



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19872

Proposed No. 2024-0217.2

Sponsors Perry

1 AN ORDINANCE revising permit review processes; and
2 amending Ordinance 11622, Section 3, as amended and
3 K.C.C. 16.02.260, Ordinance 12560, Section 17, as
4 amended, and K.C.C. 16.02.280, Ordinance 12560, Section
5 18, as amended, and K.C.C. 16.02.290, Ordinance 14914,
6 Section 104, as amended, and K.C.C. 16.03.120, Ordinance
7 11622, Section 4, and K.C.C. 16.82.055, Ordinance 1488,
8 Section 7, as amended, and K.C.C. 16.82.060, Ordinance
9 13694, Section 57, as amended, and K.C.C. 19A.12.030,
10 Ordinance 12196, Section 8, and K.C.C. 20.20.010,
11 Ordinance 12196, Section 9, as amended, and K.C.C.
12 20.20.020, Ordinance 12196, Section 10, as amended, and
13 K.C.C. 20.20.030, Ordinance 12196, Section 11, as
14 amended, and K.C.C. 20.20.040, Ordinance 12196, Section
15 13, as amended, and K.C.C. 20.20.060, Ordinance 12196,
16 Section 17, as amended, and K.C.C. 20.20.100, Ordinance
17 6949, Section 8, as amended, and K.C.C. 20.44.060,
18 Ordinance 6949, Section 5, as amended, and K.C.C.
19 20.44.030, Ordinance 13130, Section 11, as amended, and
20 K.C.C. 21A.42.190, and Ordinance 17485, Section 44, and

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21 K.C.C. 21A.42.210, adding new sections to K.C.C. chapter
22 16.02 adding new sections to K.C.C. chapter 20.20,
23 recodifying K.C.C. 16.02.280 and K.C.C. 16.82.060, and
24 repealing Ordinance 16959, Section 49, Ordinance 12560,
25 Section 15, as amended, and K.C.C. 16.02.310, Ordinance
26 12196, Section 12, and K.C.C. 20.20.050, Ordinance
27 12196, Section 15, as amended, and K.C.C. 20.20.080, and
28 Ordinance 10870, Section 618, and K.C.C. 21A.42.110.

29 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

30 SECTION 1. Findings:

31 A. Chapter 36.70B RCW was updated by Chapter 338, Laws of
32 Washington 2023 to require local governments to adopt specific time limits for
33 land use and environmental permit review.

34 B. Under RCW 36.70B.140, local governments may exclude permit types
35 that present special circumstances that warrant review process time periods that
36 are different from those provided in chapter 36.70B RCW.

37 C. This ordinance establishes a standard review process for all permit
38 types, with specified modification for certain permit types and special
39 circumstances. These modifications include additional ways that the time period
40 for permit review can be tolled, project types that have a longer time period for
41 permit review, project types that do not specify a time period for permit review,
42 and changes to project proposals that are considered "substantial changes" that

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43 restart the time period for permit review. These modifications are necessary for
44 project type that have or require one or more of the following:

- 45 1. Approval by other governments;
- 46 2. Complex, site-specific components that are evaluated on a case-by-
47 case basis with no precedent to draw from;
- 48 3. Cascading changes to the underlying permit, requiring rereview by
49 other disciplines;
- 50 4. For projects like mineral processing, a unique set of impacts to
51 mitigate, extensive public notice, and preissuance on-site monitoring, all of which
52 takes additional staff time; or
- 53 5. An unwilling applicant.

54 SECTION 2. For the purposes of expediting permit review and pursuant
55 to RCW 36.70B.160, King County adopts the following three measures:

56 A. Expedited review of project permit applications for projects that are
57 consistent with adopted development regulations and in accordance with RCW
58 36.70B.160(1)(a);

59 B. Reasonable fees, consistent with RCW 82.02.020, on applicants for
60 permits or other governmental approvals to cover the costs to the county of
61 processing applications, inspecting and reviewing plans, or preparing detailed
62 statements required by RCW 43.21C and in accordance with RCW
63 36.70B.160(1)(b); and

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64 C. Maintain and budget for on-call permitting assistance for when permit
65 volumes or staffing levels change rapidly and in accordance with RCW
66 36.70B.160(1)(d).

67 NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter
68 16.02 a new section to read as follows:

69 A site plan shall not be required for building permits when the scope of work
70 proposed in the permit application is limited to interior alterations and does not result in
71 the following:

72 A. A change in use;

73 B. Additional sleeping quarters or bedrooms;

74 C. Nonconformity with Federal Emergency Management Agency substantial
75 improvement thresholds; or

76 D. An increase in the total square footage or valuation of the structure thereby
77 requiring upgraded fire access or fire suppression systems;

78 SECTION 4. Ordinance 11622, Section 3, as amended and K.C.C.
79 16.02.260 are hereby amended to read as follows:

80 Section 105.3 of the International Building Code is not adopted, and the following
81 is substituted:

82 **Application for permit - Complete applications (IBC 105.3).**

83 1. For the purposes of determining the application of time periods for
84 permit review and procedures adopted by K.C.C. Title 20, applications for
85 permits authorized by K.C.C. chapter 16.04 shall be considered complete (~~as of~~
86 ~~the date of submittal~~) upon determination by the department that the materials

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87 submitted contain the following, in addition to the complete application
88 requirements of K.C.C. 20.20.040. Every application shall:

89 1.1. Identify and describe the work to be covered by the permit for
90 which application is made.

91 1.2. Describe the site on which the proposed work is to be done by legal
92 description, street address, or similar description that will readily identify and
93 definitely locate the proposed building or work.

94 1.3. Indicate the use or occupancy ((of)) for which the proposed work is
95 intended.

96 ~~((1.3.))~~ 1.4. Be accompanied by ((plans, diagrams, computations, and
97 specifications)) construction documents and other ((data)) information as required
98 in IBC ((107)) Section 106.1.

99 ~~((1.4.))~~ 1.5. State the valuation of ((any new building or structure or any
100 addition, remodeling, or alteration to an existing building)) the proposed work.

101 ~~((1.5.))~~ 1.6. Be signed and declared under penalty of perjury to the
102 accuracy of all information submitted for an application, by the applicant or the
103 applicant's authorized agent.

104 1.7. Give such other data and information as ((may be)) required by the
105 building official.

106 ~~((1.6. Identify on the site plan all easements, deed restrictions or other~~
107 ~~encumbrances restricting the use of the property, and provide details as required~~
108 ~~in IBC 107.2.6 and as otherwise required by the building official.))~~

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109 NEW SECTION. SECTION 5. There is hereby added to K.C.C. chapter
110 16.02 a new section to read as follows:

111 Section 105.3.1 of the International Building Code is not adopted, and the
112 following is substituted:

113 The building official shall examine or cause to be examined applications
114 for permits and amendments thereto within time periods for permit review set
115 forth in K.C.C. chapter 20.20. If the application or the construction documents do
116 not conform to the requirements of pertinent laws, the building official shall
117 notify the applicant of the deficiencies in writing that must be addressed in order
118 to issue a permit. If the building official is satisfied that the proposed work
119 conforms to the requirements of this code and laws and ordinances applicable
120 thereto, the building official shall issue a permit as soon as practicable.

121 SECTION 6. K.C.C. 16.02.280, as amended by this ordinance is hereby
122 recodified as a new section in K.C.C. chapter 16.02 to follow 16.02.260.

123 SECTION 7. Ordinance 12560, Section 17, as amended, and K.C.C. 16.02.280
124 are hereby amended to read as follows:

125 Section 105.3.2 of the International Building Code is not adopted and the
126 following is substituted:

127 **Expiration of application (IBC 105.3.2).** Permit application cancellation shall
128 be in accordance with K.C.C. 20.20.100((-)), except:

129 1. A permit application shall be deemed canceled by the permittee if(=

130 ~~1.1. The applicant has not taken action or responded;~~

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131 ~~1.1.1. within 60 days after notice of additional information required is mailed to~~
132 ~~the applicant, or~~

133 ~~1.1.2. by the deadline specified by the building official for additional~~
134 ~~information; or~~

135 ~~1.2. N))no permit is issued((;)):~~

136 ~~((1.2.1. w))~~ 1.1. Within 60 days after the applicant has been notified that the
137 permit is ready, or

138 ~~((1.2.2. b))~~ 1.2. By a time specified by the building official.

139 2. The building official may grant an extension for permit applications ~~((for~~
140 ~~permits))~~ that have not been issued within the time limits specified in subsection 1. of this
141 section, if:

142 2.1. ~~((not later than))~~ At least seven days prior to the expiration date under
143 subsection 1. of this section, the applicant makes a written request for an extension of the
144 building permit application; and

145 2.2. ~~((t))~~The applicant pays applicable ((permit)) fees.

146 SECTION 8. Ordinance 12560, Section 18, as amended, and K.C.C. 16.02.290
147 are hereby amended to read as follows:

148 Section 105.5 of the International Building Code is not adopted and the following
149 is substituted:

150 **Expiration (IBC 105.5).** Every permit approved by the building official under
151 the code shall expire by limitation and become null and void two years from the date of
152 its ~~((issue))~~ issuance.

