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Sponsor: Dembowski

Proposed No.: 2015-0505

Passed 9-0

**STRIKING AMENDMENT TO PROPOSED ORDINANCE 2015-0505, VERSION**

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On page 8, beginning on line 164, strike everything through page 225, line 5017, and insert:

"BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

**SECTION 1. Findings:** In addition to land use and environmental matters, the

office of the hearing examiner has jurisdiction over numerous appeals from disparate arenas such as lobbyist disclosure, discrimination in contracting, and fair employment practices. There is currently a lack of uniformity in terms of appeal deadlines, what would-be appellants must deliver at those deadlines and to whom appeals must be delivered. In addition, many current appeal procedures, including most land use and environmental matters, first require a notice of appeal, followed a week later by a full statement of appeal. This creates two sets of filings and does not assist examiner processing times. In order to create consistency between appeal types, to make the system more understandable for its users and to streamline the required paperwork and process for citizens, the council finds that special circumstances exist that warrant a review process different from that provided in RCW 36.70B.110; most matters of

18 examiner appellate jurisdiction should be governed by the appeal process described in  
19 section 18 of this ordinance.

20 SECTION 2. There is hereby established a new chapter in K.C.C. Title 20. The  
21 new chapter shall contain section 4 of this ordinance, K.C.C. 20.24.020, as recodified by  
22 this ordinance, section 8 of this ordinance, K.C.C. 20.24.080, as recodified by this  
23 ordinance, K.C.C. 20.24.072, as recodified by this ordinance, K.C.C. 20.24.070, as  
24 recodified by this ordinance, section 16 of this ordinance, K.C.C. 20.24.090, as recodified  
25 by this ordinance, K.C.C. 20.24.095, as recodified by this ordinance, section 21 of this  
26 ordinance, K.C.C. 20.24.140, as recodified by this ordinance, K.C.C. 20.24.145, as  
27 recodified by this ordinance, K.C.C. 20.24.150, as recodified by this ordinance, K.C.C.  
28 20.24.180, as recodified by this ordinance, K.C.C. 20.24.190, as recodified by this  
29 ordinance, K.C.C. 20.24.510, as recodified by this ordinance, K.C.C. 20.24.400, as  
30 recodified by this ordinance, K.C.C. 20.24.195, as recodified by this ordinance, K.C.C.  
31 20.24.520, as recodified by this ordinance, K.C.C. 20.24.197, as recodified by this  
32 ordinance, section 43 of this ordinance, K.C.C. 20.24.210, as recodified by this  
33 ordinance, section 46 of this ordinance, K.C.C. 20.24.220, as recodified by this  
34 ordinance, K.C.C. 20.24.230, as recodified by this ordinance, K.C.C. 20.24.235, as  
35 recodified by this ordinance, K.C.C. 20.24.240, as recodified by this ordinance, K.C.C.  
36 20.24.250, as recodified by this ordinance, K.C.C. 20.24.300, as recodified by this  
37 ordinance, K.C.C. 20.24.310, as recodified by this ordinance, K.C.C. 20.24.320, as  
38 recodified by this ordinance, K.C.C. 20.24.330, as recodified by this ordinance, and  
39 K.C.C. 20.24.170, as recodified by this ordinance.

40           SECTION 3. Ordinance 263, Art. 5, Section 1, and K.C.C. 20.24.010 are each  
41 hereby repealed.

42           NEW SECTION. SECTION 4. There is hereby added to the new chapter  
43 established in section 2 of this ordinance a new section to read as follows:

44           The definitions in this section apply throughout this chapter unless the context  
45 clearly requires otherwise.

46           A. "Council" means the metropolitan King County council.

47           B. "Decision" means a ruling by an examiner that is appealable to the Council.

48           C. "Determination" means a final decision, decision or a recommendation by an  
49 examiner.

50           D. "Examiner" means the hearing examiner, a deputy examiner or an examiner  
51 pro tempore.

52           E. "Filing" means submitting documents to the examiner or to the appropriate  
53 reviewing body by physical delivery, including first class, registered or certified mail,  
54 hand-delivery or courier, or electronic means if allowed by rule.

55           F. "Final decision" means a ruling by an examiner that is appealable only to the  
56 appropriate court or tribunal.

57           G. "Interested person" means a person who has requested in writing, including by  
58 email, from the department, division or examiner, notice of a determination, who  
59 submitted comments as referred to in K.C.C. 20.20.090.A or the rules of the office of the  
60 hearing examiner or who participates in a hearing by providing evidence, comment or  
61 argument. "Interested person" would not include:

62 1. A person whose only communication is a signature on a petition or a  
63 mechanically or electronically reproduced form; or

64 2. A person who made a standing request for notices or documents,  
65 encompassing a type of case or hearing that relates to a geographic area.

66 H. "Party" means:

67 1. An applicant, proponent, petitioner or appellant;

68 2. The owner or owners of property subject to a hearing;

69 3. The responsible county department;

70 4. Another county department or division with jurisdiction or review authority

71 over a proposal or proceeding that has notified the office of the hearing examiner in

72 writing of its request to be a party to the proceeding;

73 5. The entity issuing a ruling that is appealed to the examiner; and

74 6. Another entity to whom the examiner grants party status.

75 I. "Recommendation" means a ruling by an examiner that goes to the council for  
76 final action.

77 J. "Transmit" refers to documents the examiner sends out to all parties and  
78 interested persons by physical delivery, including first class, registered or certified mail,

79 hand-delivery or courier, or electronic means.

80 SECTION 5. K.C.C. 20.24.020, as amended by this ordinance, is hereby

81 recodified as a new section in the new chapter established in section 2 of this ordinance.

82 SECTION 6. Ordinance 263, Art. 5, Section 2, as amended, and K.C.C.

83 20.24.020 are each hereby amended to read as follows:

84 A. The office of hearing examiner is created(~~(-The office))~~ and shall act on

85 behalf of the council in considering and applying adopted county policies and regulations

86 as provided (~~(herein))~~ in this chapter, to provide for consistent application of the county's

87 adopted policies and regulations. The hearing examiner shall separate the application of

88 regulatory controls from the legislative planning process, protect and promote the public

89 and private interests of the community and expand the principles of fairness and due

90 process in public hearings.

91 B.1. The council shall appoint the hearing examiner to serve for a term of four

92 years.

93 2. The council may hire a deputy examiner to assist the hearing examiner with

94 the powers and duties described in subsection D. of this section.

95 3. The council may approve a roster of qualified persons to serve as examiner

96 pro tempore, with the powers and duties described in subsection E. of this section.

97 C. Examiners shall be appointed solely based on their qualifications for the duties

98 of their offices and shall have such training or experience as will qualify them to conduct

99 administrative or quasi-judicial hearings on regulatory enactments and to discharge the

100 other functions conferred upon them. They shall not hold another appointive or elective

101 public office or position in county government except as authorized by the council by

102 motion.

103 D. A deputy examiner shall assist the hearing examiner in performing the duties

104 conferred upon the hearing examiner by ordinance and, in the event of the absence or the

105 inability of the hearing examiner to act, has all the duties and powers of the hearing

106 examiner.

107           E. The hearing examiner may appoint an examiner pro tempore to a case from  
108 the roster approved under subsection B.3. of this section. Once appointed to a case, an  
109 examiner pro tempore has the same duties and powers as the hearing examiner.

110           F. The hearing examiner may be removed from office for just cause at any time  
111 by the affirmative vote of at least six members of the council.

112           G. Individual councilmembers, county officials or any other persons shall not  
113 interfere with, or attempt to interfere with, the performance of the designated duties of an  
114 examiner.

115           SECTION 7. The following are each hereby repealed:

116           A. Ordinance 263, Art. 5, Section 3, as amended, and K.C.C. 20.24.030;

117           B. Ordinance 263, Art. 5, Section 4, as amended, and K.C.C. 20.24.040;

118           C. Ordinance 263, Art. 5, Section 5, as amended, and K.C.C. 20.24.050;

119           D. Ordinance 263, Art. 5, Section 6, as amended, and K.C.C. 20.24.060; and

120           E. Ordinance 11502, Section 16, and K.C.C. 20.24.065.

121           NEW SECTION. SECTION 8. There is hereby added to the new chapter  
122 established under section 2 of this ordinance a new section to read as follows:

123           A. The examiner shall receive and examine available information, conduct open  
124 record hearings and prepare records and reports, including findings and conclusions and,  
125 based on the issues and evidence:

126           1. Issue final decisions, as set forth in K.C.C. 20.24.080, as recodified by this  
127 ordinance;

128           2. Issue decisions, as set forth in K.C.C. 20.24.072, as recodified by this  
129 ordinance;

130 3. Issue recommendations to the council, as set forth in K.C.C. 20.24.070, as  
131 recodified by this ordinance;

132 4. Take other actions as prescribed by this chapter; and

133 5. Take other actions as directed by ordinance or motion.

134 B. The examiner's determination may be to grant or deny the application or  
135 appeal, and may include any conditions, modifications and restrictions as the examiner  
136 finds necessary to carry out applicable laws, regulations and adopted policies.

137 C. For the purposes of proceedings identified in K.C.C. 20.24.072, as recodified  
138 by this ordinance, and 20.24.070, as recodified by this ordinance, the public hearing by  
139 the examiner shall constitute the hearing required by the King County Charter by the  
140 council.

141 D. The examiner shall have the power to issue a summons and subpoena to  
142 compel the appearance of witnesses and production of documents and materials, to order  
143 discovery, to administer oaths and to preserve order.

144 E. To avoid unnecessary delay and to promote hearing process efficiency, the  
145 examiner shall limit testimony, including cross-examination, to that which is relevant to  
146 the matter being heard, in light of adopted county policies and regulations, and shall  
147 exclude evidence and cross-examination that is irrelevant, cumulative or unduly  
148 repetitious. The examiner may establish reasonable time limits for presenting direct  
149 testimony, cross examination and argument.

150 F. Any written submittals shall be admitted only when authorized by the  
151 examiner.

152 G. The examiner shall use case management techniques to the extent reasonable  
153 including:

- 154 1. Limiting testimony and argument to relevant issues and to matters identified  
155 in the prehearing order;
- 156 2. Prehearing identification and submission of exhibits, if applicable;
- 157 3. Stipulated testimony or facts;
- 158 4. Prehearing dispositive motions, if applicable;
- 159 5. Prehearing conferences;
- 160 6. Voluntary mediation; and
- 161 7. Other methods to promote efficiency and to avoid delay.

162 SECTION 9. K.C.C. 20.24.080, as amended by this ordinance, is hereby  
163 recodified as a new section in the new chapter established under section 2 of this  
164 ordinance;

165 SECTION 10. Ordinance 4461, Section 2, as amended, and K.C.C. 20.24.080 are  
166 each hereby amended to read as follows:

167 ~~((A.)) The examiner shall ((receive and examine available information, conduct~~  
168 ~~open record public hearings and prepare records and reports thereof, and)) issue final~~  
169 ~~decisions((, including findings and conclusions, based on the issues and evidence in the~~  
170 ~~record, which shall be appealable as provided by K.C.C. 20.24.240, or to other designated~~  
171 ~~authority)) in the following cases:~~

172 ~~((1. Appeals of SEPA decisions, as provided in K.C.C. 20.44.120 and public~~  
173 ~~rules adopted under K.C.C. 20.44.075;~~



174 ~~2. Appeals of all Type 2 land use decisions, with the exception of appeals of~~  
175 ~~shoreline permits, including shoreline variances and conditional uses, which are~~  
176 ~~appealable to the state shoreline hearings board;~~

177 ~~3. Appeals of citations, notices and orders, notices of noncompliance ((and));~~  
178 ~~stop work orders issued pursuant to K.C.C. Title 23 or Title 1.08 of the rules and~~  
179 ~~regulations of the King County board of health;~~

180 ~~4. Appeals of decisions regarding the abatement of a nonconformance;~~

181 ~~5. Appeals of decisions of the director of the department of natural resources~~  
182 ~~and parks on requests for rate adjustments to surface and storm water management rates~~  
183 ~~and charges;~~

184 ~~6. Appeals of department of public safety seizures and intended forfeitures,~~  
185 ~~when properly designated by the chief law enforcement officer of that department as~~  
186 ~~provided in RCW 69.50.505;~~

187 ~~7. Appeals of notices and certifications of junk vehicles to be removed as a~~  
188 ~~public nuisance as provided in K.C.C. Title 21A and K.C.C. chapter 23.10;~~

189 ~~8. Appeals of the department's final decisions regarding transportation~~  
190 ~~concurrency, mitigation payment system and intersection standards provisions of K.C.C.~~  
191 ~~Title 14;~~

192 ~~9. Appeals of decisions of the interagency review committee created under~~  
193 ~~K.C.C. 21A.37.070 regarding sending site applications for certification pursuant to~~  
194 ~~K.C.C. chapter 21A.37; and~~

195 ~~10. Appeals of other applications or appeals that the council prescribes by~~  
196 ~~ordinance.~~

197           B. ~~The examiner's decision may be to grant or deny the application or appeal, or~~  
198 ~~the examiner may grant the application or appeal with such conditions, modifications and~~  
199 ~~restrictions as the examiner finds necessary to make the application or appeal compatible~~  
200 ~~with the environment and carry out applicable state laws and regulations, including~~  
201 ~~chapter 43.21C RCW, and the regulations, policies, objectives and goals of the~~  
202 ~~comprehensive plan, the community plans, subarea or neighborhood plans, the zoning~~  
203 ~~code, the subdivision code and other official laws, policies and objectives of King~~  
204 ~~County. In case of any conflict between the King County Comprehensive Plan and a~~  
205 ~~community, subarea or neighborhood plan, the King County Comprehensive Plan shall~~  
206 ~~govern.))~~ A. Appeals of orders of the ombudsman under the lobbyist disclosure code,  
207 K.C.C. chapter 1.07;  
208           B. Appeals of sanctions of the finance and business operations division in the  
209 department of executive services imposed under K.C.C. chapter 2.97;  
210           C. Appeals of career service review committee conversion decisions for part-time  
211 and temporary employees under K.C.C. chapter 3.12A;  
212           D. Appeals of electric vehicle recharging station penalties of the department of  
213 transportation under K.C.C. 4A.700.700;  
214           E. Appeals of notice and orders of the manager of records and licensing services  
215 or the director of permitting and environmental review under K.C.C. chapter 6.01;  
216           F. Appeals of adult entertainment license denials, suspensions and revocations  
217 under K.C.C. chapter 6.09;  
218           G. Appeals of the fire marshal's decisions on fireworks permits under K.C.C.  
219 chapter 6.26;

220 H. Appeals of cable franchise nonrenewals under K.C.C. 6.27A.060 and notices  
221 and orders under K.C.C. 6.27A.240.

222 I. Appeals of notices and orders of the department of natural resources and parks  
223 under K.C.C. chapter 7.09;

224 J. Appeals of decisions of the director of the department of natural resources and  
225 parks on surface water drainage enforcement under K.C.C. chapter 9.04.

226 K. Appeals of decisions of the director of the department of natural resources and  
227 parks on requests for rate adjustments to surface and storm water management rates and  
228 charges under K.C.C. chapter 9.08;

229 L. Appeals of decisions on water quality enforcement under K.C.C. chapter 9.12.

230 M. Appeals of notices and orders of the manager of animal control under K.C.C.  
231 chapter 11.04;

232 N. Certifications by the finance and business operations division of the  
233 department of executive services involving K.C.C. chapter 12.16;

234 O. Appeals of orders of the office of civil rights under K.C.C. chapter 12.17,  
235 K.C.C. chapter 12.18, K.C.C. chapter 12.20 and K.C.C. chapter 12.22;

236 P. Appeals of noise-related orders and citations of the department of permitting  
237 and environmental review under K.C.C. chapter 12.86;

238 Q. Appeals of utilities technical review committee determinations on water  
239 service availability under K.C.C. 13.24.090;

240 R. Appeals of decisions regarding mitigation payment system, commute trip  
241 reduction and intersection standards under K.C.C. Title 14;

242 S. Appeals of suspensions, revocations or limitations of permits or of decisions of  
243 the board of plumbing appeals under K.C.C. chapter 16.32;

244 T. Appeals of all Type 2 decisions under K.C.C. chapter 20.20, with the  
245 exception of appeals of shoreline permits, including shoreline substantial development  
246 permits, shoreline variances and shoreline conditional uses, which are appealable to the  
247 state Shoreline Hearings Board;

248 U. Appeals of SEPA decisions, as provided in K.C.C. 20.44.120 and public rules  
249 adopted under K.C.C. 20.44.075;

250 V. Appeals of completed farm management plans under K.C.C. 21A.30.045;

251 W. Appeals of decisions of the interagency review committee created under  
252 K.C.C. 21A.37.070 regarding sending site applications for certification under K.C.C.  
253 chapter 21A.37;

254 X. Appeals of citations, notices and orders, notices of noncompliance, stop work  
255 orders issued pursuant to K.C.C. Title 23 or Title 1.08 of the rules and regulations of the  
256 King County board of health;

257 Y. Appeals of notices and certifications of junk vehicles to be removed as a  
258 public nuisance as provided in K.C.C. Title 21A and K.C.C. chapter 23.10;

259 Z. Appeals of decisions not to issue a citation or a notice and order under K.C.C.  
260 23.36.010.A.2;

261 AA. Appeals of permit fee estimates and billings by the department of permitting  
262 and environmental review, as provided in K.C.C. chapter 27.50;

263 BB. Appeals from decisions of the department of natural resources and parks  
264 related to permits, discharge authorizations, violations and penalties under K.C.C.  
265 28.84.050 and 28.84.060;

266 CC. Appeals of department of public safety seizures and intended forfeitures,  
267 when properly designated by the chief law enforcement officer of the department of  
268 public safety as provided in RCW 69.50.505;

269 DD. Other applications or appeals that are prescribed by ordinance.

270 SECTION 11. K.C.C. 20.24.072, as amended by this ordinance, is hereby  
271 recodified as a new section in the new chapter established in section 2 of this ordinance.

272 SECTION 12. Ordinance 12196, Section 25, and K.C.C. 20.24.072 are each  
273 hereby amended to read as follows:

274 ~~((A.)) The examiner shall ((receive and examine available information, conduct~~  
275 ~~open record public hearings and prepare records and reports thereof, and)) issue decisions~~  
276 ~~on Type 3 ((land use)) permit applications ((including findings and conclusions, based~~  
277 ~~on the issues and evidence in the record. The decision of the examiner on Type 3 land~~  
278 ~~use permit applications shall be appealable to the Council on the record established by the~~  
279 ~~examiner as provided by K.C.C. 20.24.210D.~~

280 ~~B. The examiner's decision may be to grant or deny the application, or the~~  
281 ~~examiner may grant the application with such conditions, modifications and restrictions~~  
282 ~~as the examiner finds necessary to carry out applicable state laws and regulations,~~  
283 ~~including chapter 43.21C RCW, and the regulations, policies, objectives and goals of the~~  
284 ~~comprehensive plan, the community plan, subarea or neighborhood plans, the zoning~~  
285 ~~code, the subdivision code and other official laws, policies and objectives of King~~

286 County. In case of any conflict between the King County Comprehensive Plan and a  
287 community, subarea or neighborhood plan, the Comprehensive Plan shall govern)) under  
288 K.C.C. chapter 20.20.

289 SECTION 13. K.C.C. 20.24.070, as amended by this ordinance, is hereby  
290 recodified as a new section in the new chapter established in section 2 of this ordinance.

291 SECTION 14. Ordinance 4461, Section 1, as amended, and K.C.C. 20.24.070 are  
292 each hereby amended to read as follows:

293 ~~((A.))~~ The examiner shall ~~((receive and examine available information, conduct~~  
294 ~~open record public hearings and prepare records and reports thereof and))~~ issue  
295 recommendations ~~((, including findings and conclusions to the council based on the~~  
296 ~~issues and evidence in the record))~~ in the following cases:

297 ~~((1. All Type 4 decisions;~~

298 ~~2. Applications for agricultural land variances;~~

299 ~~3. Applications for public benefit rating system assessed valuation on open~~  
300 ~~space land and current use assessment on timber lands, except as provided in K.C.C.~~  
301 ~~20.36.090;~~

302 ~~4. Appeals from denials by the county assessor of applications for current use~~  
303 ~~assessments on farm and agricultural lands;~~

304 ~~5. Applications the vacation of county roads;~~

305 ~~6. Appeals of a recommendation by the department of transportation to deny the~~  
306 ~~petition for vacation of a county road;~~

307 ~~7. Appeals of a recommendation by the department of transportation of the~~  
308 ~~compensation amount to be paid for vacation of a county road;~~

309 ~~8. Proposals for establishment or modification of cable system rates))~~ A.  
310 Proposals for establishment or modification of cable system rates under K.C.C.  
311 6.27A.140;  
312 B. Applications or appeals related to the vacation of county roads under K.C.C.  
313 chapter 14.40;  
314 C. All Type 4 decisions under K.C.C. chapter 20.20;  
315 D. Applications for public benefit rating system assessed valuation on open space  
316 land and current use assessment on timber lands under K.C.C. chapter 20.36, except as  
317 provided in K.C.C. 20.36.090;  
318 E. Applications for agricultural land variances under K.C.C. 20.54.090,  
319 applications for rezones or subdivisions under K.C.C. 20.54.100.A., appeals of  
320 designations of agricultural land of county significance under K.C.C. 20.54.100.C, and  
321 applications to revise the boundaries of agricultural lands of county significance under  
322 K.C.C. 20.54.110.C;  
323 F. Appeals of decisions to designate or reject a nomination for designation for a  
324 landmark or issuing or denying a certificate of appropriateness under K.C.C. chapter  
325 20.62; ((and))  
326 ((9.)) G. Creation of a lake or beach management district and a special  
327 assessment roll under chapter 36.61 RCW; and  
328 H. Other applications or appeals that ((the council may)) are prescribed by  
329 ordinance.  
330 ((B. The examiner's recommendation may be to grant or deny the application or  
331 appeal, or the examiner may recommend that the council adopt the application or appeal

332 ~~with such conditions, modifications and restrictions as the examiner finds necessary to~~  
333 ~~carry out applicable state laws and regulations and the regulations, including chapter~~  
334 ~~43.21C RCW, policies, objectives and goals of the comprehensive plan, the community~~  
335 ~~plan, subarea or neighborhood plans, the zoning code, the subdivision code and other~~  
336 ~~official laws, policies and objectives of King County. In case of any conflict between the~~  
337 ~~King County Comprehensive Plan and a community, subarea or neighborhood plan, the~~  
338 ~~Comprehensive Plan shall govern.))~~

339 SECTION 15. Ordinance 16026, Section 2, as amended, and K.C.C. 20.24.085  
340 are each hereby repealed.

341 NEW SECTION. SECTION 16. There is hereby added to the new chapter  
342 created under section 2 of this ordinance a new section to read as follows:

343 A. K.C.C. 20.24.090, as recodified by this ordinance, applies to all appeals to the  
344 office of the hearing examiner. If there is a direct conflict between the appeal provisions  
345 in K.C.C. 20.24.090, as recodified by this ordinance, and the appeal provisions found in  
346 subsection B. of this section, the appeal provisions found in subsection B. of this section  
347 shall control.

348 B. The provisions for appealing the following decisions are found in the  
349 following titles and chapters of the King County Code:

- 350 1. Career service review, K.C.C. chapter 3.12A;
- 351 2. Licenses under K.C.C. Title 6, except for for-hire transportation, K.C.C.  
352 chapter 6.64;
- 353 3. Discrimination and equal employment opportunity in employment by  
354 contractors, subcontractors and vendors, K.C.C. chapter 12.16;



- 355 4. Unfair housing practices, K.C.C. chapter 12.20;
- 356 5. Discrimination in places of public accommodation, K.C.C. chapter 12.22
- 357 6. Regional motor sports facility, K.C.C. 21A.55.105;
- 358 7. Abandoned, wrecked, dismantled or inoperative vehicles, K.C.C. chapter
- 359 23.10;
- 360 8. Citations, K.C.C. chapter 23.20;
- 361 9. Penalty appeals, K.C.C. chapter 23.32;
- 362 10. Permit fee appeals, K.C.C. chapter 27.50; and
- 363 11. Other appeals that are prescribed by ordinance.

364 SECTION 17. K.C.C. 20.24.090, as amended by this ordinance, is hereby  
365 recodified as a new section in the new chapter established under section 2 of this  
366 ordinance.

367 SECTION 18. Ordinance 4461, Section 3, as amended, and K.C.C. 20.24.090 are  
368 each hereby amended to read as follows:

369 ~~((A. Except as otherwise provided in this section, a notice of appeal shall be filed~~  
370 ~~with the county department or division issuing the original decision with a copy provided~~  
371 ~~by the department or division to the office of the hearing examiner. The notice of appeal,~~  
372 ~~together with the required appeal fee, shall be filed within the prescribed appeal period.~~  
373 ~~Except as otherwise provided in K.C.C. chapter 27.50, the appeal period shall be fourteen~~  
374 ~~calendar days and shall commence on the third day after the mailing of the notice of~~  
375 ~~decision. In cases of appeals of Type 2 land use decisions made by the director, if WAC~~  
376 ~~197-11-340(2)(a) applies the notice of appeal shall be filed within twenty-four days after~~  
377 ~~the mailing of the notice of decision.~~

378 B. A notice of appeal of the recommendation to deny vacation of a county road  
379 by the department of transportation shall be filed along with the required two hundred  
380 dollar administrative fee with the clerk of the county council within thirty days of an  
381 issuance of the denial.

382 C. Except in the case of an appeal of citation under K.C.C. chapter 23.20, [and  
383 e]xcept as otherwise provided in K.C.C. chapter 27.50, if a notice of appeal has been filed  
384 within the applicable time period [provided in this section], the appellant shall file a  
385 statement of appeal with the county department or division issuing the original decision  
386 or action within seven days after the filing deadline for the notice of appeal. A statement  
387 of appeal is not required for an appeal of a citation issued under K.C.C. chapter 23.30.

388 Department or division staff shall:

389 1. Be available within a reasonable time to persons wishing to file a statement of  
390 appeal subsequent to an agency ruling, and to respond to queries concerning the facts and  
391 process of the county decision; and

392 2. Make available within a reasonable time a complete set of files detailing the  
393 facts of the department or division ruling in question to persons wishing to file a  
394 statement of appeal, subsequent to an agency ruling. If a department or division is unable

395 to comply with these provisions, the hearing examiner may authorize amendments to a  
396 statement of appeal to reflect information not made available to an appellant within a  
397 reasonable time due to a failure by a county agency to meet the foregoing requirements.

398 D. The statement of appeal shall:

399 1. Identify the decision being appealed and the alleged errors in that decision;

400 2. State specific reasons why the decision should be reversed or modified;

401 ~~3. State the harm suffered or anticipated by the appellant; and~~

402 ~~4. Identify the relief sought.~~

403 ~~E. The scope of an appeal shall be based principally on matters or issues raised in~~  
404 ~~the statement of appeal.~~

405 ~~F. Failure to timely file a notice of appeal, appeal fee or statement of appeal~~  
406 ~~deprives the examiner of jurisdiction to consider the appeal. As used in this section,~~  
407 ~~filing means actual receipt by the department required to be served.))~~

408 A. Unless section 16 of this ordinance applies, a person initiates an appeal from a  
409 decision of a department or division by delivering an appeal statement to the issuing  
410 department or division.

411 B. The appeal statement must be received by the department or division within  
412 twenty-four days of the date of issuance of the decision by the department or division.

413 C. The statement appealing the decision of a department or division to the office  
414 of the hearing examiner shall:

415 1. Include a copy of, or clearly identify, the decision being appealed;

416 2. Identify the location of the property subject to the appeal, if any;

417 3. Identify the legal interest of the appellant;

418 4. Identify the alleged errors in the decision;

419 5. State specific reasons why the decision should be reversed or modified;

420 6. State the harm suffered or anticipated by the appellant; and

421 7. Identify the relief sought.

422 D. The appellant shall pay a fee as provided in section 77.A. of this ordinance.

423 The fee shall be paid at the time the appeal statement is delivered and is not refundable.

424 E. In order that a person contemplating an appeal has the necessary information  
425 on which to base the appeal, during the time between the issuance of the decision and the  
426 deadline for delivering an appeal, the department or division shall:

427 1. Respond to inquiries concerning the facts and process of the decision; and

428 2. Make available any files that detail the facts on which the department or  
429 division based its ruling.

430 F. If a department or division is unable to comply with subsection E. of this  
431 section, the examiner may authorize an amendment to an appeal statement to reflect  
432 information subsequently made available to the appellant.

433 G. The scope of an appeal shall be limited to matters or issues raised in the  
434 appeal statement and any amendments to the appeal statement the examiner may  
435 authorize.

436 H. If a person fails to timely deliver the appeal statement or pay the appeal fee,  
437 the office of the hearing examiner does not have jurisdiction to consider the appeal and  
438 the decision of the department or division becomes final and unreviewable.

439 SECTION 19. K.C.C. 20.24.095, as amended by this ordinance, is hereby  
440 recodified as a new section in the new chapter established under section 2 of this  
441 ordinance.

442 SECTION 20. Ordinance 11502, Section 12, and K.C.C. 20.24.095 are each  
443 hereby amended to read as follows:

444 A. For appeals of agency actions to the office of the hearing examiner, the  
445 examiner, ((~~the~~))on ((~~its~~)) the examiner's own motion((~~the~~)) or on the motion of a party, ((~~the~~)

446 examiner)) shall dismiss an appeal ((~~for untimeliness or lack of jurisdiction~~)) if the

447 appellant lacks standing or if the appeal is untimely, frivolous on its face or beyond the  
448 examiner's jurisdiction.

449 B. The examiner may dismiss an appeal that is not sufficiently specific to apprise  
450 the parties of the factual basis upon which relief is sought or if the grounds stated do not  
451 constitute a legally adequate basis for the appeal. Alternatively, the examiner may clarify  
452 the issues on appeal or may require any party with the burden of proof to clarify the  
453 issues on appeal.

454 NEW SECTION. SECTION 21. There is hereby added to the new chapter  
455 established under section 2 of this ordinance a new section to read as follows:

456 A. The examiner shall process all appeals and applications as expeditiously as  
457 possible, giving appropriate consideration to the procedural due process rights of the  
458 parties.

459 B.1. For appeals initiated by delivering the appeal statement to the responsible  
460 department or division, the responsible department or division shall file with the office of  
461 the hearing examiner the decision or decisions being appealed, the appeal statement and a  
462 current list of parties and interested persons within seventeen days of the date the  
463 responsible department or division receives the appeal statement. The examiner shall  
464 hold a prehearing conference or a hearing within forty-five days, and shall complete the  
465 appeal process, including issuing a determination, within ninety days of the date the  
466 office of the hearing examiner receives those materials.

467 2. For any appeal that requires the appeal statement to be delivered directly to  
468 the office of the hearing examiner, the examiner shall hold a prehearing conference or a

469 hearing within forty-five days, and shall complete the appeal process, including issuing a  
470 determination, within ninety days, of receiving the appeal statement.

471 C. For applications for which the responsible department or division issues a  
472 recommendation and an examiner holds a public hearing and issues a decision or  
473 recommendation, the examiner shall complete the application review, including holding a  
474 public hearing and transmitting the report required by K.C.C. 20.24.210, as recodified by  
475 this ordinance, within ninety days from the date the council refers the application to the  
476 office of the hearing examiner. Any time required by the applicant or the responsible  
477 department or division to obtain and provide additional information requested by the  
478 examiner and necessary for the determination on the application and consistent with  
479 applicable laws, regulations and adopted policies is excluded from the ninety-day  
480 calculation.

481 D. At least fourteen days before a scheduled hearing, the examiner shall transmit  
482 notice of the time and place of the hearing.

483 E. If for any reason testimony cannot be completed on the date set for a hearing,  
484 the matter shall be continued to the soonest available date. To the extent practicable, a  
485 matter should be heard on consecutive days until it is concluded.

486 F. The examiner may extend the deadlines in this section for up to thirty days.  
487 Extensions of over thirty days are permissible with the consent of all parties. When an  
488 extension is made, the examiner shall state in writing the reason for the extension.

489 G. Failure to complete the hearing process within the times stated in this section  
490 shall not terminate the jurisdiction of the office of the hearing examiner.

491 SECTION 22. The following are each hereby repealed:

- 492 A. Ordinance 11502, Section 14, as amended, and K.C.C. 20.24.097;  
493 B. Ordinance 11502, Section 15, as amended, and K.C.C. 20.24.098;  
494 C. Ordinance 263, Art. 5, Section 7 (part), as amended, and K.C.C. 20.24.100;  
495 D. Ordinance 263, Art. 5, Section 8, and K.C.C. 20.24.110;  
496 E. Ordinance 263, Art. 5, Section 9, as amended, and K.C.C. 20.24.120; and  
497 F. Ordinance 4461, Section 4, as amended, and K.C.C. 20.24.130.

498 SECTION 23. K.C.C. 20.24.140, as amended by this ordinance, is hereby  
499 recodified as a new section in the new chapter established under section 2 of this  
500 ordinance.

501 SECTION 24. Ordinance 4461, Section 5, as amended, and K.C.C. 20.24.140 are  
502 each hereby amended to read as follows:

503 Whenever an ~~((project))~~ appeal or application includes more than one county  
504 permit, approval or determination for which a public hearing is required or for which an  
505 appeal is provided ~~((pursuant to))~~ under this chapter, the hearings and any ~~((such))~~  
506 appeals may be consolidated into a single proceeding before the ~~((hearing))~~ examiner  
507 ~~((pursuant to K.C.C. 20.20.020))~~.

508 SECTION 25. K.C.C. 20.24.145, as amended by this ordinance, is hereby  
509 recodified as a new section in the new chapter established under section 2 of this  
510 ordinance.

511 SECTION 26. Ordinance 11502, Section 12, as amended, and K.C.C. 20.24.145  
512 are each hereby amended to read as follows:

513 ~~((A pre-hearing conference may be called by the examiner pursuant to this chapter~~  
514 ~~upon the request of a party, or on the examiner's own motion. A pre-hearing conference~~

515 shall be held in every appeal brought pursuant to this chapter if timely requested by any  
516 party. The pre-hearing conference shall be held at such time as ordered by the examiner,  
517 but not less than fourteen days prior to the scheduled hearing on not less than seven days  
518 notice to those who are then parties of record to the proceeding. The purpose of a pre-  
519 hearing conference shall be to identify to the extent possible, the facts in dispute, issues,  
520 laws, parties and witnesses in the case. In addition the pre hearing conference is intended  
521 to establish a timeline for the presentation of the case. The examiner shall establish rules  
522 for the conduct of pre hearing conferences.

523 Any party who does not attend the pre hearing conference, or anyone who  
524 becomes a party of record after notice of the pre hearing conference has been sent to the  
525 parties, shall nevertheless be entitled to present testimony and evidence to the examiner at  
526 the hearing.) A. On the examiner's own initiative, or at the request of a party, the  
527 examiner may set a prehearing conference.

528 B. If a prehearing conference is set, it shall be held not less than fourteen days  
529 before the scheduled hearing. At least seven days before the prehearing conference, the  
530 examiner shall transmit notice of the date and location of the prehearing conference.

531 SECTION 27. K.C.C. 20.24.150, as amended by this ordinance, is hereby  
532 recodified as a new section in the new chapter established under section 2 of this  
533 ordinance.

534 SECTION 28. Ordinance 263, Art. 5, Section 11, as amended, and K.C.C.  
535 20.24.150 are each hereby amended to read as follows:

536 When an application or appeal has been set for ((public)) hearing, the responsible  
537 ((county)) department shall coordinate and assemble the reviews of other departments



538 and governmental agencies having an interest in the application or appeal and shall  
539 prepare a report summarizing the ~~((factors involved and the))~~ departments' findings and  
540 recommendation or decision. At least fourteen ~~((calendar))~~ days ~~((prior to))~~ before the  
541 scheduled hearing, the responsible department shall file the report ~~((, and in the case of~~  
542 ~~appeals any written appeal arguments submitted to the county, shall be filed))~~ with the  
543 office of the hearing examiner and ~~((copies thereof))~~ shall ~~((be mailed))~~ send the report  
544 to all ~~((persons of record who have not previously received said materials))~~ parties and  
545 interested persons.

546 SECTION 29. The following are each hereby repealed:

547 A. Ordinance 263, Art. 5, Section 12, as amended, and K.C.C. 20.24.160; and

548 B. Ordinance 1:502, Section 13, as amended, and K.C.C. 20.24.175.

549 SECTION 30. K.C.C. 20.24.180, as amended by this ordinance, is hereby  
550 recodified as a new section in the new chapter established under section 2 of this  
551 ordinance.

552 SECTION 31. Ordinance 4461, Section 9, as amended, and K.C.C. 20.24.180 are  
553 each hereby amended to read as follows:

554 When the examiner renders a ~~((decision or recommendation, he or she))~~  
555 determination, the examiner shall make and enter findings of fact and conclusions from  
556 the record which support the ~~((decision))~~ determination and ~~((the findings and~~  
557 ~~conclusions))~~ shall set forth ~~((and demonstrate the manner in which the decision or~~  
558 ~~recommendation))~~ how the determination is consistent with ~~((, carries out and helps~~  
559 ~~implement applicable state laws and regulations and the regulations, policies, objectives~~  
560 ~~and goals of the comprehensive plan, subarea or community plans, the zoning code, the~~

561 ~~land segregation code and other official laws, policies and objectives of King County,~~  
562 ~~and that the recommendation or decision will not be unreasonably incompatible with or~~  
563 ~~detrimental to affected properties and the general public)) applicable laws, regulations~~  
564 ~~and adopted policies.~~

565 SECTION 32. K.C.C. 20.24.190, as amended by this ordinance, is hereby  
566 recodified as a new section in the new chapter established under section 2 of this  
567 ordinance.

568 SECTION 33. Ordinance 4461, Section 10, as amended, and K.C.C. 20.24.190  
569 are each hereby amended to read as follows:

570 When the examiner issues a recommendation regarding an application for a zone  
571 reclassification of property ~~((or for a shoreline environment redesignation))~~, the  
572 recommendation shall include ~~((additional))~~ findings ~~((that support the conclusion that at~~  
573 ~~least one of the following circumstances applies)) on whether the application meets both~~  
574 of the following:

575 A. The proposed rezone ~~((or shoreline environment redesignation))~~ is consistent  
576 with the King County Comprehensive Plan; and

577 B.1. The property is potentially zoned for the reclassification being requested (~~(;~~  
578 ~~conditions have been met that indicate the reclassification is appropriate and the proposed~~  
579 ~~rezone or shoreline environment redesignation is consistent with the King County~~  
580 ~~Comprehensive Plan))~~;

581 ~~((C-))~~ 2. An adopted subarea plan or area zoning specifies that the property shall  
582 be subsequently considered through an individual reclassification application ~~((and the~~

583 proposed rezone or shoreline environment redesignation is consistent with the King  
584 County Comprehensive Plan)); or  
585 ~~((D-))~~ 3. The requested reclassification ~~((or redesignation is in the public interest~~  
586 ~~and the proposed rezone or shoreline environment redesignation is consistent with the~~  
587 ~~King County Comprehensive Plan))~~ is based on changed conditions.

588 SECTION 34. K.C.C. 20.24.510, as amended by this ordinance, is hereby  
589 recodified as a new section in the new chapter established under section 2 of this  
590 ordinance.

591 SECTION 35. Ordinance 13687, Section 7, as amended, and K.C.C. 20.24.510  
592 are each hereby amended to read as follows:

593 When an examiner issues a recommendation on ((A))a shoreline redesignation  
594 ((referred to)), the ((hearing)) examiner ((for a public hearing shall be reviewed based  
595 upon)) shall include findings on whether the shoreline redesignation complies with the  
596 following:

597 A. ((t))The King County Comprehensive Plan policies, state and county  
598 shorelines management goals and objectives and ((the following additional standards:

599 A. The proposed change shall implement and support:

- 600 1. The goals of the Comprehensive Plan;
- 601 2. The goals, policies and objectives of the state Shoreline Management Act;
- 602 3. The county's shoreline master program; and
- 603 4. T))the designation criteria of the proposed shoreline ((environment))

604 designation;

605 B. The impacts of development allowed by the proposed change ~~((shall))~~ do not  
606 permanently impair any habitat critical to endangered or threatened species;

607 C. The impacts of development allowed by the proposed change ~~((shall be))~~ are  
608 adequately addressed in a mitigation plan providing significant enhancement of the first  
609 one hundred feet adjacent to the stream and improved habitat for species declared as  
610 endangered or threatened under the Endangered Species Act, to the extent those impacts  
611 may be determinable at the time of the shorelines redesignation. A full mitigation plan  
612 shall accompany each application, as provided in K.C.C. 20.18.057 and 20.18.058; and

613 D. If ~~((greater intensity of development would be allowed as a result of))~~ the  
614 shoreline redesignation results in greater density of development, the proposal ~~((shall))~~  
615 utilizes clustering or a ~~((multi-story))~~ multistory design to pursue minimum densities  
616 while minimizing lot coverage adjacent to the shoreline setback area.

617 SECTION 36. K.C.C. 20.24.400, as amended by this ordinance, is hereby  
618 recodified as a new section in the new chapter established under section 2 of this  
619 ordinance.

620 SECTION 37. Ordinance 13147, Section 34, and K.C.C. 20.24.400 are each  
621 hereby amended to read as follows:

622 Upon initiation of a site-specific land use map amendment to the  
623 ~~((e))~~ Comprehensive ~~((p))~~ Plan ~~((pursuant to))~~ under K.C.C. 20.18.050, the ~~((hearing))~~  
624 examiner shall conduct a public hearing to consider the ~~((report and))~~ department's  
625 written recommendation ~~((of the department))~~ and to take testimony and receive  
626 additional evidence relating to the proposed amendment. The ~~((hearing))~~ examiner may  
627 consolidate hearings ~~((pursuant to))~~ in accordance with K.C.C. 20.24.140 to the extent

628 ~~((practical))~~ practicable. ~~((Following the public hearing))~~ No later than thirty days after  
629 closing the public hearing on the site-specific land use map amendment, the ~~((hearing))~~  
630 examiner shall ~~((complete a report within thirty days which))~~ prepare a recommendation  
631 that contains written findings and conclusions regarding ((the)) whether:

632 1. Under K.C.C. 20.18.040, a proposed site-specific land use map  
633 amendment~~((s qualification for))~~ may be considered as part of an annual review  
634 ~~((consideration, and consistency or lack of consistency))~~ cycle; and

635 2. A site-specific land use map amendment is consistent with the applicable  
636 review criteria. ~~((An annual report containing all site specific land use map amendment~~  
637 reports which have been completed shall be compiled by the hearing examiner and  
638 submitted to the council by January 15 of the following year.))

