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1 ..Title

2 AN ORDINANCE revising permit review processes; and  
3 amending Ordinance 11622, Section 3, as amended and  
4 K.C.C. 16.02.260, Ordinance 12196, Section 9, as  
5 amended, and K.C.C. 20.20.020, Ordinance 12196, Section  
6 10, as amended, and K.C.C. 20.20.030, Ordinance 12196,  
7 Section 11, as amended, and K.C.C. 20.20.040, Ordinance  
8 12196, Section 13, as amended, and K.C.C. 20.20.060, and  
9 Ordinance 10870, Section 634, as amended, and K.C.C.  
10 21.42.140, and adding new sections to K.C.C. chapter  
11 16.02.

12 ..Body

13 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

14 SECTION 1. Ordinance 11622, Section 3, as amended and K.C.C. 16.02.260 are  
15 hereby amended to read as follows:

16 105.3 of the International Building Code is not adopted and the following is  
17 substituted:

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

19 1. For the purposes of determining the application of time periods and procedures  
20 adopted by K.C.C. Title 20, applications for permits authorized by K.C.C. chapter 16.04  
21 shall be considered complete as of the date of submittal upon determination by the

~~((department))~~ division that the materials submitted contain the following, in addition to the complete application requirements of K.C.C. 20.20.040. Every application shall:

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

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

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

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

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

~~((1.5))~~ 1.6. Be signed by the applicant or the applicant's authorized agent.

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

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

NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 16.02 a new section to read as follows:

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

The building official shall examine or cause to be examined applications for permits and amendments thereto within timeframes set forth in K.C.C. 20.20. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable.

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

For applications for reconstruction, rehabilitation, addition, alteration, repair, or other improvement of existing buildings or structures located in a flood hazard area as established by Table R301.2, the building official shall examine or cause to be examined the construction documents and shall make a determination with regard to the value of the proposed work. For buildings that have sustained damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its predamaged condition. If the building official finds that the value of proposed work equals or exceeds 50 percent of the market value of the building or structure before the damage has occurred or the improvement is started, the proposed work is a substantial improvement or repair of substantial damage and the building official shall require existing portions of the entire building or structure to meet the requirements of Section R322.

67 For the purpose of this determination, a substantial improvement shall mean any repair,  
68 reconstruction, rehabilitation, addition, or improvement of a building or structure, the  
69 cost of which equals or exceeds fifty percent of the market value of the building or  
70 structure before the improvement or repair is started. Where the building or structure has  
71 sustained substantial damage, repairs necessary to restore the building or structure to its  
72 predamaged condition shall be considered substantial improvements regardless of the  
73 actual repair work performed. The term shall not include either of the following:

74 Improvements to a building or structure that are required to correct existing health,  
75 sanitary, or safety code violations identified by the building official and that are the  
76 minimum necessary to ensure safe living conditions.

77 Any alteration of a historic building or structure, provided that the alteration will not  
78 preclude the continued designation as a historic building or structure. For the purposes of  
79 this exclusion, a historic building shall be any of the following:

80 Listed or preliminarily determined to be eligible for listing in the National Register of  
81 Historic Places.

82 Determined by the Secretary of the US Department of Interior as contributing to the  
83 historical significance of a registered historic district or a district preliminarily  
84 determined to qualify as an historic district.

85 Designated as historic under a state or local historic preservation program that is  
86 approved by the Department of Interior.

87 SECTION 4. K.C.C. 16.02.280 is hereby recodified as a new section in K.C.C.  
88 chapter 16.02 to follow 16.02.260.

89           SECTION 5. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020 are  
90 hereby amended to read as follows:

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

95           1. Type 1 decisions are made by the (~~(permitting division manager)~~) director or  
96 designee ("the director") of the department of local services, permitting division ("the  
97 (~~department~~) division"). Type 1 decisions are nonappealable administrative decisions.

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

100           3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner  
101 following an open record hearing.

