

June 23, 1993

Introduced by SULLIVAN
Proposed No. 93-10

ORDINANCE NO. **11016**

AN ORDINANCE creating a new process for the review of commercial development sites; redefining lot; providing for final decision by the examiner; amending Ordinance 9163, Section 3; Ordinance 2097, Section 1, as amended, Ordinance 4461, Section 2, as amended; Ordinance 1488, Section 6, as amended; Resolution 25789, Section 275; Ordinance 7544, Section 3, as amended; Ordinance 5003, Section 2; and Ordinance 1527, Section 2, as amended; Ordinance 5317, Section 17, as amended; and K.C.C. 9.04.030, 16.82.050, 17.04.010, 20.24.080, 21.04.555, 21.49.010, 21.51.020, 21.54.020, 25.04.050, and adding new sections to K.C.C. 21.04, 21.08, 21.10, 21.12, 21.14, 21.16, 21.17, 21.18, 21.19, 21.20, 21.21, 21.21A, 21.22, 21.23, 21.24, 21.25, 21.26, 21.27, 21.28, 21.29, 21.30, 21.32, 21.34, 21.36, 21.37, 21.38, 21.40, 21.42, 21.43.

PREAMBLE:

A commercial site development permit provides a comprehensive review of a proposed development resulting in a permit which specifies required site improvements prior to building permit application. Where appropriate, it also allows for the application of lot-based standards to an entire site, rather than to individual lots within the site. This permit offers flexibility in the application of zoning regulations to improve the design and integrate the functioning of more than one lot within a site. A commercial site development permit may authorize development to occur in phases.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

NEW SECTION. SECTION 1. A new Chapter is added to K.C.C.

Title 21 as follows:

Purpose of Commercial Site Development Approval. The purpose of this ordinance is to establish an optional, comprehensive site review process of proposed commercial development resulting in a permit which can combine any or all of the following:

- A. Site development requirements specified prior to building and/or grading permit applications.
- B. Site review and application of rules and regulations generally applied to the whole site without regard to existing or proposed internal lots lines.
- C. Site development coordination and project phasing occurring over a period of years.

1 D. Evaluation of commercially and industrially zoned
2 property for the creation or alteration of lots when reviewed
3 concurrently with a binding site plan application.

4 NEW SECTION. SECTION 2. Applicability. An application
5 for commercial site development permit may be submitted for
6 commercial development projects on sites consisting of one (1)
7 or more contiguous lots legally created and zoned to permit the
8 proposed uses.

9 B. A commercial site development permit is separate from
10 and does not replace other required permits such as conditional
11 use permits or shoreline substantial development permits. A
12 commercial site development permit may be combined and reviewed
13 concurrently with other permits.

14 NEW SECTION. SECTION 3. Commercial Site Development
15 permit application. A. Before submitting a commercial site
16 development application, an applicant shall have a pre-
17 application conference with King County Department of
18 Development and Environmental Services staff.

19 B. An application for a commercial site development
20 permit may be considered simultaneously with other
21 applications. A commercial site development application which
22 includes a proposal for dividing commercially or industrially
23 zoned property as provided in RCW 58.17.035 must be accompanied
24 by an application for a binding site plan permit.

25 C. A commercial site development permit shall be
26 considered under the zoning and other land use control
27 ordinances in effect at the time a fully completed application
28 is filed with the department. An application shall be
29 considered complete once the department determines that the
30 application contains the following materials and information:

31 1. A completed application form provided by the
32 department, signed by all property owners or their agents, with
33 supporting documents as required below and which contains
34 sufficient information to determine compliance with adopted
35 rules and regulations including, but not limited to RCW 43.21C,

1 SEPA as implemented by WAC 197-11; K.C.C. 9.04, Surface Water
2 Management; K.C.C. 14.42, Road Standards; K.C.C. Title 17, Fire
3 Code; K.C.C. 20.44, County Environmental Procedures; K.C.C.
4 Title 21, Zoning; Title 25, Shoreline Management;
5 administrative rules adopted pursuant to K.C.C. 2.98 to
6 implement any such code or ordinance provision; King County
7 board of health rules and regulations; county approved utility
8 comprehensive plans; conformity with applicable P-suffix
9 conditions and private restrictions and covenants which are in
10 effect at the time of application.

11 2. A proposed site plan prepared in a form prescribed
12 by the director. At a minimum, the proposed site plan shall
13 include:

14 a. the location and size of all proposed lots and
15 structures including elevations, floor plans as known, and
16 maximum square footage (plans which show building envelopes
17 rather than footprints must include post-construction treatment
18 of unoccupied areas of the building envelopes),

19 b. all proposed uses,

20 c. the location of proposed open space including any
21 required landscaped areas,

22 d. the location and identification of critical areas;

23 e. the layout of an internal vehicular and pedestrian
24 circulation system, including proposed ingress and egress for
25 vehicles and required fire department access roadways
26 (firelanes),

27 f. the number and location of proposed parking spaces
28 on and off the site,

29 g. a drainage plan which will accommodate the maximum
30 proposed square footage of impervious surface and the maximum
31 proposed square footage of impervious surface exposed to
32 vehicular use, subject to the requirements of the King County
33 Surface Water Design Manual, adopted by rule under the
34 procedures specified in K.C.C. 2.98.

