

July 14, 1986
9200A/ple

Introduced by: Bill Reams

Proposed No.: 86-287

ORDINANCE NO. 7714

AN ORDINANCE relating to zoning; setting forth procedures for the administrative review and approval of zoning variances; modifying variance fees; amending Resolution 25789, Sections 2800, 2804, 2808, 3001, 3200, and 3201; Ordinance 1161, Section 11; Ordinance 4460, Section 2; Ordinance 4461, Section 2; Ordinance 7420, Section 11; and K.C.C. 20.24.080; 21.58.010; 21.58.050 through 21.58.070; 21.62.020; 21.62.050; 21.62.070; 21.66.010; and 21.66.020; and adding new sections to K.C.C. 21.58.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Resolution 25789, Section 2800 and K.C.C.

21.58.010 is hereby amended to read as follows:

~~((Zoning-adjuster-may))~~ Authority to grant variances.

~~((The-zoning-adjuster))~~ A. Except as provided in Section 3, the manager or his designee shall have the authority to grant a variance from the provisions of this title when the conditions as set forth in Section 21.58.020 have been found to exist; provided, that any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.

B. The zoning adjustor may grant variances as provided in Section 3, subject to the same limitations and requirements as set forth in this section.

SECTION 2. Resolution 25789, Section 2804 and K.C.C.

21.58.050 is hereby amended to read as follows:

Notice. ~~((A=))~~ Upon the filing of an application for a

1 variance, an administrative conditional use permit, or a con-
2 ditional use permit by a property owner(~~(, or by a lessee,)~~)
3 which (~~(application)~~) sets forth fully the grounds for, and the
4 facts deemed to justify the granting of the requested action,
5 notice shall be given as follows:

6 A. For conditional use permits, the adjustor shall give
7 notice of a public hearing or, in the case of an application for
8 an administrative conditional use permit, notice of the filing of
9 the application as provided for notice of public hearings in
10 Chapter 21.62 to consider the matter.

11 B. Written comments and materials relating to proposals for
12 administrative conditional use permits must be submitted to the
13 division within twenty-five days of notice or posting to be con-
14 sidered by the adjustor.

15 C. For variance applications, notice shall be made:

16 1. By first class mail sent to owners of property within
17 three hundred feet of any boundary of the subject property; pro-
18 vided, that the area within which mailed notice is required may
19 be expanded in rural or lightly inhabited areas or in other
20 appropriate cases to the extent the division determines
21 necessary to include affected property owners. Notice shall
22 contain: a. The name of the applicant, the description of the
23 requested action and the proposed use of the property; b. A
24 plot plan and general location description in nonlegal
25 language; c. The procedures and deadline for filing comments;
26 d. A form to request subsequent division reports or decisions;
27 and e. Identification of the responsible county official.

28 Mailed notice as herein provided is supplementary to official
29 notification by posting and the failure of one or more owners to
30 receive mailed notice shall not affect the validity of the final
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1 decision if the property was posted pursuant to subsection C.2 of
2 this section;

3 2. By posting three or more signs or posters on or adja-
4 cent to the subject property at places conspicuous and likely to
5 be seen by persons passing the property. Posting shall occur for
6 at least fifteen days, at the end of which time the comment
7 period shall close. The form and content of the notice shall
8 be approved by the division. Posting, including the expenses
9 thereof, shall be the responsibility of the applicant and an
10 affidavit of posting shall be submitted prior to the final com-
11 ment date by the applicant to the division in a form approved by
12 the division; and

13 3. By any other method if the building and land develop-
14 ment division determines it appropriate for the purpose of giving
15 notice to interested parties, including but not limited to pro-
16 viding notification of the proposed action to local or community
17 newspapers.

18 D. Separate notice of variance hearings determined to be
19 necessary pursuant to Section 3 shall be made as set forth in
20 paragraph C.1. of this section to all parties who have submitted
21 written comments during the comment period. Hearing notices
22 shall include a description of the time and place of the public
23 hearing with the items specified in Section 2C.1.

