



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

October 9, 2008

### Ordinance 16267

**Proposed No.** 2008-0128.2

**Sponsors** Gossett

1 AN ORDINANCE relating to zoning and development .  
2 regulations; amending Ordinance 1488, Section 2, as  
3 amended, and K.C.C. 16.82.010, Ordinance 1488, Section  
4 5, as amended, and K.C.C. 16.82.020, Ordinance 15053,  
5 Section 3, and K.C.C. 16.82.051, Ordinance 14259, Section  
6 4, and K.C.C. 16.82.052, Ordinance 1488, Section 11, as  
7 amended, and K.C.C. 16.82.100, Ordinance 9614, Section  
8 103, as amended, and K.C.C. 16.82.150, Ordinance 15053,  
9 Section 15, and K.C.C. 16.82.152, Ordinance 13694,  
10 Section 51, and K.C.C. 19A.08.160, Ordinance 13694,  
11 Section 52, and K.C.C. 19A.08.170, Ordinance 10870,  
12 Section 138, as amended, and K.C.C. 21A.06.490,  
13 Ordinance 15051, Section 64, and K.C.C. 21A.06.578,  
14 Ordinance 10870, Section 259, and K.C.C. 21A.06.1095,  
15 Ordinance 15051, Section 86, and K.C.C. 21A.06.942,  
16 Ordinance 15051, Section 100, and K.C.C. 21A.06.1182,  
17 Ordinance 10870, Section 297, and K.C.C. 21A.06.1285,

18 Ordinance 10870, Section 330, as amended, and K.C.C.  
19 21A.08.030, Ordinance 10870, Section 331, as amended,  
20 and K.C.C. 21A.08.040, Ordinance 10870, Section 332, as  
21 amended, and K.C.C. 21A.08.050, Ordinance 10870,  
22 Section 334, as amended, and K.C.C. 21A.08.070,  
23 Ordinance 10870, Section 336, as amended, and K.C.C.  
24 21A.08.090, Ordinance 10870, Section 337, as amended,  
25 and K.C.C. 21A.08.100, Ordinance 10870, Section 340, as  
26 amended, and K.C.C. 21A.12.030, Ordinance 10870,  
27 Section 341, as amended, and K.C.C. 21A.12.040,  
28 Ordinance 10870, Section 354, as amended, and K.C.C.  
29 21A.12.170, Ordinance 10870, Section 358, and K.C.C.  
30 21A.12.210, Ordinance 10870, Section 364, as amended,  
31 and K.C.C. 21A.14.040, Ordinance 10870, Section 382, as  
32 amended, and K.C.C. 21A.14.220, Ordinance 10870,  
33 Section 390, as amended, and K.C.C. 21A.16.050,  
34 Ordinance 10870, Section 407, as amended, and K.C.C.  
35 21A.18.030, Ordinance 10870, Section 422, and K.C.C.  
36 21A.20.040, Ordinance 10870, Section 424, as amended,  
37 and K.C.C. 21A.20.060, Ordinance 10870, Section 427, as  
38 amended, and K.C.C. 21A.20.080, Ordinance 10870,  
39 Section 432, as amended, and K.C.C. 21A.20.120,  
40 Ordinance 13022, Section 26, and K.C.C. 21A.20.190,

41 Ordinance 15051, Section 137, and K.C.C. 21A.24.045,  
42 Ordinance 15051, Section 139, and K.C.C. 21A.24.055,  
43 Ordinance 10870, Section 454, as amended, and K.C.C.  
44 21A.24.070, Ordinance 10870, Section 464, as amended,  
45 and K.C.C. 21A.24.170, Ordinance 10870, Section 471, as  
46 amended, and K.C.C. 21A.24.240, Ordinance 10870,  
47 Section 472, as amended, and K.C.C. 21A.24.250,  
48 Ordinance 10870, Section 473, as amended, and K.C.C.  
49 21A.24.260, Ordinance 10870, Section 476, as amended,  
50 and K.C.C. 21A.24.290, Ordinance 11481, Section 2, as  
51 amended, and K.C.C. 21A.24.311, Ordinance 15051,  
52 Section 173, and K.C.C. 21A.24.312, Ordinance 15051,  
53 Section 174, and K.C.C. 21A.24.313, Ordinance 15051,  
54 Section 179, and K.C.C. 21A.24.316, Ordinance 15051,  
55 Section 185, and K.C.C. 21A.24.325, Ordinance 15051,  
56 Section 187, and K.C.C. 21A.24.335, Ordinance 10870,  
57 Section 481, as amended, and K.C.C. 21A.24.340,  
58 Ordinance 15051, Section 192, and K.C.C. 21A.24.355,  
59 Ordinance 15051, Section 193, and K.C.C. 21A.24.358,  
60 Ordinance 15051, Section 195, and K.C.C. 21A.24.365,  
61 Ordinance 10870, Section 485, as amended, and K.C.C.  
62 21A.24.380, Ordinance 14187, Section 1, as amended, and  
63 K.C.C. 21A.24.500, Ordinance 15051, Section 230, and

64 K.C.C. 21A.24.515, Ordinance 11621, Section 90, and  
65 K.C.C. 21A.28.154, Ordinance 10870, Section 563, as  
66 amended, and K.C.C. 21A.34.040, Ordinance 13274,  
67 Section 1, as amended, and K.C.C. 21A.37.010, Ordinance  
68 13274, Section 4, as amended, and K.C.C. 21A.37.020,  
69 Ordinance 13274, Section 5, as amended, and K.C.C.  
70 21A.37.030, Ordinance 13274, Section 6, as amended, and  
71 K.C.C. 21A.37.040, Ordinance 14190, Section 8, as  
72 amended, and K.C.C. 21A.37.060, Ordinance 13274,  
73 Section 8, as amended, and K.C.C. 21A.37.080, Ordinance  
74 13733, Section 8, as amended, and K.C.C. 21A.37.100,  
75 Ordinance 13733, Section 10, as amended, and K.C.C.  
76 21A.37.110, Ordinance 10870, Section 581, and K.C.C.  
77 21A.38.080, Ordinance 11351, Section 1, as amended, and  
78 K.C.C. 21A.38.090 and Ordinance 10870, Section 335, as  
79 amended, and K.C.C. 21A.08.080, adding a new section to  
80 K.C.C. chapter 16.82, adding a new section K.C.C. chapter  
81 19A.08, adding a new sections to K.C.C. chapter 21A.06,  
82 adding new sections to K.C.C. chapter 21A.12, adding a  
83 new section to K.C.C. chapter 21A.24 and adding a new  
84 section to K.C.C. chapter 21A.37.

85

86 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

87            SECTION 1. Ordinance 1488, Section 2, as amended, and K.C.C. 16.82.010 are  
88 each hereby amended to read as follows:

89            A. This chapter is intended to regulate clearing and removal of vegetation,  
90 excavation, grading and earthwork construction including cuts and fills, gravel pits,  
91 dumping, quarrying and mining operations within King County in order to protect public  
92 health, safety and welfare by:

- 93            1. Minimizing adverse stormwater impacts generated by the removal of  
94 vegetation and alteration of landforms;
- 95            2. Protecting water quality from the adverse impacts associated with erosion and  
96 sedimentation;
- 97            3. Minimizing aquatic and terrestrial wildlife habitat loss caused by the removal  
98 of vegetation;
- 99            4. Protecting sensitive areas from adverse clearing and grading activities;
- 100           5. Facilitating and encouraging long term forest practice and agricultural  
101 production operations where appropriate;
- 102           6. Minimizing the adverse impacts associated with materials processing,  
103 quarrying and mining operations;
- 104           7. Preventing damage to property and harm to persons caused by excavations  
105 and fills;
- 106           8. Establishing administrative procedures for the issuance of permits, approval  
107 of plans, and inspection of clearing and grading operations; and
- 108           9. Providing penalties for the violation of this chapter.

109           B. This chapter establishes the administrative procedure for issuance of permits,  
110 provides for approval of plans and inspection of clearing and grading operations, and  
111 provides for penalties for the violation of this chapter.

112           SECTION 2. Ordinance 1488, Section 5, as amended, and K.C.C. 16.82.020 are  
113 each hereby amended to read as follows:

114           Certain words and phrases used in this chapter, unless otherwise clearly indicated  
115 by their context, mean as follows:

116           A. "Applicant" means a property owner or a public agency or public or private  
117 utility that owns a right-of-way or other easement or has been adjudicated the right to  
118 such an easement in accordance with RCW 8.12.090, or any person or entity designated  
119 or named in writing by the property or easement owner to be the applicant, in an  
120 application for a development proposal, permit or approval.

121           B. "Bench" means a relatively level step excavated or constructed on the face of a  
122 graded slope surface for drainage and maintenance purposes.

123           C. "Civil engineer" means an engineer who is licensed as a professional engineer  
124 in the branch of civil engineering by the state of Washington.

125           D. "Clearing" means the cutting, killing, grubbing or removing of vegetation or  
126 other organic material by physical, mechanical, chemical or any other similar means.

127           E. "Compaction" means the densification of a fill by mechanical means.

128           F. "Cutting" means the severing of the main trunk or stem of woody vegetation at  
129 any point.

130           G. "Department" means the department of development and environmental  
131 services.

132 H. "Director" means the director of the department of development and  
133 environmental services or the director's designee.

134 I. "Earth material" means any rock, natural soil or any combination thereof.

135 J. "Erosion" means the wearing away of the ground surface as the result of the  
136 movement of wind, water or ice.

137 K. "Excavation" means the removal of earth material.

138 L. "Fill" means a deposit of earth material or recycled or reprocessed waste  
139 material consisting primarily of organic or earthen materials, or any combination thereof,  
140 placed by mechanical means.

141 M. "Geotechnical engineer" means an engineer who is licensed as a professional  
142 engineer by the state of Washington and who has at least four years of relevant  
143 professional employment.

144 N. "Grade" means the elevation of the ground surface.

145 1. "Existing grade" means the grade before grading.

146 2. "Finish grade" means the final grade of the site that conforms to the approved  
147 plan as required in K.C.C. 16.82.060.

148 3. "Rough grade" means the stage at which the grade approximately conforms to  
149 the approved plan as required in K.C.C. 16.82.060.

150 O. "Grading" means any excavating, filling, or removing of the duff layer, or  
151 combination thereof.

152 P. "Grading and clearing permit" means the permit required by this chapter for  
153 grading and clearing activities, including temporary permits.

154 Q. "Reclamation" means the final grading and restoration of a site to establish the  
155 vegetative cover, soil surface water and groundwater conditions appropriate to  
156 accommodate and sustain all permitted uses of the proposed zone appropriate for the site.

157 R. "Shorelines" means those lands defined as shorelines in the state Shorelines  
158 Management Act of 1971.

159 S. "Site" means a single lot or parcel of land two or more contiguous lots that are  
160 under common ownership or documented legal control, used as a single parcel for a  
161 development proposal in order to calculate compliance with the standards and regulations  
162 of this chapter. For purposes of this definition:

163 1. "Documented legal control" includes fee simple or leasehold rights, or an  
164 easement (~~((retained at the time of transfer over lands previously owned by the holder of~~  
165 ~~the easement))), or any combination thereof, which allows uses associated with the overall  
166 development proposal; and~~

167 2. Lots that are separated only by a public road right-of-way shall be considered  
168 to be contiguous.

169 T. "Slope" means inclined ground surface, the inclination of which is expressed  
170 as a ratio of horizontal distance to vertical distance.

171 U. "Structural engineer" means an engineer who is licensed as a professional  
172 engineer in the branch of structural engineering by the state of Washington.

173 V. "Structure" means that which is built or constructed, an edifice or building of  
174 any kind or any piece of work artificially built up or composed of parts jointed together in  
175 some definite manner.



176 W. "Tree" means a large woody perennial plant usually with a single main stem  
177 or trunk and generally over twelve feet tall at maturity.

178 X. "Understory" means the vegetation layer of a forest that includes shrubs,  
179 herbs, grasses and grass-like plants, but excludes native trees.

180 Y. "Vegetation" means any organic plant life growing at, below or above the soil  
181 surface.

182 SECTION 3. Ordinance 15053, Section 3, and K.C.C. 16.82.051 are each hereby  
183 amended to read as follows:

184 A. For the purposes of this section, the definitions in K.C.C. chapter 21A.06  
185 apply to the activities described in this section.

186 B. The following activities are excepted from the requirement of obtaining a  
187 clearing or grading permit before undertaking forest practices or clearing or grading  
188 activities, as long as those activities conducted in critical areas are in compliance with the  
189 standards in this ~~((section))~~ chapter and in K.C.C. ~~((21A.24.045))~~ chapter 21A.24. In  
190 cases where an activity may be included in more than one activity category, the most-  
191 specific description of the activity shall govern whether a permit is required. For  
192 activities involving more than one critical area, compliance with the conditions applicable  
193 to each critical area is required. Clearing and grading permits are required when a cell in  
194 this table is empty and for activities not listed on the table.

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<b>KEY</b>
"NP" in a cell means
no permit required
if conditions are met.
A number in a cell
means the
Numbered condition
in subsection C.
applies.
"Wildlife area
and network" column
applies to both
Wildlife
Habitat Conservation
Area and Wildlife
Habitat Network

O	A	C	E	F	C	L	A	S	V	S	H	C	R	W	A	A	W	A
U	R	O	R	L	H	A	N	E	O	T	A	R	E	E	Q	N	I	N
T	E	A	O	O	A	N	D	I	L	E	Z	I	C	T	U	D	L	D
	A	L	S	O	N	D	S	C	E	A	T	H	L		A		D	
O			I	D	N	S	B	M	A	P	R	I	A	A	T	B	L	N
F	A	M	O		E	L	U	I	N		D	C	R	N	I	U	I	E
	N	I	N	H	L	I	F	C	I	S		A	G	D	C	F	F	T
C	D	N		A		D	F		C	L	A	L	E	S		F	E	W
R		E	H	Z	M	E	E	H		O	N				A	E		O
I	B		A	A	I		R	A	H	P	D	A	A	A	R	R	A	R
T	U	H	Z	R	G	H	Z	A	E	Q	R	N			E		R	K
I	F	A	A	D	R	A	A	Z		B	U	E	D		A		E	
C	F	Z	R		A	Z	R	A		U	I	A					A	
A	E	A	D		T	A	D	R		F	F		B					
L	R	R			I	R		D		F	E		U					
			D		O	D				E	R		F					
					N					R			F					
													R					

<b>ACTIVITY</b>																		
<b>Grading and Clearing</b>																		
Grading	NP 1, 2	NP 1, 2	NP 1, 2					NP 1, 2	NP 1, 2			NP 1, 2						
Clearing	NP 3 NP 24	NP 3	NP 3	NP 3	NP 3			NP 3	NP 3			NP 3	NP 4	NP 4	NP 4	NP 4	NP 4	NP 4
Covering of garbage	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5
Emergency tree removal	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6

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Removal of noxious weeds	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Removal of invasive vegetation	NP 7	NP 7	NP 7	NP 7	NP 7		NP 7	NP 7		NP 7	NP 8	NP 8	NP 8
Non conversion Class I, II, III, IV-S forest practice	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9
Emergency action	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10
<b>Roads</b>													
Grading within the roadway	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11			NP 11
Clearing within the roadway	NP	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP	NP 12	NP 12	NP 12
Maintenance of driveway or private access road	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13
Maintenance of bridge or culvert	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15
Construction of farm field access drive	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16
Maintenance of farm field access drive	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17
<b>Utilities</b>													
Construction or maintenance of utility corridors or facility within the right-of-way	NP 18	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 18	NP 19	NP 19	NP 19

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Construction or maintenance of utility corridors or facility outside of the right-of-way	NP 1, 2, 3		NP 1, 2, 3				NP 1, 2, 3	NP 1, 2, 3		NP 1, 2, 3			
Maintenance of existing surface water conveyance system	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance of existing surface water flow control and surface water quality treatment facility	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance or repair of flood protection facility	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20
Maintenance or repair of existing instream structure	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP 11	NP 11
<b>Recreation areas</b>													
Maintenance of outdoor public park facility, trail or publicly improved recreation area	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13
<b>Habitat and science projects</b>													
Habitat restoration or enhancement project	NP	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP	NP 21	NP 21	NP 21
Drilling and testing for critical areas report	NP 1, 2	NP 1, 2	NP 1, 2	NP 22	NP 22	NP 22	NP 1, 2	NP 1, 2	NP 22	NP 1, 2	NP 22	NP 22	NP 22

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<b>Agriculture</b>													
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Grazing livestock	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Construction and maintenance of livestock manure storage facility	NP 16	NP 16	NP 16	NP 16	NP 16		NP 16	NP 16		NP 16	NP 16	NP 16	
Maintenance of agricultural drainage	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15
Maintenance of farm pond, fish pond, livestock watering pond	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15
<b>Other</b>													
Excavation of cemetery grave in established and approved cemetery	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Maintenance of cemetery grave	NP	NP 13	NP 13	NP	NP 13	NP 13			NP 13		NP 13	NP 13	NP 13
Maintenance of lawn, landscaping and gardening for personal consumption	NP	NP 13	NP 13	NP	NP 13	NP 13			NP 13		NP 13	NP 13	NP 13
Maintenance of golf course	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13			NP 13	NP 13	NP 13	NP 13	NP 13

195

C. The following conditions apply:

196 1. Excavation less than five feet in vertical depth, or fill less than three feet in  
197 vertical depth that, cumulatively over time, does not involve more than one hundred  
198 cubic yards on a single site.

199 2. Grading that produces less than two thousand square feet of new impervious  
200 surface on a single site added after January 1, 2005, or that produces less than two  
201 thousand square feet of replaced impervious surface or less than two thousand square feet  
202 of new plus replaced impervious surface after the effective date of this ordinance. For  
203 purposes of this subsection C.2., "new impervious surface" ((is)) and "replaced  
204 impervious surface" are defined in K.C.C. 9.04.020.

205 3. Cumulative clearing of less than seven thousand square feet including, but  
206 not limited to, collection of firewood and removal of vegetation for fire safety. This  
207 exception shall not apply to development proposals:

208 a. regulated as a Class IV forest practice under chapter 76.09 RCW;

209 b. in a critical drainage areas established by administrative rules;

210 c. subject to clearing limits included in property-specific development  
211 standards and special district overlays under K.C.C. chapter 21A.38; or

212 d. subject to urban growth area significant tree retention standards under  
213 K.C.C. 16.82.156 and 21A.38.230.

