



## Legislation Text

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**File #:** 2018-0068, **Version:** 1

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Clerk 01/10/2018

AN ORDINANCE clarifying Title 9, Title 13, Title 14, Title 16, Title 17, Title 19A, Title 20, Title 21A, Title 23, Title 27 and Title 27A of the King County Code, establishing a gender neutral code and making technical corrections; and amending Ordinance 9163, Section 2, as amended, and K.C.C. 9.04.020, Ordinance 11616, Section 14, as amended, and K.C.C. 13.24.140, Ordinance 4895, Section 7, as amended, and K.C.C. 14.28.030, Ordinance 6254, Section 5, and K.C.C. 14.30.050, Ordinance 4099, Section 14, and K.C.C. 14.46.140, Ordinance 4099, Section 16, and K.C.C. 14.46.160, Ordinance 12560, Section 55, as amended, and K.C.C. 16.02.170, Ordinance 12560, Section 13, as amended, and K.C.C. 16.02.370, Ordinance 12560, Section 54, as amended, and K.C.C. 16.04.490, Ordinance 11923, Section 2, as amended, and K.C.C. 16.04.890, Ordinance 11923, Section 3, as amended, and K.C.C. 16.04.900, Ordinance 7853, Section 1, as amended, and K.C.C. 16.04.980, Resolution 21284, Section 2, as amended, and K.C.C. 16.05.124, Ordinance 12560, Section 120, as amended, and K.C.C. 16.14.220, Ordinance 12560, Section 137, as amended, and K.C.C. 16.14.240, Ordinance 15802, Section 106, and K.C.C. 16.14.321, Ordinance 6746, Section 19, as amended, and K.C.C. 16.32.170, Ordinance 15802, Section 124, and K.C.C. 16.32.215, Ordinance 15802, Section 134, and K.C.C. 16.32.315, Ordinance 1283, Section 1, as amended, and K.C.C. 16.78.010,

Ordinance 1488, Section 3, as amended, and K.C.C. 16.82.030, Ordinance 2097 (part), as amended, and K.C.C. 17.04.210, Ordinance 12560, Section 153, as amended, and K.C.C. 17.04.220, Ordinance 12560, Section 151, as amended, and K.C.C. 17.04.270, Ordinance 12560, Section 149, as amended, and K.C.C. 17.04.280, Ordinance 12560, Section 150, as amended, and K.C.C. 17.04.300, Ordinance 12560, Section 159, as amended, and K.C.C. 17.04.350, Ordinance 7980, Section 1, as amended, and K.C.C. 17.04.420, Ordinance 12560, Section 171, as amended, and K.C.C. 17.04.520, Ordinance 5828, Section 2, as amended, and K.C.C. 17.08.010, Ordinance 13694, Section 14, as amended, and K.C.C. 19A.04.110, Ordinance 13694, Section 15, as amended, and K.C.C. 19A.04.120, Ordinance 13694, Section 17, and K.C.C. 19A.04.150, Ordinance 13694, Section 21, and K.C.C. 19A.04.190, Ordinance 13694, Section 51, as amended, and K.C.C. 19A.08.160, Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020, Ordinance 12196, Section 13, as amended, and K.C.C. 20.20.060, Ordinance 4461, Section 2, as amended, and K.C.C. 20.22.040, Ordinance 11502, Section 20, as amended, and K.C.C. 20.22.320, Ordinance 10511, Section 7, as amended, and K.C.C. 20.36.100, Ordinance 1886, Section 11, and K.C.C. 20.36.120, Ordinance 1886, Section 12, and K.C.C. 20.36.130, Ordinance 6949, Section 3, and K.C.C. 20.44.010, Ordinance 6949, Section 6, as amended, and K.C.C. 20.44.040, Ordinance 4828, Section 2, as amended, and K.C.C. 20.62.020, Ordinance 4828, Section 3, as amended, and K.C.C. 20.62.030, Ordinance 4828, Section 4, as amended, and K.C.C. 20.62.040, Ordinance 10870, Section 105, as amended, and K.C.C. 21A.06.325, Ordinance 10870, Section 121, as amended, and K.C.C. 21A.06.405, Ordinance 12020, Section 32, and K.C.C.

21A.06.467, Ordinance 10870, Section 281, as amended, and K.C.C.  
21A.06.1205, Ordinance 10870, Section 297, as amended, and K.C.C.  
21A.06.1285, Ordinance 11210, Section 12, as amended, and K.C.C. 21A.16.115,  
Ordinance 11210, Section 17, as amended, and K.C.C. 21A.16.330, Ordinance  
10870, Section 437, as amended, and K.C.C. 21A.20.170, Ordinance 11621,  
Section 90, as amended, and K.C.C. 21A.28.154, Ordinance 10870, Section 616,  
as amended, and K.C.C. 21A.42.080, Ordinance 10870, Section 632, and K.C.C.  
21A.50.040, Ordinance 17287, Section 3, as amended, and K.C.C. 21A.55.105,  
Ordinance 13263, Section 10, as amended, and K.C.C. 23.02.090, Ordinance  
13263, Section 14, and K.C.C. 23.02.130, Ordinance 13263, Section 16, as  
amended, and K.C.C. 23.20.020, Ordinance 13263, Section 21, as amended, and  
K.C.C. 23.24.020, Ordinance 13263, Section 22, as amended, and K.C.C.  
23.24.030, Ordinance 13263, Section 29, as amended, and K.C.C. 23.24.100,  
Ordinance 10662, Section 52, as amended, and K.C.C. 27.04.015, Ordinance  
12020, Section 6, as amended, and K.C.C. 27A.20.040, Ordinance 12020, Section  
8, and K.C.C. 27A.20.050, Ordinance 12020, Section 20 and K.C.C. 27A.30.090  
and Ordinance 12020, Section 28, as amended, and K.C.C. 27A.40.080.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

A. "Adjustment" means a department-approved variation in the application of the requirements of K.C.C. 9.04.050 and the Surface Water Design Manual to a particular project in accordance with K.C.C.

9.04.050.C. "Adjustment" replaces "variance," which was used in prior editions of the Surface Water Design Manual.

B. "Applicant" means a property owner or a public agency or public or private utility that owns a right-of-way or other easement or has been adjudicated the right to such an easement under RCW 8.12.090, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval.

C. "Basin" means a geographic area that contains and drains to a stream or river named and noted on common maps, such as the Cedar river, Sammamish river, Green river, Snoqualmie river, Skykomish river or White river, or a geographic area that drains to a nonflowing water body named and noted on common maps, such as Lake Washington or Puget Sound.

D. "Basin plan" means a plan and all implementing regulations and procedures including, but not limited to, capital projects, public education activities and land use management adopted by ordinance for managing surface water and stormwater within the basin.

E. "Best management practice" or "BMP" means any schedule of activities, prohibition of practices, maintenance procedure, or structural and/or managerial practice approved by King County that, when used singly or in combination, prevents or reduces the release of pollutants and other adverse impacts to surface water, stormwater and groundwater.

F. "Closed depression" means an area greater than five thousand square feet at overflow elevation that is low-lying and that has no or such a limited surface water outlet that the area acts as a stormwater retention facility.

G. "Construct or modify" means to install a new drainage pipe or ditch or make improvements to an existing drainage pipe or ditch, for purposes other than maintenance, that either serves to concentrate previously unconcentrated surface water or stormwater runoff or serves to increase, decrease or redirect the conveyance of surface water or stormwater runoff. "Construct or modify" does not include installation or

maintenance of a driveway culvert installed as part of a single-family residential building permit.

H. "Construction stormwater pollution prevention BMP" means a control or measure that prevents or reduces the discharge of pollutants and sediments resulting from construction activities.

I. "Conveyance system" means the drainage facilities and features, both natural and constructed, that provide for the collection and transport of surface water or stormwater runoff. The natural elements of the "conveyance system" include swales and small drainage courses, streams, rivers, lakes and wetlands. The constructed elements of the "conveyance system" include gutters, ditches, pipes, catch basins, channels and most flow control and water quality facilities.

J. "Department" means the department of natural resources and parks or its successor.

K. "Development" means any activity that requires a permit or approval, including, but not limited to, a building permit, grading permit, shoreline substantial development permit, conditional use permit, special use permit, zoning variance or reclassification, subdivision, short subdivision, urban planned development, binding site plan, site development permit or right-of-way use permit. "Development" does not include forest management activities, as defined in K.C.C. chapter 21A.06.

L. "Directed drainage review" means the drainage review for a proposed single family residential project or agricultural project that is not subject to simplified or large project drainage review.

M. "Director" means the director of the department of natural resources and parks, or the authorized representatives of the director, including compliance officers and inspectors whose responsibility includes the detection and reporting of code violations.

N. "Drainage" means the collection, conveyance, containment or discharge, or any combination thereof, of stormwater runoff or surface water.

O. "Drainage facility" means a constructed or engineered feature that collects, conveys, stores, treats or otherwise manages stormwater runoff or surface water. "Drainage facility" includes, but is not limited to, a constructed or engineered stream, lake, wetland or closed depression, or a pipe, channel, ditch, gutter, flow

control facility, flow control BMP, water quality facility, erosion and sediment control facility and any other structure and appurtenance that provides for drainage.

P. "Drainage review" means an evaluation by King County staff of a proposed project's compliance with the drainage requirements in the Surface Water Design Manual. The types of drainage review include: simplified drainage review, targeted drainage review, directed drainage review, full drainage review and large project drainage review.

Q. "Erosion and sediment control" means any temporary or permanent measures taken to reduce erosion, control siltation and sedimentation and ensure that sediment-laden water does not leave the site or enter into wetlands or aquatic areas.

R. "Financial guarantee" means a form of financial security posted to do one or more of the following: ensure timely and proper completion of improvements; ensure compliance with the King County Code; or provide secured warranty of materials, ~~((workmanship))~~ quality of work of ~~the~~ improvements and design. "Financial guarantees" include assignments of funds, cash deposit, surety bonds or other forms of financial security acceptable to the director of the department of permitting and environmental review. "Performance guarantee," "maintenance guarantee" and "defect guarantee" are considered ~~((sub-categories))~~ subcategories of financial guarantee.

S. "Flood hazard management plan" means a plan and all implementing goals, objectives, guiding principles, policies and programs, including, but not limited to, capital projects, public outreach and education activities and enforcement programs for reduction of flood risks and prepared in accordance with RCW 86.12.200.

T "Flow control BMP" means small scale drainage facility or feature that is part of a development site strategy to use processes such as infiltration, dispersion, storage, evaporation, transpiration, forest retention and reduced impervious surface foot print to mimic predeveloped hydrology and minimize stormwater runoff. "Flow control BMPs" include the methods and designs specified in the Surface Water Design Manual. Flow control

BMPs are also known as low impact development, or LID, BMPs.

U. "Flow control facility" means a drainage facility designed in accordance with the drainage requirements in this chapter to mitigate the impacts of increased stormwater runoff generated by site development. A "flow control facility" is designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration or infiltration into the ground or to hold runoff for a short period of time and then release it to the conveyance system.

V. "Full drainage review" means the evaluation required by K.C.C. 9.04.030 for any proposed project, unless the project is subject to simplified drainage review, directed drainage review targeted drainage review or large project drainage review, that:

1. Would result in two thousand square feet or more of new impervious surface, replaced impervious surface or new plus replaced impervious surface; or

2. Would result in seven thousand square feet or more of land disturbing activity.

W. "Groundwater" means all water found in the soil and stratum beneath the land surface or beneath the bed of any surface water.

X "High-use site" means the area of a commercial, industrial or road intersection site that generates a higher than average number of vehicle turnovers or has other characteristics that generate the potential for chronic oil accumulation. "High use site" includes:

1. The area of a commercial or industrial site subject to:

- a. an expected daily traffic count greater than one hundred vehicles per one thousand square feet of gross building area;

- b. petroleum storage or transfer in excess of one thousand five hundred gallons per year, not including routine heating oil storage or transfer at the end-user point of delivery; or

- c. use, storage or maintenance of a fleet of twenty-five or more diesel or jet fuel vehicles each weighing over ten tons; or

2. A road intersection with average daily traffic counts of twenty-five thousand vehicles or more on the main roadway and fifteen thousand or more vehicles on any intersecting roadway, excluding pedestrian or bicycle use improvement projects.

Y. "Hydraulically connected" means connected through surface flow or water features such as wetlands or lakes.

Z. "Impervious surface" means a hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions before development or that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions before development. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, areas that are paved, graveled or made of packed or oiled earthen materials or other surfaces that similarly impede the natural infiltration of surface water or stormwater. For purposes of applying the impervious surface thresholds in this chapter, permeable pavement, vegetated roofs and underdrained pervious surfaces are considered "impervious surface," while an open uncovered flow control or water quality facility is not.

AA. "Improvement" means a permanent, human-made, physical change to land or real property including, but not limited to, buildings, streets, driveways, sidewalks, crosswalks, parking lots, water mains, sanitary and storm sewers, drainage facilities and landscaping.

BB. "Land disturbing activity" means an activity that results in a change in the existing soil cover, both vegetative and nonvegetative, or to the existing soil topography. "Land disturbing activity" includes, but is not limited to, demolition, construction, clearing, grading, filling, excavation and compaction. "Land disturbing activity" does not include tilling conducted as part of agricultural practices, landscape maintenance or gardening.

CC. "Lake management plan" means a plan describing the lake management recommendations and requirements adopted by public rule for managing water quality within individual lake basins.



DD. "Large project drainage review" means the evaluation required by K.C.C. 9.04.030 for any proposed project that:

1. Has an urban plan development land use designation in the King County Comprehensive Plan land use map;
2. Would, at full buildout of the project site, result in fifty acres or more of new impervious surface within a drainage subbasin or a number of subbasins hydraulically connected across subbasin boundaries; or
3. Has a project site of fifty acres or more within a critical aquifer recharge area, as defined in K.C.C. Title 21A.

EE. "Licensed civil engineer" means a person registered with the State of Washington as a professional engineer in civil engineering.

FF. "Maintenance" means those usual activities taken to prevent a decline, lapse or cessation in the use of currently serviceable structures, facilities, equipment or systems, if there is no expansion of the structure, facilities, equipment or system and there are no significant hydrologic impacts. "Maintenance" includes the repair or replacement of nonfunctional facilities or the replacement of existing structures with different types of structures, if the repair or replacement is required by one or more environmental permits or to meet current engineering standards and the functioning characteristics of the original facility or structure are not changed.

GG. "Master drainage plan" means a comprehensive drainage control plan required for projects subject to large project drainage review and intended to prevent significant adverse impacts to surface water and groundwater, both onsite and offsite.

HH. "Native vegetated surface" means a surface in which the soil conditions, ground cover and species of vegetation are like those of the original native condition for the site, as more specifically set forth in the Surface Water Design Manual.

II. "Natural discharge location" means the location where runoff leaves the project site under existing site conditions as defined in the Surface Water Design Manual.

JJ. "Natural hazard" means a condition in land or water, or both, that arises in whole or in part out of natural processes and that creates a threat of immediate and substantial harm. A "natural hazard" may include, but is not limited to, a beaver dam, a debris dam in a stream, severe erosion at the base of a steep slope or a stream displaced from its original channel.

KK. "New impervious surface" means the creation of impervious surface or the addition of a more compacted surface such as the paving of existing dirt or gravel.

LL. "New pervious surface" means the conversion of a native vegetated surface or other native surface to a nonnative pervious surface, including, but not limited to, pasture land, grassland, cultivated land, lawn, landscaping or bare soil or any alteration of existing nonnative pervious surface that results in increased stormwater runoff as defined in the Surface Water Design Manual.

MM. "Pollution-generating impervious surface" means an impervious surface considered to be a significant source of pollutants in stormwater runoff. "Pollution-generating impervious surface" includes those surfaces subject to vehicular use; industrial activities; or storage of erodible or leachable materials, wastes or chemicals and that receive direct rainfall or the run-on or blow-in of rainfall. A covered parking area would be included if runoff from uphill could regularly run through it or if rainfall could regularly blow in and wet the pavement surface. Metal roofs are also considered pollution-generating impervious surface unless they are treated to prevent leaching. Roofs exposed to the venting of significant amounts of dusts, mists or fumes from manufacturing, commercial or other indoor activities are also included, as are vegetated roofs exposed to pesticides, fertilizers or loss of soil.

NN. "Pollution-generating pervious surface" means a nonimpervious surface considered to be a significant source of pollutants in stormwater runoff. "Pollution-generating pervious surfaces" include: surfaces subject to vehicular use, industrial activities, storage of erodible or leachable materials, wastes or chemicals, and that receive direct rainfall or the run-on or blow-in of rainfall; or surfaces subject to the use of pesticides and fertilizers to the loss of soil. "Pollution-generating pervious surface" includes, but is not limited

to, the lawn and landscaped areas of a residential, commercial ((site,)) or industrial site or land use, golf course, park, sports field and county-standard grassed modular grid pavement.

OO. "Project" means any proposed action to alter or develop a site that may also require drainage review.

PP. "Project site" means the portion of a site and any offsite areas subject to proposed project activities, alterations and improvements including those required by this chapter.

QQ. "Redevelopment project" means a project that proposes to add, replace or modify impervious surface for purposes other than a residential subdivision or maintenance on a site that:

1. Is already substantially developed in a manner that is consistent with its current zoning or with a legal nonconforming use; or
2. Has an existing impervious surface coverage of thirty-five percent or more.

RR. "Replaced impervious surface" means an existing impervious surface proposed to be removed and reestablished as impervious surface, excluding impervious surface removed for the sole purpose of installing utilities or performing maintenance. For structures, "removed" means the removal of buildings down to the foundation. For other impervious surfaces, "removed" means the removal down to base course or bare soil. For purposes of this definition, "base course" means the layer of crushed rock that typically underlies an asphalt or concrete pavement.

SS. "Salmon conservation plan" means a plan and all implementing regulations and procedures including, but not limited to, land use management adopted by ordinance, capital projects, public education activities and enforcement programs for conservation and recovery of salmon within a water resource inventory area designated by the state under WAC 173-500-040.

TT. "Shared facility" means a drainage facility designed to meet one or more of the requirements of K.C.C. 9.04.050 for two or more separate projects contained within a basin. Shared facilities usually include shared financial commitments for those drainage facilities.

UU. "Simplified drainage review" means the drainage review for a proposed single-family residential project or agricultural project that:

1. Would result in impervious and new pervious surface insufficient to require a flow control or water quality facility as specified in K.C.C. 9.04.050 and the Surface Water Design Manual; and
2. Meets the simplified drainage requirements and BMPs specified in the Surface Water Design Manual, including flow control BMPs, construction stormwater pollution prevention BMPs, and drainage plan submittal requirements.

VV. "Site" means a single parcel, or either two or more contiguous parcels that are under common ownership or documented legal control or a portion of single parcel under documented legal control separate from the remaining parcel, used as a single parcel for a proposed project for purposes of applying for authority from King County to carry out a proposed project. For projects located primarily within dedicated rights-of-way, "site" includes the entire width of right-of-way subject to improvements proposed by the project.

WW. "Stormwater" means the water produced during precipitation or snowmelt, which runs off, soaks into the ground or is dissipated into the atmosphere. Stormwater that runs off or soaks into the ground ultimately becomes surface water or groundwater.

XX. "Stormwater compliance plan" means a plan or study and all regulations and procedures that have been adopted by the county to implement the plan or study, including, but not limited to, capital projects, public education activities and enforcement programs for managing stormwater quantity and quality discharged from the county's municipal separate storm sewer system in compliance with the National Pollutant Discharge Elimination System permit program under the Clean Water Act.

YY. "Stormwater runoff" means stormwater that flows over, or just below, the surface where it fell or melted. "Stormwater runoff" contributes to and becomes surface water or groundwater.

ZZ. "Subbasin" means a geographic area that:

1. Drains to a stream or water body named and noted on common maps; and

2. Is contained within the basin of the stream or water body.

AAA. "Surface water" means the water that exists on land surfaces before, during, and after stormwater runoff occurs and includes, but is not limited to, the water found on ground surfaces and in drainage facilities, rivers, streams, springs, seeps, ponds, lakes, wetlands and Puget Sound. It also includes shallow groundwater.

BBB. "Surface Water Design Manual" means the manual, and supporting documentation referenced or incorporated in the manual, describing surface and stormwater design and analysis requirements, procedures and guidance. The "Surface Water Design Manual" is formally adopted by rule under the procedures of K.C.C. chapter 2.98 and is available from the department of permitting and environmental review or the department of natural resources and parks, water and land resources division or their successor agencies.

