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Introduced By: Christopher Vance

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Proposed No.: 96-112

ORDINANCE NO. **12196**

AN ORDINANCE implementing ESHB 1724 (Chapter 347, RCW), relating to permitting; providing new permit processes and administrative appeals, approval timelines, notice requirements, judicial review, SEPA/GMA integration through use of existing rules; amending Ordinance 9163, Section 2 and K.C.C. 9.04.020, Ordinance 4895, Section 1 and K.C.C. 14.28.010, Ordinance 3647, Section 2 and K.C.C. 16.04.010, Ordinance 11622, Section 3 and K.C.C. 16.04.052, Ordinance 1488, Section 5 and K.C.C. 16.82.020, Ordinance 1488, Section 7 and K.C.C. 16.82.060, Ordinance 2097, Section 1 and K.C.C. 17.04.010, Ordinance 263, Article 5, Section 4 and K.C.C. 20.24.040, Ordinance 263, Article 5 Section 5 and K.C.C. 20.24.050, Ordinance 263, Article 5, Section 6 and K.C.C. 20.24.060, Ordinance 4461, Section 1 and K.C.C. 20.24.070, Ordinance 4461, Section 2 and K.C.C. 20.24.080, Ordinance 4461, Section 3 and K.C.C. 20.24.090, Ordinance 11502, Section 14 and K.C.C. 20.24.097, Ordinance 11502, Section 15 and K.C.C. 20.24.098, Ordinance 263, Article 5, Section 7 (part) and K.C.C. 20.24.100, Ordinance 263, Article 5, Section 9 and K.C.C. 20.24.120, Ordinance 4461, Section 4 and K.C.C. 20.24.130, Ordinance 4461, Section 5 and K.C.C. 20.24.140, Ordinance 11502, Section 12 and K.C.C. 20.24.145, Ordinance 263, Article 5, Section 11 and K.C.C. 20.24.150, Ordinance 263, Article 5, Section 12 and K.C.C. 20.24.160, Ordinance 4461, Section 9, and K.C.C. 20.24.180, Ordinance 9544, Section 16, and K.C.C. 20.24.195, Ordinance 4461, Section 11, and K.C.C. 20.24.210, Ordinance 4461, Section 12, and K.C.C. 20.24.220, Ordinance 263, Article 5 Section 18, and K.C.C. 20.24.230, Ordinance 9544, Section 18, and K.C.C. 20.24.235, Ordinance 4461, Section 15, and K.C.C. 20.24.240, Ordinance 4461, Section 14, and K.C.C. 20.24.250, Ordinance 6949, Section 6, and K.C.C. 20.44.040, Ordinance 6949, Section 7, and K.C.C. 20.44.050, Ordinance 6949, Section 8, and K.C.C. 20.44.060, Ordinance 6949, Section 10, and K.C.C. 20.44.080, Ordinance 6949, Section 12 and K.C.C. 20.44.100, Ordinance 6949, Section 14, and K.C.C. 20.44.120, Ordinance 10870, Section 54 and K.C.C. 21A.06.070, Ordinance 10870, Section 454, and K.C.C. 21A.24.070, Ordinance 10870, Section 612, and K.C.C. 21A.42.040, Ordinance 10870, Section 616, and K.C.C. 21A.42.080, Ordinance 10870, Section 617, and K.C.C. 21A.42.090, Ordinance 11700, Section 45 and K.C.C. 25.08.015, Ordinance 3688, Section 806, and K.C.C. 25.32.060, Ordinance 3688, Section 808, and K.C.C. 25.32.080, Ordinance 3688, Section 809, and K.C.C. 25.32.090,

1 Ordinance 3688, Section 810, and K.C.C.
 2 25.32.100, Ordinance 3688, Section 813, and
 3 K.C.C. 25.32.130, and repealing Ordinance 11622,
 4 Section 5, and K.C.C. 26.82.054, Ordinance
 5 11622, Section 6, and K.C.C. 16.82.056,
 6 Ordinance 263, Article 1, Section 1 and K.C.C.
 7 20.08.010, Ordinance 3747, Sections 1-3 and
 8 K.C.C. 20.24.200, Ordinance 263, Article 6
 9 (part) Sections 1-6, and K.C.C. 20.28.010-.070,
 10 Ordinance 10870, Section 46, and K.C.C.
 11 21A.06.030, Ordinance 10870, Sections 595, 596,
 12 597 and K.C.C. 21A.40.010, .020, .030, Ordinance
 13 11621, Section 108 and K.C.C. 21A.40.035,
 14 Ordinance 11622, Section 17 and K.C.C.
 15 21A.40.037, Ordinance 11622, Sections 22 and 23
 16 and K.C.C. 21A.40.040-.050, Ordinance 11622,
 17 Section 601 and K.C.C. 21A.40.060, Ordinance
 18 10870, Section 603, and K.C.C. 21A.40.080,
 19 Ordinance 10870, Section 604, and K.C.C.
 20 21A.40.090, Ordinance 10870, Sections 605-608
 21 and K.C.C. 21A.40.100-.130, Ordinance 11621,
 22 Section 122, and K.C.C. 21A.41.030, Ordinance
 23 11621, Section 123 and K.C.C. 21A.41.040,
 24 Ordinance 11621, Section 128, and K.C.C.
 25 21A.41.090, Ordinance 10870, Sections 613-615
 26 and K.C.C. 21A.42.050-.070, Ordinance 11622,
 27 Section 11 and K.C.C. 25.32.012, Ordinance
 28 11622, Section 12, and K.C.C. 25.32.014,
 29 Ordinance 11622, Sections 13, 14, 15 and K.C.C.
 30 25.32.016, .024 and .026, Ordinance 3688,
 31 Section 803 and K.C.C. 25.32.030, Ordinance
 32 3688, Section 807, and K.C.C. 25.32.070, all as
 33 amended, and declaring an emergency.
 34

