February 16, 1995 Introduced by: CHRISTOPHER VANCE

Proposed No.: 95-074

ORDINANCE NO. 11700

AN ORDINANCE relating to permitting; clarifying that engineering plans shall be returned to the applicant and defining who the applicant is; amending Ordinance 9163, Section 2 and K.C.C. 9.04.020, Ordinance 2281, Sections 6, 7 and 8 and K.C.C. 9.04.070, K.C.C. 9.04.100 and K.C.C. 9.04.110, Ordinance 4938, Section 11 and K.C.C. 9.04.130, Ordinance 8589, Section 2 and K.C.C. 9.04.160, Ordinance 4895, Sections 1 and 7 and K.C.C. 14.28.010 and K.C.C. 14.28.030, Ordinance 3647, Section 2 and K.C.C. 16.04.010, Ordinance 1488, Sections 5 and 7 and K.C.C. 16.82.020 and K.C.C. 16.82.060, Ordinance 2097, Section 1 and K.C.C. 17.04.010, Resolution 11048, Sections IIIA (part) and IV AB(2) and K.C.C. 19.16.010 and K.C.C. 19.24.040, Ordinance 9543, Sections 2, 5 and 13 and K.C.C. 19.26.020, K.C.C. 19.26.050 and K.C.C. 19.26.140, Resolution 11048, Section IV A(2) and K.C.C. 19.28.020, Ordinance 9898, Section 1 and K.C.C. 19.28.030, Resolution 11048, Section IV A(4) and K.C.C. 19.28.050, Ordinance 11017, Sections 2, 3 and 4 and K.C.C. 19.33.020, 19.33.030 and K.C.C. 19.33.040, Resolution 11048, Appendix A and K.C.C. 19.36.030 and 19.36.040, Ordinance 9544, Section 3 and K.C.C. 19.36.045, Resolution 11048, Appendix A and K.C.C. 19.36.060, Ordinance 6084, Section 2 and K.C.C. 19.36.065, Resolution 11048, Appendix A and K.C.C. 19.36.070, Ordinance 9544, Sections 19 and 20 and K.C.C. 19.36.087 and K.C.C. 19.36.089, Ordinance 5596, Sections 5, 7, 8, 9, 11 and 14 and K.C.C. 19.38.030, K.C.C. 19.38.050, K.C.C. 19.38.060, K.C.C. 19.38.070, K.C.C. 19.38.090 and K.C.C. 19.38.120, Ordinance 9544, Section 6 and K.C.C. 19.39.020, Ordinance 10870, Sections 54, 584 and 597 and K.C.C. 21A.06.070, K.C.C. 21A.39.030 and K.C.C. 21A.40.030, Ordinance 11622, Section 13 and K.C.C. 25.XX.XXX and adding new sections to K.C.C. 19.04, K.C.C. 19.34 and K.C.C. 25.08 and repealing Ordinance 5596, Section 2 and K.C.C. 19.04.350, all as amended.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

Definitions. A. "Applicant" means a property owner, or any person or entity designated or named in writing by the property owner to be the applicant, in an application for a development proposal, permit or approval.

((~~A.~~)) B. "Basin" means a drainage area which drains either to the Cedar, Green, Snoqualmie, Skykomish or White rivers, or the drainage areas which drain directly to Puget Sound.

((~~B.~~)) C. "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 and storm water management facilities and features within individual subbasins.

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

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

((~~E.~~)) F. "Department" means the department of public works.

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

((~~G.~~)) H. "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, building site plan, or commercial site development permit or right-of-way use permit.

((~~H.~~)) I. "Development engineer" means the building and land development division employee 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 division. The development engineer or designee shall be a professional civil engineer registered and licensed under the laws of the State of Washington.

((~~I.~~)) J. "Director" means the director of the department of public works or the director's designee.

((~~J.~~)) K. "Division" means the building and land development division of the department of parks, planning and resources or its successor agency.

((~~K.~~)) L. "Drainage" means the collection, conveyance, containment, and/or discharge of surface and storm water runoff.

((~~L.~~)) M. "Drainage facility" means the system of collecting, conveying and storing surface and storm water runoff. Drainage facilities shall include but not be limited to all surface and storm water 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 constructed.

((~~M.~~)) N. "Drainage review" means an evaluation by building and land development division staff of a proposed project's compliance with the drainage requirements in the Surface Water Design Manual.

((~~N.~~)) O. "Erosion/sedimentation 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.

((~~O.~~)) P. "Infiltration facility" means a drainage facility designed to use the hydrologic process of surface and storm water runoff soaking into the ground, commonly referred to as percolation, to dispose of surface and storm water runoff.

((~~P.~~)) Q. "Impervious surface" means a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not

limited to, roofs, walkways, patios, driveways, parking lots, storage areas, areas which are paved, graveled or made of packed or oiled earthen materials, or other surfaces which similarly impede the natural infiltration of surface and storm water. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purposes of this chapter.

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

((~~R.~~)) S. "Manager" means the manager of the building and land development division of the department of parks, planning and resources or its successor agency, or his/her designee.

((~~S.~~)) T. "Master Drainage Plan" means a comprehensive drainage control plan intended to prevent significant adverse impacts to the natural and man made drainage system, both on and off-site.

((~~T.~~)) U. "Multifamily/commercial retention/detention facility" means a retention/detention facility which is not a subdivision retention/detention facility as defined in this chapter.

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

((~~V.~~)) W. "Professional civil engineer" means a person registered with the State of Washington as a professional engineer in civil engineering.

((~~W.~~)) X. "Project" means the proposed action of permit application or an approval which requires drainage review.

((~~X.~~)) Y. "Retention/detention facility" means a type of drainage facility designed either to hold water for a considerable length of time and then release it by evaporation,

plant transpiration and/or infiltration into the ground; or to hold runoff for a short period of time and then release it to the surface and storm water management system.

((~~Y.~~)) Z. "Runoff" means water originating from rainfall and other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow ground water.

((~~Z.~~)) AA. "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 as defined in K.C.C. 9.04.020. Shared facilities usually include shared financial commitments for those drainage facilities.

((~~AA.~~)) BB. "Site" means the portion of a piece of property that is directly subject to development.

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

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

((~~DD.~~)) EE. "Surface and storm water" means water originating from rainfall and other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow ground water.

((~~EE.~~)) FF. "Surface and storm water management system" means drainage facilities and any other natural features which collect, store, control, treat and/or convey surface and storm water.

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

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

((~~HH.~~)) II. "Wetponds" and "wetvaults" mean drainage facilities for water quality treatment that contain a permanent pool of water, usually four feet in depth, that are filled during the initial runoff from a storm event. They are designed to optimize water quality by providing retention time (on the order of a week or more) in order to settle out particles of fine sediment to which pollutants such as heavy metals absorb, and to allow biologic activity to occur that metabolizes nutrients and organic pollutants. For wetvaults, the permanent pool of water is covered by a lid which blocks sunlight from entering the facility, limiting photo-dependent biologic activity.

SECTION 2. Ordinance 2281, Section 6, as amended and K.C.C. 9.04.070 are hereby amended to read as follows:

Engineering plans - procedures for submittal. A. Where to submit.

1. All engineering plans shall be submitted to the building and land development division of the department of parks, planning and resources for review in accordance with the specifications in the Surface Water Design Manual. If engineering plans are returned for any reason, they shall be returned to the applicant.

2. All master drainage plans shall be submitted directly to the surface water management division of the

department of public works for review. Master drainage plans must also be a part of a permit application that has been submitted to the building and land development division of the department of parks, planning and resources. The master drainage plan submittal should commence at the same time as the State Environmental Policy Act (SEPA) process.

B. Expiration. The expiration time frames as specified in the Surface Water Design Manual will apply to all permit and approval applications.

C. Processing. All plans will be processed in accordance with the review procedures specified in the Surface Water Design Manual.

SECTION 3. Ordinance 2281, Section 7, as amended and K.C.C. 9.04.100 are hereby amended to read as follows:

Bonds and liability insurance required. The division is authorized to require all ((~~persons~~)) applicants constructing retention/detention facilities and other drainage facilities to post bonds with the manager. Where such ((~~persons~~)) applicants have previously posted, or are required to post, other such bonds with the manager either on the facility itself or on other construction related to the facility, ((~~such person~~)) the applicant may, with the permission of the manager and to the extent allowable by law, combine all such bonds into a single bond; provided, that at no time shall the amount thus bonded be less than the total amount which would have been required in the form of separate bonds; and provided further that such a bond shall on its face clearly delineate those separate bonds which it is intended to replace.