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153 EXCEPTION: Building permits issued by the building official to correct a code
154 violation, or mechanical permits issued independent of a building permit, shall expire by
155 limitation and become null and void one year from the date of its issue.

156 Issued permits may be extended for one-year periods subject to the following
157 conditions:

158 1. An application for a permit extension together with the applicable fee is
159 submitted to the department at least 7, but no more than 60, calendar days before the date
160 the original permit becomes null and void. Once the permit extension application is
161 submitted and if that extension is not denied, work may continue past the expiration date
162 of the original permit. If the extension application is denied, all work must stop until a
163 valid permit is obtained.

164 2. The permit shall not be extended if:

165 2.1. Construction of a building or structure has not substantially begun, as
166 determined by the building official, within two years from the date of the first issued
167 permit; and

168 2.2. The building or the structure, or its intended use, is no longer authorized by
169 the zoning code or other applicable law.

170 3. An applicant may request a total of two permit extensions if there are no
171 substantial changes, as defined in K.C.C. 20.20.100, in the approved plans and
172 specifications.

173 4. The building official may extend a building permit beyond the second
174 extension only to allow completion of a building, structure, or mechanical system
175 authorized by the original permit and substantially constructed. If substantial work, as

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176 determined by the building official, has not begun on a building, structure, or mechanical
177 system authorized in the original permit, then a new permit shall be required for
178 construction to proceed.

179 5. The staff of the department may revise a permit at the permittee's request but
180 such a revision does not constitute a renewal or otherwise extend the life of the permit.

181 SECTION 9. Ordinance 14914, Section 104, as amended, and K.C.C. 16.03.120
182 are hereby amended to read as follows:

183 Department: the King County department of local services, permitting division,
184 or its successor.

185 SECTION 10. Ordinance 11622, Section 4, and K.C.C. 16.82.055 are hereby
186 amended to read as follows:

187 A. For the purposes of determining the application of time periods for permit
188 review and procedures adopted by ~~((this chapter))~~ K.C.C. Title 20, applications for
189 permits authorized by Chapter 16.82 shall be considered complete ~~((as of the date of~~
190 ~~submittal))~~ upon determination by the department that the materials submitted contain the
191 following, in addition to the requirements in K.C.C. 20.20.040:

- 192 1. For clearing and grading permits:
- 193 a. A legal description of the property,
- 194 b. A 1:2000 scale vicinity map with a north arrow,
- 195 c. Grading plans including;
- 196 (1) Horizontal and vertical scale,
- 197 (2) Size and location of existing improvements within 50 feet of the project,
- 198 indicating which will remain and which will be removed.

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199 (3) Existing and proposed contours at maximum five-foot intervals, and
200 extending for 100 feet beyond the project edge,

201 (4) At least two cross-sections, one in each direction, showing existing and
202 proposed contours and horizontal and vertical scales, and

203 (5) Temporary and permanent erosion-sediment control facilities,

204 d. The following plans must be stamped and signed by a registered civil
205 engineer, licensed to practice in the State of Washington,

206 (1) Permanent drainage facilities,

207 (2) Structures to be built or construction proposed in land slide hazard areas,
208 and

209 (3) Proposed construction or placement of a structure.

210 2. A completed environmental checklist, if required by K.C.C. chapter 20.44,
211 County Environmental Procedures;

212 3. Satisfaction of all requirements for grading permits under K.C.C. 16.82.060.

213 B. Applications found to contain material errors shall not be deemed complete
214 until such material errors are corrected.

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

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

219 A. To obtain a permit, the applicant shall first file an application in writing on a
220 form prescribed by the department that, in addition to the requirements of K.C.C.
221 20.20.040, shall include, at a minimum:

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- 222 1. Identification and description of the work to be covered by the permit for
223 which application is made;
- 224 2. An estimate of the quantities of work involved by volume and the total area
225 cleared or graded as a percentage of the total site area;
- 226 3. An identification and description of:
- 227 a. all critical areas on the site or visible from the boundaries of the site; and
- 228 b. ~~((all clearing restrictions applicable to the site in K.C.C. 16.82.150,))~~ critical
229 drainage areas requirements established by administrative rules or property-specific
230 development standards, and special district overlays under K.C.C. chapter 21A.38;
- 231 4. Location of any open space tracts or conservation easements if required
232 under:
- 233 a. ~~((K.C.C. 16.82.152;~~
234 ~~b.))~~ K.C.C. chapter 21A.14;
235 ~~((e.))~~ b. K.C.C. chapter 21A.37;
236 ~~((f.))~~ c. critical drainage areas; or
237 ~~((g.))~~ d. property-specific development standards or special district overlays
238 under K.C.C. chapter 21A.38;
- 239 5. Plans and specifications that, at a minimum, include:
- 240 a. property boundaries, easements, and setbacks;
- 241 b. a 1:2000 scale vicinity map with a north arrow;
- 242 c. horizontal and vertical scale;
- 243 d. size and location of existing improvements on and within fifty feet of the
244 project, indicating which will remain and which will be removed;

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- 245 e. location of all proposed cleared areas;
- 246 f. existing and proposed contours at maximum five-foot intervals, and
- 247 extending for one hundred feet beyond the project edge;
- 248 g. at least two cross sections, one in each direction, showing existing and
- 249 proposed contours and horizontal and vertical scales; and
- 250 h. a proposed erosion and sediment control plan as required by K.C.C.
- 251 16.82.095.

252 B. Materials in addition to those required in subsection A. of this section may be

253 necessary for the department to complete the review. The following materials shall be

254 submitted when required by the department.

- 255 1. Higher accuracy contours and more details of existing terrain and area
- 256 drainage, limiting dimensions, elevations, or finished contours to be achieved by the
- 257 grading, and proposed drainage channels and related construction;
- 258 2. ~~((If applicable))~~ As required by K.C.C. 20.20.040, all drainage plans and
- 259 documentation consistent with King County Surface Water Design Manual;
- 260 3. Restoration plan if required under K.C.C. ~~((16.82.110))~~ 21A.22.081; and
- 261 4. Studies prepared by qualified specialists, as necessary to substantiate any
- 262 submitted materials and compliance with this chapter or other law, particularly if clearing
- 263 or grading is proposed to take place in or adjacent to a critical area.

264 C. Plans and specifications shall be prepared and signed by a civil engineer if

265 they are prepared in conjunction with the proposed construction or placement of a

266 structure, include permanent drainage facilities or, if required by the department, propose

267 alterations in steep slope or landslide hazard areas.

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268 D. The department shall ~~((determine the number of copies of the required plans,~~
269 ~~specifications and supporting materials necessary to expedite review and may require~~
270 ~~submittal of materials in alternative))~~ specify the formats in which application materials
271 may be submitted.

272 E. The director may waive specific submittal requirements if they are determined
273 to be unnecessary for the acceptance and subsequent review of an application.

274 ~~((F. Any plans, specifications or supporting materials that are returned as a result~~
275 ~~of permit denial or any other reason shall be returned to the applicant.))~~

276 SECTION 12. Ordinance 13694, Section 57, as amended, and K.C.C.

277 19A.12.030 are hereby amended to read as follows:

278 A. A request to revise a plat, short plat, or binding site plan that has received
279 preliminary approval shall be submitted to the department.

280 B. Proposed revisions to a preliminary subdivision that would result in a substantial
281 change, as ~~((determined by the department))~~ defined in K.C.C. 20.20.100, shall be treated as
282 a new application for purposes of vesting and transportation concurrency and shall be
283 reviewed as Type 3 land use decision under K.C.C. 20.20.020.

284 C. Proposed revisions to a preliminary short subdivision or binding site plan that
285 would result in a substantial change, as ~~((determined by the department))~~ defined in K.C.C.
286 20.20.100, shall be treated as a new application for purposes of vesting and, where
287 applicable, transportation concurrency, and shall be reviewed as Type 2 land use decision
288 pursuant to K.C.C. 20.20.020.

289 D. ~~((For the purpose of this section, a substantial change includes, but is not limited~~
290 ~~to:~~

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- 291 1. ~~The creation of additional lots;~~
292 2. ~~The reduction or elimination of open space;~~
293 3. ~~A change in use;~~
294 4. ~~A change in points of ingress or egress; and~~
295 5. ~~A change to conditions of approval of an approved preliminary subdivision,~~
296 ~~preliminary short subdivision, or binding site plan that leads to environmental impacts that~~
297 ~~were not addressed in the original approval.~~

298 E.) Proposed changes to a subdivision, short subdivision, or binding site plan that
299 do not result in a substantial change, as ~~((determined by the department))~~ defined in K.C.C.
300 20.20.100, shall be treated as a minor change~~((d))~~ and may be approved administratively by
301 the department.

302 ~~((F.))~~ E. For purposes of this section, minor changes include, but are not limited to:

- 303 1. Changes to engineering design standards necessitated by changed
304 circumstances, such as reconfiguration or reduction of lots;
305 2. Changes in lot dimensions that are consistent with the underlying zone;
306 3. A decrease in the number of lots to be created so long as the minimum lot size
307 and minimum density of the underlying zone is maintained;
308 4. Changes in timing of phased plans; and
309 5. Changes to engineering design that reduce construction related impacts and do
310 not eliminate off-site improvements specifically required as a condition of preliminary
311 approval.