1 h. the location and size of utility trunk lines
2 serving the site,

3 i. the location and size of water bodies and drainage
4 features, both natural and manmade.

5 j. a grading plan showing proposed clearing and tree
6 retention and the existing and proposed topography, detailed to
7 five-foot contours, unless smaller contour intervals are
8 otherwise required by the King County Code or rules and
9 regulations promulgated thereunder,

10 k. a layout of sewers and the proposed water
11 distribution system including fire hydrant locations, and

12 3. a completed environmental checklist, if required by
13 K.C.C. 20.44;

14 4. a downstream drainage analysis or any other
15 requirement specified in the King County surface water design
16 manual or K.C.C. 9.04;

17 5. all covenants, easements, maintenance agreements or
18 other documents regarding mutual use of parking and access;

19 6. a Certificate of Sewer Availability or site
20 percolation data approved by the Seattle-King County department
21 of public health; or for schools located in rural areas, a
22 letter indicating compliance with the tightline sewer
23 provisions in the zoning code;

24 7. a current Certificate of Water Availability;

25 8. a fire district receipt, pursuant to K.C.C.
26 17.04.010;

27 9. copies of all easements, deed restrictions or other
28 encumbrances restricting the use of the site;

29 10. a phasing plan and time schedule, if the site is
30 intended to be developed in phases or if all building permits
31 will not be submitted within three years;

32 11. documentation of the date and method of segregation
33 for the subject property verifying that the lot or lots were
34 not created in violation of the short subdivision or
35 subdivision laws in effect at the time of creation;

1 12. a list of other development permits or permit
2 applications filed for the same site; and

3 13. the payment of fees.

4 D. The department shall screen the commercial site
5 development permit application for completeness and shall
6 notify the applicant of any deficiencies or certify that the
7 application is complete.

8 E. The applicant shall submit any additional information
9 or documents which may be required by the director for the
10 purpose of processing the commercial site development permit.
11 Additional information sought after the application has been
12 certified as complete will not affect the completeness of the
13 application but may affect the time required to process the
14 application.

15 F. The director may waive specific submittal requirements
16 determined to be unnecessary for review of the application.

17 NEW SECTION. SECTION 4. Notice of application. A.

18 After a complete commercial site development permit application
19 is submitted to the department, the department shall send
20 written notice of the application by first class mail to the
21 following:

22 1. owners of property located within 500 feet of the
23 site, provided such area shall be expanded as necessary to
24 ensure that notice be mailed to at least twenty (20) different
25 property owners;

26 2. any other person requesting notice;

27 3. any city located within three (3) miles of any
28 boundary of the site;

29 4. any city with a utility which is intended to serve
30 the site; and

31 5. the state department of transportation, if any part
32 of the site adjoins a state right-of-way.

33 6. any agency or community group which the department
34 may identify as having an interest in the proposal.

1 B. The applicant shall post notice of the commercial site
2 development permit application on the subject property in a
3 conspicuous place likely to be seen by persons passing the
4 property. The department may require more than one (1) notice
5 board when a site does not abut a public road or in any other
6 instance when the department deems additional boards to be
7 necessary. Posting shall occur for at least fifteen days and
8 meet the dimensions and form prescribed in K.C.C. 19.26.070.

9 C. The department may also use any other method of notice
10 deemed appropriate for the purpose of informing interested
11 parties of a commercial site development permit, including but
12 not limited to publishing notification of the proposed action
13 in local or community newspapers.

14 D. The notice of application shall include, but not be
15 limited to the following:

- 16 1. the name and total area of the site;
- 17 2. a plot plan;
- 18 3. the proposed and/or existing use of the site;
- 19 4. the applicant's name;
- 20 5. a legal description of the site;
- 21 6. a general location description of the site in non-
22 legal language; and
- 23 7. an invitation to submit written comments together
24 with the last date comments will be considered.

25 NEW SECTION. SECTION 5. Public comments. All public
26 comments shall be in writing and signed, shall reference the
27 proposed commercial site development permit application, and
28 shall include the full name, address and telephone number of
29 the person commenting. All comments shall be received within
30 the designated comment period. The designated comment period
31 shall commence on the day following publication or posting of
32 the application notice and shall terminate at 4:30 p.m. on the
33 fifteenth (15th) day thereafter. If the department determines
34 that application notice shall be published as well as posted,
35 the department shall make every attempt to have the comment

1 periods run concurrently. If, however, more than one method of
2 notification is used, the termination date shall be calculated
3 from the last notification date. If the fifteenth (15th) day
4 is a non-work day for the county, the designated comment period
5 shall cease at 4:30 p.m. on the next county work day
6 immediately following the fifteenth (15th) day.

7 NEW SECTION. SECTION 6. Application of Development
8 Standards. An application for commercial site development
9 permit shall be reviewed pursuant to RCW 43.21C, SEPA as
10 implemented by WAC 197-11; K.C.C. 9.04, Surface Water
11 Management; K.C.C. 14.42, Road Standards; K.C.C. Chapter 16.82,
12 Grading; K.C.C. Title 17, Fire Code; K.C.C. 20.44, County
13 Environmental Procedures; K.C.C. Title 21, Zoning; Title 25,
14 Shoreline Management; administrative rules adopted pursuant to
15 K.C.C. 2.98 to implement any such code or ordinance provision;
16 King County board of health rules and regulations; county
17 approved utility comprehensive plans; conformity with
18 applicable P-suffix conditions.

