

ORDINANCE NO. **11792**

AN ORDINANCE relating to technical changes to King County code to implement Title 21A Zoning Code; amending Ordinance 10696, Section 2, and K.C.C. 2.16.055; Ordinance 5284, Section 2, and K.C.C. 4.68.020; Ordinance 7216, Section 1, and K.C.C. 6.08.005; Ordinance 1396 Arts. I & II, Sections 3 & 4, and K.C.C. 11.04.020 and K.C.C. 11.04.060; Ordinance 10809, Sections 3 & 4, and K.C.C. 11.04.165 and K.C.C. 11.04.167; Ordinance 1396 Art. III, Section 1, and K.C.C. 11.04.170; Ordinance 5975, Section 1, and K.C.C. 11.24.010; Ordinance 3139, Section 206, and K.C.C. 12.87.070; Ordinance 6254, Section 2, and K.C.C. 14.30.020; Ordinance 4099, Section 9, and K.C.C. 14.46.090; Ordinance 4305, Section 4, and K.C.C. 20.12.070; Ordinance 2707, Section 1, and K.C.C. 20.12.160; Ordinance 9153, Section 1, and K.C.C. 20.12.430; Ordinance 6949, Section 6, and K.C.C. 20.44.040; Ordinance 6949, Section 10, and K.C.C. 20.44.080; Ordinance 2909, Section 101, and K.C.C. 23.08.020; Ordinance 4569, Section 4, and K.C.C. 23.08.110; Ordinance 9614, Section 120, and K.C.C. 23.08.120; Ordinance 2909, Section 201, and K.C.C. 23.12.010; Ordinance 3688, Sections 105, 2 (part), 409 (1), 409 (2), 410, 506, 509, 510, 608, 609, 610, 708, 709, 710, 806, and K.C.C. 25.04.050, 25.08.010, 25.16.090, 25.16.100, 25.16.150, 25.20.060, 25.20.090, 25.20.100, 25.24.080, 25.24.090, 25.24.100, 25.28.080, 25.28.090, 25.28.100 and 25.32.060; Ordinance 7889, Section 4, and K.C.C. 26.08.010; Ordinance 5292, Section 7, and K.C.C. 46.04.060.

PREAMBLE:

The 1993 Zoning Code, hereinafter referred to as Title 21A, was adopted by King County on June 7, 1993, pursuant to Ordinance No. 10870. Title 21A will replace Title 21 as the zoning code for King County when a countywide zoning conversion process amends the zoning maps to reflect zoning consistent with Title 21A and the King County Land Use Maps.

This ordinance makes non-substantive changes to existing King County code to make those codes consistent with Title 21A. The changes are summarized as follows:

1. References in King County codes to code sections in Title 21 are replaced by corresponding code sections in Title 21A.
2. Regulations for planned unit developments (PUD's) are eliminated since planned unit developments were not carried forward in Title 21A. PUD's submitted as of October 1, 1994 will be subject to the rules and regulations (except development fees) governing PUD's as of October 1, 1994.
3. Unclassified use permits in Title 21 are replaced by special use permits in Title 21A, with the exception of proposals for mineral extraction.
4. Master planned developments in Title 21A are replaced by urban planned developments in Title 21A; therefore

1 all references in King County code to master plan  
2 development are replaced with urban planned  
3 development.  
4

- 5 5. Corrections are made to regulations for conditional use  
6 permit review procedures, which are now reviewed  
7 pursuant to the director/adjustor review procedure  
8 contained in Title 21A.  
9
- 10 6. References are eliminated to minimum lot sizes pursuant  
11 to Title 21 since Title 21A is density based rather  
12 than based on minimum lot sizes.  
13
- 14 7. Title 21A did not carry forward the substandard lot  
15 provisions of Title 21; therefore references to  
16 substandard lots are eliminated with the exception of  
17 Title 25, the shoreline code, where the substandard  
18 lot provisions of Title 21 were added to meet the  
19 intent of the Shoreline Master Plan.  
20
- 21 8. The prohibition in Title 25, the shoreline code,  
22 against the lot averaging provisions of Title 21, is  
23 rewritten to maintain the minimum lot size of the  
24 shoreline code for newly created lots in the rural and  
25 conservancy environments, and to assure that newly  
26 created lots in the urban environment are uniform in  
27 size and dimensions.  
28

29 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

30 SECTION 1. Ordinance 10696, Section 2, and K.C.C. 2.16.055  
31

32 are hereby amended to read as follows:

33 Department of development and environmental services -  
34 duties - divisions. The department shall develop and revise  
35 land development and environmental codes and regulations which  
36 implement county land use plans and policies; develop,  
37 implement and manage programs to protect and enhance the  
38 county's natural resources and the environment; administer  
39 building and land development consistent with adopted policies  
40 and regulations; and monitor the effects of the county's land  
41 use and natural resources policies and regulations. The  
42 director of the department shall be the county building  
43 official, fire marshal, zoning adjuster, and the responsible  
44 official for purposes of administering the state environmental  
45 policy act, and may delegate those functions to qualified  
46 subordinates.

47 The department is responsible to manage and be fiscally  
48 accountable for the functions assigned to and performed by the  
49 following divisions:

1 A. BUILDING SERVICES DIVISION. The division shall be  
2 responsible for ensuring consistent and efficient  
3 administration of environmental, building and land use codes  
4 and regulations for commercial and residential projects by  
5 means of permit review and approval, construction inspections  
6 and public information.

7 The functions of the division include:

- 8 1. Permit center and public information functions;
- 9 2. Building plan and application review functions,  
10 including fire, fire-flow, mechanical, barrier-free, energy,  
11 security and other uniform code reviews;
- 12 3. Site review functions, including engineering and  
13 sensitive areas review of permit applications; and
- 14 4. Inspection functions, including new-construction  
15 inspections for compliance with site, fire and building code  
16 requirements.

17 B. LAND USE SERVICES DIVISION. The division shall be  
18 responsible for the effective processing and timely review of  
19 land development proposals, including zoning variance and  
20 reclassification, sensitive area, subdivision, right-of-way  
21 use, ((~~planned unit development, master~~)) urban planned  
22 development, clearing and grading, shoreline, ((~~unclassified~~))  
23 special use and conditional use applications.

24 The functions of the division include:

- 25 1. Permit center and public information functions;
- 26 2. Plan review functions, including the review of  
27 applications for compliance with shorelines, sensitive areas,  
28 subdivision and other zoning regulations, as well as community  
29 plans and utility comprehensive plans;
- 30 3. Engineering review and inspection functions,  
31 including the review of clearing and grading applications and  
32 review of engineering plans for compliance with adopted road  
33 and drainage standards and specifications; and

1           4. Development inspection functions, including  
2 inspection of construction activity to ensure compliance with  
3 approved plans and codes.

4           C. ENVIRONMENTAL DIVISION. The division shall develop  
5 policies and manage and administer programs designed to ensure  
6 that development complies with the requirements of the State  
7 Environmental Policy Act and King County's environmental code,  
8 procedures and regulations. Through effective use of the  
9 county's enforcement powers the division shall ensure the  
10 protection of the natural resources, natural areas, sensitive  
11 areas and water bodies of the county as well as compliance with  
12 its policies, plans and regulations.

13           The functions of the division include:

14           1. Developing county plans, programs, policies and  
15 implementing regulations on natural resource and environmental  
16 issues, including environmentally sensitive areas, water  
17 resources, fisheries, wildlife, mineral and forestry resources;  
18 and serving as the county contact for cities and agencies,  
19 providing appropriate research in support of county initiatives  
20 on these issues;

21           2. For projects where the department of development and  
22 environmental services is the lead agency, the environmental  
23 division shall administer the State Environmental Policy Act  
24 and act as lead agency, including making the threshold  
25 determinations, determining the amount of environmental impact  
26 and reasonable mitigation measures, and coordinating with other  
27 divisions in the preparation of county environmental documents  
28 or in response to environmental documents from other agencies;  
29 and

30           3. Pursuing and resolving code violations, including  
31 preparing for administrative or legal actions, evaluating the  
32 department's success in obtaining compliance with King County  
33 rules and regulations and designing measures to improve  
34 compliance.

1 D. ADMINISTRATIVE SERVICES DIVISION. The division shall  
2 provide support services throughout the department, including  
3 personnel and payroll support, budget support, financial  
4 services, information services, facilities management and  
5 support, records management and program analysis services.

6 SECTION 2. Ordinance 5284, Section 2, and K.C.C. 4.68.020  
7 are hereby amended to read as follows:

8 Application of chapter. This chapter shall apply to the  
9 following county permits:

- 10 A. Building permits authorized by Title 16;  
11 B. Reclassification permits authorized by Title 21A;  
12 C. Subdivisions permits authorized by Title 19;  
13 D. Short subdivisions permits authorized by Title 19;  
14 E. Shoreline development permits authorized by Title 25;  
15 F. Grading permits authorized by Title 16;  
16 G. Condominium conversion permits authorized by Title 20;  
17 H. Demolition permits authorized by Title 16;  
18 I. Right-of-way use permits authorized by Title 6;  
19 J. Septic tank permits authorized by Title 13.

20 SECTION 3. Ordinance 7216, Section 1, as amended and  
21 K.C.C. 6.08.005 are hereby amended to read as follows:

22 Findings of fact. Based on public testimony and other  
23 evidence presented to it, the King County council makes the  
24 following Findings of Fact:

25 A. The activities defined and regulated hereinafter are  
26 detrimental to the public health, safety, morals, and general  
27 welfare of the citizens of King County and, therefore, such  
28 activities must be regulated as provided herein.

29 B. Regulation of the adult entertainment industry is  
30 necessary because in the absence of such regulation significant  
31 criminal activity has historically and regularly occurred.  
32 This history of criminal activity in the adult entertainment  
33 industry has included prostitution, narcotics and liquor law  
34 violations, breaches of the peace and the presence within the

1 industry of individuals with hidden ownership interests and  
2 outstanding arrest warrants.

3 C. The activities described in subsection B. of this  
4 section occur, in the absence of regulation, regardless of  
5 whether the adult entertainment is presented in conjunction  
6 with the sale of alcoholic beverages.

7 D. It is necessary to license entertainers in the adult  
8 entertainment industry to prevent the exploitation of minors;  
9 to ensure that each such entertainer is an adult; and to ensure  
10 that such entertainers have not assumed a false name, which  
11 would make regulation of the entertainer difficult or  
12 impossible.

13 E. It is necessary to have a licensed manager on the  
14 premises of establishments offering adult entertainment at such  
15 times as such establishments are offering adult entertainment  
16 so that there will at all necessary times be an individual  
17 responsible for the overall operation of the establishment,  
18 including the actions of patrons, entertainers and other  
19 employees.

20 F. The license fees required hereinafter are necessary as  
21 nominal fees imposed as necessary regulatory measures designed  
22 to help defray the substantial expenses incurred by King County  
23 in regulating the adult entertainment industry.

24 G. Hidden ownership interests for the purposes of skimming  
25 profits and avoiding the payment of taxes have historically  
26 occurred in the adult entertainment industry in the absence of  
27 regulation. These hidden ownership interests have historically  
28 been held by organized and white collar crime elements. In  
29 order for King County to effectively protect the public health,  
30 safety, morals, and general welfare of its citizenry it is  
31 important that the county be fully apprised of the actual  
32 ownership of adult entertainment establishments.

33 H. Based on the testimony of law enforcement officers and  
34 members of the public, and on other evidence, information,  
35 documents and materials submitted to and reviewed by the King

1 County council, the King County council makes the following  
2 findings of fact:

3 1. The use of property to operate, conduct or maintain  
4 adult entertainment use establishments is a use which, because  
5 of its very nature, has serious objectionable operational  
6 characteristics. Those operational characteristics include a  
7 wide range of criminal and other unlawful activities that have  
8 regularly and historically occurred, including prostitution,  
9 narcotics and liquor law violations, breaches of the peace,  
10 assaults, and sexual conduct involving contact between patrons,  
11 and between entertainers and patrons, some of whom have been  
12 minors.

