

February 16, 1995

Introduced by: CHRISTOPHER VANCE

Proposed No.: 95-074

ORDINANCE NO. **11700**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55

AN ORDINANCE relating to permitting; clarifying that engineering plans shall be returned to the applicant and defining who the applicant is; amending Ordinance 9163, Section 2 and K.C.C. 9.04.020, Ordinance 2281, Sections 6, 7 and 8 and K.C.C. 9.04.070, K.C.C. 9.04.100 and K.C.C. 9.04.110, Ordinance 4938, Section 11 and K.C.C. 9.04.130, Ordinance 8589, Section 2 and K.C.C. 9.04.160, Ordinance 4895, Sections 1 and 7 and K.C.C. 14.28.010 and K.C.C. 14.28.030, Ordinance 3647, Section 2 and K.C.C. 16.04.010, Ordinance 1488, Sections 5 and 7 and K.C.C. 16.82.020 and K.C.C. 16.82.060, Ordinance 2097, Section 1 and K.C.C. 17.04.010, Resolution 11048, Sections IIIA (part) and IV AB(2) and K.C.C. 19.16.010 and K.C.C. 19.24.040, Ordinance 9543, Sections 2, 5 and 13 and K.C.C. 19.26.020, K.C.C. 19.26.050 and K.C.C. 19.26.140, Resolution 11048, Section IV A(2) and K.C.C. 19.28.020, Ordinance 9898, Section 1 and K.C.C. 19.28.030, Resolution 11048, Section IV A(4) and K.C.C. 19.28.050, Ordinance 11017, Sections 2, 3 and 4 and K.C.C. 19.33.020, 19.33.030 and K.C.C. 19.33.040, Resolution 11048, Appendix A and K.C.C. 19.36.030 and 19.36.040, Ordinance 9544, Section 3 and K.C.C. 19.36.045, Resolution 11048, Appendix A and K.C.C. 19.36.060, Ordinance 6084, Section 2 and K.C.C. 19.36.065, Resolution 11048, Appendix A and K.C.C. 19.36.070, Ordinance 9544, Sections 19 and 20 and K.C.C. 19.36.087 and K.C.C. 19.36.089, Ordinance 5596, Sections 5, 7, 8, 9, 11 and 14 and K.C.C. 19.38.030, K.C.C. 19.38.050, K.C.C. 19.38.060, K.C.C. 19.38.070, K.C.C. 19.38.090 and K.C.C. 19.38.120, Ordinance 9544, Section 6 and K.C.C. 19.39.020, Ordinance 10870, Sections 54, 584 and 597 and K.C.C. 21A.06.070, K.C.C. 21A.39.030 and K.C.C. 21A.40.030, Ordinance 11622, Section 13 and K.C.C. 25.XX.XXX and adding new sections to K.C.C. 19.04, K.C.C. 19.34 and K.C.C. 25.08 and repealing Ordinance 5596, Section 2 and K.C.C. 19.04.350, all as amended.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 9163, Section 2 and K.C.C. 9.04.020

are hereby amended to read as follows:

Definitions. A. "Applicant" means a property owner, or any person or entity designated or named in writing by the property owner to be the applicant, in an application for a development proposal, permit or approval.

((A-)) B. "Basin" means a drainage area which drains either to the Cedar, Green, Snoqualmie, Skykomish or White rivers, or the drainage areas which drain directly to Puget Sound.

((B-)) C. "Basin Plan" means a plan and all implementing regulations and procedures including but not limited to capital

1 projects, public education activities, and land use management  
2 adopted by ordinance for managing surface and storm water  
3 management facilities and features within individual subbasins.

4 ((C+)) D. "Bond" means a surety bond, cash deposit or  
5 escrow account, assignment of savings, irrevocable letter of  
6 credit or other means acceptable to or required by the manager  
7 to guarantee that work is completed in compliance with the  
8 project's engineering plan and in compliance with all King  
9 County requirements.

10 ((D+)) E. "Closed depression" means an area of King  
11 County which is low-lying and either has no, or such a limited,  
12 surface water outlet that during storm events the area acts as  
13 a retention basin, with more than five thousand square feet at  
14 overflow elevation.

15 ((E+)) F. "Department" means the department of public  
16 works.

17 ((F+)) G. "Design storm" means a rainfall (or other  
18 precipitation) event or pattern of events for use in analyzing  
19 and designing drainage facilities.

20 ((G+)) H. "Development" means any activity that requires  
21 a permit or approval, including but not limited to a building  
22 permit, grading permit, shoreline substantial development  
23 permit, conditional use permit, special use permit, zoning  
24 variance or reclassification, subdivision, short subdivision,  
25 urban planned development, building site plan, or commercial  
26 site development permit or right-of-way use permit.

27 ((H+)) I. "Development engineer" means the building and  
28 land development division employee authorized to oversee the  
29 review, conditioning, inspection and acceptance of right-of-way  
30 use permits, road and drainage projects constructed pursuant to  
31 permits administered by the division. The development engineer  
32 or designee shall be a professional civil engineer registered  
33 and licensed under the laws of the State of Washington.

34 ((I+)) J. "Director" means the director of the department  
35 of public works or the director's designee.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

((J-)) K. "Division" means the building and land development division of the department of parks, planning and resources or its successor agency.

((K-)) L. "Drainage" means the collection, conveyance, containment, and/or discharge of surface and storm water runoff.

((L-)) M. "Drainage facility" means the system of collecting, conveying and storing surface and storm water runoff. Drainage facilities shall include but not be limited to all surface and storm water conveyance and containment facilities including streams, pipelines, channels, ditches, swamps, lakes, wetlands, closed depressions, infiltration facilities, retention/detention facilities, erosion/sedimentation control facilities and other drainage structures and appurtenances, both natural and constructed.

((M-)) N. "Drainage review" means an evaluation by building and land development division staff of a proposed project's compliance with the drainage requirements in the Surface Water Design Manual.

((N-)) O. "Erosion/sedimentation control" means any temporary or permanent measures taken to reduce erosion, control siltation and sedimentation, and ensure that sediment-laden water does not leave the site.

((O-)) P. "Infiltration facility" means a drainage facility designed to use the hydrologic process of surface and storm water runoff soaking into the ground, commonly referred to as percolation, to dispose of surface and storm water runoff.

((P-)) Q. "Impervious surface" means a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not

1 limited to, roofs, walkways, patios, driveways, parking lots,  
2 storage areas, areas which are paved, graveled or made of  
3 packed or oiled earthen materials, or other surfaces which  
4 similarly impede the natural infiltration of surface and storm  
5 water. Open, uncovered retention/detention facilities shall  
6 not be considered as impervious surfaces for the purposes of  
7 this chapter.

8 ((Q-)) R. "Improvement" means streets (with or without  
9 curbs or gutters) sidewalks, crosswalks, parking lots, water  
10 mains, sanitary and storm sewers, drainage facilities, street  
11 trees and other appropriate items.

12 ((R-)) S. "Manager" means the manager of the building and  
13 land development division of the department of parks, planning  
14 and resources or its successor agency, or his/her designee.

15 ((S-)) T. "Master Drainage Plan" means a comprehensive  
16 drainage control plan intended to prevent significant adverse  
17 impacts to the natural and man made drainage system, both on  
18 and off-site.

19 ((T-)) U. "Multifamily/commercial retention/detention  
20 facility" means a retention/detention facility which is not a  
21 subdivision retention/detention facility as defined in this  
22 chapter.

23 ((U-)) V. "Preapplication" for the purposes of this  
24 chapter refers to the meeting(s) and/or form(s) used by  
25 applicants for some development permits to present initial  
26 project intentions to the division. Preapplication does not  
27 mean application.

28 ((V-)) W. "Professional civil engineer" means a person  
29 registered with the State of Washington as a professional  
30 engineer in civil engineering.

31 ((W-)) X. "Project" means the proposed action of permit  
32 application or an approval which requires drainage review.

33 ((X-)) Y. "Retention/detention facility" means a type of  
34 drainage facility designed either to hold water for a  
35 considerable length of time and then release it by evaporation,

1 plant transpiration and/or infiltration into the ground; or to  
2 hold runoff for a short period of time and then release it to  
3 the surface and storm water management system.

4 ((Y-)) Z. "Runoff" means water originating from rainfall  
5 and other precipitation that is found in drainage facilities,  
6 rivers, streams, springs, seeps, ponds, lakes and wetlands as  
7 well as shallow ground water.

8 ((Z-)) AA. "Shared Facility" means a drainage facility  
9 designed to meet one or more of the requirements of K.C.C.  
10 9.04.050 for two or more separate projects contained within a  
11 basin as defined in K.C.C. 9.04.020. Shared facilities usually  
12 include shared financial commitments for those drainage  
13 facilities.

14 ((AA-)) BB. "Site" means the portion of a piece of  
15 property that is directly subject to development.

16 ((BB-)) CC. "Subbasin" means a drainage area which drains  
17 to a water course or water body named and noted on common maps  
18 and which is contained within a basin as defined in K.C.C.  
19 9.04.020.

20 ((CC-)) DD. "Subdivision retention/detention facility"  
21 means a retention/detention facility which is both located  
22 within or associated with a short or formal plat subdivision  
23 containing only single family or duplex residential structures  
24 located on individual lots and which is required to handle  
25 excess runoff generated by development of an area of which  
26 two-thirds or more is designated for single family or duplex  
27 residential structures located on individual lots.

28 ((DD-)) EE. "Surface and storm water" means water  
29 originating from rainfall and other precipitation that is found  
30 in drainage facilities, rivers, streams, springs, seeps, ponds,  
31 lakes and wetlands as well as shallow ground water.

32 ((EE-)) FF. "Surface and storm water management system"  
33 means drainage facilities and any other natural features which  
34 collect, store, control, treat and/or convey surface and storm  
35 water.

1 ((FF-)) GG. "Surface Water Design Manual" means the  
2 manual (and supporting documents as appropriate) describing  
3 surface and storm water design and analysis requirements,  
4 procedures and guidance which has been formally adopted by  
5 rule under the procedures specified in K.C.C. 2.98. The  
6 Surface Water Design Manual is available from the division  
7 permit center.

8 ((GG-)) HH. "Water quality swale" means an open vegetated  
9 drainage channel intended to optimize water quality treatment  
10 of surface and storm water runoff by following the specific  
11 design criteria described in the Surface Water Design Manual.

12 ((HH-)) II. "Wetponds" and "wetvaults" mean drainage  
13 facilities for water quality treatment that contain a permanent  
14 pool of water, usually four feet in depth, that are filled  
15 during the initial runoff from a storm event. They are  
16 designed to optimize water quality by providing retention time  
17 (on the order of a week or more) in order to settle out  
18 particles of fine sediment to which pollutants such as heavy  
19 metals absorb, and to allow biologic activity to occur that  
20 metabolizes nutrients and organic pollutants. For wetvaults,  
21 the permanent pool of water is covered by a lid which blocks  
22 sunlight from entering the facility, limiting photo-dependent  
23 biologic activity.

24 SECTION 2. Ordinance 2281, Section 6, as amended and  
25 K.C.C. 9.04.070 are hereby amended to read as follows:

26 Engineering plans - procedures for submittal. A. Where to  
27 submit.

28 1. All engineering plans shall be submitted to the  
29 building and land development division of the department of  
30 parks, planning and resources for review in accordance with the  
31 specifications in the Surface Water Design Manual. If  
32 engineering plans are returned for any reason, they shall be  
33 returned to the applicant.

34 2. All master drainage plans shall be submitted  
35 directly to the surface water management division of the

1 department of public works for review. Master drainage plans  
2 must also be a part of a permit application that has been  
3 submitted to the building and land development division of the  
4 department of parks, planning and resources. The master  
5 drainage plan submittal should commence at the same time as the  
6 State Environmental Policy Act (SEPA) process.

