the checklist requirements for their project. The checklist has been revised to be friendlier in tone and easier to read.

2. Permit Application Screening

After the pre-application meeting, when the customer returns with application materials and the checklist, the assigned SPOC reviews the checklist and accepts the application, if completed as requested. This meeting occurs in an informal, one-on-one session with the customer and ABC permitting SPOC, and at a time of the customer's choosing during regular customer service hours at the Permitting office.

3. Permit Application Review

Once the application has been accepted and routed for technical review, future communications with the ABC customer are coordinated by the SPOC, rather than with multiple staff representing different review disciplines.

In each phase of the process described above, the new ABC Program gives the customer the attention of a single member of the permitting staff. Further improvements to the customer experience are expected from on-going efforts with the assistance of the County's Continuous Improvement Team and use of Lean Daily Management techniques. The Permitting Division is also deploying a customer satisfaction survey, tailored to ABC customers, to gauge improvement in the customer's experience.

A. Definition of Already-Built Construction

Concisely defined, ABC refers to any construction work or activity requiring a permit but commenced before its issuance. The ABC permitting process can be used to review any type of unpermitted development activity, including residential or commercial construction, land use, or land disturbing activity that began before or without receiving a required permit or other construction authorization.

B. Current Process for Already-Built Construction

The following is a summary of the current code enforcement and permitting process for ABC Construction, full implementation of which began in 2018.

1. Violation Investigation and Notification to Customer

The ABC permitting process begins when code enforcement staff investigates a complaint, often with a site visit to determine if construction occurred without a required permit. Code enforcement staff documents the violation with pictures, aerials, or historical information and completes an investigation report, which is made available to permitting staff. An ABC pre-application information request packet and a letter outlining the violations and deadlines is sent to the property owner.

2. Customer Response and Information

Property owners or their agents (customer) submit the ABC pre-application packet with as much information about the already completed work as possible, and a fee payment for a pre-application meeting with permitting staff. The completed packet can be mailed in or dropped off in person. The application is reviewed by code enforcement staff to determine if the information included is adequate for permit application screening. If so, permitting staff is assigned and an internal review meeting is scheduled. If not, staff contacts the customer to inform him or her of the additional information requirements.

3. Initial Permitting Review

The information provided by the customer and the investigation report is reviewed by permitting staff. The staff determines if the information requirements for a complete permit application have been met, identifies choices or options to achieve code compliance, and determines the next step in the process:

- The information provided by the customer is sufficient to accept as a complete permit application (very rare);
- Minimal additional information is required. A letter is sent to the customer with the additional requirements, a deadline to submit, and an option to schedule a meeting with permitting staff; or
- A pre-application meeting with the applicant needs to be scheduled to review the options and requirements for a complete application.

4. Pre-application Meeting with Customer

The customer is contacted to schedule a pre-application meeting with permitting staff. This meeting provides the customer with information to help them make informed decisions about the following:

- Options available (if any) to bring the property into compliance;
- The requirements, in writing, for a permit application;
- An estimate of permit fees; and
- Deadlines for next steps (such as Public Health-Seattle & King County submittal).

5. Permit Application Screening

The customer submits all required items and the applicable fees in person. A Permit Review Coordinator reviews the application for completeness per the requirements established in the pre-application meeting. The fee paid for the pre-application meeting is transferred to the permit application, if the application is submitted by the deadline in the fee ordinance. Once the permit application is accepted as complete, a permit number is assigned.

6. Permit Application Review

The permit application is reviewed by the assigned permitting staff for compliance with applicable regulations, which are typically the codes in effect at the time the work was done. Any requests for additional information are made in writing and include a deadline for submittal. When the additional material is submitted, the permit goes through the application screening and application review process again. When the permit is ready to issue, a notification is sent to the customer.