13 2. The objectionable operational characteristics related  
14 to the operation of adult use establishments are the most  
15 serious, and pose the greatest threat to the welfare of the  
16 citizens of King County, when conducted in close proximity to  
17 places where minors gather.

18 3. The need to protect minors from the criminal and  
19 other unlawful activities associated with the operation of  
20 adult use establishments is compelling. The provisions of this  
21 chapter are necessary to ensure that adult uses and adult  
22 entertainment in unincorporated King County are conducted a  
23 reasonable distance away from places where minors regularly  
24 gather, often in large numbers.

25 4. The requirements of this chapter will make it less  
26 likely that minors, on their way to and from the gathering  
27 places set forth in K.C.C. ((~~21-28-020, 21-28-040~~)) 21A.08.040  
28 and ((~~21-32-020~~)) 21A.08.070 will become victims of the  
29 criminal and other unlawful activities that have regularly and  
30 historically occurred in and around adult use establishments;  
31 will make it less likely that minors will gain access to adult  
32 use establishments; will make it less likely that minors will  
33 be hired or otherwise work as entertainers in adult  
34 entertainment establishments; and will make it less likely that  
35 patrons and employees, including entertainers, of adult use

1 establishments will victimize minors at or near the gathering  
2 places set forth in K.C.C. ((~~21.28.020, 21.28.040~~) 21A.08.040  
3 and ((~~21.32.020~~) 21A.08.070 .

4 5. The use of property to operate, conduct or maintain  
5 adult use establishments is not compatible with residential  
6 uses due to the secondary effects such adult use establishments  
7 have on residential neighborhoods. The requirements of this  
8 chapter will minimize those secondary effects by ensuring that  
9 adult use establishments do not locate in close proximity to  
10 residential neighborhoods, thereby protecting the character of  
11 residential neighborhoods in unincorporated King County and the  
12 welfare of its citizens.

13 SECTION 4. Ordinance 1396 Art.I, Section 3, as amended and  
14 K.C.C. 11.04.020 are hereby amended to read as follows:

15 Definitions. In construing the provisions of this chapter,  
16 except where otherwise plainly declared or clearly apparent  
17 from the context, words used herein shall be given their common  
18 and ordinary meaning; in addition, the following definitions  
19 shall apply:

20 A. "Abatement" means the termination of any violation by  
21 reasonable and lawful means determined by the director of the  
22 animal control authority in order that an owner or a person  
23 presumed to be the owner shall comply with this chapter.

24 B. "Animal" means any living creature except homosapiens,  
25 insects and worms.

26 C. "Animal control authority" means the county animal  
27 control section, division of licensing and regulatory services,  
28 acting alone or in concert with other municipalities for  
29 enforcement of the animal control laws of the county and state  
30 and the shelter and welfare of animals.

31 D. "Animal control officer" means any individual employed,  
32 contracted or appointed by the animal control authority for the  
33 purpose of aiding in the enforcement of this chapter or any  
34 other law or ordinance relating to the licensing of animals,  
35 control of animals or seizure and impoundment of animals, and



1 includes any state or municipal peace officer, sheriff,  
2 constable or other employee whose duties in whole or in part  
3 include assignments which involve the seizure and taking into  
4 custody of any animal.

5 E. "Cattery" means a place where four or more adult cats  
6 are kept, whether by owners of the cats or by persons providing  
7 facilities and care, whether or not for compensation, but not  
8 including small animal hospitals, clinics or pet shops. An  
9 adult cat is one of either sex, altered or unaltered, that has  
10 reached the age of six months.

11 F. "Domesticated animal" means those domestic beasts such  
12 as any dog, cat, rabbit, horse, mule, ass, bovine animal, lamb,  
13 goat, sheep or hog, or other animal made to be domestic.

14 G. "Euthanasia" means the humane destruction of an animal  
15 accomplished by a method that involves instantaneous  
16 unconsciousness and immediate death, or by a method that causes  
17 painless loss of consciousness, and death during such loss of  
18 consciousness.

19 H. "Fostering" means obtaining unwanted dogs or cats and  
20 locating adoptive homes for those licensed and spayed or  
21 neutered dogs or cats. Individuals who wish to foster dogs and  
22 cats, and who through such activity shall routinely or from  
23 time to time harbor, keep or maintain more dogs and cats than  
24 allowed in Title 21A K.C.C., must obtain either an Individual  
25 or Organizational Private Animal Placement Permit.

26 I. "Grooming service" means any place or establishment,  
27 public or private, where animals are bathed, clipped or combed  
28 for the purpose of enhancing their aesthetic value and/or  
29 health and for which a fee is charged.

30 J. "Harboring, keeping, or maintaining a dog or cat" means  
31 performing any of the acts of providing care, shelter,  
32 protection, refuge, food, or nourishment in such manner as to  
33 control the animal's actions, or, that the animal(s) is treated  
34 as living at one's house by the homeowner.

1 K. "Hobby cattery" means a noncommercial cattery at or  
2 adjoining a private residence where four or more adult cats are  
3 bred or kept for exhibition for organized shows or for the  
4 enjoyment of the species provided, however, a combination hobby  
5 cattery/kennel license may be issued where the total number of  
6 cats and dogs exceeds the number allowed in Title 21A.

7 L. "Hobby kennel" means a noncommercial kennel at or  
8 adjoining a private residence where four or more adult dogs are  
9 bred or kept for hunting, training and exhibition for organized  
10 shows, field, working and/or obedience trials, or for the  
11 enjoyment of the species provided, however, a combination hobby  
12 cattery/kennel license may be issued where the total number of  
13 cats and dogs exceeds the number allowed in Title 21A.

14 M. "Juvenile" means any dog or cat, altered or unaltered,  
15 that is under the age of six months.

16 N. "Kennel" means a place where four or more adult dogs  
17 are kept, whether by owners of the dogs or by persons providing  
18 facilities and care, whether or not for compensation, but not  
19 including small animal hospitals or clinics or pet shops. An  
20 adult dog is one of either sex, altered or unaltered, that has  
21 reached the age of six months.

22 O. "Livestock" means as defined in K.C.C. ((21-04-540))  
23 21A.06.695.

24 P. "Owner" means any person having an interest in or right  
25 of possession to an animal or any person having control,  
26 custody or possession of any animal, or by reason of the animal  
27 being seen residing consistently at a location, shall be  
28 presumed to be the owner.

29 Q. "Packs of dogs" means a group of two or more dogs  
30 running upon either public or private property not that of its  
31 owner in a state in which either its control or ownership is in  
32 doubt or cannot readily be ascertained, and when such dogs are  
33 not restrained or controlled.

1 R. "Person" means any individual, partnership, firm, joint  
2 stock company, corporation, association, trust, estate or other  
3 legal entity.

4 S. "Pet" shall mean dog or cat or any other animal  
5 required to be licensed by the provisions of this chapter. The  
6 terms "dog" or "cat" and "pet" may be used interchangeably.

7 T. "Pet shop" means any person, establishment, store or  
8 department of any store that acquires live animals, including  
9 birds, reptiles, fowl and fish, and sells, or offers to sell or  
10 rent such live animals to the public or to retail outlets.

11 U. "Private Animal Placement Permit - Individual" means a  
12 permit issued to persons engaged in fostering dogs and cats who  
13 meet certain requirements to allow such persons to possess more  
14 dogs and cats than is specified in Title 21A K.C.C. Persons  
15 holding an Individual Private Animal Placement Permit and  
16 fostering dogs and cats must locate an adoptive home for a dog  
17 or cat within six months of acquisition.

18 V. "Private Animal Placement Permit - Organizational"  
19 means permits issued to organizations engaged in fostering dogs  
20 and cats, such organizations having first met certain  
21 requirements. These organizations may distribute these permits  
22 to individuals who will foster the dogs and cats in their  
23 homes. The permits will allow such persons to possess more  
24 dogs and cats than is specified in Title 21A K.C.C. Such  
25 organizations must be approved by the director, and their  
26 permit holders must locate an adoptive home for a dog or cat  
27 within six months of acquisition.

28 W. "Running at large" means to be off the premises of the  
29 owner and not under the control of the owner or competent  
30 person authorized by the owner, either by leash or verbal voice  
31 and/or signal control.

32 X. "Service animal" means any animal, which is trained or  
33 being trained to aid a person who is blind, hearing impaired,  
34 or otherwise disabled and is used for that purpose and is  
35 registered with a recognized service animal organization.

1 Y. "Shelter" means a facility which is used to house or  
2 contain stray, homeless, abandoned or unwanted animals and  
3 which is owned, operated or maintained by a public body, an  
4 established humane society, animal welfare society, society for  
5 the prevention of cruelty to animals or other nonprofit  
6 organization or person devoted to the welfare, protection and  
7 humane treatment of animals.

8 Z. "Special hobby kennel license" means a license issued  
9 to pet owners under certain conditions, who do not meet the  
10 requirements for a hobby kennel license, to allow them to  
11 retain only those specific dogs and cats then in their  
12 possession until such time as the death or transfer of such  
13 animals reduces the number they possess to the legal limit set  
14 forth in the King County Zoning Code.

15 AA. "Under control" means the animal is under competent  
16 voice and/or signal control so as to be thereby restrained from  
17 approaching any bystander or other animal and from causing or  
18 being the cause of physical property damage when off of a leash  
19 or off the premises of the owner.

20 BB. "Vicious" means the act of, or the propensity to do  
21 any act endangering the safety of any person, animal or  
22 property of another, including, but not limited to, biting a  
23 human being, and/or an attack on human beings or domestic  
24 animals without provocation.

25 SECTION 5. Ordinance 1396 Art.II, Section 4, and K.C.C.  
26 11.04.060 are hereby amended to read as follows:

27 Hobby kennel or hobby cattery license - Required. A.  
28 LICENSE REQUIRED. It is unlawful for any person to keep and  
29 maintain any dog or cat within the county for the purposes of a  
30 hobby kennel or hobby cattery without annually obtaining a  
31 valid and subsisting license therefor. The fee for such annual  
32 license shall be assessed upon the owner or keeper of such  
33 animals and shall be as provided in Section 11.04.035. In  
34 addition, each animal shall be licensed individually under  
35 provisions of Section 11.04.030B.

1 B. LIMITATION ON NUMBER OF DOGS AND CATS ALLOWED. Any  
2 hobby kennel or hobby cattery license shall limit the total  
3 number of dogs and cats over six months of age kept by such  
4 hobby kennel or hobby cattery based on the following  
5 guidelines:

- 6 1. Animal size;
- 7 2. Type and characteristics of the breed;
- 8 3. The amount of lot area; provided, that the maximum  
9 number shall not exceed twenty-five where the lot area contains  
10 five acres or more; the maximum number shall not exceed ten  
11 where the lot area contains thirty-five thousand square feet  
12 but less than five acres and the maximum number shall not  
13 exceed five where the lot area is less than thirty-five  
14 thousand square feet;
- 15 4. The facility specifications/dimensions in which the  
16 dogs and cats are to be maintained;
- 17 5. The zoning classification in which the hobby kennel  
18 or hobby cattery would be maintained.