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

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

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

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

116 E. Land use decision types are classified as follows:

TYPE 1	(Decision by director,  no administrative  appeal)	Temporary use permit for a homeless encampment under K.C.C. chapter 21A.45; 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 <del>((department))</del> <u>division</u> 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; decisions to approve, condition, or deny nonresidential elevation and dry floodproofing variances for agricultural buildings that do not equal or exceed a maximum assessed value of sixty-five thousand
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		dollars under K.C.C. chapter 21A.24; 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; final short plat; final plat; critical area determination.
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; short plat vacation; 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)) <u>division</u> 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 or variances to floodplain development regulations

		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; sea level rise risk area variance adopted in K.C.C. chapter 21A.23.
TYPE 3 <sup>1</sup>	(Recommendation by director, hearing and decision by hearing examiner, no further administrative appeal)	Preliminary plat; plat alterations; preliminary plat revisions; plat vacations; special use.
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; amendment or deletion of P suffix conditions; deletion of special district overlay.

117 <sup>1</sup> See K.C.C. 20.44.120.C. for provisions governing procedural and substantive SEPA

118 appeals and appeals of Type 2, 3, and 4 decisions.

119 <sup>2</sup> When an application for a Type 2 decision is combined with other permits requiring

120 Type 3 or 4 land use decisions under this chapter, the examiner, not the director, makes

121 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 6. Ordinance 12196, Section 10, as amended, and K.C.C. 20.20.030 are hereby amended to read as follows:

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

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

~~B.))~~ Before filing a permit application requiring a Type ~~((2, 3, or))~~ 4 decision~~((;))~~ or a Type 1 land use decision required to comply with the North Highline urban design standards in K.C.C. chapter 21A.60, the applicant shall contact the ~~((department))~~ division to schedule a preapplication conference, which shall be held before filing the

145 application. The purpose of the preapplication conference is to review and discuss the  
146 application requirements with the applicant and provide comments on the development  
147 proposal. The preapplication conference shall be scheduled by the ~~((department))~~  
148 division, at the request of an applicant, and shall be held within approximately thirty days  
149 from the date of the applicant's request. The ~~((department))~~ division shall assign a project  
150 manager following the preapplication conference. The director may waive the  
151 requirement for a preapplication conference if the director determines the preapplication  
152 conference is unnecessary for review of an application. Nothing in this section shall be  
153 interpreted to require more than one preapplication conference or to prohibit the applicant  
154 from filing an application if the ~~((department))~~ division is unable to schedule a  
155 preapplication conference within thirty days following the applicant's request.

156 ~~((C. Information presented at or required as a result of the preapplication  
157 conference shall be valid for a period of one year following the preapplication  
158 conference.)) B. An applicant wishing to submit a permit application more than one year  
159 following a mandatory preapplication for the same permit application shall be required to  
160 schedule another preapplication conference.~~

161 ~~((D. At or subsequent to a preapplication conference, the department may issue a  
162 preliminary determination that a proposed development is not permissible under  
163 applicable county policies or regulatory enactments. In that event, the applicant shall  
164 have the option to appeal the preliminary determination to the hearing examiner in the  
165 manner provided for a Type 2 permit, as an alternative to proceeding with a complete  
166 application. Mailed and published notice of the appeal shall be provided for as in K.C.C.  
167 20.20.060 H. and I.))~~

168           NEW SECTION. SECTION 7. There is hereby added to K.C.C. chapter 20.20 a  
169 new section to read as follow:

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

- 171                 1. assist applicants in preparing a code compliant permit application;  
172                 2. reduce the division's need to request additional information during the permit  
173 review process, which extends permit review time; and  
174                 3. determine whether an application is complete for the purpose of calculating  
175 permit review time periods.

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

- 177                 1. Applicants must submit the required permit application materials, together  
178 with the required screening fee payments, if any, in order to initiate the application  
179 screening process;
- 180                 2. Within twenty-eight days following receipt of the permit application and  
181 screening fee, the division shall notify the applicant that the application is complete or  
182 incomplete. If the application is incomplete, the notification shall specify what is  
183 necessary to make the application complete. To the extent known by the division, the  
184 notification shall identify other agencies of local, state, regional, or federal governments  
185 that may have jurisdiction over some aspects of the development proposal;
- 186                 3. The application screening process shall be deemed concluded under this  
187 section if the division does not provide written notice to the applicant that the application  
188 is incomplete within the twenty-eight-day period;
- 189                 4. If the application is found to be incomplete, and the applicant submits the  
190 additional information requested by the division, the division shall notify the applicant in

191 writing within fourteen days of submittal whether the application is complete or whether  
192 additional information specified by the division is necessary to make the application  
193 complete. The application screening process shall be deemed complete if the division  
194 fails to notify the applicant within twenty-eight days that the application is incomplete;

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

198           6. Once all information requested by the division has been provided by the  
199 applicant and reviewed by the division, the division shall invoice the applicant for  
200 applicable review fees for the permit application. The permit application shall be deemed  
201 complete once the division receives full fee payment.