214 4. Cutting firewood for personal use in accordance with a forest management  
215 plan or rural stewardship plan approved under K.C.C. Title 21A. For the purpose of this  
216 condition, personal use shall not include the sale or other commercial use of the firewood.

217 5. Limited to material at any solid waste facility operated by King County.

218 6. Allowed to prevent imminent danger to persons or structures.

219           7. Cumulative clearing of less than seven thousand square feet annually or  
220 conducted in accordance with an approved farm management plan, forest management  
221 plan or rural stewardship plan.

222           8. Cumulative clearing of less than seven thousand square feet and either:  
223           a. conducted in accordance with a farm management plan, forest management  
224 plan or a rural stewardship plan; or  
225           b. limited to removal with hand labor.

226           9. Class I, II, III or IV forest practices as defined in chapter 76.09 RCW and  
227 Title 222 WAC.

228           10. If done in compliance with K.C.C. 16.82.065.

229           11. Only when conducted by or at the direction of a government agency in  
230 accordance with the regional road maintenance guidelines and K.C.C. 9.04.050, creates  
231 less than two thousand square feet of new impervious surface on a single site added after  
232 January 1, 2005, and is not within or does not directly discharge to an aquatic area or  
233 wetland. For purposes of this subsection C.11., "new impervious surface" is defined in  
234 K.C.C. 9.04.020.

235           12. Limited to clearing conducted by or at the direction of a government agency  
236 or by a private utility that does not involve:

237           a. slope stabilization or vegetation removal on slopes; or  
238           b. ditches that are used by salmonids.

239           13. In conjunction with normal and routine maintenance activities, if:

240           a. there is no alteration of a ditch or aquatic area that is used by salmonids:

241           b. the structure, condition or site maintained was constructed or created in  
242 accordance with law; and

243           c. the maintenance does not expand the roadway, lawn, landscaping, ditch,  
244 culvert or other improved area being maintained.

245           14. If a culvert is used by salmonids or conveys water used by salmonids and  
246 there is no adopted farm management plan, the maintenance is limited to removal of  
247 sediment and debris from the culvert and its inlet, invert and outlet and the stabilization  
248 of the area within three feet of the culvert where the maintenance disturbed or damaged  
249 the bank or bed and does not involve the excavation of a new sediment trap adjacent to  
250 the inlet.

251           15. If used by salmonids, only in compliance with an adopted farm plan in  
252 accordance with K.C.C. Title 21A and only if the maintenance activity is inspected by:

- 253           a. The King Conservation District;
- 254           b. King County department of natural resources and parks;
- 255           c. King County department of development and environmental services; or
- 256           d. Washington state Department of Fish and Wildlife.

257           16. Only if consistent with an adopted farm plan in accordance with K.C.C.  
258 Title 21A.

259           17. Only if:

- 260           a. consistent with a farm plan in accordance with K.C.C. Title 21A; or
- 261           b. conducted in accordance with best management practices in the Natural  
262 Resource Conservation Service Field Office Technical Guide.

263           18. In accordance with a franchise permit.



- 264 19. Only within the roadway in accordance with a franchise permit.
- 265 20. ~~((Allowed if))~~ When:
- 266 a. conducted by a public agency;
- 267 b. the height of the facility is not increased;
- 268 ~~c. ((there is no linear extension))~~ the linear length of the facility ~~((from the~~  
269 ~~existing conditions))~~ is not increased;
- 270 ~~((e. there is no))~~ d. the footprint of the facility is not expanded waterward  
271 ~~((extension of the facility from the existing conditions));~~
- 272 ~~((d.))~~ e. done in accordance with the Regional Road Maintenance Guidelines;
- 273 ~~((e.))~~ f. done in accordance with the adopted King County Flood Hazard  
274 ~~((Reduction))~~ Management Plan and ((Washington state)) the Integrated Streambank  
275 Protection Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002);  
276 and
- 277 f. monitoring is conducted for three years following maintenance or repair and  
278 an annual report is submitted to the department.
- 279 21. Only if:
- 280 a. the activity is not part of a mitigation plan associated with another  
281 development proposal or is not corrective action associated with a violation; and
- 282 b. the activity is sponsored or co-sponsored by a public agency that has natural  
283 resource management as its primary function or a federally-recognized tribe, and the  
284 activity is limited to:
- 285 (1) revegetation of the critical area and its buffer with native vegetation or the  
286 removal of noxious weeds or invasive vegetation;

287 (2) placement of weirs, log controls, spawning gravel, woody debris and  
288 other specific salmonid habitat improvements;

289 (3) hand labor except:

290 (a) the use of riding mower or light mechanical cultivating equipment and  
291 herbicides or biological control methods when prescribed by the King County noxious  
292 weed control board for the removal of noxious weeds or invasive vegetation; or

293 (b) the use of helicopters or cranes if they have no contact with or otherwise  
294 disturb the critical area or its buffer.

295 22. If done with hand equipment and does not involve any clearing.

296 23. Limited to removal of vegetation for forest fire prevention purposes in  
297 accordance with best management practices approved by the King County fire marshal.

298 24. Limited to the removal of downed trees.

299 SECTION 4. Ordinance 14259, Section 4, and K.C.C. 16.82.052 are each hereby  
300 amended to read as follows:

301 A. The director shall have the authority to issue temporary permits for  
302 excavations, processing, quarrying and mining, and removal of sand, gravel, rock and  
303 other natural deposits, together with the necessary buildings, apparatus or appurtenances  
304 incident thereto for specific jobs on application for highway, road, street, airport  
305 construction, flood control and other public works projects. In conjunction with such  
306 operations, allied uses such as, but not limited to, rock crushers, concrete-batching plants  
307 and asphalt-batching plants may be authorized by this temporary permit. The director  
308 shall also have the authority to issue temporary permits for the removal of existing

309 stockpiles of previously mined materials for the reclamation of land to its best use,  
310 consistent with the underlying zoning.

311 ((A.)) B. The department of development and environmental services shall  
312 consider the effect of the proposed operation on the county road system and any effect it  
313 may have on surface or groundwater drainage and flood control, and shall make such  
314 recommendations as are necessary to protect the public interest in this regard.

315 ((B.)) C. The department of development and environmental services shall also  
316 consider the effect of the proposed operation on the current and future land use in the area  
317 affected by the proposed operation and shall condition permits as necessary to protect the  
318 public interest in this regard. Temporary permits are good for the life of the contract of  
319 the specific job but must be reviewed annually. Each temporary permit((s)) site shall be  
320 fully restored during the term of the temporary permit, unless the site is subsequently  
321 designated with an M zone classification((, or included in an unclassified use permit.

322 ~~C. Development proposals will be subject to two levels of review standards based~~  
323 ~~on occupancy types, critical facilities and standard structures. The review standards for~~  
324 ~~critical facilities will be based on larger earthquake reoccurrence intervals than the~~  
325 ~~earthquakes considered for standard occupancy structures. The review standards will be~~  
326 ~~set forth in the administrative rules)).~~

327 SECTION 5. Ordinance 1488, Section 11, as amended, and K.C.C. 16.82.100 are  
328 each hereby amended to read as follows:

329 A person conducting a grading activity shall comply with the following standards:

330 A. Cuts and fills shall conform to the following provisions unless otherwise  
331 approved by the department:

332           1. A slope of cut and fill surfaces shall not be steeper than is safe for both the  
333 intended use and soil type and shall not exceed two horizontal to one vertical;

334           2. All disturbed areas including faces of cuts and fill slopes shall be prepared  
335 and maintained to control erosion in compliance with K.C.C. 16.82.095;

336           3. The ground surface shall be prepared to receive fill by removing unsuitable  
337 material such as concrete slabs, tree stumps, brush, car bodies and other materials as  
338 determined by the department;

339           4. Except in an approved sanitary landfill or as part of engineered fill, fill  
340 material shall meet the following standards:

341           a. Fill material shall consist of earthen material, organic material or recycled or  
342 reprocessed materials that are not categorized as dangerous waste under Title 173 WAC  
343 and that were produced originally from an earthen or organic material;

344           b. Fill material shall have a maximum dimension of less than twelve inches;

345           c. Recycled concrete shall be free of rebar and other materials that may pose a  
346 safety or health hazard;

347           d. Recycled asphalt shall not be used in areas subject to exposure to seasonal  
348 or continual perched ground water, in a critical aquifer recharge area or over a sole-  
349 source aquifer; and

350           e. Recycled materials that have not been reprocessed to meet the definition of  
351 common borrow shall be intermixed with well-graded, natural, earthen materials in  
352 sufficient quantities and of a suitable size to assure filling of all voids and to assure that  
353 the fill can be compacted to ninety percent of the maximum density;

354           5. Provisions shall be made to:

355 a. prevent any surface water or seepage from damaging the cut face of any  
356 excavation or the sloping face of a fill; and

357 b. address any surface water that is or might be concentrated as a result of a fill  
358 or excavation to a natural watercourse in accordance with K.C.C. chapter 9.04 and the  
359 Surface Water Design Manual;

360 6. Benches and any swales or ditches on benches shall be designed in  
361 accordance with the King County Surface Water Design Manual;

362 7. The tops and the toes of cut and fill slopes shall be set back from property  
363 boundaries and structures as far as necessary:

364 a. for the safety of the adjacent properties;

365 b. for adequacy of foundation support;

366 c. to prevent damage resulting from water runoff or erosion of the slopes; and

367 d. to preserve the permitted uses on the adjacent properties; and

368 8. All fill shall meet the following:

369 a. Fill greater than three feet in depth shall be engineered and compacted to  
370 accommodate the proposed use unless a notice on title documenting the location of the  
371 fill is recorded and the fill is sufficiently stable to not pose a hazard; and

372 b. Any fill in the floodplain shall, from the face of the fill to a horizontal  
373 distance of six feet back from the face, meet the compaction requirements for pond  
374 embankments in the Surface Water Design Manual, unless determined by the department  
375 that inundation is not a threat to fill integrity or that other requirements necessary for  
376 compliance with the King County Guidelines for Bank Stabilization (Surface Water  
377 Management 1993) are met.

378 B. Access roads to grading sites shall be:

379 1. Maintained and located to the satisfaction of the King County department of  
380 transportation to minimize problems of dust, mud and traffic circulation;

381 2. Located where the permanent access to the site is proposed in the permit  
382 application to minimize site disturbance; and

383 3. Controlled by a gate when required by the department.

384 C. Signs warning of hazardous conditions, if determined by the department to  
385 exist on a particular site, shall be affixed at locations as required by the department.

386 D. Where required by the department, to protect life, limb and property, fencing  
387 shall be installed with lockable gates that must be closed and locked when not working  
388 on the site. The fence shall be no less than six feet in height and the fence material shall  
389 have no opening larger than two inches.

390 E. Rocks, dirt, mud, vegetation and any other materials used or produced on-site  
391 in the course of permitted activities shall not be spilled onto or otherwise left on public  
392 roadways or any off-site property not specifically authorized as a receiving site under a  
393 valid permit.

394 F. The duff layer and native topsoil shall be retained in an undisturbed state to the  
395 maximum extent practicable. Any duff layer or topsoil removed during grading shall be  
396 stockpiled on-site in a designated, controlled area not adjacent to public resources and  
397 critical areas. The material shall be reapplied to other portions of the site where feasible.

398 G.1. Except as otherwise provided in subsection G.2. of this section, areas that  
399 have been cleared and graded shall have the soil moisture holding capacity restored to  
400 that of the original undisturbed soil native to the site to the maximum extent practicable.

401 The soil in any area that has been compacted or that has had some or all of the duff layer  
402 or underlying topsoil removed shall be amended to mitigate for lost moisture-holding  
403 capacity. The amendment shall take place between May 1 and October 1. ((Replaced))  
404 The topsoil layer shall be a minimum of eight inches thick, unless the applicant  
405 demonstrates that a different thickness will provide conditions equivalent to the soil  
406 moisture-holding capacity native to the site. ((Replaced)) The topsoil layer shall have an  
407 organic matter content of between ((eight to thirteen)) five to ten percent dry weight and  
408 a pH suitable for the proposed landscape plants. When feasible, subsoils below the  
409 topsoil layer should be scarified at least four inches with some incorporation of the upper  
410 material to avoid stratified layers. Compost used to achieve the required soil organic  
411 matter content must meet the definition of "composted materials" in WAC 173-350-220.

412 2. This subsection does not apply to areas that:

413 a. Are subject to a state surface mine reclamation permit; or

414 b. At project completion are covered by an impervious surface, incorporated  
415 into a drainage facility or engineered as structural fill or slope.

416 NEW SECTION. SECTION 6. There is hereby added to K.C.C. chapter 16.82 a  
417 new section to read as follows:

418 A property owner who controls two or more adjacent lots subject to clearing  
419 limits under K.C.C. 16.82.150 may relocate the area that is required to remain  
420 undeveloped on each individual lot into a single location on one or more of the lots as  
421 follows:

422 A. The total area subject to clearing limits shall not be decreased;

423 B. Areas within critical areas and critical area buffers cannot be relocated;

424 C. The relocated area shall be situated in a manner that minimizes fragmentation  
425 of wildlife habitat and maximizes protection of critical areas and prevention of flooding,  
426 erosion, and groundwater impacts based on site characteristics, including topography and  
427 soils;

428 D. The relocated area is subject to the provisions of this chapter governing  
429 allowable activities within areas subject to clearing limits; and

430 E. The property owner shall record a notice on title that identifies the relocated  
431 area subject to the clearing limits.

432 SECTION 7. Ordinance 9614, Section 103, as amended, and K.C.C. 16.82.150  
433 are each hereby amended to read as follows:

434 A. Except as otherwise provided in this section, in the RA zone the following  
435 standards apply to clearing on individual lots:

436 1. For lots one and one-quarter acre or smaller:

437 a. clearing shall not exceed the greater of:

438 (1) the amount cleared before January 1, 2005, or cleared under a complete  
439 clearing permit application filed before October 25, 2004, in accordance with previous  
440 county regulations;

441 (2) fifty percent of the lot area; or

442 (3) seven thousand square feet.

443 b. any clearing required for the construction of access, utilities and septic  
444 systems shall not be counted towards the amount of clearing allowed under this  
445 subsection;



446           2. For lots greater than one and one-quarter acres and up to fives acres in area,  
447 clearing shall not exceed the greater of:

448           a. the amount legally cleared before January 1, 2005, or cleared under a  
449 complete clearing permit application filed before October 25, 2004, in accordance with  
450 previous county regulations; or

451           b. fifty percent of lot area;

452           3. For lots greater than fives acres, clearing shall not exceed the greater of:

453           a. the amount legally cleared before January 1, 2005, or cleared under a  
454 complete clearing permit application filed before October 25, 2004, in accordance with  
455 previous county regulations;

456           b. two and one-half acres, or

457           c. thirty-five percent of lot area; and

458           4. For lots greater than one and one-quarter acre in either the Bear Creek basin,  
459 the Issaquah Creek basin and the May Creek basin, clearing shall not exceed the greater  
460 of:

461           a. the amount legally cleared before January 1, 2005, or cleared under a  
462 complete clearing permit application filed before October 25, 2004, in accordance with  
463 previous county regulations; or

464           b. thirty-five percent of lot area;

465           B. The standards in subsection A. of this section shall not apply if more  
466 restrictive standards apply through:

467           1. The Critical Areas Code, K.C.C. chapter 21A.24, and its adopted public rules;

468           2. Property-specific development standards or special district overlays under  
469 K.C.C. chapter 21A.38; or

470           3. Critical drainage area designations identified by adopted public rule.

471           C.1. If there is an approved and current rural stewardship plan or farm  
472 management plan under K.C.C. chapter 21A.24, the maximum amount of clearing  
473 allowed under this section is established by the rural stewardship plan or the farm  
474 management plan;

475           2. Subsection A. of this section does not apply to a lot within a subdivision or  
476 short subdivision:

477           a. Approved with clearing restrictions in accordance with K.C.C. 16.82.152; or

478           b. In the Bear Creek, Issaquah Creek or May Creek basins that was approved  
479 with clearing restrictions in accordance with this section as it existed prior to January 1,  
480 2005;

481           3. On a lot within a subdivision or short subdivision that is not covered by  
482 subsection C.2. of this section, any land located in an open space tract created as part of  
483 the subdivision or short subdivision shall be credited to the individual lots in the  
484 subdivision or short subdivision on a prorated basis according to the size of each lot in  
485 relation the entire area of the subdivision or short subdivision;

486           4. The area within (~~critical areas and critical area~~) landslide or steep slope  
487 hazard areas, wetlands, aquatic areas and the buffers(~~(, except for critical aquifer recharge~~  
488 areas,)) for these critical areas may be counted towards meeting the requirements of  
489 subsection A. of this section;

490           5. Clearing in areas encumbered by a utility corridor, or easement for a public  
491 road or trail rights-of-way or an access easement shall not be counted toward the cleared  
492 area limit;

493           6. Clearing standards for mining uses shall be determined through the clearing  
494 and grading permit review process; and

495           7. Clearing that is the minimum necessary to provide for the relocation of  
496 equestrian community trails shall not be counted towards the cleared area limit.

497           D. The director may modify or wave subsection of this section for a development  
498 proposal that meets the following conditions:

499           1. The development proposal consists of one or more of the following uses:

500           a. government services listed in K.C.C. 21A.08.060;

501           b. educational services listed in K.C.C. 21A.08.050;

502           c. parks as listed in K.C.C. 21A.08.040 when located adjacent to an existing or  
503 proposed school;

504           d. libraries listed in K.C.C. 21A.08.040; and

505           e. road projects that are not part of a larger development proposal;

506           2. The development proposal site is not located in a designated regionally  
507 significant resource area, except for utility or road corridors for which the applicant  
508 demonstrate that there is no feasible alternative or that the development proposal is  
509 within an existing maintained corridor. If only a portion of the project is located within a  
510 designated regionally significant resource area, this subsection applies to that portion of  
511 the project located outside of the designated regionally significant resource area; and

512           3. To the maximum extent practical, the project locates structures in already  
513 cleared areas of the site and clears the minimum necessary to accommodate the proposed  
514 use which includes all the allowed ballfields, playfields, other facilities, and spaces  
515 proposed by the public agency to carry out its public function.

516           E. The standards of this section shall be established at the time of permit  
517 application. The area required to remain uncleared shall be designated on the site plan  
518 approved by the department.