19 C. REQUIREMENTS - Hobby kennels and hobby catteries.

20 1. All open run areas shall be completely surrounded by  
21 a six-foot fence set back at least twenty feet from all  
22 property lines; provided this requirement may be modified for  
23 hobby catteries as long as the open run area contains the cats  
24 and prohibits the entrance of children. For purposes of this  
25 section "Open run area" means that area, within the property  
26 lines of the premises on which the hobby kennel or hobby  
27 cattery is to be maintained, where the dogs and cats are  
28 sheltered or maintained. If there is no area set aside for  
29 sheltering or maintaining the dogs within the property lines of  
30 the premises the twenty foot setback does not apply. The  
31 property lines of premises not containing an open run area must  
32 be completely surrounded by a six-foot fence;

33 2. No commercial signs or other appearances advertising  
34 the hobby kennel or hobby cattery are permitted on the property

1 except for the sale of the allowable offspring set forth in  
2 this section;

3 3. The director may require setback, additional setback,  
4 fencing, screening or soundproofing as she or he deems  
5 necessary to insure the compatibility of the hobby kennel or  
6 hobby cattery with the surrounding neighborhood. Factors to be  
7 considered in determining such compatibility are:

8 a. Statements regarding approval/disapproval of  
9 surrounding neighbors relative to maintenance of a hobby kennel  
10 or hobby cattery at the address applied for;

11 b. Past history of animal control complaints relating  
12 to the dogs and cats of the applicant at the address for which  
13 the hobby kennel or hobby cattery is applied for;

14 c. Facility specifications/dimensions in which the  
15 dogs and cats are to be maintained;

16 d. Animal size, type and characteristics of breed;

17 e. The zoning classification of the premises on which  
18 the hobby kennel or hobby cattery is maintained.

19 4. The hobby kennel or hobby cattery shall limit dog and  
20 cat reproduction to no more than one litter per license year  
21 per female dog and two litters per license year per female cat;

22 5. Each dog and cat in the hobby kennel or hobby cattery  
23 shall have current and proper immunization from disease  
24 according to the dog's and cat's species and age. Such shall  
25 consist of DHLPP inoculation for dogs over three months of age  
26 and FVRCP for cats over two months of age, and rabies  
27 inoculations for all dogs and cats over six months of age.

28 D. LICENSE ISSUANCE AND MAINTENANCE. Only when the  
29 director is satisfied that the requirements of K.C.C.  
30 11.04.060C.1. through 5. have been met, a hobby kennel or hobby  
31 cattery license may be issued. The license will continue in  
32 full force throughout the license year unless, at anytime, the  
33 hobby kennel or hobby cattery is maintained in such a manner as  
34 to:

- 1           1. Exceed the number of dogs and cats allowed at the  
2 hobby kennel by the animal control section; or,  
3           2. Fail to comply with any of the requirements of K.C.C.  
4 11.04.060C.1. through 5.

5           E. SPECIAL HOBBY KENNEL LICENSE

6           1. Persons owning a total number of dogs and cats  
7 exceeding three, who do not meet the requirements for a hobby  
8 kennel license, may be eligible for a special hobby kennel  
9 license to be issued at no cost by the animal control authority  
10 which will allow them to retain the specific animals then in  
11 their possession; provided that the following conditions are  
12 met:

13           a. The applicant must apply for the special hobby  
14 kennel license and individual licenses for each dog and cat  
15 within 30 days of the enactment of Ordinance 10423, or at the  
16 time they are contacted by an Animal Control Officer, King  
17 County License Inspector, or King County Pet License Canvasser.

18           b. The applicant is keeping the dogs and cats for the  
19 enjoyment of the species, and not as a commercial enterprise.

20           2. The special hobby kennel license shall only be valid  
21 for those specific dogs and cats in the possession of the  
22 applicant at the time of issuance, and is intended to allow pet  
23 owners to possess animals beyond the limits imposed by  
24 Title 21A of the K.C.C. until such time as the death or  
25 transfer of such animals reduces the number possessed to the  
26 legal limit set forth in Title 21A of the K.C.C.

27           3. The director of animal control may deny any  
28 application for a special hobby kennel license based on past  
29 Animal Control Code violations by the applicant's dogs and  
30 cats, or complaints from neighbors regarding the applicant's  
31 dogs and cats; or if the animal(s) is maintained in inhumane  
32 conditions.

33           SECTION 6. Ordinance 10809, Section 3, and K.C.C.  
34 11.04.165 are hereby amended to read as follows:

1 Private Animal Placement Permit - Individual. A. PERMIT  
2 REQUIRED. Any person independently engaged in the fostering of  
3 dogs and cats who routinely possesses more dogs and cats than  
4 are allowed in Title 21A K.C.C. must obtain an Individual  
5 Private Animal Placement Permit from animal control. Permits  
6 shall be valid for one year from the date of issuance, and may  
7 not be transferred.

8 B. QUALIFICATIONS. In order to qualify for an Individual  
9 Private Animal Placement Permit an applicant must:

10 1. Maintain and care for dogs and cats in a humane and  
11 sanitary fashion in compliance with the provisions of K.C.C.  
12 11.04.090.

13 2. Reside where the fostering of dogs and cats is  
14 compatible with the surrounding neighborhood.

15 3. Agree to return stray or lost animals to their owners  
16 in accordance with the requirements of K.C.C. 11.04.210 before  
17 placing such animals in an adoptive home.

18 4. Agree to spay/neuter and license each dog or cat  
19 before placement into its new home and transfer the license of  
20 each animal to its adoptive owner.

21 5. Agree to coordinate their adoption process with  
22 animal control, including reporting on the disposition of each  
23 animal, and only adopting to owners who would qualify to adopt  
24 an animal from a King County Animal Control Shelter based on  
25 the adoption procedures and guidelines used by the animal  
26 control authority.

27 C. LIMITATION ON NUMBER OF DOGS AND CATS ALLOWED. Those  
28 holding an Individual Private Animal Placement Permit shall be  
29 allowed to possess five foster animals above the limit that  
30 would normally apply to their property under Title 21A King  
31 County Code.

32 Permit holders are required to locate an adoptive home for  
33 each dog or cat within six months of acquiring the dog or cat.  
34 If, after six months, an adoptive home has not been found for a  
35 dog or cat, the animal control authority will review the



1 situation to determine if the permit holder is complying with  
2 the requirements of the permit. If the director ascertains  
3 that a good faith effort is being made to locate adoptive  
4 homes, a six-month extension may be granted.

5 The presence of juvenile animals shall not necessarily  
6 place a permit holder over their limit unless the director  
7 determines that juvenile animals are present in such large  
8 numbers as to place the permit holder out of compliance with  
9 the requirements of the permit.

10 Holders of hobby kennel licenses shall be allowed to  
11 possess and foster five more animals than are allowed by the  
12 conditions of a hobby kennel permit.

13 D. INSPECTION, DENIAL AND REVOCATION OF PERMIT. The  
14 animal control authority shall have the right to inspect the  
15 facilities of an applicant for an Individual Private Animal  
16 Placement Permit to determine whether or not such a permit  
17 shall be issued. In addition, the animal control authority  
18 shall have the right to periodically inspect the facilities of  
19 holders of Individual Private Animal Placement Permits to  
20 insure compliance with this section. The animal control  
21 authority shall also have the right to deny or revoke permits  
22 based on a failure to meet the above qualifications; animal  
23 control complaints (past, present or future); and/or complaints  
24 regarding the maintenance of the Individual Private Animal  
25 Placement Permit by neighbors.

26 SECTION 7. Ordinance 10809, Section 4, and K.C.C.

27 11.04.167 are hereby amended to read as follows:

28 Private Animal Placement Permit - Organizational. A.  
29 PERMIT REQUIRED. Any organization engaged in the fostering of  
30 dogs and cats whose members routinely or from time to time have  
31 in their possession up to five more dogs and cats than are  
32 allowed in Title 21A K.C.C. must obtain Organizational Private  
33 Animal Placement Permits from animal control for each of those  
34 members. Organizations may purchase up to 5 Permits, or up 20  
35 Permits per year. Provided, however, that the director has the

1 authority to issue more than 20 Permits to an organization,  
2 when to do so would further the goals of the animal control  
3 section and be in the public interest. Permits shall be valid  
4 for one year from the date of issuance, and may be transferred  
5 between members of the organization.

6 B. QUALIFICATIONS. In order to qualify to distribute  
7 Organizational Private Animal Placement Permits to its members  
8 an organization must:

9 1. Be of a reputable nature, and engaged in the  
10 fostering of animals solely for the benefit of the animals  
11 involved, and not as a commercial enterprise.

12 2. Agree to furnish animal control with the names,  
13 addresses and phone numbers of each of the holders of its  
14 permits; including immediately furnishing this information when  
15 a transfer takes place.

16 3. Agree that to the best of their ability they shall  
17 only issue permits to individuals who will:

18 a. Maintain and care for dogs and cats in a humane and  
19 sanitary fashion in compliance with the provisions of K.C.C.  
20 11.04.090.

21 b. Reside where the fostering of dogs and cats is  
22 compatible with the surrounding neighborhood.

23 c. Agree to return stray or lost animals to their  
24 owners in accordance with the requirements of K.C.C. 11.04.210  
25 before placing such animals in an adoptive home.

26 d. Spay/neuter and license each dog or cat and  
27 transfer the license of each animal to its adoptive owner.

28 e. Coordinate their adoption process with animal  
29 control, including reporting on the disposition of each animal,  
30 and only adopting to owners who would qualify to adopt an  
31 animal from a King County Animal Control Shelter based on the  
32 adoption procedures and guidelines used by the animal control  
33 authority.

34 C. LIMITATION ON NUMBER OF DOGS AND CATS ALLOWED. Those  
35 holding an Organizational Private Animal Placement Permit shall

1 be allowed to foster up to five more dogs or cats above the  
2 limit that would normally apply to their property under Title  
3 21A King County Code. Holders of hobby kennel licenses shall  
4 be allowed to foster five more animals than are allowed by  
5 conditions of a hobby kennel permit.

6 Permit holders are required to locate an adoptive home for  
7 each dog or cat within six months of acquiring the dog or cat.  
8 If, after six months, an adoptive home has not been found for a  
9 dog or cat the animal control authority will review the  
10 situation to determine if the permit holder is complying with  
11 the requirements of the permit. If the director ascertains  
12 that a good faith effort is being made to locate adoptive  
13 homes, a six-month extension may be granted.

14 The presence of juvenile animals shall not necessarily  
15 place a permit holder over the limit of five foster animals  
16 beyond the limit that would normally apply to their property  
17 under K.C.C. ((~~21.30.020(A)~~)) 21A.30.020 unless the director  
18 determines that juvenile animals are present in such large  
19 numbers as to place the permit holder out of compliance with  
20 the requirements of the permit.

21 D. INSPECTION, DENIAL AND REVOCATION OF PERMIT. The  
22 animal control authority shall have the right to inspect the  
23 facilities of an applicant for an Organizational Private Animal  
24 Placement Permit to determine whether or not such a permit  
25 shall be issued. In addition, the animal control authority  
26 shall have the right to periodically inspect the facilities of  
27 holders of Organizational Private Animal Placement Permits to  
28 insure compliance with this Section, and to determine whether  
29 or not the organization as a whole will be allowed to continue  
30 fostering dogs and cats. The animal control authority shall  
31 also have the right to deny or revoke permits based on a  
32 failure to meet the above qualifications; animal control  
33 complaints (past, present or future); and/or complaints  
34 regarding the maintenance of the Organizational Private Animal  
35 Placement Permit by neighbors.

1            SECTION 8. Ordinance 1396 Art. III, Section 1, and K.C.C.  
2 11.04.170 are hereby amended to read as follows:

3            Enforcement power. A. The director of the animal control  
4 authority and his authorized animal control officers are  
5 authorized to take such lawful action as may be required to  
6 enforce the provisions of this chapter, the provisions of  
7 ((~~Resolution 25789~~)) Ordinance 10870, as amended, Title 21A  
8 K.C.C., as they pertain to the keeping of animals, and the laws  
9 of the state of Washington as they pertain to animal cruelty,  
10 shelter, welfare and enforcement of control.

