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Introduced By: Christopher Vance

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Proposed No.: 96-112

ORDINANCE NO. **12196**

AN ORDINANCE implementing ESHB 1724 (Chapter 347, RCW), relating to permitting; providing new permit processes and administrative appeals, approval timelines, notice requirements, judicial review, SEPA/GMA integration through use of existing rules; amending Ordinance 9163, Section 2 and K.C.C. 9.04.020, Ordinance 4895, Section 1 and K.C.C. 14.28.010, Ordinance 3647, Section 2 and K.C.C. 16.04.010, Ordinance 11622, Section 3 and K.C.C. 16.04.052, Ordinance 1488, Section 5 and K.C.C. 16.82.020, Ordinance 1488, Section 7 and K.C.C. 16.82.060, Ordinance 2097, Section 1 and K.C.C. 17.04.010, Ordinance 263, Article 5, Section 4 and K.C.C. 20.24.040, Ordinance 263, Article 5 Section 5 and K.C.C. 20.24.050, Ordinance 263, Article 5, Section 6 and K.C.C. 20.24.060, Ordinance 4461, Section 1 and K.C.C. 20.24.070, Ordinance 4461, Section 2 and K.C.C. 20.24.080, Ordinance 4461, Section 3 and K.C.C. 20.24.090, Ordinance 11502, Section 14 and K.C.C. 20.24.097, Ordinance 11502, Section 15 and K.C.C. 20.24.098, Ordinance 263, Article 5, Section 7 (part) and K.C.C. 20.24.100, Ordinance 263, Article 5, Section 9 and K.C.C. 20.24.120, Ordinance 4461, Section 4 and K.C.C. 20.24.130, Ordinance 4461, Section 5 and K.C.C. 20.24.140, Ordinance 11502, Section 12 and K.C.C. 20.24.145, Ordinance 263, Article 5, Section 11 and K.C.C. 20.24.150, Ordinance 263, Article 5, Section 12 and K.C.C. 20.24.160, Ordinance 4461, Section 9, and K.C.C. 20.24.180, Ordinance 9544, Section 16, and K.C.C. 20.24.195, Ordinance 4461, Section 11, and K.C.C. 20.24.210, Ordinance 4461, Section 12, and K.C.C. 20.24.220, Ordinance 263, Article 5 Section 18, and K.C.C. 20.24.230, Ordinance 9544, Section 18, and K.C.C. 20.24.235, Ordinance 4461, Section 15, and K.C.C. 20.24.240, Ordinance 4461, Section 14, and K.C.C. 20.24.250, Ordinance 6949, Section 6, and K.C.C. 20.44.040, Ordinance 6949, Section 7, and K.C.C. 20.44.050, Ordinance 6949, Section 8, and K.C.C. 20.44.060, Ordinance 6949, Section 10, and K.C.C. 20.44.080, Ordinance 6949, Section 12 and K.C.C. 20.44.100, Ordinance 6949, Section 14, and K.C.C. 20.44.120, Ordinance 10870, Section 54 and K.C.C. 21A.06.070, Ordinance 10870, Section 454, and K.C.C. 21A.24.070, Ordinance 10870, Section 612, and K.C.C. 21A.42.040, Ordinance 10870, Section 616, and K.C.C. 21A.42.080, Ordinance 10870, Section 617, and K.C.C. 21A.42.090, Ordinance 11700, Section 45 and K.C.C. 25.08.015, Ordinance 3688, Section 806, and K.C.C. 25.32.060, Ordinance 3688, Section 808, and K.C.C. 25.32.080, Ordinance 3688, Section 809, and K.C.C. 25.32.090,

1 Ordinance 3688, Section 810, and K.C.C.
 2 25.32.100, Ordinance 3688, Section 813, and
 3 K.C.C. 25.32.130, and repealing Ordinance 11622,
 4 Section 5, and K.C.C. 26.82.054, Ordinance
 5 11622, Section 6, and K.C.C. 16.82.056,
 6 Ordinance 263, Article 1, Section 1 and K.C.C.
 7 20.08.010, Ordinance 3747, Sections 1-3 and
 8 K.C.C. 20.24.200, Ordinance 263, Article 6
 9 (part) Sections 1-6, and K.C.C. 20.28.010-.070,
 10 Ordinance 10870, Section 46, and K.C.C.
 11 21A.06.030, Ordinance 10870, Sections 595, 596,
 12 597 and K.C.C. 21A.40.010, .020, .030, Ordinance
 13 11621, Section 108 and K.C.C. 21A.40.035,
 14 Ordinance 11622, Section 17 and K.C.C.
 15 21A.40.037, Ordinance 11622, Sections 22 and 23
 16 and K.C.C. 21A.40.040-.050, Ordinance 11622,
 17 Section 601 and K.C.C. 21A.40.060, Ordinance
 18 10870, Section 603, and K.C.C. 21A.40.080,
 19 Ordinance 10870, Section 604, and K.C.C.
 20 21A.40.090, Ordinance 10870, Sections 605-608
 21 and K.C.C. 21A.40.100-.130, Ordinance 11621,
 22 Section 122, and K.C.C. 21A.41.030, Ordinance
 23 11621, Section 123 and K.C.C. 21A.41.040,
 24 Ordinance 11621, Section 128, and K.C.C.
 25 21A.41.090, Ordinance 10870, Sections 613-615
 26 and K.C.C. 21A.42.050-.070, Ordinance 11622,
 27 Section 11 and K.C.C. 25.32.012, Ordinance
 28 11622, Section 12, and K.C.C. 25.32.014,
 29 Ordinance 11622, Sections 13, 14, 15 and K.C.C.
 30 25.32.016, .024 and .026, Ordinance 3688,
 31 Section 803 and K.C.C. 25.32.030, Ordinance
 32 3688, Section 807, and K.C.C. 25.32.070, all as
 33 amended, and declaring an emergency.
 34

35 FINDINGS OF FACT:

- 36 1. ESHB 1724 requires local governments planning under the
 37 Growth Management Act to establish an "integrated and
 38 consolidated" project permit process.
 39 2. Key elements of that process include: combined
 40 environmental review and project review; determination
 41 of complete application to the applicant within 28
 42 days of filing; notice of application within 14 days
 43 following a determination of completeness and prior to
 44 a decision by the department; a single consolidated
 45 staff report for all decisions and recommendations
 46 made by the department; completion of project review
 47 and a decision within 120 days from the determination
 48 of completeness; an optional consolidated project
 49 permit review process for all permits; a uniform 14-
 50 day administrative appeal period; and providing for no
 51 more than one open record hearing and, excepting a
 52 SEPA determination of significance, one closed record
 53 appeal.
 54 3. The County, as well as the State, has a strong interest
 55 in regulatory reform and efficient permitting to
 56 achieve affordable housing, economic vitality and
 57 other County goals.
 58 4. The Council desires to eliminate delays to the fullest
 59 extent possible in the permitting and appeals process.
 60 5. The Council desires to implement the recommendations of
 61 the Forum for Regulatory Balance by having subjected
 62 this ordinance to reasonable review, and by providing

1 for greater uniformity of standards among
2 jurisdictions by modeling this ordinance on procedures
3 used by the cities of Seattle and Bellevue.

4 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

5 SECTION 1. Ordinance 9163, Section 2 and K.C.C. 9.04.020 are
6 hereby amended to read as follows:

7 Definitions.

8 A. "Applicant" means a property owner or a public agency or
9 public or private utility which owns a right-of-way or other easement
10 or has been adjudicated the right to such an easement pursuant to RCW
11 8.12.090, or any person or entity designated or named in writing by
12 the property or easement owner to be the applicant, in an application
13 for a development proposal, permit or approval.

14 B. "Basin" means a drainage area which drains either to the
15 Cedar, Green, Snoqualmie, Skykomish or White rivers, or the drainage
16 areas which drain directly to Puget Sound.

17 C. "Basin Plan" means a plan and all implementing regulations
18 and procedures including but not limited to capital projects, public
19 education activities, and land use management adopted by ordinance for
20 managing surface and storm water management facilities and features
21 within individual subbasins.

22 D. "Bond" means a surety bond, cash deposit or escrow account,
23 assignment of savings, irrevocable letter of credit or other means
24 acceptable to or required by the manager to guarantee that work is
25 completed in compliance with the project's engineering plan and in
26 compliance with all King County requirements.

27 E. "Closed depression" means an area of King County which is
28 low-lying and either has no, or such a limited, surface water outlet
29 that during storm events the area acts as a retention basin, with more
30 than five thousand square feet at overflow elevation.

