



Legislation Details (With Text)

File #: 2001-0596 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 12/10/2001 **In control:** Growth Management and Unincorporated Areas Committee

On agenda: 3/18/2002 **Final action:** 3/25/2002

Enactment date: 4/3/2002 **Enactment #:** 14309

Title: AN ORDINANCE relating to enforcement of county codes; amending Ordinance 13263, Section 3, and K.C.C. 23.02.010, Ordinance 13263, Section 8, and K.C.C. 23.02.070, Ordinance 13263, Section 10, and K.C.C. 23.02.090, Ordinance 13263, Section 11, and K.C.C. 23.02.100, Ordinance 13263, Section 22, and K.C.C. 23.24.030, Ordinance 13263, Section 37, and K.C.C. 23.32.010, Ordinance 13263, Section 41, and K.C.C. 23.32.050, Ordinance 13263, Section 43, and K.C.C. 23.36.010, Ordinance 10870, Section 406, as amended, and K.C.C. 21A.18.020, Ordinance 10870, Section 415, as amended, and K.C.C. 21A.18.110, Ordinance 12024, Section 13, and K.C.C. 23.10.040, Ordinance 12024, Sections 5 and 6, and K.C.C. 23.10.060, Ordinance 12024, Section 8, and K.C.C. 23.10.090 and Ordinance 12024, Section 11, and K.C.C. 21A.06.1432.

Sponsors: Dwight Pelz

Indexes: Enforcement

Code sections: 21A.06.1432 -, 21A.18.020 -, 21A.18.110 -, 23.02.010 -, 23.02.070 -, 23.02.090 -, 23.02.100 -, 23.10.040 -, 23.10.060 -, 23.10.090 -, 23.24.030 -, 23.32.010 -, 23.32.050 -, 23.36.010 -

Attachments: 1. Ordinance 14309.pdf, 2. 2001-0596 Fiscal Note.doc, 3. 2001-0596 Post Adoption Notice.doc, 4. 2001-0596 re enforcement of county codes.doc, 5. 2001-0596 Regulatory Note Checklist of Criteria - Dated November 16, 2001.doc, 6. 2001-0596 Summary of Proposed Ordinance to Improve Code Enforcement - Dated November 16, 2001.doc, 7. 2001-0596 Transmittal Letter.doc, 8. 2001-0596 vers 2 Staff Report.doc, 9. Notice of hearing, 10. STAFF REPORT 02-05-02

Date	Ver.	Action By	Action	Result
3/25/2002	1	Metropolitan King County Council	Hearing Held	
3/25/2002	2	Metropolitan King County Council	Passed as Amended	Pass
3/18/2002	1	Metropolitan King County Council	Hearing Held	
3/18/2002	1	Metropolitan King County Council	Deferred	
2/5/2002	1	Growth Management and Unincorporated Areas Committee	Passed Out of Committee Without a Recommendation	Pass
1/14/2002	1	Metropolitan King County Council	Reintroduced	
12/10/2001	1	Metropolitan King County Council	Introduced and Referred	

Clerk 03/20/2002

AN ORDINANCE relating to enforcement of county codes; amending Ordinance 13263, Section 3, and K.C.C. 23.02.010, Ordinance 13263, Section 8, and K.C.C. 23.02.070, Ordinance 13263, Section 10, and K.C.C. 23.02.090, Ordinance 13263, Section 11, and K.C.C. 23.02.100, Ordinance 13263, Section 22, and

K.C.C 23.24.030, Ordinance 13263, Section 37, and K.C.C. 23.32.010, Ordinance 13263, Section 41, and K.C.C. 23.32.050, Ordinance 13263, Section 43, and K.C.C. 23.36.010, Ordinance 10870, Section 406, as amended, and K.C.C. 21A.18.020, Ordinance 10870, Section 415, as amended, and K.C.C. 21A.18.110, Ordinance 12024, Section 13, and K.C.C. 23.10.040, Ordinance 12024, Sections 5 and 6, and K.C.C. 23.10.060, Ordinance 12024, Section 8, and K.C.C. 23.10.090 and Ordinance 12024, Section 11, and K.C.C. 21A.06.1432.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 13263, Section 3, and K.C.C. 23.02.010 are each hereby amended to read as follows:

Definitions. The words and phrases designated in this section shall be defined for the purposes of this title as follows:

A. ~~((Abate.))~~ "Abate" means to take whatever steps are deemed necessary by the director to return a property to the condition in which it existed before a civil code violation occurred or to assure that the property complies with applicable code requirements. Abatement may include, but is not limited to, rehabilitation, demolition, removal, replacement or repair.

B. ~~((Civil code violation.))~~ "Civil code violation" means and includes ~~((an act or omission contrary to))~~ one or more of the following:

1. Any act or omission contrary to any ordinance, resolution, regulation or public rule of the county that regulates or protects the public health or the use and development of land or water, whether or not ~~((such))~~ the ordinance, resolution or regulation is codified; and ~~((/or))~~

2. Any act or omission contrary to ~~((F))~~the conditions of any permit, notice and order or stop work order issued pursuant to any such an ordinance, resolution, regulation or public rule.