19 Lot-based standards, such as internal circulation,
20 landscaping, signage and setback requirements, are typically
21 applied to each individual lot within the site. However, the
22 director may approve an application for commercial site
23 development where such standards have been applied to the site
24 as if it consisted of one parcel. Lot-based regulations shall
25 not be waived altogether.

26 The director may modify lot-based or lot line requirements
27 contained within the building, fire and other similar uniform
28 codes adopted by the county, provided the site is being
29 reviewed concurrently with a binding site plan application.

30 NEW SECTION. SECTION 7. Commercial Site Development
31 Approval. A. The director may approve, deny, or approve with
32 conditions an application for a commercial site development.
33 The decision shall be based on the following factors:

34 1. Conformity with adopted county and state rules and
35 regulations in effect on the date the complete application was

1 filed, including but not limited to those listed above in
2 K.C.C. _____.

3 2. Consideration of the recommendations or comments of
4 interested parties and those agencies having pertinent
5 expertise or jurisdiction, consistent with the requirements of
6 this title.

7 B. Subsequent permits for the subject site shall be
8 issued only in compliance with the approved commercial site
9 development plan. Additional site development conditions and
10 site review will not be required for subsequent permits
11 provided the approved plan is not altered.

12 C. Approval of the proposed commercial site development
13 shall not provide the applicant with a vested right to build
14 without regard to subsequent changes in the building and fire
15 codes listed in K.C.C. 16.04 and 17.04 regulating construction.

16 D. The director shall mail a copy of the decision to the
17 applicant and any other person who has presented written
18 comments to the department.

19 NEW SECTION. SECTION 8. Bonds and securities.

20 Performance bonds or other appropriate securities (including
21 letters of credit and set aside letters) may be required to
22 assure that development occurs according to the approved plan.

23 NEW SECTION. SECTION 9. Decision final unless appealed.

24 A. The decision of the director shall be final unless
25 appealed to the zoning and subdivision examiner within ten
26 calendar days from the date of issuance of decisions pursuant
27 to K.C.C. 20.24.

28 B. For appeals of decisions of the director, the examiner
29 shall conduct a public hearing and render a final decision as
30 set forth in K.C.C. 20.24.

31 NEW SECTION. SECTION 10. Limitation of permit approval.

32 A. A commercial site development permit approved without
33 a phasing plan shall be null and void if the applicant fails to
34 file a complete building permit application(s) for all
35 buildings within three years of the approval date, or by a date

1 specified by the director; and fails to have all valid building
2 permits issued within four years of the commercial site
3 development permit approval date; or

4 B. A commercial site development permit approved with a
5 phasing plan shall be null and void if the applicant fails to
6 meet the conditions and time schedules specified in the
7 approved phasing plan.

8 NEW SECTION. SECTION 11. Modification to an approved
9 commercial site development permit. A subsequent building
10 permit application may contain minor modifications to an
11 approved commercial site development plan provided a
12 modification: does not increase the building floor area by
13 more than 10%; does not increase the number of dwelling units;
14 does not increase the total impervious surface area, provided
15 that, relocatable facilities for schools shall be exempt from
16 this restriction; does not result in an insufficient amount of
17 parking and/or loading; does not locate buildings outside an
18 approved building envelope, provided that, relocatable
19 facilities for schools shall be exempt from this restriction;
20 does not change the number of ingress and egress points to the
21 site; does not significantly increase the traffic impacts of
22 peak hour trips to and from the site; does not significantly
23 increase the quantity of imported or exported materials or
24 increase the area of site disturbance. Modifications which
25 exceed the conditions of approval as stated in this section and
26 require a new review as determined by the director shall only
27 be accomplished by applying for a new commercial site
28 development permit for the entire site. The new application
29 shall be reviewed according to the laws and rules in effect at
30 the time of application.

31 NEW SECTION. SECTION 12. Administrative Rules. The
32 director may promulgate administrative rules and regulations
33 pursuant to K.C.C. 2.98, to implement the provisions and
34 requirements of this chapter.

35 SECTION 13. Ordinance 9163, Section 3 and K.C.C. 9.04.030

1 are each amended to read as follows:

2 Drainage review - when required. A. PERMITS. A drainage
3 review is required for any proposed project requiring one of
4 the King County permits or approvals listed in K.C.C.

5 9.04.030.B which would:

6 1. Add more than five thousand square feet of new
7 impervious surface; or

8 2. Collect and concentrate surface and storm water
9 runoff from a drainage area of more than five thousand square
10 feet; or

11 3. Contain or abut a floodplain, stream, lake, wetland
12 or closed depression, or a sensitive area as defined in K.C.C.
13 21.54 (Sensitive Areas).