519           F. Areas that are required to remain uncleared under this section shall be  
520 maintained by the property owner as a resource area. The uses permitted in the resource  
521 area shall not prevent the long-term purpose of the resource area to promote forest cover  
522 and shall include uses such as:

523           1. Except in areas regulated by a source described in subsection B.3. of this  
524 section, forest practices in accordance with a county-approved forest management plan;

525           2. Passive recreation uses and related facilities, including pedestrian, equestrian  
526 community and bicycle trails, nature viewing areas, fishing and camping areas, and other  
527 similar uses that do not require permanent structures, if:

528           a. clearing and soil compaction associated with these uses and facilities does  
529 not exceed eight percent of the area of the resource area; and

530           b. within wildlife habitat corridors, trail widths shall be the minimum allowed  
531 under adopted trail standards and no other recreation uses shall be permitted in an area of  
532 the corridor at least one hundred fifty feet in width;

533           3. Utilities and utility easements, including surface water facilities, if the  
534 facilities are within or adjacent to existing road or utility easements to the maximum  
535 extent practical;

536           4. Pruning or removing hazard trees or removing downed trees;

537           5. Reducing the danger from wildfire by following best management practices  
538 approved by the King County fire marshal;

539           a. removal of limbs within ten feet of the ground to prevent movement of fire  
540 from ground level to treetops; and

541           b. removal of dead trees or branches overhanging a residence; and

542           6. Removal of noxious or invasive vegetation.

543           G. Before approving a development permit application for a parcel that has been  
544 cleared in violation of the clearing standards in effect at the time of the clearing, the  
545 department shall require the applicant submit to the department and implement a  
546 restoration plan to restore trees, understory vegetation and soil to support and maintain  
547 the native vegetative cover on the percentage of the site that was to remain uncleared  
548 under this section. If the clearing is in violation of the six-year moratorium on permitting  
549 established in K.C.C. 16.82.140, the department may determine whether the restoration  
550 plan is sufficient to mitigate for the impacts resulting from the clearing violation.

551           SECTION 8. Ordinance 15053, Section 15, and K.C.C. 16.82.152 are each  
552 hereby amended to read as follows:

553           A. Except as otherwise provided in this section, the following standards apply to  
554 clearing allowed in subdivisions and short subdivisions in the RA zone:

555 1. Clearing shall not exceed thirty-five percent of the area of the subdivision and  
556 short subdivision; and

557 2. The area remaining uncleared shall be:

558 a. shown on the face of the recorded plat map to delineate where the uncleared  
559 area is to remain on each lot; and

560 b. marked with at least one sign per buildable lot adjoining the area indicating  
561 that the area is a permanent resource management area.

562 B. The standards in subsection A. of this section shall not apply if more  
563 restrictive standards apply through:

564 1. Property-specific development standards pursuant to K.C.C. chapter 21A.38;  
565 or

566 2. Critical drainage area designations identified by adopted administrative rule.

567 C. If sixty-five percent or more of the site is ~~((in critical areas and critical area~~  
568 ~~buffers))~~ set aside in a critical area tract as required under K.C.C. chapter 21A.24, this  
569 section does not apply.

570 D. Clearing to provide for the relocation of equestrian community trails shall not  
571 be counted towards the cleared area limit.

572 E. The department may allow an increase in the amount of clearing up to fifty  
573 percent of the site area of a subdivision or short subdivision if the area to remain  
574 uncleared:

575 1. Is placed in a separate resource tract that is:

576 a. separately identified from critical area tracts on the face of the recorded plat  
577 map; and

578           b. retained by the subdivider, conveyed to residents of the subdivision, or  
579 conveyed to a third party;

580           2. Is situated in a manner that minimizes fragmentation of wildlife habitat or  
581 that maximizes protection of critical areas and prevention of flooding, erosion, and  
582 groundwater impacts based on site characteristics, including topography and soils; and

583           3. Complies with either of the following:

584           a. A reforestation plan for the tract is approved and implemented, if the tract  
585 has been legally harvested, or

586           b. One or more of the following habitats is preserved that is not contained  
587 within another critical area or critical area buffer:

588           (1) cave;

589           (2) old-growth forest;

590           (3) mature forest;

591           (4) area that has an abundance of snags;

592           (5) talus slope;

593           (6) breeding habitat for a species that the county should protect under the King

594 County Comprehensive Plan;

595           (7) foraging habitat for any species that the county shall protect or should

596 protect under the King County Comprehensive Plan; or

597           (8) a vegetated corridor that connects critical areas, priority habitat areas,

598 designated regionally or locally significant resource areas, and other areas of high

599 wildlife value.

600 F. The approval of a subdivision or short subdivision application for a parcel that  
601 has been cleared in violation of the regulations in effect at the time of the clearing shall  
602 require the restoration of trees, understory vegetation and soil to support and maintain  
603 native vegetation cover on the percentage of the site that was to remain uncleared under  
604 this section. The applicant shall submit to the department a restoration plan. If the  
605 clearing is in violation of the six-year moratorium on permitting authorized in K.C.C.  
606 16.82.140, the department may determine whether the restoration plan is sufficient to  
607 mitigate for the impacts resulting from the clearing violation.

608 G. The ~~((uses permitted within a resource land tract))~~ area required to remain  
609 uncleared under this section shall be ~~((limited))~~ maintained as a resource area as provided  
610 in K.C.C. 16.82.150.F.

611 SECTION 9. Ordinance 13694, Section 52, and K.C.C. 19A.08.170 are each  
612 hereby amended to read as follows:

613 Any person or entity who violates ~~((any provision of))~~ this title or who sells or  
614 transfers a lot, tract or parcel that was not created consistent with this title or chapter 58.17  
615 RCW or that has not been recognized by the department as a legal lot under this chapter  
616 shall, in addition to any remedies and sanctions provided for under state law, be subject to  
617 the enforcement provisions of K.C.C. Title 23.

618 SECTION 10. Ordinance 13694, Section 51, and K.C.C. 19A.08.160 are each  
619 hereby amended to read as follows:

620 A. Prior to final recording of a plat or short plat, the following minimum  
621 improvements shall be constructed consistent with the approved plans, except that the  
622 director may allow posting of a financial guarantee in the event that expiration of the plat



623 or short plat is imminent or other extraordinary circumstances prevent the construction of  
624 such improvements.

625 1. Drainage facilities and erosion control measures consistent with K.C.C.  
626 9.04.090;

627 2. Water mains and hydrant installed and fire flow available, if required;

628 3. Roadways graded to all lots within the subdivision or short subdivision and  
629 capable of providing access by passenger vehicle;

630 4. Specific site improvements required by the preliminary plat approval  
631 ordinance or preliminary short plat approval decision, if the decision requires completion  
632 prior to plat recording;

633 5. Delineation of sensitive areas that are to remain undeveloped;

634 6. Temporary control monuments set by a land surveyor, located in  
635 conformance with this title, and in place at final inspection. Permanent monuments and  
636 control points shall be set and verified by a land surveyor within ninety days of the final  
637 lift of asphalt; ~~((and))~~

638 7. Improvements without which the director determines a safety hazard would  
639 exist; and

640 8. All private improvements outside of the right-of-way or road easement.

641 B. The director shall have right of entry onto any lot, tract, easement or parcel  
642 that is part of the final plat or short plat to ensure compliance with the minimum  
643 subdivision improvements required in subsection A of this section.

644 NEW SECTION. SECTION 11. A new section is hereby added to K.C.C.  
645 chapter 21A.06 to read as follows:

646 Environmental education project: A project that facilitates learning where the  
647 emphasis is placed on relationships between people and natural resources.

648 Environmental education projects include, but are not limited to:

- 649 A. Bird blinds;
- 650 B. Observation decks;
- 651 C. Boardwalks; and
- 652 D. Signs or kiosks

653 SECTION 12. Ordinance 10870, Section 138, as amended, and K.C.C.

654 21A.06.490 are each hereby amended to read as follows:

655 Flood protection elevation: an elevation that is ~~((one foot))~~ three-feet above the  
656 base flood elevation.

657 SECTION 13. Ordinance 15051, Section 64, and K.C.C. 21A.06.578 are each  
658 hereby amended to read as follows:

659 Habitat, fish: habitat that is used by ~~((fish))~~ anadromous or resident salmonids at  
660 any life stage at any time of the year including potential habitat likely to be used by  
661 ~~((fish))~~ anadromous or resident salmonids. "Fish habitat" includes habitat that is  
662 upstream of, or landward of, human-made barriers that could be accessible to, and could  
663 be used by, fish upon removal of the barriers. This includes off-channel habitat, flood  
664 refuges, tidal flats, tidal channels, streams and wetlands.

665 NEW SECTION. SECTION 14. A new section is hereby added to K.C.C.  
666 chapter 21A.06 to read as follows:

667 Paintball. A sport in which participants eliminate opponents from play by hitting  
668 them with paintballs shot from a compressed-gas-powered paintball gun.

669            SECTION 15. Ordinance 10870, Section 259, and K.C.C. 21A.06.1095 are each  
670 hereby amended to read as follows:

671            Sign, changing message center: an electrically controlled sign that contains  
672 advertising messages ~~((which))~~ that changes ~~((at intervals of))~~ more frequently than once  
673 every three minutes ~~((or greater))~~.

674            SECTION 16. Ordinance 15051, Section 86, and K.C.C. 21A.06.942 are each  
675 hereby amended to read as follows:

676            Public road right-of-way structure: the existing, maintained, improved road right-  
677 of-way or railroad or light rail transit prism and the roadway drainage features including  
678 ditches and the associated surface water conveyance system, flow control and water  
679 quality treatment facilities and other structures that are ancillary to those facilities  
680 including catch-basins, access holes and culverts.

681            SECTION 17. Ordinance 15051, Section 100, and K.C.C. 21A.06.1182 are each  
682 hereby amended to read as follows:

683            Slope: an inclined ground surface, the inclination of which is expressed as a ratio  
684 of ~~((vertical))~~ horizontal distance to ~~((horizontal))~~ vertical distance.

685            SECTION 18. Ordinance 10870, Section 297, and K.C.C. 21A.06.1285 are each  
686 hereby amended to read as follows:

687            Trails: man-made pathways designed and intended for use by pedestrians,  
688 bicyclists, equestrians, and ~~((/or))~~ other nonmotorized recreational users.

689            SECTION 19. Ordinance 10870, Section 330, as amended, and K.C.C.  
690 21A.08.030 are each hereby amended to read as follows:

691            A. Residential land uses.

**Ordinance 16267**

KEY		RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL								
P-Permitted Use		A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S-Special Use	Z	R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
	O	I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U
	N	C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
	E	U	T	A			V		E	B	E	N	E	N	E	E	T
	L			L			E		N	O	S	I	S	A	S		R
	T								T	R	S	T	S	L	S		I
	U								I	H		Y					A
	R								A	O							L
	E								L	O							
										D							
<b>SIC #</b>	<b>SPECIFIC LAND USE</b>	<b>A</b>	<b>F</b>	<b>M</b>	<b>RA</b>	<b>UR</b>	<b>R1-8</b>	<b>R12-48</b>	<b>NB</b>	<b>CB</b>	<b>RB</b>	<b>O</b>	<b>I</b>				
	<b>DWELLING UNITS, TYPES:</b>																
*	Single Detached	P	P2		P	P C13	P C13	P	P17								
		C13			C13			C13									
*	Townhouse				C4	C4	P	P	P3	P3	P3	P3					
							C12										
*	Apartment				C4	C4	P5 C4	P	P3	P3	P3	P3					
*	Mobile Home				S14		C8	P									
	Park																
*	Cottage						C16										
	Housing																
	<b>GROUP RESIDENCES:</b>																

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*	Community Residential Facility-I				C	C	((P15))P15.a	P	P3	P3	P3	P3
*	Community Residential Facility-II						P15.b	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 P18	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	

<b>GENERAL</b>	Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070;
<b>CROSS</b>	Development Standards, see K.C.C. chapters 21A.12 through 21A.30;
<b>REFERENCES:</b>	General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*Definition of this specific land use, see K.C.C. chapter 21A.06.

- 692 B. Development conditions.
- 693 1. Except bed and breakfast guesthouses.
- 694 2. In the forest production district, the following conditions apply:
- 695 a. Site disturbance associated with development of any new residence shall be
- 696 limited to three acres. Site disturbance shall mean all land alterations including, but not
- 697 limited to, grading, utility installation, landscaping, clearing for crops, on-site sewage
- 698 disposal systems and driveways. Additional site disturbance for agriculture, including
- 699 raising livestock, up to the smaller of thirty-five percent of the lot or seven acres, may be
- 700 approved only if a farm management (conservation) plan is prepared in accordance with
- 701 K.C.C. chapter 21A.30. Animal densities shall be based on the area devoted to animal
- 702 care and not the total area of the lot;
- 703 b. A forest management plan shall be required for any new residence in the
- 704 forest production district, which shall be reviewed and approved by the King County
- 705 department of natural resources and parks prior to building permit issuance; and
- 706 c. The forest management plan shall incorporate a fire protection element that
- 707 includes fire safety best management practices developed by the department.
- 708 3. Only as part of a mixed use development subject to the conditions of K.C.C.
- 709 chapter 21A.14, except that in the NB zone on properties with a land use designation of
- 710 commercial outside of center (CO) in the urban areas, stand-alone townhouse

711 developments are permitted subject to K.C.C. 21A.12.040, 21A.14.030, 21A.14.060 and  
712 21A.14.180.

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

715 b. In the R-1 zone, apartment units are permitted, provided that:

716 (1) The proposal shall be subject to a conditional use permit when exceeding  
717 base density,

718 (2) At least fifty percent of the site is constrained by unbuildable sensitive  
719 areas. For purposes of this section, unbuildable sensitive areas shall include wetlands,  
720 streams and slopes forty percent or steeper and associated buffers; and

721 (3) The density does not exceed a density of eighteen units per acre of net  
722 buildable area as defined in K.C.C. 21A.06.797; or

723 c. In the R-4 through R-8 zones, apartment units are permitted, provided that  
724 the proposal shall be subject to a conditional use permit when exceeding base density,  
725 and provided that the density does not exceed a density of eighteen units per acre of net  
726 buildable area as defined in K.C.C. 21A.06.797.

727 5. Apartment units are permitted outright as follows:

728 a. In the R-1 zone when at least fifty percent of the site is constrained by  
729 unbuildable sensitive areas which for purposes of this section, includes wetlands, streams  
730 and slopes forty percent or steeper and associated buffers, and provided that the density  
731 does not exceed a density of eighteen units per acre of net buildable area as defined in  
732 K.C.C. 21A.06.797; or

733                   b. In the R-4 through R-8 zones, provided that the density does not exceed  
734 eighteen units per acre of net buildable area as defined in K.C.C. 21A.06.797.

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

736                   7.a. Accessory dwelling units:

737                   (1) Only one accessory dwelling per primary single detached dwelling unit;

738                   (2) Only in the same building as the primary dwelling unit on:

739                   (a) an urban lot that is less than ~~((ten))~~ five thousand square feet in area(~~((;~~  
740 ~~en))~~);

741                   (b) except as otherwise provided in subsection B.7.a.(5) of this section, a  
742 rural lot that is less than the minimum lot size(~~((;))~~; or (~~((en))~~)

743                   (c) a lot containing more than one primary dwelling;

744                   (3) The primary dwelling unit or the accessory dwelling unit shall be owner  
745 occupied;

746                   (4)(a) Except as otherwise provided in subsection B.7.a.(5) of this section,  
747 ~~((Θ))~~one of the dwelling units shall not exceed a floor area of one thousand square feet  
748 except when one of the dwelling units is wholly contained within a basement or attic; and

749                   (b) When the primary and accessory dwelling units are located in the same  
750 building, only one entrance may be located on each street side of the building;

751                   (5) On a site zoned RA:

752                   (a) If one transferable development right is purchased from the rural area  
753 under K.C.C. chapter 21A.37, the smaller of the dwelling units is permitted a maximum  
754 floor area up to one thousand five hundred square feet; and



755                    (b) If one transferable development right is purchased from the rural area  
756 under K.C.C. chapter 21A.37, a detached accessory dwelling unit is allowed on an RA-5  
757 zoned lot that is at least two and one-half acres and less than three and three-quarters  
758 acres;

759                    (6) One additional off-street parking space shall be provided;

760                    ~~((6))~~ (7) The accessory dwelling unit shall be converted to another  
761 permitted use or shall be removed if one of the dwelling units ceases to be owner  
762 occupied; and

763                    ~~((7))~~ (8) An applicant seeking to build an accessory dwelling unit shall file a  
764 notice approved by the department of executive services, records and licensing services  
765 division, that identifies the dwelling unit as accessory. The notice shall run with the land.  
766 The applicant shall submit proof that the notice was filed before the department shall  
767 approve any permit for the construction of the accessory dwelling unit. The required  
768 contents and form of the notice shall be set forth in administrative rules. If an accessory  
769 dwelling unit in a detached building in the rural zone is subsequently converted to a  
770 primary unit on a separate lot, neither the original lot nor the new lot may have an  
771 additional detached accessory dwelling unit constructed unless the lot is at least twice the  
772 minimum lot area required in the zone; and

773                    ~~((8))~~ (9) Accessory dwelling units and accessory living quarters are not  
774 allowed in the F zone.

775                    b. One single or twin engine, noncommercial aircraft shall be permitted only  
776 on lots that abut, or have a legal access that is not a county right-of-way, to a waterbody  
777 or landing field, ~~((provided))~~ but only if there ((is)) are:

- 778 (1) no aircraft sales, service, repair, charter or rental; and
- 779 (2) no storage of aviation fuel except that contained in the tank or tanks of the
- 780 aircraft.
- 781 c. Buildings for residential accessory uses in the RA and A zone shall not
- 782 exceed five thousand square feet of gross floor area, except for buildings related to
- 783 agriculture or forestry.
- 784 8. Mobile home parks shall not be permitted in the R-1 zones.
- 785 9. Only as an accessory to the permanent residence of the operator, and:
- 786 a. Serving meals to paying guests shall be limited to breakfast; and
- 787 b. There shall be no more than five guests per night.
- 788 10. Only as an accessory to the permanent residence of the operator, and:
- 789 a. Serving meals to paying guests shall be limited to breakfast; and
- 790 b. The number of persons accommodated per night shall not exceed five,
- 791 except that a structure that satisfies the standards of the Uniform Building Code as
- 792 adopted by King County for R-1 occupancies may accommodate up to ten persons per
- 793 night.
- 794 11. Only if part of a mixed use development, and subject to the conditions of
- 795 K.C.C. 21A.08.030B.10.
- 796 12. Townhouses are permitted, but shall be subject to a conditional use permit if
- 797 exceeding base density.
- 798 13. Required before approving more than one dwelling on individual lots,
- 799 except on lots in subdivisions, short subdivisions or binding site plans approved for

800 multiple unit lots, and except as provided for accessory dwelling units in K.C.C.