CCC. "Targeted drainage review" means an abbreviated evaluation required by K.C.C. 9.04.030 for certain types of proposed projects that are not subject to full or large project drainage review. Targeted drainage review may be required for some projects in simplified drainage review.

DDD. "Water quality facility" means a drainage facility designed in accordance with the drainage requirements in this chapter to mitigate the impacts of increased pollutants in stormwater runoff generated by site development. A "water quality facility" uses processes that include but are not limited to settling, filtration, adsorption and absorption to decrease pollutant concentrations and loadings in stormwater runoff.

SECTION 2. Ordinance 11616, Section 14, as amended, and K.C.C. 13.24.140 are each hereby amended to read as follows:

A. All new development in the Urban Growth Area shall be served by:

1. An adequate public or private water supply system, as required by K.C.C. 21A.28.040; and
2. The appropriate existing Group A water purveyor, unless service cannot be provided in a timely and reasonable manner as provided in RCW 43.20.260 and 70.116.060 or with reasonable economy and efficiency as provided in RCW 19.27.097.

B. Alternative water service shall be permitted on an interim basis, only as follows:

1. For individual lots, the director of the department of permitting and environmental review may authorize interim water service from an existing Group B public water purveyor or the development of an individual well after making the following findings;

a. The applicant has submitted a certificate of water availability from the appropriate Group A or Group B water purveyor accompanied by a letter from the same purveyor that demonstrates to the satisfaction of the director that the requirement to receive water service from the purveyor is unreasonable or infeasible at the time of construction, which means service cannot be provided in a timely and reasonable manner in accordance with RCW 43.20.260 and 70.116.060(3)(b) or with reasonable economy and efficiency as provided in RCW 19.27.097;

b. For connections to a Group B water purveyor, the applicant has received a water availability certificate from an existing Group B public water purveyor or has received pre-application approval for connection to a private well from the Seattle-King County department of public health in accordance with the rules and regulations of Title 12 of the Seattle-King County board of health;

c. For development of a new individual well, the applicant is unable to receive water service in a timely and reasonable manner or with reasonable economy and efficiency from any public water system;

d. The applicant has provided a certificate of future connection from the appropriate Group A water purveyor that certifies that an irrevocable agreement has been entered into with the purveyor providing that the property shall be connected to the purveyor's water system upon availability of such water service and that the property owner shall pay all costs of connection. This certificate shall stipulate that the applicant and ~~((his))~~ the applicant's grantees agree to participate in and not protest the formation of a utility local improvement district (ULID) or local improvement district (LID) or utility purveyor project that is designed to provide public water services to the property and agree to decommission any well that is abandoned in the process of connection to a Group A water system in conformance with applicable state law. This certificate shall be recorded in the real property records of King County and shall be a permanent condition on the property running with the land until

such time as the costs for connection are fully paid to the purveyor; and

e. Application of the standards of this title would otherwise preclude reasonable use of the property-

2. For subdivisions and short subdivisions, interim water service from a new or existing public water system may be approved as follows:

a. The applicant has received approval for the creation of a new public system in accordance with the applicable coordinated water system plan or individual water system plan reviewed by the county and approved by the state, if any, or the applicant has received a water availability certificate from an existing public water system; and

b. The director of the department of permitting and environmental review makes the following findings:

(1) The applicant has provided a certificate of future connection from the appropriate Group A water purveyor that certifies that an irrevocable agreement has been entered into with the purveyor providing that the property shall be connected to the purveyor's water system upon availability of such water service and that the property owner shall pay all costs of connection. This certificate shall stipulate that the applicant and ~~((his))~~ the applicant's grantees agree to participate in and not protest the formation of a utility local improvement district (ULID) or local improvement district (LID) or utility purveyor project that is designed to provide public water services to the property and agree to decommission any well that is abandoned in the process of connection to a Group A water system in conformance with applicable state law. This certificate shall be recorded in the real property records of King County and shall be a permanent condition on the property running with the land until such time as the costs for connection are fully paid to the purveyor;

(2) The applicant provides a statement from the Group A public water system designated to assume the new public water system, or within whose service area the new system is proposed to be constructed, that it will provide satellite management of the system or that it has entered into an agreement or contract with a satellite management agency certified by the state Department of Health to provide water service until it can

provide direct service, as required by RCW 70.119A.060; and

(3) Any new public water system will be built to the design standards of the appropriate Group A water purveyor to which it will be eventually connected.

C. Either existing wells or Group B water systems, or both, may serve the lots that the systems are ultimately designed to serve and shall be managed in compliance with applicable health regulations.

SECTION 3. Ordinance 4895, Section 7, as amended, and K.C.C. 14.28.030 are each hereby amended to read as follows:

A. ~~((PLANS.))~~ Detailed engineering and restoration plans and/or drainage plan pursuant to K.C.C. chapter 9.04 and Ordinance ~~((No.))~~ 4463, K.C.C. ~~((19.20))~~ chapter 14.42, may be required when considered necessary by the development engineer. Costs for the development of such plan and conduct of required studies shall be borne by the permit applicant, and, if the plan is returned, it shall be returned to the applicant.

B. ~~((SURVEY.))~~ When considered necessary by the development engineer to adequately define the limits of right-of-way, the permit applicant shall cause the right-of-way to be surveyed by a licensed land surveyor. Such survey shall be recorded in accordance with the Survey Recording Act.

C. ~~((DEDICATION.))~~ A permit applicant may be required to deed additional right-of-way across property under ~~((his))~~ the permit applicant's authority when necessary to fulfill the minimum road right-of-way width prescribed in RCW 36.86.010.

D. ~~((ILLEGAL SUBDIVISION.))~~ A permit shall not be issued to provide access to a lot or parcel created in violation of state and county subdivision regulations.

SECTION 4. Ordinance 6254, Section 5, and K.C.C. 14.30.050 are each hereby amended to read as follows:

A. ~~((Survey.))~~ When considered necessary by the real property division to adequately determine the limits of the county property, the permit applicant shall cause the county property to be surveyed by a licensed land surveyor. Such survey shall be recorded in accordance with the Survey Recording Act. The cost of such



survey shall be paid by the permit applicant.

B. ~~((Dedication-))~~ A permit applicant may be required to deed additional right-of-way across property under ~~((his))~~ the permit applicant's authority when necessary to fulfill any county policy, ordinance or laws.

SECTION 5. Ordinance 4099, Section 14, and K.C.C. 14.46.140 are each hereby amended to read as follows:

All privileges granted by the permits shall automatically terminate at such time as the permittee ceases to use the property and any facilities authorized by the permit. The permittee may terminate the agreement by written notice to the manager of the real property division. Upon revocation, termination or abandonment of any permit, the permittee shall remove at ~~((his))~~ the permittee's expense all facilities placed on such property by the permittee and restore the premises to a condition which is equivalent in all respects to the condition existing prior to installation of the facilities or to a condition which is satisfactory to the county. If the permittee has not accomplished removal and restoration at the end of a ninety-day period following the effective date of revocation, termination or abandonment, the county may accomplish all of the necessary work and charge all of the costs to the permittee.

SECTION 6. Ordinance 4099, Section 16, and K.C.C. 14.46.160 are each hereby amended to read as follows:

The county reserves the right to use, occupy and enjoy its property for such purposes as it shall desire including, but not limited to, constructing or installing structures and facilities on the property, or developing, improving, repairing or altering the property. The permittee upon written notice will at ~~((his))~~ the permittee's own cost and expense, remove, repair, relocate, change or reconstruct such installations to conform with the plans of work contemplated or ordered by the county according to a time schedule contained in the written notice.

SECTION 7. Ordinance 12560, Section 55, as amended, and K.C.C. 16.02.170 are each hereby amended to read as follows:

Section 102 of the International Building Code is supplemented with the following:

Moved buildings and temporary buildings (IBC 102.7.2).

1. Buildings or structures moved into or within the jurisdiction shall comply with the provisions for new buildings or structures of the International Building Code, chapter 51-50 WAC, the International Residential Code for One- and Two-Family Dwellings, chapter 51-51 WAC, the International Mechanical Code, chapter 51-52 WAC, the International Fire Code, chapter 51-54A WAC, the Uniform Plumbing Code and Standards, chapter 51-56 WAC, the International Energy Conservation Code, Commercial, chapter 51-11C WAC and the International Energy Conservation Code, Residential, chapter 51-11R WAC.

EXCEPTION: Group R3 buildings or structures are not required to comply if:

1. The original occupancy classification is not changed, and
2. The original building is not substantially remodeled or rehabilitated. For the purposes of this section a building shall be considered to be substantially remodeled when the costs of remodeling exceed 60 percent of the value of the building exclusive of the costs relating to preparation, construction, demolition or renovation of foundations.

No person shall move within or into the unincorporated areas of King County, or cause to be moved, any building or structure without first obtaining, in addition to the building permit, a relocation investigation permit from the building official. The purpose of this relocation investigation permit is to determine prior to relocation the deficiencies in the building. Before a structure is relocated to a proposed site, a building permit shall be obtained.

2. The building official shall not approve for moving nor issue a building permit for a building or structure which constitutes a public nuisance or endangers the public health, safety, or general welfare, and in ((his)) the building official's opinion it is physically impractical to restore such building or structure to make it comply with this code.

3. A fee shall be charged for relocation investigations and site inspection services. A building permit

fee shall also be charged for all structures which are approved for relocation. Fees for permits and services provided under this section shall be paid to the department of development and environmental services as set forth in K.C.C. Title 27, Building and Constructions Fees. As a condition of securing the building permit, the owner of the building or structure shall deposit cash or its equivalent with the building official, or in an approved irrevocable escrow, in an amount up to \$5000.00.

4. Relocation investigation fees do not apply to structures having acceptable current inspections, such as factory built units.

4.1 If the building official denies a building permit for the relocation of a structure, the applicant may request, within 10 days of the date of mailing or other issuance of the denial notice, that building official refer the building permit application to the building code advisory board. The advisory board shall review the application and make a recommendation to the building official, who may reconsider the denial in light of the advisory board's recommendation.

SECTION 8. Ordinance 12560, Section 13, as amended, and K.C.C. 16.02.370 are each hereby amended to read as follows:

Section 107.3.4 of the International Building Code is not adopted and the following is substituted:

General (IBC 107.3.4). When it is required that documents be prepared by an architect or engineer, the building official may require the owner to engage and designate on the building permit application an architect or engineer who shall act as the architect or engineer of record. If the circumstances require, the owner may designate a substitute architect or engineer of record who shall perform all of the duties required of the original architect or engineer of record. The building official shall be notified in writing by the owner if the architect or engineer of record is changed or is unable to continue to perform the duties.

The architect or engineer of record shall be responsible for reviewing and coordinating all submittal documents prepared by others, including deferred submittal items, for compatibility with the design of the building.

When an engineer or architect is required by King County for the structural design of a commercial or multi-family residence building, the department will not review and approve a project which has multiple engineers or architects (or engineering firms) unless the owner employs an engineer or architect responsible for the overall structural design. This engineer or architect responsible for the overall structural design shall write a letter to the department documenting that ~~((he/she))~~ this engineer or architect is the engineer or architect of record designated by the project owner to be responsible for the overall structural design, and that ~~((he/she))~~ this engineer or architect has reviewed the entire structural design to ensure compliance with the International Building Code.

SECTION 9. Ordinance 12560, Section 54, as amended, and K.C.C. 16.04.490 are each hereby amended to read as follows:

Section 2902.1 of the International Building Code, as amended by chapter 51-50 WAC, is not adopted and the following is substituted:

**Minimum number of fixtures (IBC 2902.1).** The number of plumbing fixtures within a building shall not be less than set forth in Section 2902. Fixtures located within ~~((unisex))~~ gender-neutral toilet and bathing rooms shall be included in determining the number of fixtures provided in an occupancy. The director of public health is authorized to enforce this section.

SECTION 10. Ordinance 11923, Section 2, as amended, and K.C.C. 16.04.890 are each hereby amended to read as follows:

A. The declarant shall, at ~~((his or her))~~ the declarant's expense, obtain an inspection of the premises subject to condominium conversion by the department to insure compliance with the International Property Maintenance Code and other applicable codes and regulations as adopted by King County. Inspection shall be made within forty-five days of a declarant's written request. A written residential inspection report shall be issued by the department within fourteen days following completion of the residential inspection.

B. Any public offering statement issued with respect to a conversion condominium shall include a copy

of the written residential inspection report by the department.

C. Prior to the conveyance of any residential unit within a conversion condominium, the declarant shall repair all violation disclosed in the residential inspection report which are not waived by the department and shall obtain certification from the department that such have been properly made. Certification of repairs by the department shall be based upon a reinspection of the conversion condominium premises, to be performed within seven days of the declarant's written request. Certification shall be issued within seven days following reinspection if the property is then determined to be in compliance.

D. Certification by the department shall state that only those defects discovered by the residential inspection have been corrected and that the certification does not guarantee that all relevant code violations have been corrected. No declarant shall use the department's certification in any advertising nor shall a declarant indicate or imply to anyone, for the purpose of inducing a person to purchase a condominium unit, that King County or any of its departments has "approved" the premises or any unit for sale.

SECTION 11. Ordinance 11923, Section 3, as amended, and K.C.C. 16.04.900 are each hereby amended to read as follows:

A. The repairs required to be made in K.C.C. 16.04.890 shall be warranted by the declarant against defects due to ((workmanship)) quality of work or materials for a period of one year following the completion of such repairs.

B. Prior to conveyance of any residential unit within a conversion condominium, the declarant shall establish and maintain an account with a bank or other financial institution of the declarant's choosing, containing a sum equal to ten percent of the actual cost of making repairs required in K.C.C. 16.04.890. During the one year warranty period, funds contained in the account shall be used exclusively for paying the actual cost of making repairs required, or for otherwise satisfying claims made under the warranty. The declarant shall by private action, in writing, notify the owners' association of the location of the account and of any disbursements therefrom. Following expiration of the warranty period, any funds remaining in the account shall be disbursed

to the declarant.

C. Depletion of the funds contained in the account shall not relieve the declarant of ~~((his or her))~~ the declarant's obligations under this section.

D. The enforcement of the escrow and warranty provision shall be by private right of action and implementation and enforcement shall not be the responsibility of this department or of any county agency.

SECTION 12. Ordinance 7853, Section 1, as amended, and K.C.C. 16.04.980 are each hereby amended to read as follows:

A. ~~((Enforcement.))~~ The director is authorized to enforce the provisions of this chapter and any rules and regulations promulgated thereunder, pursuant to the enforcement and penalty provisions of K.C.C. Title 23.

EXCEPTION: The director of the department of public health is authorized to enforce International Building Code Section 2902.1 and Table 29-A chapter 51-50 WAC and the fuel gas piping requirements in the International Fuel Gas Code, and Chapter 24 of the International Residential Code.

B. General. All construction or work for which a permit is required shall be subject to inspection by the director.

C. Authority. The director is authorized and directed to enforce this chapter. The director is authorized to promulgate, adopt, and issue those rules and regulations necessary to the effective and efficient administration of this chapter, such rules and regulations to be adopted and maintained in accordance with the provisions for the rules of county agencies, K.C.C. chapter 2.98.

D. Plan Reviews and Inspections. All buildings constructed under the provisions of this chapter are subject to a final inspection for compliance with this chapter. The director has the authority to establish rules and procedures for accepting at ~~((his/her))~~ the director's option an affidavit of substantial compliance with this chapter in lieu of plan reviews and/or inspections.

SECTION 13. Resolution 21284, Section 2, as amended, and K.C.C. 16.05.124 are each hereby amended to read as follows:

Appendix AG 101 of the International Residential Code is supplemented with the following:

**Barrier required - Exception (IRC AG 105.6).** Every person who owns real property, or any person who is in possession of real property either as owner, purchaser under contract, as the lessee, tenant or licensee, and which real property is located within the boundaries of any residential single-family district zone or which is located within the boundaries of any suburban residential district, under the zoning code, and which property is located within the unincorporated area of King County, and upon which real property there is situated a ((~~man~~))human-made, hard-surfaced swimming pool; or, any such person above named who hereinafter constructs upon any real property, as above designated, a ((~~man~~))human-made, hard-surfaced swimming pool, shall erect thereon and maintain thereupon barriers meeting the requirements of AG 105.2 through AG 105.5. The barriers shall completely surround such swimming pool in such a manner as to minimize, as near as possible, the danger of unsupervised children gaining access thereto. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device designed to keep and capable of keeping such doors or gates securely closed at all times when not in actual use. Barriers shall be installed prior to the filling of the pool with water for use.

When a swimming pool is located within a yard enclosed by a barrier meets the requirements of this chapter, and when the gates or doors in the barrier meet the requirements of this chapter, a barrier immediately surrounding the swimming pool shall not be required.

SECTION 14. Ordinance 12560, Section 120, as amended, and K.C.C. 16.14.220 are each hereby amended to read as follows:

Section 108.4 of the International Property Maintenance Code is not adopted and the following is substituted:

Placard to vacate (IPMC 108.4). Whenever such notice is posted, the code official shall include a notification thereof in the notice and order issued ((~~by him~~)) under K.C.C. Title 23, reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which

has been so posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition, or removal have been completed and a certificate of occupancy is issued pursuant to the provisions of the Building Code. Any person violating this section shall be guilty of a misdemeanor.

SECTION 15. Ordinance 12560, Section 137, as amended, and K.C.C. 16.14.240 are each hereby amended to read as follows:

Section 108.4 of the International Property Maintenance Code is supplemented with the following:

Compliance (IPMC 108.4.2). Whenever such notice is posted, the code official shall include a notification thereof in the notice and order issued (~~((by him/her))~~) under K.C.C. Title 23, reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building or any premises which has been so posted, except that entry may be made to repair, abate, demolish or remove such nuisance or building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, abatement, demolition or removal has been completed and, if required, a certificate of occupancy issued pursuant to the provisions of the building code. Any person violating this section shall be guilty of a misdemeanor.

SECTION 16. Ordinance 15802, Section 106, and K.C.C. 16.14.321 are each hereby amended to read as follows:

Section 109(~~(7)~~) of the International Property Maintenance Code is supplemented with the following:

Emergency measures -- Emergency demolition permit in lieu of preparing a rapid abatement plan (IMPC 109.9.1). If the owner or owner's agent submits an application for an emergency demolition permit in lieu of preparing a rapid abatement plan, the owner or owner's agent shall state that (~~((he or she))~~) the owner or owner's agent is applying for an emergency demolition permit in lieu of preparing a required rapid abatement plan and the owner or owner's agent shall provide:

1. The names of all owners of the structure;



2. The address of the structure; and

3. A plan describing the method for demolishing the structure while protecting the public health and safety and maintaining appropriate access to the public right-of-way.

SECTION 17. Ordinance 6746, Section 19, as amended, and K.C.C. 16.32.170 are each hereby amended to read as follows:

A.1. A board of appeals shall be established and shall consist of six voting members as follows:

- a. one member representing journey(~~man~~) level plumbers;
- b. one member representing plumbing contractors;
- c. one member representing professional mechanical engineers;
- d. one member representing and building owners; and
- e. two members representing the public.

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

B. Any party aggrieved by a decision of the authority having jurisdiction made pursuant to this code either in the context of a specific project or permit application or in the context of an application for approval of an alternate material or method of construction, or both, may file a written petition for appeal to the board accompanied by a nonrefundable fee of one hundred dollars. Appeals shall be heard at reasonable times at the convenience of the board, but not later than thirty days after receipt of the petition. However, this time requirement may be waived by written agreement between the authority having jurisdiction and the appellant if doing so will facilitate resolution of the dispute. The appellant shall be entitled to appear in person before the board, to be represented by an attorney, and to introduce evidence in support of such petition. The appellant shall cause to be made at the appellant's own expense any test or research required by the board for the substantiation of any claim or claims made by the appellant. The board of appeals shall determine whether a correct interpretation of this code has been made by the authority having jurisdiction.

C. Decisions of the board shall be in writing, distributed to the authority having jurisdiction and the appellant and apply only to the case being heard. Board decisions are deemed issued on the date that the decision is delivered to the appellant or the appellant's counsel or, if the decision is mailed, on the date of mailing. A person aggrieved by a decision of the board may appeal the decision of the board to the King County hearing examiner as provided in K.C.C. chapter 20.22.

D. The board may make recommendations to the authority having jurisdiction for changes in the code.

SECTION 18. Ordinance 15802, Section 124, and K.C.C. 16.32.215 are each hereby amended to read as follows:

Section 102.2.3 of the Uniform Plumbing Code is not adopted and the following is substituted:

Stop Work Order and Correction Order (UPC 102.2.3).

