

March 27, 1996  
Clerk amend 4/1/96  
96111SUB:tk

Introduced By: Christopher Vance

Proposed No.: 96-111

ORDINANCE NO. **12195**

AN ORDINANCE relating to the subdivision of land and implementing ESHB 1724 (Chapter 347, RCW); amending Ordinance 9543, Section 11, as amended, and K.C.C. 19.26.120, Ordinance 9543, Section 14, as amended, and K.C.C. 19.26.150, Resolution 11048, Section IV A (4), as amended, and K.C.C. 19.28.050, Ordinance 11017, Section 4, as amended, and K.C.C. 19.33.040, Ordinance 6465, Section 7, as amended, and K.C.C. 19.34.050, Ordinance 9544, Section 6, as amended, and K.C.C. 19.39.020, Ordinance 9544, Section 7, as amended, and K.C.C. 19.39.030, Ordinance 9544, Section 8, as amended, and K.C.C. 19.39.040, Ordinance 9544, Section 9, as amended, and K.C.C. 19.39.050, Ordinance 9544, Section 10, and K.C.C. 19.39.060; repealing Ordinance 11622, Section 7, and K.C.C. 19.08.012, Ordinance 11622, Section 8; and K.C.C. 19.08.014, Ordinance 11622, Section 10, and K.C.C. 19.08.018, Ordinance 9543, Section 2, as amended, and K.C.C. 19.26.020, Ordinance 9543, Section 4, as amended, and K.C.C. 19.26.040, Ordinance 4460, Section 3, as amended, and K.C.C. 19.26.070, Ordinance 9543, Section 12, as amended, and K.C.C. 19.26.130, Ordinance 9898, Section 1, as amended, and K.C.C. 19.28.030, Ordinance 4462, Section 3, and K.C.C. 19.28.040, Ordinance 7990, Section 32, as amended, and K.C.C. 19.28.080, Ordinance 11017, Section 3, as amended, and K.C.C. 19.33.030, Resolution 11048, Appendix A, as amended, and K.C.C. 19.36.030, Ordinance 9544, Section 3, as amended, and K.C.C. 19.36.045, Ordinance 4460, Section 1, as amended, and K.C.C. 19.36.050 and declaring an emergency.

FINDINGS:

1. Proposed ordinance 96-112 is necessary to meet the goals and purposes of regulatory reform and the requirements of ESHB 1724. This ordinance is intended to make K.C.C. Title 19 consistent with proposed ordinance 96-112.
2. Revision of the approval time for preliminary plats is necessary to be consistent with recent amendments to R.C.W. 58.17.140 in Chapter 8, Section 1 of 1995 laws.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 9543, Section 11, as amended and K.C.C. 19.26.120 are hereby amended to read as follows:

1 Preliminary decision. ~~((A. Following the acceptance of a complete application, or~~  
 2 ~~following the conclusion of any applicable SEPA review and appeal period set forth in~~  
 3 ~~K.C.C. 20.44, County Environmental Procedures the department shall:~~

- 4 ~~\_\_\_\_\_ 1. Approve the application with conditions;~~  
 5 ~~\_\_\_\_\_ 2. Deny the application; or~~  
 6 ~~\_\_\_\_\_ 3. Return the application to the applicant if additional information or modifications~~  
 7 ~~are necessary to further process the application.~~

8 ~~\_\_\_\_\_ The department shall make written findings regarding compliance with subsection B. of~~  
 9 ~~this section and notify applicants of any such decision in writing within five days of the~~  
 10 ~~decision being made. For applications returned to the applicant for additional information or~~  
 11 ~~modifications, the division shall specify a deadline for the submittal of such information or~~  
 12 ~~modifications. Applications shall be deemed withdrawn or canceled if requested information~~  
 13 ~~or modifications are not submitted within the time period specified in the written findings.~~

14 ~~Unexpended portions of application review fees shall be returned with the notice of~~  
 15 ~~cancellation. The department shall not approve any short subdivision unless the department~~  
 16 ~~makes written findings that appropriate provisions are made for the factors set forth in RCW~~  
 17 ~~58.17.110:))~~