639 B. The office of the hearing examiner shall compile the written recommendations  
640 on all site-specific land use map amendments made in a year into a single report. The  
641 report shall be filed by January 15 in the form of a paper original and an electronic copy  
642 with the clerk of the council, who shall retain the original and provide an electronic copy  
643 to all councilmembers, the council chief of staff and the lead staff for the transportation,  
644 economy and environment committee or its successor.

645 SECTION 38. K.C.C. 20.24.195, as amended by this ordinance, is hereby  
646 recodified as a new section in the new chapter established under section 2 of this  
647 ordinance.

648 SECTION 39. Ordinance 9544, Section 1, as amended, and K.C.C. 20.24.195 are  
649 each hereby amended to read as follows:

650 When the examiner makes a decision regarding an application for a proposed  
651 preliminary plat, the decision shall include additional findings as to whether:

652 A. Appropriate provisions are made for the public health, safety((s)) and general  
653 welfare and for such open spaces, drainage ways, streets or roads, alleys, other public  
654 ways, transit stops, potable water supplies, sanitary wastes, parks and recreation,  
655 playgrounds, schools and school grounds and all other relevant facts, including sidewalks  
656 and other planning features that assure safe walking conditions for students who only  
657 walk to and from school; and

658 B. The public use and interest will be served by ((the)) platting ((of such)) the  
659 subdivision and dedication.

660 SECTION 40. K.C.C. 20.24.520 is hereby recodified as a new section in the new  
661 chapter established under section 2 of this ordinance.

662 SECTION 41. K.C.C. 20.24.197 is hereby recodified as a new section in the new  
663 chapter established under section 2 of this ordinance.

664 SECTION 42. Ordinance 9785, Section 10, as amended, and K.C.C. 20.24.197  
665 are each hereby amended to read as follows:

666 ((Whenever the examiner in the course of conducting hearings or reviewing  
667 preliminary plat applications receives documentation that the public schools in the district  
668 where the development is proposed would not meet the standards set out in K.C.C.  
669 21A.28.160 if the development were approved, the examiner shall remand to the  
670 department of permitting and environmental review to require or recommend phasing or  
671 provision of the needed facilities and sites as appropriate to address the deficiency, or  
672 deny the proposal if required by this chapter. The examiner shall prepare findings to

673 document the facts that support the action taken. The examiner shall recommend such  
674 phasing as may be necessary to coordinate the development of the housing with the  
675 provision of sufficient school facilities, or shall require the provision of the needed  
676 facilities. An offer of payment of a school impact fee as required by ordinance shall not  
677 be a substitute for the phasing, but the fee is still assessable. The examiner shall  
678 recommend a payment schedule for the fee to coordinate the payment with phasing of an  
679 impact mitigation fee if the provision or payment is satisfactory to the district. The  
680 examiner must determine independently that the conditions of approval and assessable  
681 fees will provide for adequate schools.)) If the examiner determines that the public  
682 schools in the district where the development is proposed would not meet the standards in  
683 K.C.C. 21A.28.160 if the development were approved, the examiner either shall remand  
684 the matter to the department of permitting and environmental review or shall require or  
685 recommend phasing or provision of the needed facilities and sites as appropriate to  
686 address the deficiency or shall deny the proposal. The examiner shall prepare findings to  
687 document the facts that support the action taken. Payment of a school impact fee as  
688 required by K.C.C. chapter 27.44 is not a substitute for phasing. The examiner shall  
689 recommend a fee payment schedule to coordinate that payment with any phasing, if the  
690 provision or payment satisfies the district and any deferral requirements. The examiner  
691 must determine independently that the conditions of approval and assessable fees will  
692 provide for adequate schools.

693 NEW SECTION. SECTION 43. There is hereby added to the new chapter  
694 created under section 2 of this ordinance a new section to read as follows:

695 A. Enforcement of any notice and order under K.C.C. chapter 6.64 or K.C.C.  
696 Title 11 shall be stayed during the pendency of an appeal therefrom which is properly and  
697 timely filed, except impoundment of an animal that is vicious or cruelly treated.

698 B. In proceedings before the examiner for an appeal from a notice and order  
699 under K.C.C. chapter 6.64 or K.C.C. Title 11, the records and licensing services division  
700 shall bear the burden of proving by a preponderance of the evidence both the violation  
701 and the appropriateness of the remedy it has imposed.

702 SECTION 44. K.C.C. 20.24.210, as amended by this ordinance, is hereby  
703 recodified as a new section in the new chapter established under section 2 of this  
704 ordinance.

705 SECTION 45. Ordinance 4461, Section 11, as amended, and K.C.C. 20.24.210  
706 are each hereby amended to read as follows:

707 A.1. Except as otherwise provided in K.C.C. 20.24.400, as recodified by this  
708 ordinance, ((W))within ten business days of ((the conclusion of)) concluding a hearing or  
709 rehearing, the examiner shall render a written determination ((recommendation or  
710 decision)) and shall transmit a copy ((thereof)) of that determination ((to all persons of  
711 record). The examiner's ((decision)) determination shall identify the applicant ((and/)or  
712 the owner, or both, by names and addresses.

713 2. Before the expiration of the applicable appeal period of subsection B., C. or  
714 D. of this section, a party may file with the examiner a motion requesting that the  
715 examiner reconsider a determination. A timely motion stays the timelines in subsections  
716 B., C. and D. of this section until the examiner rules on the motion. The examiner may  
717 grant the motion if the person making the motion shows that the determination was based



718 in whole or in part on erroneous information or failed to comply with existing laws,  
719 regulations or adopted policies or if an error of procedure occurred that prevented  
720 consideration of the interest of persons directly affected by the action.

721 B.1. Examiner ~~((R))~~ recommendations ~~((of the examiner))~~ in cases identified in  
722 K.C.C. 20.24.070, as recodified by this ordinance, may be appealed to the council by a ~~((a~~  
723 ~~aggrieved))~~ party by filing ~~((a notice of))~~ an appeal ~~((with the clerk of the council within~~  
724 ~~fourteen calendar days of the date the examiner's written recommendation is mailed))~~  
725 statement in accordance with section 46 of this ordinance.

726 ~~((C.))~~ 2. If ~~((no))~~ an appeal statement is not timely filed ~~((within fourteen~~  
727 ~~calendar days))~~, the clerk of the council shall place a proposed ordinance ~~((which))~~ that  
728 ~~((implements))~~ adopts the ~~((examiner's))~~ recommended action of the examiner on the  
729 agenda of the next available council meeting for adoption ~~((; provided,))~~, except that  
730 ~~((no))~~:

731 a. final action to amend or reverse the ~~((hearing examiner's))~~ recommendation  
732 of the examiner shall not be taken at that meeting and notice to parties shall be given  
733 before the adoption of an ~~((substitute or amended))~~ ordinance ~~((which))~~ that amends or  
734 reverses the examiner's recommendation; ~~((provided further,))~~ and

735 b. the council by motion may refer the matter to a council committee or  
736 remand to the examiner for the purpose of further hearing, receipt of additional  
737 information or further consideration when determined necessary ~~((prior to))~~ before the  
738 council ~~((s taking))~~ takes final action ~~((thereon))~~.

739 ~~((D.))~~ C. Decisions of the examiner ~~((;))~~ that are appealable to the council as  
740 provided in K.C.C. 20.24.072, as recodified by this ordinance, ~~((shall be))~~ are final unless

741 appealed to the council by ~~((an aggrieved party of record by))~~ filing an ~~((notice of))~~  
742 appeal ~~((with the clerk of the council within fourteen calendar days of the date the~~  
743 ~~examiner's written decision is mailed))~~ statement in accordance with section 46 of this  
744 ordinance.

745 ~~((E:))~~ D. Final ~~((D))~~ decisions of the examiner in cases identified in K.C.C.  
746 20.24.080, as recodified by this ordinance, shall be final and reviewable ~~((pursuant to))~~  
747 under K.C.C. 20.24.240.B, as recodified by this ordinance.

748 NEW SECTION. SECTION 46. There is hereby added to the new chapter  
749 created under section 2 of this ordinance a new section to read as follows:

750 A. A person initiates an appeal to the council from an examiner recommendation  
751 or decision by filing an appeal statement with the clerk of the council and providing  
752 copies of the appeal statement to the examiner and to all parties.

753 B. The appeal statement must be received within twenty-four days of the date of  
754 the examiner's transmittal of the recommendation or decision.

755 C. The appeal statement shall:

- 756 1. Include a copy of the decision being appealed;
- 757 2. Identify the location of the property subject to the appeal;
- 758 3. Identify the legal interest of the appellant;
- 759 4. Identify the alleged errors in the decision;
- 760 5. State specific reasons why the decision should be reversed or modified;
- 761 6. State the harm suffered or anticipated by the party filing the appeal; and
- 762 7. Identify the relief sought.

763 D. The person filing an appeal shall pay a fee as prescribed in section 77 of this  
764 ordinance. The fee shall be paid at the time the appeal is filed and is not refundable.

765 E. The scope of an appeal shall be limited to matters or issues raised in the appeal  
766 statement.

767 F. If a person fails to timely file the appeal statement or pay the appeal fee, the  
768 council does not have jurisdiction to consider the appeal.

769 G. Within three days of receiving the appeal statement, the examiner shall notify  
770 all interested persons and parties of the appeal filing and of the opportunity to respond  
771 and shall post a copy of the examiner recommendation or decision and of the appeal  
772 statement on the internet.

773 H. Within seventeen days of the date the appeal statement is filed, a respondent  
774 shall file a response with the clerk of the council and provide copies of the response to  
775 the examiner, to all parties and to the appellant.

776 I. Within ten days of the date the response is filed, an appellant may file a reply  
777 with the clerk of the council, providing copies of the reply to the examiner, to all parties  
778 and to the respondent.

779 J. For purposes of this section, "file" means submitting a paper copy and an  
780 electronic copy to the clerk of the council.

781 SECTION 47. K.C.C. 20.24.220, as amended by this ordinance, is hereby  
782 recodified as a new section in the new chapter established under section 2 of this  
783 ordinance.

784 SECTION 48. Ordinance 4461, Section 12, as amended, and K.C.C. 20.24.220  
785 are each hereby amended to read as follows:

786 A. ~~((If an appeal has been filed pursuant to K.C.C. 20.24.210B, the appellant~~  
787 ~~shall file with the office of the clerk of the county council within twenty one calendar~~  
788 ~~days of the date of the examiner's written recommendation a written appeal statement~~  
789 ~~specifying the basis for the appeal and any arguments in support of the appeal. If no~~  
790 ~~written appeal statement or arguments are filed within the twenty one calendar days, the~~  
791 ~~clerk of the council shall place a proposed ordinance that implements the examiner's~~  
792 ~~recommended action on the agenda of the next available council meeting. If written~~  
793 ~~appeal arguments are filed, the clerk of the council shall cause notice to be given to other~~  
794 ~~parties of record that a notice of appeal and appeal statement have been filed and that~~  
795 ~~written appeal statements or arguments in response to the notice of appeal and appeal~~  
796 ~~statement may be submitted to the clerk within fourteen calendar days of the date of such~~  
797 ~~a notification by the clerk)) The council shall process appeals as expeditiously as~~  
798 ~~possible, giving consideration to the procedural due process rights of the parties. The~~  
799 ~~council should schedule consideration of the appeal within sixty days of the filing of the~~  
800 ~~response to the appeal statement. Failure of the council to consider the appeal within the~~  
801 ~~time limit does not terminate the council's jurisdiction.~~

802 B. The council's ((C))consideration ((by the council of the appeal, except for  
803 ~~appeals of examiner recommendations on petitions for road vacations,)) of an appeal~~  
804 ~~from either a decision or recommendation of the examiner shall be based upon the record~~  
805 ~~as presented to the examiner at the public hearing and upon written appeal statements,~~  
806 ~~responses and replies based upon the record. ((, but t))The council also may allow parties~~  
807 ~~a period ((of time)) for oral argument based on the record. Consistent with RCW~~  
808 ~~36.70B.020(1)((, before or at the appeal hearing)) and upon the request of ((the council))~~

809 a councilmember, the ~~((hearing))~~ examiner ~~((or other county staff))~~ may provide a written  
810 or oral summary, or both, of the ~~((appeal))~~ record, issues and arguments presented in an  
811 appeal and may provide answers, based on the record, to questions with respect to issues  
812 raised in ~~((an))~~ the appeal ~~((asked by councilmembers at the appeal hearing))~~. Nothing in  
813 this subsection shall be construed as limiting the ability of the council to seek and receive  
814 legal advice regarding a pending appeal from the office of the prosecuting attorney or  
815 other county legal counsel either within or outside of the hearing.

816 C. ~~((The))~~ An examiner may conduct a conference with all parties ~~((to the~~  
817 ~~appeal))~~ for the purpose of clarifying or attempting to resolve ~~((certain))~~ issues on appeal,  
818 but the ~~((deputy))~~ examiner who conducted the public hearing on the proposal may not  
819 conduct the conference. ~~((Such a))~~ The conference shall be informal and shall not be part  
820 of the public record.

821 D. If, after consideration of the record, written appeal statements, responses and  
822 replies and any oral argument the council determines that:

823 1. An error in fact or procedure ~~((may))~~ exists or additional information or  
824 clarification is desired, the council shall remand the matter to the examiner; or

825 2. The examiner's decision or recommendation ~~((of the examiner))~~ is based on  
826 an error in judgment or conclusion, the council may modify or reverse the examiner's  
827 decision or recommendation ~~((of the examiner))~~; ~~((but))~~ or the council ~~((s land use appeal~~  
828 ~~committee))~~ may retain the matter, refer it to ~~((other))~~ a council committee or remand to  
829 the examiner for ~~((the purpose of))~~ further hearing, receipt of additional information or  
830 further consideration ~~((if determined necessary))~~ before the ~~((council's taking))~~ council  
831 takes final action on the matter.

832       ~~((E. Subsections B, C and D of this section do not apply to an appeal of an~~  
833 ~~examiner's recommendation on a petition for a road vacation. In such an appeal, the~~  
834 ~~council is not bound by the record presented to the hearing examiner. Before acting on a~~  
835 ~~proposed road vacation for which an appeal of the hearing examiner's recommendation~~  
836 ~~has been filed, the council shall hold a legislative public hearing to receive further~~  
837 ~~information and testimony.))~~

838       SECTION 49. Ordinance 12196, Section 41, as amended, and K.C.C. 20.24.222  
839 are each hereby repealed.

840       SECTION 50. K.C.C. 20.24.230, as amended by this ordinance, is hereby  
841 recodified as a new section in the new chapter established under section 2 of this  
842 ordinance.

843       SECTION 51. Ordinance 263, Art. 5, Section 18, as amended, and K.C.C.  
844 20.24.230 are each hereby amended to read as follows:

845       A. The council shall take final action on any examiner recommendation ~~((of the~~  
846 ~~examiner))~~ or appeal from an examiner decision ~~((by the examiner))~~ by ordinance and,  
847 when so doing, ~~((it))~~ shall make ~~((and enter))~~ findings ~~((of fact))~~ and conclusions from  
848 the record of the public hearing conducted by the examiner. The findings and  
849 conclusions shall set forth and demonstrate the manner in which the action is consistent  
850 with ~~((, carries out and helps implement applicable state laws and regulations and the~~  
851 ~~regulations, policies, objectives and goals of the comprehensive plan, the community~~  
852 ~~plans, the zoning code, the subdivision code and other official laws, policies and~~  
853 ~~objectives for the development of King County))~~ applicable laws, regulations and

854 adopted policies. The council may adopt as its own all or portions of the examiner's  
855 findings and conclusions.

856 ~~((Any))~~ B. The ordinance may contain conditions regarding the manner of  
857 development or other aspects regarding use of the property including, but not limited to,  
858 ~~((dedication of))~~ dedicating land, ((provision of)) providing public improvements ((to  
859 serve the subdivision, and/)) or requiring impact fees authorized by chapter 82.02 RCW,  
860 or any combination thereof.

861 ~~((Any))~~ C. The ordinance also may contain reasonable conditions, in accordance  
862 with ~~((state))~~ applicable laws, regulations and ((county ordinances)) adopted policies, that  
863 must be satisfied ~~((before the ordinance becomes effective)).~~ The ordinance shall  
864 designate the time within which any such conditions must be satisfied and the official  
865 zoning maps shall not be amended until the conditions have been satisfied. ((; provided,  
866 the ordinance shall also designate the time period within which any such conditions must  
867 be satisfied. All authority pursuant to such ordinance shall expire i)) If any of the  
868 conditions are not satisfied within the designated time ~~((period and)),~~ the property shall  
869 continue to be subject to all laws, regulations and ~~((zoning))~~ adopted policies as if the  
870 ordinance had not been adopted ((; provided, the council may extend the period for  
871 satisfaction of the conditions if, after a public hearing by the examiner, the council finds  
872 an extension will be in the public interest and the extension was requested by the  
873 applicant within the initial time period. As an alternative to the adoption of an ordinance  
874 containing conditions, the council may adopt an ordinance subject to the execution of a  
875 concomitant agreement between the county and the applicant regarding the manner of  
876 development of the property, any required improvements or any aspect regarding use of

877 the property)). If, before the expiration of the time within which the conditions must be  
878 satisfied, the applicant submits a written request to the examiner for an extension of the  
879 time, the examiner shall hold a hearing and issue a recommendation on whether the  
880 extension is in the public interest and whether to grant or deny all or any part of the  
881 requested time extension. The examiner's recommendation may be appealed using the  
882 procedures in K.C.C. 20.24.210.B., as recodified by this ordinance.

883 SECTION 52. K.C.C. 20.24.235, as amended by this ordinance, is hereby  
884 recodified as a new section in the new chapter established under section 2 of this  
885 ordinance.

886 SECTION 53. Ordinance 9544, Section 18, as amended, and K.C.C. 20.24.235  
887 are each hereby amended to read as follows:

888 A. In addition to the ((provisions of)) findings required by K.C.C. 20.24.230, as  
889 recodified by this ordinance, ((King County)) the council shall not approve a proposed  
890 subdivision and dedication unless it also finds that((:

891 1. Appropriate provisions are made for the public health, safety, and general  
892 welfare and for such open spaces, drainage ways, streets or roads, alleys, other public  
893 ways, transit stops, potable water supplies, sanitary wastes, parks and recreation,  
894 playgrounds, schools and school grounds and all other relevant facts, including sidewalks  
895 and other planning features that assure safe walking conditions for students who only  
896 walk to and from school; and

897 2. The public use and interest will be served by the platting of such subdivision  
898 and dedication)) the requirements in K.C.C. 20.24.195, as recodified by this ordinance,  
899 are met.



900 B. ~~((If it finds that the proposed subdivision and dedication make such~~  
901 ~~appropriate provisions and that the public use and interest will be served, then the council~~  
902 ~~shall approve the proposed subdivision and dedication. Dedication of land to any public~~  
903 ~~body, provision of public improvements to serve the subdivision, and/or impact fees may~~  
904 ~~be required as a condition of subdivision approval. Dedications shall be clearly shown on~~  
905 ~~the final plat.)) The council may adopt as its own all or portions of the examiner's  
906 findings and conclusions.~~

907 SECTION 54. K.C.C. 20.24.240, as amended by this ordinance, is hereby  
908 recodified as a new section in the new chapter established under section 2 of this  
909 ordinance:

910 SECTION 55. Ordinance 4461, Section 15, as amended, and K.C.C. 20.24.240  
911 are each hereby amended to read as follows:

912 A. ~~((Decisions of the e))~~Council action on examiner recommendations in cases  
913 identified in K.C.C. 20.24.070, as recodified by this ordinance, or ((in cases)) on  
914 examiner decisions appealed to the council as provided in K.C.C. 20.24.210~~((D)).C., as~~  
915 recodified by this ordinance, shall be final and conclusive action unless ~~((within twenty~~  
916 ~~one calendar days from the date of the council's adoption of an ordinance))~~ an appeal is  
917 timely filed ((in ((superior court, state of Washington, for the purpose of review of the  
918 action taken; provided, no)) with the appropriate court or tribunal. However,  
919 development or related action may not occur ~~((during))~~ until the ~~((twenty one day))~~  
920 applicable appeal period has run.

921 B. Final ((D))decisions of the examiner in cases identified in K.C.C. 20.24.080,  
922 as recodified by this ordinance, shall be ~~((a))~~ final and conclusive action unless ~~((within~~

923 ~~twenty one calendar days from the date of issuance of the examiner's decision an~~  
924 ~~aggrieved person files)) an appeal is timely filed ((in superior court, state of Washington,~~  
925 ~~for the purpose of review of the action taken; provided, no)) with the appropriate court or~~  
926 ~~tribunal. However, development or related action may not occur ((during)) until the~~  
927 ~~((twenty one day)) applicable appeal period((; provided further, that)) has run, and the~~  
928 ~~((twenty one day)) appeal period from examiner decisions on appeals of threshold~~  
929 ~~determinations or the adequacy of a final ((EIS)) environmental impact statement shall~~  
930 ~~not commence until final action on the underlying proposal.~~

931 ~~((C. Prior to filing an appeal of a final decision for a conditional use permit or~~  
932 ~~special use permit, requested by a party that is licensed or certified by the Washington~~  
933 ~~state department of social and health services or the Washington state department of~~  
934 ~~corrections, an aggrieved party (other than a county, city or town) must comply with the~~  
935 ~~mediation requirements of chapter 35.63 RCW (chapter 119, Laws of 1998). The time~~  
936 ~~limits for appealing a final decision are tolled during the mediation process.))~~

937 SECTION 56. K.C.C. 20.24.250, as amended by this ordinance, is hereby  
938 recodified as a new section in the new chapter established under section 2 of this  
939 ordinance.

940 SECTION 57. Ordinance 4461, Section 14, as amended, and K.C.C. 20.24.250  
941 are each hereby amended to read as follows:

942 A. The ordinance implementing the council's final action on an examiner's  
943 recommendation or decision shall take effect ten days after its enactment, unless a request  
944 for reconsideration is filed according to this section.

945 B.1. A~~(ny)~~ final action by the ~~(county)~~ council ~~(or hearing examiner)~~ may  
946 be reconsidered by the council ~~(or examiner, respectively)~~ if:

947 ~~(1-)~~ a. ~~(F)~~the action was based in whole or in part on erroneous facts or  
948 information;

949 ~~(2-)~~ b. ~~(F)~~the action ~~(when taken)~~ failed to comply with existing laws  
950 ~~(or)~~, regulations ~~(applicable thereto)~~ or adopted policies; or

951 ~~(3-)~~ c. ~~(A)~~an error of procedure occurred ~~(which)~~ that prevented  
952 consideration of the interests of persons directly affected by the action.

953 ~~(B. The council upon reconsideration shall refer the matter to the land use appeal~~  
954 ~~committee to review the matter pursuant to the procedures and authority for appeals~~  
955 ~~pursuant to K.C.C. 20.24.220.~~

956 ~~C. The examiner shall reconsider a final decision pursuant to the rules of the~~  
957 ~~hearing examiner.)~~ 2. A request for reconsideration must be made within ten days of  
958 the council's final action by filing a paper copy and an electronic copy with the clerk of  
959 the council and providing copies to the examiner and department or division issuing the  
960 original decision, all parties and all interested persons.

961 3. The effective date of an ordinance adopted under this chapter and any time  
962 limits for filing appeals are stayed during the pendency of the request for reconsideration.

963 C. A request for reconsideration shall be referred to the appropriate committee  
964 for an initial determination whether the request meets the criteria in subsection B. of this  
965 section. Within ten days of filing the request or at the next regular meeting of the  
966 committee, whichever is later, the committee may either refer the request to the council

967 for its consideration or deny the request. The committee's denial of the request shall be  
968 considered the council's final action, and the ordinance shall be effective immediately.

969 D. The ((A))authority of the council ((and examiner)) to reconsider does not  
970 affect the finality of a decision when made.

971 SECTION 58. K.C.C. 20.24.300, as amended by this ordinance, is hereby  
972 recodified as a new section in the new chapter established under section 2 of this  
973 ordinance.

974 SECTION 59. Ordinance 11502, Section 17, and K.C.C. 20.24.300 are each  
975 hereby amended to read as follows:

976 The office of the hearing examiner shall maintain and publish on a quarterly basis  
977 a digest of all decisions, final decisions and recommendations of the ((examiner)) office.  
978 Decisions reported in the digest shall not be construed to establish ((any)) legal  
979 precedent.

980 SECTION 60. K.C.C. 20.24.310, as amended by this ordinance, is hereby  
981 recodified as a new section in the new chapter established under section 2 of this  
982 ordinance.

983 SECTION 61. Ordinance 11502, Section 18, and K.C.C. 20.24.310 are each  
984 hereby amended to read as follows:

985 The office of the hearing examiner shall issue a citizen's guide ((on)) that  
986 describes the ((office of hearing)) examiner process, including making an appeal or  
987 participating in a hearing.

988            SECTION 62. K.C.C. 20.24.320, as amended by this ordinance, is hereby  
989 recodified as a new section in the new chapter established under section 2 of this  
990 ordinance.

991            SECTION 63. Ordinance 11502, Section 19, and K.C.C. 20.24.320 are each  
992 hereby amended to read as follows:

993            The ~~((chief))~~ office of the hearing examiner shall prepare a ~~((semi-annual))~~  
994 semiannual report to the ~~((King County))~~ council detailing the length of time required for  
995 hearings in the previous six months, categorized both on average and by type of  
996 proceeding. The report shall provide commentary on ~~((examiner))~~ office operations and  
997 identify any need for clarification of county policy or development regulations. The  
998 ~~((semi-annual))~~ office shall file the report ~~((shall be presented to the council))~~ by March  
999 1~~((st))~~ and September 1~~((st))~~ of each year, in the form of a paper original and an  
1000 electronic copy with the clerk of the council, who shall retain the original and provide an  
1001 electronic copy to all councilmembers.

1002            SECTION 64. K.C.C. 20.24.330, as amended by this ordinance, is hereby  
1003 recodified as a new section in the new chapter established under section 2 of this  
1004 ordinance.

1005            SECTION 65. Ordinance 11502, Section 20, and K.C.C. 20.24.330 are each  
1006 hereby amended to read as follows:

1007            As to any application or appeal ~~((pursuant to))~~ under K.C.C. ~~((20.24 which))~~  
1008 chapter 20.xx (the new chapter created under section 2 of this ordinance) that is or could  
1009 become the subject of a public hearing, the responsible county department, the council or  
1010 the ~~((hearing))~~ examiner~~((s))~~ may at ~~((their))~~ his or her own discretion or at the request of

1011 the applicant or any person with standing to the application or appeal(~~(;)~~) initiate a  
1012 mediation process to resolve disputes as to the application or appeal at any stage of the  
1013 proceedings on the application or appeal(~~(; initiate a mediation process to resolve~~  
1014 ~~disputes as to such application or appeal)~~). The mediation process ~~((shall be voluntarily~~  
1015 ~~agreed to by all participants to the hearing process, and conducted by an independent~~  
1016 ~~impartial mediator who shall not be a county employee or any person who will have any~~  
1017 ~~role in making any recommendation or decision on the application or appeal. The~~  
1018 ~~mediation))~~ shall be conducted in accordance with rules ~~((of mediation))~~ prepared by the  
1019 hearing examiner.

1020 SECTION 66. Ordinance 13332, Section 7, as amended, and K.C.C. 20.24.450 is  
1021 hereby repealed.

1022 SECTION 67. K.C.C. 20.24.170, as amended by this ordinance, is hereby  
1023 recodified as a new section in the new chapter established under section 2 of this  
1024 ordinance.

1025 SECTION 68. Ordinance 263, Art. 5, Section 13, as amended, and K.C.C.  
1026 20.24.170 are each hereby amended to read as follows:

1027 A.1. The ~~((examiner))~~ council shall, by motion, adopt rules ~~((; including any))~~  
1028 and amendments to the rules ~~(;)~~ for ~~((the conduct of hearings))~~ conducting the examiner  
1029 process, including prehearing conferences and ~~((for any))~~ mediation ~~((process consistent~~  
1030 ~~with this chapter))~~.

1031 2. The hearing examiner may propose rules or amendments to the rules by filing  
1032 a draft of the rules or amendments ~~((and a draft of a motion approving the amendments~~  
1033 ~~in))~~ with the ~~((office of the))~~ clerk of the council, for distribution to all councilmembers.

1034 for review. At the same time as the filing of the draft rules or amendments, the hearing  
1035 examiner shall also distribute ~~((for comment))~~ a copy ~~((of the proposed rules or~~  
1036 ~~amendments))~~ to any county department that has appeared before the examiner in the  
1037 year before ~~((the))~~ filing ~~((of))~~ the proposed rules or amendments and to any other  
1038 ~~((parties))~~ person who ~~((have))~~ requested to be notified of proposed amendments to the  
1039 rules and shall post a copy ~~((of the proposed rules or amendments)) on the Internet.~~  
1040 Comments ~~((to the proposed rules or amendments))~~ may be filed with the clerk of the  
1041 council, for distribution to all councilmembers, for sixty days after the proposed rules or  
1042 amendments are distributed for comment. The rules or amendments shall take effect  
1043 when they have been approved by the council by motion.

1044 3. The office of the hearing examiner shall publish the rules and any  
1045 amendments to the rules and make them available to the public in printed and electronic  
1046 forms and shall post the rules and any amendments to the Internet.

1047 ~~((B. The examiner shall have the power to issue summons and subpoena to~~  
1048 ~~compel the appearance of witnesses and production of documents and materials, to order~~  
1049 ~~discovery, to administer oaths and to preserve order.~~

1050 ~~((C. To avoid unnecessary delay and to promote efficiency of the hearing process,~~  
1051 ~~the examiner shall limit testimony, including cross examination, to that which is relevant~~  
1052 ~~to the matter being heard, in light of adopted county policies and regulations and shall~~  
1053 ~~exclude evidence and cross examination that is irrelevant, cumulative or unduly~~  
1054 ~~repetitious. The examiner may establish reasonable time limits for the presentation of~~  
1055 ~~direct oral testimony, cross examination and argument.~~

1056 ~~D. Any written submittals will be admitted only when authorized by the examiner~~  
1057 ~~under pertinent and promulgated administrative rules.))~~

1058 SECTION 69. Ordinance 13320, Section 13, as amended, and K.C.C. 1.07.130  
1059 are each hereby amended to read as follows:

1060 A. Prepare, publish and update, as appropriate, documents written in plain  
1061 language explaining the provisions of this chapter and, further, develop and implement  
1062 other methods to educate the public, including, but not limited to, grassroots campaign  
1063 lobbying groups, employers and lobbyists concerning the requirements of this chapter;

1064 B. Develop and provide forms for the reports and statements required to be made  
1065 under this chapter;

1066 C. Prepare and publish a manual setting forth recommended uniform methods of  
1067 bookkeeping and reporting for use by persons required to make reports and statements  
1068 under this chapter;

1069 D. Compile and maintain a current list of all filed reports and statements;

1070 E. Annually publish and disseminate a directory of lobbyists which sets forth the  
1071 name, employer, if applicable, and telephone number of each lobbyist;

1072 F. Determine whether properly completed statements and reports have been filed  
1073 within the times required by this chapter;

1074 G. Prepare and publish an annual report to the council as to the effectiveness of  
1075 this chapter and its enforcement, provided that with the first annual report the executive  
1076 shall include recommendations on whether the preparation of legislation by the executive  
1077 branch and/or promulgating rules should be activities within the definition of "lobbying."



1078 These recommendations shall be based on a review of the questions by a task force  
1079 established by the board of ethics;

1080 H. Review at least every five years the monetary reporting thresholds and  
1081 penalties of this chapter. The focus of this review shall include recognition of economic  
1082 changes and any related changes promulgated by rule. Upon completion of its review,  
1083 the department shall recommend to the council necessary changes, if any, to the monetary  
1084 reporting thresholds and penalties of this chapter;

1085 I. Adopt ~~((administrative))~~ rules to carry out the policies and purposes of this  
1086 chapter ~~((The initial administrative rules shall be effective upon approval by the  
1087 metropolitan King County council by motion. The department shall transmit the initial  
1088 administrative rules for council approval within four months after November 20, 1998.  
1089 The department shall consult with an advisory group of citizens when preparing these  
1090 initial administrative rules. Thereafter, the department shall adopt administrative rules  
1091 pursuant to)) in a manner prescribed in K.C.C. chapter 2.98;~~

1092 J. Prepare and publish such reports as in its judgment will address the purposes of  
1093 this chapter including reports and statistics concerning lobbying and enforcement of this  
1094 chapter;

1095 K. Audit the registrations and reports of lobbyists, sponsors of professional grass  
1096 roots lobbying campaigns and lobbyists' employers;

1097 L. Give a written warning for the first violation to any person registered under  
1098 this chapter who fails to file required statements and reports within the timelines  
1099 established herein by certified mail, return receipt requested. Each subsequent violation  
1100 after the initial warning has been given shall be assessed a late report filing fee of fifty

1101 dollars and an additional late fee of ten dollars per day for up to thirty days. Late fees  
1102 shall be assessed by the department and may be appealed in accordance with K.C.C.  
1103 20.24.090. ~~((within thirty days of assessment))~~, as recodified by this ordinance.

1104 SECTION 70. Ordinance 13320, Section 15, as amended, and K.C.C. 1.07.150  
1105 are each hereby amended to read as follows:

1106 A. Any respondent aggrieved by an order of the ombudsman may ~~((request in~~  
1107 ~~writing within twenty days of the service of the order upon the respondent an appeal~~  
1108 ~~hearing before the hearing examiner. The request shall cite the order appealed from and~~  
1109 ~~specify with particularity the findings being contested. The request shall be filed with the~~  
1110 ~~hearing examiner with a copy to the ombudsman and the complainant)) appeal that order~~  
1111 by complying with K.C.C. 20.24.090, as recodified by this ordinance, and by providing a  
1112 copy of the appeal to the complainant.

1113 B. ~~((Any order issued by the ombudsman pursuant to K.C.C. 1.07.140 shall~~  
1114 ~~become final twenty days after service of the order unless a written request for an appeal~~  
1115 ~~hearing as set forth above is received by the hearing examiner within the twenty day~~  
1116 ~~period.~~

1117 C.) If an order of the ombudsman has been timely appealed, ~~((a hearing))~~ an  
1118 examiner shall ((be conducted by the)) conduct a hearing ((examiner for the purpose of  
1119 affirming, denying or modifying)) and shall affirm, deny or modify the order. The parties  
1120 to the hearing shall be the respondent and the ombudsman. There shall be a verbatim  
1121 record kept of the hearing and the hearing examiner shall have the power to administer  
1122 oaths and affirmations, issue subpoenas, compel attendance, take evidence and require  
1123 the production of any books, papers, correspondence, memoranda or other documents

1124 relevant or material to the hearing, except information which is covered by the attorney-  
1125 client privilege. The burden of proving that a violation occurred shall at all times be  
1126 upon the ombudsman. The decision of the hearing examiner shall be based upon a  
1127 preponderance of the evidence. Such a hearing shall be conducted within a reasonable  
1128 time after receipt of the request for appeal. Written notice of the time and place of the  
1129 hearing shall be given to the parties and the complainant at least ten days ~~((prior to))~~  
1130 before the date of the hearing

1131 ~~((D.))~~ C. At the hearing each party shall have the following rights:

1132 1. To call and examine witnesses on any matter relevant to the issues raised by  
1133 the order of the ombudsman;

1134 2. To introduce documentary and physical evidence;

1135 3. To cross-examine opposing witnesses on any relevant matter;

1136 4. To impeach any witness regardless of which party first called the witness to  
1137 testify;

1138 5. To rebut evidence against ~~((him or her))~~ the party; and

1139 6. To represent himself or herself or to be represented by anyone of ~~((his or~~  
1140 her)) the party's choice who is lawfully permitted to do so.

1141 ~~((E.))~~ D. Following review of the evidence submitted the hearing examiner shall,

1142 within a reasonable time, enter written findings and conclusions and shall affirm or

1143 modify the order previously issued if the hearing examiner finds that one or more

1144 violations of this chapter have occurred. The hearing examiner shall reverse the order if

1145 he or she finds that no violations of this chapter have occurred. A copy of the hearing

1146 examiner's decision shall be served or mailed, by certified mail, return receipt requested,

1147 to the ombudsman, the respondent and the complainant. The original of the hearing  
1148 examiner's decision shall be filed with clerk of the council.

1149 ~~((F-))~~ E. A decision of the hearing examiner shall be a final and conclusive action  
1150 unless within twenty-one calendar days from the date of issuance of the hearing  
1151 examiner's decision an aggrieved person files an appeal in superior court, state of  
1152 Washington, for the purpose of review of the action taken.

1153 SECTION 71. Ordinance 11683, Section 21, as amended, and K.C.C. 1.24.205  
1154 are each hereby amended to read as follows:

1155 A.1. A motion for reconsideration on the final adoption or passage of legislation  
1156 must be made during the meeting at which the vote on final passage is taken. A vote on a  
1157 motion for reconsideration on the final adoption or passage of legislation must be taken at  
1158 the same meeting the vote was taken unless the council votes to postpone the vote for  
1159 reconsideration until the next council meeting.

1160 2. While the motion for reconsideration is pending, the legislation shall not be  
1161 considered adopted or passed. The clerk of the council may not transmit an ordinance to  
1162 the county executive until the question of reconsideration is decided.

1163 B. If a motion to reconsider carries, the original question is placed before the  
1164 council in the exact position the original question occupied before the original question  
1165 was voted upon.

1166 C. If a motion to reconsider fails, no other motion for reconsideration on the  
1167 same vote may be made.

1168 D. Only a member who voted on the prevailing side may move for  
1169 reconsideration.

1170 E. A motion to reconsider an amendment may only be made before the ordinance  
1171 is passed.

1172 F. Reconsideration of an action under K.C.C. chapter ~~((20.24))~~ 20.xx (the new  
1173 chapter created under section 2 of this ordinance) is governed by K.C.C. 20.24.250, as  
1174 recodified by this ordinance.

1175 SECTION 72. Ordinance 6444, Section 3, as amended, and K.C.C. 2.34.030 are  
1176 each hereby amended to read as follows:

1177 A. The board may administer oaths and affirmations and shall hear and decide all  
1178 appeals from any valuation in property by the department of assessments, examine other  
1179 matters related to assessment of the property of the county as provided by general law  
1180 and hear appeals from any other orders by an executive department or administrative  
1181 office as provided by ordinance.

1182 B. In conformity with RCW 84.48.010 through 84.48.046 relating to the  
1183 equalization of assessments and in addition to those powers relating to valuation provided  
1184 for in Section 720 of the King County Charter, the board shall hear and decide all appeals  
1185 as are provided by statute, including the following appeals:

1186 1. Appeals of exemption denials related to public corporations under RCW  
1187 35.21.755;

1188 2. Appeals for a change in appraised value if the Department of Revenue  
1189 establishes taxable rent related to leasehold excise tax under RCW 82.29A.020(2)(b)  
1190 based on an appraisal done by the county assessor at the request of the Department of  
1191 Revenue;

- 1192 3. Appeals of decisions or disputes related to historic property under RCW  
1193 84.26.130;
- 1194 4. Any forest land determination under chapter 84.33 RCW;
- 1195 5. Current use determinations under chapter 84.34 RCW;
- 1196 6. Appeals related to senior citizen exemption denials under RCW 84.36.385;
- 1197 7. Appeals related to cessation of exempt use under RCW 84.36.812;
- 1198 8. Determinations related to property tax deferrals under RCW 84.38.040;
- 1199 9. Determinations related to omitted property or value under RCW 84.40.085;
- 1200 10. Valuation appeals of taxpayers under RCW 84.48.010;
- 1201 11. Appeals from a decision of the assessor relative to a claim for either real or  
1202 personal property tax exemption, under RCW 84.48.010; and
- 1203 12. Destroyed property appeals under RCW 84.70.010((§
- 1204 ~~13. The granting, denial, suspension or revocation of business licenses under~~
- 1205 ~~K.C.C. 6.01.150;~~
- 1206 14. Grievances related to actions of the director of the animal control authority  
1207 under K.C.C. chapter 11.04;
- 1208 ~~15. The fire marshal's decisions on fireworks permits under K.C.C. chapter~~
- 1209 ~~6.26;~~
- 1210 ~~16. Assessments by lake management districts, with the final decision made by~~
- 1211 ~~the council));~~
- 1212 SECTION 73. Ordinance 13983, Section 9, as amended, and K.C.C. 2.97.110 are  
1213 each hereby amended to read as follows:

1214 A person against whom the manager under this chapter imposes sanctions may  
1215 appeal (~~((within fifteen days from the date the manager's decision is mailed to the person~~  
1216 ~~being sanctioned, by filing a notice of appeal with the office of the hearing examiner))~~  
1217 those sanctions in accordance with K.C.C. 20.24.090, as recodified by this ordinance.  
1218 Within forty-five days after receiving the appeal statement, the hearing examiner shall  
1219 convene the appeal hearing. The hearing examiner shall provide written notice of the  
1220 hearing date, location and time to the appellant and to the department of executive  
1221 services, finance and business operations division, at least ~~((thirty))~~ fourteen days before  
1222 the hearing. Within ~~((thirty days))~~ the time prescribed in K.C.C. 20.24.210, as recodified  
1223 by this ordinance, after conclusion of the appeal hearing, the hearing examiner presiding  
1224 at the hearing shall prepare a written decision and order. The hearing examiner shall file  
1225 ~~((F))~~the final decision ~~((shall be filed by the hearing examiner))~~ as a public record with  
1226 the county clerk, recorder's office, and shall mail copies of the final decision ~~((mailed))~~ to  
1227 each party of record and to the manager.

1228 SECTION 74. Ordinance 14033, Section 6, as amended, and K.C.C. 2.100.050  
1229 are each hereby amended to read as follows:

1230 A. Except as provided in subsection B. of this section, the director's decision is  
1231 the county's final decision.