312 SECTION 13. Ordinance 12196, Section 8, and K.C.C. 20.20.010 are hereby
313 amended to read as follows:

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314 The purpose of this chapter is to establish standard procedures for land use
 315 ~~((permit))~~ applications, public notice, hearings, and appeals in King County. These
 316 procedures are designed to promote timely and informed public participation in
 317 discretionary land use decisions; eliminate redundancy in the application, permit review,
 318 hearing, and appeal processes; provide for uniformity in public notice procedures;
 319 minimize delay and expense; and result in development approvals that implement the
 320 policies of the Comprehensive Plan. ~~((These procedures also provide for an integrated and
 321 consolidated land use permit and environmental review process consistent with chapter
 322 347, laws of 1995.))~~

323 NEW SECTION. SECTION 14. There is hereby added to K.C.C. chapter 20.20
 324 a new section to read as follows:

325 Throughout this chapter unless the context clearly requires otherwise, “manager”
 326 means the department of local services, permitting division manager or designee.

327 SECTION 15. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020
 328 are hereby amended to read as follows:

329 A. Land use ~~((permit))~~ decisions are classified into four types, based on who
 330 makes the decision, whether public notice is required, whether a public hearing is
 331 required before a decision is made, and whether administrative appeals are provided. The
 332 types of land use decisions are listed in subsection ~~((E.))~~ D. of this section.

333 1. Type 1 decisions are made by the ~~((permitting division))~~ manager ~~((or
 334 designee (“the director”)))~~ of the department of local services, permitting division (“the
 335 ~~((department))~~ division”). Type 1 decisions are ~~((nonappealable))~~ administrative
 336 decisions. An administrative appeal is not provided.

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337 2. Type 2 decisions require public notice and are made by the ((director))
338 manager. Type 2 decisions are discretionary decisions that are subject to administrative
339 appeal to the hearing examiner.

340 3. Type 3 decisions require public notice and are quasi-judicial decisions made
341 by the hearing examiner following an open record hearing. An administrative appeal is
342 not provided.

343 4. Type 4 decisions are site-specific quasi-judicial decisions made by the
344 council based on the record established by the hearing examiner, after a recommendation
345 by the division.

346 B. Except as provided in K.C.C. 20.44.120.A.7. ((and 25.32.080)), or unless
347 otherwise agreed to by the applicant, all Type 2, 3, and 4 decisions included in
348 consolidated permit applications that would require more than one type of land use
349 decision process may be processed and decided together, including any administrative
350 appeals, using the highest-numbered land use decision type applicable to the project
351 application.

352 C. Certain development proposals are subject to additional procedural
353 requirements beyond the standard procedures established in this chapter.

354 D. ((Land use permits that are categorically exempt from review under SEPA do
355 not require a threshold determination (determination of nonsignificance ["DNS"] or
356 determination of significance ["DS"]). For all other projects, the SEPA review
357 procedures in K.C.C. chapter 20.44 are supplemental to the procedures in this chapter.

358 E.)) Land use decision types are classified as follows:

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<p>TYPE 1</p>	<p>((Decision by director, no administrative appeal))</p>	<p>Temporary use permit for a homeless encampment under K.C.C. chapter 21A.45((;</p> <p>b))<u>B</u>uilding permit, <u>commercial</u> site development permit, or clearing and grading permit that is not subject to SEPA, that is categorically exempt from SEPA as provided in K.C.C. 20.20.040, or for which the ((department)) <u>division</u> has issued a determination of nonsignificance or mitigated determination of nonsignificance((;</p> <p>b))<u>B</u>oundary line adjustment((;</p> <p>f))<u>R</u>ight of way <u>permit</u>((;</p> <p>v))<u>V</u>ariance from K.C.C. chapter 9.04((;</p> <p>s))<u>S</u>horeline exemption((;</p> <p>d))<u>D</u>ecisions to require studies or to approve, condition or deny a development proposal based on K.C.C. chapter 21A.24, except for decisions to approve, condition, or deny alteration exceptions((;</p> <p>d))<u>D</u>ecisions to approve, condition, or deny nonresidential elevation and dry floodproofing variances for agricultural buildings that do not equal or exceed a maximum assessed value of sixty-five thousand dollars under K.C.C. chapter</p>
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		<p>21A.24((;</p> <p>a))<u>A</u>pproval of a conversion-option harvest plan((;</p> <p>a b))<u>B</u>inding site plan for a condominium that is based on a recorded final planned unit development, a building permit, an as-built site plan for developed sites, a <u>commercial</u> site development permit for the entire site((;</p> <p>a))<u>A</u>pprovals for agricultural activities and agricultural support services authorized under K.C.C. 21A.42.300((;</p> <p>f))<u>F</u>inal short plat((;</p> <p>f))<u>F</u>inal plat((;</p> <p>e))<u>C</u>ritical area determination((-))</p>
<p>TYPE</p> <p>2^{1,2}</p>	<p>((Decision by director appealable to hearing examiner, no further administrative appeal))</p>	<p>Short plat((;</p> <p>s))<u>S</u>hort plat revision((;</p> <p>s))<u>S</u>hort plat alteration((;</p> <p>s))<u>S</u>hort plat vacation((;</p> <p>z))<u>Z</u>oning variance((;</p> <p>e))<u>C</u>onditional use permit((;</p> <p>†))<u>T</u>emporary use permit under K.C.C. chapter 21A.32((;</p> <p>†))<u>T</u>emporary use permit for a homeless</p>

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		<p>encampment under K.C.C. 21A.45.100((;</p> <p>s))<u>S</u>horeline substantial development permit³((;</p> <p>b))<u>B</u>uilding permit, <u>commercial</u> site development permit, or clearing and grading permit for which the ((department)) <u>division</u> has issued a determination of significance((;</p> <p>ř))<u>R</u>euse of public schools((;</p> <p>ř))<u>R</u>easonable use exceptions under K.C.C. 21A.24.070.B((; preliminary determinations under K.C.C. 20.20.030.B;</p> <p>đ))<u>D</u>ecisions to approve, condition, or deny alteration exceptions or variances to floodplain development regulations under K.C.C. chapter 21A.24((;</p> <p>e))<u>E</u>xtractive operations under K.C.C. 21A.22.050((;</p> <p>ħ))<u>B</u>inding site plan((;</p> <p>₩))<u>W</u>aivers from the moratorium provisions of K.C.C. 16.82.140 based upon a finding of special circumstances((;</p> <p>s))<u>S</u>ea level rise risk area variance adopted in K.C.C. chapter 21A.23((-))</p>
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<p>TYPE 3¹</p>	<p>((Recommendation by director, hearing and decision by hearing examiner, no further administrative appeal))</p>	<p>Preliminary plat((; p)) Plat alterations((; p)) Preliminary plat revisions((; p)) Plat vacations((; s)) Special use permit((;))</p>
<p>TYPE 4^{1,4}</p>	<p>((Recommendation by director, hearing and recommendation by hearing examiner, decision by county council on the record))</p>	<p><u>Site-specific</u> ((Z))zone reclassifications((;)) <u>Site-specific</u> shoreline environment redesignation((; urban-planned development;)) <u>Site-specific</u> amendment or deletion of P-suffix conditions((;)) <u>Site-specific</u> deletion of special district overlay((;))</p>

359 ¹ See K.C.C. 20.44.120.C. for provisions governing procedural and substantive SEPA
360 appeals and appeals of Type 2, 3, and 4 decisions.

361 ² When an application for a Type 2 decision is combined with other permits requiring
362 Type 3 or 4 land use decisions under this chapter, the examiner, not the ~~((director))~~
363 manager, makes the decision.

364 ³ A shoreline permit, including a shoreline variance or conditional use, is appealable to
365 the state Shorelines Hearings Board and not to the hearing examiner.

366 ⁴ Approvals that are consistent with the Comprehensive Plan may be considered by the
367 council at any time. Zone reclassifications that are not consistent with the
368 Comprehensive Plan require a site-specific land use map amendment and the council's

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369 hearing and consideration shall be scheduled with the amendment to the Comprehensive
370 Plan under K.C.C. 20.18.040 and 20.18.060.

371 ~~((F.))~~ E. The definitions in K.C.C. 21A.45.020 apply to this section.