14 B. The following King County permits and approvals will
15 be required to have a drainage review if the project involves
16 the planned actions listed in K.C.C. 9.04.030.A:

17 1. Commercial building;

18 2. Commercial Site Development;

19 ((2-)) 3. Conditional use;

20 ((3-)) 4. Formal subdivision (plat);

21 ((4-)) 5. Grading;

22 ((5-)) 6. Master plan development;

23 ((6-)) 7. Planned unit development;

24 ((7-)) 8. Residential building;

25 ((8-)) 9. Right-of-way use;

26 ((9-)) 10. Shoreline substantial development;

27 ((10-)) 11. Administrative subdivision (short plat);

28 ((11-)) 12. Special use;

29 ((12-)) 13. Unclassified use;

30 ((13-)) 14. zoning reclassification; and/or

31 ((14-)) 15. Zoning variance.

32 SECTION 14. Ordinance 1488, Section 6, as amended, and
33 K.C.C. 16.82.050 are each amended to read as follows:

34 Clearing and Grading Permit required - Exceptions. A. No
35 person shall do any clearing or grading without first having

1 obtained a clearing and grading permit from the director except
2 for the following:

3 1. An on site excavation or fill for basements and
4 footings of a building, retaining wall, parking lot, or other
5 structure authorized by a valid building permit. This shall
6 not exempt any fill made with the material from such excavation
7 nor exempt any excavation having an unsupported height greater
8 than five feet after the completion of such structure;

9 2. The depositing or covering of any garbage, rubbish
10 or other material at any solid waste facility operated by King
11 County;

12 3. Maintenance of existing driveways or private access
13 roads within their existing road prisms, provided that the
14 performance and restoration requirements of this chapter are
15 met and best management practices are utilized to protect water
16 quality.

17 4. Any grading within a publicly owned road right-of-
18 way;

19 5. Clearing or grading by a public agency for the
20 following routine maintenance activities:

21 a. Roadside ditch cleaning provided the ditch does
22 not contain salmonids;

23 b. Pavement maintenance;

24 c. Normal grading of gravel shoulders;

25 d. Maintenance of culverts;

26 e. Maintenance of flood control or other approved
27 surface water management facilities;

28 f. Routine clearing within road right-of-way.

29 6. Any clearing or grading for roads within a prelimi-
30 nary or finally approved residential plat which has been
31 approved by the director and for which a bond has been posted;

32 7. Maintenance or reconstruction of the facilities of a
33 common carrier by a rail in interstate commerce within its
34 existing right-of-way; provided restoration is consistent with
35 the requirements of Section 16.82.110; provided that this

1 exception does not apply if the clearing or grading is within a
2 sensitive area as regulated in K.C.C. Chapter 21.54.

3 8. Cemetery graves; provided that this exception does
4 not apply except for routine maintenance if the clearing or
5 grading is within a sensitive area as regulated in K.C.C.
6 Chapter 21.54;

7 9. Clearing or grading within a preliminarily or
8 finally approved residential plat not involving any excavation
9 exceeding five feet in vertical depth or any fill exceeding
10 three feet in vertical depth, regardless of the amount of
11 material to be removed; provided that this exception does not
12 apply if the clearing or grading is within a sensitive area as
13 regulated in K.C.C. Chapter 21.54;

14 10. Excavation less than five feet in vertical depth
15 not involving more than one hundred cubic yards of earth or
16 other material on a single site; provided that the exception
17 does not apply if the clearing or grading is within a sensitive
18 area as regulated in K.C.C. Chapter 21.54;

19 11. Fill less than three feet in vertical depth not
20 involving more than one hundred cubic yards of earth or other
21 material on a single site; provided that the exception does not
22 apply if the clearing or grading is within a sensitive area as
23 regulated in K.C.C. Chapter 21.54;

24 12. Minor stream restoration projects for fish habitat
25 enhancement by a public agency, utility or tribe as set out in
26 K.C.C. 21.54.

27 13. Clearing or grading for construction of livestock
28 manure storage facilities or associated nonpoint source
29 pollution facilities designed to the standards of and approved
30 in a conservation plan by the King County conservation
31 district, and constructed and maintained to those standards.

32 14. Clearing and grading, performed as Class I, II, III
33 or IV Special forest practice in the F (Forestry) zone, that is
34 conducted in accordance with RCW 76.09 and WAC 222.

1 15. Any clearing or grading for construction which has
2 been approved by the director as part of a Commercial Site
3 Development permit and for which a bond has been posted.

4 (~~15-~~) 16. The following activities are exempt from the
5 clearing requirements of this chapter and no permit shall be
6 required:

7 a. Clearing outside of sensitive areas and buffers as
8 regulated in K.C.C. 21.54 unless the development proposal site
9 is within an area subject to clearing restrictions contained in
10 a critical drainage area administrative rule or in p-suffix
11 conditions in an adopted community plan.

12 b. Within sensitive areas, as regulated in K.C.C.-
13 21.54, the following activities are exempt from the clearing
14 requirements of this chapter and no permit shall be required.

15 (1) Normal and routine maintenance of existing lawns
16 and landscaping subject to the limitations on the use of
17 pesticides in sensitive areas as set out in K.C.C. 21.54.

18 (2) Permitted agricultural uses; provided the
19 clearing is consistent with the agricultural exemptions in
20 sensitive areas as regulated in K.C.C. 21.54.

21 (3) Emergency tree removal to prevent imminent
22 danger or hazard to persons or property.

23 (4) Normal and routine horticultural activities
24 associated with commercial orchards, nurseries, or Christmas
25 tree farms in existence on the effective date of Ordinance 9614
26 (November 27, 1990) subject to the limitations on the use of
27 pesticides in sensitive areas as set out in K.C.C. 21.54. This
28 does not include clearing or grading in order to develop or
29 expand such activities.