202           SECTION 8. Ordinance 12196, Section 11, as amended, and K.C.C. 20.20.040  
203 are hereby amended to read as follow:

204           A. The ((department)) division shall not begin review of any application until the  
205 applicant has submitted the materials and fees specified for complete applications.  
206 Applications for land use permits requiring Type 1, 2, 3, or 4 decisions shall be  
207 considered complete as of the date of submittal upon determination by the ((department))  
208 division that the materials submitted meet the requirements of this section. Except as  
209 provided in subsection B. of this section, all land use permit applications described in  
210 K.C.C. 20.20.020.E. shall include the following:

211           1. An application form provided by the ((department)) division and completed  
212 by the applicant that allows the applicant to file a single application form for all land use

permits requested by the applicant for the development proposal at the time the application is filed;

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

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

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

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

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

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

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

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

240 6. A site plan, prepared in a form prescribed by the director, except when the  
241 scope of work proposed in the permit application is limited to interior alterations and  
242 does not result in the following:

243 a. a change in use;

244 b. additional sleeping quarters or bedrooms

245 c. nonconformity with Federal Emergency Management Agency substantial  
246 improvement thresholds; or

247 d. an increase in the total square footage or valuation of the structure thereby  
248 requiring upgraded fire access or fire suppression systems;

249 7. Proof that the lot or lots to be developed are recognized as a lot under K.C.C.  
250 Title 19A;

251 8. A critical areas affidavit, if required by K.C.C. chapter 21A.24;

252 9. A completed environmental checklist, if required by K.C.C. chapter 20.44;

253 10. Payment of any development permit review fees(~~(, excluding impact fees)~~)  
254 collectible at application intake under K.C.C. Title 27;

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

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

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

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

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

~~13.)) 12. Certificate of future connection from the appropriate purveyor for lots located within the Urban Growth Area that are proposed to be served by on-site or community sewage system and group B water systems or private well, if required by K.C.C. 13.24.136 through 13.24.140;~~

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

~~((15.)) 14. Current assessor's maps and a list of tax parcels to which public notice must be given accordance with in this chapter, for land use permits requiring a Type 2, 3, or 4 decision;~~

281           ~~((16-))~~ 15. Legal description of the site;

282           ~~((17-))~~ 16. Variances obtained or required under K.C.C. Title 14 or 21A to the

283 extent known at the date of application or when deemed necessary by the director; and

284           ~~((18-))~~ 17. For site development permits only, a phasing plan and a time

285 schedule, if the site is intended to be developed in phases or if all building permits will

286 not be submitted within three years.

287           B. A permit application is complete for purposes of this section when it meets the  
288 procedural submission requirements of the ~~((department))~~ division and is sufficient for

289 continued processing even though additional information may be required or project

290 modifications may be undertaken subsequently. The determination of completeness shall

291 not preclude the ~~((department))~~ division from requesting additional information or studies

292 either at the time of notice of completeness or subsequently if new or additional

293 information is required or substantial changes in the proposed action occur, as determined

294 by the ~~((department))~~ division.

295           C. Additional complete application requirements for the following land use  
296 permits are in the following sections of the King County Code:

297           1. Clearing and grading permits, K.C.C. 16.82.060;

298           2. Construction permits, K.C.C. 16.04.052; and

299           3. Subdivision applications, short subdivision applications, and binding site plan  
300 applications, K.C.C. 19A.08.150.

301           D. The director may;

302           1. Specify the requirements of the site plan required to be submitted for various  
303 permits;



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

3. Waive any of the specific submittal requirements listed of [in] this section that are determined to be unnecessary for review of an application.

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

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

SECTION 9. Ordinance 12196, Section 13, as amended, and K.C.C. 20.20.060 are 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, except where the division is not the SEPA lead agency for the project;
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))~~ division within fourteen days following the ~~((department's))~~ division's determination that the application is complete. A public comment period on a notice of application of at least ~~((twenty-one))~~ fourteen, but not more than thirty 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

327 following the ((department's)) division's mailing of the notice of application as provided  
328 for in subsection H. of this section.