372 SECTION 16. Ordinance 12196, Section 10, as amended, and K.C.C. 20.20.030
373 are hereby amended to read as follows:

374 A. ~~((1. Except as otherwise provided in subsection A.2. of this section, before
375 filing a permit application the applicant shall contact the department to schedule a
376 presubmittal project review to discuss the application requirements with the applicant and
377 provide comments on the development proposal. The department shall credit any fees
378 charged for the presubmittal project review towards the permit application fees provided
379 for in K.C.C. Title 27.~~

380 ~~2. A presubmittal project review is not required for over-the-counter permits or
381 for proposals that require a mandatory preapplication conference under subsection B. of
382 this section.~~

383 ~~B.))~~ Before filing a permit application requiring a Type ~~((2, 3, or))~~ 4 decision ~~((;))~~
384 or a ~~((Type 1))~~ land use decision required to comply with the North Highline urban
385 design standards in K.C.C. chapter ~~((21A.60))~~ 21A.xx (the chapter established in
386 Ordinance XXXXX (Proposed Ordinance 2023-0440), Section 170, the applicant shall
387 contact the ~~((department))~~ division to schedule a preapplication conference, which shall
388 be held before filing the application. The purpose of the preapplication conference is to
389 review and discuss the application requirements with the applicant and provide comments
390 on the development proposal. The preapplication conference shall be scheduled by the
391 ~~((department))~~ division, at the request of an applicant, and shall be held within

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392 ~~((approximately))~~ thirty days from the date of the applicant's request. The ~~((department))~~
393 division shall assign a project manager following the preapplication conference. The
394 ~~((director))~~ manager may waive the requirement for a preapplication conference if the
395 ~~((director))~~ manager determines the preapplication conference is unnecessary for review
396 of an application. Nothing in this section shall be interpreted to require more than one
397 preapplication conference or to prohibit the applicant from filing an application if the
398 ~~((department))~~ division is unable to schedule a preapplication conference within thirty
399 days following the applicant's request.

400 ~~((C. Information presented at or required as a result of the preapplication~~
401 ~~conference shall be valid for a period of one year following the preapplication~~
402 ~~conference.))~~ B. An applicant wishing to submit a permit application more than one year
403 following a mandatory preapplication for the same permit application shall be required to
404 schedule another preapplication conference.

405 ~~((D.))~~ C. At or subsequent to a preapplication conference, the department may
406 issue a preliminary determination that a proposed development is not permissible under
407 applicable county policies or regulatory enactments. In that event, the applicant shall
408 have the option to appeal the preliminary determination to the hearing examiner in the
409 manner provided for a Type 2 permit, as an alternative to proceeding with a complete
410 application. Mailed and published notice of the appeal shall be provided for as in K.C.C.
411 20.20.060~~((H. and I)).~~

412 NEW SECTION. SECTION 17. There is hereby added to K.C.C. chapter 20.20
413 a new section to read as follow:

414 A. The purpose of the application screening process is to:

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415 1. assist applicants in preparing a code compliant permit application; and
416 2. reduce the division's need to request additional information during the permit
417 review process, which extends the time period for permit review.

418 B. Application screening is subject to the following standards:

419 1. Applicants shall submit the required permit application and application
420 materials identified in K.C.C. 20.20.040 in order to initiate the application screening
421 process;

422 2. Within twenty-eight days following receipt of the permit application and
423 materials, the division shall notify the applicant that the application is complete or
424 incomplete. If the application is incomplete, the notification shall specify what is
425 necessary to make the application complete. To the extent known by the division, the
426 notification shall identify other agencies of local, state, regional, or federal governments
427 that may have jurisdiction over some aspects of the development proposal;

428 3. The application screening process shall be deemed concluded under this
429 section if the division does not provide written notice to the applicant that the application
430 is incomplete within the twenty-eight-day period;

431 4. If the application is found to be incomplete and the applicant submits the
432 additional information requested by the division, the division shall notify the applicant in
433 writing within fourteen days of resubmittal whether the application is complete or
434 whether additional information specified by the division is necessary to make the
435 application complete. The application shall be deemed complete if the division fails to
436 notify the applicant within fourteen days of resubmittal that the application is incomplete;

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437 5. The division may terminate the application screening process if the applicant
438 fails to submit the additional information requested by the county within sixty days
439 following notification from the division that the application is incomplete; and

440 6. Once all information requested by the division has been provided by the
441 applicant and screened by the division, the division shall invoice the applicant for
442 applicable permit application fees for the permit application. The division may terminate
443 the permit review process if the applicant fails to submit the applicable review fees within
444 sixty days of invoicing by the county.

445 C. An application shall be deemed incomplete if the development proposal
446 requires amendment to the Comprehensive Plan, amendment to a development
447 regulation, zone reclassification, shoreline environment redesignation, amendment or
448 deletion of a P-suffix condition, deletion of a special district overlay, or deletion of a
449 Demonstration Project Area, and they have not already been obtained.

450 D. Although a permit application is deemed complete for purposes of this chapter
451 when it meets the procedural submission requirements of the division and is sufficient for
452 continued processing, additional information may be required or project modifications
453 may be undertaken subsequently. The determination of completeness shall not preclude
454 the division from requesting additional information or studies either at the time of notice
455 of completeness or subsequently if new or additional information is required or changes
456 in the proposed action occur, as determined by the division.

457 SECTION 18. Ordinance 12196, Section 11, as amended, and K.C.C. 20.20.040
458 are hereby amended to read as follow:

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459 A. ~~((The department shall not begin review of any application until the applicant~~
460 ~~has submitted the materials and fees specified for complete applications.))~~ For the
461 purposes of determining the application of time periods and procedures adopted in this
462 title, ((A)) applications for land use ~~((permits requiring Type 1, 2, 3 or 4))~~ decisions shall
463 be considered complete ~~((as of the date of submittal))~~ upon determination by the
464 ~~((department))~~ division that the materials submitted ~~((meet the requirements of this~~
465 ~~section.))~~ contain the following ~~((Except as provided in subsection B. of this section, all~~
466 ~~land use permit applications described in K.C.C. 20.20.020.E. shall include the~~
467 ~~following))~~:

468 1. An application form provided by the ~~((department))~~ division and completed
469 by the applicant ~~((that allows the applicant to file a single application form for all land~~
470 ~~use permits requested by the applicant for the development proposal at the time the~~
471 ~~application is filed))~~;

472 2. Designation of who the applicant is, except that this designation shall not be
473 required as part of a complete application for purposes of this section when a public
474 agency or public or private utility is applying for a permit for property on which the
475 agency or utility does not own an easement or right of way and the following three
476 requirements are met:

477 a. the name of the agency or private or public utility is shown on the
478 application as the applicant;

479 b. the agency or private or public utility includes in the complete application
480 an affidavit declaring that notice of the pending application has been given to all owners

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481 of property to which the application applies, on a form provided by the ((department))
482 division; and

483 c. the form designating who the applicant is submitted to the ((department))
484 division before permit approval;

485 3.a. A certificate of sewer availability or site design approval for an on-site
486 sewage system by ((the)) public health - Seattle (-) & King County ((department of
487 public health)), as required by K.C.C. Title 13; or

488 b. If allowed under K.C.C. 13.24.134.B. and the King County Comprehensive
489 Plan policies for a public school located on a RA zoned site, a certificate of sewer
490 availability and a letter from the sewer utility indicating compliance with the tightline
491 sewer provisions in the zoning code, as required by K.C.C. chapter 13.24;

492 4. If the development proposal requires a source of potable water, a current
493 certificate of water availability consistent with K.C.C. chapter 13.24 or documentation of
494 an approved well by public health - Seattle & King County;

495 5. A fire district receipt in accordance with K.C.C. Title 17, if required by
496 K.C.C. chapter 21A.40;

497 6. A site plan, ((prepared in a form prescribed by the director)), except when
498 exempt under section 3 of this ordinance. A site plan shall include:

499 a. identification of the subject property;

500 b. scale of the drawings;

501 c. north arrow and legend;

502 d. location and dimensions of the parcel, streets, and buildings;

503 e. easements and restrictions;

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- 504 f. existing and proposed structures;
- 505 g. existing and proposed parking and driveway areas;
- 506 h. sewer connection or on-site sewer system;
- 507 i. water connection or well location with well radius;
- 508 j. building and structure elevations;
- 509 k. past excavation, filled areas, or cleared areas;
- 510 l. existing and proposed contours two-foot intervals;
- 511 m. survey benchmark location;
- 512 n. datum;
- 513 o. existing and proposed impervious surface;
- 514 p. critical areas, buffers, and setback lines;
- 515 q. temporary erosion and sediment control measures;
- 516 r. construction access;
- 517 s. existing and proposed drainage facilities and flow control best management
- 518 practices; and
- 519 t. driveway and fire access;
- 520 7. Proof that the lot or lots to be developed are recognized as a lot under K.C.C.
- 521 Title 19A;
- 522 8. A critical areas affidavit, if required by K.C.C. chapter 21A.24;
- 523 9. A completed environmental checklist, if required by K.C.C. chapter 20.44;
- 524 10. Payment of ~~((any development permit review))~~ application review screening
- 525 fees ((,excluding impact fees)) collectible under K.C.C. Title 27, if any;

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526 11. A list of any permits or decisions applicable to the development proposal
527 that have been obtained before filing the application or that are pending before the county
528 or any other governmental entity;

529 ~~12. ((Certificate of transportation concurrency from the department of local
530 services if required by K.C.C. chapter 14.70. The certificate of transportation
531 concurrency may be for less than the total number of lots proposed by a preliminary plat
532 application only if:~~

533 ~~a. at least seventy five percent of the lots proposed have a certificate of
534 transportation concurrency at the time of application for the preliminary plat;~~