18 ~~((B))A. The preliminary decision shall be based on the following factors: Following~~  
 19 ~~acceptance of a complete application and fulfillment of the applicant process and procedure~~  
 20 ~~requirements of 96-112 the department shall make a preliminary decision supported by~~  
 21 ~~written findings based on the following factors:~~

- 22 1. Conformance with adopted county and state rules and regulations in effect on the  
 23 date the complete application was received. Such rules and regulations include, but are not  
 24 limited to: RCW 58.17; SEPA (RCW Ch. 43.21C) as implemented by K.C.C. Ch. 20.44;  
 25 K.C.C. Title 21A, Zoning; K.C.C. 14.42, Road Standards; K.C.C. 9.04, Surface Water  
 26 Runoff; K.C.C. Title 25, Shoreline Management, K.C.C. 19.26, Short Subdivisions; K.C.C.  
 27 Title 17, Fire Code; Title 13, Sewer and Water Service; administrative rules adopted pursuant  
 28 to K.C.C. 2.98 to implement any such code or ordinance provision; King County board of  
 29 health rules and regulations; and county approved utility comprehensive plans; and  
 30 conformance with applicable private restrictions and covenants.

1           2. Consideration of the recommendations or comments of those agencies having  
2 pertinent expertise or jurisdiction.

3           B. The preliminary decision shall become effective ~~10~~ 14 calendar days after the  
4 ~~decision has been mailed, or upon completion of appeals filed pursuant to K.C.C. 19.26.130.~~  
5 date of issuance of the notice unless the appeal period is extended for an additional 7 days (if  
6 WAC 197-11-340 (2) (a) applies.)

7           ~~((D))~~ C. Short subdivision preliminary approvals shall be valid for thirty-six months. If  
8 any condition is not satisfied and the final short plat is not recorded within the approval  
9 period the short subdivision approval shall be null and void. If all conditions have been  
10 satisfied and all required documents have been submitted within the approval period, the  
11 department may grant a single extension of up to ninety days to obtain additional information  
12 or for the processing and recording of final short plat documents. Applicants will have a  
13 maximum of 30 days to comply with requests for additional information made within the  
14 extension period.

15           ~~((E))~~ D. All construction and site development activities related to the short  
16 subdivision are prohibited until the preliminary decision becomes effective or until  
17 authorized by any required plan approval required as a condition of preliminary short  
18 subdivision approval.

19           SECTION 2. Ordinance 9543, Section 14, and K.C.C. 19.26.150 are hereby amended  
20 to read as follows:

21           **Short plat alterations and vacations.** A. Within five years of the recording date, any  
22 recorded short plat may be altered provided no more than a total of four lots result within the  
23 boundaries of the original short plat. After five years from the recording date, the short plat  
24 may be altered or the land may be subdivided further in accordance with this chapter. An  
25 alteration may include adjacent separate lots provided no more than four lots result within the  
26 boundaries of the original short plat together with such additional property. The following  
27 requirements apply to all short plat alterations:

28           1. All persons having any ownership or security interest in the lots or tracts of the  
29 original recorded short plat being altered must sign the final altered short plat forms.

1           2. Any features contained on the original short plat which have been relied upon in  
2 subsequent land development or county planning decisions shall be incorporated on the short  
3 plat alteration.

4           3. Lot lines of lots which are non-conforming only by reason of insufficient square  
5 footage may be altered without regard to current square footage requirements as long as they  
6 are not made more nonconforming and as long as no additional lots are created, and the  
7 proposed lots are consistent with the other dimensional requirements of the zoning in effect at  
8 the time of the original short plat approval. Any newly created additional lots must meet  
9 current zoning requirements and King County board of health rules and regulations regarding  
10 minimum lot size.

11           4. The criteria cited in K.C.C. 19.26.120 shall be used as the basis to approve or  
12 deny any proposed alteration. Seattle-King County department of public health approval  
13 shall be required in accordance with K.C.C. 19.26.090 and 19.26.100.