1232 B. If the director determines that a code interpretation is necessary for review of a  
1233 specific development proposal that is currently before the department, and the  
1234 development project is subject to an administrative appeal, any appeal of the code  
1235 interpretation shall be consolidated with and is subject to the same appeal process as the  
1236 underlying development project. If the director determines that a code interpretation

1237 request relates to a code enforcement action, any appeal of the code interpretation shall  
1238 be consolidated with and is subject to the same appeal process as the code enforcement  
1239 action. If the King County hearing examiner makes the county's final decision with  
1240 regard to the underlying permit, other approval type or code enforcement action  
1241 regarding which the interpretation was requested, the hearing examiner's decision  
1242 constitutes the county's final decision on the code interpretation request. If the King  
1243 County council, acting as a quasi-judicial body, makes the county's final decision with  
1244 regard to the underlying permit or other approval type regarding which the interpretation  
1245 was requested, the King County council's decision constitutes the county's final decision  
1246 on the code interpretation request.

1247 SECTION 75, Ordinance 17096, Section 3, as amended, and K.C.C. 4A.700.700  
1248 are each hereby amended to read as follows:

1249 A. User fees are established for public use of electric vehicle charging station  
1250 stalls located on property owned or leased by King County.

1251 B. The department of transportation shall set the user fees for the use of electric  
1252 vehicle charging stations stalls in accordance with this section.

1253 C. The user fees shall not exceed five dollars per use. The user fees shall be  
1254 calculated as single, per-use fees intended to cover the county's cost of operations related  
1255 to public use.

1256 1. The county's cost of operations includes, but is not limited to, planning,  
1257 outreach and administration, maintenance, charging station vendor costs, utility costs,  
1258 related to the charging stations and facility enforcement costs.



1259 2. Differing user fees may be established at particular locations and for uses  
1260 other than typical daytime parking, such as overnight parking, monthly reservations,  
1261 special event rates and other specific circumstances.

1262 D. The department of transportation shall review all user fees twice each year and  
1263 adjust the fees based on consideration for the costs established in subsections A., B. and  
1264 C. of this section.

1265 E. All user fees and civil penalties authorized in this section shall be deposited  
1266 into the public transportation operating account of the public transportation fund and used  
1267 to support the electric vehicle charging station program.

1268 F. The department of transportation shall post user fees, rules for using the  
1269 electric vehicle charging station stalls and the penalties for improper use of electric  
1270 vehicle charging station stall at or near the stalls either via the electronic screen on the  
1271 charging device or by signage affixed on or near the charging device. The department  
1272 also shall post the fees, rules and penalties in an appropriate location on the department of  
1273 transportation website.

1274 G. Failure to pay the applicable user fee or remaining in an electric vehicle  
1275 charging station stall longer than entitled as a result of the user fee paid, is a violation of  
1276 this section.

1277 H. The penalty for a violation under subsection G. of this section may result in a  
1278 civil penalty in an amount established by the department by rule, in accordance with  
1279 K.C.C. chapter 2.98, not to exceed two hundred dollars. Notice and appeal of the civil  
1280 penalty shall be as follows:

1281           1. The department shall issue a notice and order and serve it as provided for in  
1282 this section when the department determines that a violation described in subsection H. of  
1283 this section has occurred. The notice and order shall contain;

1284           a. a description of the vehicle parked in violation of this section, including  
1285 make, model, color and license plate number;

1286           b. date and time the notice and order was issued;

1287           c. a description sufficient to identify the area where the vehicle was parked  
1288 when the violation was discovered;

1289           d. a statement that the vehicle is parked in violation of subsection G. of this  
1290 section, with a brief and concise description of the conditions that established the  
1291 violation;

1292           e. a statement that the department is assessing a civil penalty, the amount of  
1293 the penalty and a time certain by which the penalty shall be paid from the date of the  
1294 order; and

1295           f. statements advising that:

1296               (1) the director of transportation may review and reconsider the notice and  
1297 order, but only if a request for review and reconsideration is made in writing as provided  
1298 in this section and filed with the director within ten days from the date of service of the  
1299 notice and order;

1300               (2) the address to which the request for review and reconsideration must be  
1301 sent; and

1302 (3) ~~((the director's decision may be appealed to the hearing, but only if the~~  
1303 ~~appeal is made in writing and filed with the director within fourteen days from the~~  
1304 ~~mailing of the director's decision, as provided in K.C.C. chapter 20.24; and~~

1305 (4)) failure to timely request director's review and reconsideration will  
1306 constitute a waiver of all rights to any administrative hearing and determination of the  
1307 matter;

1308 2. The notice and order, and any amended or supplemental notice and order,  
1309 shall be served by affixing the notice and order to the vehicle for which is the subject of  
1310 the violation, in a conspicuous location on the vehicle;

1311 3. Proof of service of the notice and order shall be made at the time of service  
1312 by a written declaration under penalty of perjury, executed by the person effecting service  
1313 and declaring the time, date and manner in which service was made. A copy of the notice  
1314 and order shall be kept on file by the department of transportation;

1315 4. A person served with a notice and order under this section may request in  
1316 writing, within ten days of being served with a notice and order, that the director review  
1317 and reconsider the notice and order;

1318 5. The review shall be performed without a hearing and be based solely on  
1319 written information provided by the person requesting review and by county personnel or  
1320 agents;

1321 6. Upon review, the director may uphold the notice and order or waive or  
1322 reduce the fine or any other penalty contained in the notice and order;

1323 7. The director shall mail the written decision to the person requesting review;

1324 8. The decision shall notify the person requesting review of the right to appeal  
1325 the director's decision ((under this section and the procedure for filing the notice of  
1326 appeal of the director's decision)) in accordance with K.C.C. 20.24.090, as recodified by  
1327 this ordinance;

1328 9. The King County office of the hearing examiner shall hear appeals of the  
1329 director's decisions under this section;

1330 10. Any person having received a director's decision under this section may  
1331 appeal that decision ((by filing a notice of appeal under K.C.C. chapter 20.24)) in  
1332 accordance with K.C.C. 20.24.090, as recodified by this ordinance;

1333 11. The procedures for initiating and conducting the appeal shall be governed by  
1334 K.C.C. chapter ((20.24)) 20.xx (the new chapter created under section 2 of this  
1335 ordinance);

1336 12. Enforcement of any notice and order of the department shall be stayed  
1337 during the pendency of a director's review or an appeal therefrom that is properly and  
1338 timely filed in accordance with K.C.C. chapter ((20.24)) 20.xx (the new chapter created  
1339 under section 2 of this ordinance);

1340 13. The registered owner of a vehicle is liable to pay any civil penalty imposed  
1341 for a violation under this section. However, the registered owner of a vehicle may avoid  
1342 liability if the owner proves that the vehicle was reported to the police as a stolen vehicle  
1343 before the notice and order was issued, and the vehicle had not been recovered;

1344 14. Except as otherwise provided in subsection H.13. of this section, a civil  
1345 penalty imposed for failure to pay a user fee at a King County department of

1346 transportation facility is a personal obligation of the registered owner of the vehicle  
1347 involved; and

1348 15. If the penalties assessed by the department are not paid to King County  
1349 within thirty days from the service of the notice, the mailing of the director's decision, or  
1350 the mailing of the hearing examiner's decision, whichever occurs last, then the  
1351 department may send a final warning letter to the registered owner of the vehicle to the  
1352 address on file with the state Department of Licensing. If the civil penalties are not paid  
1353 within ten days after the final warning letter is sent, then the department may pursue other  
1354 applicable legal remedies. In pursuing payment of civil penalties that remain delinquent  
1355 after the final warning letter is sent, and to cover administrative expenses associated with  
1356 the pursuit of the penalties, the department may charge the registered owner of the  
1357 vehicle an additional fee not to exceed fifty percent of the total delinquent civil penalties.

1358 I. In addition or as an alternative to the civil penalty authorized in subsection I. of  
1359 this section, the department may impound the vehicle without giving prior notice in  
1360 accordance with the process provided in K.C.C. chapter 46.08. When impoundment is  
1361 authorized by this section, a vehicle may be impounded by a towing contractor acting at  
1362 the request of the director or the director's designee. The director or the director's  
1363 designee shall provide to the towing contractor a signed authorization for the tow and the  
1364 impound before the towing contractor may proceed with the impound.

1365 SECTION 76. Section 77 of this ordinance should constitute a new chapter in  
1366 K.C.C. Title 4A.

1367 NEW SECTION. SECTION 77. A. Except as otherwise provided in subsection  
1368 B. of this section, the fee for filing an appeal to the office of the hearing examiner under  
1369 K.C.C. 20.24.090, as recodified by this ordinance, is two hundred fifty dollars.

1370 B.1. The fee for filing an appeal to the office of the hearing examiner under  
1371 K.C.C. 20.24.090, as recodified by this ordinance, of a permit fee estimate and billing  
1372 under K.C.C. chapter 27.50 is fifty dollars.

1373 B.2. There is no fee for filing an appeal to the office of the hearing examiner of an  
1374 enforcement or penalty action under K.C.C. Title 6, K.C.C. Title 11 or K.C.C. Title 23.

1375 C. The fee for filing an appeal to the council under section 46.D. of this  
1376 ordinance is two hundred fifty dollars.

1377 SECTION 78. Ordinance 1888, Article III, Section 3, and K.C.C. 6.01.130 are  
1378 each hereby amended to read as follows:

1379 A. The director shall issue a notice and order, pursuant to ~~((Section))~~ K.C.C.  
1380 6.01.120, directed to the person whom the director has determined to be in violation of  
1381 any of the terms and provisions of any business license ordinance. The notice and order  
1382 shall contain:

1383 1. The street address, when available, and a legal description sufficient for  
1384 identification of the premises upon which the violation occurred;

1385 2. A statement that the director has found the conduct of the person to be in  
1386 violation of any business license ordinance, with a brief and concise description of the  
1387 conditions found to render ~~((such))~~ the person in violation of ~~((such))~~ the business license  
1388 ordinance;

1389 3. A statement of any action required to be taken as determined by the director.

1390 If the director has determined to assess a civil penalty, the order shall require that the  
1391 penalty shall be paid within a time certain from the date of the order as determined by the  
1392 director to be reasonable;

1393 4. A statement of any action taken by the director; and

1394 5. Statements advising that:

1395 a.(1) ~~((that))~~ the person may appeal from the notice and order of any action of  
1396 the director arising under K.C.C. chapter 6.64, for-hire transportation, to the ((King  
1397 ~~County board of appeals, provided the appeal is made in writing as provided in this~~  
1398 ~~chapter and filed with the director within seven days from the date of service of such~~  
1399 ~~notice and order)) office of the hearing examiner in accordance with K.C.C. 20.24.090, as~~  
1400 recodified by this ordinance; or

1401 (2) the person may appeal from the notice and order any action of the director,  
1402 other than those arising under K.C.C. chapter 6.64, to the office of the hearing examiner,  
1403 but only if the appeal is made in writing as provided in this chapter and filed with the  
1404 director within seven days from the date of service of such notice and order; and

1405 b. the failure to appeal will constitute a waiver of all right to an administrative  
1406 hearing and determination of the matter.

1407 B. The notice and order, and any amended or supplemental notice and order,  
1408 shall be served upon the person either personally or by mailing a copy of ~~((such))~~ the  
1409 notice and order by certified mail, postage prepaid, return receipt requested to ((such))  
1410 the person at ((his)) the person's address as it appears on the license, registration or

1411 permit. Service by certified mail in the manner ~~((herein))~~ provided in this section shall be  
1412 effective on the date of mailing.

1413 C. Proof of service of the notice and order shall be made at the time of service by  
1414 a written declaration under penalty of perjury executed by the person effecting service,  
1415 declaring the time, date, and manner in which service was made.

1416 SECTION 79. Ordinance 1888, Article III, Section 5, and K.C.C. 6.01.150 are  
1417 each hereby amended to read as follows:

1418 A. The ~~((King County board of appeals as established by Article 7 of the King  
1419 County Charter))~~ office of the hearing examiner is designated to hear appeals by parties  
1420 aggrieved by actions of the director pursuant to any business license ordinance. The  
1421 ~~((board))~~ examiner may adopt reasonable rules or regulations for conducting its business.  
1422 Copies of all rules and regulations adopted by the ~~((board))~~ examiner shall be delivered to  
1423 the director, who shall make them freely accessible to the public. All decisions and  
1424 findings of the ~~((board))~~ examiner shall be rendered to the appellant in writing, with a  
1425 copy to the director.

1426 B. For-hire transportation appeals under chapter 6.64 shall be filed in accordance  
1427 with K.C.C. 20.24.090, as recodified by this ordinance, and the hearing process  
1428 conducted in accordance with K.C.C. chapter 20.xx (the new chapter created under  
1429 section 2 of this ordinance). Subsections C. through H. of this section do not apply to this  
1430 subsection B.

1431 ~~((B))~~ C. Any person entitled to service ~~((pursuant to Section))~~ under K.C.C.  
1432 6.01.130 ~~((of this chapter))~~ may appeal ~~((from))~~ any notice and order or any action of the



1433 director by filing at the office of the director within seven days from the date of service of  
1434 such order, a written appeal containing((s));

1435 1. A heading in the words: "Before the ((Board of Appeals of the County of  
1436 ~~King~~) Office of the Hearing Examiner";

1437 2. A caption reading: "Appeal of \_\_\_\_\_" giving the names of all appellants  
1438 participating in the appeal;

1439 3. A brief statement setting forth the legal interest of each of the appellants in  
1440 the business or entertainment involved in the notice and order;

1441 4. A brief statement in concise language of the specific order or action  
1442 protested, together with any material facts claimed to support the contentions of the  
1443 appellant;

1444 5. A brief statement in concise language of the relief sought, and the reasons  
1445 why it is claimed the protested order or action should be reversed, modified, or otherwise  
1446 set aside;

1447 6. The signatures of all parties named as appellants, and their official mailing  
1448 addresses; and

1449 7. The verification (by declaration under penalty of perjury) of at least one  
1450 appellant as to the truth of the matters stated in the appeal.

1451 ((C.)) D. As soon as practicable after receiving the written appeal, the ((board of  
1452 appeals)) examiner shall fix a date, time((s)) and place for the hearing of the appeal ((by  
1453 the board)). ((Such)) The date shall be ((not)) neither less than ten days nor more than  
1454 sixty days from the date the appeal was filed with the director. Written notice of the time  
1455 and place of the hearing shall be given at least ten days ((prior to)) before the date of the

1456 hearing to each appellant by the ~~((clerk/manager of the board))~~ examiner either by  
1457 causing a copy of ~~((such))~~ the notice to be delivered to the appellant personally or by  
1458 mailing a copy thereof, postage prepaid, addressed to the appellant at ~~((his))~~ the  
1459 appellant's address shown on the appeal.

1460 ~~((D-))~~ E. At the hearing the appellant shall be entitled to appear in person and be  
1461 represented by counsel and offer such evidence as is pertinent and material to the action  
1462 of the director.

1463 ~~((E-))~~ F. Only those matters or issues specifically raised by the appellant in the  
1464 written notice of appeal shall be considered in the hearing of the appeal.

1465 ~~((F-))~~ G. Failure of any person to file an appeal in accordance with the provisions  
1466 of this section shall constitute a waiver of his right to an administrative hearing and  
1467 adjudication of the notice and order, or any portion thereof.

1468 ~~((G-))~~ H. Enforcement of any notice and order of the director shall be stayed  
1469 during the pendency of an appeal therefrom which is properly and timely filed.

1470 Ordinance 1888, Article III, Section 5, and K.C.C. 6.01.150 are each hereby amended to  
1471 read as follows:

1472 SECTION 80. Ordinance 13548, Section 20, and K.C.C. 6.09.190 are each  
1473 hereby amended to read as follows:

1474 A. A person whose application for a license has been denied by the director may  
1475 appeal the denial to the ~~((board of appeals))~~ office of the hearing examiner in accordance  
1476 with K.C.C. 6.01.150 as modified by the following, which shall apply to ~~((such))~~ the  
1477 appeals:

1478 1. ~~((A))~~ The examiner shall hold a hearing on a timely filed appeal ~~((shall be~~  
1479 ~~held by the board))~~ not less than ten days nor more than twenty days from the date the  
1480 appeal was filed with the director, unless the person filing the appeal agrees to a hearing  
1481 at a later date;

1482 2. During the course of the proceeding before the ~~((board of appeals))~~ examiner,  
1483 the burden of proof shall be on the director;

1484 3. The ~~((board of appeals))~~ examiner shall render ~~((its))~~ a written decision on  
1485 the appeal not more than thirty days after the close of the hearing; and

1486 4. A person need not appeal the director's denial of a license to the ~~((board of~~  
1487 ~~appeals))~~ examiner before seeking court review. In the event a person files an action  
1488 seeking court review of the director's denial or files an action seeking court review of a  
1489 decision of the ~~((board of appeals))~~ examiner upholding ~~((such))~~ the denial, either in an  
1490 action brought in superior court ~~((pursuant to))~~ under chapter 7.16 RCW ~~((, Certiorari,~~  
1491 ~~Mandamus, and Prohibition,))~~ or in any other action at law or equity, the county shall  
1492 provide the person with an opportunity for a prompt court review and decision by: in an  
1493 action to review the decision of the ~~((board of appeals))~~ examiner, filing the record of the  
1494 ~~((board of appeals))~~ examiner with the court within twenty days after receipt of the writ  
1495 of review; and in any case, expediting the filing of responsive pleadings and proposing an  
1496 expedited briefing and hearing schedule with the objective of obtaining a final  
1497 determination from the court within sixty days after commencement of the action. If the  
1498 court has not entered a final determination within sixty days or such a longer time  
1499 ~~((period))~~ as may have been agreed to by the person challenging the license denial, the  
1500 director shall issue a temporary license, which shall be valid only until the court renders

1501 its determination either affirming the license denial or requiring the issuance of an annual  
1502 license. A person issued such a temporary license shall be subject to all the provisions of  
1503 this chapter including but not limited to the license suspension and revocation provisions.

1504 B. An action of the director taken under this chapter suspending or revoking a  
1505 license or denying a license renewal may be appealed in accordance with the procedures  
1506 in K.C.C. 6.01.150. However, the following also applies:

1507 1. If the director determines that a condition exists on the premises of an adult  
1508 entertainment business which condition constitutes a threat of immediate serious injury or  
1509 damage to a person or property, a business license may be immediately suspended. The  
1510 director shall issue a notice setting forth the basis for the action and the facts that  
1511 constitute a threat of serious injury or damage to a person or property and informing the  
1512 license holder of the right to appeal the suspension. A suspension based on threat of  
1513 immediate serious injury or damage may not be stayed during the pendency of an appeal;

1514 2. During the course of proceeding before the ~~((board of appeals))~~ examiner, the  
1515 burden of proof is on the director; and

1516 3. Enforcement of a notice and order of the director shall be stayed during the  
1517 pendency of a timely and properly filed action seeking judicial review of a decision of the  
1518 ~~((board of appeals))~~ examiner.

1519 SECTION 81. Ordinance 6836, Section 4, and K.C.C. 6.26.040 are each hereby  
1520 amended to read as follows:

1521 A. The ~~((county))~~ council hereby delegates the power to grant all permits  
1522 required under this chapter to the ~~((King County))~~ fire marshal. As a condition of any  
1523 permit, the fire marshal may specify additional safeguards as necessary to provide for the

1524 public safety. The fire marshal shall investigate all permit applications to determine  
1525 potential hazard to property or individuals and shall file a written report if ~~((he))~~ the fire  
1526 marshal denies a permit. These reports will be kept in the office of the fire marshal and  
1527 shall be available for review by the ~~((King County board of appeals))~~ office of the  
1528 hearing examiner.

1529 B. The ~~((King County))~~ fire marshal, or ~~((his duty))~~ the fire marshal's authorized  
1530 representative, is designated the enforcing officer of this chapter. In addition to all the  
1531 grounds for revocation of a permit set forth in the general provisions of this chapter, any  
1532 failure or refusal on the part of any person holding a permit issued hereunder, or any  
1533 person employed by the permit holder, to obey any rule or regulation or request of the  
1534 ~~((King County))~~ fire marshal, or ~~((his duty))~~ the fire marshal's authorized representative,  
1535 concerning the manufacture, storage, use, sale or display of fireworks, is a violation of  
1536 this chapter and is grounds for the revocation of the fireworks permit.

1537 C. The ~~((King County))~~ fire marshal shall have the authority to request the  
1538 assistance of the ~~((King County))~~ sheriff in enforcing the provisions of this chapter.

1539 D. Unless otherwise specified in this chapter, the ~~((King County))~~ council  
1540 specifically designates the ~~((King County board of appeals))~~ office of the hearing  
1541 examiner to hear on its behalf, all appeals from decisions of the fire marshal within seven  
1542 days of any decision so appealed. The examiner's decision ~~((of the King County board of~~  
1543 ~~appeals will be))~~ is final unless appealed to a court of competent jurisdiction within  
1544 fourteen days after a final order is issued.

1545 SECTION 82. Ordinance 6836, Section 8, as amended, and K.C.C. 6.26.080 are  
1546 each hereby amended to read as follows:

1547 A. ~~((Application for permit.))~~ Any person desiring to give public displays of  
1548 fireworks, shall make an application for a permit to operate the public display, in writing,  
1549 to the ~~((King County))~~ fire marshal. ~~((Such))~~ The application shall set forth:

1550 1. The name of the organization sponsoring the display, together with the names  
1551 of persons actually in charge of the firing of the display;

1552 2. The date and time of day at which the display is to be held;

1553 3. The exact location planned for the display;

1554 4. The number and kind of fireworks to be discharged;

1555 5. The manner and place of storage of ~~((such))~~ the fireworks ~~((prior to))~~ before  
1556 the display;

1557 6. A diagram of the grounds on which the display is to be held showing the  
1558 point at which the fireworks are to be discharged, the location of all buildings, highways,

1559 and other lines of communication within two hundred feet of the point of discharge, the  
1560 lines or other overhead obstructions.

1561 B. ~~((Fee for public display permit.))~~ The fee for the permit shall be the maximum  
1562 authorized by the laws of the ~~((S))~~ state of Washington. The permit required by this  
1563 section shall be in addition to the license required by the state fire marshal.

1564 C. ~~((Investigation of site; certificate of compliance by the fire marshal - Notice of  
1565 approval by the King County department of public safety.))~~ Upon receipt of ~~((such))~~ the  
1566 application, at least twenty days in advance of the date set for the display, the fire marshal  
1567 shall make an investigation of the site of the proposed display for the purpose of  
1568 determining whether the provisions of these regulations are complied with in the case of  
1569 the particular display. If the fire marshal is satisfied that the display is lawful and there

1570 has or will be full compliance with the law, then the fire marshal shall issue a written  
1571 recommendation for or against the permit, which shall be kept on file in the fire marshal's  
1572 office and available for review by the ~~((King County board of appeals))~~ office of the  
1573 hearing examiner. If the fire marshal finds that the permit applicant has complied with  
1574 the law, the fire marshal may issue a certificate of compliance stating the display is in  
1575 conformance with all parts of the law and with these regulations. For any scheduled  
1576 public display, applicants must submit ~~((,))~~ such information as deemed appropriate by the  
1577 ~~((King County department of public safety))~~ sheriff's office to ~~((insure))~~ ensure that  
1578 adequate traffic control and crowd protection policing has either been arranged through  
1579 private security agencies or, has been contracted for with the ~~((King County department~~  
1580 ~~of public safety))~~ sheriff's office. A written notice that the applicant has complied with  
1581 the requirement shall be issued by the ~~((director of the King County department of public~~  
1582 ~~safety))~~ sheriff before a public display permit is issued ~~((, provided, that)),~~ ~~((i))~~ If the  
1583 applicant ~~((should))~~ contracts for traffic control and crowd protection policing with  
1584 ~~((King))~~ the ~~((C))~~ county, in no event should the sum agreed upon in payment for ~~((such))~~  
1585 the policing be less than the actual expense incurred by the county in providing that  
1586 service. ~~((Such))~~ The consideration shall be calculated for personnel resources in the  
1587 hourly rate for overtime under the current collective bargaining agreement ~~((,))~~ plus that  
1588 percentage then being paid for fringe benefits, and all sums paid under ~~((such))~~ the  
1589 contract shall be paid in accordance with procedures specified by the ~~((King County~~  
1590 ~~office of))~~ finance and business operations division.

1591 D. Every public display of fireworks shall be handled by at least one state  
1592 licensed operator and one assistant at least ~~((18))~~ eighteen years of age, and shall be so

1593 located, discharged((;)) or fired, that, in the opinion of the fire marshal, after proper  
1594 investigation, it will not constitute a hazard to property or endanger any person.

1595 E. All fireworks must be fired under the direction of a pyrotechnician licensed by  
1596 the ((S))state of Washington.

1597 F. A bond or certificate of insurance must be furnished to the fire marshal before  
1598 a permit is issued. The bond shall be in the amount of one million dollars  
1599 (((\$1,000,000))) and shall be conditioned upon the applicant's payment of all damages to  
1600 persons and property resulting from or caused by ((such)) that public display of  
1601 fireworks, or by any negligence on the part of the applicant or its agents, servants,  
1602 employees or subcontractors in the presentation of the display. The certificate of  
1603 insurance shall evidence a comprehensive general liability insurance policy providing  
1604 limits of one million dollars (((\$1,000,000))) combined single limit, per occurrence and  
1605 annual aggregate, and naming ((King)) the ((C))county as an additional insured. Any

1606 such a bond or insurance policy must be approved by the ((King County)) fire marshal.

1607 G. A cash deposit in the amount of one hundred ((and)) fifty dollars (((\$150.00)))  
1608 must be posted with the fire marshal at least ((30)) thirty days in advance of the public  
1609 display date to provide for costs of site cleanup. The deposit shall be forfeited to ((King))  
1610 the ((C))county if the operator fails to perform ((such)) the cleanup within ((6)) six days  
1611 of the public display. If the operator properly performs the cleanup, the deposit shall be  
1612 returned to the operator.

1613 H. ((Construction of Shells--)) The construction of shells for public display shall  
1614 be in accordance with the National Fire Protection Association (NFPA) Standard #1123,



1615 Outdoor Display of Fireworks, 1990 edition, together with amendments ((contained)) in  
1616 this section.

1617 I. ((Storage.)) 1. The storage of fireworks for public display shall be in  
1618 conformance with the National Fire Protection Association Standard #1123, Outdoor  
1619 Display of Fireworks, 1990 edition, together with amendments ((contained)) in this  
1620 section.

1621 2. There shall be at least two 2A-rated fire extinguishers (two and one-half  
1622 gallon water), UL approved kept as widely separated as possible within the actual area  
1623 where the discharging will occur.

1624 J. ((Preparation of Site and Crowd Control.)) 1. The site preparation and crowd  
1625 control for public displays shall be in conformance with the National Fire Protection  
1626 Association Standard #1123, Outdoor Display of Fireworks, 1990 edition, together with  
1627 amendments ((contained)) in this section.

1628 2. All dry grass, weeds and other combustible waste matter within 50 feet of the  
1629 firing site shall be removed.

1630 3. The site shall be located so that the trajectory of shells shall not come within  
1631 50 feet of any overhead object including but not limited to above ground telephone,  
1632 telegraph or electrical lines, trees or wooded areas.

1633 K. ((Installation of Mortars.)) 1. The installation of mortars for public displays  
1634 shall be in conformance with the National Fire Protection Association Standard #1123,  
1635 Outdoor Display of Fireworks, 1990 edition, together with amendments ((contained)) in  
1636 this section.

1637 L. ~~((Electrical Firing Unit--))~~ The design and use of electrical firing units for  
1638 public display shall be in conformance with the National Fire Protection Association  
1639 Standard #1123, Outdoor Display of Fireworks, 1990 edition, together with amendments  
1640 ~~((contained))~~ in this section:

1641 M. ~~((Operation of the Display and Firing of Shells.))~~ 1. The operation of public  
1642 displays and the firing of shells shall be in conformance with the National Fire Protection  
1643 Association Standard #1123, Outdoor Display of Fireworks, 1990 edition, together with  
1644 amendments ~~((contained))~~ in this section.

1645 2. Only permitted fireworks are authorized for use.

1646 3. When the display is fired from a barge or vessel, a security area shall be  
1647 established in conformance with National Fire Protection Association Standard #1123,  
1648 Outdoor Display of Fireworks, 1990 Edition, together with amendments ~~((contained))~~ in  
1649 this section. No boats shall be allowed within this security area. A boat shall be on  
1650 standby to remove personnel from the barge or water in an emergency.

1651 4. No smoking or open flames shall be allowed within ~~((50))~~ fifty feet of the  
1652 firing or storage area as long as shells are present. Signs to this effect shall be  
1653 conspicuously posted.

1654 5. Any fireworks remaining unfired after the display shall be immediately  
1655 disposed of or removed from the county in a safe manner.

1656 6. The debris from discharged fireworks shall be properly disposed.

1657 N. The denial by the fire marshal of a permit for the public display of fireworks  
1658 may be appealed to the ~~((King County board of appeals))~~ office of the hearing examiner  
1659 as provided for in K.C.C. 6.26.040.

1660            SECTION 83. Ordinance 10159, Section 8, as amended, and K.C.C. 6.27A.060

1661 are each hereby amended to read as follows:

1662            A. Franchises may be renewed using either the formal process specified in the  
1663 Cable Act and in subsection B<sub>2</sub> of this section or the informal process specified in  
1664 subsection C<sub>1</sub> of this section.

1665            B. The following procedure shall be used for all formal renewals effected under  
1666 the Cable Act:

1667            1. During the six-month period ~~((which))~~ that begins with the thirty-sixth month  
1668 ~~((prior to))~~ before the expiration of a franchise, the county may on its own initiative, and  
1669 shall at the request of the franchisee, commence proceedings ~~((which))~~ that afford the  
1670 public in the franchise area appropriate notice and participation to identify the future  
1671 cable-related community needs and interests and to review the franchisee's performance  
1672 under the franchise~~((:))~~;

1673            2. Upon completion of the proceeding, the franchisee may, on its own initiative,  
1674 or at the request of the county, submit a proposal for renewal. All such proposals must  
1675 meet the requirements of this chapter. If the county requests a renewal proposal, it shall  
1676 establish a date when the renewal proposal shall be due, which shall not be less than  
1677 thirty ~~((30))~~ days after the request is made~~((:))~~;

1678            3. Upon submittal of a completed proposal for renewal by the due date, the  
1679 county shall notify the public of the proposal and, during the four ~~((4))~~ month period,  
1680 which begins on the date of submission of the cable operator's proposal ~~((pursuant to))~~,  
1681 under subsection B.2., the county shall issue a preliminary assessment that the franchise  
1682 should not be renewed or the county shall grant the renewal. The county's failure to

1683 make a preliminary assessment or to grant the renewal within the four ~~((4))~~-month  
1684 period shall be deemed to be a preliminary assessment that the franchise should not be  
1685 renewed and shall entitle the franchisee to the procedure ~~((set out))~~ in ~~((subparagraph))~~  
1686 subsection B.4. of this section~~((:))~~;

1687 4.a. Whenever a preliminary assessment is made that a ~~((franchisee))~~ franchise  
1688 should not be renewed, the county may on its own ~~((initiative))~~; and shall at the request of  
1689 the franchisee, commence an administrative proceeding by the ~~((King County))~~ hearing  
1690 examiner ~~((pursuant to))~~ under K.C.C. ~~((20.24.080-A.19))~~ 20.24.080, as recodified by this  
1691 ordinance, after providing notice to the public and the franchisee, to consider whether:

1692 ~~((a.))~~ (1) the franchisee has substantially complied with the material terms of  
1693 the existing franchise and with applicable law;

1694 ~~((b.))~~ (2) the quality of the franchisee's service, including signal quality,  
1695 response to consumer complaints~~((;))~~ and billing practices, but without regard to the mix,  
1696 quality~~((;))~~ or level of cable services or other services provided over the system, has been  
1697 reasonable in light of community needs;

1698 ~~((c.))~~ (3) the franchisee has the financial, legal~~((;))~~ and technical ability to  
1699 provide the services, facilities~~((;))~~ and equipment as set forth in the franchisee's proposal;

1700 and

1701 ~~((d.))~~ (4) the franchisee's proposal is reasonable to meet the future cable-  
1702 related community needs and interests, taking into account the cost of meeting ~~((such))~~  
1703 those needs and interests.

1704 b. The franchisee and the cable office shall be afforded fair opportunity for full  
1705 participation in the proceeding. At the completion of the proceeding, the hearing

1706 examiner ~~((county))~~ shall issue a written final decision granting or denying the renewal  
1707 based upon the record of ~~((such))~~ the proceeding, and transmit a copy to the  
1708 franchisee~~((:))~~;

1709 5. Any denial of a renewal shall be based on one or more adverse findings made  
1710 with respect to the factors described in ~~((subparagraphs a. through d. of))~~ subsection  
1711 B.4.a.(1) through (4) of this section, ~~((pursuant to))~~ under the record of proceeding under  
1712 ~~((that))~~ subsection B.4.a.(1) through (4) of this section. The county may not base a denial  
1713 of renewal on conditions listed in ~~((subparagraphs a. or b.))~~ of subsection B.4.a.(1) or (2)  
1714 of this section unless the county has provided the franchisee with notice and the  
1715 opportunity to cure, or in any case ~~((in which it is documented))~~ that the county has  
1716 waived its right to object~~((:))~~ or has effectively acquiesced~~((:))~~; and

1717 6. Any franchisee whose renewal proposal has been denied by a final decision  
1718 of the county made ~~((pursuant to))~~ in accordance with this subsection B. or has been  
1719 adversely affected by a failure of the county to act in accordance with procedural  
1720 requirements of this subsection B. may appeal such a final decision or failure ~~((pursuant~~  
1721 ~~to the provisions of))~~ in accordance with the Cable Act.

1722 C. Notwithstanding ~~((the provisions of))~~ subsection B. of this section, a  
1723 franchisee may submit an informal renewal application ~~((pursuant to))~~ in accordance with  
1724 this subsection at any time. The following procedure shall be used for all informal  
1725 renewal applications:

1726 1. A franchisee may submit a renewal application meeting the requirements of  
1727 this chapter. Submission of a renewal application in accordance with this subsection  
1728 shall not invoke the formal application process contained in subsection B. of this section;

1729 2. Upon submittal of a completed application, the county shall notify the public  
1730 of the application and solicit public comments((s));

1731 3. After receiving the public comments and completing any other review, the  
1732 county shall either deny or grant the renewal. In determining whether to grant or deny  
1733 the renewal, the county may consider whether:

1734 a. the franchisee has the technical, legal((s)) and financial ability to provide the  
1735 services; facilities((s)) and equipment as set forth in the franchisee's proposal;

1736 b. the franchisee has substantially complied with the material terms of the  
1737 existing franchise and with applicable law;

1738 c. the quality of the franchisee's service, including signal quality, response to  
1739 consumer complaints, billing practices, service mix((s)) or service level, has been  
1740 reasonable in light of community needs;

1741 d. the franchisee's proposal is reasonable to meet the future cable-related  
1742 community needs and interests, taking into account the cost of meeting ((such)) those  
1743 needs and interests; and

1744 e. such other factors consistent with the intent of this chapter and the Cable  
1745 Act((-)); and

1746 4. The denial of a renewal ((pursuant to)) under this subsection shall not affect  
1747 action on a renewal application that is submitted in accordance with subsection B. of this  
1748 section.

1749 SECTION 84. Ordinance 10159, Section 16, as amended, and K.C.C. 6.27A.140  
1750 are each hereby amended to read as follows:

1751 A.1. A franchisee must charge uniform prices throughout the geographic area in  
1752 which cable service is provided over its cable system, except that different rates may be  
1753 offered to commercial rate subscribers; and provided further that reduced rates may be  
1754 offered to:

- 1755 ~~((1.))~~ a. new subscribers,  
1756 ~~((2.))~~ b. subscribers adding a service that they have not previously received, or  
1757 ~~((3.))~~ c. disabled, senior citizen, low income or bulk rate subscribers.

1758 2. To the extent provided by federal law, a franchisee may change its rates and  
1759 charges only if it has given a minimum of thirty ~~((30))~~ calendar days prior written  
1760 notice to subscribers and the cable office.

1761 B. The county may regulate rates except to the extent it is prohibited from doing  
1762 so by state or federal law. Any regulated rate shall be adopted by ordinance and shall be  
1763 processed in accordance with the provisions of K.C.C. 20.24.070, as recodified by this  
1764 ordinance. The cable office shall promptly notify the hearing examiner of any proposed  
1765 rate changes. The director of the department of information technology is authorized to  
1766 issue an order to toll the effective date of proposed rates in accordance with the  
1767 provisions of the FCC rules and to take any other action necessary to implement rate  
1768 regulation. The director of the department of information technology shall adopt rules  
1769 governing the regulation of rates that:

- 1770 1. ~~((a))~~ Are consistent with the FCC's regulations ~~((5))~~;  
1771 2. ~~((p))~~ Provide a reasonable opportunity for consideration of the views of  
1772 interested parties ~~((5))~~; and

1773 3. ~~((e))~~ Establish procedures analogous to those set forth by the FCC governing  
1774 requests that proprietary information produced in the course of a rate proceeding be  
1775 treated as confidential, to the extent permitted by law.

1776 SECTION 85. Ordinance 10159, Section 26, as amended, and K.C.C. 6.27A.240  
1777 are each hereby amended to read as follows:

1778 A. Any remedy imposed by administrative notice and order shall be imposed  
1779 following the procedure outlined in this section.

1780 B. The notice and order shall contain:

1781 1. ~~((a))~~ A statement that the county has found the person to be in violation of this  
1782 chapter, the cable rules, a franchise agreement or any applicable law, with a brief and  
1783 concise description of the conditions found to be in violation;

1784 2. ~~((a))~~ A statement of any corrective action required to be taken. If the county  
1785 has determined that corrective action is required, the order shall require that all corrective  
1786 action commence within such time and be completed within such time as the county  
1787 determines is reasonable under the circumstances;

1788 3. ~~((a))~~ A statement specifying the amount of the civil penalty assessed, if any,  
1789 on account of the violation and, if applicable, the conditions on which assessment of such  
1790 civil penalty is contingent;

1791 4. ~~((a))~~ A statement advising that the order shall become final unless, ~~((no later~~  
1792 ~~than ten days))~~ after the notice and order are served, any person aggrieved by the order  
1793 ~~((requests in writing an appeal before the hearing examiner))~~ files an appeal in  
1794 accordance with K.C.C. 20.24.090, as recodified by this ordinance.



1795 C. Service of the notice and order shall be made upon all persons identified in the  
1796 notice and order either personally or by mailing a copy of such notice and order by  
1797 certified mail, postage prepaid, return receipt requested. If the address of any such a  
1798 person cannot reasonably be ascertained, a copy of the notice and order shall be mailed to  
1799 such person at the address of the location of the violation. The failure of any such a  
1800 person to receive such notice shall not affect the validity of any proceedings taken under  
1801 this chapter. Service by certified mail shall be effective on the date of postmark.

1802 D. Any person aggrieved by the order of the county may ~~((request in writing~~  
1803 ~~within ten days of the service of the notice and order an appeal hearing before the King~~  
1804 ~~County hearing examiner pursuant to K.C.C. 20.24.080 A.19. The request shall cite the~~  
1805 ~~notice and order appealed from and contain a brief statement of the reasons for seeking~~  
1806 ~~the appeal hearing)) appeal that order in accordance with K.C.C. 20.24.090 , as recodified~~  
1807 ~~by this ordinance.~~

1808 E.1. The appeal hearing shall be conducted on the record and the hearing  
1809 examiner shall have such rule-making and other powers necessary for conduct of the  
1810 hearing as specified by K.C.C. ((20.24.150)) chapter 20.xx (the new chapter created  
1811 under section 2 of this ordinance). ~~((Such))~~ The appeal hearing shall be conducted within  
1812 a reasonable time after receipt of the request for appeal. Written notice of the time and  
1813 place of the hearing shall be given at least ten days prior to the date of the hearing to each  
1814 appealing party, to the cable manager((;)) and to other interested person who have  
1815 requested in writing that they be so notified. The county may submit a report and other  
1816 evidence indicating the basis for the enforcement order. Each party shall have the  
1817 following rights, among others:

1818 a. to call and examine witnesses on any matter relevant to the issues of the  
1819 hearing;  
1820 b. to introduce documentary and physical evidence;  
1821 c. to cross-examine opposing witnesses on any matter relevant to the issues of  
1822 the hearing;  
1823 d. to impeach any witness regardless of which party first called ~~((him))~~ the  
1824 witness to testify;  
1825 e. to rebut evidence against ~~((him))~~ the party; and  
1826 f. to represent himself or herself or to be represented by anyone of ~~((his))~~ the  
1827 party's choice who is lawfully permitted to do so.

1828 2. Following review of the evidence submitted, the hearing examiner shall make  
1829 written findings and conclusions, and shall affirm or modify the order previously issued if  
1830 ~~((he))~~ the hearing examiner finds that a violation has occurred. ~~((He))~~ The hearing  
1831 examiner shall reverse the order if ~~((he))~~ the hearing examiner finds that no violation  
1832 occurred. The written decision of the hearing examiner shall be mailed by certified mail,  
1833 postage prepaid, return receipt requested to all the parties.

1834 ~~((E. Any order duly issued by the county pursuant to the procedures contained in~~  
1835 ~~this chapter shall become final ten days after service of the notice and order unless a~~  
1836 ~~written request for hearing is received by the hearing examiner within the ten-day~~  
1837 ~~period.))~~ F. Enforcement of any notice and order of the county issued ((pursuant to))  
1838 under this chapter shall be stayed during the pendency of any appeal under this chapter.

1839 ~~((F.))~~ G. An order ((which)) that is subjected to the appeal procedure shall  
1840 become final twenty days after mailing of the hearing examiner's decision unless within

1841 that time ((period)) an aggrieved person initiates review by writ of certiorari in King  
1842 County ((S))superior ((C))court.

