



King County

Department of Permitting and Environmental Review

35030 SE Douglas Street, Suite 210

Snoqualmie, WA 98065-9266

206-296-6600 TTY Relay: 711

www.kingcounty.gov

Reasonable Use Exception Application: Instructions & Information

For alternate formats, call 206-296-6600.

General Information

The following is a summary of the Reasonable Use Exception (RUE) process and a description of the application submittal requirements. The information for a RUE application is necessary to evaluate the merits of a proposal with applicable county and state regulations and to assess the potential community environmental impacts.

An application will be evaluated on the basis of information provided by the applicant, the King County Comprehensive Plan, pertinent provisions of the King County Code (KCC), site inspection and comments submitted by citizens and interested public agencies. If the subject property is located within an identified landslide, erosion, steep slope, seismic, avalanche or coal mine hazard or wetland or stream area, the applicant may be required to submit a special study produced by a qualified professional to address the identified critical area features on the subject property.

Copies of KCC and the Comprehensive Plan are available for inspection at the Department of Permitting and Environmental Review (Permitting) Customer Service Center and at the Main Branch of the Seattle Public Library. KCC and other development regulations are also available on the Internet via the King County Permitting Web site at www.kingcounty.gov/permits.

For questions related to Reasonable Use Exceptions, contact:

Department of Permitting and Environmental Review
35030 SE Douglas Street, Suite 210
Snoqualmie, WA 98065-9266
Telephone: 206-296-6600 TTY Relay: 711

Pre-Application Conference

A pre-application conference with Permitting staff is required prior to filing a RUE application. Pre-application request forms and instructions for filing a pre-application conference request are available at the Permitting Services Center, from the Permitting Web site at www.kingcounty.gov/permits, or by calling 206-296-6600. A filing fee is required at the time a request is made with the amount to be determined at the time of filing and based on the latest adopted fee ordinance. Permitting staff will schedule the pre-application conference within thirty (30) days from the date of the request.

Filing an Application

A RUE application must be filed in person at the Permitting Customer Service Center. An appointment with Permitting staff is required to file the application. Please call 206-296-6797 to schedule the appointment and ask to speak to a Reasonable Use Exception Planner. The minimum submittal requirements necessary to file the application are described below. Department of Permitting staff has twenty-eight (28) days from the date of the filing to determine whether or not the application is complete. An application that fails to meet the submittal requirements described herein will be deemed incomplete.

Notice of Application

Public Comment Period: After Department of Permitting staff determines that a Reasonable Use Exception application is complete, a Notice of Application is issued as specified below. The minimum public comment period is 21-days, although public comments may be submitted and considered until the time of the decision.

1. Permitting staff sends out a notice of the application to property owners within a 500-foot radius of the subject property.

If the area is rural or lightly populated, the notice must be mailed to at least 20 different property owners; or, in other appropriate cases, Permitting staff may determine it is necessary to notify additional property owners.

2. A notice of the application will be published by the Department of Permitting in the official county newspaper and another newspaper of general circulation.
3. The applicant is required to install a notice board that must be placed in a conspicuous place on the property throughout the permit process so that it is visible to people passing by the property. Additional notice boards may be required as determined by Permitting.

The cost of the board is the applicant's responsibility. The Department of Permitting will send the applicant written instructions regarding the specific requirements for the notice board.

4. Notice of the application is also provided to anyone who writes to Permitting requesting information regarding the RUE request.

Method for Processing

The Director of the Department of Permitting and Environmental Review has appointed a representative to make final decisions regarding Reasonable Use Exceptions. This process generally takes 120-days provided no appeals are filed or substantial additional information is required. Upon conclusion of review of the RUE application materials, the representative issues a written decision based on the written record. A copy of the decision is mailed to all parties who have written to Permitting. There is an appeal period, as identified in the written decision, whereby an aggrieved person can file an appeal together with an appeal filing fee to the King County Hearing Examiner.