801 21A.08.030B.7.

802 14. No new mobile home parks are allowed in a rural zone.

803 15. a. Limited to domestic violence shelter facilities.

804 b. Limited to domestic violence shelter facilities with no more than eighteen  
805 residents or staff."

806 16. Only in the R4-R8 zones limited to:

807 a. developments no larger than one acre;

808 b. not adjacent to another cottage housing development such that the total  
809 combined land area of the cottage housing developments exceeds one acre; and

810 c. All units must be cottage housing units with no less than three units and no  
811 more than sixteen units, provided that if the site contains an existing home that is not  
812 being demolished, the existing house is not required to comply with the height limitation  
813 in subsection B.25. of this section or the floor area and footprint limits in K.C.C.

814 21A.14.025.B.

815 17. The development for a detached single-family residence shall be consistent  
816 with the following:

817 a. The lot must have legally existed prior to March 1, 2005;

818 b. The lot has a comprehensive plan land use designation of Rural  
819 Neighborhood or Rural Residential; and

820 c. The standards of this title for the RA-5 zone shall apply.

821 18. Housing for agricultural employees who are employed by the owner or  
822 operator of the site year-round as follows:

- 823 a. Not more than:
- 824 (1) One agricultural employee dwelling unit on a site under twenty acres;
- 825 (2) Two agricultural employee dwelling units on a site between twenty acres  
826 and fifty acres;
- 827 (3) Three agricultural employee dwelling units on a site greater than fifty  
828 acres and less than one-hundred acres; and
- 829 (4) On sites one-hundred acres and larger one additional agricultural  
830 employee dwelling unit for each additional one hundred acres;
- 831 b. The primary use of the site shall be agricultural in SIC Industry Group No.  
832 01-Growing and Harvesting Crops or SIC Industry Group No. 02-Raising Livestock and  
833 Small Animals. If the primary use of the site changes to a non-agricultural use, all  
834 agricultural employee dwelling units shall be removed;
- 835 c. The applicant shall file with the department of executive services, records,  
836 elections and licensing services division, a notice approved by the department that  
837 identifies the agricultural employee dwelling units as accessory and that the dwelling  
838 units shall only be occupied by agricultural employees who are employed by the owner or  
839 operator year-round. The notice shall run with the land. The applicant shall submit to the  
840 department proof that the notice was filed with the department of executive services,  
841 records, elections and licensing services division before the department approves any  
842 permit for the construction of agricultural employee dwelling units;
- 843 d. An agricultural employee dwelling unit shall not exceed a floor area of one  
844 thousand square feet and may be occupied by no more than eight unrelated agricultural  
845 employees;

846 e. One off-street parking space shall be provided for each agricultural  
 847 employee dwelling unit; and

848 f. The agricultural employee dwelling units shall be constructed in compliance  
 849 with K.C.C. Title 16.

850 SECTION 20. Ordinance 10870, Section 331, as amended, and K.C.C.

851 21A.08.040 are each hereby amended to read as follows:

852 A. Residential land uses.

KEY		RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL				
P-Permitted Use		A	F	M	R	U R	U R		N B	C B	R B	O I	
C-Conditional Use		G	O	I	U	R E	R E		E U	O U	E U	F N	
S-Special Use	Z	R	R	N	R	B S	B S		I S	M S	G S	F D	
	O	I	E	E	A	A E	A I		G I	M I	I I	I U	
	N	C	S	R	L	N R	N D		H N	U N	O N	C S	
	E	U	T	A		V	E		B E	N E	N E	E T	
	L		L			E	N		O S	I S	A S	R	
	T						T		R S	T S	L S	I	
	U						I		H	Y		A	
	R						A		O			L	
	E						L		O				
									D				
<b>SIC #</b>	<b>SPECIFIC LAND USE</b>	<b>A</b>	<b>F</b>	<b>M</b>	<b>RA</b>	<b>UR</b>	<b>R1-8</b>	<b>R12-48</b>	<b>NB</b>	<b>CB</b>	<b>RB</b>	<b>O I</b>	
	<b>DWELLING UNITS, TYPES:</b>												
*	Single Detached	P	P2		P	P C13	P	P	P17				
		C13			C13		C13	C13					

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*	Townhouse				C4	C4	P	P	P3	P3	P3	P3
							C12					
*	Apartment				C4	C4	P5	P	P3	P3	P3	P3
							C4					
*	Mobile Home Park				S14		C8	P				
*	Cottage Housing						C16					
	<b>GROUP RESIDENCES:</b>											
*	Community Residential Facility-I				C	C	P15	P	P3	P3	P3	P3
							C					
*	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
		P18										
*	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	

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*	Bed and Breakfast Guesthouse	P9 C10			P10	P10	P10	P10	P10	P11	P11	
7041	Organization Hotel/Lodging Houses										P	
<b>GENERAL</b>		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070;										
<b>CROSS</b>		Development Standards, see K.C.C. chapters 21A.12 through 21A.30;										
<b>REFERENCES:</b>		General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*Definition of this specific land use, see K.C.C. chapter 21A.06.										

- 853 B. Development conditions.
- 854 1. The following conditions and limitations shall apply, where appropriate:
- 855 a. No stadiums on sites less than ten acres;
- 856 b. Lighting for structures and fields shall be directed away from residential
- 857 areas;
- 858 c. Structures or service yards shall maintain a minimum distance of fifty feet
- 859 from property lines adjoining residential zones, except for structures in on-site recreation
- 860 areas required in K.C.C. 21A.14.180 and 21A.14.190. Setback requirements for
- 861 structures in these on-site required recreation areas shall be maintained in accordance
- 862 with K.C.C. 21A.12.030;
- 863 d. Facilities in the A zone shall be limited to trails and trailheads, including
- 864 related accessory uses such as parking and sanitary facilities; and
- 865 e. Overnight camping is allowed only in an approved campground.
- 866 2. Recreational vehicle parks are subject to the following conditions and
- 867 limitations:

868           a. The maximum length of stay of any vehicle shall not exceed one hundred  
869 eighty days during a three-hundred-sixty-five-day period;

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

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

874           3. Limited to day moorage. The marina shall not create a need for off-site  
875 public services beyond those already available before the date of application.

876           4. Not permitted in the RA-10 or RA-20 zones. Limited to recreation facilities  
877 subject to the following conditions and limitations:

878           a. The bulk and scale shall be compatible with residential or rural character of  
879 the area;

880           b. For sports clubs, the gross floor area shall not exceed ten thousand square  
881 feet unless the building is on the same site or adjacent to a site where a public facility is  
882 located or unless the building is a nonprofit facility located in the urban area; and

883           c. Use is limited to residents of a specified residential development or to sports  
884 clubs providing supervised instructional or athletic programs.

885           5. Limited to day moorage.

886           6.a. Adult entertainment businesses shall be prohibited within three hundred  
887 thirty feet of any property zoned RA, UR or R or containing schools, licensed daycare  
888 centers, public parks or trails, community centers, public libraries or churches. In  
889 addition, adult entertainment businesses shall not be located closer than three thousand  
890 feet to any other adult entertainment business. These distances shall be measured from



891 the property line of the parcel or parcels proposed to contain the adult entertainment  
892 business to the property line of the parcels zoned RA, UR or R or that contain the uses  
893 identified in this subsection B.6.a.

894           b. Adult entertainment businesses shall not be permitted within an area likely  
895 to be annexed to a city subject to an executed interlocal agreement between King County  
896 and a city declaring that the city will provide opportunities for the location of adult  
897 businesses to serve the area. The areas include those identified in the maps attached to  
898 Ordinance 13546.

899           7. Clubhouses, maintenance buildings, equipment storage areas and driving  
900 range tees shall be at least fifty feet from residential property lines. Lighting for practice  
901 greens and driving range ball impact areas shall be directed away from adjoining  
902 residential zones. Applications shall comply with adopted best management practices for  
903 golf course development. Within the RA zone, those facilities shall be permitted only in  
904 the RA-5 and RA-2.5 zones. Not permitted in designated rural forest focus area,  
905 regionally significant resource areas or locally significant resource areas. Ancillary  
906 facilities associated with a golf course are limited to practice putting greens, maintenance  
907 buildings and other structures housing administrative offices or activities that provide  
908 convenience services to players. These convenience services are limited to a pro shop,  
909 food services and dressing facilities and shall occupy a total of no more than ten thousand  
910 square feet. Furthermore, the residential density that is otherwise permitted by the zone  
911 shall not be used on other portions of the site through clustering or on other sites through  
912 the transfer of density provision. This residential density clustering or transfer limitation

913 shall be reflected in a deed restriction that is recorded at the time applicable permits for  
914 the development of the golf course are issued.

915 8. Limited to a golf driving range only as:

916 a. an accessory to golf courses; or

917 b. an accessory to a large active recreation and multiuse park.

918 9.a. New structures and outdoor ranges shall maintain a minimum distance of  
919 fifty feet from property lines adjoining residential zones, but existing facilities shall be  
920 exempt.

921 b. Ranges shall be designed to prevent stray or ricocheting projectiles, pellets  
922 or arrows from leaving the property.

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

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

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

929 b. Indoor ranges shall be designed and operated so as to provide a healthful  
930 environment for users and operators by:

931 (1) installing ventilation systems that provide sufficient clean air in the user's  
932 breathing zone, and

933 (2) adopting appropriate procedures and policies that monitor and control  
934 exposure time to airborne lead for individual users.

935 11. Only as accessory to a park or in a building listed on the National Register  
936 as an historic site or designated as a King County landmark subject to K.C.C. chapter  
937 21A.32.

938 12. Only as accessory to a nonresidential use established through a discretionary  
939 permit process, if the scale is limited to ensure compatibility with surrounding  
940 neighborhoods. This condition applies to the UR zone only if the property is located  
941 within a designated unincorporated rural town.

942 13. Subject to the following:

943 a. The park shall abut an existing park on one or more sides, intervening roads  
944 notwithstanding;

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

947 c. Any lights provided to illuminate any building or recreational area shall be  
948 so arranged as to reflect the light away from any premises upon which a dwelling unit is  
949 located; and

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

952 14. Excluding amusement and recreational uses classified elsewhere in this  
953 chapter.

954 15. Limited to golf driving ranges and subject to subsection B.7. of this section.

955 16. Subject to the following conditions:

956 a. The length of stay per party in campgrounds shall not exceed one hundred  
957 eighty days during a three-hundred-sixty-five-day period; and

958           b. Only for campgrounds that are part of a proposed or existing county park,  
959 that are subject to review and public meetings through the department of natural  
960 resources and parks.

961           17. Only for stand-alone sports clubs that are not part of a park.

962           18. Subject to review and approval of conditions to comply with trail corridor  
963 provisions of K.C.C. chapter 21A.14 when located in an RA zone ((and in an equestrian  
964 community designated by the Comprehensive Plan)).

965           19. Only as an accessory to a large active recreation and multiuse park.

966           20. Only as an accessory to a large active recreation and multiuse park with the  
967 floor area of an individual outdoor performance center stage limited to three thousand  
968 square feet.

969           21. Only as an accessory to a park, or a large active recreation and multiuse park  
970 in the RA zones, and limited to:

971           a. rentals of sports and recreation equipment; and

972           b. a total floor area of seven hundred and fifty square feet.

973           22. Only as an accessory to a large active recreation and multiuse park and  
974 limited to:

975           a. water slides, wave pools and associated water recreation facilities; and

976           b. rentals of sports and recreation equipment.

977           23. Limited to natural resource and heritage museums and only allowed in a farm or  
978 forestry structure, including but not limited to barns or sawmills, existing as of December  
979 31, 2003.

980           24. Use is permitted without a conditional use permit only when in compliance  
981 with all of the following conditions:

982           a. The use is limited to camps for youths or for persons with special needs due  
983 to a disability, as defined by the American With Disabilities Act of 1990, or due to a  
984 medical condition and including training for leaders for those who use the camp;

985           b. Active recreational activities shall not involve the use of motorized vehicles  
986 such as cross-country motorcycles or all-terrain vehicles or the use of firearms. The  
987 prohibition on motorized vehicles does not apply to such vehicles that may be necessary  
988 for operation and maintenance of the facility or to a client-specific vehicle used as a  
989 personal mobility device;

990           c.(1) Except as provided in subsection B.24.c.(2)(b) of this section, the number  
991 of overnight campers, not including camp personnel, in a new camp shall not exceed:

992                   (a) one hundred and fifty for a camp between twenty and forty acres; or

993                   (b) for a camp greater than forty acres, but less than two hundred and fifty  
994 acres, the number of users allowed by the design capacity of a water system and on-site  
995 sewage disposal system approved by the department of health, Seattle/King County, up to  
996 a maximum of three hundred and fifty; and

997           (2) Existing camps shall be subject to the following:

998                   (a) For a camp established prior to August 11, 2005, with a conditional use  
999 permit and is forty acres or larger, but less than one hundred and sixty acres, the number  
1000 of overnight campers, not including camp personnel, may be up to one hundred and fifty  
1001 campers over the limit established by subsection B.24.c.(1)(b) of this section.

1002 (b) For a camp established prior to August 11, 2005, with a conditional use  
1003 permit and is one hundred and sixty acres or larger, but less than two hundred acres, the  
1004 number of overnight campers, not including camp personnel, may be up to three hundred  
1005 and fifty campers over the limit established by subsection B.24.c.(1)(b) of this section.  
1006 The camp may terminate operations at its existing site and establish a new camp if the  
1007 area of the camp is greater than two hundred and fifty acres and the number of overnight  
1008 campers, not including camp personnel, shall not exceed seven hundred.

1009 d. The length of stay for any individual overnight camper, not including camp  
1010 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

1011 e. The camp facilities, such as a medical station, food service hall, and activity  
1012 rooms, shall be of a scale to serve overnight camp users;

1013 f. The minimum size of parcel for such use shall be twenty acres;

1014 g. Except for any permanent caretaker residence, all new structures where  
1015 camp users will be housed, fed or assembled shall be no less than fifty feet from  
1016 properties not related to the camp;

1017 h. In order to reduce the visual impacts of parking areas, sports and activity  
1018 fields or new structures where campers will be housed, fed or assembled, the applicant  
1019 shall provide a Type 3 landscape buffer no less than twenty feet wide between the nearest  
1020 property line and such parking area, field, or structures, by retaining existing vegetation  
1021 or augmenting as necessary to achieve the required level of screening;

1022 i. If the site is adjacent to an arterial roadway, access to the site shall be  
1023 directly onto said arterial unless direct access is unsafe due inadequate sight distance or  
1024 extreme grade separation between the roadway and the site;

1025 j. If direct access to the site is via local access streets, transportation demand  
1026 management measures, such as use of carpools, buses or vans to bring in campers, shall  
1027 be used to minimize traffic impacts;

1028 k. Any lights provided to illuminate any building or recreational area shall be  
1029 so arranged as to reflect the light away from any adjacent property; and

1030 l. A community meeting shall be convened by the applicant prior to submittal  
1031 of an application for permits to establish a camp, or to expand the number of camp users  
1032 on an existing camp site as provided in subsection B.24.c.(2)(b) of this section. Notice of  
1033 the meeting shall be provided at least two weeks in advance to all property owners within  
1034 five hundred feet (or at least twenty of the nearest property owners, whichever is greater).  
1035 The notice shall at a minimum contain a brief description of the project and the location,  
1036 as well as, contact persons and numbers.

1037 25. Limited to theaters primarily for live productions located within a Rural  
1038 Town designated by the King County Comprehensive Plan.

1039 26.a. Only in an enclosed building; and

1040 b. A copy of the current liability policy of not less than one million dollars for  
1041 bodily injury or death shall be maintained in the department.

1042 27. Minimum standards for outdoor paintball recreation fields:

1043 a. The minimum site area is twenty-five acres;

1044 b. Structures shall be no closer than one hundred feet from any lot line adjacent  
1045 to a residential zoned property;

1046 c. The area where paintballs are discharged shall be located more than three  
1047 hundred feet of any lot line and more than five hundred feet from the lot line of any

1048 adjoining residential property. The department may allow for a lesser setback if it  
1049 determines through the conditional use permit review that the lesser setback in  
1050 combination with other elements of the site design provides adequate protection to  
1051 adjoining properties and rights-of-ways;

1052 d. A twenty-foot high nylon mesh screen shall be installed around all play areas  
1053 and shall be removed at the end of each day when the play area is not being used. The  
1054 department may allow for the height of the screen to be lowered to no less than ten feet if  
1055 it determines through the conditional use permit review that the lower screen in  
1056 combination with other elements of the site design provides adequate protection from  
1057 discharged paintballs;

1058 e. All parking and spectator areas, structures and play areas shall be screened  
1059 from adjoining residential zoned property and public rights of way with Type 1  
1060 landscaping at least ten feet wide;

1061 f. Any retail sales conducted on the property shall be accessory and incidental  
1062 to the permitted activity and conducted only for the participants of the site;

1063 g. A plan of operations specifying days and hours of operation, number of  
1064 participants and employees, types of equipment to be used by users of the site, safety  
1065 procedures, type of compressed air fuel to be used on the site and storage and  
1066 maintenance procedures for the compressed air fuel shall be provided for review in  
1067 conjunction with the conditional use permit application. All safety procedures shall be  
1068 reviewed and approved by department of public safety prior to submittal of the  
1069 conditional use permit application. All activities shall be in compliance with National  
1070 Paintball League standards;



1071 h. The hours of operation shall be limited to Saturdays and Sundays and  
 1072 statutory holidays from 8:30 A.M. to 8:30 P.M., and further restricted as applicable to  
 1073 daylight hours;

1074 i. No more than one hundred paintball players shall be allowed on the site at  
 1075 any one time;

1076 j. No outdoor lights or amplified sounds shall be permitted;

1077 k. The facility shall have direct access to a road designated as a major collector  
 1078 (or higher) in the Comprehensive Plan unless the department determines through the  
 1079 conditional use permit review that the type and amount of traffic generated by the facility  
 1080 is such that it will not cause an undue impact on the neighbors or adversely affect safety  
 1081 of road usage;

1082 l. The facility shall be secured at the close of business each day;

1083 m. All equipment and objects used in the paintball activities shall be removed  
 1084 from the site within ninety days of the discontinuance of the paintball use; and

1085 6. A copy of the current liability policy of not less than one million dollars for  
 1086 bodily injury or death shall be submitted with the conditional use permit application and  
 1087 shall be maintained in the department.

