

November 23, 1994

Introduced BY: ~~CHRISTOPHER VANCE~~

Proposed No. 94 - 780

ORDINANCE NO. **11621**

AN ORDINANCE relating to zoning adopting and amending Title 21A of the King County Code to be consistent with and implement the comprehensive plan as required by the Washington State Growth Management Act; amending Ordinance 10870 sections 2 through 4, and K.C.C. 21A.01.020 through K.C.C. 21A.01.040; section 5, and K.C.C. 21A.01.070; section 14, and K.C.C. 21A.02.040; section 17, and K.C.C. 21A.02.070; section 22, and K.C.C. 21A.04.010; sections 27 through 32, and K.C.C. 21A.04.060 through 21A.04.110; section 34, and K.C.C. 21A.04.130; sections 36 through 37, and K.C.C. 21A.04.150 through 21A.04.160; section 44, and K.C.C. 21A.06.020; section 130, and K.C.C. 21A.06.450; section 135, and K.C.C. 21A.06.475; section 158, and K.C.C. 21A.06.590; section 322, and K.C.C. 21A.06.1410; section 323, and K.C.C. 21A.06.1415; sections 331 through 333, and K.C.C. 21A.08.040 through 21A.08.060; sections 335 through 337, and K.C.C. 21A.08.080 through 21A.08.100; sections 340 through 341, and K.C.C. 21A.12.030 through 21A.12.040; section 345, and K.C.C. 21A.12.080; section 359, and K.C.C. 21A.12.220; section 361, and K.C.C. 21A.14.010; section 364, and K.C.C. 21A.14.040; section 378, and K.C.C. 21A.14.180; section 382, and K.C.C. 21A.14.220; section 384, and K.C.C. 21A.14.240; sections 388 through 390, and K.C.C. 21A.16.030 through 21A.16.050; sections 394 through 395, and K.C.C. 21A.16.090 through 21A.16.100; section 406, and K.C.C. 21A.18.020; section 408, and 21A.18.040; section 410, and K.C.C. 21A.18.060; sections 412 through 415, and K.C.C. 21A.18.080 through 21A.18.110; section 432, and K.C.C. 21A.20.120; sections 444 through 445, and K.C.C. 21A.22.060 through 21A.22.070; section 448, and K.C.C. 21A.24.010; section 452, and K.C.C. 21A.24.050; section 454, and K.C.C. 21A.24.070; section 455, and K.C.C. 21A.24.080; section 471, and K.C.C. 21A.24.240; section 478, and K.C.C. 21A.24.310; section 480, and K.C.C. 21A.24.330; section 481, and K.C.C. 21A.24.340; section 484, and K.C.C. 21A.24.370; sections 493 through 494, and K.C.C. 21A.26.040 through 21A.26.050; sections 512 through 513, and K.C.C. 21A.28.020 through 21A.28.030; section 516, and K.C.C. 21A.28.060; sections 524 through 525, and K.C.C. 21A.28.140 through 21A.28.150; section 536, and K.C.C. 21A.30.080; section 544, and K.C.C. 21A.32.070; section 557, and K.C.C. 21A.32.200; section 571, and K.C.C. 21A.36.040; sections 576 through 577, and K.C.C. 21A.38.030 through 21A.38.040; section 579, and K.C.C. 21A.38.060; section 583, and K.C.C. 21A.39.020; section 586, and K.C.C. 21A.39.050; section 598, and K.C.C. 21A.40.035; section 604, and K.C.C. 21A.40.090; section 612, and K.C.C. 21A.42.040; section 618, and K.C.C. 21A.42.100; sections 624 through 625, and K.C.C. 21A.44.030 through 21A.44.040; adding new

11621

1 sections to K.C.C. 21A.06, 21A.14, 21A.24,  
2 21A.28, and 21A.38; adding new chapters to  
3 K.C.C. 21A; repealing section 634(part), and  
4 K.C.C. 21A.01.060 and K.C.C. 21A.01.110;  
5 sections 517 through 521, and K.C.C.  
6 21A.28.070 through 21A.28.110; and section  
7 527, and K.C.C. 21A.28.170.

8  
9 PREAMBLE:

10  
11 For the purpose of effective land use planning and  
12 regulation, the King County Council makes the  
13 following legislative findings:

- 14  
15 1. King County has adopted the 1994 King County  
16 Comprehensive Plan, to meet the requirements of the  
17 Washington State Growth Management Act (GMA).  
18  
19 2. The GMA requires that King County adopt  
20 development regulations, which include zoning, to be  
21 consistent with and implement the Comprehensive Plan  
22 by December 31, 1994.  
23  
24 3. The changes to the King County Zoning Code (Title  
25 21A of the King County Code) contained in this  
26 Ordinance are needed to bring Title 21A into  
27 conformance with the 1994 King County Comprehensive  
28 Plan, as required by the GMA. As such they bear a  
29 substantial relationship to, and are necessary for,  
30 the public health, safety and general welfare of King  
31 County and its residents.  
32

33 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

34  
35 SECTION 1. Ordinance 10870, Section 2, and K.C.C. 21A.01.020  
36 are hereby amended to read as follows:

37 Zoning code adopted. Under the provisions of Article XI,  
38 Section 11 of the Washington State Constitution and Article 2,  
39 Section 220.20 of the King County Charter, the zoning code attached  
40 to this ordinance, which is referred to hereinafter as the 1993  
41 Zoning Code, is adopted and declared to be the zoning code for King  
42 County until amended, repealed or superseded, subject to the  
43 provisions of (~~Section 3~~) K.C.C. 21A.01.030. This code also is  
44 hereby enacted to be consistent with and implement the  
45 comprehensive plan in accordance with RCW 36.70A. This code shall  
46 be compiled in Title 21A.

47 SECTION 2. Ordinance 10870, Section 3, and K.C.C. 21A.01.030  
48 are hereby amended to read as follows:

49 Application of the 1993 Zoning Code.

50 A. Except as provided in subsection C below, ((F)) the 1993  
51 Zoning Code shall apply to a specific property when, after the  
52 effective date of this ordinance, the zoning map with respect to  
53 such property is amended pursuant to:

- 54 1. an individual quasi-judicial zone reclassification;  
55 2. countywide zoning conversion process set out in Section 5;

56 or

57 3. community planning area zoning proposals accompanying plan  
58 updates or amendment studies.

# 11621

1 B. Any reclassification requests or proposals for application  
2 of area or countywide zoning initiated after the effective date of  
3 this ordinance shall use the new zone classifications adopted in  
4 the 1993 Zoning Code.

5 C. The provisions of King County Code Chapter 21A.24, together  
6 with the relevant provisions of Chapters 21A.06 and 21A.12, shall  
7 apply to all properties as of the effective date of this Ordinance.

8 SECTION 3. Ordinance 10870, Section 4, and K.C.C. 21A.01.040  
9 are hereby amended to read as follows:

10 Transition to new code.

11 A. During the time that a zoning map or parts thereof are being  
12 developed and adopted pursuant to this section, Resolution No.  
13 25789 as amended shall remain in full force and effect with regard  
14 to a specific piece of property until such time as a zoning map or  
15 parts thereof applying the zone designations established in the  
16 1993 Zoning Code to the property in question are adopted.

17 B. Upon the adoption of a zoning map or parts thereof pursuant  
18 to the 1993 Zoning Code, Resolution 25789 and all other zoning  
19 resolutions, amendments and zoning maps adopted pursuant thereto  
20 are deemed to be no longer in effect for the subject property,  
21 except as specified in K.C.C. 21A.01.060(F)&(G), and with the  
22 exception listed in part C of this section; provided, however, that  
23 the repeal shall be limited to the area within the boundaries of  
24 the map or parts thereof adopted pursuant to this title, and  
25 provided further that project approval conditions applied through  
26 administrative or quasi-judicial development review processes under  
27 Resolution 25789 shall continue in effect.

28 C. Properties with active permit application(s) submitted prior  
29 to October 1, 1994, being reviewed for compliance with Resolution  
30 No. 25789 as amended shall continue to have Resolution 25789 remain  
31 in full force and effect with regard to the specific piece of  
32 property until the expiration of the following types of permits:  
33 conditional use permit, planned unit development (PUD), building  
34 site plan, right-of-way use permit, commercial site development  
35 permit, unclassified use permit, or public agency utility  
36 exception. A variance application submitted prior to the effective  
37 date of this ordinance, shall be reviewed against the regulations  
38 in effect at the time of complete application. If an approval is  
39 granted to vary a standard of Resolution No. 25789 as amended, the  
40 approval to vary that standard shall remain in effect for  
41 subsequent permits until the expiration of the variance as stated  
42 in the decision even after the effective date of this ordinance.  
43 All other standards shall be consistent with the code in effect at  
44 the time of the subsequent permit applications.

45 SECTION 4. Ordinance 10870, Section 634(part), and K.C.C.  
46 21A.01.060 are hereby repealed.

47 SECTION 5. Ordinance 10870, Section 5, and K.C.C. 21A.01.070  
48 are hereby amended to read as follows:

1 A. The council directs the department to prepare proposed new  
2 zoning maps applying the 1993 King County Zoning Code and transmit  
3 within ten months of the effective date of this ordinance for  
4 council review and adoption.

5 B. The department shall use the table set forth in subsection C  
6 and the guidelines of this section in preparing an ordinance or  
7 ordinances to convert each area zoning document to the 1993 Zoning  
8 Code, with modifications appropriate to be consistent with the  
9 comprehensive plan land use map and policies, so as to ((continue  
10 implementation of adopted community plans)) implement the  
11 comprehensive plan and convert old outright and potential zone  
12 designations to new ones in a consistent manner. The provisions of  
13 this section also shall apply to conversion of the resource lands  
14 area zoning adopted pursuant to K.C.C. 20.12.390.

15 C. Conversion table. The following conversion table and  
16 criteria contained therein shall be used by the department in  
17 converting the zoning maps adopted pursuant to Resolution 25789 to  
18 the 1993 Zoning Code:

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# 11621

RESOLUTION 25789 ZONING MAP SYMBOLS	1993 ZONING CODE MAP SYMBOLS	ADDITIONAL CRITERIA
F	F	<u>In Forest Production or Rural Areas</u>
FR	F or RA	Use zone most consistent with the comprehensive plan
A, A-10 A-35	A-10 A-35 or A-60	<u>In Agricultural or Rural Areas</u> Use zone most consistent with the comprehensive plan
Q-M	M	<u>Designated Mining Sites</u>
AR-2.5 AR-5 AR-10	RA-2.5 RA-5 RA-10 or RA-20	<u>In Rural Areas</u> Use zone most consistent with the comprehensive plan
GR-5, GR-2.5, G-5	UR RA	Only in designated urban areas In areas not designated urban
G	R-1 RA	Only in designated urban areas In areas not designated urban
SE, S-C	R-1	<u>Only in designated urban areas or Rural Towns</u>
SR/RS15000, SR/RS 9600	R-4	<u>Only in designated urban areas or Rural Towns</u>
SR7200, RS7200	R-6	<u>Only in designated urban areas or Rural Towns</u>
SR5000, RS5000	R-8	<u>Only in designated urban areas or Rural Towns</u>
RMHP	R-4 through R-48	Use zone closest to zoning on adjacent property or midrange if adjacent zones vary
RD3600, RT3600	R-12	
RM2400, RT2400	R-18	
RT, RM1800, RT1800	R-24	
RM900	O or R-48	Apply zoning closest to <del>((community))</del> <u>comprehensive plan</u> land use designations
RM 900 P	O or R-48	According to P-suffix limitations allowing only office or residential uses
B-N, BR-N B-C, BR-C C-G	NB or RB CB or RB RB	For all business zones, use zone most consistent with the comprehensive plan <del>((and community plan))</del> designation and actual scale of business area
M-L, M-P, M-H	I	

1 D. Unclassified Use Permit Mining Operations. In addition to  
2 the conversions set out in the table in subsection C, all sites  
3 legally operating pursuant to an unclassified use permit for mining  
4 operations shall be zoned M (Mineral).

5 E. Resolution of map conflicts. In cases of ambiguity or  
6 conflict between a community or comprehensive plan map designation  
7 and the zone classification applied under the old code, the  
8 department shall use the following guidelines and procedures in  
9 recommending new zones:

10 1. As a general rule, the outright or potential zoning  
11 designation applied shall be that which is (~~most likely to have~~  
12 ~~been applied to implement the community plan if the 1993 zoning~~  
13 ~~code designations had been available~~) consistent with the 1994  
14 King County Comprehensive Plan; adopted community plans, where they  
15 do not conflict, may be used to provide additional guidance;

16 2. If the application of the guidelines in this subsection  
17 leads the department to propose applying ((a)) an outright or  
18 potential zone classification from the 1993 Zoning Code that is not  
19 functionally equivalent to a classification from the old code as  
20 defined in the table in subsection C, the department shall notify  
21 the owner of the property proposed for reclassification no later  
22 than the council introduction date of the ordinance amending said  
23 property, and the property owner may request a change in the area  
24 zoning in a manner consistent with the procedures used for council  
25 review of a community plan and area zoning.

26 F. Area-wide P-suffix development conditions. The department  
27 shall review all area-wide P-suffix conditions applied through  
28 zoning adopted pursuant to Resolution 25789, and recommend  
29 legislation removing all such conditions which conflict with the  
30 comprehensive plan or have been replaced adequately by standards  
31 adopted in the 1993 zoning code ((from the area zoning documents)).  
32 If P-suffix conditions implement policies in the comprehensive  
33 plan, then regulations shall be developed by the end of 1995 and  
34 the P-suffix conditions shall be removed. Any ((such)) P-suffix  
35 conditions which ((establish standards that)) implement policies in  
36 community plans which are not in conflict with the comprehensive  
37 plan but are not adequately addressed by this code ((shall be  
38 recommended to be included directly in the 1993 zoning code)) shall  
39 be carried forward intact until they are evaluated for replacement  
40 by general code revisions in 1995.

41 G. Site-specific development conditions. Approval conditions  
42 for previous zone reclassifications, planned unit developments,  
43 unclassified permits, and P-suffix conditions applied to individual  
44 properties in land use actions pursuant to Resolution 25789, should  
45 be recommended for retention wherever they address conditions  
46 unique to a particular property and not addressed by the standards  
47 in the ((1993)) Zoning Code.

1 H. For area zoning documents being converted to the 1993 Zoning  
2 Code without amendments to their respective community plan maps and  
3 policies, only requests for zone changes which meet one of the  
4 following criteria shall be considered during either the department  
5 or council review process:

6 1. as provided in subsection E;

7 2. when an applicant can demonstrate that the department's  
8 proposal incorrectly implements an adopted ((community))  
9 comprehensive plan map designation or policy in converting existing  
10 zoning to a new zone classification; or

11 3. the site is the subject of an application for a Master  
12 Planned Development or Urban Planned Development, and conversion to  
13 the 1993 Zoning Code is requested as part of such application.  
14 Rezoning of such sites (~~shall conform as closely as possible to~~  
15 ~~the table set out in subsection C~~) during the conversion, area  
16 zoning otherwise shall be to Urban Reserve with the urban planned  
17 development overlay district as provided in Chapter 21A.38.

18 I. Requests which do not meet one of the criteria of subsection  
19 H shall be treated as quasi-judicial reclassification requests  
20 which must be formally applied for according to the process  
21 provided for such requests and shall be subject to the criteria in  
22 K.C.C. 20.24.190.

23 J: Requests for quasi-judicial reclassification that are  
24 consistent with the conversion table illustrated in subsection C  
25 and requests for quasi-judicial reclassification to the M zone,  
26 shall not be subject to the criteria in K.C.C. 20.24.190.

27 K. Bear Creek MPD's. The following transition provisions shall  
28 apply to the Master Plan Development applications in the Bear Creek  
29 Community Plan (BCCP).

30 1. An applicant may either continue to utilize the procedural  
31 provisions of the BCCP or may utilize the procedural provisions of  
32 K.C.C. 21A.39.

33 2. If an applicant utilizes the procedural provisions of  
34 K.C.C. 21A.39, the Pre-Development Applications previously  
35 submitted for the Blakely Ridge MPD and the Northridge MPD are  
36 deemed the equivalent of and accepted as complete applications for  
37 "UPD Permits" under Chapter 21A.39 of the 1993 zoning code.

38 3. The substantive provisions of the BCCP Area Zoning MPD P-  
39 Suffix conditions and conditions precedent to rezoning set forth in  
40 Section 1C of the BCCP Area Zoning (page 140) shall remain in  
41 effect for purposes of considering the UPD applications, under  
42 either the BCCP or K.C.C. 21A.39.

43 4. The applicants may elect either one base zone pursuant to  
44 K.C.C. 21A.39, or multiple zones pursuant to the Bear Creek  
45 Community Plan, applying the equivalent zone and potential zone  
46 designations of the 1993 zoning code. (~~The zoning and potential~~  
47 ~~zoning adopted in the BCCP shall remain in effect until rezones~~  
48 ~~applying the 1993 zoning code designations are approved.~~)

1 5. The Novelty Hill Master Plan sites and urban designation  
2 adopted and delineated in the Bear Creek Community Plan and Bear  
3 Creek Area zoning shall be considered "UPD Special District  
4 Overlays" and "UPD boundary delineations" for purposes of applying  
5 K.C.C. 21A.38.020, .070(B)(1), (2) and K.C.C. 21A.39.020.

6 SECTION 6. Ordinance 10870, Section 634(part), and K.C.C.  
7 21A.01.110 are hereby repealed.

8 SECTION 7. Ordinance 10870, Section 17, and K.C.C. 21A.02.070  
9 are hereby amended to read as follows:

10 Interpretation: Standard industrial classification.

11 A. All references to the Standard Industrial Classification  
12 (SIC) are to the titles and descriptions found in the Standard  
13 Industrial Classification Manual, 1987 edition, prepared by United  
14 States Office of Management and Budget which is hereby adopted by  
15 reference. The (SIC) is used, with modifications to suit the  
16 purposes of this title, to list and define land uses authorized to  
17 be located in the various zones consistent with the comprehensive  
18 plan land use map.

19 B. The SIC categorizes each land use under a general two-digit  
20 major group number, or under a more specific three- or four-digit  
21 industry group or industry number. A use shown on a land use table  
22 with a two-digit number includes all uses listed in the SIC for  
23 that major group. A use shown with a three-digit or four-digit  
24 number includes only the uses listed in the SIC for that industry  
25 group or industry.

26 C. An asterisk (\*) in the SIC number column of a land use table  
27 means that the SIC definition for the specific land use identified  
28 has been modified by this title. The definition may include one  
29 or more SIC subclassification numbers, or may define the use  
30 without reference to the SIC.

31 D. The Director shall determine whether a proposed land use not  
32 specifically listed in a land use table or specifically included  
33 within a SIC classification is allowed in a zone. The director's  
34 determination shall be based on whether or not permitting the  
35 proposed use in a particular zone is consistent with the purposes  
36 of this title and the zone's purpose as set forth in K.C.C. 21A.04,  
37 by considering the following factors:

38 1. The physical characteristics of the use and its supporting  
39 structures, including but not limited to scale, traffic and other  
40 impacts, and hours of operation;

41 2. Whether or not the use complements or is compatible with  
42 other uses permitted in the zone; and

43 3. The SIC classification, if any, assigned to the business  
44 or other entity that will carry on the primary activities of the  
45 proposed use.

46 SECTION 8. Ordinance 10870, Section 14, and K.C.C. 21A.02.040  
47 are hereby amended to read as follows:

48 Conformity with this title required.



# 11621

1 A. No use or structure shall be established, substituted,  
2 expanded, constructed, altered, moved, maintained, or otherwise  
3 changed except in conformance with this title.

4 B. Creation of or changes to lot lines shall conform with the  
5 use provisions, dimensional and other standards, and procedures of  
6 this title and Title 19, Subdivisions.

7 C. All land uses and development authorized by this title shall  
8 comply with all other regulations and or requirements of this title  
9 as well as any other applicable local, state or federal law . Where  
10 a difference exists between this title and other county  
11 regulations, the more restrictive requirements shall apply.

12 D. Where more than one part of this title applies to the same  
13 aspect of a proposed use or development, the more restrictive  
14 requirement shall apply.

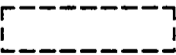
15 E. Temporary uses or activities, conducted during an emergency  
16 event, or training exercises conducted at emergency sites,  
17 designated pursuant to an emergency management plan, shall not be  
18 subject to the provisions of this title.

19 SECTION 9. Ordinance 10870, Section 22, and K.C.C. 21A.04.010  
20 are hereby amended to read as follows:

21 Zones and map designations established. In order to accomplish  
22 the purposes of this title the following zoning designations and  
23 zoning map symbols are established:

## 24 ZONING DESIGNATIONS

## MAP SYMBOL

27 Agricultural	A (10( <del>or</del> )), 35 <u>or</u> 60 acre 28 minimum lot size)
29 Forest	F
30 Mineral	M
31 Rural Area	RA (2.5-acre, 5-acre( <del>or</del> )), 32 10-acre <u>or</u> 20-acre minimum lot 33 size)
34 Urban Reserve	UR
35 Residential	R (base density in dwellings 36 per acre)
37 Neighborhood Business	NB
38 Community Business	B
39 Regional Business	RB
40 Office	O
41 Industrial	I
42 Regional Use	Case file number following 43 zone's map symbol
44 Property-specific development 45 standards	-P(suffix to zone's map symbol)
46 Special District Overlay	-SO(suffix to zone's map symbol)
47 Potential Zone	 48 (dashed box surrounding zone's map 49 symbol)
50 Interim Zone	* (asterisk adjacent to zone's 51 map symbol)
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53	

1 SECTION 10. Ordinance 10870, Section 27, and K.C.C. 21A.04.060

2 are hereby amended to read as follows:

3 Rural area zone.

4 A. The purpose of the rural zone (RA) is to provide for an  
5 area-wide long-term rural character and to minimize land use  
6 conflicts with nearby agricultural, forest or mineral extraction  
7 production districts. These purposes are accomplished by:

8 1. Limiting residential densities and permitted uses to those  
9 that are compatible with rural character and nearby resource  
10 production districts and are able to be adequately supported by  
11 rural service levels;

12 2. Allowing small scale farming and forestry activities and  
13 tourism and recreation uses which can be supported by rural service  
14 levels and which are compatible with rural character; and

15 3. Increasing required setbacks to minimize conflicts with  
16 adjacent agriculture, forest or mineral zones.

17 B. Use of this zone is appropriate in rural areas designated by  
18 the Comprehensive Plan as follows:

19 1. RA-2.5 in rural areas where predominant densities already  
20 exceed one dwelling per five acres and the soils can support on-  
21 site sewage disposal without damage to water resources;

22 2. RA-5 in rural areas without established subdivision  
23 patterns and predominantly environmentally unconstrained  
24 lands; (~~and~~)

25 3. RA-10 in rural areas next to designated resource  
26 production areas where additional buffering is required, or where  
27 area-wide environmental features constrain development. RA-10 is  
28 also applied to Rural Farm Districts designated by the King County  
29 Comprehensive Plan; and

30 4. RA-20 in Rural Forest Districts designated by the King  
31 County Comprehensive Plan.

32 SECTION 11. Ordinance 10870, Section 28, and K.C.C. 21A.04.070

33 are hereby amended to read as follows:

34 Urban reserve zone.

35 A. The purposes of the urban reserve zone (UR) (~~is~~) are to  
36 phase growth and demand for urban services, and to reserve large  
37 tracts of land for possible future growth in portions of King  
38 County designated by the Comprehensive Plan for future urban growth  
39 while allowing reasonable interim uses of property; or to reflect  
40 designation by the comprehensive plan of a property or area as part  
41 of the urban growth area when a detailed plan for urban uses and  
42 densities has not been completed; or when the area has been  
43 designated as a site for a potential urban planned development, as  
44 provided in K.C.C. 21A.38.070. These purposes are accomplished by:

45 1. Allowing for rural, agricultural and other low-intensity  
46 uses;

1 2. Allowing for limited residential growth, either contiguous  
 2 to existing urban public facilities, or at a density supportable by  
 3 existing rural public service levels; and

4 3. Requiring clustered residential developments where  
 5 feasible, to prevent establishment of uses and lot patterns which  
 6 may foreclose future alternatives and impede efficient later  
 7 development at urban densities.

8 B. Use of this zone is appropriate in urban areas or in rural  
 9 (~~(activity center)~~) city expansion areas designated by the  
 10 Comprehensive Plan (~~(or community plans)~~), when such areas do not  
 11 have adequate public facilities and services or are not yet needed  
 12 to accommodate planned growth, do not yet have detailed land use  
 13 plans for urban uses and densities, or are designated as sites for  
 14 a potential urban planned development.

15 SECTION 12. Ordinance 10870, Section 29, and K.C.C. 21A.04.080  
 16 are hereby amended to read as follows:

17 Residential zone.

18 A. The purpose of the urban residential zone (R) is to imple-  
 19 ment Comprehensive Plan goals and policies for housing quality,  
 20 diversity and affordability, and to efficiently use residential  
 21 land, public services and energy. These purposes are accomplished  
 22 by:

23 1. Providing, in the R-1 through R-8 zones, for a mix of  
 24 predominantly single detached dwelling units and other development  
 25 types, with a variety of densities and sizes in locations  
 26 appropriate for urban densities;

27 2. Providing, in the R-12 through R-48 zones, for a mix of  
 28 predominantly apartment and townhouse dwelling units and other  
 29 development types, with a variety of densities and sizes in  
 30 locations appropriate for urban densities;

31 3. Allowing only those accessory and complementary  
 32 nonresidential uses that are compatible with residential  
 33 communities; and

34 4. Establishing density designations to facilitate advanced  
 35 area-wide planning for public facilities and services, and to  
 36 protect environmentally sensitive sites from overdevelopment.

37 B. Use of this zone is appropriate in urban areas, activity  
 38 centers, or rural (~~(activity centers)~~) towns designated by the  
 39 Comprehensive Plan or community plans as follows:

40 1. The R-1 zone on or adjacent to lands with area-wide  
 41 environmental constraints where development is required to cluster  
 42 away from sensitive areas, or in well-established subdivisions of  
 43 the same density, which are served at the time of development by  
 44 public or private facilities and services adequate to support  
 45 planned densities;

46 2. The R-4 through R-8 zones on urban lands that are  
 47 predominantly environmentally unconstrained and are served at the

11621

1 time of development, by adequate public sewers, water supply, roads  
2 and other needed public facilities and services; and

3 3. The R-12 through R-48 zones in urban areas, urban or  
4 community activity centers, urban neighborhood centers, or rural  
5 (~~activity centers~~) towns, that are served at the time of  
6 development by adequate public sewers, water supply, roads and  
7 other needed public facilities and services.

8 SECTION 13. Ordinance 10870, Section 30, and K.C.C. 21A.04.090  
9 are hereby amended to read as follows:

10 Neighborhood business zone.

11 A. The purpose of the neighborhood business zone (NB) is to  
12 provide convenient daily retail and personal services for a limited  
13 service area and to minimize impacts of commercial activities on  
14 nearby properties. These purposes are accomplished by:

15 1. Limiting nonresidential uses to those retail or personal  
16 services which can serve the everyday needs of a surrounding urban  
17 or rural residential area;

18 2. Allowing for mixed use (housing and retail/service)  
19 developments; and

20 3. Excluding industrial and community/regional business-  
21 scaled uses.

22 B. Use of this zone is appropriate in urban neighborhood  
23 business centers, rural (~~activity~~) towns, or rural neighborhood  
24 centers designated by (~~community~~) the comprehensive plan(~~s~~), on  
25 sites which are served at the time of development by adequate  
26 public sewers when located in urban areas or adequate on-site  
27 sewage disposal when located in rural areas, water supply, roads  
28 and other needed public facilities and services.

29 SECTION 14. Ordinance 10870, Section 31, and K.C.C. 21A.04.100  
30 are hereby amended to read as follows:

31 Community business zone.

32 A. The purpose of the community business zone (CB) is to  
33 provide convenience and comparison retail and personal services for  
34 local service areas which exceed the daily convenience needs of  
35 adjacent neighborhoods but which cannot be served conveniently by  
36 larger activity centers, and to provide retail and personal  
37 services in locations within activity centers that are not  
38 appropriate for extensive outdoor storage or auto related and  
39 industrial uses. These purposes are accomplished by:

40 1. Providing for limited small-scale offices as well as a  
41 wider range of the retail, professional, governmental and personal  
42 services than are found in neighborhood business areas;

43 2. Allowing for mixed use (housing and retail/service)  
44 developments; and

45 3. Excluding commercial uses with extensive outdoor storage  
46 or auto related and industrial uses.

47 B. Use of this zone is appropriate in urban and community  
48 centers or rural (~~activity centers~~) towns that are designated by

1 the Comprehensive Plan and community plans and that are served at  
2 the time of development by adequate public sewers, water supply,  
3 roads and other needed public facilities and services.

4 SECTION 15. Ordinance 10870, Section 32, and K.C.C. 21A.04.110  
5 are hereby amended to read as follows:

6 Regional business zone.

7 A. The purpose of the regional business zone (RB) is to provide  
8 for the broadest mix of comparison retail, wholesale, service and  
9 recreation/cultural uses with compatible storage and fabrication  
10 uses, serving regional market areas and offering significant  
11 employment opportunities. These purposes are accomplished by:

12 1. Encouraging compact development that is supportive of  
13 transit and pedestrian travel, through higher nonresidential  
14 building heights and floor area ratios than those found in  
15 community centers;

16 2. Allowing for outdoor sales and storage, regional shopping  
17 areas and limited fabrication uses; and

18 3. Concentrating large scale commercial and office uses to  
19 facilitate the efficient provision of public facilities and  
20 services.

21 B. Use of this zone is appropriate in urban (~~or rural~~)  
22 activity centers or rural towns that are designated by the  
23 Comprehensive Plan and community plans that are served at the time  
24 of development by adequate public sewers, water supply, roads and  
25 other needed public facilities and services.

26 SECTION 16. Ordinance 10870, Section 34, and K.C.C. 21A.04.130  
27 are hereby amended to read as follows:

28 Industrial zone.

29 A. The purpose of the industrial zone (I) is to provide for the  
30 location and grouping of industrial enterprises and activities  
31 involving manufacturing, assembly, fabrication, processing, bulk  
32 handling and storage, research facilities, warehousing and heavy  
33 trucking. It is also a purpose of this zone to protect the  
34 industrial land base for industrial economic development and  
35 employment opportunities. These purposes are accomplished by:

36 1. Allowing for a wide range of industrial and manufacturing  
37 uses;

38 2. Establishing appropriate development standards and public  
39 review procedures for industrial activities with the greatest  
40 potential for adverse impacts; and

41 3. Limiting residential, institutional, commercial, office  
42 and other non-industrial uses to those necessary for the  
43 convenience of industrial activities.

44 B. Use of this zone is appropriate in urban (~~or rural~~)  
45 activity centers or rural towns designated by the Comprehensive  
46 Plan and community plans which are served at the time of  
47 development by adequate public sewers, water supply, roads and  
48 other needed public facilities and services.

# 11621

1        SECTION 17. Ordinance 10870, Section 36, and K.C.C. 21A.04.150  
2 are hereby amended to read as follows:

3        Map designation - Property-specific development standards. The  
4 purpose of the property-specific development standards designation  
5 (-P suffix to zone's map symbol which shall be shown on an official  
6 zoning map, area zoning document or zoning and subdivision  
7 examiner's report, or as a notation on the SITUS file for an  
8 individual property maintained by the department) is to indicate  
9 that conditions beyond the minimum requirements of this title have  
10 been applied to development on the property, including but not  
11 limited to increased development standards, limits on permitted  
12 uses or special conditions of approval. Regardless of the form in  
13 which a property-specific development standard is adopted, the P-  
14 suffix shall be shown on the official zoning map maintained by the  
15 department, which map shall be updated as soon as possible after  
16 the effective date of the adopting ordinance adopting a P-suffix  
17 standard.

18        SECTION 18. Ordinance 10870, Section 37, and K.C.C. 21A.04.160  
19 are hereby amended to read as follows:

20        Map designation - Special district overlay. The purpose of the  
21 special district overlay designation (-SO suffix to zone's map  
22 symbol which shall be shown on an official zoning map, area zoning  
23 document or zoning and subdivision examiner's report, or as a  
24 notation on the SITUS file for an individual property maintained by  
25 the department) is to carry out Comprehensive Plan and community  
26 plan policies that identify special opportunities for achieving  
27 public benefits by allowing or requiring alternative uses and  
28 development standards that differ from the general provisions of  
29 this title. Special district overlays are generally applied to a  
30 group of individual properties or entire community planning  
31 subareas and are designated primarily through the area zoning  
32 process. Regardless of the form in which a special district overlay  
33 is adopted, the -SO suffix shall be shown on the official zoning  
34 map maintained by the department, which map shall be updated as  
35 soon as possible after the effective date of the adopting ordinance  
36 adopting an overlay.

37        NEW SECTION. SECTION 19. There is hereby added to K.C.C. 21A.06  
38 a new section to read as follows:

39        Accessory use. Accessory use: a use which is subordinate and  
40 incidental to that of an established use on the same lot.

