June 17, 1986 8565A:MMc:clt

INTRODUCED BY: SULLIVAN, NORTH

PROPOSED NO.: 86 - 27

ORDINANCE NO. 7661

AN ORDINANCE relating to zoning; creating a new zone classification known as A-R (Rural Area).

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Purpose of classification. The purpose of the A-R classification is to provide a tool for implementing comprehensive and community plans which call for an area-wide long-term rural character and a level of roads, schools, utilities, and other public facilities and services consistent with rural needs, while allowing residential and tourism, recreation and resource-based uses which do not disrupt rural uses of property, such as forestry and compatible agricultural activities. To further these purposes, residential densities and permitted uses are limited to those able to be supported adequately by rural service levels; densities and uses also are limited to minimize conflicts with rural and natural resource-based uses; and increased setbacks or buffering are provided adjacent to designated forestry or mining zones or approved mineral extraction operations.

The A-R classification is intended to be applied to lands within rural areas designated by the comprehensive plan. While the comprehensive plan calls for a normal rural residential density of one dwelling per five acres, the plan recognizes a range of densities is appropriate to provide diverse housing choices and to recognize existing natural and man-made conditions. Therefore the A-R zone provides a classification permitting a density of one dwelling per two-and-a-half acres in rural areas where development already exceeds one dwelling per five acres and soils can absorb the cumulative impacts of

on-site sewage disposal of higher densities without damage to water resources, and a classification limiting density to one dwelling per ten acres for limited use in rural areas where additional buffering is required specifically to protect adjacent agriculture, forestry or mining uses, or where necessary to protect area-wide natural features such as steep slopes or high aquifer-recharge areas which severely constrain development.

SECTION 2. Permitted Uses -- Primary and Accessory
Residential. In an A-R zone, the following residential uses
only are permitted:

- A. A one-family dwelling and accessory buildings and uses;
- B. A rural lot cluster development when approved pursuant to Section 7-9.
 - C. Home occupations, provided the home occupation:
- 1. Is clearly accessory to the use of the premises for residential purposes and shall not require interior building space of more than twenty percent of the finished living area of the primary residence;
 - 2. Has no display or sign not permitted in the zone;
- 3. Does not require the installation of heavy equipment, large power tools or power sources not common to a rural area;
- 4. Does not create a level of noise vibration, smoke, dust, odors, heat or glare beyond that which is common to a rural area;
- 5.' Does not involve use of hazardous materials for which the uniform fire code would require a permit;
- 6. Does not create a level of parking demand beyond that normally generated by uses permitted in the A-R zone; and
- 7. On-site sales shall be incidental to the main purpose of the home occupation;

8. Occasional and temporary employees may be permitted by an administrative conditional use permit issued for a cottage industry.

- D. One accessory dwelling, either in the same building with the primary residence or in a separate structure, and otherwise subject to the provisions of K.C.C. 21.08.030B, and provided the allowable density of the zone is not exceeded;
- E. Any accessory use other than enumerated above, as set forth in K.C.C. 21.08.030, subject to the provisions contained therein.

SECTION 3. Permitted Uses -- Agricultural and Forestry.

The following agricultural and forestry uses only are permitted:

- A. Growing and harvesting agricultural crops, and the structures necessary for these activities;
- B. Raising of livestock and small animals other than mink in pastures or structures, provided:
- 1. No more than one horse, cow, swine, llama or other large grazing animal, or five sheep or goats, not counting sucklings, for each one-half acre of the total site area shall be permitted on parcels of ten acres or smaller;
- 2. Any barn, pen or other covered structure used to house, confine or feed livestock or small animals, except mink, shall not be located closer than one-hundred feet to any well supplying water for human consumption. Open-air storage of manure, hay or other organic material shall also observe this setback;
- 3. Mink farms shall be limited to parcels with a minimum of ten acres which shall not be further subdivided unless the use is discontinued, and further provided any barn, pen or other covered structure used to contain, house, confine or feed mink shall not be located closer than one hundred-and-fifty feet to any property line or well supplying water used for human consumption.