14           B. Any short plat alteration which deletes all interior boundaries shall constitute a  
15 vacation of the original short plat, effective at the time the altered short plat is recorded.

16           C. Short plat alterations or vacations involving public dedications shall be processed  
17 in the manner provided by law for alteration or vacation of subdivisions. All other short plat  
18 alterations or vacations shall be processed as set forth in K.C.C. 19.26.030, ((19.26.130,))  
19 19.26.140 and 19.26.150.

20           D. Approved alterations and vacations shall be recorded with the King County  
21 division of records and elections, as provided in K.C.C. 19.26.140.

22           SECTION 3. Resolution 11048, Section IV A (4), as amended, and K.C.C.  
23 19.28.050 are hereby amended to read as follows:

24           **Qualifications governing approval of plat. A. PRELIMINARY APPROVAL.**

25 Council approval of the preliminary plat shall furnish a firm basis upon which the applicant  
26 may proceed with development of the subdivision and preparation of the final plat subject  
27 only to all the conditions of preliminary approval imposed on the preliminary plat.

28           B. REVISIONS. The department of development and environmental services may  
29 approve minor changes or revisions as are deemed necessary to the interests and needs of the  
30 community, consistent with the adopted policies and standards of the county.

1 C. ENGINEERING DETAILS. Subsequent approval of the engineering details of the  
 2 proposed streets, storm drainage, sanitary sewer and water systems and other proposed public  
 3 facilities by the county engineer and the King County department of public health will be  
 4 required prior to the approval of the final plat.

5 ~~((D. APPROVAL TIME. Preliminary approval shall be effective for a period of~~  
 6 ~~thirty six months.~~

7 ~~1. An applicant who files a written request with the clerk of the King County council~~  
 8 ~~at least thirty days before expiration of the thirty six months shall be granted an extension for~~  
 9 ~~up to twelve months by ordinance by the county council if the council determines that the~~  
 10 ~~applicant has acted in good faith and made substantial progress in complying with the~~  
 11 ~~conditions of preliminary plat approval; and~~

12 ~~2. An applicant who fails to apply for an extension at least thirty days prior to the~~  
 13 ~~expiration of the preliminary plat may be granted an extension only in unusual circumstances.~~  
 14 ~~Such extension may be granted only upon the council finding:~~

15 ~~a. that the applicant has acted in good faith and made substantial progress in~~  
 16 ~~complying with the conditions of preliminary plat approval; and~~

17 ~~b. that based on the facts and circumstances of the case, it would be inequitable to~~  
 18 ~~require the applicant to reapply for a new preliminary plat approval.~~

19 ~~An extension granted pursuant to section D.2 shall not be for more than 12 months~~  
 20 ~~from the date a written request is filed with the clerk of the county council, and it may extend~~  
 21 ~~a plat up to six years from the date of preliminary plat approval. In granting an extension~~  
 22 ~~pursuant to D.2, the council may impose additional conditions for final approval consistent~~  
 23 ~~with the current county adopted standards and policies in effect at the time such extension is~~  
 24 ~~granted.~~

25 ~~Written request is defined for the purpose of sections D.1 and D.2 above, to include a~~  
 26 ~~summary of progress of the plat to date, written confirmation from the department of~~  
 27 ~~development and environmental services that engineering plans have been submitted, a copy~~  
 28 ~~of the original ordinance granting preliminary plat approval, a copy of the report and~~  
 29 ~~recommendation to the council by the hearing examiner, and a map of the plat. Substantial~~  
 30 ~~progress is defined for the purpose of this section to mean that either engineering plans have~~

1 been submitted to the department of development and environmental services, or that other  
 2 compelling evidence clearly indicates that progress has been made. Engineering plans mean  
 3 drawings for roads, utilities and storm water facilities, with lot lines and tracts shown.