31 F. "Department" means the department of public works.

1 G. "Design storm" means a rainfall (or other precipitation)
2 event or pattern of events for use in analyzing and designing drainage
3 facilities.

4 H. "Development" means any activity that requires a permit or
5 approval, including but not limited to a building permit, grading
6 permit, shoreline substantial development permit, conditional use
7 permit, special use permit, zoning variance or reclassification,
8 subdivision, short subdivision, urban planned development, building
9 site plan, or commercial site development permit or right-of-way use
10 permit.

11 I. "Development engineer" means the department and development
12 and environmental services employee authorized to oversee the review,
13 conditioning, inspection and acceptance of right-of-way use permits,
14 road and drainage projects constructed pursuant to permits
15 administered by the division. The development engineer or designee
16 shall be a professional civil engineer registered and licensed under
17 the laws of the State of Washington.

18 J. "Director" means the director of the department of public
19 works or the director's designee.

20 K. "Division" means the building and land development division
21 of the department of parks, planning and resources or its successor
22 agency.

23 L. "Drainage" means the collection, conveyance, containment,
24 and/or discharge of surface and storm water runoff.

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

1 N. "Drainage review" means an evaluation by the department of
2 development and environmental services staff of a proposed project's
3 compliance with the drainage requirements in the Surface Water Design
4 Manual.

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

9 P. "Infiltration facility" means a drainage facility designed
10 to use the hydrologic process of surface and storm water runoff
11 soaking into the ground, commonly referred to as percolation, to
12 dispose of surface and storm water runoff.

13 Q. "Impervious surface" means a hard surface area which either
14 prevents or retards the entry of water into the soil mantle as under
15 natural conditions prior to development, and/or a hard surface area
16 which causes water to run off the surface in greater quantities or at
17 an increased rate of flow from the flow present under natural
18 conditions prior to development. Common impervious surfaces include,
19 but are not limited to, roofs, walkways, patios, driveways, parking
20 lots, storage areas, areas which are paved, graveled or made of packed
21 or oiled earthen materials, or other surfaces which similarly impede
22 the natural infiltration of surface and storm water. Open, uncovered
23 retention/detention facilities shall not be considered as impervious
24 surfaces for the purposes of this chapter.

25 R. "Improvement" means streets (with or without curbs or
26 gutters) sidewalks, crosswalks, parking lots, water mains, sanitary
27 and storm sewers, drainage facilities, street trees and other
28 appropriate items.

29 S. "Manager" means the manager of the building and land
30 development division of the department of parks, planning and
31 resources or its successor agency, or his/her designee.

1 T. "Master Drainage Plan" means a comprehensive drainage
2 control plan intended to prevent specific adverse impacts to the
3 natural and man made drainage system, both on and off-site.

4 U. "Multifamily/commercial retention/detention facility" means
5 a retention/detention facility which is not a subdivision
6 retention/detention facility as defined in this chapter.

7 V. "Preapplication" for the purposes of this chapter refers to
8 the meeting(s) and/or form(s) used by applicants for some development
9 permits to present initial project intentions to the division.
10 Preapplication does not mean application.

11 W. "Professional civil engineer" means a person registered with
12 the State of Washington as a professional engineer in civil
13 engineering.

14 X. "Project" means the proposed action of a permit application
15 or an approval which requires drainage review.

16 Y. "Retention/detention facility" means a type of drainage
17 facility designed either to hold water for a considerable length of
18 time and then release it by evaporation, plant transpiration and/or
19 infiltration into the ground; or to hold runoff for a short period of
20 time and then release it to the surface and storm water management
21 system.

22 Z. "Runoff" means water originating from rainfall and other
23 precipitation that is found in drainage facilities, rivers, streams,
24 springs, seeps, ponds, lakes and wetlands as well as shallow ground
25 water.

26 AA. "Shared Facility" means a drainage facility designed to
27 meet one or more of the requirements of K.C.C. 9.04.050 for two or
28 more separate projects contained within a basin as defined in K.C.C.
29 9.04.020. Shared facilities usually include shared financial
30 commitments for those drainage facilities.

31 BB. "Site" means the portion of a piece of property that is
32 directly subject to development.

1 CC. "Subbasin" means a drainage area which drains to a water
2 course or water body named and noted on common maps and which is
3 contained within a basin as defined in K.C.C. 9.04.020.

4 DD. "Subdivision retention/detention facility" means a
5 retention/detention facility which is both located within or
6 associated with a short or formal plat subdivision containing only
7 single family or duplex residential structures located on individual
8 lots and which is required to handle excess runoff generated by
9 development of an area of which two-thirds or more is designated for
10 single family or duplex residential structures located on individual
11 lots.

12 EE. "Surface and storm water" means water originating from
13 rainfall and other precipitation that is found in drainage facilities,
14 rivers, streams, springs, seeps, ponds, lakes and wetlands as well as
15 shallow ground water.

16 FF. "Surface and storm water management system" means drainage
17 facilities and any other natural features which collect, store,
18 control, treat and/or convey surface and storm water.

19 GG. "Surface Water Design Manual" means the manual (and
20 supporting documents as appropriate) describing surface and storm
21 water design and analysis requirements, procedures and guidance which
22 has been formally adopted by rule under the procedures specified in
23 K.C.C. 2.98. The Surface Water Design Manual is available from the
24 division permit center.

25 HH. "Water quality swale" means an open vegetated drainage
26 channel intended to optimize water quality treatment of surface and
27 storm water runoff by following the specific design criteria described
28 in the Surface Water Design Manual.

29 II. "Wetponds" and "wetvaults" mean drainage facilities for
30 water quality treatment that contain a permanent pool of water,
31 usually four feet in depth, that are filled during the initial runoff
32 from a storm event. They are designed to optimize water quality by

1 providing retention time (on the order of a week or more) in order to
2 settle out particles of fine sediment to which pollutants such as
3 heavy metals absorb, and to allow biologic activity to occur that
4 metabolizes nutrients and organic pollutants. For wetvaults, the
5 permanent pool of water is covered by a lid which blocks sunlight from
6 entering the facility, limiting photo-dependent biologic activity.

7 SECTION 2. Ordinance 4895, Section 1, as amended and K.C.C.
8 14.28.010 are hereby amended to read as follows:

9 Definitions.

10 A. Applicant. "Applicant" means a property owner or a public
11 agency or public or private utility which owns a right-of-way or other
12 easement or has been adjudicated the right to such an easement
13 pursuant to RCW 8.12.090, or any person or entity designated or named
14 in writing by the property or easement owner to be the applicant, in
15 an application for a development proposal, permit or approval.

16 B. (~~Division. "Division" means the building and land~~
17 ~~development division of the department of parks, planning and~~
18 ~~resources)) Department. "Department" means the department of
19 development and environmental services.~~

20 C. Development approval. "Development approval" means the
21 granting of a building permit, mobile home on-site permit, short
22 subdivision or other county land use approval or approvals.

23 D. Development engineer. "Development engineer" means the
24 building and land development division employee authorized to oversee
25 the review, conditioning, inspection and acceptance of right-of-way
26 use permits, road and drainage projects constructed pursuant to
27 permits administered by the division. The development engineer or
28 designee shall be a professional civil engineer registered and
29 licensed under the laws of the State of Washington.

30 E. Right-of-way use permit.

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

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

SECTION 3. Ordinance 3647, Section 2, as amended and K.C.C. 16.04.010 are hereby amended to read as follows:

Adoption. The following volumes, as published by or jointly with the International Conference of Building Officials, together with amendments, additions and deletions hereinafter adopted by reference, together with King County modifications attached to Ordinance 10608* and referred to as Attachment A, (~~and with~~) modifications attached to (~~this~~) Ordinance 11700 and referred to as Attachment A(~~7~~) and modifications attached to this Ordinance and referred to as Attachment A, are adopted as the building codes of King County and hereinafter referred to as "the code":

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

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

C. The Uniform Housing Code, 1991 Edition;

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

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

SECTION 4. Ordinance 11622, Section 3, as amended and K.C.C. 16.04.052 are hereby amended as follows:

Applications - Complete applications. A. For the purposes of determining the application of time periods and procedures adopted by

1 ((~~this chapter~~)) K.C.C. Title 20, applications for permits authorized
2 by Chapter 16.04 shall be considered complete as of the date of
3 submittal upon determination by the department that the materials
4 submitted contain the following ~~((+))~~, in addition to the complete
5 application requirements of Section 11.