A. Whenever any work is being done contrary to the provisions of this code, the authority having jurisdiction may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop work until authorized by the authority having jurisdiction to proceed with the work. Service of a stop work order shall be made by one or more of the following methods:

Personal service: Personal service of a stop work order may be made on the property owner and/or on any person doing or causing the work to be done, or by leaving the stop work order at the house of usual abode of the person being served, provided that the stop work order is left with a person of suitable age and discretion who resides there.

Service by posting on the property: Service directed to the property owner and/or person engaged in doing or causing such work to be done may be made by posting the stop work order in a conspicuous place on the property where the work is occurring, and concurrently mailing notice as provided for below, if a mailing address is available.

Service by mail: Service by mail may be made for a stop work order by mailing two copies, postage

prepaid, one by ordinary first class mail and the other by certified mail, to the property owner and to any person engaged in doing or causing such work to be done, at ~~((his or her))~~ their last known addresses, at the address of the location of the work being done, or at the address of the place of business of the person being served. The taxpayer's address as shown on the tax records of the county shall be deemed to be the proper address for the purpose of mailing such notice to the person being served. Service by mail shall be presumed effective upon the third business day following the day upon which the stop work order was placed in the mail.

B. Whenever any work is being done contrary to the provisions of this code, the authority having jurisdiction may order the violations corrected without ordering all work stopped by issuing a correction notice that identifies the violation. The correction notice may require an inspection before further construction or at the time of the next required inspection. The correction notice shall be served or posted in the same manner as a stop work order.

C. The remedies set forth in this section are in addition to those authorized elsewhere in this code.

SECTION 19. Ordinance 15802, Section 134, and K.C.C. 16.32.315 are each hereby amended to read as follows:

Section 103.5.6.1 of the Uniform Plumbing Code is not adopted and the following is substituted:

Corrections (UPC 103.5.6.1). Notices of correction or violation shall be issued by the authority having jurisdiction and may be posted at the site of the work or mailed or delivered to the permittee or ~~((his))~~ the permittee's authorized representative. Refusal, failure, or neglect to comply with any such notice or order within ten (10) days of receipt thereof, shall be considered a violation of this code and shall be subject to the remedies for violations as set forth elsewhere in this code.

SECTION 20. Ordinance 1283, Section 1, as amended, and K.C.C. 16.78.010 are each hereby amended to read as follows:

A. "Depth" means a perpendicular measurement from the top lip of the pool to the deepest point.

B. "Drainage facility" means the system of collection, conveying and storing surface and storm water

runoff. Drainage facilities shall include but not be limited to all surface and storm water runoff conveyance and containment facilities including streams, pipelines, channels, ditches, swamps, lakes, wetlands, closed depressions, infiltration facilities, retention/detention facilities, erosion/sedimentation control facilities, and other drainage structures and appurtenances, both natural and ~~((man))~~human-made.

C. "Ornamental pool" means any ~~((man))~~human-made structure, basin, chamber, tank or pool except drainage facilities containing an artificial body of water and having a depth of more than six inches and less than two feet and whose primary function is for other than swimming, diving or recreational bathing.

D. "Persons" means any individual or a firm, partnership, company, corporation, trustee, association or any public or private entity.

E. "Wading pool" means any artificial structure, basin, chamber, tank or pool of water intended and constructed for wading purposes which is not over two feet in depth at any point((;

E. ~~"Persons" means any individual or a firm, partnership, company, corporation, trustee, association or any public or private entity)).~~

SECTION 21. Ordinance 1488, Section 3, as amended, and K.C.C. 16.82.030 are each hereby amended to read as follows:

The director is authorized to enforce the provisions of this chapter.

A. ~~((INSPECTIONS.))~~ The director is authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.

B. ~~((RIGHT OF ENTRY.))~~ Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the director has reasonable cause to believe that any land, building, structure, premises, or portion thereof is being used in violation of this chapter, the director may enter such land, building, structure, premises, or portion thereof at all reasonable times to inspect the same or perform any duty imposed upon the director by this chapter; provided, that if such building, land, structure, premises or portion thereof is occupied, ~~((he))~~ the director shall first present proper credentials and demand entry; and if such land, building,

structure, premises, or portion thereof be unoccupied, ~~((he))~~ the director shall first make a reasonable effort to locate the owner or other persons having charge or control of the land, building, structure, premises, or portion thereof and demand entry.

No owner or occupant or any other person having charge, care or control of any building, land, structure, premises, or portion thereof shall fail or neglect, after proper demand, to promptly permit entry thereon by the director for the purpose of inspection and examination pursuant to this chapter. Any person violating this subsection is guilty of a misdemeanor.

SECTION 22. Ordinance 2097(part), as amended, and K.C.C. 17.04.210 are each hereby amended to read as follows:

Section 104.1 of the International Fire Code is supplemented with the following:

Enforcement (IFC 104.1.1).

1. The fire marshal or ~~((the fire marshal's authorized))~~ designee is authorized to enforce the provisions of this chapter, the ordinances codified in it, and any adopted rules and regulations in accordance with the enforcement and penalty provisions of K.C.C. Title 23.

2. The fire marshal~~((;))~~ or ~~((his authorized))~~ designee, any officer of the department of public safety, and the chief of the fire district~~((;))~~ or ~~((his authorized))~~ designee, is authorized to take such lawful action, including the writing and issuance of citations for civil infractions, as may be required to enforce the provisions of the fire lane ordinance codified in this title.

SECTION 23. Ordinance 12560, Section 153, as amended, and K.C.C. 17.04.220 are each hereby amended to read as follows:

Section 104.1 of the International Fire code is supplemented with the following:

Additional conditions (IFC 104.1.2). The ~~((F))~~fire ~~((M))~~marshal or ~~((his/her))~~ designee retains the authority to impose additional conditions, including but not limited to increased setbacks, use of fire retardant materials, installation of fire sprinkler systems, automatic fire suppression systems, automatic fire detection

systems or standpipes where determined necessary to mitigate identified fire protection impacts.

SECTION 24. Ordinance 12560, Section 151, as amended, and K.C.C. 17.04.270 are each hereby amended to read as follows:

Section 104.8 of the International Fire Code is supplemented with the following:

Deviations (IFC 104.8.1). The fire marshal or ((his/her)) designee shall have the authority to consider deviations from the standards established for life safety/rescue access, fire detection systems and fire sprinkler systems.

1. If the fire marshal finds that the deviation would not unreasonably reduce fire protection to the area or structures served, and determines that the deviation should be approved, the fire marshal shall notify the fire chief of the applicable fire district of the deviation request. The fire marshal may approve the deviation if the fire chief of the applicable fire district either concurs in writing with the fire marshal or does not respond in writing within seven working days after notification of the deviation request. The fire district chief's lack of response shall be taken as an indication that the fire chief concurs with the fire marshal's finding.

2. If a response is received within seven days which is not in accordance with the opinion of the ((~~director of the department of permitting and environmental review~~)) fire marshal or ((his/her)) designee, the issue shall be submitted to the King County fire code appeals board.

SECTION 25. Ordinance 12560, Section 149, as amended, and K.C.C. 17.04.280 are each hereby amended to read as follows:

Section 104 of the International Fire Code is supplemented with the following:

Notice to fire districts (IFC 104.12).

A. Prior to submitting an application for a commercial building permit, site development permit, binding site plan, a preliminary subdivision or short subdivision approval, final subdivision or short subdivision, urban planned development, zoning reclassification, conditional use and special use permits to the department:

1. the applicant shall submit a copy of ~~((his))~~ the application to the fire district providing fire protection services to the proposed development;
2. subdivisions and short subdivisions applied for and/or recorded before February 1, 1989, shall be submitted once to the applicable fire district for review at the time of the first building permit by the applicant for that building permit;
3. it shall be the responsibility of the fire district to issue a receipt to the applicant the same day it receives a copy of a permit application. The receipt shall constitute proof to the director of the notification;
4. the applicant shall include the fire district receipt with the permit application to the department;
5. it shall be the responsibility of the fire district to notify the fire marshal of any comments within seven days of the receipt of an applied for permit.

SECTION 26. Ordinance 12560, Section 150, as amended, and K.C.C. 17.04.300 are each hereby amended to read as follows:

Section 108.1 of the International Fire Code is not adopted and the following is substituted:

Appeals (IFC 108.1). To determine and decide the suitability of alternate materials and methods of construction and to provide reasonable interpretations of the provisions of the code there shall be and hereby is created a fire code board of appeals. The board shall consist of five members who are qualified by experience and training to pass judgment upon pertinent matters. The ~~((F))~~fire ~~((M))~~marshal shall be an ex officio member and ~~((he/she))~~ the fire marshal or a designated appointee shall act as secretary of the board. The fire code appeals board shall be appointed by the executive, confirmed by the council, and shall serve for not more than two four-year terms or until their successor is appointed and qualified. The board shall adopt reasonable rules and regulations for conducting its investigations and shall render decisions and findings in writing to the ~~((L))~~local ~~((F))~~fire ~~((D))~~district ~~((C))~~chief, with a duplicate copy to the appellant, which shall be advisory unless otherwise specified in this code. The board may also recommend to the council new legislation regarding the subject matter of this code.

SECTION 27. Ordinance 12560, Section 159, as amended, and K.C.C. 17.04.350 are each hereby amended to read as follows:

Section 202 of the International Fire Code is supplemented with the following:

Definitions - Fire detection system (IFC 202). "Fire detection system" means a heat and/or smoke detection system monitored by a central and/or remote station conforming to the current edition of the International Fire Code as adopted by the Washington State Building Code Council and/or the ~~((F))~~fire ~~((M))~~marshal or ~~((his/her))~~ designee.

SECTION 28. Ordinance 7980, Section 1, as amended, and K.C.C. 17.04.420 are each hereby amended to read as follows:

Section 503.3 of the International Fire Code is not adopted and the following is substituted:

Marking of and establishment of fire lanes (IFC 503.3).

A. Establishment of Fire Lanes. Fire lanes in conformance with this code shall be established by the King County fire marshal or ~~((his authorized))~~ designee, and shall be referred to as designated fire lanes in this section.

B. Definition of Fire Lanes. The area within any public right-of-way, easement, or on private property designated for the purpose of permitting fire trucks and other fire fighting or emergency equipment to use, travel upon, and park.

C. Marking of Fire Lanes. All designated fire lanes shall be clearly marked in the following manner:

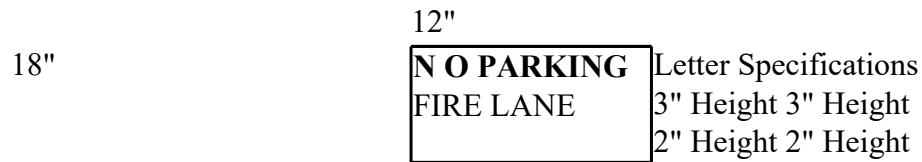
1. Vertical curbs (6 inch) shall be painted yellow on the top and side, extending the length of the designated fire lane. The pavement adjacent to the painted curbs shall be marked with minimum 18 inch in height block lettering with a minimum 3 inch brush stroke reading: "NO PARKING - FIRE LANE." Lettering shall be yellow and spaced at 50 foot or portion thereof intervals, or

2. Rolled curbs or surface without curbs shall have a yellow 6 inch wide stripe painted extending the length of the designated fire lane. The surface adjacent to the stripe shall be marked with minimum 18 inch in



height block lettering with a minimum 3 inch brush stroke reading: "NO PARKING - FIRE LANE." Lettering shall be in yellow and spaced at 50 ft. or portion thereof intervals, or

3. Fire lane signs shall be installed per the illustration:



- a. Reflective in nature.
- b. Red letters on white background.
- c. Signs to be spaced 50 feet or portion thereof apart and posted on or immediately next to the curb.
- d. Top of signs to be not less than 4 feet nor more than 6 feet from the ground.
- e. Signs may be placed on a building when approved by the fire marshal as the designee of the

manager of the department of permitting and environmental review.

When posts are required they shall be a minimum of 2 inch galvanized steel or 4 inch x 4 inch pressure treated wood. Signs to be placed so they face the direction of the vehicular travel.

D. Obstruction of Fire Lanes Prohibited. The obstruction of a designated fire lane by a parked vehicle or any other object is prohibited, shall constitute a traffic hazard as defined in state law and an immediate hazard to life and property.

E. Alternate Materials and Methods. The fire marshal as designee of the manager of the department of permitting and environmental review may modify any of the provisions herein where practical difficulties exist. The particulars of a modification shall be granted by the fire marshal and shall be entered into the records of the office.

- F. Existing fire lane signs and markings.

1. Signs (minimum 9 inch by 16 inch) may be allowed to remain until there is a need for replacement and at that time a 12 inch x 18 inch sign shall be installed.

2. Markings may be allowed to remain until there is a need for repainting and at that time the provisions outlined in Section C, 1, 2 or 3 shall be complied with.

G. Maintenance. Fire lane markings shall be maintained at the expense of the property owner(s) as often as needed to clearly identify the designated area as being a fire lane.

H. Towing notification. At each entrance to property where fire lanes have been designated, signs shall be posted in a clearly conspicuous location and shall clearly state that vehicles parked in fire lanes may be impounded, and the name, telephone number, and address of the towing firm where the vehicle may be redeemed.

I. Property owner responsible. The owner, manager, or person in charge of any property upon which designated fire lanes have been established shall prevent the parking of vehicles or placement of other obstructions in such fire lanes.

J. Violation - Civil infraction. Any person who fails to mark or maintain the marking of a designated fire lane as prescribed in this chapter, or who parks a vehicle in, allows the parking of a vehicle in, obstructs, or allows the obstruction of a designated fire lane commits a civil infraction to which the provisions of RCW 7.80 shall apply. The penalty for failing to mark or maintain the marking of a designated fire lane shall be one hundred and fifty dollars. The penalty for parking a vehicle in, allowing the parking of a vehicle in, obstructing, or allowing the obstruction of a designated fire lane shall be fifty dollars.

K. Violation - Civil Penalty. In addition to, or as an alternate to, the provisions of subsection E, any person who fails to meet the provisions of the fire lane requirements codified in this title shall be subject to civil penalties in conformance with K.C.C. Chapter 23.

L. Impoundment. Any vehicle or object obstructing a designated fire lane is hereby declared a traffic hazard and may be abated without prior notification to its owner by impoundment pursuant to the applicable state law.

SECTION 29. Ordinance 12560, Section 171, as amended, and K.C.C. 17.04.520 are each hereby

amended to read as follows:

Section 903.1 of the International Fire Code is not adopted and the following is substituted:

General (IFC 903.1).

1. An automatic fire-extinguishing system shall be installed in the occupancies and locations as set forth in Section 903.2.

For provisions on special hazards and hazardous materials, see Section 901.4.3.

2. The provisions of this section shall apply to all buildings whose county assessed value has increased by more than 50% within a five year period due to the added value of alterations and repairs. When the first permit application is submitted to add to, alter or repair an existing building, the county assessed value of the building at the time the complete application is submitted shall be considered the base county assessed value for the following five year period.

EXCEPTION: Structures damaged as a result of a disaster declared in accordance with K.C.C. chapter 12.52, shall comply with K.C.C. 17.04.610 and 17.04.620.

3. Any additions to an existing structure shall be considered new construction and subject the entire structure to the provisions of this section.

EXCEPTIONS: A one time exemption for buildings regulated by the International Residential Code One- and Two-Family Dwellings will be allowed for a single addition not to exceed 500 square feet, unless sprinklers or other fire protection systems are required by other statutes.

4. All condominiums shall have the following wording in the recorded Declaration of Covenants and a copy of the document shall be provided to the fire code official or ((his/her)) designee:

4.1. In the event that any unit should be equipped with a sprinkler system, nothing shall be hung from the sprinklers comprising a part of the system nor shall any such sprinklers be painted, covered, or otherwise changed, tampered with or altered.

4.2. Prior to any alteration, amendment, modification or change thereof, the owners or their agents

will submit such alteration, amendment, modification or change to the King County ~~((F))~~fire ~~((M))~~marshal or ~~((his or her))~~ designee for approval and agrees to comply with all applicable sprinkler requirements.

SECTION 30. Ordinance 5828, Section 2, as amended, and K.C.C. 17.08.010 are each hereby amended to read as follows:

A. Unless otherwise provided in this section, the definitions in the International Fire Code, as adopted in K.C.C. 17.04.010, and in the rules and regulations of the state board of health regarding public water systems, chapter 346-290 WAC, shall apply to this chapter.

B. For the purposes of this chapter, "fire department" means the fire authority normally responsible for fire suppression in a specified area.

C. For the purposes of this chapter, "water flow" means the minimum quantity of water required for domestic use or fire fighting, whichever is higher, at a specified building, development or site, expressed in continuous gallons per minute at twenty pounds per square inch residual pressure for a designated duration of time.

D. For the purposes of this chapter, "fire marshal" means the King County fire marshal or ~~((his or her designated representative))~~ designee.

E. For the purposes of this chapter, "water main" means piping used to deliver water to any fire hydrants or to one or more individual service connections.

SECTION 31. Ordinance 13694, Section 14, as amended, and K.C.C. 19A.04.110 are each hereby amended to read as follows:

Development engineer: the director of the department of permitting and environmental review or ~~((his or her))~~ designee, authorized to oversee the review, conditioning, inspection and acceptance of right-of-way use permits, road and drainage projects constructed pursuant to permits administered by the department and required pursuant to this title. The designee shall be a professional civil engineer registered and licensed pursuant to chapter 18.43 RCW.

SECTION 32. Ordinance 13694, Section 15, as amended, and K.C.C. 19A.04.120 are each hereby amended to read as follows:

Director: the director of the King County department of permitting and environmental review or ((his or her)) designee.

SECTION 33. Ordinance 13694, Section 17, and K.C.C. 19A.04.150 are each hereby amended to read as follows:

Financial guarantee: a form of financial security posted to ensure timely and proper completion of improvements, compliance with the King County Code or to warrant materials, ((workmanship)) and quality of work of the improvements and design. Financial guarantees include assignments of funds, cash deposits, surety bonds and other forms of financial security acceptable to the director.

SECTION 34. Ordinance 13694, Section 21, and K.C.C. 19A.04.190 are each hereby amended to read as follows:

Innocent purchaser: an individual who has purchased real property for value and states under oath that ((he or she)) the individual had no knowledge at any time prior to or during the sale that the lot had been or is being created in violation of the provisions of this title.

SECTION 35. Ordinance 13694, Section 51, as amended, and K.C.C. 19A.08.160 are each hereby amended to read as follows:

A. Except as otherwise provided in subsection B. of this section, before final recording of a plat or short plat, the following minimum improvements shall be constructed consistent with the approved plans;

1. Drainage facilities and erosion control measures consistent with K.C.C. 9.04.090;
2. Water mains and hydrant installed and fire flow available, sewer mains, laterals and sewer ((manholes)) maintenance holes installed, if required;
3. Roadways meeting the approved engineering plan's layout drainage, geometric and road width

requirements and finished with an asphalt treated base. The final surfacing on the roadways may be bonded;

4. Pedestrian facilities complying with the Americans with Disabilities Act; including but not limited to, curb ramps, sidewalks and shoulders, where required;

5. Specific site improvements required by the preliminary plat approval ordinance or preliminary short plat approval decision, if the decision requires completion before plat recording;

6. Delineation of sensitive areas that are to remain undeveloped;

7. Temporary control monuments set by a land surveyor, located in conformance with this title, and in place at final inspection. Permanent monuments and control points shall be set and verified by a land surveyor within ninety days of the final lift of asphalt;

8. Improvements without which the director determines a safety hazard would exist; and

9. All private improvements outside of the right-of-way or road easement and access tracts.

B. The director, in consultation with the department of natural resources and parks, department of transportation, the prosecuting attorney, and other affected agencies, may allow the applicant to post a financial guarantee for any identified noncritical required improvements, as determined on a project by project basis, if:

1. The expiration of the plat or short plat is imminent or other extraordinary circumstances prevent the construction of the improvements before the final recording;

2. The inability to construct the improvements is due to unavoidable circumstances that in no way resulted from the actions or inaction of the applicant;

3. The applicant submits a detailed construction completion timeline and the department determines the applicant will be able to complete the work or improvements to be covered by the financial guarantee within a reasonable amount of time; and

4. Approval of the final plat or short plat before completion of the work or improvement will not be materially detrimental to existing county infrastructure or private properties in the vicinity of the subject property.

C. The director shall have right of entry onto any lot, tract, easement or parcel that is part of the final plat or short plat to ensure compliance with the minimum subdivision improvements required in subsection A. of this section.

SECTION 36. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020 are each hereby amended to read as follows:

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

1. Type 1 decisions are made by the director, or (~~his or her~~) designee, ("director") of the department of permitting and environmental review ("department"). Type 1 decisions are nonappealable administrative decisions.