535 ~~b. a certificate of transportation concurrency is provided for any remaining lots
536 proposed for the preliminary plat application before the expiration of the preliminary plat
537 and final recording of the additional lots; and~~

538 ~~c. the applicant signs a statement that the applicant assumes the risk that the
539 remaining lots proposed might not be granted.~~

540 ~~13.)) Certificate of future connection from the appropriate purveyor for lots
541 located within the ((Urban Growth A)) urban area that are proposed to be served by on-
542 site or community sewage system and group B water systems or private well, if required
543 by K.C.C. 13.24.136 through 13.24.140;~~

544 ~~((14.))~~ 13. A determination if drainage review applies to the project under
545 K.C.C. chapter 9.04 and, if applicable, all drainage plans and documentation required by
546 the Surface Water Design Manual adopted under K.C.C. chapter 9.04 and, to the extent
547 known at the time of application and when determined necessary by the ~~((director))~~
548 manager, copies of any required storm water adjustments. Components of the drainage

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549 review and plans and documentation that can only be completed during a seasonal
550 window shall not be required for purposes of a complete application;

551 ~~((15. Current assessor's maps and a list of tax parcels to which public notice~~
552 ~~must be given accordance with in this chapter, for land use permits requiring a Type 2, 3~~
553 ~~or 4 decision;~~

554 ~~16.))~~ 14. Legal description of the site;

555 ~~((17. Variances obtained or required under K.C.C. Title 14 or 21A to the extent~~
556 ~~known at the date of application or when deemed necessary by the director))~~

557 15. Approvals for any decisions when deemed necessary by the manager,
558 including but not limited to critical area alteration exceptions, reasonable use exceptions,
559 special use permits, conditional use permits, zoning variances, road variances, or
560 drainage standard adjustment or drainage criteria exception; and

561 ~~((18.))~~ 16. For commercial site development permits only, a phasing plan and a
562 time schedule, if the site is intended to be developed in phases or if all building permits
563 will not be submitted within three years.

564 B. ~~((A permit application is complete for purposes of this section when it meets~~
565 ~~the procedural submission requirements of the department and is sufficient for continued~~
566 ~~processing even though additional information may be required or project modifications~~
567 ~~may be undertaken subsequently. The determination of completeness shall not preclude~~
568 ~~the department from requesting additional information or studies either at the time of~~
569 ~~notice of completeness or subsequently if new or additional information is required or~~
570 ~~substantial changes in the proposed action occur, as determined by the department.~~

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571 ~~C.)~~) Additional complete application requirements for the following (~~land use~~
572 ~~permits~~) applications are in the following sections of the King County Code:

- 573 1. Clearing and grading permits, K.C.C. 16.82.060;
574 2. Construction permits, K.C.C. (~~16.04.052~~) 16.02.260; and
575 3. Subdivision applications, short subdivision applications, and binding site plan
576 applications, K.C.C. 19A.08.150.

577 ~~(D.)~~ C. The (~~director~~) manager may(~~;~~):

578 1. Specify the requirements of the site plan required to be submitted for various
579 permits; and

580 2. (~~Require additional materials not listed in this section when determined to be~~
581 ~~necessary for review of the project; and~~

582 ~~3.)~~) Waive any of the specific submittal requirements listed (~~(ø)~~) in this section
583 that are determined to be unnecessary for review of an application.

584 ~~(E.)~~ D. The applicant shall (~~attest by written oath~~) declare under penalty of
585 perjury as to the accuracy of all information submitted for an application.

586 (~~F. Applications shall be accompanied by the payment of the applicable filing~~
587 ~~fees, if any, as established by K.C.C. Title 27.)~~)

588 SECTION 19. Ordinance 12196, Section 13, as amended, and K.C.C. 20.20.060
589 are hereby amended to read as follows:

590 A. A notice of application shall be provided to the public for land use (~~(permit)~~)
591 applications as follows:

- 592 1. Type 2, 3, or 4 decisions;

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593 2. Type 1 decisions subject to SEPA, except where the division is not the SEPA
594 lead agency for the project;

595 3. As provided in subsection K. ~~((and L.))~~ of this section; ~~((and))~~

596 4. Type 1 decisions requiring a community meeting under K.C.C. 20.20.035;
597 and

598 5. Where prescribed by ordinance.

599 B. Notice of the application shall be provided by the ~~((department))~~ division
600 within fourteen days following the ~~((department's))~~ division's determination that the
601 application is complete. ~~((A))~~ The public comment period ~~((on a notice of application of~~
602 ~~at least twenty-one))~~ shall be for fourteen days following issuance of the notice of
603 application, except that shoreline permits shall have a comment period of thirty days
604 ~~((shall be provided, except as otherwise provided in chapter 90.58 RCW and RCW~~
605 ~~58.17.215 with regards to subdivision alterations)).~~ The public comment period shall
606 commence on the ~~((third))~~ day ~~((following the department's mailing of))~~ the notice of
607 application is published as provided for in subsection ~~((H.))~~ I. of this section.

608 C. If the county has made a determination of significance ("DS") under chapter
609 43.21C RCW before the issuance of the notice of application, the notice of the DS shall
610 be combined with the notice of application and the scoping notice.

611 D. Unless the mailed notice of application is by a post card as provided in
612 subsection E. of this section, the notice of application shall contain the following
613 information:

614 1. The file number;

615 2. The name of the applicant;

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616 3. The date of application, the date of the notice of completeness and the date of
617 the notice of application;

618 4. A description of the project, the location, a list of the permits included in the
619 application, and the ((~~location~~)) publicly-accessible site where the application and any
620 environmental documents or studies can be reviewed;

621 5. A site plan on eight and one-half by fourteen-inch paper, if applicable;

622 6. The procedures and deadline for filing comments, requesting notice of any
623 required hearings, and any appeal procedure;

624 7. The date, time, place, and type of hearing, if applicable and scheduled at the
625 time of notice;

626 8. The identification of other permits not included in the application to the
627 extent known;

628 9. The identification of existing environmental documents that evaluate the
629 proposed project; and

630 10. A statement of the preliminary determination, if one has been made, of those
631 development regulations that will be used for project mitigation and of consistency with
632 applicable county plans and regulations.

633 E. If mailed notice of application is made by a post card, the notice of application
634 shall contain the following information:

635 1. A description of the project, the location, a list of the permits included in the
636 application and any environmental documents or studies can be reviewed;

637 2. The name of the applicant;

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638 3. The date of application, the date of the notice of completeness, and the date
639 of the notice of application;

640 4. If the ~~((department))~~ division has made a decision or recommendation on the
641 application, the decision or recommendation made;

642 5. The applicable comment and appeal dates and the date, time, place, and type
643 of hearing, if applicable;

644 6. A ~~((web site))~~ website address that provides access to project information (~~(;~~
645 ~~including a site map and application page))~~); and

646 7. The ~~((department))~~ division contact name, telephone number, and email
647 address;

648 F. Notice shall be provided in the following manner:

649 1. Posted at the project site as provided in subsections G. and J. of this section;

650 2. Mailed by first class mail as provided in subsection H. of this section; and

651 3. Published as provided in subsection I. of this section.

652 G. Posted notice for a proposal shall consist of one or more notice boards posted
653 by the applicant within fourteen days following the ~~((department's))~~ division's
654 determination of completeness as follows:

655 1. A single notice board shall be posted for a project. This notice board may
656 also be used for the posting of the notice of decision and notice of hearing and shall be
657 placed by the applicant:

658 a. at the midpoint of the site street frontage or as otherwise directed by the
659 ~~((department))~~ division for maximum visibility;

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660 b. five feet inside the street property line except when the board is structurally
661 attached to an existing building, but a notice board shall not be placed more than five feet
662 from the street property without approval of the ((department)) division;

663 c. so that the top of the notice board is between seven to nine feet above grade;

664 d. where it is completely visible to pedestrians; and

665 e. comply with ((site)) sight distance requirements of K.C.C. 21A.12.210 and
666 the King County road standards adopted under K.C.C. chapter 14.42((~~7~~));

667 2. Additional notice boards may be required when:

668 a. the site does not abut a public road;

669 b. a large site abuts more than one public road; or

670 c. the ((department)) division determines that additional notice boards are
671 necessary to provide adequate public notice;

672 3. Notice boards shall be:

673 a. maintained in good condition by the applicant during the notice period
674 through the time of the final county decision on the proposal, including the expiration of
675 any applicable appeal periods, and for decisions that are appealed, through the time of the
676 final resolution of any appeal; and

677 b. in place at least twenty-eight days before the date of any required hearing
678 for a Type 3 or 4 decision, or at least fourteen days following the ((department's))

679 division's determination of completeness for any Type 2 decision; ((~~and~~

680 ~~removed within fourteen days after the end of the notice period;))~~

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681 4. Removal of the notice board before the end of the notice period may be cause
682 for discontinuance of county review until the notice board is replaced and remains in
683 place for the specified ~~((time))~~ notice period;

684 5. An affidavit of posting shall be submitted to the ~~((department))~~ division by
685 the applicant within fourteen days following the ~~((department's))~~ division's determination
686 of completeness to allow continued processing of the application by the ~~((department))~~
687 division;

688 6. Notice boards shall be constructed and installed in accordance with
689 subsection G. of this section and any additional specifications promulgated by the
690 department under K.C.C. chapter 2.98, rules of county agencies; and

691 7. The ~~((director))~~ manager may waive the notice board requirement for a
692 development proposal located in an area with restricted access, an area that is not served
693 by public roads, or in other circumstances the ~~((director))~~ manager determines make the
694 notice board requirement ineffective in providing notice to those likely to be affected by
695 the development proposal. In such cases, the ~~((director))~~ manager shall require
696 alternative forms of notice under subsection M. of this section.