41        NEW SECTION. SECTION 20. There is hereby added to K.C.C. 21A.06  
42 a new section to read as follows:

43        Channel Relocation and Stream Meander Areas. Channel  
44 relocation and stream meander area: those areas subject to risk due  
45 to stream bank destabilization, rapid stream incision, stream bank  
46 erosion, and shifts in the location of stream channels.

47        NEW SECTION. SECTION 21. There is hereby added to K.C.C. 21A.06  
48 a new section to read as follows:

# 11621

1 Emergency. Emergency: an occurrence during which there is  
2 imminent danger to the public health, safety and welfare, or which  
3 poses an imminent risk to property, as a result of a natural or  
4 man-made catastrophe as so declared by the director of DDES.

5 NEW SECTION. SECTION 22. There is hereby added to K.C.C. 21A.06  
6 a new section to read as follows:

7 Historic resource. Historic resource: a district, site,  
8 building, structure or object significant in national, state or  
9 local history, architecture, archaeology, and culture.

10 NEW SECTION. SECTION 23. There is hereby added to K.C.C. 21A.06  
11 a new section to read as follows:

12 Historic resource inventory. Historic resource inventory: An  
13 organized compilation of information on historic resources  
14 considered to be potentially significant according to the criteria  
15 listed in K.C.C. 20.62.040.A. The historic resource inventory is  
16 kept on file by the historic preservation officer and is updated  
17 from time to time to include newly eligible resources and to  
18 reflect changes to resources.

19 NEW SECTION. SECTION 24. There is hereby added to K.C.C. 21A.06  
20 a new section to read as follows:

21 Interlocal agreement. Interlocal agreement: for purposes of  
22 K.C.C. 21A.28, interlocal agreement means any agreement between the  
23 county, the district, and any city setting forth certain terms  
24 relating to the collection of impact fees by the county and  
25 distribution of those fees to the district. An interlocal  
26 agreement shall not be required where the county is the sole  
27 jurisdiction within the boundaries of the district that is  
28 assessing impact fees.

29 NEW SECTION. SECTION 25. There is hereby added to K.C.C. 21A.06  
30 a new section to read as follows:

31 Joint use driveway. Joint use driveway: A jointly owned and/or  
32 maintained vehicular access to two residential properties.

33 NEW SECTION. SECTION 26. There is hereby added to K.C.C.  
34 21A.06 a new section to read as follows:

35 Mitigation bank. Mitigation bank: a property that has been  
36 protected in perpetuity, and approved by appropriate county, state  
37 and federal agencies expressly for the purpose of providing  
38 compensatory mitigation in advance of authorized impacts through  
39 restoration, creation, and/or enhancement of wetlands, and in  
40 exceptional circumstances, preservation of adjacent wetlands,  
41 wetland buffers, and/or other aquatic resources.

42 NEW SECTION. SECTION 27. There is hereby added to K.C.C.  
43 21A.06 a new section to read as follows:

44 Mitigation banking. Mitigation banking: a system for providing  
45 compensatory mitigation in advance of authorized wetland impacts of  
46 development in King County in which credits are generated through  
47 restoration, creation, and/or enhancement of wetlands, and in

11621.

1 exceptional circumstances, preservation of adjacent wetlands,  
2 wetland buffers, and/or other aquatic resources.

3 NEW SECTION. SECTION 28. There is hereby added to K.C.C. 21A.06  
4 a new section to read as follows:

5 SITUS File. SITUS File: information on an individual parcel of  
6 land, including its size, known extent of existing development,  
7 known environmental constraints, approval conditions and other  
8 site-specific information, contained in the computerized permitting  
9 and land parcel data base of the department of development and  
10 environmental services or its successor agencies.

11 SECTION 29. Ordinance 10870, Section 44, and K.C.C. 21A.06.020  
12 are hereby amended to read as follows:

13 Accessory use, residential. Accessory use, residential:

14 A. A use, structure, or activity which is subordinate and  
15 incidental to a residence including, but not limited to the  
16 following uses:

- 17 1. Accessory living quarters and dwellings;
- 18 2. Fallout/bomb shelters;
- 19 3. Keeping household pets;
- 20 4. On-site rental office;
- 21 5. Pools, private docks, piers;
- 22 6. Antennae for private telecommunication services;
- 23 7. Storage of yard maintenance equipment; or
- 24 8. Storage of private vehicles, e.g. motor vehicles, boats,  
25 trailers or planes((-));

26 9. Greenhouses.

27 B. Some accessory uses within the scope of this section may  
28 be defined separately to enable the code to apply different  
29 conditions of approval.

30 SECTION 30. Ordinance 10870, Section 130, and K.C.C. 21A.06.450  
31 are hereby amended to read as follows:

32 Family. Family: an individual; two or more persons related by  
33 blood or marriage; a group of two or more disabled residents  
34 protected under the Federal Housing Act Amendments, who are not  
35 related by blood or marriage, living together as a single  
36 housekeeping unit; a group of eight or fewer residents, who are not  
37 related by blood or marriage, living together as a single  
38 housekeeping unit; or a group living arrangement where eight or  
39 fewer residents receive supportive services such as counseling,  
40 foster care, or medical supervision at the dwelling unit by resi-  
41 dent or non-resident staff. For purposes of this definition, minors  
42 living with parent shall not be counted as part of the maximum  
43 number of residents.

44 SECTION 31. Ordinance 10870, Section 135, and K.C.C. 21A.06.475  
45 are hereby amended to read as follows:

46 Flood hazard areas. Flood hazard areas: those areas in King  
47 County subject to inundation by the base flood and those areas  
48 subject to risk from channel relocation or stream meander



11621

1 including, but not limited to, streams, lakes, wetlands and closed  
2 depressions.

3 SECTION 32. Ordinance 10870, Section 158, and K.C.C. 21A.06.590  
4 are hereby amended to read as follows:

5 Heavy equipment and truck repair. Heavy equipment and truck  
6 repair: the repair and maintenance of self-powered, self-propelled  
7 or towed mechanical devices, equipment and vehicles used for  
8 commercial purposes, such as tandem axle trucks, graders, backhoes,  
9 tractor trailers, cranes, lifts, but excluding automobiles and  
10 pick-up trucks under 10,000 pounds, recreational vehicles, boats  
11 and their trailers.

12 SECTION 33. Ordinance 10870, Section 322, and K.C.C.  
13 21A.06.1410 are hereby amended to read as follows:

14 Wetland, isolated. Wetland, isolated: a wetland which has a  
15 total size less than 2500 square feet excluding buffers or, if  
16 within the Urban Area is less than 5000 square feet excluding  
17 buffers, which is hydrologically isolated from other wetlands or  
18 streams and which does not have permanent open water.

19 SECTION 34. Ordinance 10870, Section 323, and K.C.C.  
20 21A.06.1415 are hereby amended to read as follows:

21 Wetlands. Wetlands: those areas in King County which are  
22 inundated or saturated by ground or surface water at a frequency  
23 and duration sufficient to support, and under normal circumstances  
24 do support, a prevalence of vegetation typically adapted for life  
25 in saturated soil conditions. Wetlands generally include swamps,  
26 marshes, bogs and similar areas. Where the vegetation has been  
27 removed or substantially altered, a wetland shall be determined by  
28 the presence or evidence of hydric or organic soil, as well as by  
29 other documentation, such as aerial photographs, of the previous  
30 existence of wetland vegetation. When the areas of any wetlands  
31 are hydrologically connected to each other, they shall be added  
32 together to determine which of the following categories of wetlands  
33 apply:

34 A. Class 1 wetlands, only including wetlands assigned the  
35 Unique/Outstanding #1 rating in the 1983 King County Wetlands  
36 Inventory or which meet any of the following criteria:

37 1. are wetlands which have present species listed by the  
38 federal or state government as endangered or threatened or  
39 outstanding actual habitat for those species;

40 2. are wetlands which have 40% to 60% permanent open water in  
41 dispersed patches with two or more classes of vegetation;

42 3. are wetlands equal to or greater than ten acres in size  
43 and have three or more (~~wetland~~) classes of vegetation, one of  
44 which is open water; or

45 4. are wetlands which have present plant associations of  
46 infrequent occurrence;

# 11621

1 B. Class 2 wetlands, only including wetlands assigned the  
2 Significant #2 rating in the 1983 King County Wetlands Inventory or  
3 which meet any of the following criteria:

4 1. are wetlands greater than one acre in size;  
5 2. are wetlands equal to or less than one acre in size and  
6 have three or more wetland classes;

7 3. are wetlands which:

8 a. are located within an area designated "urban" in the  
9 King County Comprehensive Plan;

10 b. are equal to or less than one acre but larger than  
11 2,500 square feet; and

12 c. have three or more classes of vegetation;

13 ((3))4. are forested wetlands equal to or less than one acre  
14 but larger than 2500 square feet; or

15 ((4))5. are wetlands which have present heron rookeries or  
16 raptor nesting trees; and

17 C. Class 3 wetlands, only including wetlands assigned the  
18 Lesser Concern #3 rating in the 1983 King County Wetlands Inventory  
19 or which meet any of the following criteria:

20 1. are wetlands equal to or less than one acre in size and  
21 have two or fewer ((wetland)) classes of vegetation((-)); or

22 2. are wetlands which:

23 a. are located within an area designated "urban" in the  
24 King County Comprehensive Plan;

25 b. are equal to or less than 2,500 square feet; and

26 c. have two or more classes of vegetation.

27 SECTION 35. Ordinance 10870, Section 331, and K.C.C. 21A.08.040  
28 are hereby amended to read as follows:

# 11621

K.C. 21A.08.040  
 RECREATION/CULTURAL  
 LAND USES

KEY  
 d Use  
 nal Use  
 Use

SPECIFIC LAND USE	ZONE	RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
		AGRICULTURE	FOREST	MINERAL	RURAL	URBSERVE	URBAN	RESIDENTIAL	NB	CB	RB	O	I
		A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I
<b>PARK/RECREATION:</b>													
Park		P1	P1	P1	P1	P1	P1	P1	P	P	P	P	P13
Trails		P	P	P	P	P	P	P	P	P	P	P	P
Campgrounds			P		P	P							P
Destination Resorts			S		S	C					C		
Marina			C3		C4	C4	C4	C4	P5	P	P	P	P
Recreational Vehicle Park					C2	C							
Ski Area			S		S								
<b>AMUSEMENT/ENTERTAINMENT:</b>													
Theater										P6	P6	P6	
Theater, Drive-in										C6			
Plays/Theatrical production										P6	P6		P
Bowling center										P	P		P
Sports club					C4	C4	C4	C4	C	P	P		
Golf facility					C7	P7	P7	P7					
Golf driving range					C8	P8	P8	P8		P7	P7		
Shooting range			C9		C9						C10		P10
Amusement arcades										P	P		
Amusement park											C		
Outdoor performance center			((C12)) S		C12	S					S		
<b>CULTURAL:</b>													
Library					P11 (C)	P11 C	P11 C	P11 C	P	P	P	P	
Museum					P11 (C)	P11 C	P11 C	P11 C	P	P	P	P	P
Arboretum		P	P		P	P	P	P	P	P	P	P	
Conference Center					P11 C12	P11 C	P11 C	P11 C	P		P	P	

**CROSS REFERENCES:** Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070  
 Development Standards, see K.C.C. 21A.12 through 21A.30  
 General Provisions, see K.C.C. 21A.32 through 21A.38  
 Application and Review Procedures, see K.C.C. 21A.40 through 21A.44  
 (\*)Definition of this specific Land Use, see K.C.C. 21A.06

# 11621

1 Recreation/Cultural land uses.

2 B. Development Conditions.

3 1. The following conditions and limitations shall apply,  
4 where appropriate:

5 a. No stadiums on sites less than ten acres;

6 b. Lighting for structures and fields shall be directed  
7 away from residential areas;

8 c. Structures or service yards shall maintain a minimum  
9 distance of 50 feet from property lines adjoining residential  
10 zones; and

11 d. Facilities in the F, A, or M zones, or in a designated  
12 Rural Farm or Forest District, shall be limited to trails and  
13 trailheads, including related accessory uses such as parking and  
14 sanitary facilities.

15 2. Recreational vehicle parks are subject to the following  
16 conditions and limitations:

17 a. The maximum length of stay of any unit shall not exceed  
18 180 days;

19 b. The minimum distance between recreational vehicle pads  
20 shall be no less than ten feet; and

21 c. Sewage shall be disposed in a system approved by the  
22 Seattle-King County health department.

23 3. Limited to day moorage. The marina shall not create a  
24 need for off-site public services beyond those already available  
25 prior to date of application.

26 4. Not permitted in the RA-20 zone, or in the RA-10 zone when  
27 located in a designated Rural Farm District. Limited to recreation  
28 facilities ((for residents of a specified residential  
29 development-))subject to the following conditions and limitations:

30 a. The bulk and scale shall be compatible with residential  
31 character of the area; and

32 b. Use is limited to residents of a specified residential  
33 development or to neighborhood-based after school/latchkey  
34 programs.

35 5. Limited to day moorage.

36 6. Adult use facilities shall be prohibited within 660 feet  
37 of any residential zones, any other adult use facility, or school  
38 licensed daycare centers, public parks, community centers, public  
39 libraries or churches which conduct religious or educational  
40 classes for minors.

41 7. Permitted only in the RA-5 and RA-2.5 zones. Structures,  
42 driving ranges and lighted areas shall maintain a minimum distance  
43 of 50 feet from property lines adjoining residential zones.

44 8. Only as an accessory to golf courses.

45 9.a. New structures and outdoor ranges shall maintain a  
46 minimum distance of 50 feet from property lines adjoining  
47 residential zones; provided that existing facilities shall be  
48 exempt;

# 11621

1           b. Ranges shall be designed to prevent stray or ricocheting  
2 projectiles, pellets, or arrows from leaving the property;

3           c. Site plans shall include safety features of the range;  
4 provisions for reducing sound produced on the firing line;  
5 elevations of the range showing target area, backdrops or butts;  
6 and approximate locations of buildings on adjoining properties; and

7           d. Subject to the licensing provisions of K.C.C. Title 6.

8           10.a. Only in an enclosed building, and subject to the  
9 licensing provisions of K.C.C.6;

10           b. Indoor ranges shall be designated and operated so as to  
11 provide a healthful environment for user's and operators by:

12           (1) installing ventilation systems which provide  
13 sufficient clean air in the user's breathing zone, and

14           (2) adopting appropriate procedures and policies which  
15 monitor and control exposure time to airborne lead for individual  
16 users.

17           11. Only as accessory to a park or in a building listed on  
18 the National Register as an historic site or designated as a King  
19 County landmark subject to the provisions of K.C.C. 21A.32.

20           12. Only as accessory to a nonresidential use established  
21 through a discretionary permit process, and provided further that  
22 the scale is limited to ensure compatibility with surrounding  
23 neighborhoods.

24           13. Limited to publically owned and operated park, subject to  
25 the following:

26           a. The park shall abut intervening roads notwithstanding,  
27 an existing park on one or more sides.

28           b. No bleachers or stadiums are permitted if the site is  
29 less than ten acres, and no public amusement devices for hire are  
30 permitted.

31           c. Any lights provided to illuminate any building or  
32 recreational area shall be so arranged as to reflect the light away  
33 from any premises upon which a dwelling unit is located.

34           d. All buildings or structures or service yards on the  
35 site shall maintain a distance not less than fifty feet from any  
36 property line and from any public street.

37           SECTION 36. Ordinance 10870, Section 332, and K.C.C. 21A.08.050  
38 are hereby amended to read as follows:

# 11621

C. 21A.08.060  
GENERAL SERVICES  
LAND USES

KEY  
Use

SPECIFIC LAND USE

PERSONAL SERVICES:

General Personal Service

Cyclecleaning plants

Industrial Launderers

General Home/Crematory

Cemetery, Columbarium or Mausoleum

Nursing care I

Nursing care II

Veterinary Clinic

Automotive repair (1)

Automotive service

Miscellaneous repair

Churches, synagogue, temple

Social Services (2)

Stable

kennel or Cattery

HEALTH SERVICES:

Office/Outpatient Clinic

Nursing and personal care facilities

Hospital

Medical/Dental Lab

Miscellaneous Health

EDUCATION SERVICES:

Elementary School

Middle/Junior High School

Secondary or High School

Vocational School

Specialized Instruction School

School District Support Facility

Interim Recycling Facility

ZONE	RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
	AGRICULTURE	FOREST	MINERAL	RURAL	URBAN RESERVE	URBAN	RESIDENTIAL	NEIGHBORHOOD	COMMUNIS	BUSINESS	OFFICE	INDUSTRIAL
	A	F	M	RA	UR	R1-B	R12-48	NB	CB	RB	O	I
PERSONAL SERVICES:												
General Personal Service						C 26	C 26	P	P	P	P3	P3
Cyclecleaning plants												P
Industrial Launderers					C4	C4	C4		P	P		
General Home/Crematory				P25	P25	P25	P25	P25	P25	P25	P25	
Cemetery, Columbarium or Mausoleum				C5	C5	C5	C5					
Nursing care I	P6			P6	P6	P6	P6	P	P	P	P7	P7
Nursing care II				P8 C	P8 C	P8 C	P8 C	P	P	P	P7	P7
Veterinary Clinic	P9			P9	P9			P10	P10	P10		P
				C10	C10							
Automotive repair (1)									P	P		P
Automotive service								P11	P	P		P
Miscellaneous repair									P	P		P
Churches, synagogue, temple				P12 C15	P12 C	P12 C	P12 C	P	P	P	P	
Social Services (2)				P12 C13	P12 C13	P12 C13	P12 C13	P13	P	P	P	
Stable	P14 C			P14 C	P14 C	P14 C						
kennel or Cattery				C	C				C	P		
HEALTH SERVICES:												
Office/Outpatient Clinic				P12	P12	P12	P12	P	P	P	P	P
				C 13	C 13	C 13	C 13					
Nursing and personal care facilities							C					
Hospital						C13	C13		P	P	C	
Medical/Dental Lab									P	P	P	P
Miscellaneous Health									P	P	P	
EDUCATION SERVICES:												
Elementary School				P16, 15	P	P	P					
Middle/Junior High School				P16	P	P	P					
				C15								
Secondary or High School				P16	P27	P27	P27		C	C		
				C15								
Vocational School				P13 C	P13 C	P13 C	P13 C			P	P17	P
Specialized Instruction School		P18		P19	P19	P19	P19	P	P	P	P17	P
				C20	C20	C20	C20					
School District Support Facility				C 24	P 24 C	P 24 C	P 24 C	C	P	P	P	P
Interim Recycling Facility	P 21	P21	P21	P 22		P 22	P 22	P 23	P 23	P		P

CROSS REFERENCES:

Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070  
 Development Standards, see K.C.C. 21A.12 through 21A.30  
 General Provisions, see K.C.C. 21A.32 through 21A.38  
 Application and Review Procedures, see K.C.C. 21A.40 through 21A.44  
 (\*)Definition of this specific Land Use, see K.C.C. 21A.06

1 General Services land uses.

2 B. Development Conditions.

3 1. Except SIC Industry No. 7534-Tire Retreading, see  
4 manufacturing permitted use table.

5 2. Except SIC Industry Group Nos.:

6 a. 835-Day Care Services, and

7 b. 836-Residential Care, which is otherwise provided for on  
8 the residential permitted land use table.

9 3. Limited to SIC Industry Group and Industry Nos.:

10 a. 723-Beauty Shops;

11 b. 724-Barber Shops;

12 c. 725-Shoe Repair Shops and Shoeshine Parlors;

13 d. 7212-Garment Pressing and Agents for Laundries and  
14 Drycleaners;

15 e. 7217-Carpet and Upholstery Cleaning.

16 4. Only as an accessory to a cemetery.

17 5. Structures shall maintain a minimum distance of 100 feet  
18 from property lines adjoining residential zones.

19 6. Only as an accessory to residential use, provided:

20 a. Outdoor play areas shall be completely enclosed by a  
21 solid wall or fence, with no openings except for gates, and have a  
22 minimum height of six feet; and

23 b. Outdoor play equipment shall maintain a minimum distance  
24 of 20 feet from property lines adjoining residential zones.

25 7. Permitted as an accessory use, see commercial/industrial  
26 accessory, K.C.C. 21A.08.060A.

27 8. Only as a re-use of a public school facility subject to  
28 the provisions of K.C.C. 21A.32, or an accessory use to a school,  
29 ((~~e~~)) church, or public housing administered by a public agency,  
30 provided:

31 a. Outdoor play areas shall be completely enclosed by a  
32 solid wall or fence, with no openings except for gates and have a  
33 minimum height of six feet;

34 b. Outdoor play equipment shall maintain a minimum distance  
35 of 20 feet from property lines adjoining residential zones;

36 c. Direct access to a developed arterial street shall be  
37 required in any residential zone; and

38 d. Hours of operation may be restricted to assure  
39 compatibility with surrounding development.

40 9. As a home occupation only, provided that the square  
41 footage limitations in K.C.C. 21A.30 for home occupations applies  
42 only to the office space for the clinic, and provided further that:

43 a. Boarding or overnight stay of animals is allowed only on  
44 sites of 5 acres or more;

45 b. No burning of refuse or dead animals is allowed;

46 c. The portion of the building or structure in which  
47 animals are kept or treated shall be soundproofed. All run areas,  
48 excluding confinement areas for livestock, shall be surrounded by

11621

1 an eight-foot solid wall and surfaced with concrete or other  
2 impervious material; and

3 d. The provisions of 21A.30 relative to animal keeping are  
4 met.

5 10.a. No burning of refuse or dead animals is allowed;

6 b. The portion of the building or structure in which  
7 animals are kept or treated shall be soundproofed. All run areas,  
8 excluding confinement areas for livestock, shall be surrounded by  
9 an eight-foot solid wall and surface with concrete or other  
10 impervious material; and

11 c. The provisions of 21A.30 relative to animal keeping are  
12 met.

13 11. Only as an accessory to a gasoline service station, see  
14 retail and wholesale permitted use table.

15 12. Only as a re-use of a public school facility subject to  
16 the provisions of K.C.C. 21A.32.

17 13. Only as a re-use of a surplus non-residential facility  
18 subject to K.C.C. 21A.32.

19 14. Covered riding arenas are subject to the provisions of  
20 21A.30.030 and shall not exceed 20,000 square feet provided that;  
21 stabling areas, whether attached or detached, shall not be counted  
22 in this calculation.

23 15. Limited to projects which do not require or result in an  
24 expansion of the sewer (~~(local service area (LSA))~~) outside the  
25 Urban Growth Area, unless a finding is made that no cost effective  
26 alternative technologies are feasible, in which case a tightline to  
27 a sewer sized only to meet the needs of the school may be used. In  
28 addition, churches are not permitted in the RA-10 and RA-20 zones.

29 16a. For middle/junior high schools and secondary or high  
30 schools, only as a re-use of a public school facility subject to  
31 the provisions of K.C.C. 21A.32. An expansion of such school  
32 facility shall be subject to approval of a conditional use permit  
33 and the expansion shall not require or result in an extension of  
34 the sewer (~~(local service area (LSA))~~) outside the Urban Growth  
35 Area, unless a finding is made that no cost effective alternative  
36 technologies are feasible, in which case a tightline to a sewer  
37 sized only to meet the needs of the school may be used.

38 b. Renovation, expansion, modernization, or reconstruction  
39 of a school, or the addition of relocatable facilities, is  
40 permitted but shall not require or result in an expansion of the  
41 sewer (~~(local service area (LSA))~~) outside the Urban Growth Area,  
42 unless a finding is made that no cost effective alternative  
43 technologies are feasible, in which case a tightline to a sewer  
44 sized only to meet the needs of the school may be used.

45 17. All instruction must be within an enclosed structure.

46 18. Limited to resource management education programs.

47 19. Only as an accessory to residential use, provided:

48 a. Students are limited to twelve per one hour session,



1 b. All instruction must be within an enclosed structure,  
2 and

3 c. Structures used for the school shall maintain a distance  
4 of 25 feet from property lines adjoining residential zones.

5 20. Subject to the following:

6 a. Structures used for the school and accessory uses shall  
7 maintain a minimum distance of 25 feet from property lines  
8 adjoining residential zones; and

9 b. On lots over 2.5 acres:

10 (1) Retail sales of items related to the instructional  
11 courses is permitted, provided total floor area for retail sales is  
12 limited to 2,000 square feet;

13 (2) Sales of food prepared in the instructional courses  
14 is permitted, provided total floor area for food sales is limited  
15 to 1,000 square feet and is located in the same structure as the  
16 school.

17 (3) Other incidental student-supporting uses are  
18 allowed, provided such uses are found to be both compatible with  
19 and incidental to the principal use.

20 21. Limited to source-separated yard or organic waste  
21 processing facilities.

22 22. Limited to drop box facilities accessory to a public or  
23 community use such as a school, fire station or community center.

24 23. With the exception of drop box facilities for the  
25 collection and temporary storage of recyclable materials, all  
26 processing and storage of material shall be within enclosed  
27 buildings. Yard waste processing is not permitted.

28 24. Only when adjacent to an existing or proposed school.

29 25. Limited to columbariums accessory to a church provided  
30 that required landscaping and parking are not reduced.

31 26. Not permitted in R-1 and limited to a maximum of 5,000  
32 square feet per establishment and subject to the additional  
33 requirements in K.C.C. 21A.12 .230.

34 27a. New high schools shall be permitted in urban residential  
35 and urban reserve zones subject to the review process set forth in  
36 Section 21A.42.140.

37 b. Renovation, expansion, modernization, or reconstruction  
38 of a school, or the addition of relocatable facilities, is  
39 permitted.

40 SECTION 37. Ordinance 10870, Section 333, and K.C.C. 21A.08.060  
41 are hereby amended to read as follows:

# 11621

K.C.C. 21A.08.060  
 GOVERNMENT/  
 BUSINESS SERVICE  
 LAND USES

KEY  
 Use  
 al Use  
 se

Z O N E	RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
	A G R I C U L T U R E	F O R E S T	M I N E R A L	R U R A L	U R B A N R E S E R V E	U R B A N	R E S I D E N T I A L	N E U B I S M H O O D	C O U M S M I N E S T S	R E U S I O N E S A S L S	O F F I C E	I N D U S T R I A L
SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (30)
<b>GOVERNMENT SERVICES:</b>												
Public agency or utility office				P3 C5	P3 C	P3 C	P3 C	P4	P	P	P	P16
Public agency or utility yard				P 27	P 27	P27	P27			P		P
Public agency archives										P	P	P
Court									P4	P	P	P
Police Facility									P	P	P	P
Fire Facility				C 6	C 6	C 6	C 6	P	P	P	P	P
Utility Facility	P 7 C	P 7 C	P 7	P 7 C28	P29 C28	P29 C28	P29 C28	P	P	P	P	P
((Minor Communication Facility (18)))	((C))	((R))		((C))	((C))	((C))	((C))	((C))	((R))	((R))	((R))	((R))
Private Stormwater Management Facility	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8
<b>BUSINESS SERVICES:</b>												
Construction and Trade										P 9	P	P
Individual Transportation and Taxi									P 25	P	P 10	P
Trucking and Courier Service									P 11	P 12	P 13	P
Warehousing, (1) and Wholesale Trade												P
Self-service Storage							C 14		P	P	P	P
Farm Product Warehousing, Refrigeration and Storage	P 15 C			C 15	C 15							P
Log Storage	P15	P		P26								P
Transportation Service												P
Freight and Cargo Service										P	P	P
Passenger Transportation Service										P	P	P
Communication Offices										P	P	P
Telegraph and other Communications										P	P	P
General Business Service									P	P	P	P16
Professional Office									P	P	P	P16
Outdoor Advertising Service										P	P17	P
Miscellaneous Equipment Rental									P17	P	P17	P
Automotive Rental and Leasing									P	P		P
Automotive Parking				P19	P19	P19	P19	P 20	P 20	P 21	P 20	P
Professional Sport Teams/Promoters										P	P	P
Research, Development and Testing										P2	P2	P2
Heavy Equipment and Truck Repair												P
Commercial/Industrial Accessory Uses			P	P 22				P22	P22	P	P	P
Helistop					C 23	C 23	C 23	C 23	C 23	C 24	C 23	C 24

CROSS REFERENCES: Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070  
 Development Standards, see 21A.12 through 21A.30  
 General Provisions, see K.C.C. 21A.32 through 21A.38  
 Application and Review Procedures, see K.C.C. 21A.40 through 21A.44  
 (\*) Definition of this specific Land Use, see K.C.C. 21A.06

11621 .

1 Government/Business Service land uses.

2 B. Development Conditions.

3 1. Except self-service storage.

4 2. Except SIC Industry No. 8732-Commercial Economic,  
5 Sociological, and Educational Research, see general business  
6 service/office.

7 3.a. Only as a re-use of a public school facility or a  
8 surplus non-residential facility subject to the provisions of  
9 K.C.C. 21A.32; or

10 b. Only when accessory to a fire facility and the office is  
11 no greater than 1500 square feet of floor area.

12 4. Only as a re-use of a surplus non-residential facility  
13 subject to K.C.C. 21A.32.

14 5. New utility office locations only if there is no  
15 commercial/industrial zoning in the utility district, and not in  
16 the RA-10 or RA-20 zones unless it is demonstrated that no feasible  
17 alternative location is possible.

18 6.a. All buildings and structures shall maintain a minimum  
19 distance of 20 feet from property lines adjoining residential  
20 zones;

21 b. Any buildings from which fire-fighting equipment emerges  
22 onto a street shall maintain a distance of 35 feet from such  
23 street; ~~((and))~~

24 c. No outdoor storage-; and

25 d. Excluded from the RA-10 and RA-20 zones unless it is  
26 demonstrated that no feasible alternative location is possible.

27 7. Limited to utility transmission, distribution, and service  
28 lines and associated switching stations, transmission line booster  
29 stations, electrical substations, water tanks, natural gas gate  
30 stations and limiting stations.

31 8. Except in commercial/industrial zones or when  
32 participating in an approved shared facility drainage plan, such  
33 facilities shall be located on the same lot that they are designed  
34 to serve except in subdivisions that set aside a separate tract for  
35 such facilities. In commercial/industrial zones or shared  
36 facilities, such facilities which are not located on the lot they  
37 are designed to serve shall be located on a lot with the same or  
38 more intensive zoning designation.

39 9. No outdoor storage of materials.

40 10. Limited to office uses.

41 11. Limited to self-service household moving truck or trailer  
42 rental accessory to a gasoline service station.

43 12. Limited to self-service household moving truck or trailer  
44 rental accessory to a gasoline service station and SIC Industry No.  
45 4215-Courier Services, except by air.

46 13. Limited to SIC Industry No. 4215-Courier Services, except  
47 by air.

11621

1 14. Accessory to an apartment development of at least 12 units  
2 provided:

3 a. The gross floor area in self service storage shall not  
4 exceed the total gross floor area of the apartment dwellings on the  
5 site;

6 b. All outdoor lights shall be deflected, shaded and  
7 focused away from all adjoining property;

8 c. The use of the facility shall be limited to dead storage  
9 of household goods;

10 d. No servicing or repair of motor vehicles, boats,  
11 trailers, lawn mowers or similar equipment;

12 e. No outdoor storage or storage of flammable liquids,  
13 highly combustible or explosive materials or hazardous chemicals;

14 f. No residential occupancy of the storage units;

15 g. No business activity other than the rental of storage  
16 units; and

17 h. A resident director shall be required on the site and  
18 shall be responsible for maintaining the operation of the facility  
19 in conformance with the conditions of approval.

20 15. Limited to products produced on-site.

21 16. Only as an accessory use to another permitted use.

22 17. No outdoor storage.

23 ~~((18. Minor communication facilities shall be regulated relative  
24 to setback, height and review process pursuant to K.C.C. 21A.26.))~~

25 18. Reserved.

26 19. Limited to commuter parking facilities for users of  
27 transit, carpools or ride-share programs, provided:

28 a. They are located on existing parking lots for churches,  
29 schools, or other permitted nonresidential uses which have excess  
30 capacity available during commuting hours ; and

31 b. The site is adjacent to a designated arterial that has  
32 been improved to a standard acceptable to the department of public  
33 works.

34 20. No tow-in lots for damaged, abandoned or otherwise  
35 impounded vehicles.

36 21. No dismantling or salvage of damaged, abandoned or  
37 otherwise impounded vehicles.

38 22. Storage limited to accessory storage of commodities sold  
39 at retail on the premises or materials used in the fabrication of  
40 commodities sold on the premises.

41 23. Limited to emergency medical evacuation sites in  
42 conjunction with police, fire or health service facility.

43 24. Allowed as accessory to an allowed use.

44 25. Limited to private road ambulance services with no outside  
45 storage of vehicles.

46 26. Limited to 2 acres or less.

47 27 a. Utility yards only on sites with utility district  
48 offices; or

11621

1           b. Public agency yards are limited to material storage  
2 for road maintenance facilities.

3           28. Limited to bulk gas storage tanks which pipe to  
4 individual residences but excluding liquified natural gas storage  
5 tanks.

6           29. Excluding bulk gas storage tanks.

7           30. For I-zoned sites located outside the Urban Growth Area  
8 designated by the King County Comprehensive Plan, uses shall be  
9 subject to the provisions of the rural industrial district overlay  
10 set forth in K.C.C. Chapter 21A.38.

11           SECTION 38. Ordinance 10870, Section 335, and K.C.C. 21A.08.080  
12 are hereby amended to read as follows:

# 11621

K.C. 21A.08.080  
MANUFACTURING  
LAND USES

KEY  
d Use  
nal Use  
Jee

ZONE	RESOURCE			RURAL	RESIDENTIAL		COMMERCIAL/INDUSTRIAL					
	AGRICULTURE	FOREST	MINERAL	RURAL	URBAN RESERVE	URBAN RESIDENTIAL	NEIGHBORHOODS	COMMUNIS	BUSINESS	OFFICE	INDUSTRIAL	
SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	(11)
Food and Kindred Products	P1	P1		((R1))	P1					C		P2 C
Winery/Brewery	P1			((R2)) ((C))	P3					C		P
Textile Mill Products										C		C
Apparel and other Textile Products										C6		P
Wood Products, except furniture	P4	P4 C5		((P4))	P4					C		P
Furniture and Fixtures												C
Paper and Allied Products								P7	P7	P7C	P7C	P
Printing and Publishing												C
Chemicals and Allied Products												C
Petroleum Refining and related industries												C
Rubber and Misc. Plastics Products										C		P
Leather and Leather Goods									P8	P9		P
Stone, Clay, Glass and Concrete Products												C
Primary Metal Industries												P
Fabricated Metal Products												P
Industrial and Commercial Machinery												C
Heavy Machinery and Equipment										C	C	P
Computer and Office Equipment										C		P
Electronic and other Electric Equipment										C		C
Railroad Equipment												C
Guided Missile and Space Vehicle Parts												C
Miscellaneous Transportation Vehicles										C	C	P
Measuring and Controlling Instruments										C		P
Miscellaneous Light Manufacturing												C
Motor Vehicle and Bicycle Manufacturing												P10 C
Aircraft, Ship and Boat Building										C		P
Tire Retreading										P		P
Movie Production/Distribution												P

CROSS REFERENCES: Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070  
 Development Standards, see K.C.C. 21A.12 through 21A.30  
 General Provisions, see K.C.C. 21A.32 through 21A.38  
 Application and Review Procedures, see K.C.C. 21A.40 through 21A.44  
 (\*)Definition of this specific Land Use, see K.C.C. 21A.06

# 11621

1 Manufacturing land uses.

2 B. Development Conditions.

3 1. Limited to agricultural products produced on-site,  
4 provided structures and areas used for processing shall maintain a  
5 minimum distance of 75 feet from property lines adjoining  
6 residential zones.

7 2. Except slaughterhouses.

8 3. Only as a home industry, subject to K.C.C. 21A.30.

9 4. Limited to rough milling and planing of products grown on-  
10 site with portable equipment.

11 5. Limited to SIC Industry Group No. 242-Sawmills.

12 6. Limited to uses found in SIC Industry No. 2434-Wood  
13 Kitchen Cabinets and No. 2431-Millwork (excluding planing mills).

14 7. Limited to photocopying and printing services offered to  
15 the general public.

16 8. Only within enclosed buildings, and as an accessory use to  
17 retail sales.

18 9. Only within enclosed buildings.

19 10. Limited to boat building of craft not exceeding 48 feet in  
20 length.

21 11. For I-zoned sites located outside the Urban Growth Area  
22 designated by the King County Comprehensive Plan, uses shown as a  
23 conditional use in the table in Section 21A.08.080(A) shall be  
24 prohibited, and all other uses shall be subject to the provisions  
25 of the rural industrial district overlay set forth in K.C.C.  
26 21A.38.

27 SECTION 39. Ordinance 10870, Section 336, and K.C.C. 21A.08.090  
28 are hereby amended to read as follows:

K.C.C. 21A.08.090  
A. RESOURCE  
LAND USES

KEY  
 ted Use  
 ional Use  
 l Use

Z O N E	RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
	A G R I C U L T U R E	F O R E S T	M I N E R A L	R U R A L	U R B A N R E S E R V E	U R B A N	R E S I D E N T I A L	N B E U I S G I H B E O S R S H O O D	C B O U M S M I N E N E I S T S Y	R B E U G S I O N E A S L S	O F F I C E	I N D U S T R I A L
SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I
<b>AGRICULTURE:</b>												
Growing and Harvesting Crops	P	P		P	P	P						P
Raising Livestock and Small Animals	P	P		P	P	P6						P
<b>FORESTRY:</b>												
Growing and Harvesting Forest Product	P	P	P7	P	P	P						P
Forest Research		P		P	P						P2	P
<b>Fish and Wildlife Management:</b>												
Hatchery/Fish Preserve (1)	P	P		P	P	C						P
Aquaculture (1)	P	P		P	P	C						P
Wildlife Shelters	P	P		P	P							
<b>MINERAL:</b>												
Mineral Extraction and Processing		P10 C11	P									
Asphalt/Concrete Mixtures and Block			P8 C9									P
<b>RESOURCE ACCESSORY USES:</b>												
Resource Accessory Uses	P3	P4	P5	P3	P3							P4

**CROSS REFERENCES:** Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070  
 Development Standards, see K.C.C. 21A.12 through 21A.30  
 General Provisions, see K.C.C. 21A.32 through 21A.38  
 Application and Review Procedures, see K.C.C. 21A.40 through 21A.44  
 (\*)Definition of this specific Land Use, see K.C.C. 21A.06

11621



1 Resource land uses.

2 B. Development Conditions.

3 1. May be further subject to the provisions of K.C.C. Title  
4 25, Shoreline Management Program.

5 2. Only Forest Research conducted within an enclosed  
6 building.

7 3. Housing for agricultural workers and their families  
8 employed on the premises only as an accessory to a permanent  
9 residence, provided:

10 a. Sites are limited to those with ten acres or more;

11 b. Accessory housing is limited to one unit on less than 20  
12 acres, or two on 20 acres or more; and

13 c. Accessory housing shall not be rented to the public at  
14 large.

15 4. Excluding housing for agricultural workers.

16 5. Limited to maintenance and/or storage facilities in  
17 conjunction with mineral extraction or processing operation.

18 6. Large livestock allowed only in the R-1 zone.

19 7. Only in conjunction with a mineral extraction site plan  
20 approved pursuant to 21A.22.

21 8. Only as accessory to a primary mineral extraction use.

22 9. Only as a continuation of an existing mineral processing  
23 use and subject to the periodic review requirements in Section  
24 21A.22.050.

25 10. Subject to the periodic review requirements in Section  
26 21A.22.050, and a minimum distance of 1/4 mile between the site  
27 boundary and any zone other than F.

28 11. If within 1/4 mile of a zone other than F, and the site is  
29 subject to the periodic review requirements of Section 21A.22.050.

30 SECTION 40. Ordinance 10870, Section 337, and K.C.C. 21A.08.100  
31 are hereby amended to read as follows:

# 11621

K.C. 21A.08.100  
A. REGIONAL  
LAND USES

KEY  
Use  
al Use  
Use

SPECIFIC LAND USE

Z O N E	RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
	A G R I C U L T U R E	F O R E S T	M I N E R A L	R U R A L	U R B A N R E S E R V E	U R B A N	R E S I D E N T I A L	N B E U I S I N G H O U S E S	C B O U S I N G M U N I C I T I E S	R B E U S I N G O N E S	O F F I C E	I N D U S T R I A L
	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I(15)
Jail		S		S	S	S	S	S	S	S	S	S
(Work) Jail Farm/Camp	S	S		S	S							
Work Release Facility				S	S	S	S	S	S	S	S	
Public Agency Animal Control Facility		S		S	S					S		P
Public Agency Training Facility		S		S3					S3	S3	S3	C4
Hydroelectric Generation Facility		C14 S		C14 S	C14 S	C14 S						
Non-hydroelectric Generation Facility	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	P12 S
Major Communication Facility	C6c S	P		C6c S	C6c S	C6c S	C6c S	C6c S	P	P	P	P
Earth Station	P6b C	P		C6a S	C6a S	C6a S	C6a S	P6b C	P	P	P	P
Oil and Gas Extraction	S	C	P	S	S	S	S	S	S	S	S	C
Energy Resource Recovery Facility		S	S	S	S	S	S	S	S	S	S	S
Soil Recycling Facility		S	S	S								C
Landfill		S	S	S	S	S	S	S	S	S	S	S
Transfer Station			S	S	S	S	S	S	S	S		P
Wastewater Treatment Facility				S	S	S	S	S	S	S	S	C
Municipal Water Production	S	P13 S	S	S	S	S	S	S	S	S	S	S
Airport/Heliport	S7	S7		S	S	S	S	S	S	S	S	S
Transit Bus Base				S	S	S	S	S	S	S	S	P
Transit Park and Ride Lot				S	S	S	S	P	P	P	P	P
School Bus Base				C5 S	C5 S	C5 S	C5 S	S	S	S	S	P
Secetrack				S	S	S8	S8	S8	S8	S8	S8	S
Airground									S	S		S
Zoo/Wildlife Exhibit (2)		S9		S9	S	S	S		S	S		
Stadium/Arena										S		S
College/University (1)	P10	P10		P10 C11 S	P10 C11 S	P10 C11 S	P10 C11 S	P10 C11 S	P	P	P	P

**CROSS REFERENCES:**

Permitted Use Chart Instructions, see K.C.C. 21A.08.020 and 21A.02.070  
 Development Standards, see K.C.C. 21A.12 through 21A.30  
 General Provisions, see KC 21A.32 through 21A.38  
 Application and Review Procedures, see K.C.C. 21A.40 through 21A.44  
 (\*) Definition of this specific Land Use, see K.C.C. 21A.06

# 11621

1 Regional land uses.

2 B. Development Conditions.

3 1. Except technical institutions. See vocational schools on  
4 General Services land use table, K.C.C. 21A.08.050.

5 2. Except arboretum. See K.C.C. 21A.08.040,  
6 Recreation/Cultural land use table.

7 3. Except weapons armories and outdoor shooting ranges.

8 4. Except outdoor shooting range.

9 5. Only in conjunction with an existing or proposed school.

10 6.a. Limited to no more than three satellite dish antenna.

11 b. Limited to one satellite dish antenna.

12 c. Limited to tower consolidations.

13 7. Limited to landing field for aircraft involved in forestry  
14 or agricultural practices or for emergency landing sites.

15 8. Except racing of motorized vehicles.

16 9. Limited to wildlife exhibit.

17 10. Only as a re-use of a public school facility subject to  
18 the provisions of K.C.C. 21A.32.

19 11. Only as a re-use of surplus non-residential facility  
20 subject to the provisions of K.C.C. 21A.32.

21 12. Limited to cogeneration facilities for on-site use only.

22 13. Excluding impoundment of water using a dam.

23 14. Limited to facilities that comply with the following  
24 provisions:

25 a. Any new diversion structure shall not:

26 (1) exceed a height of eight feet as measured from the  
27 streambed, or

28 (2) impound more than three surface acres of water at the  
29 normal maximum surface level.

30 b. There shall be no active storage.

31 c. The maximum water surface area at any existing dam or  
32 diversion shall not be increased.

33 d. An exceedance flow of no greater than 50 percent in  
34 mainstream reach shall be maintained.

35 e. Any transmission line shall be limited to a:

36 (1) right-of-way of five mile or less; and

37 (2) capacity of 230 KV or less.

38 f. Any new, permanent access road shall be limited to five  
39 miles or less.

40 g. The facility shall only be located above any portion of  
41 the stream used by anadromous fish.

42 15. For I-zoned sites located outside the Urban Growth Area  
43 designated by the King County Comprehensive Plan, uses shown as a  
44 conditional or special use in Section 21A.08.100(A), except for  
45 waste water treatment facilities, shall be prohibited. All other  
46 uses, including waste water treatment facilities, shall be subject  
47 to the provisions of the rural industrial district overlay set  
48 forth in K.C.C. Chapter 21A.38.

# 11621

1     SECTION 41. Ordinance 10870, Section 340, and K.C.C. 21A.12.030  
2 are hereby amended to read as follows:

# 11621

## 30 A. Densities and dimensions - residential zones

Z O N E S	RESIDENTIAL												
	RURAL				URBAN RESERVE	URBAN RESIDENTIAL							
	RA-2.5	RA-5	RA-10	RA-20	UR	R-1(17)	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Acres	0.4 du/ac	0.2 du/ac	0.1 du/ac	<u>0.05</u> du/ac	0.2 du/ac	1 du/ac	4 du/ac (6)	6 du/ac	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac
Density: Acres							6 du/ac	9 du/ac	12 du/ac	18 du/ac	27 du/ac	36 du/ac	72 du/ac
	SEE	K.C.	C.21		A.12.	085	85%	85%	85%	80%	75%	70%	65%
	135 ft	135 ft	135 ft	<u>135 ft</u>	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft
Set	30 ft	30 ft	30 ft	<u>30 ft</u>	30 ft (7)	30 ft (7)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 FT (8)	10 FT (8)
Front (6)	35 ft (9)	35 ft (9)	35 ft (9)	<u>35 ft</u> (9)	10 ft (7)	10 ft (7)	5 ft	5 ft	5 ft	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10)
	40 ft	40 ft	40 ft	<u>40 ft</u>	35 ft	35 ft	35 ft	35 ft	35 ft	60 ft	60 ft	60 ft	80 ft 80 ft (14)
Building	4% (11) (12)	2% (11) (12)	1% (11) (12)	<u>0.5%</u> (11) (12)	10 % (11) (12)	15% (11) (12)	35%	50%	55%	60%	60%	70%	70%
	15% (13)	10% (13)	<del>(15%)</del> 5% (13)	<u>2.5%</u> (13)	20% (13)	20%	45%	70%	75%	85%	85%	85%	90%

# 11621

## B. Development Conditions.

1           1. The maximum density may be achieved only through the  
2 application of residential density incentives or transfers of  
3 density credits pursuant to Chapters 21A.34 or 21A.36. Maximum  
4 density may only be exceeded pursuant to Section 21A.34.040 F. 1.  
5 f.

6           2. Also see Section 21A.12.060.

7           3. These standards may be modified under the provisions for  
8 zero-lot-line and townhouse developments.

9           4. Height limits may be increased when portions of the  
10 structure which exceed the base height limit provide one additional  
11 foot of street and interior setback for each foot above the base  
12 height limit, provided that the maximum height may not exceed 75  
13 feet.

14           5. Applies to each individual lot. Building coverage and  
15 impervious surface area standards for:

16           a. regional uses shall be established at the time of permit  
17 review; or

18           b. nonresidential uses in residential zones shall comply  
19 with K.C.C. 21A.12.120 and .220.

20           c. individual lots in the R-4 through R-8 zones which are  
21 less than 6500 square feet in area shall be subject to the  
22 applicable provisions of the R-8 zone.

23           6. Mobile home parks shall be allowed a base density of six  
24 dwelling units per acre.

25           7. The standards of the R-4 zone shall apply if a lot is less  
26 than 15,000 square feet in area.

27           8. At least 20 linear feet of driveway shall be provided  
28 between any garage, carport, or other fenced parking area and the  
29 street property line. The linear distance shall be measured along  
30 the centerline of the driveway from the access point to such  
31 garage, carport or fenced area to the street property line.

32           9.a. Residences shall have a setback of at least 100 feet  
33 from any property line adjoining A, M or F zones or existing  
34 extractive operations.

35           b. For lots between 1 acre and 2.5 acres in size, the  
36 setback requirements of the R-1 zone shall apply. For lots under 1  
37 acre, the setback requirements of the R-4 zone shall apply.

38           10.a. For developments consisting of three or more single-  
39 detached dwellings located on a single parcel, the setback shall be  
40 10 feet along any property line abutting R-1 through R-8, RA and UR  
41 zones.

42           b. For townhouse and apartment development, the setback  
43 shall be 20 feet along any property line abutting R-1 through R-8,  
44 RA and UR zones.

45           11. On any lot over 1 acre in area, an additional 5 percent  
46 may be used for buildings related to agricultural or forestry  
47 practices.  
48

# 11621

1 12. (~~The maximum building coverage shall be 10 percent where~~  
2 ~~the lot is between 1.0 and 1.25 acres in area.~~) The maximum  
3 building coverage (~~shall be 15 percent where the lot is less than~~  
4 ~~1 acre in area.~~) on lots smaller than 15,000 square feet, shall  
5 comply with the standards of the nearest comparable R-4 through R-8  
6 zone. In the RA zone, the maximum building coverage allowed shall  
7 be at least 2,500 square feet.

8 13. The maximum impervious surface area allowed shall be at  
9 least 10,000 square feet when the lot is greater than 1 acre, and  
10 be twenty percent when the lot is (~~between 1.0 and 1.25 acres, and~~  
11 ~~thirty five percent when the lot is~~) less than 1 acre (~~in area~~).  
12 Lots smaller than .5 acre in area shall comply with standards of  
13 the nearest comparable R-4 through R-8 zone.

14 14. The base height for projects using residential density  
15 incentives and transfer of density credits pursuant to this title  
16 is 80 feet. In all other cases, the base height is 60 feet.

17 15. Density applies only to dwelling units and not to sleeping  
18 units.

19 16. Vehicle access points from garages, carports or fenced  
20 parking areas shall be set back from the property line upon which a  
21 joint use driveway is located to provide a straight line length of  
22 at least 26 feet from the access point to the opposite side of the  
23 joint use driveway.

24 17. All subdivisions and short subdivisions in the R-1 zone  
25 shall be required to be clustered away from sensitive areas to the  
26 extent possible and a permanent open space tract that includes at  
27 least 50 percent of the site shall be created.

28 SECTION 42. Ordinance 10870, Section 341, and K.C.C. 21A.12.040  
29 are hereby amended to read as follows:

# 11621

040 A. Densities and dimensions - resource and commercial/industrial zones

Z O N E S	RESOURCE					COMMERCIAL/INDUSTRIAL				
	AGRICULTURE			FOREST	MINERAL	NEIGHBORHOOD BUSINESS	COMMUNITY BUSINESS	REGIONAL BUSINESS	OFFICE	INDUSTRIAL
	A-10	A-35	A-80	F	M	NB	CB	RB	O	I
Density: du/Acre	0.1 du/ac	.0286 du/ac	<u>.0167</u> du/ac	.0125 du/ac		8 du/ac (2)	18 du/ac (2)	36 du/ac (2)	36 du/ac (2)	
Density: du/Acre						12 du/ac (3)	24 du/ac (3)	48 du/ac (3)	48 du/ac (3)	
Lot Area	10 acres	35 acres	<u>60</u> acres	80 acres	10 acres					
Lot Ratio ((4:1))	4 to 1	4 to 1	<u>4 to 1</u>							
Street	30 ft	30 ft	<u>30 ft</u>	100 ft (4)	(12)	10 ft (5)	10 ft (5)	10 ft (5)	10 ft	25 ft
Interior	10 ft	10 ft	<u>10 ft</u>	100 ft (4)	(12)	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7) 50 ft (8)
Front (10)	35 ft	35 Ft	<u>35 ft</u>			35 ft 45 ft (6)	35 ft 60 ft (6)	35 ft 65 ft (6)	45 ft 60 ft (6)	45 ft
Building	5% 15%(11)	5% 15%(11)	<u>5%</u> <u>15%(11)</u>	5% 15%(11)						
Door/Lot						1/1 (8)	1.5/1 (9)	2.5/1 (9)	2.5/1 (9)	2.5/1
Surface:	15% 35%(11)	10% 35%(11)	<u>10%</u> <u>35%(11)</u>	10% 35%(11)		85%	85%	90%	75%	90%



1 B. Development Conditions.

2 1. ~~((The depth to width ratio shall be no greater than the~~  
3 ~~ratio indicated))~~. Reserved.

4 2. These densities are allowed only through the application  
5 of mixed use development standards.

6 3. These densities may only be achieved through the  
7 application of residential density incentives or transfer of  
8 density credits in mixed use developments, see K.C.C. 21A.34 and  
9 21A.36.

10 4. Scaling stations may be located 35 feet from property  
11 lines. Residences shall have a setback of at least 30 from all  
12 property lines.

13 5. Gas station pump islands shall be placed no closer than 25  
14 feet to street front lines.

15 6. This base height allowed only for mixed use developments.

16 7. Required on property lines adjoining residential zones.

17 8. Required on property lines adjoining residential zones for  
18 industrial uses established by conditional use permits.

19 9. The floor/lot ratio for mixed use developments shall  
20 conform to K.C.C. 21A.14.

21 10. Height limits may be increased when portions of the  
22 structure building which exceed the base height limit provide one  
23 additional foot of street and interior setback for each foot above  
24 the base height limit, provided the maximum height may exceed 75  
25 feet only in mixed use developments.

26 11. Applicable only to lots containing less than one acre of  
27 lot area.

28 12. See Section 21A.22.060 for setback requirements in the  
29 mineral zone.

30 SECTION 43. Ordinance 10870, Section 345, and K.C.C. 21A.12.080  
31 are hereby amended to read as follows:

32 Calculations - site area used for base density and maximum  
33 density floor area calculations.

34 A. All site areas may be used in the calculation of base and  
35 maximum allowed residential density or project floor area except as  
36 outlined under the provisions of subsection B. ~~((and C.))~~

37 B. Submerged lands shall not be credited toward base and  
38 maximum density or floor area calculations.

39 ~~((C. Sites containing sensitive areas shall be further subject to~~  
40 ~~the following provisions when calculating base and maximum density~~  
41 ~~or floor area:~~

42 1. ~~Portions of a site in the following hazard areas shall be~~  
43 ~~included in the site area:~~

44 a. ~~coal mine,~~

45 b. ~~erosion,~~

46 c. ~~seismic,~~

47 d. ~~volcanic, and~~

48 e. ~~flood.~~

1       ~~2. Portions of a site in the following sensitive areas shall~~  
 2 ~~be excluded from the site area:~~

- 3           ~~a. streams, and~~
- 4           ~~b. wetlands.~~

5       ~~3. Partial credit pursuant to K.C.C. 21A.12.080C.4. shall be~~  
 6 ~~given to areas of the site in:~~

- 7           ~~a. any sensitive area buffers required pursuant to K.C.C.~~  
 8 ~~21A.24,~~
- 9           ~~b. steep slope hazard areas, and~~
- 10          ~~c. landslide hazard areas.~~

11       ~~4. The areas outlined in K.C.C. 21A.12.080.C.3 shall be given~~  
 12 ~~partial credit as follows:~~

<u>Percentage of site in steep</u>	<u>Amount of density credit</u>
<u>slopes or landslide area or any</u>	
<u>sensitive area buffers</u>	

0-10%

100%

<p>20 For sites containing between            21 11 and 100% sensitive areas            22 and/or buffers:</p>	<p>18 1% reduction of density credit for            19 every percentage of area within a            20 sensitive area and buffer over the            21 initial 10% applied to the area            22 within a sensitive area and buffer.</p>
--	---

23  
 24  
 25  
 26 ~~Example: For a site containing 15% of its sensitive areas and~~  
 27 ~~buffers, a 5% reduction shall be applied to the base and maximum~~  
 28 ~~density for the area within sensitive areas and/or buffers (95%~~  
 29 ~~density applied to the area within sensitive areas and/or~~  
 30 ~~buffers).))~~

31       ~~5. For the purpose of determining maximum densities, where~~  
 32 ~~a portion of a site is classified as sensitive for more than one~~  
 33 ~~reason, credit pursuant to K.C.C. 21A.12.080.C shall be given based~~  
 34 ~~upon the classification which would create the higher maximum~~  
 35 ~~permitted residential density.~~

36       SECTION 44. Ordinance 10870, Section 359, and K.C.C. 21A.12.220  
 37 are hereby amended to read as follows:

38       Nonresidential land uses in residential zones. Except for  
 39 utility facilities, uses listed in K.C.C. 21A.08.100, and  
 40 nonresidential uses regulated by 21A.12.230, all nonresidential  
 41 uses located in the RA, UR, or R zones shall be subject to the  
 42 following requirements:

43       A. Building coverage shall not exceed:

- 44           1. Twenty percent of the site in the RA zone.
- 45           2. Forty percent of the site in the UR and the R-1 through R-
- 46           8 zones.
- 47           3. Sixty percent of the site in the R-12 through R-48 zones.

48       B. Impervious surface coverage shall not exceed:

# 11621

1 1. Forty percent of the site in the RA zone.

2 2. Seventy percent of the site in the UR and the R-1 through  
3 R-8 zones.

4 3. Eighty percent of the site in the R-12 through R-48 zones.

5 C. Buildings and structures, except fences and wire or mesh  
6 backstops, shall not be closer than 30 feet to any property line,  
7 except as provided in subsection D.

8 D. Single detached dwelling allowed as accessory to a church  
9 or school shall conform to the setback requirements of the zone.

10 E. Parking areas are permitted within the required setback area  
11 from property lines, provided such parking areas are located  
12 outside of the required landscape area.

13 F. Sites shall abut or be accessible from at least one public  
14 street functioning at a level consistent with King County Road  
15 Design Standards. New high school sites shall abut or be  
16 accessible from a public street functioning as an arterial per the  
17 King County Design Standards.

18 G. The base height shall conform to the zone in which the use  
19 is located.

20 H. Building illumination and lighted signs shall be designed  
21 so that no direct rays of light are projected into neighboring  
22 residences or onto any street right-of-way.

23 SECTION 45. Ordinance 10870, Section 361, and K.C.C. 21A.14.010  
24 are hereby amended to read as follows:

25 Purpose. The purpose of this chapter is to improve the quality  
26 of (~~urban~~) development by providing building and site design  
27 standards that:

28 A. Reduce the visual impact of large residential buildings  
29 from adjacent streets and properties;

30 B. Enhance the aesthetic character of large residential  
31 buildings;

32 C. Contain sufficient flexibility of standards to encourage  
33 creative and innovative site and building design; (~~and~~)

34 D. Meet the on-site recreation needs of project residents(~~(-)~~);

35 E. Enhance aesthetics and environmental protection through site  
36 design; and

37 F. Allow for continued or adaptive reuse of historic resources  
38 while preserving their historic and architectural integrity.

39 NEW SECTION. SECTION 46. A new section is added to K.C.C.  
40 21A.14 to read as follows:

41 Historic Resources - Applicability. King County shall not  
42 approve any development proposal or otherwise issue any  
43 authorization to alter, demolish, or relocate any historic resource  
44 identified in the King County Historic Resource Inventory without  
45 first assuring compliance with the requirements of K.C.C. 20.62,  
46 Protection and Preservation of Landmark Sites and Districts. The  
47 standards contained in K.C.C. 21A.12, Development Standards -  
48 Density and Dimensions, and K.C.C. 21A.16, Development Standards -

# 11621

1 Landscaping and Water Use shall be expanded, when necessary, to  
2 preserve the aesthetic, visual and historic integrity of the  
3 historic resource from the impacts of development on adjacent  
4 properties.

5 SECTION 47. Ordinance 10870, Section 364, and K.C.C. 21A.14.040  
6 are hereby amended to read as follows:

7 Lot segregations - Clustered development. When residential lot  
8 clustering is proposed, the following provisions shall be met:

9 A. Any open space resulting from lot clustering shall not be  
10 altered or disturbed except as specified on recorded documents  
11 creating the open space. Such open spaces may be retained under  
12 ownership by the subdivider, conveyed to residents of the  
13 development, or conveyed to a third party;

14 B. In the RA zone:

15 1. No more than eight lots of less than 2.5 acres shall be  
16 allowed in a cluster;

17 2. No more than eight lots of less than 2.5 acres shall be  
18 served by a single cul-de-sac street;

19 3. Clusters containing two or more lots of less than 2.5  
20 acres, whether in the same or adjacent developments, shall be  
21 separated from similar clusters by at least 120 feet (~~7~~ and);

22 4. The overall amount, and the individual degree of  
23 clustering shall be limited to a level that can be adequately  
24 served by rural facilities and services, including, but not limited  
25 to on-site sewage disposal systems and rural roadways, and

26 C. In the R-1 zone, open space tracts created by clustering  
27 required by section 21A.12.030 shall be located and configured to  
28 create urban separators and greenbelts as required by the  
29 comprehensive plan, community plans, or local or subarea plans or  
30 open space functional plans, to connect and increase protective  
31 buffers for environmentally sensitive areas as defined in section  
32 21A.06.1065, to connect and protect wildlife habitat corridors  
33 designated by the comprehensive plan, and to connect existing or  
34 planned public parks or trails. King County may require open space  
35 tracts created under this subsection to be dedicated to an  
36 appropriate managing public agency or qualifying private entity  
37 such as a nature conservancy.

38 SECTION 48. Ordinance 10870, Section 378, and K.C.C. 21A.14.180  
39 are hereby amended to read as follows:

40 On-site recreation - Space required.

41 A. Residential developments if more than four units in the UR  
42 and R zones, and mixed use developments if more than four units,  
43 shall provide recreation space for leisure, play and sport  
44 activities as follows:

45 1. Residential subdivision and townhouses developed at a  
46 density of eight units or less per acre - 390 square feet per unit;

47 2. Mobile home park - 260 square feet per unit; and

1 3. Apartment, townhouses developed at a density of greater  
2 than eight units per acre, and mixed use:

- 3 a. Studio and one bedroom - 90 square feet per unit;  
4 b. Two bedroom - 130 square feet per unit; and  
5 c. Three or more bedroom - 170 square feet per unit;

6 B. Any recreation space located outdoors shall:

- 7 1. Be of a grade and surface suitable for recreation;  
8 2. Be on the site of the proposed development;  
9 3. Have no dimensions less than 20 feet (except trail

10 segments);

11 4. In single detached or townhouse subdivision development  
12 with at least 5000 square feet of required outdoor recreation  
13 space, have a street roadway or parking area frontage along 10 to  
14 50 percent of the recreation space perimeter (except trail  
15 segments);

16 5. Be centrally located and accessible and convenient to all  
17 residents within the development; and

18 6. Be connected by trail or walkway to any existing or  
19 planned community park, public open space or trail system, which  
20 may be located on adjoining property.

21 C. Indoor recreation areas may be credited towards the total  
22 recreation space requirement, when the county determines that such  
23 areas are located, designed and improved in a manner which provides  
24 recreational opportunities functionally equivalent to those  
25 recreational opportunities available outdoors. For senior citizen  
26 assisted housing, indoor recreation areas need not be functionally  
27 equivalent but may include social areas, game and craft rooms, and  
28 other multi-purpose entertainment and education areas.

29 D. Stormwater runoff tracts may be credited for up to 50% of  
30 the on-site recreation space requirement, subject to the following  
31 criteria;

32 1. The stormwater runoff tract is dedicated or reserved as a  
33 part of a recreation space tract;

34 2. The detention pond shall be constructed to meet the  
35 following conditions:

36 a. The side slope of the stormwater facilities shall not  
37 exceed 33% unless slopes are existing, natural and covered with  
38 vegetation;

39 b. A bypass system or an emergency overflow pathway shall  
40 be designed to handle flow exceeding the facility design and  
41 located so that it does not pass through active recreation areas or  
42 present a safety hazard;

43 c. The stormwater facilities shall be landscaped in a  
44 manner to enhance passive recreation opportunities such as trails  
45 and aesthetic viewing; and

46 d. The stormwater facilities shall be designed so they do  
47 not require fencing pursuant to the Surface Water Design Manual.

1 3. In the case of joint use of the tract for stormwater  
2 facilities and recreation space, the King County department of  
3 public works shall be responsible for maintenance of the stormwater  
4 facilities only and will require an access easement for that  
5 purpose.

6 NEW SECTION. SECTION 49. There is hereby added to K.C.C. 21A.14  
7 a new section to read as follows:

8 Recreation space - Fees in lieu of. If on-site recreation space  
9 is not provided, the applicant shall pay a fee-in-lieu of actual  
10 recreation space. King County acceptance of this payment is  
11 discretionary, and may be permitted if the proposed on-site  
12 recreation space does not meet the criteria of this chapter, or the  
13 recreation space provided within a county park in the vicinity will  
14 be of greater benefit to the prospective residents of the  
15 development. Fees provided in-lieu of on-site recreation space  
16 shall be determined annually by the Parks Division on the basis of  
17 the typical market value of the required recreation space land area  
18 prior to the development. Any recreational space provided by the  
19 applicant shall be credited toward the required fees.