7. Permit Inspection

The customer is expected to schedule an inspection within 15 days of permit issuance. Some ABC permits receive final inspection approval at the first inspection. Others require corrective action, in which case a correction notice is issued. Inspectors are responsible for ensuring conditions of the permit are met, which may include approval of previous construction, restoration of prior conditions, removal of substandard construction, or reversion to a prior, approved use of a structure.

8. Enforcement Case Closure

Code enforcement violations related to ABC permits are usually resolved once the permit receives final inspection approval. However, if there were other violations as part of the original complaint and code enforcement case, the case is only closed once all the violations have been resolved.

C. Already-Built Construction Program Components

As noted above, the ABC Program includes the following components.

Checklists. The revised ABC pre-application packet and instructions were implemented in November 2018. A copy is attached as an appendix to this report.

Timelines. Four hours are reserved every week for ABC pre-application meetings. ABC permit applications are entitled to standards for screening and review timeliness consistent with other non-ABC permit applications. For residential construction, the Permitting Division is targeting three weeks from application acceptance for preparation of an initial agency comment letter or final decision.

Dedicated Staff. Two Permit Review Coordinators, which are not code enforcement staff, have been dedicated part time to the ABC program with responsibility for preparing checklists for customers and for screening applications; one for building projects and the other for grading or land use projects.

Single Point of Contact. Two Permit Review Coordinators have been dedicated part time to the ABC program as single points of contact for follow-up with customers.

Informal Meetings with ABC Customers. After a code enforcement case has been transferred to the ABC Program (usually via an ABC pre-application meeting), an ABC customer can meet informally with the SPOC at a time of the customer's choosing during customer service hours, four business days each week.¹

¹ The Permitting Division is closed to the public on Wednesdays.



Already-Built Construction (ABC) Pre-screening meeting—instructions

The first step in applying for an Already-Built Construction Permit is to request a pre-screening meeting with King County Local Services Permitting Division staff members to talk about your project. This meeting and the information you provide with your application will help us understand what items you will need in order to submit a complete permit application.

At the end of the pre-screening meeting, we will give you a Permit Submittal Checklist listing the fees and other things you need to submit as part of your Already Built Construction Permit application.

If you file your Already Built Construction Permit application with 180 days of the pre-screening meeting, or within 60 days of receiving approval by the public health department or other required agency, the fee(s) you pay for this pre-screening meeting will count toward the fee for your permit.

Pre-application reviews are based on the information available at the time of the meeting. If more information becomes available during or after the permit application process, or if regulations have changed between the time of this meeting and the time when you file a complete application, we may impose additional conditions or requirements.

Getting started

To start the already-built construction pre-screening meeting process, provide all the items listed on page 2 of this document. When we have received all of these items, we will contact you to schedule your pre-screening meeting at our office in Snoqualmie.

Note: Any items—including fees—that are missing from your already-built construction pre-screening submittal may cause meeting and/or project delays.

Questions? Please contact your assigned Code Enforcement Officer via the contact information listed in the violation letter.

IMPORTANT LEGAL NOTE:

Code Enforcement deadlines are enforced separately from permit review and expiration timelines. The applicant is responsible for determining whether a development proposal complies with applicable codes and regulations. The ABC Pre-Screening Meeting is for informational and planning purposes only and is not the place to discuss the validity of the violation nor is it intended to provide assurances that a development proposal will be approved by King County.

Already-Built Construction (ABC) pre-screening meeting instructions, continued

Already-Built Construction Pre-Screening Submittal Checklist

(include 1 copy of each item)

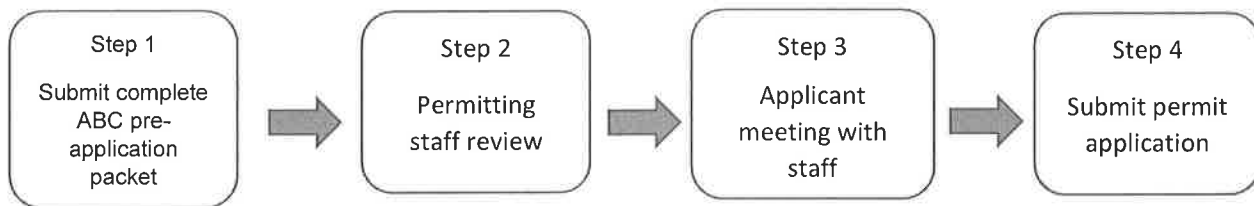
Completed Already-Built Construction Pre-Screening Meeting Request Form and Questionnaire