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25 NEW SECTION. SECTION 3. There is added to K.C.C. 21.58 a
26 new section to read as follows:

27 Variance Hearings. A. Following the public comment period
28 established in Section 2C, the manager or his designee shall
29 review available information and choose one of the following
30 courses of action:

31 1. Render a decision, or
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1 2. Refer the application to the zoning adjustor for
2 public hearing, if required by the criteria set forth in
3 paragraph B of this section.

4 B. The manager or his designee will refer a variance
5 application to the zoning adjustor for public hearing when:

6 1. Adverse comments are received from at least two
7 persons or agencies during the comment period which are
8 relevant to the required showings of K.C.C. 21.58.020 or
9 stating specific reasons why a public hearing should be held; or

10 2. The manager or his designee determines a hearing is
11 necessary to address issues of vague, conflicting or inadequate
12 information; or

13 3. The manager or his designee determines that a hearing
14 is necessary to address issues of public significance.

15 C. In cases where a public hearing is deemed necessary,
16 application processing shall not proceed until the additional
17 fees set forth in Chapter 21.62.050 are received by the
18 division. If such fees are not received within thirty (30)
19 days of applicant notification by the division, the application
20 shall be deemed withdrawn.

21 SECTION 4. Ordinance 1161, Section 11 and K.C.C. 21.58.060
22 is hereby amended to read as follows:

23 Decision (~~of adjustor~~) final unless appealed. A. (~~The~~)
24 For conditional use permits or variances the decision of the
25 adjustor or of the manager shall be final unless the original
26 applicant or an adverse party files an appeal to the zoning and
27 subdivision examiner pursuant to Chapter 20.24.

28 SECTION 5. Resolution 25789, Section 3808 and K.C.C.
29 21.58.070 is hereby amended to read as follows:

30 Appeal - Examiner's authority. A. For appeals from deci-

1 sions of the zoning adjustor or manager on variances or of the
2 zoning adjustor on conditional use permits, ((P))the examiner's
3 consideration shall be based upon the record ((~~developed before~~
4 ~~the zoning adjustor~~)) only. If, after examination of the written
5 appeal and the record, the examiner determines that:

6 1. A material error in fact or procedure may exist in the
7 record, the examiner shall remand the proceeding to the ((~~zoning~~
8 ~~adjustor~~)) the responsible official for reconsideration; or

9 2. The decision of the ((~~zoning adjustor~~)) responsible
10 official is arbitrary and capricious or is based upon an erro-
11 neous conclusion, the examiner may reverse or affirm, wholly or
12 in part, or may modify the order, requirement, decision or deter-
13 mination appealed from.

14 B. For appeals from decisions of the zoning adjustor on
15 administrative conditional use permits the examiner shall conduct
16 a public hearing and render a decision as set forth in Chapter
17 20.24 of this code.

18 NEW SECTION. SECTION 6. There is added to K.C.C. 21.58 a
19 new section to read as follows:

20 Combined Review Authority. In those cases when a proposed
21 action seeking a variance also requires other county permits, the
22 following procedures shall apply:

23 A. When other permits require a public hearing before either
24 the shorelines hearing officer or zoning adjustor, the review of
25 the variance shall be combined with the other permit(s) and the
26 officer or adjustor shall act on behalf of the manager for the
27 purpose of the variance decision, or

28 B. When other permits are administratively approved, review
29 of the variance may, at the manager's discretion, be combined
30 with other permits. In no case, however, shall the approval of
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1 other permits dependent on the granting of a zoning variance
2 proceed prior to review and approval of such variance.

3 C. In all cases of combined review, the most restrictive
4 provisions for notification and processing shall govern the
5 review of variance requests.