6 ~~1. ((Application forms provided by the department and completed~~
7 ~~by the applicant;~~

8 ~~2. As applicable, certificates of sewer and water availability~~
9 ~~from the appropriate purveyors, where sewer and/or water service is~~
10 ~~proposed to be obtained from a purveyor, confirming that the proposed~~
11 ~~water supply and/or sewage disposal are adequate to serve the~~
12 ~~development in compliance with adopted state and local system design~~
13 ~~and operating guidelines;~~

14 ~~3. Certificate of transportation concurrency from the department~~
15 ~~of public works;~~

16 ~~4. Certificate of future connection from the appropriate~~
17 ~~purveyor for lots located within the Urban Growth Area which are~~
18 ~~proposed to be served by onsite or community sewage system and/or~~
19 ~~Group B water systems or private well;~~

20 ~~5. Receipt signed by the fire district verifying application~~
21 ~~submittal pursuant to K.C.C. 17.10.020E, if applicable;~~

22 ~~6.) Identification on the site plan of all easements, deed~~
23 ~~restrictions, or other encumbrances restricting the use of the~~
24 ~~property, if applicable; and~~

25 ~~((7. Proof that the lot or lots are recognized as separate lots~~
26 ~~pursuant to the provisions of K.C.C. Title 19.04;~~

27 ~~8. A sensitive area affidavit as provided by K.C.C. 21A.24;~~

28 ~~9. A completed environmental checklist, if required by K.C.C.~~
29 ~~20.44, County Environmental Procedures;~~

30 ~~10. Payment of any development permit review fees, excluding~~
31 ~~impact fees collectible pursuant to K.C.C. Title 27, Development~~

1 ~~Permit Fees and impact fees (mitigation payment system) collectible~~
 2 ~~pursuant to K.C.C. Title 14; and~~

3 ~~11. Copies of approved permits that are required to be obtained~~
 4 ~~prior to the proposed application.~~

5 ~~12.)) 2. All architectural/structural/mechanical plans~~
 6 ~~consistent with uniform code requirements adopted by this title.~~

7 ~~((B. Within 20 days following receipt of an application for a~~
 8 ~~permit referenced in 16.82.056A, the department shall mail or provide~~
 9 ~~written notice to the applicant that the application is either~~
 10 ~~complete or incomplete. If the application is incomplete, the notice~~
 11 ~~shall state what is necessary to make the application complete. To~~
 12 ~~that extent known by the department, the notice shall identify other~~
 13 ~~agencies of local, state or federal governments that may have~~
 14 ~~jurisdiction over some aspect of the application. This initial~~
 15 ~~screening by the department is intended to determine completeness~~
 16 ~~solely for purposes of applying the time periods established in this~~
 17 ~~title.~~

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

20 SECTION 5. Ordinance 1488, Section 5, as amended and K.C.C.
 21 16.82.020 are hereby amended to read as follows:

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

24 A. "Applicant" is a property owner or a public agency or public
 25 or private utility which owns a right-of-way or other easement or has
 26 been adjudicated the right to such an easement pursuant to RCW
 27 8.12.090, or any person or entity designated or named in writing by
 28 the property or easement owner to be the applicant, in an application
 29 for a development proposal, permit or approval.

30 B. "Bench" is a relatively level step excavated or constructed
 31 on the face of a graded slope surface for drainage and maintenance
 32 purposes.

1 C. "Berm" is a mound or raised area used for the purpose of
2 screening a site or operation.

3 D. "Civil engineer" means a professional engineer registered in
4 the State of Washington to practice in the field of civil works.

5 E. "Clearing" means the cutting or removal of vegetation or
6 other organic plant material by physical, mechanical, chemical or any
7 other means.

8 F. "Compaction" is the densification of a fill by mechanical
9 means.

10 G. "Cutting" is the severing of the main trunk or stems from
11 close to or at the soil surface or at a point up to 25% of the total
12 vegetation height.

13 H. "Director" means the director or the authorized agent of the
14 parks, planning and resources department.

15 I. "Earth material" is any rock, natural soil or any
16 combination thereof.

17 J. "Erosion" is the wearing away of the ground surface as the
18 result of the movement of wind, water and/or ice.

19 K. "Excavation" is the removal of earth material.

20 L. "Fill" is a deposit of earth material placed by mechanical
21 means.

22 M. "Grade" means the elevation of the ground surface:

23 1. "Existing grade" is the grade prior to grading.

24 2. "Rough grade" is the stage at which the grade
25 approximately conforms to the approved plan as required in Section
26 16.82.060.

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

29 N. "Grading" is any excavating, filling, removing of the duff
30 layer, or combination thereof.

1 O. "Grading and clearing permit" means the permit required by
2 this chapter for grading and clearing activities, including temporary
3 permits.

4 P. "Reclamation" means the final grading and land restoration
5 of a site.

6 Q. "Shorelines" means those lands defined as shorelines in the
7 state Shorelines Management Act of 1971.

8 R. "Site" is any lot or parcel of land or contiguous
9 combination thereof where projects covered by this chapter are
10 performed or permitted where a public street or way may intervene.

11 S. "Slope" is an inclined ground surface, the inclination of
12 which is expressed as a ratio of (~~horizontal distance to vertical~~
13 ~~distance~~) vertical distance to horizontal distance.

14 T. "Soil engineer" means a person who has earned a degree in
15 geology from an accredited college or university, or a person who has
16 equivalent educational training and has experience as a practicing
17 geologist.

18 U. "Structure" is that which is built or constructed, an
19 edifice or building of any kind, or any piece of work artificially
20 built up or composed of parts jointed together in some definite
21 manner.

22 V. "Terrace" is a relatively level step excavated or
23 constructed on the face of a graded slope surface for drainage and
24 maintenance purposes.

25 W. "Tidelands" means that portion of the land which is covered
26 and uncovered by the ebb and flood tide.

27 X. "Tree" is a large woody perennial plant usually with a
28 single main stem or trunk and generally over twelve feet tall at
29 maturity.

30 Y. "Understory" is the vegetation layer of a forest that
31 includes shrubs, herbs, grasses, and grass-like plants, but excludes
32 native trees.

1 Z. "Vegetation" means any and all organic plant life growing
2 at, below, or above the soil surface.

3 SECTION 6. Ordinance 1488, Section 7, as amended and K.C.C.
4 16.82.060 are hereby amended to read as follows:

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

10 A. Application. To obtain a permit, the applicant shall first
11 file an application therefor in writing on a form furnished for that
12 purpose. The director shall prescribe the form by which application
13 is made. No application shall be accepted unless it is completed
14 consistent with the requirements of this chapter, and the permit
15 process and procedures chapter of K.C.C. Title 20.XXX. In addition to
16 the requirements of Section 11, ((E)) every application shall:

17 1. Identify and describe the work to be covered by the permit
18 for which application is made;

19 2. Describe the land on which the proposed work is to be
20 done, by lot, block, tract and house and street address, or similar
21 description that will readily identify and definitely locate the
22 proposed site;

23 3. Identify and describe those sensitive areas as defined in
24 K.C.C. 21A.24 on or adjacent to the site;

25 4. Indicate the estimated quantities of work involved;

26 5. Identify any clearing restrictions contained in wildlife
27 habitat corridors pursuant to K.C.C. 21A.14, a critical drainage area
28 established by administrative rule or in p-suffix conditions in an
29 adopted community plan;

30 6. Be accompanied by plans and specifications as required in
31 subsections B. and C.;

1 ~~((7. Be signed by the property owner or his authorized agent~~
2 ~~who may be required to submit evidence to indicate such authority;))~~

3 ~~((8-))~~ 7. Designate who the applicant is, on a form
4 prescribed by the department, except that the application may be
5 accepted and reviewed without meeting this requirement when a public
6 agency or public or private utility is applying for a permit for
7 property on which the agency or utility does not own an easement or
8 right of way and the following three requirements are met:

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

11 b. the agency or public or private utility includes in the
12 complete application an affidavit declaring that notice of the pending
13 application has been given to all owners of property to which the
14 application applies, on a form provided by the department; and

15 c. the form designating ~~((who))~~ the applicant is submitted
16 to the department prior to permit issuance; ~~(-and-)~~

17 ~~((9-))~~ 8. Give such other information as may be required by
18 the director.