Detailed site plan on site plan template (see instructions)

Impervious Surface, Table A, if included in your packet (see instructions)

Photographs showing all construction that needs permits as well as current site conditions. Please be able to show us on your site plan where the photos were taken.

Building floor plans, to architect scale, for any structures to be included in permit application



Fees (2019-2020): Residential - \$733 Non-Residential/Commercial - \$2,931

How to request an already-built construction pre-screening meeting

- **In person:** Applications and payment by check, cash, or credit card (VISA or MasterCard) may be submitted in person at the King County Permits office (see address at bottom of this page or visit www.kingcounty.gov/permits and choose "About us" for detailed location information and office hours). No appointment is necessary.
- **By U.S. mail:** Applications and payment by check may be mailed to us at the address listed at the bottom of this page. Please make checks payable to **King County Office of Finance**.

Resources

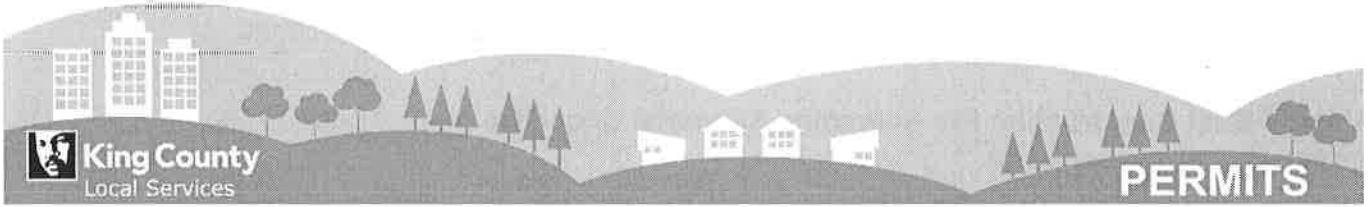
www.KingCounty.gov/permits (Permitting)

[About Permitting](#) (contact information, address and driving directions)

[Code Enforcement](#)

[On-line Permit Status](#)

Inspection Scheduling, IVR line, 1-888-546-7728 ([IVR Inspection Codes](#)), or [Online](#)



Already-Built Construction (ABC) Pre-screening meeting—application

Section 1 (to be completed by Permitting staff)

Assigned application number: _____

Code enforcement number(s): _____

Location/address of Already Built Construction

Parcel number(s): _____ Zoning: _____

Project description (to be completed by Code Enforcement):

Please completely and clearly describe what was constructed, demolished, and/or cleared or graded. Include a description of both pre-existing and current site conditions.

Fees (2019-2020): Residential - \$733 Non-Residential/Commercial - \$2,931

Review staff required			Meeting type
<input type="checkbox"/> Code Enforcement Officer	<input type="checkbox"/> Critical Areas	<input type="checkbox"/> Grading	<input type="checkbox"/> Residential
<input type="checkbox"/> Permit Review Coordinator	<input type="checkbox"/> Wetland	<input type="checkbox"/> Fire	<input type="checkbox"/> Commercial
<input type="checkbox"/> Plans Examination	<input type="checkbox"/> Aquatic	<input type="checkbox"/> Planner	<input type="checkbox"/> Resource
<input type="checkbox"/> Drainage Engineering	<input type="checkbox"/> Geotech	<input type="checkbox"/> Other _____	

Completed by: _____

Already-Built Construction (ABC) pre-screening meeting application, continued

Section 2 (to be completed by person applying for permit)