2. Type 2 decisions are made by the director. Type 2 decisions are discretionary decisions that are subject to administrative appeal.

3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner following an open record hearing. Type 3 decisions may be appealed to the county council, based on the record established by the hearing examiner.

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

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

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

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

E. Land use decision types are classified as follow:

TYPE 1	(Decision by director, no administrative appeal)	Temporary use permit for a homeless encampment under K.C.C. 21A.45.010, 21A.45.020, 21A.45.030, 21A.45.040, 24A.45.050, 21A.45.060, 21A.45.070, 21A.45.080 and 21A.45.090; building permit, site development permit, or clearing and grading permit that is not subject to SEPA, that is categorically exempt from SEPA as provided in K.C.C. 20.20.040, or for which the department has issued a determination of nonsignificance or mitigated determination of nonsignificance; boundary line adjustment; right of way; variance from K.C.C. chapter 9.04; shoreline exemption; decisions to require studies or to approve, condition or deny a development proposal based on K.C.C. chapter 21A.24, except for decisions to approve, condition or deny alteration exceptions; approval of a conversion-option harvest plan; a binding site plan for a condominium that is based on a recorded final planned unit development, a building permit, an as-built site plan for developed sites, a site development permit for the entire site; approvals for agricultural activities and agricultural support services authorized under K.C.C. 21A.42.300.
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TYPE 2 <sup>1,2</sup>	(Decision by director appealable to hearing examiner, no further administrative appeal)	Short plat; short plat revision; short plat alteration; zoning variance; conditional use permit; temporary use permit under K.C.C. chapter 21A.32; temporary use permit for a homeless encampment under K.C.C. 21A.45.100; shoreline substantial development permit <sup>3</sup> ; building permit, site development permit or clearing and grading permit for which the department has issued a determination of significance; reuse of public schools; reasonable use exceptions under K.C.C. 21A.24.070.B; preliminary determinations under K.C.C. 20.20.030.B; decisions to approve, condition or deny alteration exceptions under K.C.C. chapter 21A.24; extractive operations under K.C.C. 21A.22.050; binding site plan; waivers from the moratorium provisions of K.C.C. 16.82.140 based upon a finding of special circumstances.
TYPE 3 <sup>1</sup>	(Recommendation by director, hearing and decision by hearing examiner, appealable to county council on the record)	Preliminary plat; plat alterations; preliminary plat revisions.
TYPE 4 <sup>1,4</sup>	(Recommendation by director, hearing and recommendation by hearing examiner decision by county council on the record)	Zone reclassifications; shoreline environment redesignation; urban planned development; special use; amendment or deletion of P suffix conditions; plat vacations; short plat vacations; deletion of special district overlay.

<sup>1</sup> See K.C.C. 20.44.120.C. for provisions governing procedural and substantive SEPA appeals and appeals of Type 3 and 4 decisions to the council.

<sup>2</sup> When an application for a Type 2 decision is combined with other permits requiring Type 3 or 4 land use decisions under this chapter, the examiner, not the director, makes the decision.

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

<sup>4</sup> Approvals that are consistent with the Comprehensive Plan may be considered by the council at any time. Zone reclassifications that are not consistent with the Comprehensive Plan require a site-specific land use map amendment and the council's hearing and consideration shall be scheduled with the amendment to the

Comprehensive Plan under K.C.C. 20.18.040 and 20.18.060.

F. The definitions in K.C.C. 21A.45.020 apply to this section.

SECTION 37. Ordinance 12196, Section 13, as amended, and K.C.C. 20.20.060 are each hereby amended to read as follows:

A. A notice of application shall be provided to the public for land use permit applications as follows:

1. Type 2, 3 or 4 decisions;
2. Type 1 decisions subject to SEPA;
3. As provided in subsection K. and L. of this section; and
4. Type 1 decisions requiring a community meeting under K.C.C. 20.20.035.

B. Notice of the application shall be provided by the department within fourteen days following the department's determination that the application is complete. A public comment period on a notice of application of at least twenty-one days shall be provided, except as otherwise provided in chapter 90.58 RCW and RCW 58.17.215 with regards to subdivision alterations. The public comment period shall commence on the third day following the department's mailing of the notice of application as provided for in subsection H. of this section.

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

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

1. The file number;
2. The name of the applicant;
3. The date of application, the date of the notice of completeness and the date of the notice of application;

4. A description of the project, the location, a list of the permits included in the application and the location where the application and any environmental documents or studies can be reviewed;
5. A site plan on eight and one-half by fourteen inch paper, if applicable;
6. The procedures and deadline for filing comments, requesting notice of any required hearings and any appeal procedure;
7. The date, time, place and type of hearing, if applicable and scheduled at the time of notice;
8. The identification of other permits not included in the application to the extent known;
9. The identification of existing environmental documents that evaluate the proposed project; and
10. A statement of the preliminary determination, if one has been made, of those development regulations that will be used for project mitigation and of consistency with applicable county plans and regulations.

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

1. A description of the project, the location, a list of the permits included in the application and any environmental documents or studies can be reviewed;
2. The name of the applicant;
3. The date of application, the date of the notice of completeness and the date of the notice of application;
4. If the department has made a decision or recommendation on the application, the decision or recommendation made;
5. The applicable comment and appeal dates and the date, time, place and type of hearing, if applicable;
6. A web site address that provides access to project information, including a site map and application page; and

7. The department contact name, telephone number and email address;

F. Notice shall be provided in the following manner:

1. Posted at the project site as provided in subsections G. and J. of this section;
2. Mailed by first class mail as provided in subsection H. of this section; and
3. Published as provided in subsection I. of this section.

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

1. A single notice board shall be posted for a project. This notice board may also be used for the posting of the notice of decision and notice of hearing and shall be placed by the applicant:
  - a. at the midpoint of the site street frontage or as otherwise directed by the department for maximum visibility;
  - b. five feet inside the street property line except when the board is structurally attached to an existing building, but a notice board shall not be placed more than five feet from the street property without approval of the department;
  - c. so that the top of the notice board is between seven to nine feet above grade;
  - d. where it is completely visible to pedestrians; and
  - e. comply with site distance requirements of K.C.C. 21A.12.210 and the King County road standards adopted under K.C.C. chapter 14.42.
2. Additional notice boards may be required when:
  - a. the site does not abut a public road;
  - b. a large site abuts more than one public road; or
  - c. the department determines that additional notice boards are necessary to provide adequate public notice;
3. Notice boards shall be:

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

b. in place at least twenty-eight days before the date of any required hearing for a Type 3 or 4 decision, or at least fourteen days following the department's determination of completeness for any Type 2 decision; and

c. removed within fourteen days after the end of the notice period;

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

5. An affidavit of posting shall be submitted to the department by the applicant within fourteen days following the department's determination of completeness to allow continued processing of the application by the department;

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

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

H. Mailed notice for a proposal shall be sent by the department within fourteen days after the department's determination of completeness:

1. By first class mail to owners of record of property in an area within five hundred feet of the site. The area shall be expanded when the department determines it is necessary to send mailed notices to at least

twenty different property owners;

2. To any city with a utility that is intended to serve the site;
3. To the Washington state Department of Transportation, if the site adjoins a state highway;
4. To the affected tribes;
5. To any agency or community group that the department may identify as having an interest in the

proposal;

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

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

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

- I. The notice of application shall be published by the department within fourteen days after the department's determination of completeness in the official county newspaper and another newspaper of general circulation in the affected area.

- J. Unless waived under subsection G.7. of this section, posted notice for approved formal subdivision engineering plans, clearing or grading permits subject to SEPA or building permits subject to SEPA shall be a condition of the plan or permit approval and shall consist of a single notice board posted by the applicant at the project site, before construction as follows:

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

2. Notice boards shall include the following information:

- a. permit number and description of the project;
- b. projected completion date of the project;
- c. a contact name and phone number for both the department and the applicant;
- d. a department contact number for complaints after business hours; and
- e. hours of construction, if limited as a condition of the permit;

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

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

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

L. Posted and mailed notice consistent with this section shall be provided to any property owner of record and to the council district representative in which is locating any application for building permits or other necessary land use approvals for the establishment of the social service facilities classified by SIC 8322 and 8361 and listed below, unless the proposed use is protected under the Fair Housing Act:

1. Offender self-help agencies;
2. Parole offices;
3. Settlement houses;
4. Halfway home for delinquents and offenders; and
5. Homes for destitute (~~((men and women))~~) people.

M. In addition to notice required by subsection F. of this section, the department may provide

additional notice by any other means determined by the department as necessary to provide notice to persons or entity who may be affected by a proposal.

SECTION 38. Ordinance 4461, Section 2, as amended, and K.C.C. 20.22.040 are each hereby amended to read as follows:

The examiner shall issue final decisions in the following cases:

- A. Appeals of orders of the ombuds(~~man~~) under the lobbyist disclosure code, K.C.C. chapter 1.07;
- B. Appeals of sanctions of the finance and business operations division in the department of executive services imposed under K.C.C. chapter 2.97;
- C. Appeals of career service review committee conversion decisions for part-time and temporary employees under K.C.C. chapter 3.12A;
- D. Appeals of electric vehicle recharging station penalties of the department of transportation under K.C.C. 4A.700.700;
- E. Appeals of notice and orders of the manager of records and licensing services or the director of permitting and environmental review under K.C.C. chapter 6.01;
- F. Appeals of adult entertainment license denials, suspensions and revocations under K.C.C. chapter 6.09;
- G. Appeals of the fire marshal's decisions on fireworks permits under K.C.C. chapter 6.26;
- H. Appeals of cable franchise nonrenewals under K.C.C. 6.27A.060 and notices and orders under K.C.C. 6.27A.240;
- I. Appeals of notices and orders of the department of natural resources and parks under K.C.C. chapter 7.09;
- J. Appeals of decisions of the director of the department of natural resources and parks on surface water drainage enforcement under K.C.C. chapter 9.04;
- K. Appeals of decisions of the director of the department of natural resources and parks on requests for



rate adjustments to surface and storm water management rates and charges under K.C.C. chapter 9.08;

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

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

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

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

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

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

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

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

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

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

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

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

X. Appeals of citations, notices and orders, notices of noncompliance, stop work orders issued pursuant

to K.C.C. Title 23 or Title 1.08 of the rules and regulations of the King County board of health;

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

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

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

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

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

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

SECTION 39. Ordinance 11502, Section 20, as amended, and K.C.C. 20.22.320 are each hereby amended to read as follows:

As to any application or appeal under this chapter that is or could become the subject of a public hearing, the responsible county department, the council or the examiner may, at ~~((his or her))~~ the responsible department, council or examiner's own discretion, or at the request of the applicant or any person with standing to the application or appeal, initiate a mediation process to resolve disputes as to the application or appeal at any state of the proceedings on the application or appeal. The mediation process shall be conducted in accordance with rules prepared by the hearing examiner.

SECTION 40. Ordinance 10511, Section 7, as amended, and K.C.C. 20.36.100 are each hereby amended to read as follows:

A. To be eligible for open space classification under the public benefit rating system, property must contain one or more qualifying open space resources and have at least five points as determined under this section. The department shall review each application and recommend award of credit for current use of

property that is the subject of the application. In making such a recommendation, the department shall utilize the point system described in subsections B. and C. of this section.

B. The following open space resources are each eligible for the points indicated:

1. Public recreation area - five points. For the purposes of this subsection B.1, "public recreation area" means land devoted to providing active or passive recreation use or that complements or substitutes for recreation facilities characteristically provided by public agencies. Use of motorized vehicles is prohibited on land receiving tax reduction for this category, except for golf carts on golf courses, for maintenance or for medical, public safety or police emergencies. To be eligible as a public recreation area, the facilities must be open to the general public or to specific public user groups, such as youth, senior citizens or people with disabilities. A property must be identified by the responsible agency within whose jurisdiction the property is located as meeting the definition of public recreation area. If a property meets the definition of public recreation area, the property owner must use best practices, if any, that are defined in K.C.C. chapter 21A.06. If a fee is charged for use, it must be comparable to the fee charged by a like public facility;

2. Aquifer protection area-five points. For the purposes of this subsection B.2, "aquifer protection area" means property that has a plant community in which native plants are dominant and that includes an area designated as a critical aquifer recharge area under K.C.C. chapter 21A.24 or applicable city critical aquifer recharge area regulations. To be eligible as an aquifer protection area, at least fifty percent of the enrolling open space area or a minimum of one acre of open space shall be designated as a critical aquifer recharge area. If the enrolling open space area does not have a plant community in which native plants are dominant, a plan for revegetation must be submitted and approved by the department, and be implemented according to the plan's proposed schedule of activities;

3. Buffer to public or current use classified land - three points. For the purposes of this subsection B.3, "buffer to public or current use classified land" means land that has a plant community in which native plants are dominant or has other natural features, such as streams or wetlands, and that is adjacent and provides

a buffer to a publicly owned park, trail, forest, land legally required to remain in a natural state or a state or federal highway or is adjacent to and provides a buffer to a property participating in a current use taxation program under chapter 84.33 or 84.34 RCW. The buffer shall be no less than fifty feet in length and fifty feet in width. Public roads may separate the public land, or land in private ownership classified under chapter 84.33 or 84.34 RCW, from the buffering land, if the entire buffer is at least as wide and long as the adjacent section of the road easement. Landscaping or other nonnative vegetation shall not separate the public land or land enrolled under chapter 84.33 or 84.34 RCW from the native vegetation buffer. The department may grant an exception to the native vegetation requirement for property along parkways with historic designation, upon review and recommendation of the historic preservation officer of King County or the local jurisdiction in which the property is located. Eligibility for this exception does not extend to a property where plantings are required or existing plant communities are protected under local zoning codes, development mitigation requirements or other local regulations;

4. Equestrian-pedestrian-bicycle trail linkage - thirty-five points. For the purposes of this subsection B.4, "equestrian-pedestrian-bicycle trail linkage" means land in private ownership that the property owner allows the public to use as an off-road trail linkage for equestrian, pedestrian or other nonmotorized uses or that provides a trail link from a public right-of-way to a trail system. Use of motorized vehicles is prohibited on trails receiving a tax reduction for this category, except for maintenance or for medical, public safety or police emergencies. Public access is required only on that portion of the property containing the trail. The landowner may impose reasonable restrictions on access that are mutually agreed to by the landowner and the department, such as limiting use to daylight hours. To be eligible as an equestrian-pedestrian-bicycle trail linkage, the owner shall provide a trail easement to an appropriate public or private entity acceptable to the department. The easement shall be recorded with the records and licensing services division. In addition to the area covered by the trail easement, adjacent land used as pasture, barn or stable area and any corral or paddock may be included, if an approved and implemented farm management plan is provided. Land necessary to provide a

buffer from the trail to other nonequestrian uses, land that contributes to the aesthetics of the trail, such as a forest, and land set aside and marked for off road parking for trail users may also be included as land eligible for current use taxation. Those portions of private roads, driveways or sidewalks open to the public for this purpose may also qualify. Fencing and gates are not allowed in the trail easement area, except those that are parallel to the trail or linkage;

5. Active trail linkage - fifteen or twenty-five points. For the purposes of this subsection B.5., "active trail linkage" means land in private ownership through which the owner agrees to allow nonmotorized public passage, for the purpose of providing a connection between trails within the county's regional trails system and local or regional attractions or points of interest, for trail users including equestrians, pedestrians, bicyclists and other users. For the purposes of this subsection B.5., "local or regional attractions or points of interest" include other trails, parks, waterways or other recreational and open space attractions, retail centers, arts and cultural facilities, transportation facilities, residential concentrations or similar destinations. To be eligible as an active trail linkage, the linkage must be open to passage by the general public and the property owner must enter into an agreement with the county consistent with applicable parks and recreation division policies to grant public access. To receive twenty-five points, the property owner must enter into an agreement with the county regarding improvement of the trail, including trail pavement and maintenance. To receive fifteen points, the property owner must agree to allow a soft-surface, nonpaved trail. The parks and recreation division is authorized to develop criteria for determining the highest priority linkages for which it will enter into agreements with property owners.

6. Farm and agricultural conservation land - five points. For the purposes of this subsection B.6., "farm and agricultural conservation land" means land previously classified as farm and agricultural land under RCW 84.34.020 that no longer meets the criteria of farm and agricultural land, or traditional farmland not classified under chapter 84.34 RCW that has not been irrevocably devoted to a use inconsistent with agricultural uses and has a high potential for returning to commercial agriculture. To be eligible as farm and

agricultural conservation land, the property must be used for farm and agricultural activities or have a high probability of returning to agriculture and the property owner must commit to return the property to farm or agricultural activities by implementing a farm management plan. An applicant must have an approved farm management plan in accordance with K.C.C. 21A.24.051 that is acceptable to the department and that is being implemented according to its proposed schedule of activities before receiving credit for this category. Farm and agricultural activities must occur on at least one acre of the property. Eligible land must be zoned to allow agricultural uses and be owned by the same owner or held under the same ownership. Land receiving credit for this category shall not receive credit for the category "contiguous parcels under separate ownership";

7. Forest stewardship land - five points. For the purposes of this subsection B.7., "forest stewardship land" means property that is managed according to an approved forest stewardship plan and that is not enrolled in the timberland program under chapter 84.34 RCW or the forestland program under chapter 84.33 RCW. To be eligible as forest stewardship land, the property must contain at least four acres of contiguous forestland, which may include land undergoing reforestation, according to the approved plan. The owner shall have and implement a forest stewardship plan approved by the department. The forest stewardship plan may emphasize forest retention, harvesting or a combination of both. Land receiving credit for this category shall not receive credit for the resource restoration category or the rural stewardship land category;

8. Historic landmark or archeological site: buffer to a designated site - three points. For the purposes of this subsection B.8, "historic landmark or archaeological site: buffer to a designated site" means property adjacent to land constituting or containing a designated county or local historic landmark or archeological site, as determined by the historic preservation officer of King County or other jurisdiction in which the property is located that manages a certified local government program. To be eligible as a historic landmark or archeological site: buffer to a designated site, a property must have a plant community in which native plants are dominant and be adjacent to or in the immediate vicinity of and provide a significant buffer for a designated landmark or archaeological site listed on the county or other certified local government list or register of

historic places or landmarks. For the purposes of this subsection B.8., "significant buffer" means land and plant communities that provide physical, visual, noise or other barriers and separation from adverse effects to the historic resources due to adjacent land use;

9. Historic landmark or archeological site: designated site - five points. For the purposes of this subsection B.9., "historic landmark or archaeological site: designated site" means land that constitutes or upon which is situated a historic landmark designated by King County or other certified local government program. Historic landmarks include buildings, structures, districts or sites of significance in the county's historic or prehistoric heritage, such as Native American settlements, trails, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites or traditional cultural properties. To be eligible as a historic landmark or archeological site: designated site, a property must be listed on a county or other certified local government list or register of historic places or landmarks for which there is local regulatory protection. Eligible property may include property that contributes to the historic character within designated historic districts, as defined by the historic preservation officer of King County or other certified local government jurisdiction. The King County historic preservation officer shall make the determination on eligibility;

10. Historic landmark or archeological site: eligible site - three points. For the purposes of this subsection B.10, "historic landmark or archaeological site: eligible site" means land that constitutes or upon which is situated a historic property that has the potential of being designated by a certified local government jurisdiction, including buildings, structures, districts or sites of significance in the county's historic or prehistoric heritage, such as Native American settlements, pioneer settlements, farmsteads, roads, industrial works, bridges, burial sites, prehistoric and historic archaeological sites or traditional cultural properties. An eligible property must be determined by the historic preservation officer of King County or other certified local government program in the jurisdiction in which the property is located to be eligible for designation and listing on the county or other local register of historic places or landmarks for which there is local regulatory

protection. Eligible property may include contributing property within designated historic districts. Property listed on the state or national Registers of Historic Places may qualify under this category;

11. Rural open space - five points. For the purposes of this subsection B.11., "rural open space" means an area of ten or more contiguous acres of open space located outside of the urban growth area as identified in the King County Comprehensive Plan that:

a. has a plant community in which native plants are dominant;

b. is former open farmland, woodlots, scrublands or other lands that are in the process of being replanted with native vegetation for which the property owner is implementing an approved farm management, forest stewardship, rural stewardship or resource restoration plan acceptable to the department;

