

Land Use Guidelines and Special Use Permits

Frequently Asked Questions



GENERAL

What are the Land Use Guidelines?

The Land Use Guidelines give King County Parks a framework for transparent, fair, and consistent decision-making when considering requests for private, non-park uses of Parks-owned property. The Guidelines provide direction as to where, how, and when limited, private uses of Parks-owned property will be allowed.

What is the purpose of the Land Use Guidelines?

In addition to establishing transparent, consistent, and fair responses to individual landowners seeking to use Parks-owned property for their private use, these Guidelines help Parks to:

- Ensure public lands are available for public benefit and use;
- Protect taxpayer investment; and
- Recover costs associated with issuing and monitoring Special Use Permits so that no Parks Levy funds or King County general funds are needed for this purpose.

Why is Parks updating the Land Use Guidelines effective January 2021?

Updating the Land Use Guidelines comes at a time of significant growth in King County Parks' inventory of parks, trails, and natural lands – including passage of the 2020-2025 Parks, Recreation, Trails and Open Space Levy, which provides for additional acquisition of open space, ongoing development of Eastrail, construction of the Lake to Sound Trail, and final construction of the master planned East Lake Sammamish Trail.

This growth in King County Parks' system is mirrored by the continued population growth in King County, which means more people than ever before seeking access to the County's public lands and recreational amenities. In addition to needing to align with County-wide practices, we are implementing this approach to public land management in order to be more consistent and equitable in our response to our community.

What is new about the Land Use Guidelines that go into effect in January 2021?

The new elements relate to the Land Use Fee structure:

- The Average Land Value is now based on market rates and applied uniformly County-wide.
- Land Use Fees will consistently be applied to all crossing and utility SUPs.
- The Usage/Encumbrance Factor applied to each approved use now reflects a light, medium, or heavy impact on Parks' property.

Why was there inconsistent management of private use of public land in the past?

Due to King County's persistent, structural budgetary issues, Parks underwent a rapid transformation to a smaller agency with extremely limited resources and simply did not have the capacity to address private landowner requests in a holistic manner. The updated Land Use Guidelines ensure that Parks is being more fair, consistent and transparent in our review and management of private uses of our public lands.

How do the Land Use Guidelines affect properties covered by settlements and other legal obligations?

Where King County is legally obligated under an agreement, we will honor that agreement to the extent and scope that it is applicable. A legal agreement addresses unique and specific circumstances and parties, and its terms and conditions are not considered generally precedent setting.

SPECIAL USE PERMITS

Why am I required to get a Special Use Permit and pay Land Use Fees?



As stewards of public land, it is our responsibility to comply with the King County Code and state law to protect public parklands for the benefit and use of the public.

[King County Code Chapter 14.30](#) requires anyone using or altering County property to obtain a Special Use Permit (SUP). [Article 8, Section 7](#) of the Washington State Constitution bars state and local governments from conferring benefits on private parties in ways that might disadvantage public

interests. Governments cannot gift money or property to private individuals or entities (except for the necessary support of the poor and infirm). The purpose of these legal provisions is to prevent public funds and assets from being used to improperly benefit private interests where the public interest is not primarily served.

How do you decide what proposed uses are permitted?

Parks' mission, vision, and values, which are centered on being a responsible steward of public land, provide a framework for our Land Use Guidelines decision-making. Activities that enhance the public's experience and safety are a top priority and favored, while activities that do not provide public benefits are unfavored.

I am unsure if I need a permit. How does this work?

Please complete the [Pre-Submittal Review Request form](#) to initiate the process. Parks staff will contact you to discuss your proposed use and help you understand whether a permit is required, and, if so, the process and potential fees involved. You do not have to pay any fees to complete the Pre-Submittal Form. Refer to the SUP flow chart on the [Land Management webpage](#) to see the main steps in the process.

How long will it take for me to get an answer to my request after I complete the pre-submittal form?

We will endeavor to provide you with a response to the initial pre-submittal form within ten business days.

How long will it take for me to get my Special Use Permit?

Each case is unique and depends on the completeness of the information provided and complexities of the proposed use. Depending on these variables, and assuming final approval, a Special Use Permit will take between six and twelve weeks to be issued.

How can I verify my property boundaries?

Most boundaries of Parks-owned properties are not easily discernible on site. Fences, landmarks, plat maps, utility lines, and roadways do not always reflect current ownership. [King County's iMap](#) is a free tool available to look up property boundaries and ownership near public lands. You can search property information by entering an address or parcel number. Even with this tool, a survey may be necessary to determine property boundaries.

Why is a Special Use Permit valid for five years?

Special Use Permits are most often valid for five years. However, SUPs are terminable at the County's discretion. King County's Real Estate Services, which administers the private use of all County real property, has established a five-year term as a reasonable timeframe and one that is consistent with other County real estate practices.