11            B. The director of the animal control authority or his  
12 authorized animal control officer shall not enter a building  
13 designated for and used for private purposes, unless a proper  
14 warrant has first been issued upon a showing that the officer  
15 has reasonable cause to believe an animal is being maintained  
16 in the building in violation of this chapter.

17            C. Provided that the director of the animal control  
18 authority and his authorized animal control officers, while  
19 pursuing or observing any animal in violation of this chapter,  
20 may enter upon any public or private property, except any  
21 building designated for and used for private purposes, for the  
22 purpose of abating the animal violation being pursued or  
23 observed.

24            D. No person shall deny, prevent, obstruct or attempt to  
25 deny, prevent or obstruct an officer from pursuing any animal  
26 observed to be in violation of this chapter. Further, no  
27 person shall fail or neglect, after a proper warrant has been  
28 presented, to promptly permit the director or the authorized  
29 animal control officer to enter private property to perform any  
30 duty imposed by this chapter. Any person violating this  
31 subsection is guilty of a misdemeanor.

32            SECTION 9. Ordinance 5975, Section 1, and K.C.C. 11.24.010  
33 are hereby amended to read as follows:

34            Stock restricted area. All of King County, except national  
35 forest lands owned by the federal government, is designated a

1 stock restricted area in which it is unlawful to permit  
 2 livestock, as defined in K.C.C. ((21-04-186)) 21A.06.695, to  
 3 run at large.

4 SECTION 10. Ordinance 3139, Section 206, and K.C.C.  
 5 12.87.070 are hereby amended to read as follows:

6 District. "District" means the land use zones to which the  
 7 provisions of Chapters 12.86 through 12.100 are applied. For  
 8 the purposes of Chapters 12.86 through 12.100:

9 A. "Rural district" includes zones designated in the King  
 10 County zoning code as A, ((~~F-R, F-P, S-E, G~~)) F, and ((~~S-R~~))  
 11 RA greater than thirty-five thousand square feet;

12 B. "Residential district" includes zones designated in the  
 13 King County zoning code as ((~~R-S, R-D, R-M, B-N and S-R~~)) UR  
 14 and R-1 through R-48 less than thirty-five thousand square feet  
 15 as well as zones designated as RS, RW, RD, RM, RMH, RM-MD, RMV,  
 16 and BN in the comprehensive zoning ordinance of the city of  
 17 Seattle;

18 C. "Commercial district" includes zones designated in the  
 19 King County zoning code as ((~~B-C, C-G, M-L~~)) O, NB, CB and  
 20 ((~~M-P~~)) RB as well as zones designated as BI, BC, BM, CM, CMT,  
 21 and CG in the comprehensive zoning ordinance of the city of  
 22 Seattle; and

23 D. "Industrial district" includes zones designated in the  
 24 King County zoning code as ((~~M-H, Q-M~~)) I and M and  
 25 ((~~unclassified~~)) special uses as well as zones designated as M,  
 26 IG, and IH in the comprehensive zoning ordinance of the city of  
 27 Seattle.

28 SECTION 11. Ordinance 6254, Section 2, as amended and  
 29 K.C.C. 14.30.020 are hereby amended to read as follows:

30 Permit requirement. A. Special use permits shall be  
 31 required for any use of county property except uses regulated  
 32 pursuant to K.C.C. 14.44 relating to utility permits and K.C.C.  
 33 14.28 relating to county road system rights-of-way use permits.

34 B. Upon receipt of an application for a "Special Use"  
 35 permit upon county property, the real property division shall

1 determine whether the proposed use is upon county owned  
2 property.

3 C. The real property division shall forward the  
4 application to all county custodial departments for review.

5 D. The custodial departments shall review the application  
6 and forward its recommendation whether the permit shall be  
7 issued by the real property division. If a custodial  
8 department recommends denial, the real property division shall  
9 deny the permit.

10 E. If there is no custodial department with jurisdiction  
11 over the county property, the real property division shall  
12 evaluate the feasibility of the proposed use, its impact on  
13 other uses of the county property and its impact on public  
14 health and safety. Based on this evaluation, the real property  
15 division shall determine whether the permit should be issued.

16 F. In all cases, the real property division shall forward  
17 the application to the department of (~~parks, planning and~~  
18 ~~resources~~) development and environmental services for  
19 recommendations on sensitive area issues and the real property  
20 division shall be responsible for assuring that any application  
21 meets the requirements of the sensitive areas code set out in  
22 K.C.C. Chapter (~~21-54~~) 21A.24 and the administrative rules  
23 promulgated thereunder before the permit is issued.

24 SECTION 12. Ordinance 4099, Section 9, as amended and  
25 K.C.C. 14.46.090 are hereby amended to read as follows:

26 Review and certification by agencies. A. The real  
27 property division shall coordinate the review by all  
28 departments of permit applications.

29 B. The department responsible for the management of the  
30 property to be affected shall review and evaluate applications  
31 with respect to the hazard and risk of the proposed  
32 construction or use; location of the proposed construction or  
33 use in relation to other facilities using the property; the  
34 adequacy of the engineering and design of the proposed

1 construction or use; and applicable federal, state, county and  
2 local laws and regulations.

3 C. The Seattle-King County department of public health  
4 shall review and evaluate applications for the construction of  
5 waterworks (except for domestic service connections) to  
6 determine consistency with state and local health and  
7 sanitation regulations.

8 D. The King County fire marshal shall review and evaluate  
9 applications for the construction of waterworks to determine  
10 consistency with county standards for water mains and fire  
11 hydrants.

12 E. All applications for the construction of sewer or water  
13 facilities must be certified by the ~~((division of building and  
14 land development))~~ department of development and environmental  
15 services as consistent with a sewer or water comprehensive plan  
16 approved by the county council pursuant to K.C.C. Chapter  
17 13.24.

18 F. In any case, the real property division shall forward  
19 the application to the department for recommendations on  
20 sensitive area issues and the real property division shall be  
21 responsible for assuring that any application meets the  
22 requirements of the sensitive areas code set out in K.C.C.  
23 Chapter ~~((21-54))~~ 21A.24 and the administrative rules  
24 promulgated thereunder before the permit is issued.

25 SECTION 13. Ordinance 4305, Section 4, and K.C.C.  
26 20.12.070 are hereby amended to read as follows:

27 Community plan amendments - Criteria for advancing revision  
28 schedule. A study to determine the need for revision of one or  
29 more community plans shall be undertaken by the department of  
30 planning and community development in cooperation with the  
31 policy development commission if appropriate, when the council  
32 adopts a finding that one of the following criteria is present:

33 A. Development activity is substantially greater than  
34 anticipated in the plan, as indicated by:

1           1. County-wide or community plan area total residential  
2 unit construction as measured by building permits and by annual  
3 subdivision activity as measured by number of lots created or  
4 by acreage, is one hundred percent higher for twelve  
5 consecutive months than the average level for the previous  
6 three years, or

7           2. County-wide or community plan area total annual  
8 vacant land consumption is occurring at a rate one hundred  
9 percent higher for twelve consecutive months than the average  
10 rate for the previous three years;

11           B. In the review of a request for a zone reclassification,  
12 urban planned (~~unit~~) development, subdivision or  
13 (~~unclassified~~) special use permit, the council finds that the  
14 request is inconsistent with an adopted community plan, but  
15 circumstances affecting the area in which the proposal is  
16 located may have undergone changes substantially and materially  
17 different from those anticipated or contemplated by the  
18 community plan, and that the impacts from the changed  
19 circumstances make consideration of a plan revision necessary.  
20 The application shall be denied without prejudice, or deferred  
21 at the request of the applicant until the department of parks,  
22 planning and resources completes a study to determine the need  
23 for a plan revision and a plan revision, if any, is adopted by  
24 the council.

25           C. Issues of current concern to area residents or the  
26 county, including but not limited to: policy conflicts due to  
27 subsequent comprehensive plan amendments, regional service or  
28 facility needs, annexations or other circumstances not  
29 anticipated in the community plan make it necessary to consider  
30 a revision to one or more community plans.

31           SECTION 14. Ordinance 2707, Section 1, as amended and  
32 K.C.C. 20.12.160 are hereby amended to read as follows:

33           Sewerage general plan. The "King County Sewerage general  
34 plan" attached to Ordinance 4035, is adopted as a functional  
35 plan, implementing the King County comprehensive plan.



1 A. As a functional plan, the sewerage general plan shall  
2 implement the comprehensive plan, which shall prevail where  
3 conflicts, if any, may occur. Boundary changes and expansions  
4 of local service areas shall conform to the criteria set forth  
5 in the comprehensive plan, which shall replace those set forth  
6 in sections 6.2(A) and 6.5 of the "King County Sewerage general  
7 plan".

8 B. Individual side sewer connections may be permitted to  
9 property within Agriculture Production Districts outside the  
10 Local Service Areas

11 Provided that:

12 1. The property's development rights have been  
13 transferred to and accepted by King County,

14 2. Covenants limiting the use of the land for  
15 agricultural and open space uses (using the covenants developed  
16 for King County's Farmlands Preservation Program) have been  
17 recorded,

18 3. The development to be served is consistent with the  
19 recorded restrictive covenants, and

20 4. The size of lots permitted and number of homesite  
21 reservations are consistent with the following:

22 a. Prior to development rights transfer to King  
23 County, tax lots, short plat lots and formal plat lots, which  
24 ~~((are smaller than the minimum lot size of the zone))~~ fail to  
25 meet the lot standards of Title 21A (the zoning code), shall be  
26 vacated, amended and/or merged with other lots within the  
27 transfer ~~((so that when possible no substandard lots exist))~~.  
28 ~~((No substandard lots))~~ Lots that fail to meet the lot standards  
29 of Title 21A (the zoning code) will not be accepted unless they  
30 represent one hundred percent of the landowner's eligible  
31 ownership.

32 b. The landowner must specifically reserve the right  
33 to any single-family homesite in an offer of development rights  
34 to King County. Offers containing one hundred percent of  
35 eligible contiguous land and containing less than thirty-five

1 acres will be allowed to reserve the right for one dwelling  
2 unit, including existing dwelling units. Landowners will be  
3 allowed to reserve the right for one dwelling unit per each  
4 full thirty-five acres donated to King County. In either case,  
5 if more than the specified number of dwelling units already  
6 exists at the time of offer, then that number will be the  
7 maximum allowed. Only dwelling units existing at time of offer  
8 will be allowed in offers containing less than one hundred  
9 percent of eligible contiguous land in an ownership.

10 C. Owners of parcels of land that are located in the  
11 Agricultural Production Districts and outside of Local Service  
12 Areas may, in lieu of transferring the development rights to King  
13 County, propose other methods or mechanisms for transferring or  
14 limiting the development rights on the property in order to take  
15 advantage of the provisions of this section. Such a proposal  
16 shall comply with all of the terms of this section other than  
17 those addressing transfer of the development rights to King  
18 County.

19 SECTION 15. Ordinance 9153, Section 1, as amended and  
20 K.C.C. 20.12.430 are hereby amended to read as follows:

21 King County Transportation Plan. A. The King County  
22 Transportation Plan consists of the following elements:

23 1. Policy element, consisting of the  
24 transportation-related policies from the King County  
25 Comprehensive Plan 1985, and the transit/ridesharing/rail  
26 policy actions.

27 2. The arterial functional classification report.

28 3. The transportation priority process.

29 4. The 1992 transportation needs report.

30 5. The implementation strategy report, as amended.

31 B. The council finds that the King County Transportation  
32 Plan environmental impact statement is adequate to support  
33 adoption of the King County Transportation Plan.

34 C. The King County Transportation Plan, dated October  
35 1989, is adopted as the functional plan implementing the

1 transportation policies established by the King County  
2 Comprehensive Plan. As an amplification and augmentation of  
3 the King County Comprehensive Plan, it constitutes official  
4 county policy with regard to surface transportation issues.