1088 SECTION 21. Ordinance 10870, Section 332, as amended, and K.C.C.

1089 21A.08.050 are each hereby amended to read as follows:

1090 A. General services land uses.

KEY	RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL									
P-Permitted Use	A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I	
C-Conditional Use	G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N	
S-Special Use	Z	R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
	O	I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U

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		N E	C U L T U R E	S T	R A L	L	N R V E	N D	H B O R I A L	N E N S I S T R Y	U N E S S L S	O N E S	N E S	C E	S T R I A L
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12- 48	NB	CB	RB	O	I		
	<b>PERSONAL SERVICES:</b>														
72	General Personal Service						C25 <u>C37</u>	C25 C37	P	P	P	P3	P3		
7216	Drycleaning Plants														P
7218	Industrial Launderers														P
7261	Funeral Home/Crematory					C4	C4	C4		P	P				
*	Cemetery, Columbarium or Mausoleum				P24 C5 and 31	P24 C5	P24 C5	P24 C5	P24	P24	P24 C5	P24			
*	Day Care I	P6			P6	P6	P6	P	P	P	P	P7	P7		
*	Day Care II				P8 C	P8 C	P8 C	P8 C	P	P	P	P7	P7		
074	Veterinary Clinic	P9			P9 C10 and 31	P9 C10			P10	P10	P10				P
753	Automotive Repair (I)								P11	P	P				P
754	Automotive Service								P11	P	P				P
76	Miscellaneous Repair	C33			P32 C33	P32	P32	P32	P32	P	P				P
866	Church, Synagogue, Temple				P12 C27 and 31	P12 C	P12 C	P12 C	P	P	P	P			

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83	Social Services (2)				P12 C13 and 31	P12 C13	P12 C13	P12 C13	P13	P	P	P	
*	Stable	P14 C			P14 C31	P14 C	P14 C						
0752	Animal specialty services				C P 35 P 36	C			P	P	P	P	P
*	Kennel or Cattery	P9			C	C				C	P		
*	Theatrical Production Services									P30	P28		
*	Artist Studios				P28	P28	P28	P28	P	P	P	P29	P
*	Interim Recycling Facility				P21	P21	P21	P21	P22	P22	P	P21	P
*	Dog training facility	C34			C34	C34			P	P	P		P
	<b>HEALTH SERVICES:</b>												
801- 04	Office/Outpatient Clinic				P12 C 13	P12 C 13	P12 C 13 <u>C37</u>	P12 C 13 <u>C37</u>	P	P	P	P	P
805	Nursing and Personal Care Facilities						C			P	P		
806	Hospital						C13	C13		P	P	C	
807	Medical/Dental Lab									P	P	P	P
808- 09	Miscellaneous Health									P	P	P	
	<b>EDUCATION SERVICES:</b>												
*	Elementary School				P15 and 31	P	P	P		P16c	P16c	P16c	
*	Middle/Junior High School				P16 C15 and 31	P	P	P		P16c	P16c	P16c	

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*	Secondary or High School				P16 C15 and 26 and 31	P26	P26	P26		P16c C	P16c		
*	Vocational School				P13 C31	P13 C	P13 C	P13 C			P	P17	P
*	Specialized Instruction School			P18	P19 C20 and 31	P19 C20	P19 C20	P19 C20	P	P	P	P17	P
*	School District Support Facility				P16 C15 and 23 and 31	P23 C	P23 C	P23 C	C	P	P	P	P
<b>GENERAL CROSS</b>		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070;											
<b>REFERENCES:</b>		Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*Definition of this specific Land Use, see K.C.C. chapter 21A.06.											

- 1091 B. Development conditions.
- 1092 1. Except SIC Industry No. 7534-Tire Retreading, see manufacturing permitted
- 1093 use table.
- 1094 2. Except SIC Industry Group Nos.:
- 1095 a. 835-Day Care Services, and
- 1096 b. 836-Residential Care, which is otherwise provided for on the residential
- 1097 permitted land use table.
- 1098 3. Limited to SIC Industry Group and Industry Nos.:
- 1099 a. 723-Beauty Shops;
- 1100 b. 724-Barber Shops;
- 1101 c. 725-Shoe Repair Shops and Shoeshine Parlors;
- 1102 d. 7212-Garment Pressing and Agents for Laundries and Drycleaners; and
- 1103 e. 217-Carpet and Upholstery Cleaning.

1104 4. Only as an accessory to a cemetery, and prohibited from the UR zone only if  
1105 the property is located within a designated unincorporated Rural Town.

1106 5. Structures shall maintain a minimum distance of one hundred feet from  
1107 property lines adjoining residential zones.

1108 6. Only as an accessory to residential use, and:

1109 a. Outdoor play areas shall be completely enclosed by a solid wall or fence,  
1110 with no openings except for gates, and have a minimum height of six feet; and

1111 b. Outdoor play equipment shall maintain a minimum distance of twenty feet  
1112 from property lines adjoining residential zones.

1113 7. Permitted as an accessory use. See commercial/industrial accessory, K.C.C.  
1114 21A.08.060.A.

1115 8. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32,  
1116 or an accessory use to a school, church, park, sport club or public housing administered  
1117 by a public agency, and:

1118 a. Outdoor play areas shall be completely enclosed by a solid wall or fence,  
1119 with no openings except for gates and have a minimum height of six feet;

1120 b. Outdoor play equipment shall maintain a minimum distance of twenty feet  
1121 from property lines adjoining residential zones;

1122 c. Direct access to a developed arterial street shall be required in any  
1123 residential zone; and

1124 d. Hours of operation may be restricted to assure compatibility with  
1125 surrounding development.

1126           9.a. As a home occupation only, but the square footage limitations in K.C.C.  
1127 chapter 21A.30 for home occupations apply only to the office space for the veterinary  
1128 clinic, office space for the kennel or office space for the cattery, and:

1129           (1) Boarding or overnight stay of animals is allowed only on sites of five  
1130 acres or more;

1131           (2) No burning of refuse or dead animals is allowed;

1132           (3) The portion of the building or structure in which animals are kept or  
1133 treated shall be soundproofed. All run areas, excluding confinement areas for livestock,  
1134 shall be surrounded by an eight-foot-high solid wall and the floor area shall be surfaced  
1135 with concrete or other impervious material; and

1136           (4) The provisions of K.C.C. chapter 21A.30 relative to animal keeping are  
1137 met.

1138           b. The following additional provisions apply to kennels or catteries in the A  
1139 zone:

1140           (1) Impervious surface for the kennel or cattery shall not exceed twelve  
1141 thousand square feet;

1142           (2) Obedience training classes are not allowed except as provided in  
1143 subsection B.34. of this section; and

1144           (3) Any buildings or structures used for housing animals and any outdoor  
1145 runs shall be set back one hundred and fifty feet from property lines.

1146           10.a. No burning of refuse or dead animals is allowed;

1147           b. The portion of the building or structure in which animals are kept or treated  
1148 shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be

1149 surrounded by an eight-foot-high solid wall and the floor area shall be surfaced with  
1150 concrete or other impervious material; and

1151 c. The provisions of K.C.C. chapter 21A.30 relative to animal keeping are met.

1152 11. The repair work or service shall only be performed in an enclosed building,  
1153 and no outdoor storage of materials. SIC Industry No. 7532-Top, Body, and Upholstery  
1154 Repair Shops and Paint Shops is not allowed.

1155 12. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.

1156 13. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter  
1157 21A.32.

1158 14. Covered riding arenas are subject to K.C.C. 21A.30.030 and shall not  
1159 exceed twenty thousand square feet, but stabling areas, whether attached or detached,  
1160 shall not be counted in this calculation.

1161 15. Limited to projects which do not require or result in an expansion of sewer  
1162 service outside the urban growth area, unless a finding is made that no cost-effective  
1163 alternative technologies are feasible, in which case a tightline sewer sized only to meet  
1164 the needs of the public school, as defined in RCW 28A.150.010, or the school facility and  
1165 serving only the public school or the school facility may be used. New public high  
1166 schools shall be permitted subject to the review process set forth in K.C.C. 21A.42.140.

1167 16.a. For middle or junior high schools and secondary or high schools or school  
1168 facilities, only as a reuse of a public school facility or school facility subject to K.C.C.  
1169 chapter 21A.32. An expansion of such a school or a school facility shall be subject to  
1170 approval of a conditional use permit and the expansion shall not require or result in an  
1171 extension of sewer service outside the urban growth area, unless a finding is made that no

1172 cost-effective alternative technologies are feasible, in which case a tightline sewer sized  
1173 only to meet the needs of the public school, as defined in RCW 28A.150.010, or the  
1174 school facility may be used.

1175           b. Renovation, expansion, modernization or reconstruction of a school, a  
1176 school facility, or the addition of relocatable facilities, is permitted but shall not require  
1177 or result in an expansion of sewer service outside the urban growth area, unless a finding  
1178 is made that no cost-effective alternative technologies are feasible, in which case a  
1179 tightline sewer sized only to meet the needs of the public school, as defined in RCW  
1180 28A.150.010, or the school facility may be used.

1181           c. In CB, RB and O, for K-12 schools with no more than one hundred students.

1182           17. All instruction must be within an enclosed structure.

1183           18. Limited to resource management education programs.

1184           19. Only as an accessory to residential use, and:

1185           a. Students shall be limited to twelve per one-hour session;

1186           b. All instruction must be within an enclosed structure; and

1187           c. Structures used for the school shall maintain a distance of twenty-five feet

1188 from property lines adjoining residential zones.

1189           20. Subject to the following:

1190           a. Structures used for the school and accessory uses shall maintain a minimum  
1191 distance of twenty-five feet from property lines adjoining residential zones;

1192           b. On lots over two and one-half acres:

1193           (1) Retail sale of items related to the instructional courses is permitted, if total

1194 floor area for retail sales is limited to two thousand square feet;



1195                   (2) Sale of food prepared in the instructional courses is permitted with  
1196                   Seattle-King County department of public health approval, if total floor area for food  
1197                   sales is limited to one thousand square feet and is located in the same structure as the  
1198                   school; and

1199                   (3) Other incidental student-supporting uses are allowed, if such uses are  
1200                   found to be both compatible with and incidental to the principal use; and

1201                   c. On sites over ten acres, located in a designated Rural Town and zoned any  
1202                   one or more of UR, R-1 and R-4:

1203                   (1) Retail sale of items related to the instructional courses is permitted,  
1204                   provided total floor area for retail sales is limited to two thousand square feet;

1205                   (2) Sale of food prepared in the instructional courses is permitted with  
1206                   Seattle-King County department of public health approval, if total floor area for food  
1207                   sales is limited to one thousand seven hundred fifty square feet and is located in the same  
1208                   structure as the school;

1209                   (3) Other incidental student-supporting uses are allowed, if the uses are found  
1210                   to be functionally related, subordinate, compatible with and incidental to the principal  
1211                   use;

1212                   (4) The use shall be integrated with allowable agricultural uses on the site;

1213                   (5) Advertised special events shall comply with the temporary use  
1214                   requirements of this chapter; and

1215                   (6) Existing structures that are damaged or destroyed by fire or natural event,  
1216                   if damaged by more than fifty percent of their prior value, may reconstruct and expand an  
1217                   additional sixty-five percent of the original floor area but need not be approved as a

1218 conditional use if their use otherwise complies with development condition B.20.c. of this  
1219 section and this title.

1220 21. Limited to drop box facilities accessory to a public or community use such  
1221 as a school, fire station or community center.

1222 22. With the exception of drop box facilities for the collection and temporary  
1223 storage of recyclable materials, all processing and storage of material shall be within  
1224 enclosed buildings. Yard waste processing is not permitted.

1225 23. Only if adjacent to an existing or proposed school.

1226 24. Limited to columbariums accessory to a church, but required landscaping  
1227 and parking shall not be reduced.

1228 25. Not permitted in R-1 and limited to a maximum of five thousand square feet  
1229 per establishment and subject to the additional requirements in K.C.C. 21A.12.230.

1230 26.a. New high schools shall be permitted in the rural and the urban residential  
1231 and urban reserve zones subject to the review process in K.C.C. 21A.42.140.

1232 b. Renovation, expansion, modernization, or reconstruction of a school, or the  
1233 addition of relocatable facilities, is permitted.

1234 27. Limited to projects that do not require or result in an expansion of sewer  
1235 service outside the urban growth area. In addition, such use shall not be permitted in the  
1236 RA-20 zone.

1237 28. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter  
1238 21A.32 or as a joint use of an existing public school facility.

1239 29. All studio use must be within an enclosed structure.

1240           30. Adult use facilities shall be prohibited within six hundred sixty feet of any  
1241 residential zones, any other adult use facility, school, licensed daycare centers, parks,  
1242 community centers, public libraries or churches that conduct religious or educational  
1243 classes for minors.

1244           31. Subject to review and approval of conditions to comply with trail corridor  
1245 provisions of K.C.C. chapter 21A.14 when located in an RA zone (~~and in an equestrian~~  
1246 ~~community designated by the Comprehensive Plan~~)).

1247           32. Limited to repair of sports and recreation equipment:

1248           a. as an accessory to a large active recreation and multiuse park in the urban  
1249 growth area; or

1250           b. as an accessory to a park, or a large active recreation and multiuse park in  
1251 the RA zones, and limited to a total floor area of seven hundred fifty square feet.

1252           33. Accessory to agricultural or forestry uses provided:

1253           a. the repair of tools and machinery is limited to those necessary for the  
1254 operation of a farm or forest.

1255           b. the lot is at least five acres.

1256           c. the size of the total repair use is limited to one percent of the lot size up to a  
1257 maximum of five thousand square feet unless located in a farm structure, including but  
1258 not limited to barns, existing as of December 31, 2003.

1259           34. Subject to the following:

1260           a. the lot is at least five acres.

1261           b. in the A zones, area used for dog training shall be located on portions of  
1262 agricultural lands that are unsuitable for other agricultural purposes, such as areas within

1263 the already developed portion of such agricultural lands that are not available for direct  
1264 agricultural production or areas without prime agricultural soils.

1265 c. structures and areas used for dog training shall maintain a minimum distance  
1266 of seventy-five feet from property lines.

1267 d. all training activities shall be conducted within fenced areas or in indoor  
1268 facilities. Fences must be sufficient to contain the dogs.

1269 35. Limited to animal rescue shelters and provided that:

1270 a. the property shall be at least four acres;

1271 b. buildings used to house rescued animals shall be no less than fifty feet from  
1272 property lines;

1273 c. outdoor animal enclosure areas shall be located no less than thirty feet from  
1274 property lines and shall be fenced in a manner sufficient to contain the animals;

1275 d. the facility shall be operated by a nonprofit organization registered under the  
1276 Internal Revenue Code as a 501(c)(3) organization; and

1277 e. the facility shall maintain normal hours of operation no earlier than 7 a.m.  
1278 and no later than 7 p.m.

1279 36. Limited to kennel-free dog boarding and daycare facilities, and:

1280 a. the property shall be at least five acres;

1281 b. buildings housing dogs shall be no less than seventy-five feet from property  
1282 lines;

1283 c. outdoor exercise areas shall be located no less than thirty feet from property  
1284 lines and shall be fenced in a manner sufficient to contain the dogs;

1285 d. the number of dogs allowed shall be limited to twenty-five, consistent with  
 1286 the provisions for hobby kennels as outline in K.C.C. 11.04.060.B;

1287 e. training and grooming are ancillary services which may be provided only to  
 1288 dogs staying at the facility;

1289 f. the facility shall maintain normal hours of operation no earlier than 7 a.m.  
 1290 and no later than 7 p.m.; and

1291 g. no new facility shall be permitted to be established after one year from the  
 1292 effective date of this ordinance.

1293 37. Not permitted in R-1 and subject to the additional requirements in section 30  
 1294 of this ordinance.

1295 SECTION 22. Ordinance 10870, Section 334, as amended, and K.C.C.  
 1296 21A.08.070 are each hereby amended to read as follows:

1297 A. Retail land uses.

KEY		RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL								
P-Permitted Use		A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S-Special Use	Z	R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
		O	I	E	E	A	A	E	A	I	G	I	M	I	I	I	U
		N	C	S	R	L	N	R	N	D	H	N	U	N	O	N	C
		E	U	T	A		V		E	B	E	N	E	N	E	E	T
					L		E		N	O	S	I	S	A	S		R
									T	R	S	T	S	L	S		I
									J	H	Y						A
									A	O							L
									L	O							
										D							
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48		NB	CB	RB	O				I (30)

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*	Building Materials and Hardware Stores		<u>P23</u>					P2	P	P		
*	Nursery, Garden Center and Farm Supply Stores	P1 C1			P1 C1			P	P	P		
*	Forest Products Sales	P3,4	P4		P3,4					P		
*	Department and Variety Stores					C14 C14		P5	P	P		
54	Food Stores					C15 C15		P	P	P	C	P6
*	Agricultural Product Sales	P7 C7	P4		P7 C7	P3 P3						
*	Motor Vehicle and Boat Dealers									P8		P
553	Auto Supply Stores								P9	P9		P
554	Gasoline Service Stations							P	P	P		P
56	Apparel and Accessory Stores								P	P		
*	Furniture and Home Furnishings Stores								P	P		
58	Eating and Drinking Places				P21 C19	P20 C16	P20 C16	P10	P	P	P	P
*	Drug Stores					C15	C15	P	P	P	C	

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592	Liquor Stores	P13			P13	P13				P	P		
593	Used Goods: Antiques/ Secondhand Shops									P	P		
*	Sporting Goods and Related Stores			P22	P22	P22	P22	P22	P22	P	P	P22	P22
*	Book, Stationery, Video and Art Supply Stores						C15	C15	P	P	P		
*	Jewelry Stores									P	P		
*	Monuments, Tombstones, and Gravestones										P		
*	Hobby, Toy, Game Shops								P	P	P		
*	Photographic and Electronic Shops								P	P	P		
*	Fabric Shops									P	P		
598	Fuel Dealers									C11	P		P
*	Florist Shops						C15	C15	P	P	P	P	
*	Personal Medical Supply Stores									P	P		
*	Pet Shops								P	P	P		
*	Bulk Retail									P	P		
*	Auction Houses										P12		P

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*	Livestock Sales	P17	P17	P17	P17	P17 and 18				P
<b>GENERAL CROSS</b>		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070;								
<b>REFERENCES:</b>		Development Standards, see K.C.C. chapters 21A.12 through 21A.30;								
		General Provisions, see K.C.C. chapters 21A.32 through 21A.38;								
		Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44;								
		(*)Definition of this specific land use, see K.C.C. chapter 21A.06.								