329 C. If the county has made a determination of significance ("DS") under chapter  
330 43.21C RCW before the issuance of the notice of application, the notice of the DS shall  
331 be combined with the notice of application and the scoping notice.

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

- 335 1. The file number;
- 336 2. The name of the applicant;
- 337 3. The date of application, the date of the notice of completeness<sub>2</sub> and the date  
338 of the notice of application;
- 339 4. A description of the project, the location, a list of the permits included in the  
340 application<sub>2</sub> and the location where the application and any environmental documents or  
341 studies can be reviewed;
- 342 5. A site plan on eight and one-half by fourteen inch paper, if applicable;
- 343 6. The procedures and deadline for filing comments, requesting notice of any  
344 required hearings<sub>2</sub> and any appeal procedure;
- 345 7. The date, time, place<sub>2</sub> and type of hearing, if applicable and scheduled at the  
346 time of notice;
- 347 8. The identification of other permits not included in the application to the  
348 extent known;

349           9. The identification of existing environmental documents that evaluate the  
350 proposed project; and

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

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

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

358           2. The name of the applicant;

359           3. The date of application, the date of the notice of completeness, and the date  
360 of the notice of application;

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

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

365           6. A web site address that provides access to project information, including a  
366 site map and application page; and

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

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

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

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

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

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

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

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

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

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

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

386 e. comply with site distance requirements of K.C.C. 21A.12.210 and the King  
387 County road standards adopted under K.C.C. chapter 14.42.

388 2. Additional notice boards may be required when:

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

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

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

393 3. Notice boards shall be:

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

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

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

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

405 5. An affidavit of posting shall be submitted to the ((department)) division by  
406 the applicant within fourteen days following the ((department's)) division's determination  
407 of completeness to allow continued processing of the application by the ((department))  
408 division;

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

412 7. The director may waive the notice board requirement for a development  
413 proposal located in an area with restricted access, an area that is not served by public  
414 roads, or in other circumstances the director determines make the notice board  
415 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))~~ division within fourteen days after the ~~((department's))~~ division'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))~~ division 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))~~ division 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))~~ division within fourteen days after the ~~((department's))~~ division's determination of completeness on the division 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))~~ division and the applicant;

d. a ~~((department))~~ division 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

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

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

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

- 474 1. Offender self-help agencies;
- 475 2. Parole offices;
- 476 3. Settlement houses;
- 477 4. Halfway home for delinquents and offenders; and
- 478 5. Homes for destitute people.

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



483           SECTION 10. Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100

484 are hereby amended to read as follows:

485           A. ~~((The department shall issue its Type 3 or Type 4 recommendation to the~~  
486 ~~office of the hearing examiner within one hundred fifty days from the date the department~~  
487 ~~notifies the applicant that the application is complete. The periods for action by the~~  
488 ~~examiner shall be governed by K.C.C. chapter 20.22 and the rules for conducting the~~  
489 ~~examiner process adopted under K.C.C. 20.22.330.~~

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

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

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

The time period to issue a final decision for each type of complete land use permit application or project type subject to this chapter should not exceed the following time periods:

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

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

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

B. The number of days an application is in review with the division shall be calculated from the day completeness is determined under K.C.C. 20.20.050 to the date a final decision is issued on the permit application. The number of days shall be calculated by counting every calendar day and excluding the following periods:

~~((C. The following periods shall be excluded from the times specified in subsections A., B., and H. of this section:))~~

~~1. Any period ((during which the applicant has been requested by the department, the examiner, or the council to correct plans, perform required studies or provide additional information, including road variances and variances required under K.C.C. chapter 9.04))~~ between the day that the division notified the applicant in writing that additional information is required to further process the application and the day when

responsive information is submitted by the applicant. ~~((The period shall be calculated from the date of notice to the applicant of the need for additional information until the earlier of the date the county advises the applicant that the additional information satisfies the county's request or fourteen days after the date the information has been provided.))~~

If the county determines that corrections, studies, or other information submitted by the applicant is insufficient, it shall notify the applicant of the deficiencies and the procedures of this section shall apply as if a new request for information had been made.