697 H. Mailed notice for a proposal shall be sent by the ~~((department))~~ division
698 within fourteen days after the ~~((department's))~~ division's determination of completeness:

699 1. By first class mail to owners of record of property in an area within five
700 hundred feet of the site. The area shall be expanded when the ~~((department))~~ division
701 determines it is necessary to send mailed notices to at least twenty different property
702 owners;

703 2. To any city with a utility that is intended to serve the site;

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704 3. To the Washington state Department of Transportation, if the site adjoins a
705 state highway;

706 4. To the affected Indian tribes;

707 5. To any agency or community group that the ~~((department))~~ division may
708 identify as having an interest in the proposal;

709 6. ~~((Be considered supplementary to posted notice and b))~~ Be deemed
710 satisfactory despite the failure of one or more owners to receive mailed notice;

711 7. For preliminary plats only, to all cities within one mile of the proposed
712 preliminary plat, and to all airports within two miles of the proposed preliminary plat;

713 8. ~~((In those parts of the urban growth area designated by the King County
714 Comprehensive Plan w))~~ Where King County and a city have adopted either a
715 memorandum of understanding or a potential annexation boundary agreement, or both,
716 the ~~((director))~~ manager shall ensure that the city receives notice of all applications for
717 development subject to this chapter and shall respond specifically in writing to any
718 comments on proposed developments subject to this title.

719 I. The notice of application shall be published by the ~~((department))~~ division
720 within fourteen days after the ~~((department's))~~ division's determination of completeness
721 on the division website and in ~~((the official county newspaper and another))~~ a newspaper
722 of general circulation ~~((in the affected area))~~.

723 J. Unless waived under subsection G.7. of this section, posted notice for
724 approved formal subdivision engineering plans, clearing, or grading permits subject to
725 SEPA, or building permits subject to SEPA shall be a condition of the plan or permit

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726 approval and shall consist of a single notice board posted by the applicant at the project
727 site, before construction as follows:

728 1. Notice boards shall comport with the size and placement provisions identified
729 for construction signs in K.C.C. 21A.20.120.B;

730 2. Notice boards shall include the following information:

731 a. permit number and description of the project;

732 b. projected completion date of the project;

733 c. a contact name and phone number for both the ~~((department))~~ division and
734 the applicant;

735 d. a ~~((department))~~ division contact number for complaints after business
736 hours; and

737 e. hours of construction, if limited as a condition of the permit;

738 3. Notice boards shall be maintained in the same manner as identified ~~((above,))~~
739 in subsection F of this section; and

740 4. Notice boards shall remain in place until final construction approval is
741 granted. Early removal of the notice board may preclude authorization of final
742 construction approval.

743 K. ~~((Posted and mailed notice consistent with this section shall be provided to
744 property owners of record and to the council district representative in which it is located,
745 for any proposed single family residence in a higher density urban single family
746 residential zone (R-4 through R-8) exceeding a size of ten thousand square feet of floor
747 area as defined in the Washington State Uniform Building Code.~~

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748 ~~L.)~~) Posted and mailed notice for any permit application for the establishment of
749 the uses listed in 1. through 3. of this subsection, consistent with this section, shall be
750 provided to any property owner of record and to the councilmember ~~((district~~
751 ~~representative in which is locating any application for building permits or other necessary~~
752 ~~land use approvals for the establishment of the social service facilities classified by SIC~~
753 ~~8322 and 8361 and listed below))~~ in whose district the proposal is located, ((unless))
754 except that this subsection K. shall not apply if the proposed use is protected under the
755 Fair Housing Act:

- 756 1. Offender self-help agencies under SIC Industry 8322;
- 757 2. Parole offices under SIC Industry 8322; and
- 758 3. ~~((Settlement houses;~~
- 759 4.)) Halfway homes for delinquents and offenders under SIC Industry 8361 ((;
760 ~~and~~
- 761 5. ~~Homes for destitute people)).~~

762 ~~((M.))~~ L. In addition to notice required by subsection F. of this section, the
763 ~~((department))~~ division may provide additional notice by any other means determined by
764 the ~~((department))~~ division as necessary to provide notice to persons or entity who may
765 be affected by a proposal.

766 SECTION 20. Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100
767 are hereby amended to read as follows:

768 A. ~~((The department shall issue its Type 3 or Type 4 recommendation to the~~
769 ~~office of the hearing examiner within one hundred fifty days from the date the department~~
770 ~~notifies the applicant that the application is complete. The periods for action by the~~

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771 ~~examiner shall be governed by K.C.C. chapter 20.22 and the rules for conducting the~~
772 ~~examiner process adopted under K.C.C. 20.22.330.~~

773 ~~B.1. Except as otherwise provided in subsection B.2. of this section, the~~
774 ~~department shall issue its final decision on a Type 1 or Type 2 decision within one~~
775 ~~hundred twenty days from the date the department notified the applicant that the~~
776 ~~application is complete.~~

777 ~~2. The following periods apply to the type of land use permit indicated:~~

- ~~-a. New residential building permits 90 days~~
- ~~-b. Residential remodels 40 days~~
- ~~-c. Residential appurtenances, such as decks and garages 15 days~~
- ~~-d. Residential appurtenances, such as decks and garages that 40 days~~
~~require substantial review~~
- ~~-e. Clearing and grading 90 days~~
- ~~-f. Department of public health review 40 days~~
- ~~-g. Type 1 temporary use permit for a homeless encampment 30 days~~
- ~~-h. Type 2 temporary use permit for a homeless encampment 40 days~~

778 ~~C. The following periods shall be excluded from the times specified in~~
779 ~~subsections A., B., and H. of this section:)) The period to issue a final decision for each~~
780 ~~type of complete land use application or project type subject to this chapter should not~~
781 ~~exceed the following time periods, except as modified by this section:~~

782 1. For land use applications that do not require public notice under K.C.C.
783 20.20.060, the division shall issue a final decision within sixty-five days of the
784 determination of completeness;

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785 2. For land use applications that require public notice under K.C.C. 20.20.060,
786 the division must issue a final decision within one hundred days of the determination of
787 completeness; and

788 3. For land use applications that require public notice under K.C.C. 20.20.060
789 and a public hearing, the division must issue a final decision within one hundred seventy
790 days of the determination of completeness.

791 B. The time periods for permit review established in subsection A. of this section
792 and as modified by subsections C. through K. of this section, shall be extended by
793 seventy-five percent if a development proposal or application:

794 1. Requires approval of a road variance under K.C.C. Title 14, or drainage
795 standard adjustment or drainage criteria exception under K.C.C. Title 9;

796 2. Is for a variance, critical area alteration exception, or reasonable use
797 exception under K.C.C. Title 21A;

798 3. Is granted concurrent review with other permit applications applicable to the
799 development; or

800 4. Is for a development proposal to install permanent stabilization measures to
801 replace any structures or grading done as an emergency action.

802 C. The number of days an application is in review with the division shall be
803 calculated from the day completeness is determined under section 17 of this ordinance to
804 the date a final decision is issued on the permit application. The number of days shall be
805 calculated by counting every calendar day and excludes the following periods:

806 1. Any period ((during which the applicant has been requested by the
807 department, the examiner, or the council to correct plans, perform required studies or

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808 ~~provide additional information, including road variances and variances required under~~
 809 ~~K.C.C. chapter 9.04. The period shall be calculated from the date of notice to the~~
 810 ~~applicant of the need for additional information until the earlier of the date the county~~
 811 ~~advises the applicant that the additional information satisfies the county’s request or~~
 812 ~~fourteen days after the date the information has been provided)) between the day that the~~
 813 ~~division notifies the applicant in writing that additional information is required to further~~
 814 ~~process the application and the day when responsive information is submitted by the~~
 815 ~~applicant.~~ If the county determines that corrections, studies, or other information
 816 submitted by the applicant is insufficient, it shall notify the applicant of the deficiencies
 817 and the procedures of this section shall apply as if a new request for information had been
 818 made.