- 1298           B. Development conditions.
- 1299           1.a. As a permitted use, covered sales areas, including greenhouses, shall not
- 1300 exceed a total area of two thousand square feet, unless located in a building designated as
- 1301 historic resource under K.C.C. chapter 20.62. With a conditional uses permit, covered
- 1302 sales areas, including greenhouses, of up to three thousand five hundred square feet may
- 1303 be allowed. Uncovered outdoor areas used to grow or display trees, shrubs, or other
- 1304 plants are not considered part of the covered sales area;
- 1305           b. The site area shall be at least four and one-half acres;
- 1306           c. Sales may include locally made arts and crafts; and
- 1307           d. Outside lighting is permitted if no off-site glare is allowed.
- 1308           2. Only hardware stores.
- 1309           3.a. Limited to products grown on site.
- 1310           b. Covered sales areas shall not exceed a total area of five hundred square feet.
- 1311           4. No permanent structures or signs.
- 1312           5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a
- 1313 maximum of two thousand square feet of gross floor area.
- 1314           6. Limited to a maximum of two thousand square feet of gross floor area.
- 1315           7.a. As a permitted use, the covered sales area shall not exceed two thousand
- 1316 square feet, unless located in building designated as historic resource under K.C.C.



1317 chapter 20.62. As a conditional use, up to three thousand five hundred square feet of  
1318 covered sales area may be allowed;

1319           b. The site area shall be at least four and one-half acres;

1320           c. Forty percent or more of the gross sales of agricultural product sold through  
1321 the store must be sold by the producers of primary agricultural products;

1322           d. Sixty percent or more of the gross sales of agricultural products sold through  
1323 the store shall be derived from products grown or produced in the Puget Sound counties.

1324 At the time of the initial application, the applicant shall submit a reasonable projection of  
1325 the source of product sales;

1326           e. Sales shall be limited to agricultural products and locally made arts and  
1327 crafts((-));

1328           f. Storage areas for agricultural products may be included in a farm store  
1329 structure or in any accessory building; and

1330           g. Outside lighting is permitted if no off-site glare is allowed.

1331           8. Excluding retail sale of trucks exceeding one-ton capacity.

1332           9. Only the sale of new or reconditioned automobile supplies is permitted.

1333           10. Excluding SIC Industry No. 5813-Drinking Places.

1334           11. No outside storage of fuel trucks and equipment.

1335           12. Excluding vehicle and livestock auctions.

1336           13. Only as accessory to a winery or SIC Industry No. 2082-Malt Beverages,

1337 and limited to sales of products produced on site and incidental items where the majority

1338 of sales are generated from products produced on site.

1339           14. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to a  
1340 maximum of five thousand square feet of gross floor area, and subject to K.C.C.

1341 21A.12.330.

1342           15. Not permitted in R-1 and limited to a maximum of five thousand square feet  
1343 of gross floor area and subject to K.C.C. 21A.12.230.

1344           16. Not permitted in R-1 and excluding SIC Industry No. 5813-Drinking Places,  
1345 and limited to a maximum of five thousand square feet of gross floor area and subject to  
1346 K.C.C. 21A.12.230, except as provided in subsection B.20. of this section.

1347           17. Retail sale of livestock is permitted only as accessory to raising livestock.

1348           18. Limited to the R-1 zone.

1349           19. Only as:

1350           a. an accessory use to a permitted manufacturing or retail land use, limited to  
1351 espresso stands to include sales of beverages and incidental food items, and not to include  
1352 drive-through sales; or

1353           b. an accessory use to a large active recreation and multiuse park, limited to a  
1354 total floor area of three thousand five hundred square feet.

1355           20. Only as:

1356           a. an accessory to a large active recreation and multiuse park; or

1357           b. an accessory to a park and limited to a total floor area of one thousand five  
1358 hundred square feet.

1359           21. Accessory to a park, limited to a total floor area of seven hundred fifty  
1360 square feet.

1361           22. Only as an accessory to:

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- 1362 a. a large active recreation and multiuse park in the urban growth area; or  
 1363 b. a park, or a large active recreation and multiuse park in the RA zones, and  
 1364 limited to a total floor area of seven hundred and fifty square feet.

23. Only as accessory to SIC Industry Group No. 242-Sawmills and:

- 1366 a. limited to lumber milled on site; and  
 1367 b. the covered sales area is limited to two thousand square feet. The covered  
 1368 sales area does not include covered areas used to display only milled lumber.

SECTION 23. Ordinance 10870, Section 336, as amended, and K.C.C.

21A.08.090 are each hereby amended to read as follows:

A. Resource land uses.

KEY		RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL								
P-Permitted Use		A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S-Special Use	Z	R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
	O	I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U
	N	C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
	E	U	T	A			V		E	B	E	N	E	N	E	E	T
		L		L			E		N	O	S	I	S	A	S		R
		T							T	R	S	T	S	L	S		I
		U							I	H		Y					A
		R							A	O							L
		E							L	O							
										D							
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48		NB	CB	RB	O	I			
	AGRICULTURE:																
01	Growing and Harvesting Crops	P	P		P	P	P										P
02	Raising Livestock and Small Animals	P	P		P	P	P6										P
*	Agriculture Training Facility	C10															

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*	Agriculture-related special needs camp	P12										
*	<u>Agricultural Anaerobic Digester</u>	P13										
<b>FORESTRY:</b>												
08	Growing & Harvesting Forest Production	P	P	P7	P	P	P					P
*	Forest Research		P		P	P						P2 P
<b>FISH AND WILDLIFE MANAGEMENT:</b>												
0921	Hatchery/Fish Preserve (1)	P	P		P	P	C					P
0273	Aquaculture (1)	P	P		P	P	C					P
*	Wildlife Shelters	P	P		P	P						
<b>MINERAL:</b>												
10,12,14	Mineral Extraction and Processing		P9 C	P C11								
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block		P8 C11	P8 C11								P
<b>ACCESSORY USES:</b>												
*	Resource Accessory Uses	P3	P4	P5	P3	P3						P4
<p><b>GENERAL CROSS</b> Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070;</p> <p><b>REFERENCES:</b> Development Standards, see K.C.C. chapters 21A.12 through 21A.30;</p> <p>General Provisions, see K.C.C. chapters 21A.32 through 21A.38;</p> <p>Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44;</p> <p>(*)Definition of this specific land use, see K.C.C. chapter 21A.06.</p>												

1372

**B. Development conditions.**

1373

1. May be further subject to K.C.C. Title 25, Shoreline Management.

1374

2. Only forest research conducted within an enclosed building.

1375

3. Accessory dwelling units in accordance with K.C.C. 21A.08.030.

- 1376           4. Excluding housing for agricultural workers.
- 1377           5. Limited to either maintenance or storage facilities, or both, in conjunction  
1378 with mineral extraction or processing operation.
- 1379           6. Large livestock allowed in accordance with K.C.C. chapter 21A.30.
- 1380           7. Only in conjunction with a mineral extraction site plan approved in  
1381 accordance with K.C.C. chapter 21A.22.
- 1382           8. Only on the same lot or same group of lots under common ownership or  
1383 documented legal control, which includes, but is not limited to, fee simple ownership, a  
1384 long-term lease or an easement:
- 1385               a. as accessory to a primary mineral extraction use;
- 1386               b. as a continuation of a mineral processing only for that period to complete  
1387 delivery of products or projects under contract at the end of a mineral extraction; or
- 1388               c. for a public works project under a temporary grading permit issued in  
1389 accordance with K.C.C. 16.82.152.
- 1390           9. Limited to mineral extraction and processing:
- 1391               a. on a lot or group of lots under common ownership or documented legal control,  
1392 which includes but is not limited to, fee simple ownership, a long-term lease or an  
1393 easement;
- 1394               b. that are located greater than one-quarter mile from an established residence;  
1395 and
- 1396               c. that do not use local access streets that abut lots developed for residential  
1397 use.

1398           10. Agriculture training facilities are allowed only as an accessory to existing  
1399 agricultural uses and are subject to the following conditions:

1400           a. The impervious surface associated with the agriculture training facilities  
1401 shall comprise not more than ten percent of the allowable impervious surface permitted  
1402 under K.C.C. 21A.12.040;

1403           b. New or the expansion of existing structures, or other site improvements,  
1404 shall not be located on class 1, 2 or 3 soils;

1405           c. The director may require reuse of surplus structures to the maximum extent  
1406 practical;

1407           d. The director may require the clustering of new structures with existing  
1408 structures;

1409           e. New structures or other site improvements shall be set back a minimum  
1410 distance of seventy-five feet from property lines adjoining residential zones;

1411           f. Bulk and design of structures shall be compatible with the architectural style  
1412 of the surrounding agricultural community;

1413           g. New sewers shall not be extended to the site;

1414           h. Traffic generated shall not impede the safe and efficient movement of  
1415 agricultural vehicles, nor shall it require capacity improvements to rural roads;

1416           i. Agriculture training facilities may be used to provide educational services to  
1417 the surrounding rural/agricultural community or for community events. Property owners  
1418 may be required to obtain a temporary use permit for community events in accordance  
1419 with K.C.C. chapter 21A.32;

1420 j. Use of lodging and food service facilities shall be limited only to activities  
1421 conducted in conjunction with training and education programs or community events  
1422 held on site;

1423 k. Incidental uses, such as office and storage, shall be limited to those that  
1424 directly support education and training activities or farm operations; and

1425 l. The King County agriculture commission shall be notified of and have an  
1426 opportunity to comment upon all proposed agriculture training facilities during the permit  
1427 process in accordance with K.C.C. chapter 21A.40.

1428 11. Continuation of mineral processing and asphalt/concrete mixtures and block  
1429 uses after reclamation in accordance with an approved reclamation plan.

1430 12.a. Activities at the camp shall be limited to agriculture and agriculture-  
1431 oriented activities. In addition, activities that place minimal stress on the site's  
1432 agricultural resources or activities that are compatible with agriculture are permitted.

1433 (1) passive recreation;

1434 (2) training of individuals who will work at the camp;

1435 (3) special events for families of the campers; and

1436 (4) agriculture education for youth.

1437 b. Outside the camp center, as provided for in subsection B.12.e of this section,  
1438 camp activities shall not preclude the use of the site for agriculture and agricultural  
1439 related activities, such as the processing of local food to create value-added products and  
1440 the refrigeration and storage of local agricultural products. The camp shall be managed  
1441 to coexist with agriculture and agricultural activities both onsite and in the surrounding  
1442 area.

1443 c. A farm plan shall be required for commercial agricultural production to  
1444 ensure adherence to best management practices and soil conservation.

1445 d.(1) The minimum site area shall be five hundred acres. Unless the property  
1446 owner has sold or transferred the development rights as provided in subsection B.12.c.(3)  
1447 of this section, a minimum of five hundred acres of the site must be owned by a single  
1448 individual, corporation, partnership or other legal entity and must remain under the  
1449 ownership of a single individual, corporation, partnership or other legal entity for the  
1450 duration of the operation of the camp.

1451 (2) Nothing in subsection B.12.d.(1) of this section prohibits the property  
1452 owner from selling or transferring the development rights for a portion or all of the site to  
1453 the King County farmland preservation program or, if the development rights are  
1454 extinguished as part of the sale or transfer, to a nonprofit entity approved by the director;

1455 e. The impervious surface associated with the camp shall comprise not more  
1456 than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;

1457 f. Structures for living quarters, dining facilities, medical facilities and other  
1458 nonagricultural camp activities shall be located in a camp center. The camp center shall  
1459 be no more than fifty acres and shall depicted on a site plan. New structures for  
1460 nonagricultural camp activities shall be clustered with existing structures;

1461 g. To the extent practicable, existing structures shall be reused. The applicant  
1462 shall demonstrate to the director that a new structure for nonagricultural camp activities  
1463 cannot be practicably accommodated within an existing structure on the site, though  
1464 cabins for campers shall be permitted only if they do not already exist on site;



1465           h. Camp facilities may be used to provide agricultural educational services to  
1466 the surrounding rural and agricultural community or for community events. If required  
1467 by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for  
1468 community events;

1469           i. Lodging and food service facilities shall only be used for activities related to  
1470 the camp or for agricultural education programs or community events held on site;

1471           j. Incidental uses, such as office and storage, shall be limited to those that  
1472 directly support camp activities, farm operations or agricultural education programs;

1473           k. New nonagricultural camp structures and site improvements shall maintain a  
1474 minimum set-back of seventy-five feet from property lines adjoining residential zones;

1475           l. Except for legal nonconforming structures existing as of January 1, 2007,  
1476 camp facilities, such as a medical station, food service hall and activity rooms, shall be of  
1477 a scale to serve overnight camp users;

1478           m. Landscaping equivalent to a type III landscaping screen, as provided for in  
1479 K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures  
1480 and site improvements located within two hundred feet of an adjacent residential zoned  
1481 property not associated with the camp;

1482           n. New sewers shall not be extended to the site;

1483           o. The total number of persons staying overnight shall not exceed three  
1484 hundred;

1485           p. The length of stay for any individual overnight camper, not including camp  
1486 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

1487 q. Traffic generated by camp activities shall not impede the safe and efficient  
1488 movement of agricultural vehicles nor shall it require capacity improvements to rural  
1489 roads;

1490 r. If the site is adjacent to an arterial roadway, access to the site shall be  
1491 directly onto the arterial unless the county road engineer determines that direct access is  
1492 unsafe;

1493 s. If direct access to the site is via local access streets, transportation  
1494 management measures shall be used to minimize adverse traffic impacts;

1495 t. Camp recreational activities shall not involve the use of motor vehicles  
1496 unless the motor vehicles are part of an agricultural activity or are being used for the  
1497 transportation of campers, camp personnel or the families of campers. Camp personnel  
1498 may use motor vehicles for the operation and maintenance of the facility. Client-specific  
1499 motorized personal mobility devices are allowed; and

1500 u. Lights to illuminate the camp or its structures shall be arranged to reflect the  
1501 light away from any adjacent property.

1502 13. Limited to digester receiving plant and animal waste from agricultural  
1503 activities and subject as follows:

1504 b. the digester must be included as part of an Washington state department of  
1505 agriculture approved dairy nutrient plan; and

1506 c. the use must be accessory to an operating dairy or livestock operation.

1507 SECTION 24. Ordinance 10870, Section 337, as amended, and K.C.C.

1508 21A.08.100 are each hereby amended to read as follows:

1509 A. Regional land uses.

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KEY		RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL								
P-Permitted Use	Z O N E	A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S-Special Use		R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
		I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U
		C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
		U	T	A		V			E	B	E	N	E	N	E	E	T
		L		L		E			N	O	S	I	S	A	S	R	
		T							T	R	S	T	S	L	S	I	
		U							I	H	Y					A	
		R							A	O						L	
		E							L	O							
										D							
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I				
*	Jail						S	S	S	S	S	S	S				
*	Jail Farm/Camp	S	S		S	S											
*	Work Release Facility				S19	S19	S	S	S	S	S	S					
*	Public Agency Animal Control Facility		S		S	S					S		P				
*	Public Agency Training Facility		S		S3					S3	S3	S3	C4				
*	Hydroelectric Generation Facility		C14 S		C14	C14	C14										
*	Non-hydroelectric Generation Facility	C12 S	C12 S	C12 S	C12	C12	C12	C12	C12	C12	C12 S	C12	P12				
					S	S	S	S	S	S		S	S				
*	Communication Facility (17)	C6c S	P		C6c	C6c	C6c	C6c	C6c	P	P	P	P				
					S	S	S	S	S								
*	Earth Station	P6b C	P		C6a	C6a	C6a	C6a	P6b	P	P	P	P				
					S	S	S	S	C								
13	Oil and Gas Extraction	S	C	P	S	S	S	S	S	S	S	S	C				
*	Energy Resource Recovery Facility		S	S	S	S	S	S	S	S	S	S	S				
*	Soil Recycling Facility		S	S	S								C				
*	Landfill		S	S	S	S	S	S	S	S	S	S	S				
*	Transfer Station			S	S	S	S	S	S	S	S		P				
*	Wastewater Treatment Facility				S	S	S	S	S	S	S	S	C				
*	Municipal Water	S	P13 S	S	S	S	S	S	S	S	S	S	S				

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	Production												
*	Airport/Heliport	S7	S7		S	S	S	S	S	S	S	S	S
*	Transit Bus Base						S	S	S	S	S	S	P
*	School Bus Base				C5 S20	C5 S	C5 S	C5 S	S	S	S	S	P
7948	Racetrack				S8	S8	S8	S8	S8	S8	S8	S8	S23
*	County Fairgrounds Facility				P21 S22								
*	Fairground									S	S		S
8422	Zoo/Wildlife Exhibit(2)		S9		S9	S	S	S		S	S		
7941	Stadium/Arena										S		S
8221- 8222	College/University(1)	P10	P10		P10 C11 S18	P10 C11 S18	P10 C11 S	P10 C11 S	P10 C11 S	P	P	P	P
*	Zoo Animal Breeding Facility	P16	P16		P16								

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

- 1510 B. Development conditions.
- 1511 1. Except technical institutions. See vocational schools on general services land
- 1512 use table, K.C.C. 21A.08.050.
- 1513 2. Except arboretum. See K.C.C. 21A.08.040, recreation/cultural land use table.
- 1514 3. Except weapons armories and outdoor shooting ranges.
- 1515 4. Except outdoor shooting range.
- 1516 5. Only in conjunction with an existing or proposed school.
- 1517 6.a. Limited to no more than three satellite dish antennae.
- 1518 b. Limited to one satellite dish antenna.
- 1519 c. Limited to tower consolidations.