- 1. These facilities are only permitted on holdings containing ten acres or more;
- 2. These facilities shall not be rented or leased to individuals other than agricultural or forestry workers and their immediate families;
- 3. The sewage disposal and water supply are approved by the Seattle-King County department of public health;
- G. Public and rental stables, on a minimum of ten acres, provided any stable, barn, covered or uncovered arena, corral, or exercise yard shall maintain a distance of not less than one-hundred feet from any well supplying water for human consumption;
 - H. Forest practices except:
 - Secondary processing of forest products;
 - 2. Storage of fuels, explosives and chemicals;
 - 3. Fuelwood and log storage yards larger than two acres;
- I. Burning of slash and logging residues when authorized by a burning permit issued by the Washington State Department of Natural Resources.
- J. Primary processing of forest products grown on-site using only portable equipment;
 - K. Disposal of residues of primary processing;
- L. Storage and maintenance of resident-owned equipment required for permitted uses;
- M. Removal, harvesting or retailing of vegetation such as fuelwood, cones, christmas trees, salal, berries, ferns, greenery, mistletoe, herbs and mushrooms, subject to the limitations of the chapter on farm stands.
 - N. Forestry, agricultural and natural resource research;
- O. Wildlife and fish propagation and management including any associated buildings, facilities or improvements;

- Beehives, subject to the provisions of K.C.C.
 21.08.030, except there shall be no limit on the number of hives on parcels of five acres or larger;
- C. Processing of agricultural products and livestock raised on the premises including the slaughtering and dressing of animals, when accessory to a residence; provided any building, structure or area used for such purposes shall not be closer than seventy-five feet to any property line unless a greater setback is required by Section 10, and:
- 1. The number of employees in addition to members of the family residing in the principal residence shall be limited to three, unless the site is ten acres or more in size;
- 2. The sewage disposal and water supply are approved by the Seattle-King County department of public health;
- 3. The use is not located within a one-hundred-year floodplain. Expansion of any existing facilities in the floodplain shall be limited to structural alterations and increases in floor area required by law for health and safety reasons.
 - D. Horticultural nursery;
- E. Marketing of agricultural and horticultural products raised on the premises in one or more farm stands, provided:
- 1. The total area for farm stands, not including storage areas, shall not exceed five hundred square feet of floor area;
 - No stand shall be located within any required setback;
- 3. If the property's vehicular access is directly from an arterial or highway, then four off-street parking places shall be provided;
- F. Accessory housing in separate structures at a maximum density of one accessory dwelling unit per ten acres, to accommodate agricultural or forestry workers and their families employed on the premises, provided:

- P. Dispersed recreation and outdoor recreation facilities such as primitive campsites, trails, trail heads and warming huts (but excluding recreational vehicle parks and developed campsites with utility hookups);
- Q. Other uses necessary for the commercial production of forest products compatible with rural residential development, as determined by the manager of the building and land development division.

SECTION 4. Permitted Uses -- Nonresidential. The following nonresidential uses only are permitted in an A-R zone:

- A. Bed and breakfast guesthouse, provided:
- 1. The bed and breakfast guesthouse operation shall be located only on the premises of the principal residence of the operator;
- 2. The guesthouse operation shall not use more than fifty percent of the floor area of the principal residence;
- 3. One off-street parking space shall be provided for each guestroom plus the required off-street parking spaces for the principal dwelling. This parking area shall not be located within any required setback. Landscaping may be required by the division to screen parking areas from the view of adjacent properties and from public roads;
- 4. The wastewater disposal facility and the domestic water supply serving the guesthouse shall be approved by the Seattle-King County department of public health prior to the use permit being issued;
- 5. The number of persons accommodated per night shall not exceed five except that a structure which satisfies the standards of the uniform building code as adopted by King County for R-1 occupancies may accommodate up to ten persons per night;
 - Service of meals shall be to registered guests only;

- B. Public utility facilities such as telephone exchanges, water pumping stations, electrical distribution substations, water storage reservoirs or tanks necessary for the distribution and transmission of services for the area or which require location in the area;
- C. Libraries and parks, publicly owned, subject to the provisions of K.C.C. 21.08.040F.;
- D. Day nurseries subject to the provisions of K.C.C. 21.08.040;
- E. Reuse of closed school facilities subject to the provisions of K.C.C. 21.08.040;
- F. Unclassified uses subject to the provisions of K.C.C. Chapter 21.44, when consistent with the purpose of the zone.
- SECTION 5. Permitted Uses -- Conditional. The following conditional uses only are permitted in an A-R zone:
- A. Cottage industries, subject to an administrative conditional use permit, provided:
- The site shall have a minimum lot size of five acres, or else a conditional use permit with public hearing shall be required;
- 2. The cottage industry shall be accessory to the use of the premises for residential purposes and shall not require interior building space of more than seventy- five percent of the finished living area of the primary residence;
- 3. The business must be owned and operated by the full-time residents on the subject property;
- 4. Only those buildings or areas specifically approved by the zoning adjustor shall be used to conduct the business;
 - 5. The following uses shall not be allowed:

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- a. Any activity which might result in excessive noise, smoke, dust, odors, heat or glare, or traffic beyond that which is common to an rural area. The proposed use shall conform to the maximum permissible rural sound levels under K.C.C. Chapter 12.88. The county may require an applicant to provide sound level tests demonstrating such conformance;
- b. Use or manufacture of products or operations which are dangerous in terms of risk of fire, explosion, or hazardous emissions:
- c. Any other use which would disrupt the character of permitted rural uses subject to the review of the zoning adjustor;
- 4. Landscaping shall be required to screen parking areas and outside storage from the view of adjacent landowners and county roads;
- 5. Any display or sign shall be subject to the review of the zoning adjustor;
- 6. On-site sales shall be incidential to the main purpose of the cottage industry;
- 7. The allowable size of equipment used by the cottage industry shall be subject to the review of the zoning adjustor;
- B. Stores for retail sales of feed, seed, fertilizers, fencing materials, agricultural raingear or such other supplies that are directly related to the day-to-day support of agricultural production and specifically excluding powered equipment and related implements, trailers and related implements, and items of apparel; provided the following minimum conditions are conformed to:
- 1. The number of employees involved and the physical scale is such that there is no substantial traffic involved and the building intensity and character is consistent with the surroundings;

- 2. Off-street parking is provided equivalent to one parking space for each two-hundred square feet of floor area;
- 3. The use is not located within a one-hundred-year floodplain. Expansion of any existing facilities in the floodplain shall be limited to structural alterations and increases in floor area required by law for health and safety reasons;
- D. Processing of agricultural products and livestock, including wineries, canneries, and the slaughtering and dressing of animals; provided any building, structure or area used for such purposes shall not be closer than seventy-five feet to any property line unless a greater setback is required by Section 10, and:
- l. The number of employees involved and the physical scale is such that the building intensity and character is consistent with the surroundings;
- 2. The sewage disposal and water supply are approved by the Seattle-King County department of public health;
- 3. The use is not located within a one-hundred-year floodplain. Expansion of any existing facilities in the floodplain shall be limited to structural alterations and increases in flood area required by law for health and safety reasons.
- E. Animal hospital and clinics, subject to an administrative conditional use permit, provided the portion of the building or structure in which animals are kept or treated is sound-proofed; all run areas are completely surrounded by an eight-foot solid wall; the animal runs shall be surfaced with concrete or other impervious material; and there shall be no burning of refuse or dead animals on the premises;

- F. Commercial use of buildings listed on the national register as an historic site or designated as a King County landmark, provided:
- 1. Gross floor area of the building additions or new buildings required for the conversion shall not exceed twenty percent of the gross floor area of the historic or landmark buildings;
- 2. Any construction required for conversion which affects significant features of the property protected pursuant to Ordinance 4828 and K.C.C. 20.62 shall require certification of appropriateness from the King County landmarks commission;
- G. Resource-based commercial recreation facilities such as golf courses and destination resorts, in locations where impacts on the environment, adjacent land uses and resource management can be adequately controlled, and where adequate public facilities and services can be provided;
 - H. Hydroelectric facilities, as follows:
- l. Hydroelectric projects with the following characteristics shall be permitted subject to a conditional use permit. All other projects shall require an unclassified use permit. Regardless of the process involved, all hydroelectric projects shall meet the standards specified in subsection H.2.
- a. If the project uses a new diversion structure, it shall have a height no greater than eight feet (measured from the streambed), or at normal maximum water surface area does not impound more than three surface acres of water; and
 - b. has no active storage; and
- c. does not increase the maximum water surface area at any existing dam or diversion; and
- d. maintains an exceedance flow of no greater than 50 percent in mainstream reach; and

- e. requires for transmission one mile or less of new right-of-way which contains a line of 115 kV capacity or less; and
- f. does not require more than one mile of permanent new access road; and
 - g. is located above an anadromous fish barrier.
 - 2. Project Development Standards:
- a. The project will have an acceptable level of impacts on anadromous and resident fish species, as demonstrated by project approval from the Washington State Departments of Fisheries and Game, National Marine and Fisheries Service, U.S. Fish and Wildlife Service, and tribes on the Federal Energy Regulatory Commission's service list; and
 - b. will not create an erosion hazard; and
- c. will mitigate any visual impacts through the use of landscape and distance buffers; and
- d. the hydrologic, ecological, and aesthetic functions of natural stream corridors will be preserved, protected, or enhanced; and
- e. will preserve or enhance multiple use of the site including, but not limited to, public access, fishing, and recreational uses.
- I. Other conditional uses as provided in Chapter 21.44, excluding:
 - Columbariums, crematoriums and mausoleums;
- 2. Commercial establishments and enterprises as defined by K.C.C. 21.44.030C;
 - Hospitals of all types;
- Utility district offices, unless sharing facilities
 with a fire station;
 - 5. Educational Institutions;
 - 6. Colleges and Universities