12. Rural stewardship land - five points. For the purposes of this subsection B.12., "rural stewardship land" means lands zoned RA (rural area), A (agriculture) or F (forest), that has an implemented rural stewardship plan as provided in K.C.C. chapter 21A.24 that is acceptable to the department. On RA-zoned property, the approved rural stewardship plan shall meet the goals and standards of K.C.C. 21A.24.055. For A- and F-zoned properties, credit for this category is allowed if the plan meets the goals of K.C.C. 21A.24.055 D. through G. A rural stewardship plan includes, but is not limited to, identification of critical areas, location of structures and significant features, site-specific best management practices, a schedule for implementation and a plan for monitoring as provided in K.C.C. 21A.24.055. To be eligible as rural stewardship land, the open space must be at least one acre and feature a plant community in which native plants are dominant or be in the process of restoration, reforestation or enhancement of native vegetation. Land receiving credit for this category shall not receive credit for the resource restoration or the forest stewardship land category;

13. Scenic resource, viewpoint or view corridor - five points.

a. For the purposes of this subsection B.13., "scenic resource" means an area of ten or more enrolling acres of natural or recognized cultural features visually significant to the aesthetic character of the county. A site eligible as a scenic resource must be significant to the identity of the local area and must be visible to a



significant number of the general public from public rights-of-way, must be of sufficient size to substantially preserve the scenic resource value and must enroll at least ten acres of open space.

b. For the purposes of this subsection B.13., a "viewpoint" means a property that provides a view of an area visually significant to the aesthetic character of the county. To be eligible as a viewpoint, a site must provide a view of a scenic natural or recognized cultural resource in King County or other visually significant area and allows unlimited public access and be identified by a permanent sign readily visible from a road or other public right-of-way.

c. For the purposes of this subsection B.13., a "view corridor" means a property that contributes to the aesthetics of a recognized view corridor critical to maintaining a public view of a visually significant scenic natural or recognized cultural resource. A site eligible as a view corridor must contain at least one acre of open space that contributes to a view corridor visible to the public that provides views of a scenic natural resource area or recognized cultural resource significant to the local area. Recognized cultural areas must be found significant by the King County historic preservation officer or equivalent officer of another certified local government program and must contain significant inventoried or designated historic properties. Eligibility is subject to determination by the department or applicable jurisdiction;

14. Significant plant or ecological site - five points. For the purposes of this subsection B.14., "significant plant or ecological site" means an area that meets criteria for Element Occurrence established under the Washington Natural Heritage Program authorized by chapter 79.70 RCW. An Element Occurrence is a particular, on-the-ground observation of a rare species or ecosystem. An eligible site must be listed as an Element Occurrence by the Washington Natural Heritage Program as of the date of the application or be identified as a property that meets the criteria for an Element Occurrence. The identification must be confirmed by a qualified expert acceptable to the department. The department will notify the Washington Natural Heritage Program of any verified element occurrence on an enrolling property. Commercial nurseries, arboretums or other maintained garden sites with native or nonnative plantings are ineligible for this category;

15. Significant wildlife or salmonid habitat - five points.

a. For the purposes of this subsection B.15, "significant wildlife or salmonid habitat" means:

(1) an area used by animal species listed as endangered, threatened, sensitive or candidate by the Washington state Department of Fish and Wildlife or Department of Natural Resources as of the date of the application, or used by species of local significance that are listed by the King County Comprehensive Plan or a local jurisdiction;

(2) an area where the species listed in subsection B.15.a.(1) of this section are potentially found with sufficient frequency for critical ecological processes to occur such as reproduction, nesting, rearing, wintering, feeding or resting;

(3) a site that meets the criteria for priority habitats as defined by the Washington state Department of Fish and Wildlife that is so listed by the King County Comprehensive Plan or the local jurisdiction in which the property is located; or

(4) a site that meets criteria for a wildlife habitat conservation area as defined by the department or a local jurisdiction.

b. To be eligible as significant wildlife or salmonid habitat, the department or by expert determination acceptable to the department must verify that qualified species are present on the property or that the land fulfills the functions described in subsection B.15.a. of this section. To receive credit for salmonid habitat, the owner must provide a buffer at least fifteen percent greater in width than required by any applicable regulation. Property consisting mainly of disturbed or fragmented open space determined by the department as having minimal wildlife habitat significance is ineligible for this category;

16. Special animal site - three points. For the purposes of this subsection B.16., "special animal site" means a site that includes a wildlife habitat network identified by the King County Comprehensive Plan or individual jurisdictions through the Growth Management Act, chapter 36.70A RCW, or urban natural area as identified by the Washington state Department of Fish and Wildlife's priority habitats and species project as of

the date of the application. To be eligible as a special animal site, the property must be identified by King County or local or state jurisdiction or by expert verification acceptable to the department or local jurisdiction. Property consisting mainly of disturbed or fragmented open space determined by the department to have minimal wildlife habitat significance is ineligible for this category;

17. Surface water quality buffer - five points. For the purposes of this subsection B.17., "surface water quality buffer" means an undisturbed area that has a plant community in which native plants are dominant adjacent to a lake, pond, stream, shoreline, wetland or marine waters, that provides buffers beyond that required by any applicable regulation. To be eligible as surface water quality buffer, the buffer must be at least fifty percent wider than the buffer required by any applicable regulation and longer than twenty-five feet. The qualifying buffer area must be preserved from clearing and intrusion by domestic animals and protected from grazing or use by livestock;

18. Urban open space - five points.

a. For the purposes of this subsection B.18, "urban open space" means land located within the boundaries of a city or within the urban growth area that has a plant community in which native plants are dominant and that under the applicable zoning is eligible for more intensive development or use. To be eligible as urban open space, the enrolling area must be at least one acre, or be at least one-half acre if the land meets one of the following criteria:

- (1) the land conserves and enhances natural or scenic resources;
- (2) the land protects streams or water supply;
- (3) the land promotes conservation of soils, wetlands, beaches or tidal marshes;
- (4) the land enhances the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space;
- (5) the land enhances recreation opportunities to the general public; or
- (6) the land preserves visual quality along highways, roads, and streets or scenic vistas.

b. Owners of noncontiguous properties that together meet the minimum acreage requirement of subsection B.18.a. of this section may jointly apply under this category if each property is closer than seventy-five feet to one other property in the application and if each property contains an enrolling open space area at least as large as the minimum zoned lot size; and

19. Watershed protection area - five points. For the purposes of this subsection B.19, "watershed protection area" means property contributing to the forest cover that provides run-off reduction and groundwater protection. To be eligible as watershed protection area, the property must consist of contiguous native forest or be in the process of reforestation. The enrolling forested area must consist of additional forest cover beyond that required by county or applicable local government regulation and must be at least one acre or sixty-five percent of the property acreage, whichever is greater. If reforestation or improvements to the forest health are necessary, the property owner shall provide and implement a forest stewardship, resource restoration or rural stewardship plan that addresses this need and is acceptable to the department.

C. Property qualifying for an open space category in subsection B. of this section may receive credit for additional points as follows:

1. Resource restoration - five points. For the purposes of this subsection C.1, "resource restoration" means restoration of an enrolling area benefiting an area in an open space resource category. Emphasis shall be placed on restoration of anadromous fish rearing habitat, riparian zones, migration corridors and wildlife, upland, stream and wetland habitats. To be eligible as resource restoration, the owner must provide and implement a restoration plan developed in cooperation with the Soil Conservation Service, the state Department of Fisheries and Wildlife, King County or other appropriate local or county agency that is acceptable to the department. Historic resource restoration must be approved by the King County historic preservation officer or officer of another certified local government and must be accompanied by a long-term maintenance plan. For resource restoration credit, the owner shall provide to the department a yearly monitoring report for at least five years following enrollment in the public benefit rating system program. The report shall describe the progress

and success of the restoration project and shall include photographs to document the success. Land receiving credit for this category shall not receive credit for the forest stewardship land category or the rural stewardship land category;

2. Additional surface water quality buffer - three or five points. For the purposes of this subsection C.2, "additional surface water quality buffer" means an undisturbed area of native vegetation adjacent to a lake, pond, stream, wetland or marine water providing a buffer width of at least twice that required by regulation. To be eligible as additional surface water quality buffer, the property must qualify for the surface water quality buffer category in subsection B. of this section. Three points are awarded for additional buffers no less than two times the buffer width required by any applicable regulation. Five points are awarded for additional buffers no less than three times the buffer width required by any applicable regulation;

3. Contiguous parcels under separate ownership - two points per participating owner above one owner. The points under this subsection C.3. accrue to all of the owners of a single application. However, the withdrawal of a participating property by an owner results in the loss of two points to the total credit awarded for each of the remaining owners under this subsection C.3. For the purposes of this subsection C.3, "contiguous parcels" means either:

a. enrolling parcels abut each other without any significant natural or ~~((man))~~human-made barrier separating them; or

b. enrolling parcels abut a publicly owned open space but not necessarily abut each other without any significant natural or ~~((man))~~human-made barriers separating the publicly owned open space and the parcels seeking open space classification. Contiguous parcels of land with the same qualifying public benefit rating system resources are eligible for treatment as a single parcel if open space classification is sought under the same application except as otherwise prohibited by the farm and agricultural conservation land category. Award of this category requires a single application by multiple owners and parcels with identical qualifying public benefit rating system resources. Treatment as contiguous parcels shall include the requirement to pay

only a single application fee and the requirement that the total area of all parcels combined must equal or exceed any required minimum area, rather than each parcel being required to meet the minimum area.

Individual parcels may be withdrawn from open space classification consistent with all applicable rules and regulations without affecting the continued eligibility of all other parcels accepted under the same application, but the combined area of the parcels remaining in open space classification must still qualify for their original enrolling public benefit rating system category or categories. To be eligible as contiguous parcels under separate ownership, the property must include two or more parcels under different ownership. The owners of each parcel included in the application must agree to identical terms and conditions for enrollment in the program;

4. Conservation easement or historic preservation easement - fifteen points. For the purposes of this subsection C.4, "conservation easement or historic preservation easement" means land on which an easement is voluntarily placed that restricts, in perpetuity, further potential development or other uses of the property. The granting of this conservation easement or historic preservation easement provides additional value through permanent protection of a resource. These easements are typically donated or sold to a government or nonprofit organization, such as a land trust or conservancy. To be eligible as conservation easement or historic preservation easement, the easement must be approved by the department and be recorded with the records and licensing services division. The easement shall be conveyed to the county or to an organization acceptable to the department. In addition, historic preservation easements shall also be approved by the historic preservation officer of King County or officer of another certified local government jurisdiction in which the property is located. An easement required by zoning, subdivision conditions or other land use regulation is not eligible unless an additional substantive easement area is provided beyond that otherwise required;

5. Public access - points depend on type and frequency of access allowed. For the purposes of this subsection C.5, "public access " means the general public is allowed access on an ongoing basis for uses such as, but not limited to, recreation, education or training. Access must be allowed on only the portion of the

property that is designated for public access. The landowner may impose reasonable restrictions on access, such as limiting use to daylight hours, that are mutually agreed to by the landowner and the department. No physical barriers may limit reasonable public access or negatively affect an open space resource. To be eligible for public access at one of the levels described in a. through d. of this subsection C.5, a property owner shall demonstrate that the property is open to public access and is used by the public. Public access points for historic properties shall be approved by the historic preservation officer of King County or officer of another certified local government jurisdiction in which the property is located. The property owner may be required to furnish and maintain signage according to county specifications.

a. Unlimited public access - five points. Year-round access by the general public is allowed on the enrolled parcel without special arrangements with the property owner.

b. Limited public access because of resource sensitivity - five points. Access may be reasonably limited by the property owner on the enrolled parcel due to the sensitive nature of the resource, with access provided only to appropriate user groups. The access allowed shall generally be for an educational, scientific or research purpose and may require special arrangements with the owner.

c. Environmental education access - three points. The landowner enters into an agreement with a school, an organization with 26 U.S.C. Sec. 501(c)(3) tax status, or with the agreement of the department, other community organization that allows membership by the general public to provide environmental education on the enrolled parcel to its members or the public at large. The landowner and the department must mutually agree that the enrolled parcel has value for environmental education purposes.

d. Seasonally limited public access - three points. Access by the public is allowed on the enrolled parcel, ~~((with or))~~ without special arrangements with the property owner, during only part of the year based on seasonal conditions, as mutually agreed to by the landowner and the department.

e. None or members-only - zero points. No public access is allowed or the access is allowed only by members of the organization using or owning the land; and

6. Easement and access - thirty five points. For the purposes of this subsection C.6, "easement and access" means that the property has at least one qualifying open space resource, unlimited public access or limited public access due to resource sensitivity, and a conservation easement or historic preservation easement in perpetuity in a form and with conditions acceptable to the department. To be eligible a property must receive credit for an open space category and for the conservation easement or historic easement in perpetuity category. The owner must agree to allow public access to the portion of the property designated for public access in the easement. An easement required by zoning, subdivision conditions or other land use regulation is not eligible, unless there is additional easement area beyond that required. Credit for this category cannot overlap with the equestrian-pedestrian-bicycle trail linkage category.

SECTION 41. Ordinance 1886, Section 11, and K.C.C. 20.36.120 are each hereby amended to read as follows:

The county assessor shall approve or disapprove all applications for farm and agricultural classification with due regard to all relevant evidence. These applications shall be deemed to have been approved unless, prior to the first of May of the year after such application was mailed or delivered to the assessor, ~~((he shall notify))~~ the assessor notifies the applicant in writing to the extent to which the application is denied.

SECTION 42. Ordinance 1886, Section 12, and K.C.C. 20.36.130 are each hereby amended to read as follows:

A. An applicant for current assessment of farm and agricultural land who receives notice in writing from the county assessor that ~~((his))~~ the application has been denied may appeal such denial to the county council by filing a written appeal with the clerk of the county council within twenty-one calendar days of the date of the assessor's written notice of denial.

B. An owner of classified land who receives notice in writing from the county assessor that all or a portion of such land has been removed from current use classification may appeal such removal to the county board of equalization by filing a written appeal with the clerk of the board of equalization within thirty calendar



days of the date of the assessor's written notice of removal.

SECTION 43. Ordinance 6949, Section 3, and K.C.C. 20.44.010 are each hereby amended to read as follows:

A. King County adopts by reference the definitions contained in WAC 197-11-700 through 197-11-799.

In addition, the following definitions are adopted for this chapter:

1. "County council" means the county council described in Article 2 of the Home Rule Charter for King County or its duly authorized designee.

2. "County department" means any administrative office or executive department of King County, as described in K.C.C. 2.16.

3. "County executive" means any county executive described in Article 3 of the Home Rule Charter for King County or ~~((his or her duly authorized))~~ designee.

B. The following abbreviations are used in this chapter:

1. SEPA -- State Environmental Policy Act
2. DNS -- Determination of Non-Significance
3. DS -- Determination of Significance
4. EIS -- Environmental Impact Statement

SECTION 44. Ordinance 6949, Section 6, as amended, and K.C.C. 20.44.040 are each hereby amended to read as follows:

A. King County adopts the standards and procedures specified in WAC 197-11-300 through 197-11-390 and 197-11-800 through 197-11-890 for determining categorical exemptions and making threshold determinations subject to the following:

1. The following exempt threshold levels are hereby established in accordance with WAC 197-11-800 (1)(c) for the exemptions in WAC 197-11-800(1)(b):

a. The construction or location of any residential structures of twenty dwelling units within the

boundaries of an urban growth area, or of any residential structures of eight dwelling units outside of the boundaries of an urban growth area;

b. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering thirty thousand square feet on land zoned agricultural, or fifteen thousand square feet in all other zones, and to be used only by the property owner or ((~~his or her~~)) agent in the conduct of farming the property. This exemption shall not apply to feed lots;

c. The construction of an office, school, commercial, recreational, service or storage building with twelve thousand square feet of gross floor area, and with associated parking facilities designed for forty automobiles;

d. The construction of a parking lot designed for forty automobiles;

e. Any fill or excavation of five hundred cubic yards throughout the total lifetime of the fill or excavation and any fill or excavation classified as a class I, II, or III forest practice under RCW 76.09.050 or regulation thereunder: The categorical exemption threshold shall be one hundred cubic yards for any fill or excavation that is in an aquatic area, wetland, steep slope or landslide hazard area. If the proposed action is to remove from or replace fill in an aquatic area, wetland, steep slope or landslide hazard area to correct a violation, the threshold shall be five hundred cubic yards.

2. The determination of whether a proposal is categorically exempt shall be made by the county department that serves as lead agency for that proposal.

B. The mitigated DNS provision of WAC 197-11-350 shall be enforced as follows:

1. If the department issues a mitigated DNS, conditions requiring compliance with the mitigation measures which were specified in the application and environmental checklist shall be deemed conditions of any decision or recommendation of approval of the action.

2. If at any time the proposed mitigation measures are withdrawn or substantially changed, the responsible official shall review the threshold determination and, if necessary, may withdraw the mitigated

DNS and issue a DS.

SECTION 45. Ordinance 4828, Section 2, as amended, and K.C.C. 20.62.020 are each hereby amended to read as follows:

The following words and terms shall, when used in this chapter, be defined as follows unless a different meaning clearly appears from the context:

A. "Alteration" is any construction, demolition, removal, modification, excavation, restoration or remodeling of a landmark.

B. "Building" is a structure created to shelter any form of human activity, such as a house, barn, church, hotel or similar structure. Building may refer to an historically related complex, such as a courthouse and jail or a house and barn.

C. "Certificate of appropriateness" is written authorization issued by the commission or its designee permitting an alteration to a significant feature of a designated landmark.

D. "Commission" is the landmarks commission created by this chapter.

E. "Community landmark" is an historic resource which has been designated pursuant to K.C.C. 20.62.040 but which may be altered or changed without application for or approval of a certificate of appropriateness.

F. "Designation" is the act of the commission determining that an historic resource meets the criteria established by this chapter.

G. "Designation report" is a report issued by the commission after a public hearing setting forth its determination to designate a landmark and specifying the significant feature or features thereof.

H. "Director" is the director of the King County department of permitting and environmental review or ((his or her)) designee.

I. "District" is a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or

physical development. A district may also comprise individual elements separated geographically but linked by association or history.

J. "Heritage" is a discipline relating to historic preservation and archaeology, history, ethnic history, traditional cultures and folklore.

K. "Historic preservation officer" is the King County historic preservation officer or ~~((his or her))~~ designee.

L. "Historic resource" is a district, site, building, structure or object significant in national, state or local history, architecture, archaeology, and culture.

M. "Historic resource inventory" is an organized compilation of information on historic resources considered to be significant according to the criteria listed in K.C.C. 20.62.040.A. The historic resource inventory is kept on file by the historic preservation officer and is updated from time to time to include newly eligible resources and to reflect changes to resources.

N. "Incentives" are such compensation, rights or privileges or combination thereof, which the council, or other local, state or federal public body or agency, by virtue of applicable present or future legislation, may be authorized to grant to or obtain for the owner or owners of designated landmarks. Examples of economic incentives include but are not limited to tax relief, conditional use permits, rezoning, street vacation, planned unit development, transfer of development rights, facade easements, gifts, preferential leasing policies, private or public grants-in-aid, beneficial placement of public improvements, or amenities, or the like.

O. "Interested person of record" is any individual, corporation, partnership or association ~~((which))~~ that notifies the commission or the council in writing of its interest in any matter before the commission.

P. "Landmark" is an historic resource designated as a landmark pursuant to K.C.C. 20.62.070.

Q. "Nomination" is a proposal that an historic resource be designated a landmark.

R. "Object" is a material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

S. "Owner" is a person having a fee simple interest, a substantial beneficial interest of record or a substantial beneficial interest known to the commission in an historic resource. Where the owner is a public agency or government, that agency shall specify the person or persons to receive notices under this chapter.

T. "Person" is any individual, partnership, corporation, group or association.

U. "Person in charge" is the person or persons in possession of a landmark including, but not limited to, a mortgagee or vendee in possession, an assignee of rents, a receiver, executor, trustee, lessee, tenant, agent, or any other person directly or indirectly in control of the landmark.

V. "Preliminary determination" is a decision of the commission determining that an historic resource which has been nominated for designation is of significant value and is likely to satisfy the criteria for designation.

W. "Significant feature" is any element of a landmark which the commission has designated pursuant to this chapter as of importance to the historic, architectural or archaeological value of the landmark.

X. "Site" is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains an historical or archaeological value regardless of the value of any existing structures.

Y. "Structure" is any functional construction made usually for purposes other than creating human shelter.

SECTION 46. Ordinance 4828, Section 3, as amended, and K.C.C. 20.62.030 are each hereby amended to read as follows:

A. There is created the King County landmarks commission which shall consist of nine regular members and special members selected as follows:

1. Of the nine regular members of the commission at least three shall be professionals who have experience in identification, evaluation, and protection of historic resources and have been selected from among the fields of history, architecture, architectural history, historic preservation, planning, cultural anthropology,

archaeology, cultural geography, landscape architecture, American studies, law, or other historic preservation related disciplines. The nine regular members of the commission shall be appointed by the county executive, subject to confirmation by the council, provided that no more than four members shall reside within any one municipal jurisdiction. All regular members shall have a demonstrated interest and competence in historic preservation.