5 D. The King County Transportation Plan's elements dealing  
6 with "Transportation Needs Report" and "Arterial Functional  
7 Classification" shall be subject to an annual review and update  
8 process preparatory to the capital improvement program  
9 budgeting process. Updates shall incorporate community plan  
10 revisions, additional functional plan elements, other local and  
11 regional transportation plans and studies, and other  
12 information available to the county road engineer, and shall  
13 include public review and information in the annual review of  
14 the updates. The department of public works shall provide an  
15 update report to the executive and council on these elements  
16 before finalization of the roads capital improvement program  
17 budget identifying possible changes to the needs lists or  
18 arterial classifications, and why these changes are needed.

19 E. The Transportation Plan shall be implemented through:

20 1. Adoption of an annual six year capital improvement  
21 program.

22 2. Application of the Road Adequacy Standards, K.C.C.  
23 ((Chapter 21.49)) Title 14.

24 3. Application of the mitigation payment system, ((when  
25 adopted)) K.C.C. Title 14.

26 4. Mitigation of transportation impacts as required and  
27 authorized under the State Environmental Policy Act.

28 5. Road maintenance and traffic operating improvements.

29 6. Pursuit of additional funding sources at the local,  
30 state and federal levels whenever possible.

31 7. Participation by the county in regional efforts to  
32 enhance bus transit usage and development of a rail/high  
33 capacity transit system.

34 8. Establishment of a system for reviewing proposed  
35 developments for their impacts on equestrian, pedestrian and

1 bicycle traffic and requiring mitigation when adverse impacts  
2 will occur.

3 9. Development of transportation system management  
4 techniques, zoning code changes, and road improvements to  
5 enhance the use of transit and increase vehicle occupancy.

6 10. Coordination of plans, projects, programs and  
7 policies with other governments.

8 SECTION 16. Ordinance 6949, Section 6, as amended and  
9 K.C.C. 20.44.040 are hereby amended to read as follows:

10 Categorical exemptions and threshold determinations. A.  
11 King County adopts the standards and procedures specified in  
12 WAC 197-11-300 through 197-11-390 and 197-11-800 through  
13 197-11-890 for determining categorical exemptions and making  
14 threshold determinations subject to the following:

15 1. The determination of whether a proposal is  
16 categorically exempt shall be made by the county department  
17 that serves as lead agency for such proposal.

18 2. Sensitive area maps adopted by K.C.C. ((21-54-130))  
19 21A.24.080 are designated as maps of environmentally sensitive  
20 areas for purposes of WAC 197-11-908. The following  
21 categorical exemptions shall not apply should the proposal site  
22 be within areas designated as environmentally sensitive  
23 pursuant to the sensitive area maps and K.C.C. ((21-54-070))  
24 21A.24.100: WAC 197-11-800 (6) (a).

25 B. The mitigated DNS provision of WAC 197-11-350 shall be  
26 enforced as follows:

27 1. If the department issues a mitigated DNS, conditions  
28 requiring compliance with the mitigation measures which were  
29 specified in the application and environmental checklist shall  
30 be deemed conditions of any decision or recommendation of  
31 approval of the action.

32 2. If at any time the proposed mitigation measures are  
33 withdrawn or substantially changed, the responsible official  
34 shall review the threshold determination and, if necessary, may  
35 withdraw the mitigated DNS and issue a DS.

1            SECTION 17. Ordinance 6949, Section 10, as amended and  
2 K.C.C. 20.44.080 are hereby amended to read as follows:

3            Substantive authority. A. The procedures and standards of  
4 WAC 197-11-650 through 197-11-660 are adopted regarding  
5 substantive authority and mitigation.

6            B. For the purposes of RCW 43.21C.060 and WAC  
7 197-11-660(a), the following policies, plans, rules and  
8 regulations are designated as potential bases for the exercise  
9 of King County's authority under SEPA:

10           1. The policies of the State Environmental Policy Act,  
11 RCW chapter 43.21C.020.

12           2. The King County Comprehensive Plan, its addenda, and  
13 revisions and community and middle plans and housing report,  
14 and surface water management program basin plans, as specified  
15 in King County Code chapter 20.12.

16           3. The King County Zoning Code, as adopted in King  
17 County Code Title 21A.

18           4. The King County Agricultural Lands Policy, as adopted  
19 in King County Code chapter 20.54 and Title 26.

20           5. The King County Landmarks Preservation Code, as  
21 adopted in King County Code chapter 20.62.

22           6. The King County Shoreline Management Master Plan, as  
23 adopted in King County Code Title 25.

24           7. The King County Surface Water Runoff Policy (chapter  
25 9.04), including the Covington Master Drainage Plan (chapter  
26 20.14), as adopted in King County Code.

27           8. The King County Road Standards, 1986 Update, as  
28 adopted in King County Code chapter 14.42.

29           C. Any decision to approve, deny or approve with  
30 conditions pursuant to RCW 43.21C.060 shall be contained in the  
31 responsible official's decision document. The written order  
32 shall contain facts and conclusions based on the proposals  
33 specific adverse environmental impacts (or lack thereof) as  
34 identified in an environmental checklist, EIS, threshold  
35 determination, other environmental document including an

1 executive department's staff report and recommendation to a  
2 decision maker, or findings made pursuant to a public hearing  
3 authorized or required by law or ordinance. The decision  
4 document shall state the specific plan, policy or regulation  
5 which supports the SEPA decision.

6 D. This chapter shall not be construed as a limitation on  
7 the authority of King County to approve, deny or condition a  
8 proposal for reasons based upon other statutes, ordinances or  
9 regulations.

10 SECTION 18. Ordinance 2909, Section 101, as amended and  
11 K.C.C. 23.08.020 are hereby amended to read as follows:

12 Definitions. For the purpose of this title, the words and  
13 phrases designated in this section shall be defined as follows:

14 A. Committee, Enforcement Technical Review. "Enforcement  
15 technical review committee" means the committee established by  
16 Section 23.08.070 for the purpose of reviewing and coordinating  
17 enforcement actions by the directors.

18 B. Director. "Director," as used in this title, means the  
19 director of the department of parks, planning and resources,  
20 the director of the Seattle-King County department of public  
21 health (the "local health officer" as that term is used in RCW  
22 Chapter 70.05), the director of the department of public works,  
23 the King County fire marshal or such other person as the  
24 council shall by ordinance authorize to utilize the provisions  
25 of this title, and shall also include any duly authorized  
26 representative of such directors.

27 C. Hearing examiner. "Hearing examiner," as used in this  
28 title, means the King County zoning and subdivision examiner,  
29 as created by Ordinance 263, Article 5, King County Code  
30 (K.C.C.), codified in Chapter 20.24, or his duly authorized  
31 representative.

32 D. Nuisance. "Nuisance," as used in this title, is  
33 defined as unlawfully doing an act, or omitting to perform a  
34 duty, which act or omission either annoys, injures or endangers  
35 the comfort, repose, health or safety of others, offends

1 decency, or unlawfully interferes with, obstructs, or tends to  
 2 obstruct, or render dangerous for passage, any lake or  
 3 navigable river, bay, stream, canal or basin, or any public  
 4 park, square, street or highway; or which in any way renders  
 5 other persons insecure in life, or in the use of property.

6 E. Nuisance, Public. "Public nuisance," as used in this  
 7 title, is defined as a nuisance which affects the rights of an  
 8 entire community or neighborhood, although the extent of the  
 9 nuisance may be unequal.

10 F. Ordinance, the Land Use. "Land use ordinance," as used  
 11 in this title, includes the ordinance codified in this title  
 12 and any other existing or future ordinance or resolution of the  
 13 county which regulates the use and development of land, whether  
 14 or not such ordinance or resolution has been or will be  
 15 codified, including but not limited to the following ordinances  
 16 and amendments which shall be enforced by the director of the  
 17 department of parks, planning and resources and director of  
 18 public works or any duly authorized representative: the zoning  
 19 code, (~~(Resolution 25789)~~) Ordinance 10870 (K.C.C. Title 21A);  
 20 the subdivision code, Resolution 11048 (K.C.C. Title 19); the  
 21 mobile home code, (~~(Resolution 20433 (K.C.C. Ch. 21.09))~~)  
 22 Ordinance 10870 (K.C.C. Title 21A); building and construction  
 23 code (K.C.C. Title 16) (part); shoreline management, Ordinance  
 24 1402 (K.C.C. Title 25); surface water runoff, Ordinance 2281  
 25 and 7590 (K.C.C. Title 9); grading, Ordinance 1488 (K.C.C.  
 26 Chapter 16.82). "Land use ordinance" also includes the  
 27 following ordinances to be enforced by the director of the  
 28 department of public works, the King County fire marshal or the  
 29 director of the Seattle-King County ((H)) health ((D))  
 30 department, roads and bridges (K.C.C. Title 14), or by the King  
 31 County fire marshal, Ordinance 2097 (K.C.C. Chapter 17.04).

32 G. Ordinance, Public Health. "Public health ordinance,"  
 33 as used in this title, includes the ordinance codified in this  
 34 title and any other existing or future ordinance or resolution  
 35 of the county, rules and regulations of the Board of Health, or

1 provisions of the Washington Administrative Code which regulate  
 2 the public health, including but not limited to the following  
 3 ordinances and amendments which shall be enforced by the  
 4 director of the Seattle-King County health department or by the  
 5 director of the department of public works where applicable:  
 6 health and sanitation (K.C.C. Title 8); solid waste (K.C.C.  
 7 Title 10); rabies control (K.C.C. Chapter 11.12); water and  
 8 sewer systems (K.C.C. Title 13); Plumbing Code (K.C.C. Title  
 9 16) (part); mobile home code (K.C.C. (~~Chapter 21.09 (part)~~))  
 10 Title 21A; and board of health rules and regulations pertaining  
 11 to food-service establishments and on-site sewage disposal  
 12 systems.

13 H. Permit. "Permit" means any form of certificate,  
 14 approval, registration, license, or other written permission  
 15 given to any person to engage in any activity as required by  
 16 law, ordinance or regulation.

17 I. Person. "Person," as used in this title, includes any  
 18 natural person, organization, corporation or partnership and  
 19 their agents or assigns.

20 SECTION 19. Ordinance 4569, Section 4, as amended and  
 21 K.C.C. 23.08.110 are hereby amended to read as follows:

22 Civil penalties - Schedules. A. Civil penalties for  
 23 violations of persons engaged in commercial ventures shall be  
 24 assessed pursuant to the following schedule:

25	Violation of K.C.C. Chapter 8.12	- \$1000 per violation
26	Violation of K.C.C. Chapter 8.60	- \$ 500 per violation
27	Violation of K.C.C. Title 10	- \$1000 per violation
28	Violation of K.C.C. Chapter 12.92	- \$ 500 per violation
29	Violation of K.C.C. Title 13	- \$ 250 per violation
30	Violation of K.C.C. Chapter 16.82	- \$ 500 per violation
31	Violation of K.C.C. Title 19	- \$ 250 per violation
32	Violation of K.C.C. Chapter ((21-54)) <u>21A.24</u>	- See
33	provisions in K.C.C. 23.08.120	
34	Violation of any stop work order	- \$ 500 per violation



1 Violation of any stop work order issued for a violation of  
 2 K.C.C. Chapter ((21-54)) 21A.24 - \$2000 per violation

3 All other violations - \$ 150 per violation

4 B. Civil penalties for violations by persons engaged in  
 5 noncommercial ventures shall be assessed pursuant to the  
 6 following schedule:

7 Violation of K.C.C. Chapter 8.12 - \$ 500 per violation

8 Violation of K.C.C. Chapter 8.60 - \$ 250 per violation

9 Violation of K.C.C. Chapter 16.82 - \$ 100 per violation

10 Violation of K.C.C. Title 19 - \$ 100 per violation

11 Violation of K.C.C. Title 10 - \$ 500 per violation

12 Violation of K.C.C. Chapter ((21-54)) 21A.24 - See  
 13 provisions in K.C.C. 23.08.120

14 Violation of any stop work order - \$ 100 per violation

15 Violation of any stop work order issued for a violation of  
 16 K.C.C. Chapter ((21-54)) 21A.24 - \$1000 per violation

17 All other violations - \$ 25 per violation

18 C. Penalties for the second separate violation by the same  
 19 person shall be double the rates identified in subsections A.  
 20 and B. of this section. Penalties for any separate violation  
 21 beyond a second violation by the same person shall be triple  
 22 the rates identified in subsections A. and B. of this section;  
 23 provided that for violation of K.C.C. Chapter ((21-54)) 21A.24  
 24 penalties shall be assessed in accordance with K.C.C.  
 25 23.08.120. Each day on which activity occurs in violation of a  
 26 stop work order shall be deemed a separate violation for  
 27 purposes of this section.