A. Drainage facilities restoration and site stabilization Bond. Prior to commencing construction, the ((~~person~~)) applicant required to construct the drainage facility pursuant to Section 9.04.050 shall post a drainage facilities restoration and site stabilization bond in the amount sufficient to cover the cost of corrective work on or off the site which is necessary to provide adequate drainage, stabilize

and restore disturbed areas, and remove sources of hazard associated with work which has been performed and is not completed. After determination by the development engineer that all facilities are constructed in compliance with approved plans, the drainage facilities restoration and site stabilization bond shall be released. The county may collect against the drainage facilities restoration and site stabilization bond when work is not completed in reasonable fashion and is found to be in violation of the conditions associated with the permit and/or approval listed in Section 9.04.030. It is the manager's discretion to determine whether the site is in violation of the requirements of this chapter, and whether the bond shall be collected to remedy the violation. Prior to final approval and release of the drainage facilities restoration and site stabilization bond, the division shall conduct a comprehensive inspection for the purpose of observing that the retention/detention facilities and other drainage facilities have been constructed according to plan, applicable specifications and standards.

B. Defect and maintenance bond. After satisfactory completion of the drainage facility or final plat approval, whichever occurs last, the ((~~person~~)) applicant required to construct the facility pursuant to Section 9.04.050 shall post a defect and maintenance bond warranting the satisfactory performance and maintenance of the drainage facility and guaranteeing the workmanship and materials used in the construction of the facility for a period of two years. For subdivision retention/detention facilities that King County may assume maintenance of pursuant to Section 9.04.110, the defect and maintenance bond shall be posted for a period of two years or until King County assumes maintenance, whichever is longer. The manager shall not release the defect and maintenance bond until all inspection fees are paid.

C. Failure to complete proposed work. In the event of failure to comply with all the conditions and terms of the

permit and/or approval covered by this chapter, the manager shall notify the ((~~permittee~~)) applicant and surety in writing, and failing to obtain response within seven days from the receipt of notification may order the work required to be satisfactorily completed or perform all necessary corrective work to stabilize and restore disturbed areas and eliminate hazards caused by not completing the work. The surety executing such bond shall continue to be firmly bound up to the limits of the bond, under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by King County in causing any and all such required work to be done. In no event shall the liability of the surety exceed the amount stated in the bond regardless of the number of years the bond remains in force.

D. Liability policy. The ((~~person~~)) applicant required to construct the facility pursuant to Section 9.04.050 shall maintain a liability policy in the amount of one hundred thousand dollars per individual, three hundred thousand dollars per occurrence and fifty thousand dollars property damage, which shall name King County as an additional insured, and which shall protect King County from any liability up to those amounts for any accident, negligence, failure of the facility, or any other liability whatsoever, relating to the construction or maintenance of the facility. Proof of said liability policy shall be provided to the manager prior to commencing construction of any drainage facility; provided, that in the case of facilities assumed by King County for maintenance pursuant to Section 9.04.110, said liability policy shall be terminated when said county maintenance responsibility commences.

SECTION 4. Ordinance 2281, Section 8, as amended and K.C.C. 9.04.110 are hereby amended to read as follows:

Maintenance of subdivision retention/detention facilities. Maintenance of all subdivision retention/detention facilities shall remain the responsibility of the ((~~person~~)) applicant

required to construct the retention/detention facilities until all the conditions of this section have been met.

EXCEPTION: A retention/detention facility located within and servicing only an individual lot shall not be accepted by the county for maintenance and will remain the responsibility of persons holding title to the property within which the facility is located.

Only after all of the following conditions have been met shall King County assume maintenance of the subdivision retention/detention facility:

A. All of the requirements of Section 9.04.100 have been fully met;

B. All necessary easements or tracts entitling the county to properly maintain the retention/detention facility have been conveyed to the county and boundary survey stakes established.

C. The department has conducted an inspection and determined that the facility has been properly maintained and is operating as designed. This department inspection shall occur two years after posting of the defect and maintenance bond.

SECTION 5. Ordinance 4938, Section 11, as amended and K.C.C. 9.04.130 are hereby amended to read as follows:

Hazards. Whenever the director or manager determines that any existing construction site, erosion/sedimentation problem and/or drainage facility poses a hazard to life and limb, endangers any property, and/or adversely affects the condition or capacity of other drainage facilities, the safety and operation of county right of way, utilities, and/or other property owned or maintained by the county, the ((~~person~~)) applicant to whom the permit was issued pursuant to K.C.C. 9.04.030, the owner of the property within which the drainage facility is located, the person responsible for maintenance of the facility, and/or other person or agent in control of said property, upon receipt of notice in writing from the director or manager shall within the period specified therein repair or

otherwise address the cause of the hazardous situation in conformance with the requirements of this chapter.

Should the director or manager have reasonable cause to believe that the situation is so adverse as to preclude written notice, he may take the measures necessary to eliminate the hazardous situation; provided, that he shall first make a reasonable effort to locate the owner before acting. In such instances the ((~~person~~)) applicant of whom a drainage plan was required pursuant to K.C.C. 9.04.030, the owner of the property and/or the person responsible for the maintenance of the facility shall be obligated for the payment of all costs incurred. If costs are incurred and a bond pursuant to this chapter or other county requirement has been posted, the director or manager shall have the authority to collect against the bond to cover costs incurred.

SECTION 6. Ordinance 8589, Section 2, as amended and K.C.C. 9.04.160 are hereby amended to read as follows:

Retroactivity relating to county maintenance of subdivision retention/detention facilities. The ((~~person~~)) applicant required to construct a retention/detention facility pursuant to Section 9.04.030 which is covered by a maintenance or defect bond or which has been released from all required bonds prior to July 7, 1980, the effective date of Ordinance 4938, and all persons holding title to the property for which a facility was required shall be responsible for the continual operation and maintenance of the facility in accordance with standards and requirements of the department and for any liability as a result of breach of these duties.

The county may assume maintenance of such facilities only after the following conditions have been met.

A. All necessary easements or dedications entitling the county to properly maintain the retention/detention facility have been conveyed to the county;

B. The director has determined maintenance of the facility will contribute to protecting or improving the health,

safety, and welfare of the community based upon review of the following factors:

1. Existence of or potential for flooding,

2. Existence of or potential for downstream erosion,

3. Existence of or potential for property damage due to improper function of the facility,

4. Existence of or potential for safety hazard associated with the facility,

5. Existence of or potential for degradation of surface or ground water quality or in-stream resources, or

6. Existence of or potential for degradation to the general welfare of the community; and

C. The director, by his signature, has declared acceptance of maintenance responsibility by the county. Copies of this document will be kept on file in the King County public works record center and the surface water management facilities maintenance office.

A retention/detention facility which does not meet the criteria of this section shall remain the responsibility of the ((~~persons~~)) applicant required to construct the facility and persons holding title to the property for which the facility was required.

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

Definitions. A. Applicant. "Applicant" means a property owner, or any person or entity designated or named in writing by the property owner to be the applicant, in an application for a development proposal, permit or approval.

((~~A.~~)) B. Division. "Division" means the building and land development division of the department of parks, planning and resources.

((~~B.~~)) C. Development approval. "Development approval" means the granting of a building permit, mobile home on-site permit, short subdivision or other county land use approval or approvals.

((~~C.~~)) D. Development engineer. "Development engineer" means the building and land development division employee 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 division. The development engineer or designee shall be a professional civil engineer registered and licensed under the laws of the State of Washington.

((~~D.~~)) E. Right-of-way use permit.

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

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

SECTION 8. Ordinance 4895, Section 7, as amended and K.C.C. 14.28.030 are hereby amended to read as follows:

Permit - Additional requirements. A. Plans. Detailed engineering and restoration plans and/or drainage plan pursuant to K.C.C. 9.04 and Ordinance No. 4463, K.C.C. 19.20, 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 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 9. Ordinance 3647, Section 2, as amended and K.C.C. 16.04.010 are hereby amended to read as follows:

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

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

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

C. The Uniform Housing Code, 1991 Edition;

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

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

SECTION 10. Ordinance 1488, Section 5, as amended and K.C.C. 16.82.020 are hereby amended to read as follows:

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

A. "Applicant" is a property owner, or any person or entity designated or named in writing by the property owner to be the applicant, in an application for a development proposal, permit or approval.

((~~A.~~)) B. "Bench" is a relatively level step excavated or constructed on the face of a graded slope surface for drainage and maintenance purposes.

((~~B.~~)) C. "Berm" is a mound or raised area used for the purpose of screening a site or operation.

((~~C.~~)) D. "Civil engineer" means a professional engineer registered in the state of Washington to practice in the field of civil works.

((~~D.~~)) E. "Clearing" means the cutting or removal of vegetation or other organic plant material by physical, mechanical, chemical or any other means.

((~~E.~~)) F. "Compaction" is the densification of a fill by mechanical means.

((~~F.~~)) G. "Cutting" is the severing of the main trunk or stems from close to or at the soil surface or at a point up to 25% of the total vegetation height.

((~~G.~~)) H. "Director" means the director or the authorized agent of the parks, planning and resources department.

((~~H.~~)) I. "Earth material" is any rock, natural soil or any combination thereof.