If there are ten landowners that need to cross a regional trail to access their homes, does each one need an individual Special Use Permit? Can a Homeowners Association secure it for the benefit of all the owners?

Under some circumstances, for instance, where multiple homes are using the same crossing, landowners may be able to group together and apply for a single permit. The permit holder or applicant is responsible for all authorized uses. That means that there must be some legal entity capable of exercising that responsibility on behalf of all benefitted properties, including maintaining insurance, ensuring compliance with the agreement, etc. If a formal Homeowners' Association or similar entity exists and can fulfil the obligations, it may hold one permit on behalf of its member properties. There are many variables involved and the viability of each such request is determined on a case-by-case basis.

If I am paying for the proposed use and all associated costs, why can't I have a Special Use Permit for what I want?

As stewards of a vast inventory of public parks, open space, and trails, King County Parks is responsible for ensuring that our public lands are available for the primary benefit and use of the public. As set forth in the Land Use Guidelines, King County Parks limits the types of private, non-park use of our public lands as part of our duty as responsible stewards of public land.

If I sell my property, does the SUP transfer automatically? Do I need to disclose the requirement for a Special Use Permit to prospective buyers?

Special Use Permits are not transferrable. A landowner with a Special Use Permit should disclose the need for the new owner to obtain a Special Use Permit under the State Form 17 (Seller Disclosure Statement), as property access may depend on the use of King County Parks' property.

How do you decide what the other special circumstances merit granting an SUP?

According to the Land Use Guidelines, Parks may consider authorizing a request based on special circumstances at the discretion of the Parks Director and on a case-by-case basis. Such a request will be assessed based upon the extent to which it provides or hinders a benefit to the public and is consistent with our mission and responsibilities as stewards of public lands.

My request was not approved. What is the appeal process?

Parks has the legal authority to determine the types of allowed uses on its property and whether to grant a Special Use Permit allowing private use of its public property. There is no administrative process for appealing Parks' decision to decline an SUP request.

Are utilities or other entities required to get Special Use Permits or does this only apply to residential landowners?

The Land Use Guidelines apply to any private business, organization, person, or property owner that wishes to use Parks' property for a private, non-park purpose.

FEES

Why do I need to pay fees when part of my property taxes go to Parks via the 2020-2025 King County Parks, Trails, Recreation, and Open Space Levy?

The voter-approved levy funds are dedicated to operating, maintaining, and improving parks and trails in King County. In contrast, Land Use Fees associated with an individual landowner's private use of public land represents the cost of using or "renting" public land. These fees help ensure that taxpayer dollars are not subsidizing the private use of public land.

Why is there a \$500 application fee?

The application fee is a standard fee set by King County Code Section [4A.675.040](#).

Is the \$500 application fee refundable if my request is not approved?

The fee is non-refundable. Please contact us at the Parks Property Hotline by email at parksproperty@kingcounty.gov or by phone at 206-477-9770 for a free, pre-submittal consultation before applying for a Special Use Permit. A pre-submittal consultation will help you determine whether it is advisable to apply for an SUP before you pay the \$500 SUP application fee.

How did you come up with the Land Use Fee structure?

The Land Use Fee represents the cost of using or “renting” public land. We strive to assign an equitable valuation for the private use of public property so there is no gift of public funds per the Washington State Constitution.

The Land Use Fee structure is based upon several components:

1. Land value: fair market value using established real estate valuation methods, such as appraisals and comparable properties.
2. Square footage: the amount of Parks property that will be impacted by the private use.
3. Usage factor: the extent to which the private use “encumbers” the public land and reduces its availability for public benefit and use.
4. Rate of return: Similar to an interest rate and set by King County’s Finance and Business Operations Division.

How do I pay? Can I work out a payment plan?

King County’s Real Estate Services Section will notify applicants once the application has been accepted, at which time, applicants may pay the \$500 application fee by check or credit card.

Land Use Fees and other charges are due before the Special Use Permit is issued. Real Estate Services will provide a final statement of charges when the SUP is ready for issuance. It may be possible to pay annual Land Use Fees greater than \$1,000 in installments and this is something that should be arranged during permit review. Land Use Fees and other charges paid by credit card will be subject to a credit card processing fee.

What do all these fees go towards?

Revenue collected from Land Use Fees supports the operations and maintenance of Parks’ growing system of parks and trails. Revenue collected from the permit application fee supports the operations of Real Estate Services.

What happens if I disagree with the Land Use Fee calculation?

Applicants may appeal two of the Land Use Fee components: usage factor and land value. Applicants may submit to Real Estate Services a qualified real estate appraisal to support a valuation of the County’s property or of their intended use if they feel the value determined by the County is inaccurate. Real Estate Services will take that information into consideration, and ultimately, the determination of the appropriate value of the public property put to private use rests with King County.

What is the process to waive the fees?