C. ~~((Director.))~~ "Director" means, depending on the code violated:

1. The director of the department of development and environmental services;
2. The director of the Seattle-King County department of public health (the "local health officer" as that term is used in chapter 70.05 RCW);
3. The director of the department of natural resources;
4. The director of any other county department authorized to enforce civil code compliance;
5. Authorized representatives of a director, including but not limited to, the compliance officers and inspectors whose responsibility includes the detection and reporting of civil code violations; ~~((and/))~~or
6. Such other person as the council ~~((shall))~~ by ordinance authorizes to utilize ~~((the provisions of))~~ this title.

D. ~~((Hearing examiner.))~~ "Hearing examiner" means the King County hearing examiner, as provided in K.C.C. chapter 20.24.

E. ~~((Mitigate.))~~ "Mitigate" means to take measures, subject to county approval, to minimize the harmful effects of the violation where remediation is either impossible or unreasonably burdensome.

F. ~~((Permit.))~~ "Permit" means any form of certificate, approval, registration, license or any other written permission issued by King County. All conditions of approval, and all easements and use limitations shown on the face of an approved final plat map which are intended to serve or protect the general public are deemed conditions applicable to all subsequent plat property owners and their tenants and agents as permit requirements enforceable under this title.

G. ~~((Person.))~~ "Person" means any individual, association, partnership, corporation or legal entity, public or private, and the agents and assigns of ~~((such))~~ the individual, association, partnership, corporation or legal entity.

H. ~~((Person responsible for code compliance.))~~ "Person responsible for code compliance" means either the person who caused the violation, if that can be determined, ~~((and/))~~ or the owner, lessor, tenant or other person entitled to control, use ~~((and/))~~ or occupy, or any combination of control, use or occupy, property where

a civil code violation occurs, or both.

I. (~~Remediate.~~) "Remediate" means to restore a site to a condition that complies with sensitive area or other regulatory requirements as they existed when the violation occurred; or, for sites that have been degraded under prior ownerships, restore to a condition (~~(which)~~) that does not pose a probable threat to the environment or to the public health, safety or welfare.

J. (~~Resolution.~~) "Resolution" (~~(for purposes of this title)~~) means any law enacted by resolution of the board of county commissioners prior to the establishment of the charter, or any health rule adopted by resolution of the board of health.

K. (~~Public rule.~~) "Public rule" means any rule properly promulgated to implement code provisions.

SECTION 2. Ordinance 13263, Section 8, and K.C.C. 23.02.070 are each hereby amended to read as follows:

Procedures when probable violation identified. A. The department shall determine, based on information derived from sources such as field observations, the statements of witnesses, relevant documents and data systems for tracking violations and applicable county codes, whether or not a violation has occurred. As soon as a department has reasonable cause to determine that a violation has occurred, it shall document the violation and promptly notify the owner, occupant (~~(and/)~~) or other person responsible for code compliance.

B. Except as provided in subsection D of this section, a warning shall be issued verbally or in writing promptly when a field inspection reveals a violation, or as soon as the department otherwise determines that a violation has occurred. The warning shall inform the person determined to be responsible for code compliance of the violation and allow the person an opportunity to correct it or enter into a voluntary compliance agreement as provided for by this title. Verbal warnings shall be logged and followed up with a written warning within two weeks, and the site shall be re~~(-)~~inspected within thirty days.

C. The guidelines (~~(set forth)~~) in this section for warnings, notifications and re-inspections are not jurisdictional, and failure to meet them in any particular case shall not affect the county's authority to enforce

county code provisions with regard to that case.

D. No warning need be issued in high-risk cases, emergencies, repeat violation cases, cases that are already subject to a voluntary compliance agreement, cases ~~((where))~~ in which the violation creates a situation or condition that is not likely to be corrected within a short period of time, cases ~~((where))~~ in which a stop work order is necessary, or ~~((when))~~ if the person responsible for code compliance knows or reasonably should have known that the action was a civil code violation.

E. Citations may be issued in moderate- and low-risk cases, ~~((provided that))~~ if the department determines it is probable that violation can likely be fully corrected in a short period of time.

F. Notice and orders should be issued in all high-risk cases in which a voluntary compliance agreement has not been entered into. Notice and orders may be issued in moderate- and low-risk cases where the department determines that the violation is unlikely be fully corrected in a sort period of time.

G. The department shall use all reasonable means to determine and cite the person or persons actually responsible for the violation occurring when the owner has not directly or indirectly caused the violation.

H. If the violation is not corrected or a voluntary compliance agreement is not achieved within a reasonable time period, a citation, notice and order or stop work order should be issued. As a guideline, citations should be issued within sixty days from receipt of a complaint, and notice and orders should be issued within one hundred twenty days from receipt of a complaint. Stop work orders should be issued promptly upon discovery of a violation in progress.

I. Any complainant who provides a mailing address and requests to be kept advised of enforcement efforts should be mailed a copy of all written warnings, voluntary compliance agreements, citations, notice and orders, stop work orders and notices of settlement conferences issued by a department with regard to the alleged violation. Any complainant who is an aggrieved person may appeal a citation, notice and order, stop work order, a determination to enter into a voluntary compliance agreement or a determination not to issue a citation or order pursuant to the provisions of K.C.C. chapter 20.24, provided that the appeal shall be

considered a civil proceeding, and any decision to pursue criminal sanctions shall remain the obligation of the prosecuting attorney, as set out in K.C.C. 23.02.030.