((~~I.~~)) J. "Erosion" is the wearing away of the ground surface as the result of the movement of wind, water and/or ice.

((~~J.~~)) K. "Excavation" is the removal of earth material.

((~~K.~~)) L. "Fill" is a deposit of earth material placed by mechanical means.

((~~L.~~)) M. "Grade" means the elevation of the ground surface.

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

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

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

((~~M.~~)) N. "Grading" is any excavating, filling, removing of the duff layer, or combination thereof.

((~~N.~~)) O. "Grading and clearing permit" means the permit required by this chapter for grading and clearing activities, including temporary permits.

((~~O.~~)) P. "Reclamation" means the final grading and land restoration of a site.

((~~P.~~)) Q. "Shorelines" means those lands defined as shorelines in the state Shorelines Management Act of 1971.

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

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

((~~S.~~)) T. "Soil engineer" means a person who has earned a degree in geology from an accredited college or university, or a person who has equivalent educational training and has experience as a practicing geologist.

((~~T.~~)) U. "Structure" is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts jointed together in some definite manner.

((~~U.~~)) V. "Terrace" is a relatively level step excavated or constructed on the face of a graded slope surface for drainage and maintenance purposes.

((~~V.~~)) W. "Tidelands" means that portion of the land which is covered and uncovered by the ebb and flood tide.

((~~W.~~)) X. "Tree" is a large woody perennial plant usually with a single main stem or trunk and generally over twelve feet tall at maturity.

((~~X.~~)) Y. "Understory" is the vegetation layer of a forest that includes shrubs, herbs, grasses, and grass-like plants, but excludes native trees.

((~~Y.~~)) Z. "Vegetation" means any and all organic plant life growing at, below, or above the soil surface.

SECTION 11. Ordinance 1488, Section 7, as amended and K.C.C. 16.82.060 are hereby amended to read as follows:

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

A. Application. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished for that purpose. The director shall prescribe the form by which application is made. No application shall be accepted unless it is completed consistent with the requirements of this chapter. Every application shall:

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

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

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

4. Indicate the estimated quantities of work involved;

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

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

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

8. Designate who the applicant is, on a form prescribed by the department; and

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

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

C. Information on plans and in specifications. Plans shall be drawn to an engineer's scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this chapter and all other relevant laws, rules, regulations and standards. The first sheet of each set of plans shall give the location of the work and the name and address of the owner and the person by whom they were prepared. The plans shall include the following minimum information:

1. General vicinity of the proposed site;

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

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

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

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

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

7. Landscape and rehabilitation plan as required by Section 16.82.110; ((~~and~~))

8. Other information as may be required by the director((~~.~~)) <u>and</u>

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

D. Granting of permits.

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

2. After an application has been filed and reviewed, the director shall also ascertain whether such grading work complies with the other provisions of this chapter. If the application and plans so comply, or if they are corrected or amended so as to comply, the director may issue to the applicant a grading permit. A grading permit shall be valid for the number of days stated in the permit but in no case shall the period be more than two years; provided, that when operating conditions have been met, the permit may be renewed

every two years, or less if a shorter approval and/or renewal period is specified by the director.

3. No grading permit shall be issued until approved by federal, state and local agencies having jurisdiction by laws or regulations.

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

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

SECTION 12. Ordinance 2097, Section 1, as amended and K.C.C. 17.04.010 are hereby amended to read as follows:

Adoption. The Uniform Fire Code, 1991 Edition, and the Uniform Fire Standards, 1991 Edition, as published by the Western Fire Chiefs Association and the International Conference of Building Officials with Appendices, as amended in WAC 51-24 and 51-25 on November 8, 1991, together with amendments, additions and deletions listed in the King County modifications to the 1991 Uniform Fire Code, as amended by Attachment "A" and "B" of Ordinance 11016, ((~~and by~~)) Attachment "A" of Ordinance 11017 and by Attachment B to this Ordinance, are adopted as the Fire Code of King County, and hereinafter referred to as "this code." Administrative rules

may be adopted in accordance with K C.C. 2.98 to further clarify and implement these code requirements.

NEW SECTION. SECTION 13. There is hereby added to K.C.C. 19.04 a new section to read as follows:

Applicant. "Applicant" means a property owner, or any person or entity designated or named in writing by the property owner to be the applicant, in an application for a development proposal, permit or approval.

SECTION 14. Ordinance 5596, Section 2, and K.C.C. 19.04.350 are hereby repealed.

SECTION 15. Resolution 11048, Section IIIA (part), as amended and K.C.C. 19.16.010 are hereby amended to read as follows:

Requirements for approval of plat - Exception and deposit of bond. No plat shall be approved by the department until each and all of the proposed streets, avenues, boulevards and highways shown thereon shall first be so improved by grading, surface and drainage as to give unobstructed access to all separate lots, tracts and subdivisions of such plat, all at the expense of the ((~~platter~~)) applicant in accordance with the current King County standard specifications for private work on county rights-of-way and approved by the development engineer; provided, however, that in lieu of the full compliance herewith prior to the acceptance of the plat, the ((~~owner/developer~~)) applicant may deposit a performance bond with the director in an amount equal to the cost estimated from current county bonding schedules as a guarantee that the ((~~owner/developer~~)) applicant will, within one year from the date of recording of the plat, fully comply with all the requirements herein set forth to the satisfaction of the development engineer; or, in the alternative to this above required bond, the manager may accept other secure methods providing for and securing to the county the actual construction and installation of such improvements within a one-year period and on the terms identical to the herein described bond.

SECTION 16. Resolution 11048, Section IV AB(2), as amended and K.C.C. 19.24.040 are hereby amended to read as follows:

Improvements - Right of county to enter and install - Bond. All pavements, sanitary sewers, water mains, culverts, grading, planting, fencing and any other improvements which are made a part of the approval of the plat shall be completed at the expense of the ((~~platter~~)) applicant prior to the recording of the plat; provided, that in the event the ((~~platter~~)) applicant shall be unable to install said improvements prior to the time of the recording of the plat, the plat may be recorded without such improvements being installed provided the following conditions are complied with:

A. The ((~~platter~~)) applicant shall grant to the county by proper instrument duly recorded the right to enter upon the property to be platted and install said improvements;

B. The ((~~platter~~)) applicant shall furnish to the county a good and sufficient performance bond to cover the cost of installing said improvements. This bond shall provide that the ((~~platter~~)) applicant agrees to faithfully perform the conditions thereof, which conditions shall include an agreement to construct and install all said improvements within the time specified by this title, and further that upon the failure of the ((~~platter~~)) applicant to do so, such bond shall be forfeited in favor of the county or in the alternative to the above required bond, the county executive may accept other secure methods providing for and securing to the county the actual construction and installation of such improvements within a one-year period and on the terms identical to the herein described bond.

SECTION 17. Ordinance 9543, Section 2, and K.C.C. 19.26.020 are hereby amended to read as follows:

Complete application. A. Applications shall be on forms prescribed by the department, and shall include such

information as deemed necessary by the director to establish compliance with subsection B. of this section.

B. Applications for preliminary short subdivision approval shall be considered fully complete as of the date of application pursuant to R.C.W. 58.17.033 once the department determines that the application contains the following materials and information:

1. A completed short subdivision application form which contains sufficient information to determine compliance with the ((~~rules and regulations set forth in~~)) provisions of K.C.C. 19.26.120.B;

2. A designation of who the applicant is, on a form prescribed by the county;

((~~2.~~)) 3. Verification of pre-application approval of proposed water supply and sewage disposal by the Seattle-King County department of public health;

((~~3.~~)) 4. Fire district receipt, pursuant to K.C.C. 17.10.020E;

((~~4.~~)) 5. Copies of all easements, deed restrictions or other encumbrances restricting the use of the subject property;

((~~5.~~)) 6. Documentation of the date and method of segregation for the subject property verifying that the lot or lots were not created in violation of the short subdivision or subdivision laws in effect at the time of creation;

((~~6.~~)) 7. A completed environmental checklist, if required by K.C.C. 20.44, County Environmental Procedures;

((~~7.~~)) 8. Payment of any application fees specified in K.C.C. Title 27, Development Permit Fees;

((~~8.~~)) 9. Completed applications for other applicable permits if the permits are to be processed with the short subdivision, or copies of issued permits if they have been previously approved;

((~~9.~~)) 10. Certificate of transportation concurrency from the department of public works; and

((~~10.~~)) ~~11.~~ Certificate of future connection from the appropriate purveyor for lots located within the Urban Growth area which are proposed to be served by on-site or community sewage system and/or group B water systems or private wells.

C. Within 20 days following receipt of an application for preliminary short subdivision approval, the department shall mail or provide written notice to the applicant that the application is either complete or incomplete. If the application is incomplete, the notice shall state what is necessary to make the application complete. To the extent known by the department, the notice shall identify other agencies of local, state or federal governments that may have jurisdiction over some aspects of the application. This initial screening by the department is intended to determine completeness solely for the purposes of applying the time period established in this title.