2. The county executive may solicit nominations for persons to serve as regular members of the commission from the Association of King County Historical Organizations, the American Institute of Architects (Seattle Chapter), the Seattle King County Bar Association, the Seattle Master Builders, the chambers of commerce, and other professional and civic organizations familiar with historic preservation.

3. One special member shall be appointed from each municipality within King County which has entered into an interlocal agreement with King County providing for the designation by the commission of landmarks within such municipality in accordance with the terms of such interlocal agreement and this chapter. Each such appointment shall be in accordance with the enabling ordinance adopted by such municipality.

B. Appointments of regular members, except as provided in subsection C of this section, shall be made for a three-year term. Each regular member shall serve until ~~((his or her))~~ a successor is duly appointed and confirmed. Appointments shall be effective on June 1st of each year. In the event of a vacancy, an appointment shall be made to fill the vacancy in the same manner and with the same qualifications as if at the beginning of the term, and the person appointed to fill the vacancy shall hold the position for the remainder of the unexpired term. Any member may be reappointed, but may not serve more than two consecutive three-year terms. A member shall be deemed to have served one full term if such member resigns at any time after appointment or if such member serves more than two years of an unexpired term. The members of the commission shall serve without compensation except for out-of-pocket expenses incurred in connection with commission meetings or programs.

C. After May 4, 1992, the term of office of members becomes effective on the date the council

confirms the appointment of commission members and the county executive shall appoint or reappoint three members for a three-year term, three members for a two-year term, and three members for a one-year term. For purposes of the limitation on consecutive terms in subsection B<sub>2</sub> of this section an appointment for a one-or a two-year term shall be deemed an appointment for an unexpired term.

D. The chair shall be a member of the commission and shall be elected annually by the regular commission members. The commission shall adopt, in accordance with K.C.C. chapter 2.98, rules and regulations, including procedures, consistent with this chapter. The members of the commission shall be governed by the King County code of ethics, K.C.C. chapter 3.04. The commission shall not conduct any public hearing required under this chapter until rules and regulations have been filed as required by K.C.C. chapter 2.98.

E. A special member of the commission shall be a voting member solely on matters before the commission involving the designation of landmarks within the municipality from which such special member was appointed.

F. A majority of the current appointed and confirmed members of the commission shall constitute a quorum for the transaction of business. A special member shall count as part of a quorum for the vote on any matter involving the designation or control of landmarks within the municipality from which such special member was appointed. All official actions of the commission shall require a majority vote of the members present and eligible to vote on the action voted upon. No member shall be eligible to vote upon any matter required by this chapter to be determined after a hearing unless that member has attended the hearing or ((~~familiarized him or herself~~)) is familiar with the record.

G. The commission may from time to time establish one or more committees to further the policies of the commission, each with such powers as may be lawfully delegated to it by the commission.

H. The county executive shall provide staff support to the commission and shall assign a professionally qualified county employee to serve as a full-time historic preservation officer. Under the direction of the

commission, the historic preservation officer shall be the custodian of the commission's records. The historic preservation officer or ((his or her)) designee shall conduct official correspondence, assist in organizing the commission and organize and supervise the commission staff and the clerical and technical work of the commission to the extent required to administer this chapter.

I. The commission shall meet at least once each month for the purpose of considering and holding public hearings on nominations for designation and applications for certificates of appropriateness. Where no business is scheduled to come before the commission seven days before the scheduled monthly meeting, the chair of the commission may cancel the meeting. All meetings of the commission shall be open to the public. The commission shall keep minutes of its proceedings, showing the action of the commission upon each question, and shall keep records of all official actions taken by it, all of which shall be filed in the office of the historic preservation officer and shall be public records.

J. At all hearings before and meetings of the commission, all oral proceedings shall be electronically recorded. The proceedings may also be recorded by a court reporter if any interested person at ((his or her)) the interested person's own expense shall provide a court reporter for that purpose. A tape recorded copy of the electronic record of any hearing or part of a hearing shall be furnished to any person upon request and payment of the reasonable expense of the copy.

K. The commission is authorized, subject to the availability of funds for that purpose, to expend moneys to compensate experts, in whole or in part, to provide technical assistance to property owners in connection with requests for certificates of appropriateness upon a showing by the property owner that the need for the technical assistance imposes an unreasonable financial hardship on the property owner.

L. Commission records, maps or other information identifying the location of archaeological sites and potential sites shall be exempt from public disclosure as specified in RCW 42.17.310 in order to avoid looting and depredation of the sites.

SECTION 47. Ordinance 4828, Section 4, as amended, and K.C.C. 20.62.040 are each hereby amended



to read as follows:

A. An historic resource may be designated as a King County landmark if it is more than forty years old or, in the case of a landmark district, contains resources that are more than forty years old, and possesses integrity of location, design, setting, materials, quality of work((~~manship~~)), feeling((;)) or association, or any combination of the foregoing aspects of integrity, sufficient to convey its historic character, and:

1. Is associated with events that have made a significant contribution to the broad patterns of national, state or local history;
2. Is associated with the lives of persons significant in national, state or local history;
3. Embodies the distinctive characteristics of a type, period, style or method of design or construction, or that represents a significant and distinguishable entity whose components may lack individual distinction;
4. Has yielded, or may be likely to yield, information important in prehistory or history; or
5. Is an outstanding work of a designer or builder who has made a substantial contribution to the art.

B. An historic resource may be designated a community landmark because it is an easily identifiable visual feature of a neighborhood or the county and contributes to the distinctive quality or identity of such neighborhood or county or because of its association with significant historical events or historic themes, association with important or prominent persons in the community or county or recognition by local citizens for substantial contribution to the neighborhood or community. An improvement or site qualifying for designation solely by virtue of satisfying criteria set out in this section shall be designated a community landmark and shall not be subject to K.C.C. 20.62.080.

C. Cemeteries, birthplaces or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature and properties that have achieved significance within the past forty years shall not be considered eligible for designation. However, such a property shall be eligible for designation if they are:

1. An integral part of districts that meet the criteria set out in subsection A. of this section or if it is:
2. A religious property deriving primary significance from architectural or artistic distinction or historical importance;
3. A building or structure removed from its original location but that is significant primarily for its architectural value, or which is the surviving structure most importantly associated with a historic person or event;
4. A birthplace, grave or residence of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with ~~((his or her))~~ the historical figure's productive life;
5. A cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features or from association with historic events;
6. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner or as part of a restoration master plan, and when no other building or structure with the same association has survived;
7. A property commemorative in intent if design, age, tradition or symbolic value has invested it with its own historical significance; or
8. A property achieving significance within the past forty years if it is of exceptional importance.

SECTION 48. Ordinance 10870, Section 105, as amended, and K.C.C. 21A.06.325 are each hereby amended to read as follows:

Director: the director of King County department of permitting and environmental review~~((;))~~ or ~~((his or her))~~ designee.

SECTION 49. Ordinance 10870, Section 121, as amended, and K.C.C. 21A.06.405 are each hereby amended to read as follows:

Equipment, heavy: high-capacity mechanical devices for moving earth or other materials, and mobile power units including, but not limited to the following:

- A. Carryalls;
- B. Graders;
- C. Loading and unloading devices;
- D. Cranes;
- E. Drag lines;
- F. Trench diggers;
- G. Tractors;
- H. Augers;
- I. Bulldozers;
- J. Concrete mixers and conveyers;
- K. Harvesters;
- L. Combines; or
- M. Other major agricultural equipment and similar devices operated by mechanical power as distinguished from ~~((manpower))~~ human-powered equipment.

SECTION 50. Ordinance 12020, Section 32, and K.C.C. 21A.06.467 are each hereby amended to read as follows:

Financial guarantee means a form of financial security posted to ensure timely and proper completion of improvements, to ensure compliance with the King County Code, and/or to warranty materials, ~~((workmanship))~~ quality of work of the improvements, and design. Financial guarantees include assignments of funds, cash deposit, and surety bonds, and or other forms of financial security acceptable to the director. For the purposes of this title, the terms performance guarantee, maintenance guarantee, and defect guarantee are considered sub-categories of financial guarantee.

SECTION 51. Ordinance 10870, Section 281, as amended, and K.C.C. 21A.06.1205 are each hereby amended to read as follows:

Specified sexual activities: human genitalia in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; or erotic fondling, touching or display of human genitalia, pubic region, buttock((;)) or ((female)) breast.

SECTION 52. Ordinance 10870, Section 297, as amended, and K.C.C. 21A.06.1285 are each hereby amended to read as follows:

Trails: ((~~man~~))human-made pathways designed and intended for use by pedestrians, bicyclists, equestrians, and other nonmotorized recreational users.

SECTION 53. Ordinance 11210, Section 12, as amended, and K.C.C. 21A.16.115 are each hereby amended to read as follows:

A. The landscape plan submitted to the department shall be drawn on the same base map as the development plans and shall identify the following:

1. Total landscape area and separate hydrozones;
2. Landscape materials botanical/common name and applicable size;
3. Property lines;
4. Impervious surfaces;
5. Natural or ((~~man~~))human-made water features or bodies;
6. Existing or proposed structures, fences, and retaining walls;
7. Natural features or vegetation left in natural state; and
8. Designated recreational open space areas.

B. The proposed landscape plan shall be certified by a Washington state licensed landscape architect.

C. An affidavit signed by an individual specified in subsection B. of this section, certifying that the landscaping has been installed in compliance with the approved landscaping plan, shall be submitted to the department within thirty days of installation completion, unless the installed landscaping has been inspected and accepted by the department.

D. The required landscaping shall be installed no later than three months after issuance of a certificate of occupancy for the project or project phase. However, the time limit for compliance may be extended to allow installation of such required landscaping during the next appropriate planting season. A financial guarantee shall be required before issuance of the certificate of occupancy, if landscaping is not installed and inspected before occupancy.

SECTION 54. Ordinance 11210, Section 17, as amended, and K.C.C. 21A.16.330 are each hereby amended to read as follows:

For purposes of this section, irrigation shall include any means of applying water to landscaped areas. All irrigation is at the applicant's option. Manually applied irrigation methods shall comply with subsections A. through C. of this section. Irrigation applied through installed irrigation systems shall comply with subsections A. through D. ((:)) of this section.

A. The applicant shall provide the following information:

1. Right-of-way use permit if required;
2. Identity of person or entity responsible for maintenance of the irrigation; and
3. Location of shut-off valves.

B. Irrigation water shall be applied with goals of avoiding runoff, low head drainage, overspray ((:)) or other similar conditions where water flows onto adjacent property, nonirrigated areas ((:)) and impervious surfaces by:

1. Considering soil type and infiltration rates ((:));
2. Using proper irrigation equipment and schedules, including features such as repeat cycles, to closely match application rates with infiltration rates ((:)); and
3. Considering special problems posed by irrigation on slopes and in median strips.

C. All irrigation water outlets, except those using alternative water sources, shall be downstream of the meter used to measure irrigation water use.

D. Irrigation systems shall be subject to the following additional provisions:

1. Systems shall not be located on any:

- a. turfgrass slopes exceeding a slope of three horizontal feet to one vertical foot (3:1)((~~5~~)); and
- b. turfgrass portions of median strips.

2. Systems in landscape strips less than five feet in width shall be designed to ensure that overspray and/or runoff does not occur by use of system design options such as low volume emitters.

3. Systems shall be designed to be consistent with the requirements of the hydrozone in which they are located.

4. Systems shall be designed with the minimum average irrigation efficiency of 0.625.

5. The use of automatic shutoff or override capabilities using rain shutoffs or moisture sensors is encouraged.

6. Systems shall utilize a ((~~master~~)) central control valve connected to an automatic controller.

7. Systems shall make provisions for winterization either by providing:

- a. manual drains (automatic drain valves are not permitted at all low points), or
- b. means to blow out lines with pressurized air.

8. Separate valves shall be used to irrigate plants with differing water needs.

9. Sprinkler heads with consistent application rates shall be selected for proper area coverage, operating pressure, and adjustment capability.

SECTION 55. Ordinance 10870, Section 437, as amended, and K.C.C. 21A.20.170 are each hereby amended to read as follows:

A. Notwithstanding any other provision of K.C.C. 21A.20.130 ((-)) through 21A.20.180 or other applicable laws or regulations, no billboard shall be located or oriented in a manner that is within the direct line-of-sight of views of Mt. Rainier, Mt. Baker, the Olympic Mountains, Puget Sound, or any lake or river from adjacent public roadways. All applications for billboard alteration or relocation shall be certified by the

applicant as meeting this provision. Any billboard subsequently found to violate this provision shall be deemed nonconforming and shall be required to become the next nonconforming billboard relocated pursuant to K.C.C. 21A.20.160.

B. Notwithstanding any other provision of K.C.C. 21A.20.130 ((-)) through 21A.20.180 or other applicable law or regulation, no billboard owner or ((his)) agent shall remove, cut, or otherwise alter any vegetative screening on public property or private landscaping required by code as a condition of permit approval in order to improve the visibility of a nearby billboard. Should such an alteration occur, any billboard so benefited shall be deemed nonconforming and shall be required to become the next nonconforming billboard relocated pursuant to K.C.C. 21A.20.160.F.

SECTION 56. Ordinance 11621, Section 90, as amended, and K.C.C. 21A.28.154 are each hereby amended to read as follows:

A. There is hereby created a school technical review committee within King County. The committee shall consist of three county staff persons, one each from the department of permitting and environmental review, the office of financial management and the county council.

B. The committee shall be charged with reviewing each school district's capital facilities plan, enrollment projections, standard of service, the district's overall capacity for the next six years to ensure consistency with the Growth Management Act, King County Comprehensive Plan and adopted community plans, and the district's calculation and rationale for proposed impact fees.

C. Notice of the time and place of the committee meeting where the district's documents will be considered shall be provided to the district.

D. At the meeting where the committee will review or act upon the district's documents, the district shall have the right to attend or to be represented, and shall be permitted to present testimony to the committee. Meetings shall also be open to the public.

E. In its review, the committee shall consider the following factors:

1. Whether the district's forecasting system for enrollment projections has been demonstrated to be reliable and reasonable.
2. The historic levels of funding and voter support for bond issues in the district;
3. The inability of the district to obtain the anticipated state funding or to receive voter approval for district bond issues;
4. An emergency or emergencies in the district which required the closing of a school facility or facilities resulting in a sudden and unanticipated decline in districtwide capacity;
5. The standards of service set by school districts in similar types of communities. While community differences will be permitted, the standard established by the district should be reasonably consistent with the standards set by other school districts in communities of similar socioeconomic profile((-)); and
6. The ~~((committee shall consider the))~~ standards identified by the state concerning the ratios of certificated instructional staff to students.

F. In the event that the district's standard of service reveals a deficiency in its current facilities, the committee shall review the district's capital facilities plan to determine whether the district has identified all sources of funding necessary to achieve the standard of service.

G. The district in developing the financing plan component of the capital facilities plan shall plan on a six-year horizon and shall demonstrate its best efforts by taking the following steps:

1. Establish a six-year financing plan, and propose the necessary bond issues and levies required by and consistent with that plan and as approved by the school board and consistent with RCW 28A.53.020 ~~((and RCW))~~, 84.52.052 and 84.52.056, as amended; and
2. Apply to the state for funding, and comply with the state requirement for eligibility to the best of the district's ability.

H. The committee is authorized to request the school district to review and to resubmit its capital facilities plan, or to establish a different standard of service, or to review its capacity for accommodating new



students, under the following circumstances:

1. The standard of service established by the district is not reasonable in light of the factors set forth in subsection E. of this section.

2. The committee finds that the district's standard of service cannot reasonably be achieved in light of the secured financial commitments and the historic levels of support in the district; or

3. Any other basis ~~((which))~~ that is consistent with ~~((the provisions of))~~ this section.

I. If a school district fails to submit its capital facilities plan for review by the committee, King County shall assume the district has adequate capacity to accommodate growth for the following six years.

J. The committee shall submit copies of its recommendation of concurrency for each school district to the director ~~((of the department of development and environmental review))~~, to the hearing examiner and to the district.

K. The committee shall recommend to the council a Comprehensive Plan amendment adopting the district's capital facilities plan as part of the Comprehensive Plan, for any plan which the committee concludes accurately reflects the district's facilities status.

L. In the event that after reviewing the district's capital facilities plan and other documents, the committee is unable to recommend certifying concurrency in a school district, the committee shall submit a statement to the council, the director and the hearing examiner stating that the committee is unable to recommend certifying concurrency in a specific school district. The committee shall recommend to the executive that ~~((he))~~ the executive propose to the council, amendments to the land use element of the King County Comprehensive Plan or amendments to the development regulations implementing the plan to more closely conform county land use plans and school facilities plans, including but not limited to requiring mandatory phasing of plats, UPDs or multifamily development located within the district's boundary. The necessary draft amendments shall accompany such recommendations.

SECTION 57. Ordinance 10870, Section 616, as amended, and K.C.C. 21A.42.080 are each hereby

amended to read as follows:

A. Decisions regarding the approval or denial of development proposals, excluding periodic review of mineral extraction operations, subject to director review shall be based upon compliance with the required showings of K.C.C. chapter 21A.44. Periodic reviews of mineral extraction operations shall be based upon the criteria outlined in K.C.C. 21A.22.050.B.

B. The written decision contained in the record shall show:

1. Facts, findings and conclusions supporting the decision and demonstrating compliance with the applicable decision criteria; and

2. Any conditions and limitations imposed, if the request is granted.

C. The director shall mail a copy of the written decision to the applicant and to all parties of record.

D. ((~~t~~))The director shall adopt rules for the transaction of business and shall keep a public record of ((~~his~~)) the director's actions, finding, waivers and determinations.

SECTION 58. Ordinance 10870, Section 632, and K.C.C. 21A.50.040 are each hereby amended to read as follows:

A. Permit suspension, revocation or modification shall be carried out through the procedures set forth in K.C.C. Title 23. Any permit, variance, or other land use approval issued by King County pursuant to this title may be suspended, revoked or modified on one or more of the following grounds:

1. The approval was obtained by fraud;

2. The approval was based on inadequate or inaccurate information;

3. The approval, when given, conflicted with existing laws or regulations applicable thereto;

4. An error of procedure occurred which prevented consideration of the interests of persons directly affected by the approval;

5. The approval or permit granted is being exercised contrary to the terms or conditions of such approval or in violation of any statute, law or regulation;

6. The use for which the approval was granted is being exercised in a manner detrimental to the public health or safety;

7. The holder of the permit or approval interferes with the director or any authorized representative in the performance of ~~((his or her))~~ the director or any authorized representative's duties; or

8. The holder of the permit or approval fails to comply with any notice and order issued pursuant to K.C.C. Title 23.

B. Authority to revoke or modify a permit or land use approval shall be exercised by the issuer, as follows:

1. The council may, after a recommendation from the examiner, revoke or modify any residential density incentive approval, transfer of development credit, Urban Planned Development, preliminary subdivision, zone reclassification or special use permit;

2. The adjustor may revoke or modify any variance or conditional use permit, provided that if it was reviewed through a public hearing, a new public hearing shall be held on its revocation or modification; and

3. The director may revoke or modify any permit or other land use approval issued by the director.

SECTION 59. Ordinance 17287, Section 3, as amended, and K.C.C. 21A.55.105 are each hereby amended to read as follows:

A. The purpose of the master planning process demonstration project is to:

1. Create a comprehensive but streamlined process for the review of major land use proposals that will be developed over the course of several years by:

a. utilizing a concise timeline for project review that incorporates a process for public outreach and input during project review and facility operation;

b. executing a development and operating agreement, pursuant to RCW 36.70B.170 that establishes:

(1) a clearly defined project through a master development plan, which shall include a master site

plan;

(2) requirements that must be met before approval of each phase of development; and

(3) operating standards governing all aspects of the project's operation, including, but not limited to, noise and traffic, hours and days of operation for racing, nonracing uses and number and types of events; and

c. establishing a process that ensures timely and efficient review;

2. Utilize the hearing examiner, as authorized in K.C.C. 20.22.190, to ~~((function as a special master for the purpose of))~~ conduct fact finding and reporting on compliance by the applicant with the executed development and operating agreement, as provided in subsection S. of this section; and

3. Provide for ongoing monitoring of the executed development and operating agreement by the council to ensure continued future compliance with the executed development and operating agreement.