19 B. Plans and specifications. When required by the director,
20 each application for a grading permit shall be accompanied by six sets
21 of plans and specifications and other supporting data as may be
22 required. The plans and specifications shall be prepared and signed
23 by a civil engineer or landscape architect registered to practice in
24 the State of Washington when required by the director; provided, he
25 may require additional studies prepared by a qualified soils
26 specialist. If the plans and specifications are returned as a result
27 of permit denial or any other reason, they shall be returned to the
28 applicant.

29 C. Information on plans and in specifications. Plans shall be
30 drawn to an engineer's scale upon substantial paper or cloth and shall
31 be of sufficient clarity to indicate the nature and extent of the work
32 proposed and show in detail that they will conform to the provisions

1 of this chapter and all other relevant laws, rules, regulations and
2 standards. The first sheet of each set of plans shall give the
3 location of the work and the name and address of the owner and the
4 person by whom they were prepared. The plans shall include the
5 following minimum information:

6 1. General vicinity of the proposed site;

7 2. Property limits and accurate contours of existing ground
8 and details of terrain and area drainage;

9 3. Limiting dimensions, elevations or finished contours to be
10 achieved by the grading, and proposed drainage channels and related
11 construction;

12 4. Location of all cleared areas, any open space tracts or
13 conservation easements if required pursuant to K.C.C. 21A.14, critical
14 drainage areas, or p-suffix conditions and the total area cleared on
15 site as a percentage of the total site area;

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

21 6. Location of any buildings or structures on the property
22 where the work is to be performed and the location of any buildings or
23 structures on land of adjacent owners which are within fifty feet of
24 the property or which may be affected by the proposed grading
25 operations;

26 7. Landscape and rehabilitation plan as required by Section
27 16.82.110;

28 8. Other information as may be required by the director; and

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

32 D. Granting of permits.

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

6 2. After an application has been filed and reviewed, the
7 director shall also ascertain whether such grading work complies with
8 the other provisions of this chapter. If the application and plans so
9 comply, or if they are corrected or amended so as to comply, the
10 director may issue to the applicant a grading permit. A grading
11 permit shall be valid for the number of days stated in the permit but
12 in no case shall the period be more than two years; provided, that
13 when operating conditions have been met, the permit may be renewed
14 every two years, or less if a shorter approval and/or renewal period
15 is specified by the director.

16 3. Upon approval of the application and issuance of the
17 grading permit, no work shall be done that is not provided for in the
18 permit. The director is authorized to inspect the premises at any
19 reasonable time to determine if the work is in accordance with the
20 permit application and plans.

21 4. The permits from the director shall be required regardless
22 of any permits issued by any other department of county government or
23 any other governmental agency who may be interested in certain aspects
24 of the proposed work. Where work for which a permit is required by
25 this chapter is started or proceeded with prior to obtaining the
26 permit, the violator shall be subject to such civil penalties as
27 provided in Chapter 23.04. However, the payment of such civil
28 penalties shall not relieve any persons from fully complying with the
29 requirements of this chapter in the execution of the work nor from any
30 other penalties prescribed thereon.

31 SECTION 7. Ordinance 2097, Section 1, as amended and K.C.C.
32 17.04.010 are hereby amended to read as follows:

1 Adoption. The Uniform Fire Code, 1991 Edition, and the Uniform
2 Fire Standards, 1991 Edition, as published by the Western Fire Chiefs
3 Association and the International Conference of Building Officials
4 with Appendices, as amended in WAC 51-24 and 51-25 on November 8,
5 1991, together with amendments, additions and deletions listed in the
6 King County modifications to the 1991 Uniform Fire Code, as amended by
7 Attachment "A" and "B" of Ordinance 11016, Attachment "A" of Ordinance
8 11017, ~~((and by)) Attachment "B" ((to this Ordinance)) of Ordinance~~
9 11700 and by Attachment "B" of this Ordinance, are adopted as the Fire
10 Code of King County, and hereinafter referred to as "this code."
11 Administrative rules may be adopted in accordance with K.C.C. 2.98 to
12 further clarify and implement these code requirements.

13 NEW SECTION. SECTION 8. There is added to the King County
14 Code, Title 20, a new chapter, to read as follows:

15 Chapter purpose. The purpose of this chapter is to establish
16 standard procedures for land use permit applications, public notice,
17 hearings and appeals in King County. These procedures are designed to
18 promote timely and informed public participation in discretionary land
19 use decisions; eliminate redundancy in the application, permit review,
20 hearing and appeal processes; provide for uniformity in public notice
21 procedures; minimize delay and expense; and result in development
22 approvals that implement the policies of the Comprehensive Plan.
23 These procedures also provide for an integrated and consolidated land
24 use permit and environmental review process consistent with chapter
25 347, laws of 1995.

26 NEW SECTION. SECTION 9. There is added to the King County
27 Code, Title 20, a new section, to read as follows:

28 Classifications of Land Use Decision Processes.

29 A. Land use permit decisions are classified into four types,
30 based on the amount of discretion associated with each decision.
31 Procedures for the four different types are distinguished according to
32 who makes the decision, whether public notice is required, whether a

1 public hearing is required before a decision is made and whether
2 administrative appeals are provided. The types of land use decisions
3 are listed in Exhibit XXX of this section.

4 1. Type 1 decisions are made by the Director, or his or her
5 designee, ("Director") of the department of development and
6 environmental services ("department"). Type 1 decisions are non-
7 appealable administrative decisions which require the exercise of
8 little or no administrative discretion. Public notice is not required
9 for Type 1 decisions. For Type 1 decisions involving a SEPA
10 determination, the SEPA determination is appealable to the Hearing
11 Examiner as a Type 2 decision. However, the decision on the Type 1
12 permit, exclusive of SEPA, is not appealable to the Hearing Examiner;
13 rather it is appealable to Superior Court. For the purposes of
14 appealing a Type 1 decision to Superior Court, the Type 1 decision
15 shall not be considered final until any associated SEPA appeal is
16 decided by the Hearing Examiner.

17 2. Type 2 decisions are made by the director, or his or her
18 designee. Type 2 decisions are discretionary decisions which are
19 subject to administrative appeal in accordance with applicable
20 provisions of law or ordinance.

21 3. Type 3 decisions are quasi-judicial decisions made by the
22 hearing examiner following an open record hearing. Type 3 decisions
23 may be appealed to the County Council, based on the record established
24 by the hearing examiner.

25 4. Type 4 decisions are quasi-judicial decisions made by the
26 Council based on the record established by the hearing examiner.

27 B. Except as provided in K.C.C. 20.44.120A.6 and 25.32.080 or
28 unless otherwise agreed to by the applicant, all Type 2,3 and 4
29 decisions included in consolidated permit applications that would
30 require more than one Type of land use decision process may be
31 processed and decided together, including any administrative appeals,

1 using the highest numbered land use decision Type applicable to the
2 project application.

3 C. Certain development proposals are subject to additional
4 procedural requirements beyond the standard procedures established in
5 this chapter.

6 D. Land use permits that are categorically exempt from review
7 under the State Environmental Policy Act ("SEPA") will not require a
8 threshold determination (determination of non-significance ("DNS") or
9 determination of significance ("DS")). For all other projects, the
10 SEPA review procedures codified in Chapter 20.44 K.C.C. are
11 supplemental to the procedures set forth in this chapter.

12 Exhibit XXX

13 LAND USE DECISION TYPES

14	TYPE 1	(Decision by	Building; clearing and grading;
15		Director, no	boundary line adjustment;
16		administrative	right of way; road
17		appeal)	variance except those rendered in
18			conjunction with a short plat
19			decision**; variance from the
20			requirements of Chapter 9.04 K.C.C.;
21			shoreline exemption
22	TYPE 2	(Decision by	Short plat; road variance
23		Director	decisions rendered in conjunction
24		appealable to	with a short plat decision; zoning
25		Hearing	variance; conditional use permit;
26		Examiner, no	temporary use; shoreline
27		further	substantial development permit;
28		administrative	procedural and substantive SEPA
29		appeal)	decision; site development permit;
30			approval of residential density
31			incentives or transfer of development
32			credits; reuse of public schools;
33			reasonable use exceptions under K.C.C.
34			21A.24.070B; preliminary determinations
35			under Section 10B; sensitive areas
36			exceptions and decisions to require
37			studies or to approve, condition or
38			deny a development proposal based on
39			the requirements of Chapter 21A.24
40			K.C.C., extractive operations pursuant
41			to K.C.C. 21A.22.050; binding site
42			plan.
43			
44	TYPE 3	(Recommendation	Preliminary plat, plat
45		by Director,	alterations; preliminary plat
46		hearing and	revisions
47		decision by	
48		Hearing	
49		Examiner,	

1 appealable to
2 County Council
3 on the record)

4 TYPE 4*** (Recommendation Zone reclassifications; shoreline
5 by Director, environment redesignation; urban
6 hearing and planned development; special use;
7 recommendation amendment or deletion of P suffix
8 by Hearing conditions; plat vacations
9 Examiner
10 decision by
11 County Council
12 On the record)

13 * When applications for shoreline permits are combined with other
14 permits requiring Type 3 or 4 land use decisions pursuant to
15 K.C.C. 25.32.080, the examiner (not the Director) makes the
16 decision. All shoreline permits, including shoreline variances
17 and conditional uses, are appealable to the State Shorelines
18 Hearings Board and not to the Hearing Examiner.

