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

Sponsors: Kathy Lambert

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Date	Ver.	Action By	Action	Result
4/4/2011	1	Metropolitan King County Council	Hearing Held	
4/4/2011	1	Metropolitan King County Council	Passed	Pass

Clerk 04/04/2011

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

SECTION 1. Findings:

- A. The city of Snoqualmie and the Growth Management Planning Council have designated an area known as the Mill Planning Area as a city of Snoqualmie potential annexation area.
- B. The Mill Planning Area includes property owned by Snoqualmie Mill Ventures LLC, and several parcels owned by Weyerhaeuser Real Estate Development Company.
- C. The city of Snoqualmie, King County and these owners of property in the Mill Planning Area ("the parties") have entered into annexation discussions.
- D. The parties have agreed to undertake annexation.

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

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

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

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

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

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

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

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

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

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

P. It is necessary to declare an emergency so that the county has sufficient time to complete land use

review and issue a permit with adequate protections for public health and safety for the duration of the event.

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

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

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

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

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

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

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

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

D. Land use permits that are categorically exempt from review under SEPA do not require a threshold determination (determination of nonsignificance ["DNS"] or determination of significance ["DS"]). For all

other projects, the SEPA review procedures in K.C.C. chapter 20.44 are supplemental to the procedures in this chapter.

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; 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.
TYPE 2 ^{1,2}	(Decision by director appealable to hearing examiner, no further administrative appeal)	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 permit ³ ; 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 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 3 ¹	(Recommendation by director, hearing and decision by hearing examiner, appealable to county council on the record)	Preliminary plat; plat alterations; preliminary plat revisions.
TYPE 4 ^{1,4}	(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.

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

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

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

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

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

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

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

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

health or safety or for the support of county government and its existing public institutions.