SECTION 18. Ordinance 9543, Section 5, and K.C.C. 19.26.050 are hereby amended to read as follows:

Material errors. Applications found to contain and be based on material errors shall be deemed withdrawn and subsequent resubmittals shall be treated as new applications. If engineering plans are returned, they shall be returned to the applicant.

SECTION 19. Ordinance 9543, Section 13, and K.C.C. 19.26.140 are hereby amended to read as follows:

Final approval and recording of short plats. A. All short subdivisions shall meet the following provisions prior to recording:

1. All final short subdivisions shall be surveyed and the final recording forms shall be prepared by a licensed land surveyor;

2. Surveys shall include those items prescribed by R.C.W. 58.09.060, Records of Survey, Contents - Record of Corner, Information;

3. Plat certificates or owner's duplicate certificates for land registered pursuant to R.C.W. 65.12, Registration of Land Titles, shall be obtained and provided by the ((~~owners of~~)) applicant for any approved short subdivision;

4. A supplemental plat certificate shall be provided if the final short plat is not recorded within 30 days of the original certificate or supplemental certificate date;

5. All required improvements must be installed and approved, or bonded as specified for plats in K.C.C. 19.36, Subdividing Procedure, and in K.C.C. 19.26.090.B and 19.26.100 B.

6. The requirement for a deposit to cover anticipated taxes as required for plats in R.C.W. 58.08 Plats - Recording, is waived for the filing of short plats. However, the applicant shall be required to provide certification from the King County office of finance that property taxes for the subject property are not delinquent prior to issuance of a final approval, and

7. All applicable final approval fees set forth in K.C.C. Title 27, Development Permit Fees, and any civil penalties assessed pursuant to K.C.C. Title 23, have been paid.

B. Final short plat recording forms shall contain the following signatures, approvals, or information in the format prescribed by the director:

1. Lots shall be designated by number on the short plat within the area of the lot. Tracts shall be similarly designated by letter and each tract shall be clearly identified with the ownership and purpose;

2. Signature and stamp of the land surveyor who prepared the final short plat;

3. All required dedications;

4. Reference to the recording number of the completed survey as required by this section if the boundaries have been previously surveyed;

5. Reference to all agreements or covenants required as a condition of approval;

6. Notarized signatures of all persons having an ownership or security interest in the land being subdivided;

7. Approval of the King County development engineer;

8. Approval of the county assessor;

9. Approval of the manager; and

10. A certificate of future connection if required pursuant to K.C.C. Title 13 (Sewer and Water Utilities).

C. The director shall examine and sign the final short plat if it and the short subdivision it represents conform to all conditions of preliminary and final approval. Short plats shall be recorded with the King County division of records and elections. A copy of the documents stamped with the recording number shall be sent by the department to the King County department of assessments and to the applicant. Final short plats shall become effective upon recording.

SECTION 20. Resolution 11048, Section IV A(2), and K.C.C. 19.28.020 are hereby amended to read as follows;

Standard for treatment of unrecorded plats and dedications - ((~~Plattor~~)) Applicant to show water supply and distribution, and method of sewage disposal. A. Unrecorded plats. An existing unrecorded plat shall be treated as a preliminary plat with due regard for the legal rights of any persons who may have purchased lots therein.

B. Dedications, explanations. ((~~Plattors~~)) Applicants are notified that dedications are absolute, and no reservations or exceptions for any purpose whatsoever will be permitted, whether in dedication or upon the face of the plat.

C. Water supply. The ((~~plattor~~)) applicant of every proposed plat must show that the area to be platted is provided with a public domestic supply and distribution system within or without the plat installed according to plans approved by the county department of health. If there is no established water supply system in the district to which the pieces or parcels of

land in the plat may be connected, the ((~~platter~~)) applicant must set aside a favorable park or other area of suitable size upon which shall be located a community deep well or wells which shall be set aside for community use, or the ((~~platter~~)) applicant must show that there is a potential water supply accessible to and provided for each lot or tract in the plat or subdivision. Such water supply and distribution system, community well or wells or water supply to be constructed on such areas of such depth and design as to amply protect the water supply and all plans to be approved by the King County department of health.

D. Sources of water supply (or note stating source).

E. Method of sewage disposal (with letter of approval from the King County health department).

SECTION 21. Ordinance 9898, Section 1, as amended and K.C.C. 19.28.030 are hereby amended as follows:

Preliminary plat application - required contents. A. Identification and description.

1. Proposed name of the subdivision;

2. Location by section, township and range, or by other legal description;

3. Name and address of ((~~developer~~)) applicant;

4. A designation of who the applicant is, on a form prescribed by the county;

((~~4.~~)) 5. Name, address and seal of registered engineer or of registered land surveyor;

((~~5.~~)) 6. Scale of plat, date and northpoint;

((~~6.~~)) 7. Contours of topography;

((~~7.~~)) 8. Certificate of Water Availability from public purveyor or health department approval of adequate on-site supply;

((~~8.~~)) 9. Letter of approval of on-site sewage disposal method from Seattle-King County health department, if on-site treatment is proposed, or a Certificate of Sewer Availability from the public purveyor if the site is in the Local Service

Area of the Sewerage General Plan and public sewers are proposed to be used;

((~~9.~~)) 10. Land use zoning classification;

((~~10.~~)) 11. Tree planting (if any).

B. Delineation of existing conditions.

1. Boundary line of proposed subdivision indicated by solid heavy line;

2. Location, widths and names of all existing or prior platted streets or other public ways, railroad and utility rights-of-way, parks and other public open spaces, permanent buildings and structures, and section and municipal corporation lines, within or adjacent to the tract;

3. In case of a replat, the lots, blocks, streets, alleys, easements, parks and building lines (if any) of the original plat being vacated shall be shown by dotted lines in their proper position in relation to the new arrangement of the plat; the new plat being clearly shown in s lid lines so as to avoid ambiguity;

4. Existing sewers, water mains, culverts or other underground facilities within the tract, indicating pipe sizes, grades and exact location, as obtained from public records;

5. Boundary lines of adjacent tracts of unsubdivided and subdivided land, showing owners, indicated by dotted lines for a distance of one hundred feet;

6. Existing zoning of proposed subdivision and adjacent tracts in zoned area;

7. Contours at five-foot intervals, or established in reference to coast geodetic upland datum (aerial survey datum) if available.

C. Delineation of proposed conditions.

1. Layout of streets, their names and widths and also the widths of alleys, crosswalkways and easements. The names of the several streets, avenues, and highways shall conform as far as practicable to the names of corresponding streets, avenues and highways in the abutting or adjacent city, town, or

subdivision and to the general system of naming in use by said city, town, or subdivision or county;

2. Layout, numbers and dimensions of lots;

3. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision((;)).

SECTION 22. Resolution 11048, Section IV A(4), as amended and K.C.C. 19.28.050 are hereby amended as follows:

Qualifications governing approval of plat. A. Preliminary approval. Council approval of the preliminary plat shall furnish a firm basis upon which the applicant may proceed with development of the subdivision and preparation of the final plat subject only to all the conditions of preliminary approval imposed on the preliminary plat.

B. Revisions. The department of development and environmental services may approve minor changes or revisions as are deemed necessary to the interests and needs of the community, consistent with the adopted policies and standards of the county.

C. Engineering details. Subsequent approval of the engineering details of the proposed streets, storm drainage, sanitary sewer and water systems and other proposed public facilities by the county engineer and the King County department of public health will be required prior to the approval of the final plat.

D. Approval time. Preliminary approval shall be effective for a period of thirty-six months. If an applicant files a written request with the clerk of the King County council at least thirty days before expiration of the thirty-six months, an extension for up to twelve months may be granted by ordinance by the county council if the council determines that the applicant has acted in good faith and made substantial progress in complying with the conditions of preliminary plat and that it would be inequitable to require the applicant to reapply for a new preliminary plat approval.

Written request is defined for the purpose of this section to include a summary of progress of the plat to date, written confirmation from the department of development and environmental services that engineering plans have been submitted, a copy of the original ordinance granting preliminary plat approval, a copy of the report and recommendation to the council by the zoning and subdivision examiner, and a map of the plat. Substantial progress is defined for the purpose of this section to mean that either engineering plans have been submitted to the department of development and environmental services, or that other compelling evidence clearly indicates that progress has been made. Engineering plans mean drawings for roads, utilities and storm water facilities, with lot lines and tracts shown. If, prior to the expiration of forty-eight months after preliminary approval, all required plat improvements have been diligently pursued and have been substantially constructed, and the ((~~plat developer~~)) applicant has applied for a further extension, the department of development and environmental services may grant an extension for an additional period of up to 6 months from the application date for recording of the final plat. If the final plat is being developed in divisions and final plats for all of the divisions have not been recorded within the time limits provided in this section, preliminary plat approval for all unrecorded divisions shall become void. When final plat approval is contingent upon the future development of a county road, the council may grant an additional extension of up to six years if the road is identified in a community plan and is part of the county's 6-year road program, provided that for any such extension the applicant must file a written request with the clerk of the council before preliminary plat approval expires and the council may impose additional conditions or requirements for final approval consistent with then current county adopted standards and policies. The preliminary plat for any unrecorded divisions must again be submitted to the

department of development and environmental services within a new application.