1843 SECTION 86. Ordinance 16553, Section 4, and K.C.C. 7.09.030 are each hereby  
1844 amended to read as follows:

1845 A. The director shall issue a notice and order when the director determines that  
1846 an applicable parking fee has not been paid. The notice and order shall contain:

1847 1. A description of the vehicle parked in violation of this title, including make,  
1848 model, color and license plate number;

1849 2. Date and time issued;

1850 3. A description sufficient to identify the area where the vehicle was parked  
1851 when the violation was discovered such as lot identification letter;

1852 4. A statement that the director has found the vehicle parked in violation of  
1853 parking fee requirements, with a brief and concise description of the conditions that  
1854 establish the violation;

1855 5. A statement that the director is assessing a civil penalty, the amount of the  
1856 penalty and a time certain by which the penalty shall be paid from the date of the order;  
1857 and

1858 6. Statements advising:

1859 a. the director may review and reconsider the notice and order, provided that a  
1860 request for review and reconsideration is made in writing as provided in this chapter and  
1861 filed with the director within ten days from the date of service of the notice and order;

1862 b. the address to which the request for review and reconsideration should be  
1863 sent;

1864 c. the director's decision may be appealed ~~((to the King County office of the~~  
1865 ~~hearing examiner provided the appeal is made in writing and filed with the director~~  
1866 ~~within 14 days from the mailing of the director's decision, as provided in K.C.C. chapter~~  
1867 ~~20.24)) in accordance with K.C.C. 20.24.090, as recodified by this ordinance;~~

1868 d. failure to timely request director's review and reconsideration will constitute  
1869 a waiver of all rights to any administrative hearing and determination of the matter;

1870 e. a vehicle with three or more unpaid notice and orders may be immobilized  
1871 in accordance with any applicable legal requirements and a vehicle with five or more  
1872 unpaid notice and orders or a vehicle that has been immobilized for more than twenty-  
1873 four hours may be towed and impounded without prior notice and at the owner's expense,  
1874 under this chapter and K.C.C. chapter 46.08; and

1875 f. if, in accordance with K.C.C. 7.09.040, the director chooses to provide a  
1876 uniform automatic civil penalty reduction for prompt payment of a notice and order, then  
1877 the notice and order shall also include a statement advising how to qualify for that  
1878 reduction.

1879 B. The notice and order, and any amended or supplemental notice and order,  
1880 shall be served by affixing the notice and order to the vehicle for which the parking fee  
1881 was not paid, in a conspicuous location, usually the windshield.

1882 C. Proof of service of the notice and order shall be made at the time of service by  
1883 a written declaration under penalty of perjury, executed by the person effecting service  
1884 and declaring the time, date, and manner in which service was made. A copy of the  
1885 notice and order shall be kept on file by the department of natural resources and parks.

1886        SECTION 87. Ordinance 16553, Section 5, and K.C.C. 7.09.040 are each hereby  
1887 amended to read as follows:

1888        A. A person served with a notice and order pursuant to this chapter may request  
1889 in writing, within ten days of being served with a notice and order, that the director  
1890 review and reconsider the notice and order.

1891        B. The review shall be performed without a hearing and be based solely on  
1892 written information provided by the person requesting review and by county personnel or  
1893 agents.

1894        C. Upon review, the director may uphold the notice and order or waive or reduce  
1895 the fine or any other penalty contained in the notice and order.

1896        D. The director shall mail the written decision to the person requesting review.

1897        E. The decision shall notify the person requesting review of the right to appeal  
1898 the director's decision (~~((pursuant to this chapter and the procedure for filing the notice of~~  
1899 ~~appeal of the director's decision))~~ in accordance with K.C.C. 20.24.090, as recodified by  
1900 this ordinance.

1901        F. In addition, the director may implement a uniform system to automatically  
1902 reduce civil penalties that are paid within a specified period. If the director chooses to  
1903 implement such an automatic penalty reduction for prompt payment, then the director  
1904 shall notify the public of that option, and take steps to facilitate the public's ability to  
1905 promptly pay a reduced civil penalty. The amount of the penalty reduction, the duration  
1906 of the grace period, and the penalty collection mechanism shall be established by the  
1907 director in the director's sole discretion. However, the director may not change the

1908 amount of the reduction, the duration of the grace period, or the penalty collection system  
1909 more frequently than once every six months.

1910 SECTION 88. Ordinance 16553, Section 6, and K.C.C. 7.09.050 are each hereby  
1911 amended to read as follows:

1912 A. The ~~((King County))~~ office of the hearing examiner shall hear appeals of the  
1913 director's decisions under this chapter.

1914 B. Any person having received a director's decision under K.C.C. 7.09.040 may  
1915 appeal that decision ~~((by filing a notice of appeal pursuant to K.C.C. chapter 20.24))~~ in  
1916 accordance with K.C.C. 20.24.090, as recodified by this ordinance.

1917 C. The procedures for initiating and conducting the appeal shall be governed by  
1918 K.C.C. ~~((chapter 20.24))~~ 20.xx (the new chapter created under section 2 of this  
1919 ordinance).

1920 D. Enforcement of any notice and order of the director shall be stayed during the  
1921 pendency of a director's review or an appeal therefrom which is properly and timely filed  
1922 pursuant to K.C.C. chapter 20.24.090, as recodified by this ordinance.

1923 SECTION 89. Ordinance 16553, Section 13, and K.C.C. 7.09.120 are each  
1924 hereby amended to read as follows:

1925 A. Service of a notice and order under K.C.C. 7.09.030 shall be deemed effective  
1926 on the date the notice and order is placed on the vehicle.

1927 B. Service of a director's decision under K.C.C. 7.09.040 shall be deemed  
1928 effective three days after a written copy of the decision is mailed to the person requesting  
1929 review.

1930 C. Service of a hearing examiner's decision under K.C.C. 7.09.050 shall be  
1931 deemed effective (~~((three days after))~~) on the date a written copy of the decision is mailed  
1932 to the person appealing the director's decision.

1933 SECTION 90. Ordinance 7590, Section 9, as amended, and K.C.C. 9.08.080 are  
1934 each hereby amended to read as follows:

1935 A. Any person billed for service charges may file a request for rate adjustment  
1936 with the division within three years of the date from which the bill was sent. However,  
1937 filing of such a request does not extend the period for payment of the charge.

1938 B. Requests for rate adjustment may be granted or approved by the director only  
1939 when one of the following conditions exists:

1940 1. The parcel is owned and is the personal residence of a person or persons  
1941 determined by the county assessor as qualified for a low income senior citizen property  
1942 tax exemption authorized under RCW 84.36.381. Parcels qualifying under this  
1943 subsection B.1. shall be exempt from all charges imposed in K.C.C. 9.08.070;

1944 2. The acreage of the parcel charged is in error;

1945 3. The parcel is nonresidential and the actual impervious surface coverage of the  
1946 parcel charged places it in a different rate category than the rate category assigned by the  
1947 division;

1948 4. The parcel is nonresidential and the parcel meets the definition of open space  
1949 in K.C.C. 9.08.010. Parcels qualifying under this subsection B.4. shall be charged only  
1950 for the area of impervious surface and at the rate that the parcel is classified under using  
1951 the total parcel acreage;

1952 5.~~(a.)~~) The parcel is nonresidential and is served by one or more of the  
1953 following types of controls used to mitigate the impacts of surface and storm water runoff  
1954 from the impervious surfaces of the parcel, and any source control best management  
1955 practices applicable to the facilities or activities occurring on the parcel must be  
1956 implemented in accordance with the standards in K.C.C. chapter 9.12 to prevent  
1957 contaminants from entering surface water, storm water or ground water:

1958 ~~((1))~~) a. one or more flow control facilities that are required under K.C.C.  
1959 chapter 9.04, or that is demonstrated by the property owner to provide flow control of  
1960 surface and storm water to the standards in K.C.C. chapter 9.04, when any such a facility  
1961 is maintained at the expense of the parcel owner to the standards required by the  
1962 department. Parcels qualifying under this subsection B.5.a.~~((1))~~ shall receive a twenty  
1963 percent discount when runoff is controlled on fifty percent or more of the property's  
1964 impervious surface by the single or multiple flow control facilities;

1965 ~~((2))~~) b. one or more flow control facilities that are required under K.C.C.  
1966 chapter 9.04 and designed to the standards in the 1990 or later editions of the Surface  
1967 Water Design Manual, or that is demonstrated by the property owner to provide flow  
1968 control of surface and storm water to the standards in the 1990 or later editions of the  
1969 Surface Water Design Manual, when any such a facility is maintained at the expense of  
1970 the parcel owner to the standards required by the department. Parcels qualifying under  
1971 this subsection B.5.~~((a.2))~~b. shall receive a twenty percent discount when runoff is  
1972 controlled on fifty percent or more of the property's impervious surface by the qualifying  
1973 single or multiple flow control facilities. This discount is available in addition to other  
1974 qualifying discounts in this subsection B.5.~~((a.))~~;



1975           (((3))) c. one or more flow control best management practices or infiltration  
1976 facilities that are either required under K.C.C. chapter 9.04, or is demonstrated by the  
1977 property owner to provide absorption or dispersion of surface and storm water to the  
1978 standards in K.C.C. chapter 9.04, when any such a practice or facility is maintained at the  
1979 expense of the parcel owner to the standards required by the department. Parcels  
1980 qualifying under this subsection B.5.(((a-3)))c. shall receive a twenty percent discount  
1981 when runoff is absorbed or dispersed on fifty percent or more of the property's  
1982 impervious surface by flow control best management practices or infiltration facilities.  
1983 This discount is available in addition to other qualifying discounts in this subsection  
1984 B.5.(((a-)));

1985           (((4))) d. one or more water quality treatment facilities that are required under  
1986 K.C.C. chapter 9.04, or that is demonstrated by the property owner to provide water  
1987 quality treatment of surface and storm water to the standards in K.C.C. chapter 9.04,  
1988 when any such a facility is maintained at the expense of the parcel owner to the standards  
1989 required by the department. Parcels qualifying under this subsection B.5.(((a-4)))d. shall  
1990 receive a twenty percent discount when runoff is treated on fifty percent or more of the  
1991 property's impervious surface by the single or multiple water quality treatment facilities.  
1992 This discount is available in addition to other qualifying discounts in this subsection  
1993 B.5.(((a-)));

1994           (((5))) e. increased surface and storm water management activities conducted  
1995 by the parcel owner as mandated by the state through a National Pollutant Discharge  
1996 Elimination System permit for post construction stormwater discharges. The activities  
1997 include, but are not limited to, frequent facility inspections, surface water monitoring,

1998 reporting of facility performance and prompt correction of identified surface water  
1999 problems. Satisfactory compliance with the permit is required for this discount, as  
2000 determined by the department. Parcels qualifying under this subsection B.5.((a.5))c.  
2001 shall receive a ten percent discount in addition to other qualifying discounts in this  
2002 subsection B.5.((a.)); and  
2003 ~~(((6))) f.~~ when the requirements of subsection B.5.a.((4)) through ~~(((4))) d.~~ of  
2004 this section stating the specified facilities must address the impacts of at least fifty  
2005 percent of the impervious surfaces on-site cannot be met, the discounts provided in said  
2006 subsections shall be prorated as follows:

2007 ~~(((a))) (1)~~ forty to less than fifty percent of impervious surface: sixteen percent  
2008 discount;

2009 ~~(((b))) (2)~~ thirty to less than forty percent of impervious surface: twelve  
2010 percent discount;

2011 ~~(((c))) (3)~~ twenty to less than thirty percent of impervious surface: eight  
2012 percent discount; and

2013 ~~(((d))) (4)~~ four to less than twenty percent of impervious surface: four percent  
2014 discount((

2015 ~~b. Applications for a two-rate discount on surface water management fees, as~~  
2016 ~~authorized in subsection B.5. of this section, as amended by Ordinance 16958 and~~  
2017 ~~Ordinance 17246, shall not be accepted after December 31, 2012));~~

2018 6. The parcel is residential and is served by one or more flow control or water  
2019 quality treatment facilities required under K.C.C. chapter 9.04, or is demonstrated by the  
2020 property owner to provide flow control or water quality treatment of surface and storm

2021 water to the standards in K.C.C. chapter 9.04, and any such a facility is maintained at the  
2022 expense of the parcel owner to the standards required by the department. In addition any  
2023 source control best management practices applicable to the facilities or activities  
2024 occurring on the parcel must be implemented in accordance with the standards in K.C.C.  
2025 chapter 9.12 to prevent contaminants from entering surface water, storm water, or ground  
2026 water. Residential parcels qualifying under this subsection B.6. shall receive a fifty  
2027 percent discount;

2028 7. The parcel contains at least sixty-five percent forest and no more than twenty  
2029 percent impervious surface, the runoff from which is dispersed through the forested area  
2030 to the standards in the surface water management fee protocols, resulting in an effective  
2031 impervious area of no more than ten percent for the entire parcel. In addition to the  
2032 previous requirement, any source control best management practices applicable to the  
2033 facilities or activities occurring on the parcel must be implemented in accordance with  
2034 the standards in K.C.C. chapter 9.12 to prevent contaminants from entering surface water,  
2035 storm water, or ground water. Nonresidential parcels qualifying under this subsection  
2036 B.7. shall receive an eighty percent discount. Residential parcels qualifying under this  
2037 subsection B.7. shall receive a fifty percent discount. The discounts in this subsection  
2038 B.7. may be applied in lieu of but not in addition to other qualifying discounts in  
2039 subsection B.5. and B.6.((:));

2040 8. The parcel is owned or leased by a public school district that provides  
2041 activities that directly benefit the surface water management program. The activities may  
2042 include, but are not limited to: curriculum specific to the issues and problems of surface  
2043 and storm water management, and student activities in the community to expose students

2044 to the efforts required to restore, monitor or enhance the surface and storm water  
2045 management system. According to RCW 36.89.085, the amount of the rate adjustment  
2046 shall be determined by the director based upon the cost of the activities to the school  
2047 district but not to exceed the value of the activity to the surface water management  
2048 program. Determination of which activities qualify for the surface water management  
2049 service charge reduction shall be made by the division. Reductions in surface water  
2050 management service charges may only be granted to school districts that provide  
2051 programs that have been evaluated by the division. The rate adjustment for the school  
2052 district activity may be applied to any parcel in the service area that is owned or operated  
2053 by the school district;

2054 9. The parcel is owned by a federally recognized tribe or member of such tribe  
2055 and is located within the historical boundaries of a reservation and thus is not subject to  
2056 the charges provided for in this chapter; or

2057 10. The service charge bill was otherwise not calculated in accordance with this  
2058 chapter.

2059 C. The dollar amount of debt service on revenue or general obligation bonds  
2060 issued to finance storm water control facilities shall not be reduced by the rate  
2061 adjustments referred to in subsection B.5., 6. and 7. of this section.

2062 D. The property owner shall have the burden of proving that the rate adjustment  
2063 sought should be granted.

2064 E. Decisions on requests for rate adjustments shall be made by the director based  
2065 on information submitted by the applicant and by the division within thirty days of the  
2066 adjustment request except when additional information is needed. The applicant shall be

2067 notified in writing of the director's decision. If an adjustment is granted under  
2068 subsection((s)) B.1., 2., 3. and 4. of this section that reduces the charge for the current  
2069 year or two prior years, the applicant shall be refunded the amount overpaid in the current  
2070 and two prior years. The adjustments provided for in subsection B.5., 6. and 7. of this  
2071 section are prospective only from January 1, 2013. A reduction in charges for the billing  
2072 years before January 1, 2013, shall not be granted under subsection B.5., 6. and 7. of this  
2073 section.

2074 F. If the director finds that a service charge bill has been undercharged, then  
2075 either an amended bill shall be issued that reflects the increase in the service charge or the  
2076 undercharged amount shall be added to the next year's bill. The amended bill shall be  
2077 due and payable under K.C.C. 9.08.100. The director may include in the bill the amount  
2078 undercharged for two previous billing years in addition to the current bill.

2079 G. Decisions of the director on requests for rate adjustments shall be final unless  
2080 ~~((within thirty days of the date the decision was mailed, the applicant submits in writing~~  
2081 ~~to the director a notice of appeal setting forth a brief statement of the grounds for appeal~~  
2082 ~~and requesting a hearing before the King County hearing examiner)) the applicant files an  
2083 appeal in accordance with K.C.C. 20.24.090, as recodified by this ordinance. The  
2084 examiner's decision shall be a final decision as authorized by K.C.C. 20.24.080, as  
2085 recodified by this ordinance.~~

2086 SECTION 91. Ordinance 1396, Article II, Section 12, as amended, and K.C.C.  
2087 11.04.140 are each hereby amended to read as follows:

2088 Animal shelters, hobby kennels, kennels, pet shops, grooming parlors, guard dog  
2089 purveyors, guard dog trainers and guard dog purveyors, guard dog trainers and guard dog

2090 owners - additional conditions. The manager of the regional animal services section is  
2091 authorized to promulgate rules and regulations not in conflict with this title as they  
2092 pertain to the conditions and operations of animal shelters, hobby kennels, kennels,  
2093 hobby catteries, catteries, pet shops and grooming parlors, guard dog purveyors, guard  
2094 dog trainers and guard dog owners. The rules and regulations may be enacted only after  
2095 a public hearing has been held regarding the rules and regulations. Enforcement of these  
2096 rules and regulations may be appealed to the ((county board of appeals)) office of the  
2097 hearing examiner.

2098 SECTION 92. Ordinance 1396; Article III, Section 9, as amended, and K.C.C.  
2099 11.04.260 are each hereby amended to read as follows:

2100 A. Whenever the manager of the regional animal services section or animal care  
2101 and control officer has found an animal maintained in violation of this chapter, the  
2102 manager of the regional animal services section shall commence proceedings to cause the  
2103 abatement of each violation.

2104 B. The manager of the regional animal services section or animal care and  
2105 control officer shall issue a notice of violation and an order directed to the owner or the  
2106 person presumed to be the owner of the animal maintained in violation of this chapter.

2107 The notice and order shall contain:

2108 1. The name and address if known of the owner or person presumed to be the  
2109 owner of the animal in violation of this chapter;

2110 2. The license number, if available, and description of the animal in violation  
2111 sufficient for identification;

2112 3. A statement to the effect that the manager or animal care and control officer  
2113 has found the animal maintained illegally with a brief and concise description of the  
2114 conditions, which caused the animal to be in violation of this chapter, including reference  
2115 to the specific sections of code or statute violated and, where relevant, reference to the  
2116 specific sections of code or statute authorizing removal of the animal;

2117 4. A statement of the action required to be taken to abate the violation, as  
2118 determined by the manager of the regional animal services section;

2119 a. If the manager has determined the animal in violation must be disposed of,  
2120 the order shall require that the abatement be completed within a specified time from the  
2121 order as determined by the manager to be reasonable;

2122 b. If the manager of the regional animal services section determined to assess a  
2123 civil penalty, the order shall require that the penalty shall be paid within fourteen days  
2124 from the order((:));

2125 5. Statements advising that if any required abatement is not commenced within  
2126 the time specified, the manager of the regional animal services section shall proceed to  
2127 cause abatement and charge the costs thereof against the owner; and

2128 6. Statements advising:

2129 a. that a person having a legal interest in the animal may appeal from the  
2130 notice of violation and order or any action of the manager of the regional animal services  
2131 section to the ((board of appeals, but only if the appeal is made in writing as provided by  
2132 this chapter and filed with the manager of the regional animal services section within  
2133 fourteen days from the service of the notice of violation and order)) office of the hearing

2134 examiner by filing an appeal with the section in accordance with K.C.C. 20.24.090, as  
2135 recodified by this ordinance; and

2136 b. that failure to appeal constitutes a waiver of all right to an administrative  
2137 hearing and determination of the matter.

2138 C. The notice and order shall be served on the owner or presumed owner of the  
2139 animal in violation.

2140 D. Service of the notice of violation and order shall be made upon all persons  
2141 entitled thereto:

2142 1. Personally;

2143 2. By mailing a copy of the notice of violation and order by certified mail,  
2144 postage prepaid, return receipt requested, to the person at the person's last known address;

2145 or

2146 3. By posting the notice of violation and order on the front door of the living  
2147 unit of the owner or person with right to control the animal if the owner or person is not  
2148 home.

2149 E. Proof of service of the notice of violation and order shall be made at the time  
2150 of service by a written declaration under penalty of perjury executed by the person  
2151 effecting service, declaring the time, date and manner in which service was made.

2152 SECTION 93. Ordinance 1396, Article III, Section 10, as amended, and K.C.C.  
2153 11.04.270 are each hereby amended to read as follows:

2154 ~~((A.)) The ((King County board of appeals as established by Article 7 of the King~~  
2155 ~~County Charter)) office of the hearing examiner is designated to hear appeals by parties~~  
2156 aggrieved by actions of the manager of the regional animal services section under this



2157 chapter. The ~~((board))~~ examiner may adopt reasonable rules or regulations for  
2158 conducting its business. Copies of all rules and regulations adopted by the ~~((board))~~  
2159 examiner shall be delivered to the manager of the regional animal services section, who  
2160 shall make them freely accessible to the public. All examiner decisions and findings ~~((of~~  
2161 ~~the board))~~ shall be rendered to the appellant in writing with a copy to the manager of the  
2162 regional animal services section.

2163 ~~((B. Any person entitled to service under K.C.C. 11.04.260.B. may appeal from~~  
2164 ~~any notice and order or any action of the manager of the regional animal services section~~  
2165 ~~under this chapter by filing at the office of the manager of the regional animal services~~  
2166 ~~section within fourteen days from the service of the order, a written appeal containing:~~

2167 1. A heading in the words: "Before the Board of Appeals of the County of  
2168 ~~King~~";

2169 2. A caption reading: "Appeal of \_\_\_\_\_ giving the names of all  
2170 appellants participating in the appeal;

2171 3. A brief statement setting forth the legal interest of each of the appellants in  
2172 the animal involved in the notice and order;

2173 4. A brief statement in concise language of the specific order or action  
2174 protested, together with any material facts claimed to support the contentions of the  
2175 appellant;

2176 5. A brief statement in concise language of the relief sought, and the reasons  
2177 why it is claimed the protested order or action should be reversed, modified or otherwise  
2178 set aside;

2179           6. ~~The signatures of all parties' names as appellants, and their official mailing~~  
2180 ~~addresses; and~~

2181           7. ~~The verification, by declaration under penalty of perjury, of at least one~~  
2182 ~~appellant as to the truth of the matters stated in the appeal.~~

2183           C. ~~The board of appeals shall set a time and place, not more than thirty days from~~  
2184 ~~the notice of appeal for a hearing on the appeal. Written notice of the time and place of~~  
2185 ~~hearing shall be given at least ten days before the hearing to each appellant by the~~  
2186 ~~manager clerk of the board.~~

2187           D. ~~At the hearing, the appellant shall be entitled to appear in person, to be~~  
2188 ~~represented by counsel and to offer evidence that is pertinent and material to the action of~~  
2189 ~~the manager of the regional animal services section. Only those matters or issues~~  
2190 ~~specifically raised by the appellant in the written notice of appeal shall be considered.~~

2191           E. ~~Failure of any person to file an appeal in accordance with this section shall~~  
2192 ~~constitute a waiver of the right to an administrative hearing.~~

2193           F. ~~Enforcement of any notice and order of the manager of the regional animal~~  
2194 ~~services section issued under this chapter shall be stayed during the pending of an appeal,~~  
2195 ~~except impoundment of an animal that is vicious or dangerous or cruelly treated.~~

2196           G. ~~In proceedings before the board, the regional animal services section shall~~  
2197 ~~bear the burden of proving by a preponderance of the evidence both the violation and the~~  
2198 ~~appropriateness of the remedy it has imposed.))~~

2199           SECTION 94. Ordinance 11992, Section 13, as amended, and K.C.C. 12.16.115  
2200 are each hereby amended to read as follows:

2201 A. Where a complaint alleging a violation of this chapter has been filed by any  
2202 individual or entity, including a contract awarding authority, within six months of the  
2203 completion of all work on a contract alleging a violation of this chapter by a contractor or  
2204 where, within that same ((time)) period, evidence of a violation is discovered from  
2205 information gained through compliance monitoring or auditing, the administrator shall  
2206 cause to be served or mailed, by certified mail, return receipt requested, a copy of the  
2207 complaint or notice of investigation on the respondent within twenty days after the filing  
2208 of said charge and shall promptly make an investigation thereof. If a party selected by  
2209 the administrator conducts the investigation, the costs of such an investigation shall be  
2210 borne by the department or project, as applicable, for which the contract was awarded.  
2211 The investigation shall be directed to ascertain the facts concerning the violation alleged  
2212 in the complaint and shall be conducted in an objective and impartial manner. During  
2213 such an investigation, the administrator shall consider any statement of position or  
2214 evidence with respect to the allegations of the complaint ((which)) that the complainant  
2215 or the respondent wishes to submit.

2216 1.a. The administrator shall have the authority to sign and issue subpoenas  
2217 requiring the attendance and testimony of witnesses, the production of evidence including  
2218 but not limited to books, records, correspondence or documents in the possession or  
2219 under the control of the person or entity subpoenaed, and access to evidence for the  
2220 purpose of examination and copying as is necessary for the investigation. The  
2221 administrator shall consult with the prosecuting attorney before issuing any subpoena  
2222 under this section.

2223            b. If an individual or entity fails to obey a subpoena issued hereunder, or obeys  
2224 a subpoena but refuses to testify when requested concerning any matter under  
2225 investigation, the administrator may seek the assistance of the county prosecuting  
2226 attorney by requesting that the prosecuting attorney petition the superior court for King  
2227 County for an order or other appropriate action necessary to secure enforcement of the  
2228 subpoena.

2229            2. The results of the investigation shall be reduced to written findings of fact  
2230 and a finding shall be made that there either is or is not reasonable cause for believing  
2231 that a violation has been or is being committed. If a finding is made that there is no  
2232 reasonable cause, said finding shall be served on the complainant and respondent. Within  
2233 thirty days after service of such negative finding, the complainant shall have the right to  
2234 file a written request with the administrator asking for reconsideration of the finding.  
2235 The administrator shall respond to such request in writing within a reasonable time by  
2236 granting or denying the request and specifying the reasons for either granting or denying  
2237 the request.

2238            B.1. If the finding is made initially or on request for reconsideration that  
2239 reasonable cause exists to believe that a violation by a contractor subcontractor has  
2240 occurred, the administrator shall endeavor to remedy the violation by conference,  
2241 conciliation and persuasion, which may, by agreement of the parties, include monetary  
2242 compensation, the creation of additional opportunities for the employment of persons on  
2243 other contracts, or such other requirements as may lawfully be agreed upon by the parties  
2244 and the administrator. Any settlement agreement shall be reduced to writing and signed  
2245 by both parties. An order shall then be entered by the administrator setting forth the

2246 terms of the agreement. Copies of such an order shall be delivered to all affected parties  
2247 and the original thereof recorded with the records and licensing services division.

2248 2. If no agreement can be reached, a finding to that effect shall be made by the  
2249 administrator and incorporated in a preliminary order, with a copy thereof furnished to  
2250 the complainant and respondent. The preliminary order shall also include:

2251 ~~((1.-A))~~ a. a finding that a violation has occurred; and

2252 ~~((2.-))~~ b. ~~((F))~~ the basis for such a finding.

2253 C.1. In the case of failure to reach an agreement for the elimination of such a  
2254 violation, and upon the entry of a preliminary order, the complaint and any and all  
2255 findings made and remedies ordered shall be certified by the administrator to the office of  
2256 the county hearing examiner for hearing.

2257 2. A hearing shall thereafter be conducted by the office of the hearing examiner  
2258 for the purpose of affirming, denying or modifying the preliminary order. The hearing  
2259 shall be conducted on the record and the hearing examiner shall have such rule making  
2260 and other powers necessary for conduct of the hearing as are specified by K.C.C.  
2261 ~~((20.24.170))~~ chapter 20.xx (the new chapter created under section 2 of this ordinance).

2262 Such hearings shall be conducted within a reasonable time after receipt of the  
2263 certification. Written notice of the time and place of the hearing shall be given at least  
2264 ten days ~~((prior to))~~ before the date of the hearing to each affected party and to the  
2265 administrator.

2266 3. Each party ~~((shall have))~~ has the following rights, among others:

2267 ~~((1.-))~~ a. ~~((F))~~ to call and examine witnesses on any matter relevant to the issues  
2268 of the complaint;

2269            ~~((2-))~~ b. ~~((F))~~ to introduce documentary and physical evidence;  
2270            ~~((3-))~~ c. ~~((F))~~ to cross-examine opposing witnesses on any matter relevant to the  
2271 issues of the complaint;  
2272            ~~((4-))~~ d. ~~((F))~~ to impeach any witness regardless of which party first called such  
2273 witness to testify;  
2274            ~~((5-))~~ e. ~~((F))~~ to rebut evidence presented against a party; and  
2275            ~~((6-))~~ f. ~~((F))~~ to self-representation or to be represented by anyone of a party's  
2276 choice who is lawfully permitted to do so.

2277            D. Following review of the evidence submitted, the hearing examiner presiding at  
2278 the hearing shall enter written findings and conclusions, shall render a written decision  
2279 and shall order one or more of the following:

- 2280            1. Dismissal of the complaint when a violation is found not to have occurred;
- 2281            2. Cancellation of the contract in part or in whole;
- 2282            3. Disqualification of the violator from participation in county contracts for a  
2283 period of up to five years;
- 2284            4. Exclusion of the violator from future contracts or vending until demonstration  
2285 of compliance; and

---

2286            5. Enforcement of any provision of the contract providing remedies, such as  
2287 penalties or liquidated damages for violation of contractual provisions or enforcement of  
2288 any other remedy available under the laws of the county. Upon a finding by the hearing  
2289 examiner that a contractor has in fact failed to abide by the provisions of this chapter,  
2290 liquidated damages shall be imposed unless the hearing examiner finds that the

2291 imposition of such damages would be clearly inequitable, in which case the hearing  
2292 examiner may grant such other relief as may be lawful and appropriate.

2293 E. In the case where the alleged violator is the contract awarding authority and a  
2294 finding is made that there is reasonable cause to believe that the contract awarding  
2295 authority has committed a violation, the finding shall be forwarded to the executive, who  
2296 shall review the evidence and may order one or more of the following:

- 2297 1. Dismissal of the complaint when a violation is found not to have occurred;
- 2298 2. Corrective personnel action;
- 2299 3. Disqualification and suspension of authority of all members, any board,  
2300 commission, or other body constituting the violating contract awarding authority; and
- 2301 4. Enforcement of any other remedy available under the laws of the county.

2302 F. In addition to any other remedy available under the laws of the county and the  
2303 state of Washington, any person, firm, corporation, business, union or organization that  
2304 prevents or interferes with or retaliates against a contractor or subcontractor's efforts to  
2305 comply with this chapter or that submits false or misleading information to any county  
2306 department or employee concerning compliance with this chapter shall be subject to a  
2307 civil penalty of up to five thousand dollars for each occurrence, the county having  
2308 previously complied with the notice and hearing provisions of this chapter. Each  
2309 submission of false or misleading information shall constitute a separate occurrence.

2310 SECTION 95. Ordinance 13981, Section 7, as amended, and K.C.C. 12.17.060  
2311 are each hereby amended to read as follows:

2312 A. ~~((1-))~~ A party aggrieved by an order of the office of civil rights may ~~((request~~  
2313 ~~in writing within thirty days of the service of the order an appeal hearing before the~~

2314 county office of the hearing examiner. The request for hearing shall be filed with the  
2315 office of civil rights. The request for hearing must identify clearly and specifically:  
2316 a. the errors that the appellant believes were made in the action or decision that  
2317 is being appealed, or the procedural irregularities associated with that action or decision;  
2318 b. specific reasons why the county's action should be reversed or modified; and  
2319 c. the desired outcome of the appeal.

2320 2. Unless the hearing examiner authorizes an amendment to the statement of  
2321 appeal, the identification of errors and the statement of reasons for reversal or  
2322 modification defines and limits the issues that the examiner may consider)) appeal in  
2323 accordance with K.C.C. 20.24.090, as recodified by this ordinance.

2324 B. ((An order issued by the office of civil rights in accordance with procedures in  
2325 this chapter becomes final thirty days after service of the order unless a written request  
2326 for hearing is filed with the office of civil rights within the thirty-day period.

2327 E.)) If the order of the office of civil rights is appealed, the office of the hearing  
2328 examiner shall conduct a hearing for the purpose of affirming, denying or modifying the  
2329 order. There shall be a verbatim record kept of the hearing and the hearing examiner  
2330 shall have such rule-making and other power necessary for the conduct of the hearing as

2331 are specified by K.C.C. ((20.24.170)) chapter 20.xx (the new chapter created under  
2332 section 2 of this ordinance). The order of the office of civil rights shall not be presumed  
2333 correct. The hearing examiner's decision shall be based upon a preponderance of the  
2334 evidence. The hearing shall be conducted within a reasonable time after receipt of the  
2335 request for appeal. Written notice of the time and place of the hearing shall be given at



2336 least ten days before the date of the hearing to each affected party and to the office of  
2337 civil rights.

2338 ~~((D.))~~ C. Each party has the following rights, among others:

2339 1. To call and examine witnesses on any matter relevant to the issues of the

2340 complaint;

2341 2. To introduce documentary and physical evidence;

2342 3. To cross-examine opposing witnesses on any matter relevant to the issues of  
2343 the complaint;

2344 4. To impeach any witness regardless of which party first called the witness to  
2345 testify;

2346 5. To rebut evidence against the party;

2347 6. To represent himself or herself or to be represented by anyone of the party's  
2348 choice who is lawfully permitted to do so.

2349 ~~((E.))~~ D. Following review of the evidence submitted, the hearing examiner  
2350 presiding at the hearing shall enter written findings and conclusions and shall affirm or

2351 modify the order previously issued if the hearing examiner finds that a violation has

2352 occurred. The hearing examiner shall reverse the order if the hearing examiner finds that

2353 a violation did not occur. The hearing examiner may grant any relief that the office of

2354 civil rights could grant under K.C.C. 12.17.050.B. A copy of the hearing examiner's

2355 decision shall be delivered to all affected parties. The order of the hearing examiner is

2356 final unless reviewed by a court under K.C.C. 20.24.240.B, as recodified by this

2357 ordinance.

2358            SECTION 96. Ordinance 7430, Section 7, as amended, and K.C.C. 12.18.070 are  
2359 each hereby amended to read as follows:

2360            A. ~~((1.))~~ Any respondent or charging party, after by an order of the office of civil  
2361 rights is made in accordance with K.C.C. 12.18.060.B, may ~~((request an appeal hearing~~  
2362 ~~before the hearing examiner by filing a written request for hearing within thirty days of~~  
2363 ~~the service of the order. The request for hearing shall be filed with the office of civil~~  
2364 ~~rights. The request for hearing must identify clearly and specifically:~~

- 2365            a. ~~the errors that the appellant believes were made in the action or decision that~~
- 2366 ~~is being appealed, or the procedural irregularities associated with that action or decision;~~
- 2367            b. ~~specific reasons by the county's action should be reversed or modified; and~~
- 2368            c. ~~the desired outcome of the appeal.~~

2369            2. ~~Unless the hearing examiner authorizes an amendment to the statement of~~  
2370 ~~appeal, the identification of errors and the statement of reasons for reversal or~~  
2371 ~~modification defines and limits the issues the examiner may consider)) appeal that order~~

2372 in accordance with K.C.C. 20.24.090, as recodified by this ordinance.

2373            B. ~~((Any order issued by the office of civil rights in accordance with procedures~~  
2374 ~~in this chapter becomes final thirty days after service of the order unless a written request~~

2375 ~~for hearing is filed with the office of civil rights within the thirty day period.)) If the~~  
2376 order of the office of civil rights is appealed, the hearing examiner shall conduct a  
2377 hearing for the purpose of affirming, denying or modifying the order. There shall be a  
2378 verbatim record kept of the hearing. The hearing examiner has such rule-making and  
2379 other powers necessary for the conduct of the hearing as are specified by K.C.C.

2380 ~~((20.24.170))~~ chapter 20.xx (the new chapter created under section 2 of this ordinance).

2381 The order of the office of civil rights shall not be presumed correct. The hearing  
2382 examiner's decision shall be based upon a preponderance of the evidence. The hearing  
2383 shall be conducted within a reasonable time after receipt of the request for appeal.  
2384 Written notice of the time and place of the hearing shall be given at least ten days before  
2385 the date of the hearing to each affected party and to the office of civil rights.

2386 C. Each party may, among exercising other rights:

2387 1. Call and examine witnesses on any matter relevant to the issues of the  
2388 complaint;

2389 2. Introduce documentary and physical evidence;

2390 3. Cross-examine opposing witnesses on any matter relevant to the issues of the  
2391 complaint;

2392 4. Impeach any witness regardless of which party first called the witness to  
2393 testify;

2394 5. Rebut evidence against him or her; and

2395 6. Represent himself or herself or be represented by anyone of his or her choice  
2396 who is lawfully permitted to do so.

2397 D. Following review of the evidence submitted, the hearing examiner presiding at  
2398 the hearing shall enter written findings and conclusions and shall affirm or modify the  
2399 order previously issued if the hearing examiner finds that a violation occurred. The  
2400 hearing examiner shall reverse the order if the hearing examiner finds that a violation did  
2401 not occur. The hearing examiner may grant as relief any relief that the office of civil  
2402 rights could grant under K.C.C. 12.18.060.B. A copy of the hearing examiner's decision

2403 shall be delivered to all affected parties. The order of the hearing examiner is final unless  
2404 reviewed by a court under K.C.C. 20.24.240.B, as recodified by this ordinance.

2405 SECTION 97. Ordinance 5280, Section 7, as amended, and K.C.C. 12.20.100 are  
2406 each hereby amended to read as follows:

2407 A.1. Any charging party, respondent or aggrieved person on whose behalf the  
2408 finding was made, after an order of the office of civil rights is made in accordance with  
2409 K.C.C. 12.20.090.B, may appeal the order by electing to have the claims on which  
2410 reasonable cause was found decided in a civil action under K.C.C. 12.20.124 or in a  
2411 hearing before the hearing examiner. The office of civil rights shall provide the charging  
2412 party, respondent and aggrieved person on whose behalf the finding was made with  
2413 information regarding how to make the election. This election must be made not later  
2414 than thirty days after the receipt by the electing person of service of the order. The  
2415 person making the election shall give notice of the election stating which forum is elected  
2416 to the office of civil rights and to all other charging parties and respondents to whom the  
2417 complaint relates. The notice of election should identify clearly and specifically:

2418 a. the errors that the appellant believes were made in the action or decision that  
2419 is being appealed, or the procedural irregularities associated with that action or decision;

2420 b. specific reasons by the county's action should be reversed or modified; and

2421 c. the desired outcome of the appeal.

2422 2. Any order issued by the office of civil rights under K.C.C. 12.20.090.B,  
2423 becomes final thirty days after service of the order unless a written notice of election is  
2424 filed with the office of civil rights within the thirty-day period. If the order becomes

2425 final, parties violating the order are subject to the enforcement provisions of K.C.C.

2426 12.20.120.

2427 B. If no election of civil action is made, and an election for hearing is made, the

2428 complaint, any and all findings made and either affirmative action measures or civil

2429 penalties, or both, required shall be certified by the office of civil rights to the office of

2430 the hearing examiner for hearing.

2431 C. A hearing shall be conducted by the office of the hearing examiner for the

2432 purpose of affirming, denying or modifying the order. There shall be a verbatim record

2433 kept of the hearing. The hearing examiner shall have such rule-making and other powers

2434 necessary for conduct of the hearing as are specified by K.C.C. (20.24.170)) chapter

2435 20.xx (the new chapter created under section 2 of this ordinance). The office of civil

2436 rights shall maintain the action and the order of the office of civil rights shall not be

2437 presumed correct. The hearing examiner's decision shall be based upon a preponderance

2438 of the evidence. The hearing shall be conducted within a reasonable time after receipt of

2439 the certification. Written notice of the time and place of the hearing shall be given at

2440 least ten days before the date of the hearing to each affected party and to the office of

2441 civil rights.

2442 D. Each party may, among exercising other rights:

2443 1. Call and examine witnesses on any matter relevant to the issues of the

2444 complaint;

2445 2. Introduce documentary and physical evidence;

2446 3. Cross-examine opposing witnesses on any matter relevant to the issues of the

2447 complaint;

2448 4. Impeach any witness regardless of which party first called him or her to

2449 testify;

2450 5. Rebut evidence against him or her; and

2451 6. Represent himself or herself or to be represented by anyone of his or her

2452 choice who is lawfully permitted to do so.

2453 E. Following review of the evidence submitted, the hearing examiner presiding at

2454 the hearing shall enter written findings and conclusions and shall affirm or modify the

2455 order previously issued if the hearing examiner finds that a violation is about to occur or

2456 occurred. The hearing examiner shall reverse the order if the hearing examiner finds that

2457 a violation is not about to occur or did not occur. The hearing examiner may grant as

2458 relief any relief that the office of civil rights could grant under K.C.C. 12.20.090.B. A

2459 copy of the hearing examiner's findings, conclusions and decision shall be served on all

2460 affected parties. The order of the hearing examiner is final unless reviewed by a court

2461 under K.C.C. 20.24.240.B., as recodified by this ordinance.

2462 SECTION 98. Ordinance 8625, Section 7, as amended, and K.C.C. 12.22.070 are

2463 each hereby amended to read as follows:

2464 A.1. Any respondent or charging party, after an order of the office of civil rights

2465 is made in accordance with K.C.C. 12.22.060.B, may request an appeal hearing before

2466 the hearing examiner by filing a written request for hearing within thirty days of the

2467 service of the order. The request for hearing shall be filed with the office of civil rights.

2468 The request for hearing must identify clearly and specifically:

2469 a. the errors that the appellant believes were made in the action or decision that

2470 is being appealed, or the procedural irregularities associated with that action or decision;

2471 b. specific reasons why the county's action should be reversed or modified; and  
2472 c. the desired outcome of the appeal.

2473 2. Unless the hearing examiner authorizes an amendment to the statement of  
2474 appeal, the identification of errors and the statement of reasons for reversal or  
2475 modification defines and limits the issues that the examiner may consider.

2476 B. Any order issued by the office of civil rights in accordance with procedures in  
2477 this chapter becomes final thirty days after service of the order unless a written request  
2478 for hearing is filed with the office of civil rights within the thirty-day period.