19 ** The road variance process is administered by the County Road
20 Engineer of the King County department of transportation
21 pursuant to the King County road standards.

22 *** Only approvals that are consistent with the Comprehensive Plan
23 are included.

24 NEW SECTION. SECTION 10. There is added to the King County
25 Code, Title 20, a new section, to read as follows:

26 Pre-application Conferences. Prior to filing a permit
27 application for a Type 1 decision, the applicant shall contact the
28 department to schedule a preapplication conference which shall be held
29 prior to filing the application, if the property will have 5,000
30 square feet of development site or right-of-way improvements, the
31 property is in a critical drainage basin, or the property has a
32 wetland, steep slope, landslide hazard, erosion hazard, or coal mine
33 on site. Exempt from this requirement are: 1. a single family
34 residence and its accessory buildings; 2. other structures where all
35 work is in an existing building and no parking is required or added.
36 Prior to filing a permit application requiring a Type 2, 3 or 4
37 decision, the applicant shall contact the department to schedule a
38 pre-application conference which shall be held prior to filing the
39 application, except as provided herein. The purpose of the pre-
40 application conference is to review and discuss the application
41 requirements with the applicant and provide comments on the
42 development proposal. The pre-application conference shall be

1 scheduled by the department, at the request of an applicant, and shall
2 be held in a timely manner, within thirty (30) days from the date of
3 the applicant's request. The fee for the pre-application conference
4 shall be credited in full against the permit application fee. A
5 project coordinator shall be assigned by the department following the
6 pre-application conference. The Director may waive the requirement
7 for a pre-application conference if it is determined to be unnecessary
8 for review of an application. Nothing in this section shall be
9 interpreted to require more than one pre-application conference or to
10 prohibit the applicant from filing an application if the department is
11 unable to schedule a pre-application conference within 30 days
12 following the applicant's request.

13 Information presented at or required as a result of the pre-
14 application conference shall be valid for a period of 180 days
15 following the pre-application conference. An applicant wishing to
16 submit a permit application more than 180 days following a
17 preapplication for the same permit application shall be required to
18 schedule another preapplication conference.

19 B. At or subsequent to a preapplication conference, the
20 department may issue a preliminary determination that a proposed
21 development is not permissible under applicable county policies or
22 regulatory enactments. In that event, the applicant shall have the
23 option to appeal the preliminary determination to the hearing examiner
24 in the manner provided for a Type 2 permit, as an alternative to
25 proceeding with a complete application. Mailed and published notice
26 of the appeal shall be provided for as in New Section 13 (G) and (H).

27 NEW SECTION. SECTION 11. There is added to the King County
28 Code, Title 20, a new section, to read as follows:

29 Application Requirements. A. The department shall not commence
30 review of any application set forth in this chapter until the
31 applicant has submitted the materials and fees specified for complete
32 applications. Applications for land use permits requiring Type 1, 2,

1 3, or 4 decisions shall be considered complete as of the date of
2 submittal upon determination by the department that the materials
3 submitted meet the requirements of this Section. Except as provided
4 in Subsection B of this Section, all land use permit applications
5 described in Exhibit 20.XXX shall include the following:

6 1. An application form provided by the department and
7 completed by the applicant that allows the applicant to file a single
8 application form for all land use permits requested by the applicant
9 for the development proposal at the time the application is filed;

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

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

18 b. the agency or public or private utility includes in
19 the complete application an affidavit declaring that notice of the
20 pending application has been given to all owners of property to which
21 the application applies, on a form provided by the department; and

22 c. the form designating the applicant is submitted to
23 the department prior to permit approval;

24 3. A Certificate of Sewer Availability or site percolation data
25 with preliminary approval by the Seattle-King County department of
26 public health; or for schools located in rural areas, a letter
27 indicating compliance with the tightline sewer provisions in the
28 zoning code, as required by Chapter 13.08 or 13.24 K.C.C.;

29 4. A current Certificate of Water Availability, if required by
30 Chapter 13.24 K.C.C.;

31 5. A fire district receipt pursuant to Title 17 K.C.C., if
32 required by Chapter 21A.40 K.C.C.;

- 1 6. A site plan, prepared in a form prescribed by the Director;
- 2 7. Proof that the lot or lots are recognized as separate lots
- 3 pursuant to the provisions of K.C.C. 19.04, if required by K.C.C.
- 4 21A.24.090;
- 5 8. A sensitive areas affidavit if required by Chapter 21A.24
- 6 K.C.C.;
- 7 9. A completed environmental checklist, if required by Chapter
- 8 20.44 K.C.C., County Environmental Procedures;
- 9 10. Payment of any development permit review fees, excluding
- 10 impact fees collectible pursuant to Title 27 K.C.C., Development
- 11 Permit Fees;
- 12 11. A list of any permits or decisions applicable to the
- 13 development proposal that have been obtained prior to filing the
- 14 application or that are pending before the County or any other
- 15 governmental entity;
- 16 12. Certificate of transportation concurrency from the
- 17 department of public works, if required by Chapter 14.70 K.C.C.;
- 18 13. Certificate of future connection from the appropriate
- 19 purveyor for lots located within the Urban Growth area which are
- 20 proposed to be served by onsite or community sewage system and or
- 21 group B water systems or private well, if required by K.C.C.
- 22 13.24.136-140;
- 23 14. Documentation required by the code requirements set
- 24 forth in the Surface Water Design Manual adopted pursuant to Chapter
- 25 9.04 K.C.C.;
- 26 15. Current assessor's maps and a list of tax parcels to
- 27 which public notice must be given for land use permits requiring a
- 28 Type 2, 3 or 4 decision; and
- 29 16. Legal description of the site.
- 30 17. Variances obtained or required under Title 21A to the
- 31 extent known at the date of application.

1 18. For commercial site development permits only, a phasing
2 plan and a time schedule, if the site is intended to be developed in
3 phases or if all building permits will not be submitted within three
4 years.

5 A permit application is complete for purposes of this section
6 when it meets the procedural submission requirements of the department
7 and is sufficient for continued processing even though additional
8 information may be required or project modifications may be undertaken
9 subsequently. The determination of completeness shall not preclude
10 the department from requesting additional information or studies
11 either at the time of notice of completeness or subsequently if new or
12 additional information is required or substantial changes in the
13 proposed action occur, as determined by the department.

14 B. Additional complete application requirements for the
15 following land use permits are set forth in the following sections of
16 the King County Code:

17 1. Clearing and grading permit, see K.C.C. 16.82.060.

18 2. Construction permits, K.C.C. 16.04.052.

19 C. The Director may specify the requirements of the site plan
20 required to be submitted for various permits and may waive any of the
21 specific submittal requirements listed herein that are determined to
22 provide information that has no material value or are not applicable
23 for review of an application.

24 D. The applicant shall attest by written oath to the accuracy
25 of all information submitted for an application.

26 E. Applications shall be accompanied by the payment of the
27 applicable filing fees, if any, as established by K.C.C. Title 27.

28 NEW SECTION. SECTION 12. There is added to the King County
29 Code, Title 20, a new section, to read as follows:

30 Notice of Complete Application to Applicant.

31 A. Within twenty-eight (28) days following receipt of a land
32 use permit application, the department shall mail or provide written

1 notice to the applicant that the application is either complete or
2 incomplete. If the application is incomplete, the notice shall state
3 with specificity what is necessary to make the application complete.
4 To the extent known by the department, the notice shall identify other
5 agencies of local, state, regional or federal governments that may
6 have jurisdiction over some aspects of the development proposal.

7 B. An application shall be deemed complete under this section
8 if the department does not provide written notice to the applicant
9 that the application is incomplete within the 28 day period as
10 provided herein.