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

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

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

3. ~~((The period during which an appeal is pending that prohibits issuing the permit))~~ Any period after an administrative decision is issued until the administrative appeal is resolved and any additional time period provided by the administrative appeal has expired;

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

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

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

548 ~~((D))~~ C. The division may cancel the permit applications in the following  
549 situations, unless the applicant voluntarily opts out of the time periods specified in  
550 subsection A. of this section:

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

554 2. A request for concurrent review with other permit applications applicable to  
555 the development;

556 3. A variance, exception, or adjustment required under K.C.C. Title 9, 14 or  
557 21A; or

558 4. Failure by the applicant to make full payment of review fees within sixty days  
559 of assessment.

560 D. If, at any time, an applicant informs the division in writing that the applicant  
561 would like to temporarily suspend the review of the project for more than sixty days, or if  
562 an applicant is not responsive for more than sixty consecutive days after the division has  
563 notified the applicant, in writing, that additional information is required to further process

the application, an additional thirty days may be added to the time periods for the division to issue a final decision for each type of permit that is subject to this chapter. Any written notice from the division to the applicant that additional information is required to further process the application shall include a notice that nonresponsiveness for sixty consecutive days may result in thirty days being added to the time for review. For the purposes of this subsection, "nonresponsiveness" means that an applicant is not making demonstrable progress on providing additional requested information to the division, or that there is no ongoing communication from the applicant to the division on the applicant's ability or willingness to provide the additional information.

E. The time limits established in this section shall not apply if an emergency event disrupts normal county operations and prevents permit review from being feasible.

~~((E))~~ F. The time limits established in this section shall not apply if a proposed development:

1. ~~((R))~~ requires ~~((either: an))~~ amendment to the Comprehensive Plan, amendment to ~~((or))~~ a development regulation~~((;))~~ , zone reclassification, shoreline environment redesignation, amendment or deletion of a P suffix condition, deletion of a special district overlay, shoreline variance, shoreline conditional use permit, or modification or waiver of a development regulation as part of a demonstration project;
2. ~~((Requires approval of a new fully contained community as provided in RCW 36.70A.350, master planned resort as provided in RCW 36.70A.360 or the siting of an essential public facility as provided in RCW 36.70A.200; or))~~ involve uses or activities related to mineral extraction or processing, coal mining, materials processing facilities, or fossil fuel facilities;

587           3. is under an application processing service agreement with the county;  
588           4. is to rectify a code violation case;  
589           5. is for a development proposal to install permanent stabilization measures to  
590 replace any structures or grading done as an emergency action; or  
591           ~~((3))~~ 6. ((1)) is revised by the applicant, when the revisions will result in a  
592 substantial change in a project's review requirements, as determined by the ((department))  
593 division, in which case the period shall start from the date at which the revised project  
594 application is determined to be complete. For the purpose of this section, a substantial  
595 change includes, but is not limited to:  
596           a. the creation of additional lots;  
597           b. the reduction or elimination of open space;  
598           c. a change in land uses;  
599           d. a change in points of ingress or egress to the property;  
600           e. a ten percent increase or more to the total value of building construction  
601 work, including all finish work, painting, roofing, electrical, plumbing, heating,  
602 ventilation and air conditioning, elevators, fire systems, and any other permanent fixtures;  
603           f. a ten percent increase or more to the total building square footage,  
604 impervious surface area, parking, or building height;  
605           g. changes to documents submitted to show compliance with the county's  
606 stormwater mitigation requirements as described in the King County Surface Water  
607 Design Manual (SWDM), that do one or more of the following:  
608           (1) make corrections to the existing conditions site plan that result in a change  
609 to the natural drainage location;

610                   (2) require mitigation for a downstream drainage problem that was not  
611 identified in the application submittal;

612                   (3) change the application from no flow control facility is required to a flow  
613 control facility is required;

614                   (4) change the application from no water quality treatment facility is required  
615 to a water quality treatment facility is required;

616                   (5) increase the level of required water quality treatment from the original  
617 application; or

618                   (6) cause the application to be unable to comply with Core Requirement 9 of  
619 the SWDM to provide sufficient flow control BMPs or demonstrate meeting the LID  
620 performance standard; or

621                   (7) cause the application to require a drainage adjustment, unless it can be  
622 shown that the conditions requiring the adjustment could not have reasonably been  
623 known prior at application.

624                   h. changes to documents submitted to show compliance with King County  
625 road standards that require a road variance, unless it can be shown that the conditions  
626 requiring the variance could not have reasonably been known at application; or

627                   i. proposes changes that create new or increased impacts to critical areas that  
628 will require a revision to mitigation measures.