2479 C. If the order of the office of civil rights is appealed, the hearing examiner shall  
2480 conduct a hearing for the purpose of affirming, denying or modifying the order. There  
2481 shall be a verbatim record kept of the hearing. The hearing examiner has such rule-  
2482 making and other powers necessary for the conduct of the hearing as are specified by  
2483 K.C.C. ((20.24.170)) chapter 20.xx (the new chapter created under section 2 of this this  
2484 ordinance. The order of the office of civil rights shall not be presumed correct. The  
2485 hearing examiner's decision shall be based upon a preponderance of the evidence. The  
2486 hearing shall be conducted within a reasonable time after receipt of the request for  
2487 appeal. Written notice of the time and place of the hearing shall be given at least ten days  
2488 before the date of the hearing to each affected party and to the office of civil rights.

2489 D. Each party may, among exercising other rights:

2490 1. Call and examine witnesses on any matter relevant to the issues of the  
2491 complaint;

2492 2. Introduce documentary and physical evidence;

2493 3. Cross-examine opposing witnesses on any matter relevant to the issues of the  
2494 complaint;

2495 4. Impeach any witness regardless of which party first called the witness to  
2496 testify;

2497 5. Rebut evidence against him or her; and

2498 6. Represent himself or herself or be represented by anyone of his or her choice  
2499 who is lawfully permitted to do so.

2500 E. Following review of the evidence submitted, the hearing examiner presiding at  
2501 the hearing shall enter written findings and conclusions and shall affirm or modify the  
2502 order previously issued if the hearing examiner finds that a violation occurred. The  
2503 hearing examiner shall reverse the order if the hearing examiner finds that a violation did  
2504 not occur. The hearing examiner may grant as relief any relief that the office of civil  
2505 rights could grant under K.C.C. 12.22.060.B. A copy of the hearing examiner's decision  
2506 shall be delivered to all affected parties. The order of the hearing examiner is final unless  
2507 reviewed by a court under K.C.C. 20.24.240.B, as recodified by this ordinance.

2508 SECTION 99. Ordinance 10095, Section 8, as amended and K.C.C. 13.24.090  
2509 are each hereby amended to read as follows:

2510 A. The utilities technical review committee shall ensure that the provisions of  
2511 K.C.C. 13.24.005 regarding the purposes of this chapter are carried out, and shall be  
2512 responsible for providing the notification to tribal governments provided for in K.C.C.  
2513 13.20.020 for actions under that section that fall within the authority of the committee.

2514 B. The utilities technical review committee shall:



2515 1. Review and make recommendations to the King County executive and the  
2516 King County council on the adequacy of all sewer and water system comprehensive plans  
2517 and related matters, and determine their consistency with the King County  
2518 Comprehensive Plan;

2519 2. Have the authority to approve additions and betterments to council-approved  
2520 sewer and water comprehensive plans without referral to the council in order to serve  
2521 developments that have received preliminary approval from the King County council;

2522 3.a. Serve as the appeal body to hear issues relating to the creation of new  
2523 public water systems and the extension of existing public water service within the  
2524 boundaries of a critical water supply service area as provided for in the utility service  
2525 review procedures contained in the coordinated water system plans, based on whether an  
2526 existing water purveyor can provide service in a timely and reasonable manner (WAC  
2527 246-293-190);

2528 b. An appeal under subsection B.3.a. of this section is subject to all of the  
2529 following:

2530 (1) A notice of appeal or request to find that water service is or is not  
2531 available in a timely and reasonable manner shall be filed with the utilities technical  
2532 review committee and shall be accompanied by a nonrefundable fee as prescribed in  
2533 K.C.C. 4A.710.100;

2534 (2) Written materials from the appellant and the water purveyor and any  
2535 interested parties may be submitted on forms developed by the utilities technical review  
2536 committee. The committee shall evaluate such submittals and any other submitted  
2537 written materials in light of applicable state laws, regulations and policies. The

2538 committee shall issue a final written determination, including findings and conclusions,  
2539 within thirty days of the date that the written record is complete;

2540 (3) The utilities technical review committee shall provide its written  
2541 determination together with the procedures for administrative appeals, to the appellant, to  
2542 the water purveyor, and to any person, who, before the determination, has requested  
2543 notice of the determination; and

2544 (4) The written determination by the utilities technical review committee shall  
2545 be the final county action, unless further appeal is made to the office of the hearing  
2546 examiner, in accordance with K.C.C. 20.24.080, as recodified by this ordinance, and  
2547 20.24.090, as recodified by this ordinance. In such an appeal to the hearing examiner, the  
2548 written determination shall constitute the department report for the purposes of K.C.C.  
2549 20.24.150, as recodified by this ordinance.

2550 c. The utilities technical review committee is authorized to establish by rule the  
2551 procedures and timeframes for submittal to the committee of any requests for an appeal  
2552 as provided for under this chapter and K.C.C. chapter 13.28; and

2553 4. Issue the findings required under K.C.C. 13.24.132; 13.24.134 and 13.24.136  
2554 relative to sewer expansion in rural and resource areas. The determination that sewer  
2555 expansion in rural and resource areas is necessary shall be based on information  
2556 concerning the feasibility of alternative treatment technologies as provided by the Seattle-  
2557 King County department of public health.

2558 SECTION 100. Ordinance 129, Section 1, as amended, and K.C.C. 14.40.015 are  
2559 each hereby amended to read as follows:

2560 A. The ~~((zoning and subdivision))~~ office of the hearing examiner shall hold  
2561 public hearings on vacations which have been recommended for approval by the  
2562 department of transportation, and provide a recommendation to the ~~((King County))~~  
2563 council, as prescribed by RCW 36.87.060.

2564 B. In the event the report by the department of transportation recommends denial  
2565 of the vacation petition, the following shall be the operating procedure:

2566 1. The department of transportation shall transmit ~~((W))~~ written notification  
2567 ~~((shall be transmitted))~~ to the petitioner, ~~((by the department of transportation))~~ citing the  
2568 rationale for the denial and indicating that the denial may be appealed to the ~~((zoning and~~  
2569 ~~subdivision))~~ office of the hearing examiner for hearing and recommendation to the  
2570 council: ~~((A))~~ The department of transportation shall file a copy of the notice of denial  
2571 ~~((shall be filed))~~ with the council clerk's office.

2572 2. The notice of denial shall be final unless the petitioner files an an ~~((written~~  
2573 ~~appeal including a two hundred dollar administrative fee with the council clerk within~~  
2574 ~~thirty calendar days of the issuance of the notice of denial. The petitioner's written~~  
2575 ~~appeal shall specify the basis for the appeal and any arguments in support of the appeal))~~  
2576 appeal in accordance with K.C.C. 20.24.090, as recodified by this ordinance.

2577 3. Any appeal filed by a petitioner shall be processed by the ~~((zoning and~~  
2578 ~~subdivision))~~ office of the hearing examiner in the same manner as vacations  
2579 recommended for approval.

2580 SECTION 101. K.C.C. 14.40.017 is hereby decodified.

2581 SECTION 102. Ordinance 2799, Section 2, as amended, and K.C.C. 14.40.020

2582 are each hereby amended to read as follows:

2583 The amount of compensation, if required in this chapter, shall be recommended  
2584 by the hearing examiner and shall be determined by the council according to the  
2585 following criteria:

2586 A. Vacation of all county roads included in Classes A, B(~~(,)~~) and C, if granted,  
2587 shall require compensation: at the full appraised value of the vacated road for Class A  
2588 vacations; at (~~(75%)~~) seventy-five percent of the full appraised value for Class B  
2589 vacations; and at (~~(50%)~~) fifty percent of full appraised value for class C vacations as of  
2590 the effective date of the vacation, which amount, for the purposes of this chapter, may be  
2591 determined from the records of the department of assessments(~~(; Provided, that)~~);  
2592 however, the hearing examiner may propose and the council shall have the authority to  
2593 accept real property of equal or greater value in lieu of cash compensation. The council  
2594 shall have the authority to waive some or all of the compensation, except two hundred  
2595 dollars administrative costs for processing the vacation of a county road, where the  
2596 petitioner is providing an alternative road to the county of equal or greater value and said  
2597 alternative will fulfill the public purposes of the previous transportation circulation plan.

2598 B. Vacation of all county roads included in Class D, or those roads vacated by  
2599 operation of law under the laws of 1889-1890 and affirmed by council action, if granted,  
2600 shall require a two hundred dollar fee as compensation for the administrative costs of the  
2601 vacation.

2602 C. In the recommendation to the council pursuant to K.C.C. 20.24.070, as  
2603 recodified by this ordinance, the (~~(zoning and subdivision)~~) hearing examiner may  
2604 recommend the acceptance of real property of equal or greater value in lieu of cash

2605 compensation, or may recommend the waiver of some or all of the compensation required  
2606 by this section.

2607 D. When a road is vacated for a governmental agency, compensation shall be in  
2608 accordance with the classification of the road, except that some or all of the  
2609 compensation may be waived at the discretion of the council.

2610 E. The council may waive some or all of the compensation for any classification  
2611 of road, if it determines that it would benefit King County to do so.

2612 SECTION 103. Ordinance 10733, Section 8, as amended, and K.C.C. 14.60.080  
2613 are each hereby amended to read as follows:

2614 Any affected employer may request reconsideration of a decision by the director.

2615 ~~((A written appeal to the hearing examiner must be filed within the time period~~  
2616 ~~prescribed by K.C.C. chapter 20.24. The appeal must state the decision being appealed~~  
2617 ~~and the grounds for the appeal. The appeal shall be reviewed in accordance with K.C.C.~~  
2618 ~~chapter 20.24.)) If the director denies the request for reconsideration in whole or in part,~~  
2619 ~~the director's final decision may be appealed in accordance with K.C.C. 20.24.090, as~~  
2620 ~~recodified by this ordinance.~~

2621 SECTION 104. Ordinance 11617, Section 5, as amended, and K.C.C. 14.65.030  
2622 are each hereby amended to read as follows:

2623 ~~((A. Appeals of t))The department's final decisions relative to MPS and IS ((shall~~  
2624 ~~be filed with the director or the director's designee.~~

2625 ~~B. The appeals shall be in written form, stating the grounds for the appeal, and~~  
2626 ~~shall be filed within ten calendar days of the receipt of notification of the department's~~

2627 ~~final appealable decision in the matter being~~) may be appealed in accordance with

2628 K.C.C. 20.24.090, as recodified by this ordinance.

2629 SECTION 105. Ordinance 11617, Section 54, as amended, and K.C.C. 14.75.150

2630 are each hereby amended to read as follows:

2631 In order to obtain an appealable final decision the developer must:

2632 A. Request in writing a review of the fee amount by department staff. The  
2633 department staff shall consider any studies and data submitted by the developer seeking  
2634 to adjust the amount of the fee; and

2635 B. Request in writing reconsideration by the director or the director's designee of  
2636 an adverse decision by staff. Such request for reconsideration shall state in detail the  
2637 grounds for the request. After reviewing the request, ((F)) the director or the director's  
2638 designee shall issue a final ((, appealable decision after reviewing the request)) decision,  
2639 which is appealable in accordance with K.C.C. 20.24.090, as recodified by this  
2640 ordinance.

2641 SECTION 106. Ordinance 6746, Section 19, as amended and K.C.C. 16.32.170

2642 are each hereby amended to read as follows:

2643 A.1. A board of appeals shall be established and shall consist of six voting

2644 members as follows:

2645 ~~((1-))~~ a. ~~((Θ))~~ one member representing journeyman plumbers;

2646 ~~((2-))~~ b. ~~((Θ))~~ one member representing plumbing contractors;

2647 ~~((3-))~~ c. ~~((Θ))~~ one member representing professional mechanical engineers;

2648 ~~((4-))~~ d. ~~((Θ))~~ one member representing and building owners; and

2649 ~~((5-))~~ e. ~~((F))~~ two members representing the public.

2650        2. The authority having jurisdiction shall serve as a nonvoting member of the  
2651 board. The board of appeals shall elect a chair and a secretary who shall serve at the  
2652 pleasure of the board.

2653            B. Any party aggrieved by a decision of the authority having jurisdiction made  
2654 pursuant to this code either in the context of a specific project or permit application or in  
2655 the context of an application for approval of an alternate material or method of  
2656 construction, or both, may file a written petition for appeal to the board accompanied by a  
2657 nonrefundable fee of one hundred dollars. Appeals shall be heard at reasonable times at  
2658 the convenience of the board, but not later than thirty days after receipt of the petition.  
2659 However, this time requirement may be waived by written agreement between the  
2660 authority having jurisdiction and the appellant if doing so will facilitate resolution of the  
2661 dispute. The appellant shall be entitled to appear in person before the board, to be  
2662 represented by an attorney, and to introduce evidence in support of such petition. The  
2663 appellant shall cause to be made at the appellant's own expense any test or research  
2664 required by the board for the substantiation of any claim or claims made by the appellant.  
2665 The board of appeals shall determine whether a correct interpretation of this code has  
2666 been made by the authority having jurisdiction.

2667            C. Decisions of the board shall be in writing, distributed to the authority having  
2668 jurisdiction and the appellant and apply only to the case being heard. Board decisions are  
2669 deemed issued on the date that the decision is delivered to the appellant or the appellant's  
2670 counsel or, if the decision is mailed, on the date of mailing. A person aggrieved by a  
2671 decision of the board may appeal the decision of the board to the King County hearing

2672 examiner as provided in K.C.C. chapter ~~((20.24))~~ 20.xx (the new chapter created under  
2673 section 2 of this ordinance).

2674 D. The board may make recommendations to the authority having jurisdiction  
2675 for changes in the code.

2676 SECTION 107. Ordinance 13694, Section 41, as amended, and K.C.C. of the  
2677 19A.08.060 are each hereby amended to read as follows:

2678 Applications for approvals ~~((pursuant to))~~ under this title shall be reviewed in  
2679 accordance with the applicable procedures of any combination of this title and K.C.C.  
2680 chapters 20.20 and ~~((20.24))~~ 20.xx (the new chapter created under section 2 of this  
2681 ordinance). Furthermore, applications for subdivisions, short subdivisions and binding  
2682 site plans may be approved, approved with conditions or denied in accordance with the  
2683 following adopted county and state rules, regulations, plans and policies including, but  
2684 not limited to:

2685 A. Chapter 43.21C RCW (SEPA);

2686 B. Chapter 58.17 RCW (Subdivisions);

2687 C. Chapters 36.70A and 36.70B RCW (Growth Management and Project  
2688 Review);

2689 D. K.C.C. Title 9 (Surface Water Management);

2690 E. K.C.C. Title 13 (Sewer and Water);

2691 F. K.C.C. Title 14 (Roads and Bridges);

2692 G. K.C.C. Title 17 (Fire Code);

2693 H. K.C.C. chapter 20.44 (SEPA);

2694 I. K.C.C. Title 21A (Zoning);



- 2695 J. K.C.C. Title 23 (Code Enforcement);
- 2696 K. Administrative rules adopted (~~(pursuant to)~~) under K.C.C. chapter 2.98;
- 2697 L. King County board of (~~(public)~~) health rules and regulations;
- 2698 M. King County approved utility comprehensive plans;
- 2699 N. King County Comprehensive Plan;
- 2700 O. (~~(County-wide)~~) Countywide Planning Policies; and
- 2701 P. This title.

2702 SECTION 108. Ordinance 13694, Section 67, and K.C.C. 19A.16.070 are each  
2703 hereby amended to read as follows:

2704 A. Alterations shall be processed in accordance with RCW 58.17.215 through  
2705 58.17.218 and shall comply with regulations in effect at the time the alteration  
2706 application was submitted. Alteration applications and recording documents shall  
2707 contain the signatures of the majority of those persons having an ownership interest in  
2708 lots, tracts, parcels or divisions in the subject subdivision to be altered or any portion to  
2709 be altered.

2710 B. If the subdivision is subject to restrictive covenants that were filed at the time  
2711 of the approval of the subdivision, and the application for alteration would result in the  
2712 violation of a covenant, the application shall contain an agreement signed by all parties  
2713 subject to the covenants providing that the parties agree to terminate or alter the relevant  
2714 covenants to accomplish the purpose of the alteration of the subdivision or portion  
2715 thereof.

2716 C. Notice of alterations shall comply with the notice provisions of K.C.C. Title  
2717 20. Mailing notification shall also include owners of each lot or parcel of property within  
2718 the subdivision to be altered.

2719 D. An application shall be processed as a Type 3 permit pursuant to K.C.C.  
2720 ((€))chapter 20.20 and K.C.C. 20.24.080, as recodified by this ordinance. The  
2721 application may be approved if the proposed alteration is consistent with the required  
2722 findings of K.C.C. 20.24.195, as recodified by this ordinance.

2723 E. After approval of an alteration, the applicant shall produce a revised drawing  
2724 of the approved alteration of the final plat, to be processed in the same manner as set  
2725 forth for final plats in this title.

2726 SECTION 109. Ordinance 13694, Section 69, and K.C.C. 19A.16.090 are each  
2727 hereby amended to read as follows:

2728 A. Plat and short plat vacations shall be processed as follows and in accordance  
2729 with ~~((the provisions of))~~ RCW 58.17.212.

2730 B. All plat and short plat vacation applications shall be referred to the hearing  
2731 examiner for public hearing and consideration ~~((pursuant to))~~ in accordance with K.C.C.  
2732 20.24.070, as recodified by this ordinance. Following the public hearing the hearing  
2733 examiner shall determine if the proposed vacation is consistent with the required findings  
2734 of K.C.C. 20.24.195, as recodified by this ordinance. If the proposal is found to serve  
2735 such purposes, the hearing examiner may recommend that the county council approve the  
2736 application.

2737 C. Applications for vacations of county roads may be processed ~~((pursuant to))~~  
2738 under this chapter only when such road vacations are proposed in conjunction with the

2739 vacation of the plat. Vacations limited to county roads shall be processed in accordance  
2740 with chapter 36.87 RCW.

2741 SECTION 110. Ordinance 263, Art. 1, Section 11, as amended, and K.C.C.  
2742 20.08.120 are each hereby amended to read as follows:

2743 "Examiner" means the office of the hearing examiner as established by K.C.C.  
2744 chapter ~~((20.24))~~ 20.xx (the new chapter created under section 2 of this ordinance).

2745 NEW SECTION. SECTION 111. There is hereby added to K.C.C. chapter 20.08  
2746 a new section to read as follows:

2747 "SEPA" means the State Environmental Policy Act.

2748 SECTION 112. Ordinance 16985, Section 4, as amended, and K.C.C. 20.12.205  
2749 are each hereby amended to read as follows:

2750 The following King County Code sections that are in effect ~~((on))~~ as of April 7,  
2751 2013, are adopted as land use and development regulations within the shoreline  
2752 jurisdiction. Amendments to those sections that take effect on or after April 7, 2013, do  
2753 not apply to the shoreline jurisdiction until approved by the Washington state Department  
2754 of Ecology as provided in RCW 90.58.090. The department of permitting and  
2755 environmental review shall, within ten days after the date of ~~((Washington state))~~  
2756 Department of Ecology's approval, file a copy of the ~~((state))~~ Department of Ecology's  
2757 approval, in the form of a paper copy and an electronic copy, with the clerk of the  
2758 council, who shall retain the paper copy and forward electronic copies to all  
2759 councilmembers and the lead staff of the transportation, economy and environment  
2760 committee, or its successor:

2761 A. The following sections ~~((within))~~ in K.C.C. Title 20:

- 2762 1. K.C.C. 20.18.040;
- 2763 2. K.C.C. 20.18.050;
- 2764 3. K.C.C. 20.18.056;
- 2765 4. K.C.C. 20.18.057;
- 2766 5. K.C.C. 20.18.058; and
- 2767 6. K.C.C. 20.24.510, as recodified by this ordinance; and
- 2768 **B. The following sections ((within)) in K.C.C. Title 21A:**
- 2769 1. K.C.C. 21A.06.118;
- 2770 2. K.C.C. 21A.06.156;
- 2771 3. K.C.C. 21A.06.181;
- 2772 4. K.C.C. 21A.06.181.E.;
- 2773 5. K.C.C. 21A.06.181.G.;
- 2774 6. K.C.C. 21A.06.182;
- 2775 7. K.C.C. 21A.06.333.A.;
- 2776 8. K.C.C. 21A.06.401;
- 2777 9. K.C.C. 21A.06.469;
- 2778 10. K.C.C. 21A.06.573;
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- 2779 11. K.C.C. 21A.06.653;
- 2780 12. K.C.C. 21A.06.738;
- 2781 13. K.C.C. 21A.06.796;
- 2782 14. K.C.C. 21A.06.796.A.;
- 2783 15. K.C.C. 21A.06.825
- 2784 16. K.C.C. 21A.06.892;

2785	17. K.C.C. 21A.06.913;		
2786	18. K.C.C. 21A.06.971;		
2787	19. K.C.C. 21A.06.1081;		
2788	20. K.C.C. 21A.06.1082.A.;		
2789	21. K.C.C. 21A.06.1082.B.;		
2790	22. K.C.C. 21A.06.1082.C.;		
2791	23. K.C.C. 21A.06.1082.D.;		
2792	24. K.C.C. 21A.06.1083;		
2793	25. K.C.C. 21A.06.1083.A.;		
2794	26. K.C.C. 21A.06.1268;		
2795	27. K.C.C. 21A.06.1385;		
2796	28. K.C.C. 21A.06.1386;		
2797	29. K.C.C. 21A.06.1388;		
2798	30. K.C.C. 21A.06.1389;		
2799	31. K.C.C. 21A.24.045;		
2800	32. K.C.C. 21A.24.051;		
2801	33. K.C.C. 21A.24.055;		
2802	34. K.C.C. 21A.24.070.A., D. and E.;		
2803	35. K.C.C. 21A.24.125;		
2804	36. K.C.C. 21A.24.130;		
2805	37. K.C.C. 21A.24.133;		
2806	38. K.C.C. 21A.24.200;		
2807	39. K.C.C. 21A.24.210;		

- 2808 40. K.C.C. 21A.24.220;
- 2809 41. K.C.C. 21A.24.230;
- 2810 42. K.C.C. 21A.24.240;
- 2811 43. K.C.C. 21A.24.250;
- 2812 44. K.C.C. 21A.24.260;
- 2813 45. K.C.C. 21A.24.275;
- 2814 46. K.C.C. 21A.24.280;
- 2815 47. K.C.C. 21A.24.290;
- 2816 48. K.C.C. 21A.24.300;
- 2817 49. K.C.C. 21A.24.310;
- 2818 50. K.C.C. 21A.24.316;
- 2819 51. K.C.C. 21A.24.325;
- 2820 52. K.C.C. 21A.24.335;
- 2821 53. K.C.C. 21A.24.340;
- 2822 54. K.C.C. 21A.24.358;
- 2823 55. K.C.C. 21A.24.365;
- 2824 56. K.C.C. 21A.24.380;
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- 2825 57. K.C.C. 21A.24.382;
- 2826 58. K.C.C. 21A.24.386;
- 2827 59. K.C.C. 21A.24.388;
- 2828 60. K.C.C. 21A.32.045;
- 2829 61. K.C.C. 21A.50.030; and
- 2830 62. K.C.C. chapter 21A.25.

2831            SECTION 113. Ordinance 13147, Section 21, as amended, and K.C.C. 20.18.050

2832 are each hereby amended to read as follows:

2833            A. Site-specific land use map and shoreline master program map amendments are  
2834 legislative actions that may ~~((only))~~ be initiated by property owner application, by  
2835 council motion or by executive proposal. All site-specific land use map and shoreline  
2836 master program map amendments must be evaluated by the hearing examiner before  
2837 adoption by the council in accordance with this chapter.

2838            1. If initiated by council motion, the motion shall refer the proposed site-  
2839 specific land use map or shoreline master program map amendment to the department of  
2840 permitting and environmental review for preparation of a recommendation to the hearing  
2841 examiner. The motion shall also identify the resources and the work program required to  
2842 provide the same level of review accorded to applicant-~~((generated))~~ initiated  
2843 amendments. An analysis of the motion's fiscal impact shall be provided to the council  
2844 before adoption. If the executive determines that additional funds are necessary to  
2845 complete the work program, the executive may transmit an ordinance requesting the  
2846 appropriation of supplemental funds~~((;))~~.

2847            2. If initiated by executive proposal, the proposal shall refer the proposed site-  
2848 specific land use map or shoreline master program map amendment to the department of  
2849 permitting and environmental review for preparation of a recommendation to the hearing  
2850 examiner~~((; and))~~.

2851            3. If initiated by property owner application, the property owner shall submit a  
2852 docket~~((ed))~~ request for a site-specific land use map or shoreline master program map  
2853 amendment~~(( - Upon receipt of a docketed request for a site-specific land use map or~~

2854 shoreline master program map amendment, the request shall be referred)) to the  
2855 department of permitting and environmental review for preparation of a recommendation  
2856 to the hearing examiner.

2857 B. A shoreline redesignation initiated by an applicant must include the following  
2858 information in addition to the requirements in this section:

2859 1. Applicant information, including signature, telephone number and address;

2860 2. The applicant's interest in the property, such as owner, buyer or consultant;

2861 and

2862 3. Property owner concurrence, including signature, telephone number and  
2863 address.

2864 C. All proposed site-specific land use map or shoreline master program map  
2865 amendments, whether initiated by property owner application, by council motion or by  
2866 executive proposal shall include the following:

2867 1. Name and address of the owner or owners of record;

2868 2. Description of the proposed amendment;

2869 3. Property description, including parcel number, property street address and

2870 nearest cross street;

2871 4. County assessor's map outlining the subject property; and

2872 5. Related or previous permit activity.

2873 ~~((C.))~~ D. Upon initiation of a site-specific land use map or shoreline master

2874 program map amendment, an initial review conference ~~((will)) shall~~ be scheduled by the

2875 department of permitting and environmental review. The owner or owners of record of

2876 the property shall be notified of and invited to attend the initial review conference. At the



2877 initial review conference, the department ~~((will))~~ of permitting and environmental review  
2878 shall review the proposed amendment's consistency with applicable county policies or  
2879 regulatory enactments including specific reference to ~~((e))~~Comprehensive ~~((p))~~Plan  
2880 policies, countywide planning policies and state Growth Management Act requirements.  
2881 The proposed amendment will be classified in accordance with K.C.C. 20.18.040 and  
2882 ~~((this information either will))~~ the classification shall be provided at the initial review  
2883 conference or in writing to the owner or owners of record within thirty days after the  
2884 initial review conference.

2885 ~~((D-))~~ E. If a proposed site-specific land use map or shoreline master program  
2886 map amendment is initiated by property owner application, the property owner shall,  
2887 following the initial review conference, submit the completed application including an  
2888 application fee and an environmental checklist to the department of permitting and  
2889 environmental review to proceed with review of the proposed amendment.

2890 ~~((E-))~~ F. If a proposed site-specific land use map or shoreline master program  
2891 map amendment is initiated by council motion, following the initial review conference,  
2892 the council shall submit an environmental checklist to the department of permitting and  
2893 environmental review to proceed with review of the proposed amendment.

2894 ~~((F-))~~ G. If a proposed site-specific land use map or shoreline master program  
2895 map amendment is initiated by executive proposal~~((s))~~ following the initial review  
2896 conference, the executive shall submit an environmental checklist to the department of  
2897 permitting and environmental review to proceed with review of the proposed amendment.

2898 ~~((G-))~~ H. Following the submittal of the information required by subsection~~((s~~  
2899 ~~D-))~~ E. ~~((or))~~ F. or G. of this section, the department of permitting and environmental

2900 review shall submit a report including an executive recommendation on the proposed  
2901 amendment to the hearing examiner within one hundred twenty days. The department of  
2902 permitting and environmental review shall provide notice of a public hearing and notice  
2903 of threshold determination in accordance with K.C.C. 20.20.060.F., G. ~~((;))~~ and H. The  
2904 hearing will be conducted by the hearing examiner in accordance with K.C.C. 20.24.400,  
2905 as recodified by this ordinance. Following the public hearing, the hearing examiner shall  
2906 prepare a report and recommendation on the proposed amendment in accordance with  
2907 K.C.C. 20.24.400, as recodified by this ordinance. A compilation of all completed  
2908 reports will be considered by the council in accordance with K.C.C. 20.18.070.

2909 ~~((H.))~~ I. A property-owner-initiated docket request for a site-specific land use  
2910 map or shoreline master program map amendment may be accompanied by an application  
2911 for a zone reclassification to implement the proposed amendment, in which case  
2912 administrative review of the two applications shall be consolidated to the extent practical,  
2913 consistent with ~~((Ordinance 13147))~~ this chapter and K.C.C. chapter 20.20. The council's  
2914 consideration of a site-specific land use map or shoreline master program map  
2915 amendment is a legislative decision ~~((which will))~~ that should be determined before and  
2916 separate from ~~((their))~~ its consideration of a zone reclassification, which is a quasi-  
2917 judicial decision. If a zone reclassification is not proposed in conjunction with an  
2918 application for a site-specific land use map or shoreline master program map amendment  
2919 and the amendment is adopted, the property shall be given potential zoning. A zone  
2920 reclassification in accordance with K.C.C. 20.20.020 ~~((will be))~~ is required in order to  
2921 implement the potential zoning.

2922 ~~((F.))~~ J. Site-specific land use map or shoreline master program map amendments  
2923 for which a completed recommendation by the hearing examiner has been submitted to  
2924 the council by January 15 will be considered concurrently with the annual amendment to  
2925 the ~~((e))~~ Comprehensive ~~((p))~~ Plan. Site-specific land use map or shoreline master  
2926 program map amendments for which a recommendation has not been issued by the  
2927 hearing examiner by January 15 ~~((will))~~ shall be included in the next appropriate review  
2928 cycle following issuance of the examiner's recommendation.

2929 ~~((J.))~~ K.1. ~~((N.))~~ An amendment to a land use designation or shoreline  
2930 environment designation for a property may not be initiated unless at least three years  
2931 have elapsed since council adoption or review of the current designation for the property.  
2932 This time limit may be waived by the executive or the council if the proponent  
2933 establishes that there exists either an obvious technical error or a change in circumstances  
2934 justifying the need for the amendment.

2935 2. A waiver by the executive shall be considered after the proponent has  
2936 submitted a docket request in accordance with K.C.C. 20.18.140. The executive shall  
2937 render a waiver decision within forty-five days of receiving a docket request and shall  
2938 mail a copy of this decision to the proponent.

2939 3. A waiver by the council shall be considered by motion.

2940 ~~((K.))~~ L. A shoreline master program map amendment and redesignation must  
2941 meet the requirements of K.C.C. 20.18.056, 20.18.057 and 20.18.058 and the Washington  
2942 state Shoreline Master Program Guidelines, chapter 173-26 WAC. A shoreline master  
2943 program map amendment and redesignation must be approved by the Washington state  
2944 Department of Ecology.

2945 SECTION 114. Ordinance 13687, Section 3, as amended, and K.C.C. 20.18.057

2946 are each hereby amended to read as follows:

2947 A. ~~((A shoreline redesignation initiated by an applicant must include the~~

2948 ~~following information in addition to the requirements in K.C.C. 20.18.050:~~

2949 ~~1. Applicant information, including signature, telephone number and address;~~

2950 ~~2. The applicant's interest in the property, such as owner, buyer or consultant;~~

2951 ~~3. Property owner concurrence, including signature, telephone number and~~

2952 ~~address;~~

2953 ~~4.)) In addition to the requirements of K.C.C. 20.18.050, a shoreline~~

2954 ~~redesignation initiated by an applicant must include:~~

2955 ~~1. A mitigation plan providing for significant enhancement of the first one~~

2956 ~~hundred feet adjacent to the shoreline and improved habitat for species declared as~~

2957 ~~endangered or threatened under the Endangered Species Act, to the extent that the~~

2958 ~~impacts of development can be determined at the time of the proposed shoreline~~

2959 ~~redesignation; and~~

2960 ~~((5.)) 2. A discussion of how the proposed shoreline redesignation meets the~~

2961 ~~criteria in K.C.C. 20.24.510, as recodified by this ordinance.~~

2962 B. The examiner shall make a recommendation to the council based on the

2963 criteria for review in K.C.C. 20.24.510, as recodified by this ordinance.

2964 SECTION 115. Ordinance 13687, Section 4, as amended, and K.C.C. 20.18.058

2965 are each hereby amended to read as follows:

2966 A. ~~((A))~~ In addition to the requirements in K.C.C. 20.18.050, a council motion

2967 initiating a shoreline redesignation must be accompanied by the information required ((to

2968 be provided in)) by K.C.C. 20.18.057 ((in addition to the requirements in K.C.C.  
2969 20.18.050)).

2970 B. A motion initiating a site-specific shoreline redesignation must identify the  
2971 resources and the work program required to provide the same level of review accorded to  
2972 an applicant-((generated)) initiated shoreline redesignation. Before adoption of the  
2973 motion, the executive shall have the opportunity to provide an analysis of the motion's  
2974 fiscal impact. If the executive determines that additional funds are necessary to complete  
2975 the work program, the executive may transmit an ordinance requesting the appropriation  
2976 of supplemental funds. The council may consider the supplemental appropriation  
2977 ordinance concurrently with the proposed motion referring the shoreline redesignation  
2978 proposal to the examiner.

2979 C. The examiner shall make a recommendation to the council on the proposed  
2980 site-specific shoreline redesignation based on the criteria for review in K.C.C. 20.24.510,  
2981 as recodified by this ordinance.

2982 SECTION 116. Ordinance 12196, Section 16, as amended, and K.C.C. 20.20.090  
2983 are each hereby amended to read as follows:

2984 A. In accordance with K.C.C. 20.20.100, ((F))the department shall provide notice  
2985 ((in a timely manner)) of:

2986 1. ((i))Its final ((decision or recommendation on permits requiring Type 2, 3 and  
2987 4 land use decisions and on)) Type 1 decision((s)) subject to SEPA, including the  
2988 threshold determination, if any, the dates for any public hearings and);

2989 2. Its Type 2 decision; and

2990 3. Its Type 3 and 4 recommendations.

2991 B. The notice shall include the applicable procedures for either an administrative  
2992 appeal((s, if any)) to, or further consideration by, the examiner.

2993 C. ~~The ((N))~~ notice shall be provided to:

2994 1. ~~((#))~~ The applicant ~~((, to))~~;

2995 2. If required by SEPA, the Department of Ecology and to agencies with  
2996 jurisdiction ((if required by K.C.C. chapter 20.44, to)) as defined in chapter 197-11  
2997 WAC;

2998 3. If required by chapter 90.58 RCW, the Department of Ecology and the  
2999 Attorney General ((as provided in chapter 90.58 RCW,));

3000 4. ~~((to a))~~ Any person who, ~~((prior to))~~ before the decision or recommendation,  
3001 had requested notice of the decision or recommendation from, or submitted comments to,  
3002 the department; and

3003 5. ~~((to property o))~~ Owners of record((, as provided in K.C.C. 20.20.060 H)) of  
3004 property in an area within five hundred feet of the site. The area shall be expanded when  
3005 the department determines it is necessary to send mailed notices to at least twenty  
3006 different property owners.

3007 ~~((B-))~~ D. Except for decisions regarding shoreline substantial development

3008 permits, shoreline variances and shoreline conditional uses, which are only appealable to

3009 the state Shorelines Hearings Board, ((all notices of appeal to the hearing examiner of

3010 Type 2 land use decisions made by the director shall be filed as provided in K.C.C.

3011 20.24.090)) any administrative appeal or further consideration by the examiner is subject

3012 to K.C.C. chapter 20.xx (the new chapter created under section 2 of this ordinance).

3013 SECTION 117. Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100

3014 are each hereby amended to read as follows:

3015 A. The department shall issue its Type 3 or Type 4 recommendation to the office  
3016 of the hearing examiner ~~((on a Type 3 or Type 4 land use decision))~~ within one hundred  
3017 fifty days from the date the ~~((applicant is notified by the))~~ department ~~((pursuant to this~~  
3018 ~~chapter))~~ notifies the applicant that the application is complete. The ~~((time))~~ periods for  
3019 action by ~~((the hearing))~~ an examiner ~~((on a Type 3 or Type 4 land use decision))~~ shall be  
3020 governed by K.C.C. chapter 20.xx ~~(the new chapter created under section 2 of this~~  
3021 ordinance) and the rules of the office of the hearing examiner ~~((s rules)).~~

3022 B.1. Except as otherwise provided in subsection B.2. of this section, the  
3023 department shall issue its final decision on a Type 1 or Type 2 ~~((land use))~~ decision  
3024 within one hundred twenty days from the date the department notified the applicant ~~((is~~  
3025 ~~notified by the department pursuant to this chapter))~~ that the application is complete.

3026 2. The following ~~((shorter time))~~ periods apply to the type of land use permit  
3027 indicated:

3028 a. New residential building permits 90 days

3029 b. Residential remodels 40 days

3030 c. Residential appurtenances; such as decks and garages 15 days ~~((or 40~~

3031 days residential

3032 appurtenances that

3033 require substantial

3034 review.))

3035 d. Residential appurtenances, such as decks and 40 days

3036 garages that require substantial review

3037 e. Clearing and grading 90 days

3038 ~~((e. Health))~~ f. Department of public health review 40 days

3039 ~~((for projects pending a final department review or~~

3040 ~~permit or review and permit.))~~

3041 ~~((f.))~~ g. Type 1 temporary use permit for a homeless 30 days

3042 ~~encampment((:))~~

3043 ~~((g.))~~ h. Type 2 temporary use permit for a homeless 40 days

3044 ~~encampment((:))~~

3045 C. The following periods shall be excluded from the times specified in

3046 subsections A. and B. of this section:

3047 1. Any period ~~((of time))~~ during which the applicant has been requested by the

3048 department, ~~((hearing))~~ the examiner or the council to correct plans, perform required

3049 studies or provide additional information, including road variances and variances

3050 required under K.C.C. chapter 9.04. The period shall be calculated from the date of

3051 notice to the applicant of the need for additional information until the earlier of the date

3052 the county advises the applicant that the additional information satisfies the county's

3053 request~~((:))~~ or fourteen days after the date the information has been provided. If the

3054 county determines that ~~((the))~~ corrections, ~~((study))~~ studies or other information

3055 submitted by the applicant is insufficient, it shall notify the applicant of the deficiencies

3056 and the procedures of this section shall apply as if a new request for information had been

3057 made.



3058 a. The department shall set a reasonable deadline for the submittal of  
3059 corrections, studies or other information ~~((when requested))~~, and shall provide written  
3060 notification to the applicant. ~~((An extension of such))~~ The department may extend the  
3061 deadline ((may be granted)) upon ((submittal by an applicant of)) receipt of a written  
3062 request from an applicant providing satisfactory justification ~~((of))~~ for an extension.  
3063 b. ~~((Failure by the applicant to meet such deadline shall be cause for the~~  
3064 ~~department to cancel or deny the application.~~  
3065 e.)) When granting a request for a deadline extension, the department shall  
3066 give consideration to the number of days between ~~((receipt by))~~ the department ~~((of a~~  
3067 ~~written))~~ receiving the request for a deadline extension and the department mailing ~~((to~~  
3068 ~~the applicant of the department's))~~ its decision regarding that request;  
3069 2. The period ~~((of time, as set forth in K.C.C. 20.44.050,))~~ during which an  
3070 environmental impact statement is being prepared following a determination of  
3071 significance ~~((pursuant to))~~ under chapter 43.21C RCW, as set forth in K.C.C. 20.44.050;  
3072 3. ~~((A period of no more than ninety days for an open record appeal hearing by~~  
3073 ~~the hearing examiner on a Type 2 land use decision, and no more than sixty days for a~~  
3074 ~~closed record appeal by the county council on a Type 3 land use decision appealable to~~  
3075 ~~the county council, except when the parties to an appeal agree to extend these time~~  
3076 ~~periods.))~~ The period during which an appeal is pending that prohibits issuing the permit.  
3077 4. Any period ~~((of time))~~ during which an applicant fails to post the property, if  
3078 required by this chapter, following the date notice is required until an affidavit of posting  
3079 is provided to the department by the applicant;

3080           ~~((5-))~~ 4. Any time extension mutually agreed upon by the applicant and the  
3081 department; and

3082           ~~((6-))~~ 5. Any time during which there is an outstanding fee balance that is sixty  
3083 days or more past due.

3084           D. Failure by the applicant to submit corrections, studies~~((;))~~ or other information  
3085 acceptable to the department after two written requests under subsection C. of this section  
3086 shall be cause for the department to cancel or deny the application~~((;))~~.

3087           E. The time limits established in this section shall not apply if a proposed  
3088 development:

3089           1. Requires either: an amendment to the ~~((e))~~ Comprehensive ~~((p))~~ Plan or a  
3090 development regulation~~((;))~~; or modification or waiver of a development regulation as  
3091 part of a demonstration project;

3092           2. Requires approval of a new fully contained community as provided in RCW  
3093 36.70A.350, master planned resort as provided in RCW 36.70A.360 or the siting of an  
3094 essential public facility as provided ~~((for))~~ in RCW 36.70A.200; or

3095           3. Is ~~((substantially))~~ revised by the applicant, when ~~((such))~~ the revisions will  
3096 result in a substantial change in a project's review requirements, as determined by the

3097 department, in which case the ~~((time))~~ period shall start from the date at which the  
3098 revised project application is determined to be complete.

3099           F. The time limits established in this section may be exceeded on more complex  
3100 projects. If the department is unable to issue its ~~((final decision on a))~~ Type 1 or Type 2  
3101 ~~((land-use))~~ decision or its Type 3 or Type 4 recommendation ~~((to the hearing examiner~~  
3102 ~~on a Type 3 or Type 4 land use decision))~~ within the time limits established by this

3103 section, it shall provide written notice of this fact to the (~~project~~) applicant. The notice  
3104 shall include a statement of reasons why the time limits have not been met and an  
3105 estimated date for issuance of the notice of (~~final decision on~~) a Type 1 or Type 2 (~~land~~  
3106 ~~use~~) decision or (~~notice of recommendation on~~) a Type 3 or Type 4 (~~land use~~  
3107 ~~decision~~) recommendation.

3108 G. The department shall require that all plats, short plats, building permits,  
3109 clearing and grading permits, conditional use permits, special use permits, site  
3110 development permits, shoreline substantial development permits, binding site plans,  
3111 urban planned development permits or fully contained community permits issued for  
3112 development activities on or within five hundred feet of designated agricultural lands,  
3113 forest lands or mineral resource lands (~~shall~~) contain a notice that the subject property is  
3114 within or near designated agricultural lands, forest lands or mineral resource lands on  
3115 which a variety of commercial activities may occur that are not compatible with  
3116 residential development for certain periods of limited duration.

3117 SECTION 118. Ordinance 1076, Section 2, as amended, and K.C.C. 20.36.020  
3118 are each hereby amended to read as follows:

3119 The office of hearing examiner, as established by K.C.C. chapter (~~20.24~~) 20.xx  
3120 (the new chapter created under section 2 of this ordinance), shall act on behalf of the  
3121 council in considering applications for public benefit rating system assessed valuation on  
3122 open space land and for current use assessments on timber land in an unincorporated area  
3123 of the county or appeals from denials by the county assessor of applications for current  
3124 use assessments on farm and agricultural land as provided in this chapter. All such  
3125 applications and appeals shall be processed (~~pursuant to~~) under the procedures

3126 established in this chapter and K.C.C. chapter ((20.24)) 20.xx (the new chapter created  
3127 under section 2 of this ordinance).

3128 SECTION 119. Ordinance 6949, Section 14, as amended, and K.C.C. 20.44.120  
3129 are each hereby amended to read as follows:

3130 A. The administrative appeal of a threshold determination or of the adequacy of a  
3131 final ((EIS)) environmental impact statement is a procedural SEPA appeal that is  
3132 conducted by the hearing examiner under K.C.C. 20.24.080, as recodified by this  
3133 ordinance, and is subject to the following:

3134 1. A procedural SEPA appeal to the hearing examiner is authorized only for an  
3135 action classified as a Type 2, 3 or 4 land use decision in K.C.C. 20.20.020 or as provided  
3136 for by public rule adopted under K.C.C. 20.44.075;

3137 2. Only one appeal of each threshold determination shall be allowed on a  
3138 proposal;

3139 3. As provided in RCW 43.21C.075(3)(d), the decision of the responsible  
3140 official shall be entitled to substantial weight;

3141 4. An appeal of a ((DS)) determination of significance must be filed with the  
3142 department issuing the ((DS)) determination of significance as provided in K.C.C.  
3143 20.24.090, as recodified by this ordinance;

3144 5. An appeal of a ((DNS)) determination of nonsignificance or of the adequacy  
3145 of an ((EIS)) environmental impact statement must be filed with the department issuing  
3146 the ((DNS)) determination of nonsignificance or ((EIS)) environmental impact statement  
3147 as provided in K.C.C. 20.24.090, as recodified by this ordinance. The appeal period for a

3148 ((DNS)) determination of nonsignificance shall be extended for an additional seven  
3149 calendar days if WAC 197-11-340(2)(a) applies;

3150 6. Except as otherwise provided in this section, SEPA appeals are subject to  
3151 K.C.C. 20.24.090.C, as recodified by this ordinance; and

3152 7. The hearing examiner shall make a final decision on all procedural SEPA  
3153 appeals.

3154 B. Except for a procedural SEPA appeal authorized ((pursuant to)) under K.C.C.  
3155 20.44.075, the hearing examiner's consideration of a procedural SEPA appeal shall be  
3156 consolidated in all cases with the substantive SEPA appeal, if any, involving a decision to  
3157 condition or deny an application ((pursuant to)) under RCW 43.21C.060 and with the  
3158 public hearing or appeal, if any, on the proposal, except for an appeal of a ((DS))  
3159 determination of significance.

3160 C. A procedural or substantive SEPA appeal authorized by subsection A of this  
3161 section on a Type 2, 3 or 4 land use decision shall be consolidated with any  
3162 administrative appeal on the merits of that decision, as provided in K.C.C. chapter  
3163 ((20.24)) 20.xx (the new chapter created under section 2 of this ordinance) and this  
3164 section. A procedural SEPA appeal authorized by a public rule adopted under K.C.C.  
3165 20.44.075 shall not be consolidated with the administrative appeal on the merits of the  
3166 decision. If a Type 3 or 4 land use decision is appealed to the county council as provided  
3167 in K.C.C. 20.24.210.B, or ((D)) C., as recodified by this ordinance, the appeal of the  
3168 recommendation or decision of the examiner to condition or deny the proposal ((pursuant  
3169 to)) under RCW 43.21C.060 shall be made to the council, which shall make a final  
3170 decision.

3171 D. Notwithstanding ~~((of))~~ subsections A<sub>2</sub> through C<sub>2</sub> of this section, a department  
3172 may adopt procedures in accordance with K.C.C. chapter 2.98 under which an  
3173 administrative appeal shall not be provided if the director of that department finds that  
3174 consideration of an appeal would ~~((be)) likely ((to)) cause the department to violate a~~  
3175 ~~compliance, enforcement or other specific mandatory order or specific legal obligation.~~  
3176 The director's determination shall be included in the notice of the SEPA determination,  
3177 and the director shall provide a written summary upon which the determination is based  
3178 within five days of receiving a written request. ~~((Because there would be no~~  
3179 ~~administrative appeal in such situations, review may be sought before a court of~~  
3180 ~~competent jurisdiction under RCW 43.21C.075 and applicable regulations, in connection~~  
3181 ~~with an appeal of the underlying governmental action.))~~

3182 SECTION 120. Ordinance 3064, Section 7, as amended, and K.C.C. 20.54.090  
3183 are each hereby amended to read as follows:

3184 A. A variance from the provisions of Section 20.54.070 of this chapter may be  
3185 granted by the King County council where the applicant owner of agricultural land of  
3186 county significance can demonstrate the following:

3187 1. That if he complies with the provisions of Section 20.54.070 he cannot make  
3188 any reasonable use of this property; and

3189 2. That the hardship results from the application of the provisions of Section  
3190 20.54.070, and not from other causes; and

3191 3. That the variance granted will be in harmony with the general purposes and  
3192 intent of this chapter and that the public welfare and interest will be protected.

3193 B. Variance applications shall be made to the Office of Agriculture and shall be  
3194 heard by the zoning and subdivision examiner in accordance with the procedures in  
3195 K.C.C. ((C))chapter ((20.24)) 20.xx (the new chapter created under section 2 of this  
3196 ordinance).

3197 SECTION 121. Ordinance 3064, Section 10, as amended, and K.C.C. 20.54.100  
3198 are each hereby amended to read as follows:

3199 A. For any rezone or subdivision application in which the subject property is an  
3200 undivided parcel of land under a single ownership and is partially designated as  
3201 agricultural land of county significance under Section 20.54.060, the King County  
3202 hearing examiner shall determine the applicability of the provisions of Section 20.54.070.

3203 B. Nothing in this chapter shall replace the procedures for the application,  
3204 review and appeal of zoning reclassifications pursuant to Chapters 21A.40, 21A.42 and  
3205 ((20.24)) 20.xx (the new chapter created under section 2 of this ordinance), or the  
3206 application, review and appeal of subdivision applications pursuant to Title 19 and  
3207 K.C.C. ((C))chapter ((20.24)) 20.xx (the new chapter created under section 2 of this  
3208 ordinance).

3209 C. Owners of land designated as agricultural land of county significance may  
3210 appeal to the King County council for the purpose of contesting the appropriateness of  
3211 the designation based on the criteria for designation described in Section 20.54.060.  
3212 Such appeals shall be submitted in writing to the King County office of agriculture and  
3213 shall be heard by the hearing examiner in accordance with the procedures in K.C.C.  
3214 ((C))chapter ((20.24)) 20.xx (the new chapter created under section 2 of this ordinance),  
3215 and shall be commenced within one hundred twenty days of the effective date of any

3216 ordinance approving such designation. Appeals involving uncontested facts shall be  
3217 submitted directly to the council for action by the office of agriculture.

3218 D. Owners of land designated as part of a King County agricultural district may  
3219 appeal to the King County council for the purpose of contesting the appropriateness of  
3220 the designation. Such appeals shall be submitted in writing to the King County office of  
3221 agriculture and shall be heard by the King County council and shall be commenced  
3222 within one hundred twenty days of the effective date of any ordinance approving such  
3223 designation.

3224 SECTION 122. Ordinance 3064, Section 11, and K.C.C. 20.54.110 are each  
3225 hereby amended to read as follows:

3226 A. Applications to amend boundaries of King County agricultural districts and  
3227 agricultural lands of county significance to include lands not so designated by this  
3228 chapter shall be made to the office of agriculture in writing with such supporting  
3229 evidence as required by the office of agriculture. Boundaries of agricultural districts or  
3230 agricultural lands of county significance may be amended where lands are found to meet  
3231 the criteria for designation contained in this chapter.

3232 B. All applications to revise the boundaries of King County agricultural districts  
3233 shall be heard directly by the King County council.

3234 C. All applications to revise the boundaries of agricultural lands of county  
3235 significance shall be heard by the zoning and subdivision examiner in accordance with  
3236 the procedures in ~~((King County Code))~~ K.C.C. ((C))chapter ((20.24)) 20.xx (the new  
3237 chapter created under section 2 of this ordinance).



3238 D. For applications to revise the boundaries of agricultural lands of county  
3239 significance, the hearing examiner may consider special exceptions to the criteria set  
3240 forth in Attachment F to Ordinance 3064 and to the procedures set forth in ~~((King County~~  
3241 ~~Code))~~K.C.C. ((C))chapter ((20.24)) 20.xx (the new chapter created under section 2 of  
3242 this ordinance) for those lands producing horticultural crops which the producer sells  
3243 directly to the public through public markets, u-pick operations, and roadside stands.

3244 SECTION 123. Ordinance 4828, Section 11, as amended, and K.C.C. 20.62.110  
3245 are each hereby amended to read as follows:

3246 ~~((A.))~~ Any person aggrieved by a decision of the commission designating or  
3247 rejecting a nomination for designation of a landmark or issuing or denying a certificate of  
3248 appropriateness may file a statement of appeal, with the historic preservation officer, in  
3249 accordance with K.C.C. 20.24.090, as recodified by this ordinance ~~((, within thirty five~~  
3250 ~~calendar days of mailing of notice of such designation or rejection of nomination, or of~~  
3251 ~~such issuance or denial or approval of a certificate of appropriateness appeal such~~  
3252 ~~decision in writing to the council. The written notice of appeal shall be filed with the~~  
3253 ~~historic preservation officer and the clerk of the council and shall be accompanied by a~~  
3254 ~~statement setting forth the grounds for the appeal, supporting documents, and argument.~~

3255 B. If, after examination of the written appeal and the record, the council  
3256 determines, that: 1. An error in fact may exist in the record, it shall remand the  
3257 proceeding to the commission for reconsideration or, if the council determines that: 2.  
3258 the decision of the commission is based on an error in judgment or conclusion, it may  
3259 modify or reverse the decision of the commission.

3260 C. ~~The council's decision shall be based solely upon the record, provided that, the~~  
3261 ~~council may at its discretion publicly request additional information of the appellant, the~~  
3262 ~~commission or the historic preservation officer.~~

3263 D. ~~The council shall take final action on any appeal from a decision of the~~  
3264 ~~commission by adoption of an Ordinance, and when so doing, it shall make and enter~~  
3265 ~~findings of fact from the record and reasons therefrom which support its action. The~~  
3266 ~~council may adopt all or portions of the commission's findings and conclusions.~~

3267 E. ~~The action of the council sustaining, reversing, modifying or remanding a~~  
3268 ~~decision of the commission shall be final unless within twenty calendar days from the~~  
3269 ~~date of the action an aggrieved person obtains a writ of certiorari from the superior court~~  
3270 ~~of King County, state of Washington, for the purpose of review of the action taken)).~~

3271 SECTION 124. Ordinance 10870, Section 5, as amended, and K.C.C.  
3272 21A.01.070 are each hereby amended to read as follows:

3273 A. The council directs the department to prepare proposed new zoning maps  
3274 applying the 1993 King County Zoning Code and transmit within ten months of June 28,  
3275 1993, for council review and adoption.

3276 B. The department shall use the table ~~((set forth))~~ in subsection C. of this section  
3277 and the guidelines of this section in preparing an ordinance or ordinances to convert each  
3278 area zoning document to the 1993 Zoning Code, with modifications appropriate to be  
3279 consistent with the comprehensive plan land use map and policies, so as to implement the  
3280 comprehensive plan and convert old outright and potential zone designations to new ones  
3281 in a consistent manner. The provisions of this section also shall apply to conversion of  
3282 the resource lands area zoning adopted pursuant to K.C.C. 20.12.390.

3283 C. Conversion table. The following conversion table and criteria contained  
 3284 therein shall be used by the department in converting the zoning maps adopted pursuant  
 3285 to Resolution 25789 to the 1993 Zoning Code:

<b>RESOLUTION 25789 ZONING MAP SYMBOLS</b>	<b>1993 ZONING CODE MAP SYMBOLS</b>	<b>ADDITIONAL CRITERIA</b>
F	F	In Forest Production or Rural Areas
FR	F or RA	Use zone most consistent with the comprehensive plan
A, A-10 A-35	A-10 A-35 or A-60	In Agricultural or Rural Areas Use zone most consistent with the comprehensive plan
Q-M	M	Designated Mining Sites
AR-2.5 AR-5 AR- 10	RA-2.5 RA-5 RA- 10 or RA-20	In Rural Areas Use zone most consistent with the comprehensive plan
GR-5, GR-2.5, G-5	UR RA	Only in designated urban areas In areas not designated urban
G	R-1 RA	Only in designated urban areas In areas not designated urban
SE, S-C	R-1	Only in designated urban areas or Rural Towns
SR/RS15000,SR/RS 9600	R-4	Only in designated urban areas or Rural Towns
SR7200, RS7200	R-6	Only in designated urban areas or Rural Towns
SR5000, RS5000	R-8	Only in designated urban areas or Rural Towns

RMHP	R-4 through R-48	Use zone closest to zoning on adjacent property or midrange if adjacent zones vary
RD3600, RT3600	R-12	
RM2400, RT2400	R-18	
RT, RM1800, RT1800	R-24	
RM900	O or R-48	Apply zoning closest to comprehensive plan land use designations
RM 900 P	O or R-48	According to P-suffix limitations allowing only office or residential uses
B-N, BR-N	NB or RB	For all business zones, use zone most consistent with the comprehensive plan designation and actual scale of business area
B-C, BR-C C-G M-	CB or RB RB I	
E, M-P, M-H		

3286 D. Unclassified Use Permit Mining Operations. In addition to the conversions  
3287 set out in the table in subsection C. of this section, all sites legally operating pursuant to  
3288 an unclassified use permit for mining operations shall be zoned M (Mineral).

3289 E. Resolution of map conflicts. In cases of ambiguity or conflict between a  
3290 community or comprehensive plan map designation and the zone classification applied  
3291 under the old code, the department shall use the following guidelines and procedures in  
3292 recommending new zones:

3293 1. As a general rule, the outright or potential zoning designation applied shall be  
3294 that which is consistent with the 1994 King County Comprehensive Plan; adopted

3295 community plans, where they do not conflict, may be used to provide additional  
3296 guidance;

3297 2. If the application of the guidelines in this subsection leads the department to  
3298 propose applying an outright or potential zone classification from the 1993 Zoning Code  
3299 that is not functionally equivalent to a classification from the old code as defined in the  
3300 table in subsection C. of this section, the department shall notify the owner of the  
3301 property proposed for reclassification no later than the council introduction date of the  
3302 ordinance amending said property, and the property owner may request a change in the  
3303 area zoning in a manner consistent with the procedures used for council review of a  
3304 community plan and area zoning.

3305 F. Area-wide P-suffix development conditions. The department shall review all  
3306 area-wide P-suffix conditions applied through zoning adopted pursuant to Resolution  
3307 25789, and recommend legislation removing all such conditions which conflict with the  
3308 comprehensive plan or have been replaced adequately by standards adopted in the 1993  
3309 zoning code. If P-suffix conditions implement policies in the comprehensive plan, then  
3310 regulations shall be developed by the end of 1995 and the P-suffix conditions shall be  
3311 removed. Any P-suffix conditions which implement policies in community plans which  
3312 are not in conflict with the comprehensive plan but are not adequately addressed by this  
3313 code shall be carried forward intact until they are evaluated for replacement by general  
3314 code revisions in 1995.

3315 G. Site-specific development conditions. Approval conditions for previous zone  
3316 reclassifications, planned unit developments, unclassified permits, and P-suffix  
3317 conditions applied to individual properties in land use actions pursuant to Resolution

3318 25789, should be recommended for retention wherever they address conditions unique to  
3319 a particular property and not addressed by the standards in the Zoning Code.

3320 H. For area zoning documents being converted to the 1993 Zoning Code without  
3321 amendments to their respective community plan maps and policies, only requests for  
3322 zone changes which meet one of the following criteria shall be considered during either  
3323 the department or council review process:

3324 1. as provided in subsection E. of this section;

3325 2. when an applicant can demonstrate that the department's proposal incorrectly  
3326 implements an adopted comprehensive plan map designation or policy in converting  
3327 existing zoning to a new zone classification; or

3328 3. the site is the subject of an application for a Master Planned Development or  
3329 Urban Planned Development, and conversion to the 1993 Zoning Code is requested as  
3330 part of such application. Rezoning of such sites during the conversion, area zoning

3331 otherwise shall be to Urban Reserve with the urban planned development overlay district  
3332 as provided in Chapter 21A.38.

3333 I. Requests which do not meet one of the criteria of subsection H. of this section  
3334 shall be treated as quasi-judicial reclassification requests which must be formally applied  
3335 for according to the process provided for such requests and shall be subject to the criteria  
3336 in K.C.C. 20.24.190, as recodified by this ordinance.

3337 J. Requests for quasi-judicial reclassification that are consistent with the  
3338 conversion table illustrated in subsection C. of this section and requests for quasi-judicial  
3339 reclassification to the M zone, shall not be subject to the criteria in K.C.C. 20.24.190, as  
3340 recodified by this ordinance.

3341 K. Bear Creek MPD's. The following transition provisions shall apply to the  
3342 Master Plan Development applications in the Bear Creek Community Plan (BCCP).

3343 1. An applicant may either continue to utilize the procedural provisions of the  
3344 BCCP or may utilize the procedural provisions of K.C.C. 21A.39.

3345 2. If an applicant utilizes the procedural provisions of K.C.C. 21A.39, the Pre-  
3346 Development Applications previously submitted for the Blakely Ridge MPD and the  
3347 Northridge MPD are deemed the equivalent of and accepted as complete applications for  
3348 "UPD Permits" under Chapter 21A.39 of the 1993 zoning code.

3349 3. The substantive provisions of the BCCP Area Zoning MPD P-Suffix  
3350 conditions and conditions precedent to rezoning set forth in Section 1C of the BCCP Area  
3351 Zoning (page 140) shall remain in effect for purposes of considering the UPD  
3352 applications, under either the BCCP or K.C.C. 21A.39.

3353 4. The applicants may elect either one base zone pursuant to K.C.C. 21A.39, or  
3354 multiple zones pursuant to the Bear Creek Community Plan, applying the equivalent zone  
3355 and potential zone designations of the 1993 zoning code.

3356 5. The Novelty Hill Master Plan sites and urban designation adopted and  
3357 delineated in the Bear Creek Community Plan and Bear Creek Area zoning shall be  
3358 considered "UPD Special District Overlays" and "UPD boundary delineations" for  
3359 purposes of applying K.C.C. 21A.38.020, .070B.1 and .070B.2 and K.C.C. 21A.39.020.

3360 SECTION 125, Ordinance 10870, Section 19, as amended, and K.C.C.  
3361 21A.02.090 are each hereby amended to read as follows:

3362 A. The hearing examiner in accordance with K.C.C. chapter ((20.24)) 20.xx (the  
3363 new chapter created under section 2 of this ordinance) may hold public hearings and

3364 make decisions and recommendations on reclassifications, subdivisions and other  
3365 development proposals, and appeals.

3366 B. The director may grant, condition or deny applications for variances,  
3367 conditional use permits, renewals of permits for mineral extraction and processing,  
3368 alteration exceptions and other development proposals, unless an appeal is filed and a  
3369 public hearing is required under K.C.C. chapter 20.20, in which case this authority shall  
3370 be exercised by the hearing examiner.

3371 C. The department shall have authority to grant, condition or deny commercial  
3372 and residential building permits, grading and clearing permits, and temporary use permits  
3373 in accordance with the procedures in K.C.C. chapter 21A.42.

3374 D. Except for other agencies with authority to implement specific provisions of  
3375 this title, the department shall have the sole authority to issue official interpretations and  
3376 adopt public rules to implement this title, in accordance with K.C.C. chapter 2.98.

3377 SECTION 126. Ordinance 10870, Section 38, and K.C.C. 21A.04.170 are each  
3378 hereby amended to read as follows:

3379 A. The purpose of the potential zone (dashed box surrounding zone's map  
3380 symbol) is to designate properties potentially suitable for future changes in land uses or  
3381 densities once additional infrastructure, project phasing or site-specific public review has  
3382 been accomplished. Potential zones are designated by either area zoning or individual  
3383 zone reclassification. Area zoning may designate more than one potential zone on a  
3384 single property if the community plan designates alternative uses for the site. Potential  
3385 zones are actualized ((pursuant to)) in accordance with K.C.C. chapter ((20.24)) 20.20.

3386 B. The use of a potential zone designation is appropriate to:



3387 1. Phase development based on availability of public facilities and services or  
3388 infrastructure improvements (~~((e.g.))~~, such as roads, utilities(~~(s))~~ and schools(~~(s))~~);

3389 2. Prevent existing development from becoming a nonconforming use in areas  
3390 that are in transition from previous uses;

3391 3. Allow for future residential density increases consistent with a community  
3392 plan; and

3393 4. Provide for public review of proposed uses on sites where some permitted  
3394 uses in a zone designation may not be appropriate.

3395 SECTION 127. Ordinance 10870, Section 25, and K.C.C. 21A.06.425 are each  
3396 hereby amended to read as follows:

3397 Examiner: the office of the hearing examiner(~~(, as established by K.C.C. 20.24)~~).

3398 SECTION 128. Ordinance 1488, Section 12, as amended, and K.C.C.  
3399 21A.22.081 are each hereby amended to read as follows:

3400 A. A valid clearing and grading permit shall be maintained on a mineral  
3401 extraction site until the reclamation of the site required under chapter 78.44 RCW is  
3402 completed.

3403 B. A reclamation plan approved in accordance with chapter 78.44 RCW shall be  
3404 submitted before the effective date of a zone reclassification in Mineral-zoned properties  
3405 or the acceptance of any development proposal for a subsequent use in Forest-zoned  
3406 properties. The zone reclassification shall grant potential zoning that is only to be  
3407 actualized, under K.C.C. chapter (~~(20.24)~~) 20.xx (the new chapter created under section 2  
3408 of this ordinance), upon demonstration of successful completion of all requirements of  
3409 the reclamation plan. Development proposals in the Forest zone for uses subsequent to

3410 mineral extraction operations shall not be approved until demonstration of successful  
3411 completion of all requirements of the reclamation plan except that forestry activities may  
3412 be permitted on portions of the site already fully reclaimed.

3413 C. Mineral extraction operations that are not required to have an approved  
3414 reclamation plan under chapter 78.44 RCW shall meet the following requirements:

3415 1. Upon the exhaustion of minerals or materials or upon the permanent  
3416 abandonment of the quarrying or mining operation, all nonconforming buildings,  
3417 structures, apparatus or appurtenances accessory to the quarrying and mining operation  
3418 shall be removed or otherwise dismantled to the satisfaction of the director;

3419 2. Final grades shall:

3420 a. be such so as to encourage the uses permitted within the primarily  
3421 surrounding zone or, if applicable, the underlying or potential zone classification; and

3422 b. result in drainage patterns that reestablish natural conditions of water  
3423 velocity, volume, and turbidity within six months of reclamation and that precludes water  
3424 from collecting or becoming stagnant. Suitable drainage systems approved by the  
3425 department shall be constructed or installed where natural drainage conditions are not  
3426 possible or where necessary to control erosion. All constructed drainage systems shall be  
3427 designed consistent with the Surface Water Design Manual;

3428 3. All areas subject to grading or backfilling shall:

3429 a. incorporate only nonnoxious, nonflammable, noncombustible and  
3430 nonputrescible solids; and

3431 b. except for roads and areas incorporated into drainage facilities, be surfaced  
3432 with soil of a quality at least equal to the topsoil of the land areas immediately

3433 surrounding, and to a depth of the topsoil of land area immediately surrounding six  
3434 inches, whichever is greater. The topsoil layer shall have an organic matter content of  
3435 eight to thirteen percent and a pH of 6.0 to 8.0 or matching the pH of the original  
3436 undisturbed soil layer. Compacted areas such as pit floors or compacted fill shall be  
3437 tilled or scarified (~~prior to~~) before topsoil placement;

3438 4. All reclaimed slopes shall comprise an irregular sinuous appearance in both  
3439 profile and plan view and blend with adjacent topography to a reasonable extent;

3440 5. Where excavation has penetrated the seasonal or permanent water table  
3441 creating a water body or wetland:

3442 a. All side slopes below the permanent water table and banks shall be graded  
3443 or shaped as to not constitute a safety hazard;

3444 b. Natural features and plantings to provide beneficial wetland functions and  
3445 promote wildlife habitat shall be provided; and

3446 c. Appropriate drainage controls shall be provided to stabilize the water level  
3447 and not create potential flooding hazards;

3448 6. All cleared, graded or backfilled areas, including areas surfaced with topsoil,  
3449 shall be planted with a variety of trees, shrubs, legumes and grasses indigenous to the  
3450 surrounding area and appropriate for the soil, moisture and exposure conditions;

3451 7. Waste or soil piles shall be used for grading, backfilling or surfacing if  
3452 permissible under this section, then covered with topsoil and planted in accordance with  
3453 subsection C.3. and 6. of this section. Waste or soil piles not acceptable to be used for fill  
3454 in accordance with this chapter or as top soil in accordance with subsection C.3. of this  
3455 section shall be removed from the site; and

3456 8. Where excavation has exposed natural materials that may create polluting  
3457 conditions, including but not limited to acid-forming coals and metalliferous rock or soil,  
3458 such conditions shall be addressed to the satisfaction of the department. The final ground  
3459 surface shall be graded so that surface water drains away from any such materials  
3460 remaining on the site.

3461 D. The department may modify any requirement of this section when not  
3462 applicable or if it conflicts with an approved subsequent use for the site.

3463 SECTION 129, Ordinance 10870, Section 513, as amended, and K.C.C.  
3464 21A.28.030 are each hereby amended to read as follows:

3465 All new development shall be served by an adequate public or private sewage  
3466 disposal system, including both collection and treatment facilities as follows:

3467 A. A public sewage disposal system is adequate for a development proposal  
3468 provided that:

3469 1. For the issuance of a building permit, preliminary plat or short plat approval  
3470 or other land use approval, the site of the proposed development is or can be served by an  
3471 existing disposal system consistent with K.C.C. Title 13, and the disposal system has  
3472 been approved by the department as being consistent with applicable state and local  
3473 design and operating guidelines;

3474 2. For the issuance of a certificate of occupancy for a building or change of use  
3475 permit, the approved public sewage disposal system as set forth in subsection A.1. of this  
3476 section is installed to serve each building or lot;

3477 3. For recording a final plat, final short plat or binding site plan, the approved  
3478 public sewage disposal system set forth in subsection A.1. of this section shall be

3479 installed to serve each lot respectively; or a bond or similar security shall be deposited  
3480 with King County for the future installation of an adequate sewage disposal system. The  
3481 bond may be assigned to a utility to assure the construction of the facilities within two  
3482 years of recording; and

3483 4. For a zone reclassification or urban planned development permit, the timing  
3484 of installation of required sewerage improvements shall be contained in the approving  
3485 ordinance as specified in K.C.C. 20.24.230, as recodified by this ordinance; and

3486 B. A private individual sewage system is adequate, if an on-site sewage disposal  
3487 system for each individual building or lot is installed to meet the requirements and  
3488 standards of the department of public health as to lot size, soils and system design prior to  
3489 issuance of a certificate of occupancy for a building or change of use permit.

3490 SECTION 130. Ordinance 10870, Section 514, as amended, and K.C.C.  
3491 21A.28.040 are each hereby amended to read as follows:

3492 All new development shall be served by an adequate public or private water  
3493 supply system as follows:

3494 A. A public water system is adequate for a development proposal only if:

3495 1. For the issuance of a building permit, preliminary plat approval or other land  
3496 use approval, the applicant demonstrates that the existing water supply system available  
3497 to serve the site:

3498 a. complies with the applicable planning, operating and design requirements  
3499 of:

3500 (1) chapters WAC 246-290 and 246-291;

3501 (2) K.C.C. chapters 14.42 and 14.44 and K.C.C. Title 17;

3502 (3) coordinated water system plans;

3503 (4) K.C.C. Titles 12 and 13 and other applicable rules of the King County

3504 board of health;

3505 (5) applicable rules of the Washington state Board of Health, Department of

3506 Health, Utilities and Transportation Commission and Department of Ecology;

3507 (6) applicable provisions of King County groundwater management plans and

3508 watershed plans;

3509 (7) applicable provisions of the King County Comprehensive Plan and

3510 development regulations; and

3511 (8) any limitation or condition imposed by the county-approved

3512 comprehensive plan of the water purveyor;

3513 b. The proposed improvements to an existing water system have been

3514 reviewed by the department and determined to comply with the design standards and

3515 conditions specified in subsection A.1.a. of this section; and

3516 c. A proposed new water supply system has been reviewed by the department

3517 and determined to comply with the design standards and conditions specified in

3518 subsection A.1.a. of this section;

3519 2. Before issuance of a certificate of occupancy for a building or change of use

3520 permit, the approved public water system and any system improvements in subsection

3521 A.1. of this section are installed to serve each building or lot respectively;

3522 3. For recording a final plat, final short plat or binding site plan, either the

3523 approved public water supply system or system improvements in subsection A.1. of this

3524 section are installed to serve each lot or a bond or similar security shall be deposited with

3525 King County and may be assigned to a purveyor to assure the construction of required  
3526 water facilities in Group A systems as defined by board of health regulations, within two  
3527 years of recording; and

3528 4. For a zone reclassification or urban planned development permit, the timing  
3529 of installation of required water system improvements is included in the approving  
3530 ordinance as specified in K.C.C. 20.24.230, as recodified by this ordinance.

3531 B. An on-site individual water system is adequate and the plat or short plat may  
3532 receive preliminary and final approval, and a building or change of use permit may be  
3533 issued as provided in K.C.C. 13.24.138 and 13.24.140.

3534 SECTION 131. Ordinance 10870, Section 515, as amended, and K.C.C.  
3535 21A.28.050 are each hereby amended to read as follows:

3536 All new development shall be served by an adequate surface water management  
3537 system as follows:

3538 A. The proposed system is adequate if the development proposal site is served by  
3539 a surface water management system approved by the department as being consistent with  
3540 the design, operating and procedural requirements of the King County Surface Water  
3541 Design Manual and K.C.C. Title 9;

3542 B. For a subdivision, zone reclassification or urban planned development, the  
3543 phased installation of required surface water management improvements shall be stated  
3544 in the approving ordinance as specified in K.C.C. 20.24.230, as recodified by this  
3545 ordinance. Such phasing may require that a bond or similar security be deposited with  
3546 King County; and

3547 C. A request for an adjustment of the requirements of the Surface Water Design  
3548 Manual and K.C.C. Title 9 shall be reviewed in accordance with K.C.C. 9.04.050 and  
3549 does not require a variance from this title unless relief is requested from a building  
3550 height, setback, landscaping or other development standard in K.C.C. chapters 21A.12,  
3551 21A.14, 21A.16, 21A.18, 21A.20, 21A.22, 21A.24, 21A.26, 21A.28~~((s))~~ and 21A.30.

3552 SECTION 132. Ordinance 10870, Section 523, and K.C.C. 21A.28, 130 are each  
3553 hereby amended to read as follows:

3554 All new development shall be served by adequate fire protection as set ~~((forth~~  
3555 below)) follows:

3556 A. The site of the development proposed is served by a water supply system that  
3557 provides at least minimum fire flow and a, road system or fire lane system that provides  
3558 life safety~~((A))~~ and rescue access, and other fire protection requirements for buildings as  
3559 required by K.C.C. Titles 16 and 17~~((, Fire Code and K.C.C. Title 16, Building and~~  
3560 ~~Construction Standards))~~;

3561 B. For a zone reclassification or Urban planned development, the timing of  
3562 installation of required fire protection improvements shall be stated in the approving  
3563 ordinance as specified in K.C.C. 20.24.230, as recodified by this ordinance, secured with  
3564 a bond or similar security, and deposited with King County; and

3565 C. A variance request from the requirements established by K.C.C. Title 17, Fire  
3566 Code, shall be reviewed as set forth in K.C.C. 17.08.090 or K.C.C. 17.10.040, and/or in  
3567 Article 2 of the currently adopted edition of the Uniform Fire Code and does not require a  
3568 variance from this title unless relief is requested from a building height, setback,



3569 landscaping or other development standard set forth in K.C.C. chapters 21A.12 through  
3570 ((K.C.C.)) 21A.30.

3571 SECTION 133. Ordinance 11168, Section 3, as amended, and K.C.C.  
3572 21A.30.045 are each hereby amended to read as follows:

3573 A. To achieve the maximum density allowances using a livestock management  
3574 component of a farm management plan, the plan must meet the following criteria:

3575 1. The plan is developed as part of a program authorized or approved by King  
3576 County. Certified Washington state Department of Ecology nutrient management plans  
3577 that are consistent with all of the criteria of this section may substitute for a livestock  
3578 management component of a farm management plan for commercial dairy farms.

3579 Commercial dairy farms that do not have approved nutrient management plans must meet  
3580 the requirements of K.C.C. 21A.30.060;

3581 2. The plan includes site-specific management measures for minimizing  
3582 nonpoint pollution from agricultural activities and for managing wetland and aquatic  
3583 areas including, but not limited to:

3584 a. livestock watering;

3585 b. grazing and pasture management;

3586 c. confinement area management;

3587 d. manure management; and

3588 e. exclusion of animals from aquatic areas and their buffers and wetlands and  
3589 their buffers with the exception of grazed wet meadows.

3590 3. The plan is implemented within a timeframe established in the plan and  
3591 maintained so that nonpoint pollution attributable to livestock-keeping is minimized; and

3592 4. A monitoring plan may be required as part of the livestock management  
3593 component of a farm management plan to demonstrate that there is no significant impact  
3594 to water quality and salmonid fisheries habitat. Monitoring results shall be available to  
3595 the King County agriculture program.

3596 B. The livestock management component of a farm management plan shall, at a  
3597 minimum:

3598 1. Generally seek to achieve a twenty-five-foot buffer of diverse, mature  
3599 vegetation between grazing areas and the ordinary high water mark of all type S and F  
3600 aquatic areas and the wetland edge of any category I, II or III wetland with the exception  
3601 of grazed wet meadows, using buffer averaging where necessary to accommodate  
3602 existing structures. The livestock management component of a farm management plan  
3603 may vary the width of the buffer of an aquatic area or wetland, and the time and duration  
3604 of animal exclusion throughout the year, according to guidelines agreed upon by King  
3605 County and the King Conservation District. The guidelines may support a different  
3606 buffer width based on both the nature of the farm operation and the function and  
3607 sensitivity of the aquatic area or wetland. The plan must include best management  
3608 practices that avoid having manure accumulate in or within ten feet of type N or O  
3609 waters. Forested lands being cleared for grazing areas shall comply with the critical area  
3610 buffers in K.C.C. chapter 21A.24;

3611 2. Assure that drainage ditches on the site do not channel animal waste to  
3612 aquatic areas and wetlands;

3613 3. Achieve an additional twenty-foot buffer downslope of any confinement  
3614 areas within two hundred feet of type S and F waters. This requirement may be waived  
3615 for existing confinement areas on lots of two and one-half acres or less in size if:

- 3616 a. a minimum buffer of twenty-five feet of diverse, mature vegetation is  
3617 achieved;
- 3618 b. manure within the confinement area is removed daily during the winter  
3619 season from October 15 to April 15, and stored in accordance with K.C.C.  
3620 21A.30.060.D; and
- 3621 c. additional best management practices, as recommended by the King  
3622 Conservation District, are implemented and maintained; and

3623 4. Include a schedule for implementation.

- 3624 C. Any deviation from the manure management standards must be addressed in a  
3625 livestock management component of a farm management plan.
- 3626 D. A copy of the final plans shall be submitted to the department of natural  
3627 resources and parks within sixty days of completion.
- 3628 E. The ~~((completed))~~ farm management plan approved by the department of  
3629 natural resources and parks may be appealed to the hearing examiner in accordance with  
3630 K.C.C. 20.24.080, as recodified by this ordinance, and 20.24.090, as recodified by this  
3631 ordinance. ~~((The appeal must be filed within thirty days of submitting the farm~~  
3632 ~~management plan [with the] department of natural resources and parks under subsection~~  
3633 ~~D. of this section.))~~ Appeals may be filed only by the property owner or four members of  
3634 the King County agriculture commission. Any farm management plan not appealed shall

3635 constitute prima facie evidence of compliance with the regulatory provisions of K.C.C.

3636 9.12.035.

3637 SECTION 134. Ordinance 13274, Section 7, as amended, and K.C.C.

3638 21A.37.070 are each hereby amended to read as follows:

3639 A. An interagency review committee, chaired by the directors of the department  
3640 of permitting and environmental review and the department of natural resources and  
3641 parks, or their designees, shall be responsible for qualification of sending sites.

3642 Determinations on sending site certifications made by the committee are appealable to the  
3643 examiner under K.C.C. 20.24:080, as recodified by this ordinance. The department of  
3644 natural resources and parks shall be responsible for preparing a TDR qualification report,  
3645 which shall be signed by the director of the department of natural resources and parks or  
3646 the director's designee, documenting the review and decision of the committee. The  
3647 qualification report shall:

3648 1. Specify all deficiencies of an application, if the decision of the committee is  
3649 to disqualify the application;

3650 2. For all qualifying applications, provide a determination as to whether or not  
3651 additional residential dwelling units and associated accessory units may be

3652 accommodated in accordance with (~~Ordinance 17985, Section 19.A~~) K.C.C.

3653 21A.37.050.A; and

3654 3. Be issued a TDR certification letter within sixty days of the date of submittal  
3655 of a completed sending site certification application.

3656 B. Responsibility for preparing a completed application rests exclusively with the  
3657 applicant. Application for sending site certification shall include:

- 3658 1. A legal description of the site;
- 3659 2. A title report;
- 3660 3. A brief description of the site resources and public benefit to be preserved;
- 3661 4. A site plan showing the existing and proposed dwelling units, nonresidential
- 3662 structures, driveways, submerged lands and any area already subject to a conservation
- 3663 easement or other similar encumbrance;
- 3664 5. Assessors map or maps of the lot or lots;
- 3665 6. A statement of intent indicating whether the property ownership, after TDR
- 3666 certification, will be retained in private ownership or dedicated to King County or another
- 3667 public or private nonprofit agency;
- 3668 7. Any or all of the following written in conformance with criteria established
- 3669 through a public rule consistent with K.C.C. chapter 2.98, if the site is qualifying as
- 3670 habitat for a threatened or endangered species:
- 3671 a. a wildlife habitat conservation plan;
- 3672 b. a wildlife habitat restoration plan; or
- 3673 c. a wildlife present conditions report;
- 3674 8. A forest stewardship plan, written in conformance with criteria established
- 3675 through a public rule consistent with K.C.C. chapter 2.98, if required under K.C.C.
- 3676 21A.37.060.B.3. and 6.;
- 3677 9. An affidavit of compliance with the reforestation requirements of the Forest
- 3678 Practices Act and any additional reforestation conditions of the forest practices permit for
- 3679 the site, if required under K.C.C. 21A.37.020.E.;

3680 10. A completed density calculation worksheet for estimating the number of  
3681 available development rights; and

3682 11. The application fee consistent with K.C.C. 27.36.020.

3683 SECTION 135. Ordinance 10870, Section 575, as amended, and K.C.C.

3684 21A.38.020 are each hereby amended to read as follows:

3685 A. This chapter authorizes King County to increase development standards or  
3686 limit uses on specific properties beyond the general requirements of this title through  
3687 property-specific development standards, and to carry out comprehensive plan policies  
3688 and map designations and community, subarea, or neighborhood plan policies through  
3689 special overlay districts which supplement or modify standard zones through different  
3690 uses, design or density standards or review processes;

3691 B. Property-specific development standards shall be applied to specific properties  
3692 through either area zoning as provided in K.C.C. chapters 20.12 and ((20.16)) 20.18, or  
3693 reclassifications of individual properties as provided in K.C.C. ((20.24)) 20.xx (the new  
3694 chapter created under section 2 of this ordinance) and 21A.44; and

3695 C. Special district overlays shall be applied to specific properties or areas  
3696 containing several properties through the area zoning process as provided in K.C.C.  
3697 chapters 20.12 and ((20.16)) 20.18.

3698 SECTION 136. Ordinance 10870, Section 617, as amended, and K.C.C.

3699 21A.42.090 are each hereby amended to read as follows:

3700 A. The decision of the director shall be final unless the applicant or an aggrieved  
3701 party files an appeal to the hearing examiner pursuant to K.C.C. 20.24.090, as recodified  
3702 by this ordinance.

3703 B. The examiner shall review and make decisions based upon information  
3704 contained in the written appeal and the record.

3705 C. The examiner's decision may affirm, modify(~~(s)~~) or reverse the decision of the  
3706 director.

3707 D. As provided by K.C.C. 20.24.210 A. and C., as recodified by this ordinance:

3708 1. The examiner shall render a decision within ten days of the closing of  
3709 hearing; and

3710 2. The decision shall be final unless appealed under the provisions of K.C.C.  
3711 20.24.240 B., as recodified by this ordinance.

3712 E. Establishment of any use or activity authorized (~~(pursuant to)~~) in accordance  
3713 with a conditional use permit or variance shall occur within four years of the effective  
3714 date of the decision for such permit or variance; (~~(provided)~~) except that for schools  
3715 (~~(this)~~) the period shall be five years. (~~(This)~~) The period may be extended for one  
3716 additional year by the director if the applicant has submitted the applications necessary to  
3717 establish the use or activity and has provided written justification for the extension.