11 C. If the application is incomplete and the applicant submits
12 the additional information requested by the department, the department
13 shall notify the applicant in writing within fourteen (14) days
14 whether the application is complete or what additional information
15 specified by the department as provided in subsection A hereof is
16 necessary to make the application complete. An application shall be
17 deemed complete if the department fails to provide written notice to
18 the applicant within the 14 day period that the application is
19 incomplete.

20 D. The date an application is deemed complete is the date of
21 receipt by the department of all of the information necessary to make
22 the application complete as provided in this chapter. The
23 department's issuance of a notice of complete application as provided
24 in subsections A or C hereof, or the failure of the department to
25 provide such a notice as provided in subsections B or C hereof, shall
26 cause an application to be conclusively deemed to be complete and
27 vested as provided in this chapter.

28 E. The department may cancel an incomplete application if the
29 applicant fails to submit the additional information required by this
30 chapter within ninety (90) days following notification from the
31 department that the application is incomplete.

1 NEW SECTION. SECTION 13. There is added to the King County
2 Code, Title 20, a new section, to read as follows:

3 Notice of Application. A. A notice of application shall be
4 provided to the public for all land use permit applications requiring
5 Type 2, 3, or 4 decisions pursuant to this section.

6 B. Notice of the application shall be provided by the
7 department within fourteen (14) days following the department's
8 determination that the application is complete. A public comment
9 period of twenty-one (21) days shall be provided, except as otherwise
10 provided in RCW 90.58. The public comment period shall commence on
11 the 15th day following the department's determination that the
12 application is complete.

13 C. If the County has made a determination of significance
14 ("DS") under Chapter 43.21 RCW prior to the issuance of the notice of
15 application, the notice of the DS shall be combined with the notice of
16 application and the scoping notice.

17 D. All required notices of application shall contain the
18 following information:

- 19 1. The file number;
- 20 2. The name of the applicant;
- 21 3. The date of application, the date of the notice of
22 completeness, and the date of the notice of application;
- 23 4. A description of the project, the location, a list of the
24 permits included in the application and the location where the
25 application and any environmental documents or studies can be
26 reviewed;
- 27 5. A site plan on 8 1/2 x 14 inch paper, if applicable;
- 28 6. The procedures and deadline for filing comments, requesting
29 notice of any required hearings, and any appeal procedure.
- 30 7. The date, time, place and type of hearing, if applicable and
31 scheduled at the time of notice.

1 8. The identification of other permits not included in the
2 application to the extent known.

3 9. The identification of existing environmental documents that
4 evaluate the proposed project.

5 10. A statement of the preliminary determination, if one has
6 been made, of those development regulations that will be used for
7 project mitigation and of consistency with applicable County plans and
8 regulations.

9 E. Notice shall be provided in the following manner:

10 1. Posted at the project site as provided in subsection F
11 hereof;

12 2. Mailed by first class mail as provided in subsection G
13 hereof; and

14 3. Published as provided in subsection H hereof.

15 F. Posted notice. Posted notice for a proposal shall consist
16 of one or more notice boards posted by the applicant within 14 days
17 following the department's determination of completeness as follows:

18 1. A single notice board shall be posted for a project. This
19 notice board may also be used for the posting of the Notice of
20 Decision and Notice of Hearing, and shall be placed by the applicant:

21 a. At the midpoint of the site street frontage or as
22 otherwise directed by the department for maximum visibility;

23 b. Five feet inside the street property line except when
24 the board is structurally attached to an existing building, provided
25 that no notice board shall be placed more than five feet from the
26 street property without approval of the department;

27 c. So that the top of the notice board is between seven to
28 nine feet above grade; and

29 d. Where it is completely visible to pedestrians.

30 2. Additional notice boards may be required when:

31 a. The site does not abut a public road;

32 b. A large site abuts more than one public road; or

1 c. The department determines that additional notice boards
2 are necessary to provide adequate public notice.

3 3. Notice boards shall be:

4 a. maintained in good condition by the applicant during the
5 notice period, which shall extend through the time of the final county
6 decision on the proposal and the expiration of any applicable appeal
7 periods.

8 b. in place at least 28 days prior to the date of any
9 required hearing for a Type 3 or 4 decision, or at least 14 days
10 following the department's determination of completeness for any Type
11 2 decision; and

12 c. removed within 14 days after the end of the notice
13 period.

14 4. Removal of the notice board prior to the end of the notice
15 period may be cause for discontinuance of county review until the
16 notice board is replaced and remains in place for the specified time
17 period.

18 5. An affidavit of posting shall be submitted to the
19 department by the applicant within 14 days following the department's
20 determination of completeness to allow continued processing of the
21 application by the department.

22 6. Notice boards shall be constructed and installed in
23 accordance with subsection F, above, and any additional specifications
24 promulgated by the department pursuant to Chapter 2.98 K.C.C., Rules
25 of County Agencies.

26 G. Mailed notice. Mailed notice for a proposal shall be sent
27 by the department within 14 days after the department's determination
28 of completeness:

29 1. By first class mail to owners of record of property in an
30 area within 500 feet of the site, provided such area shall be expanded
31 as necessary to send mailed notices to at least 20 different property
32 owners;

1 2. To any city with a utility which is intended to serve the
2 site;

3 3. To the State Department of Transportation, if the site
4 adjoins a state highway;

5 4. To the affected tribes;

6 5. To any agency or community group which the department may
7 identify as having an interest in the proposal;

8 6. Be considered supplementary to posted notice and be deemed
9 satisfactory despite the failure of one or more owners to receive
10 mailed notice; and

11 7. For preliminary plats only, to all cities within one mile
12 of the proposed preliminary plat, and to all airports within two miles
13 of the proposed preliminary plat.

14 H. Published notice. Notice of a proposed action shall be
15 published by the department within 14 days after the department's
16 determination of completeness in the official county newspaper and
17 another newspaper of general circulation in the affected area.

18 NEW SECTION. SECTION 14. There is added to the King County
19 Code, Title 20, a new section, to read as follows:

20 Vesting. A. Applications for Type 1, 2, and 3 land use
21 decisions, except those which seek variance from or exception to land
22 use regulations and substantive and procedural SEPA decisions shall be
23 considered under the zoning and other land use control ordinances in
24 effect, on the date a complete application is filed meeting all of the
25 requirements of this chapter. The department's issuance of a notice
26 of complete application as provided in this chapter, or the failure of
27 the department to provide such a notice as provided in this chapter,
28 shall cause an application to be conclusively deemed to be vested as
29 provided herein.

30 B. Supplemental information required after vesting of a
31 complete application shall not affect the validity of the vesting for
32 such application.

1 C. Vesting of an application does not vest any subsequently
2 required permits, nor does it affect the requirements for vesting of
3 subsequent permits or approvals.

4 NEW SECTION. SECTION 15. There is added to the King County
5 Code, Title 20, a new section, to read as follows:

6 Applications - Modifications to proposal. A. Modifications
7 required by the county to a pending application shall not be deemed a
8 new application.

9 B. An applicant-requested modification occurring either before
10 or after issuance of the permit shall be deemed a new application when
11 such modification would result in a substantial change in a project's
12 review requirements, as determined by the department.

13 NEW SECTION. SECTION 16. There is added to the King County
14 Code, Title 20, a new section, to read as follows:

15 Notice of Decision or Recommendation - Appeals. A. The
16 department shall provide notice in a timely manner of its final
17 decision or recommendation on permits requiring Type 2, 3 and 4 land
18 use decisions, including the threshold determination, if any, the
19 dates for any public hearings and the procedures for administrative
20 appeals, if any. Notice shall be provided to the applicant, to the
21 Department of Ecology and to agencies with jurisdiction if required by
22 Chapter 20.44 K.C.C., to the Department of Ecology and Attorney
23 General as provided in RCW 90.58, and to any person who, prior to the
24 decision or recommendation, had requested notice of the decision or
25 recommendation or submitted comments. The notice shall also be
26 provided to the public as provided in section 13 of this ordinance.

27 B. Except for shoreline permits which are appealable to the
28 state Shorelines Hearings Board, all notices of appeal to the hearing
29 examiner of Type 2 land use decisions made by the Director shall be
30 filed within fourteen (14) calendar days from the date of issuance of
31 the notice of decision as provided in K.C.C. 20.24.090; provided that

1 the appeal period shall be extended for an additional seven (7)
2 calendar days if WAC 197-11-340(2)(a) applies.