7 B. Expiration. The expiration time frames as specified  
8 in the Surface Water Design Manual will apply to all permit and  
9 approval applications.

10 C. Processing. All plans will be processed in accordance  
11 with the review procedures specified in the Surface Water  
12 Design Manual.

13 SECTION 3. Ordinance 2281, Section 7, as amended and  
14 K.C.C. 9.04.100 are hereby amended to read as follows:

15 Bonds and liability insurance required. The division is  
16 authorized to require all ((persons)) applicants constructing  
17 retention/detention facilities and other drainage facilities to  
18 post bonds with the manager. Where such ((persons)) applicants  
19 have previously posted, or are required to post, other such  
20 bonds with the manager either on the facility itself or on  
21 other construction related to the facility, ((such-person)) the  
22 applicant may, with the permission of the manager and to the  
23 extent allowable by law, combine all such bonds into a single  
24 bond; provided, that at no time shall the amount thus bonded be  
25 less than the total amount which would have been required in  
26 the form of separate bonds; and provided further that such a  
27 bond shall on its face clearly delineate those separate bonds  
28 which it is intended to replace.

29 A. Drainage facilities restoration and site stabilization  
30 Bond. Prior to commencing construction, the ((person))  
31 applicant required to construct the drainage facility pursuant  
32 to Section 9.04.050 shall post a drainage facilities  
33 restoration and site stabilization bond in the amount  
34 sufficient to cover the cost of corrective work on or off the  
35 site which is necessary to provide adequate drainage, stabilize

1 and restore disturbed areas, and remove sources of hazard  
2 associated with work which has been performed and is not  
3 completed. After determination by the development engineer  
4 that all facilities are constructed in compliance with approved  
5 plans, the drainage facilities restoration and site  
6 stabilization bond shall be released. The county may collect  
7 against the drainage facilities restoration and site  
8 stabilization bond when work is not completed in reasonable  
9 fashion and is found to be in violation of the conditions  
10 associated with the permit and/or approval listed in Section  
11 9.04.030. It is the manager's discretion to determine whether  
12 the site is in violation of the requirements of this chapter,  
13 and whether the bond shall be collected to remedy the  
14 violation. Prior to final approval and release of the drainage  
15 facilities restoration and site stabilization bond, the  
16 division shall conduct a comprehensive inspection for the  
17 purpose of observing that the retention/detention facilities  
18 and other drainage facilities have been constructed according  
19 to plan, applicable specifications and standards.

20 B. Defect and maintenance bond. After satisfactory  
21 completion of the drainage facility or final plat approval,  
22 whichever occurs last, the ((person)) applicant required to  
23 construct the facility pursuant to Section 9.04.050 shall post  
24 a defect and maintenance bond warranting the satisfactory  
25 performance and maintenance of the drainage facility and  
26 guaranteeing the workmanship and materials used in the  
27 construction of the facility for a period of two years. For  
28 subdivision retention/detention facilities that King County may  
29 assume maintenance of pursuant to Section 9.04.110, the defect  
30 and maintenance bond shall be posted for a period of two years  
31 or until King County assumes maintenance, whichever is longer.  
32 The manager shall not release the defect and maintenance bond  
33 until all inspection fees are paid.

34 C. Failure to complete proposed work. In the event of  
35 failure to comply with all the conditions and terms of the



1 permit and/or approval covered by this chapter, the manager  
2 shall notify the ((~~permittee~~)) applicant and surety in writing,  
3 and failing to obtain response within seven days from the  
4 receipt of notification may order the work required to be  
5 satisfactorily completed or perform all necessary corrective  
6 work to stabilize and restore disturbed areas and eliminate  
7 hazards caused by not completing the work. The surety  
8 executing such bond shall continue to be firmly bound up to the  
9 limits of the bond, under a continuing obligation for the  
10 payment of all necessary costs and expenses that may be  
11 incurred or expended by King County in causing any and all such  
12 required work to be done. In no event shall the liability of  
13 the surety exceed the amount stated in the bond regardless of  
14 the number of years the bond remains in force.

15 D. Liability policy. The ((~~person~~)) applicant required  
16 to construct the facility pursuant to Section 9.04.050 shall  
17 maintain a liability policy in the amount of one hundred  
18 thousand dollars per individual, three hundred thousand dollars  
19 per occurrence and fifty thousand dollars property damage,  
20 which shall name King County as an additional insured, and  
21 which shall protect King County from any liability up to those  
22 amounts for any accident, negligence, failure of the facility,  
23 or any other liability whatsoever, relating to the construction  
24 or maintenance of the facility. Proof of said liability policy  
25 shall be provided to the manager prior to commencing  
26 construction of any drainage facility; provided, that in the  
27 case of facilities assumed by King County for maintenance  
28 pursuant to Section 9.04.110, said liability policy shall be  
29 terminated when said county maintenance responsibility  
30 commences.

31 SECTION 4. Ordinance 2281, Section 8, as amended and  
32 K.C.C. 9.04.110 are hereby amended to read as follows:

33 Maintenance of subdivision retention/detention facilities.  
34 Maintenance of all subdivision retention/detention facilities  
35 shall remain the responsibility of the ((~~person~~)) applicant

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

required to construct the retention/detention facilities until all the conditions of this section have been met.

EXCEPTION: A retention/detention facility located within and servicing only an individual lot shall not be accepted by the county for maintenance and will remain the responsibility of persons holding title to the property within which the facility is located.

Only after all of the following conditions have been met shall King County assume maintenance of the subdivision retention/detention facility:

A. All of the requirements of Section 9.04.100 have been fully met;

B. All necessary easements or tracts entitling the county to properly maintain the retention/detention facility have been conveyed to the county and boundary survey stakes established.

C. The department has conducted an inspection and determined that the facility has been properly maintained and is operating as designed. This department inspection shall occur two years after posting of the defect and maintenance bond.

SECTION 5. Ordinance 4938, Section 11, as amended and K.C.C. 9.04.130 are hereby amended to read as follows:

Hazards. Whenever the director or manager determines that any existing construction site, erosion/sedimentation problem and/or drainage facility poses a hazard to life and limb, endangers any property, and/or adversely affects the condition or capacity of other drainage facilities, the safety and operation of county right of way, utilities, and/or other property owned or maintained by the county, the ((~~person~~)) applicant to whom the permit was issued pursuant to K.C.C. 9.04.030, the owner of the property within which the drainage facility is located, the person responsible for maintenance of the facility, and/or other person or agent in control of said property, upon receipt of notice in writing from the director or manager shall within the period specified therein repair or

1 otherwise address the cause of the hazardous situation in  
2 conformance with the requirements of this chapter.

3       Should the director or manager have reasonable cause to  
4 believe that the situation is so adverse as to preclude written  
5 notice, he may take the measures necessary to eliminate the  
6 hazardous situation; provided, that he shall first make a  
7 reasonable effort to locate the owner before acting. In such  
8 instances the ((person)) applicant of whom a drainage plan was  
9 required pursuant to K.C.C. 9.04.030, the owner of the property  
10 and/or the person responsible for the maintenance of the  
11 facility shall be obligated for the payment of all costs  
12 incurred. If costs are incurred and a bond pursuant to this  
13 chapter or other county requirement has been posted, the  
14 director or manager shall have the authority to collect against  
15 the bond to cover costs incurred.

16       SECTION 6. Ordinance 8589, Section 2, as amended and  
17 K.C.C. 9.04.160 are hereby amended to read as follows:

18       Retroactivity relating to county maintenance of  
19 subdivision retention/detention facilities. The ((person))  
20 applicant required to construct a retention/detention facility  
21 pursuant to Section 9.04.030 which is covered by a maintenance  
22 or defect bond or which has been released from all required  
23 bonds prior to July 7, 1980, the effective date of Ordinance  
24 4938, and all persons holding title to the property for which a  
25 facility was required shall be responsible for the continual  
26 operation and maintenance of the facility in accordance with  
27 standards and requirements of the department and for any  
28 liability as a result of breach of these duties.

29       The county may assume maintenance of such facilities only  
30 after the following conditions have been met.

31       A. All necessary easements or dedications entitling the  
32 county to properly maintain the retention/detention facility  
33 have been conveyed to the county;

34       B. The director has determined maintenance of the  
35 facility will contribute to protecting or improving the health,

1 safety, and welfare of the community based upon review of the  
2 following factors:

- 3 1. Existence of or potential for flooding,
- 4 2. Existence of or potential for downstream erosion,
- 5 3. Existence of or potential for property damage due to  
6 improper function of the facility,
- 7 4. Existence of or potential for safety hazard  
8 associated with the facility,
- 9 5. Existence of or potential for degradation of surface  
10 or ground water quality or in-stream resources, or
- 11 6. Existence of or potential for degradation to the  
12 general welfare of the community; and

13 C. The director, by his signature, has declared  
14 acceptance of maintenance responsibility by the county. Copies  
15 of this document will be kept on file in the King County public  
16 works record center and the surface water management facilities  
17 maintenance office.

18 A retention/detention facility which does not meet the  
19 criteria of this section shall remain the responsibility of the  
20 ((persons)) applicant required to construct the facility and  
21 persons holding title to the property for which the facility  
22 was required.

23 SECTION 7. Ordinance 4895, Section 1, as amended and  
24 K.C.C. 14.28.010 are hereby amended to read as follows:

25 Definitions. A. Applicant. "Applicant" means a property  
26 owner, or any person or entity designated or named in writing  
27 by the property owner to be the applicant, in an application  
28 for a development proposal, permit or approval.

29 ((A+)) B. Division. "Division" means the building and  
30 land development division of the department of parks, planning  
31 and resources.

32 ((B+)) C. Development approval. "Development approval"  
33 means the granting of a building permit, mobile home on-site  
34 permit, short subdivision or other county land use approval or  
35 approvals.

1           ((C-)) D. Development engineer. "Development engineer"  
 2 means the building and land development division employee  
 3 authorized to oversee the review, conditioning, inspection and  
 4 acceptance of right-of-way use permits, road and drainage  
 5 projects constructed pursuant to permits administered by the  
 6 division. The development engineer or designee shall be a  
 7 professional civil engineer registered and licensed under the  
 8 laws of the State of Washington.

9           ((D-)) E. Right-of-way use permit.

10           1. "Right-of-way use permit: limited" means a permit  
 11 authorizing the use of the county right-of-way for a designated  
 12 purpose and for a period of time limited to one year or less.

13           2. "Right-of-way use permit: extended" means a permit  
 14 authorizing the use of the county right-of-way for a designated  
 15 purpose and for a period of time exceeding one year in  
 16 duration.

17           SECTION 8. Ordinance 4895, Section 7, as amended and  
 18 K.C.C. 14.28.030 are hereby amended to read as follows:

19           Permit - Additional requirements. A. Plans. Detailed  
 20 engineering and restoration plans and/or drainage plan pursuant  
 21 to K.C.C. 9.04 and Ordinance No. 4463, K.C.C. 19.20, may be  
 22 required when considered necessary by the development engineer.  
 23 Costs for the development of such plan and conduct of required  
 24 studies shall be borne by the permit applicant, and, if the  
 25 plan is returned, it shall be returned to the applicant.

26           B. Survey. When considered necessary by the development  
 27 engineer to adequately define the limits of right-of-way, the  
 28 permit applicant shall cause the right-of-way to be surveyed by  
 29 a licensed land surveyor. Such survey shall be recorded in  
 30 accordance with the Survey Recording Act.

31           C. Dedication. A permit applicant may be required to  
 32 deed additional right-of-way across property under his  
 33 authority when necessary to fulfill the minimum road  
 34 right-of-way width prescribed in RCW 36.86.010.