Per King County Code Section 14.30.060, Real Estate Services has the authority to waive the \$500 permit application fee. The Land Use Fee cannot be waived. This potential waiver may only be considered if the applicant provides a public benefit as determined by the Real Estate Services Manager. A completed application fee waiver form is required to be considered for an application fee waiver. Contact Real Estate Services to request the application fee waiver form by email at RES.Permits@kingcounty.gov or by phone at 206-477-9401.

Will the County refund my land use fees if I sell my house before my SUP expires?

You are entitled to a pro-rated refund of land use fees paid.

How are these fees consistent with the County's equity and social justice goals?

The Land Use Fees are based on the assessed value of a property and can vary based upon location in the County. These fees are required only because a landowner willingly pursues a private use of public parkland. The revenue collected from these fees goes to support the administration and monitoring of Parks' land management efforts to help ensure that taxpayer dollars are not subsidizing the private use of public land.

ENCROACHMENTS

What is an encroachment?

Encroachments are the unlawful, unauthorized, or unpermitted use of Parks' property by another party. Any non-park use of Parks' property that is not permitted by an executed valid Special Use Permit is considered an encroachment and is subject to removal.

What are examples of encroachments on Parks' property?

Some examples of encroachments include:

- Buildings or structures, such as garages, sheds, fences, playhouses or tree houses, or swing sets or other play equipment;
- Privately-installed landscaping,
- Parking spaces, patios, gardens, or play or sport areas; and
- Storage areas for belongings, such as boats, RVs, firewood, gardening equipment, or items usually kept out of sight, such as trash cans, compost bins, yard waste piles, junk cars, and other debris or litter.

Why are encroachments such a big deal?

Unauthorized use of public land prevents the public from accessing or enjoying property that King County owns and that Parks stewards on behalf of the public. Encroachments are an illegal use of public funds/property for private use; and, State law prohibits King County from gifting public funds or public property for private use. When addressing unauthorized uses of Parks' property, we encourage voluntary compliance, but we reserve the right to remove the encroachment, at the encroacher's expense, if voluntary action is not taken. Encroachers may also be subject to back rent and legal fees, should legal action be required for removal.

How are you addressing encroachments?

Ultimately, we strive to prevent unauthorized uses of our public parklands, and one of the outcomes we seek, by clarifying the Land Use Guidelines, is to make sure we are more clear, fair, and consistent as to where, how, and when limited, private uses of Parks-owned property will be allowed.

While we strive to be good neighbors to the thousands of landowners adjacent to our public lands, we recognize that these are complex matters. We seek to work with landowners to address encroachments through voluntary compliance and mutual cooperation. However, if that is not successful, further action may be needed, such as removal of the encroachment, or issuing civil penalties pursuant to King County Code, or, where necessary, legal action.

I have had a use [ex: landscaping, parking, a shed, etc.] that pre-dates ownership by King County, but now it is considered an encroachment on public land. Will this use be allowed to continue if I get a Special Use Permit?

These uses are not typically permitted according to the Land Use Guidelines. Parks may, in certain limited circumstances, consider allowing landscaping where the Division determines that it is in the public interest. This would be a special circumstance, considered on a case-by-case basis, at the discretion of the Parks Director. Please contact us at the Parks Property Hotline by email at parksproperty@kingcounty.gov or by phone at 206-477-9770 to discuss your specific circumstances.

LANDSCAPING

I've been maintaining landscaping alongside my property for years, which is now public parkland. How will Parks maintain this area?

Please contact us at the Parks Property Hotline by email at parksproperty@kingcounty.gov or by phone at 206-477-9770 to discuss your specific circumstances.

What will happen if I continue to maintain the landscaping alongside my property? Can I arrange some sort of credit or other arrangement with King County for my efforts?

Please contact us at the Parks Property Hotline by email at parksproperty@kingcounty.gov or by phone at 206-477-9770 to discuss your specific circumstances.

ENFORCEMENT

How will Parks enforce Special Use Permits and ensure payment of Land Use Fees?

Ultimately, we strive to prevent unauthorized uses of our public parklands, and one of the outcomes we seek, by clarifying the Land Use Guidelines, is to make sure we are more clear, fair, and consistent as to where, how, and when limited, private uses of Parks-owned property will be allowed.

While we strive to be good neighbors to the thousands of landowners adjacent to our public lands, we recognize that these are complex matters. We seek to work with landowners to achieve voluntary compliance; however, if that is not successful, further action may be needed, such as removal of the illegal use, or issuing civil penalties pursuant to King County Code, or, where necessary, legal action.

Why can't I just buy the part of the property that I want to use and do a lot line adjustment?

In general, Parks does not sell or surplus public parklands. Our mission, vision, and values direct us to acquire and protect these lands for the benefit and use of the public in perpetuity. In the case of regional trails that are railbanked, Parks has a legal duty to preserve these corridors for future railroad reactivation under the National Trails Act.