

ORDINANCE NO. 6254

AN ORDINANCE relating to regulating the use of County property, establishing a permit system for the use of County property not previously covered by KCC 14.28 and KCC 14.44 and thereby adding a new chapter to the King County Code.

PREAMBLE

Purpose. It is the purpose of this chapter to establish a permit system and standards for use of County rights-of-way and other County property for purposes other than access or other transportation related uses. Permits issued under this ordinance shall be known as "Special Use" permits and shall include all permits not previously provided for under KCC 14.44 and KCC 14.28. These permits may be issued for private use of County rights-of-way and other County property which may have an effect on the use or value of the County's property or which are necessary to serve and protect the interests of County taxpayers. All permits issued shall be consistent with the official laws, objectives and policies of King County.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Definitions.

A. "County property" herein means all County real property, including but not limited to recreational trails, County road rights-of-way and dedicated open space.

B. "Special Use Permits" means a permit for the use of County property issued pursuant to this ordinance.

C. "Custodial Departments" means those County departments whose function it is to manage and control County use of said rights-of-way or other County property.

SECTION 2. Permit requirement.

A. Special use permits shall be required for any use of County property except uses regulated pursuant to KCC 14.44 relating to utility permits and KCC 14.28 relating to County road system rights-of-way use permits.

B. Upon receipt of an application for a "Special Use" permit upon County property, the Real Property Division shall determine whether the proposed use is upon County owned property.

C. The Real Property Division shall forward the application to all County Custodial Departments for review.

1 D. The Custodial Departments shall review the application  
2 and forward its recommendation whether the permit should be  
3 issued by the Real Property Division. If a Custodial Department  
4 recommends denial, the Real Property Division shall deny the  
5 permit.

6 E. If there is no Custodial Department with jurisdiction  
7 over the County property, the Real Property Division shall evaluate  
8 the feasibility of the proposed use, its impact on other uses of  
9 the County property and its impact on public health and safety.  
10 Based on this evaluation, the Real Property Division shall  
11 determine whether the permit should be issued.

12 SECTION 3. Permit issuance.

13 A. Upon filing of a complete application, necessary  
14 approval of said application and the payment of the administrative  
15 fee and posting of any required bond, the Real Property Division  
16 may issue a permit authorizing the designated use of County  
17 property by the permittee.

18 B. The permit may require restoration of the County  
19 property to standards prescribed by the Custodial Department and  
20 the Real Property Division in view of the nature and duration of  
21 the special use. In addition, conditions may be set by the Real  
22 Property Division to assure compliance of the permit with County  
23 policies, ordinances and other applicable laws and regulations.

24 C. The permit applicant may be required to post a  
25 performance bond in an amount which will:

26 1. Guarantee the use will be in compliance with  
27 standards and conditions prescribed by the Real Property Division  
28 and

29 2. Guarantee restoration of the County property to  
30 a condition consistent with the special use permit and the County's  
31 own use of its property.

1           SECTION 4. Liability.

2           The permit applicant shall be solely responsible for the  
3 adequate operation and maintenance of any improvements construct-  
4 ed by the permittee to the County property and shall assume lia-  
5 bility for all injuries to persons or property as the result of  
6 activities pursuant to a special use permit.

7           SECTION 5. Additional Requirements.

8           A. Survey. When considered necessary by the Real Property  
9 Division to adequately determine the limits of the County  
10 property, the permit applicant shall cause the county property to  
11 be surveyed by a licensed land surveyor. Such survey shall be  
12 recorded in accordance with the Survey Recording Act. The cost  
13 of such survey shall be paid by the permit applicant.

14           B. Dedication. A permit applicant may be required to deed  
15 additional right-of-way across property under his authority when  
16 necessary to fulfill any County policy, ordinance or laws.

17           SECTION 6. Fee.

18           A fee to recover the full cost of processing the application  
19 as determined by the Real Property Division shall be paid thereto  
20 upon filing of the application. Such fee is non-refundable.  
21 However, the Real Property Division Manager shall have the author-  
22 ity to waive such fees for permits when waiver of such fees is in  
23 the best interest of the public health, safety, and welfare.

24           The Real Property Division shall have the authority to charge  
25 an annual fee for uses of County property where appropriate  
26 considering the duration of the proposed use.

27           In addition, the Real Property Division shall have the  
28 authority to require applicants to reimburse King County for all  
29 expenses to be incurred by King County as a result of issuance  
30 of a special use permit. Such payment shall be made at the time  
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33

of permit issuance.

SECTION 7. Interpretation.

Permits issued pursuant to this ordinance shall not be construed to convey any vested right of ownership interest in any County property.

SECTION 8. Enforcement.

The Manager of the Real Property Division and Director of the applicable Custodial Department are authorized to enforce the provisions of this ordinance, pursuant to KCC 23.

SECTION 9. Severability.

Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

INTRODUCED AND READ for the first time this 29th day of November, 1982.

PASSED this 27th day of December, 1982.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

Lois North  
Chairman

ATTEST:

Donald W. Patten  
Deputy Clerk of the Council

APPROVED this 5th day of January, 1983.

Randy Ruess  
King County Executive