4 ~~—— If, prior to the expiration of the extension periods described in sections D.1 and D.2, all~~  
 5 ~~required plat improvements have been diligently pursued and have been substantially~~  
 6 ~~constructed, and the applicant has timely applied for a further extension, the department of~~  
 7 ~~development and environmental services may grant an extension for an additional period of~~  
 8 ~~up to 6 months from the application date for recording of the final plat. If the final plat is~~  
 9 ~~being developed in divisions and final plats for all of the divisions have not been recorded~~  
 10 ~~within the time limits provided in this section, preliminary plat approval for all unrecorded~~  
 11 ~~divisions shall become void. When final plat approval is contingent upon the future~~  
 12 ~~development of a county road, the council may grant an additional extension of up to six~~  
 13 ~~years if the road is identified in a community plan and is part of the county's 6-year road~~  
 14 ~~program, provided that for any such extension the applicant must file a written request with~~  
 15 ~~the clerk of the council before preliminary plat approval expires and the council may impose~~  
 16 ~~additional conditions or requirements for final approval consistent with then current county~~  
 17 ~~adopted standards and policies.~~

18 ~~—— The preliminary plat for any unrecorded divisions must again be submitted to the~~  
 19 ~~department of development and environmental services with a new application.~~

20 ~~—— E. In granting administrative extensions authorized pursuant to subsection D, the~~  
 21 ~~county may impose administratively additional conditions for final approval, consistent with~~  
 22 ~~then current county adopted standards and policies.~~

23 ~~—— F. Conditions imposed administratively on divisions for which extensions have been~~  
 24 ~~approved may be appealed to the hearing examiner pursuant to Chapter 20.24 of this code.))~~

25 D. Approval Time. 1. For all plats receiving preliminary approval such approval  
 26 shall be effective for a period of sixty months.

27 2. If the final plat is being developed in divisions, and final plats for all of the  
 28 divisions have not been recorded within the time limits provided in this section, preliminary  
 29 plat approval for all unrecorded divisions shall become void. The preliminary plat for any

1 unrecorded divisions must again be submitted to the department with a new application,  
2 subject to the fees and regulations applicable at the time of submittal.

3 3. This section shall apply to all preliminary plats which are pending and plats  
4 which have received preliminary approval as of July 23, 1995, and all preliminary plat  
5 applications filed after that date.

6 E. Plats in UPD's. A UPD permit, fully contained community (FCC) permit, or  
7 development agreement approved pursuant to K.C.C. 21A.39 may extend the preliminary  
8 approval period beyond sixty months for any preliminary plat approved simultaneous or  
9 subsequent to the UPD permit or FCC permit. Such extensions may be made contingent  
10 upon satisfying conditions set forth in the UPD permit, FCC permit, or development  
11 agreement. In no case shall the extended preliminary approval period exceed the expected  
12 buildout time period of the UPD or FCC as provided in the UPD permit, FCC permit, or  
13 development agreement. This section shall apply to any approved UPD permit, FCC  
14 permit, or development agreement in existence on the date of adoption of this section, or  
15 approved subsequent to the adoption of this section.

16 SECTION 4. Ordinance 11017, Section 4, as amended and K. C.C. 19.33.040 are  
17 hereby amended to read as follows:

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

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

22 2. conformity of the proposed site plan with the adopted rules and regulations  
23 ((listed in K.C.C. 19.33.030)) as represented in the approved commercial site development  
24 plan, if the binding site plan is being considered with a commercial site development plan.

25 B. If the director denies the application or otherwise orders the site plan returned, the  
26 plan shall be returned to the applicant.

27 C. The binding site plan shall contain applicable inscriptions or attachments setting  
28 forth limitations and conditions to which the plan is subject, including any applicable  
29 irrevocable dedications of property and containing a provision requiring that any  
30 development of the site shall be in conformity with the approved site plan.

1 D. The director may modify lot-based or lot line requirements contained within the  
2 building, fire and other similar uniform codes adopted by the county.

3 E. The director may authorize sharing of open space, parking, access and other  
4 improvements among contiguous properties subject to the binding site plan. Conditions of  
5 use, maintenance and restrictions on redevelopment of shared open space, parking, access  
6 and other improvements shall be identified on the binding site plan and enforced by  
7 covenants, easements or other similar mechanisms.