35 FINDINGS OF FACT:

- 36 1. ESHB 1724 requires local governments planning under the
 37 Growth Management Act to establish an "integrated and
 38 consolidated" project permit process.
 39 2. Key elements of that process include: combined
 40 environmental review and project review; determination
 41 of complete application to the applicant within 28
 42 days of filing; notice of application within 14 days
 43 following a determination of completeness and prior to
 44 a decision by the department; a single consolidated
 45 staff report for all decisions and recommendations
 46 made by the department; completion of project review
 47 and a decision within 120 days from the determination
 48 of completeness; an optional consolidated project
 49 permit review process for all permits; a uniform 14-
 50 day administrative appeal period; and providing for no
 51 more than one open record hearing and, excepting a
 52 SEPA determination of significance, one closed record
 53 appeal.
 54 3. The County, as well as the State, has a strong interest
 55 in regulatory reform and efficient permitting to
 56 achieve affordable housing, economic vitality and
 57 other County goals.
 58 4. The Council desires to eliminate delays to the fullest
 59 extent possible in the permitting and appeals process.
 60 5. The Council desires to implement the recommendations of
 61 the Forum for Regulatory Balance by having subjected
 62 this ordinance to reasonable review, and by providing

1 for greater uniformity of standards among
2 jurisdictions by modeling this ordinance on procedures
3 used by the cities of Seattle and Bellevue.

4 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

7 Definitions.

8 A. "Applicant" means a property owner or a public agency or
9 public or private utility which owns a right-of-way or other easement
10 or has been adjudicated the right to such an easement pursuant to RCW
11 8.12.090, or any person or entity designated or named in writing by
12 the property or easement owner to be the applicant, in an application
13 for a development proposal, permit or approval.

14 B. "Basin" means a drainage area which drains either to the
15 Cedar, Green, Snoqualmie, Skykomish or White rivers, or the drainage
16 areas which drain directly to Puget Sound.

17 C. "Basin Plan" means a plan and all implementing regulations
18 and procedures including but not limited to capital projects, public
19 education activities, and land use management adopted by ordinance for
20 managing surface and storm water management facilities and features
21 within individual subbasins.

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

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

31 F. "Department" means the department of public works.

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

4 H. "Development" means any activity that requires a permit or
5 approval, including but not limited to a building permit, grading
6 permit, shoreline substantial development permit, conditional use
7 permit, special use permit, zoning variance or reclassification,
8 subdivision, short subdivision, urban planned development, building
9 site plan, or commercial site development permit or right-of-way use
10 permit.

11 I. "Development engineer" means the department and development
12 and environmental services employee authorized to oversee the review,
13 conditioning, inspection and acceptance of right-of-way use permits,
14 road and drainage projects constructed pursuant to permits
15 administered by the division. The development engineer or designee
16 shall be a professional civil engineer registered and licensed under
17 the laws of the State of Washington.

18 J. "Director" means the director of the department of public
19 works or the director's designee.

20 K. "Division" means the building and land development division
21 of the department of parks, planning and resources or its successor
22 agency.

23 L. "Drainage" means the collection, conveyance, containment,
24 and/or discharge of surface and storm water runoff.

25 M. "Drainage facility" means the system of collecting,
26 conveying and storing surface and storm water runoff. Drainage
27 facilities shall include but not be limited to all surface and storm
28 water conveyance and containment facilities including streams,
29 pipelines, channels, ditches, swamps, lakes, wetlands, closed
30 depressions, infiltration facilities, retention/detention facilities,
31 erosion/ sedimentation control facilities and other drainage
32 structures and appurtenances, both natural and constructed.

1 N. "Drainage review" means an evaluation by the department of
2 development and environmental services staff of a proposed project's
3 compliance with the drainage requirements in the Surface Water Design
4 Manual.

5 O. "Erosion/sedimentation control" means any temporary or
6 permanent measures taken to reduce erosion, control siltation and
7 sedimentation, and ensure that sediment-laden water does not leave the
8 site.