B. The master planning process demonstration project shall be implemented only for a regional motor sports facility only on the Pacific Raceways property as described in Attachment A to Ordinance 17287.

C. The master planning demonstration project shall be initiated by the applicant making a written request to the department for a preapplication meeting to identify the requirements necessary for a complete application under this section.

D. A master planning proposal application shall be considered complete when the following information and studies have been submitted and are adequate to review the proposal:

1. A proposed development plan that describes the nature, size and scope and phasing of all proposed activities;

2. A proposed site plan that identifies the location and dimensions of proposed racing surfaces, access roadways, parking areas, buildings, stormwater facilities, sewage treatment or holding facilities and any off-site traffic improvements;

3. A proposed master drainage plan under the surface water design manual;

4. A proposed grading plan that identifies or includes:

- a. land contours;
- b. soil types; and
- c. phasing;

5. Proposed development conditions relating to:

- a. on-site vehicle circulation and off-site traffic control measures;
- b. protection for critical areas, especially adjacent to Soosette creek;
- c. stormwater flow control and water quality treatment;
- d. visual screening from adjoining residential properties;
- e. ongoing monitoring and reporting to measure compliance with the

development and operating agreements;

- f. fire protection; and
- g. water supply and service;

6. Proposed operating conditions that specify:

- a. days and hours of operation;
- b. frequency of events;
- c. types of activities, including types of motor vehicles; and
- d. maximum noise levels; and

7. Any necessary information identified through the preapplication process.

E. The development and operating agreement shall contain development standards and operating conditions related to the development and operation of the site and shall include, but shall not be limited to:

- 1. A master site plan and detailed conditions establishing the:
  - a. location and scope of proposed land uses;
  - b. location and size of buildings and structures such as grandstands;
  - c. layout and dimensions of racing surfaces and circulation roadways;

- d. site elevations and contours established by a master grading plan;
  - e. excavation and processing of materials, including dust control, during construction of the facilities;
  - f. location and dimensions parking areas;
  - g. location of stormwater facilities, sewage treatment facilities, water, and related features; and
  - h. vegetative screening required in subsection F.1. of this section;
- 2. A master drainage plan consistent with the surface water design manual;
  - 3. A project phasing plan, including threshold requirements that must be met before approval of the next phase of development;
  - 4. Specified types of racing and nonracing activities, and where on the site the activities can occur;
  - 5((;)). Specified days and times for all racing and nonracing uses;
  - 6. Specified noise levels for racing and nonracing uses, including but not limited to, how noise levels will be measured and mitigated;
  - 7. Specified on-site vehicle circulation and other traffic control measures to reduce the impact of congestion on roadways in the vicinity of Pacific Raceways;
  - 8. Specified development conditions to ensure that permitted alterations provided for in subsection G. of this section achieve the appropriate level of protections;
  - 9. Specified development conditions to ensure that stormwater flow control and water quality treatment provided for in subsection H. of this section is achieved;
  - 10. Specified regular ongoing monitoring and reporting to measure compliance with the development and operating agreement requirements relating to noise, traffic, air quality, groundwater quality, stormwater flow control and water quality treatment and water volume and quality in Soosette creek;
  - 11. Specified process for the receipt and evaluation by the department of inquiries and complaints relating to the operation of the facility, in order to allow for review by the hearing examiner as provided in

subsection S. of this section; and

12. Specified enforcement mechanisms to address any violations of the conditions of the development agreement, including, but not limited to, the following:

- a. a process for monitoring condition violations and for receipt of complaints;
- b. a process for expedited review and remedy of possible violations; and
- c. a penalty schedule that recognizes the nature and impact of the violation and is sufficient to deter violations that otherwise result in financial benefit to the facility, including, but not limited to, revocation of operating permit and loss of specific days of operation.

F. All development under the master plan shall be subject to the following standards relating to screening and building setbacks: as provided in K.C.C. 21A.16.030.F., to the maximum extent practical, buildings and other structures shall be constructed on the project to be shielded from view from adjoining residential properties using methods that may include, but are not limited to:

1. Retention of existing vegetation; and
2. Placement of new vegetation to augment existing vegetation.

G.1. Except as otherwise provided in this subsection G.2. of this section, all development under the master plan shall comply with K.C.C. chapter 21A.24.

2. The department may approve alterations to critical areas, critical areas buffers and critical area setbacks that are not otherwise allowed as an alteration exception under K.C.C. 21A.24.070 when the applicant demonstrates that:

- a. the proposal does not pose an unreasonable threat to the public health, safety or welfare on or off the site;
- b. the proposed impacts to critical areas, critical area buffers and critical area setbacks shall be controlled and compensated for in accordance with the requirements of K.C.C. 21A.24.125;
- c. for proposed alterations within steep slope or landslide areas:

(1) the alterations are necessary to bring existing racing or access road surfaces into compliance with applicable racing association safety standards, or to construct noise barriers or for the placement of spectator seating on the interior portion of the road course; and

(2) the alterations can be constructed to maintain the stability of the hazard area through the use of structural mitigations identified through a geotechnical analysis by a licensed and qualified geotechnical professional; and

d. for proposed alterations to wetlands or aquatic areas and their buffers:

(1) the alterations are necessary to comply with applicable racing association safety standards either for existing racing surfaces or for providing to emergency vehicles access roads to the existing racing surfaces;

(2) there is no feasible alternative to the development proposal with less adverse impact on the critical area;

(3) the alteration is the minimum necessary to accommodate the development proposal;

(4) the alternation has the least possible adverse impact on the critical area and critical area buffer;

(5) the critical area is not used as a salmonid spawning area;

(6) the director may only approve an alteration in a category III or IV wetland; and

(7) the alterations to any wetland shall be mitigated in accordance with an approved mitigation plan by relocating the wetland into a new wetland, with equivalent or greater functions, or into an existing wetland at the ratios specified in K.C.C. 21A.24.340 based on the type of mitigation measures proposed.

H. Uses proposed under the master planning proposal shall comply with the King County surface water design manual and shall:

1. Use enhanced basic water quality measures to treat stormwater and use stormwater infiltration facilities to manage stormwater to protect aquatic life in Big Soos and Soosette creeks and operation of the Soos Creek Hatchery, while protecting groundwater quality. The department shall consider the proposed use in determining whether spill control or special oil control measures in excess of the King County surface water



design manual requirements are necessary to achieve the required environmental protections;

2. Specify and require facilities and best management practices to insure that auto-related fluids, brake dust, and other products are properly managed and disposed of to avoid contamination of soils, surface water and groundwater;

3. Develop and implement a water quality monitoring plan to assure that copper, other metals, hydrocarbons and other contaminants are not elevated in ground and surface waters on- site and in Big Soos and Soosette creeks;

4. Conduct flow monitoring in Big and Soosette creeks before, during and after construction to ensure that normal or preexisting flows are being maintained.

5. Conduct biotic monitoring in Big Soos and Soosette creeks before, during and after construction;

6. If the department determines it to be environmentally beneficial and if it is in compliance with the surface water design manual requirements for discharge to the natural location and is approved through an adjustment, channel surface water from impervious surfaces, including buildings, structures, pit areas or raceways to drain away from Soosette creek and evaluate any impacts to Big Soos and Soosette creeks and to the alternative discharge location; and

7. Develop and implement an adaptive management program to correct any flow, surface or ground water quality, or biotic problem in Big Soos or Soosette creeks caused by the development.

I. Site development that entails extraction and grading of soils to achieve the final site contours for development shall be subject to the following limits:

1. The amount of materials that may be extracted during any specific phase of project construction shall be only as necessary to construct that phase of the project approved for construction; and

2. The on-site processing of the extracted materials shall be limited to the sorting of the material into separate dirt, sand and gravel components.

J. The master planning proposal shall include site designs and features to reduce the level of noise

impacts upon nearby residential neighborhoods.

K. The department shall:

1. Schedule and conduct a preapplication meeting with applicant within thirty days of the request for such a meeting by the applicant in order to identify the full range of potential issues related to the proposed expansion of Pacific Raceways and to specifically list information or studies needed to adequately evaluate the listed issues.
2. Provide to the applicant a detailed listing of all project issues and necessary information or studies required under subsection D. of this section within thirty days after the date of the preapplication meeting;
3. Accept for filing a master planning proposal application submitted by the applicant only if it provides the information and studies required by subsection K.2. of this section;
4. Determine whether the master planning proposal is a complete application under this section and K.C.C. 20.20.050;
5. Provide a notice of a complete application under K.C.C. 20.20.060.B. In addition to notice required under K.C.C. 20.20.060.B, the department shall provide mailed notice to:
  - a. all parties of record, including community groups or organizations, established during the review of Conditional Use Permit File Nos. A-71-0-81 and L08CU006, Proposed Ordinance 2010-0189 or Ordinance 17287;
  - b. persons requesting notification of any county land use action regarding Pacific Raceways; and
  - c. residents or property owners of parcels located within twenty-five hundred feet of the boundaries of the Pacific Raceways site;
6. Not later than seven days after the applicant has filed with the department its master planning proposal, issue a determination of significance and proceed with the environmental review of the master planning proposal under Ordinance 17287, Section 6;
7. Conduct one or more public meetings on the master planning proposal application to gather

information and public input on all aspects of the master planning proposal. The first meeting shall be held within thirty days after the applicant has filed its master planning proposal application with the department and may be combined with a public meeting required under Ordinance 17287, Section 5.D.4. At that public meeting, the applicant shall present its master planning proposal. At each public meeting, the public shall be provided an opportunity to comment on the master planning proposal. The department shall record all public meetings and make a written summary of the meetings available on its website within fourteen days after the meeting. The department may hold additional public meetings as it conducts its review of the master planning proposal application and shall provide an opportunity for the applicant to respond to questions at each public meeting;

8. Issue the final environmental impact statement within eighteen months of either issuing to the applicant a notice of complete application or the master planning proposal is deemed a complete application under K.C.C. 20.20.050.B. The consultant may request additional time to prepare the final environmental impact statement;

9. Not later than thirty days after the final environmental impact state is issued, propose for public review and comment a development and operating agreement consistent with this section. The department shall provide notice of the proposed development and operating agreement in the same manner as it provided the notice of application under subsection K.5. of this section. The department shall present the proposed development and operating agreement at a public meeting within fourteen days after the notice is provided under this subsection K.9.; and

10. Within sixty days after the public meeting required by subsection K.9. of this section:

a. transmit to the hearing examiner the department's recommended development and operating agreement, together with a proposed ordinance authorizing the executive to execute the development and operating agreement;

b. publish its recommended development and operating agreement on the department's website; and

c. provide notice of its recommended development and operating agreement in the same manner as it provided the notice of application under subsection K.5.a. through c. of this section and to those governmental agencies listed in K.C.C. 20.20.090.A. The notice shall also advise :

- (1) that the department's recommendation is subject to an open record public hearing before the hearing examiner;
- (2) the date that the department's recommendation has been transmitted to the hearing examiner; and
- (3) that interested persons may appear as parties at the open record public hearing by filing a notice of appearance with the hearing examiner within fourteen days of the date that the department's recommendation has been transmitted to the hearing examiner. The applicant will be presumed to be a party without having to file a notice of appearance.

L.1. Before the transmittal of the department's recommended development and operating agreement to the hearing examiner, the transportation, economy and environment committee or its applicable successor may request reports or briefings from the department and applicant regarding how the demonstration project is proceeding. The department shall solicit input from those identified in subsection K.5.a. through c. of section to inform the committee in the report and briefing.

2. If the department or the applicant is unable to meet a timeline established by this section as part of the process for review of the master planning proposal, the department shall provide written notice to the council within fourteen days after the missed deadline in the form of a letter to the chair of transportation, economy and environment committee or its applicable successor describing the causes for the delay, and the steps or actions needed to be taken by the department or the applicant to continue timely processing of the proposal.

M.1. No sooner than fourteen days after receiving the department's recommended development and operating agreement, the hearing examiner shall set the date for the prehearing conference and notify the parties of interest.

2. Unless otherwise agreed to by those that appear as parties, the hearing examiner shall conduct an open record public hearing within ninety days of the prehearing conference and, if necessary, shall hold the public hearing over consecutive days.

3. When the hearing examiner sets the department's recommended development and operating agreement for an open record public hearing, the department shall coordinate and assemble the reviews of other departments and governmental agencies having an interest in the application and shall prepare a report summarizing the factors involved and the department's recommendation. At least fourteen calendar days before the scheduled hearing, the department shall file the report with the hearing examiner and mail copies to those identified in subsection K.5.a. through c. of section.

4. The hearing examiner's recommendation may be to approve or reject the department's recommended development and operating agreement, or the examiner may recommend that the council adopt the department's recommended development and operating agreement with such conditions, modifications and restrictions as the examiner finds necessary to carry out applicable state laws and regulations and the regulations, including chapter 43.21C RCW, policies, objectives and goals of the Comprehensive Plan, the zoning code K.C.C. Title 21A and other laws, policies and objectives of King County.

5. Within fourteen days after the conclusion of the open record public hearing, the hearing examiner shall issue a written recommendation and shall transmit a copy thereof to all persons who appeared as parties in the open record public hearing. The recommendation shall include findings of fact and conclusions from the record that support the decision and the findings and conclusions shall set forth and demonstrate the manner in which the recommendation is consistent with, carries out and helps implement applicable state laws and regulations, the regulations, policies, objectives and goals of the comprehensive plan and Ordinance 17287.

6. To appeal the hearing examiner's recommendation, an aggrieved party must file a notice of appeal with the clerk of the council within fourteen days of the date of the mailing of the hearing examiner's recommendation. The clerk shall notify the hearing examiner and the parties of record to the hearing

examiner's open record public hearing in writing of the council's receipt of the appeal. The clerk shall also cause to have posted on the council's web page the notice of the appeal. The appellant shall file a statement of appeal with the clerk within twenty-one days of filing its notice of appeal, together with proof of service of the statement of appeal to the other parties of record. The statement of appeal must specify the basis for the appeal and any arguments in support of the appeal. Failure to file a statement of appeal shall result in the dismissal of the appeal. The clerk shall cause to have the statement of appeal posted on the council's web page. Any written responsive statements or arguments to the appeal, together with proof of service on the other parties of record, must be filed with the clerk within fourteen days after the filing of the statement of appeal. The clerk shall cause to have these responsive statements and arguments posted on the council's webpage.

7. At least fourteen days before the closed record hearing by the council of the appeal, the clerk will provide the parties of record with written notice of the hearing time and date. The council's consideration of the appeal shall be based upon the record as presented to the hearing examiner at the open record public hearing and upon written appeal statements and arguments submitted by the parties that are based on the open record public meeting. The council may allow the parties to the appeal a period of time for oral argument based on the record. Consistent with RCW 36.70B.020(1), before or at the appeal hearing and upon the request of the council, county staff may provide a written or oral summary, or both, of the appeal record, issues and arguments presented in an appeal and may provide answers, based on the record, to questions with respect to issues raised in an appeal asked by council members at the appeal hearing. Nothing in this subsection shall be construed as limiting the ability of the council to seek and receive legal advice regarding a pending appeal from the office of the prosecuting attorney or other county legal counsel either within or outside of the hearing.

8. If, after consideration of the record, written appeal statements and any oral argument the council determines that:

a. An error in fact or procedure may exist or additional information or clarification is desired, the council shall remand the matter to the hearing examiner for further hearing to receive additional information or

further consideration; or

b. The recommendation of the hearing examiner is based on an error in judgment or conclusion, the council may modify or reverse the recommendation of the hearing examiner.

9.a. The council's final action on any recommendation of the hearing examiner shall be by ordinance, which shall include findings of fact and conclusions from the record of the hearing examiner's public hearings. The findings and conclusions shall set forth and demonstrate the manner in which the council's decision is consistent with, carries out and helps implement applicable state laws and regulations, the regulations, policies, objectives and goals of the comprehensive plan and Ordinance 17287. The council may adopt as its own all or portions of the hearing examiner's findings and conclusions.

b. Any ordinance also may contain reasonable conditions, in accordance with state law and county ordinances, which must be satisfied before the ordinance becomes effective. The ordinance shall also designate the time period within which any such conditions must be satisfied. All authority pursuant to such ordinance shall expire if any of the conditions are not satisfied within the designated time period and the property shall continue to be subject to all laws, regulations and zoning as if the ordinance had not been adopted. The council may extend the period for satisfaction of the conditions if, after a public hearing by the examiner, the council finds an extension will be in the public interest and the extension was requested by the applicant within the initial time period.

N. If the hearing examiner's recommendation is not appealed pursuant to subsection M. of this section:

1. The clerk of the council shall place a proposed ordinance that implements the examiner's recommended action on the agenda of the next available council meeting for adoption;

2. No final action to amend or reverse the hearing examiner's recommendation shall be taken at that meeting and notice to parties shall be given before the adoption of a substitute or amended ordinance that amends or reverses the examiner's recommendation;

3. The council may either:

a. Refer the matter to the transportation, economy and environment or its successor for further consideration deemed necessary before the council takes final action on the matter or remand the matter to the hearing examiner for further hearing to receive additional information or further consideration; or

b. Adopt the hearing examiner's recommendation by an ordinance satisfying the requirements of subsection M.9. of this section.

4. Any final action by the county council may be reconsidered by the council pursuant to K.C.C. 20.22.280; and

5. Any appeal of the council's final action shall comply with the requirements of K.C.C 20.22.270.A.

O.1. The design and operating conditions specified in any agreement adopted and executed pursuant to the process established in this section shall prospectively control the operations and design for the site and supersede the design and operating conditions established under Conditional Use Permit File Nos. A-71-0-81 and L08CU006. However, any such development and operating agreement will not have retroactive effect. Any enforcement actions relating to compliance with the design and operating conditions established under Conditional Use Permit File Nos. A-71-0-81 and L08CU006 regarding activities that occurred before the execution of a development agreement shall not be affected.

2. A master plan development and operating agreement approved by the council shall be in effect for a period of ten years from the effective date of the ordinance approving the master plan development and operating agreement and authorizing the executive to execute the development and operating agreement;

3.a. An approved master plan development and operating agreement may be renewed one time for not more than ten years.

b. The applicant shall apply to the department for renewal of the development and operating agreement at least twelve months before the agreement expires. The department shall provide a notice of the renewal request under subsection K.5.a. through c. of this section and shall conduct at least one public meeting on the request as provided in subsection K.7. of this section.



c. The department shall make its recommendation to the council on the proposed renewal together with any recommended changes to the agreement not later than ninety days before the development and operating agreement expires.

d. If the agreement is not renewed by the council:

(1) the operating conditions established in the agreement shall remain in effect; and

(2) any subsequent development permit application shall be subject to laws in effect at the time the subsequent application is filed.

P. During the period a development and operating agreement is in effect, any subsequent development on the site shall be consistent with the approved development and operating agreement.

Q.1. Except as otherwise provided in subsection Q.2. of this section, the laws in effect on the date the council adopts the ordinance authorizing the execution of the development and operating agreement shall apply to subsequent permits necessary for the uses authorized by the development and operating agreement.

2. The following regulations in effect on the date of a complete application for any permits necessary for a use authorized by the development and operating agreement shall apply:

a. surface water management standards under K.C.C. Title 9;

b. public health and safety codes under K.C.C. Title 13;

c. road standards under K.C.C. Title 14;

c. building codes under K.C.C. Title 16; and

d. fire codes under K.C.C. Title 17.

R. During the effective period of the development and operating agreement, the applicant may request in writing and the department may propose a modification of the development and operating agreement. The applicant's request and the department initiated proposal shall be made by June 1 of each year for implementation in the following year. The department shall provide notice of the request or proposed modification as provided in subsection K.5.a. through c. of this section. The department shall submit to the

hearing examiner its recommendation on the request not later than August 1.

S. The hearing examiner shall conduct the following annual monitoring and reporting activities for the council:

1. No later than October 15 of each year, the hearing examiner shall conduct a public meeting in the vicinity of the project site for the purpose of gathering community input on the operation of facility during the preceding year and on any modifications to the development and operating agreement. The department shall provide a notice of the meeting as provided in subsection K.5.a. through c. of this section.

2. Beginning on December 31 of the year after the effective date of the ordinance authorizing the execution of the development and operating agreement, and for each subsequent year, the hearing examiner shall prepare and submit to the council a report that:

- a. describes the current status of the phases of the development;
- b. evaluates compliance with development and operation agreement conditions during the preceding year;
- c. identifies issues and concerns that have been brought forward by the community, Pacific Raceways and the department;
- d. evaluates proposed modifications to the development and operating agreement; and
- e. outlines potential steps to ensure compliance with the development and operating agreement.