30 (5) Normal and routine maintenance of existing
31 public parks and private and public golf courses. This does
32 not include clearing or grading in order to develop or expand
33 such activities in sensitive areas.

34 (6) Removal of noxious weeds from steep slope hazard
35 areas and the buffers of streams and wetlands subject to the

1 limitations on the use of pesticides in sensitive areas as set
2 out in K.C.C. 21.54.

3 (7) Pruning and limbing of vegetation for
4 maintenance of above ground electrical and telecommunication
5 facilities; provided that the clearing is consistent with the
6 electric, natural gas, cable communication and telephone
7 utility exemption in sensitive areas as regulated in K.C.C.
8 Chapter 21.54.

9 (8) Class I, II, III and IV Special forest practices
10 outside of areas zoned F provided they occur on parcels that
11 meet all of the following criteria for long term forestry:

12 (a) The parcel is enrolled under the current use
13 taxation program as timber land pursuant to RCW 84.34 or as
14 forest land pursuant to RCW 84.33;

15 (b) A long term management plan is approved for
16 the parcel by the Washington Department of Natural Resources;

17 (c) The parcel is located within areas designated
18 rural or agricultural by the King county comprehensive plan or
19 applicable community plan;

20 (d) The parcel is located outside of expansion
21 areas for incorporated cities or rural activity centers as
22 designated in community plans, and;

23 (e) The parcel equals or exceeds 5 acres in size.

24 B. TEMPORARY PERMITS. The director shall have the
25 authority to issue temporary permits for excavations,
26 processing, quarrying and mining, and removal of sand, gravel,
27 rock and other natural deposits, together with the necessary
28 buildings, apparatus or appurtenances incident thereto for
29 specific jobs on application for highway, road, street, airport
30 construction, flood control and other public works projects.
31 In conjunction with such operations, allied uses such as, but
32 not limited to, rock crushers, concrete-batching plants and
33 asphalt-batching plants may be authorized by this temporary
34 permit.

1 The division of building and land development shall consider
2 the effect of the proposed operation on the county road system
3 and any effect it may have on surface or groundwater drainage
4 and flood control, and shall make such recommendations as are
5 necessary to protect the public interest in this regard.

6 The division of building and land development shall also
7 consider the effect of the proposed operation on the current
8 and future land use in the area affected by the proposed
9 operation and shall condition permits as necessary to protect
10 the public interest in this regard. Temporary permits are good
11 for the life of the contract of the specific job but must be
12 reviewed annually. Each temporary permit site shall be fully
13 restored during the term of the temporary permit, unless the
14 site is subsequently designated with a QM zone classification
15 or included in an unclassified use permit.

16 SECTION 15. Ordinance 4461, Section 2, as amended, and
17 K.C.C. 20.24.080 are each amended to read as follows:

18 Final decisions by the examiner. A. The examiner shall
19 receive and examine available information, conduct public
20 hearings and prepare records and reports thereof, and issue
21 final decisions based upon findings and conclusions in the
22 following cases:

23 1. Appeals from the decisions of the administrator for
24 short subdivisions, including those variance decisions of the
25 road engineer made pursuant to K.C.C. 14.42.060 with regard to
26 road circulation in the subject short divisions;

27 2. Appeals of threshold determinations;

28 3. Appeals from notices and orders issued pursuant to
29 Title 23 of this code or the Rules and Regulations VII of the
30 King County department of public health;

31 4. Appeals from decisions to require sensitive areas
32 studies or to condition or deny pursuant to chapter 21.54
33 development proposals which do not otherwise have an appeal
34 process available;

1 5. Appeals from conditions imposed on final approvals
2 of subdivisions receiving extensions pursuant to Section
3 19.28.050.E. or F.;

4 6. Appeals from decisions of the zoning adjustor on
5 administrative conditional use permits, conditional use permits
6 or variances;

7 7. Appeals from decisions regarding site plan approvals
8 pursuant to Section 21.46.180 and pursuant to Ordinance 4122;

9 8. Appeals from decisions regarding the abatement of
10 nonconforming uses;

11 9. Applications for shoreline substantial development
12 permits when combined with other land use applications pursuant
13 to Section 25.32.080;

14 10. Appeals from decisions regarding modification of
15 landscaping requirements pursuant to Section 21.51.050;

16 11. Appeals from decisions of the director of the
17 department of public works on requests for rate adjustments to
18 surface and storm management rates and charges;

19 12. Appeals from decisions regarding the reuse of
20 public schools pursuant to Section 21.08.040.H.;

21 13. Appeals from decisions to condition or deny
22 applications pursuant to RCW 43.21C.060, as provided in Section
23 20.44.120 2.C.;

24 14. Appeals from department of public safety seizures
25 and intended forfeitures, when properly designated by the chief
26 law enforcement officer of that department as provided in RCW
27 69.50.505;

28 15. Appeals from decisions of the manager of building
29 and land development division on variances;

30 16. Appeals from notices and certifications of junk
31 vehicles to be removed as a public nuisance as provided in
32 Chapter 23.10;

33 17. Applications for a reasonable use exception
34 pursuant to K.C.C. 21.54.050;

35 18. Appeals from denials under K.C.C. 23.08.120;

1 19. Appeals from decisions of the director of the
2 department of development and environment services on
3 commercial site development permits.