28 SECTION 20. Ordinance 9614, Section 120, and K.C.C.  
 29 23.08.120 are hereby amended to read as follows:

30 Enforcement and Penalties for Sensitive Areas. The  
 31 enforcement provisions for sensitive areas are intended to  
 32 encourage compliance with K.C.C. ((21-54)) 21A.24 and protect  
 33 sensitive areas and the public from harm. To achieve this,  
 34 violators will not only be required to restore damaged  
 35 sensitive areas, insofar as that is possible, but will also be

1 required to pay a civil penalty for the redress of ecological,  
2 recreational, and economic values lost or damaged due to their  
3 unlawful action.

4 A. The provisions in this section are in addition to and  
5 not in lieu of any other penalty, sanction or right of action  
6 provided by law.

7 B. In all cases, the owner of the land shall be named as a  
8 party to the notice and order. In addition to any other  
9 persons who may be liable for violations, the owner shall be  
10 jointly and severally liable for the restoration of a site and  
11 payment of any civil penalties imposed.

12 C. Violation of this chapter means the violation of any  
13 provision of K.C.C. ((21-54)) 21A.24 or of the administrative  
14 rules promulgated hereunder, or of any permit or approval or  
15 stop work order or any other order issued pursuant hereto, or  
16 of any of the terms and conditions of any sensitive area tract  
17 or setback area, easement or other covenant, plat restriction  
18 or binding assurance, or of any mitigation plan, or contract or  
19 agreement concluded pursuant to the above-mentioned provisions  
20 of this ordinance.

21 D. Civil penalties. Any person in violation of  
22 Chapter ((21-54)) 21A.24 shall be subject to civil penalties  
23 assessed as follows:

24 1. An amount reasonably determined by the director to be  
25 equivalent to the economic benefit that the violator derives  
26 from the violation as measured by the greater of the resulting  
27 increase in market value of the property or the value received  
28 by the violator, or savings of construction costs realized by  
29 the violator performing any act in violation of this chapter;  
30 and

31 2. An amount, not to exceed \$25,000, that is reasonably  
32 based upon the nature and gravity of the violation and the cost  
33 to the county of enforcing this chapter against the violator.

34 3. Any civil penalty recovered under this section shall  
35 be deposited in the Sensitive Areas Mitigation Fund for use by

1 the county in protecting or restoring sensitive areas as set  
2 forth in K.C.C. ((21-54-150)) 21A.24.

3 4. No civil penalty shall be imposed under this chapter  
4 upon King County or county employees for any act or omission  
5 relating to the administration or enforcement of this chapter.

6 ((F))E. Revocation or Refusal to Accept Application.

7 1. In addition to the revocation and suspension  
8 provisions set forth in K.C.C. Chapter 23.16., a permit or  
9 approval that is subject to sensitive areas review may be  
10 revoked or suspended upon failure by an applicant to disclose a  
11 change of circumstances on the development proposal site which  
12 materially affects his or her ability to meet the permit or  
13 approval conditions or which makes inaccurate the sensitive  
14 area study that was the basis for imposing permit or approval  
15 conditions.

16 2. In addition to any other enforcement method, to  
17 further the remedial purposes of this section, King County  
18 shall refuse to accept any application for a permit or approval  
19 for a development proposal for any property on which a  
20 violation of this chapter has occurred, on which a violation of  
21 any prior ordinance repealed by this chapter or of the  
22 administrative rules promulgated thereunder or of any permit,  
23 approval, order, easement plan or agreement issued pursuant  
24 thereto has occurred. Such refusal shall continue until the  
25 violation is cured by restoration accepted as complete by King  
26 County and by payment of any civil penalty imposed for the  
27 violation. Provided that, applications for permits or  
28 approvals shall be accepted to the extent necessary to  
29 accomplish any required cure.

30 3. In order to further the remedial purpose of this  
31 section, King County shall refuse to accept any application for  
32 a development proposal permit or approval from any person found  
33 to have violated this chapter until the violation is cured by  
34 restoration accepted as complete by King County or a mitigation  
35 plan and performance bond to ensure completion has been

1 approved by King County and by payment of any civil penalty  
2 imposed for the violation. Provided that, applications shall  
3 be accepted to the extent necessary to accomplish any required  
4 cure.

5 4. For the purposes of this subsection, a person will be  
6 deemed to have been found in violation of this chapter:

7 a. When a notice and order alleging a violation is  
8 issued and not timely appealed; or

9 b. When a determination is made by a hearing examiner  
10 that a person has committed a violation, unless that  
11 determination is timely appealed to Superior Court and is  
12 thereupon reversed or otherwise stayed.

13 ((G))E. Any person subject to the provisions of this  
14 chapter who violates any provision of this chapter shall be  
15 liable for all damage to public or private property arising  
16 from such violation, including the cost of restoring the  
17 affected area, within a reasonable time, to its condition prior  
18 to such violation.

19 SECTION 21. Ordinance 2909, Section 201, as amended and  
20 K.C.C. 23.12.010 are hereby amended to read as follows:

21 Initiation. A. Whenever a director has reason to believe  
22 that a use or condition exists in violation of any land use or  
23 public health ordinance, or rules and regulations adopted  
24 thereunder, or the conditions of any permit issued pursuant to  
25 such ordinance, rule or regulation, he shall initiate  
26 enforcement action under Sections 23.08.080 or 23.08.060,  
27 and/or, at his option, he shall commence an administrative  
28 notice and order proceeding under this chapter to cause the  
29 assessment of a civil penalty pursuant to Section 23.08.090,  
30 abatement pursuant to Section 23.08.050, or suspension and  
31 revocation of any permits issued pursuant to Chapter 23.16.  
32 Whenever a complaint has been filed pursuant to the provisions  
33 of Chapter 12.20, the director of the department of executive  
34 administration, or his or her designee shall initiate an  
35 investigation under the provisions of that chapter.

1 B. Pending commencement and completion of the notice and  
2 order procedure provided for in this chapter, a director may  
3 cause a stop work order to be posted on the subject property or  
4 served on persons engaged in any work or activity in violation  
5 of a land use or public health ordinance. The effect of such a  
6 stop work order shall be to require the immediate cessation of  
7 such work or activity until authorized by a director to  
8 proceed; provided, however, in the case of a violation of the  
9 sensitive area code as defined in K.C.C. Chapter ((21-54))  
10 21A.24, a stop work order shall require that all activity on  
11 the development proposal site cease until authorized by a  
12 director to proceed.

13 C. Upon issuance of any notice of order, the director may  
14 file a copy of the same with the office of records and  
15 elections. Following satisfactory resolution of the notice and  
16 order, the director shall file a notice of satisfaction with  
17 the office of records and elections.

18 SECTION 22. Ordinance 3688, Section 105, as amended and  
19 K.C.C. 25.04.050 are hereby amended to read as follows:

20 Relationship to other King County programs. A. When  
21 provisions of this chapter conflict with the sensitive areas  
22 code, K.C.C. Chapter ((21-54)) 21A.24, that which provides more  
23 protection to the sensitive area shall apply.

24 B. King County shall issue no permit prior to approval  
25 pursuant to this title and shall take no action contrary to the  
26 goals, policies, objectives and regulations of the King County  
27 shoreline management master program when property under the  
28 jurisdiction of the Shoreline Management Act is involved in a  
29 request for a decision in any of the following programs:

- 30 1. Building permit;
- 31 2. Right-of-way construction permit;
- 32 3. Short subdivision;
- 33 4. Grading permit;
- 34 5. Site plan approval;
- 35 6. Access permit;

- 1 7. Trail permit;
- 2 8. State flood control zone permit;
- 3 9. Zoning variance;
- 4 10. Conditional use permit;
- 5 11. Comprehensive plan amendment or addition;
- 6 12. Zone reclassification;
- 7 13. ((Unclassified)) Special use permit;
- 8 14. Urban P planned ((unit)) development approval;
- 9 15. Subdivision approval.
- 10 16. Mobile home park permit;
- 11 17. Mobile home permit; and
- 12 18. Recreational vehicle park permit;
- 13 19. Commercial site development permit.

14 SECTION 23. Ordinance 3688, Section 2 (part), and K.C.C.

15 25.08.010 are hereby amended to read as follows:

16 Applicability of RCW and WAC definitions. Unless otherwise  
 17 defined in this chapter, the definitions contained in title 21A  
 18 (the zoning code), RCW Chapter 90.58 and WAC 173-14 shall  
 19 apply.

20 SECTION 24. Ordinance 3688, Section 409 (1), as amended  
 21 and K.C.C. 25.16.090 are hereby amended to read as follows:

22 Residential development - Multifamily. Multifamily  
 23 residential development may be permitted in the urban  
 24 environment subject to the general requirements of K.C.C.  
 25 25.16.030, provided:

26 A. Multifamily development is permitted in the underlying  
 27 zone;

28 B. Multifamily residential development shall not be  
 29 permitted waterward of the ordinary high water mark;

30 C. Setbacks. Multifamily residential development shall  
 31 maintain a minimum setback of fifty feet from the ordinary high  
 32 water mark, except that:

33 1. If the minimum setback from the ordinary high water  
 34 mark of a river or stream falls within the floodway, the

1 development shall be required to locate past the upland edge of  
2 the floodway,

3 2. If development is proposed on shorelines, including  
4 one or more sensitive areas, as defined in K.C.C. ((21-04))  
5 21A.06 such development shall be done in accordance with  
6 regulations and procedures set forth in K.C.C. ((21-54.150-  
7 21-54.190)) 21A.24.

8 SECTION 25. Ordinance 3688, Section 409 (2), as amended  
9 and K.C.C. 25.16.100 are hereby amended to read as follows:

10 Residential development - Single-family. Single-family  
11 residential development may be permitted in the urban  
12 environment subject to the general requirements of K.C.C.  
13 25.16.030, provided:

14 A. Single-family development is permitted in the  
15 underlying zone classification;

16 B. Single-family development, including floating homes,  
17 shall not be permitted waterward of the ordinary high water  
18 mark;

19 C. Setbacks. Single-family residential development shall  
20 maintain a minimum setback of twenty feet from the ordinary  
21 high water mark, except that:

22 1. If the minimum setback from the ordinary high water  
23 mark of a river or stream falls within the floodway, the  
24 development shall be required to locate past the upland edge of  
25 the floodway,

26 2. If development is proposed on shorelines, including  
27 one or more sensitive areas, as defined in K.C.C. ((21-04))  
28 21A.06 such development shall be done in accordance with  
29 regulations and procedures set forth in K.C.C. ((21-54.150  
30 through 21-54.190)) 21A.24.

31 D. A farmhouse permitted under the reasonable use  
32 exception provisions of K.C.C. ((21-54.060)) 21A.24 shall be  
33 exempt from the setback requirements of this section.

