

ORDINANCE NO. 7415

AN ORDINANCE revising noise variance fees; amending Ordinance No. 3139, Section 701, and K.C.C. 12.96.010 as amended, by revising fees contained therein.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance No. 3139, Section 701 and K.C.C.

12.96.010 are hereby amended to read as follows:

Variance procedure. A. Any person who owns or is in possession of any property or use, or any process or equipment, may apply to the administrator for relief from the requirements of Chapters 12.86 through 12.100 or rules or regulations promulgated hereunder governing the quality, nature, duration or extent of discharge of noise. In a proper case, the variance may apply to all sources of a particular class or type. The application shall be accompanied by such information and data as the administrator may require. In accordance with the administrative code, the administrator shall promulgate rules and regulations governing the application for and granting of such variances, including hearings and notice.

B. Application for a variance or renewal of a variance shall be accompanied by payment of a nonrefundable base fee as follows:

- 1. Temporary variance (~~(\$25.00)~~) \$ 40.00
- 2. Technical or economic variance,
  - source in rural or residential district \$100.00
- 3. Technical or economic variance, source
  - in commercial or industrial district \$250.00

C. In addition to the base fee the review fee for technical or economic variance shall be the actual costs associated with application review over and above the base fee.

1           (~~C~~) D. A variance or its renewal shall not be a right  
2 of the applicant or holder thereof, but shall be at the  
3 reasonable discretion of the administrator.

4           (~~B~~) E. No variance shall be granted pursuant to this  
5 section until the administrator has considered the relative  
6 interests of the applicant, other owners or possessors of  
7 property likely to be affected by the noise, and the general  
8 public. A technical or economic variance may be granted only  
9 after a public hearing on due notice. The administrator may  
10 grant a variance, if he finds that:

11           1. The noise occurring or proposed to occur does not  
12 endanger public health or safety; and

13           2. The applicant demonstrates the criteria required for  
14 temporary, technical or economic variance under Section  
15 12.96.105.

16           (~~E~~) F. Variances, except temporary variances, granted  
17 pursuant to Chapters 12.86 through 12.100 may be renewed on  
18 terms and conditions and for periods which would be appropriate  
19 on the initial granting of a variance. No renewal shall be  
20 granted except on application made at least sixty days prior to  
21 the expiration of the variance.

22           (~~F~~) G. Any person aggrieved by the denial, grant, or  
23 the terms and conditions on the grant of an application for a  
24 variance by the administrator may appeal such decision under  
25 procedures incorporated by Chapter 12.99.  
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2 ((G→) H. Any person or source granted a variance  
3 pursuant to the procedures of this section or an appeal shall  
4 be exempt from the maximum permissible sound levels established  
5 by Chapters 12.86 through 12.100, to the extent provided in the  
6 variance.

7 INTRODUCED AND READ for the first time this 4th  
8 day of November, 1985.

9 PASSED this 27th day of November, 1985.

10 KING COUNTY COUNCIL  
11 KING COUNTY, WASHINGTON

12 Gary Grant  
13 Chairman

14 ATTEST:

15 Donald A. Peterson  
16 Deputy Clerk of the Council

17 APPROVED this 13th day of December, 1985.

18 Randy Kwan  
19 King County Executive  
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