819 ~~((a.))~~ The ~~((department))~~ division shall set a ~~((reasonable))~~ sixty-day deadline
 820 for the submittal of corrections, studies, or other information, and shall provide written
 821 notification to the applicant. The ~~((department))~~ division may extend the deadline upon
 822 receipt of a written request from an applicant providing satisfactory justification for an
 823 extension ((-

824 ~~b. When granting a request for a deadline extension, the department shall give~~
 825 ~~consideration to the number of days between the department receiving the request for a~~
 826 ~~deadline extension and the department mailing its decision regarding that request));~~

827 2. The period during which an environmental impact statement is being
 828 prepared following a determination of significance under chapter 43.21C RCW, as set
 829 forth in K.C.C. 20.44.050;

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830 3. ~~((The period during which an appeal is pending that prohibits issuing the~~
831 ~~permit))~~ Any period between issuance of an administrative decision and resolution of an
832 administrative appeal, and any additional period provided by the administrative appeal
833 decision;

834 4. Any period during which an applicant fails to post the property, if required by
835 this chapter, following the date notice is required until an affidavit of posting is provided
836 to the ~~((department))~~ division by the applicant;

837 5. Any time extension mutually agreed upon by the applicant and the
838 ~~((department))~~ division; ~~((and))~~

839 6. Any time during which there is an outstanding fee balance ~~((that is sixty days~~
840 ~~or more past due))~~;

841 7. The period during which the department of ecology is reviewing and
842 approving shoreline variance or shoreline conditional use permit, measured between the
843 date of filing with the department of ecology and the date the county receives the
844 department of ecology's decision;

845 8. The period during which another agency is reviewing and issuing a decision
846 on any required modification to a previous approval, after the required construction
847 permit has been deemed complete; and

848 9. The period during which information has been requested that can only be
849 obtained during a seasonal window, including but not limited to, infiltration mounding
850 analysis, traffic studies when school is in session, wetland studies in the growing season,
851 or stream typing or fish status outside of times of low flow.

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852 D. The county shall provide any written comments and requests for corrections
853 within thirty days of each submittal or resubmittal.

854 ~~((D.))~~ E. The division may cancel a permit application in the following situations:

855 1. Failure by the applicant to submit corrections, studies, or other information
856 acceptable to the ~~((department))~~ division after two rounds of written requests under
857 subsection C. of this section ~~((shall be cause for the department to cancel or deny the~~
858 application.)); or

859 2. Failure by the applicant to make full payment of review fees within sixty days
860 of the division's invoice.

861 F. If an applicant informs the division in writing that the applicant would like to
862 temporarily suspend the review of the project for more than sixty days, or if an applicant
863 is not responsive for more than sixty consecutive days after the division has notified the
864 applicant in writing, that additional information is required to further process the
865 application, an additional thirty days may be added to the time periods for the division to
866 issue a final decision. Any written notice from the division to the applicant that
867 additional information is required to further process the application shall include a notice
868 that nonresponsiveness for sixty consecutive days may result in thirty days being added
869 to the time period for permit review. For the purposes of this subsection,
870 "nonresponsiveness" means that an applicant is not making demonstrable progress on
871 providing additional requested information to the division, or that there is not ongoing
872 communication from the applicant to the division on the applicant's ability or willingness
873 to provide the additional information.

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874 G. The time periods for permit review established in this section shall not apply if
875 an unforeseen event, as determined by the permitting division manager, disrupts normal
876 county operations and prevents permit review from being feasible. This could include,
877 but is not limited to:

- 878 1. Declared emergencies under K.C.C. chapter 12.52;
- 879 2. Court orders, litigation, or settlements pursuant to specific applications or to
880 the King County Comprehensive Plan or the county's development regulations;
- 881 3. Building or land use moratoria;
- 882 4. A recession resulting in unexpected staffing changes; or
- 883 5. Denial of service for critical infrastructure, such as software failure, breach or
884 termination of contract, loss of internet access, or cyber security breach.

885 H. The time ((limits)) periods established in this subsection A. of section shall
886 not apply if a proposed development or application:

- 887 1. Requires ((either: an amendment to the Comprehensive Plan a development
888 regulation; or)) modification or waiver of a development regulation as part of a
889 demonstration project in K.C.C. chapter 21A.55. Any time periods for permit review in
890 that chapter shall apply;
 - 891 2. ((Requires approval of a new fully contained community as provided in RCW
892 36.70A.350, master planned resort as provided in RCW 36.70A.360 or the siting of an
893 essential public facility as provided in RCW 36.70A.200; or)) Involves uses or activities
894 related to mineral extraction or processing, coal mining, materials processing facilities, or
895 fossil fuel facilities: or
 - 896 3. Is to rectify a code violation case;
-

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897 ~~((3-F))~~ I.1. If an application is revised by the applicant~~((, when the revisions~~
898 ~~will)) and results in a substantial change in ((a project's review requirements, as~~
899 ~~determined by the department, in which case the period shall start from the date at which~~
900 ~~the revised project application is determined to be complete)) the application review, the
901 division may, in some cases, need to restart the time period for permit review in K.C.C.
902 20.20.100. A substantial change in the application review may also include new public
903 notice and revised vesting.~~

904 2. For the purposes of this subsection H.:

905 a. a "substantial change" that results in new public notice, revised vesting, and
906 a restart of the time periods for permit review, includes, but is not limited to:

907 (1) the creation of additional lots;

908 (2) the reduction or elimination of open space; or

909 (3) a change in land use;

910 b. a "substantial change" that results in a restart of the time periods for permit
911 review, includes, but is not limited to:

912 (1) a fifty-percent or more increase to the total value of building construction
913 work, including all finish work, painting, roofing, electrical, plumbing, heating,

914 ventilation, air conditioning, elevators, fire systems, and any other permanent fixtures;

915 (2) a ten-percent or more increase to the total building square footage,

916 impervious surface area, parking, or building height;

917 (3) when a change to the application results in a change to the type of

918 drainage review required under the King County Surface Water Design Manual, if the

919 new type of drainage review adds additional requirements;

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920 (4) when a change to the application results in a new requirement for a road
921 variance under K.C.C. Title 14;

922 (5) when a change in points of ingress or egress to the property, where:

923 (a) the ingress or egress point is moved more than 25 percent of the width of
924 the property line width on the same street; or

925 (b) the ingress or egress point is on a different street; or

926 (6) when a change to the application results in a new or increased impact to
927 critical areas that will require a revision to mitigation measures.

928 ~~((F. The time limits established in this section may be exceeded on more complex~~
929 ~~projects. If the department is unable to issue its Type 1 or Type 2 decision or its Type 3~~
930 ~~or Type 4 recommendation within the time limits established by this section, it shall~~
931 ~~provide written notice of this fact to the applicant. The notice shall include a statement of~~
932 ~~reasons why the time limits have not been met and an estimated date for issuance of the~~
933 ~~notice of a Type 1 or Type 2 decision or a Type 3 or Type 4 recommendation.~~

934 G.) J. The ~~((department))~~ division shall require that all plats, short plats, building
935 permits, clearing and grading permits, conditional use permits, special use permits,
936 commercial site development permits, shoreline substantial development permits, binding
937 site plans, urban planned development permits, or fully contained community permits,
938 issued for development activities on or within five hundred feet of designated agricultural
939 lands, forest lands, or mineral resource lands, contain a notice that the subject property is
940 within or near designated agricultural lands, forest lands, or mineral resource lands, on
941 which a variety of commercial activities may occur that are not compatible with
942 residential development for certain periods of limited duration.

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943 ~~((H.To the greatest extent practicable, the department shall make a final~~
944 ~~determination on all permits required for a Washington state Department of~~
945 ~~Transportation project on a state highway as defined in RCW 46.04.560 with an~~
946 ~~estimated cost of less than five hundred million dollars no later than ninety days after~~
947 ~~receipt of a complete permit application))~~ K. Where federal, state, or county law requires
948 a shorter time period for permit review and decision, the division should comply with the
949 shorter time periods.

950 L.1. An applicant may, in writing and with the division's agreement, voluntarily
951 opt out of the time period for permit review and decision specified in this section.

952 2. If an applicant is under an application processing service agreement with the
953 county, the time periods for permit review in that agreement shall control.

954 NEW SECTION. SECTION 21. There is hereby added to K.C.C. chapter 20.20 a
955 new section to read as follows:

956 Reporting on permit review timelines shall be submitted annually to the council,
957 in accordance with section 26 of this ordinance.

958 SECTION 22. Ordinance 6949, Section 8, as amended, and K.C.C. 20.44.060 are
959 hereby amended to read as follows:

960 A. The procedures and standards of WAC 197-11-500 through 197-11-570 are
961 adopted regarding public notice and comments.

962 B. For purposes of WAC 197-11-510, public notice shall be required as provided
963 in K.C.C. Title 20. The comment period for notices under this section shall be fourteen
964 days. Publication of notice in a newspaper of general circulation (~~in the area where the~~
965 ~~proposal is located~~) also shall be required for all nonproject actions and for all other

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966 proposals that are subject to the provisions of this chapter but are not classified as land use
967 ((permit)) decisions in K.C.C. Title 20.

968 C. The responsible official may require further notice if deemed necessary to
969 provide adequate public notice of a pending action. Failure to require further or alternative
970 notice shall not be a violation of any notice procedure.