6 SECTION 7. Resolution 25789, Section 3001 and K.C.C.

7 21.62.020 is hereby amended to read as follows:

8 Forms of applications and types of information. The depart-
9 ment shall prescribe the form in which applications are made for
10 changes in zone boundaries or classifications, for planned unit
11 development, unclassified use permits, variances and appeals.
12 The adjustor shall prescribe the form in which applications are
13 made for (~~variances and~~) conditional use permits. Both may
14 prepare and provide blanks for such purpose and may prescribe the
15 type of information to be provided in the application by the
16 applicant. No application shall be accepted unless it complies
17 with such requirements and is verified under oath as to the
18 correctness of information given by the applicant attesting
19 thereto.

20 SECTION 8. Resolution 25789, Section 3200 and K.C.C.

21 21.66.010 is hereby amended to read as follows:

22 Permits or variances may be revoked. The council after a
23 recommendation from the examiner may revoke or modify any
24 unclassified use permit. (~~The adjustor may revoke or modify any~~
25 ~~unclassified use permit. The adjustor may revoke or modify any~~
26 ~~conditional use permit or variance.)) The adjustor may revoke or
27 modify any variance or conditional use permit issued by the
28 adjustor. The manager may revoke or modify any variance issued
29 by the manager. Such revocation or modifications shall be made
30 on any one or more of the following grounds:
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1 A. The approval was obtained by fraud;

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

4 C. The approval when given failed to comply with existing
5 laws or regulations applicable thereto;

6 D. An error of procedure occurred which prevented con-
7 sideration of the interests of persons directly affected by the
8 approval;

9 ((B-)) E. The use for which such approval was granted has
10 been abandoned;

11 ((E-)) F. The use for which such approval was granted has at
12 any time ceased for one year or more;

13 ((D.)) G. The permit or variance granted is being exercised
14 contrary to the terms or conditions of such approval or in viola-
15 tion of any statute, ((resolution, code,)) law or
16 regulation((s)); or

17 ((E-)) H. The use for which the approval was granted was so
18 exercised as to be detrimental to the public health or safety.

19 SECTION 9. Resolution 25789, Section 3201 and K.C.C.
20 21.66.020 is hereby amended to read as follows:

21 Initiation of revocation or modification proceedings. The
22 manager may initiate proceedings to revoke or modify a variance
23 issued by the manager. The adjustor may initiate proceedings to
24 revoke or modify a conditional use permit or variance issued by
25 the adjustor. The council may initiate proceedings to revoke or
26 modify unclassified use permits. Individuals who are aggrieved
27 may petition the body having jurisdiction to initiate revocation
28 or modification proceedings.

29 SECTION 10. Ordinance 7420, Section 11 and K.C.C. 21.62.050
30 is hereby amended to read as follows:

1 Filing fees. The following fees shall be paid upon the
2 filing of any application:

3 A. Reclassifications to:

4 1. RS, SR, SE, SC, G, G-5, GR, AOU, A, FR, FP, RMHP, RD...
5 \$1,176 + \$100/acre.....Max. \$ 6,000

6 2. RT, RM-2400, RM-1800.....\$ 2,150 + \$100/acre...
7Max. \$ 7,000

8 3. RM-900, BN, BC, BR-C, BR-N.....\$ 2,933 + \$120/acre...
9Max. \$ 9,000

10 4. CG, ML, MP, MH.....\$ 3,128 + \$120/acre...
11Max. \$ 10,000

12 5. QM.....\$ 4,000 + \$135/acre...
13Max. \$ 10,000

14 B. Unclassified Use Permits.....\$ 4,000 + \$135/acre...
15Max. \$ 10,000

16 C. Planned Unit Developments

17 1. Preliminary.....\$ 1,404 + \$140/acre...
18Max. \$ 7,000

19 2. Final Planned Unit Development review.....\$ 600

20 D. Conditional Use Permits

21 1. Administrative Conditional Use.....\$ 1,300

22 2. Conditional Use with hearing.....\$ 1,800

23 E. Variances

24 1. Single-family residential and related ((.....\$500))