SECTION 3. Ordinance 13263, Section 10, and K.C.C. 23.02.090 are each hereby amended to read as follows:

Voluntary compliance agreement - authority. A. Whenever the applicable department determines that a code violation has occurred or is occurring, the department shall make reasonable efforts to secure voluntary compliance from the person responsible for code compliance. Upon contacting the person responsible for code compliance, the department may enter into a voluntary compliance agreement as provided for in this section.

B. A voluntary compliance agreement may be entered into at any time after issuance of a verbal or written warning, a citation, a notice and order or a stop work order and before an appeal is decided pursuant to K.C.C. chapter 20.24.

C. The voluntary compliance agreement is a commitment by the person responsible for code compliance under which ~~((such))~~ the person agrees to ~~((abate))~~ do any combination of abating the violation, ~~((remediate))~~ remediating the site ~~((and/))~~ or ~~((mitigate))~~ mitigating the impacts of the violation. The voluntary compliance agreement shall include the following:

1. The name and address of the person responsible for code compliance; ~~((and))~~
2. The address or other identification of the location of the violation; ~~((and))~~
3. A description of the violation and a reference to the provision~~((s))~~ or provisions of the ordinance, resolution or regulation ~~((which))~~ that has been violated; ~~((and))~~
4. A description of the necessary corrective action to be taken and identification of the date or time by which compliance must be completed. For the purposes of this subsection C.4, the department may either require that compliance be achieved by a specific date or that compliance be achieved by a date to be determined based on the occurrence of some future event; ~~((and))~~

5. The amount of the civil penalty that will be imposed pursuant to K.C.C. chapter 23.32 if the voluntary compliance agreement is not satisfied; ~~((and))~~
6. An acknowledgment that the voluntary compliance agreement will be recorded against the property in the office of records and elections, ~~((said))~~ the recording to be accomplished as provided for in notice and order cases; ~~((and))~~
7. An acknowledgment that if the department determines that the terms of the voluntary compliance agreement are not met, the county may, without issuing a citation, notice and order or stop work order, impose any remedy authorized by this title, which includes the assessment of the civil penalties identified in the voluntary compliance agreement, abatement of the violation, assessment of the costs incurred by the county to pursue code compliance and to abate the violation, including legal and incidental expenses, and the suspension, revocation or limitation of a development permit; ~~((and))~~
8. An acknowledgment that if any assessed penalty, fee or cost is not paid, a director may charge the unpaid amount as a lien against the property where the civil code violation occurred if owned by the person responsible for code compliance, and that the unpaid amount may be a joint and several personal obligation of all persons responsible for code compliance; ~~((and))~~
9. An acknowledgment that by entering into the voluntary compliance agreement the person responsible for code compliance waives the right to administratively appeal, and thereby admits, that the conditions described in the voluntary compliance agreement existed and constituted a civil code violation; and that if the department determines the terms of the voluntary compliance agreement are not met, the person is subject to and liable for any remedy authorized by this title, which includes the assessment of the civil penalties identified in the voluntary compliance agreement, abatement of the violation, assessment of the costs incurred by the county to pursue code compliance and to abate the violation, including legal and incidental expenses, and the suspension, revocation or limitation of a development permit; and
10. An acknowledgment that the person responsible for code compliance understands that he or she

has the right to be served with a citation, notice and order or stop work order for any violation identified in the voluntary compliance agreement, has the right to administratively appeal any such a citation, notice and order or stop work order, and that he or she is knowingly, voluntarily and intelligently waiving those rights.

D. Upon entering into a voluntary compliance agreement, a person responsible for code compliance waives the right to administratively appeal, and thereby admits, that the conditions described in the voluntary compliance agreement existed and constituted a civil code violation; and agrees that if the department determines the terms of the voluntary compliance agreement are not met, he or she is liable for the civil penalty available under K.C.C. chapter 23.32 and identified in the voluntary compliance agreement, is liable for the costs incurred by the county to pursue code compliance and to abate the violation, including legal and incidental expenses as provided for in K.C.C. chapter 23.24 and is subject to all other remedies provided for in this title.

E. ~~((The voluntary compliance agreement shall incorporate the shortest reasonable time period for compliance as determined by the department.))~~ An extension of the time limit for compliance or a modification of the required corrective action may be granted by the department if the person responsible for code compliance has shown due diligence or substantial progress in correcting the violation, but circumstances render full and timely compliance under the original conditions unattainable.

F. The voluntary compliance agreement is not a settlement agreement.

SECTION 4. Ordinance 13263, Section 11, and K.C.C. 23.02.100 are each hereby amended to read as follows:

Failure to meet terms of voluntary compliance agreement. ~~((A.))~~ If the terms of the voluntary compliance agreement are not completely met, the department may abate the violation in accordance with ~~((the provisions of))~~ this title, and the person responsible for code compliance may, without being issued a citation, notice and order or stop work order, be assessed a civil fine or penalty ~~((commencing on the day after the deadline for compliance))~~, in accordance with the penalty provisions of this title, plus all costs incurred by the

county to pursue code compliance and to abate the violation, including legal and incidental expenses as provided for in this title, and may be subject to other remedies authorized by this title. Penalties imposed when a voluntary compliance agreement is not met accrue from the date that ~~((an appeal of any preceding citation, notice and order or stop work order was required to have been filed or from the date the voluntary compliance agreement was entered into if there was no preceding stop work order, citation or notice and order))~~ the terms of the voluntary compliance agreement were violated.