1 D. Illegal subdivision. A permit shall not be issued to  
2 provide access to a lot or parcel created in violation of state  
3 and county subdivision regulations.

4 SECTION 9. Ordinance 3647, Section 2, as amended and  
5 K.C.C. 16.04.010 are hereby amended to read as follows:

6 Adoption. The following volumes, as published by or  
7 jointly with the International Conference of Building  
8 Officials, together with amendments, additions and deletions  
9 hereinafter adopted by reference, together with King County  
10 modifications attached to Ordinance 10608\* and referred to as  
11 Attachment A and with modifications attached to this Ordinance  
12 and referred to as Attachment A, are adopted as the building  
13 codes of King County and hereinafter referred to as "the code":

14 A. The Uniform Building Code, including Chapter 41  
15 Uniform Building Security Code, 1991 Edition, with Appendices,  
16 and the Uniform Building Code Standards, 1991 Edition as  
17 amended in WAC 51-20 and 51-21 on November 8, 1991;

18 B. The Uniform Mechanical Code, 1991 Edition, with  
19 Appendices as amended in WAC 51-22 on November 8, 1991;

20 C. The Uniform Housing Code, 1991 Edition;

21 D. The Uniform Code for the Abatement of Dangerous  
22 Buildings, 1991 Edition.

23 This code also may be further clarified and implemented  
24 with administrative rules adopted in accordance with K.C.C.  
25 2.98.

26 SECTION 10. Ordinance 1488, Section 5, as amended and  
27 K.C.C. 16.82.020 are hereby amended to read as follows:

28 Definitions. Certain words and phrases used in this  
29 chapter, unless otherwise clearly indicated by their context,  
30 mean as follows:

31 A. "Applicant" is a property owner, or any person or  
32 entity designated or named in writing by the property owner to  
33 be the applicant, in an application for a development proposal,  
34 permit or approval.

1 ((A-)) B. "Bench" is a relatively level step excavated or  
2 constructed on the face of a graded slope surface for drainage  
3 and maintenance purposes.

4 ((B-)) C. "Berm" is a mound or raised area used for the  
5 purpose of screening a site or operation.

6 ((C-)) D. "Civil engineer" means a professional engineer  
7 registered in the state of Washington to practice in the field  
8 of civil works.

9 ((D-)) E. "Clearing" means the cutting or removal of  
10 vegetation or other organic plant material by physical,  
11 mechanical, chemical or any other means.

12 ((E-)) F. "Compaction" is the densification of a fill by  
13 mechanical means.

14 ((F-)) G. "Cutting" is the severing of the main trunk or  
15 stems from close to or at the soil surface or at a point up to  
16 25% of the total vegetation height.

17 ((G-)) H. "Director" means the director or the authorized  
18 agent of the parks, planning and resources department.

19 ((H-)) I. "Earth material" is any rock, natural soil or  
20 any combination thereof.

21 ((I-)) J. "Erosion" is the wearing away of the ground  
22 surface as the result of the movement of wind, water and/or  
23 ice.

24 ((J-)) K. "Excavation" is the removal of earth material.

25 ((K-)) L. "Fill" is a deposit of earth material placed by  
26 mechanical means.

27 ((L-)) M. "Grade" means the elevation of the ground  
28 surface.

29 1. "Existing grade" is the grade prior to grading.  
30 2. "Rough grade" is the stage at which the grade  
31 approximately conforms to the approved plan as required in  
32 Section 16.82.060.

33 3. "Finish grade" is the final grade of the site which  
34 conforms to the approved plan as required in Section 16.82.060.

1 ((M-)) N. "Grading" is any excavating, filling, removing  
2 of the duff layer, or combination thereof.

3 ((N-)) O. "Grading and clearing permit" means the permit  
4 required by this chapter for grading and clearing activities,  
5 including temporary permits.

6 ((O-)) P. "Reclamation" means the final grading and land  
7 restoration of a site.

8 ((P-)) Q. "Shorelines" means those lands defined as  
9 shorelines in the state Shorelines Management Act of 1971.

10 ((Q-)) R. "Site" is any lot or parcel of land or  
11 contiguous combination thereof where projects covered by this  
12 chapter are performed or permitted where a public street or way  
13 may intervene.

14 ((R-)) S. "Slope" is an inclined ground surface, the  
15 inclination of which is expressed as a ratio of horizontal  
16 distance to vertical distance.

17 ((S-)) T. "Soil engineer" means a person who has earned a  
18 degree in geology from an accredited college or university, or  
19 a person who has equivalent educational training and has  
20 experience as a practicing geologist.

21 ((T-)) U. "Structure" is that which is built or  
22 constructed, an edifice or building of any kind, or any piece  
23 of work artificially built up or composed of parts jointed  
24 together in some definite manner.

25 ((U-)) V. "Terrace" is a relatively level step excavated  
26 or constructed on the face of a graded slope surface for  
27 drainage and maintenance purposes.

28 ((V-)) W. "Tidelands" means that portion of the land  
29 which is covered and uncovered by the ebb and flood tide.

30 ((W-)) X. "Tree" is a large woody perennial plant usually  
31 with a single main stem or trunk and generally over twelve feet  
32 tall at maturity.

33 ((X-)) Y. "Understory" is the vegetation layer of a  
34 forest that includes shrubs, herbs, grasses, and grass-like  
35 plants, but excludes native trees.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

((Y-)) Z. "Vegetation" means any and all organic plant life growing at, below, or above the soil surface.

SECTION 11. Ordinance 1488, Section 7, as amended and K.C.C. 16.82.060 are hereby amended to read as follows:

Permit requirements. Except as exempted in Section 16.82.050, no person shall do any clearing or grading without first obtaining a clearing and grading permit from the director. A separate permit shall be required for each site and may cover both excavations and fills.

A. Application. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished for that purpose. The director shall prescribe the form by which application is made. No application shall be accepted unless it is completed consistent with the requirements of this chapter. Every application shall:

1. Identify and describe the work to be covered by the permit for which application is made;
2. Describe the land on which the proposed work is to be done, by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed site;
3. Identify and describe those sensitive areas as defined in K.C.C. 21A.24 on or adjacent to the site;
4. Indicate the estimated quantities of work involved;
5. Identify any clearing restrictions contained in wildlife habitat corridors pursuant to K.C.C. 21A.14, a critical drainage area established by administrative rule or in p-suffix conditions in an adopted community plan;
6. Be accompanied by plans and specifications as required in subsections B. and C.;
7. Be signed by the property owner or his authorized agent who may be required to submit evidence to indicate such authority; ((and))

8. Designate who the applicant is, on a form prescribed by the department; and

1 ((8-)) 9. Give such other information as may be  
2 required by the director.

3 B. Plans and specifications. When required by the  
4 director, each application for a grading permit shall be  
5 accompanied by six sets of plans and specifications and other  
6 supporting data as may be required. The plans and  
7 specifications shall be prepared and signed by a civil engineer  
8 or landscape architect registered to practice in the state of  
9 Washington when required by the director; provided, he may  
10 require additional studies prepared by a qualified soils  
11 specialist. If the plans and specifications are returned as a  
12 result of permit denial or any other reason, they shall be  
13 returned to the applicant.

14 C. Information on plans and in specifications. Plans  
15 shall be drawn to an engineer's scale upon substantial paper or  
16 cloth and shall be of sufficient clarity to indicate the nature  
17 and extent of the work proposed and show in detail that they  
18 will conform to the provisions of this chapter and all other  
19 relevant laws, rules, regulations and standards. The first  
20 sheet of each set of plans shall give the location of the work  
21 and the name and address of the owner and the person by whom  
22 they were prepared. The plans shall include the following  
23 minimum information:

- 24 1. General vicinity of the proposed site;
- 25 2. Property limits and accurate contours of existing  
26 ground and details of terrain and area drainage;
- 27 3. Limiting dimensions, elevations or finished contours  
28 to be achieved by the grading, and proposed drainage channels  
29 and related construction;
- 30 4. Location of all cleared areas((+)); any open space  
31 tracts or conservation easements if required pursuant to K.C.C.  
32 21A.14, critical drainage areas, or p-suffix conditions((+))  
33 and the total area cleared on site as a percentage of the total  
34 site area((+));

1                   5. Detailed plans of all surface and subsurface  
2 drainage devices, walls, cribbing, dams, berms, settling ponds  
3 and other protective devices to be constructed with or as a  
4 part of the proposed work, together with the maps showing the  
5 drainage area and the estimated runoff of the area served by  
6 any drains;

7                   6. Location of any buildings or structures on the  
8 property where the work is to be performed and the location of  
9 any buildings or structures on land of adjacent owners which  
10 are within fifty feet of the property or which may be affected  
11 by the proposed grading operations;

12                   7. Landscape and rehabilitation plan as required by  
13 Section 16.82.110; (~~and~~)

14                   8. Other information as may be required by the  
15 director(~~(-)~~) and

16                   9. If the clearing or grading is proposed to take place  
17 in or adjacent to a sensitive area as regulated in K.C.C.  
18 21A.24, provide information as required by that chapter.

19                   D. Granting of permits.

20                   1. The director shall determine if the proposed grading  
21 will adversely affect the character of the site for present  
22 lawful uses or with the future development of the site and  
23 adjacent properties for building or other purposes as indicated  
24 by the comprehensive plan, the shoreline master program, and  
25 the zoning code.

26                   2. After an application has been filed and reviewed,  
27 the director shall also ascertain whether such grading work  
28 complies with the other provisions of this chapter. If the  
29 application and plans so comply, or if they are corrected or  
30 amended so as to comply, the director may issue to the  
31 applicant a grading permit. A grading permit shall be valid  
32 for the number of days stated in the permit but in no case  
33 shall the period be more than two years; provided, that when  
34 operating conditions have been met, the permit may be renewed

1 every two years, or less if a shorter approval and/or renewal  
2 period is specified by the director.

3 3. No grading permit shall be issued until approved by  
4 federal, state and local agencies having jurisdiction by laws  
5 or regulations.

6 4. Upon approval of the application and issuance of the  
7 grading permit, no work shall be done that is not provided for  
8 in the permit. The director is authorized to inspect the  
9 premises at any reasonable time to determine if the work is in  
10 accordance with the permit application and plans.

11 5. The permits from the director shall be required  
12 regardless of any permits issued by any other department of  
13 county government or any other governmental agency who may be  
14 interested in certain aspects of the proposed work. Where work  
15 for which a permit is required by this chapter is started or  
16 proceeded with prior to obtaining the permit, the violator  
17 shall be subject to such civil penalties as provided in Chapter  
18 23.04. However, the payment of such civil penalties shall not  
19 relieve any persons from fully complying with the requirements  
20 of this chapter in the execution of the work nor from any other  
21 penalties prescribed thereon.

22 SECTION 12. Ordinance 2097, Section 1, as amended and  
23 K.C.C. 17.04.010 are hereby amended to read as follows:

24 Adoption. The Uniform Fire Code, 1991 Edition, and the  
25 Uniform Fire Standards, 1991 Edition, as published by the  
26 Western Fire Chiefs Association and the International  
27 Conference of Building Officials with Appendices, as amended in  
28 WAC 51-24 and 51-25 on November 8, 1991, together with  
29 amendments, additions and deletions listed in the King County  
30 modifications to the 1991 Uniform Fire Code, as amended by  
31 Attachment "A" and "B" of Ordinance 11016, ~~((and by))~~  
32 Attachment "A" of Ordinance 11017 and by Attachment B to this  
33 Ordinance, are adopted as the Fire Code of King County, and  
34 hereinafter referred to as "this code." Administrative rules

1 may be adopted in accordance with K.C.C. 2.98 to further  
2 clarify and implement these code requirements.