3718 F. For the purpose of this section, "establishment" shall occur upon the issuance  
3719 of all local permits or approvals for on-site improvements needed to begin the authorized  
3720 use or activity, provided that the conditions or improvements required by (~~(such)~~) the  
3721 permits or approvals are completed within the timeframes of (~~(said)~~) the permits.

3722 G. Once a use, activity or improvement allowed by a conditional use permit or  
3723 variance has been established, it may continue as long as all conditions of permit issuance  
3724 are met.

3725            SECTION 137. Ordinance 10870, Section 618, as amended, and K.C.C.  
3726 21A.42.100 are each hereby amended to read as follows:  
3727            Applications for zone reclassifications, shoreline environment redesignation,  
3728 special use permits, urban plan developments, amendment or deletion of P-suffix  
3729 conditions, plat vacations and short plat vacations shall be reviewed by the department  
3730 subject to the criteria in K.C.C. chapter 21A.44 and to the procedures and criteria in  
3731 K.C.C. chapter ((20.24)) 20.xx (the new chapter created under section 2 of this  
3732 ordinance) for action subject to approval by the council and notice shall be provided in  
3733 accordance with K.C.C. chapter 20.20.

3734            SECTION 138. Ordinance 10870, Section 627, and K.C.C. 21A.44.060 are each  
3735 hereby amended to read as follows:  
3736            A zone reclassification shall be granted only if the applicant demonstrates that the  
3737 proposal complies with the criteria for approval specified in K.C.C. ((Title)) 20.24.180,  
3738 as recodified by this ordinance, and 20.24.190, as recodified by this ordinance, and is  
3739 consistent with the Comprehensive Plan and applicable community and functional plans:

3740            SECTION 139. Ordinance 17287, Section 3, and K.C.C. 21A.55.105 are each  
3741 hereby amended to read as follows:

3742            A. The purpose of the master planning process demonstration project is to:  
3743            1. Create a comprehensive but streamlined process for the review of major land  
3744 use proposals that will be developed over the course of several years by:  
3745            a. utilizing a concise timeline for project review that incorporates a process for  
3746 public outreach and input during project review and facility operation;



3747 b. executing a development and operating agreement, pursuant to RCW  
3748 36.70B.170 that establishes:

3749 (1) a clearly defined project through a master development plan, which shall  
3750 include a master site plan;

3751 (2) requirements that must be met before approval of each phase of  
3752 development; and

3753 (3) operating standards governing all aspects of the project's operation,  
3754 including, but not limited to, noise and traffic, hours and days of operation for racing,  
3755 nonracing uses and number and types of events; and

3756 c. establishing a process that ensures timely and efficient review;

3757 2. Utilize the hearing examiner, as authorized in K.C.C. 20.24.520, as recodified  
3758 by this ordinance, to function as a special master for the purpose of fact finding and  
3759 reporting on compliance by the applicant with the executed development and operating  
3760 agreement, as provided in subsection S. of this section; and

3761 3. Provide for ongoing monitoring of the executed development and operating  
3762 agreement by the council to ensure continued future compliance with the executed  
3763 development and operating agreement.

3764 B. The master planning process demonstration project shall be implemented only  
3765 for a regional motor sports facility only on the Pacific Raceways property as described in  
3766 Attachment A to Ordinance 17287.

3767 C. The master planning demonstration project shall be initiated by the applicant  
3768 making a written request to the department for a preapplication meeting to identify the  
3769 requirements necessary for a complete application under this section.

3770 D. A master planning proposal application shall be considered complete when the  
3771 following information and studies have been submitted and are adequate to review the  
3772 proposal:

3773 1. A proposed development plan that describes the nature, size and scope and  
3774 phasing of all proposed activities;

3775 2. A proposed site plan that identifies the location and dimensions of proposed  
3776 paving surfaces, access roadways, parking areas, buildings, stormwater facilities, sewage  
3777 treatment or holding facilities and any off-site traffic improvements;

3778 3. A proposed master drainage plan under the surface water design manual;

3779 4. A proposed grading plan that identifies or includes:

3780 (a) land contours;

3781 (b) soil types; and

3782 (c) phasing;

3783 5. Proposed development conditions relating to:

3784 (a) on-site vehicle circulation and off-site traffic control measures;

3785 (b) protection for critical areas, especially adjacent to Soosette creek;

3786 (c) stormwater flow control and water quality treatment;

3787 (d) visual screening from adjoining residential properties;

3788 (e) ongoing monitoring and reporting to measure compliance with the

3789 development and operating agreements;

3790 (f) fire protection; and

3791 (g) water supply and service;

3792 6. Proposed operating conditions that specify:

3793 (a) days and hours of operation;

3794 (b) frequency of events;

3795 (c) types of activities, including types of motor vehicles; and

3796 (d) maximum noise levels; and

3797 7. Any necessary information identified through the preapplication process.

3798 E. The development and operating agreement shall contain development

3799 standards and operating conditions related to the development and operation of the site

3800 and shall include, but shall not be limited to:

3801 1. A master site plan and detailed conditions establishing the:

3802 a. location and scope of proposed land uses;

3803 b. location and size of buildings and structures such as grandstands;

3804 c. layout and dimensions of racing surfaces and circulation roadways;

3805 d. site elevations and contours established by a master grading plan;

3806 e. excavation and processing of materials, including dust control, during

3807 construction of the facilities;

3808 f. location and dimensions parking areas;

3809 g. location of stormwater facilities, sewage treatment facilities, water, and

3810 related features; and

3811 h. vegetative screening required in subsection F.1. of this section;

3812 2. A master drainage plan consistent with the surface water design manual;

3813 3. A project phasing plan, including threshold requirements that must be met

3814 before approval of the next phase of development;

- 3815 4. Specified types of racing and nonracing activities, and where on the site the  
3816 activities can occur;
- 3817 5. Specified days and times for all racing and nonracing uses;
- 3818 6. Specified noise levels for racing and nonracing uses, including but not limited  
3819 to, how noise levels will be measured and mitigated;
- 3820 7. Specified on-site vehicle circulation and other traffic control measures to  
3821 reduce the impact of congestion on roadways in the vicinity of Pacific Raceways;
- 3822 8. Specified development conditions to ensure that permitted alterations  
3823 provided for in subsection G. of this section achieve the appropriate level of protections;
- 3824 9. Specified development conditions to ensure that stormwater flow control and  
3825 water quality treatment provided for in subsection H. of this section is achieved;
- 3826 10. Specified regular ongoing monitoring and reporting to measure compliance  
3827 with the development and operating agreement requirements relating to noise, traffic, air  
3828 quality, groundwater quality, stormwater flow control and water quality treatment and  
3829 water volume and quality in Soosette creek;
- 3830 11. Specified process for the receipt and evaluation by the department of  
3831 inquiries and complaints relating to the operation of the facility, in order to allow for  
3832 review by the hearing examiner as provided in subsection S. of this section; and
- 3833 12. Specified enforcement mechanisms to address any violations of the  
3834 conditions of the development agreement, including, but not limited to, the following:
- 3835 a. a process for monitoring condition violations and for receipt of complaints;
- 3836 b. a process for expedited review and remedy of possible violations; and

3837 c. a penalty schedule that recognizes the nature and impact of the violation and  
3838 is sufficient to deter violations that otherwise result in financial benefit to the facility,  
3839 including, but not limited to, revocation of operating permit and loss of specific days of  
3840 operation.

3841 F. All development under the master plan shall be subject to the following  
3842 standards relating to screening and building setbacks: as provided in K.C.C.  
3843 21A.16.030.F, to the maximum extent practical, buildings and other structures shall be  
3844 constructed on the project to be shielded from view from adjoining residential properties  
3845 using methods that may include, but are not limited to:

- 3846 1. Retention of existing vegetation; and  
3847 2. Placement of new vegetation to augment existing vegetation.

3848 G.1. Except as otherwise provided in this subsection G.2. of this section, all  
3849 development under the master plan shall comply with K.C.C. chapter 21A.24.

3850 2. The department may approve alterations to critical areas, critical areas buffers  
3851 and critical area setbacks that are not otherwise allowed as an alteration exception under  
3852 K.C.C. 21A.24.070 when the applicant demonstrates that:

3853 a. the proposal does not pose an unreasonable threat to the public health, safety  
3854 or welfare on or off the site;

3855 b. the proposed impacts to critical areas, critical area buffers and critical area  
3856 setbacks shall be controlled and compensated for in accordance with the requirements of  
3857 K.C.C. 21A.24.125;

3858 c. for proposed alterations within steep slope or landslide areas:

3859 (1) the alterations are necessary to bring existing racing or access road  
3860 surfaces into compliance with applicable racing association safety standards, or to  
3861 construct noise barriers or for the placement of spectator seating on the interior portion of  
3862 the road course; and

3863 (2) the alterations can be constructed to maintain the stability of the hazard  
3864 area through the use of structural mitigations identified through a geotechnical analysis  
3865 by a licensed and qualified geotechnical professional; and

3866 (3) the director shall determine the requirements for proposed alterations to wetlands or aquatic areas and their buffers:

3867 (1) the alterations are necessary to comply with applicable racing association  
3868 safety standards either for existing racing surfaces or for providing to emergency vehicles  
3869 access roads to the existing racing surfaces;

3870 (2) there is no feasible alternative to the development proposal with less  
3871 adverse impact on the critical area;

3872 (3) the alteration is the minimum necessary to accommodate the development  
3873 proposal;

3874 (4) the alternation has the least possible adverse impact on the critical area  
3875 and critical area buffer;

3876 (5) the critical area is not used as a salmonid spawning area;

3877 (6) the director may only approve an alteration in a category III or IV  
3878 wetland; and

3879 (7) the alterations to any wetland shall be mitigated in accordance with an  
3880 approved mitigation plan by relocating the wetland into a new wetland, with equivalent

3881 or greater functions, or into an existing wetland at the ratios specified in K.C.C.  
3882 21A.24.340 based on the type of mitigation measures proposed.

3883 H. Uses proposed under the master planning proposal shall comply with the King  
3884 County surface water design manual and shall:

3885 1. Use enhanced basic water quality measures to treat stormwater and use  
3886 stormwater infiltration facilities to manage stormwater to protect aquatic life in Big Soos  
3887 and Soosette creeks and operation of the Soos Creek Hatchery, while protecting  
3888 groundwater quality. The department shall consider the proposed use in determining  
3889 whether spill control or special oil control measures in excess of the King County surface  
3890 water design manual requirements are necessary to achieve the required environmental  
3891 protections;

3892 2. Specify and require facilities and best management practices to insure that  
3893 auto-related fluids, brake dust, and other products are properly managed and disposed of  
3894 to avoid contamination of soils, surface water and groundwater;

3895 3. Develop and implement a water quality monitoring plan to assure that copper,  
3896 other metals, hydrocarbons and other contaminants are not elevated in ground and surface  
3897 waters on- site and in Big Soos and Soosette creeks;

3898 4. Conduct flow monitoring in Big and Soosette creeks before, during and after  
3899 construction to ensure that normal or preexisting flows are being maintained.

3900 5. Conduct biotic monitoring in Big Soos and Soosette creeks before, during  
3901 and after construction;

3902 6. If the department determines it to be environmentally beneficial and if it is in  
3903 compliance with the surface water design manual requirements for discharge to the

3904 natural location and is approved through an adjustment, channel surface water from  
3905 impervious surfaces, including buildings, structures, pit areas or raceways to drain away  
3906 from Soosette creek and evaluate any impacts to Big Soos and Soosette creeks and to the  
3907 alternative discharge location; and

3908 7. Develop and implement an adaptive management program to correct any  
3909 flow, surface or ground water quality, or biotic problem in Big Soos or Soosette creeks  
3910 caused by the development.

3911 I. Site development that entails extraction and grading of soils to achieve the final  
3912 site contours for development shall be subject to the following limits:

3913 1. The amount of materials that may be extracted during any specific phase of  
3914 project construction shall be only as necessary to construct that phase of the project  
3915 approved for construction; and

3916 2. The on-site processing of the extracted materials shall be limited to the  
3917 sorting of the material into separate dirt, sand and gravel components.

3918 J. The master planning proposal shall include site designs and features to reduce  
3919 the level of noise impacts upon nearby residential neighborhoods.

3920 K. The department shall:

3921 1. Schedule and conduct a preapplication meeting with applicant within thirty  
3922 days of the request for such a meeting by the applicant in order to identify the full range  
3923 of potential issues related to the proposed expansion of Pacific Raceways and to  
3924 specifically list information or studies needed to adequately evaluate the listed issues.



3925 2. Provide to the applicant a detailed listing of all project issues and necessary  
3926 information or studies required under subsection D. of this section within thirty days after  
3927 the date of the preapplication meeting;

3928 3. Accept for filing a master planning proposal application submitted by the  
3929 applicant only if it provides the information and studies required by subsection K.2. of  
3930 this section;

3931 4. Determine whether the master planning proposal is a complete application  
3932 under this section and K.C.C. 20.20.050;

3933 5. Provide a notice of a complete application under K.C.C. 20.20.060.B. In  
3934 addition to notice required under K.C.C. 20.20.060.B, the department shall provide  
3935 mailed notice to:

3936 a. all parties of record, including community groups or organizations,  
3937 established during the review of Conditional Use Permit File Nos. A-71-0-81 and  
3938 L08CU006, Proposed Ordinance 2010-0189 or Ordinance 17287;

3939 b. persons requesting notification of any county land use action regarding  
3940 Pacific Raceways; and

3941 c. residents or property owners of parcels located within twenty-five hundred  
3942 feet of the boundaries of the Pacific Raceways site;

3943 6. Not later than seven days after the applicant has filed with the department its  
3944 master planning proposal, issue a determination of significance and proceed with the  
3945 environmental review of the master planning proposal under Ordinance 17287, Section 6;

3946 7. Conduct one or more public meetings on the master planning proposal  
3947 application to gather information and public input on all aspects of the master planning

3948 proposal. The first meeting shall be held within thirty days after the applicant has filed  
3949 its master planning proposal application with the department and may be combined with  
3950 a public meeting required under Ordinance 17287, Section 5.D.4. At that public meeting,  
3951 the applicant shall present its master planning proposal. At each public meeting, the  
3952 public shall be provided an opportunity to comment on the master planning proposal.  
3953 The department shall record all public meetings and make a written summary of the  
3954 meetings available on its website within fourteen days after the meeting. The department  
3955 may hold additional public meetings as it conducts its review of the master planning  
3956 proposal application and shall provide an opportunity for the applicant to respond to  
3957 questions at each public meeting;

3958 8. Issue the final environmental impact statement within eighteen months of  
3959 either issuing to the applicant a notice of complete application or the master planning  
3960 proposal is deemed a complete application under K.C.C. 20.20.050.B. The consultant  
3961 may request additional time to prepare the final environmental impact statement;

3962 9. Not later than thirty days after the final environmental impact state is issued,  
3963 propose for public review and comment a development and operating agreement  
3964 consistent with this section. The department shall provide notice of the proposed

3965 development and operating agreement in the same manner as it provided the notice of  
3966 application under subsection K.5. of this section. The department shall present the  
3967 proposed development and operating agreement at a public meeting within fourteen days  
3968 after the notice is provided under this subsection K.9; and

3969 10. Within sixty days after the public meeting required by subsection K.9. of  
3970 this section:

3971 a. transmit to the hearing examiner the department's recommended  
3972 development and operating agreement, together with a proposed ordinance authorizing  
3973 the executive to execute the development and operating agreement;

3974 b. publish its recommended development and operating agreement on the  
3975 department's website; and

3976 c. provide notice of its recommended development and operating agreement in  
3977 the same manner as it provided the notice of application under subsection K.5.a. through  
3978 c. of this section and to those governmental agencies listed in K.C.C. 20.20.090.A. The  
3979 notice shall also advise:

3980 (1) that the department's recommendation is subject to an open record public  
3981 hearing before the hearing examiner;

3982 (2) the date that the department's recommendation has been transmitted to the  
3983 hearing examiner; and

3984 (3) that interested persons may appear as parties at the open record public  
3985 hearing by filing a notice of appearance with the hearing examiner within fourteen days  
3986 of the date that the department's recommendation has been transmitted to the hearing  
3987 examiner. The applicant will be presumed to be a party without having to file a notice of  
3988 appearance.

3989 10.1.1 Before the transmittal of the department's recommended development and  
3990 operating agreement to the hearing examiner, the transportation, economy and  
3991 environment committee or its applicable successor may request reports or briefings from  
3992 the department and applicant regarding how the demonstration project is proceeding.

3993 The department shall solicit input from those identified in subsection K.5.a. through c. of  
3994 section to inform the committee in the report and briefing.

3995 2. If the department or the applicant is unable to meet a timeline established by  
3996 this section as part of the process for review of the master planning proposal, the  
3997 department shall provide written notice to the council within fourteen days after the  
3998 missed deadline in the form of a letter to the chair of transportation, economy and  
3999 environment committee or its applicable successor describing the causes for the delay,  
4000 and the steps or actions needed to be taken by the department or the applicant to continue  
4001 timely processing of the proposal.

4002 M.1. No sooner than fourteen days after receiving the department's recommended  
4003 development and operating agreement, the hearing examiner shall set the date for the  
4004 prehearing conference and notify the parties of interest.

4005 2. Unless otherwise agreed to by those that appear as parties, the hearing  
4006 examiner shall conduct an open record public hearing within ninety days of the  
4007 prehearing conference and, if necessary, shall hold the public hearing over consecutive  
4008 days.

4009 3. When the hearing examiner sets the department's recommended development  
4010 and operating agreement for an open record public hearing, the department shall  
4011 coordinate and assemble the reviews of other departments and governmental agencies  
4012 having an interest in the application and shall prepare a report summarizing the factors  
4013 involved and the department's recommendation. At least fourteen calendar days before  
4014 the scheduled hearing, the department shall file the report with the hearing examiner and  
4015 mail copies to those identified in subsection K.5.a. through c. of section.

4016 4. The hearing examiner's recommendation may be to approve or reject the  
4017 department's recommended development and operating agreement, or the examiner may  
4018 recommend that the council adopt the department's recommended development and  
4019 operating agreement with such conditions, modifications and restrictions as the examiner  
4020 finds necessary to carry out applicable state laws and regulations and the regulations,  
4021 including chapter 43.21C RCW, policies, objectives and goals of the Comprehensive  
4022 Plan, the zoning code K.C.C. Title 21A and other laws, policies and objectives of King  
4023 County.

4024 5. Within fourteen days after the conclusion of the open record public hearing,  
4025 the hearing examiner shall issue a written recommendation and shall transmit a copy  
4026 thereof to all persons who appeared as parties in the open record public hearing. The  
4027 recommendation shall include findings of fact and conclusions from the record that  
4028 support the decision and the findings and conclusions shall set forth and demonstrate the  
4029 manner in which the recommendation is consistent with, carries out and helps implement  
4030 applicable state laws and regulations, the regulations, policies, objectives and goals of the  
4031 comprehensive plan and Ordinance 17287.

4032 6. To appeal the hearing examiner's recommendation, an aggrieved party must  
4033 file a notice of appeal with the clerk of the council within fourteen days of the date of the  
4034 mailing of the hearing examiner's recommendation. The clerk shall notify the hearing  
4035 examiner and the parties of record to the hearing examiner's open record public hearing in  
4036 writing of the council's receipt of the appeal. The clerk shall also cause to have posted on  
4037 the council's web page the notice of the appeal. The appellant shall file a statement of  
4038 appeal with the clerk within twenty-one days of filing its notice of appeal, together with

4039 proof of service of the statement of appeal to the other parties of record. The statement of  
4040 appeal must specify the basis for the appeal and any arguments in support of the appeal.  
4041 Failure to file a statement of appeal shall result in the dismissal of the appeal. The clerk  
4042 shall cause to have the statement of appeal posted on the council's web page. Any  
4043 written responsive statements or arguments to the appeal, together with proof of service  
4044 on the other parties of record, must be filed with the clerk within fourteen days after the  
4045 filing of the statement of appeal. The clerk shall cause to have these responsive  
4046 statements and arguments posted on the council's webpage.

4047 7. At least fourteen days before the closed record hearing by the council of the  
4048 appeal, the clerk will provide the parties of record with written notice of the hearing time  
4049 and date. The council's consideration of the appeal shall be based upon the record as  
4050 presented to the hearing examiner at the open record public hearing and upon written  
4051 appeal statements and arguments submitted by the parties that are based on the open  
4052 record public meeting. The council may allow the parties to the appeal a period of time  
4053 for oral argument based on the record. Consistent with RCW 36.70B.020(1), before or at  
4054 the appeal hearing and upon the request of the council, county staff may provide a written  
4055 or oral summary, or both, of the appeal record, issues and arguments presented in an  
4056 appeal and may provide answers, based on the record, to questions with respect to issues  
4057 raised in an appeal asked by council members at the appeal hearing. Nothing in this  
4058 subsection shall be construed as limiting the ability of the council to seek and receive  
4059 legal advice regarding a pending appeal from the office of the prosecuting attorney or  
4060 other county legal counsel either within or outside of the hearing.

4061 8. If, after consideration of the record, written appeal statements and any oral  
4062 argument the council determines that:

4063 a. An error in fact or procedure may exist or additional information or  
4064 clarification is desired, the council shall remand the matter to the hearing examiner for  
4065 further hearing to receive additional information or further consideration; or

4066 b. The recommendation of the hearing examiner is based on an error in  
4067 judgment or conclusion, the council may modify or reverse the recommendation of the  
4068 hearing examiner.

4069 9. a. The council's final action on any recommendation of the hearing examiner  
4070 shall be by ordinance, which shall include findings of fact and conclusions from the  
4071 record of the hearing examiner's public hearings. The findings and conclusions shall set  
4072 forth and demonstrate the manner in which the council's decision is consistent with,  
4073 carries out and helps implement applicable state laws and regulations, the regulations,  
4074 policies, objectives and goals of the comprehensive plan and Ordinance 17287. The  
4075 council may adopt as its own all or portions of the hearing examiner's findings and  
4076 conclusions.

4077 b. Any ordinance also may contain reasonable conditions, in accordance with  
4078 state law and county ordinances, which must be satisfied before the ordinance becomes  
4079 effective. The ordinance shall also designate the time period within which any such  
4080 conditions must be satisfied. All authority pursuant to such ordinance shall expire if any  
4081 of the conditions are not satisfied within the designated time period and the property shall  
4082 continue to be subject to all laws, regulations and zoning as if the ordinance had not been  
4083 adopted. The council may extend the period for satisfaction of the conditions if, after a

4084 public hearing by the examiner, the council finds an extension will be in the public  
4085 interest and the extension was requested by the applicant within the initial time period.

4086 N. If the hearing examiner's recommendation is not appealed pursuant to  
4087 subsection M. of this section:

4088 1. The clerk of the council shall place a proposed ordinance that implements the  
4089 examiner's recommended action on the agenda of the next available council meeting for  
4090 adoption;

4091 2. No final action to amend or reverse the hearing examiner's recommendation  
4092 shall be taken at that meeting and notice to parties shall be given before the adoption of a  
4093 substitute or amended ordinance that amends or reverses the examiner's recommendation;

4094 3. The council may either:

4095 a. Refer the matter to the transportation, economy and environment or its  
4096 successor for further consideration deemed necessary before the council takes final action  
4097 on the matter or remand the matter to the hearing examiner for further hearing to receive  
4098 additional information or further consideration; or

4099 b. Adopt the hearing examiner's recommendation by an ordinance satisfying  
4100 the requirements of subsection M.9. of this section.

4101 4. Any final action by the county council may be reconsidered by the council pursuant  
4102 to K.C.C. 20.24.250, as recodified by this ordinance; and

4103 5. Any appeal of the council's final action shall comply with the requirements of K.C.C.  
4104 20.24.240.A, as recodified by this ordinance.

4105 O.1. The design and operating conditions specified in any agreement adopted and  
4106 executed pursuant to the process established in this section shall prospectively control the



4107 operations and design for the site and supersede the design and operating conditions  
4108 established under Conditional Use Permit File Nos. A-71-0-81 and L08CU006.  
4109 However, any such development and operating agreement will not have retroactive  
4110 effect. Any enforcement actions relating to compliance with the design and operating  
4111 conditions established under Conditional Use Permit File Nos. A-71-0-81 and L08CU006  
4112 regarding activities that occurred before the execution of a development agreement shall  
4113 not be affected.

4114 2. A master plan development and operating agreement approved by the council  
4115 shall be in effect for a period of ten years from the effective date of the ordinance  
4116 approving the master plan development and operating agreement and authorizing the  
4117 executive to execute the development and operating agreement;

4118 B.a. An approved master plan development and operating agreement may be  
4119 renewed one time for not more than ten years.

4120 b. The applicant shall apply to the department for renewal of the development  
4121 and operating agreement at least twelve months before the agreement expires. The  
4122 department shall provide a notice of the renewal request under subsection K.5.a. through  
4123 c. of this section and shall conduct at least one public meeting on the request as provided  
4124 in subsection K.7. of this section.

4125 c. The department shall make its recommendation to the council on the  
4126 proposed renewal together with any recommended changes to the agreement not later  
4127 than ninety days before the development and operating agreement expires.

4128 d. If the agreement is not renewed by the council:

4129 (1) the operating conditions established in the agreement shall remain in  
4130 effect; and

4131 (2) any subsequent development permit application shall be subject to laws in  
4132 effect at the time the subsequent application is filed.

4133 P. During the period a development and operating agreement is in effect, any  
4134 subsequent development on the site shall be consistent with the approved development  
4135 and operating agreement.

4136 Q.1. Except as otherwise provided in subsection Q.2. of this section, the laws in  
4137 effect on the date the council adopts the ordinance authorizing the execution of the  
4138 development and operating agreement shall apply to subsequent permits necessary for the  
4139 uses authorized by the development and operating agreement.

4140 2. The following regulations in effect on the date of a complete application for  
4141 any permits necessary for a use authorized by the development and operating agreement  
4142 shall apply:

4143 a. surface water management standards under K.C.C. Title 9;

4144 b. public health and safety codes under K.C.C. Title 13;

4145 c. road standards under K.C.C. Title 14;

4146 c. building codes under K.C.C. Title 16; and

4147 d. fire codes under K.C.C. Title 17.

4148 R. During the effective period of the development and operating agreement, the  
4149 applicant may request in writing and the department may propose a modification of the  
4150 development and operating agreement. The applicant's request and the department  
4151 initiated proposal shall be made by June 1 of each year for implementation in the

4152 following year. The department shall provide notice of the request or proposed  
4153 modification as provided in subsection K.5.a. through c. of this section. The department  
4154 shall submit to the hearing examiner its recommendation on the request not later than  
4155 August 1.

4156 S. The hearing examiner shall conduct the following annual monitoring and  
4157 reporting activities for the council:

4158 1. No later than October 15 of each year, the hearing examiner shall conduct a  
4159 public meeting in the vicinity of the project site for the purpose of gathering community  
4160 input on the operation of facility during the preceding year and on any modifications to  
4161 the development and operating agreement. The department shall provide a notice of the  
4162 meeting as provided in subsection K.5.a. through c. of this section.

4163 2. Beginning on December 31 of the year after the effective date of the ordinance  
4164 authorizing the execution of the development and operating agreement, and for each  
4165 subsequent year, the hearing examiner shall prepare and submit to the council a report  
4166 that:

4167 a. describes the current status of the phases of the development;  
4168 b. evaluates compliance with development and operation agreement conditions  
4169 during the preceding year;

4170 c. identifies issues and concerns that have been brought forward by the  
4171 community, Pacific Raceways and the department;

4172 d. evaluates proposed modifications to the development and operating  
4173 agreement; and

4174 e. outlines potential steps to ensure compliance with the development and  
4175 operating agreement.

4176 3. The report shall be presented in a briefing by the hearing examiner to the  
4177 transportation, economy and environment committee, or its applicable successor, at  
4178 which the department and project operator shall be present.

4179 T. The director shall submit a report on the master planning demonstration  
4180 project to the council within sixty days of the council's adoption of the ordinance  
4181 approving the development and operating agreement. The report shall evaluate the  
4182 efficacy of the master planning process and may include recommended changes to the  
4183 master planning process to address problems or deficiencies in the process identified by  
4184 the department. The department shall solicit comments from the applicant, the hearing  
4185 examiner, and the public, identified in subsection K.5.a. through c. of this section, on the  
4186 master planning process and include a synopsis of those comments in the report. A paper  
4187 copy and an electronic copy of the report shall be filed with the clerk of the council, who  
4188 shall retain the paper original and shall forward electronic copies to each councilmember.

4189 U. Before the application for a master planning proposal application, the  
4190 applicant shall be permitted to undertake the following activities, subject to an interim  
4191 use permit:

4192 1. Construct up to four hundred thousand square feet of buildings, including  
4193 required excavation and processing of materials, for uses allowed for a regional motor  
4194 sports facility as set forth in K.C.C. 21A.06.973.C., and associated required site  
4195 improvements; and

4196 2. Excavation and processing of materials shall be subject to the following  
4197 limits:

4198 a. Under the interim use permit, the amount of materials shall be only as is  
4199 necessary to construct the buildings and any required site improvements associated with  
4200 the construction of the buildings, subject to review by the department;

4201 b. The on-site processing of the extracted materials shall be limited to the  
4202 sorting of the materials into separate dirt, sand and gravel components, and crushing and  
4203 washing of those components that will be used for on-site construction of the buildings  
4204 and required site improvements; and

4205 c. The on-site processing shall be limited to 9:00 a.m. to 5:00 p.m. Monday  
4206 through Friday.

4207 V. A preapplication meeting shall be required for the interim use permit. The  
4208 applicant shall submit the following information to the department with a request to  
4209 schedule a preapplication meeting:

- 4210 1. Affidavit of application, on a form approved by the department;
- 4211 2. Project narrative and questions for department staff;

- 4212 3. Preliminary site plan, which shall include:
- 4213 a. location of the property, with a vicinity map showing cross street;
- 4214 b. address, if an address has been assigned;
- 4215 c. parcel number or numbers;
- 4216 d. zoning of parcel or parcels and adjacent parcel or parcels;
- 4217 e. north arrow and scaled dimensions;
- 4218 f. existing and proposed building footprints, with overhangs and projections;
- 4219 g. existing and proposed grade contours;
- 4220 h. site area in square feet or acres of the project site;
- 4221 i. area of either disturbance or development, or both, including utilities, septic
- 4222 and internal circulation, as needed;
- 4223 j. existing and proposed easements, including ingress, egress, utilities or
- 4224 drainage; and,
- 4225 k. critical areas and their buffers; and
- 4226 4. Preliminary building plan.

4227 W. An interim use permit application shall be considered complete when the

4228 following information and studies have been submitted and are adequate to review the

---

4229 proposal:

- 4230 1. A proposed site plan that identifies the location and dimensions of the
- 4231 proposed buildings, vehicular circulation and parking areas, critical areas and buffers,
- 4232 landscaping, stormwater facilities, utilities and fire protection;
- 4233 2. A proposed drainage plan under the surface water design manual for the
- 4234 improvements proposed under the interim use permit;

4235 3. A proposed grading plan that complies with the submittal, operating and  
4236 performance requirements in K.C.C. chapter 16.82;

4237 4. A proposed restoration plan that complies with this section;

4238 5. A deposit as required by K.C.C. 27.02.210 for review of the interim use  
4239 permit; and

4240 6. Any necessary information identified through the preapplication process.

4241 X. The interim use permit shall contain development conditions related to the  
4242 grading activities and buildings and shall include, but not be limited to:

4243 1. An approved site plan and conditions that establish:

4244 a. location, size and proposed uses of the buildings;

4245 b. location and dimensions of vehicular circulation and parking, including  
4246 required parking for the existing uses;

4247 c. location of stormwater facilities, sewage treatment facilities, water, and  
4248 related features;

4249 d. landscaping requirements, as required by K.C.C. chapter 21A.16;

4250 e. location of on-site critical areas. Development or operations are not allowed

4251 within critical areas or their buffers, and alterations of critical areas or their buffers are

4252 not permitted, as part of the activities allowed with the interim use permit or related

4253 construction permits; and

4254 f. necessary on-site and off-site traffic control for construction impacts on  
4255 vehicular circulation and on roadways in the vicinity of the project site;

4256 2. An approved grading plan in compliance with the requirements of K.C.C.  
4257 chapter 16.82;

4258 3. An approved drainage plan in compliance with the surface water design  
4259 manual;

4260 4. A restoration plan in compliance with the following requirements:

4261 a. Final grades shall generally conform to standards in K.C.C. 16.82.100 and  
4262 the following:

4263 (1) be such so as to encourage the uses permitted within the primarily  
4264 surrounding zone or, if applicable, the underlying or potential zone classification; and

4265 (2) result in drainage patterns that reestablish natural conditions of aquifer  
4266 recharge, water velocity, volume and turbidity within six months of restoration and that  
4267 precludes water from collecting or becoming stagnant. Suitable drainage systems

4268 approved by the department shall be constructed or installed where natural drainage  
4269 conditions are not possible or where necessary to control erosion. All constructed  
4270 drainage systems shall be designed consistent with the Surface Water Design Manual;  
4271 and

4272 b. All areas subject to clearing, grading or backfilling shall:

4273 (1) be planted with a variety of trees, shrubs, legumes and grasses indigenous  
4274 to the surrounding area and appropriate for the soil, moisture and exposure conditions;

4275 and

4276 (2) except for roads and areas incorporated into drainage facilities, be  
4277 surfaced with soil of a quality at least equal to the topsoil of the land areas immediately  
4278 surrounding, and to a depth of the topsoil of land area immediately surrounding six  
4279 inches, whichever is greater;



4280 5. A condition requiring that all grading and construction activities be  
4281 completed within sixty months of the effective date of this ordinance, except as allowed  
4282 to be extended in accordance K.C.C. 20.20.105.

4283 Y. For the interim use permit, the executive shall appoint a special project  
4284 manager.

4285 1. The special project manager shall either be an employee of, or hired as a  
4286 consultant by, the regional planning unit of the office of performance, strategy and  
4287 budget.

4288 2. The Pacific Raceways property has been designated as a project of statewide  
4289 significance under chapter 43.157 RCW.

4290 3. The special project manager will coordinate the reviews with the department  
4291 and other agencies, be the primary point of contact for the applicant and interested  
4292 parties, and ensure that the timelines established for review of the interim use permit in  
4293 this section are met.

4294 4. The special project manager shall evaluate, and provide a recommendation to  
4295 the executive, regarding the efficacy of options, such as review by another jurisdictions,  
4296 or using outside staff to complete the substantive review, for expediting the permit review  
4297 process. As part of this review, the special project manager shall ensure that any  
4298 recommended option will produce a review that complies with this chapter and other  
4299 applicable laws, regulations and adopted policies.

4300 Z.1. In reviewing the interim use permit, the department shall:

4301 a. process the interim use permit as a Type 3 land use permit. K.C.C. chapter  
4302 20.20 shall apply, except as modified by this section;

4303           b. conduct a mandatory preapplication meeting within fourteen days of the  
4304 applicant's request for a preapplication meeting;

4305           c. within twenty one days of the preapplication meeting, provide a detailed  
4306 listing of the required information or studies required for review of the interim permit, in  
4307 conformance with this section, the other building, construction and environmental  
4308 permits that will be required; and an estimate of cost for review of the interim use permit;

4309           d. accept the interim use permit application if the applicant provides the  
4310 information and studies required by the detailed listing provided in subsection Z.1.c. of  
4311 this section;

4312           e. determine whether the interim use permit application is complete within  
4313 seven days of filing by the applicant, pursuant to K.C.C. 20.20.050, and subject to the  
4314 application requirements in subsection W. of this section;

4315           f. provide a notice of complete application under K.C.C. 20.20.050, within  
4316 seven days of determining that the application is complete;

4317           g. provide a notice of application under K.C.C. 20.20.060 within fourteen days  
4318 of providing the notice of complete application. In addition to the notice required by  
4319 these two sections, the department shall provide mailed notice to:

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4320           (1) all parties of record, including community groups or organizations,  
4321 established during the review of Conditional Use Permit File Nos. A-71-0-81 and  
4322 L08CU006, Proposed Ordinance 2010-0189 or Ordinance 17287;

4323           (2) persons requesting notification of any county land use action regarding  
4324 Pacific Raceways; and

4325 (3) residents or property owners of parcels located within twenty-five  
4326 hundred feet of the boundaries of the Pacific Raceways site;

4327 h. complete environmental review on the interim use and activities authorized  
4328 by the interim use permit;

4329 i. transmit to the hearing examiner the department's recommendation on the  
4330 interim use permit and provide notice of the recommendation under K.C.C. 20.20.090.

4331 The recommendation shall be based on the conformance of the proposal with the  
4332 requirements of this section; and:

4333 (1) For a determination of nonsignificance or mitigated determination of  
4334 nonsignificance, transmit the recommendation within forty-five days of the end of the  
4335 comment period on threshold determination;

4336 (2) For a determination of significance, transmit the recommendation within  
4337 forty five days of the end of the appeal period for the final environmental impact  
4338 statement; and

4339 j. coordinate and assemble the reviews of other departments and governmental  
4340 agencies having an interest in the application and shall prepare a report summarizing the  
4341 factors involved and the department's recommendation. At least seven calendar days  
4342 before the scheduled hearing, the department shall file the report with the hearing  
4343 examiner and mail copies to those identified in subsection Z.1.g. of this section.

4344 2. The exceptions to permit review timelines described in K.C.C. 20.20.100.C.  
4345 shall apply to the review period deadlines outlined in subsection Z. of this section. If the  
4346 department is unable to meet the time limits established by this section, it shall provide  
4347 written notice of this fact to the applicant. The notice shall include a statement of reasons.

4348 why the time limits have not been met and an estimated date for issuance of the notice of  
4349 recommendation to the hearing examiner. In no case shall the review of the interim use  
4350 permit, from the date a complete application is filed through the date the department  
4351 issues the recommendation to the hearing examiner, excluding the timeframes outlined in  
4352 K.C.C. 20.20.100.C., exceed one hundred twenty days, unless the parties agree to an  
4353 extension.

4354 AA.1. The hearing examiner shall:

4355 a. within fourteen days of receiving the department's recommendation on the  
4356 interim use permit, set the date for the prehearing conference and notify the interested  
4357 parties;

4358 b. within seven days of the prehearing conference, issue a prehearing order that  
4359 includes a tentative schedule and order of proceedings for the hearing required under this  
4360 subsection;

4361 c. conduct an open record public hearing within thirty days of the prehearing  
4362 conference;

4363 d. within ten days of the public hearing, issue a decision on the interim use  
4364 permit. The examiner's determination may be to grant or deny the application, and may

4365 include any conditions, modifications and restrictions as the examiner finds necessary to  
4366 carry out the provisions of this section. The examiner's decision may be appealed to the  
4367 council according to K.C.C. 20.24.210, as recodified by this ordinance.

4368 2. When reasonably required to enable the attendance of all necessary parties at  
4369 the hearing, or the production of evidence or to otherwise assure that due process is  
4370 afforded and the objectives of this chapter are met, the periods in subsection AA.1. of this

4371 section may be extended by the examiner at the examiner's discretion for an additional  
4372 thirty days. With the consent of all parties, the periods may be extended indefinitely. The  
4373 reason for the deferral shall be stated in the examiner's decision. Failure to complete the  
4374 hearing process within the stated time shall not terminate the jurisdiction of the examiner.

4375 BB. Issuance of the interim use permit by the county under this section does not  
4376 relieve the applicant of its obligations to obtain other approvals required under state and  
4377 federal law.

4378 CC. The applicant shall pay fees to the county to cover the actual cost of  
4379 providing project management, review and inspection services for the interim use permits  
4380 and including environmental review, in accordance with K.C.C. 27.02.100.

4381 SECTION 140. Ordinance 13263, Section 3, as amended, and K.C.C. 23.02.010  
4382 are each hereby amended to read as follows:

4383 The words and phrases designated in this section shall be defined for the purposes  
4384 of this title as follows:

4385 A. "Abate" means to take whatever steps are deemed necessary by the director to  
4386 return a property to the condition in which it existed before a civil code violation  
4387 occurred or to assure that the property complies with applicable code requirements.

4388 Abatement may include, but is not limited to, rehabilitation, demolition, removal,  
4389 replacement or repair.

4390 B. "Civil code violation" means and includes one or more of the following:

4391 1. Any act or omission contrary to any ordinance, resolution, regulation or  
4392 public rule of the county that regulates or protects public health, the environment or the

4393 use and development of land or water, whether or not the ordinance, resolution or  
4394 regulation is codified; and

4395 2. Any act or omission contrary to the conditions of any permit, notice and order  
4396 or stop work order issued pursuant to any such an ordinance, resolution, regulation or  
4397 public rule.

4398 C. "Contested hearing" means a hearing requested in response to a citation to  
4399 contest the finding that a violation occurred or to contest that the person issued the  
4400 citation is responsible for the violation.

4401 D. "Director" means, depending on the code violated:

4402 1. The director of the department of permitting and environmental review;

4403 2. The director of the Seattle-King County department of public health, or  
4404 ((:))"local health officer" as that term is used in chapter 70.05 RCW((:));

4405 3. The director of the department of natural resources and parks;

4406 4. The director of any other county department authorized to enforce civil code  
4407 compliance;

4408 5. Authorized representatives of a director, including compliance officers and  
4409 inspectors whose responsibility includes the detection and reporting of civil code

4410 violations; or

4411 6. Such other person as the council by ordinance authorizes to use this title.

4412 E. "Found in violation" means that:

4413 1. A citation, notice and order or stop work order has been issued and not timely  
4414 appealed;

4415 2. A voluntary compliance agreement has been entered into; or

4416 3. The hearing examiner has determined that the violation has occurred and the  
4417 hearing examiner's determination has not been stayed or reversed on appeal.

4418 F. "Hearing examiner" means the office of the King County hearing examiner, as  
4419 provided in K.C.C. chapter ((20.24)) 20.xx (the new chapter created under section 2 of  
4420 this ordinance).

4421 G. "Mitigate" means to take measures, subject to county approval, to minimize  
4422 the harmful effects of the violation where remediation is either impossible or  
4423 unreasonably burdensome.