3. The report shall be presented in a briefing by the hearing examiner to the transportation, economy and environment committee, or its applicable successor, at which the department and project operator shall be present.

T. The director shall submit a report on the master planning demonstration project to the council within sixty days of the council's adoption of the ordinance approving the development and operating agreement. The report shall evaluate the efficacy of the master planning process and may include recommended changes to the master planning process to address problems or deficiencies in the process identified by the department. The

department shall solicit comments from the applicant, the hearing examiner, and the public, identified in subsection K.5.a. through c. of this section, on the master planning process and include a synopsis of those comments in the report. A paper copy and an electronic copy of the report shall be filed with the clerk of the council, who shall retain the paper original and shall forward electronic copies to each councilmember.

U. Before the application for a master planning proposal application, the applicant shall be permitted to undertake the following activities, subject to an interim use permit:

1. Construct up to four hundred thousand square feet of buildings, including required excavation and processing of materials, for uses allowed for a regional motor sports facility as set forth in K.C.C.

21A.06.973.C., and associated required site improvements; and

2. Excavation and processing of materials shall be subject to the following limits:

a. Under the interim use permit, the amount of materials shall be only as is necessary to construct the buildings and any required site improvements associated with the construction of the buildings, subject to review by the department;

b. The on-site processing of the extracted materials shall be limited to the sorting of the materials into separate dirt, sand and gravel components, and crushing and washing of those components that will be used for on-site construction of the buildings and required site improvements; and

c. The on-site processing shall be limited to 9:00 a.m. to 5:00 p.m. Monday through Friday.

V. A preapplication meeting shall be required for the interim use permit. The applicant shall submit the following information to the department with a request to schedule a preapplication meeting:

1. Affidavit of application, on a form approved by the department;

2. Project narrative and questions for department staff;

3. Preliminary site plan, which shall include:

a. location of the property, with a vicinity map showing cross street;

b. address, if an address has been assigned;

- c. parcel number or numbers;
  - d. zoning of parcel or parcels and adjacent parcel or parcels;
  - e. north arrow and scaled dimensions;
  - f. existing and proposed building footprints, with overhangs and projections;
  - g. existing and proposed grade contours;
  - h. site area in square feet or acres of the project site;
  - i. area of either disturbance or development, or both, including utilities, septic and internal circulation, as needed;
  - j. existing and proposed easements, including ingress, egress, utilities or drainage; and
  - k. critical areas and their buffers; and
4. Preliminary building plan.

W. An interim use permit application shall be considered complete when the following information and studies have been submitted and are adequate to review the proposal:

- 1. A proposed site plan that identifies the location and dimensions of the proposed buildings, vehicular circulation and parking areas, critical areas and buffers, landscaping, stormwater facilities, utilities and fire protection;
- 2. A proposed drainage plan under the surface water design manual for the improvements proposed under the interim use permit;
- 3. A proposed grading plan that complies with the submittal, operating and performance requirements in K.C.C. chapter 16.82;
- 4. A proposed restoration plan that complies with this section;
- 5. A deposit as required by K.C.C. 27.02.210 for review of the interim use permit; and
- 6. Any necessary information identified through the preapplication process.

X. The interim use permit shall contain development conditions related to the grading activities and

buildings and shall include, but not be limited to:

1. An approved site plan and conditions that establish:

- a. location, size and proposed uses of the buildings;
- b. location and dimensions of vehicular circulation and parking, including required parking for the

existing uses;

c. location of stormwater facilities, sewage treatment facilities, water, and related features;

d. landscaping requirements, as required by K.C.C. chapter 21A.16;

e. location of on-site critical areas. Development or operations are not allowed within critical areas or their buffers, and alterations of critical areas or their buffers are not permitted, as part of the activities allowed with the interim use permit or related construction permits; and

f. necessary on-site and off-site traffic control for construction impacts on vehicular circulation and on roadways in the vicinity of the project site;

2. An approved grading plan in compliance with the requirements of K.C.C. chapter 16.82;

3. An approved drainage plan in compliance with the surface water design manual;

4. A restoration plan in compliance with the following requirements:

a. Final grades shall generally conform to standards in K.C.C. 16.82.100 and the following:

(1) be such so as to encourage the uses permitted within the primarily surrounding zone or, if applicable, the underlying or potential zone classification; and

(2) result in drainage patterns that reestablish natural conditions of aquifer recharge, water velocity, volume and turbidity within six months of restoration and that precludes water from collecting or becoming stagnant. Suitable drainage systems approved by the department shall be constructed or installed where natural drainage conditions are not possible or where necessary to control erosion. All constructed drainage systems shall be designed consistent with the Surface Water Design Manual; and

b. All areas subject to clearing, grading or backfilling shall:

(1) be planted with a variety of trees, shrubs, legumes and grasses indigenous to the surrounding area and appropriate for the soil, moisture and exposure conditions; and

(2) except for roads and areas incorporated into drainage facilities, be surfaced with soil of a quality at least equal to the topsoil of the land areas immediately surrounding, and to a depth of the topsoil of land area immediately surrounding six inches, whichever is greater;

5. A condition requiring that all grading and construction activities be completed within sixty months of the effective date of this ordinance, except as allowed to be extended in accordance K.C.C. 20.20.105.

Y. For the interim use permit, the executive shall appoint a special project manager.

1. The special project manager shall either be an employee of, or hired as a consultant by, the regional planning unit of the office of performance, strategy and budget.

2. The Pacific Raceways property has been designated as a project of statewide significance under chapter 43.157 RCW.

3. The special project manager will coordinate the reviews with the department and other agencies, be the primary point of contact for the applicant and interested parties, and ensure that the timelines established for review of the interim use permit in this section are met.

4. The special project manager shall evaluate, and provide a recommendation to the executive, regarding the efficacy of options, such as review by another jurisdictions or using outside staff to complete the substantive review, for expediting the permit review process. As part of this review, the special project manager shall ensure that any recommended option will produce a review that complies with this chapter and other applicable laws, regulations and adopted policies.

Z.1. In reviewing the interim use permit, the department shall:

a. process the interim use permit as a Type 3 land use permit. K.C.C. chapter 20.20 shall apply, except as modified by this section;

b. conduct a mandatory preapplication meeting within fourteen days of the applicant's request for a

preapplication meeting;

c. within twenty one days of the preapplication meeting, provide a detailed listing of the required information or studies required for review of the interim permit, in conformance with this section, the other building, construction and environmental permits that will be required, and an estimate of cost for review of the interim use permit;

d. accept the interim use permit application if the applicant provides the information and studies required by the detailed listing provided in subsection Z.1.c. of this section;

e. determine whether the interim use permit application is complete within seven days of filing by the applicant, pursuant to K.C.C. 20.20.050, and subject to the application requirements in subsection W. of this section;

f. provide a notice of complete application under K.C.C. 20.20.050, within seven days of determining that the application is complete;

g. provide a notice of application under K.C.C. 20.20.060 within fourteen days of providing the notice of complete application. In addition to the notice required by these two sections, the department shall provide mailed notice to:

(1) all parties of record, including community groups or organizations, established during the review of Conditional Use Permit File Nos. A-71-0-81 and L08CU006, Proposed Ordinance 2010-0189 or Ordinance 17287;

(2) persons requesting notification of any county land use action regarding Pacific Raceways; and

(3) residents or property owners of parcels located within twenty-five hundred feet of the boundaries of the Pacific Raceways site;

h. complete environmental review on the interim use and activities authorized by the interim use permit;

i. transmit to the hearing examiner the department's recommendation on the interim use permit and

provide notice of the recommendation under K.C.C. 20.20.090. The recommendation shall be based on the conformance of the proposal with the requirements of this section; and:

(1) For a determination of nonsignificance or mitigated determination of nonsignificance, transmit the recommendation within forty-five days of the end of the comment period on threshold determination;

(2) For a determination of significance, transmit the recommendation within forty five days of the end of the appeal period for the final environmental impact statement; and

j. coordinate and assemble the reviews of other departments and governmental agencies having an interest in the application and shall prepare a report summarizing the factors involved and the department's recommendation. At least seven calendar days before the scheduled hearing, the department shall file the report with the hearing examiner and mail copies to those identified in subsection Z.1.g. of this section.

2. The exceptions to permit review timelines described in K.C.C. 20.20.100.C. shall apply to the review period deadlines outlined in subsection Z. of this section. If the department is unable to meet the time limits established by this section, it shall provide written notice of this fact to the applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of recommendation to the hearing examiner. In no case shall the review of the interim use permit, from the date a complete application is filed through the date the department issues the recommendation to the hearing examiner, excluding the timeframes outlined in K.C.C. 20.20.100.C., exceed one hundred twenty days, unless the parties agree to an extension.

AA.1. The hearing examiner shall:

a. within fourteen days of receiving the department's recommendation on the interim use permit, set the date for the prehearing conference and notify the interested parties.

b. within seven days of the prehearing conference, issue a prehearing order that includes a tentative schedule and order of proceedings for the hearing required under this subsection.

c. conduct an open record public hearing within thirty days of the prehearing conference.



d. within ten days of the public hearing, issue a decision on the interim use permit. The examiner's determination may be to grant or deny the application, and may include any conditions, modifications and restrictions as the examiner finds necessary to carry out the provisions of this section. The examiner's decision may be appealed to the council according to K.C.C. 20.22.220.

2. When reasonably required to enable the attendance of all necessary parties at the hearing, or the production of evidence or to otherwise assure that due process is afforded and the objectives of this chapter are met, the periods in subsection AA.1. of this section may be extended by the examiner at the examiner's discretion for an additional thirty days. With the consent of all parties, the periods may be extended indefinitely. The reason for the deferral shall be stated in the examiner's decision. Failure to complete the hearing process within the stated time shall not terminate the jurisdiction of the examiner.

BB. Issuance of the interim use permit by the county under this section does not relieve the applicant of its obligations to obtain other approvals required under state and federal law.

CC. The applicant shall pay fees to the county to cover the actual cost of providing project management, review and inspection services for the interim use permits and including environmental review, in accordance with K.C.C. 27.02.100.

SECTION 60. Ordinance 13263, Section 10, as amended, and K.C.C. 23.02.090 are each hereby amended to read as follows:

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 20.22.

C. The voluntary compliance agreement is a commitment by the person responsible for code compliance under which the person agrees to do any combination of abating the violation, remediating the site or 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;
2. The address or other identification of the location of the violation;
3. A description of the violation and a reference to the provision or provisions of the ordinance, resolution or regulation that has been violated;
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 purpose 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;
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;
6. An acknowledgment that the voluntary compliance agreement will be recorded against the property in the records and licensing services division, the recording to be accomplished as provided for in notice and order cases;
7. An acknowledgment that if the department determines that the terms of the voluntary compliance agreement are not met, the department may issue a notice of noncompliance, and if the notice of noncompliance is not successfully appealed pursuant to K.C.C. 20.22.080, that 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;
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;

9. An acknowledgment that by entering into the voluntary compliance agreement the person responsible for code compliance thereby admits that the conditions described in the voluntary compliance agreement existed and constituted a civil violation; and that the person responsible waives the right to administratively appeal the existence of the conditions and the fact that they constituted a civil code violation, and that if a notice of noncompliance is issued and not successfully appealed, 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~~ )) that person knowingly, voluntarily and intelligently waives the right to administratively appeal a citation, notice and order or stop work order for any violation identified in the voluntary compliance agreement.

D. Upon entering into a voluntary compliance agreement, a person responsible for code compliance admits that the conditions described in the voluntary compliance agreement existed and constituted a civil code violation; and agrees that if the department issues a notice of noncompliance, and if the notice of noncompliance is not successfully challenged through administrative appeal, ((~~he or she~~)) that person is liable for the civil penalty available under K.C.C. chapter 23.32. The person 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. 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 61. Ordinance 13263, Section 14, and K.C.C. 23.02.130 are each hereby amended to read as follows:

A. It shall be the responsibility of any person identified as responsible for code compliance to bring the property into a safe and reasonable condition to achieve code compliance. Payment of fines, applications for permits, acknowledgment of stop-work orders and compliance with other remedies does not substitute for performing the corrective work required and having the property brought into compliance to the extent reasonably possible under the circumstances.

B. Persons determined to be responsible for code compliance pursuant to a citation or notice and order shall be liable for the payment of any civil fines, penalties and abatement costs, provided, however, that if a property owner affirmatively demonstrates that the action which resulted in the violation was taken without the owner's knowledge or consent by someone other than the owner or someone acting on the owner's behalf, that owner shall be responsible only for bringing the property into compliance to the extent reasonably feasible under the circumstances. Should the owner not correct the violation, only those abatement costs necessary to bring the property into a safe and reasonable condition, as determined by the director, shall be assessed by the county. No civil fines or penalties shall be assessed against such an owner or ~~((his or her))~~ the owner's property interest.

SECTION 62. Ordinance 13263, Section 16, as amended, and K.C.C. 23.20.020 are each hereby amended to read as follows:

A. A citation represents a determination that a civil code violation has been committed and that the person cited is a person responsible for code compliance. The determination is final unless contested as

provided in this title.

B. Subject to K.C.C. 23.02.130, a citation subjects the person responsible for code compliance to the civil fine prescribed by K.C.C. chapter 23.32.

C. Subject to K.C.C. 23.02.140, a citation may subject the person responsible for code compliance to an illegal dumping cleanup restitution payment.

D. The person issued a citation shall respond to the citation as provided in K.C.C. 23.20.060 and 23.20.070 within seventeen days of the date of service of the citation.

E. Failure to respond to the citation within seventeen days shall render the citation a final determination that the conditions described in the citation existed and constituted a civil code violation and that the person cited is liable as a person responsible for code compliance.

F. Imposition of a civil fine creates a joint and several personal obligation in all persons responsible for code compliance who are served with the citation. The prosecuting attorney on behalf of King County may collect the civil fines assessed by any appropriate legal means.

G. Issuance of a citation in no way limits a director's authority to issue a notice and order or stop work order to the same person responsible for code compliance pursuant to this title. Payment of the civil fine assessed under the citation does not relieve a person responsible for code compliance of ~~((his or her))~~ that person's duty to correct the violation or to pay any and all civil penalties accruing under a notice and order or stop work order issued pursuant to this title.

SECTION 63. Ordinance 13263, Section 21, as amended, and K.C.C. 23.24.020 are each hereby amended to read as follows:

A. Subject to the appeal provisions of K.C.C. chapter 23.36, a notice and order represents a determination that a civil code violation has been committed, that the person cited is a person responsible for code compliance, and that the violations set out in the notice and order require the assessment of penalties and costs and other remedies including cleanup restitution payment, if applicable, specified in the notice and order.

B. Failure to correct the civil code violation in the manner prescribed by the notice and order subjects the person to whom the notice and order is directed to the use of any of the compliance remedies provided by this title, including:

1. Additional civil penalties and costs;
2. A requirement that abatement, remediation or mitigation be performed;
3. An agreement to perform community service as prescribed by this chapter;
4. Permit suspension, revocation, modification or denial as prescribed by this chapter; or
5. Abatement by a director and recovery of the costs of abatement according to the procedures

described in this chapter.

C. Any person identified in the notice and order as responsible for code compliance may appeal the notice and order according to the procedures in K.C.C. chapter 23.36.

D. Failure to appeal the notice and order within the applicable time limits shall render 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.

E. Issuance of a notice and order in no way limits a director's authority to issue a citation or stop work order to a person previously cited through the notice and order process pursuant to this title. Payment of the civil penalties assessed under the notice and order does not relieve a person found to be responsible for code compliance of ~~((his or her))~~ that person's duty to correct the violation and/or to pay any and all civil fines or penalties accruing under citations or stop work orders issued pursuant to this title.

SECTION 64. Ordinance 13263, Section 22, as amended, and K.C.C. 23.24.030 are each hereby amended to read as follows:

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 records and licensing services division 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-four 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))~~ that person's duty to notify the director of any actions taken to achieve compliance with the notice and order.

SECTION 65. Ordinance 13263, Section 29, as amended, and K.C.C. 23.24.100 are each hereby amended to read as follows:

A. A director may suspend, revoke or limit any permit issued by that director whenever:

1. The permit holder has committed a code violation in the course of performing activities subject to that permit;

2. The permit holder has interfered with a director in the performance of ~~((his or her))~~ the director's duties relating to that permit;

3. The permit was issued in error or on the basis of materially incorrect information supplied to the county;

4. Permit fees or costs were paid to the county by check and returned from a financial institution marked nonsufficient funds (NSF) or canceled;

5. For a permit or approval that is subject to critical areas review, the applicant has failed to disclose a change of circumstances on the development proposal site which materially affects an applicant's ability to meet the permit or approval conditions or which makes inaccurate the critical areas study that was the basis for establishing permit or approval conditions; or

6. For a permit or approval for which fees that have been billed are sixty days or more past due. If the applicant has filed a timely written notice for a fee waiver under K.C.C. 27.02.040, the permit shall not be



suspended, revoked or otherwise limited under this subsection A.6. until at least seventeen days after the fee waiver decision has been issued.

B. A suspension, revocation or modification authorized by subsection A of this section shall be carried out through the notice and order provisions of this chapter and shall be effective upon the compliance date established by the notice and order. The revocation, suspension or cancellation may be appealed to the hearing examiner using the appeal provisions of this title.

C. Notwithstanding any other provision of this title, a director may immediately suspend operations under any permit by issuing a stop work order pursuant to K.C.C. chapter 23.28.

SECTION 66. Ordinance 10662, Section 52, as amended, and K.C.C. 27.04.015 are each hereby amended to read as follows:

"Director" means the director of the department of permitting and environmental review or ~~((his/her))~~ designee.

SECTION 67. Ordinance 12020, Section 6, as amended, and K.C.C. 27A.20.040 are each hereby amended to read as follows:

"Director" means the director of the King County department of permitting and environmental review or ~~((his/her))~~ designee.

SECTION 68. Ordinance 12020, Section 8, and K.C.C. 27A.20.050 are each hereby amended to read as follows:

"Financial guarantee" means a form of financial security posted to ensure timely and proper completion of improvements, to ensure compliance with the King County Code, and/or to warranty materials, ~~((workmanship))~~ quality of work of ~~the improvements((;))~~ and design. Financial guarantees include assignments of funds, cash deposits, surety bonds, and/or other forms of financial security acceptable to the director. For the purposes of this title, the terms performance guarantee, maintenance guarantee and defect guarantee are considered sub-categories of financial guarantee.

SECTION 69. Ordinance 12020, Section 20 and K.C.C. 27A.30.090 are each hereby amended to read as follows:

A. The department is authorized to require all applicants to post either a maintenance guarantee ~~((and/~~  
~~))or a~~ defect guarantee, or both, warranting the successful operation and maintenance of improvements, and guaranteeing the ~~((workmanship))~~ quality of work, materials~~((;))~~ and design used in construction of improvements required by the conditions of any permits or approvals issued pursuant to K.C.C. ((t))Titles 9, 14, 16, 19((;)) or 21A((;-)), or their successors~~((;))~~, and assuring compliance with the King County Code.

B. Unless otherwise specifically indicated in the King County Code, all maintenance guarantees and defect guarantees shall guarantee successful operation, ~~((workmanship))~~ quality of work, materials~~((;))~~ and design of required facilities for a period of two years following final inspection and approval of improvements.

C. Inspections of facilities required pursuant to K.C.C. Titles 9, 14, 16, 19((;)) or 21A ((t)), or their successors~~((;))~~, should be scheduled by the appropriate department approximately forty-five days prior to the end of the two-year maintenance ~~((and/))~~ or defect, or two-year maintenance and defect, period.

SECTION 70. Ordinance 12020, Section 28, as amended, and K.C.C. 27A.40.080 are each hereby amended to read as follows:

A. Financial guarantees for mitigation required pursuant to K.C.C. chapter 21A.24 shall be sufficient to guarantee that all required mitigation measures will be completed no later than the time established by King County in accordance with K.C.C. chapter 21A.24.

B. Performance and maintenance guarantees shall also be required for restoration of a sensitive area or buffer not performed as part of a mitigation or maintenance plan except that no financial guarantee shall be required for minor stream restoration carried out pursuant to K.C.C. chapter 21A.24.

C. For maintenance guarantees associated with mitigation, corrective work, restoration or enhancement, the financial guarantee shall be sufficient to cover the time and cost to guarantee satisfactory ~~((workmanship))~~ quality of work, materials and performance of structures and improvements required by K.C.C. chapter 21A.24

and any monitoring of those structures and improvements required by approved plans and conditions.

D. Public development proposals shall be relieved from having to comply with the provisions of this section if public funds have previously been committed for mitigation, maintenance, monitoring or restoration.