3 NEW SECTION. SECTION 13. There is hereby added to K.C.C.  
4 19.04 a new section to read as follows:

5 Applicant. "Applicant" means a property owner, or any  
6 person or entity designated or named in writing by the property  
7 owner to be the applicant, in an application for a development  
8 proposal, permit or approval.

9 SECTION 14. Ordinance 5596, Section 2, and K.C.C.  
10 19.04.350 are hereby repealed.

11 SECTION 15. Resolution 11048, Section IIIA (part), as  
12 amended and K.C.C. 19.16.010 are hereby amended to read as  
13 follows:

14 Requirements for approval of plat - Exception and deposit  
15 of bond. No plat shall be approved by the department until  
16 each and all of the proposed streets, avenues, boulevards and  
17 highways shown thereon shall first be so improved by grading,  
18 surface and drainage as to give unobstructed access to all  
19 separate lots, tracts and subdivisions of such plat, all at the  
20 expense of the ((~~plattee~~)) applicant in accordance with the  
21 current King County standard specifications for private work on  
22 county rights-of-way and approved by the development engineer;  
23 provided, however, that in lieu of the full compliance herewith  
24 prior to the acceptance of the plat, the ((~~owner/developer~~))  
25 applicant may deposit a performance bond with the director in  
26 an amount equal to the cost estimated from current county  
27 bonding schedules as a guarantee that the ((~~owner/developer~~))  
28 applicant will, within one year from the date of recording of  
29 the plat, fully comply with all the requirements herein set  
30 forth to the satisfaction of the development engineer; or, in  
31 the alternative to this above required bond, the manager may  
32 accept other secure methods providing for and securing to the  
33 county the actual construction and installation of such  
34 improvements within a one-year period and on the terms  
35 identical to the herein described bond.

1            SECTION 16. Resolution 11048, Section IV AB(2), as  
2 amended and K.C.C. 19.24.040 are hereby amended to read as  
3 follows:

4            Improvements - Right of county to enter and install -  
5 Bond. All pavements, sanitary sewers, water mains, culverts,  
6 grading, planting, fencing and any other improvements which are  
7 made a part of the approval of the plat shall be completed at  
8 the expense of the ((~~platter~~)) applicant prior to the recording  
9 of the plat; provided, that in the event the ((~~platter~~))  
10 applicant shall be unable to install said improvements prior to  
11 the time of the recording of the plat, the plat may be recorded  
12 without such improvements being installed provided the  
13 following conditions are complied with:

14            A. The ((~~platter~~)) applicant shall grant to the county by  
15 proper instrument duly recorded the right to enter upon the  
16 property to be platted and install said improvements;

17            B. The ((~~platter~~)) applicant shall furnish to the county  
18 a good and sufficient performance bond to cover the cost of  
19 installing said improvements. This bond shall provide that the  
20 ((~~platter~~)) applicant agrees to faithfully perform the  
21 conditions thereof, which conditions shall include an agreement  
22 to construct and install all said improvements within the time  
23 specified by this title, and further that upon the failure of  
24 the ((~~platter~~)) applicant to do so, such bond shall be  
25 forfeited in favor of the county or in the alternative to the  
26 above required bond, the county executive may accept other  
27 secure methods providing for and securing to the county the  
28 actual construction and installation of such improvements  
29 within a one-year period and on the terms identical to the  
30 herein described bond.

31            SECTION 17. Ordinance 9543, Section 2, and K.C.C.  
32 19.26.020 are hereby amended to read as follows:

33            Complete application. A. Applications shall be on forms  
34 prescribed by the department, and shall include such

1 information as deemed necessary by the director to establish  
2 compliance with subsection B. of this section.

3 B. Applications for preliminary short subdivision  
4 approval shall be considered fully complete as of the date of  
5 application pursuant to R.C.W. 58.17.033 once the department  
6 determines that the application contains the following  
7 materials and information:

8 1. A completed short subdivision application form which  
9 contains sufficient information to determine compliance with  
10 the ~~((rules and regulations set forth in))~~ provisions of K.C.C.  
11 19.26.120.B;

12 2. A designation of who the applicant is, on a form  
13 prescribed by the county;

14 ~~((2.))~~ 3. Verification of pre-application approval of  
15 proposed water supply and sewage disposal by the Seattle-King  
16 County department of public health;

17 ~~((3.))~~ 4. Fire district receipt, pursuant to K.C.C.  
18 17.10.020E;

19 ~~((4.))~~ 5. Copies of all easements, deed restrictions or  
20 other encumbrances restricting the use of the subject property;

21 ~~((5.))~~ 6. Documentation of the date and method of  
22 segregation for the subject property verifying that the lot or  
23 lots were not created in violation of the short subdivision or  
24 subdivision laws in effect at the time of creation;

25 ~~((6.))~~ 7. A completed environmental checklist, if  
26 required by K.C.C. 20.44, County Environmental Procedures;

27 ~~((7.))~~ 8. Payment of any application fees specified in  
28 K.C.C. Title 27, Development Permit Fees;

29 ~~((8.))~~ 9. Completed applications for other applicable  
30 permits if the permits are to be processed with the short  
31 subdivision, or copies of issued permits if they have been  
32 previously approved;

33 ~~((9.))~~ 10. Certificate of transportation concurrency  
34 from the department of public works; and

1           ((10-)) ~~12~~ Certificate of future connection from the  
2 appropriate purveyor for lots located within the Urban Growth  
3 area which are proposed to be served by on-site or community  
4 sewage system and/or group B water systems or private wells.

5           C. Within 20 days following receipt of an application for  
6 preliminary short subdivision approval, the department shall  
7 mail or provide written notice to the applicant that the  
8 application is either complete or incomplete. If the  
9 application is incomplete, the notice shall state what is  
10 necessary to make the application complete. To the extent  
11 known by the department, the notice shall identify other  
12 agencies of local, state or federal governments that may have  
13 jurisdiction over some aspects of the application. This  
14 initial screening by the department is intended to determine  
15 completeness solely for the purposes of applying the time  
16 period established in this title.

17           SECTION 18. Ordinance 9543, Section 5, and K.C.C.  
18 19.26.050 are hereby amended to read as follows:

19           Material errors. Applications found to contain and be  
20 based on material errors shall be deemed withdrawn and  
21 subsequent resubmittals shall be treated as new applications.  
22 If engineering plans are returned, they shall be returned to  
23 the applicant.

24           SECTION 19. Ordinance 9543, Section 13, and K.C.C.  
25 19.26.140 are hereby amended to read as follows:

26           Final approval and recording of short plats. A. All  
27 short subdivisions shall meet the following provisions prior to  
28 recording:

29           1. All final short subdivisions shall be surveyed and  
30 the final recording forms shall be prepared by a licensed land  
31 surveyor;

32           2. Surveys shall include those items prescribed by  
33 R.C.W. 58.09.060, Records of Survey, Contents - Record of  
34 Corner, Information;



1                   3. Plat certificates or owner's duplicate certificates  
2 for land registered pursuant to R.C.W. 65.12, Registration of  
3 Land Titles, shall be obtained and provided by the ((owners  
4 ef)) applicant for any approved short subdivision;

5                   4. A supplemental plat certificate shall be provided if  
6 the final short plat is not recorded within 30 days of the  
7 original certificate or supplemental certificate date;

8                   5. All required improvements must be installed and  
9 approved, or bonded as specified for plats in K.C.C. 19.36,  
10 Subdividing Procedure, and in K.C.C. 19.26.090.B and 19.26.100  
11 B.

12                   6. The requirement for a deposit to cover anticipated  
13 taxes as required for plats in R.C.W. 58.08 Plats - Recording,  
14 is waived for the filing of short plats. However, the  
15 applicant shall be required to provide certification from the  
16 King County office of finance that property taxes for the  
17 subject property are not delinquent prior to issuance of a  
18 final approval, and

19                   7. All applicable final approval fees set forth in  
20 K.C.C. Title 27, Development Permit Fees, and any civil  
21 penalties assessed pursuant to K.C.C. Title 23, have been paid.

22                   B. Final short plat recording forms shall contain the  
23 following signatures, approvals, or information in the format  
24 prescribed by the director:

25                   1. Lots shall be designated by number on the short plat  
26 within the area of the lot. Tracts shall be similarly  
27 designated by letter and each tract shall be clearly identified  
28 with the ownership and purpose;

29                   2. Signature and stamp of the land surveyor who  
30 prepared the final short plat;

31                   3. All required dedications;

32                   4. Reference to the recording number of the completed  
33 survey as required by this section if the boundaries have been  
34 previously surveyed;

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

- 5. Reference to all agreements or covenants required as a condition of approval;
- 6. Notarized signatures of all persons having an ownership or security interest in the land being subdivided;
- 7. Approval of the King County development engineer;
- 8. Approval of the county assessor;
- 9. Approval of the manager; and
- 10. A certificate of future connection if required pursuant to K.C.C. Title 13 (Sewer and Water Utilities).

C. The director shall examine and sign the final short plat if it and the short subdivision it represents conform to all conditions of preliminary and final approval. Short plats shall be recorded with the King County division of records and elections. A copy of the documents stamped with the recording number shall be sent by the department to the King County department of assessments and to the applicant. Final short plats shall become effective upon recording.

SECTION 20. Resolution 11048, Section IV A(2), and K.C.C. 19.28.020 are hereby amended to read as follows;

Standard for treatment of unrecorded plats and dedications - ((Platter)) Applicant to show water supply and distribution, and method of sewage disposal. A. Unrecorded plats. An existing unrecorded plat shall be treated as a preliminary plat with due regard for the legal rights of any persons who may have purchased lots therein.

B. Dedications, explanations. ((Platters)) Applicants are notified that dedications are absolute, and no reservations or exceptions for any purpose whatsoever will be permitted, whether in dedication or upon the face of the plat.

C. Water supply. The ((platter)) applicant of every proposed plat must show that the area to be platted is provided with a public domestic supply and distribution system within or without the plat installed according to plans approved by the county department of health. If there is no established water supply system in the district to which the pieces or parcels of

1 land in the plat may be connected, the ((platter)) applicant  
 2 must set aside a favorable park or other area of suitable size  
 3 upon which shall be located a community deep well or wells  
 4 which shall be set aside for community use, or the ((platter))  
 5 applicant must show that there is a potential water supply  
 6 accessible to and provided for each lot or tract in the plat or  
 7 subdivision. Such water supply and distribution system,  
 8 community well or wells or water supply to be constructed on  
 9 such areas of such depth and design as to amply protect the  
 10 water supply and all plans to be approved by the King County  
 11 department of health.

12 D. Sources of water supply (or note stating source).

13 E. Method of sewage disposal (with letter of approval  
 14 from the King County health department).

15 SECTION 21. Ordinance 9898, Section 1, as amended and  
 16 K.C.C. 19.28.030 are hereby amended as follows:

17 Preliminary plat application - required contents. A.  
 18 Identification and description.

19 1. Proposed name of the subdivision;

20 2. Location by section, township and range, or by other  
 21 legal description;

22 3. Name and address of ((developer)) applicant;

23 4. A designation of who the applicant is, on a form  
 24 prescribed by the county;

25 ((4-)) 5. Name, address and seal of registered engineer  
 26 or of registered land surveyor;

27 ((5-)) 6. Scale of plat, date and northpoint;

28 ((6-)) 7. Contours of topography;

29 ((7-)) 8. Certificate of Water Availability from public  
 30 purveyor or health department approval of adequate on-site  
 31 supply;

32 ((8-)) 9. Letter of approval of on-site sewage disposal  
 33 method from Seattle-King County health department, if on-site  
 34 treatment is proposed, or a Certificate of Sewer Availability  
 35 from the public purveyor if the site is in the Local Service

1 Area of the Sewerage General Plan and public sewers are  
2 proposed to be used;

3 ((9-)) 10. Land use zoning classification;

4 ((10-)) 11. Tree planting (if any).