629                   ~~((F. The time limits established in this section may be exceeded on more complex~~  
630 ~~projects. If the department is unable to issue its Type 1 or Type 2 decision or its Type 3~~  
631 ~~or Type 4 recommendation within the time limits established by this section, it shall~~  
632 ~~provide written notice of this fact to the applicant. The notice shall include a statement of~~

633 reasons why the time limits have not been met and an estimated date for issuance of the  
634 notice of a Type 1 or Type 2 decision or a Type 3 or Type 4 recommendation.))

635 G. The ((department)) division shall require that all plats, short plats, building  
636 permits, clearing and grading permits, conditional use permits, special use permits, site  
637 development permits, shoreline substantial development permits, binding site plans,  
638 urban planned development permits, or fully contained community permits, issued for  
639 development activities on or within five hundred feet of designated agricultural lands,  
640 forest lands, or mineral resource lands, contain a notice that the subject property is within  
641 or near designated agricultural lands, forest lands, or mineral resource lands, on which a  
642 variety of commercial activities may occur that are not compatible with residential  
643 development for certain periods of limited duration.

644 H. To the greatest extent practicable, the ((department)) division shall make a  
645 final determination on all permits required for a Washington state Department of  
646 Transportation project on a state highway as defined in RCW 46.04.560 with an  
647 estimated cost of less than five hundred million dollars no later than ninety days after  
648 receipt of a complete permit application.

649 SECTION 11. Ordinance 10870, Section 634, as amended, and K.C.C.

650 21A.42.140 are hereby amended to read as follows:

651 A. The School District shall hold a public hearing on the request for a building  
652 permit on the proposed high school and may merge the public hearing for environmental  
653 review with this hearing. The hearing shall address the proposal's compliance with the  
654 applicable development standards and whether the impacts of traffic on the neighborhood  
655 have been addressed pursuant to the State Environmental Policy Act, Chapter 43.21C



656 RCW(~~(, and/or through the payment of road impact fees)~~). The hearing may be  
657 conducted by the Board of Directors, or where authorized by board policy, by a hearing  
658 examiner appointed by the School Board. The District shall provide notice of the hearing  
659 as follows:

- 660 1. by posting the property;
- 661 2. by publishing in a newspaper of general circulation in the general area where  
662 the proposed high school is located;
- 663 3. by sending notices by first class mail to owners of property in an area within  
664 five hundred feet of the proposed high school, but the area shall be expanded as necessary  
665 to send mailed notices to at least twenty different property owners; and
- 666 4. by sending notices to other residents of the District that have requested  
667 notice.

668 B. At a regularly scheduled or special Board meeting, the Board of Directors  
669 shall adopt findings of compliance with applicable King County development standards,  
670 including the decision criteria outlined in K.C.C. chapter 21A.44, or adopt proposed  
671 actions necessary to reach compliance. If a hearing examiner has been appointed, the  
672 Board of Directors shall review and adopt or reject the hearing examiner's proposed  
673 findings and/or proposed actions. The board may include in the record any information  
674 supporting its findings or any information from prior public meetings held on the same  
675 general subject at the discretion of the Board.

676 C. Copies of the findings and/or the proposed actions shall be mailed to all  
677 parties of record and to the county.

678 D. Any aggrieved party of record may request the Board of Directors to  
679 reconsider the findings within twenty calendar days of its adoption. An aggrieved party  
680 requesting reconsideration shall submit written evidence challenging the findings or  
681 otherwise specifically identify reasons why the District has failed to reasonably comply  
682 with the applicable King County development standards or the decision criteria outlined  
683 in K.C.C. chapter 21A.44. Within thirty calendar days after a request for reconsideration  
684 has been filed with the District, the Board of Directors may reconsider and revise the  
685 findings and/or proposed actions, or may decline to reconsider. Failure to act, or to  
686 initiate the process for reconsideration by notifying the aggrieved party of record of intent  
687 to reconsider, within the thirty day period shall be deemed to constitute a decision not to  
688 reconsider.

689 E. The Board's final findings shall be attached to the District's building permit  
690 application and shall be considered as prima facie evidence of compliance with the  
691 applicable King County development standards.

692 SECTION 12. The following are hereby repealed:

693 A. Ordinance 12196, Section 12, and K.C.C. 20.20.050;

694 B. Ordinance 12196, Section 15, as amended, and K.C.C. 20.20.080; and

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