E. In granting administrative extensions authorized pursuant to subsection D, the county may impose administratively additional conditions for final approval, consistent with then current county adopted standards and policies.

F. Conditions imposed administratively on divisions for which extensions have been approved may be appealed to the zoning and subdivision examiner pursuant to Chapter 20.24 of this code.

SECTION 23. Ordinance 11017, Section 2, and K.C.C. 19.33.020 are hereby amended to read as follows:

Applicability. A. Any ((~~person~~)) applicant seeking the use of a binding site plan to divide his or her property for the purpose of sale, lease or transfer of ownership of commercially or industrially zoned property is required to apply for, complete and have approved a binding site plan prior to any property division, as provided in RCW 58.17 and as required by this chapter.

B. The site which is subject to the binding site plan shall consist of one (1) or more contiguous lots legally created.

C. The site which is subject to the binding site plan may be reviewed independently for fully developed sites; or, concurrently with a commercial site development permit application for undeveloped land; or in conjunction with a valid commercial site development permit.

D. The binding site plan process merely creates or alters lot lines and does not authorize substantial improvements or changes to the property or the uses thereon.

SECTION 24. Ordinance 11017, Section 3, and K.C.C. 19.33.030 are hereby amended to read as follows:

Complete Application. A. A proposed binding site plan shall be considered under the zoning and other land use control

ordinances in effect on the land at the time a fully completed application is filed with the department. A complete application for binding site plan application shall consist of((~~,~~)) :

((~~A.~~)) 1. A completed application form provided by the department, signed by ((~~all property owners or their authorized agents~~)) the applicant, with supporting documents (such as certificates of transportation concurrency or of sewer/water availability) as required below and which contains sufficient information to determine compliance with adopted laws and rules promulgated thereunder ((~~and regulations~~)) including, but not limited to RCW 43.21C, SEPA as implemented by WAC 197-11; K.C.C. 9.04, Surface Water Management; K.C.C. 14, Roads Standards and Transportation Concurrency and Mitigation; K.C.C. Title 17, Fire Code; K.C.C. 20.44, County Environmental Procedures; K.C.C. Title 21, Zoning; Title 25, Shoreline Management((~~,~~)); K.C.C. Title 13 (Sewer and Water Utilities); administrative rules adopted pursuant to K.C.C. 2.98 to implement any such code or ordinance provision; King County board of health rules and regulations; county approved utility comprehensive plans; conformity with applicable P-suffix conditions and private restrictions and covenants which are in effect at the time of application((~~.~~));

2. A designation of who the applicant is, on a form prescribed by the director;

((~~B.~~)) 3. An approved commercial site development permit; or, a proposed site plan prepared by a professional land surveyor, licensed in the state of Washington, in a form prescribed by the director. At a minimum, the proposed site plan shall include:

((~~1.~~)) a. the location and size of all proposed lots;

((~~2.~~)) b. proposed and existing structures including elevations and floor plans as known, (plans which show building envelopes rather than footprints must include post-construction treatment of unoccupied areas of the binding envelopes);

((~~3.~~)) c. all proposed or existing uses;

((~~4.~~)) d. the location of proposed or existing open space including any required landscaped areas.

((~~5.~~)) e. the location and identification of critical areas;

((~~6.~~)) f. the layout of an internal vehicular and pedestrian circulation system, including proposed ingress and egress for vehicles;

((~~7.~~)) g. the number and location of proposed or existing parking spaces on and off the site;

((~~8.~~)) h. a drainage plan which will accommodate the maximum proposed square footage of impervious surface and the maximum proposed square footage of impervious surface exposed to vehicular use, subject to the requirements of the King County Surface Water Design Manual, adopted by rule under the procedures specified in K.C.C. 2.98;

((~~9.~~)) i. the location and size of utility trunk lines serving the site;

((~~10.~~)) j. the location and size of water bodies and drainage features, both natural and manmade;

((~~11.~~)) k. a grading plan showing proposed clearing and tree retention and the existing and proposed topography, detailed to five-foot contours, unless smaller contour intervals are otherwise required by the King County Code or rules and regulations promulgated thereunder;

((~~12.~~)) l. a layout of sewers and the proposed water distribution system;

((~~13.~~)) m. proposed easements and access; ((~~and~~))

((~~C.~~)) 4. ((~~a~~)) A completed environmental checklist, if required by K.C.C. 20.44;

((~~D.~~)) 5. ((~~a~~)) A downstream drainage analysis or any other requirement specified in the King County Surface Water Design Manual or K.C.C. 9.04;

((~~E.~~)) 6. ((~~a~~))All covenants, easements, maintenance agreements or other documents regarding mutual use of parking and access;

((~~F.~~)) 7. ((~~e~~)) Copies of all easements, deed restrictions or other encumbrances restricting the use of the site;

((~~G.~~)) 8. ((~~a~~)) A phasing plan and time schedule, if the site is intended to be developed in phases or if all building permits will not be submitted within three years;

((~~H.~~)) 9. ((~~d~~)) Documentation of the date and method of segregation for the subject property verifying that the lot or lots were not created in violation of the short subdivision or subdivision laws in effect at the time of creation;

((~~I.~~)) 10. ((~~a~~)) A list of any other development permits or permit applications having been filed for the same site; ((~~and~~))

((~~J.~~)) 11. ((~~t~~))The payment of fees((~~.~~)):

((~~K. The director may waive specific submittal requirements determined to be unnecessary for review of the application.~~))

((~~L.~~)) 12. Certificate of transportation concurrency from the department of public works; and

((~~M.~~)) 13. Certificate of future connection from the appropriate purveyor for lots located within the Urban Growth area which are proposed to be served by onsite or community sewage system and/or group B water systems or private wells.

((~~C.~~)) B. Within 20 days following receipt of an application for a binding site plan, the department shall mail or provide written notice to the applicant that the application is either complete or incomplete. If the application is incomplete, the notice shall state what is necessary to make the application complete. To the extent known by the department, the notice shall identify other agencies of local, state or federal governments that may have jurisdiction over some aspects of the application. This initial screening by the

department is intended to determine completeness solely for the purposes of applying the time period established in this title.

C. The director may waive specific submittal requirements determined to be unnecessary for review of the application.

SECTION 25. Ordinance 11017, Section 4, and K.C.C. 19.33.040 are hereby amended to read as follows:

Approval. A. The director shall consider and base his decision to approve with or without conditions, deny or return the application for modifications, based on:

1. a finding that the newly created lots will continue to function and operate as one site, for fully developed sites; or

2. conformity of the proposed site plan with the adopted rules and regulations listed in K.C.C. 19.33.030 as represented in the approved commercial site development plan, if the binding site plan is being considered with a commercial site development plan.

B. If the director denies the application or otherwise orders the site plan returned, the plan shall be returned to the applicant.

((~~B.~~)) C. The binding site plan shall contain applicable inscriptions or attachments setting forth limitations and conditions to which the plan is subject, including any applicable irrevocable dedications of property and containing a provision requiring that any development of the site shall be in conformity with the approved site plan.

((~~C.~~)) D. The director may modify lot-based or lot line requirements contained within the building, fire and other similar uniform codes adopted by the county.

((~~D.~~)) E. The director may authorize sharing of open space, parking, access and other improvements among contiguous properties subject to the binding site plan. Conditions of use, maintenance and restrictions on redevelopment of shared open space, parking, access and other improvements shall be

identified on the binding site plan and enforced by covenants, easements or other similar mechanisms.

((~~E.~~)) F. The decision of the director shall be final.

NEW SECTION. SECTION 26. There is hereby added to K.C.C. 19.34 a new section to read as follows:

Return of Plans. If the application is denied, withdrawn or otherwise returned, it, along with any engineering plans, shall be returned to the applicant.

SECTION 27. Resolution 11048, Appendix A, as amended and K.C.C. 19.36.030 are hereby amended to read as follows:

Discussion and submission of preliminary plat by ((~~surveyors~~)) applicants. A. The ((~~surveyors~~)) applicant should discuss the preliminary plat with the department of development and environmental services staff to eliminate features which do not conform to the regulations, and submit the preliminary plat for approval by the department.

B. If the preliminary plat is denied or is otherwise ordered to be returned, the preliminary plat shall be returned to the applicant.