25 a. Application review.....\$ 250

26 b. Additional fee for variances requiring a public
27 hearing.....\$ 250

28 2. Nonsingle-family residential ((.....\$800))

29 a. Application review.....\$ 400

30 b. Additional fee for variances requiring a public
31 hearing.....\$ 400

32 F. Site Plan review

33 1. Initial plan review.....\$ 150

2. Each additional review for compliance.....\$ 25

G. Landscape Plan review

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- 1. Initial plan review and each revision review...\$ 150
- 2. Request for modification requiring public notice.....\$ 100
- 3. Exemption review and certification.....\$ 50
- H. Sensitive Area review.....\$ 175
- I. Local Service Area Boundary Line Adjustments to the King County Sewerage General Plan when requested in conjunction with an application for a reclassification, unclassified use permit or planned unit development.....\$ 200

J. Mobile Homes:

The following fees are required, in addition to fees for other required permits or approvals;

- 1. Mobile home permits.....\$ 75
- 2.a. Temporary mobile home permit.....\$ 120
- b. Renewal of same.....\$ 60
- 3.a. Temporary mobile home permit for hardship....\$ 120
- b. Renewal of same.....\$ 60
- 4. Noninsignia mobile home inspection.....\$ 90
- 5. Mobile home park site plan review.....\$ 600
- 6. Recreational vehicle park site plan review.....\$ 600
- 7. The fees for accessory structures and for factory-built

commercial structures and commercial coaches shall be in accordance with the fee schedule set forth in the uniform building code as adopted by King County.

8. An annual fee shall be charged by the department of public health for inspection of mobile home parks and recreational vehicle parks, based on the following schedule:

<u>Spaces</u>	<u>Fee</u>
Two to ten mobile homes or recreational vehicle spaces, inclusively.....	\$ 50.00 per year
For each additional space over ten.....	\$ 2.50 per year

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2 9. Fees established to compensate the department of public
3 works for review and inspection of commercial building permits
4 pursuant to K.C.C. 16.86 shall be paid by applicants for mobile
5 home or recreational vehicle park permits. The procedures
6 established in K.C.C. 16.86 shall apply to the payment of such
7 fees.

8 K. Appeals (~~((zoning and subdivision examiner's recommen-~~
9 ~~dations, short plat conditional use permit, variance and~~
10 ~~landscape appeals))~~ to the zoning and subdivision examiner from
11 decisions of the manager or zoning adjustor.....\$ 50

12 L. Appeals to the King County council from recommendations
13 of the zoning and subdivision examiner.....\$ 50

14 ((~~L.~~)) M. Modification of a recorded building envelope pur-
15 suant to Section 21.48.270.....\$ 125

16 ((M)) N. Requests for written certification of land use on
17 individual properties.....\$ 25

18 SECTION 11. Ordinance 4461, Section 2 and K.C.C. 20.24.080 is
19 hereby amended to read as follows:

20 Final decisions by the examiner. A. The examiner shall
21 receive and examine available information, conduct public
22 hearings and prepare records and reports thereof, and issue final
23 decisions based upon findings and conclusions in the following
24 cases:

- 25 1. Appeals from the decisions of the administrator for
- 26 short subdivisions;
- 27 2. Appeals of threshold determinations;
- 28 3. Appeals from notices and orders issued pursuant to Title
- 29 23 of this code or the rules and regulations VII of the King
- 30 County department of public health;
- 31 4. Appeals from decisions of the department of public works
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1 regarding permits or licenses in flood hazard areas pursuant to
2 Section 21.54.100;

3 5. Appeals from conditions imposed on final approvals of
4 subdivisions receiving extensions pursuant to Section 19.28.050
5 E. or F.;

6 6. Appeals from decisions of the zoning adjustor on admi-
7 nistrative conditional use permits, conditional use permits or
8 variances;

9 7. Appeals from decisions regarding site plan approvals
10 pursuant to Section 21.46.180 and pursuant to Ordinance 4122;