8 F. The decision of the director shall be final.

9 SECTION 5. Ordinance 6465, Section 7, as amended, and K.C.C. 19.34.050 are  
10 hereby amended to read as follows:

11 **Appeal.** Any decision of the director shall be final unless appealed to the hearing  
12 examiner pursuant to Chapter 20.24.

13 SECTION 6. Ordinance 9544, Section 6, as amended, and K.C.C. 19.39.020 are  
14 hereby amended to read as follows:

15 **Application requirements.** A. An applicant may submit a subdivision alteration or  
16 vacation application consistent with the applicable provisions of proposed ordinance 96-112,  
17 section 11((K.C.C. 19.36.045 and 19.36.085)) to the director provided:

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

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

29 B. Applications for vacations of county roads may be processed pursuant to this  
30 chapter only when such road vacations are proposed in conjunction with the vacation of the



1 plat together with the roads. Vacations limited to county roads only shall be processed  
 2 pursuant to RCW Ch. 36.87. Regardless of the process used, vacations of roads may not be  
 3 made that are prohibited under RCW 36.87.130.

4 SECTION 7. Ordinance 9544, Section 7, as amended, and K.C.C. 19.39.030 are  
 5 hereby amended to read as follows:

6 **Notice.** (~~(A. Notice of a proposed subdivision alteration shall be given by King~~  
 7 ~~County within ten days of determination of application completeness by:~~

8 ~~1. Publication in a newspaper of general circulation in the county and a newspaper~~  
 9 ~~of general circulation in the area of the proposed alteration;~~

10 ~~2. Posting at least five signs or posters on or adjacent to the subdivision to be~~  
 11 ~~altered in conspicuous locations designed to provide public awareness of the proposal;~~

12 ~~3. Mailing notification to agencies identified in RCW 58.17.080; and~~

13 ~~4. Mailing notification to the owner(s) of each lot or parcel of property located~~  
 14 ~~within the total subdivision to be altered and to owners of property within three hundred feet~~  
 15 ~~of the original subdivision.~~

16 ~~B. Alteration application notice shall include the name of the applicant and a general~~  
 17 ~~description of the proposed alteration. The notice shall also contain a vicinity map of the~~  
 18 ~~proposal, a general locational description rather than a legal description, the procedures and~~  
 19 ~~deadline of not less than 14 days from receipt of notice for filing comments or requests for~~  
 20 ~~public hearings, a form to request subsequent department, and the name of the responsible~~  
 21 ~~county official.~~

22 ~~C. Separate mailed notice of alteration hearings as required by K.C.C. 19.39.040 of~~  
 23 ~~this section shall be made to all persons who have submitted written comments during the~~  
 24 ~~comment period. Hearing notices shall include a description of the time and place of the~~  
 25 ~~public hearing with the items specified in paragraph B. of this section.~~

26 ~~D. Vacation application notice shall be made as set forth for preliminary subdivision~~  
 27 ~~applications in K.C.C. 19.36.050.))~~

28 Notice of alterations shall be consistent with the notice provisions of K.C.C. Title 20.

29 Mailing notification shall also include owners of each lot or parcel of property within the  
 30 total subdivision to be altered.

1            SECTION 8. Ordinance 9544, Section 8, as amended, and K.C.C. 19.39.040 are  
2 hereby amended to read as follows:

3            **Public hearings.** A. A public hearing shall be required for subdivision alteration  
4 proposals if requested by any person within the ~~((fourteen))~~ twenty-one day public comment  
5 period or if the department determines that a public hearing is in the public interest. In cases  
6 where public hearings are required, the department shall refer the application to the hearing  
7 examiner for consideration pursuant to ~~((K.C.C. 20.24.070))~~ proposed ordinance 96-112,  
8 section 23 and RCW 58.17.330.

9            B. All subdivision vacation applications shall be referred to the hearing examiner for  
10 public hearing and consideration pursuant to K.C.C. 20.24.070.