~~((B. The department may issue a citation, notice and order or stop work order for failure to meet the terms of a voluntary compliance agreement.))~~

SECTION 5. Ordinance 13263, Section 22, and K.C.C. 23.24.030 are each hereby amended to read as follows:

Contents. The notice and order shall contain the following information:

- A. The address, when available, or location of the civil code violation;
- B. A legal description of the real property or the King County tax parcel number where the violation occurred or is located, or a description identifying the property by commonly used locators;
- C. A statement that the director has found the named person to have committed a civil code violation and a brief description of the violation or violations found;
- D. A statement of the specific provisions of the ordinance, resolution, regulation, public rule, permit condition, notice and order provision or stop work order that was or is being violated;
- E. The dollar amount of the civil penalty per separate violation;
- F. A statement advising that any costs of enforcement that exceed the amount of the penalty may also be assessed against the person to whom the notice and order is directed;
- G. A statement advising that the notice and order will be recorded against the property in the King County office of records and elections subsequent to service;
- H. A statement of the corrective or abatement action required to be taken and that all required permits

to perform the corrective action must be obtained from the proper issuing agency;

I. A statement advising that, if any required work is not commenced or completed within the time specified by the notice and order, a director may proceed to abate the violation and cause the work to be done and charge the costs thereof as a lien against the property and as a joint and several personal obligation of any persons responsible for code compliance;

J. A statement advising that, if any assessed penalty, fee or cost is not paid on or before the due date, a director may charge the unpaid amount as a lien against the property where the civil code violation occurred if owned by a person responsible for code compliance and as a joint and several personal obligation of all persons responsible for code compliance;

K. A statement advising that any person named in the notice and order or having any record or equitable title in the property against which the notice and order is recorded may appeal from the notice and order to the hearing examiner within (~~twenty-one~~) fourteen days of the date of service of the notice and order;

L. A statement advising that a failure to correct the violations cited in the notice and order could lead to the denial of subsequent King County permit applications on the subject property;

M. A statement advising that a failure to appeal the notice and order within the applicable time limits renders the notice and order a final determination that the conditions described in the notice and order existed and constituted a civil code violation, and that the named party is liable as a person responsible for code compliance; and

N. A statement advising the person responsible for code compliance of his or her duty to notify the director of any actions taken to achieve compliance with the notice and order.

SECTION 6. Ordinance 13263, Section 37, and K.C.C. 23.32.010 are each hereby amended to read as follows:

Assessment ~~(S)~~schedule. A.1. Civil fines and civil penalties for civil code violations shall be imposed for remedial purposes and shall be assessed for each violation identified in a citation, notice and order,

voluntary compliance agreement or stop work order pursuant to the following schedule:

~~((1-))~~ a. Citations ~~(((\$100))~~

(1) With no previous similar code violations \$100

(2) With one or more previous similar code violations \$500

(3) With two or more previous violations of K.C.C. Title 10 Double the rate of the previous penalty

~~((2-))~~ b. Violation of Notice and Orders and Stop Work Orders

~~((a-))~~ (1) Stop work order ~~((B))~~basic ~~((initial))~~ penalty \$500

~~((b-))~~ (2) Voluntary compliance agreement and notice and order basic penalty \$25

(3) Additional initial penalties may be added in the following amounts for violations where there is:

~~((1))~~ (a) public health risk ~~((+\$100-500 depending on severity))~~ \$15

~~((2))~~ (b) environmental damage risk ~~((+\$100-500 depending on severity))~~ \$15

~~((3))~~ (c) damage to property risk ~~((+\$100-500 depending on severity))~~ \$15

~~((4))~~ (d) ~~((history of similar violations (less than three)))~~
one previous similar code violation ~~((+\$200))~~ \$25

~~((5))~~ (e) ~~((history of similar violations (three or more)))~~
two previous similar code violations ~~((+\$500))~~ \$50

~~((6))~~ (f) three or more previous similar code violations \$75

(g) economic benefit to person responsible for violation ~~((+\$200))~~ \$25

~~((c. The above penalties may be offset by the following credits for efforts to comply.~~

~~1) entering into a voluntary compliance agreement \$100~~

~~2) full compliance with voluntary compliance agreement~~

~~and no history of prior violations \$300~~

~~3) full compliance with voluntary compliance agreement~~

~~and history of less than three prior violations \$200~~

2. For the purposes of this section, previous similar code violations that can serve as a basis for a higher level of civil penalties include violations of the same chapter of the King County code. Any stop work order or notice and order previously issued by the department shall not constitute a previous code violation for the purposes of this section if that stop work order or notice and order was appealed and subsequently reversed.

B. The ~~((total initial))~~ penalties assessed pursuant to this section for any failure to comply with a notice and order~~((s and stop work orders pursuant to this section))~~ or voluntary compliance agreement shall ~~((apply))~~ be assessed daily, according to the schedule in subsection A of this section, for the first thirty days ~~((period))~~ following the ~~((issuance of the order, unless another time period is specified in the voluntary compliance agreement))~~ date the notice and order or voluntary compliance agreement required the code violations to have been cured. ~~((If a voluntary compliance agreement is not entered into within that time period, and no appeal is filed, the penalties for the next fifteen day period shall be one hundred fifty percent of the initial penalties, and the))~~ If after thirty days the person responsible for code compliance has failed to satisfy the notice and order or voluntary compliance agreement, penalties ~~((for the next fifteen day period))~~ shall be assessed daily at a rate of double the ~~((amount of the initial penalties))~~ rate for the first thirty days. Penalties may be assessed daily until the person responsible for code compliance has fully complied with the notice and order.

C. Penalties based on violation of a stop work order shall be assessed, according to the schedule in

subsection A of this section, for each day the department determines that work or activity was done in violation of the stop work order.

D. Citations shall be subject to a one-time penalty only.

~~((D-))~~ E. The director may suspend the imposition of additional civil penalties if the person responsible for code compliance has entered into a voluntary compliance agreement. If the person responsible for code compliance enters into a voluntary compliance agreement and cures the code violations, the director may also waive all or part of the accrued civil penalties in accordance with K.C.C. 23.32.050. Penalties shall begin to accrue again pursuant to the terms of the voluntary compliance agreement if any necessary permits applied for are denied, canceled or not pursued, or if corrective action identified in the voluntary compliance agreement is not completed as specified.

SECTION 7. Ordinance 13263, Section 41, and K.C.C. 23.32.050 are each hereby amended to read as follows:

Waivers. A. Civil fines and civil penalties, in whole or in part, may be waived or reimbursed to the ~~((payor))~~ payer by the director, with the concurrence of the director of the department of finance, under the following circumstances:

1. ~~((t))~~The citation, notice and order or stop work order was issued in error; ~~((of))~~
2. ~~((t))~~The civil fines or civil penalties were assessed in error; or
3. ~~((n))~~Notice failed to reach the property owner due to unusual circumstances ~~((;of)).~~

B. Civil fines and civil penalties, in whole or in part, may be waived by the director, with the concurrence of the director of the department of finance or it's successor agency, under the following circumstances:

1. The code violations have been cured under a voluntary compliance agreement;
2. The code violations which formed the basis for the civil penalties have been cured, and the director finds that compelling reasons justify waiver of all or part of the outstanding civil penalties; or

~~((4. new compelling))~~ 3. Other information warranting waiver has been presented to the director since the citation, notice and order or stop work order was issued.

~~((B.))~~ C. The director shall document the circumstances under which a decision was made to waive penalties and such a statement shall become part of the public record unless privileged.

SECTION 8. Ordinance 13263, Section 43, and K.C.C. 23.36.010 are each hereby amended to read as follows:

Administrative appeal - filing requirements. A. Any person issued a citation or named in a notice and order or stop work order ~~((7))~~ and any owner of the land where the violation for which a citation, notice and order or stop work order is issued occurred and any complainant who is an aggrieved person pursuant to K.C.C. Title 20 and requests to be kept advised pursuant to K.C.C. 23.02.070H may file a notice of appeal of a citation, notice and order, stop work order, determination to enter into a voluntary compliance agreement or a determination not to issue a citation or order within ~~((twenty-one))~~ fourteen days of the service of the citation, notice and order or stop work order ~~((or issuance of a voluntary compliance agreement or determination not to issue a citation or order))~~ with the issuing department.

B. If a notice of appeal has been filed within the time period provided herein, the appellant shall file a statement of appeal within twenty-one days of the service of the citation, notice and order or stop work order with the issuing department.

C. Any person named in a citation may appeal the citation by signing the citation, indicating on the citation that a hearing is requested, and returning the citation to the issuing agency or department within twenty-one days of its service.

~~((C))~~ D. A notice of appeal shall comply with the form, content and service requirements of K.C.C. chapters 20.20 and 20.24 and rules promulgated thereunder.

SECTION 9. Ordinance 10870, Section 406, as amended, and K.C.C. 21A.18.020 are each hereby amended to read as follows:

Authority and application. A. Before an occupancy permit may be granted for any new or enlarged building or for a change of use in any existing building, the use shall be required to meet the ~~((provisions))~~ requirements of this chapter. In addition, K.C.C. 21A.18.110 I. and J. establish residential parking limitations applicable to existing, as well as new, residential uses.

B. If this chapter does not specify a parking requirement for a land use, the director shall establish the minimum requirement based on a study of anticipated parking demand. Transportation demand management actions taken at the site shall be considered in determining anticipated demand. If the site is located in an activity center or community business center, the minimum requirement shall be set at a level less than the anticipated demand, but at no less than ~~((75))~~ seventy-five percent of the anticipated demand. In the study the applicant shall provide sufficient information to demonstrate that the parking demand for a specific land use will be satisfied. Parking studies shall be prepared by a professional engineer with expertise in traffic and parking analyses, or an equally qualified individual as authorized by the director.