SECTION 28. Resolution 11048, Appendix A, as amended and K.C.C. 19.36.040 is hereby amended to read as follows:

Review by Department of Public Works and Health Department. Upon receipt of the preliminary plat, the department shall submit copies to the department of public works and the King County health department for review and comment concerning the acceptability of the plat and conformance with the regulations. The department will indicate its approval on the print of the preliminary plat which will be returned to the ((~~surveyor~~)) applicant. Any changes required by the department will be marked on this print.

SECTION 29. Ordinance 9544, Section 3, and K.C.C. 19.36.045 are hereby amended to read as follows:

Complete application. A. Applications for preliminary subdivision approval shall be considered fully complete as of date of application pursuant to R.C.W. 58.17.033 once the

department determines that the application contains the following materials and information:

1. A completed subdivision application form with supporting documents as required by K.C.C. 19.28.030, and which contains sufficient information to determine compliance with adopted rules and regulations including, but not limited to R.C.W. 58.17.110, R.C.W. 43.21C, SEPA as implemented by W.A.C. 197-11, K.C.C. 20.44; K.C.C. Title 21, Zoning; K.C.C. 14, Road Standards and Transportation Concurrency and Mitigation; K.C.C. 9.04, Surface Water Runoff; K.C.C. Title 25, Shoreline Management; K.C.C. Title 19, Subdivisions; K.C.C. Title 17, Fire Code; K.C.C. Title 13, Sewer and Water Utilities; administrative rules adopted pursuant to K.C.C. 2.98 to implement any such code or ordinance provision; King County board of health rules and regulations; county approved utility comprehensive plans; and conformance with applicable private restrictions and covenants which are in effect at the time of application;

2. A designation of who the applicant is, on a form prescribed by the county;

((~~2.~~)) 3. Verification of pre-application approval of proposed water supply and sewage disposal by the Seattle-King County department of public health;

((~~3.~~)) 4. Fire district receipt, pursuant to K.C.C. 17.10.020E;

((~~4.~~)) 5. Copies of all easements, deed restrictions or other encumbrances restricting the use of the subject property;

((~~5.~~)) 6. Documentation of the date and method of segregation for the subject property verifying that the lot or lots were not created in violation of the short subdivision or subdivision laws in effect at the time of creation;

((~~6.~~)) 7. A completed environmental checklist;

((~~7.~~)) 8. Payment of any application fees specified in K.C.C. Title 27, Development Permit Fees;

((~~8.~~)) 9. Completed applications for other required permits if the permits are to be processed with the subdivision, or copies of issued permits if they have been previously approved;

((~~9.~~)) 10. Certificate of transportation concurrency from the department of public works; and

((~~10.~~)) 11. Certificate of future connection from the appropriate purveyor for lots located within the Urban Growth area which are proposed to be served by onsite or community sewage system and/or group B water systems or private wells.

B. Within 20 days following receipt of an application for preliminary subdivision approval, the department shall mail or provide written notice to the applicant that the application is either complete or incomplete. If the application is incomplete, the notice shall state what is necessary to make the application complete. To the extent known by the department, the notice shall identify other agencies of local, state or federal governments that may have jurisdiction over some aspects of the application. This initial screening by the department is intended to determine completeness solely for the purposes of applying the time period established in this title.

SECTION 30. Resolution 11048, Appendix A, as amended and K.C.C. 19.36.060 are hereby amended to read as follows:

Final plat to conform to preliminary plat - Improvements to conform to certain specifications - Surety bond for improvements. A. After the return of the approved print of the preliminary plat to the ((~~surveyor~~)) applicant, the ((~~developer~~)) applicant is in position to go ahead with the improvement with the assurance that the final plat will be approved, provided that:

1. The final plat strictly conforms with the approved preliminary plat;

2. The improvements have been installed in accordance with the current King County specifications for private work on county rights-of-way with the approval of the development

engineer or that the ((~~plattor~~)) applicant has deposited a performance bond with the director in an amount equal to the director's estimate for such improvements, based on current county bonding schedules, as a guarantee that the ((~~plattor~~)) applicant will, within one year from date of acceptance of the final plat, complete the improvements in accordance with the requirements and to the satisfaction of the development engineer or in the alternative to the above required bond, the director may accept other secure methods providing for and securing to the county the actual construction and installation of such improvements within a one-year period and on the terms identical to the herein described bond.

B. A bond or other satisfactory security to secure the successful operation of improvements for a period of 12 months in an amount and form satisfactory to the director. Such bond or security shall cover workmanship and materials, damage from reasonable expected usage and damage due to construction activities.

1. The bond shall be deposited by the ((~~plattor~~)) applicant with the manager either:

a. Prior to the recording of the final plat when the ((~~plattor~~)) applicant has constructed improvements in accordance with King County specifications and with the approval of the development engineer, or

b. Prior to release of the performance bond or the acceptance by King County of streets and street drainage facilities for maintenance following final construction inspection.

2. The bond shall be in effect for a period of not less than 12 months commencing upon the date of:

a. final plat recording, or

b. release of performance bond, or

c. acceptance by King County of streets and street drainage facilities for maintenance following final construction inspection, whichever occurs last.

SECTION 31. Ordinance 6084, Section 2, and K.C.C. 19.36.065 are hereby amended to read as follows:

Status of current bonds. A. The King County council recognizes the longstanding policy and administrative practice by King County of requiring bonds for subdivision improvements to ensure their successful operation.

B. All bonds or other satisfactory security required by the department and posted by the ((~~plattor~~)) applicant prior to the effective date of this section shall continue to be in force until released by the director following satisfactory inspection by the department.

SECTION 32. Resolution 11048, Appendix A, as amended and K.C.C. 19.36.070 are hereby amended to read as follows:

Submission of final plat to the department - Filing fees - Deposit to cover cost of checking plat - Certificate of title - Certificate of tax payment and deposit. On completion of the improvements required by the county engineer, or upon the receipt of the bond guaranteeing the completion of the improvement, the final plat shall be submitted to the department accompanied by the following:

A. The ((~~plattor~~)) applicant shall deposit a check payable to the county Comptroller in an amount to be determined by the county Comptroller according to the legal requirement, which is twenty-five cents for every enclosure; seven dollars for description; one dedication, one acknowledgement, etc.; one dollar for each additional dedication or acknowledgement made upon such plat; five dollars for each additional sheet if plat is to be recorded on more than one sheet; twenty-five cents for every enclosure on both original plat and replat, in case of replat; ten cents for each lot or cemetery plat. If the property is registered under the Torrens Act, an additional charge of one dollar and fifty cents shall be charged for each numeral entered on the register. Title shall be obtained from the registrar of the Torrens Act;

B. The ((~~plattor~~)) applicant shall be prepared to make a deposit equal to the estimated cost (to be determined by the county engineer) of checking the plat. The deposit shall be made with the county Comptroller to be credited to the road district fund. All work done by the county engineer in connection with the checking, computing and correcting such plat, either in the field or in the office, shall be charged to such deposit. If, during the process of checking, the county engineer finds that the cost of checking will exceed the estimated cost, the county engineer shall notify the ((~~plattor~~)) applicant to deposit an additional amount to cover the cost of the checking. After the county engineer has completed the checking of the plat, he shall forward to the county Comptroller a statement of the checking charges incurred. The county Comptroller, upon receipt of the statement, shall refund to the ((~~plattors~~)) applicants the difference between the checking charges and amount deposited or shall require the ((~~plattor~~)) applicant to pay the difference if the checking charges are greater than the amount deposited;

C. A certificate of title from a reputable abstractor, showing the ownership and title of all the interested parties in the plat, subdivision or dedication. The certificate shall be dated not to exceed thirty days prior to the time of submitting the plat for final approval;

D. A certificate by the county Comptroller showing that taxes have been paid in accordance with RCW 58.08.030 and 58.08.040, and that deposit has been made to the county Comptroller for the taxes for the following year. Also, a certificate by the county Comptroller showing that all taxes and assessments levied and chargeable against the property in the plat, replat or subdivision have been in accordance with RCW 58.08.030.

E. A certificate of future connection if required pursuant to Title 13.

SECTION 33. Ordinance 9544, Section 19, and K.C.C. 19.36.087 are hereby amended to read as follows:

Material errors. Applications found to contain and be based on material errors shall be deemed withdrawn and returned to the applicant. ((s))Subsequent resubmittals shall be treated as new applications.

SECTION 34. Ordinance 9544, Section 20, and K.C.C. 19.36.089 are hereby amended to read as follows:

Errors, Omissions, Corrections to Final Plats - Council proceedings. Final plats approved and signed by the director manager and submitted to the clerk of the council for adoption by the County Council shall be placed on the Council agenda and acted upon no later than ten (10) days after receipt by the clerk of the council. Upon signature of the director accompanied by a recommendation for approval, said final plat shall be approved. Errors found during the review process that are considered willful and deliberate misrepresentations shall result in the plat being withdrawn and returned to the applicant. ((s))Subsequent resubmittals shall be treated as new final plat applications.