971 SECTION 23. Ordinance 6949, Section 5, as amended, and K.C.C. 20.44.030 are
972 hereby amended to read as follows:

973 The procedures and standards regarding the timing and content of environmental
974 review specified in WAC 197-11-055 through 197-11-100 are adopted subject to the
975 following:

976 A. The optional provision of WAC 197-11-060(3)(c) is adopted.

977 B. Under WAC 197-11-100, the applicant shall prepare the initial environmental
978 checklist, unless the lead agency specifically elects to prepare the checklist. The lead
979 agency shall make a reasonable effort to verify the information in the environmental
980 checklist and shall have the authority to determine the final content of the environmental
981 checklist.

982 C. The department of local services, permitting division, may ~~((set reasonable~~
983 ~~deadlines for the))~~ require, in accordance with K.C.C. 20.20.100, submittal of information,
984 studies, or documents necessary for, or subsequent to, threshold determinations~~((Failure~~
985 ~~to meet such deadlines shall cause the application to be deemed withdrawn, and plans or~~
986 ~~other data previously submitted for review may be returned to the applicant together with~~
987 ~~any unexpended portion of the application review fees)).~~

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988 SECTION 24. Ordinance 13130, Section 11, as amended, and K.C.C. 21A.42.190
989 are hereby amended to read as follows:

990 A. The department may review and approve, in accordance with the code
991 compliance process of this chapter, an expansion of a use or development authorized by an
992 existing conditional use, special use or unclassified use permit as follows:

993 1. The expansion shall conform to this title and the original (~~land use~~) permit,
994 except that the project-wide amount of each of the following may be increased up to ten
995 percent:

- 996 a. building square footage;
- 997 b. impervious surface;
- 998 c. parking; or
- 999 d. building height;

1000 2. No subsequent expansions shall be approved under this subsection if the
1001 cumulative amount of such expansions exceeds the percentage prescribed in subsection
1002 A.1. of this section; and

1003 3. An expansion of a use or development authorized by an existing conditional
1004 use, special use or unclassified use permit that does not conform to subsection A.1. of this
1005 section may only be approved if:

- 1006 a. the expansion is within a use or development authorized by an existing
1007 conditional use permit and is reviewed and approved as a conditional use; or
- 1008 b. the expansion is within a use or development authorized by an existing special
1009 use or unclassified use permit and is reviewed and approved as a special use.

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1010 B. The department may review and approve, in accordance with the code
1011 compliance process of this chapter, a modification of a use or a development authorized by
1012 an existing conditional use, special use, or unclassified use permit that does not make a
1013 substantial change, as ~~((determined by the department))~~ defined in K.C.C. 20.20.100, to the
1014 conditional use, special use, or unclassified use. ~~((For the purpose of this subsection, a
1015 "substantial change" includes, but is not limited to, a change to the conditions of approval
1016 that leads to significant built or natural environmental impacts that were not addressed in
1017 the original approval or the creation of a new use.))~~

1018 C. This section shall not apply to modifications or expansions of:

- 1019 1. Telecommunication facilities under K.C.C. 21A.26.140;
- 1020 2. Minor telecommunication facilities under K.C.C. 21A.27.090; or
- 1021 3. Nonconformances under K.C.C. 21A.32.065.

1022 SECTION 25. Ordinance 17485, Section 44, and K.C.C. 21A.42.210 are hereby
1023 amended to read as follows:

1024 In the RA zone, the following apply to the expansion or modification of a school
1025 authorized by an existing land use permit:

1026 A. Pursuant to the code compliance process of this chapter, the department may
1027 review and approve an expansion or modification of an elementary school authorized by an
1028 existing land use permit even if the use is not permitted outright in the RA zone. Such
1029 expansions or modifications shall conform to all other provisions of this title;

1030 B. Pursuant to the code compliance process of this chapter, the department may
1031 review and approve an expansion of a middle school, junior high school or high school
1032 authorized by an existing land use permit even if the use is not permitted outright in the RA

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1033 zone. Such expansions shall conform to all other provisions of this title. Any expansions
1034 under this subsection shall be subject to the following:

1035 1. the project-wide amount of each of the following may be increased by up to ten
1036 percent:

1037 a. building square footage;

1038 b. impervious surface;

1039 c. parking; and

1040 d. building height; and

1041 2. No subsequent expansions shall be approved under this subsection if the
1042 cumulative amount of such expansions exceeds the percentage prescribed in subsection
1043 B.1. of this section;

1044 C. An expansion of a school that does not conform to the provisions of subsection
1045 B. of this section may only be approved if the expansion is reviewed and approved as a
1046 conditional use; and

1047 D. The department may review and approve, in accordance with the code
1048 compliance process of this chapter, a modification of a middle school, junior high school or
1049 high school authorized by an existing land use permit that does not make a substantial
1050 change to the existing land use permit, as ~~((determined by the department. For the purpose~~
1051 ~~of this subsection, a "substantial change" includes, but is not limited to, a change to the~~
1052 ~~conditions of approval that leads to significant built or natural environmental impacts that~~
1053 ~~were not addressed in the original approval))~~ defined in K.C.C. 20.20.100.

1054 SECTION 26.

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1055 A. The executive shall, in consultation and collaboration with councilmembers,
1056 prepare a permit review performance report. The executive should transmit the report to
1057 the council by December 31, 2025, in the form of an electronic copy with the clerk of the
1058 council, who shall retain an electronic copy and provide an electronic copy to all
1059 councilmembers, the council chief of staff, and the lead staff for the local services and
1060 land use committee or its successor. The report, shall include, but not be limited to:

1061 1. A description of the current requirements for project review timeline
1062 reporting in state and county law;

1063 2. A plan for, and the resources needed to, comply with the project review
1064 timeline reporting requirements in chapter 36.70B RCW;

1065 3. A plan for, and the resources needed to, provide project review timeline
1066 reporting for all project permit types, similar to the reporting requirement for housing
1067 projects in chapter 36.70B RCW;

1068 4. A plan for, and the resources needed to, provide project review timeline
1069 reporting on the county's website;

1070 5. An evaluation of the impacts of the project review timelines established in
1071 chapter 36.70B RCW on customer service for county residences, including:

1072 a. a description of how the additional staffing, fee increase, code changes, and
1073 process improvements will be demonstrable to a resident applying for a project permit;

1074 and

1075 a. whether additional investments, code change, or process improvements will
1076 be needed to comply with the requirements in RCW 36.70B or potential growth in project
1077 permit applications in the 2026-2027 or future biennia;

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1078 6. Recommendations for any code changes to address the evaluation required by
1079 this proviso, which should include a requirement that the annual reports are required no
1080 later than June of each year;

1081 B. The executive shall transmit an ordinance that implements the
1082 recommendations required by the report in this section, as well as the first annual report,
1083 to the council by June 30, 2026, in the form of an electronic copy with the clerk of the
1084 council, who shall retain an electronic copy and provide an electronic copy to all
1085 councilmembers, the council chief of staff, and the lead staff for the local services and
1086 land use committee or its successor. The ordinance shall, at a minimum, amend section
1087 21 of this ordinance, to include the required reporting components.

1088 SECTION 27. The following are hereby repealed:

1089 A. Ordinance 16959, Section 49;

1090 B. Ordinance 12560, Section 15, as amended, and K.C.C. 16.02.310;

1091 C. Ordinance 12196, Section 12, and K.C.C. 20.20.050;

1092 D. Ordinance 12196, Section 15, as amended, and K.C.C. 20.20.080; and

1093 E. Ordinance 10870, Section 618, and K.C.C. 21A.42.110.

1094 SECTION 28. Severability. If any provision of this ordinance or its application

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1095 to any person or circumstance is held invalid, the remainder of the ordinance or the
1096 application of the provision to other persons or circumstances is not affected.

Ordinance 19872 was introduced on 7/9/2024 and passed as amended by the Metropolitan King County Council on 12/3/2024, by the following vote:


Yes: 9 - Balducci, Barón, Dembowski, Dunn, Mosqueda, Perry, Upthegrove, von Reichbauer and Zahilay

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Signed by:

E76CE01F07B14EF...
Dave Upthegrove, Chair

ATTEST:

DocuSigned by:

8DE1BB375AD3422...
Melani Hay, Clerk of the Council

APPROVED this _____ day of 12/11/2024, _____.

Signed by:

4FBCAB8196AE4C6...
Dow Constantine, County Executive

Attachments: None

Certificate Of Completion

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Melani Hay

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Clerk of the Council

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King County Council

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Dow Constantine

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Dow.Constantine@kingcounty.gov

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King County Executive

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Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events	Status	Timestamp
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Ames Kessler akessler@kingcounty.gov Executive Legislative Coordinator & Public Records Officer King County Security Level: Email, Account Authentication (None) Electronic Record and Signature Disclosure: Not Offered via DocuSign	COPIED	Sent: 12/4/2024 10:43:30 AM Viewed: 12/4/2024 2:34:15 PM
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Certified Delivered	Security Checked	12/11/2024 9:34:56 AM
Signing Complete	Security Checked	12/11/2024 9:35:14 AM
Completed	Security Checked	12/11/2024 9:35:14 AM

Payment Events	Status	Timestamps
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If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

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You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: cipriano.dacanay@kingcounty.gov

To advise King County-Department of 02 of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at cipriano.dacanay@kingcounty.gov and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

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To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to cipriano.dacanay@kingcounty.gov and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

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To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

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The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

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