In those cases where a proposed action for a RUE also requires other county permits, the following procedures shall apply:

1. When other permits require a public hearing before the Hearing Examiner, the review of the RUE shall be combined with the other permit(s), and the Examiner shall act on behalf of the Department of Permitting for the purpose of the RUE decision.
2. When other permits are administratively approved, review of the RUE application may be combined with other permits dependent on the granting of a RUE. If not combined, other permits may proceed prior to review and approval of such reasonable use.
3. In those cases where the Hearing Examiner is presiding, the Examiner will also act as the decision-maker and rule on the RUE.
4. In all cases of combined review, the most informative provisions for notification and processing shall govern the review of RUE requests.
5. No permit shall be approved without prior review and approval of any required RUE.

Criteria for Approval of a Reasonable Use Exception

KCC 21A.24.070 (B): The director may approve alterations to critical areas, critical area buffers and critical area setbacks if the application of this chapter would deny all reasonable use of the property as follow:

1. If the critical area, critical area buffer or critical area setback is outside of the shoreline jurisdiction, the applicant may apply for a reasonable use exception under this subsection without first having applied for an alteration exception under this section if the requested reasonable use exception includes relief from development standards for which an alteration exception cannot be granted under this section.
The director shall determine that all of the following criteria are met:
 - a. there is no other reasonable use with less adverse impact on the critical area;
 - b. development proposal does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest;
 - c. any authorized alteration to the critical area or critical area buffer is the minimum necessary to allow for reasonable use of the property; and
 - d. for dwelling units, no more than five thousand square feet or ten percent of the site, whichever is greater, may be disturbed by structures, building setbacks or other land alteration, including grading, utility installations and landscaping but not including the area used for a driveway or for an on-site sewage disposal system; and
2. If the critical area, critical area buffer or critical area setback is located within the shoreline jurisdiction, the request for a reasonable use exception shall be considered a request for a shoreline variance under K.C.C. 21A.44.090.

Submittal Requirements for Filing a Reasonable Use Exception Application

Unless otherwise noted, the following listed items are required to be submitted at the time of application. Department of Permitting forms are available online via the Permitting Web site at www.kingcounty.gov/permits/ or by calling the Permitting Customer Service Center at 206-296-6600.

1. Land use permit application form: Complete and submit one (1) original copy and four (4) copies.
2. Legal Description: Submit one (1) copy.

On a piece of white, legal-size 8½" x 14" paper, type the legal description of the subject property and attach it to the application. The legal description of the property may be obtained from the King County Department of Assessments. **Be absolutely certain the description is correct and agrees with the property outlined on the Assessor's map.** A current legal description is necessary before the application is acceptable. If the legal description is written from a survey map, the map should accompany the description.

3. Application for Reasonable Use Exception: Submit three (3) copies.
4. Site Plan –drawn to a convenient engineer scale: Submit three (3) copies on 24" by 36" sheets, folded to fit in an 8 1/2" by 14" folder.
 - Map scale and North arrow.
 - Vicinity Map: show sufficient area and detail to clearly locate the project in relation to surrounding roads, parks, rivers and municipal boundaries, together with its scale.
 - Property boundaries dimensioned and clearly and accurately delineated by a heavy line or color.
 - Locate, name and dimension all existing and proposed streets and other public ways, easements, utility and railroad rights-of-way within and adjacent to the proposed development.
 - Existing and proposed topography on separate drawings showing at least 5-foot contours to be extended at least 100 feet beyond project boundaries.

- Location of any major physical features such as railroads, lakes and rivers, including those within 500 feet of the subject property.
- Locate all critical areas and associated buffers on plans. A critical area includes erosion hazards, landslide hazards, steep slope hazards, avalanche, flood plain, wetland and/or stream. Indicate if streams are intermittent: 100-year flood plain for rivers, 100-year flood plain for streams and delineate top and toe of 40% slopes. See KCC 21A.24 for Critical Area Standards and Development Limitations.
- Accurate dimensions, location and use of all existing and proposed structures on the subject property indicating porches, eaves, fences and signs. Identify any structures to remain or to be removed; identify existing wells and/or septic tank and drainfields.
- General size, location and uses of all existing structures within 100 feet of boundaries of the subject property.
- Show elevations and/or sections of all existing and proposed buildings depicting general character of the structures, relationship between floors, entrances, building height and grades.
- If any new streets are proposed (public or private), show street construction section or reference to suitable King County Department of Transportation Standards (reference "King County Road Standards").
- Location, dimensions and design of off-street parking facilities showing points of ingress and egress (see KCC 21A.18 and King County Road Standards).
- Boundaries of proposed common open space land, if any; indicate proposed use.
- Proposed public dedications, e.g., school sites, parks, etc. if any, within the site.
- Easements, deed restrictions or other encumbrances restricting the use of the property.