9 P. "Infiltration facility" means a drainage facility designed
10 to use the hydrologic process of surface and storm water runoff
11 soaking into the ground, commonly referred to as percolation, to
12 dispose of surface and storm water runoff.

13 Q. "Impervious surface" means a hard surface area which either
14 prevents or retards the entry of water into the soil mantle as under
15 natural conditions prior to development, and/or a hard surface area
16 which causes water to run off the surface in greater quantities or at
17 an increased rate of flow from the flow present under natural
18 conditions prior to development. Common impervious surfaces include,
19 but are not limited to, roofs, walkways, patios, driveways, parking
20 lots, storage areas, areas which are paved, graveled or made of packed
21 or oiled earthen materials, or other surfaces which similarly impede
22 the natural infiltration of surface and storm water. Open, uncovered
23 retention/detention facilities shall not be considered as impervious
24 surfaces for the purposes of this chapter.

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

29 S. "Manager" means the manager of the building and land
30 development division of the department of parks, planning and
31 resources or its successor agency, or his/her designee.

1 T. "Master Drainage Plan" means a comprehensive drainage
2 control plan intended to prevent specific adverse impacts to the
3 natural and man made drainage system, both on and off-site.

4 U. "Multifamily/commercial retention/detention facility" means
5 a retention/detention facility which is not a subdivision
6 retention/detention facility as defined in this chapter.

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

11 W. "Professional civil engineer" means a person registered with
12 the State of Washington as a professional engineer in civil
13 engineering.

14 X. "Project" means the proposed action of a permit application
15 or an approval which requires drainage review.

16 Y. "Retention/detention facility" means a type of drainage
17 facility designed either to hold water for a considerable length of
18 time and then release it by evaporation, plant transpiration and/or
19 infiltration into the ground; or to hold runoff for a short period of
20 time and then release it to the surface and storm water management
21 system.

22 Z. "Runoff" means water originating from rainfall and other
23 precipitation that is found in drainage facilities, rivers, streams,
24 springs, seeps, ponds, lakes and wetlands as well as shallow ground
25 water.

26 AA. "Shared Facility" means a drainage facility designed to
27 meet one or more of the requirements of K.C.C. 9.04.050 for two or
28 more separate projects contained within a basin as defined in K.C.C.
29 9.04.020. Shared facilities usually include shared financial
30 commitments for those drainage facilities.

31 BB. "Site" means the portion of a piece of property that is
32 directly subject to development.

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

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

12 EE. "Surface and storm water" means water originating from
13 rainfall and other precipitation that is found in drainage facilities,
14 rivers, streams, springs, seeps, ponds, lakes and wetlands as well as
15 shallow ground water.

16 FF. "Surface and storm water management system" means drainage
17 facilities and any other natural features which collect, store,
18 control, treat and/or convey surface and storm water.

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

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

29 II. "Wetponds" and "wetvaults" mean drainage facilities for
30 water quality treatment that contain a permanent pool of water,
31 usually four feet in depth, that are filled during the initial runoff
32 from a storm event. They are designed to optimize water quality by

1 providing retention time (on the order of a week or more) in order to
2 settle out particles of fine sediment to which pollutants such as
3 heavy metals absorb, and to allow biologic activity to occur that
4 metabolizes nutrients and organic pollutants. For wetvaults, the
5 permanent pool of water is covered by a lid which blocks sunlight from
6 entering the facility, limiting photo-dependent biologic activity.

7 SECTION 2. Ordinance 4895, Section 1, as amended and K.C.C.
8 14.28.010 are hereby amended to read as follows:

9 Definitions.

10 A. Applicant. "Applicant" means a property owner or a public
11 agency or public or private utility which owns a right-of-way or other
12 easement or has been adjudicated the right to such an easement
13 pursuant to RCW 8.12.090, or any person or entity designated or named
14 in writing by the property or easement owner to be the applicant, in
15 an application for a development proposal, permit or approval.

16 B. (~~Division. "Division" means the building and land~~
17 ~~development division of the department of parks, planning and~~
18 ~~resources)) Department. "Department" means the department of
19 development and environmental services.~~

20 C. Development approval. "Development approval" means the
21 granting of a building permit, mobile home on-site permit, short
22 subdivision or other county land use approval or approvals.

23 D. Development engineer. "Development engineer" means the
24 building and land development division employee authorized to oversee
25 the review, conditioning, inspection and acceptance of right-of-way
26 use permits, road and drainage projects constructed pursuant to
27 permits administered by the division. The development engineer or
28 designee shall be a professional civil engineer registered and
29 licensed under the laws of the State of Washington.

30 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 3. 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 11700 and referred to as Attachment A(~~7~~) and 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 4. Ordinance 11622, Section 3, as amended and K.C.C. 16.04.052 are hereby amended as follows:

Applications - Complete applications. A. For the purposes of determining the application of time periods and procedures adopted by