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SECTION 6. Signs. Signs are permitted, subject to the following conditions:

- A. One nameplate sign containing the name of the occupant of the premises, not exceeding two square feet;
- B. Signage for permitted uses, not exceeding thirty-two square feet in total area, provided no sign shall be located in any required yard or open space on the premises if higher than six feet from ground level; signs may be lit but shall not have blinking or moving elements;
- C. One unlighted double-faced sign, not exceeding six square feet of area per face, pertaining only to the sale, lease or hire of only the particular building, property or premises upon which displayed;

SECTION 7. Lot area and lot area per dwelling unit.

- A. There are established in the A-R classification three minimum required lot areas, which as to their locations, shall be identified on the zoning map by the designations A-R 10, A-R 5, and A-R 2.5:
- 1. The minimum required area of a lot in an area designated A-R 10 shall be ten acres;
- 2. The minimum required area of a lot in an area designated A-R 5 shall be five acres;
- 3. The minimum required area of a lot in an area designated A-R 2.5 shall be two and one-half acres, provided, the A-R 2.5 classification shall be applied through a community plan and area zoning process as defined in K.C.C. 21.04.026;
- B. In multiple lot subdivisions and short subdivisions the area of individual lots may be reduced, subject to the rural lot clustering requirements contained in Section 8, provided the average of the area in lots plus the area within the subdivision or short subdivision designated as a rural open tract divided by

requirement of the zone in which the property is located. No submerged land shall be included in a subdivision or short subdivision in computing allowed density. All building lots must be capable of meeting health department requirements for long-term on-site sewage disposal, or be served by an approved community disposal system. A public water supply shall be provided, and be approved by the health department, when any lot in the subdivision or short subdivision contains less than five acres. The area of individual lots also may be reduced provided the average size of all lots meets the requirements of the zone, no more than one hundred thirty-five percent of the minimum required lot area may be credited to any oversized lot when calculating average lot area, and no oversized lot used for lot averaging may be further subdivided.

the total number of lots is not less than the minimum lot area

- C. For lots created adjacent to lands zoned A, F or Q-M or an approved mineral extraction operation, a notation shall be placed on the face of the final plat or short plat, and included in documents of conveyance and any recorded covenants. The notation shall state that the parcel may be subject to noise, dust, smoke, visual impacts and odors resulting from harvesting, planting, fertilization, pest control, mineral extraction and processing associated with permitted agricultural or forest or mineral extraction practices. The notation shall further state these practices, when performed in accordance with county, state and federal law, shall not be subject to legal action as a public nuisance.
- D. For lots adjacent to lands zoned A-R and used for agriculture, forestry, or mineral extraction approved pursuant to an unclassified use permit, the notation set forth in subsection C above may be imposed when necessary to protect the resource use.

SECTION 8. Rural lot clustering provisions.

- A. For the purposes of this chapter, "rural open tract" means that portion of a proposed subdivision or short subdivision in a A-R zone which is designated for permanent open space, consistent with the definition specified in K.C.C. 21.04.216, as a result of rural lot clustering. After a site is initially divided pursuant to this chapter, the rural open tract may be retained by the subdivider, conveyed to residents of the subdivision, dedicated to a public agency, or conveyed to a third party. Regardless of who owns the rural open tract it shall not be resubdivided, and all other provisions set forth in this chapter shall apply to it.
- B. On rural open tracts one primary dwelling, which must be included in overall density calculations for the subdivision or short subdivision, shall be permitted, plus all accessory residential, agricultural and forestry uses permitted in the zone, and excluding unclassified uses.
- C. Subdivisions or short subdivisions in which lot clustering is used shall meet the following criteria:
- 1. No more than eight lots of less than two and one-half acres shall be allowed in a cluster. Clusters containing lots smaller than two and one-half acres, whether in the same or adjacent subdivisions or short subdivisions, shall be separated by an intervening open space buffer or public right-of-way which King County determines is of sufficient size to preserve rural character and uses;
- 2. The building and land development division may condition the location and setback of structures to accomplish the purposes of this chapter;

3. Smaller lot sizes or increased densities within clusters shall be limited or denied if they require public facilities and services beyond those normally required by non-clustered development at the density otherwise allowed in the zone.