3 NEW SECTION. SECTION 17. There is added to the King County
4 Code, Title 20, a new section, to read as follows:

5 Permit Issuance. A. Final decisions by the County on all
6 permits and approvals subject to the procedures of this chapter shall
7 be issued within 120 days from the date the applicant is notified by
8 the department pursuant to this chapter that the application is
9 complete, provided that the following shorter time periods should
10 apply for the type of land use permit indicated:

- 11 1. New Residential building permits.....90 days
- 12 2. Residential remodels.....40 days
- 13 3. Residential appurtenances, such as decks and garages....15
- 14 days
- 15 4. SEPA exempt clearing and grading.....45 days
- 16 5. SEPA clearing and grading.....90 days.

17 The following periods shall be excluded from this 120-day period:

- 18 1. Any period of time during which the applicant has been
- 19 requested by the department, hearing examiner or council to correct
- 20 plans; perform required studies, or provide additional information,
- 21 including road variances and variances required under K.C.C. 9.04.
- 22 The period shall be calculated from the date of notice to the
- 23 applicant of the need for additional information until the earlier of
- 24 the date the county advises the applicant that the additional
- 25 information satisfies the county's request, or fourteen days after the
- 26 date the information has been provided. If the county determines that
- 27 the correction, study or other information submitted by the applicant
- 28 is insufficient, it shall notify the applicant of the deficiencies and
- 29 the procedures of this section shall apply as if a new request for
- 30 information had been made.

- 31 a. The department shall set a reasonable deadline for the
- 32 submittal of corrections, studies, or other information when

1 requested, and shall provide written notification to the applicant.
2 An extension of such deadline may be granted upon submittal by an
3 applicant of a written request providing satisfactory justification of
4 an extension.

5 b. Failure by the applicant to meet such deadline shall be
6 cause for the department to cancel/deny the application.

7 c. When granting a request for a deadline extension, the
8 department shall give consideration to the number of days between
9 receipt by the department of a written request for a deadline
10 extension and the mailing to the applicant of the department's
11 decision regarding that request.

12 2. The period of time, as set forth in K.C.C. 20.44.050, during
13 which an environmental impact statement is being prepared following a
14 determination of significance pursuant to Chapter 43.21C RCW.

15 3. A period of no more than ninety days for an open record
16 appeal hearing by the hearing examiner on a Type 2 land use decision,
17 and no more than sixty days for a closed record appeal by the County
18 Council on a Type 3 land use decision appealable to the County
19 Council, except when the parties to an appeal agree to extend these
20 time periods.

21 4. Any period of time during which an applicant fails to post
22 the property, if required by this chapter, following the date notice
23 is required until an affidavit of posting is provided to the
24 department by the applicant.

25 5. Any time extension mutually agreed upon by the applicant and
26 the department.

27 B. The time limits established in this section shall not apply
28 if a proposed development:

29 1. Requires an amendment to the comprehensive plan or a
30 development regulation;

31 2. Requires approval of a new fully contained community as
32 provided in RCW 36.70A.350, master planned resort as provided in RCW

1 36.70A.360, or the siting of an essential public facility as provided
2 for RCW 36.70A.200, or

3 3. Is substantially revised by the applicant, when such
4 revisions will result in a substantial change in a project's review
5 requirements, as determined by the department, in which case the time
6 period shall start from the date at which the revised project
7 application is determined to be complete.

8 C. If the department is unable to issue its final decision
9 within the time limits established by this section, it shall provide
10 written notice of this fact to the project applicant. The notice
11 shall include a statement of reasons why the time limits have not been
12 met and an estimated date for issuance of the notice of final
13 decision.

14 NEW SECTION. SECTION 18. There is added to the King County
15 Code, Title 20, a new section, to read as follows:

16 Quarterly report. Beginning October 1, 1996 and continuing
17 quarterly thereafter until October 1, 1998, the Director shall prepare
18 a quarterly report to the King County council detailing what measures
19 the department has in place to assure that adequate environmental
20 protections are maintained, how the review process addresses these
21 measures, and the length of time required to process applications for
22 Type 1, 2, 3, and 4 land use decisions in the previous period,
23 categorized both on average and by type of permit. The report shall
24 provide commentary on department operations and identify any need for
25 clarification of county policy or development regulations or process.

26 NEW SECTION. SECTION 19. There is added to the King County Code,
27 Title 20, a new section, to read as follows:

28 Citizen's Guide. The director shall issue a citizen's guide to
29 permit processing including making an appeal or participating in a
30 hearing.

31 NEW SECTION. SECTION 20. There is added to the King County Code,
32 Title 20, a new section, to read as follows: Citizen's Oversight
33 Committee. The director shall create a Citizen's Oversight Committee,

1 which shall represent a broad cross-section of constituencies. The
2 oversight committee shall consist of 6 members to be appointed from
3 the membership of the The Forum for Regulatory Balance, and a
4 representative from labor and a representative from small property
5 owners groups. There shall be one member representing each of the
6 following constituencies: 1) environmental 2) good government 3)
7 affordable housing 4) building industry 5) business 6) neighborhood
8 groups 7) labor 8) small property owners groups. This committee shall
9 serve a term of one year, to be appointed by June 1, 1996. The role
10 of the committee will be to monitor and evaluate the County's
11 implementation of this ordinance. Their findings will be included in
12 the director's quarterly report, required by new section 18 of this
13 ordinance.

14 SECTION 21. Ordinance 263, Article 5, Section 4 and K.C.C.
15 20.24.040 are hereby amended as follows:

16 Removal. The examiner or his or her deputy may be removed from
17 office at any time by the affirmative vote of not less than ~~((six))~~
18 eight members of the council for just cause.

19 SECTION 22. Ordinance 263, Article 5, Section 5 and K.C.C.
20 20.24.050 are hereby amended as follows:

21 Qualifications. The examiner and his or her deputy shall be
22 appointed solely with regard to their qualifications for the duties of
23 their office and shall have such training or experience as will
24 qualify them to conduct administrative or quasi-judicial hearings on
25 regulatory enactments and to discharge the other functions conferred
26 upon them, and shall hold no other appointive or elective public
27 office or position in the county government except as provided herein.

28 SECTION 23. Ordinance 263, Article 5, Section 6 and K.C.C.
29 20.24.060 are hereby amended as follows:

30 Deputy examiner duties. The deputy shall assist the examiner in
31 the performance of the duties conferred upon ~~((him))~~ the examiner by
32 ordinance and shall, in the event of the absence or the inability of

1 the examiner to act, have all the duties and powers of the examiner.
 2 The deputy may also serve in other capacities as an employee of the
 3 council.

4 SECTION 24. Ordinance 4461, Section 1 as amended, and K.C.C.
 5 20.24.070 are hereby amended as follows:

6 Recommendations to the council. A. The examiner shall receive and
 7 examine available information, conduct open record public hearings and
 8 prepare records and reports thereof and issue recommendations,
 9 including findings and conclusions to the council based on the issues
 10 and evidence in the record in the following cases:

11 1. (~~Applications for reclassifications of property;~~
 12 ~~2. Applications for special use permits;~~
 13 ~~3. Applications for urban planned development permits;~~
 14 ~~4. Applications for preliminary plats; including those variance~~
 15 ~~decisions made by the road engineer pursuant to KCC 14.42.060 with~~
 16 ~~regard to road circulation in the subject preliminary plat proposal;~~
 17 ~~5. Applications for shoreline environment redesignations;)) All
 18 Type 4 land use decisions.~~

19 ((~~6-~~)) 2. Applications to extend sewer service pursuant to
 20 Chapter 13.24 K.C.C.;

21 ((~~7-~~)) 3. Applications for agricultural land variances;

22 ((~~8-~~)) 4. Applications for public benefit rating system assessed
 23 valuation on open space land and current use assessment on timber
 24 lands except as provided in Section 20.36.090;

25 ((~~9-~~)) 5. Appeals from denials by the county assessor of
 26 applications for current use assessments on farm and agricultural
 27 lands;

28 ((~~10-~~ Appeals from decisions regarding residential condominium
 29 binding site plan applications pursuant to Section 19.34.050;))

30 ((~~11-~~)) 6. Applications for the vacation of county roads;

31 ((~~12-~~)) 7. Appeals of a recommendation by the department of
 32 public works to deny the petition for vacation of a county road;

1 ((13-)) 8. Appeals of a recommendation by the department of
2 public works of the compensation amount to be paid for vacation of a
3 county road;

4 ((14-)) 9. Proposals for establishment or modification of cable
5 system rates;

6 ((15.)) 10. Other applications or appeals which the council may
7 prescribe by ordinance.