34 SECTION 26. Ordinance 3688, Section 410, and K.C.C.  
35 25.16.150 are hereby amended to read as follows:

1 Subdivisions. A. Any existing lot that does not comply  
2 with the density and dimensions standards of K.C.C. 21A.12 and  
3 located wholly or partially within the shorelines of the state  
4 shall be subject to the ((substandard lot provisions of Chapter  
5 21-48-)) following provisions:

6 1. If the adjoining property is not under the same  
7 ownership as such lot, then the lot shall be considered a  
8 separate building site.

9 2. If the adjoining property is under the same ownership  
10 as such lot, then the lot shall not be considered a separate  
11 building site until the lot is combined with adjoining property  
12 under the same ownership in such a way as to comply with the  
13 density and dimensions standards of K.C.C. 21A.12.

14 B. Submerged land within the boundaries of any waterfront  
15 parcel shall not be used to compute lot area, lot dimensions,  
16 yards, open space or other similar required conditions of land  
17 subdivision or development, except, where specifically  
18 authorized by ordinance, such lands may be used in area  
19 computations as an incentive to encourage common open space  
20 waterfront areas.

21 C. ~~((The lot averaging provisions of Title 21 shall not~~  
22 ~~apply to)) All newly created lots wholly or partially within  
23 the shoreline shall be of uniform size and dimension, whenever  
24 possible.~~

25 SECTION 27. Ordinance 3688, Section 506, as amended and  
26 K.C.C. 25.20.060 are hereby amended to read as follows:

27 Forest practices. Forest practices may be permitted in the  
28 rural environment provided:

29 A. Forest practices (see R.C.W. 76.09) within shorelines  
30 require a shoreline conditional use permit when occurring  
31 outside of the lands classified F in the King County zoning  
32 code. Forest practices within shorelines on lands classified F  
33 in the King County zoning code shall require a shoreline  
34 conditional use permit when shorelines of statewide



1 significance are involved or the forest practices would  
2 potentially impact:

- 3 1. geological hazards which could damage public  
4 resources;
- 5 2. state threatened or endangered species;
- 6 3. critical wildlife habitat;
- 7 4. streams which could create instability of the  
8 drainage or affect temperature or sediment delivery to other  
9 streams resulting in damage to public resources;
- 10 5. identified critical areas of watersheds supplying  
11 fish hatcheries, artificial rearing areas, domestic or  
12 municipal water systems;
- 13 6. areas having archeological or cultural significance;
- 14 7. areas with a high potential of soil erosion.

15 B. Buffers. On all forest practices requiring a shoreline  
16 conditional use permit, a minimum buffer of 100 feet from  
17 either the ordinary high water mark or the edge of the FEMA  
18 floodway, whichever is greater, shall be established. The  
19 buffer shall be extended as necessary pursuant to the sensitive  
20 areas code to protect critical fish habitat for spawning or  
21 rearing; to alleviate surface water runoff problems; to protect  
22 habitat for endangered, threatened, sensitive or monitor  
23 species listed by the federal government or the State of  
24 Washington; to control erosion hazards or for other reasons set  
25 out in K.C.C. ((21-54)) 21A.24. Along shorelines outside of  
26 lands classified F, there shall be no harvest of timber within  
27 the buffer except for necessary roads and crossings. Along  
28 shorelines within the lands classified F where a conditional  
29 use permit is required, timber harvest within the buffer is  
30 permitted so long as the functions of the buffer are not  
31 damaged and the applicant submits a harvest plan for review and  
32 approval.

33 C. All culverts shall be adequate in size and design to  
34 carry the maximum anticipated flow, and shall be kept clear of

1 obstructions. The minimum size for culverts shall be fifteen  
2 inches in diameter.

3 D. Culverts installed in streams used by fish shall meet  
4 all requirements set by the State Departments of Fisheries and  
5 Wildlife.

6 E. Roads and landings shall not be constructed within  
7 shoreline areas except when necessary to:

8 1. Cross streams;

9 2. Avoid road construction on unstable soils or on steep  
10 slopes when such construction would be more harmful than a  
11 shoreline location;

12 3. Perform water course improvement work only after  
13 approval of the State Departments of Fisheries and Wildlife.

14 F. Roads shall minimize cut and fill.

15 G. Where roadside material is potentially unstable or  
16 erodible, it shall be stabilized by use of seeding, compacting,  
17 riprapping, benching, or other suitable means.

18 H. Cut slopes shall not exceed:

19 (X to Y) 1/4 to 1 in rock

20 3/4 to 1 in stable soils

21 1-1/2 to 1 in unstable soils

22 I. Side cast and embankment fill slopes shall not exceed:

23 (X to Y) 1-1/3 to 1 in broken rock and stable soils

24 1-1/2 to 1 in unstable soils

25 J. Running surface widths should be kept to a minimum,  
26 with not more than twenty-six feet for two-lane roads and not  
27 more than fourteen feet for single lane roads.

28 K. Embankment fills shall:

29 1. Be constructed and compacted in layers no more than  
30 two feet thick;

31 2. Consist of inorganic material with no buried slash or  
32 debris beneath the running surface;

33 3. Not encroach upon a one-hundred-year floodplain so as  
34 to reduce its storage capacity or disturb riparian vegetation.

1 L. Where side cast would encroach upon a one-hundred-year  
2 floodplain, end haul construction is required.

3 M. Waterway crossings shall be constructed with minimum  
4 disturbance to banks and existing channels.

5 N. Any soil or debris accidentally placed in the channel  
6 during bridge construction shall be removed by approved  
7 methods. All exposed soils shall be stabilized.

8 O. All bridges shall be high enough to pass all  
9 anticipated debris and high water flows.

10 P. Where aggregate earthen materials are used for paving  
11 or accumulate on bridges, sufficient curbs shall be installed  
12 to contain the surface material.

13 Q. Each stringer bridge shall have one secured end and one  
14 end free to swing.

15 R. When active use of a logging road is discontinued, it  
16 shall be left in such condition to provide adequate drainage  
17 and soil stability.

18 S. Equipment used for transportation, storage or  
19 application of chemicals shall be maintained in leakproof  
20 condition. If there is evidence of chemical leakage, the  
21 further use of such equipment must be suspended until the  
22 deficiency has been satisfactorily corrected.

23 T. Materials treated with penta, creosote, or other  
24 chemicals shall be dried completely before use in any lake or  
25 stream.

26 SECTION 28. Ordinance 3688, Section 509, as amended and  
27 K.C.C. 25.20.090 are hereby amended to read as follows:

28 Residential development. A. Multifamily residential  
29 development may be permitted in the rural environment subject  
30 to the general requirements of K.C.C. 25.20.030 and the  
31 residential provisions of K.C.C. 25.16.090 through 25.16.140 of  
32 the urban environment; provided, that multifamily development  
33 shall maintain a minimum setback of seventy-five feet from the  
34 ordinary high water mark, except that:

1           1. If the minimum setback from the ordinary high water  
2 mark of a river or stream falls within the floodway, the  
3 development shall be required to locate past the upland edge of  
4 the floodway,

5           2. If the development is proposed on shorelines,  
6 including one or more sensitive areas, as defined in K.C.C.  
7 ((21-04)) 21A.06 such development shall be done in accordance  
8 with regulations and procedures set forth in K.C.C. ((21-54,150  
9 through 21-54,190)) 21A.24.

10           B. Single-family residential development may be permitted  
11 in the rural environment subject to the general requirements of  
12 K.C.C. 25.20.030 and the residential provisions of K.C.C.  
13 25.16.090 through 25.16.140 of the urban environment.

14           C. Any pier, moorage, float or launching facility  
15 permitted accessory to single or multifamily development or  
16 common use facility accessory to a subdivision, short  
17 subdivision or planned unit development in the rural  
18 environment shall be subject to the residential pier, moorages,  
19 float or launching facility provisions of the urban  
20 environment.

21           SECTION 29. Ordinance 3688, Section 510, and K.C.C.  
22 25.20.100 are hereby amended to read as follows:

23           Subdivisions. The lot standards enumerated in this section  
24 apply to any lot which has buildable area within the shorelines  
25 of the state. Buildable area means that area of the lot,  
26 exclusive of any required open space, yards or setbacks upon  
27 which a structure may be constructed.

28           A. The minimum required area of a lot in the rural  
29 environment shall be five acres; provided, however;

30           1. The minimum lot area may be reduced to twenty  
31 thousand square feet when:

32           a. All lots are part of an approved subdivision or  
33 short subdivision;

34           b. All lots are served by public water;

35           c. All lots are served by an approved sewage disposal system

1           d. All lots are served by paved streets;  
 2           e. All lots have a minimum width of one hundred feet;  
 3           f. The base units per acre for that portion of a site  
 4 under shoreline management jurisdiction in this case for a  
 5 planned unit development or multifamily development shall be  
 6 two.

7           2. The minimum lot area may be reduced to twelve  
 8 thousand five hundred square feet when:

9           a. All lots are part of an approved subdivision or  
 10 short subdivision;  
 11           b. All lots are served by public water;  
 12           c. All lots are served by public sewers;  
 13           d. All lots are served by paved streets;  
 14           e. All lots have a minimum width of eighty feet;  
 15           f. The base units per acre for that portion of a site  
 16 under shoreline management jurisdiction in this case for a  
 17 ~~((planned unit development or))~~ multifamily development shall  
 18 be three.

19           B. Any existing lot that does not comply with the minimum  
 20 lot area requirement of subsection A and located wholly or  
 21 partially within the shorelines of the state shall be subject  
 22 to the ((substandard lot provisions of Chapter 21.48.))  
 23 following provisions:

24           1. If the adjoining property is not under the same  
 25 ownership as such lot, then the lot shall be considered a  
 26 separate building site.

27           2. If the adjoining property is under the same ownership  
 28 as such lot, then the lot shall not be considered a separate  
 29 building site until the lot is combined with adjoining property  
 30 under the same ownership in such a way as to comply with the  
 31 requirements of subsection A.

32           C. Submerged land within the boundaries of any waterfront  
 33 parcel shall not be used to compute lot area, lot dimensions,  
 34 yards, open space or other similar required conditions of land  
 35 subdivision or development, except, where specifically

1 authorized by ordinance, such lands may be used in area  
2 computations as an incentive to encourage common open space  
3 waterfront areas.

4 D. The foregoing lot area and width standards may be  
5 further reduced in direct proportion to the amount of usable  
6 area dedicated as common open space within the shorelines of  
7 the state as long as the net density remains the same. The  
8 common open space shall provide physical access to the ordinary  
9 high water mark for the residents of an approved subdivision;  
10 short subdivision or planned unit development; provided, that  
11 in no case may the lot standards be reduced below the lot  
12 standards required by Title 21A (the zoning code) for the zone  
13 classification in which the lot(s) is (are) located.

14 E. (~~The~~) Lot averaging (~~provisions of Chapter~~  
15 ~~21.08~~) shall not (~~apply to~~) be used to comply with the  
16 minimum lot area requirements of subsection A for any lot  
17 wholly or partially within the shorelines of the state.

18 SECTION 30. Ordinance 3688, Section 608, and K.C.C.  
19 25.24.080 are hereby amended to read as follows:

20 Signs. Signs, except educational signs of not more than  
21 twenty-five square feet erected within recreational  
22 developments and signs as permitted for single detached  
23 residences by (~~Section 21.08.040 A-~~) K.C.C. 21A.20.080, are  
24 not permitted in the conservancy environment.