SECTION 35. Ordinance 5596, Section 5, and K.C.C. 19.38.030 are hereby amended to read as follows:

Criteria for Reservation or Dedication of Land. The following criteria shall serve as a basis for determining whether a piece of land proposed for dedication or reservation is of sufficient size, character and quality to meet the intent of this chapter:

A. The proposed area for dedication or reservation shall be located either within or outside of the subdivision for which it is required, but must be within the same park service area in which the subdivision is located, or within a reasonable number of feet of the subject subdivision.

B. All lots within the related subdivision must have legal and convenient access to the proposed area for dedication or reservation, at the time of final plat approval.

C. The area proposed by the ((~~developer~~)) applicant for dedication or reservation must consist of an amount equal or greater than the percentages set in Section 19.38.060.

D. The area of proposed dedication or reservation must have a street frontage equal to at least 20% of its perimeter to allow for regular observation of play areas by residents of the subdivision. Alternative design measures that accomplish the same purpose of security may be approved by the department of planning and community development.

E. When new areas are proposed for dedication or reservation it may be required that they be located adjacent to or contiguous with any other established or approved open spaces or recreation areas in adjacent subdivisions in order to increase the overall benefits to the neighborhood.

F. The topography, soils, hydrography and other physical characteristics of the area proposed for dedication or reservation shall be of such quality as to create a flat, dry, obstacle-free space (as defined by K.C.C. 21.08.080), on at least 50% of the total required area in a configuration which allows for active recreation. The remainder of the required area may include sensitive environmental features, preservation of which is consistent with the comprehensive plan or K.C.C. 21.54.

G. In case of the site being reserved, responsibility for maintenance and operation of the recreational facilities shall be assumed by separate entity, such as a homeowners' association or other competent private organization, which demonstrates to the satisfaction of the King County parks division that it has the capability for long-term maintenance and operation of such facilities.

H. In the case of the site being dedicated to King County, the following additional criteria shall be met:

1. The site shall be adjacent to an existing or proposed county park site and shall be consistent with the park program for the site; or

2. The characteristics and location of the site make it suitable for future inclusion into the King County park system as a local park; or

3. The site is being preserved for valuable or sensitive environmental features which require management expertise beyond the capacity of a homeowners' association or other private organization; or

4. The department of planning and community development concludes that dedication of the site for the selected purpose furthers one or more comprehensive plan policies contained in K.C.C. 20.12 dealing with the open space element, steep slopes as open space, wetlands as open space, agricultural lands as open space, wildlife habitat as open space, and heritage sites as open space.

SECTION 36. Ordinance 5596, Section 7, and K.C.C. 19.38.050 are hereby amended to read as follows:

Responsibilities of ((~~a Developer~~)) an Applicant. If the ((~~developer~~)) applicant reserves or dedicates land within a proposed subdivision, the ((~~developer~~)) applicant shall, in addition to any other responsibilities imposed by this chapter, be responsible for removal of all construction debris and hazards such as dead trees. The ((~~developer~~)) applicant may be required to rough grade a portion of the site suitable for a playing field, should such an area exist; place such signs as directed by the parks division; and/or establish or improve such trails as directed by the parks division.

SECTION 37. Ordinance 5596, Section 8, as amended and K.C.C. 19.38.060 are hereby amended as follows:

Amount of Land to be Dedicated or Reserved. Subject to the exceptions set out in K.C.C. 19.38.030, within any zone designated as RS, RD, RT, RM, SR or SC pursuant to the King County Zoning Code, K.C.C. Title 21, or R pursuant to the 1993 zoning code, K.C.C. Title 21A, ((~~developers~~)) applicants who dedicate or reserve open space shall set aside property being

subdivided, according to the following percentages of gross land area:

TITLE 21		TITLE 21A	
RD/RT/RM	5.5%	R12-R48	5.5%
RS/SR 5,000	5.5%	R4-R8	5.25%
RS/SR 7,200	5.25%		
RS/SR 9,600	5.00%		
RS/SR 15,000	5.00%		
SC	5.00%		

In the event the subdivision encompasses land having more than one zone classification, the percentage to be applied to the subdivision shall be the area weighted average of the percentages required for the applicable zone classifications.

SECTION 38. Ordinance 5596, Section 9, and K.C.C. 19.38.070 are hereby amended to read as follows:

Park Development Fee-in-Lieu of Open Space. Unless land within a proposed subdivision is dedicated or reserved in accordance with Sections 19.38.030 through 19.38.060 of this Chapter, final approval of the subdivision shall be contingent upon payment of a park development fee from the ((~~developer~~)) applicant to King County. The fee so collected shall be appropriated only for acquisition and development of open space, park sites and recreational facilities within the park service area wherein the proposed subdivision is located. Such acquisition and development shall be consistent with any applicable Community Plan. Expenditure of such fees shall only be through capital budget and program appropriations by the County Council. Fees collected within a park service area must be allocated to a specific neighborhood park, open space, or recreation project within three years of fee acceptance.

SECTION 39. Ordinance 5596, Section 11, and K.C.C. 19.38.090 are hereby amended to read as follows:

Equivalent Facilities. Whenever ((~~a developer~~)) an applicant chooses to set aside land within a subdivision, which in whole or part does not meet all the criteria for reservation

or dedication in Section 19.38.030 the ((~~developer~~)) applicant may propose to improve such land by grading, filling, landscaping, or with installation of recreation equipment so as to be equivalent in result to the intent of this chapter. The determination as to whether ((~~a developer's~~)) an applicant's proposal to improve a piece of land is equivalent to the open space requirement or fee-in-lieu of such requirement, shall be made solely by the Parks Division according to the following guidelines:

A. The proposed land and improvement should be generally equivalent to or greater than the value of the land or fee otherwise required.

B. The proposed land and improvements must create recreational opportunities for the residents within the subdivision and immediately around it.

C. The proposed land and improvements must not result in significant disturbance or alteration of a sensitive area, unless another approval has already been given for such disturbance or alteration.

D. The proposed land and improvements must be given to a homeowners' association to insure continuing maintenance of them, unless, dedication is specifically requested by the Parks Division.

SECTION 40. Ordinance 5596, Section 14, and K.C.C. 19.38.120 are hereby amended to read as follows:

Applicability. The provisions of this chapter shall apply only to subdivisions which will receive preliminary approval after the effective date of this Chapter; provided, that for subdivisions which have received preliminary approval prior to the effective date of this Chapter, and for which an open space assessment was established, the ((~~developer~~)) applicant may choose to pay a fee-in-lieu of dedication or reservation of land in accordance with Sections 19.38.060 and 19.38.070.

SECTION 41. Ordinance 9544, Section 6, and K.C.C. 19.39.020 are hereby amended to read as follows:

Application requirements. A. ((~~Any person~~)) An applicant may submit a subdivision alteration or vacation application consistent with the applicable provisions of K.C.C. 19.36.045 and 19.36.085 to the director provided:

1. Alteration applications shall contain the signatures of the majority of those persons having an ownership interest in lots, tracts, parcels, or divisions in the subject subdivision to be altered or any portion to be altered. Vacation applications shall contain the signatures of all parties having an ownership interest in the portion of the subdivision subject to vacation.

2. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration or vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration or vacation of the subdivision or portion thereof.

B. Applications for vacations of county roads may be processed pursuant to this chapter only when such road vacations are proposed in conjunction with the vacation of the plat together with the roads. Vacations limited to county roads only shall be processed pursuant to R.C.W. Ch. 36.87. Regardless of the process used, vacations of roads may not be made that are prohibited under R.C.W. 36.87.130.

SECTION 42. Ordinance 10870, Section 54 and K.C.C. 21A.06.070 are hereby amended to read as follows:

Applicant. Applicant: a property owner, or any person or entity ((~~acting as an agent for~~)) designated or named in writing by the property owner to be the applicant, in an application for a development proposal, permit or approval.

SECTION 43. Ordinance 10870, Section 584, and K.C.C. 21A.39.030 are hereby amended to read as follows:

UPD permit - Conditions of approval. A. In approving a UPD permit, conditions of approval shall at a minimum establish:

1. A site plan for the entire UPD showing locations of sensitive areas and buffers, required open spaces, UPD perimeter buffers, location and range of densities for residential development, and location and size of non-residential development;

2. The expected buildout time period for the entire project and the various phases;

3. Project phasing and other project-specific conditions to mitigate impacts on the environment, on public facilities and services including transportation, utilities, drainage, police and fire protection, schools, and parks;

4. Affordable housing requirements;

5. Road and storm water design standards that shall apply to the various phases of the project;

6. Bulk design and dimensional standards that shall be implemented throughout subsequent development within the UPD;

7. The size and range of uses authorized for any non-residential development within the UPD;

8. The minimum and maximum number of residential units for the UPD; and

9. Any sewer and/or water comprehensive utility plans or amendments required to be completed before development can occur; and

10. Provisions for the applicant's surrender of an approved UPD permit before commencement of construction or cessation of UPD development based upon causes beyond the applicant's control or other circumstances, with the property to develop thereafter under the base zoning in effect prior to the UPD permit approval.