4424 H. "Mitigation hearing" means a hearing requested in response to a citation to  
4425 explain mitigating circumstances surrounding the commission of a violation.

4426 I. "Permit" means any form of certificate, approval, registration, license or any  
4427 other written permission issued by King County. All conditions of approval, and all  
4428 easements and use limitations shown on the face of an approved final plat map which are  
4429 intended to serve or protect the general public are deemed conditions applicable to all  
4430 subsequent plat property owners and their tenants and agents as permit requirements  
4431 enforceable under this title.

4432 J. "Person" means any individual, association, partnership, corporation or legal  
4433 entity, public or private, and the agents and assigns of the individual, association,  
4434 partnership, corporation or legal entity.

4435 K. "Person responsible for code compliance" means either the person who caused  
4436 the violation, if that can be determined, or the owner, lessor, tenant or other person  
4437 entitled to control, use or occupy, or any combination of control, use or occupy, property  
4438 where a civil code violation occurs, or both.

4439 L. "Public rule" means any rule adopted under K.C.C. chapter 2.98 to implement  
4440 code provisions.

4441 M. "Remediate" means to restore a site to a condition that complies with critical  
4442 area or other regulatory requirements as they existed when the violation occurred; or, for  
4443 sites that have been degraded under prior ownerships, restore to a condition that does not  
4444 pose a probable threat to the environment or to the public health, safety or welfare.

4445 N. "Resolution" means any law enacted by resolution of the board of county  
4446 commissioners prior to the establishment of the charter, or any health rule adopted by  
4447 resolution of the board of health.

4448 SECTION 141. Ordinance 13263, Section 8, as amended, and K.C.C. 23.02.070  
4449 are each hereby amended to read as follows:

4450 A. The department shall determine, based on information derived from sources  
4451 such as field observations, the statements of witnesses, relevant documents and data  
4452 systems for tracking violations and applicable county codes, whether or not a violation  
4453 has occurred. As soon as a department has reasonable cause to determine that a violation  
4454 has occurred, it shall document the violation and promptly notify the owner, occupant or  
4455 other person responsible for code compliance.

4456 B. Except as provided in subsection D: of this section, a warning shall be issued  
4457 verbally or in writing promptly when a field inspection reveals a violation, or as soon as  
4458 the department otherwise determines that a violation has occurred. The warning shall  
4459 inform the person determined to be responsible for code compliance of the violation and  
4460 shall include a reference to the applicable permit or zoning condition, ordinance or code  
4461 related to the violation. The warning shall also allow the person an opportunity to correct



4462 the violation or enter into a voluntary compliance agreement as provided for by this title.  
4463 Verbal warnings shall be logged and followed up with a written warning within two  
4464 weeks, and the site shall be reinspected within thirty days.

4465 C. The guidelines in this section for warnings, notifications and reinspections are  
4466 not jurisdictional, and failure to meet them in any particular case shall not affect the  
4467 county's authority to enforce county code provisions with regard to that case.

4468 D. No warning need be issued in cases involving emergencies that pose an  
4469 imminent threat to environmental health or to the public safety.

4470 E. A department may issue a citation if it determines that the violation is likely to  
4471 be a one-time occurrence or is likely to be fully corrected in a reasonable period of time.

4472 F. A department may issue notice and orders in cases where it determines that the  
4473 violation is unlikely to be fully corrected in a reasonable period of time.

4474 G. The department shall use all reasonable means to determine and cite the  
4475 person or persons actually responsible for the violation occurring when the owner has not  
4476 directly or indirectly caused the violation.

4477 H. If the violation is not corrected or a voluntary compliance agreement is not  
4478 achieved within a reasonable time ((period)), a citation, notice and order or stop work  
4479 order should be issued. As a guideline, citations should be issued within sixty days from  
4480 receipt of a complaint, and notice and orders should be issued within one hundred twenty  
4481 days from receipt of a complaint. Stop work orders should be issued promptly upon  
4482 discovery of a violation in progress.

4483 I. Any complainant who provides a mailing address and requests to be kept  
4484 advised of enforcement efforts should be mailed a copy of all written warnings, voluntary

4485 compliance agreements, citations, notice and orders, stop work orders and notices of  
4486 settlement conferences issued by a department with regard to the alleged violation. Any  
4487 complainant who is an aggrieved person and who alleges a violation of K.C.C. chapter  
4488 9.12, 16.82 or 21A.24 may appeal a citation, notice and order, stop work order or a  
4489 determination not to issue a citation or order under K.C.C. chapter ~~((20.24))~~ 20.xx (the  
4490 new chapter created under section 2 of this ordinance). The appeal under this subsection  
4491 shall be considered a civil proceeding, and any decision to pursue criminal sanctions shall  
4492 remain the obligation of the prosecuting attorney, as set out in K.C.C. 23.02.030.

4493 SECTION 142. Ordinance 13263, Section 9, as amended, and K.C.C. 23.02.080  
4494 are each hereby amended to read as follows:

4495 A. Service of a citation, notice of compliance, notice and order or penalty waiver  
4496 decision shall be made on a person responsible for code compliance by one or more of  
4497 the following methods:

4498 1. Personal service of a citation, notice of noncompliance, notice and order or  
4499 penalty waiver decision may be made on the person identified by the department as being  
4500 responsible for code compliance, or by leaving a copy of the citation or notice and order  
4501 at that person's house of usual abode with a person of suitable age and discretion who  
4502 resides there.

4503 2. Service directed to either the landowner or occupant of the property, or both,  
4504 may be made by posting the citation, notice of noncompliance, notice and order or  
4505 penalty waiver decision in a conspicuous place on the property where the violation  
4506 occurred and concurrently mailing notice as provided for below, if a mailing address is  
4507 available.

4508           3. Service by mail may be made for a citation, notice of noncompliance, notice  
4509 and order or penalty waiver decision by mailing two copies, postage prepaid, one by  
4510 ordinary first class mail and the other by certified mail, to the person responsible for code  
4511 compliance at the person's last known address, at the address of the violation or at the  
4512 address of the person's place of business. The taxpayer's address, as shown on the tax  
4513 records of the county shall be deemed to be the proper address for the purpose of mailing  
4514 such notice to the landowner of the property where the violation occurred. ~~((Service by  
4515 mail shall be presumed effective upon the third business day following the day upon  
4516 which the citation, notice of noncompliance, notice and order or penalty waiver decision  
4517 was placed in the mail.))~~

4518           B. For notice and orders only, when the address of the person responsible for  
4519 code compliance cannot reasonably be determined, service may be made by publication  
4520 once in a local newspaper with general circulation.

4521           C. Service of a stop work order on a person responsible for code compliance may  
4522 be made by posting the stop work order in a conspicuous place on the property where the  
4523 violation occurred or by serving the stop work order in any other manner permitted by  
4524 this section.

4525           D. The failure of the director to make or attempt service on any person named in  
4526 the citation, notice of noncompliance notice and order, stop work order or penalty waiver  
4527 decision shall not invalidate any proceedings as to any other person duly served.

4528           SECTION 143. Ordinance 13263, Section 10, as amended, and K.C.C. 23.02.090  
4529 are each hereby amended to read as follows:

4530 A. Whenever the applicable department determines that a code violation has  
4531 occurred or is occurring, the department shall make reasonable efforts to secure voluntary  
4532 compliance from the person responsible for code compliance. Upon contacting the  
4533 person responsible for code compliance, the department may enter into a voluntary  
4534 compliance agreement as provided for in this section.

4535 B. A voluntary compliance agreement may be entered into at any time after  
4536 issuance of a verbal or written warning, a citation, a notice and order or a stop work order  
4537 and before an appeal is decided pursuant to K.C.C. chapter ~~((20.24))~~ 20.xx (the new  
4538 chapter created under section 2 of this ordinance)

4539 C. The voluntary compliance agreement is a commitment by the person  
4540 responsible for code compliance under which the person agrees to do any combination of  
4541 abating the violation, remediating the site or mitigating the impacts of the violation. The  
4542 voluntary compliance agreement shall include the following:

- 4543 1. The name and address of the person responsible for code compliance;
- 4544 2. The address or other identification of the location of the violation;
- 4545 3. A description of the violation and a reference to the provision or provisions of  
4546 the ordinance, resolution or regulation that has been violated;

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4547 4. A description of the necessary corrective action to be taken and identification  
4548 of the date or time by which compliance must be completed. For the purpose of this  
4549 subsection C.4., the department may either require that compliance be achieved by a  
4550 specific date or that compliance be achieved by a date to be determined based on the  
4551 occurrence of some future event;

4552 5. The amount of the civil penalty that will be imposed pursuant to K.C.C. 20.24.090  
4553 chapter 23.32 if the voluntary compliance agreement is not satisfied;

4554 6. An acknowledgment that the voluntary compliance agreement will be  
4555 recorded against the property in the records and licensing services division, the recording  
4556 to be accomplished as provided for in notice and order cases;

4557 7. An acknowledgment that if the department determines that the terms of the  
4558 voluntary compliance agreement are not met, the department may issue a notice of  
4559 noncompliance, and if the notice of noncompliance is not successfully appealed pursuant  
4560 to K.C.C. 20.24.090, as recodified by this ordinance, that the county may, without issuing  
4561 a citation, notice and order or stop work order, impose any remedy authorized by this  
4562 title, which includes the assessment of the civil penalties identified in the voluntary  
4563 compliance agreement, abatement of the violation, assessment of the costs incurred by  
4564 the county to pursue code compliance and to abate the violation, including legal and  
4565 incidental expenses, and the suspension, revocation or limitation of a development  
4566 permit;

4567 8. An acknowledgment that if any assessed penalty, fee, or cost is not paid, a  
4568 director may charge the unpaid amount as a lien against the property where the civil code  
4569 violation occurred if owned by the person responsible for code compliance, and that the  
4570 unpaid amount may be a joint and several personal obligation of all persons responsible  
4571 for code compliance;

4572 9. An acknowledgment that by entering into the voluntary compliance  
4573 agreement the person responsible for code compliance thereby admits that the conditions  
4574 described in the voluntary compliance agreement existed and constituted a civil violation;

4575 and that the person responsible waives the right to administratively appeal the existence  
4576 of the conditions and the fact that they constituted a civil code violation, and that if a  
4577 notice of noncompliance is issued and not successfully appealed, the person is subject to  
4578 and liable for any remedy authorized by this title, which includes the assessment of the  
4579 civil penalties identified in the voluntary compliance agreement, abatement of the  
4580 violation, assessment of the costs incurred by the county to pursue code compliance and  
4581 to abate the violation, including legal and incidental expenses, and the suspension,  
4582 revocation or limitation of a development permit; and

4583 10. An acknowledgment that the person responsible for code compliance  
4584 understands that he or she knowingly, voluntarily and intelligently waives the right to  
4585 administratively appeal a citation, notice and order or stop work order for any violation  
4586 identified in the voluntary compliance agreement.

4587 D. Upon entering into a voluntary compliance agreement, a person responsible  
4588 for code compliance admits that the conditions described in the voluntary compliance  
4589 agreement existed and constituted a civil code violation; and agrees that if the department  
4590 issues a notice of noncompliance, and if the notice of noncompliance is not successfully  
4591 challenged through administrative appeal, he or she is liable for the civil penalty available

4592 under K.C.C. chapter 23.32. The person identified in the voluntary compliance  
4593 agreement is liable for the costs incurred by the county to pursue code compliance and to  
4594 abate the violation, including legal and incidental expenses as provided for in K.C.C.  
4595 chapter 23.24 and is subject to all other remedies provided for in this title.

4596 E. An extension of the time limit for compliance or a modification of the required  
4597 corrective action may be granted by the department if the person responsible for code

4598 compliance has shown due diligence or substantial progress in correcting the violation,  
4599 but circumstances render full and timely compliance under the original conditions  
4600 unattainable.

4601 F. The voluntary compliance agreement is not a settlement agreement.

4602 SECTION 144. Ordinance 13263, Section 11, as amended, and K.C.C. 23.02.100  
4603 are each hereby amended to read as follows:

4604 If the department determines that terms of the voluntary compliance agreement  
4605 are not completely met, the director may issue a notice of noncompliance. A notice of  
4606 noncompliance shall include a description of all incomplete or untimely corrective or  
4607 abatement action required under the voluntary compliance agreement. The notice of  
4608 noncompliance shall also include the civil penalty to be imposed based upon the failure to  
4609 comply with the voluntary compliance agreement. The person or persons responsible for  
4610 code compliance may appeal the facts and conclusions described in the notice of  
4611 noncompliance as provided by K.C.C. 20.24.090, as recodified by this ordinance. If the  
4612 director issues a notice of noncompliance, and the notice of noncompliance is not  
4613 successfully challenged through administrative appeal, the department may abate the  
4614 violation in accordance with this title, and the person responsible for code compliance  
4615 may, without being issued a citation, notice and order or stop work order, be assessed a  
4616 civil fine or penalty, in accordance with the penalty provisions of the voluntary  
4617 compliance agreement, plus all costs incurred by the county to pursue code compliance  
4618 and to abate the violation, including legal and incidental expenses as provided for in this  
4619 title, and may be subject to other remedies authorized by this title. Penalties imposed

4620 when a voluntary compliance agreement is not met accrue from the date that notice of  
4621 noncompliance was issued.

4622 SECTION 145. Ordinance 12024, Section 7, and K.C.C. 23.10.070 are each  
4623 hereby amended to read as follows:

4624 A. The owner of the land on which the vehicle is located may appear in person at  
4625 the hearing or present a written sworn statement in time for consideration at the hearing.

4626 The owner may deny responsibility for the presence of the vehicle on the land stating the  
4627 reason for such denial. If it is determined by the hearing officer that the vehicle was

4628 placed on the land without consent of the land owner and that the land owner has not  
4629 subsequently acquiesced in its presence, then costs of administration or removal of the

4630 vehicle shall not be assessed against the property upon which the vehicle is located nor  
4631 otherwise be collected from the land owner.

4632 B. Nothing in this chapter shall relieve the landowner of any civil penalties which  
4633 may accrue from any zoning code violation related to the improper placement, parking or

4634 storage of vehicles or parts thereof to which the landowner has consented or acquiesced.

4635 C. In addition to determination of responsibility as provided for in paragraph A,  
4636 the hearing examiner shall receive and examine evidence on other relevant matters,

4637 including whether a public nuisance as defined in this chapter exists. The decision of the  
4638 hearing examiner shall be final. Any further ((approval)) appeal shall be as prescribed in  
4639 K.C.C. 20.24.240(B), as recodified by this ordinance.

4640 SECTION 146. Ordinance 13263, Section 16, as amended, and K.C.C. 23.20.020  
4641 are each hereby amended to read as follows:



4642 A. A citation represents a determination that a civil code violation has been  
4643 committed and that the person cited is a person responsible for code compliance. The  
4644 determination is final unless contested as provided in this title.

4645 B. Subject to K.C.C. 23.02.130, a citation subjects the person responsible for  
4646 code compliance to the civil fine prescribed by K.C.C. chapter 23.32.

4647 C. Subject to K.C.C. 23.02.140, a citation may subject the person responsible for  
4648 code compliance to an illegal dumping cleanup restitution payment.

4649 D. The person issued a citation shall respond to the citation as provided in K.C.C.  
4650 23.20.060 and 23.20.070 within ~~((fourteen))~~ seventeen days of the date of service of the  
4651 citation.

4652 E. Failure to respond to the citation within ~~((fourteen))~~ seventeen days shall  
4653 render the citation a final determination that the conditions described in the citation  
4654 existed and constituted a civil code violation and that the person cited is liable as a person  
4655 responsible for code compliance.

4656 F. Imposition of a civil fine creates a joint and several personal obligation in all  
4657 persons responsible for code compliance who are served with the citation. The  
4658 prosecuting attorney on behalf of King County may collect the civil fines assessed by any  
4659 appropriate legal means.

4660 G. Issuance of a citation in no way limits a director's authority to issue a notice  
4661 and order or stop work order to the same person responsible for code compliance  
4662 pursuant to this title. Payment of the civil fine assessed under the citation does not  
4663 relieve a person responsible for code compliance of his or her duty to correct the

4664 violation or to pay any and all civil penalties accruing under a notice and order or stop  
4665 work order issued pursuant to this title.

4666 SECTION 147. Ordinance 13263, Section 17, as amended, and K.C.C. 23.20:030  
4667 are each hereby amended to read as follows:

4668 A citation shall contain the following:

4669 A. A reasonable description of the location of the property on which the violation  
4670 occurred;

4671 B. The name and address of the person responsible for code compliance;

4672 C. A brief description of the violation or violations found;

4673 D. A statement of the specific ordinance, resolution, regulation, public rule,  
4674 permit condition, notice and order provision, or stop work order provision that was  
4675 violated;

4676 E. The date that the citation was served;

4677 F. A statement that the citation represents a determination that a civil code  
4678 violation has occurred and that the person cited is subject to civil fines;

4679 G. A statement of the amount of the civil fine assessed;

4680 H. A statement of the options provided in this title for responding to the citation  
4681 and the procedures necessary to exercise these options;

4682 I. A statement that, at any hearing to contest the determination that a civil code  
4683 violation has occurred, the county has the burden of proving, by a preponderance of the  
4684 evidence, that the violation was committed;

4685 J. A statement that, at any hearing requested for the purpose of explaining  
4686 mitigating circumstances surrounding the commission of the violation, the person cited  
4687 will be deemed to have committed the violation;

4688 K. A statement that the person cited must respond to the citation as provided in  
4689 this chapter within ((fourteen)) seventeen days;

4690 L. A statement that failure to respond to the citation or to appear at a requested  
4691 hearing renders the citation a final determination that the conditions described in the  
4692 citation existed and constituted a civil code violation and that the person cited is liable as  
4693 a person responsible for code compliance;

4694 M. A statement advising that a failure to respond to the citation or appear at a  
4695 requested hearing may be referred to the prosecuting attorney for prosecution; and

4696 N. A statement, made under penalty of perjury as provided in RCW 9A.72.085,  
4697 setting forth facts supporting issuance of the citation.

4698 SECTION 148. Ordinance 16278, Section 16, and K.C.C. 23.20.060 are each  
4699 hereby amended to read as follows:

4700 A. A person issued a citation must respond within ((fourteen)) seventeen days  
4701 after service of the citation in one of the following ways:

4702 1. If the person issued the citation does not contest the determination, the person  
4703 shall pay the amount of the civil penalty plus cleanup restitution payment, if applicable,  
4704 specified in the citation. The record shall show a finding that the person cited is the  
4705 person responsible for code compliance.

4706 2. If the person issued the citation does not contest the determination, but wishes  
4707 to explain the circumstances surrounding the commission of the violation, the person

4708 shall request in writing a mitigation hearing and provide a mailing address to which  
4709 notice of the hearing may be sent; or

4710 3. If the person issued the citation wishes to contest the determination that a  
4711 violation occurred or that the person issued the citation is responsible for the violation,  
4712 the person shall request in writing a contested hearing and provide a mailing address to  
4713 which notice of the hearing may be sent.

4714 B. The person issued the citation shall respond to the citation by mail to the  
4715 address provided on the citation. The response shall be postmarked not later than  
4716 ~~((fourteen))~~ seventeen days after the date the citation was served.

4717 C. If a person fails to respond to a citation within ~~((fourteen))~~ seventeen days, the  
4718 person shall be deemed to have committed the violation stated in the citation. The  
4719 department may assess the penalty and restitution payment specified in the citation.

4720 SECTION 149. Ordinance 16278, Section 18, and K.C.C. 23.20.080 are each  
4721 hereby amended to read as follows:

4722 A. If a person requests a hearing in response to a citation to contest the finding  
4723 that a violation occurred or to contest that the person issued the citation is responsible for  
4724 the violation, the department shall notify the hearing examiner that a contested hearing

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4725 has been requested. The office of the hearing examiner shall:

4726 1. Schedule a hearing to be held within sixty days after the department provides  
4727 notice of the request; and

4728 2. At least twenty days before the date of the hearing, provide notice of the time,  
4729 place and date of the hearing by first class mail to the address provided in the request for  
4730 hearing.

4731 B. Except as otherwise provided in this section, contested hearings shall be  
4732 conducted pursuant to K.C.C. ((20.24.170)) chapter 20.xx (the new chapter created under  
4733 section 2 of this ordinance) and the rules of procedure of the ((King County)) hearing  
4734 examiner. The hearing examiner may issue subpoenas for witnesses and order limited  
4735 discovery. The requirements ((of K.C.C. 20.24.145)) relating to ((pre-hearing))  
4736 prehearing conferences do not apply to the contested hearing.

4737 C. If the rights of the alleged violator to receive notice that meets due process  
4738 requirements are not prejudiced:

4739 1. A citation shall not be deemed insufficient by reason of formal defects or  
4740 imperfections, including a failure to contain a detailed statement of the facts constituting  
4741 the specific violation which the person cited is alleged to have committed; and

4742 2. A citation may be amended prior to the conclusion of the hearing so as to  
4743 conform to the evidence presented.

4744 D. The burden of proof is on the county to establish by a preponderance of the  
4745 evidence that the violation was committed. The hearing examiner shall consider the  
4746 citation and any other written report made as provided in RCW 9A.72.085, submitted by  
4747 the person who issued the citation or whose written statement was the basis for the  
4748 issuance of the citation in lieu of that person's personal appearance at the hearing as  
4749 prima facie evidence that a violation occurred and that the person cited is responsible.  
4750 The statement and any other evidence accompanying the report shall be admissible  
4751 without further evidentiary foundation. Any additional certification or declarations  
4752 authorized under RCW 9A.72.085 shall also be admissible without further evidentiary

4753 foundation. The person cited may rebut the evidence and establish that the violation did  
4754 not occur or that the person contesting the citation is not responsible for the violation.

4755 E. If the citation is sustained at the hearing, the hearing examiner shall enter an  
4756 order finding that the person cited committed the violation. If an ongoing violation  
4757 remains uncorrected, the hearing examiner shall impose the applicable penalty. The  
4758 hearing examiner may reduce the penalty as provided in K.C.C. 23.20.070 if the violation  
4759 has been corrected. If the hearing examiner finds by a preponderance of the evidence that  
4760 the violation did not occur, an order shall be entered dismissing the citation.

4761 F. The hearing examiner's decision ~~((is a final agency action))~~ shall be final and  
4762 conclusive unless an appeal is timely filed with the appropriate court or tribunal.

4763 G. A cited person's failure to appear for a scheduled hearing shall result in an  
4764 order being entered that the person cited is the person responsible for code compliance  
4765 and assessing the applicable civil penalty and if applicable, cleanup restitution payment.

4766 SECTION 150. Ordinance 13263, Section 21, as amended, and K.C.C. 23.24.020  
4767 are each hereby amended to read as follows:

4768 A. Subject to the appeal provisions of K.C.C. chapter 23.36, a notice and order  
4769 represents a determination that a civil code violation has been committed, that the person

4770 cited is a person responsible for code compliance, and that the violations set out in the  
4771 notice and order require the assessment of penalties and costs and other remedies  
4772 including cleanup restitution payment, if applicable, specified in the notice and order.

4773 B. Failure to correct the civil code violation in the manner prescribed by the  
4774 notice and order subjects the person to whom the notice and order is directed to the use of  
4775 any of the compliance remedies provided by this title, including:

- 4776 1. Additional civil penalties and costs;
- 4777 2. A requirement that abatement, remediation or mitigation be performed;
- 4778 3. An agreement to perform community service as prescribed by this chapter;
- 4779 4. Permit suspension, revocation, modification or denial as prescribed by this
- 4780 chapter; or
- 4781 5. Abatement by a director and recovery of the costs of abatement according to
- 4782 the procedures described in this chapter.

4783 C. Any person identified in the notice and order as responsible for code

4784 compliance may appeal the notice and order ((within fourteen days)) according to the

4785 procedures in K.C.C. chapter 23.36.

4786 D. Failure to appeal the notice and order within the applicable time limits shall

4787 render the notice and order a final determination that the conditions described in the

4788 notice and order existed and constituted a civil code violation, and that the named party is

4789 liable as a person responsible for code compliance.

4790 E. Issuance of a notice and order in no way limits a director's authority to issue a

4791 citation or stop work order to a person previously cited through the notice and order

4792 process pursuant to this title. Payment of the civil penalties assessed under the notice and

4793 order does not relieve a person found to be responsible for code compliance of his or her

4794 duty to correct the violation and/or to pay any and all civil fines or penalties accruing

4795 under citations or stop work orders issued pursuant to this title.

4796 SECTION 151. Ordinance 13263, Section 22, as amended and K.C.C. 23.24.030

4797 are each hereby amended to read as follows:

4798 The notice and order shall contain the following information:

- 4799 A. The address, when available, or location of the civil code violation;
- 4800 B. A legal description of the real property or the King County tax parcel number  
4801 where the violation occurred or is located, or a description identifying the property by  
4802 commonly used locators;
- 4803 C. A statement that the director has found the named person to have committed a  
4804 civil code violation and a brief description of the violation or violations found;
- 4805 D. A statement of the specific provisions of the ordinance, resolution, regulation,  
4806 public rule, permit condition, notice and order provision or stop work order that was or is  
4807 being violated;
- 4808 E. The dollar amount of the civil penalty per separate violation;
- 4809 F. A statement advising that any costs of enforcement that exceed the amount of  
4810 the penalty may also be assessed against the person to whom the notice and order is  
4811 directed;
- 4812 G. A statement advising that the notice and order will be recorded against the  
4813 property in the records and licensing services division subsequent to service;
- 4814 H. A statement of the corrective or abatement action required to be taken and that  
4815 all required permits to perform the corrective action must be obtained from the proper  
4816 issuing agency;
- 4817 I. A statement advising that, if any required work is not commenced or completed  
4818 within the time specified by the notice and order, a director may proceed to abate the  
4819 violation and cause the work to be done and charge the costs thereof as a lien against the  
4820 property and as a joint and several personal obligation of any persons responsible for  
4821 code compliance;



4822 J. A statement advising that, if any assessed penalty, fee or cost is not paid on or  
4823 before the due date, a director may charge the unpaid amount as a lien against the  
4824 property where the civil code violation occurred if owned by a person responsible for  
4825 code compliance and as a joint and several personal obligation of all persons responsible  
4826 for code compliance;

4827 K. A statement advising that any person named in the notice and order or having  
4828 any record or equitable title in the property against which the notice and order is recorded  
4829 may appeal from the notice and order to the hearing examiner within ~~((fourteen))~~ twenty  
4830 four days of the date of service of the notice and order;

4831 L. A statement advising that a failure to correct the violations cited in the notice  
4832 and order could lead to the denial of subsequent King County permit applications on the  
4833 subject property;

4834 M. A statement advising that a failure to appeal the notice and order within the  
4835 applicable time limits renders the notice and order a final determination that the  
4836 conditions described in the notice and order existed and constituted a civil code violation,  
4837 and that the named party is liable as a person responsible for code compliance; and

4838 N. A statement advising the person responsible for code compliance of his or her  
4839 duty to notify the director of any actions taken to achieve compliance with the notice and  
4840 order.

4841 SECTION 152. Ordinance 13263, Section 29, as amended, and K.C.C. 23.24.100  
4842 are each hereby amended to read as follows:

4843 A. A director may suspend, revoke or limit any permit issued by that director  
4844 whenever:

4845 1. The permit holder has committed a code violation in the course of performing  
4846 activities subject to that permit;

4847 2. The permit holder has interfered with a director in the performance of his or  
4848 her duties relating to that permit;

4849 3. The permit was issued in error or on the basis of materially incorrect  
4850 information supplied to the county;

4851 4. Permit fees or costs were paid to the county by check and returned from a  
4852 financial institution marked nonsufficient funds (NSF) or canceled;

4853 5. For a permit or approval that is subject to critical areas review, the applicant  
4854 has failed to disclose a change of circumstances on the development proposal site which  
4855 materially affects an applicant's ability to meet the permit or approval conditions or  
4856 which makes inaccurate the critical areas study that was the basis for establishing permit  
4857 or approval conditions; or

4858 6. For a permit or approval for which fees that have been billed are sixty days or  
4859 more past due. If the applicant has filed a timely written notice for a fee waiver under  
4860 K.C.C. 27.02.040; the permit shall not be suspended, revoked or otherwise limited under  
4861 this subsection A.6 until at least ~~((fourteen))~~ seventeen days after the fee waiver decision  
4862 has been issued.

4863 B. A suspension, revocation or modification authorized by subsection A<sub>2</sub> of this  
4864 section shall be carried out through the notice and order provisions of this chapter and  
4865 shall be effective upon the compliance date established by the notice and order. The  
4866 revocation, suspension or cancellation may be appealed to the hearing examiner using the  
4867 appeal provisions of this title.

4868 C. Notwithstanding any other provision of this title, a director may immediately  
4869 suspend operations under any permit by issuing a stop work order pursuant to K.C.C.  
4870 chapter 23.28.

4871 SECTION 153. Ordinance 13263, Section 41, as amended, and K.C.C. 23.32.050  
4872 are each hereby amended to read as follows:

4873 A. The invoice for newly assessed civil penalties imposed under this title shall  
4874 include a statement advising the person responsible for code compliance that there is a  
4875 right, within twenty-~~((one))~~four days from service of the invoice, to request a waiver  
4876 from the director of some or all of the penalties.

4877 B. Civil penalties, in whole or in part, may be waived or reimbursed to the payer  
4878 by the director, with the concurrence of the director of the department of executive  
4879 services, under the following circumstances:

- 4880 1. The citation, notice and order, notice of noncompliance or stop work order  
4881 was issued in error;
- 4882 2. The civil penalties were assessed in error; or
- 4883 3: Notice failed to reach the property owner due to unusual circumstances.

4884 C. Civil penalties, in whole or in part, may be waived by the director, with the  
4885 concurrence of the director of the department of executive services or its successor  
4886 agency, under the following circumstances:

- 4887 1. The code violations have been cured under a voluntary compliance  
4888 agreement;

4889           2. The code violations which formed the basis for the civil penalties have been  
4890 cured, and the director finds that compelling reasons justify waiver of all or part of the  
4891 outstanding civil penalties; or

4892           3. Other information warranting waiver has been presented to the director since  
4893 the citation, notice and order, notice of noncompliance, stop work order or newly  
4894 assessed penalty invoice was issued.

4895           D. In cases where additional penalties may be assessed and liens issued, or where  
4896 compliance or other factors may provide a later ground for waiver, the director may  
4897 postpone consideration of the waiver request. New penalties may be assessed as  
4898 warranted, but interest shall not accrue on, and collection shall not be pursued for,  
4899 penalties subject to a pending waiver request.

4900           E. When the director reaches a final determination on a waiver request, the  
4901 department shall provide a written decision to the person filing the waiver request, either  
4902 in person or by mail. The written decision shall inform the person of the right to appeal  
4903 the waiver decision and shall provide notice of the appeal deadlines and requirements  
4904 established in this chapter.

4905           F. The director shall document the circumstances under which a decision was  
4906 made to waive penalties and such a statement shall become part of the public record  
4907 unless privileged.

4908           SECTION 154. Ordinance 17191, Section 55, as amended, and K.C.C. 23.32.100  
4909 are each hereby amended to read as follows:

4910           A. A person who filed a penalty waiver request under K.C.C. 23.32.050 may  
4911 appeal the director's decision denying all or a portion of the request waiver.

4912 B. In order to be effective, a written notice and statement of appeal must be  
4913 received by the department within (~~fourteen~~) seventeen days from service of the  
4914 director's penalty waiver decision. The statement of appeal must include:

- 4915 1. The identity of the person filing the appeal;
- 4916 2. The address of the property where the violations were determined to exist;
- 4917 3. A description of the actions taken to achieve compliance and, if applicable,  
4918 the date of compliance; and
- 4919 4. Any other reasons why the person believes the penalties are erroneous or  
4920 excessive under the circumstances.

4921 C. Failure to effectively appeal the director's penalty waiver decision within the  
4922 applicable time limits renders the decision final.

4923 SECTION 155. Ordinance 17191, Section 56, as amended, and K.C.C. 23.32.110,  
4924 are each hereby amended to read as follows:

4925 The burden is on the appellant to demonstrate by a preponderance of the evidence  
4926 that civil penalties were assessed after achieving compliance or that the penalties are  
4927 otherwise erroneous or excessive under the circumstances. If the hearing examiner grants  
4928 the appeal, in whole or in part, the examiner shall modify the assessment of civil  
4929 penalties accordingly. If the hearing examiner denies the appeal in full (~~whole or in~~  
4930 ~~part~~), the assessed civil penalties shall be reinstated in full. The hearing examiner's  
4931 decision is final.

4932 SECTION 156. Ordinance 17191, Section 57, as amended, and K.C.C. 23.32.120,  
4933 are each hereby amended to read as follows:

4934 A: In an appeal of the assessment of civil penalties, the appellant may not  
4935 challenge findings, requirements or other items~~((s))~~ that could have been challenged  
4936 during the appeal period for a citation, notice and order, notice of noncompliance, stop  
4937 work order or earlier penalty.

4938 B: The appeal of the assessment of civil penalties to the hearing examiner shall  
4939 be governed by K.C.C. chapters ~~((20.24))~~ 20.xx (the new chapter created under section 2  
4940 of this ordinance) and 23.36, except that where specific provisions in this chapter conflict  
4941 with K.C.C. chapter ~~((20.24))~~ 20.xx (the new chapter created under section 2 of this  
4942 ordinance) or 23.36, ~~((the provisions of))~~ this chapter shall govern.

4943 C. Upon the timely receipt of a statement of appeal, the assessment of civil  
4944 penalties shall be tolled pending the hearing examiner's decision. New penalties may be  
4945 assessed and liens issued as warranted, but interest shall not accrue on, and collection  
4946 shall not be pursued for, penalties subject to a pending appeal. Should the hearing  
4947 examiner deny or dismiss the appeal, the civil penalties shall be applied retroactively  
4948 from the date that compliance was required in the notice and order, stop work order,  
4949 voluntary compliance agreement or the compliance dates set in the hearing examiner's  
4950 decision on an appeal of a notice and order.

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4951 SECTION 157. Ordinance 13263, Section 43, as amended, and K.C.C. 23:36.010,  
4952 are each hereby amended to read as follows:

4953 A.~~((1.))~~ Any person named in a notice and order or stop work order and any  
4954 owner of the land where the violation occurred for which a notice and order or stop work  
4955 order is issued may ~~((file with the issuing department a notice of))~~ appeal ~~((of))~~ the notice  
4956 and order or stop work order in accordance with K.C.C. 20.24.090, as recodified by this

4957 ordinance. ~~((The notice of appeal shall be filed within fourteen days of the service of the~~  
4958 ~~notice and order or stop work order.))~~

4959 ~~((2.))~~ B. Any complainant who has alleged a violation of K.C.C. chapter 9.12,  
4960 16.82 or 21A.24, who is an aggrieved person under K.C.C. Title 20 and who requests to  
4961 be kept advised in accordance with K.C.C. 23.02.070.H. may ~~(file with the issuing~~  
4962 ~~department a notice of)~~ appeal ~~((of))~~ a citation, notice and order, stop work order or a  
4963 determination not to issue a citation or order in accordance with K.C.C. 20.24.090, as  
4964 recodified by this ordinance. ~~((The notice of appeal shall be filed within fourteen days of~~  
4965 ~~the service of the citation, notice and order, stop work order or notice of decision not to~~  
4966 ~~issue a citation or order.~~

4967 B. ~~If a notice of appeal has been filed within the time period provided in this~~  
4968 ~~section, the appellant shall file a statement of appeal with the issuing department within~~  
4969 ~~twenty one days of the service of the citation, notice and order, stop work order or notice~~  
4970 ~~of decision not to issue a citation or order.))~~

4971 C. Any person issued a citation shall respond to the citation as provided in  
4972 K.C.C. chapter 23.20.

4973 D. A ~~((notice))~~ statement of appeal shall comply with the form, content and  
4974 service requirements of K.C.C. chapters 20.20 and ~~((20.24))~~ 20.xx (the new chapter  
4975 created under section 2 of this ordinance) and adopted public rules.

4976 SECTION 158. Ordinance 13263, Section 44, and K.C.C. 23.36.020 are each  
4977 hereby amended to read as follows:

4978 A. The appeal hearing shall be conducted as provided for in K.C.C. chapter  
4979 ~~((20.24))~~ 20.xx (the new chapter created under section 2 of this ordinance) except that

4980 where specific provisions in this title conflict with K.C.C. chapter ((20.24)) 20.xx (the  
4981 new chapter created under section 2 of this ordinance), the provisions of this title shall  
4982 govern.

4983 B. Enforcement of any notice and order of a director issued pursuant to this title  
4984 shall be stayed as to the appealing party during the pendency of any administrative appeal  
4985 under this title, except when a director determines that the violation poses a significant  
4986 threat of immediate and/or irreparable harm and so states in any notice and order issued.

4987 C. Enforcement of any stop work order of a director issued pursuant to this title  
4988 shall not be stayed during the pendency of any administrative appeal under this title.

4989 D. When multiple citations, stop work orders, or notices and orders have been  
4990 issued simultaneously for any set of facts constituting a violation, only one appeal of all  
4991 the enforcement actions shall be allowed.

4992 SECTION 159. Ordinance 16026, Section 11, and K.C.C. 27.50.020 are each  
4993 hereby amended to read as follows:

4994 An applicant disputing a fee estimate must do so in writing filed with the  
4995 department not later than seventeen days after the date that the department mailed the fee  
4996 estimate letter or estimate revision to the applicant. Within fourteen days after the  
4997 applicant files the fee estimate dispute with the department, the department shall mail the  
4998 director's decision on the fee estimate dispute to the applicant. The director's decision  
4999 shall be final unless the applicant then files a written combined notice and statement of  
5000 appeal with the director, together with the required appeal fee, not later than seventeen  
5001 days after the department mailed the director's decision to the applicant. The applicant  
5002 may only appeal an adverse decision, in which the director has denied all or a portion of



5003 the applicant's dispute. The department shall forward a copy of the combined notice and  
5004 statement of appeal to the hearing examiner. The department shall also preserve the  
5005 record((;)) and comply with the appeal provisions in K.C.C. 20.24.090.((D))E, as  
5006 recodified by this ordinance.

5007 SECTION 160. Ordinance 16026, Section 15, and K.C.C. 27.50.060 are each  
5008 hereby amended to read as follows:

5009 A. An applicant appealing any billing on a project managed permit or approval  
5010 must file a written combined notice and statement of appeal with the director, together  
5011 with the required appeal fee not later than twenty-one days after the date the department  
5012 issues the written notice of completion or permit issuance document to the applicant. The  
5013 department shall forward the combined notice and statement of appeal to the hearing  
5014 examiner. The department shall also preserve the record((;)) and comply with the appeal  
5015 provisions outlined in K.C.C. 20.24.090.((D))E, as recodified by this ordinance.

5016 B. The director shall respond to the combined notice and statement of appeal  
5017 filed under this section within twenty-one days after the combined notice and statement is  
5018 filed with the department. The director shall determine whether to grant, partially  
5019 grant((;)) or deny the billing appeal. The department shall mail the director's decision to  
5020 the applicant and the examiner. If the director grants the appeal of the billing, the  
5021 examiner shall dismiss the appeal and the department shall refund the applicant's appeal  
5022 fee. If the director partially grants or denies the applicant's billing appeal request, the  
5023 examiner shall conduct an open record hearing((;)) and affirm, modify or reverse the  
5024 decision of the director.

5025 SECTION 161. Ordinance 11034, Section 9, and K.C.C. 28.84.100 are each  
5026 hereby amended to read as follows:

5027 The following ~~((provisions))~~ shall govern appeals from decisions of the director  
5028 related to permits, discharge authorizations, violations and penalties under K.C.C.  
5029 28.84.050 and 28.84.060~~((:))~~:

5030 A. Any person ~~((allegedly))~~ aggrieved by ~~((any such))~~ a decision of the director  
5031 shall, before filing ~~((any))~~ an appeal ~~((with))~~ to the ~~((King County))~~ hearing examiner,  
5032 request that the director reconsider the decision. The request must be made within fifteen  
5033 calendar days of the date of the decision. The request shall state the decision to be  
5034 appealed, the grounds for the appeal and the relief ~~((being))~~ sought. The director shall  
5035 promptly issue a final decision, which shall be appealable only as provided ~~((herein.))~~ in  
5036 K.C.C. 20.24.090, as recodified by this ordinance;

5037 B. ~~((Within fifteen calendar days of the date of issuance of the director's final  
5038 decision, the person allegedly aggrieved may file a written appeal statement with the  
5039 King County hearing examiner. The appeal shall state the decision being appealed and  
5040 the grounds for appeal.~~

5041 ~~((C.))~~ C. The examiner shall hear the appeal, determine whether the decision of the  
5042 director was consistent with K.C.C. 28.84.050 or 28.84.060, as applicable; this chapter  
5043 and rules and regulations promulgated by the director~~((:))~~ and promptly issue a final  
5044 decision ~~((K.C.C. 20.24.080.))~~; and

5045 ~~((D.))~~ C. Appeals of the examiner's final decision shall be to the superior court or  
5046 the state Pollution Control Hearings Board, as provided by law.

5047            SECTION 162. In accordance with K.C.C. 20.12.205, the executive shall submit  
5048 this ordinance to the state Department of Ecology for its approval of the standards in  
5049 sections 34, 35, 113, 114 and 115 of this ordinance, as provided in RCW 90.58.090.

5050            SECTION 163. Sections 34, 35, 113, 114 and 115 of this ordinance take effect  
5051 within the shoreline jurisdiction fourteen days after the Department of Ecology provides  
5052 written notice of final action stating that the proposal is approved."

5053

5054    **EFFECT: This striking amendment makes the following changes:**

- 5055            • Section 16: Provide clarifying language, and an additional category on the appeals  
5056            that do not follow the standard appeal process.
- 5057            • Section 43: Correct a typographical error.
- 5058            • Section 72: Engross Ordinance 18195 regarding the Board of Appeals.
- 5059            • Section 78: Provide clarifying language for the appeals in Title 6, to differentiate  
5060            the appeals of for-hire licenses from other appeals in Title 6.
- 5061            • Section 139: Engross Ordinance 18184 regarding a Regional Motor Sports  
5062            Facility demonstration project, and update citations consistent with this ordinance.