5. Reduced Site Plan: Submit one (1) copy of a reduced site plan on an 8½" x 11" sheet.

6. Water Availability Certificate: Submit one (1) copy

Preliminary approval for the creation of a new water system in accordance with the provisions of the applicable Coordinated Water System Plan or for connection with a private well from the Seattle-King County Department of Public Health; or

The Certificate of Water Availability form concerning water availability to the site must be given to the appropriate existing water purveyor to complete (water district, city, water association) and returned with this application. At the top of the form, a space is provided for a description of the site. In this space, the legal description of the site should be inserted or attached on a separate sheet if it is too lengthy.

Note: For sites located in the Urban Growth Area, if the development is not proposing to be served by an existing or new Group A water system at the time of construction, a Certificate of Future Connection must be given to the appropriate Group A water purveyor to complete and then returned with this form.

7. Sewer Availability Certificate: Submit one (1) copy.

Preliminary approval for individual or community on-site sewage disposal systems from the Seattle-King County Department of Public Health must be submitted with this application; or

The Certificate of Sewer Availability form concerning sewer availability to the site must be given to the appropriate agency to complete (sewer district) and then returned with this application. At the top of the form a space is provided for a description of the site. In this space, the legal description of the site should be inserted or attached on a separate sheet if it is too lengthy.

8. Interim Certificate of Future Water/Sewer Connection: If applicable, submit one (1) copy.

If the site is located in the Urban Growth Area, and an interim on-site sewage system is proposed, consistent with the provisions of KCC 13.24.136, the following information is also required:

- A. The Certificate of Availability form must be submitted to the most logical sewer purveyor to complete (sewer district) and returned with this application along with a letter which demonstrates to the satisfaction of the Director of Department of Permitting that the requirement to receive sewer service from the purveyor is unreasonable or unfeasible at the time of the construction; and
 - B. A Certificate of Future Connection must be given to the appropriate agency to complete and then returned with this application.
9. SEPA Environmental Checklist (only if required by KCC 20.44): Submit ten (10) copies. Please refer to instructions on the SEPA checklist form. The applicant will be contacted by the Department of Permitting if additional information or clarity is required. Failure to respond may cause postponement of consideration of the request. If another agency is the SEPA lead agency for this project, also submit 3 copies of the Threshold Determination. If an EIS has been prepared for this proposal, submit three (3) copies of the EIS with the application.
 10. Fire District Receipt: Obtain from the local fire district. Submit one (1) copy.
 11. Proof of "Legal" Lot Status: Documentation of the date and method of segregation of the subject property. Submit two (2) copies.
 12. Certificate/Affidavit of Critical Areas Compliance: Submit one (1) copy.
 13. Applicant Legal Status Form: Submit one (1) copy.
 14. One (1) copy of variance decisions required per KCC 21A.
 15. List of other issued or pending permits or decisions related to the proposal
 16. Permit Review Fees
 17. Critical Areas Study: Submit two (2) copies.
Basically, a special study shall identify and characterize any critical area as a part of the larger development proposal site, assess any hazards to the proposed development, assess impacts of the development proposal on any critical areas on or adjacent to the development proposal site, and assess the impacts of any alteration proposed for a critical area. Studies shall propose adequate mitigation, maintenance and monitoring plans and bonding measures. Critical area special studies shall include a scale map of the development proposal site and a written report.
 18. Mitigation Plan: Submit two (2) copies.
A mitigation plan is required if any alteration to a critical area or critical area buffer is proposed. At a minimum, the mitigation plan shall specify what mitigation is being proposed; and, specify what actions will be taken to avoid, minimize or reduce impacts on a critical area.
 19. Other Documents: (Optional at the time of the application – the Department of Permitting may request or require submittal after the application has been filed.)

Photographs, charts, petitions, letters, models, etc., may be submitted at the discretion of the applicant. Submittals should fit within an 8½" x 14" legal-sized file folder.

Check out the Permitting Web site at www.kingcounty.gov/permits