Applicant information				
FULL NAME	PHONE NUMBER	EMAIL ADDRESS		
MAILING ADDRESS		CITY	STATE	ZIP CODE
Owner information		Same as Applicant		
FULL NAME	PHONE NUMBER	EMAIL ADDRESS		
MAILING ADDRESS		CITY	STATE	ZIP CODE

ABC pre-meeting questionnaire (attach more pages if needed)

Please provide as much information as possible about this project. More accurate and detailed information will help us understand what is needed for you to get a permit. If you don't know the answer, please write "Don't know." If a section or question does not apply to your project, please check the appropriate box or write "N/A."

1. For construction or modification of buildings or other structures¹

This section does not apply to my project.

- a. Describe the new structure(s) that were built or any modifications, additions, demolition, or change of use of any existing structures. Describe each structure, including type of structure, length or square footage, number of floors, proposed use, etc. for each. Show the location of the structure(s) on your site plan.

¹ Structure: Anything permanently constructed in or on the ground, or over the water; including buildings, fences more than 6 feet in height, decks more than 18 inches above grade, or retaining walls more than 4 feet high.

Already-Built Construction (ABC) pre-screening meeting application, continued

When was the work started? _____ finished? _____

b. If the work has not been finished, describe how much work still needs to be done:

2. Please describe any **clearing, grading, or other land-disturbing work** that was done.

This section does not apply to my project.

a. Land-disturbing activities Check all that apply		Yes	No	Unknown
Clearing/grading in critical area or buffer		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Excavations and fills	Fills over 3 feet	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	Excavations over 5 feet	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Material moved, imported, and/or exported	Over 100 cubic yards	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	Over 500 cubic yards	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
New impervious surface added since 2001 ²	Over 2,000 square feet	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	Over 5,000 square feet	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Total land-disturbing activity ³ since 2005	Over 7,000 square feet	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	Over 35,000 square feet	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Constructed or modified a drainage pipe/ditch 12 inches or more in diameter and/or depth.		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

² Impervious surface: The addition of a hard or compacted surface like a roof, pavement, gravel, or dirt; or the addition of a more-compacted surface like paving over pre-existing dirt or gravel.

³ Land-disturbing activity: any activity that results in a change in the existing soil cover, vegetative or non-vegetative, or the existing soil topography. Examples of land-disturbing activities include demolition, construction, clearing, grading, filling, excavation, and compaction. Agricultural practices such as tilling, landscape maintenance, or gardening are not considered land-disturbing activity.

Already-Built Construction (ABC) pre-screening meeting application, continued

Is this parcel(s) managed under one of the following land stewardship plans?

- Forest Management Plan Farm Management Plan Rural Stewardship Plan

Additional comments:

- b. Was any merchantable timber⁴ removed or harvested as part of this clearing or land-disturbing work? If so, estimate the approximate volume in board feet, size, and number of trees, or provide the number of loaded log trucks.

- c. When was the work started? _____ finished? _____

If the work is not finished, describe how much work still needs to be done:

⁴ Merchantable timber: trees whose size and quality for production of lumber, plywood, pulp, or other forest products are of enough value to at least cover the costs of harvest and transportation. Typically, trees are at least 20 feet long and have a small-end diameter of at least 6 inches.

Already-Built Construction (ABC) pre-screening meeting application, continued

Acknowledgement

Inspections by representatives of the King County Local Services Permitting Division (Permits) are part of the permitting process. We will coordinate inspections needed to establish required permits, check completed work, or look at site conditions with the property owner. By signing and submitting this form, I certify I have the authority to allow Permitting staff to arrange and conduct site visits and that I authorize Permitting staff to do so. I also acknowledge that information provided at this meeting is subject to change if we discover undisclosed site features and/or issues on the subject property.

I certify under penalty of perjury and under the laws of the State of Washington that the information in this pre-screening meeting request form is correct.

Signature: _____ Date: _____

Print Name: _____