4 (~~19~~) 20. Other applications or appeals which the
5 council may prescribe by ordinance.

6 B. The examiner's decision may be to grant or deny the
7 application or appeal, or the examiner may grant the
8 application or appeal with such conditions, modifications and
9 restrictions as the examiner finds necessary to make the
10 application or appeal compatible with the environment and carry
11 out applicable state laws and regulations and the regulations,
12 policies, objectives and goals of the comprehensive plan, the
13 community plans, the sewerage general plan, the zoning code,
14 the subdivision code and other official laws, policies and
15 objectives of King County.

16 SECTION 16. Resolution 25789, Section 275, and K.C.C.
17 21.04.555 are each amended to read as follows:

18 Lot. "Lot" means a building site that is described by
19 reference to a recorded plat, a recorded binding site plan, by
20 metes and bounds, or by section, township and range which has
21 direct legal access to a street or has access to a street over
22 an easement approved by the county.

23 SECTION 17. Ordinance 5317, Section 17, and
24 K.C.C.25.04.050 are amended to read as follows:

25 Relationship to other King County programs. King County
26 shall issue no permit prior to approval pursuant to this title
27 nor take no action contrary to the goals, policies, objectives
28 and regulations of the King County shoreline management master
29 program when property under the jurisdiction of the Shoreline
30 Management Act is involved in a request for a decision in any
31 of the following programs:

- 32 A. Building Permits;
33 B. Right-of-way construction permit;
34 C. Short subdivision;
35 D. Grading Permit;

- 1 E. Site plan approval;
2 F. Access permit;
3 G. Trail permit;
4 H. State flood control zone permit;
5 I. Zoning Variance;
6 J. Conditional Use Permit;
7 K. Comprehensive plan amendment or addition;
8 L. Zone reclassification;
9 M. Unclassified use permit;
10 N. Planned unit development approval;
11 O. Subdivision approval;
12 P. Mobile home park permit;
13 Q. Mobile home permit;
14 R. Recreational vehicle park permit;
15 S. Commercial site development permit.

16 NEW SECTION. SECTION 18. There is added to K.C.C. 21.04,
17 a new section to read as follows:

18 Building Envelope. "Building envelope" means the area of
19 a lot that delineates the limits of where a building may be
20 placed on the lot. For purposes of the commercial site
21 development permit, the building envelope may also include
22 parking areas provided there is no conflict with permit
23 conditions relating to site configuration.

24 NEW SECTION. SECTION 19. There is added to K.C.C. 21.04,
25 a new section to read as follows:

26 Commercial development project. "Commercial development
27 project" means all construction, structures and alteration of a
28 site other than for single family residences and residential
29 accessory structures.

30 NEW SECTION. SECTION 20. There is added to K.C.C. 21.08,
31 21.10, 21.12, 21.14, 21.16, 21.17, 21.18, 21.19, 21.20, 21.21,
32 21.21A, 21.22, 21.23, 21.24, 21.25, 21.26, 21.27, 21.28, 21.29,
33 21.30, 21.32, 21.34, 21.36, 21.37, 21.38, 21.40, 21.42, 21.43,
34 a new section to read as follows:

1 Lot based standards. Lot based standards, including but
2 not limited to, landscaping, signage and setback requirements
3 may be applied to the entire site rather than to an individual
4 lot within a site when approved by a valid Commercial Site
5 Development Permit or a Binding Site Plan.

6 SECTION 21. Ordinance 7544, Section 3, and K.C.C.
7 21.49.010 are amended to read as follows:

8 Definitions. For purposes of this chapter, the following
9 definitions shall apply:

10 A. Proposed Development. "Proposed development" means a
11 subdivision, short subdivision, planned unit development,
12 commercial site development permit, master plan development, a
13 conditional use permit, or an unclassified use permit or any
14 development proposal requiring a building permit exclusive of
15 any use which is categorically exempt under the State
16 Environmental Policy Act as implemented by King County. The
17 renewal of permits or the issuance of a new permit for existing
18 uses constitutes proposed development only if it will generate
19 additional traffic above that currently generated by the use.

20 B. Approved Development. "Approved development" means a
21 plat or short plat which has received final approval: PUD,
22 conditional use permit or unclassified use permit which has
23 been authorized by King County, or a development for which a
24 building permit has been issued.

25 C. Direct Traffic Impact. "Direct traffic impact" means
26 any new increase in vehicle traffic or increase in vehicle
27 traffic generated by a proposed development which equals or
28 exceeds ten (10) peak hour, peak direction vehicle trips on any
29 roadway or intersection.

30 D. Level-of-service (LOS). "LOS" means a measure of
31 traffic congestion along a roadway or at an intersection
32 identified by a letter scale from A to F as calculated by a
33 methodology endorsed by the Institute of Transportation
34 Engineers.

1 E. Calculated LOS. "Calculated LOS" means a calculation
2 that includes existing traffic, the traffic anticipated to be
3 generated by previously approved developments as determined by
4 actual land development information, if available, otherwise
5 growth rates based on land development information, and the
6 anticipated traffic from the subject and other requested
7 proposed developments.