C. If the required amount of off-street parking has been proposed to be provided off-site, the applicant shall provide written contracts with affected landowners showing that required off-street parking shall be provided in a manner consistent with ~~((the provisions of))~~ this chapter. The contracts shall be reviewed by the director for compliance with this chapter, and if approved, the contracts shall be recorded with the county records and elections division as a deed restriction on the title to all applicable properties. These deed restrictions may not be revoked or modified without authorization by the director.

D. Upon request from the proponent of any use subject to ~~((the provisions of))~~ this chapter located in a rural town, rural neighborhood center, or any commercial zone located in a rural area or natural resource production district designated by the comprehensive plan, the director may waive or modify ~~((the requirements of))~~ this chapter in order to protect or enhance the historic character of the area, and to reduce the need for pavement or other impervious surfaces. Where a neighborhood or subarea plan with design guidelines that includes the subject property has been adopted, the director shall bas allowable waivers or modifications on the

policies and guidelines in such a plan.

SECTION 10. Ordinance 10870, Section 415, as amended, and K.C.C. 21A.18.110 are each hereby amended to read as follows:

Off-street parking plan design standards. A. Off-street parking areas shall not be located more than six hundred feet from the building they are required to serve for all uses except those specified as follows; where an off-street parking area does not abut the buildings it serves, the required maximum distance shall be measured from the nearest building entrance that the parking area serves:

1. For all single detached dwellings the parking spaces shall be located on the same lot they are required to serve;
2. For all other residential dwellings at least a portion of parking areas shall be located within one hundred fifty feet from the building or buildings they are required to serve;
3. For all non((-))residential uses permitted in residential zones, the parking spaces shall be located on the same lot they are required to serve and at least a portion of parking areas shall be located within one hundred fifty feet from the nearest building entrance they are required to serve;
4. In designated activity, community business and neighborhood business centers, parking lots shall be located to the rear or sides of buildings. Relief from this subsection A.4 may be granted by the director only if the applicant can demonstrate that there is no practical site design to meet this requirement. The director may allow only the number of parking spaces that cannot be accommodated to the rear or sides of buildings to be located to the front of buildings;
5. Parking lots shall be so arranged as to permit the internal circulation of vehicles between parking aisles without re-entering adjoining public streets; and
6. Parking for the disabled shall be provided in accordance with K.C.C. 21A.18.060.

B. The minimum parking space and aisle dimensions for the most common parking angles are shown on the table in this subsection. For parking angles other than those shown on the chart, the minimum parking

space and aisle dimensions shall be determined by the director. Regardless of the parking angle, one-way aisles shall be at least ten feet wide, and two-way aisles shall be at least twenty feet wide. If dead-end aisles are used in the parking layout, they shall be constructed as two-way aisles. Parking plans for angle parking shall use space widths no less than eight feet six inches for a standard parking space design and eight feet for a compact car parking space design.

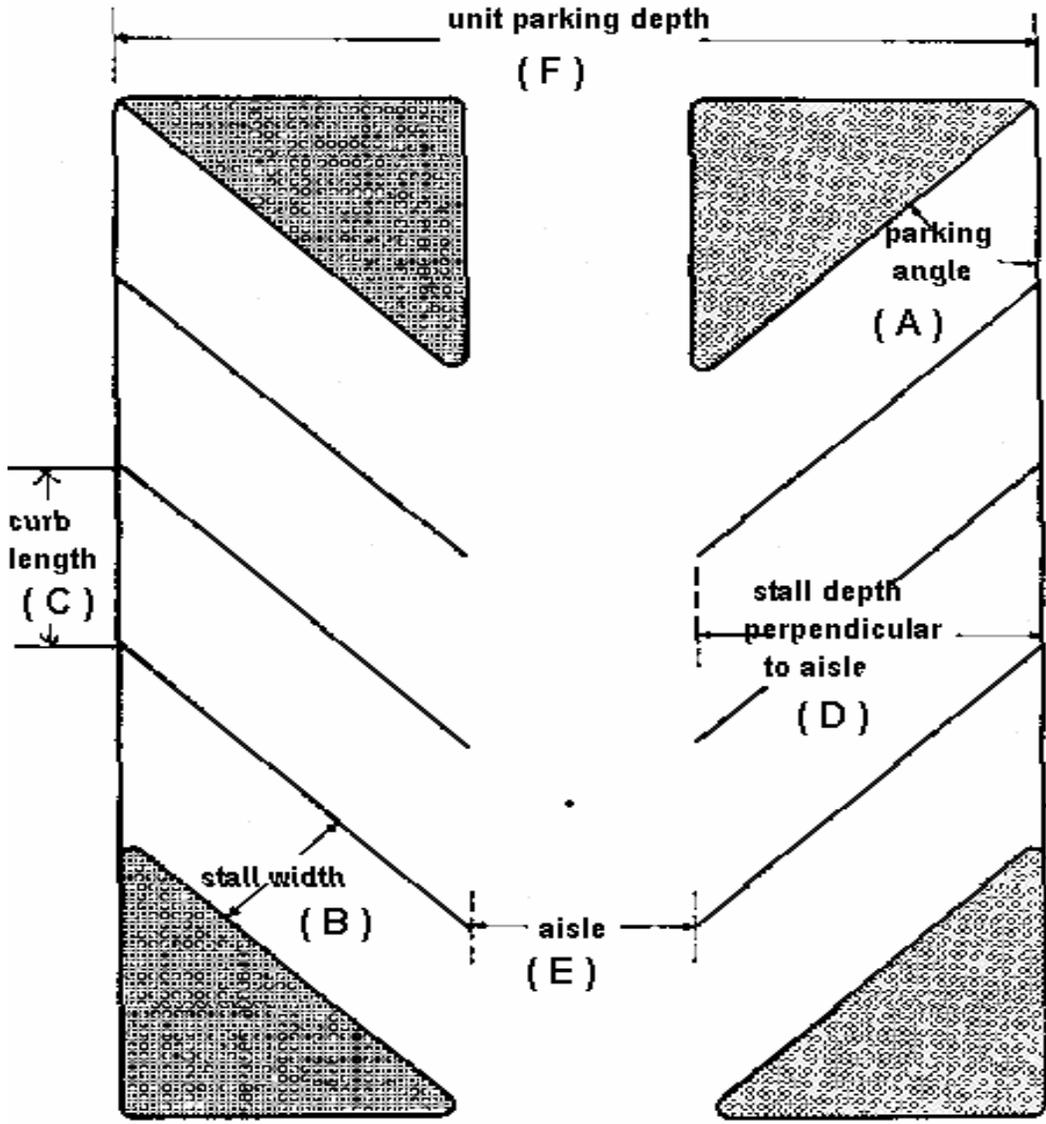
MINIMUM PARKING STALL AND AISLE DIMENSIONS.