11 8. Appeals from decisions regarding the abatement of non-
12 conforming uses;

13 9. Applications for shoreline substantial development per-
14 mits when combined with other land use applications pursuant to
15 Section 25.32.080;

16 10. Appeals from decisions regarding modification of
17 landscaping requirements pursuant to Section 21.51.050;

18 11. Appeals from decisions regarding the reuse of public
19 schools pursuant to Section 21.08.040H.;

20 12. Appeals from decisions to condition or deny applications
21 pursuant to RCW 43.21C.060, as provided in Section 20.44.110
22 2.C((~~+~~));

23 13. Appeals from department of public safety seizures and
24 intended forfeitures, when properly designated by the chief law
25 enforcement officer of that department as provided in RCW
26 69.50.505;

27 14. Appeals from decisions of the manager of building and
28 land development division on variances.

29 ((~~14~~)) 15. Other applications or appeals which the council
30 may prescribe by ordinance.

1 B. The examiner's decision may be to grant or deny the
2 application or appeal, or the examiner may grant the application
3 or appeal with such conditions, modifications and restrictions as
4 the examiner finds necessary to make the application or appeal
5 compatible with the environment and carry out applicable state
6 laws and regulations and the regulations, policies, objectives and
7 goals of the comprehensive plans, the community plans, the
8 sewerage general plan, the zoning code, the subdivision code and
9 other official laws, policies and objectives of King County.

10 SECTION 12. Ordinance 4460, Section 2 and K.C.C. 21.62.070
11 is hereby amended to read as follows:

12 Notice of public hearing. The building and land development
13 division shall cause notice to be given of the time and place of
14 the public hearing for a proposed zoning reclassification, shore-
15 line environment redesignation, planned unit development,
16 unclassified use ((~~variance~~)) and conditional use as follows:

17 A. By first class mail sent thirty days prior to the date of
18 hearing to owners of property within five hundred feet of any
19 boundary of the subject property; provided, that the area within
20 which mailed notice is required may be expanded in rural or
21 lightly inhabited areas or in other appropriate cases to the
22 extent the division determines is necessary to include affected
23 property owners. Notice shall contain: 1. The name of the appli-
24 cant, the description of the requested action and the proposed
25 use of the property; 2. A vicinity map or general location
26 description in nonlegal language; 3. The time and place of
27 public hearing at which interested parties may be heard; 4. A
28 form to request the division report; and 5. Identification of the
29 responsible county official.

30 Mailed notice as herein provided is supplementary to official
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1 hearing notification by publication and posting and the failure of
2 one or more owners to receive mailed notice shall not affect the
3 scheduling or validity of the hearing if notice was given pur-
4 suant to subsections B. and C. of this section.

5 B. By publication twenty days prior to the date of hearing
6 in the official county newspaper and another newspaper of general
7 circulation in the affected community.

8 C. By posting at least thirty days prior to the date of
9 hearing at least three signs or posters on or adjacent to the
10 subject property at places conspicuous and likely to be seen by
11 persons passing the property. The form and content of the notice
12 shall be approved by the division. Posting, including the expen-
13 ses thereof, shall be the responsibility of the applicant and an
14 affidavit of posting shall be submitted prior to the hearing by
15 the applicant to the division in a form approved by the division.

16 D. By any other method if the building and land development
17 division determines it appropriate for the purpose of giving
18 notice to interested parties, including but not limited to pro-
19 viding notification of the proposed action and hearing to local
20 or community newspapers.

21 INTRODUCED AND READ for the first time this 9th
22 day of June, 1986.

23 PASSED this 4th day of August, 1986.

24 KING COUNTY COUNCIL
25 KING COUNTY, WASHINGTON

26 Robert J. Meyer
27 Chair

28 ATTEST:

29 Dorothy M. Owens
30 Clerk of the Council

31 APPROVED this 13 day of August, 1986.

32 [Signature]
33 King County Executive