8 F. Peak Hour. "Peak hour" means the hour during the
9 morning or afternoon which experiences the most critical
10 level-of-service for a particular roadway or intersection.

11 G. Ultimate Roadway Section. "Ultimate roadway section"
12 means a designation by King County that the maximum roadway or
13 intersection capacity has been reached and further right-of-way
14 acquisition and/or improvements are not feasible to increase
15 peak hour vehicle capacity.

16 H. High Occupancy Vehicle (HOV) Incentives. "HOV
17 incentives" means improvements, policies, or actions which
18 would enhance or stimulate use of transit, carpooling,
19 vanpooling, or other methods of ridesharing.

20 I. Transportation System Management (TSM). "TSM" means
21 low-cost projects that can be implemented in a short time frame
22 designed to increase the efficiency of existing transportation
23 facilities. This also includes transit and/or ridesharing
24 measures to decrease single occupancy vehicle trips.

25 J. Pro-rata Share. "Pro-rata share" means the fair and
26 equitable cost obligation assigned to a proposed development
27 which is attributable to the peak hour, peak direction vehicle
28 trips generated by it on the affected roadway or intersection.
29 The share will be determined by dividing the number of peak
30 hour, peak direction vehicles being added as result of the
31 proposed development by the calculated total peak hour, peak
32 direction vehicles using the affected roadway or intersection.

33 SECTION 22. Ordinance 5003, Section 2, and K.C.C.

34 21.51.020 are each amended to read as follows:

1 Application. A. The manager of the building and land
2 development division shall review and may approve, approve with
3 modifications, or disapprove site landscape development plans
4 for all new developments in accordance with the provisions of
5 this chapter. The manager may permit alternative landscaping
6 (as set forth in Section 21.51.050 of this chapter) when the
7 overall site development plan as proposed by the applicant
8 provides as good or better results than required by this
9 chapter.

10 B. Developments involving additions or alterations to
11 existing structures in which the cost of the additions or
12 alterations exceeds fifty percent of the value of the existing
13 structure(s) shall be subject to the provisions of this
14 chapter, with the following exceptions and modifications:

15 1. Where existing structures are situated so as to
16 preclude installation of required landscaping, such required
17 landscaping shall be waived.

18 2. Where the compliance with the provisions of KCC
19 Chapter 21.50, loading areas and off-street parking
20 requirements, for existing structures conflicts with the
21 requirements of this chapter, the required landscaping shall be
22 waived, or modified in accordance with Section 21.51.050 of
23 this chapter. Any addition of floor area requiring additional
24 loading area or off-street parking shall be subject to the
25 provisions of this chapter for the approximate area of the
26 addition and associated surface loading area and surface
27 off-street parking area only.

28 C. Individual lots being reviewed as part of a commercial
29 site development permit may apply lot based landscaping
30 standards to the entire site rather than to an individual lot
31 within the site. Any decision to apply such standards to the
32 entire site shall be within the discretion of the director.

33 SECTION 23. Ordinance 1527, Section 2, as amended and
34 K.C.C. 21.54.020 are each amended to read as follows:

1 Applicability. A. The regulations and standards of
2 K.C.C. Title 21 pertaining to the several use classifications
3 shall be subject to the general provisions, requirements, and
4 conditions contained in this chapter. When any provision of
5 any other chapter of the King County Code conflicts with this
6 chapter, that which provides more protection to the sensitive
7 areas shall apply unless specifically provided otherwise in
8 this chapter; provided, such exceptions shall not conflict with
9 state regulations, such as the state Shorelines Master Program,
10 Chapter 173-19 WAC.

11 B. Prior to fulfilling the requirements of this chapter,
12 King County shall not grant any approval or permission to alter
13 the condition of any land, water or vegetation, or to construct
14 or alter any structure or improvement including but not limited
15 to the following: building permit, commercial or residential;
16 commercial site development permit; binding site plan;
17 conditional use permit; franchise right-of-way construction
18 permit; grading and clearing permit; master plan development;
19 planned unit development, right-of-way permit; shoreline
20 conditional use permit; shoreline environmental redesignation;
21 shoreline substantial development permit; shoreline variance;
22 short subdivision; special use permit; subdivision;
23 unclassified use permit; utility and other use permit;
24 variance; zone reclassification; or any subsequently adopted
25 permit or required approval not expressly exempted by this
26 chapter.

27 C. King County shall perform a sensitive areas review for
28 any King County permit or approval requested for a development
29 proposal on a site which includes or is adjacent to one or more
30 sensitive areas unless otherwise provided in this chapter.

31 As part of all development applications:

32 1. King County shall verify the information submitted
33 by the applicant to:

34 a. Confirm the nature and type of the sensitive areas
35 and evaluate the special sensitive areas study;

1 b. Determine whether the development proposal is
2 consistent with this chapter;

3 c. Determine whether any proposed alterations to
4 sensitive areas are necessary;

5 d. Determine if the mitigation and monitoring plans
6 and bonding measures proposed by the applicant are sufficient
7 to protect the public health, safety and welfare consistent
8 with the goals, purposes, objectives and requirements of this
9 chapter.