- 1520           7. Limited to landing field for aircraft involved in forestry or agricultural  
1521 practices or for emergency landing sites.
- 1522           8. Except racing of motorized vehicles.
- 1523           9. Limited to wildlife exhibit.
- 1524           10. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.
- 1525           11. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter  
1526 21A.32.
- 1527           12. Limited to cogeneration facilities for on-site use only.
- 1528           13. Excluding impoundment of water using a dam.
- 1529           14. Limited to facilities that comply with the following:
- 1530           a. Any new diversion structure shall not:
- 1531               (1) exceed a height of eight feet as measured from the streambed; or
- 1532               (2) impound more than three surface acres of water at the normal maximum  
1533 surface level;
- 1534           b. There shall be no active storage;
- 1535           c. The maximum water surface area at any existing dam or diversion shall not  
1536 be increased;
- 1537           d. An exceedance flow of no greater than fifty percent in mainstream reach  
1538 shall be maintained;
- 1539           e. Any transmission line shall be limited to a:
- 1540               (1) right-of-way of five miles or less; and
- 1541               (2) capacity of two hundred thirty KV or less;
- 1542           f. Any new, permanent access road shall be limited to five miles or less; and

1543 g. The facility shall only be located above any portion of the stream used by  
1544 anadromous fish.

1545 15. For I-zoned sites located outside the urban growth area designated by the  
1546 King County Comprehensive Plan, uses shown as a conditional or special use in K.C.C.  
1547 21A.08.100A, except for waste water treatment facilities and racetracks, shall be  
1548 prohibited. All other uses, including waste water treatment facilities, shall be subject to  
1549 the provisions for rural industrial uses in K.C.C. chapter 21A.12.

1550 16. The operator of such a facility shall provide verification to the department of  
1551 natural resources and parks or its successor organization that the facility meets or exceeds  
1552 the standards of the Animal and Plant Health Inspection Service of the United States  
1553 Department of Agriculture and the accreditation guidelines of the American Zoo and  
1554 Aquarium Association.

1555 17. The following provisions of the table apply only to major communication  
1556 facilities minor communication facilities shall be reviewed in accordance with the  
1557 processes and standard outlined in K.C.C. chapter 21A.26.

1558 18. Only for facilities related to resource-based research.

1559 19. Limited to work release facilities associated with natural resource-based  
1560 activities.

1561 20. Limited to projects which do not require or result in an expansion of sewer  
1562 service outside the urban growth area, unless a finding is made that no cost-effective  
1563 alternative technologies are feasible, in which case a tightline sewer sized only to meet  
1564 the needs of the school bus base and serving only the school bus base may be used.  
1565 Renovation, expansion, modernization or reconstruction of a school bus base is permitted

1566 but shall not require or result in an expansion of sewer service outside the urban growth  
1567 area, unless a finding is made that no cost-effective alternative technologies are feasible,  
1568 in which case a tightline sewer sized only to meet the needs of the school bus base.

1569 21. Only in conformance with the King County Site Development Plan Report,  
1570 through modifications to the plan of up to ten percent are allowed for the following:

- 1571 a. building square footage;
- 1572 b. landscaping;
- 1573 c. parking;
- 1574 d. building height; or
- 1575 e. impervious surface.

1576 22. A special use permit shall be required for any modification or expansion of  
1577 the King County fairgrounds facility that is not in conformance with the King County  
1578 Site Development Plan Report or that exceeds the allowed modifications to the plan  
1579 identified in subsection B.21 of this section.

1580 23. The following accessory uses to a motor race track operation are allowed if  
1581 approved as part of the special use permit:

- 1582 a. motocross;
- 1583 b. autocross;
- 1584 c. skidpad;
- 1585 d. garage;
- 1586 e. driving school; and
- 1587 f. fire station.

1588 SECTION 25. Ordinance 10870, Section 340, as amended, and K.C.C.

1589 21A.12.030 are each hereby amended to read as follows:

1590 A. Densities and dimensions - residential zones.

STANDARDS	RESIDENTIAL													
	Z	RURAL				URB	URBAN RESIDENTIAL							
	RA-2.5	RA-5	RA-10	RA-20	UR	R-1 (17)	R-4	R-6	R-8	R-12	R-18	R-24	R-48	
Base Density: Dwelling Unit/Acre (15)	0.2 du/a c	0.2 du/a c	0.1 du/ac	0.05 du/ac	0.2 du/ac (21)	1 du/ac	4 du/ac (6)	6 du/ac	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac	
Maximum Density: Dwelling Unit/Acre (1)	0.4 du/a c (20)						6 du/ac (22) 8 du/ac (27) (27)	9 du/ac (27)	12 du/ac (27)	18 du/ac (27)	27 du/ac (27)	36 du/ac (27)	72 du/ac (27)	
Minimum Density: (2)							85% (12) (18) (23)	85% (12) (18)	85% (12) (18)	80% (18)	75% (18)	70% (18)	65% (18)	
Minimum Lot Area (13)	1.87 5 ac	3.75 ac	7.5 ac	15 ac										
Minimum Lot Width (3)	135 ft	135 ft	135 ft	135 ft	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30ft	30 ft	30 ft	



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	RESIDENTIAL												
	Z O N E S	RURAL				URB AN R E- S E R V E	URBAN RESIDENTIAL						
STANDARDS	RA- 2.5	RA- 5	RA- 10	RA- 20	UR	R-1 (17)	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Minimum Street Setback (3)	30 ft (9)	30 ft (9)	30ft (9)	30 ft (9)	30 ft (7)	20 ft (7)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10ft (8)	10 ft (8)
Minimum Interior Setback (3) (16)	5 ft (9)	10ft (9)	10 ft (9)	10 ft (9)	5 ft (7)	5 ft (7)	5 ft	5 ft	5 ft	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10)
Base Height (4)	40 ft	40 ft	40 ft	40 ft	35 ft	35 ft	35 ft (25)	35 ft (14) (25)	35 ft (14) (25)	60 ft	60 ft (14)	60 ft (14)	60 ft (14)
Maximum Impervious Surface: Percentage (5)	25% (11) (19) (25)	20% (11) (19) (25)	15% (11) (19) (24) (25)	12.5 % (11) (19) (25)	30% (11) (25)	30% (11) (25)	55% (25)	70% (25)	75% (25)	85% (25)	85% (25)	85% (25)	90% (25)

1591

**B. Development conditions.**

1592

1. This maximum density may be achieved only through the application of

1593

residential density incentives in accordance with K.C.C. chapter 21A.34 or transfers of

1594

development rights in accordance with K.C.C. chapter 21A.37, or any combination of

1595

density incentive or density transfer. ((Maximum density may only be exceeded in

1596

accordance with K.C.C. 21A.34.040.F.1.g. and F.6.))

1597

2. Also see K.C.C. 21A.12.060.

1598           3. These standards may be modified under the provisions for zero-lot-line and  
1599 townhouse developments.

1600           4. Height limits may be increased if portions of the structure that exceed the  
1601 base height limit provide one additional foot of street and interior setback for each foot  
1602 above the base height limit, but the maximum height may not exceed seventy-five feet.  
1603 Netting or fencing and support structures for the netting or fencing used to contain golf  
1604 balls in the operation of golf courses or golf driving ranges are exempt from the  
1605 additional interior setback requirements but the maximum height shall not exceed  
1606 seventy-five feet, except for large active recreation and multiuse parks, where the  
1607 maximum height shall not exceed one hundred twenty-five feet, unless a golf ball  
1608 trajectory study requires a higher fence.

1609           5. Applies to each individual lot. Impervious surface area standards for:

1610           a. Regional uses shall be established at the time of permit review;

1611           b. Nonresidential uses in residential zones shall comply with K.C.C.

1612 21A.12.120 and 21A.12.220;

1613           c. Individual lots in the R-4 through R-6 zones that are less than nine thousand  
1614 seventy-six square feet in area shall be subject to the applicable provisions of the nearest  
1615 comparable R-6 or R-8 zone; and

1616           d. A lot may be increased beyond the total amount permitted in this chapter  
1617 subject to approval of a conditional use permit.

1618           6. Mobile home parks shall be allowed a base density of six dwelling units per  
1619 acre.

1620           7. The standards of the R-4 zone apply if a lot is less than fifteen thousand  
1621 square feet in area.

1622           8. At least twenty linear feet of driveway shall be provided between any garage,  
1623 carport or other fenced parking area and the street property line. The linear distance shall  
1624 be measured along the center line of the driveway from the access point to such garage,  
1625 carport or fenced area to the street property line.

1626           9.a. Residences shall have a setback of at least one hundred feet from any  
1627 property line adjoining A, M or F zones or existing extractive operations. However,  
1628 residences on lots less than one hundred fifty feet in width adjoining A, M or F zones or  
1629 existing extractive operations shall have a setback from the rear property line equal to  
1630 fifty percent of the lot width and a setback from the side property equal to twenty-five  
1631 percent of the lot width.

1632           b. Except for residences along a property line adjoining A, M or F zones or  
1633 existing extractive operations, lots between one acre and two and one-half acres in size  
1634 shall conform to the requirements of the R-1 zone and lots under one acre shall conform  
1635 to the requirements of the R-4 zone.

1636           10.a. For developments consisting of three or more single-detached dwellings  
1637 located on a single parcel, the setback shall be ten feet along any property line abutting  
1638 R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in  
1639 K.C.C. 21A.14.190, which shall have a setback of five feet.

1640           b. For townhouse and apartment development, the setback shall be twenty feet  
1641 along any property line abutting R-1 through R-8, RA and UR zones, except for  
1642 structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback

1643 of five feet, unless the townhouse or apartment development is adjacent to property upon  
1644 which an existing townhouse or apartment development is located.

1645           11. Lots smaller than one-half acre in area shall comply with standards of the  
1646 nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or  
1647 larger, the maximum impervious surface area allowed shall be at least ten thousand  
1648 square feet. On any lot over one acre in area, an additional five percent of the lot area  
1649 may be used for buildings related to agricultural or forestry practices. For lots smaller  
1650 than two acres but larger than one-half acre, an additional ten percent of the lot area may  
1651 be used for structures that are determined to be medically necessary, if the applicant  
1652 submits with the permit application a notarized affidavit, conforming with K.C.C.  
1653 21A.32.170A.2.

1654           12. For purposes of calculating minimum density, the applicant may request that  
1655 the minimum density factor be modified based upon the weighted average slope of the  
1656 net buildable area of the site in accordance with K.C.C. 21A.12.087.

1657           13. The minimum lot area does not apply to lot clustering proposals as provided  
1658 in K.C.C. chapter 21A.14.

1659           14. The base height to be used only for projects as follows:

1660           a. in R-6 and R-8 zones, a building with a footprint built on slopes exceeding a  
1661 fifteen percent finished grade; and

1662           b. in R-18, R-24 and R-48 zones using residential density incentives and  
1663 transfer of density credits in accordance with this title.

1664           15. Density applies only to dwelling units and not to sleeping units.

1665           16. Vehicle access points from garages, carports or fenced parking areas shall  
1666 be set back from the property line on which a joint use driveway is located to provide a  
1667 straight line length of at least twenty-six feet as measured from the center line of the  
1668 garage, carport or fenced parking area, from the access point to the opposite side of the  
1669 joint use driveway.

1670           17.a. All subdivisions and short subdivisions in the R-1 zone shall be required to  
1671 be clustered if the property is located within or contains:

- 1672           (1) a floodplain;
- 1673           (2) a critical aquifer recharge area;
- 1674           (3) a regionally or locally significant resource area;
- 1675           (4) existing or planned public parks or trails, or connections to such facilities;
- 1676           (5) a category type S or F aquatic area or category I or II wetland;
- 1677           (6) a steep slope; or
- 1678           (7) an urban separator or wildlife habitat network designated by the  
1679 Comprehensive Plan or a community plan.

1680           b. The development shall be clustered away from critical areas or the axis of  
1681 designated corridors such as urban separators or the wildlife habitat network to the extent  
1682 possible and the open space shall be placed in a separate tract that includes at least fifty  
1683 percent of the site. Open space tracts shall be permanent and shall be dedicated to a  
1684 homeowner's association or other suitable organization, as determined by the director,  
1685 and meet the requirements in K.C.C. 21A.14.040. On-site critical area and buffers and  
1686 designated urban separators shall be placed within the open space tract to the extent

1687 possible. Passive recreation, with no development of recreational facilities, and natural-  
1688 surface pedestrian and equestrian trails are acceptable uses within the open space tract.

1689 18. See K.C.C. 21A.12.085.

1690 19. All subdivisions and short subdivisions in R-1 and RA zones within the  
1691 North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North  
1692 Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and  
1693 Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East  
1694 Sammamish Community Planning Area that drains to Patterson Creek shall have a  
1695 maximum impervious surface area of eight percent of the gross acreage of the plat.  
1696 Distribution of the allowable impervious area among the platted lots shall be recorded on  
1697 the face of the plat. Impervious surface of roads need not be counted towards the  
1698 allowable impervious area. Where both lot- and plat-specific impervious limits apply, the  
1699 more restrictive shall be required.

1700 20. This density may only be achieved on RA 2.5 zoned parcels receiving  
1701 density from rural forest focus areas through a transfer of density credit pursuant to  
1702 K.C.C. chapter 21A.37.

1703 21. Base density may be exceeded, if the property is located in a designated  
1704 rural city urban growth area and each proposed lot contains an occupied legal residence  
1705 that predates 1959.

1706 22. The maximum density is four dwelling units per acre for properties zoned  
1707 R-4 when located in the Rural Town of Fall City.

1708 23. The minimum density requirement does not apply to properties located  
1709 within the Rural Town of Fall City.

1710           24. The impervious surface standards for the county fairground facility are  
1711 established in the King County Fairgrounds Site Development Plan, Attachment A to  
1712 Ordinance 14808 on file at the department of natural resources and parks and the  
1713 department of development and environmental services. Modifications to that standard  
1714 may be allowed provided the square footage does not exceed the approved impervious  
1715 surface square footage established in the King County Fairgrounds Site Development  
1716 Plan Environmental Checklist, dated September 21, 1999, Attachment B to Ordinance  
1717 14808, by more than ten percent.

1718           25. For cottage housing developments only:

1719           a. The base height is eighteen feet.

1720           b. Buildings have pitched roofs with a minimum slope of six and twelve may  
1721 extend up to twenty-five feet at the ridge of the roof.

1722           26. Impervious surface does not include access easements serving neighboring  
1723 property and driveways to the extent that they extend beyond the street setback due to  
1724 location within an access panhandle or due to the application of King County Code  
1725 requirements to locate features over which the applicant does not have control.

1726           27. Only in accordance with K.C.C. 21A.34.040.F.1.g. and F.6.

1727           SECTION 26. Ordinance 10870, Section 341, as amended, and K.C.C.

1728 21A.12.040 are each hereby amended to read as follows:

1729           A. Densities and dimensions - resource and commercial/industrial zones.

**Ordinance 16267**

	Z O N E S	RESOURCE			COMMERCIAL/INDUSTRIAL				
		AGRICULTURE	F O R E S T	M I N E R A L	NEIGHBOR- HOOD BUSINESS	COMMUNITY BUSINESS	REGIONAL BUSINESS	O F F I C E	I N D U S T R I A L
STANDARDS	A-10	A-35	F	M	NB	CB	RB	O	I
Base Density:	0.1	.0286	.0125		8 du/ac	<del>((18))</del> 48 du/ac	36 du/ac (2)	<del>((36))</del> 48	
Dwelling Unit/Acre	du/ac	du/ac	du/ac		(2)	(2)	48 du/ac <del>((18))</del> (1)	du/ac (2)	
Maximum Density:					12 du/ac	<del>((24))</del> 72 du/ac	48 du/ac (3)	<del>((48))</del> 72	
Dwelling Unit/Acre					(3) 16 du/ac (15)	<del>((3))</del> (16) 96 du/ac <del>((15))</del> (17)	72 du/ac (16) 96 du/ac <del>((15))</del> (17)	du/ac <del>((3))</del> (16) 96 du/ac <del>((15))</del> (17)	
Minimum Lot Area	10 acres	35 acres	80 acres	10 acres					
Maximum Lot Depth/ Width Ratio	4 to 1	4 to 1							
Minimum Street Setback	30 ft (4)	30 ft (4)	50 ft (4)	(12)	10 ft (5)	10 ft (5)	10 ft (5)	10 ft	25 ft
Minimum Interior Setback	10 ft (4)	10 ft (4)	100 ft (4)	(12)	20 ft (7) (14)	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7) 50 ft (8)



**Ordinance 16267**

	Z O N E S	RESOURCE			COMMERCIAL/INDUSTRIAL					
		AGRICULTURE	F O R E S T	M I N E R A L	NEIGHBOR- HOOD BUSINESS	COMMUNITY BUSINESS	REGIONAL BUSINESS	O F F I C E	I N D U S T R I A L	
STANDARDS		A-10	A-35	F	M	NB	CB	RB	O	I
Base Height (10)		35 ft	35 ft	35 ft	35 ft	35 ft 45 ft (6)	35 ft 60 ft (6) 65 ft (17)	35 ft 65 ft (6)	45 ft <del>((60))</del> 65 ft (6)	45 ft
Maximum Floor/Lot Ratio: Square Feet						1/1 (9)	1.5/1 (9)	2.5/1 (9)	2.5/1 (9)	2.5/1
Maximum Impervious Surface: Percentage (13)		15% 35% (11)	10% 35% (11)	10% 35% (11)		85%	85%	90%	75%	90%

1730

B. Development conditions.

1731

1. ~~((Reserved.))~~ In the RB zone on property located within the Potential

1732

Annexation Area of a rural city, this density is not allowed.

1733

2. These densities are allowed only through the application of mixed-use

1734

development standards and, in the NB zone on property in the urban area designated

1735

commercial outside of center, for stand-alone townhouse development ((in the NB zone

1736

on property designated commercial outside of center in the urban area)).

1737           3. These densities may only be achieved through the application of residential  
1738 density incentives or transfer of development rights in mixed-use developments and, in  
1739 the NB zone on property in the urban area designated commercial outside of center, for  
1740 stand-alone townhouse development (~~(in the NB zone on property designated commercial~~  
1741 ~~outside of center in the urban area)~~). See K.C.C. chapters 21A.34 and 21A.37.

1742           4.a. in the F zone, scaling stations may be located thirty-five feet from property  
1743 lines. Residences shall have a setback of at least thirty feet from all property lines.

1744           b. for lots between one acre and two and one half acres in size, the setback  
1745 requirements of the R-1 zone shall apply. For lots under one acre, the setback  
1746 requirements of the R-4 zone shall apply.

1747           c. for developments consisting of three or more single-detached dwellings  
1748 located on a single parcel, the setback shall be ten feet along any property line abutting  
1749 R-1 through R-8, RA and UR zones.

