



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

April 4, 2011

Ordinance 17060

Proposed No. 2011-0153.1

Sponsors Lambert

1 AN ORDINANCE relating to temporary use permits in the
2 city of Snoqualmie's Mill Planning Area potential
3 annexation area; amending Ordinance 12196, Section 9, as
4 amended, and K.C.C. 20.20.020, and declaring an
5 emergency.

6 **SECTION 1. Findings:**

7 A. The city of Snoqualmie and the Growth Management Planning Council have
8 designated an area known as the Mill Planning Area as a city of Snoqualmie potential
9 annexation area.

10 B. The Mill Planning Area includes property owned by Snoqualmie Mill
11 Ventures LLC, and several parcels owned by Weyerhaeuser Real Estate Development
12 Company.

13 C. The city of Snoqualmie, King County and these owners of property in the Mill
14 Planning Area ("the parties") have entered into annexation discussions.

15 D. The parties have agreed to undertake annexation.

16 E. The annexation was initiated by the city of Snoqualmie on March 28, 2011.

17 F. The DirtFish Rally School is located within the proposed annexation area .

18 G. The DirtFish Rally School currently has a contractual obligation with ESPN to
19 host a two-day televised rally-car event on the DirtFish site on April 15 and 16, 2011.

20 H. The city has indicated that it supports this event and believes that it represents
21 a unique opportunity to draw national attention to DirtFish, the city of Snoqualmie and
22 King County.

23 I. The DirtFish Rally School has committed to apply to the county for a
24 temporary use permit, which will allow the county to review potential impacts and
25 require adequate protections for public health and safety. The city supports this approach.

26 J. Under the county's land use code, events of two or fewer days are not subject
27 to any permitting requirements or other land use review. Events of three or more days
28 are reviewed as Type 2 decisions. When all event-related activities are included, there
29 may be some dispute about the duration of the ESPN event, but there is no dispute that
30 the event is of a limited duration.

31 K. Without an application for a temporary use permit, the county would not have
32 the ability to address issues of public health and safety during the rally-car event.

33 L. If DirtFish is to proceed under a temporary use permit, there is not sufficient
34 time to process a temporary use permit under the county's current regulations.

35 M. Providing that a decision to grant a temporary use permit in the Mill Planning
36 Area will be classified as a Type1 land use permit decision will allow the county
37 sufficient time to process a temporary use permit before the start of the event.

38 O. The city has indicated that it considers the county's cooperation regarding the
39 issuance of a temporary use permit essential to prevent the potential loss, before
40 annexation, of a use supported by the city within the Mill Planning Area.

41 P. It is necessary to declare an emergency so that the county has sufficient time to
42 complete land use review and issue a permit with adequate protections for public health
43 and safety for the duration of the event.

44 SECTION 2. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020 are
45 each hereby amended to read as follows:

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

50 1. Type 1 decisions are made by the director, or his or her designee, ("director")
51 of the department of development and environmental services ("department"). Type 1
52 decisions are nonappealable administrative decisions.

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

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

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

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

64 appeals, using the highest-numbered land use decision type applicable to the project
 65 application.

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

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

72 E. Land use decision types are classified as follow:

TYPE 1	(Decision by director, no administrative appeal)	Temporary use permit for a homeless encampment under K.C.C. 21A.45.010, 21A.45.020, 21A.45.030, 21A.45.040, 24A.45.050, 21A.45.060, 21A.45.070, 21A.45.080 and 21A.45.090; <u>temporary use permit under K.C.C. chapter 21A.32 for a use located within the Snoqualmie Mill potential annexation area</u> ; building permit, site development permit, or clearing and grading permit that is not subject to SEPA, that is categorically exempt from SEPA as provided in K.C.C. 20.20.040, or for which the department has issued a determination of nonsignificance or mitigated determination of nonsignificance; boundary line adjustment; right of way; variance from K.C.C. chapter 9.04; shoreline exemption;
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		<p>decisions to require studies or to approve, condition or deny a development proposal based on K.C.C. chapter 21A.24, except for decisions to approve, condition or deny alteration exceptions; approval of a conversion-option harvest plan; a binding site plan for a condominium that is based on a recorded final planned unit development, a building permit, an as-built site plan for developed sites, a site development permit for the entire site.</p>
<p>TYPE 21,2</p>	<p>(Decision by director appealable to hearing examiner, no further administrative appeal)</p>	<p>Short plat; short plat revision; short plat alteration; zoning variance; conditional use permit; temporary use permit under K.C.C. chapter 21A.32, <u>except for a temporary use permit for a use located within the Snoqualmie Mill potential annexation area</u>; temporary use permit for a homeless encampment under K.C.C. 21A.45.100; shoreline substantial development permit³; building permit, site development permit or clearing and grading permit for which the department has issued a determination of significance; reuse of public schools; reasonable use exceptions under K.C.C. 21A.24.070.B; preliminary determinations under K.C.C. 20.20.030.B; decisions to approve, condition or deny alteration</p>

		exceptions under K.C.C. chapter 21A.24; extractive operations under K.C.C. 21A.22.050; binding site plan; waivers from the moratorium provisions of K.C.C. 16.82.140 based upon a finding of special circumstances.
TYPE 31	(Recommendation by director, hearing and decision by hearing examiner, appealable to county council on the record)	Preliminary plat; plat alterations; preliminary plat revisions.
TYPE 41,4	(Recommendation by director, hearing and recommendation by hearing examiner decision by county council on the record)	Zone reclassifications; shoreline environment redesignation; urban planned development; special use; amendment or deletion of P suffix conditions; plat vacations; short plat vacations; deletion of special district overlay.

73 ¹ See K.C.C. 20.44.120.C. for provisions governing procedural and substantive SEPA
 74 appeals and appeals of Type 3 and 4 decisions to the council.

75 ² When an application for a Type 2 decision is combined with other permits requiring
 76 Type 3 or 4 land use decisions under this chapter or under K.C.C. 25.32.080, the
 77 examiner, not the director, makes the decision.

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

80 4 Approvals that are consistent with the Comprehensive Plan may be considered by the
81 council at any time. Zone reclassifications that are not consistent with the
82 Comprehensive Plan require a site-specific land use map amendment and the council's
83 hearing and consideration shall be scheduled with the amendment to the Comprehensive
84 Plan under K.C.C. 20.18.040 and 20.18.060.

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

86 SECTION 3. This ordinance is adopted as an interim official control under RCW
87 36.70A.390 and expires May 30, 2011.

88 SECTION 4. Severability. If any provision of this ordinance or its application to
89 any person or circumstance is held invalid, the remainder of the ordinance or the
90 application of the provision to other persons or circumstances is not affected.

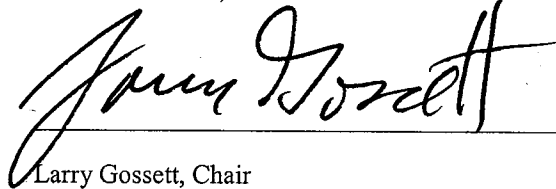
91 SECTION 5. The county council finds as a fact and declares that an emergency
92 exists and that this ordinance is necessary for the immediate preservation of public peace,

93 health or safety or for the support of county government and its existing public
94 institutions.
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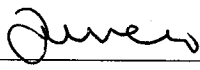
Ordinance 17060 was introduced on and passed by the Metropolitan King County Council on 4/4/2011, by the following vote:

Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,
Ms. Patterson, Ms. Lambert, Mr. Ferguson, Mr. Dunn and Mr.
McDermott
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments: None