20 SECTION 50. Ordinance 10870, Section 382, and K.C.C. 21A.14.220  
21 are hereby amended to read as follows:

22 Fences. Fences are permitted as follows:

23 A. Fences exceeding a height of six feet are subject to the  
24 requirements in the building code for a building permit and shall  
25 comply with the applicable street and interior setbacks of the zone  
26 in which the property is located;

27 B. The height of a fence located on a rockery, retaining wall,  
28 or berm shall be measured from the top of the fence to the ground  
29 on the low side of the rockery, retaining wall, or berm;

30 C. When a protective fence is located on top of a rockery  
31 within the required setback area, any portion of the fence above a  
32 height of six feet shall be an open-work fence;

33 D. Electric fences shall:

34 1. Be permitted in all zones, provided that when placed  
35 within R-4 through R-48 zones, additional fencing or other barriers  
36 shall be constructed to prevent inadvertent contact with the  
37 electric fence from abutting property;

38 2. Comply with the following requirements:

39 a. An electric fence using an interrupted flow of current  
40 at intervals of about one second on and two seconds off shall be  
41 limited to 2,000 volts at 17 milliamp;

42 b. An electric fence using continuous current shall be  
43 limited to 1,500 volts at seven milliamp;

44 c. All electric fences in the R-4 through R-48 zones shall  
45 be posted with permanent signs a minimum of 36 square inches in  
46 area at 50 foot intervals stating that the fence is electrified;  
47 and

1 d. Electric fences sold as a complete and assembled unit  
2 can be installed by an owner if the controlling elements of the  
3 installation are certified by an A.N.S.I. approved testing agency;  
4 and

5 E. Except as specifically required for the necessary security  
6 related to a nonresidential use, no barbed or razor-wire fence  
7 shall be located in any R-4 through R-48 zone.

8 SECTION 51. Ordinance 10870, Section 384, and K.C.C. 21A.14.240  
9 are hereby amended to read as follows:

10 Trail Corridors - Design standards. Trail design shall be  
11 reviewed by the ((parks)) department of development and  
12 environmental services for consistency with adopted standards for:

- 13 A. Width of the trail corridor;
- 14 B. Location of the trail corridor on the site;
- 15 C. Surfacing improvements; and
- 16 D. Use(s) permitted within the corridor.

17 NEW SECTION. SECTION 52. There is hereby added to K.C.C. 21A.14  
18 a new section to read as follows:

19 Wildlife habitat corridors - Applicability.

20 Habitat corridors shall be set aside and protected along the  
21 designated wildlife habitat network adopted by the King County  
22 comprehensive plan as follows:

23 A. Wildlife habitat corridors shall apply to the following  
24 development activities on parcels which include a portion of a  
25 designated wildlife habitat corridor:

- 26 1. All urban planned developments, subdivisions and short  
27 subdivisions;
- 28 2. All building permits on individual lots created prior to  
29 January 1, 1995.

30 B. Habitat corridors shall be identified and protected in one  
31 of the following ways:

32 1. Urban planned developments, subdivisions and short  
33 subdivisions shall either place the corridor in a contiguous  
34 permanent open-space tract with all developable lots sited on the  
35 remaining portion of the project site, or shall design the lots so  
36 that conservation easements on individual lots can form a  
37 contiguous easement covering the corridor.

38 2. Individual lots shall place the corridor in a  
39 conservation easement.

40 C. All tracts or conservation easements shall be configured to  
41 meet the design standards in section 53 of this ordinance.

42 NEW SECTION. SECTION 53. There is hereby added to K.C.C. 21A.14  
43 a new section to read as follows:

44 Wildlife habitat corridors - Design standards.

45 Corridor design shall be reviewed by the department for  
46 consistency with the following standards:

47 A. The wildlife habitat corridor shall be sited on the property  
48 in order to meet the following conditions:

11621

1 1. Forms one contiguous tract that enters and exits the  
2 property at the points the designated wildlife habitat network  
3 crosses the property boundary;

4 2. Maintains a width, wherever possible, of 300 feet. The  
5 network shall not be less than a minimum of 150 feet at any point;

6 3. Be contiguous with and may include sensitive area tracts  
7 and their buffers; and

8 B. When feasible, the wildlife habitat corridor shall be sited  
9 on the property in order to meet the following conditions:

10 1. Connect isolated sensitive areas or habitat; and

11 2. Connect with wildlife habitat corridors, open space  
12 tracts or wooded areas on adjacent properties, if present.

13 C. The wildlife corridor tract shall be permanently marked  
14 consistent with the methods contained in K.C.C. 21A.24.160.  
15 Conservation easements are exempt from the permanent parking  
16 requirement.

17 D. A management plan for the wildlife corridor contained within  
18 a tract or tracts shall be prepared which specifies the permissible  
19 extent of recreation, forestry or other uses compatible with  
20 preserving and enhancing the wildlife habitat value of the tract or  
21 tracts. The management plan shall be reviewed and approved by the  
22 department. The approved management plan for an urban planned  
23 development or subdivision shall be contained within and recorded  
24 with the covenants, conditions and restrictions (CCRs). If the  
25 wildlife corridor is contained in a conservation easement, a  
26 management plan is not required, but may be submitted to the  
27 department for review and approval, and recorded with the  
28 conservation easement.

29 E. Clearing within the wildlife corridor contained in a tract  
30 or tracts shall be limited to that allowed by the management plan.  
31 No clearing shall be allowed within a wildlife corridor contained  
32 within a conservation easement on individual lots, unless the  
33 property owner has an approved management plan.

34 F. A homeowners association or other entity capable of long  
35 term maintenance and operation shall be established to monitor and  
36 assure compliance with the management plan.

37 G. Wildlife corridors set aside in tracts or conservation  
38 easements shall meet the provisions in 16.82.150.

39 H. The permanent open space tract containing the wildlife  
40 corridor may be credited toward the other applicable requirements  
41 such as surface water management and the recreation space  
42 requirement of K.C.C. 21A.14.180, provided the proposed uses within  
43 the tract are compatible with preserving and enhancing the wildlife  
44 habitat value. Restrictions on other uses within the wildlife  
45 corridor tract shall be clearly identified in the management plan.

46 I. At the discretion of the director, these standards may be  
47 waived or reduced for public facilities such as schools, fire  
48 stations, parks, and public road projects.



1     SECTION 54. Ordinance 10870, Section 388, as amended, and  
 2 K.C.C. 21A.16.030 are hereby amended to read as follows:

3     Land use grouping. In order to facilitate the application of  
 4 this chapter, the land uses of K.C.C. 21A.08 have been grouped in  
 5 the following manner.

6     A. Residential development shall refer to those uses listed in  
 7 K.C.C. 21A.08.030, except those uses listed under Accessory uses,  
 8 provided:

9         1. Attached/group residences shall refer to:

10             a. townhouses, except as provided in Subsection 2a;

11             b. apartments, and detached dwelling units developed on  
 12 common property at a density of 12 or more units per acre;

13             c. senior citizen assisted;

14             d. temporary lodging;

15             e. group residences other than Type I community residential  
 16 facilities;

17             f. mobile home parks; and

18         2. Single family development shall refer to:

19             a. residential subdivisions, including attached and  
 20 detached dwelling units on individually platted lots; and

21             b. any detached dwelling units located on a lot; and

22             c. ~~((#))~~ Type I community residential facilities.

23     B. Commercial development shall refer to those uses in:

24         1. K.C.C. 21A.08.040 as amusement/entertainment uses, except  
 25 golf facilities;

26         2. K.C.C. 21A.08.050 except recycling centers, health and  
 27 educational services, daycare I, churches, synagogues, and temples;  
 28 and

29         3. K.C.C. 21A.08.070, except forest product sales and  
 30 agricultural crop sales.

31     C. Industrial development shall refer to those uses listed in:

32         1. K.C.C. 21A.08.050 as recycling center;

33         2. K.C.C. 21A.08.060 except government services;

34         3. K.C.C. 21A.08.080; and

35         4. K.C.C. 21A.08.090 as mineral extraction and processing.

36     D. Institutional development shall refer to those uses listed  
 37 in:

38         1. K.C.C. 21A.08.040 as cultural uses, except arboretums;

39         2. K.C.C. 21A.08.050 as churches, synagogues and temples,  
 40 health services, and education services except specialized

41 instruction schools permitted as an accessory use; and

42         3. K.C.C. 21A.08.060 as government services.

43     E. Utility development shall refer to those listed in K.C.C.  
 44 21A.08.060 as utility facilities.

45     F. Uses contained in K.C.C. 21A.08 that are not listed in  
 46 subsections A-E of this section shall not be subject to landscaping  
 47 and tree retention requirements except as specified in any  
 48 applicable review of a conditional use or special use permits.

11621

1     SECTION 55. Ordinance 10870, Section 389, as amended, and  
2 K.C.C. 21A.16.040 are hereby amended to read as follows:

3     Landscaping - screen types and description. The three types of  
4 landscaping screens are described and applied as follows:

5     A. Type I landscaping screen:

6         1. Type I landscaping is a "full screen" that functions as a  
7 visual barrier. This landscaping is typically found adjacent to  
8 freeways and between residential and non-residential areas.

9         2. Type I landscaping shall minimally consist of:

10             a. A mix of primarily evergreen trees and shrubs generally  
11 interspersed throughout the landscape strip and spaced to form a  
12 continuous screen;

13             b. Between 70 and 90 percent evergreen trees;

14             c. Trees provided at the rate of one per 10 linear feet of  
15 landscape strip and spaced no more than 30 feet apart on center;

16             d. Evergreen shrubs provided at the rate of one per linear  
17 four feet; of landscape strip and spaced no more than 8 feet apart  
18 on center; and

19             e. Ground cover pursuant to K.C.C. 21A.16.090;

20     B. Type II landscaping screen:

21         1. Type II landscaping is a "filtered screen" that functions  
22 as a visual separator. This landscaping is typically found between  
23 commercial and industrial uses; between differing types of  
24 residential development; and to screen industrial uses from the  
25 street;

26         2. Type II landscaping shall minimally consist of:

27             a. A mix of evergreen and deciduous trees and shrubs  
28 generally interspersed throughout the landscape strip spaced to  
29 create a filtered screen;

30             b. At least 50 percent deciduous trees and at least 30  
31 percent evergreen trees;

32             c. Trees provided at the rate of one per 20 linear feet of  
33 landscape strip and spaced no more than 30 feet apart on center;

34             d. Shrubs provided at the rate of one per four linear feet  
35 of landscape strip and spaced no more than eight feet apart on  
36 center; and

37             e. Ground cover pursuant to K.C.C. 21A.16.090;

38     C. Type III landscaping screen:

39         1. Type III landscaping is a "see-through screen" that  
40 functions as a partial visual separator to soften the appearance of  
41 parking areas and building elevations. This landscaping is  
42 typically found along street frontage or between apartment  
43 developments;

44         2. Type III landscaping shall minimally consist of:

45             a. A mix of evergreen and deciduous trees generally  
46 interspersed throughout the landscape strip and spaced to create a  
47 continuous canopy;

48             b. At least 70 percent deciduous trees;

11621

1 c. Trees provided at the rate of one per linear 25 feet of  
2 landscape strip and spaced no more than 30 feet apart on center;

3 d. Shrubs provided at the rate of one per four linear feet  
4 of landscape strip and spaced no more than 8 feet apart on center;  
5 and

6 e. Ground cover pursuant to K.C.C. 21A.16.090.

7 SECTION 56. Ordinance 10870, Section 390, and K.C.C. 21A.16.050  
8 are hereby amended to read as follows:

9 Landscaping - street frontages. The average width of  
10 perimeter landscaping along street frontages shall be provided as  
11 follows:

12 A. Twenty feet of Type II landscaping shall be provided for an  
13 institutional use, excluding playgrounds and playfields;

14 B. Ten feet of Type II landscaping shall be provided for an  
15 industrial development;

16 C. Ten feet of Type II landscaping shall be provided for an  
17 above ground utility facilities development, excluding distribution  
18 and transmission corridors, located outside a public right-of-way;

19 D. Ten feet of Type III landscaping shall be provided for a  
20 commercial or attached/group residence development; and

21 E. For single family subdivisions:

22 1. Trees shall be planted at the rate of one tree for every  
23 40 feet of frontage along a neighborhood collector street or  
24 arterial street.

25 2. The trees shall be:

26 a. Located within the street right-of-way if permitted by  
27 the custodial state or local agency;

28 b. No more than 20 feet from the street right-of-way line  
29 when located within a lot;

30 c. Maintained by the adjacent landowner unless part of a  
31 county maintenance program; and

32 d. A species approved by the county if located within the  
33 street right-of way.

34 3. The trees may be spaced at irregular intervals in order to  
35 accommodate sight distance requirements for driveways and  
36 intersections.

37 SECTION 57. Ordinance 10870, Section 394, as amended, and  
38 K.C.C. 21A.16.090 are hereby amended to read as follows:

39 Landscaping - additional standards for required landscape  
40 areas. In addition to the general standards of K.C.C. 21A.16.085,  
41 landscape areas required pursuant to K.C.C. 21A.16.050 through .080  
42 shall conform to the following standards:

43 A. All plants shall conform to American Association of  
44 Nurserymen (AAN) grades and standards as published in the "American  
45 Standard for Nursery Stock" manual, provided that existing healthy  
46 vegetation used to augment new plantings shall not be required to  
47 meet the standards of this manual;

1 B. Single-stemmed trees required pursuant to this chapter shall  
2 at the time of planting conform to the following standards:

3 1. In parking area landscaping and in street rights-of-way:

4 a. Deciduous trees shall have a minimum caliper of 1.75  
5 inches and a height of 10 feet, and

6 b. Coniferous and broadleaf evergreens shall be at least  
7 five feet in height;

8 2. In all other required landscape areas:

9 a. Deciduous trees shall have a minimum caliper of 1.5  
10 inches and a height of ten feet, and

11 b. Coniferous and broadleaf evergreen trees shall be at  
12 least five feet in height.

13 C. Multiple-stemmed trees shall be permitted as an option to  
14 single-stemmed trees provided that such multiple-stemmed trees are:

15 1. At least six feet in height, and

16 2. Not allowed within street rights-of-way;

17 D. When the width of any landscape strip is 20 feet or greater,  
18 the required trees shall be staggered in two or more rows;

19 E. Shrubs shall be:

20 1. At least an AAN container class #2 size at time of  
21 planting in Type II, III and parking area landscaping,

22 2. At least 24 inches in height at the time of planting for  
23 Type I landscaping, and

24 3. Maintained at a height not exceeding 42 inches when  
25 located in Type III or parking area landscaping;

26 F. Ground covers shall be planted and spaced to result in total  
27 coverage of the majority of the required landscape area within  
28 three years.

29 G. All fences shall be placed on the inward side of any  
30 required perimeter landscaping along the street frontage.

31 H. Required street landscaping may be placed within King County  
32 street rights-of-way subject to the County Road Design Standards ((  
33 ~~with the permission of the King County department of public~~  
34 ~~works~~)), provided adequate space is maintained along the street  
35 line to replant the required landscaping should subsequent street  
36 improvements require the removal of landscaping within the rights-  
37 of-way;

38 I. Required street landscaping may be placed within Washington  
39 ((s))State rights-of-way subject to permission of the Washington  
40 ((s))State ((d))Department of ((t))Transportation.

41 J. New landscape material provided within areas of undisturbed  
42 vegetation or within the protected area of significant trees shall  
43 give preference to utilizing indigenous plant species.

44 SECTION 58. Ordinance 10870, Section 395, and K.C.C. 21A.16.100  
45 are hereby amended to read as follows:

46 Landscaping - alternative options. The following alternative  
47 landscape options may be allowed, subject to county approval, only  
48 if they accomplish equal or better levels of screening, or when

# 11621

1 existing conditions on or adjacent to the site, such as significant  
2 topographic differences, vegetation, structures or utilities would  
3 render application of this chapter ineffective or result in scenic  
4 view obstruction:

5 A. The amount of required landscape area may be reduced to  
6 ensure that the total area for required landscaping, and/or the  
7 area remaining undisturbed for the purpose of wildlife habitat or  
8 corridors does not exceed 15 percent of the net developable area of  
9 the site. For the purpose of this subsection, the net developable  
10 area of the site shall not include areas deemed unbuildable due to  
11 their location within sensitive areas and any associated buffers.

12 B. The average width of the perimeter landscape strip may be  
13 reduced up to 25 percent along any portion where:

14 1. Berms at least three feet in height or architectural  
15 barriers at least six feet in height are incorporated into the  
16 landscape design; or

17 2. The landscape materials are incorporated elsewhere on-  
18 site;

19 C. In pedestrian district overlays, street perimeter  
20 landscaping may be waived provided a site plan, consistent with the  
21 applicable adopted area zoning document, is approved that provides  
22 street trees and other pedestrian-related amenities; and

23 D. Landscaping standards for uses located in a rural town or  
24 rural business centers designated by the comprehensive plan may be  
25 waived or modified by the director if deemed necessary to maintain  
26 the historic character of the area. Where a local or subarea plan  
27 with design guidelines has been adopted, the director shall base  
28 the landscaping modifications on the policies and guidelines of  
29 such plan.

30 ~~((D-))~~ E. When an existing structure precludes installation of  
31 the total amount of required site perimeter landscaping, such  
32 landscaping material shall be incorporated on another portion of  
33 the site.

34 ~~((E-))~~ F. Single-stemmed deciduous tree species that cannot  
35 generally be planted and established in larger sizes may have a  
36 caliper of less than 1.5 inches; and

37 ~~((F-))~~ G. The number of trees and shrubs to be provided in  
38 required perimeter and parking area landscaping may be reduced up  
39 to 25 percent when a development uses landscaping materials  
40 consisting of species typically associated with the Puget Sound  
41 Basin in the following proportions:

- 42 1. Seventy-five percent of groundcover and shrubs, and
- 43 2. Fifty percent of trees.

44 ~~((G-))~~ H. The department shall, pursuant to K.C.C. 2.98, develop  
45 and maintain an advisory listing of trees recommended for new  
46 plantings. Such list shall describe their general characteristics  
47 and suitability, and provide guidelines for their inclusion within  
48 required landscape areas.

11621

1 SECTION 59. Ordinance 10870, Section 406, and K.C.C. 21A.18.020  
2 are hereby amended to read as follows:

3 Authority and application.

4 A. Before an occupancy permit may be granted for any new or  
5 enlarged building or for a change of use in any existing building,  
6 the use shall be required to meet the provisions of this chapter.

7 B. If this chapter does not specify a parking requirement for a  
8 land use, the director shall establish the minimum requirement  
9 based on a study of anticipated parking demand. Transportation  
10 demand management actions taken at the site shall be considered in  
11 determining anticipated demand. If the site is located in an  
12 activity center or community business center, the minimum  
13 requirement shall be set at a level less than the anticipated  
14 demand, but at no less than 75 percent of the anticipated demand.

15 In the study the applicant shall provide sufficient information to  
16 demonstrate that the parking demand for a specific land use will be  
17 satisfied. Parking studies shall be prepared by a professional  
18 engineer with expertise in traffic and parking analyses, ((unless))  
19 or an equally qualified individual ((is)) as authorized by the  
20 director.

21 C. If the required amount of off-street parking has been  
22 proposed to be provided off-site, the applicant shall provide  
23 written contracts with affected landowners showing that required  
24 off-street parking shall be provided in a manner consistent with  
25 the provisions of this chapter. The contracts shall be reviewed by  
26 the director for compliance with this chapter, and if approved, the  
27 contracts shall be recorded with the county records and elections  
28 division as a deed restriction on the title to all applicable  
29 properties. These deed restrictions may not be revoked or modified  
30 without authorization by the director.

31 D. Upon request from the proponent of any use subject to the  
32 provisions of this chapter located in a rural town, rural  
33 neighborhood center, or any commercial zone located in a rural area  
34 or natural resource production district designated by the  
35 comprehensive plan, the director may waive or modify the  
36 requirements of this chapter in order to protect or enhance the  
37 historic character of the area, and to reduce the need for pavement  
38 or other impervious surfaces. Where a neighborhood or subarea plan  
39 with design guidelines that includes the subject property has been  
40 adopted, the director shall base allowable waivers or modifications  
41 on the policies and guidelines in such plan.

42 SECTION 60. Ordinance 10870, Section 408, and K.C.C. 21A.18.040  
43 are hereby amended to read as follows:

44 Shared parking requirements. The amount of off-street parking  
45 required by K.C.C. 21A.18.030 may be reduced by an amount  
46 determined by the director when shared parking facilities for two  
47 or more uses are proposed, provided:

48 A. The total parking area exceeds 5,000 square feet;

# 11621

1 B. The parking facilities are designed and developed as a  
2 single on-site common parking facility, or as a system of on-site  
3 and off-site facilities, if all facilities are connected with  
4 improved pedestrian facilities and no building or use involved is  
5 more than eight hundred feet from the most remote shared facility;

6 C. The amount of the reduction shall not exceed ten percent for  
7 each use, unless:

8 1. The normal hours of operation for each use are separated  
9 by at least one hour; or

10 2. A parking demand study is prepared by a professional  
11 traffic engineer and submitted by the applicant documenting that  
12 the hours of actual parking demand for the proposed uses will not  
13 conflict and (~~that~~) those uses will be served by adequate parking  
14 if shared parking reductions are authorized;

15 3. The director will determine the amount of reduction  
16 (~~but~~) subject to paragraph D of this section.

17 D. The total number of parking spaces in the common parking  
18 facility is not less than the minimum required spaces for any  
19 single use;

20 E. A covenant or other contract for shared parking between the  
21 cooperating property owners is approved by the director. This  
22 covenant or contract must be recorded with King County records and  
23 elections division as a deed restriction on both properties and  
24 cannot be modified or revoked without the consent of the director;  
25 and

26 F. If any requirements for shared parking are violated, the  
27 affected property owners must provide a remedy satisfactory to the  
28 director or provide the full amount of required off-street parking  
29 for each use, in accordance with the requirements of this chapter,  
30 unless a satisfactory alternative remedy is approved by the  
31 director.

32 SECTION 61. Ordinance 10870, Section 410, and K.C.C. 21A.18.060  
33 are hereby amended to read as follows:

34 (~~Handicapped parking requirements~~) Parking for the disabled. Off-  
35 street parking and access for physically handicapped persons shall  
36 be provided in accordance with Section 7503 of the regulations  
37 adopted pursuant to RCW 19.27, State Building Code, and RCW 70.92,  
38 Public Buildings-Provisions for Aged and (~~Handicapped~~) Disabled.

39 SECTION 62. Ordinance 10870, Section 412, and K.C.C. 21A.18.080  
40 are hereby amended to read as follows:

41 Stacking spaces for drive-through facilities.

42 A. A stacking space shall be an area measuring eight feet by 20  
43 feet with direct forward access to a service window of a drive-  
44 through facility. A stacking space shall be located to prevent any  
45 vehicles from extending onto the public right-of-way, or  
46 interfering with any pedestrian circulation, traffic maneuvering,  
47 or other parking space areas. Stacking spaces for drive-through or  
48 drive-in uses may not be counted as required parking spaces.

# 11621

1 B. Uses providing drive-up or drive-through services shall  
2 provide vehicle stacking spaces as follows:

3 1. For each drive-~~((up window))~~ through lane of a  
4 bank/financial institution, business service, or other drive-  
5 through use not listed, a minimum of five stacking spaces shall be  
6 provided; and

7 2. For each ~~((service window of a))~~ drive-through lane of a  
8 restaurant, a minimum of seven stacking spaces shall be provided.

9 SECTION 63. Ordinance 10870, Section 413, and K.C.C. 21A.18.090  
10 are hereby amended to read as follows:

11 Transit and rideshare provisions.

12 A. All land uses listed in K.C.C. 21A.08.060 A  
13 (Government/Business Services), and in K.C.C. 21A.08.080 A  
14 (Manufacturing), hospitals, high schools, vocational schools,  
15 universities and specialized instruction schools shall be required  
16 to reserve one parking space of every 25 required spaces for  
17 rideshare parking as follows:

18 1. The parking spaces shall be located closer to the primary  
19 employee entrance than any other employee parking except

20 ~~((handicapped))~~ disabled;

21 2. Reserved areas shall have markings and signs indicating  
22 that the space is reserved; and

23 3. Parking in reserved areas shall be limited to vanpools and  
24 carpools established through ride share programs by public agencies  
25 and to vehicles meeting minimum rideshare qualifications set by the  
26 employer;

27 B. The director may reduce the number of required off-street  
28 parking spaces when one or more scheduled transit routes provide  
29 service within 660 feet of the site. The amount of reduction shall  
30 be based on the number of scheduled transit runs between 7:00 -  
31 9:00AM and 4:00 - 6:00PM each business day up to a maximum  
32 reduction as follows:

33 1. Four percent for each run serving land uses in K.C.C.  
34 21A.08.060 A (Government/Business Services) and K.C.C. 21A.08.080 A  
35 (Manufacturing) up to a maximum of forty percent; and

36 2. Two percent for each run serving land uses in K.C.C.  
37 21A.08.040 A (Recreation/Culture), 21A.08.050 A (General Services)  
38 and 21A.08.060 A (Retail/Wholesale) up to a maximum of twenty  
39 percent; and

40 C. All uses which are located on an existing transit route and  
41 are required under the computation for required off-street parking  
42 spaces in K.C.C. 21A.18.030 A. to provide more than 200 parking  
43 spaces may be required to provide transit shelters, bus turnout  
44 lanes or other transit improvements as a condition of permit  
45 approval. Uses which reduce required parking under subsection B of  
46 this section shall provide transit shelters if transit routes  
47 adjoin the site.



# 11621

1     SECTION 64. Ordinance 10870, Section 414, and K.C.C. 21A.18.100  
2 are hereby amended to read as follows:

3     Pedestrian and bicycle circulation and access.

4     A. All uses, in designated activity, community business and  
5 neighborhood business centers, except single detached residential  
6 building permits, shall provide pedestrian and bicycle access  
7 within and onto the site. Pedestrian access points shall be  
8 provided at all pedestrian arrival points to the development  
9 including the property edges, adjacent lots, abutting street  
10 intersections, crosswalks, and at transit stops. Pedestrian  
11 access shall be located as follows:

12         1. Access points at property edges and to adjacent lots shall  
13 be coordinated with existing and potential development of the  
14 adjacent parcels, to provide circulation patterns between  
15 developments;

16         2. Residential developments shall provide non-motorized links  
17 between cul-de-sacs or groups of buildings to allow pedestrian  
18 access from within the development and from adjacent developments  
19 to activity centers, parks, common tracts, open spaces, schools or  
20 other public facilities, transit stops and public streets.

21     B. Pedestrian walkways shall form an on-site circulation system  
22 that minimizes the conflict between pedestrians and traffic at all  
23 points of pedestrian access to on-site parking and building  
24 entrances. Pedestrian walkways shall be provided when the  
25 pedestrian access point or any parking space is more than 75 feet  
26 from the building entrance or principal on-site destination and as  
27 follows:

28         1. All developments which contain more than one building  
29 shall provide walkways between the principal entrances of the  
30 buildings;

31         2. All non-residential buildings set back more than 100 feet  
32 from the public right-of-way shall provide for direct pedestrian  
33 access from the building to buildings on adjacent lots; and

34         3. Pedestrian walkways across parking areas shall be located  
35 as follows:

36             a. Walkways running parallel to the parking rows shall be  
37 provided for every four rows. Rows without walkways shall be  
38 landscaped or contain barriers or other means to encourage  
39 pedestrians to use the walkways; and

40             b. Walkways running perpendicular to the parking rows  
41 shall be no further than twenty parking spaces. Landscaping,  
42 barriers or other means shall be provided between the parking rows  
43 to encourage pedestrians to use the walkways;

44     C. Pedestrian access and walkways shall meet the following  
45 minimum design standards:

46         1. Access and walkways shall be well lit and physically  
47 separated from driveways and parking spaces by landscaping, berms,

1 barriers, grade separation or other means to protect pedestrians  
2 from vehicular traffic;

3 2. Access and walkways shall be a minimum of 60 inches of  
4 unobstructed width and meet the surfacing standards of the King  
5 County Road Standards for walkways or sidewalks;

6 3. Access shall be usable by mobility impaired persons and  
7 shall be designed and constructed to be easily located by the sight  
8 impaired pedestrian by either grade change, texture or other  
9 equivalent means;

10 4. A crosswalk shall be required when a walkway crosses a  
11 driveway or a paved area accessible to vehicles;

12 ~~((5. Wherever walkways are provided, raised crosswalks or speed  
13 bumps shall be located at all points where a walkway crosses the  
14 lane of vehicle travel, and))~~

15 D. Blocks in excess of ((900)) 660 feet shall be provided with  
16 a crosswalk at the approximate midpoint of the block.

17 SECTION 65. Ordinance 10870, Section 415, and K.C.C. 21A.18.110  
18 are hereby amended to read as follows:

19 Off-street parking plan design standards.

20 A. Off-street parking areas shall not be located more than 500  
21 feet from the building they are required to serve for all uses  
22 except those specified below; where the off-street parking areas do  
23 not abut the buildings they serve, the required maximum distance  
24 shall be measured from the nearest building entrance that the  
25 parking area serves:

26 1. For all single detached dwellings the parking spaces shall  
27 be located on the same lot they are required to serve;

28 2. For all other residential dwellings at least a portion of  
29 parking areas shall be located within 100 feet from the building(s)  
30 they are required to serve; and

31 3. For all non-residential uses permitted in residential  
32 zones, the parking spaces shall be located on the same lot they are  
33 required to serve and at least a portion of parking areas shall be  
34 located within 150 feet from the nearest building entrance they are  
35 required to serve.

36 4. In designated activity, community business, and  
37 neighborhood business centers, parking lots should be located to  
38 the rear or sides of buildings, when feasible.

39 B. The minimum parking space and aisle dimensions for the most  
40 common parking angles are shown on chart below. For parking angles  
41 other than those shown on the chart, the minimum parking space and  
42 aisle dimensions shall be determined by the director. Regardless  
43 of the parking angle, one-way aisles shall be at least 10 feet  
44 wide, and two-way aisles shall be at least 20 feet wide. Parking  
45 plans for angle parking shall use space widths no less than eight  
46 feet six inches for a standard parking space design and eight feet  
47 for a compact car parking space design.  
48

MINIMUM PARKING STALL AND AISLE DIMENSIONS.

	B	C	D	E	F
PARKING ANGLE	STALL WIDTH	CURB LENGTH	STALL DEPTH	AISLE WIDTH 1-WAY 2-WAY	UNIT DEPTH 1-WAY 2-WAY
0	8.0* Min 8.5 Desired 9.0	20.0* 22.5 22.5	8.0 8.5 9.0	12.0 20.0 12.0 20.0 12.0 20.0	** ** 29.0 37.0 30.0 38.0
30	8.0* Min 8.5 Desired 9.0	16.0* 17.0 18.0	15.0 16.5 17.0	10.0 20.0 10.0 20.0 10.0 20.0	** ** 42.0 53.0 44.0 54.0
45	8.0* Min 8.5 Desired 9.0	11.5* 12.0 12.5	17.0*	12.0 20.0 12.0 20.0 12.0 20.0	** ** 50.0 58.0 51.0 59.0
60	8.0* Min 8.5 Desired 9.0	9.6* 10.0 10.5	18.0 20.0 21.0	18.0 20.0 18.0 20.0 18.0 20.0	** ** 58.0 60.0 60.0 62.0
90	8.0* Min 8.5 Desired 9.0	8.0* 8.5 9.0	16.0* 20.0 20.0	23.0 23.0 23.0 23.0 23.0 23.0	** ** 63.0 63.0 63.0 63.0

\* for compact stalls only

\*\* variable with compact and standard combinations

C. Any parking spaces abutting a landscaped area on the driver or passenger side of the vehicle shall provide an additional 18 inches above the minimum space width requirement to provide a place to step other than in the landscaped area. The additional width shall be separated from the adjacent parking space by a parking space division stripe. The parking space depth may be reduced when vehicles overhang a walkway under the following conditions:

1. Wheelstops or curbs are installed; and
2. The remaining walkway provides a minimum of 60 inches of unimpeded passageway for pedestrians.

D. The amount of space depth reduction is limited to a maximum of 18 inches.

E. Driveways providing ingress and egress between off-street parking areas and abutting streets shall be designed, located and constructed in accordance with the provisions of K.C.C. 14.42, Road Standards. Driveways for single detached dwellings, no more than 20 feet in width, may cross required setbacks or landscaped areas in order to provide access between the off-street parking areas and the street, provided no more than 15 percent of the required landscaping or setback area is ~~((displaced))~~ eliminated by the driveway. Driveways for all other developments may cross required setbacks or landscaped areas in order to provide access between the off-street parking areas and the street, provided no more than 10

1 percent of the required landscaping or setback area is displaced by  
2 the driveway.

3 F. (~~Required~~) Parking spaces required per this title shall be  
4 located outside of any required setbacks, provided driveways  
5 located in setbacks may be used for parking. However, if the  
6 driveway is a joint use driveway, no vehicle parked on the driveway  
7 shall obstruct any joint users' access to the driveway or parking  
8 spaces.

9 G. Lighting shall be provided for safety of traffic and  
10 pedestrian circulation on the site (~~(, as required by K.C.C. 16.04,~~  
11 ~~the Uniform Building Code)~~). It shall be designed to minimize  
12 direct illumination of abutting properties and adjacent streets.  
13 The director shall have the authority to waive the requirement to  
14 provide lighting.

15 H. Tandem or end-to-end parking is allowed in residential  
16 developments. Apartment/townhouse developments may have tandem  
17 parking areas for each dwelling unit but shall not combine parking  
18 for separate dwelling units in tandem parking areas.

19 I. All vehicle parking and storage for single detached  
20 dwellings must be in a garage, carport or on an approved impervious  
21 surface. Any impervious surface used for vehicle parking or  
22 storage must have direct and unobstructed driveway access.

23 J. The total number of vehicles parked or stored outside of a  
24 building on a single family lot in the R-4 through R-8 zones,  
25 excluding recreational vehicles and trailers, shall not exceed six  
26 vehicles on lots 12,500 square feet or less and eight vehicles on  
27 lots greater than 12,500 square feet.

28 K. Vanpool/carpool parking areas shall meet the following  
29 minimum design standards:

30 1. A minimum vertical clearance of 7 feet 3 inches shall be  
31 provided to accommodate van vehicles if designated vanpool/carpool  
32 parking spaces are located in a parking structure; and

33 2. A minimum turning radius of 26 feet 4 inches with a  
34 minimum turning diameter (curb to curb) of 52 feet 5 inches shall  
35 be provided from parking aisles to adjacent carpool/vanpool parking  
36 spaces.

37 L. Direct access from the street right-of-way to off-street  
38 parking areas shall be subject to the requirements of K.C.C.  
39 21A.28.120.

40 M. No dead-end alley may provide access to more than eight  
41 required off-street parking spaces.

42 N. Any parking stalls located in enclosed buildings must be  
43 totally within the enclosed building.

44 SECTION 66. Ordinance 10870, Section 432, and K.C.C. 21A.20.120  
45 are hereby amended to read as follows:

46 Signs or displays of limited duration. The following  
47 temporary signs or displays are permitted and except as required by

# 11621

1 the Uniform Building Code, or as otherwise permitted in this  
2 chapter, do not require building permits:

3 A. Grand opening displays:

4 1. Signs, posters, pennants, strings of lights, blinking  
5 lights, balloons and searchlights are permitted for a period of up  
6 to one month to announce the opening of a new enterprise or the  
7 opening of an enterprise under new management; and

8 2. All grand opening displays shall be removed upon the  
9 expiration of 30 consecutive days;

10 B. Construction signs:

11 1. Construction signs identifying architects, engineers,  
12 planners, contractors or other individuals or firms involved with  
13 the construction of a building and announcing the character of the  
14 building or the purpose for which the building is intended may be  
15 displayed;

16 2. One nonilluminated, double-faced sign is permitted for  
17 each public street upon which the project fronts;

18 3. No sign shall exceed 32 square feet in surface area or ten  
19 feet in height, or be located closer than 30 feet from the property  
20 line of the adjoining property; and

21 4. Construction signs must be removed by the date of first  
22 occupancy of the premises or one year after placement of the sign,  
23 whichever occurs first;

24 C. Political Signs:

25 1. Signs, posters or bills promoting or publicizing  
26 candidates for public office or issues that are to be voted upon in  
27 a general or special election may be displayed on private property  
28 with the consent of the property owner. Any such sign, poster or  
29 bill shall be removed within ten days following the election; and

30 2. No sign, poster, bill or other advertising device shall be  
31 located on public property or within public easements or street  
32 right-of-way;

33 D. Real estate signs. All temporary real estate signs may be  
34 single or double-faced signs.:

35 1. Signs advertising an individual residential unit for sale  
36 or rent shall be limited to one sign per street frontage. The sign  
37 may not exceed eight square feet in area, and shall not exceed six  
38 feet in height. The sign shall be removed within five days after  
39 closing of the sale, lease or rental of the property.

40 2. Portable off-premise residential directional signs  
41 announcing directions to an open house at a specified residence  
42 which is offered for sale or rent shall not exceed six square feet  
43 in area for each sign, and shall not exceed 42 inches in height.  
44 Such signs shall be permitted only when the agent or seller is in  
45 attendance at the property for sale or rent and may be located on  
46 the right-of-way outside of vehicular and bicycle lanes.

47 3. On-site commercial or industrial property for sale or rent  
48 signs shall be limited to one sign per street frontage, and shall

# 11621

1 not exceed 32 square feet in area. The sign shall not exceed 12  
2 feet in height. The sign shall be removed within 30 days after  
3 closing of the sale, lease or rental of the property. A building  
4 permit is required and shall be issued for a one year period. The  
5 permit is renewable for one year increments up to a maximum of  
6 three years.

7 4. On-site residential development for sale or rent signs  
8 shall be limited to one sign per development. The sign shall not  
9 exceed 32 square feet in area, and shall not exceed 12 feet in  
10 height. A building permit is required and shall be issued for a  
11 one year period. The permit is renewable annually for up to a  
12 maximum of three years.

13 5. Off-site directional signs for residential developments  
14 shall be limited to six signs. Each sign shall not exceed 16  
15 square feet in area, and shall include only the name of and  
16 directions to the residential development. The sign(s) shall be  
17 placed a maximum of two road miles from the nearest residential  
18 development entrance. No two signs for one residential development  
19 shall be located closer than 500 feet from one another on the same  
20 street. A single building permit is required for all signs and  
21 shall be issued for a one year period. The permit number and the  
22 permit expiration date must be clearly displayed on the face of  
23 each sign. The permit is renewable for one year increments up to a  
24 maximum of three years, provided that extensions will only be  
25 granted if the sign permit applicant has complied with the  
26 applicable regulations.

27 6. Residential on-premise informational signs shall be  
28 limited to one sign per feature , including but not limited to  
29 signs for information centers, model homes, parking areas or  
30 announcing features such as parks, playgrounds, or trails. Each  
31 sign shall not exceed 16 square feet in area, and shall not exceed  
32 six feet in height.

#### 33 E. Community event signs:

34 1. Community event signs shall be limited to announcing or  
35 promoting a non-profit sponsored community fair, festival or event;

36 2. Community event signs may be displayed no more than the  
37 time period specified in the temporary use permit issued pursuant  
38 to K.C.C. 21A.44; and

39 3. Community event signs shall be removed by the event  
40 sponsor within two weeks following the end of the community fair,  
41 festival or event.

# 11621

1        SECTION 67. Ordinance 10870, Section 444, and K.C.C. 21A.22.060  
2 are hereby amended to read as follows:

3        Site design standards. Except as provided for nonconforming  
4 extractive operations in K.C.C. 21A.22.040, all extractive and  
5 processing operations shall at minimum comply with the following  
6 standards:

7        A. The minimum site area of an extractive operation shall be 10  
8 acres.

9        B. Extractive operations on sites larger than 20 acres shall  
10 occur in phases to minimize environmental impacts. The size of  
11 each phase shall be determined during the review process;

12        C. Fences shall be:

13            1. Provided in a manner which discourages access to safety  
14 hazards which may arise on areas of the site where:

15                a. active extracting, processing, stockpiling and loading  
16 of materials is occurring;

17                b. any unstable slope or any slope exceeding a grade of 40  
18 percent is present; or

19                c. any settling pond or other stormwater facility is  
20 present;

21            2. At least six feet in height above the grade measured at a  
22 point five feet from the outside of the fence;

23            3. Installed with lockable gates at all openings or  
24 entrances;

25            4. No more than four inches from the ground to fence bottom;  
26 and

27            5. Maintained in good repair;

28        D. Warning and trespass signs advising of the extractive  
29 operation shall be placed on the perimeter of the site adjacent to  
30 RA, UR or R zones at intervals no greater than 200 feet along any  
31 unfenced portion of the site where the items noted in subsection  
32 C.1.a-c are present;

33        E. Structural setbacks from property lines shall be as follows:

34            1. Buildings or structures used in the processing of  
35 materials shall be no closer than:

36                a. One hundred feet from any UR or R zoned properties  
37 except that the setback may be reduced to 50 feet when the grade  
38 where such building or structures are proposed is 50 feet or  
39 greater below the grade of said UR or R zoned property, or

40                b. Twenty feet from any other zoned property, except when  
41 adjacent to another extractive site, or (~~from any public street.~~)

42                c. Twenty feet from any public street.

43            2. Offices, scale facilities, equipment storage buildings and  
44 stockpiles shall not be closer than 20 feet from any property line  
45 except when adjacent to another extractive site;

46        F. No clearing, grading or excavation, excluding that necessary  
47 for roadway or storm drainage facility construction, shall be  
48 permitted within 20 feet of any property line except along any

1 portion of the perimeter adjacent to another extractive operation  
2 provided that such activities may be pursuant to an approved  
3 reclamation plan;

4 G. Landscaping as required pursuant to K.C.C. 21A.16 shall be  
5 provided along any portion of the site perimeter where disturbances  
6 such as site clearing and grading, or mineral extraction or  
7 processing is performed, except where adjacent to another  
8 extractive operation; and

9 H. Lighting shall:

0 1. Be limited to that required for security, lighting of  
1 structures and equipment, and vehicle operations; and

2 2. Not direct glare onto surrounding properties.

3 SECTION 68. Ordinance 10870, Section 445, and K.C.C. 21A.22.070  
4 are hereby amended to read as follows:

5 Operating standards. All operating standards shall be as  
6 specified in K.C.C. 16.82 except:

7 A. Noise levels produced by an extractive operation shall not  
8 exceed levels specified by the King County Noise Ordinance(~~(-)~~) or  
9 as required as SEPA mitigation through permit review, whichever is  
10 more stringent.

11 B. Blasting shall be conducted:

12 1. Consistent with the methods specified in the Office of  
13 Surface Mining, 1987 Blasting Guidance Manual;

14 2. During daylight hours; and

15 3. According to a time schedule that:

16 a. features regular or predictable times, except in the  
17 case of an emergency; and

18 b. is provided to residents within one-half mile of the  
19 site;

20 C. Dust and smoke produced by extractive operations shall not  
21 substantially increase the existing levels of suspended  
22 particulates at the perimeter of the site and shall be controlled  
23 by watering of the site and equipment or other methods specified by  
24 the county;

25 D. The applicant shall provide for measures to prevent  
26 transport of rocks, dirt and mud from trucks onto public roadways;

27 E. Traffic control measures such as flagmen or warning signs as  
28 determined by the county shall be provided by the applicant during  
29 all hours of operation; and

30 F. The applicant shall be responsible for cleaning of debris or  
31 repairing of damage to roadways caused by the operation.

32 SECTION 69. Ordinance 10870, Section 448, and K.C.C. 21A.24.010  
33 are each hereby amended as follows:

34 Purpose. The purpose of this chapter is to implement the goals  
35 and policies of the Washington State Environmental Policy Act, RCW  
36 43.21C, and the King County Comprehensive Plan which call for  
37 protection of the natural environment and the public health and  
38 safety by:  
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1 A. Establishing development standards to protect defined  
2 sensitive areas;

3 B. Protecting members of the public and public resources and  
4 facilities from injury, loss of life, property damage or financial  
5 loss due to flooding, erosion, avalanche, landslides, seismic and  
6 volcanic events, soil subsidence or steep slope failures;

7 C. Protecting unique, fragile and valuable elements of the  
8 environment including, but not limited to, wildlife and its  
9 habitat;

10 D. Requiring mitigation of unavoidable impacts on  
11 environmentally sensitive areas by regulating alterations in or  
12 near sensitive areas;

13 E. Preventing cumulative adverse environmental impacts on water  
14 availability, water quality, ground water, wetlands and streams;

15 F. Measuring the quantity and quality of wetland and stream  
16 resources and preventing overall net loss of wetland and stream  
17 functions;

18 G. Protecting the public trust as to navigable waters and  
19 aquatic resources;

20 H. Meeting the requirements of the National Flood Insurance  
21 Program and maintaining King County as an eligible community for  
22 federal flood insurance benefits;

23 I. Alerting members of the public including, but not limited  
24 to, appraisers, owners, potential buyers or lessees to the  
25 development limitations of sensitive areas; and

26 J. Providing county officials with sufficient information to  
27 protect sensitive areas.

28 NEW SECTION. SECTION 70. There is hereby added to K.C.C.  
29 21A.24 a new section to read as follows: Modification or Waiver of  
30 Sensitive Area Requirements-- Urban Lots. The purpose of this  
31 section is to provide an alternative to the variance, and exception  
32 processes for minor development. The director shall have the  
33 discretion to modify or waive some or all of the requirements of  
34 this chapter, including mitigation requirements, pertaining to  
35 class 3 wetlands, Class 3 streams, steep slope hazard areas, and  
36 their associated buffers or building setback areas in accordance  
37 with the provisions of this section.

38 A. An applicant may request a modification or waiver of  
39 sensitive area requirements pursuant to this section provided the  
40 lot or lots are located in an Urban Area designated in the King  
41 County comprehensive plan; and

42 B. The applicant for the modification or waiver of sensitive  
43 area requirements shall submit any sensitive area special studies  
44 following a pre-application review meeting as required under K.C.C.  
45 21A.24.110 as well as such other documents, studies, as requested  
46 by the director.

47 C. The director may grant a modification or waiver of sensitive  
48 area requirements provided:

# 11621

1           1. The proposal is the minimum necessary to accommodate the  
2 building footprint and access. In no case, however, shall the  
3 building footprint exceed 5000 square feet, including access,

4           2. Access is located so as to have the least impact on the  
5 sensitive area and its buffer,

6           3. The proposal preserves the functions and values of  
7 wetlands and streams to the maximum extent possible,

8           4. Adverse impacts resulting from alterations of steep slopes  
9 are minimized,

10          5. The proposal includes on-site mitigation to the maximum  
11 extent possible,

12          6. The proposal will not significantly affect drainage  
13 capabilities, flood potential, and steep slopes and landslide  
14 hazards on neighboring properties; and

15          7. The proposal first develops non-sensitive area land, then  
16 the sensitive area buffer before the sensitive area itself is  
17 developed.

18          The director may require on-site or off-site mitigation  
19 measures to compensate for the loss of the functions and values of  
20 the sensitive areas and may impose mitigating conditions to the  
21 modification or waiver in order to meet the standards of this  
22 subsection C.

23          D. Where a modification or waiver of sensitive area  
24 requirements under this section is proposed, the director shall  
25 give written mailed notice of the proposed modification or waiver  
26 to all owners of property located within three hundred feet of any  
27 boundary of the subject property and shall allow fifteen calendar  
28 days for comment before making a decision. The decision of the  
29 director regarding the modification or waiver shall be mailed to  
30 the applicant and to any other person who requests a copy. The  
31 decision shall state the reasons for denial or any required  
32 mitigation or other conditions imposed. The decision of the  
33 director regarding the modification or waiver may be appealed per  
34 K.C.C. 21A.24.030.

35          E. This section shall not apply to the following steep slope  
36 hazard areas:

37           1. Steep slope hazard areas that are unmitigatable landslide  
38 hazard areas; and

39           2. Steep slope hazard areas of slope greater than 70% where  
40 either the lot or slope are abutting and above a class 1 or 2  
41 wetland stream, and associated buffer, or an open stormwater  
42 conveyance system.

43          SECTION 71. Ordinance 10870, Section 452, and K.C.C. 21A.24.050  
44 are hereby amended as follows:

45          Complete exemptions. The following are exempt from the  
46 provisions of this chapter and any administrative rules promulgated  
47 thereunder:

# 11621

1 A. Alterations in response to emergencies which threaten the  
2 public health, safety and welfare or which pose an imminent risk of  
3 damage to private property as long as any alteration undertaken  
4 pursuant to this subsection is reported to the department  
5 immediately. The director shall confirm that an emergency exists  
6 and determine what, if any, mitigation shall be required to  
7 protect the health, safety, welfare and environment and to repair  
8 any resource damage;

9 B. Agricultural activities in continuous existence (~~before~~)  
10 since at least November 27, 1990, as follows:

11 1. mowing of hay, grass or grain crops;

12 2. tilling, discing, planting, seeding, harvesting and  
13 related activities for pasture, food crops, grass seed or sod if  
14 such activities do not take place on steep slopes;

15 3. normal and routine maintenance of existing irrigation and  
16 drainage ditches not used by salmonids; (~~and~~)

17 4. normal and routine maintenance of farm ponds, fish ponds,  
18 manure lagoons and livestock watering ponds; and

19 5. For the purpose of this section, continuous existence  
20 means those cyclical operations normally associated with  
21 agricultural activities including tilling, discing, planting,  
22 seeding, harvesting, soil preparation, crop rotation, providing  
23 fields which have not been used for grazing by livestock or have  
24 been fallow for more than five continuous growing seasons shall not  
25 be considered to be in continuous existence;

26 C. Public water, electric and natural gas distribution, public  
27 sewer collection, cable communications, telephone utility and  
28 related activities undertaken pursuant to county-approved best  
29 management practices, as follows:

30 1. normal and routine maintenance or repair of existing  
31 utility structures or rights-of-way;

32 2. relocation of electric facilities, lines, equipment or  
33 appurtenances, not including substations, with an associated  
34 voltage of 55,000 volts or less, only when required by a local  
35 governmental agency which approves the new location of the  
36 facilities;

37 3. replacement, operation, repair, modification or  
38 installation or construction in existing, developed utility  
39 corridors, an improved county road right-of-way or county  
40 authorized private roadway of all electric facilities, lines,  
41 equipment or appurtenances, not including substations (~~(, with an~~  
42 ~~associated voltage of 55,000 volts or less)~~);

43 4. relocation of public sewer local collection, public water  
44 local distribution, natural gas, cable communication or telephone  
45 facilities, lines, pipes, mains, equipment or appurtenances, only  
46 when required by a local governmental agency which approves the new  
47 location of the facilities; (~~and~~)

1 5. replacement, operation, repair, modification, installation  
 2 or construction of public sewer local collection, public water  
 3 local distribution, natural gas, cable communication or telephone  
 4 facilities, lines, pipes, mains, equipment or appurtenances when  
 5 such facilities are located within an improved public right-of-way  
 6 or county authorized private roadway;

7 D. Maintenance, operation, repair, modification or replacement  
 8 of publicly improved roadways as long as any such alteration does  
 9 not involve the expansion of roadways or related improvements into  
 10 previously unimproved rights-of-way or portions of rights-of-way;

11 E. Maintenance, operation or repair of publicly improved  
 12 recreation areas as long as any such alteration does not involve  
 13 the expansion of improvements into previously unimproved recreation  
 14 areas;

15 F. Public agency development proposals only to the extent of  
 16 any construction contract awarded before November 27, 1990,  
 17 provided that any law or regulation in effect at the time of such  
 18 award shall apply to the proposal (~~(+and)~~);

19 G. All clearing and grading activities which are exempt from  
 20 the requirement for a clearing and grading permit as specified in  
 21 K.C.C. 16.82.050, unless these activities require other permits or  
 22 authorizations as specified in K.C.C. 21A.24.020 (+); and

23 H. Enhancement or restoration of degraded wetlands may be  
 24 allowed to maintain or improve wetland functions provided that all  
 25 wetland functions are evaluated in a wetland management plan.  
 26 Restoration or enhancement must result in a net improvement to the  
 27 functions of wetland systems.

28 NEW SECTION. SECTION 72. There is added to K.C.C. 21A.24 a new  
 29 section to read as follows:

30 Wetlands: Mitigation Banking.

31 King county may consider and approve replacement or enhancement  
 32 of unavoidable adverse impacts to wetlands caused by the  
 33 development activities of public agencies or utility facilities  
 34 through an approved wetland mitigation bank. Compensatory  
 35 mitigation in advance of authorized impacts must be provided  
 36 through an approved mitigation bank. Criteria governing the  
 37 creation and use of a mitigation bank shall be established in  
 38 administrative rules.

39 SECTION 73. Ordinance 10870, Section 454, and K.C.C. 21A.24.070  
 40 are hereby amended as follows:

41 Exceptions.

42 A. If the application of this chapter would prohibit a  
 43 development proposal by a public agency or public utility, the  
 44 agency or utility may apply for an exception pursuant to this  
 45 subsection:

46 1. the public agency or utility shall apply to the department  
 47 and shall make available to the department other related project  
 48 documents such as permit applications to other agencies, special

1 studies and SEPA documents. (~~The department shall prepare a~~  
2 ~~recommendation to the zoning and subdivision examiner.~~)

3 2. the (~~examiner~~) department shall review the application  
4 (~~and conduct a public hearing pursuant to the provisions of K.C.C.~~  
5 ~~20.24.070. The examiner shall make a recommendation to the~~  
6 ~~council~~) based on the following criteria:

7 a. there is no other practical alternative to the proposed  
8 development with less impact on the sensitive area; and

9 b. the proposal minimizes the impact on sensitive areas.  
10 The mitigation standards may be modified pursuant to the exception  
11 to account for health and safety, operational and maintenance  
12 considerations relevant to the development proposal under  
13 consideration;

14 3. The department shall process exceptions, provide public  
15 notice, and provide opportunity for the public to request a public  
16 hearing, and provide an appeal process consistent with the  
17 provisions of K.C.C. 21A.42.040 through K.C.C. 21A.42.090.

18 ((3))4. this exception shall not allow the use of the following  
19 sensitive areas for regional retention/detention facilities except  
20 where there is a clear showing that the facility will protect  
21 public health and safety or repair damaged natural resources:

22 a. class 1 streams or buffers;

23 b. class 1 wetlands or buffers with plant associations of  
24 infrequent occurrence; or

25 c. class 1 or 2 wetlands or buffers which provide critical  
26 or outstanding habitat for herons, raptors or state or federal  
27 designated endangered or threatened species unless clearly  
28 demonstrated by the applicant that there will be no impact on such  
29 habitat.

30 B. If the application of this chapter would deny all reasonable  
31 use of the property, the applicant may apply for an exception  
32 pursuant to this subsection:

33 1. the applicant shall apply to the department, and the  
34 department shall prepare a recommendation to the zoning and  
35 subdivision examiner. The applicant may apply for a reasonable use  
36 exception without first having applied for a variance if the  
37 requested exception includes relief from standards for which a  
38 variance cannot be granted pursuant to the provisions of  
39 K.C.C. 21A.44;

40 2. the examiner shall review the application in consultation  
41 with the prosecuting attorney and shall conduct a public hearing  
42 pursuant to the provisions of K.C.C. 20.24.080. The examiner shall  
43 make a final decision based on the following criteria:

44 a. the application of this chapter would deny all  
45 reasonable use of the property;

46 b. there is no other reasonable use with less impact on the  
47 sensitive area;

1 c. the proposed development does not pose an unreasonable  
 2 threat to the public health, safety or welfare on or off the  
 3 development proposal site and is consistent with the general  
 4 purposes of this chapter and the public interest; and

5 d. any alterations permitted to the sensitive area shall  
 6 be the minimum necessary to allow for reasonable use of the  
 7 property; and

8 3. any authorized alteration of a sensitive area under this  
 9 subsection shall be subject to conditions established by the  
 10 examiner including, but not limited to, mitigation under an  
 11 approved mitigation plan.

12 SECTION 74. Ordinance 10870, Section 455 and K.C.C. 21A.24.080  
 13 are each hereby amended as follows:

14 Sensitive area maps and inventories.

15 A. The distribution of many environmentally sensitive areas in  
 16 western King County is displayed on maps in the Sensitive Areas Map  
 17 Folio. Many of the wetlands are inventoried and rated and that  
 18 information is published in the King County Wetlands Inventory  
 19 Notebooks. Many flood hazard areas are mapped by the Federal  
 20 Insurance Administration in a scientific and engineering report  
 21 entitled "The Flood Insurance Study for King county." If there is a  
 22 conflict among the maps, inventory and site-specific features, the  
 23 department of development and environmental services shall verify  
 24 the actual presence or absence of the features defined in this  
 25 title as sensitive areas ((shall govern)). The determination may be  
 26 challenged by the property owner through an inspection and report  
 27 conducted/prepared by a professional wetlands or stream ecologist,  
 28 geologist, or geotechnical engineer as appropriate, at the owner's  
 29 expense and appeal to the Hearing Examiner.

30 NEW SECTION. SECTION 75. There is hereby added to K.C.C. 21A.24  
 31 a new section to read as follows:

32 Channel Relocation and Stream Meander Areas. No structure shall  
 33 be allowed which would be at risk due to channel relocation or  
 34 stream meander until the promulgation of a public rule.

35 SECTION 76. Ordinance 10870, Section 471, and K.C.C. 21A.24.240  
 36 are hereby amended to read as follows:

37 Flood fringe: development standards and permitted alterations.  
 38 Development proposals on sites within the flood fringe area shall  
 39 meet the following requirements:

40 A. Development proposals shall not reduce the effective base  
 41 flood storage volume of the floodplain. Grading or other activity  
 42 which would reduce the effective storage volume shall be mitigated  
 43 by creating compensatory storage on the site or off the site if  
 44 legal arrangements can be made to assure that the effective  
 45 compensatory storage volume will be preserved over time. Grading  
 46 for construction of livestock manure storage facilities to control  
 47 non-point source water pollution designed to the standards of and

1 approved by the King County Conservation District is exempt from  
2 this compensatory storage requirement.

3 ~~B. No structure shall be allowed which would be at risk due to~~  
4 ~~stream bank destabilization including, but not limited to, that~~  
5 ~~associated with channel relocation or meandering.~~

6 ((G-)) B. All elevated construction shall be designed and  
7 certified by a professional structural engineer licensed by the  
8 State of Washington and shall be approved by King County prior to  
9 construction.

10 ((D-)) C. Subdivisions, short subdivisions and binding site plans  
11 shall meet the following requirements:

12 1. new building lots shall contain 5,000 square feet or more  
13 of buildable land outside the zero-rise floodway, and building  
14 setback areas shall be shown on the face of the plat to restrict  
15 permanent structures to this buildable area;

16 2. all utilities and facilities such as sewer, gas,  
17 electrical and water systems shall be located and constructed  
18 consistent with subsections ((E., F. and I.)) D., E. and H;

19 3. base flood data and flood hazard notes shall be shown on  
20 the face of the recorded subdivision, short subdivision or binding  
21 site plan including, but not limited to, the base flood elevation,  
22 required flood protection elevations and the boundaries of the  
23 floodplain and the zero-rise floodway, if determined; and

24 4. the following notice shall also be shown on the face of  
25 the recorded subdivision, short subdivision or binding site plan  
26 for all affected lots:

27  
28 "NOTICE"

29  
30 "Lots and structures located within flood hazard areas may be  
31 inaccessible by emergency vehicles during flood events. Residents  
32 and property owners should take appropriate advance precautions."

33 ((E-)) D. New residential structures and substantial improvements  
34 of existing residential structures shall meet the following  
35 requirements:

36 1. the lowest floor shall be elevated to the flood protection  
37 elevation;

38 2. portions of a structure which are below the lowest floor  
39 area shall not be fully enclosed. The areas and rooms below the  
40 lowest floor shall be designed to automatically equalize  
41 hydrostatic and hydrodynamic flood forces on exterior walls by  
42 allowing for the entry and exit of floodwaters. Designs for  
43 satisfying this requirement shall meet or exceed the following  
44 requirements:

45 a. a minimum of two openings on opposite walls having a  
46 total open area of not less than one square inch for every square  
47 foot of enclosed area subject to flooding shall be provided;

# 11621

1 b. the bottom of all openings shall be no higher than one  
2 foot above grade; and

3 c. openings may be equipped with screens, louvers or other  
4 coverings or devices if they permit the unrestricted entry and exit  
5 of floodwaters;

6 3. materials and methods which are resistant to and minimize  
7 flood damage shall be used; and

8 4. all electrical, heating, ventilation, plumbing, air  
9 conditioning equipment and other utility and service facilities  
10 shall be flood-proofed to or elevated above the flood protection  
11 elevation.

12 ((F-)) E. New nonresidential structures and substantial  
13 improvements of existing nonresidential structures shall meet the  
14 following requirements:

15 1. the elevation requirement for residential structures  
16 contained in subsection ((E-)) D.1. shall be met; or

17 2. the structure shall be flood-proofed to the flood  
18 protection elevation and shall meet the following requirements:

19 a. the applicant shall provide certification by a  
20 professional civil or structural engineer licensed by the State of  
21 Washington that the flood-proofing methods are adequate to  
22 withstand the flood-depths, pressures, velocities, impacts, uplift  
23 forces and other factors associated with the base flood. After  
24 construction, the engineer shall certify that the permitted work  
25 conforms with the approved plans and specifications; and

26 b. approved building permits for flood-proofed  
27 nonresidential structures shall contain a statement notifying  
28 applicants that flood insurance premiums shall be based upon rates  
29 for structures which are one foot below the flood-proofed level;

30 3. materials and methods which are resistant to and minimize  
31 flood damage shall be used; and

32 4. all electrical, heating, ventilation, plumbing, air  
33 conditioning equipment and other utility and service facilities  
34 shall be flood-proofed to or elevated above the flood protection  
35 elevation.

36 ((G-)) F. All new construction shall be anchored to prevent  
37 flotation, collapse or lateral movement of the structure.

38 ((H-)) G. Mobile homes and mobile home parks shall meet the  
39 following requirements:

40 1. mobile homes shall meet all requirements for flood hazard  
41 protection for residential structures, shall be anchored and shall  
42 be installed using methods and practices which minimize flood  
43 damage; and

44 2. no permit or approval for the following shall be granted  
45 unless all mobile homes within the mobile home park meet the  
46 requirements for flood hazard protection for residential  
47 structures:

48 a. a new mobile home park;



1 b. an expansion of an existing mobile home park; or

2 c. any repair or reconstruction of streets, utilities or  
3 pads in an existing mobile home park which equals or exceeds 50  
4 percent of the value of such streets, utilities or pads.

5 ~~((F-))~~ H. Utilities shall meet the following requirements.

6 1. new and replacement utilities including, but not limited  
7 to, sewage treatment facilities shall be flood-proofed to or  
8 elevated above the flood protection elevation;

9 2. new on-site sewage disposal systems shall be, to the  
10 extent possible, located outside the limits of the base flood  
11 elevation. The installation of new on-site sewage disposal systems  
12 in the flood fringe may be allowed if no feasible alternative site  
13 is available;

14 3. sewage and agricultural waste storage facilities shall be  
15 flood-proofed to the flood protection elevation;

16 4. above-ground utility transmission lines, other than  
17 electric transmission lines, shall only be allowed for the  
18 transport of non-hazardous substances; and

19 5. buried utility transmission lines transporting hazardous  
20 substances shall be buried at a minimum depth of four feet below  
21 the maximum depth of scour for the base flood, as predicted by a  
22 professional civil engineer licensed by the State of Washington,  
23 and shall achieve sufficient negative buoyancy so that any  
24 potential for flotation or upward migration is eliminated.

25 ~~((J-))~~ I. Critical facilities may be allowed within the flood  
26 fringe of the floodplain, but only when no feasible alternative  
27 site is available. Critical facilities shall be evaluated through  
28 the conditional or special use permit process. Critical facilities  
29 constructed within the flood fringe shall have the lowest floor  
30 elevated to three or more feet above the base flood elevation.  
31 Flood-proofing and sealing measures shall be taken to ensure that  
32 hazardous substances will not be displaced by or released into  
33 floodwaters. Access routes elevated to or above the base flood  
34 elevation shall be provided to all critical facilities from the  
35 nearest maintained public street or roadway.

36 ~~((K-))~~ J. Prior to approving any permit for alterations in the  
37 flood fringe, King County shall determine that all permits required  
38 by state or federal law have been obtained.

39 SECTION 77. Ordinance 10870, Section 478 and K.C.C.  
40 21A.24.310 are each hereby amended as follows:

41 Steep slope hazard areas: Development standards and permitted  
42 alterations. A development proposal on a site containing a steep  
43 slope hazard area shall meet the following requirements:

44 A. A minimum buffer of 50 feet shall be established from the  
45 top, toe and along all sides of any slope 40% or steeper. The  
46 buffer shall be extended as required to mitigate a landslide or  
47 erosion hazard or as otherwise necessary to protect the public  
48 health, safety and welfare. The buffer may be reduced to a minimum

# 11621

1 of ten feet if, based on a special study, King County determines  
2 that the reduction will adequately protect the proposed development  
3 and the sensitive area. For single family residential building  
4 permits only, King County may waive the special study requirement  
5 and authorize buffer reductions, pursuant to section 70 of this  
6 ordinance or if King County determines that the reduction will  
7 adequately protect the proposed development and the sensitive area;

8 B. Unless otherwise provided herein or as part of an approved  
9 alteration, removal of any vegetation from a steep slope hazard  
10 area or buffer shall be prohibited, except for limited removal of  
11 vegetation necessary for surveying purposes and for the removal of  
12 hazard trees determined to be unsafe according to tree selection  
13 rules promulgated pursuant to this chapter. Notice to King County  
14 shall be provided prior to any vegetation removal permitted by this  
15 subsection;

16 C. Vegetation on steep slopes within steep slope hazard areas  
17 or their buffers which has been damaged by human activity or  
18 infested by noxious weeds may be replaced with vegetation native to  
19 King County pursuant to a vegetation management plan approved by  
20 King County. The use of hazardous substances, pesticides and  
21 fertilizers in steep slope hazard areas and their buffers may be  
22 prohibited by King County;

23 D. Alterations to steep slope hazard areas and buffers may be  
24 allowed only as follows:

25 1. approved surface water conveyances, as specified in the  
26 Surface Water Design Manual, may be allowed on steep slopes if they  
27 are installed in a manner to minimize disturbance to the slope and  
28 vegetation;

29 2. public and private trails may be allowed on steep slopes  
30 as approved by the county. Under no circumstances shall trails be  
31 constructed of concrete, asphalt or other impervious surfaces which  
32 will contribute to surface water run-off, unless such construction  
33 is necessary for soil stabilization or soil erosion prevention or  
34 unless the trail system is specifically designed and intended to be  
35 accessible to handicapped persons. Additional requirements for  
36 trail construction may be set forth in administrative rules;

37 3. utility corridors may be allowed on steep slopes if a  
38 special study shows that such alteration will not subject the area  
39 to the risk of landslide or erosion;

40 4. limited trimming and pruning of vegetation may be allowed  
41 on steep slopes pursuant to an approved vegetation management plan  
42 for the creation and maintenance of views if the soils are not  
43 disturbed and the activity is subject to administrative rules;

44 5. approved mining and quarrying activities may be allowed;  
45 and

46 6. stabilization of sites where erosion or landsliding  
47 threaten public or private structures, utilities, roads, driveways  
48 or trails, or where erosion and landsliding threatens any lake,

# 11621

1 stream, wetland or shoreline. Stabilization work shall be  
2 performed in a manner which causes the least possible disturbance  
3 to the slope and its vegetative cover; and

4 7. Reconstruction, remodeling, or replacement of existing  
5 structures.

6 Reconstruction, remodeling, or replacement of an existing  
7 structure upon another portion of an existing impervious surface  
8 which was established pursuant to King County laws and regulations  
9 may be allowed provided:

10 a. if within the buffer, the structure is located no  
11 closer to the steep slope than the existing structure,

12 b. the existing impervious surface within the buffer or  
13 steep slope is not expanded as a result of the reconstruction or  
14 replacement.

15 E. The following are exempt from the provisions of this  
16 section:

17 1. slopes which are 40% or steeper with a vertical elevation  
18 change of up to 20 feet if no adverse impact will result from the  
19 exemption based on King County's review of and concurrence with a  
20 soils report prepared by a geologist or geotechnical engineer; and

21 2. The approved regrading of any slope which was created  
22 through previous legal grading activities. Any slope which remains  
23 40% or steeper following site development shall be subject to all  
24 requirements for steep slopes.

25 SECTION 78. Ordinance 10870, Section 480, and K.C.C. 21A.24.330  
26 are hereby amended to read as follows:

27 Wetlands: permitted alterations. Alterations to wetlands and  
28 buffers may be allowed (~~only~~) pursuant to section 70 of this  
29 ordinance or as follows:

30 A. Alterations may be permitted if King County determines,  
31 based upon its review of special studies completed by qualified  
32 professionals, that:

33 1. the wetland does not serve any of the valuable functions  
34 of wetlands identified in K.C.C. 21A.06. (~~730~~) 1415 including, but  
35 not limited to, biologic and hydrologic functions; or

36 2. the proposed development will protect or enhance the  
37 wildlife habitat, natural drainage or other valuable functions of  
38 the wetland and will be consistent with the purposes of this  
39 chapter;

40 B. To establish the conditions in subsection A., detailed  
41 studies may be required as part of the special study on habitat  
42 value, hydrology, erosion and deposition and/or water quality.  
43 Such detailed studies shall include specific recommendations for  
44 mitigation which may be required as a condition of any development  
45 proposal approval. The recommendations may include, but are not  
46 limited to, construction techniques or design, drainage or density  
47 specifications;

1 C. If a wetland is in a flood hazard area, the applicant shall  
2 notify affected communities and native tribes of proposed  
3 alterations prior to any alteration and submit evidence of such  
4 notification to the Federal Insurance Administration;

5 D. There shall be no introduction of any plant or wildlife  
6 which is not indigenous to King County into any wetland or buffer  
7 unless authorized by a state or federal permit or approval;

8 E. Utilities may be allowed in wetland buffers if:

9 1. King County determines that no practical alternative  
10 location is available; and

11 2. the utility corridor meets any additional requirements set  
12 forth in administrative rules including, but not limited to,  
13 requirements for installation, replacement of vegetation and  
14 maintenance;

15 F. Sewer utility corridors may be allowed in wetland buffers  
16 only if:

17 1. the applicant demonstrates that sewer lines are necessary  
18 for gravity flow;

19 2. the corridor is not located in a wetland or buffer used by  
20 species listed as endangered or threatened by the state or federal  
21 government or containing critical or outstanding actual habitat for  
22 those species or heron rookeries or raptor nesting trees;

23 3. the corridor alignment including, but not limited to, any  
24 allowed maintenance roads follows a path beyond a distance equal to  
25 75% of the buffer width from the wetland edge;

26 4. corridor construction and maintenance protects the wetland  
27 and buffer and is aligned to avoid cutting trees greater than 12  
28 inches in diameter at breast height, when possible, and pesticides,  
29 herbicides and other hazardous substances are not used;

30 5. an additional, contiguous and undisturbed buffer, equal in  
31 width to the proposed corridor including any allowed maintenance  
32 roads, is provided to protect the wetland;

33 6. the corridor is revegetated with appropriate vegetation  
34 native to King County at pre-construction densities or greater  
35 immediately upon completion of construction or as soon thereafter  
36 as possible, and the sewer utility ensures that such vegetation  
37 survives;

38 7. any additional corridor access for maintenance is  
39 provided, to the extent possible, at specific points rather than by  
40 a parallel road; and

41 8. the width of any necessary parallel road providing access  
42 for maintenance is as small as possible, but not greater than 15  
43 feet, the road is maintained without the use of herbicides,  
44 pesticides or other hazardous substances and the location of the  
45 road is contiguous to the utility corridor on the side away from  
46 the wetland;

47 G. Joint use of an approved sewer utility corridor by other  
48 utilities may be allowed.

1 H. The following surface water management activities and  
2 facilities may be allowed in wetland buffers only as follows:

3 1. surface water discharge to a wetland from a detention  
4 facility, pre-settlement pond or other surface water management  
5 activity or facility may be allowed if the discharge does not  
6 increase the rate of flow, change the plant composition in a  
7 forested wetland or decrease the water quality of the wetland;

8 2. a class 1 or 2 wetland or buffer may be used for a  
9 regional retention/detention facility if:

10 a. a public agency and utility exception is granted  
11 pursuant to K.C.C. 21A.24.070;

12 b. all requirements of the Surface Water Design Manual are  
13 met;

14 c. the use will not alter the rating or the factors used in  
15 rating the wetland;

16 d. the proposal is in compliance with the latest adopted  
17 findings of the Puget Sound Wetlands Research Project; and

18 e. there are no significant adverse impacts to the wetland;

19 3. ((a)) isolated class 3 wetlands ((e)) and buffers which  
20 ~~((has as its major function the storage of water))~~ are grazed wet  
21 meadows may be used as a ((regional)) retention/detention facility  
22 if a pre-settlement pond is required and all requirements of the  
23 Surface Water Design Manual are met; and

24 4. use of a wetland buffer for a surface water management  
25 activity or facility, other than a retention/detention facility,  
26 such as an energy dissipater and associated pipes, may be allowed  
27 only if the applicant demonstrates, to the satisfaction of King  
28 County, that:

29 a. no practicable alternative exists; and

30 b. the functions of the buffer or the wetland are not  
31 adversely affected;

32 ~~((I. Wetlands shall not be used for retention/detention  
33 facilities other than for regional facilities as provided in this  
34 section))~~

35 ((J)) I. Public and private trails may be allowed in wetland  
36 buffers only upon adoption of administrative rules consistent with  
37 the following:

38 1. the trail surface shall not be made of impervious  
39 materials, except that public multi-purpose trails such as the  
40 Burke-Gilman Trail may be made of impervious materials if they meet  
41 all other requirements including water quality; and

42 2. buffers shall be expanded, where possible, equal to the  
43 width of the trail corridor including disturbed areas;

44 ((K)) J. A dock, pier, moorage, float or launch facility may be  
45 allowed, subject to the provisions of K.C.C. Title 25, if:

46 1. the existing and zoned density around the wetland is three  
47 dwelling units per acre or more;

1 2. at least 75% of the lots around the wetland have been  
2 built upon and no significant buffer or wetland vegetation remains  
3 on these lots; and

4 3. open water is a significant component of the wetland;

5 ((H))K. Alterations to isolated wetlands may be allowed only as  
6 follows:

7 1. on sites of less than 20 acres in size, one isolated  
8 wetland may be altered by relocating its functions into a new  
9 wetland on the site pursuant to an approved mitigation plan;

10 2. on sites 20 acres or greater in size, up to three  
11 isolated wetlands may be altered by combining their functions into  
12 one or more replacement wetlands on the site pursuant to an  
13 approved mitigation plan; and

14 3. whenever an isolated wetland is altered pursuant to this  
15 subsection, the replacement wetland shall include enhancement for  
16 wildlife habitat;

17 ((M))L. One additional agricultural building or associated  
18 residence may be allowed within the wetland buffer on a grazed wet  
19 meadow if all hydrologic storage is replaced on the site;

20 ((N))M. Subject to a clearing and grading permit issued pursuant  
21 to K.C.C. 16.82, the cutting of up to one cord of firewood may be  
22 permitted in buffers of five acres or larger in any year if the  
23 overall function of the buffer is not adversely affected. Removal  
24 of brush may also be permitted for the purpose of enhancing tree  
25 growth if the area of removal is limited to the diameter of the  
26 tree canopy at the time of planting; and

27 ((O))N. Wetland road crossings may be allowed if:

28 1. King County determines that no alternative access is  
29 practical;

30 2. all crossings minimize impact to the wetland and provide  
31 mitigation for unavoidable impacts through restoration, enhancement  
32 or replacement of disturbed areas;

33 3. crossings do not change the overall wetland hydrology;

34 4. crossings do not diminish the flood storage capacity of  
35 the wetland; and

36 5. all crossings are constructed during summer low water  
37 periods.

38 ((P))O. Reconstruction, remodeling, or replacement of existing  
39 structures. Reconstruction, remodeling, or replacement of an  
40 existing structure upon another portion of an existing impervious  
41 surface which was established pursuant to King County laws and  
42 regulations may be allowed provided:

43 1. if within the buffer, the structure is located no closer  
44 to the wetland than the existing structure,

45 2. the existing impervious surface within the buffer or  
46 wetland is not expanded as a result of the reconstruction or  
47 replacement.

1 P. Wetland enhancement not associated with any other  
 2 development proposal may be allowed if accomplished according to a  
 3 plan for its design, implementation, maintenance and monitoring  
 4 prepared by a civil engineer and a qualified biologist and carried  
 5 out under the direction of a qualified biologist; and

6 Q. A minor wetland restoration project for fish habitat  
 7 enhancement may be allowed if:

8 1. the restoration is sponsored by a public agency with a  
 9 mandate to do such work;

0 2. the restoration is not associated with mitigation of a  
 1 specific development proposal;

2 3. the restoration is limited to revegetation of wetlands and  
 3 their buffers and other specific fish and wildlife habitat  
 4 improvements;

5 4. the restoration only involves the use of hand labor and  
 6 light equipment, or the use of helicopters and cranes which deliver  
 7 supplies to the project site provided that they have no contact  
 8 with sensitive areas or their buffers; and

9 5. the restoration is performed under the direction of a  
 0 qualified biologist.

1 SECTION 79. Ordinance 10870, Section 481 and K.C.C. 21A.24.340  
 2 are each hereby amended as follows:

3 Wetlands: Mitigation requirements.

4 A. Restoration shall be required when a wetland or its buffer  
 5 is altered in violation of law or without any specific permission  
 6 or approval by King County. The following minimum requirements  
 7 shall be met for the restoration of a wetland:

8 1. the original wetland configuration shall be replicated  
 9 including its depth, width, length and gradient at the original  
 0 location;

1 2. the original soil type and configuration shall be  
 2 replicated;

3 3. the wetland edge and buffer configuration shall be  
 4 restored to its original condition;

5 4. the wetland, edge and buffer shall be replanted with  
 6 vegetation native to King County which replicates the original  
 7 vegetation in species, sizes and densities; and

8 5. the original wetland functions shall be restored  
 9 including, but not limited to, hydrologic and biologic functions.

0 B. The requirements in subsection A. may be modified if the  
 1 applicant demonstrates that greater wetland functions can otherwise  
 2 be obtained.

3 C. Replacement shall be required when a buffer is altered  
 4 pursuant to an approved development proposal or a wetland is used  
 5 for a regional retention/detention facility or other approved use.

6 The requirements for the restoration of wetlands shall be met by  
 7 replacement wetlands.

1 D. Enhancement may be allowed when a wetland or buffer will be  
2 altered pursuant to a development proposal, but the wetland's  
3 biologic and/or hydrologic functions will be improved. Minimum  
4 requirements for enhancement shall be established in administrative  
5 rules.

6 E. All alterations of wetlands shall be replaced or enhanced on  
7 the site or within the same drainage basin using the following  
8 formulas: class 1 and 2 wetlands on a 2:1 basis and class 3  
9 wetlands on a 1:1 basis with equivalent or greater biologic  
10 functions including, but not limited to, habitat functions and with  
11 equivalent hydrologic functions including, but not limited to,  
12 storage capacity.

13 F. Replacement or enhancement off the site may be allowed if  
14 the applicant demonstrates to the satisfaction of King County that  
15 the off-site location is in the same drainage sub-basin as the  
16 original wetland and that greater biologic and hydrologic functions  
17 will be achieved. The formulas in subsection E. shall apply to  
18 replacement and enhancement off the site.

19 G. Surface water management or flood control alterations  
20 including, but not limited to, wetponds shall not constitute  
21 replacement or enhancement unless other functions are  
22 simultaneously improved.

23 H. Mitigation sites should be located to alleviate wildlife  
24 habitat fragmentation.

25 SECTION 80. Ordinance 10870, Section 484 and K.C.C. 21A.24.370  
26 are each hereby amended as follows:

27 Streams: Permitted alterations. Alterations to streams and  
28 buffers may be allowed (~~only~~) pursuant to Section 70 of this  
29 ordinance or as follows:

30 A. Alterations may only be permitted if based upon a special  
31 study;

32 B. The applicant shall notify affected communities and native  
33 tribes of proposed alterations prior to any alteration if a stream  
34 is in a flood hazard and shall submit evidence of such notification  
35 to the Federal Insurance Administration;

36 C. There shall be no introduction of any plant or wildlife  
37 which is not indigenous to King County into any stream or buffer  
38 unless authorized by a state or federal permit or approval;

39 D. Utilities may be allowed in stream buffers if:

40 1. no practical alternative location is available;  
41 2. the utility corridor meets any additional requirements  
42 set forth in administrative rules including, but not limited to,  
43 requirements for installation, replacement of vegetation and  
44 maintenance;

45 3. the requirements for sewer utility corridors in K.C.C.  
46 21A.24.320 shall also apply to streams; and

47 4. joint use of an approved sewer utility corridor by other  
48 utilities may be allowed;



1 E. The following surface water management activities and  
2 facilitates may be allowed in stream buffers as follows:

3 1. surface water discharge to a stream from a detention  
4 facility, pre-settlement pond or other surface water management  
5 activity or facility may be allowed if the discharge is in  
6 compliance with the Surface Water Design Manual;

7 2. a class 2 stream or buffer may be used for a regional  
8 retention/detention facility if:

9 a. a public agency and utility exception is granted  
10 pursuant to K.C.C. 21A.24.070;

11 b. all requirements of the Surface Water Design Manual are  
12 met;

13 c. the use will not alter the rating or the factors used  
14 in rating the stream;

15 d. there are no significant adverse impacts to the stream;  
16 and

17 3. a class 3 stream or buffer may be used as a regional  
18 retention/detention facility if the alteration will have no lasting  
19 adverse impact on any stream and all requirements of the Surface  
20 Water Design Manual are met;

21 F. Public and private trails may be allowed in stream buffers  
22 only upon adoption of administrative rules consistent with the  
23 following:

24 1. the trail surface shall not be made of impervious  
25 materials, except that public multi-purpose trails such as the  
26 Burke-Gilman Trail may be made of impervious materials if they meet  
27 all other requirements including water quality; and

28 2. buffers shall be expanded, where possible, equal to the  
29 width of the trail corridor including disturbed areas;

30 G. Stream crossings may be allowed and may encroach on the  
31 otherwise required stream buffer if:

32 1. all (~~read~~) crossings use bridges or other construction  
33 techniques which do not disturb the stream bed or bank, except that  
34 bottomless culverts or other appropriate methods demonstrated to  
35 provide fisheries protection may be used for class 2 or 3 streams  
36 if the applicant demonstrates that such methods and their  
37 implementation will pose no harm to the stream or inhibit migration  
38 of fish;

39 2. all crossing are constructed during the summer low flow  
40 and are timed to avoid stream disturbance during periods when use  
41 is critical to salmonids;

42 3. crossings do not occur over salmonid spawning areas unless  
43 King County determines that no other possible crossing site exists;

44 4. bridge piers or abutments are not placed within the FEMA  
45 floodway or the ordinary high water mark;

46 5. crossings do not diminish the flood-carrying capacity of  
47 the stream;

1 6. underground utility crossings are laterally drilled and  
2 located at a depth of four feet below the maximum depth of scour  
3 for the base flood predicted by a civil engineer licensed by the  
4 Station of Washington temporary bore pits to perform such crossings  
5 may be permitted within the stream buffer established in Section  
6 21A.24.360. Crossing of Class 3 streams when dry may be made with  
7 open cuts; and

8 7. crossings are minimized and serve multiple purposes and  
9 properties whenever possible;

10 H. Stream relocations may be allowed only for:

11 1. class 2 streams as part of a public road project for  
12 which a public agency and utility exception is granted pursuant to  
13 K.C.C. 21A.24.050; and

14 2. class 3 streams for the purpose of enhancing resources in  
15 the stream if:

16 a. appropriate floodplain protection measures are used;  
17 and

18 b. the relocation occurs on the site, except that the  
19 relocate off the site may be allowed if the applicant demonstrates  
20 that any on-site relocation is impracticable, the applicant  
21 provides all necessary easements and waivers from affected property  
22 owners and the off-site location is in the same drainage sub-basin  
23 as the original stream;

24 I. For any relocation allowed by this section, the applicant  
25 shall demonstrate, based on information provided by a civil  
26 engineer and a qualified biologist, that:

27 1. the equivalent base flood storage volume and function will  
28 be maintained;

29 2. there will be no adverse impact to local groundwater;

30 3. there will be no increase in velocity;

31 4. there will be no interbasin transfer of water;

32 5. there will be no increase in sediment load;

33 6. the relocation conforms to other applicable laws; and

34 7. all work will be carried out under the direct supervision  
35 of a qualified biologist;

36 J. A stream channel may be stabilized if:

37 1. movement of the stream channel threatens existing  
38 residential or commercial structures, public facilities or  
39 improvements, unique natural resources or the only existing access  
40 to property; and

41 2. the stabilization is done in compliance with the  
42 requirements of K.C.C. 21A.24.230 - 21A.24.270 and administrative  
43 rules promulgated pursuant to this chapter;

44 K. Stream enhancement not associated with any development  
45 proposal may be allowed if accomplished according to a plan for its  
46 design, implementation, maintenance and monitoring prepared by a  
47 civil engineer and a qualified biologist and carried out under the

11621

1 ((~~direct supervision~~)) direction of a qualified biologist  
2 ((~~pursuant to provisions contained in administrative rules~~));

3 L. A minor stream restoration project for fish habitat  
4 enhancement may be allowed if:

5 1. the restoration is ((~~accomplished~~)) sponsored by a public  
6 agency with a mandate to do such work;

7 2. the restoration is unassociated with mitigation of a  
8 specific development proposal;

9 ((~~3. the restoration does not cost more than \$25,000;~~))

10 ((4))3. the restoration is limited to placement of rock wiers,  
11 log controls, spawning gravel and other specific salmonid habitat  
12 improvements;

13 ((5))4. the restoration only involves the use of hand labor and  
14 light equipment; or the use of helicopters and cranes which deliver  
15 supplies to the project site provided that they have no contact  
16 with sensitive areas or their buffers; and

17 ((6))5. the restoration is performed under the ((~~direct~~  
18 ~~supervision~~)) direction of a qualified biologist;

19 M. Roadside and agricultural drainage ditches which carry  
20 streams with salmonids may be maintained through the use of best  
21 management practices developed in consultation with relevant  
22 county, state and federal agencies. These practices shall be  
23 adopted as administrative rules; and

24 N. Subject to a clearing and grading permit issued pursuant to  
25 K.C.C. 16.82, the cutting of up to one cord of firewood may be  
26 permitted in buffers of five acres or larger in any year if the  
27 overall function of the buffer is not adversely affected. Removal  
28 of brush may also be permitted for the purpose of enhanced tree  
29 growth if the area of removal is limited to the diameter of the  
30 tree canopy at the time of planting.

31 O. Reconstruction, remodeling, or replacement of existing  
32 structures..

33 Reconstruction, remodeling, or replacement of an existing  
34 structure upon another portion of an existing impervious surface  
35 which was established pursuant to King County laws and regulations  
36 may be allowed provided:

37 a. if within the buffer, the structure is located no closer  
38 to the steep slope than the existing structure,

39 b. the existing impervious surface within the buffer or steep  
40 slope is not expanded as a result of the reconstruction or  
41 replacement.

42 SECTION 81. Ordinance 10870, Section 493, and K.C.C. 21A.26.040  
43 are hereby amended to read as follows:

# 11621

21A.26.040 Review process by zone. A. Except for ~~((cellular radio))~~ minor communication

ilities as regulated pursuant to subsection B, communication facilities shall be permitted and

reviewed pursuant to K.C.C. 21A.08.060 and 21A.08.100:

B. Minor communication facilities ~~((for the transmission or reception of cellular radio signals))~~

shall be permitted and reviewed as follows:

TYPE OF TRANSMISSION STRUCTURE

Structures no more than 100 feet tall

<u>ZONE</u>	<u>REVIEW PROCESS</u>	<u>SETBACKS<sup>3</sup></u>
R-4 to R-48	C <sup>2</sup>	Front: 35 feet Side: 20 feet Rear: 20 feet

R-1 UR RA	C	Front: 30 feet <sup>6</sup> Side: 10 feet Rear: 10 Feet
-----------------	---	---

Other Zones	P	10 feet <sup>4</sup>
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Structures more than 100 feet tall

R-4 to R-48	C <sup>2</sup>	One-half for one <sup>5</sup>
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R-1 UR RA	C	Front: 40 feet <sup>6</sup> Side: 30 feet Rear: 30 feet
-----------------	---	---

Other Zones	C	10 feet <sup>4</sup>
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Transmission towers

R-4 to R-48	S <sup>2</sup>	One for one <sup>5</sup>
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R-1 UR RA	C	One-half for one <sup>5</sup>
-----------------	---	----------------------------------

Other Zones	C	20 feet <sup>4</sup>
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KEY: P - Permitted Use, S - Special Use Permit, C - Conditional Use Permit

1 FOOTNOTES:

2 1. The department may decide whether a pole no more than 100  
3 feet tall will be wood or steel based on a determination of which  
4 material would be more appropriate at the proposed location;

5 2. The following special procedures and conditions shall apply  
6 to the review and issuance of permits:

7 a. The applicant shall demonstrate that the proposed facility  
8 complies with all applicable laws and that it requires placement at  
9 a particular location to meet the needs of the cellular telephone  
10 system;

11 b. The applicant shall arrange a public meeting with owners  
12 of the property near the proposed facility for the purpose of  
13 providing information and receiving comments about the proposed  
14 facility;

15 c. The applicant shall provide notice of the public meeting  
16 announcing time, date, location and purpose of the public meeting;  
17 and

18 d. A department representative shall attend the public  
19 meeting;

20 3. The setback requirements apply to the transmission pole or  
21 tower and transmission equipment placed on the pole or tower. The  
22 county may reduce the setback where the applicant demonstrates that  
23 the facility will be adequately screened from public view;

24 4. Transmission structures shall be set back an additional 20  
25 feet from any property line abutting any R, UR or RA zoned  
26 properties; and

27 5. "One-half for one" and "one for one" means the transmission  
28 structure shall be set back from the property lines one-half foot  
29 or one foot, respectively, for every foot of pole or tower height.

30 6. In the RA zone, five additional feet is required in the  
31 front setback.

32 SECTION 82. Ordinance 10870, Section 494 and K.C.C. 21A.26.050  
33 are hereby amended to read as follows:

34 Setback requirements. Except as outlined for modifications and  
35 consolidations pursuant to K.C.C. 21A.26.140 and 21A.26.150 or when  
36 setbacks are increased to ensure compliance with NIER exposure  
37 limits, communication facilities shall comply with the following  
38 setbacks:

39 A. Transmission structures, which do not exceed the height  
40 limit of the zone in which they are located, shall be set back from  
41 the property line as required for other structures by the zone in  
42 which such transmission structure is located;

43 B. Transmission structures, which exceed the height limit of  
44 the zone in which they are located, shall be set back from property  
45 lines either a minimum of 50 feet or one foot for every foot in  
46 height, whichever results in the greater setback, except:

# 11621

1 1. Transmission structures located in the A, F, NB, CB, RB, O  
2 or I zones shall be set back from the property line as required by  
3 the zone in which they are located; and

4 2. Transmission structures for (~~the transmission or~~  
5 ~~reception of cellular radio signals~~) minor communication facilities  
6 shall be set back from the property line as provided in K.C.C.  
7 21A.26.040.B.;

8 C. When two or more communication facilities share a common  
9 boundary, the setback from such boundary shall comply with the  
10 requirements of the zone in which the facilities are located, un-  
11 less easements are provided:

12 1. On the adjoining sites which limit development to  
13 communication facilities;

14 2. Of sufficient depth to provide the setbacks required in  
15 subsections A and B; and

16 3. Which provide for King County as a third party signatory  
17 to the agreement; and

18 D. Transmitter buildings shall be subject to the setback  
19 requirements of the zone in which they are located.

20 SECTION 83. Ordinance 10870, Section 512, and K.C.C. 21A.28.020  
21 are hereby amended to read as follows:

## 22 General Requirements.

23 A. All new development proposals including any use, activity,  
24 or structure allowed by K.C.C. 21A.08 that requires King County  
25 approval shall be adequately served by the following facilities and  
26 services prior to the time of occupancy, (~~plat~~) recording, or  
27 other land use approval, as further specified in this chapter:

- 28 1. sewage disposal;
- 29 2. water supply;
- 30 3. surface water management;
- 31 4. roads and access;
- 32 5. fire protection service; and
- 33 6. schools.

34 B. All new development proposals for building permits, plats,  
35 short plats, urban planned developments and lot line adjustments,  
36 which will be served by a sewer or water district, shall include a  
37 certificate of water availability and/or certificate of sewer  
38 availability to demonstrate compliance with this chapter and other  
39 provisions of the King County Code, the King County Comprehensive  
40 Plan and the Growth Management Act.

41 (~~B.~~) C. Regardless of the number of sequential permits required,  
42 the provisions of this chapter shall be applied only once to any  
43 single development proposal. If changes and modifications result  
44 in impacts not considered when the proposal was first approved, the  
45 county shall consider the revised proposal as a new development  
46 proposal.

47 SECTION 84. Ordinance 10870, Section 513, and K.C.C. 21A.28.030  
48 are hereby amended to read as follows:

1 Adequate sewage disposal. All new development shall be served  
2 by an adequate public or private sewage disposal system, including  
3 both collection and treatment facilities as follows:

4 A. A public sewage disposal system is adequate for a  
5 development proposal provided that:

6 1. For the issuance of a building permit, preliminary plat or  
7 short plat approval or other land use approval, the site of the  
8 proposed development is or can be served by an existing disposal  
9 system consistent with the Sewerage General Plan, and the disposal  
10 system has been approved by the department as being consistent with  
11 applicable state and local design and operating guidelines;

12 2. For the issuance of a certificate of occupancy for a  
13 building or change of use permit, the approved public sewage  
14 disposal system as set forth in subsection A.1 of this section is  
15 installed to serve each building or lot;

16 3. For recording a final plat, final short plat or binding  
17 site plan the approved public sewage disposal system set forth in  
18 subsection A.1 of this section shall be installed to serve each lot  
19 respectively; or a bond or similar security shall be deposited with  
20 King County for the future installation of an adequate sewage  
21 disposal system. The bond may be assigned to a purveyor to assure  
22 the construction of such facilities within two years of recording;  
23 and

24 4. For a zone reclassification or urban planned development  
25 permit, the timing of installation of required sewerage  
26 improvements shall be contained in the approving ordinance as  
27 specified in K.C.C. 20.24.230; and

28 B. A private individual sewage system is adequate, if an on-  
29 site sewage disposal system for each individual building or lot is  
30 installed to meet the requirements and standards of the department  
31 of public health as to lot size, soils, and system design prior to  
32 issuance of a certificate of occupancy for a building or change of  
33 use permit.

34 SECTION 85. Ordinance 10870, Section 516, and K.C.C. 21A.28.060  
35 are hereby amended to read as follows:

36 Adequate roads.

37 A. All new development shall be served by adequate roads.  
38 Roads are adequate if the development's traffic impacts on  
39 surrounding public roads are acceptable under the level-of-service  
40 standards ((as stated in K.C.C. 21A.28.070)) and the compliance  
41 procedures established in K.C.C. ((21A.28.080 and K.C.C.  
42 21A.28.090)) Title 14.

43 B. The renewal of permits or the issuance of a new permit for  
44 existing uses constitutes a new development proposal only if it  
45 will generate additional traffic above that currently generated by  
46 the use.

47 C. A variance request from the road cross-section or  
48 construction standards established by K.C.C. Title 14, Roads and

1 Bridges, shall be reviewed as set forth in K.C.C. 14.42.060 and  
 2 does not require a variance from this Title unless relief is  
 3 requested from a building height, setback, landscaping or other  
 4 development standard set forth in K.C.C. 21A.12 through K.C.C.  
 5 21A.30.

6 SECTION 86. Ordinance 10870, Sections 517 through 521, and  
 7 K.C.C. 21A.28.070 through 21A.28.110 are hereby repealed.

8 SECTION 87. Ordinance 10870, Section 524, as amended, and  
 9 K.C.C. 21A.28.140 are hereby amended to read as follows:

10 School Concurrency - Applicability and Relationship with Fees.

11 A. The school concurrency standard set out in Section  
 12 21A.28.160 shall apply to applications for preliminary plat or  
 13 ((UPD)) Urban Planned Development (UPD) approval ((which would  
 14 result in the creation of new residential building lots or)) l  
 15 mobile home parks ((or the construction of new dwelling units)),  
 16 requests for multifamily zoning, and building permits for  
 17 multifamily housing projects which have not been previously  
 18 evaluated for compliance with the concurrency standard.

19 B. The county's finding of concurrency shall be made at the  
 20 time of preliminary plat or ((urban planned development)) UPD  
 21 approval, at the time that a request to actualize potential  
 22 multifamily zoning is approved, at the time a mobile home park site  
 23 plan is approved, or prior to building permit issuance for  
 24 multifamily housing projects which have not been previously  
 25 established for compliance with the concurrency standard. Once  
 26 such a finding has been made, the development shall be considered  
 27 as vested for purposes of the concurrency determination.

28 C. Excluded from the application of the concurrency standard  
 29 are:

30 1. building permits for individual single family  
 31 dwellings((~~7~~)); ((and))

32 2. any form of housing exclusively for senior citizens,  
 33 including nursing homes and retirement centers((~~7~~)); ((Also  
 34 excluded from the application of the concurrency standard are))

35 3. shelters for temporary placement, relocation facilities  
 36 and transitional housing facilities((~~7~~));

37 4 ((R))replacement, reconstruction or remodeling of existing  
 38 dwelling units; ((is not subject to the provisions of K.C.C.  
 39 21A.28.140 - 180-))

40 ((D. Also excluded from the application of the concurrency  
 41 standard set out in this chapter are:))

42 ((~~1~~))5. short subdivisions;

43 ((~~2~~))6. building permits for residential units in  
 44 preliminary planned unit developments which were under  
 45 consideration by King County on January 22, 1991;

46 ((~~3~~))7. building permits for residential units in recorded  
 47 planned unit developments approved pursuant to K.C.C. Title 21 that  
 48 have not yet expired per K.C.C. 21((A)).56.060;



1 ((4-))8. building permits applied for by December 31, 1993,  
2 related to rezone applications to actualize potential zoning which  
3 were under consideration by King County on January 22, 1991;

4 ((5-))9. building permits applied for by December 31, 1993,  
5 related to residential development proposals for site plan review  
6 to fulfill P-Suffix requirements of multifamily zoning which were  
7 under consideration by King County on January 22, 1991; and

8 ((6-))10. any residential building permit for any development  
9 proposal for which a concurrency determination has already been  
10 made pursuant to the terms of ((~~this chapter or~~)) K.C.C. Title 21A.

11 ((E-))D. All of the development activities which are excluded  
12 from the application of the concurrency standard are subject to  
13 school impact fees imposed pursuant to Title 27.

14 ((F-))E. The assessment and payment of impact fees are governed  
15 by and shall be subject to the provisions in K.C.C. Title 27  
16 addressing school impact fees.

17 ((G-))F. A certification of concurrency for a school district  
18 shall not preclude the county from collecting impact fees for the  
19 district. Impact fees may be assessed and collected as long as the  
20 fees are used to fund capital and system improvements needed to  
21 serve the new development, and as long as the use of such fees is  
22 consistent with the requirements of Chapter 82.02 RCW and this  
23 chapter. Pursuant to Chapter 82.02 RCW, impact fees may also be  
24 used to recoup capital and system improvement costs previously  
25 incurred by a school district to the extent that new growth and  
26 development will be served by the previously constructed  
27 improvements or incurred costs.

28 SECTION 88. Ordinance 10870, Section 525, as amended, and  
29 K.C.C. 21A.28.150 are hereby amended to read as follows:

30 Findings, recommendations, and decisions regarding school  
31 capacities.

32 A. In making a threshold determination pursuant to SEPA, the  
33 director and/or the zoning and subdivision examiner, in the course  
34 of reviewing proposals for residential development including  
35 applications for plats or UPD's, mobile home parks, or multi-family  
36 zoning, and multifamily building permits, shall consider the school  
37 district's capital facilities plan as adopted by the council.

38 B. Documentation which the district is required to submit  
39 pursuant to section ((~~21.61.060~~)) 89 of this ordinance or Title 20.  
40 shall be incorporated into the record in every case without  
41 requiring the district to offer such plans and data into the  
42 record. The school district is also authorized to present  
43 testimony and documents demonstrating a lack of concurrency in the  
44 district and the inability of the district to accommodate the  
45 students to be generated by a specific development.

46 C. Based upon a finding that the impacts generated by the plat,  
47 the UPD, mobile home park or the multi-family development were  
48 generally not anticipated at the time of the last council review.

1 and approval of a school district capital plan and were not  
 2 included in the district's long-range forecast, the director may  
 3 require or recommend phasing or provision of the needed facilities  
 4 and/or sites as appropriate to address the deficiency or deny or  
 5 condition approval, consistent with the provisions of this chapter,  
 6 the State Subdivision Act, and the State Environmental Policy Act.

7 D. Determinations of the examiner or director regarding  
 8 concurrency can be appealed only pursuant to the provisions for  
 9 appeal of the development permit process for which the  
 10 determination has been made. Where no other administrative appeal  
 11 process is available, an appeal may be taken to the zoning examiner  
 12 using the appeal procedures for variances. Any errors in the  
 13 formula identified as a result of an appeal should be referred to  
 14 the council for possible modifications.

15 E. Where the council has not adopted an impact fee ordinance  
 16 for a particular school district, the language of this section  
 17 shall not affect the authority or duties of the examiner or the  
 18 director pursuant to the State Environmental Policy Act or the  
 19 State Subdivision Act.

20 NEW SECTION. SECTION 89. There is added to K.C.C. 21A.28 a new  
 21 section to read as follows:

22 Submission of District Capital Facilities Plan and Data.

23 A. On an annual basis, each school district shall submit the  
 24 following materials to the School Technical Review Committee  
 25 created pursuant to section 90 of this ordinance herein:

26 1. The district's capital facilities plan adopted by the  
 27 school board which is consistent with the Growth Management Act.

28 2. The district's enrollment projections over the next six  
 29 (6) years, its current enrollment and the district's enrollment  
 30 projections and actual enrollment from the previous year.

31 3. The district's standard of service.

32 4. An inventory and evaluation of district facilities which  
 33 address the district's standard of service.

34 5. The district's overall capacity over the next six (6)  
 35 years, which shall be a function of the district's standard of  
 36 service as measured by the number of students which can be housed  
 37 in district facilities.

38 B. To the extent that the district's standard of service  
 39 reveals a deficiency in its current facilities, the district's  
 40 capital facilities plan must demonstrate a plan for achieving the  
 41 standard of service, and must identify the sources of funding for  
 42 building or acquiring the necessary facilities to meet the standard  
 43 of service.

44 C. Facilities to meet future demand shall be designed to meet  
 45 the adopted standards of service. If sufficient funding is not  
 46 projected to be available to fully fund a capital plan which meets  
 47 the standard of service, the district's capital plan should  
 48 document the reason for the funding gap.

1 D. If an impact fee ordinance has been adopted on behalf of a  
2 school district, the district shall also submit an annual report to  
3 the School Technical Review Committee showing the capital  
4 improvements which were financed in whole or in part by the impact  
5 fees.

6 NEW SECTION. SECTION 90. There is added to K.C.C. 21A.28 a new  
7 section to read as follows:

8 School Technical Review Committee.

9 A. There is hereby created a School Technical Review Committee  
10 (STRC) within King County. The Committee shall consist of 4 county  
11 staff persons, one each from the department of development and  
12 environmental services, the planning and community development  
13 division, the office of financial management and the county  
14 council.

15 B. The Committee shall be charged with reviewing each school  
16 district's capital facilities plan, enrollment projections,  
17 standard of service, the district's overall capacity for the next  
18 six (6) years to ensure consistency with the Growth Management Act,  
19 King County Comprehensive Plan, and adopted community plans, and  
20 the district's calculation and rationale for proposed impact fees.

21 C. Notice of the time and place of the Committee meeting where  
22 the district's documents will be considered shall be provided to  
23 the district.

24 D. At the meeting where the Committee will review or act upon  
25 the district's documents, the district shall have the right to  
26 attend or to be represented, and shall be permitted to present  
27 testimony to the Committee. Meetings shall also be open to the  
28 public.

29 E. In its review, the Committee shall consider the following  
30 factors:

31 1. Whether the district's forecasting system for enrollment  
32 projections has been demonstrated to be reliable and reasonable.

33 2. The historic levels of funding and voter support for bond  
34 issues in the district;

35 3. The inability of the district to obtain the anticipated  
36 state funding or to receive voter approval for district bond  
37 issues;

38 4. An emergency or emergencies in the district which required  
39 the closing of a school facility or facilities resulting in a  
40 sudden and unanticipated decline in districtwide capacity; and

41 5. The standards of service set by school districts in  
42 similar types of communities. While community differences will be  
43 permitted, the standard established by the district should be  
44 reasonably consistent with the standards set by other school  
45 districts in communities of similar socioeconomic profile.

46 6. The Committee shall consider the standards identified by  
47 the state concerning the ratios of certificated instructional staff  
48 to students.

# 11621

1 F. In the event that the district's standard of service reveals  
2 a deficiency in its current facilities, the Committee shall review  
3 the district's capital facilities plan to determine whether the  
4 district has identified all sources of funding necessary to achieve  
5 the standard of service.

6 G. The district in developing the Financing Plan Component of  
7 the Capital Facilities Plan shall plan on a six-year horizon and  
8 shall demonstrate its best efforts by taking the following steps:

9 1. Establish a six-year financing plan, and propose the  
10 necessary bond issues and levies required by and consistent with  
11 that plan and as approved by the school board and consistent with  
12 RCW 28A.53.020 and RCW 84.52.052 and .056 as amended; and

13 2. Apply to the state for funding, and comply with the state  
14 requirement for eligibility to the best of the district's ability.

15 H. The Committee is authorized to request the school district  
16 to review and to resubmit its capital facilities plan, or to  
17 establish a different standard of service, or to review its  
18 capacity for accommodating new students, under the following  
19 circumstances:

20 1. The standard of service established by the district is not  
21 reasonable in light of the factors set forth in subsection E of  
22 this section.

23 2. The Committee finds that the district's standard of  
24 service cannot reasonably be achieved in light of the secured  
25 financial commitments and the historic levels of support in the  
26 district; or

27 3. Any other basis which is consistent with the provisions of  
28 this section.

29 I. The Committee shall prepare and submit an annual report to  
30 the King County council for each school district recommending a  
31 certification of concurrency in the district, except as provided in  
32 Subsection L of this section using the school concurrency standard  
33 as set forth in K.C.C. 21A.28.160. If a school district fails to  
34 submit its capital facilities plan for review by the STRC, King  
35 County shall assume the district has adequate capacity to  
36 accommodate growth for the following six years.

37 J. The Committee shall submit copies of its recommendation of  
38 concurrency for each school district to the director of DDES, to  
39 the zoning and subdivision examiner, and to the district.

40 K. The committee shall recommend to the council a comprehensive  
41 plan amendment adopting the district's capital facilities plan as  
42 part of the comprehensive plan, for any plan which the Committee  
43 concludes accurately reflects the district's facilities status.

44 L. In the event that after reviewing the district's capital  
45 facilities plan and other documents, the Committee is unable to  
46 recommend certifying concurrency in a school district, the  
47 Committee shall submit a statement to the council, the director and  
48 the zoning and subdivision examiner stating that the Committee is

1 unable to recommend certifying concurrency in a specific school  
 2 district. The Committee shall recommend to the executive that he  
 3 propose to the council, amendments to the land use element of the  
 4 King County Comprehensive Plan or amendments to the development  
 5 regulations implementing the plan to more closely conform county  
 6 land use plans and school facilities plans, including but not  
 7 limited to requiring mandatory phasing of plats, UPDs or  
 8 multifamily development located within the district's boundary. The  
 9 necessary draft amendments shall accompany such recommendations.

10 NEW SECTION. SECTION 91. There is added to K.C.C. 21A.28 a new  
 11 section to read as follows:

12 Annual Council Review.

13 A. On at least an annual basis, the King County council shall  
 14 review the reports prepared by the Committee and certify the  
 15 district's plans. The review may occur in conjunction with any  
 16 update of the Facilities and Services chapter of the King County  
 17 Comprehensive Plan proposed by the Committee.

18 B. The council shall review and consider any proposal(s)  
 19 submitted by the Committee for amending the land use policies of  
 20 the King County Comprehensive Plan, or the development regulations  
 21 implementing the plan, including but not limited to requiring  
 22 mandatory phasing of plats, UPDs or multifamily development when  
 23 the Committee is unable to recommend a certification of concurrency  
 24 in a specific school district. Any proposed amendments to the  
 25 comprehensive plan or development regulations shall be subject to  
 26 the public hearing and other procedural requirements set out in  
 27 Title 20 or 21A, as applicable.

28 C. The council may require the committee to submit proposed  
 29 amendments or may itself initiate amendments to the land use  
 30 policies of the King County Comprehensive Plan, or amendments to  
 31 the development regulations implementing the plan.

32 SECTION 92. Ordinance 10870, Section 527, and K.C.C. 21A.28.170  
 33 are hereby repealed.

34 SECTION 93. Ordinance 10870, Section 536, and K.C.C. 21A.30.080  
 35 are hereby amended to read as follows:

36 Home occupation. Residents of a dwelling unit may conduct one  
 37 or more home occupations as accessory activities, provided:

38 A. The total area devoted to all home occupation(s) shall not  
 39 exceed twenty percent of the floor area of the dwelling unit.  
 40 Areas with attached garages and storage buildings shall not be con-  
 41 sidered part of the dwelling unit for purposes of calculating  
 42 allowable home occupation area but may be used for storage of goods  
 43 associated with the home occupation;

44 B. In urban residential zones, all the activities of the home  
 45 occupation(s) shall be conducted indoors, except for those related  
 46 to growing or storing of plants used by the home occupation(s);

47 C. No more than one non-resident shall be employed by the home  
 48 occupation(s);

1 D. The following activities shall be prohibited in urban  
2 residential zones only::

- 3 1. Automobile, truck and heavy equipment repair;
- 4 2. Autobody work or painting;
- 5 3. Parking and storage of heavy equipment; and
- 6 4. Storage of building materials for use on other properties;

7 E. In addition to required parking for the dwelling unit, on-  
8 site parking shall be provided as follows:

- 9 1. One stall for a non-resident employed by the home  
10 occupation(s); and
- 11 2. One stall for patrons when services are rendered on-site;

12 F. Sales shall be limited to:

- 13 1. Mail order sales; and
- 14 2. Telephone sales with off-site delivery;

15 G. Services to patrons shall be arranged by appointment or  
16 provided off-site;

17 H. The home occupation(s) may use or store a vehicle for pickup  
18 of materials used by the home occupation(s) or the distribution of  
19 products from the site, provided:

- 20 1. No more than one such vehicle shall be allowed;
- 21 2. Such vehicle shall not park within any required setback  
22 areas of the lot or on adjacent streets; and
- 23 3. Such vehicle shall not exceed a weight capacity of one  
24 ton; and

25 I. The home occupation(s) shall not use electrical or  
26 mechanical equipment that results in:

- 27 1. A change to the ((~~fire-rating~~)) occupancy type of the  
28 structure(s) used for the home occupation(s);
- 29 2. Visual or audible interference in radio or television  
30 receivers, or electronic equipment located off-premises; or
- 31 3. Fluctuations in line voltage off-premises.

32 J. Uses not allowed as home occupations may be allowed as a  
33 home industry pursuant to K.C.C. 21A.30.

34 SECTION 94. Ordinance 10870, Section 557, and K.C.C. 21A.32.200  
35 are hereby amended to read as follows:

36 Re-use of facilities - general standards. The interim or  
37 permanent re-use of surplus nonresidential facilities in  
38 residential zoned areas shall require that no more than 50 percent  
39 of the original floor area ((~~may~~)) be demolished for either  
40 permanent or interim re-use of facilities.

41 SECTION 95. Ordinance 10870, Section 544, and K.C.C. 21A.32.070  
42 are hereby amended to read as follows:

43 Nonconformance - repair or reconstruction of nonconforming  
44 structure. Any structure nonconforming as to ((~~height~~)) density or  
45 dimension ((~~setback~~)) standards may be repaired or reconstructed  
46 provided that:

47 A. The extent of the previously existing nonconformance is not  
48 increased; and

# 11621

1 B. The building permit application for repair or reconstruction  
2 is submitted within 12 months of the occurrence of damage or  
3 destruction.

4 SECTION 96. Ordinance 10870, Section 571, and K.C.C. 21A.36.040  
5 are hereby amended to read as follows:

6 A. Receiving sites shall be zoned R-4 through R-48, NB, CB, RB  
7 or O, or any combination thereof, and (~~must~~) may be designated by  
8 community, neighborhood or subarea plan policies as appropriate for  
9 the transfer of residential density credits before being eligible  
10 to participate in a TDC.

11 B. Except as provided in this chapter, development of a  
12 receiving site shall remain subject to all use, lot coverage,  
13 height, setback and other requirements of its zone.

14 C. A receiving site may accept density credits, up to the  
15 maximum density permitted pursuant to K.C.C. 21A.12, from any  
16 sending site or combination of sending sites unless a community,  
17 neighborhood or subarea plan adopts specific policies to allow only  
18 transfers from within the same community planning area or within a  
19 distance outside of the planning area as specified by the community  
20 plan.

21 SECTION 97. Ordinance 10870, Section 576, and K.C.C. 21A.38.030  
22 are hereby amended to read as follows:

23 A. Property-specific development standards, denoted by the  
24 zoning map symbol -P after the zone's map symbol or a notation in  
25 the SITUS File, shall be established on individual properties  
26 through either reclassifications or area zoning. Upon the effective  
27 date of reclassification of a property to a zone with a -P suffix,  
28 the property-specific development standards adopted thereby shall  
29 apply to any development proposal on the subject property subject  
30 to county review, including, but not limited to, a building permit,  
31 grading permit, subdivision, short subdivision, subsequent  
32 reclassification to a potential zone, urban planned development,  
33 conditional use permit, variance, and special use permit.

34 B. Property-specific development standards shall address  
35 problems unique to individual properties or specifically defined  
36 geographic areas that are not addressed or anticipated by general  
37 minimum requirements of this title or other regulations.

38 C. Property-specific development standards shall cite the  
39 provisions of this title, if any, that are to be augmented,  
40 limited, or increased, shall be supported by documentation that  
41 addresses the need for such condition(s), and shall include street  
42 addresses, tax lot numbers or other clear means of identifying the  
43 properties subject to the additional standards. Property-specific  
44 development standards are limited to:

- 45 1. Limiting the range of permitted land uses;
- 46 2. Requiring special development standards for property with  
47 physical constraints (e.g. environmental hazards, view corridors);

1 3. Requiring specific site design features (e.g. building  
2 orientation, lot layout, clustering, trails or access location);

3 4. Specifying the phasing of the development of a site;

4 5. Requiring public facility site dedications or improvements  
5 (e.g. roads, utilities, parks, open space, trails, school sites);  
6 or

7 6. Designating sending and receiving sites for transferring  
8 density credits as provided in K.C.C. 21A.36.

9 D. Property-specific development standards shall not be used to  
10 expand permitted uses or reduce minimum requirements of this title.

11 SECTION 98. Ordinance 10870, Section 577, and K.C.C. 21A.38.040  
12 are hereby amended to read as follows:

13 Special district overlay - general provisions. Special  
14 district overlays shall be designated on community plan maps and  
15 indicated on area zoning maps or a notation in the SITUS File, as  
16 follows:

17 A. A special district overlay shall be designated in a  
18 community plan, plan update or plan amendment as provided in K.C.C.  
19 20.12. Designation of an overlay district shall include policies  
20 that prescribe the purposes and location of the overlay;

21 B. A special district overlay shall be applied to land through  
22 the area zoning adopted in conjunction with the community plan and  
23 shall be indicated on the zoning map or a notation in the SITUS  
24 File, with the suffix "-SO" following the map symbol of the  
25 underlying zone or zones;

26 C. The special district overlays set forth in this chapter are  
27 the only overlays authorized by the code. New or amended overlays  
28 to carry out new or different goals or policies shall be adopted as  
29 part of this chapter and be available for use in all appropriate  
30 community planning areas;

31 D. The special district overlays set forth in this chapter may  
32 waive, modify and substitute for the range of permitted uses and  
33 development standards established by this title for any use or  
34 underlying zone;

35 E. Unless they are specifically modified by the provisions of  
36 this chapter, the standard requirements of this title and other  
37 county ordinances and regulations govern all development and land  
38 uses within special district overlays; and

39 F. A special district overlay on an individual site may be  
40 modified by property-specific development standards as provided in  
41 K.C.C. 21A.38.030.

42 NEW SECTION. SECTION 99. There is hereby added to K.C.C. 21A.38  
43 a new section to read as follows:

44 Special district overlay - rural industry development.

45 A. The purpose of the rural industries special district overlay  
46 is to establish standards for industrial development in rural  
47 areas. Site and building designs, buffering, compatible commercial  
48 and industrial uses are required to maintain rural character.



1 B. The following development standards shall apply to uses  
2 locating in in the rural industry overlay districts:

3 1. All uses occurring outside an enclosed building shall be  
4 screened from adjoining rural residential uses;

5 2. All buildings shall be set back 50-foot from perimeter  
6 streets and from residential zoned areas;

7 3. The total permitted floor area \ lot area ratio shall not  
8 exceed 100 percent for a development consisting of multiple lots  
9 and 125 percent on any individual building lot;

10 4. The total permitted impervious lot coverage shall not  
11 exceed 70 percent for a development consisting of multiple lots and  
12 80 percent on any individual building lot;

13 5. The landscaping standards set forth in K.C.C. 21A.16 are  
14 modified as follows:

15 a. 20-foot wide Type II landscaping shall be provided along  
16 exterior streets,

17 b. 20-foot wide Type I landscaping shall be provided along  
18 property lines adjacent to rural residential zoned areas; and

19 c. 15-foot wide Type II landscaping shall be provided along  
20 lines adjacent to nonresidential zoned areas;

21 6. Outdoor lighting shall be focused downward and configured  
22 to minimize intrusion of light into surrounding rural residential  
23 areas;

24 7. Refuse collection/recycling areas and loading or delivery  
25 areas shall be located at least 100 feet from residential areas and  
26 screened with a solid view obscuring barrier;

27 8. Off street parking standards shall be no less than one  
28 space for every 1000 square feet of floor area and no greater than  
29 one space for every 500 square feet of floor area;

30 9. Sign are allowed as follows:

31 a. Signs shall not exceed an area of 64 square feet per  
32 sign;.

33 b. Pole signs shall not be permitted; and

34 c. Signs shall not be internally illuminated;

35 10. The director shall approve building design, materials and  
36 color. Buildings shall be designed and use accent materials (e.g.  
37 wood and brick), non-reflective glass, and muted colors to be  
38 compatible with rural character; and

39 11. Building height shall be limited to 40 feet.

40 SECTION 100. Ordinance 10870, Section 579, and K.C.C.

41 21A.38.060 are hereby amended to read as follows:

42 Special district overlay - office/research park development.

43 A. The purpose of the office/research park special district  
44 overlay is to establish an area for development to occur in a  
45 campus setting with integrated building designs, flexible grouping  
46 of commercial and industrial uses, generous landscaping and  
47 buffering treatment, and coordinated auto and pedestrian  
48 circulation plans. Office/research park districts shall only be

1 established in areas designated within a community plan and zoned  
2 RB, O or I zones. Permitted uses shall include all uses permitted  
3 in the RB, O and I zones, as set forth in K.C.C. 21A.08, regardless  
4 of the classification used as the underlying zone on a particular  
5 parcel of land.

6 B. The following development standards shall apply to uses  
7 locating in office/research park overlay districts:

8 1. All uses shall be conducted inside an entirely enclosed  
9 building;

10 2. An internal circulation plan shall be developed to  
11 facilitate pedestrian and vehicular traffic flow between major  
12 project phases and individual developments;

13 3. The standards set forth in this section shall be applied  
14 to the development as a unified site, notwithstanding any division  
15 of the development site under a binding site plan or subdivision;

16 4. All buildings shall maintain a 50-foot setback from  
17 perimeter streets and from residential zoned areas;

18 5. The total permitted impervious lot coverage shall be 80  
19 percent. The remaining 20 percent shall be devoted to open space.  
20 Open space may include all required landscaping, and any  
21 unbuildable environmentally sensitive areas and their associated  
22 buffers;

23 6. The landscaping standards set forth in K.C.C. 21A.16 are  
24 modified as follows:

25 a. 20-foot wide Type II landscaping shall be provided along  
26 exterior streets, and 20-foot wide Type III landscaping shall be  
27 provide along interior streets;

28 b. 20-foot wide Type I landscaping shall be provided along  
29 property lines adjacent to residential zoned areas;

30 c. 15-foot wide Type II landscaping shall be provided along  
31 lines adjacent to nonresidential zoned areas; and

32 d. Type IV landscaping shall be provided within all surface  
33 parking lots as follows:

34 (1) Fifteen percent of the parking area, excluding  
35 required perimeter landscaping, shall be landscaped in parking lots  
36 with more than 30 parking stalls;

37 (2) At least one tree for every four parking stalls shall  
38 be provided, to be reasonably distributed throughout the parking  
39 lot; and

40 (3) No parking stall shall be more than 40 feet from some  
41 landscaping;

42 e. An inventory of existing site vegetation shall be  
43 conducted pursuant to the procedures set forth in K.C.C. 21A.16.  
44 (~~Significant trees identified in the inventory shall be retained~~  
45 ~~as set forth in K.C.C. 21A.16 for commercial and industrial~~  
46 ~~developments)), and~~

47 f. An overall landscaping plan which conforms to the  
48 requirements of this subsection shall be submitted for the entire

# 11621

1 district or each major development phase prior to the issuance of  
2 any site development, grading, or building permits;

3 7. Lighting within an office/industrial park shall shield the  
4 light source from the direct view of surrounding residential areas;

5 8. Refuse collection/recycling areas and loading or delivery  
6 areas shall be located at least 100 feet from residential areas and  
7 screened with a solid view obscuring barrier;

8 9. Off street parking standards as set forth in Chapter  
9 21A.18 are modified as follows:

10 a. one space for every 300 square feet of floor area shall  
11 be provided for all uses, except on-site daycare, exercise  
12 facilities, eating areas for employees, archive space for tenants,  
13 retail/service uses;

14 b. parking for on-site daycare, exercise facilities, eating  
15 areas for employees, archive space for tenants, and retail/service  
16 uses shall be no less than one space for every 1000 square feet of  
17 floor area and no greater than one space for every 500 square feet  
18 of floor area; and

19 c. at least 25 percent of required parking shall be located  
20 in a parking structure; and

21 10. Sign standards as set forth in Chapter 21A.20 are  
22 modified as follows:

23 a. Signs visible from the exterior of the park shall be  
24 limited to one monument office/research park identification sign at  
25 each entrance. Such signs shall not exceed an area of 64 square  
26 feet per sign;

27 b. no pole signs shall be permitted; and

28 c. all other signs shall be visible only from within the  
29 park.

30 SECTION 101. Ordinance 10870, Section 583, and K.C.C.  
31 21A.39.020 are hereby amended to read as follows:

32 UPD permit - application/review process.

33 A. King County shall accept an application for an UPD permit  
34 only in areas designated urban by the comprehensive plan and  
35 contained within the boundaries of UPD Special District Overlays  
36 designated by a community plan or comprehensive plan, provided that  
37 density transfer from adjacent rural lands is allowed as provided  
38 for in Chapter 21A.((34))36.

39 B. A UPD permit application, or modifications of an approved  
40 UPD permit which requires council review, shall be reviewed pur-  
41 suant to the hearing examiner process outlined in K.C.C. 21A.42,  
42 provided that:

43 1. the review of the UPD permit application shall not be  
44 completed until applicable sewer and/or water comprehensive utility  
45 plans or plan amendments are identified;

46 2. A UPD permit may be processed concurrently with any  
47 application for a subsequent development approval implementing the  
48 UPD permit.

1 C. (~~If requested by the applicant, a~~) A processing memorandum  
 2 of understanding (MOU) shall be adopted containing any of the  
 3 following elements:

4 1. Schedule for processing including timelines for EIS,  
 5 drainage master plan, UPD permit hearings, plats or other permits  
 6 or approvals;

7 2. Budget for permit processing and review;

8 3. Establishment of a core UPD review team with one  
 9 representative from each county department having a principal UPD  
 10 permit review role. The department responsible for coordinating  
 11 review of the UPD shall enter into memorandums of understanding  
 12 with other county departments specifying special tasks and  
 13 timetables consistent with the schedule for performance by each  
 14 department and/or independent consulting;

15 4. Retention of a third-party facilitator at the applicant's  
 16 cost to assist the county's review;

17 5. Establishment of baseline monitoring requirements and  
 18 design parameters which are to apply under existing law during the  
 19 UPD application and review process;

20 6. Final scope for EIS, which shall be adjusted for adopted  
 21 county substantive environmental or mitigation requirements which  
 22 will apply to the UPD permit such as the sensitive area ordinance,  
 23 the SWM Manual, road and school adequacy standards, impact fee or  
 24 mitigation programs or other adopted standards.

25 D. The processing MOU shall be completed initially within 90  
 26 days after the request by a UPD permit applicant, unless the county  
 27 and applicant agree to a different time. If the county and  
 28 applicant have not reached agreement within 90 days, then either  
 29 may request final resolution of the processing MOU by a committee  
 30 consisting of the directors of the departments of public works,  
 31 development and environmental services, and parks planning and  
 32 resources;

33 E. UPD Application Form. The County shall prepare an  
 34 application form consistent with the information required under  
 35 K.C.C. 21A.39.030, which shall take into account that detailed  
 36 information which may not be available at the time of the  
 37 application will be developed through the environmental impact  
 38 statement and review process.

39 SECTION 102. Ordinance 10870, Section 586, and K.C.C.  
 40 21A.39.050 are hereby amended to read as follows:

41 UPD standards - land uses.

42 A. Except as required by subsections B and C, a UPD may contain  
 43 any non-residential use set out in the K.C.C. 21A.08 (Land Use  
 44 Tables) when approved as part of the UPD permit. Any non-  
 45 residential use shall be subject to any applicable UPD conditions  
 46 contained in the development agreement that limits the scope or  
 47 intensity of such use.

1 B. The primary land use shall be residential and shall be  
2 provided as follows:

3 1. the base density of the UPD shall be that of the zone set  
4 for the site were it to not develop with a UPD, applied to the  
5 entire site including portions proposed for nonresidential uses.

6 2. the minimum density of the UPD shall be not less than the  
7 minimum residential density of the underlying zoning calculated for  
8 the portion of the site to be used for residential purposes,  
9 pursuant to the methodology outlined in K.C.C. 21A.12, and

10 3. the maximum density of the UPD shall be determined by the  
11 council in the UPD permit, subject to any maximum density set out  
12 in the community plan or comprehensive plan which designated ~~((in))~~  
13 the UPD special district overlay.

14 C. UPDs shall at a minimum:

15 1. provide retail/commercial areas at a rate of one acre per  
16 2500 projected UPD residents, or

17 2. demonstrate that existing or potential commercial  
18 development within one quarter mile of UPD boundaries will meet the  
19 convenience shopping needs of UPD residents.

20 SECTION 103. Ordinance 10870, Section 598, and K.C.C.  
21 21A.40.035 are hereby amended to read as follows:

22 Vesting.

23 A. ~~((Only a e))~~ Completed applications for ~~((a))~~ conditional use  
24 permits and special use permits shall be considered under zoning  
25 and other land use control ordinances in effect as of the date of  
26 submittal.

27 B. Supplemental information required after acceptance and  
28 vesting of a complete application shall not affect the validity of  
29 the vesting for such application.

30 C. Vesting of an application does not vest any subsequently  
31 required permits, nor does it affect the requirements for vesting  
32 of subsequent permits or approvals.

33 D. This section vests only conditional use permits. Vesting  
34 for other development permits shall be governed by other applicable  
35 titles.

36 SECTION 104. Ordinance 10870, Section 604, and K.C.C.  
37 21A.40.090 are hereby amended to read as follows:

38 Notice - Posted notice. Posted notice for a proposed action  
39 shall consist of one or more notice boards as follows.

40 A. A single notice board shall be posted for a project and this  
41 notice board may also be used for the posting of the SEPA threshold  
42 determination, if same is required, and shall be placed by the  
43 applicant:

44 1. At the midpoint of the site street frontage or as  
45 otherwise directed by the department for maximum visibility;

46 2. Five feet inside the street property line except when the  
47 board is structurally attached to an existing building, provided

1 that no notice board shall be placed more than five feet from the  
2 street property without approval of the department;

3 3. So that the top of the notice board is between seven to  
4 nine feet above grade; and

5 4. Where it is completely visible to pedestrians.

6 B. Additional notice boards may be required when:

7 1. The site does not abut a public road;

8 2. A large site abuts more than one public road; or

9 3. The department determines that additional notice boards  
10 are necessary to provide adequate public notice.

11 C. Notice boards shall be:

12 1. maintained in good condition by the applicant during the  
13 notice period;

14 2. in place at least 30 days prior to the date of hearing, or  
15 at least 15 days prior to the end of any required comment period;  
16 and

17 3. removed within 15 days after the end of the notice period.

18 D. Removal of the notice board prior to the end of the notice  
19 period may be cause for discontinuance of the department review  
20 until the notice board is replaced and remains in place for the  
21 specified time period.

22 E. An affidavit of posting shall be submitted to the department  
23 by the applicant prior to the hearing or final comment date.

24 F. Notice boards shall be constructed and installed in  
25 accordance with specifications promulgated by the department  
26 pursuant to K.C.C. 2.98, Rules of County Agencies.

27 SECTION 105. Ordinance 10870, Section 612, and K.C.C.

28 21A.42.040 are hereby amended to read as follows:

29 Director/adjustor review - Actions subject to review. The  
30 following actions shall be subject to the director/adjustor review  
31 procedures set forth in this chapter:

32 A. Applications for variances, exceptions under 21A.24 and  
33 conditional uses; and

34 B. Periodic review of extractive operations.

35 SECTION 106. Ordinance 10870, Section 618, and K.C.C.

36 21A.42.100 are hereby amended to read as follows:

37 Examiner review - Zone reclassifications, urban plan  
38 developments, and special use permits. Applications for zone  
39 reclassifications, special use permits and urban plan developments  
40 shall be reviewed by the department subject to the procedures and  
41 criteria set forth in K.C.C. 20.24 for action subject to approval  
42 by the council and notice shall be provided pursuant to K.C.C.

43 21A.40.080 through .130.

44 SECTION 107. Ordinance 10870, Section 624, and K.C.C.

45 21A.44.030 are hereby amended to read as follows:

46 Variance. A variance shall be granted by the county, only if  
47 the applicant demonstrates all of the following:

1       A. The strict enforcement of the provisions of this title  
2 creates an unnecessary hardship to the property owner;

3       B. The variance is necessary because of the unique size, shape,  
4 topography, or location of the subject property;

5       C. The subject property is deprived, by provisions of this  
6 title, of rights and privileges enjoyed by other properties in the  
7 vicinity and under an identical zone;

8       D. The need for the variance is not the result of deliberate  
9 actions of the applicant or property owner;

10       E. The variance does not create health and safety hazards;

11       F. The variance does not relieve an applicant from any of the  
12 procedural provisions of this title;

13       G. The variance does not relieve an applicant from any standard  
14 or provision that specifically states that no variance from such  
15 standard or provision is permitted;

16       H. The variance does not relieve an applicant from conditions  
17 established during prior permit review or from provisions enacted  
18 pursuant to K.C.C. 21A.38, Property-Specific Development Standards;

19       I. The variance does not allow establishment of a use that is  
20 not otherwise permitted in the zone in which the proposal is  
21 located;

22       J. The variance does not allow the creation of lots or  
23 densities that exceed the base residential density for the zone by  
24 more than 10 percent;

25       K. The variance is the minimum necessary to grant relief to the  
26 applicant;

27       L. The variance from setback or height requirements does not  
28 infringe upon or interfere with easements ~~((or covenant rights))~~ or  
29 responsibilities; and

30       M. The variance does not relieve an applicant from any  
31 provisions of K.C.C. 21A.24 Sensitive Areas, except for the  
32 required buffer widths set forth in K.C.C. 21A.24. ~~((270))~~ 280,  
33 21A.24. ~~((300))~~ 310, 21A.24. ~~((310))~~ 320, or 21A.24. ~~((350))~~ 360.

34       SECTION 108. Ordinance 10870, Section 625, and K.C.C.  
35 21A.44.040 are hereby amended to read as follows:

36       Conditional use permit. A conditional use permit shall be  
37 granted by the County, only if the applicant demonstrates that:

38       A. The conditional use is designed in a manner which is  
39 compatible with the character and appearance ~~((with the))~~ of an  
40 existing, or proposed development in the vicinity of the subject  
41 property;

42       B. The location, size and height of buildings, structures,  
43 walls and fences, and screening vegetation for the conditional use  
44 shall not hinder neighborhood circulation or discourage the  
45 permitted development or use of neighboring properties;

46       C. The conditional use is designed in a manner that is  
47 compatible with the physical characteristics of the subject  
48 property;

1 D. Requested modifications to standards are limited to those  
2 which will mitigate impacts in a manner equal to or greater than  
3 the standards of this title;

4 E. The conditional use is not in conflict with the health and  
5 safety of the community;

6 F. The conditional use is such that pedestrian and vehicular  
7 traffic associated with the use will not be hazardous or conflict  
8 with existing and anticipated traffic in the neighborhood; and

9 G. The conditional use will be supported by adequate public  
10 facilities or services and will not adversely affect public  
11 services to the surrounding area or conditions can be established  
12 to mitigate adverse impacts on such facilities.

13 NEW SECTION. SECTION 109. A new Chapter is added to K.C.C.  
14 Title 21A. The sections contained in this chapter are sections 110  
15 through 118 of this ordinance to read as follows:

16 Authority. The provisions of this chapter for the assessment  
17 and collection of impact fees are adopted pursuant to Chapter 82.02  
18 RCW.

19 NEW SECTION. SECTION 110. Purpose. The purpose of this chapter  
20 is to implement the capital facilities element of the Comprehensive  
21 Plan and the Growth Management Act by:

22 A. Ensuring that adequate public school facilities and  
23 improvements are available to serve new development;

24 B. Establishing standards whereby new development pays a  
25 proportionate share of the cost for public school facilities needed  
26 to serve such new development;

27 C. Ensuring that school impact fees are imposed through  
28 established procedures and criteria so that specific developments  
29 do not pay arbitrary fees or duplicative fees for the same impact;  
30 and

31 D. Providing needed funding for growth-related school  
32 improvements to meet the future growth needs of King County.

33 NEW SECTION. SECTION 111. Impact fee program elements.

34 A. Impact fees will be assessed on every new dwelling unit in  
35 the district for which a fee schedule has been established.

36 B. Impact fees will be imposed on a district-by-district basis,  
37 on behalf of any school district which provides to the county, a  
38 capital facilities plan, the district's standards of service for  
39 the various grade spans, estimates of the cost of providing needed  
40 facilities and other capital improvements, and the data from the  
41 district called for by the formula in section 112 of this  
42 ordinance. The actual fee schedule for the district will be  
43 adopted by ordinance based on this information and the fee  
44 calculation set out for section 112 of this ordinance. Any impact  
45 fee imposed shall be reasonably related to the impact caused by the  
46 development and shall not exceed a proportionate share of the cost  
47 of system improvements that are reasonably related to the  
48 development. The impact fee formula shall account in the fee



1 calculation for future revenues the district will receive from the  
 2 development. The ordinance adopting the fee schedule shall specify  
 3 under what circumstances the fee may be adjusted in the interests  
 4 of fairness.

5 C. The impact fee shall be based on a capital facilities plan  
 6 developed by the district and approved by the school board, and  
 7 adopted by reference by the county as part of the capital  
 8 facilities element of the comprehensive plan for the purpose of  
 9 establishing the fee program.

10 NEW SECTION. SECTION 112. Fee calculations.

11 A. The fee for each district shall be calculated based on the  
 12 formula set out in Attachment A.

13 B. Separate fees shall be calculated for single family and  
 14 multifamily types of dwelling units, and separate student  
 15 generation rates must be determined by the district for each type  
 16 of dwelling unit. For purposes of this chapter mobile homes shall  
 17 be treated as single family dwellings, and duplexes and single  
 18 family attached dwellings shall be treated as multifamily  
 19 dwellings.

20 C. The fee shall be calculated on a district-by-district basis  
 21 using the appropriate factors and data to be supplied by the  
 22 district, as indicated in Attachment A. The fee calculations shall  
 23 be made on a district-wide basis to assure maximum utilization of  
 24 all school facilities in the district used currently or within the  
 25 last two years for instructional purposes.

26 D. The formula in Attachment A provides a credit for the  
 27 anticipated tax contributions that would be made by the development  
 28 based on historical levels of voter support for bond issue in the  
 29 school district.

30 E. The formula also provides for a credit for school facilities  
 31 or sites actually provided by a developer which the school district  
 32 finds to be acceptable.

33 NEW SECTION. SECTION 113. Fee collection. Fees shall be  
 34 collected by the department of development and environmental  
 35 services and maintained in a separate account for each school  
 36 district, pursuant to section 116 of this ordinance. Fees shall be  
 37 paid to the district pursuant to administrative rules of an  
 38 interlocal agreement between the county and the district.

39 NEW SECTION. SECTION 114. Assessment of impact fees.

40 A. In school districts where impact fees have been adopted by  
 41 county ordinance and except as provided in section 117 of this  
 42 ordinance, the county shall collect impact fees, based on the  
 43 schedules set forth in each ordinance establishing the fee to be  
 44 collected for the district, from any applicant seeking development  
 45 approval from the county where such development activity requires  
 46 final plat, PUD or UPD approval or the issuance of a residential  
 47 building permit or a mobile home permit and the fee for the lot or  
 48 unit has not been previously paid. No approval shall be granted

1 and no permit shall be issued until the required school impact fees  
2 set forth in the district's impact fee schedule contained in Title  
3 27 have been paid.

4 B. For a plat, PUD or UPD applied for on or after the effective  
5 date of the ordinance adopting the fee for the district in question  
6 receiving final approval, fifty percent (50%) of the impact fees  
7 due on the plat, PUD or UPD shall be assessed and collected from  
8 the applicant at the time of final approval, using the impact fee  
9 schedules in effect when the plat, PUD or UPD was approved. The  
10 balance of the assessed fee shall be allocated to the dwelling  
11 units in the project, and shall be collected when the building  
12 permits are issued. Residential developments proposed for short  
13 plats shall be governed by subsection D of this section.

14 C. If on the effective date of an ordinance adopting an impact  
15 fee for a district, a plat, PUD or UPD has already received  
16 preliminary approval, such plat, PUD or UPD shall not be required  
17 to pay fifty percent (50%) of the impact fees at the time of final  
18 approval, but the impact fees shall be assessed and collected from  
19 the lot owner at the time the building permits are issued, using  
20 the impact fee schedules in effect at the time of building permit  
21 application. If on the effective date of a district's ordinance,  
22 an applicant has applied for preliminary plat, PUD or UPD approval,  
23 but has not yet received such approval, the applicant shall follow  
24 the procedures set forth in subsection B of this section.

25 D. For existing lots or lots not covered by subsection B of  
26 this section, application for single family and multifamily  
27 residential building permits, mobile home permits, and site plan  
28 approval for mobile home parks, the total amount of the impact fees  
29 shall be assessed and collected from the applicant when the  
30 building permit is issued, using the impact fee schedules in effect  
31 at the time of permit application.

32 E. Notwithstanding the provisions of this section, any  
33 application for preliminary plat, PUD or UPD approval submitted  
34 before January 22, 1991, shall not be required to pay school impact  
35 fees at the time of final plat, PUD or UPD approval. However,  
36 where the county has adopted a fee ordinance for the district, the  
37 full impact fee in effect when the building permits were applied  
38 for shall be paid by such developments at the time the building  
39 permits are issued if the applications for the building permits are  
40 submitted after January 22, 1991.

41 F. Any application for preliminary plat, PUD or UPD approval or  
42 multifamily zoning which has been approved subject to conditions  
43 requiring the payment of impact fees established pursuant to this  
44 chapter, shall be required to pay the fee in accordance with the  
45 condition of approval.

46 NEW SECTION. SECTION 115. Effective Date. As of September 10,  
47 1993, no fee shall be assessed or collected on any pending building

1 permit which had been applied for prior to the effective date of  
2 the impact fee.

3 NEW SECTION. SECTION 116. Adjustments, exceptions, and  
4 appeals.

5 A. The following are excluded from the application of the  
6 impact fees:

7 1. any form of housing exclusively for the senior citizen,  
8 including nursing homes and retirement centers, so long as these  
9 uses are maintained;

10 2. reconstruction, remodeling, or replacement of existing  
11 dwelling units which does not result in additional new dwelling  
12 units. In the case of replacement of a dwelling, a complete  
13 application for a building permit must be submitted within three  
14 years after it has been removed or destroyed;

15 3. shelters for temporary placement, relocation facilities  
16 and transitional housing facilities;

17 4. any development activity that is exempt from the payment  
18 of an impact fee pursuant to RCW 82.02.100, due to mitigation of  
19 the same system improvement under the State Environmental Policy  
20 Act;

21 5. any development activity for which school impacts have  
22 been mitigated pursuant to a condition of plat, PUD or UPD approval  
23 to pay fees, dedicate land or construct or improve school  
24 facilities, unless the condition of the plat, PUD or UPD approval  
25 provides otherwise; provided that the condition of the plat, PUD or  
26 UPD approval predates the effective date of a school district's fee  
27 implementing ordinance;

28 6. any development activity for which school impacts have  
29 been mitigated pursuant to a voluntary agreement entered into with  
30 a school district to pay fees, dedicate land or construct or  
31 improve school facilities, unless the terms of the voluntary  
32 agreement provide otherwise; provided that the agreement predates  
33 the effective date of a school district's fee implementing  
34 ordinance;

35 7. housing units which fully qualify as housing for persons  
36 age 55 and over meeting the requirements of the Federal Housing  
37 Amendments Act of 1988, 42 U.S.C. 3607(b)(2)(c) and (b)(3), as  
38 subsequently amended, and which have recorded covenants or other  
39 legal arrangements precluding school-aged children as residents in  
40 those units.

41 B. Arrangement may be made for later payment with the approval  
42 of the school district only if the district determines that it will  
43 be unable to use or will not need the payment until a later time,  
44 provided that sufficient security, as defined by the district, is  
45 provided to assure payment. Security shall be made to and held by  
46 the school district, which will be responsible for tracking and  
47 documenting the security interest.

1 C. The fee amount established in the schedule shall be reduced  
2 by the amount of any payment previously made for the lot or  
3 development activity in question, either as a condition of approval  
4 or pursuant to a voluntary agreement with a school district entered  
5 into after the effective date of a school district's fee  
6 implementing ordinance.

7 D. After the effective date of a school district's fee  
8 implementing ordinance, whenever a development is granted approval  
9 subject to a condition that the developer actually provide school  
10 sites, school facilities, or improvements to school facilities  
11 acceptable to the district, or whenever the developer has agreed,  
12 pursuant to the terms of a voluntary agreement with the school  
13 district, to provide land, provide school facilities, or make  
14 improvements to existing facilities, the developer shall be  
15 entitled to a credit for the value of the land or actual cost of  
16 construction against the fee that would be chargeable under the  
17 formula provided by this chapter. The land value or cost of  
18 construction shall be estimated at the time of approval, but must  
19 be documented. If construction costs are estimated, the  
20 documentation shall be confirmed after the construction is  
21 completed to assure that an accurate credit amount is provided. If  
22 the land value or construction costs are less than the calculated  
23 fee amount, the difference remaining shall be chargeable as a  
24 school impact fee.

25 E. Impact fees may be adjusted by the county, at the county's  
26 discretion, if one of the following circumstances exist, provided  
27 that the discount set forth in the fee formula fails to adjust for  
28 the error in the calculation or fails to ameliorate for the  
29 unfairness of the fee:

30 1. The developer demonstrates that an impact fee assessment  
31 was incorrectly calculated; or

32 2. Unusual circumstances identified by the developer  
33 demonstrate that if the standard impact fee amount was applied to  
34 the development, it would be unfair or unjust.

35 F. A developer may provide studies and data to demonstrate that  
36 any particular factor used by the district may not be appropriately  
37 applied to the development proposal, but the district's data shall  
38 be presumed valid unless clearly demonstrated to be otherwise by  
39 the proponent.

40 G. Any appeal of the decision of the director or the zoning and  
41 subdivision examiner with regard to imposition of an impact fee or  
42 fee amounts shall follow the appeal process for the underlying  
43 permit and not be subject to a separate appeal process. Where no  
44 other administrative appeal process is available, an appeal may be  
45 taken to the zoning examiner using the appeal procedures for  
46 variances. Any errors in the formula identified as a result of an  
47 appeal should be referred to the council for possible modification.

1 H. Impact fees may be paid under protest in order to obtain a  
2 building permit or other approval of development activity, when an  
3 appeal is filed.

4 NEW SECTION. SECTION 117. Exemption or reduction for low or  
5 moderate income housing.

6 A. Low or moderate income housing projects being developed by  
7 public housing agencies or private non-profit housing developers  
8 shall be exempt from the payment of school impact fees. The amount  
9 of the school impact fees not collected from low or moderate income  
10 household development shall be paid from public funds other than  
11 impact fee accounts. The impact fees for these units shall be  
12 considered paid for by the district through its other funding  
13 sources, without the district actually transferring funds from its  
14 other funding sources into the impact fee account. The planning  
15 and community development division shall review proposed  
16 developments of low or moderate income housing by such public or  
17 non-profit developers pursuant to criteria and procedures adopted  
18 by administrative rule, and shall advise the department of  
19 development and environmental services as to whether the project  
20 qualifies for the exemption.

21 B. Private developers who dedicate residential units for  
22 occupancy by low or moderate income households may apply to the  
23 division for reductions in school impact fees pursuant to the  
24 criteria established for public housing agencies and private non-  
25 profit housing developers pursuant to Subsection A, and subject to  
26 the provisions of Subsection A. The division shall review proposed  
27 developments of low or moderate income housing by such private  
28 developers pursuant to criteria and procedures adopted by  
29 administrative rule, and shall advise the department of development  
30 and environmental services as to whether the project qualifies for  
31 the exemption. If the division recommends the exemption, the  
32 department of development and environmental services shall reduce  
33 the calculated school impact fee for the development by an amount  
34 that is proportionate to the number of units in the development  
35 that satisfy the adopted criteria.

36 C. Individual low or moderate income home purchasers (as  
37 defined pursuant to the King County Comprehensive Housing  
38 Affordability Strategy (CHAS)) who are purchasing homes at prices  
39 within their eligibility limits based on standard lending criteria  
40 and meet other means tests established by rule by the division are  
41 exempted from payment of the impact fee, provided that at such time  
42 as the property in question is transferred to another owner who  
43 does not qualify for the exemption, at which time the fee shall be  
44 due and payable.

45 D. The division is hereby instructed and authorized to adopt,  
46 pursuant to K.C.C. Chapter 2.98, administrative rules to implement  
47 this section. Such rules shall provide for the administration of  
48 this program and shall:

1 1. Encourage the construction of housing for low or moderate  
2 income households by public housing agencies or private non-profit  
3 housing developers participating in publicly sponsored or  
4 subsidized housing programs;

5 2. Encourage the construction in private developments of  
6 housing units for low or moderate income households that are in  
7 addition to units required by another housing program or  
8 development condition;

9 3. Ensure that housing that qualifies as low or moderate cost  
10 meets appropriate standards regarding household income, rent levels  
11 or sale prices, location, number of units and development size; and

12 4. Ensure that developers who obtain an exemption from or  
13 reduction of school impact fees will in fact build the proposed low  
14 or moderate cost housing and make it available to low or moderate  
15 income households for a minimum of fifteen (15) years.

16 5. Ensure that individual low or moderate income purchasers  
17 meet appropriate eligibility standards based on income and other  
18 financial means tests.

19 E. As a condition of receiving an exemption under paragraph B  
20 or C, the owner must execute and record a county-drafted lien,  
21 covenant, and/or other contractual provision against the property  
22 for a period of ten (10) years for individual owners, and fifteen  
23 (15) years for private developers, guaranteeing that the proposed  
24 development will continue to be used for low or moderate income  
25 housing. In the event that the pattern of development or the use  
26 of the development is no longer for low or moderate income housing,  
27 then the owner shall pay the impact fee amount from which the owner  
28 or any prior owner was exempt. The lien, covenant, or other  
29 contractual provision shall run with the land and apply to  
30 subsequent owners.

31 NEW SECTION. SECTION 118. Impact fee accounts and refunds.

32 A. Impact fee receipts shall be earmarked specifically and  
33 retained in a special interest-bearing account established by the  
34 county solely for the district's school impact fees. All interest  
35 shall be retained in the account and expended for the purpose or  
36 purposes identified in Subsection B. Annually, the county, based  
37 in part on the report submitted by the district pursuant to section  
38 89 of this ordinance shall prepare a report on each impact fee  
39 account showing the source and amount of all moneys collected,  
40 earned or received, and capital or system improvements that were  
41 financed in whole or in part by impact fees.

42 B. Impact fees for the district's system improvements shall be  
43 expended by the district for capital improvements including but not  
44 limited to school planning, land acquisition, site improvements,  
45 necessary off-site improvements, construction, engineering,  
46 architectural, permitting, financing, and administrative expenses,  
47 relocatable facilities, capital equipment pertaining to educational  
48 facilities, and any other expenses which could be capitalized, and

1 which are consistent with the school district's capital facilities  
2 plan.

3 C. In the event that bonds or similar debt instruments are  
4 issued for the advanced provision of capital facilities for which  
5 impact fees may be expended and where consistent with the  
6 provisions of the bond covenants, impact fees may be used to pay  
7 debt service on such bonds or similar debt instruments to the  
8 extent that the facilities or improvements provided are consistent  
9 with the requirements of this section.

10 D. Impact fees shall be expended or encumbered (i.e. committed  
11 as part of the funding for a facility for which the publically  
12 funded share has been assured, or building permits applied for, or  
13 construction contracts let) by the district for a permissible use  
14 within six (6) years of receipt by the county, unless there exists  
15 an extraordinary and compelling reason for fees to be held longer  
16 than six (6) years. Such extraordinary or compelling reasons shall  
17 be identified to the county by the district. The county must  
18 prepare written findings concurring with the district's reasons,  
19 and authorizing the later encumbrance or expenditure of the fees  
20 prior to the district so encumbering or expending the funds, or  
21 directing a refund of the fees.

22 E. The current owner of property on which an impact fee has  
23 been paid may receive a refund of such fees if the impact fees have  
24 not been expended or encumbered within six (6) years of receipt of  
25 the funds by the county. In determining whether impact fees have  
26 been encumbered, impact fees shall be considered encumbered on a  
27 first in, first out basis. The county shall notify potential  
28 claimants by first-class mail deposited with the United States  
29 Postal Service addressed to the owner of the property as shown in  
30 the county tax records.

31 F. An owner's request for a refund must be submitted to the  
32 county council in writing within one (1) year of the date the right  
33 to claim the refund arises or the date that notice is given,  
34 whichever date is later. Any impact fees that are not expended or  
35 encumbered within these time limitations, and for which no  
36 application for a refund has been made within this one (1) year  
37 period, shall be retained and expended consistent with the  
38 provisions of this section. Refunds of impact fees shall include  
39 any interest earned on the impact fees.

40 G. Should the county seek to terminate any or all school impact  
41 fee requirements, all unexpended or unencumbered funds, including  
42 interest earned, shall be refunded to the current owner of the  
43 property for which a school impact fee was paid. Upon the finding  
44 that any or all fee requirements are to be terminated, the county  
45 shall place notice of such termination and the availability of  
46 refunds in a newspaper of general circulation at least two (2)  
47 times and shall notify all potential claimants by first-class mail  
48 addressed to the owner of the property as shown in the county tax

# 11621

1 records. All funds available for refund shall be retained for a  
2 period of one (1) year. At the end of one (1) year, any remaining  
3 funds shall be retained by the county, but must be expended for the  
4 district, consistent with the provisions of this section. The  
5 notice requirement set forth above shall not apply if there are no  
6 unexpended or unencumbered balances within the account or accounts  
7 being terminated.

8 H. A developer may request and shall receive a refund,  
9 including interest earned on the impact fees, when:

10 1. The developer does not proceed to finalize the development  
11 activity as required by statute or county code or the Uniform  
12 Building Code, and

13 2. No impact on the district has resulted. "Impact" shall be  
14 deemed to include cases where the district has expended or  
15 encumbered the impact fees in good faith prior to the application  
16 for a refund. In the event that the district has expended or  
17 encumbered the fees in good faith, no refund shall be forthcoming.

18 However, if within a period of three (3) years, the same or  
19 subsequent owner of the property proceeds with the same or  
20 substantially similar development activity, the owner shall be  
21 eligible for a credit. The owner must petition the county and  
22 provide receipts of impact fees paid by the owner for a development  
23 of the same or substantially similar nature on the same property or  
24 some portion thereof. The county shall determine whether to grant  
25 a credit, and such determinations may be appealed by following the  
26 procedures set forth in section 116 of this ordinance.

27 I. Interest due upon the refund of impact fees required by this  
28 Section shall be calculated according to the average rate received  
29 by the county or the district on invested funds throughout the  
30 period during which the fees were retained.

31 NEW SECTION. SECTION 119. A new chapter is added to K.C.C.  
32 Title 21A. The sections contained in this chapter are sections 120  
33 through 132 of this ordinance.

34 NEW SECTION. SECTION 120. Purpose. The purpose of this chapter  
35 is to establish an optional comprehensive site review process of  
36 proposed commercial development resulting in a permit which can  
37 combine any or all of the following:

38 A. Site development requirements specified prior to building  
39 and/or grading permit applications.

40 B. Site review and application of rules and regulations  
41 generally applied to the whole site without regard to existing or  
42 proposed internal lot lines.

43 C. Site development coordination and project phasing occurring  
44 over a period of years.

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

48 NEW SECTION. SECTION 121. Applicability.



1 A. An application for commercial site development permit may be  
2 submitted for commercial development projects on sites consisting  
3 of one (1) or more contiguous lots legally created and zoned to  
4 permit the proposed uses.

5 B. A commercial site development permit is separate from and  
6 does not replace other required permits such as conditional use  
7 permits or shoreline substantial development permits. A commercial  
8 site development permit may be combined and reviewed concurrently  
9 with other permits.

10 NEW SECTION. SECTION 122. Permit application.

11 A. Before submitting a commercial site development application,  
12 an applicant shall have a pre-application conference with King  
13 County department of development and environmental services staff.

14 B. An application for a commercial site development permit may  
15 be considered simultaneously with other applications. A commercial  
16 site development application which includes a proposal for dividing  
17 commercially or industrially zoned property as provided in RCW  
18 58.17.035 must be accompanied by an application for a binding site  
19 plan permit.

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

26 1. A completed application form provided by the department,  
27 signed by all property owners or their agents, with supporting  
28 documents as required below and which contains sufficient  
29 information to determine compliance with adopted rules and  
30 regulations including, but not limited to RCW 43.21C, SEPA as  
31 implemented by WAC 197-11; K.C.C. 9.04, Surface Water Management;  
32 K.C.C. 14.42, Road Standards; K.C.C. Title 17, Fire Code; K.C.C.  
33 20.44, County Environmental Procedures; K.C.C. Title 21A, Zoning;  
34 Title 25, Shoreline Management; administrative rules adopted  
35 pursuant to K.C.C. 2.98 to implement any such code or ordinance  
36 provision; King county board of health rules and regulation; county  
37 approved utility comprehensive plans; conformity with applicable P-  
38 suffix conditions and private restrictions and covenants which are  
39 in effect at the time of application.

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

42 a. the location and size of all proposed lots and  
43 structures including elevations, floor plans as known, and maximum  
44 square footage (plans which show building envelopes rather than  
45 footprints must include post-construction treatment of unoccupied  
46 areas of the building envelopes),

47 b. all proposed uses,

1 c. the location of proposed open space including any  
2 required landscaped areas,

3 d. the location and identification of critical areas;

4 e. the layout of an internal vehicular and pedestrian  
5 circulation system, including proposed ingress and egress for  
6 vehicles and required fire department access roadways (firelanes),

7 f. the number and location of proposed parking spaces on  
8 and off the site,

9 g. a drainage plan which will accommodate the maximum  
10 proposed square footage of impervious surface and the maximum  
11 proposed square footage of impervious surface exposed to vehicular  
12 use, subject to the requirements of the King County Surface Water  
13 Design Manual, adopted by rule under the procedures specified in  
14 K.C.C. 2.98.

15 h. the location and size of utility trunk lines serving  
16 the site,

17 i. the location and size of water bodies and drainage  
18 features, both natural and manmade.

19 j. a grading plan showing proposed clearing and tree  
20 retention and the existing and proposed topography, detailed to  
21 five-foot contours, unless smaller contour intervals are otherwise  
22 required by the King County Code or rules and regulations  
23 promulgated thereunder,

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

26 3. A completed environmental checklist, if required by K.C.C.  
27 20.44;

28 4. A downstream drainage analysis or any other requirement  
29 specified in the King County Surface Water Design Manual or K.C.C.  
30 9.04;

31 5. All covenant, easements, maintenance agreements or other  
32 documents regarding mutual use of parking and access;

33 6. A Certificate of Sewer Availability or site percolation  
34 data approved by the Seattle-King County department of public  
35 health; or for schools located in rural areas, a letter indicating  
36 compliance with the tightline sewer provisions in the zoning code;

37 7. A current Certificate of Water Availability;

38 8. A fire district receipt, pursuant to K.C.C. 17.04.010;

39 9. Copies of all easements, deed restrictions or other  
40 encumbrances restricting the use of the site;

41 10. A phasing plan and time schedule, if the site is intended  
42 to be developed in phases or if all building permits will not be  
43 submitted within three years;

44 11. Documentation of the date and method of segregation for  
45 the subject property verifying that the lot or lots were not  
46 created in violation of the short subdivision or subdivision laws  
47 in effect at the time of creation;

# 11621

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

3 13. The payment of fees.

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

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

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

15 NEW SECTION. SECTION 123. Notice of application.

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

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

23 2. Any other person requesting notice;

24 3. Any city located within three (3) miles of any boundary of  
25 the site;

26 4. Any city with a utility which is intended to serve the  
27 site; and

28 5. The ((s))State ((d))Department of ((t))Transportation, if  
29 any part of the site adjoins a ((s))State right-of-way.

30 6. Any agency or community group which the department may  
31 identify as having an interest in the proposal.

32 B. The applicant shall post notice of the commercial site  
33 development permit application on the subject property in a  
34 conspicuous place likely to be seen by persons passing the  
35 property. The department may require more than one (10) notice  
36 board when a site does not abut a public road or in any other  
37 instance when the department deems additional boards to be  
38 necessary. Posting shall occur for at least fifteen days and meet  
39 the dimensions and form prescribed in K.C.C. 19.26.070.

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

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

47 1. The name and total area of the site;

48 2. A plot plan;

1 3. The proposed and/or existing use of the site;

2 4. The applicant's name;

3 5. A legal description of the site;

4 6. A general location description of the site in nonlegal  
5 language; and

6 7. An invitation to submit written comments together with the  
7 last date comments will be considered.

8 NEW SECTION. SECTION 124. Public comments. All public comments  
9 shall be in writing and signed, shall reference the proposed  
10 commercial site development permit application, and shall include  
11 the full name, address and telephone number of the person  
12 commenting. All comments shall be received within the designated  
13 comment period. The designated comment period shall commence on  
14 the day following publication or posting of the application notice  
15 and shall terminate at 4:30 p.m. on the fifteenth (15th) day  
16 thereafter. If the department determines that application notice  
17 shall be published as well as posted, the department shall make  
18 every attempt to have the comment periods run concurrently. If,  
19 however, more than one method of notification is used, the  
20 termination date shall be calculated from the last notification  
21 date. If the fifteenth (15th) day is a non-work day for the  
22 county, the designated comment period shall cease at 4:30 p.m. on  
23 the next county work day immediately following the fifteenth (15th)  
24 day.

25 NEW SECTION. SECTION 125. Application of development standards.

26 An application for commercial site development permit shall be  
27 reviewed pursuant to RCW 43.21C, SEPA as implemented by WAC 197-11;  
28 K.C.C. 9.04, Surface Water Management; K.C.C. 14.42, Road  
29 Standards; K.C.C. Chapter 16.82, Grading; K.C.C. Title 17, Fire  
30 Code; K.C.C. 20.44, County Environmental Procedures; K.C.C. Title  
31 21, Zoning; Title 25, Shoreline Management; administrative rules  
32 adopted pursuant to K.C.C. 2.98 to implement any such code or  
33 ordinance provision; King County board of health rules and  
34 regulations; county approved utility comprehensive plans;  
35 conformity with applicable P-suffix conditions.

36 Lot-based standards, such as internal circulation, landscaping  
37 signage and setback requirements, are typically applied to each  
38 individual lot within the site. However, the director may approve  
39 an application for commercial site development where such standards  
40 have been applied to the site as if it consisted of one parcel.  
41 Lot-based regulations shall not be waived altogether.

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

46 NEW SECTION. SECTION 126. Approval.

1 A. The director may approve, deny, or approve with conditions  
2 an application for a commercial site development. The decision  
3 shall be based on the following factors:

4 1. Conformity with adopted county and state rules and  
5 regulations in effect on the date the complete application was  
6 filed, including but not limited to those listed in section 125 of  
7 this ordinance.

8 2. Consideration of the recommendations or comments of  
9 interested parties and those agencies having pertinent expertise or  
10 jurisdiction, consistent with the requirements of this title.

11 B. Subsequent permits for the subject site shall be issued only  
12 in compliance with the approved commercial site development plan.  
13 Additional site development conditions and site review will not be  
14 required for subsequent permits provided the approved plan is not  
15 altered.

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

20 D. The director shall mail a copy of the decision to the  
21 applicant and any other person who has presented written comment to  
22 the department.

23 NEW SECTION. SECTION 127. Bonds and securities. Performance  
24 bonds or other appropriate securities (including letters of credit  
25 and set aside letters) may be required to assure that development  
26 occurs according to the approved plan.

27 NEW SECTION. SECTION 128. Decision final unless appealed.

28 A. The decision of the director shall be final unless appealed  
29 to the zoning and subdivision examiner within ten calendar days  
30 from the date of issuance of decision pursuant to K.C.C. 20.24B.

31 NEW SECTION. SECTION 129. Limitation of permit approval.

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

39 B. A commercial site development permit approved with a phasing  
40 plan shall be null and void if the applicant fails to meet the  
41 conditions and time schedules specified in the approved phasing  
42 plan.

43 NEW SECTION. SECTION 130. Modification to an approved permit.

44 A subsequent building permit application may contain minor  
45 modifications to an approved commercial site development plan  
46 provided a modification: does not increase the building floor area  
47 by more than 10%; does not increase the number of dwelling units;  
48 does not increase the total impervious surface area, provided that,



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1  
2 NEW SECTION. SECTION 131. Administrative rules. The director  
3 may promulgate administrative rules and regulations pursuant to  
4 K.C.C. 2.98, to implement the provisions and requirements of this  
5 chapter.

6 NEW SECTION. SECTION 132. Amendments to this ordinance as  
7 passed by the council on December 19, 1994 are set forth in  
8 Attachment B to this ordinance and are incorporated by reference  
9 herein. Due to the number and length of the ordinances required by  
10 the Growth Management Act to be passed by the end of the year to  
11 amend county development regulations and the unavailability of a  
12 reliable electronic text version of the proposed ordinance as  
13 introduced, it may not be possible to prepare an ordinance that  
14 incorporates amendments within each section prior to the charter  
15 deadline for transmitting the adopted ordinance to the executive.  
16 The clerk is hereby authorized to transmit the ordinance with  
17 amendments set forth in a attachment, or, if time allows, to  
18 incorporate the amendments within each section.

19  
20 INTRODUCED AND READ for the first time this 20<sup>th</sup> day of  
21 November, 19 94.

22 PASSED by a vote of 13 to 0 this 19<sup>th</sup> day of  
23 December, 1994.

24 KING COUNTY COUNCIL  
25 KING COUNTY, WASHINGTON

26 Kent Pullen  
27  
28 Chair

29 ATTEST:

30 Gerald A. Peterson  
31  
32 Clerk of the Council

33 APPROVED this 30<sup>th</sup> day of December, 1994.

34 Ray Locke  
35  
36  
37 King County Executive

38  
39  
40  
41 ATTACHMENT: A. Formula for determining school impact fees.  
42 B. Amendments adopted by Council on December 19, 1994.