

July 26, 1995

Introduced By:

Chris Vance

Striker

Proposed No.:

95-407

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

ORDINANCE NO. **11940**

AN ORDINANCE related to zoning, outlining the hearing examiner's authority and responsibility on appeals of director or zoning adjustor decisions, and clarifying guidelines for determining how and when a use permitted by a conditional use permit or variance is considered "established"; amending Ordinance 10870, Section 617; and amending K.C.C. 21A.42.090.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 10870, Section 617 and K.C.C. 21A.42.090 are each hereby amended to read as follows:

Director/adjustor review - Decision final unless appealed. A. The decision of the director or adjustor shall be final unless the applicant or an adverse party files an appeal to the hearing examiner pursuant to K.C.C. 20.24.

B. Prior to an appeal hearing by the examiner, the examiner shall mail notice of the appeal to parties of record.

C. On appeals from a decision of the director, the examiner shall conduct the hearing as provided in King County Council 20.24.080. On appeals from a decision of the zoning adjustor, the examiner's review shall be limited to the record of the hearing conducted by the adjustor, the written appeal statement(s), and written and oral argument provided on the appeal.

D. The examiner's decision may affirm, modify, or reverse the decision of the responsible official. A modification or reversal of the decision of the Zoning Adjustor or Director shall be based upon a determination that the prior decision was clearly erroneous. Alternatively, the examiner may remand the matter, with or without direction, if the examiner determines that additional evidence should have been considered by the responsible official or a substantial error in procedure occurred in the prior proceedings.

E. As provided by K.C.C. 20.24.210A. and C.:

- 1 1. The examiner shall render a decision within ten days of the closing of hearing;
2 and
3 2. The decision shall be final unless appealed under the provisions of K.C.C.
4 20.24.240B.

5 ~~((E. Permit approvals which are subject to review per K.C.C. 21A.42.040 shall have
6 a time limit of two years from issuance or date of the final appeal decision, whichever is
7 applicable, in which any required conditions of approval must be met; however conditional
8 use approval for schools shall have a time limit of five years. The time limit may be
9 extended one additional year by the director/adjustor or the examiner if the applicant
10 provides written justification prior to the expiration of the time limit. For the purpose of
11 this chapter, issuance date shall be the date the permit is issued or date upon which the
12 examiner's decision is issued on an appeal of a permit, whichever is later. A permit is
13 effective indefinitely once any required conditions of approval have been met.))~~

14 F. Establishment of any use or activity authorized pursuant to a conditional use
15 permit or variance shall occur within four years of the effective date of the decision for
16 such permit or variance, provided that for schools this period shall be five years. This
17 period may be extended for one additional year by the director if the applicant has
18 submitted the applications necessary to establish the use or activity and has provided
19 written justification for the extension.

20 G. For the purpose of this section, "establishment" shall occur upon the issuance of
21 all local permit(s) for on-site improvements needed to begin the authorized use or activity,
22 provided that the conditions or improvements required by such permits are completed
23 within the timeframes of said permits.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

H. Once a use, activity or improvement allowed by a conditional use permit or variance has been established, it may continue as long as all conditions of permit issuance are met.

INTRODUCED AND READ for the first time this 17th day of

July, 1995

PASSED by a vote of 13 to 0 this 28th day of August, 1995.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Kent Pullen
Chair

ATTEST:

Gerald A. Peterson
Clerk of the Council

APPROVED this 8th day of September, 1995

Ray Locke
King County Executive

Attachments: