

April 24,1996

Introduced By:

Christopher Vance

96155SUB:kn

Proposed No.:

96-155

# ORDINANCE NO. 12273

AN ORDINANCE implementing state law requirement for notice of resource land uses; amending Ordinance 10870, Section 330 and K.C.C. 21A.08.030 and amending Ordinance 12196, Section 17.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 10870, Section 330, as amended, and K.C.C. 21A.08.030 are

hereby amended to read as follows:

K.C.C. 21A.08.030		RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
A. RESIDENTIAL LAND USES		A	F	M	R	U	R	N	CB	R	O	I	
KEY		Z	O	N	E	R	U	R	N	B	C	R	
P-Permitted Use		R	O	N	E	R	U	R	N	B	C	R	
C-Conditional Use		R	O	N	E	R	U	R	N	B	C	R	
S-Special Use		R	O	N	E	R	U	R	N	B	C	R	
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I
<b>DWELLING UNITS, TYPES:</b>													
*	Single detached	P((2)) C13	P2 C13		P((2)) C13	P C13	P C13	P C13					
*	Townhouse						P 12C	P	P3	P3	P3	P3	
*	Apartment				C4	C4	P5 C4	P	P3	P3	P3	P3	
*	Mobile home park				S14		C8	P					
<b>GROUP RESIDENCES:</b>													
*	Community residential facility-I				C	C	C	P	P3	P3	P3	P3	
*	Community residential facility-II							P	P3	P3	P3	P3	
*	Dormitory				C6	C6	C6	P					
*	Senior citizen assisted housing					P4	P4	P	P3	P3	P3	P3	
<b>ACCESSORY USES:</b>													
*	Residential accessory uses	P7	P7		P7	P7	P7	P7	P7	P7	P7	P7	
*	Home occupation	P	P		P	P	P	P	P	P	P	P	
*	Home industry	C			C	C	C						
<b>TEMPORARY LODGING:</b>													
7011	Hotel/Motel (1)									P	P	P	
*	Bed and breakfast guesthouse	P9 C10			P10	P10	P10	P10	P10	P11	P11		
7041	Organization Hotel/Lodging houses										P		

GENERAL CROSS REFERENCES: Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070  
 Development Standards, see K.C.C. 21A.12 through 21A.30  
 General Provisions, see K.C.C. 21A.32 through 21A.3  
 Application and Review Procedures, see K.C.C. 21A.40 through 21A.44  
 (\*)Definition of this specific Land Use, see K.C.C. 21A.06

1 Residential land uses. B. Development conditions.

2 1. Except bed and breakfast guesthouses.

3 2. ~~((The use shall be limited as follows:~~

4 a. ~~Prior to issuance of any residential building permit, the property owner shall sign~~  
 5 ~~an affidavit acknowledging the following declaratory statement and shall record it in the deed~~  
 6 ~~and mortgage records for the subject property: "The subject property is located in or adjacent~~  
 7 ~~to an area designated by King County for forestry, agriculture, and mineral extraction and~~  
 8 ~~other compatible uses. Noise, dust, smoke and odors result from the harvesting, planting,~~  
 9 ~~fertilization, pest control, and other resource related activities associated with usual and~~  
 10 ~~normal forest, agricultural or mining resource management practices, and, as such, these~~  
 11 ~~normal and usual practices, when performed in accordance with county, state and federal law,~~  
 12 ~~shall not be subject to legal action as public nuisances"; and~~

13 b.) For properties in the F zone, a fire protection plan for the subject property shall be  
 14 reviewed and approved by the Washington Department of Natural Resources with the  
 15 concurrence of the fire marshal for each residential use. This plan shall be developed in such  
 16 a manner as to protect the adjoining forestry uses from a fire which may originate from the  
 17 residential use. This plan shall provide for setbacks from existing forestry uses and  
 18 maintenance of approved fire trails or other effective fire line buffers on perimeters with  
 19 forest land.

20 3. Only as part of a mixed use development subject to the conditions of K.C.C.

21 21A.14.

22 4. Only in a building listed on the National Register as an historic site or designated as  
 23 a King County landmark subject to the provisions of K.C.C. 21A.32.

24 5. Only subject to the residential density incentive provisions of K.C.C. 21A.34.

25 6. Only as an accessory to a school, college/university or church.

26 7. a. Accessory dwelling units:

27 (1) Only one accessory dwelling per lot;

28 (2) Only in the same building as the principal residence when the lot is less than  
 29 10,000 square feet in area;

30 (3) The primary residence or the accessory dwelling unit shall be owner occupied;

1 (4) The accessory dwelling unit shall not be larger than 50% of the living area of the  
2 primary residence;

3 (5) One additional off-street parking space is provided; and

4 (6) The accessory dwelling unit shall be converted to another permitted use or shall  
5 be removed if one of the dwelling units ceases to be owner occupied.

6 b. One single or twin engine, noncommercial aircraft shall be permitted only on lots  
7 which abut, or have a legal access which is not a county right-of-way, to a waterbody or  
8 landing field, provided:

9 (1) No aircraft sales, service, repair, charter or rental;

10 (2) No storage of aviation fuel except that contained in the tank or tanks of the  
11 aircraft; and

12 (3) Storage hangars shall not exceed 20 feet in height above average finished grade  
13 or have a gross area exceeding 3,000 square feet.

14 8. Mobile home parks shall not be permitted in the R-1 zones.

15 9. Only as an accessory to the permanent residence of the operator, provided:

16 a. Serving meals to paying guests shall be limited to breakfast; and

17 b. No more than 5 guests per night.