8 B. The examiner's recommendation may be to grant or deny the
9 application or appeal, or the examiner may recommend that the council
10 adopt the application or appeal with such conditions, modifications
11 and restrictions as the examiner finds necessary to ~~((make the
12 application reasonably compatible with the environment and))~~ carry out
13 applicable state laws and regulations, including Chapter 43.21C RCW,
14 and the regulations, policies, objectives and goals of the
15 comprehensive plan, the community plan, sub-area or neighborhood
16 plans, the zoning code, the subdivision code and other official laws,
17 policies and objectives of King County. In case of any conflict
18 between the King County Comprehensive Plan and a community, sub-area
19 or neighborhood plan, the Comprehensive Plan shall govern.

20 NEW SECTION. SECTION 25. There is added to the King County
21 Code, Chapter 20.24, a new section, to read as follows:

22 Type 3 decisions by the examiner, appealable to the council.

23 A. The examiner shall receive and examine available information,
24 conduct open record public hearings and prepare records and reports
25 thereof, and issue decisions on Type 3 land use permit applications,
26 including findings and conclusions, based on the issues and evidence
27 in the record. The decision of the examiner on Type 3 land use permit
28 applications shall be appealable to the Council on the record
29 established by the examiner as provided by 20.24.210D.

30 B. The examiner's decision may be to grant or deny the
31 application, or the examiner may grant the application with such
32 conditions, modifications and restrictions as the examiner finds

1 necessary to carry out applicable state laws and regulations,
 2 including Chapter 43.21C RCW, and the regulations, policies,
 3 objectives and goals of the comprehensive plan, the community plan,
 4 sub-area or neighborhood plans, the zoning code, the subdivision code
 5 and other official laws, policies and objectives of King County. In
 6 case of any conflict between the King County Comprehensive Plan and a
 7 community, sub-area or neighborhood plan, the Comprehensive Plan shall
 8 govern.

9 SECTION 26. Ordinance 4461, Section 2 as amended, and K.C.C.
 10 20.24.080 are hereby amended as follows:

11 Final decisions by the examiner. A. The examiner shall receive
 12 and examine available information, conduct open record public hearings
 13 and prepare records and reports thereof, and issue final decisions,
 14 including findings and conclusions, based on the issues and evidence
 15 in the record, which shall be appealable to superior court as provided
 16 by Section 20.24.240B, or to other designated authority in the
 17 following cases:

18 1. Appeals of all Type 2 land use decisions with the exception
 19 of appeals of shoreline permits including shoreline variances and
 20 conditional uses which are appealable to the State Shoreline Hearings
 21 Board;

22 2. Appeals of threshold determinations;

23 3. Appeals from notices and orders issued pursuant to Title 23
 24 of this code or the Rules and Regulations VII of the King County
 25 department of public health;

26 ~~4. Appeals from decisions to require sensitive areas~~
 27 ~~studies or to condition or deny pursuant to chapter 21A.24 development~~
 28 ~~proposals which do not otherwise have an appeal process available;~~

29 ~~5. Appeals from conditions imposed on final approvals of~~
 30 ~~subdivisions receiving extensions pursuant to Section 19.28.050E or~~
 31 ~~F7))~~

1 ~~((6. Appeals from decisions of the director of the department of~~
 2 ~~development and environmental services or zoning adjuster on~~
 3 ~~conditional use permits, variances or periodic review of extractive~~
 4 ~~operations;))~~

5 ~~((7. Appeals from decisions regarding site plan approvals;))~~

6 ~~((8.))~~ 4. Appeals from decisions regarding the abatement of a
 7 nonconformance;

8 ~~((9. Applications for shoreline substantial development permits~~
 9 ~~when combined with other land use applications pursuant to Section~~
 10 ~~25.32.080;))~~

11 ~~((10.))~~ 5. Appeals from decisions of the director of the
 12 department of public works on requests for rate adjustments to surface
 13 and storm management rates and charges;

14 ~~((11. Appeals from decisions regarding the reuse of public~~
 15 ~~schools pursuant to Title 21A KCC;~~

16 ~~((12. Appeals from decisions to condition or deny~~
 17 ~~applications pursuant to RCW 43.21C.060, as provided in Section~~
 18 ~~20.44.120C.2;))~~

19 ~~((13.))~~ 6. Appeals from department of public safety seizures and
 20 intended forfeitures, when properly designated by the chief law
 21 enforcement officer of that department as provided in RCW 69.50.505;

22 ~~((14. Appeals from decisions of the director of the department~~
 23 ~~of development and environmental services on variances;))~~

24 ~~((15.))~~ 7. Appeals from notices and certifications of junk
 25 vehicles to be removed as a public nuisance as provided in Chapter
 26 23.10 K.C.C.;

27 ~~((16. Applications for a reasonable use exception pursuant to~~
 28 ~~KCC 21A.24.070;~~

29 ~~((17.))~~ 8. Appeals from enforcement actions under K.C.C.
 30 23.08.120;

1 ~~((18. Appeals from decisions of the director of the~~
 2 ~~department of development and environmental services on commercial~~
 3 ~~site development permits;))~~

4 ~~((19-))~~ 9. Appeals from the department's final decisions
 5 regarding transportation concurrency, mitigation payment system and
 6 intersection standards provisions of Title 14;

7 10. Applications for reasonable use exceptions pursuant to
 8 chapter 21A.24 K.C.C.

9 ~~((20-))~~ 11. Other applications or appeals which the council may
 10 prescribe by ordinance.

11 B. The examiner's decision may be to grant or deny the
 12 application or appeal, or the examiner may grant the application or
 13 appeal with such conditions, modifications and restrictions as the
 14 examiner finds necessary to make the application or appeal compatible
 15 with the environment and carry out applicable state laws and
 16 regulations, including Chapter 43.21C RCW, and the regulations,
 17 policies, objectives and goals of the comprehensive plan, the
 18 community plan, sub-area or neighborhood plans, the zoning code, the
 19 subdivision code and other official laws, policies and objectives of
 20 King County. In case of any conflict between the King County
 21 Comprehensive Plan and a community, sub-area or neighborhood plan, the
 22 Comprehensive Plan shall govern.

23 SECTION 27. Ordinance 4461, Section 3, as amended, and K.C.C.
 24 20.24.090 are hereby amended as follows:

25 Notice of appeal to examiner - Filing. A. Except as otherwise
 26 provided herein, all notices of appeal to the examiner shall be filed
 27 with the county department or division issuing the original decision
 28 with a copy provided by the department or division to the office of
 29 the hearing examiner. Except as otherwise provided herein, notice of
 30 appeal, together with the required appeal fee, shall be filed within
 31 ~~((ten))~~ fourteen (14) calendar days from the date of issuance of such
 32 decisions. ~~((except as follows-))~~ In cases of appeals of Type 2 land

1 use decisions made by the Director, the appeal period shall be
2 extended for an additional seven (7) calendar days if WAC 197-11-
3 340(2)(a) applies.

4 ~~((A. Notices of appeal of State Environmental Policy Act threshold~~
5 ~~determinations shall be filed within fifteen days of the lead agency~~
6 ~~determination, provided however, that the time period within which an~~
7 ~~appeal shall be filed for threshold determinations of county projects~~
8 ~~may be extended by the lead agency; and))~~

9 B. Notices of appeal of the recommendation to deny vacation of a
10 county road by the department of public works, shall be filed along
11 with the required two hundred dollar administrative fee with the clerk
12 of the county council within thirty days of an issuance of said
13 denial.

14 C. ~~((Statements of appeal—appeal arguments--))~~ If a notice of
15 appeal has been filed within the time period provided herein, the
16 appellant shall file a statement of appeal with the county department
17 or division issuing the original decision or action within ~~((15))~~ 21
18 calendar days from the date of issuance of such decision or action.
19 department or division staff shall:

20 1. Be available within a reasonable time to persons wishing to
21 file a statement of appeal subsequent to an agency ruling, and to
22 respond to queries concerning the facts and process of the agency
23 decision; and

24 2. Make available within a reasonable time a complete set of
25 files detailing the facts of the department or division ruling in
26 question to persons wishing to file a statement of appeal, subsequent
27 to an agency ruling. If a department or division is unable to comply
28 with these provisions, the hearing examiner may authorize amendments
29 to a statement of appeal to reflect information not made available to
30 an appellant within a reasonable time due to a failure by a county
31 agency to meet the foregoing requirements. The statement of appeal
32 shall identify the decision being appealed and the alleged errors in