5 B. Delineation of existing conditions.

6 1. Boundary line of proposed subdivision indicated by  
7 solid heavy line;

8 2. Location, widths and names of all existing or prior  
9 platted streets or other public ways, railroad and utility  
10 rights-of-way, parks and other public open spaces, permanent  
11 buildings and structures, and section and municipal corporation  
12 lines, within or adjacent to the tract;

13 3. In case of a replat, the lots, blocks, streets,  
14 alleys, easements, parks and building lines (if any) of the  
15 original plat being vacated shall be shown by dotted lines in  
16 their proper position in relation to the new arrangement of the  
17 plat; the new plat being clearly shown in solid lines so as to  
18 avoid ambiguity;

19 4. Existing sewers, water mains, culverts or other  
20 underground facilities within the tract, indicating pipe sizes,  
21 grades and exact location, as obtained from public records;

22 5. Boundary lines of adjacent tracts of unsubdivided  
23 and subdivided land, showing owners, indicated by dotted lines  
24 for a distance of one hundred feet;

25 6. Existing zoning of proposed subdivision and adjacent  
26 tracts in zoned area;

27 7. Contours at five-foot intervals, or established in  
28 reference to coast geodetic upland datum (aerial survey datum)  
29 if available.

30 C. Delineation of proposed conditions.

31 1. Layout of streets, their names and widths and also  
32 the widths of alleys, crosswalkways and easements. The names  
33 of the several streets, avenues, and highways shall conform as  
34 far as practicable to the names of corresponding streets,  
35 avenues and highways in the abutting or adjacent city, town, or

1 subdivision and to the general system of naming in use by said  
2 city, town, or subdivision or county;

3 2. Layout, numbers and dimensions of lots;

4 3. Parcels of land intended to be dedicated or  
5 temporarily reserved for public use or set aside for use of  
6 property owners in the subdivision((+)).

7 SECTION 22. Resolution 11048, Section IV A(4), as amended  
8 and K.C.C. 19.28.050 are hereby amended as follows:

9 Qualifications governing approval of plat. A.

10 Preliminary approval. Council approval of the preliminary plat  
11 shall furnish a firm basis upon which the applicant may proceed  
12 with development of the subdivision and preparation of the  
13 final plat subject only to all the conditions of preliminary  
14 approval imposed on the preliminary plat.

15 B. Revisions. The department of development and  
16 environmental services may approve minor changes or revisions  
17 as are deemed necessary to the interests and needs of the  
18 community, consistent with the adopted policies and standards  
19 of the county.

20 C. Engineering details. Subsequent approval of the  
21 engineering details of the proposed streets, storm drainage,  
22 sanitary sewer and water systems and other proposed public  
23 facilities by the county engineer and the King County  
24 department of public health will be required prior to the  
25 approval of the final plat.

26 D. Approval time. Preliminary approval shall be  
27 effective for a period of thirty-six months. If an applicant  
28 files a written request with the clerk of the King County  
29 council at least thirty days before expiration of the  
30 thirty-six months, an extension for up to twelve months may be  
31 granted by ordinance by the county council if the council  
32 determines that the applicant has acted in good faith and made  
33 substantial progress in complying with the conditions of  
34 preliminary plat and that it would be inequitable to require  
35 the applicant to reapply for a new preliminary plat approval.

1 Written request is defined for the purpose of this section to  
 2 include a summary of progress of the plat to date, written  
 3 confirmation from the department of development and  
 4 environmental services that engineering plans have been  
 5 submitted, a copy of the original ordinance granting  
 6 preliminary plat approval, a copy of the report and  
 7 recommendation to the council by the zoning and subdivision  
 8 examiner, and a map of the plat. Substantial progress is  
 9 defined for the purpose of this section to mean that either  
 10 engineering plans have been submitted to the department of  
 11 development and environmental services, or that other  
 12 compelling evidence clearly indicates that progress has been  
 13 made. Engineering plans mean drawings for roads, utilities and  
 14 storm water facilities, with lot lines and tracts shown. If,  
 15 prior to the expiration of forty-eight months after preliminary  
 16 approval, all required plat improvements have been diligently  
 17 pursued and have been substantially constructed, and the ((~~plat~~  
 18 ~~developer~~)) applicant has applied for a further extension, the  
 19 department of development and environmental services may grant  
 20 an extension for an additional period of up to 6 months from  
 21 the application date for recording of the final plat. If the  
 22 final plat is being developed in divisions and final plats for  
 23 all of the divisions have not been recorded within the time  
 24 limits provided in this section, preliminary plat approval for  
 25 all unrecorded divisions shall become void. When final plat  
 26 approval is contingent upon the future development of a county  
 27 road, the council may grant an additional extension of up to  
 28 six years if the road is identified in a community plan and is  
 29 part of the county's 6-year road program, provided that for any  
 30 such extension the applicant must file a written request with  
 31 the clerk of the council before preliminary plat approval  
 32 expires and the council may impose additional conditions or  
 33 requirements for final approval consistent with then current  
 34 county adopted standards and policies. The preliminary plat  
 35 for any unrecorded divisions must again be submitted to the

1 department of development and environmental services with a new  
2 application.

3 E. In granting administrative extensions authorized  
4 pursuant to subsection D, the county may impose  
5 administratively additional conditions for final approval,  
6 consistent with then current county adopted standards and  
7 policies.

8 F. Conditions imposed administratively on divisions for  
9 which extensions have been approved may be appealed to the  
10 zoning and subdivision examiner pursuant to Chapter 20.24 of  
11 this code.

12 SECTION 23. Ordinance 11017, Section 2, and K.C.C.  
13 19.33.020 are hereby amended to read as follows:

14 Applicability. A. Any (~~person~~) applicant seeking the  
15 use of a binding site plan to divide his or her property for  
16 the purpose of sale, lease or transfer of ownership of  
17 commercially or industrially zoned property is required to  
18 apply for, complete and have approved a binding site plan prior  
19 to any property division, as provided in RCW 58.17 and as  
20 required by this chapter.

21 B. The site which is subject to the binding site plan  
22 shall consist of one (1) or more contiguous lots legally  
23 created.

24 C. The site which is subject to the binding site plan may  
25 be reviewed independently for fully developed sites; or,  
26 concurrently with a commercial site development permit  
27 application for undeveloped land; or in conjunction with a  
28 valid commercial site development permit.

29 D. The binding site plan process merely creates or alters  
30 lot lines and does not authorize substantial improvements or  
31 changes to the property or the uses thereon.

32 SECTION 24. Ordinance 11017, Section 3, and K.C.C.  
33 19.33.030 are hereby amended to read as follows:

34 Complete Application. A. A proposed binding site plan  
35 shall be considered under the zoning and other land use control

1 ordinances in effect on the land at the time a fully completed  
 2 application is filed with the department. A complete  
 3 application for binding site plan application shall consist  
 4 of((+)) :

5 ((A-)) 1. A completed application form provided by the  
 6 department, signed by ((all property owners or their authorized  
 7 agents)) the applicant, with supporting documents (such as  
 8 certificates of transportation concurrency or of sewer/water  
 9 availability) as required below and which contains sufficient  
 10 information to determine compliance with adopted laws and rules  
 11 promulgated thereunder ((and regulations)) including, but not  
 12 limited to RCW 43.21C, SEPA as implemented by WAC 197-11;  
 13 K.C.C. 9.04, Surface Water Management; K.C.C. 14, Roads  
 14 Standards and Transportation Concurrency and Mitigation; K.C.C.  
 15 Title 17, Fire Code; K.C.C. 20.44, County Environmental  
 16 Procedures; K.C.C. Title 21, Zoning; Title 25, Shoreline  
 17 Management((+)); K.C.C. Title 13 (Sewer and Water Utilities);  
 18 administrative rules adopted pursuant to K.C.C. 2.98 to  
 19 implement any such code or ordinance provision; King County  
 20 board of health rules and regulations; county approved utility  
 21 comprehensive plans; conformity with applicable P-suffix  
 22 conditions and private restrictions and covenants which are in  
 23 effect at the time of application((+));

24 2. A designation of who the applicant is, on a form  
 25 prescribed by the director;

26 ((B-)) 3. An approved commercial site development permit;  
 27 or, a proposed site plan prepared by a professional land  
 28 surveyor, licensed in the state of Washington, in a form  
 29 prescribed by the director. At a minimum, the proposed site  
 30 plan shall include:

31 ((1-)) a. the location and size of all proposed lots;  
 32 ((2-)) b. proposed and existing structures including  
 33 elevations and floor plans as known, (plans which show building  
 34 envelopes rather than footprints must include post-construction  
 35 treatment of unoccupied areas of the binding envelopes);



- 1                   ((3-)) c. all proposed or existing uses;
- 2                   ((4-)) d. the location of proposed or existing open
- 3 space including any required landscaped areas.
- 4                   ((5-)) e. the location and identification of critical
- 5 areas;
- 6                   ((6-)) f. the layout of an internal vehicular and
- 7 pedestrian circulation system, including proposed ingress and
- 8 egress for vehicles;
- 9                   ((7-)) g. the number and location of proposed or
- 10 existing parking spaces on and off the site;
- 11                   ((8-)) h. a drainage plan which will accommodate the
- 12 maximum proposed square footage of impervious surface and the
- 13 maximum proposed square footage of impervious surface exposed
- 14 to vehicular use, subject to the requirements of the King
- 15 County Surface Water Design Manual, adopted by rule under the
- 16 procedures specified in K.C.C. 2.98;
- 17                   ((9-)) i. the location and size of utility trunk lines
- 18 serving the site;
- 19                   ((10-)) j. the location and size of water bodies and
- 20 drainage features, both natural and manmade;
- 21                   ((11-)) k. a grading plan showing proposed clearing and
- 22 tree retention and the existing and proposed topography,
- 23 detailed to five-foot contours, unless smaller contour
- 24 intervals are otherwise required by the King County Code or
- 25 rules and regulations promulgated thereunder;
- 26                   ((12-)) l. a layout of sewers and the proposed water
- 27 distribution system;
- 28                   ((13-)) m. proposed easements and access; ((and))
- 29                   ((C-)) 4. ((a)) A completed environmental checklist, if
- 30 required by K.C.C. 20.44;
- 31                   ((D-)) 5. ((a)) A downstream drainage analysis or any
- 32 other requirement specified in the King County Surface Water
- 33 Design Manual or K.C.C. 9.04;

1 ((F-)) 6. ((a)) All covenants, easements, maintenance  
2 agreements or other documents regarding mutual use of parking  
3 and access;

4 ((F-)) 7. ((e)) Copies of all easements, deed  
5 restrictions or other encumbrances restricting the use of the  
6 site;

7 ((G-)) 8. ((a)) A phasing plan and time schedule, if the  
8 site is intended to be developed in phases or if all building  
9 permits will not be submitted within three years;

10 ((H-)) 9. ((d)) Documentation of the date and method of  
11 segregation for the subject property verifying that the lot or  
12 lots were not created in violation of the short subdivision or  
13 subdivision laws in effect at the time of creation;

14 ((F-)) 10. ((a)) A list of any other development permits  
15 or permit applications having been filed for the same site;

16 ((and))

17 ((J-)) 11. ((t)) The payment of fees((-));

18 ((K. ~~The director may waive specific submittal~~  
19 ~~requirements determined to be unnecessary for review of the~~  
20 ~~application.~~))

21 ((L-)) 12. Certificate of transportation concurrency from  
22 the department of public works; and

23 ((M-)) 13. Certificate of future connection from the  
24 appropriate purveyor for lots located within the Urban Growth  
25 area which are proposed to be served by onsite or community  
26 sewage system and/or group B water systems or private wells.