18 10. Only as an accessory to the permanent residence of the operator, provided:

19 a. Serving meals to paying guests shall be limited to breakfast; and

20 b. The number of persons accommodated per night shall not exceed five, except that  
21 a structure which satisfies the standards of the Uniform Building Code as adopted by King  
22 County for R-1 occupancies may accommodate up to ten persons per night.

23 11. Only when part of a mixed use development, and subject to the conditions of  
24 21A.08.030B(10).

25 12. A conditional use permit is not required for townhouse units on lots in a  
26 subdivision designed for townhouse units.

27 13. Required prior to app((e))roving more than one dwelling on individual lots, except  
28 on lots in subdivisions, short subdivisions, or binding site plans approved for multiple unit  
29 lots, and except as provided for accessory dwelling units in K.C.C. 21A.08.030.B.7.

30 14. No new mobile home parks are allowed in a Rural Zone.

1            SECTION 2. Ordinance 12196, Section 17, is hereby amended to read as follows:

2            Permit Issuance. A. Final decisions by the County on all permits and approvals  
3 subject to the procedures of this chapter shall be issued within 120 days from the date the  
4 applicant is notified by the department pursuant to this chapter that the application is complete,  
5 provided that the following shorter time periods should apply for the type of land use permit  
6 indicated:

- |    |   |          |
|----|---|----------|
| 7  | 1. New Residential building permits                     | 90 days  |
| 8  | 2. Residential remodels                                 | 40 days  |
| 9  | 3. Residential appurtenances, such as decks and garages | 15 days  |
| 10 | 4. SEPA exempt clearing and grading                     | 45 days  |
| 11 | 5. SEPA clearing and grading                            | 90 days. |

12           The following periods shall be excluded from this 120-day period:

13           1. Any period of time during which the applicant has been requested by the department,  
14 hearing examiner or council to correct plans, perform required studies, or provide additional  
15 information, including road variances and variances required under K.C.C. 9.04. The period shall  
16 be calculated from the date of notice to the applicant of the need for additional information until  
17 the earlier of the date the county advises the applicant that the additional information satisfies the  
18 county's request, or fourteen days after the date the information has been provided. If the county  
19 determines that the correction, study or other information submitted by the applicant is  
20 insufficient, it shall notify the applicant of the deficiencies and the procedures of this section shall  
21 apply as if a new request for information had been made.

22           a. The department shall set a reasonable deadline for the submittal of corrections,  
23 studies, or other information when requested, and shall provide written notification to the  
24 applicant. An extension of such deadline may be granted upon submittal by an applicant of a  
25 written request providing satisfactory justification of an extension.

26           b. Failure by the applicant to meet such deadline shall be cause for the  
27 department to cancel/deny the application.

28           c. When granting a request for a deadline extension, the department shall give  
29 consideration to the number of days between receipt by the department of a written request for a

1 deadline extension and the mailing to the applicant of the department's decision regarding that  
2 request.

3 2. The period of time, as set forth in K.C.C. 20.44.050, during which an environmental  
4 impact statement is being prepared following a determination of significance pursuant to Chapter  
5 43.21C RCW.

6 3. A period of no more than ninety days for an open record appeal hearing by the  
7 hearing examiner on a Type 2 land use decision, and no more than sixty days for a closed record  
8 appeal by the County Council on a Type 3 land use decision appealable to the County Council,  
9 except when the parties to an appeal agree to extend these time periods.

10 4. Any period of time during which an applicant fails to post the property, if required  
11 by this chapter, following the date notice is required until an affidavit of posting is provided to the  
12 department by the applicant.

13 5. Any time extension mutually agreed upon by the applicant and the department.

14 B. The time limits established in this section shall not apply if a proposed development:

15 1. Requires an amendment to the comprehensive plan or a development regulation;

16 2. Requires approval of a new fully contained community as provided in RCW  
17 36.70A.350, master planned resort as provided in RCW 36.70A.360, or the siting of an essential  
18 public facility as provided for RCW 36.70A.200, or

19 3. Is substantially revised by the applicant, when such revisions will result in a  
20 substantial change in a project's review requirements, as determined by the department, in which  
21 case the time period shall start from the date at which the revised project application is determined  
22 to be complete.

23 C. If the department is unable to issue its final decision within the time limits  
24 established by this section, it shall provide written notice of this fact to the project applicant. The  
25 notice shall include a statement of reasons why the time limits have not been met and an estimated  
26 date for issuance of the notice of final decision.

27 D. The department shall require that all plats, short plats, building permits, clearing  
28 and grading permits, conditional use permits, special use permits, site development  
29 permits, shoreline substantial development permits, binding site plans, urban planned  
30 development permits or fully contained community permits issued for development

1 activities on or within 300 feet of designated agricultural lands, forest lands or mineral  
2 resource lands shall contain a notice that the subject property is within or near designated  
3 agricultural lands, forest lands, or mineral resource lands on which a variety of commercial  
4 activities may occur that are not compatible with residential development for certain  
5 periods of limited duration.

6 INTRODUCED AND READ for the first time this 4<sup>th</sup> day of

7 March, 1996

8 PASSED by a vote of 12 to 0 this 20<sup>th</sup> day of May

9 1996.

10 KING COUNTY COUNCIL  
11 KING COUNTY, WASHINGTON

*Louise Miller*

12 VICE Chair  
13

14 ATTEST:

15 *Gerald G. Peterson*  
16 Clerk of the Council

17 APPROVED this 30<sup>th</sup> day of May, 1996.

*Gary Locke*

18 King County Executive  
19

20 Attachments: None  
21