10 2. The applicant shall submit an affidavit which:

11 a. Declares that the applicant has no knowledge that
12 sensitive areas on the development proposal site have been
13 illegally altered, and that the applicant previously has not
14 been found in violation of sensitive areas regulations for any
15 property in King County, pursuant to Title 23 or that any
16 violations have been cured to the satisfaction of King County;

17 b. Demonstrates that any development proposal
18 submitted conforms to the purposes, standards and protection
19 mechanisms of this chapter;

20 c. If required, prepare a special sensitive areas
21 study in accordance with K.C.C. 21.54.040:

22 D. King County may approve, approve with conditions, or
23 deny any development proposal in order to comply with the
24 requirements and carry out the goals, purposes, objectives and
25 requirements of this chapter.

26 E. Approval of a development proposal pursuant to the
27 provisions of this chapter does not discharge the obligation of
28 the applicant to comply with the provisions of this chapter.

29 F. The provisions of this chapter shall apply to all
30 forest practices over which the county has jurisdiction
31 pursuant to Chapter 76.09 RCW, Title 222 WAC, and any
32 Memorandum of Understanding between the Washington Department
33 of Natural Resources and King County, and to all property which
34 has been cleared and/or graded without an approved Class IV

1 General forest practice application and which is subsequently
2 proposed for development.

3 SECTION 24. Ordinance 2097, Section 1, as amended and
4 K.C.C. 17.04.010 are each hereby amended to read as follows:

5 Adoption. The Uniform Fire Code 1991 Edition, and the
6 Uniform Fire Standards, 1991 Edition, as published by the
7 Western Fire Chiefs Association and the International
8 Conference of Building Officials, with Appendices, as amended
9 in WAC 51-24 and 51-25 on November 8, 1991, together with
10 amendments, additions, and deletions listed in the King County
11 modifications to the 1991 Uniform Fire Code, as amended by
12 Attachment "A" and "B" of Ordinance 11016, are adopted as
13 the Fire Code of King County, and hereinafter referred as "this
14 code". Administrative rules may be adopted in accordance with
15 K.C.C. 2.98 to further clarify and implement these code
16 requirements.

17 NEW SECTION. SECTION 25. Severability. If a provision
18 of this ordinance or its applicability to any person or
19 circumstance is held invalid, the remainder of the provisions
20 of this chapter or the application of the provision to other
21 persons or circumstances shall not be affected.

22 INTRODUCED AND READ for the first time this 4th day of
23 January, 1993.

24 PASSED this 7th day of September, 1993

25 KING COUNTY COUNCIL
26 KING COUNTY, WASHINGTON

27 Audrey Linger
28 Chair
29
30
31

32 ATTEST:

33
34
35 Gerald A. Peterson
36 Clerk of the Council
37

38 APPROVED this 17th day of September, 1993.

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41 Don Hill
42 King County Executive
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Attachments:

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A. Amendment to Section 2.102 of the Uniform Fire Code dated 11/19/92.

B. Amendment to Section 2.305 of the Uniform Fire Code dated 11/19/92.

ATTACHMENT A

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4 **SECTION 2.102. RULES AND REGULATIONS.** The Fire Marshal, with
5 the approval of the administrator, is authorized to make and
6 enforce such rules and regulations, pursuant to the provisions
7 of King County Code 2.98, for the prevention and control of
8 fires and fire hazards as may be necessary from time to time to
9 carry out the intent of this code, including but not limited
10 to:

11 A. Procedures to assure that building permits for
12 structures shall conform to the requirements of this code.

13 B. Procedures to assure that applicable standards of this
14 code shall be reviewed as part of the subdivision, short
15 subdivision, planned unit development, rezone, conditional use
16 and unclassified use, commercial site development and
17 commercial building permit processes.

18 C. Procedures to assure that standards published by the
19 National Fire Protection Association including a standard known
20 as NFPA 13R shall be applied to all R1 occupancies.
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ATTACHMENT B

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4 SECTION 2.305. NOTICE TO FIRE DISTRICTS. (a) Prior to
5 submitting an application for a building permit, a commercial
6 site development permit, a preliminary subdivision or short
7 subdivision approval, final subdivision or short subdivision,
8 planned unit development, rezone, conditional use and
9 unclassified use permits to the Building and Land Development
10 Division, the applicant shall submit a copy of his application
11 to the King County Fire Protection District providing fire
12 protection services to the proposed development.

13 (b) It shall be the responsibility of the fire district to
14 issue a receipt to the applicant the same day it receives a
15 copy of a permit application as listed in 2.305(a). The
16 receipt shall constitute proof to the manager of the
17 notification.

18 (c) The applicant shall include the fire district receipt with
19 the permit application to Building and Land Development
20 Division.

21 (d) The applicant of a building permit located on property
22 within a subdivision or short subdivision applied for and/or
23 recorded prior to February 1, 1989, shall include a copy of the
24 subdivision or short subdivision along with the building permit
25 application to the applicable fire district for review. After
26 the applicable fire district has reviewed such a subdivision or
27 short subdivision at least once, the applicable fire district
28 may determine whether subsequent residential building permit
29 applications within the same subdivision or short subdivision
30 are required to obtain fire district receipts.

31 (e) It shall be the responsibility of the fire district to
32 notify the manager of any comments within seven days of the
33 receipt of an applied for permit as listed in 2.305(a).
34