27 ((E-)) B. Within 20 days following receipt of an  
28 application for a binding site plan, the department shall mail  
29 or provide written notice to the applicant that the application  
30 is either complete or incomplete. If the application is  
31 incomplete, the notice shall state what is necessary to make  
32 the application complete. To the extent known by the  
33 department, the notice shall identify other agencies of local,  
34 state or federal governments that may have jurisdiction over  
35 some aspects of the application. This initial screening by the

1 department is intended to determine completeness solely for the  
2 purposes of applying the time period established in this title.

3 C. The director may waive specific submittal requirements  
4 determined to be unnecessary for review of the application.

5 SECTION 25. Ordinance 11017, Section 4, and K.C.C.  
6 19.33.040 are hereby amended to read as follows:

7 Approval. A. The director shall consider and base his  
8 decision to approve with or without conditions, deny or return  
9 the application for modifications, based on:

10 1. a finding that the newly created lots will continue  
11 to function and operate as one site, for fully developed sites;  
12 or

13 2. conformity of the proposed site plan with the  
14 adopted rules and regulations listed in K.C.C. 19.33.030 as  
15 represented in the approved commercial site development plan,  
16 if the binding site plan is being considered with a commercial  
17 site development plan.

18 B. If the director denies the application or otherwise  
19 orders the site plan returned, the plan shall be returned to  
20 the applicant.

21 ((B-)) C. The binding site plan shall contain applicable  
22 inscriptions or attachments setting forth limitations and  
23 conditions to which the plan is subject, including any  
24 applicable irrevocable dedications of property and containing a  
25 provision requiring that any development of the site shall be  
26 in conformity with the approved site plan.

27 ((C-)) D. The director may modify lot-based or lot line  
28 requirements contained within the building, fire and other  
29 similar uniform codes adopted by the county.

30 ((D-)) E. The director may authorize sharing of open  
31 space, parking, access and other improvements among contiguous  
32 properties subject to the binding site plan. Conditions of  
33 use, maintenance and restrictions on redevelopment of shared  
34 open space, parking, access and other improvements shall be

1 identified on the binding site plan and enforced by covenants,  
2 easements or other similar mechanisms.

3 ((E-)) F. The decision of the director shall be final.

4 NEW SECTION. SECTION 26. There is hereby added to K.C.C.  
5 19.34 a new section to read as follows:

6 Return of Plans. If the application is denied, withdrawn  
7 or otherwise returned, it, along with any engineering plans,  
8 shall be returned to the applicant.

9 SECTION 27. Resolution 11048, Appendix A, as amended and  
10 K.C.C. 19.36.030 are hereby amended to read as follows:

11 Discussion and submission of preliminary plat by  
12 ((surveyers)) applicants. A. The ((surveyers)) applicant  
13 should discuss the preliminary plat with the department of  
14 development and environmental services staff to eliminate  
15 features which do not conform to the regulations, and submit  
16 the preliminary plat for approval by the department.

17 B. If the preliminary plat is denied or is otherwise  
18 ordered to be returned, the preliminary plat shall be returned  
19 to the applicant.

20 SECTION 28. Resolution 11048, Appendix A, as amended and  
21 K.C.C. 19.36.040 is hereby amended to read as follows:

22 Review by Department of Public Works and Health  
23 Department. Upon receipt of the preliminary plat, the  
24 department shall submit copies to the department of public  
25 works and the King County health department for review and  
26 comment concerning the acceptability of the plat and  
27 conformance with the regulations. The department will indicate  
28 its approval on the print of the preliminary plat which will be  
29 returned to the ((surveyer)) applicant. Any changes required  
30 by the department will be marked on this print.

31 SECTION 29. Ordinance 9544, Section 3, and K.C.C.  
32 19.36.045 are hereby amended to read as follows:

33 Complete application. A. Applications for preliminary  
34 subdivision approval shall be considered fully complete as of  
35 date of application pursuant to R.C.W. 58.17.033 once the

1 department determines that the application contains the  
 2 following materials and information:

3 1. A completed subdivision application form with  
 4 supporting documents as required by K.C.C. 19.28.030, and which  
 5 contains sufficient information to determine compliance with  
 6 adopted rules and regulations including, but not limited to  
 7 R.C.W. 58.17.110, R.C.W. 43.21C, SEPA as implemented by W.A.C.  
 8 197-11, K.C.C. 20.44; K.C.C. Title 21, Zoning; K.C.C. 14, Road  
 9 Standards and Transportation Concurrency and Mitigation; K.C.C.  
 10 9.04, Surface Water Runoff; K.C.C. Title 25, Shoreline  
 11 Management; K.C.C. Title 19, Subdivisions; K.C.C. Title 17,  
 12 Fire Code; K.C.C. Title 13, Sewer and Water Utilities;  
 13 administrative rules adopted pursuant to K.C.C. 2.98 to  
 14 implement any such code or ordinance provision; King County  
 15 board of health rules and regulations; county approved utility  
 16 comprehensive plans; and conformance with applicable private  
 17 restrictions and covenants which are in effect at the time of  
 18 application;

19 2. A designation of who the applicant is, on a form  
 20 prescribed by the county;

21 ((2-)) 3. Verification of pre-application approval of  
 22 proposed water supply and sewage disposal by the Seattle-King  
 23 County department of public health;

24 ((3-)) 4. Fire district receipt, pursuant to K.C.C.  
 25 17.10.020E;

26 ((4-)) 5. Copies of all easements, deed restrictions or  
 27 other encumbrances restricting the use of the subject property;

28 ((5-)) 6. Documentation of the date and method of  
 29 segregation for the subject property verifying that the lot or  
 30 lots were not created in violation of the short subdivision or  
 31 subdivision laws in effect at the time of creation;

32 ((6-)) 7. A completed environmental checklist;

33 ((7-)) 8. Payment of any application fees specified in  
 34 K.C.C. Title 27, Development Permit Fees;

1 ((8-)) 9. Completed applications for other required  
2 permits if the permits are to be processed with the  
3 subdivision, or copies of issued permits if they have been  
4 previously approved;

5 ((9-)) 10. Certificate of transportation concurrency  
6 from the department of public works; and

7 ((10-)) 11. Certificate of future connection from the  
8 appropriate purveyor for lots located within the Urban Growth  
9 area which are proposed to be served by onsite or community  
10 sewage system and/or group B water systems or private wells.

11 B. Within 20 days following receipt of an application for  
12 preliminary subdivision approval, the department shall mail or  
13 provide written notice to the applicant that the application is  
14 either complete or incomplete. If the application is  
15 incomplete, the notice shall state what is necessary to make  
16 the application complete. To the extent known by the  
17 department, the notice shall identify other agencies of local,  
18 state or federal governments that may have jurisdiction over  
19 some aspects of the application. This initial screening by the  
20 department is intended to determine completeness solely for the  
21 purposes of applying the time period established in this title.

22 SECTION 30. Resolution 11048, Appendix A, as amended and  
23 K.C.C. 19.36.060 are hereby amended to read as follows:

24 Final plat to conform to preliminary plat - Improvements  
25 to conform to certain specifications - Surety bond for  
26 improvements. A. After the return of the approved print of  
27 the preliminary plat to the ((surveyor)) applicant, the  
28 ((developer)) applicant is in position to go ahead with the  
29 improvement with the assurance that the final plat will be  
30 approved, provided that:

31 1. The final plat strictly conforms with the approved  
32 preliminary plat;

33 2. The improvements have been installed in accordance  
34 with the current King County specifications for private work on  
35 county rights-of-way with the approval of the development

1 engineer or that the ((~~platter~~)) applicant has deposited a  
2 performance bond with the director in an amount equal to the  
3 director's estimate for such improvements, based on current  
4 county bonding schedules, as a guarantee that the ((~~platter~~))  
5 applicant will, within one year from date of acceptance of the  
6 final plat, complete the improvements in accordance with the  
7 requirements and to the satisfaction of the development  
8 engineer or in the alternative to the above required bond, the  
9 director may accept other secure methods providing for and  
10 securing to the county the actual construction and installation  
11 of such improvements within a one-year period and on the terms  
12 identical to the herein described bond.

13 B. A bond or other satisfactory security to secure the  
14 successful operation of improvements for a period of 12 months  
15 in an amount and form satisfactory to the director. Such bond  
16 or security shall cover workmanship and materials, damage from  
17 reasonable expected usage and damage due to construction  
18 activities.

19 1. The bond shall be deposited by the ((~~platter~~))  
20 applicant with the manager either:

21 a. Prior to the recording of the final plat when the  
22 ((~~platter~~)) applicant has constructed improvements in  
23 accordance with King County specifications and with the  
24 approval of the development engineer, or

25 b. Prior to release of the performance bond or the  
26 acceptance by King County of streets and street drainage  
27 facilities for maintenance following final construction  
28 inspection.

29 2. The bond shall be in effect for a period of not less  
30 than 12 months commencing upon the date of:

31 a. final plat recording, or

32 b. release of performance bond, or

33 c. acceptance by King County of streets and street  
34 drainage facilities for maintenance following final  
35 construction inspection, whichever occurs last.

1            SECTION 31. Ordinance 6084, Section 2, and K.C.C.

2 19.36.065 are hereby amended to read as follows:

3            Status of current bonds. A. The King County council  
4 recognizes the longstanding policy and administrative practice  
5 by King County of requiring bonds for subdivision improvements  
6 to ensure their successful operation.

7            B. All bonds or other satisfactory security required by  
8 the department and posted by the ((~~platter~~)) applicant prior to  
9 the effective date of this section shall continue to be in  
10 force until released by the director following satisfactory  
11 inspection by the department.

12            SECTION 32. Resolution 11048, Appendix A, as amended and  
13 K.C.C. 19.36.070 are hereby amended to read as follows:

14            Submission of final plat to the department - Filing fees -  
15 Deposit to cover cost of checking plat - Certificate of title -  
16 Certificate of tax payment and deposit. On completion of the  
17 improvements required by the county engineer, or upon the  
18 receipt of the bond guaranteeing the completion of the  
19 improvement, the final plat shall be submitted to the  
20 department accompanied by the following:

21            A. The ((~~platter~~)) applicant shall deposit a check  
22 payable to the county Comptroller in an amount to be determined  
23 by the county Comptroller according to the legal requirement,  
24 which is twenty-five cents for every enclosure; seven dollars  
25 for description; one dedication, one acknowledgement, etc.; one  
26 dollar for each additional dedication or acknowledgement made  
27 upon such plat; five dollars for each additional sheet if plat  
28 is to be recorded on more than one sheet; twenty-five cents for  
29 every enclosure on both original plat and replat, in case of  
30 replat; ten cents for each lot or cemetery plat. If the  
31 property is registered under the Torrens Act, an additional  
32 charge of one dollar and fifty cents shall be charged for each  
33 numeral entered on the register. Title shall be obtained from  
34 the registrar of the Torrens Act;



1           B. The (~~platter~~) applicant shall be prepared to make a  
2 deposit equal to the estimated cost (to be determined by the  
3 county engineer) of checking the plat. The deposit shall be  
4 made with the county Comptroller to be credited to the road  
5 district fund. All work done by the county engineer in  
6 connection with the checking, computing and correcting such  
7 plat, either in the field or in the office, shall be charged to  
8 such deposit. If, during the process of checking, the county  
9 engineer finds that the cost of checking will exceed the  
10 estimated cost, the county engineer shall notify the  
11 (~~platter~~) applicant to deposit an additional amount to cover  
12 the cost of the checking. After the county engineer has  
13 completed the checking of the plat, he shall forward to the  
14 county Comptroller a statement of the checking charges  
15 incurred. The county Comptroller, upon receipt of the  
16 statement, shall refund to the (~~platters~~) applicants the  
17 difference between the checking charges and amount deposited or  
18 shall require the (~~platter~~) applicant to pay the difference  
19 if the checking charges are greater than the amount deposited;

20           C. A certificate of title from a reputable abstractor,  
21 showing the ownership and title of all the interested parties  
22 in the plat, subdivision or dedication. The certificate shall  
23 be dated not to exceed thirty days prior to the time of  
24 submitting the plat for final approval;

25           D. A certificate by the county Comptroller showing that  
26 taxes have been paid in accordance with RCW 58.08.030 and  
27 58.08.040, and that deposit has been made to the county  
28 Comptroller for the taxes for the following year. Also, a  
29 certificate by the county Comptroller showing that all taxes  
30 and assessments levied and chargeable against the property in  
31 the plat, replat or subdivision have been in accordance with  
32 RCW 58.08.030.