B. A UPD permit and development agreement may allow development standards different from those otherwise imposed under the King County code, including but not limited to K.C.C.

21A.39.050 through 120, in order to provide flexibility to achieve public benefits, respond to changing community needs, and encourage modifications which provide the functional equivalent or adequately achieve the purposes of county standards. Any approved development standards that differ from those in the Code shall not require any further zoning reclassification, variance from King County standards or other county approval apart from the UPD permit approval. The development standards as approved through the UPD permit and development agreement shall apply to and govern the development and implementation of each UPD site in lieu of any conflicting or different standards or requirements elsewhere in the King County Code.

C. Subsequently adopted standards which differ from those of the UPD permit shall apply to the UPD only where necessary to address imminent public health and safety hazards or where the UPD permit specifies a time period or phase after which certain identified standards can be modified. Determination of the appropriate standards for future phases which are not fully defined during the initial approval process may be postponed. Building permit applications shall be subject to the building codes in effect when the permit is applied for.

D. An approved UPD permit, including site plan elements or conditions of approval, may be amended or modified at the request of the applicant or the applicant's successor in interest <u>designated by the applicant in writing</u>. The director may administratively approve minor modifications to an approved UPD permit. Modifications that do not qualify as minor shall be deemed major modifications and shall be reviewed in the same manner as that set forth in Sections 21A.39.020 for new UPD permit applications. Any increase in the total number of dwelling units in a UPD above the maximum number set forth in the approved UPD permit, or any decrease in the minimum density for residential areas of the UPD (exclusive of roads and sensitive areas), shall be deemed major modifications. The

county through the development agreement for an approved UPD may specify additional criteria for determining whether proposed modifications are major or minor.

E. Unless otherwise provided for through the UPD permit approval, and subject to any appropriate credits for fees paid or facilities provided by the UPD, applicable impact fee payment requirements shall be those which are in effect when subsequent implementing approvals such as subdivision applications, binding site plans, building permits or other approvals are applied for.

SECTION 44. Ordinance 10870, Section 597, and K.C.C. 21A.40.030 are hereby amended to read as follows:

Applications - Complete applications. A. Applications for conditional use permits, variances, zone reclassifications, and special use permits, shall be considered complete as of the date of submittal upon determination by the department that the materials submitted contain the following:

1. Application forms provided by the department and completed by the applicant;

2. A designation of who the applicant is, on a form prescribed by the department;

((~~2.~~)) 3. Certificates of sewer and water availability from the appropriate purveyors, where sewer and/or water service is proposed to be obtained from a purveyor, confirming that the proposed water supply and/or sewage disposal are adequate to serve the development in compliance with adopted state and local system design and operating guidelines;

((~~3.~~)) 4. Receipt signed by the fire district verifying application submittal pursuant to K.C.C. 17.10.020.E, if applicable;

((~~4.~~)) 5. Identification on the site plan of all easements, deed restrictions, or other encumbrances restricting the use of the property, if applicable;

((~~5.~~)) 6. Proof that the lot or lots are recognized as separate lots pursuant to the provisions of K.C.C. 19.04;

((~~6.~~)) 7. A sensitive area affidavit as provided by K.C.C. 21A.24;

((~~7.~~)) 8. A completed environmental checklist, if required by K.C.C. 20.44, County Environmental Procedures;

((~~8.~~)) 9. Payment of any development permit review fees, excluding impact fees collectible pursuant to K.C.C. Title 27, Development Permit Fees; and

((~~9.~~)) 10. Complete applications for other required permits that are required to be processed concurrently with the proposed application, or copies of approved permits that are required to be obtained prior to the proposed application.

((~~10.~~)) 11. Certificate of transportation concurrency from the department of public works; and

((~~11.~~)) 12. Certificate of future connection from the appropriate purveyor for lots located within the Urban Growth area which are proposed to be served by onsite or community sewage system and/or group B water systems or private wells.

B. Within 20 days following receipt of an application for a conditional use permit or special use permit, the department shall mail or provide written notice to the applicant that the application is either complete or incomplete. If the application is incomplete, the notice shall state what is necessary to make the application complete. To the extent known by the department, the notice shall identify other agencies of local, state or federal governments that may have jurisdiction over some aspects of the application. This initial screening by the department is intended to determine completeness solely for the purposes of applying the time period established in this title.

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

NEW SECTION. SECTION 45. There is hereby added to K.C.C. 25.08 a new section to read as follows:

Applicant. "Applicant" means a property owner, or any person or entity designated or named in writing by the property

owner to be the applicant, in an application for a development proposal, permit or approval.

SECTION 46. Ordinance 11622, Section 13, and K.C.C. 25.XX.XXX are hereby amended to read as follows:

Applications-Complete applications. For the purposes of determining the application of time periods and procedures adopted by this chapter, applications for permits authorized by this title shall be considered complete as of the date of submittal upon determination by the department that the materials submitted contain the following:

1. Application forms provided by the department and completed by the applicant including, but not limited to, a designation of who the applicant is;

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

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

4. Certificate of future connection from the appropriate purveyor for lots located within the Urban Growth area which are proposed to be served by onsite or community sewage system and/or group B water systems or private wells((,)):

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

6. Identification on the site plan of all easements, deed restrictions, or other encumbrances restricting the use of the property, if applicable;

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

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

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

10. Payment of any development permit review fees, excluding impact fees collectible pursuant to K.C.C. Title 27, Development Permit Fees and impact fees (mitigation payment system) collectible pursuant to K.C.C. Title 14; and

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

B. Within 20 days following receipt of an application for a permit referenced in section 15A of ((~~this ordinance~~)) Ordinance 11622, the department shall mail or provide written notice to the applicant that the application is either complete or incomplete. If the application is incomplete, the notice shall state what is necessary to make the application complete. To the extent known by the department, the notice shall identify other agencies of local, state or federal governments that may have jurisdiction over some aspects of the application. This initial screening by the department is intended to determine completeness solely for the purposes of applying the time period established in this title.

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

INTRODUCED AND READ for the first time this 6th day of February, 1995.

PASSED by a vote of 12 to 0 this 27th day of February, 1995.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Kent Pullen
Chair

ATTEST:

Gerald A. Peterson
Clerk of the Council

APPROVED this 10th day of March, 1995.

Gary Locke
King County Executive

Attachments:
A (Modifications to 1991 Uniform Building Code)
B (Modifications to 1991 Uniform Fire Code)

ATTACHMENT A TO ORDINANCE NO.: _____

KING COUNTY MODIFICATIONS
TO THE 1991 EDITION
OF THE UNIFORM BUILDING CODE

SECTION 302.(a) is hereby amended to read as follows:

Residential Building Permit Application. To obtain a permit, the applicant shall first file an application thereof in writing on a form furnished by King County Building and Land Development Division for that purpose. Every such application for a permit shall:

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

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.

3. Indicate the use or occupancy for which the proposed work is intended.

4. Be accompanied by full size plans (minimum 18" x 24"; maximum 24" x 36"), diagrams, computations and specifications and other data as required in Subsection (b) of this section; or an approved Residential Basics Plan; or other approved plans as promulgated by the manager in administrative rules and regulations pursuant to K.C.C. 2.98.

5. State the valuation of any new building or structure or any addition, remodeling or alteration to an existing building.

6. Designate who the applicant is, on a form prescribed by the agency.

((~~6.~~)) 7. Be signed by the ((~~owner~~)) applicant, or the ((~~owner's~~)) applicant's authorized agent.

((~~7.~~)) 8. Give such other data and information as may be required by the manager.

((~~8.~~)) 9. Required septic designs shall be based on the maximum number of bedrooms.

SECTION 302.(e) is hereby amended to read as follows:

Application for Residential Basic Plan Approval. Every Residential Basic Plan application shall contain:

1. At least two complete sets of full size construction plans showing all options (minimum 18" x 24"; maximum 24" x 36");

2. A completed cover sheet provided by Building and Land Development Division;

3. An application fee((~~.~~));

4. A designation of who the applicant is, on a form prescribed by the agency;

((~~4.~~)) 5. Other such data and information as may be required by the manager for the purpose of processing the Residential Basics Plan application.

ATTACHMENT B TO ORDINANCE NO.: _____

KING COUNTY MODIFICATIONS
TO THE 1991 EDITION
OF THE UNIFORM FIRE CODE

SECTION 4.103 is hereby amended to read as follows:

Applications for permits shall be made to the bureau of fire prevention in such form and detail as prescribed by the bureau. Applications for permits shall be accompanied by such plans as required by the bureau. <u>If these plans are returned as a result of permit denial or any other reason, they shall be returned to the applicant.</u>

SECTION 9.103 is hereby amended to add the following subsection:

Applicant is a property owner, or any person or entity designated or named in writing by the property owner to be the applicant, in an application for a permit.