SECTION 9. Cluster Density Provisions. Within the A-R 5 classification, increases in density may be authorized by the council pursuant to subsection A, as part of its action on a subdivision to A.R. 2.5 provided that density in dwelling units shall not exceed one dwelling per two and one-half acres based on the gross area of the site. The provisions of this section shall only be available for properties located in planning areas which have community plans or plan revisions adopted after the effective date of this ordinance.

- A. An applicant may request increases in density as a part of a subdivision on sites which meet all the following standards:
- Compliance with a density bonus system established pursuant to subsection B; and
- 2. The scale of the development (lot sizes, size of a cluster, density within a cluster, total number of lots, etc.) is limited, to preserve and enhance the rural character and uses in the area;
- Permanent open space for rural uses such as pastures, woodlots, wildlife preserves, or public open spaces, is included;
- 4. Permanent open space to buffer rural uses and protect resource lands is included;
- 5. Public review of the proposed project is a part of the process;

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- 6. Any proposed on-site sewage disposal system, including community systems, can be provided without cumulative adverse impacts to ground and surface water;
 - 7. A public water supply is provided;
- 8. Resulting impacts on facilities and services due to the increased density would not require new off-site facilities and services beyond those required by development at densities otherwise allowed in rural areas; and
- 9. Development rights for land not utilized in building site lots be conveyed to King County.
- B. A community plan shall establish a density bonus system for incremental increases in density for rural lot clustering Such system shall be based on public benefits specified in the community plan and shall identify geographic areas where, for specific reasons, bonuses for rural lot clustering should be permitted. The areas and the reasons for their identification shall be indicated on the community plan map, or by specific criteria. Any criteria, the specific public benefits and associated density bonuses shall be established in the community plan document; provided that bonus points shall not be allowed for any benefits that are required by subsection A or other county or state laws, statutes or regulations.
- C. The council recognizes that identified public benefits and associated density bonuses may vary by community plan. However, any system should include open space benefits such as the following: permanent preservation of a portion of a site for agriculture or forestry; preservation of identified unique/outstanding or significant wetlands; preservation of areas which serve as a buffer to protect resource lands; preservation of historic landmarks; provision of public access to shorelines; and preservation of areas which will provide significant

community or regional open space. Public benefits may also include provision of special facilities or services either on-site or off-site, and preservation of off-site areas that serve the same purposes as the rural open tract. Transfers of benefits between planning areas may be allowed when expressly authorized in the applicable community plan.

D. The owner of a parcel eligible for increased density may choose to subdivide or short subdivide the parcel at the density normally permitted in the applicable A-R classification.

<u>SECTION 10.</u> Lot dimensions, coverage, height limits, and yards.

- A. In A-R zone, no building lot shall be created which has a depth-to-width ratio greater than four-to-one;
- B. In A-R zone, the lot coverage, height limits and yards shall be as follows:
- 1. All buildings and structures, plus any paved driving or parking areas shall not cover more than thirty-five percent of the area of the lot;
- 2. No building or structure shall exceed thirty-five feet in height, except agricultural structures and structures allowed by conditional or unclassified use permits;
- 3. All buildings and structures, unless other specified, shall maintain a distance of thirty-five feet from any property line, except one-hundred feet shall be required for all new principal residences constructed on lots created after the effective date of this ordinance abutting an A-35, F or Q-M zone or approved mineral extraction operation. The required one-hundred foot setback may be reduced by a recorded easement on the abutting resource lands.

- 4. When subdividing or short subdividing parcels within the A-R zone, lot configuration and access shall be designed to minimize conflicts with uses on adjacent A, F and Q-M zones and approved mineral extraction operations.
- C. Any substandard lot may be used for any use permitted in this classification, subject to the limitations of the use.

SECTION 11. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter, it being herein expressly declared that the ordinance codified in this ordinance and each section, subsection, paragraph, sentence, clause and phrase thereof would have been adopted irrespective of the fact that any one or more other sections, subsections, paragraphs, sentences, clauses or phrases are declared invalid or unconstitutional.

INTRODUCED AND READ for the first time this 13th day

of Amay, 1986.

PASSED this 16th day of June, 1986.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Chair

APPROVED this 27 day of Mee, 1986.

King County Executive

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