11           SECTION 9. Ordinance 9544, Section 9, as amended, and K.C.C. 19.39.050 are  
12 hereby amended to read as follows:

13           **Findings and recommendations.** A. Following any public hearing required by K.C.C.  
14 19.39.040, the hearing examiner shall determine if the proposed alteration or vacation is  
15 consistent with the required findings of K.C.C. 20.24.195. ~~((If the proposal is found to serve  
16 such purposes, the examiner may recommend that the council approve the application.))~~ If  
17 the proposed alteration is found to serve such purposes, the examiner may approve the  
18 application. If the proposed vacation is found to serve such purposes, the examiner may  
19 recommend that the council approve the application.

20           B. If a public hearing is not requested for an alteration application, the department  
21 shall make the same findings and recommendations as set forth in subsection A. of this  
22 section directly to the ~~((council))~~ examiner.

23           C. The examiner or council, as appropriate, shall make findings and take actions as  
24 set forth for subdivisions in K.C.C. 20.24.230 and 20.24.235 and shall deny or approve the  
25 alteration or vacation accordingly.

26           SECTION 10. Ordinance 9544, Section 10, and K.C.C. 19.39.060 are hereby  
27 amended to read as follows:

28           **Approved alterations and vacations.** A. After approval of an alteration, the  
29 ~~((council))~~ examiner shall order the applicant to produce a revised drawing of the approved  
30 alteration of the final plat, to be processed in the same manner as set forth for final plats in

1 K.C.C. 19.32. All persons with an ownership or security interest in property to be altered  
2 must sign the altered plat.

3 B. Altered plats shall only alter or supersede the original plat in the specific ways  
4 approved by the ~~((council))~~ examiner.

5 C. Vacations shall be processed in accordance with the provisions of RCW  
6 58.17.212.

7 SECTION 11 Ordinance 11622, Section 7, and K.C.C. 19.08.012 are each repealed.

8 SECTION 12. Ordinance 11622, Section 8, and K.C.C. 19.08.014 are each repealed.

9 SECTION 13. Ordinance 11622, Section 10, and K.C.C. 19.08.018 are each  
10 repealed.

11 SECTION 14. Ordinance 9543, Section 2, as amended, and K.C.C. 19.26.020 are  
12 each repealed.

13 SECTION 15. Ordinance 9543, Section 4, as amended, and K.C.C. 19.26.040 are  
14 each repealed.

15 SECTION 16. Ordinance 4460, Section 3, as amended, and K.C.C. 19.26.070 are  
16 each repealed.

17 SECTION 17. Ordinance 9543, Section 12, as amended, and K.C.C. 19.26.130 are  
18 each repealed.

19 SECTION 18. Ordinance 9898, Section 1, as amended, and K.C.C. 19.28.030 are  
20 each repealed.

21 SECTION 19. Ordinance 4462, Section 3, and K.C.C. 19.28.040 are each repealed.

22 SECTION 20. Ordinance 7990, Section 32, as amended, and K.C.C. 19.28.080 are  
23 each repealed.

24 SECTION 21. Ordinance 11017, Section 3, as amended, and K.C.C. 19.33.030 are  
25 each repealed.

26 SECTION 22. Resolution 11048, Appendix A, as amended, and K.C.C. 19.36.030  
27 are each repealed.

28 SECTION 23. Ordinance 9544, Section 3, as amended, and K.C.C. 19.36.045 are  
29 each repealed.

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SECTION 24. Ordinance 4460, Section 1, as amended, and K.C.C. 19.36.050 are each repealed.

SECTION 25. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance or the invalidity of the application thereof to any person or circumstances shall not affect the validity of its application to other persons or circumstances.

SECTION 26. Effective Date. This ordinance shall become effective April 1, 1996 and shall apply to complete applications filed on and after that date.

SECTION 27. The county council finds as a fact and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of public peace, health or safety or for the support of county government and its existing public institutions.

INTRODUCED AND READ for the first time this 22<sup>nd</sup> day of January, 1996  
PASSED by a vote of 12 to 0 this 1<sup>st</sup> day of April, 1996.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

Louise Miller  
VICE Chair

ATTEST:

Gerald A. Peterson  
Clerk of the Council

APPROVED this 12 day of April, 1996

Gary Locke  
King County Executive