A	B	C	D	E	F
PARKING ANGLE	STALL WIDTH	CURB LENGTH	STALL DEPTH	AISLE WIDTH 1-WAY 2-WAY	UNIT DEPTH 1-WAY 2-WAY
0 0	8.0* Min 8.5 Desired 9.0	20.0* 22.5 22.5	8.0 8.5 9.0	12.0 20.0 12.0 20.0 20.0	** ** 29.0 37.0 30.0 38.0
30 30	8.0* Min 8.5 Desired 9.0	16.0* 17.0 18.0	15.0 16.5 17.0	10.0 20.0 10.0 20.0 10.0 20.0	** ** 42.0 53.0 44.0 54.0
45 45	8.0* Min 8.5 Desired 9.0	11.5* 12.0 12.5	17.0*	12.0 20.0 12.0 20.0 12.0 20.0	** ** 50.0 58.0 51.0 59.0
60 60	8.0* Min 8.5 Desired 9.0	9.6* 10.0 10.5	18.0 20.0 21.0	18.0 20.0 18.0 20.0 18.0 20.0	** ** 58.0 60.0 60.0 62.0
90	8.0* Min 8.5 Desired 9.0	8.0* 8.5 9.0	16.0* 18.0 18.0	24.0 24.0 24.0 24.0 23.0 24.0	** ** 60.0 60.0 60.0 60.0

* for compact stalls only

** variable with compact and standard combinations

NOMENCLATURE OF OFF-STREET PARKING AREA



C. Any

parking spaces abutting a required landscaped area on the driver or passenger side of the vehicle shall provide an additional eighteen inches above the minimum space width requirement to provide a place to step other than in the landscaped area. The additional width shall be separated from the adjacent parking space by a parking space division stripe.

D. The parking space depth may be reduced if vehicles overhang a walkway or landscaping under the following conditions:

1. Wheelstops or curbs are installed;
2. The remaining walkway provides a minimum of forty-eight inches of unimpeded passageway for pedestrians;
3. The amount of space depth reduction is limited to a maximum of eighteen inches; and
4. Landscaping is designed in accordance with K.C.C. 21A.16.070((-))E.

E. Driveways providing ingress and egress between off-street parking areas and abutting streets shall be designed, located and constructed in accordance with ~~((the provisions of))~~ K.C.C. chapter 14.42, Road Standards. Driveways for single detached dwellings, no more than twenty feet in width, may cross required

setbacks or landscaped areas to provide access between the off-street parking areas and the street, provided no more than fifteen percent of the required landscaping or setback area is eliminated by the driveway. Joint use driveways may be located within required landscaping or setback areas. Driveways for all other developments may cross or be located within required setbacks or landscaped areas to provide access between the off-street parking areas and the street, if no more than ten percent of the required landscaping is displaced by the driveway and the driveway is located no closer than five feet from any property line except where intersecting the street.

F. Parking spaces required under this title shall be located as follows:

1. For single detached dwelling units the required parking spaces shall be outside of any required setbacks or landscaping, but driveways crossing setbacks and required landscaping may be used for parking. However, if the driveway is a joint use driveway, no vehicle parked on the driveway shall obstruct any joint user's access to the driveway or parking spaces;

2. For all other developments parking spaces may be permitted by the director in setback areas in accordance with an approved landscape plan; and

3. For non((-))residential uses in residential zones, parking is permitted in setback areas in accordance with K.C.C. 21A.12.220.