33           E. A certificate of future connection if required  
34 pursuant to Title 13.

1            SECTION 33. Ordinance 9544, Section 19, and K.C.C.

2 19.36.087 are hereby amended to read as follows:

3            Material errors. Applications found to contain and be  
4 based on material errors shall be deemed withdrawn and returned  
5 to the applicant. ((s)) Subsequent resubmittals shall be  
6 treated as new applications.

7            SECTION 34. Ordinance 9544, Section 20, and K.C.C.

8 19.36.089 are hereby amended to read as follows:

9            Errors, Omissions, Corrections to Final Plats - Council  
10 proceedings. Final plats approved and signed by the director  
11 manager and submitted to the clerk of the council for adoption  
12 by the County Council shall be placed on the Council agenda and  
13 acted upon no later than ten (10) days after receipt by the  
14 clerk of the council. Upon signature of the director  
15 accompanied by a recommendation for approval, said final plat  
16 shall be approved. Errors found during the review process that  
17 are considered willful and deliberate misrepresentations shall  
18 result in the plat being withdrawn and returned to the  
19 applicant. ((s)) Subsequent resubmittals shall be treated as  
20 new final plat applications.

21            SECTION 35. Ordinance 5596, Section 5, and K.C.C.

22 19.38.030 are hereby amended to read as follows:

23            Criteria for Reservation or Dedication of Land. The  
24 following criteria shall serve as a basis for determining  
25 whether a piece of land proposed for dedication or reservation  
26 is of sufficient size, character and quality to meet the intent  
27 of this chapter:

28            A. The proposed area for dedication or reservation shall  
29 be located either within or outside of the subdivision for  
30 which it is required, but must be within the same park service  
31 area in which the subdivision is located, or within a  
32 reasonable number of feet of the subject subdivision.

33            B. All lots within the related subdivision must have  
34 legal and convenient access to the proposed area for dedication  
35 or reservation, at the time of final plat approval.

1 C. The area proposed by the ((~~developer~~)) applicant for  
2 dedication or reservation must consist of an amount equal or  
3 greater than the percentages set in Section 19.38.060.

4 D. The area of proposed dedication or reservation must  
5 have a street frontage equal to at least 20% of its perimeter  
6 to allow for regular observation of play areas by residents of  
7 the subdivision. Alternative design measures that accomplish  
8 the same purpose of security may be approved by the department  
9 of planning and community development.

10 E. When new areas are proposed for dedication or  
11 reservation it may be required that they be located adjacent to  
12 or contiguous with any other established or approved open  
13 spaces or recreation areas in adjacent subdivisions in order to  
14 increase the overall benefits to the neighborhood.

15 F. The topography, soils, hydrography and other physical  
16 characteristics of the area proposed for dedication or  
17 reservation shall be of such quality as to create a flat, dry,  
18 obstacle-free space (as defined by K.C.C. 21.08.080), on at  
19 least 50% of the total required area in a configuration which  
20 allows for active recreation. The remainder of the required  
21 area may include sensitive environmental features, preservation  
22 of which is consistent with the comprehensive plan or K.C.C.  
23 21.54.

24 G. In case of the site being reserved, responsibility for  
25 maintenance and operation of the recreational facilities shall  
26 be assumed by separate entity, such as a homeowners'  
27 association or other competent private organization, which  
28 demonstrates to the satisfaction of the King County parks  
29 division that it has the capability for long-term maintenance  
30 and operation of such facilities.

31 H. In the case of the site being dedicated to King  
32 County, the following additional criteria shall be met:

33 1. The site shall be adjacent to an existing or  
34 proposed county park site and shall be consistent with the park  
35 program for the site; or

1           2. The characteristics and location of the site make it  
2 suitable for future inclusion into the King County park system  
3 as a local park; or

4           3. The site is being preserved for valuable or  
5 sensitive environmental features which require management  
6 expertise beyond the capacity of a homeowners' association or  
7 other private organization; or

8           4. The department of planning and community development  
9 concludes that dedication of the site for the selected purpose  
10 furthers one or more comprehensive plan policies contained in  
11 K.C.C. 20.12 dealing with the open space element, steep slopes  
12 as open space, wetlands as open space, agricultural lands as  
13 open space, wildlife habitat as open space, and heritage sites  
14 as open space.

15           SECTION 36. Ordinance 5596, Section 7, and K.C.C.  
16 19.38.050 are hereby amended to read as follows:

17           Responsibilities of ~~((a-Developer))~~ an Applicant. If the  
18 ~~((developer))~~ applicant reserves or dedicates land within a  
19 proposed subdivision, the ~~((developer))~~ applicant shall, in  
20 addition to any other responsibilities imposed by this chapter,  
21 be responsible for removal of all construction debris and  
22 hazards such as dead trees. The ~~((developer))~~ applicant may be  
23 required to rough grade a portion of the site suitable for a  
24 playing field, should such an area exist; place such signs as  
25 directed by the parks division; and/or establish or improve  
26 such trails as directed by the parks division.

27           SECTION 37. Ordinance 5596, Section 8, as amended and  
28 K.C.C. 19.38.060 are hereby amended as follows:

29           Amount of Land to be Dedicated or Reserved. Subject to  
30 the exceptions set out in K.C.C. 19.38.030, within any zone  
31 designated as RS, RD, RT, RM, SR or SC pursuant to the King  
32 County Zoning Code, K.C.C. Title 21, or R pursuant to the 1993  
33 zoning code, K.C.C. Title 21A, ~~((developers))~~ applicants who  
34 dedicate or reserve open space shall set aside property being

1 subdivided, according to the following percentages of gross  
2 land area:

<u>TITLE 21</u>		<u>TITLE 21A</u>	
4	RD/RT/RM	5.5%	R12-R48 5.5%
5	RS/SR 5,000	5.5%	R4-R8 5.25%
6	RS/SR 7,200	5.25%	
7	RS/SR 9,600	5.00%	
8	RS/SR 15,000	5.00%	
9	SC	5.00%	

10 In the event the subdivision encompasses land having more than  
11 one zone classification, the percentage to be applied to the  
12 subdivision shall be the area weighted average of the  
13 percentages required for the applicable zone classifications.

14 SECTION 38. Ordinance 5596, Section 9, and K.C.C.  
15 19.38.070 are hereby amended to read as follows:

16 Park Development Fee-in-Lieu of Open Space. Unless land  
17 within a proposed subdivision is dedicated or reserved in  
18 accordance with Sections 19.38.030 through 19.38.060 of this  
19 Chapter, final approval of the subdivision shall be contingent  
20 upon payment of a park development fee from the ((developer))  
21 applicant to King County. The fee so collected shall be  
22 appropriated only for acquisition and development of open  
23 space, park sites and recreational facilities within the park  
24 service area wherein the proposed subdivision is located. Such  
25 acquisition and development shall be consistent with any  
26 applicable Community Plan. Expenditure of such fees shall only  
27 be through capital budget and program appropriations by the  
28 County Council. Fees collected within a park service area must  
29 be allocated to a specific neighborhood park, open space, or  
30 recreation project within three years of fee acceptance.

31 SECTION 39. Ordinance 5596, Section 11, and K.C.C.  
32 19.38.090 are hereby amended to read as follows:

33 Equivalent Facilities. Whenever ((a-developer)) an  
34 applicant chooses to set aside land within a subdivision, which  
35 in whole or part does not meet all the criteria for reservation

1 or dedication in Section 19.38.030 the ((developer)) applicant  
2 may propose to improve such land by grading, filling,  
3 landscaping, or with installation of recreation equipment so as  
4 to be equivalent in result to the intent of this chapter. The  
5 determination as to whether ((a-developer's)) an applicant's  
6 proposal to improve a piece of land is equivalent to the open  
7 space requirement or fee-in-lieu of such requirement, shall be  
8 made solely by the Parks Division according to the following  
9 guidelines:

10 A. The proposed land and improvement should be generally  
11 equivalent to or greater than the value of the land or fee  
12 otherwise required.

13 B. The proposed land and improvements must create  
14 recreational opportunities for the residents within the  
15 subdivision and immediately around it.

16 C. The proposed land and improvements must not result in  
17 significant disturbance or alteration of a sensitive area,  
18 unless another approval has already been given for such  
19 disturbance or alteration.

20 D. The proposed land and improvements must be given to a  
21 homeowners' association to insure continuing maintenance of  
22 them, unless, dedication is specifically requested by the Parks  
23 Division.

24 SECTION 40. Ordinance 5596, Section 14, and K.C.C.  
25 19.38.120 are hereby amended to read as follows:

26 Applicability. The provisions of this chapter shall apply  
27 only to subdivisions which will receive preliminary approval  
28 after the effective date of this Chapter; provided, that for  
29 subdivisions which have received preliminary approval prior to  
30 the effective date of this Chapter, and for which an open space  
31 assessment was established, the ((developer)) applicant may  
32 choose to pay a fee-in-lieu of dedication or reservation of  
33 land in accordance with Sections 19.38.060 and 19.38.070.

34 SECTION 41. Ordinance 9544, Section 6, and K.C.C.  
35 19.39.020 are hereby amended to read as follows:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34

Application requirements. A. (~~Any person~~) An applicant may submit a subdivision alteration or vacation application consistent with the applicable provisions of K.C.C. 19.36.045 and 19.36.085 to the director provided:

1. Alteration applications shall contain the signatures of the majority of those persons having an ownership interest in lots, tracts, parcels, or divisions in the subject subdivision to be altered or any portion to be altered. Vacation applications shall contain the signatures of all parties having an ownership interest in the portion of the subdivision subject to vacation.

2. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration or vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration or vacation of the subdivision or portion thereof.

B. Applications for vacations of county roads may be processed pursuant to this chapter only when such road vacations are proposed in conjunction with the vacation of the plat together with the roads. Vacations limited to county roads only shall be processed pursuant to R.C.W. Ch. 36.87. Regardless of the process used, vacations of roads may not be made that are prohibited under R.C.W. 36.87.130.

SECTION 42. Ordinance 10870, Section 54 and K.C.C. 21A.06.070 are hereby amended to read as follows:

Applicant. Applicant: a property owner, or any person or entity (~~acting as an agent for~~) designated or named in writing by the property owner to be the applicant, in an application for a development proposal, permit or approval.