25 SECTION 31. Ordinance 3688, Section 609, as amended and  
26 K.C.C. 25.24.090 are hereby amended to read as follows:

27 Residential development. A. Multifamily development is  
28 prohibited in the conservancy environment, except that the  
29 clustering of dwelling units into multifamily development may  
30 be permitted to avoid development of sensitive or hazardous  
31 areas such as marshes, swamps, bogs, floodplains, or steep or  
32 unstable slopes; provided, that the density standards  
33 enumerated in K.C.C. 25.24.100 shall not be exceeded. This  
34 provision is not intended to promote intensive development in  
35 the conservancy environment. The intent of this provision is

1 to permit development which would have less adverse impact on  
2 sensitive or hazardous areas than traditional lot by lot  
3 development.

4 B. Single-family residential development may be permitted  
5 in the conservancy environment subject to the general  
6 requirements of this chapter and the single-family provisions  
7 K.C.C. 25.16.090 through 25.16.140 of the urban environment.  
8 Single-family residential development shall maintain a minimum  
9 setback of fifty feet from the ordinary high water mark, except  
10 that:

11 1. If the minimum setback from the ordinary high water  
12 mark of a river or stream falls within the floodway, the  
13 development shall be required to be located past the upland  
14 edge of the floodway,

15 2. If development is proposed on shorelines, including  
16 one or more sensitive areas, as defined in K.C.C. (~~21-04~~)  
17 21A.06, such development shall be done in accordance with  
18 regulations and procedures set forth in K.C.C. (~~21.54.150—~~  
19 ~~21.54.190~~) 21A.24.

20 3. A farmhouse permitted under the reasonable use  
21 exception provisions of K.C.C. (~~21-54-060~~) 21A.24 shall be  
22 exempt from the setback requirements of this section.

23 C. Any pier, moorage, float or launching facility  
24 permitted accessory to single-family development or common use  
25 facility accessory to subdivision, short subdivision or planned  
26 unit development in the conservancy environment shall be  
27 subject to the pier, moorage, float and launching facility  
28 provisions K.C.C. 25.16.090 through 25.16.140 of the urban  
29 environment; provided, no such authorized structure shall be  
30 located within two hundred feet of any other such structure.

31 SECTION 32. Ordinance 3688, Section 610, and K.C.C.  
32 25.24.100 are hereby amended to read as follows:

33 Subdivision. The lot standards enumerated in this  
34 subsection apply to any lot which has buildable area within the  
35 shorelines of the state. Buildable area means that area of the

1 lot, exclusive of any required open space, yards or setbacks  
2 upon which a structure may be constructed.

3 A. The minimum required lot area in the conservancy  
4 environment shall be five acres; provided, however, the minimum  
5 lot area may be reduced to 40,000 square feet when:

6 1. All lots are part of an approved subdivision or short  
7 subdivision;

8 2. All lots are served by an approved sewage disposal  
9 system;

10 3. All lots are served by public water;

11 4. All lots have a minimum width of one hundred fifty  
12 feet;

13 5. The base units per acre for that portion of a site  
14 under shoreline management jurisdiction in this case for a  
15 (~~planned unit development or~~) multifamily development shall  
16 be one.

17 B. Any existing lot that does not comply with the minimum  
18 lot area requirement of subsection A and located wholly or  
19 partially within the shoreline of the state shall be  
20 (considered a legal building site, provided that such lot(s)  
21 shall be subject to the substandard lot provisions of Chapter  
22 21.48-)) subject to the following provisions:

23 1. If the adjoining property is not under the same  
24 ownership as such lot, then the lot shall be considered a  
25 separate building site.

26 2. If the adjoining property is under the same ownership  
27 as such lot, then the lot shall not be considered a separate  
28 building site until the lot is combined with adjoining property  
29 under the same ownership in such a way as to comply with the  
30 requirements of subsection A.

31 C. Submerged land within the boundaries of any waterfront  
32 parcel shall not be used to compute lot area, lot dimensions,  
33 yards, open space or other similar required conditions of land  
34 subdivisions or development; except, where specifically  
35 authorized by ordinance, such land may be used in area



1 computations as an incentive to encourage common open space  
2 waterfront areas.

3 D. The foregoing lot area and width standards may be  
4 further reduced in direct proportion to the amount of usable  
5 area dedicated as common open space within the shorelines of  
6 the state as long as the net density remains the same. The  
7 common open space shall provide physical access to the ordinary  
8 high water mark for the residents of an approved subdivision,  
9 or short subdivision ((~~or planned unit development~~)); provided,  
10 that in no case may the lot standards be reduced below the lot  
11 standards required by Title 21A (the zoning code) for the zone  
12 classification in which the lot(s) is (are) located.

13 E. ~~((The 1))~~ Lot averaging ((~~provisions of Chapter 21.08~~))  
14 shall not ((~~apply to~~)) be used to comply with the minimum lot  
15 area requirements of subsection A for any lot wholly or  
16 partially within the shoreline.

17 SECTION 33. Ordinance 3688, Section 708, and K.C.C.  
18 25.28.080 are hereby amended to read as follows:

19 Signs. Signs, except educational signs of no more than  
20 twenty-five square feet within recreational developments and  
21 signs which are permitted for single detached residences by  
22 ~~((Section 21.08.030 H-))~~ K.C.C. 21A.20.080 are not permitted in  
23 the natural environment.

24 SECTION 34. Ordinance 3688, Section 709, and K.C.C.  
25 25.28.090 are hereby amended to read as follows:

26 Residential development. A. Multifamily and accessory  
27 development is prohibited in the natural environment.

28 B. Single-family residential development may be permitted  
29 in the natural environment subject to the general requirements  
30 of K.C.C. 25.28.030 and the single-family provisions 25.16.090  
31 through 25.16.140 of the urban environment; provided,  
32 single-family residential development shall maintain a minimum  
33 setback of one-hundred feet from the ordinary high water mark,  
34 except that:

1 1. If the minimum setback from the ordinary high water  
2 mark of a river or stream falls within the floodway, the  
3 development shall be required to locate past the upland edge of  
4 the floodway.

5 2. If development is proposed on shorelines, including  
6 one or more sensitive areas, as defined in K.C.C. ((21-04))  
7 21A.06 such development shall be done in accordance with  
8 regulations and procedures set forth in K.C.C. (21-54.150  
9 ~~through 21-54.190~~) 21A.24.

10 C. Piers, moorages, floats or launching facilities  
11 accessory to single-family development shall not be permitted  
12 in the natural environment.

13 SECTION 35. Ordinance 3688, Section 710, and K.C.C.  
14 25.28.100 are hereby amended to read as follows:

15 Subdivisions. A. The minimum required area in the natural  
16 environment shall be five acres.

17 B. The minimum required lot width in the natural  
18 environment shall be three hundred thirty feet.

19 C. Any existing lot that does not comply with the minimum  
20 lot area or lot width requirement of subsections A and B, and  
21 located wholly or partially within the shorelines of the state  
22 shall be ((considered a legal building site, provided that such  
23 lot(s) shall be subject to the substandard lot provisions of  
24 Chapter 21-48-)) subject to the following provisions:

25 1. If the adjoining property is not under the same  
26 ownership as such lot, then the lot shall be considered a  
27 separate building site.

28 2. If the adjoining property is under the same ownership  
29 as such lot, then the lot shall not be considered a separate  
30 building site until the lot is combined with adjoining property  
31 under the same ownership in such a way as to comply with the  
32 requirements of subsection A.

33 D. Submerged land within the boundaries of any waterfront  
34 parcel shall not be used to compute lot area, lot dimensions,  
35 yards, open space or other required conditions of land

1 subdivision or development, except, where specifically  
 2 authorized by ordinance, such lands may be used in area  
 3 computations as an incentive to encourage common open space  
 4 waterfront areas.

5 SECTION 36. Ordinance 3688, Section 806, as amended and  
 6 K.C.C. 25.32.060 are hereby amended to read as follows:

7 Alteration or Reconstruction of Nonconforming Use or  
 8 Development. A. Applications for substantial development or  
 9 building permits to modify a nonconforming use or development  
 10 may be approved only if:

11 1. The modifications will make the use or development  
 12 less nonconforming; or

13 2. The modifications will not make the use or  
 14 development more nonconforming.

15 B. A use or development, not conforming to existing  
 16 regulations, which is destroyed, deteriorated, or damaged more  
 17 than fifty percent of its fair market value at present or at  
 18 the time of its destruction by fire, explosion, or other  
 19 casualty or act of God, may be reconstructed only insofar as it  
 20 is consistent with existing regulations.

21 C. The review of applications for the modification of a  
 22 nonconforming use or development shall be subject to the  
 23 guidelines enumerated in K.C.C. (~~(21.51 (Nonconforming~~  
 24 ~~Buildings and Uses)~~) 21A.32 (General Provisions -  
 25 Nonconformance, Temporary uses, and Re-Use of Facilities.

26 SECTION 37. Ordinance 7889, Section 4, and K.C.C.  
 27 26.08.010 are hereby amended to read as follows:

28 Agriculture land policy - review and revision. In  
 29 conjunction with the implementation of the King County  
 30 comprehensive plan, (~~(especially policies RL-301-3097)~~) the  
 31 county executive shall conduct a review of all agricultural  
 32 land acquisition and land use policies promulgated by ordinance  
 33 or contained in county functional plans, with a view toward  
 34 revising said policies as appropriate to assure consistency  
 35 with the comprehensive plan. Areas of concern include, but are

1 not limited to, agriculture and open space land acquisition  
2 policies contained in K.C.C. 26.04, agriculture current use  
3 assessment policies in K.C.C. 20.36, agricultural lands policy  
4 in K.C.C. 20.54, and agricultural zoning classifications in  
5 K.C.C. ((21.22 and 21.23)) Title 21A. A report of the review's  
6 findings accompanied by ordinances proposing to amend existing  
7 codes and plans shall be submitted to the council by August 15,  
8 1987.

9 SECTION 38. Ordinance 5292, Section 7, as amended and  
10 K.C.C. 46.04.060 are hereby amended to read as follows:

11 RCW 46.61.570-1 amended. RCW 46.61.570-1 is amended as  
12 follows:

13 A. When signs are erected in each block giving notice  
14 thereof, no person shall park a vehicle:

15 1. At any time upon any of the streets or portions  
16 thereof described in Schedule 14 of this traffic code.

17 2. Between the hours specified in Schedule 15 of any day  
18 except as provided within the district or upon any of the  
19 streets described in said schedule.

20 3. Or stop or stand a vehicle between the hours  
21 specified in Schedule 16 of any day except as provided in said  
22 schedule within the district or upon any of the streets  
23 described in said schedule.

24 4. For a period of time longer than specified in  
25 Schedule 17 upon any of the streets or parts of streets  
26 specified in said schedule.

27 B. No person shall park a commercial vehicle which is more  
28 than 80 inches wide overall on any street or alley in  
29 residentially zoned areas as defined in Title 21A between the  
30 hours of midnight and six a.m.

31 C. When signs are erected in each block giving notice  
32 thereof, no person shall park a trailer, either attached to or  
33 detached from a motor vehicle at any time, upon any of the  
34 streets or portions thereof described in Schedule 18 of this  
35 traffic code.

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1 D. No person shall park directly adjacent to a curbside,  
2 next to clearly visible residential mail boxes between 10:00  
3 a.m. and 3:00 p.m. on any day of scheduled mail delivery by the  
4 United States Postal Service.

5 INTRODUCED AND READ for the first time this 6<sup>th</sup> day  
6 of February, 1995.

7 PASSED by a vote of 13 to 0 this 22<sup>nd</sup> day of  
8 May, 1995.

9 KING COUNTY COUNCIL  
10 KING COUNTY, WASHINGTON

11  
12 Kent Pullen  
13 Chair  
14

15 ATTEST:

16  
17 Janet Mason  
18 Deputy Clerk of the Council

19 APPROVED this 1<sup>st</sup> day of June, 1995.

20  
21 Ray Lohr  
22 King County Executive  
23

24 Attachments:  
25 None  
26  
27  
28