G. Lighting shall be provided for safety of traffic and pedestrian circulation on the site. It shall be designed to minimize direct illumination of abutting properties and adjacent streets. The director shall have the authority to waive the requirement to provide lighting.

H. Tandem or end-to-end parking is allowed in residential developments. Apartment or townhouse developments may have tandem parking areas for each dwelling unit but shall not combine parking for separate dwelling units in tandem parking areas.

I. All vehicle parking and storage for single detached dwellings must be in a garage, carport or on an approved impervious surface. Any impervious surface used for vehicle parking or storage must have direct and

unobstructed driveway access.

J. The total number of vehicles parked or stored outside of a building on a single family lot in the R-((4))1 through R-8 zones, excluding recreational vehicles and trailers, shall not exceed six vehicles on lots that are twelve thousand five hundred square feet or less and eight vehicles on lots that are greater than twelve thousand five hundred square feet.

K. Vanpool ~~((or))~~ and carpool parking areas shall meet the following minimum design standards:

1. A minimum vertical clearance of seven feet three inches shall be provided to accommodate van vehicles if designated vanpool ~~((or))~~ and carpool parking spaces are located in a parking structure; and

2. A minimum turning radius of twenty-six feet four inches with a minimum turning diameter, curb to curb, of fifty-two feet five inches shall be provided from parking aisles to adjacent ~~((carpool-or))~~ vanpool and carpool parking spaces.

L. Direct access from the street right-of-way to off-street parking areas shall be subject to K.C.C. 21A.28.120.

M. No dead-end alley may provide access to more than eight off-street parking spaces.

N. Any parking stalls located in enclosed buildings must be totally within the enclosed building.

SECTION 11. Ordinance 12024, Section 13, and K.C.C. 23.10.040 are each hereby amended to read as follows:

Wrecked, dismantled or inoperative vehicles -- prohibited activity. No person may park, store or abandon a wrecked, dismantled, inoperative vehicle, or part thereof as those terms are defined in K.C.C. chapter 21A.06, on private property, except where the following conditions apply:

A. A vehicle or vehicle part is completely enclosed within a building in a lawful manner ~~((or the vehicle is))~~ where it is not visible from the street or from other public or private property ~~((a covering such as a tarp on the vehicles does not constitute a visual barrier))~~); or

B. A vehicle is stored or parked in a lawful manner on private property in connection with the business

of a licensed dismantler or licensed vehicle dealer and is fenced as required by state law.

SECTION 12. Ordinance 12024, Sections 5 and 6, and K.C.C. 23.10.060 are each hereby amended to read as follows:

Notice required. A. Whenever a vehicle has been ~~((certified as))~~ determined to be a wrecked, dismantled or inoperative vehicle or as an abandoned vehicle, the last registered vehicle owner of record and the land owner of record where the vehicle is located shall each be given notice by certified mail that a public hearing may be requested before the hearing examiner. If no hearing is requested within ten days from the certified date of receipt of the notice, the vehicle shall be removed by the county.

B. If a request for hearing is received within ten days, a notice giving the time, location and date of ~~((such))~~ the hearing on the question of abatement and removal of the vehicle or vehicles shall be mailed by certified ~~((mail))~~ or registered mail, with five-day return receipt requested, to the land owner ~~((of record))~~ as shown on the last equalized assessment roll and to the last registered and legal owner of record of each vehicle unless the vehicle ~~((is in such condition that ownership cannot be determined or unless the land owner has denied the certifying individual entry to the land to obtain the vehicle))~~ identification numbers are not available to determine ownership.

SECTION 13. Ordinance 12024, Section 8, and K.C.C. 23.10.090 are each hereby amended to read as follows:

Abatement and removal authorized. The county may remove any abandoned, wrecked, dismantled or inoperative vehicle, automobile hulk or part thereof, after complying with the ~~((certification and))~~ notice requirements of this chapter. ~~((The vehicle shall be disposed at a licensed vehicle wrecker, hulk hauler or scrap processor with notice given to the Washington State Patrol and to the department of licensing that the vehicle has been wrecked.))~~ The proceeds of any such a disposition shall be used to defray the costs of abatement and removal of any such a vehicle, including costs of administration and enforcement.

SECTION 14. Ordinance 12024, Section 11, and K.C.C. 21A.06.1432 are each hereby amended to read

as follows:

Wrecked, dismantled or inoperative vehicle. "Wrecked, dismantled or inoperative vehicle" means a motor vehicle or the remains or remnant parts of a motor vehicle (~~((which))~~), or an extensively damaged recreational vehicle or boat, that is ((mechanically)) clearly inoperative and either cannot be made operative without the addition of vital parts or mechanisms or ((the application of a substantial amount of labor and is certified by the department of development and environmental services as meeting at least three of the following requirements:

~~A. is three years old or older;~~

~~B. is extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission;~~

~~C. is apparently inoperable;~~

~~D. has an approximate fair market value equal only to the approximate value of the scrap in it.))is damaged to the extent that it prevents normal operation of the vehicle, or both.~~

30 days prior

Newspaper: Seattle Times

Publishing: Wed. Feb. 13, 2002

Hearing: Monday, March 18, 2002