SECTION 43. Ordinance 10870, Section 584, and K.C.C. 21A.39.030 are hereby amended to read as follows:

1 UPD permit - Conditions of approval. A. In approving a  
2 UPD permit, conditions of approval shall at a minimum  
3 establish:

4 1. A site plan for the entire UPD showing locations of  
5 sensitive areas and buffers, required open spaces, UPD  
6 perimeter buffers, location and range of densities for  
7 residential development, and location and size of non-  
8 residential development;

9 2. The expected buildout time period for the entire  
10 project and the various phases;

11 3. Project phasing and other project-specific  
12 conditions to mitigate impacts on the environment, on public  
13 facilities and services including transportation, utilities,  
14 drainage, police and fire protection, schools, and parks;

15 4. Affordable housing requirements;

16 5. Road and storm water design standards that shall  
17 apply to the various phases of the project;

18 6. Bulk design and dimensional standards that shall be  
19 implemented throughout subsequent development within the UPD;

20 7. The size and range of uses authorized for any non-  
21 residential development within the UPD;

22 8. The minimum and maximum number of residential units  
23 for the UPD; and

24 9. Any sewer and/or water comprehensive utility plans  
25 or amendments required to be completed before development can  
26 occur; and

27 10. Provisions for the applicant's surrender of an  
28 approved UPD permit before commencement of construction or  
29 cessation of UPD development based upon causes beyond the  
30 applicant's control or other circumstances, with the property  
31 to develop thereafter under the base zoning in effect prior to  
32 the UPD permit approval.

33 B. A UPD permit and development agreement may allow  
34 development standards different from those otherwise imposed  
35 under the King County code, including but not limited to K.C.C.



1 21A.39.050 through 120, in order to provide flexibility to  
2 achieve public benefits, respond to changing community needs,  
3 and encourage modifications which provide the functional  
4 equivalent or adequately achieve the purposes of county  
5 standards. Any approved development standards that differ from  
6 those in the Code shall not require any further zoning  
7 reclassification, variance from King County standards or other  
8 county approval apart from the UPD permit approval. The  
9 development standards as approved through the UPD permit and  
10 development agreement shall apply to and govern the development  
11 and implementation of each UPD site in lieu of any conflicting  
12 or different standards or requirements elsewhere in the King  
13 County Code.

14 C. Subsequently adopted standards which differ from those  
15 of the UPD permit shall apply to the UPD only where necessary  
16 to address imminent public health and safety hazards or where  
17 the UPD permit specifies a time period or phase after which  
18 certain identified standards can be modified. Determination of  
19 the appropriate standards for future phases which are not fully  
20 defined during the initial approval process may be postponed.  
21 Building permit applications shall be subject to the building  
22 codes in effect when the permit is applied for.

23 D. An approved UPD permit, including site plan elements  
24 or conditions of approval, may be amended or modified at the  
25 request of the applicant or the applicant's successor in  
26 interest designated by the applicant in writing. The director  
27 may administratively approve minor modifications to an approved  
28 UPD permit. Modifications that do not qualify as minor shall  
29 be deemed major modifications and shall be reviewed in the same  
30 manner as that set forth in Sections 21A.39.020 for new UPD  
31 permit applications. Any increase in the total number of  
32 dwelling units in a UPD above the maximum number set forth in  
33 the approved UPD permit, or any decrease in the minimum density  
34 for residential areas of the UPD (exclusive of roads and  
35 sensitive areas), shall be deemed major modifications. The

1 county through the development agreement for an approved UPD.  
2 may specify additional criteria for determining whether  
3 proposed modifications are major or minor.

4 E. Unless otherwise provided for through the UPD permit  
5 approval, and subject to any appropriate credits for fees paid  
6 or facilities provided by the UPD, applicable impact fee  
7 payment requirements shall be those which are in effect when  
8 subsequent implementing approvals such as subdivision  
9 applications, binding site plans, building permits or other  
10 approvals are applied for.

11 SECTION 44. Ordinance 10870, Section 597, and K.C.C.  
12 21A.40.030 are hereby amended to read as follows:

13 Applications - Complete applications. A. Applications  
14 for conditional use permits, variances, zone reclassifications,  
15 and special use permits, shall be considered complete as of the  
16 date of submittal upon determination by the department that the  
17 materials submitted contain the following:

18 1. Application forms provided by the department and  
19 completed by the applicant;

20 2. A designation of who the applicant is, on a form  
21 prescribed by the department;

22 ~~((2-))~~ 3. Certificates of sewer and water availability  
23 from the appropriate purveyors, where sewer and/or water  
24 service is proposed to be obtained from a purveyor, confirming  
25 that the proposed water supply and/or sewage disposal are  
26 adequate to serve the development in compliance with adopted  
27 state and local system design and operating guidelines;

28 ~~((3-))~~ 4. Receipt signed by the fire district verifying  
29 application submittal pursuant to K.C.C. 17.10.020.E, if  
30 applicable;

31 ~~((4-))~~ 5. Identification on the site plan of all  
32 easements, deed restrictions, or other encumbrances restricting  
33 the use of the property, if applicable;

34 ~~((5-))~~ 6. Proof that the lot or lots are recognized as  
35 separate lots pursuant to the provisions of K. C. 19.04;

1           (~~6-~~) 7. A sensitive area affidavit as provided by  
2 K.C.C. 21A.24;

3           (~~7-~~) 8. A completed environmental checklist, if  
4 required by K.C.C. 20.44, County Environmental Procedures;

5           (~~8-~~) 9. Payment of any development permit review  
6 fees, excluding impact fees collectible pursuant to K.C.C.  
7 Title 27, Development Permit Fees; and

8           (~~9-~~) 10. Complete applications for other required  
9 permits that are required to be processed concurrently with the  
10 proposed application, or copies of approved permits that are  
11 required to be obtained prior to the proposed application.

12           (~~10-~~) 11. Certificate of transportation concurrency  
13 from the department of public works; and

14           (~~11-~~) 12. Certificate of future connection from the  
15 appropriate purveyor for lots located within the Urban Growth  
16 area which are proposed to be served by onsite or community  
17 sewage system and/or group B water systems or private wells.

18           B. Within 20 days following receipt of an application for  
19 a conditional use permit or special use permit, the department  
20 shall mail or provide written notice to the applicant that the  
21 application is either complete or incomplete. If the  
22 application is incomplete, the notice shall state what is  
23 necessary to make the application complete. To the extent  
24 known by the department, the notice shall identify other  
25 agencies of local, state or federal governments that may have  
26 jurisdiction over some aspects of the application. This  
27 initial screening by the department is intended to determine  
28 completeness solely for the purposes of applying the time  
29 period established in this title.

30           C. The director may waive specific submittal requirements  
31 determined to be unnecessary for review of an application.

32           NEW SECTION. SECTION 45. There is hereby added to K.C.C.  
33 25.08 a new section to read as follows:

34           Applicant. "Applicant" means a property owner, or any  
35 person or entity designated or named in writing by the property

1 owner to be the applicant, in an application for a development  
2 proposal, permit or approval.

3 SECTION 46. Ordinance 11622, Section 13, and K.C.C.  
4 25.XX.XXX are hereby amended to read as follows:

5 Applications-Complete applications. For the purposes of  
6 determining the application of time periods and procedures  
7 adopted by this chapter, applications for permits authorized by  
8 this title shall be considered complete as of the date of  
9 submittal upon determination by the department that the  
10 materials submitted contain the following:

11 1. Application forms provided by the department and  
12 completed by the applicant including, but not limited to, a  
13 designation of who the applicant is;

14 2. As applicable, certificates of sewer and water  
15 availability from the appropriate purveyors, where sewer and/or  
16 water service is proposed to be obtained from a purveyor,  
17 confirming that the proposed water supply and/or sewage  
18 disposal are adequate to serve the development in compliance  
19 with adopted state and local system design and operating  
20 guidelines;

21 3. Certificate of transportation concurrency from the  
22 department of public works;

23 4. Certificate of future connection from the  
24 appropriate purveyor for lots located within the Urban Growth  
25 area which are proposed to be served by onsite or community  
26 sewage system and/or group B water systems or private  
27 wells((7));

28 5. Receipt signed by the fire district verifying  
29 application submittal pursuant to K.C.C. 17.10.020E, if  
30 applicable;

31 6. Identification on the site plan of all easements,  
32 deed restrictions, or other encumbrances restricting the use of  
33 the property, if applicable;

34 7. Proof that the lot or lots are recognized as  
35 separate lots pursuant to the provisions of K.C.C. 19.04;

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

- 8. A sensitive area affidavit as provided by K.C.C. 21A.24;
- 9. A completed environmental checklist, if required by K.C.C. 20.44, County Environmental Procedures;
- 10. Payment of any development permit review fees, excluding impact fees collectible pursuant to K.C.C. Title 27, Development Permit Fees and impact fees (mitigation payment system) collectible pursuant to K.C.C. Title 14; and
- 11. Copies of approved permits that are required to be obtained prior to the proposed application.

B. Within 20 days following receipt of an application for a permit referenced in section 15A of (~~this ordinance~~) Ordinance 11622, the department shall mail or provide written notice to the applicant that the application is either complete or incomplete. If the application is incomplete, the notice shall state what is necessary to make the application complete. To the extent known by the department, the notice shall identify other agencies of local, state or federal governments that may have jurisdiction over some aspects of the application. This initial screening by the department is intended to determine completeness solely for the purposes of applying the time period established in this title.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54

C. The director may waive specific submittal requirements determined to be unnecessary for review of an application.

INTRODUCED AND READ for the first time this 6<sup>th</sup> day of February, 1995.

PASSED by a vote of 12 to 0 this 27<sup>th</sup> day of February, 1995.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

Kent Pullen  
Chair

ATTEST:

Gerald A. Peterson  
Clerk of the Council

APPROVED this 10<sup>th</sup> day of March, 1995

Ray Lohr  
King County Executive

Attachments:

- A (Modifications to 1991 Uniform Building Code)
- B (Modifications to 1991 Uniform Fire Code)

KING COUNTY MODIFICATIONS  
TO THE 1991 EDITION  
OF THE UNIFORM BUILDING CODE

SECTION 302.(a) is hereby amended to read as follows:

Residential Building Permit Application. To obtain a permit, the applicant shall first file an application thereof in writing on a form furnished by King County Building and Land Development Division for that purpose. Every such application for a permit shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use or occupancy for which the proposed work is intended.
4. Be accompanied by full size plans (minimum 18" x 24"; maximum 24" x 36"), diagrams, computations and specifications and other data as required in Subsection (b) of this section; or an approved Residential Basics Plan; or other approved plans as promulgated by the manager in administrative rules and regulations pursuant to K.C.C. 2.98.
5. State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building.
6. Designate who the applicant is, on a form prescribed by the agency.
- ~~((6-))~~ 7. Be signed by the ~~((owner))~~ applicant, or the ~~((owner's))~~ applicant's authorized agent.
- ~~((7-))~~ 8. Give such other data and information as may be required by the manager.
- ~~((8-))~~ 9. Required septic designs shall be based on the maximum number of bedrooms.

SECTION 302.(e) is hereby amended to read as follows:

Application for Residential Basic Plan Approval. Every Residential Basic Plan application shall contain:

1. At least two complete sets of full size construction plans showing all options (minimum 18" x 24"; maximum 24" x 36");
2. A completed cover sheet provided by Building and Land Development Division;
3. An application fee~~((-))~~;
4. A designation of who the applicant is, on a form prescribed by the agency;
- ~~((4-))~~ 5. Other such data and information as may be required by the manager for the purpose of processing the Residential Basics Plan application.

ATTACHMENT B TO ORDINANCE NO.: \_\_\_\_\_

KING COUNTY MODIFICATIONS  
TO THE 1991 EDITION  
OF THE UNIFORM FIRE CODE

SECTION 4.103 is hereby amended to read as follows:

Applications for permits shall be made to the bureau of fire prevention in such form and detail as prescribed by the bureau. Applications for permits shall be accompanied by such plans as required by the bureau. If these plans are returned as a result of permit denial or any other reason, they shall be returned to the applicant.

SECTION 9.103 is hereby amended to add the following subsection:

Applicant is a property owner, or any person or entity designated or named in writing by the property owner to be the applicant, in an application for a permit.