1750           5. Gas station pump islands shall be placed no closer than twenty-five feet to  
1751 street front lines.

1752           6. This base height allowed only for mixed-use developments and for stand-  
1753 alone townhouse development in the NB zone on property designated commercial outside  
1754 of center in the urban area.

1755           7. Required on property lines adjoining residential zones.

1756           8. Required on property lines adjoining residential zones for industrial uses  
1757 established by conditional use permits.

1758           9. The floor-to-lot ratio for mixed use developments shall conform to K.C.C.  
1759 chapter 21A.14.

1760           10. Height limits may be increased if portions of the structure building that  
1761 exceed the base height limit provide one additional foot of street and interior setback for  
1762 each foot above the base height limit, provided the maximum height may exceed seventy-  
1763 five feet only in mixed use developments. Netting or fencing and support structures for  
1764 the netting or fencing used to contain golf balls in the operation of golf courses or golf  
1765 driving ranges are exempt from the additional interior setback requirement provided that  
1766 the maximum height shall not exceed seventy-five feet.

1767           11. Applicable only to lots containing less than one acre of lot area.  
1768 Development on lots containing less than fifteen thousand square feet of lot area shall be  
1769 governed by impervious surface standards of the nearest comparable R-4 through R-8  
1770 zone.

1771           12. See K.C.C. 21A.22.060 for setback requirements in the mineral zone.

1772           13. The impervious surface area for any lot may be increased beyond the total  
1773 amount permitted in this chapter subject to approval of a conditional use permit.

1774           14. Required on property lines adjoining residential zones unless a stand-alone  
1775 townhouse development on property designated commercial outside of center in the  
1776 urban area is proposed to be located adjacent to property upon which an existing  
1777 townhouse development is located.

1778           15. Only as provided for walkable communities under K.C.C. 21A.34.040.F.8.  
1779 well-served by transit or for mixed-use development through the application of  
1780 residential density incentives under K.C.C. 21A.34.040.F.1.g.

1781           16. Only for mixed-use development through the application of residential  
1782 density incentives under K.C.C. chapter 21A.34 or the transfer of development rights

1783 under K.C.C. chapter 21A.37. In the RB zone on property located within the Potential  
1784 Annexation Area of a rural city, this density is not allowed.

1785 17. Only for mixed-use development through the application of residential  
1786 density incentives through the application of residential density incentives under K.C.C.  
1787 chapter 21A.34 or the transfer of development rights under K.C.C. chapter 21A.37.

1788 Upper-level setbacks are required for any facade facing a pedestrian street for any portion  
1789 of the structure greater than forty-five feet in height. The upper level setback shall be at  
1790 least one foot for every two feet of height above forty-five feet, up to a maximum  
1791 required setback of fifteen feet. The first four feet of horizontal projection of decks,  
1792 balconies with open railings, eaves, cornices, and gutters shall be permitted in required  
1793 setbacks. In the RB zone on property located within the Potential Annexation Area of a  
1794 rural city, this density is not allowed.

1795 SECTION 27. Ordinance 10870, Section 354, as amended, and K.C.C.  
1796 21A.12.170 are each hereby amended to read as follows:

1797 Provided that the required setbacks from regional utility corridors of K.C.C.  
1798 21A.12.140, the adjoining half-street or designated arterial setbacks of K.C.C.  
1799 21A.12.160 and the sight distance requirements of K.C.C. 21A.12.210 are maintained,  
1800 structures may extend into or be located in required setbacks, including setbacks as  
1801 required by K.C.C. 21A.12.220.B, as follows:

1802 A. Fireplace structures, bay or garden windows, enclosed stair landings, closets,  
1803 or similar structures may project into any setback, provided such projections are:

- 1804 1. Limited to two per facade;  
1805 2. Not wider than ten feet; and

1806 3. Not more than twenty-four inches into an interior setback or thirty inches into  
1807 a street setback;

1808 B. Uncovered porches and decks that exceed eighteen inches above the finished  
1809 grade may project:

1810 1. Eighteen inches into interior setbacks; and

1811 2. Five feet into the street setback;

1812 C. Uncovered porches and decks not exceeding eighteen inches above the  
1813 finished grade may project to the property line;

1814 D. Eaves may not project more than:

1815 1. Eighteen inches into an interior setback;

1816 2. Twenty-four inches into a street setback; or

1817 3. Eighteen inches across a lot line in a zero-lot-line development;

1818 E. Fences with a height of six feet or less may project into or be located in any  
1819 setback;

1820 F. Rockeries, retaining walls and curbs may project into or be located in any  
1821 setback. ~~((provided))~~ Except for structures that cross the setback perpendicularly to  
1822 property lines or that abut a critical area, these structures:

1823 1. ~~((Do not))~~ Shall not exceed a height of six feet in the R-1 through R-18, UR,  
1824 RA and resource zones;

1825 2. ~~((Do))~~ Shall not exceed a height of eight feet in the R-24 and R-48 zones; and

1826 3. ~~((Do))~~ Shall not exceed the building height for the zone in

1827 commercial/industrial zones, measured in accordance with the standards established in  
1828 the King County Building Code, Title 16;

1829 G. Fences located on top of rockeries, retaining walls or berms are subject to the  
1830 requirements of K.C.C. 21A.14.220;

1831 H. Telephone, power, light and flag poles;

1832 I. The following may project into or be located within a setback, but may only  
1833 project into or be located within a five foot interior setback area if an agreement  
1834 documenting consent between the owners of record of the abutting properties is recorded  
1835 with the King County department of records and elections prior to the installment or  
1836 construction of the structure:

1837 1. Sprinkler systems, electrical and cellular equipment cabinets and other  
1838 similar utility boxes and vaults;

1839 2. security system access controls;

1840 3. structures, except for buildings, associated with trails and on-site recreation  
1841 spaces and play areas required in K.C.C.21A.14.180 and K.C.C. 21A.14.190 such as  
1842 benches, picnic tables and drinking fountains; and

1843 4. Surface water management facilities as required by K.C.C. 9.04;

1844 J. Mailboxes and newspaper boxes may project into or be located within street  
1845 setbacks;

1846 K. Fire hydrants and associated appendages;

1847 L. Metro bus shelters may be located within street setbacks;

1848 M. Unless otherwise allowed in K.C.C. 21A.20.080, free standing and monument  
1849 signs four feet or less in height, with a maximum sign area of twenty square feet may  
1850 project into or be located within street setbacks;

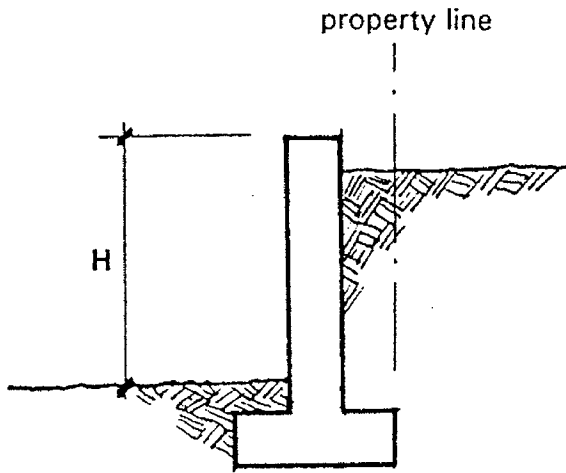
1851 N. On a parcel in the RA zone, in the interior setback that adjoins a property  
1852 zoned NB or CB, structures housing refrigeration equipment that extends no more than  
1853 ten feet into the setback and is no more than sixty feet in length; and

1854 O. Stormwater conveyance and control facilities, both above and below ground,  
1855 provided such projections are:

1856 1. Consistent with setback, easement and access requirements specified in the  
1857 Surface Water Design Manual; or

1858 2. In the absence of said specifications, not within five feet of the property line.

**RETAINING WALL IN SETBACK**



**H max. 6' in R1 - R18, UR, RA  
& Resource Zones**

**H max. 8' in R24 and R 48 Zones, and  
not to exceed building height  
requirement in Commerical/Industrial  
Zones**

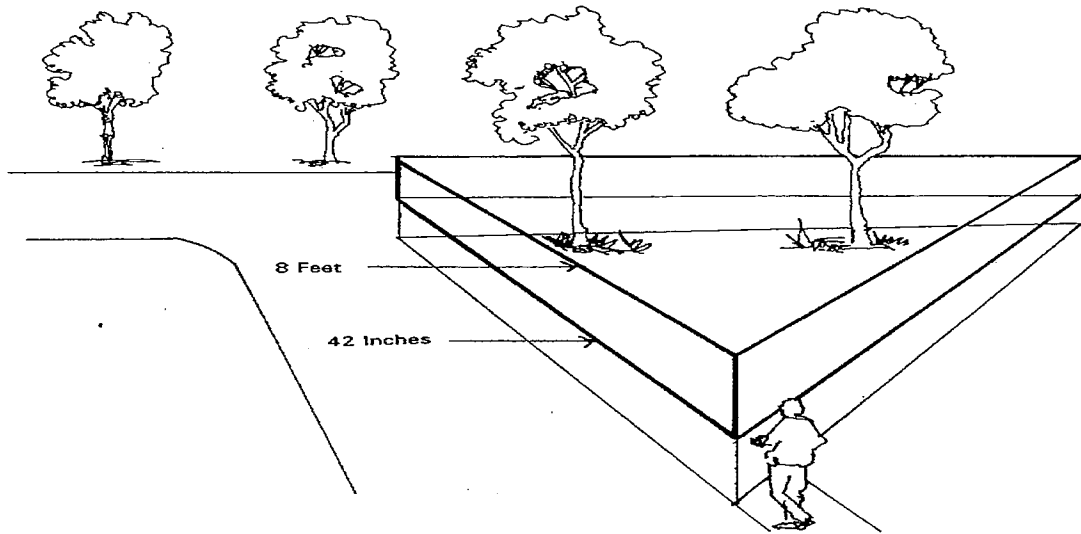
1859 SECTION 28. Ordinance 10870, Section 358, and K.C.C. 21A.12.210 are each  
1860

1861 hereby amended to read as follows:

1862 Except for utility poles and traffic control signs, the following sight distance  
1863 provisions shall apply to all intersections and ((site)) new or reconstructed driveway  
1864 access points on local access streets. Sight distance requirements for arterial and  
1865 neighborhood collector intersections are specified in the King County road standards:

1866 A. A sight distance triangle area as determined by Section 21A.12.210B shall  
1867 contain no fence, berm, vegetation other than narrow tree trunks, on-site vehicle parking

1868 area, signs or other physical obstruction between 42 inches and eight feet  
1869 existing street grade;



1870  
1871 **NOTE:** The area of a sight distance triangle between 42 inches and eight feet  
1872 above the existing street grade shall remain open.

1873 B. The sight distance triangle ((at)) requirements for new or reconstructed  
1874 intersections and driveway connections to local access streets are defined as follows:

1875 1. ((A)) Except where a twenty-five foot property line radius exists at an  
1876 intersection, a sight distance triangle at a street intersection shall be determined by  
1877 measuring ((+5)) fifteen feet along both street property lines beginning at their point of  
1878 intersection. The third side of the triangle shall be a line connecting the endpoints of the  
1879 first two sides of the triangle. Where a twenty-five foot property line radius or larger  
1880 radius is present at an intersection, the King County road standards shall govern the  
1881 placement of objects that may obscure sight distance; or

1882 2. A ((site)) driveway access point shall be determined by measuring ((+5))  
1883 fifteen feet along the street lines and ((+5)) fifteen feet along the edges of the driveway



1884 beginning at the respective points of intersection. The third side of each triangle shall be  
1885 a line connecting the endpoints of the first two sides of each triangle; and

1886 C. The ((director)) development engineer may require modification or removal of  
1887 structures or landscaping located in required street setbacks or relocate the driveway  
1888 connection, if:

1889 1. Such improvements prevent adequate sight distance to drivers entering or  
1890 leaving a driveway, and,

1891 2. No reasonable driveway relocation alternative for an adjoining lot is feasible.

1892 NEW SECTION. SECTION 29. A new section is hereby added to K.C.C. chapter  
1893 21A.12 to read as follows:

1894 The minimum width for a joint use driveway and easement on private property  
1895 shall be sixteen feet, except as otherwise provided in the King County road standards.

1896 NEW SECTION. SECTION 30. A new section is hereby added to K.C.C. chapter  
1897 21A.12 to read as follows:

1898 The general personal service use (SIC # 72 except 7216, 7218 and 7261) and the  
1899 office/outpatient clinic use (SIC # 801 - 04) listed in K.C.C. 21A.08.050 are allowed as a  
1900 conditional use, subject to the following requirements:

1901 A. The site shall be zoned R-4 through R-48;

1902 B. The establishment shall be located within one-quarter mile of a rural town,  
1903 unincorporated activity center, community business center or neighborhood business  
1904 center and less than one mile from another commercial establishment;

1905 C. The establishment shall be located in a legally established single family  
1906 dwelling in existence on or before January 1, 2008. The structure may not be expanded

1907 by more than ten percent as provided in K.C.C. 21A.30.xxx for the expansion of legally  
1908 established nonconforming uses;

1909 D. The maximum on-site parking ratio for establishments and sites shall be 2 per  
1910 1000 square feet and required parking shall not be located between the building and the  
1911 street; and

1912 E. Sign and landscaping standards for the use apply.

1913 SECTION 31. Ordinance 10870, Section 364, as amended, and K.C.C.  
1914 21A.14.040 are each hereby amended to read as follows:

1915 Residential lot clustering is allowed in the R, UR and RA zones. If residential lot  
1916 clustering is proposed, the following requirements shall be met:

1917 A. In the R zones, any designated open space tract resulting from lot clustering  
1918 shall not be altered or disturbed except as specified on recorded documents creating the  
1919 open space. Open spaces may be retained under ownership by the subdivider, conveyed  
1920 to residents of the development or conveyed to a third party. If access to the open space  
1921 is provided, the access shall be located in a separate tract;

1922 B. In the RA zone:

1923 1. No more than eight lots of less than two and one-half acres shall be allowed  
1924 in a cluster;

1925 2. No more than eight lots of less than two and one-half acres shall be served by  
1926 a single cul-de-sac street;

1927 3. Clusters containing two or more lots of less than two and one-half acres,  
1928 whether in the same or adjacent developments, shall be separated from similar clusters by  
1929 at least one hundred twenty feet;

1930                   4. The overall amount, and the individual degree of clustering shall be limited to  
1931 a level that can be adequately served by rural facilities and services, including, but not  
1932 limited to, on-site sewage disposal systems and rural roadways;

1933                   5. A fifty-foot Type II landscaping screen, as defined in K.C.C. 21A.16.040,  
1934 shall be provided along the frontage of all public roads when adjoining differing types of  
1935 development such as commercial and industrial uses, between differing types of  
1936 residential development and to screen industrial uses from the street. The planting  
1937 materials shall consist of species that are native to the Puget Sound region. Preservation  
1938 of existing healthy vegetation is encouraged and may be used to augment new plantings  
1939 to meet the requirements of this section;

1940                   6. Except as provided in subsection B.7. of this section, open space tracts  
1941 created by clustering in the RA zone shall be designated as permanent open space.  
1942 Acceptable uses within open space tracts are passive recreation, with no development of  
1943 active recreational facilities, natural-surface pedestrian and equestrian foot trails and  
1944 passive recreational facilities. A resource tract created under K.C.C. 16.82.152.E. may be  
1945 considered an open space tract for purposes of this subsection B.6;

1946                   7. In the RA zone a resource land tract may be created through a cluster  
1947 development in lieu of an open space tract. A resource tract created under K.C.C.  
1948 16.82.152.E. may be considered a resource tract for purposes of this subsection B.7. The  
1949 resource land tract may be used as a working forest or farm if the following provisions  
1950 are met:

1951                   a. Appropriateness of the resource land tract for forestry or agriculture has  
1952 been determined by the county;

1953           b. The subdivider shall prepare a forest management plan, that must be  
1954 reviewed and approved by the King County department of natural resources and parks, or  
1955 a farm management plan, if a plan is required under K.C.C. chapter 21A.30, that must be  
1956 developed by the King Conservation District. The criteria for management of a resource  
1957 land tract established through a cluster development in the RA zone shall be set forth in a  
1958 public rule. The criteria must assure that forestry or farming will remain as a sustainable  
1959 use of the resource land tract and, except as otherwise provided for resource tracts created  
1960 pursuant to K.C.C. 16.82.152.E or G., that structures supportive of forestry and  
1961 agriculture may be allowed in the resource land tract. The criteria must also set  
1962 impervious surface and clearing limitations and identify the type of buildings or  
1963 structures that will be allowed within the resource land tract;

1964           c. The recorded plat or short plat shall designate the resource land tract as a  
1965 working forest or farm;

1966           d. Resource land tracts that are conveyed to residents of the development shall  
1967 be retained in undivided interest by the residents of the subdivision or short subdivision;

1968           e. A homeowners association shall be established to assure implementation of  
1969 the forest management plan or farm management plan if the resource land tract is retained  
1970 in undivided interest by the residents of the subdivision or short subdivision;

1971           f. The subdivider shall file a notice with the King County department of  
1972 executive services, records and licensing services division. The required contents and  
1973 form of the notice shall be set forth in a public rule. The notice shall inform the property  
1974 owner or owners that the resource land tract is designated as a working forest or farm,

1975 that must be managed in accordance with the provisions established in the approved  
1976 forest management plan or farm management plan;

1977 g. The subdivider shall provide to the department proof of the approval of the  
1978 forest management plan or farm management plan and the filing of the notice required in  
1979 subsection B.7.f. of this section before recording of the final plat or short plat;

1980 h. The notice shall run with the land; and

1981 i. Natural-surface pedestrian and equestrian foot trails, passive recreation, and  
1982 passive recreational facilities, with no development of active recreational facilities, are  
1983 allowed uses in resource land tracts; and

1984 8. The requirements of subsection B.1., 2., or 3. of this subsection may be  
1985 modified or waived by the director if the property is encumbered by critical areas  
1986 containing habitat for, or there is the presence of, species listed as threatened or  
1987 endangered under the Endangered Species Act when it is necessary to protect the habitat;  
1988 and

1989 C. In the R-1 zone, open space tracts created by clustering required by K.C.C.  
1990 21A.12.030 shall be located and configured to create urban separators and greenbelts as  
1991 required by the comprehensive plan, or subarea plans or open space functional plans, to  
1992 connect and increase protective buffers for critical areas, to connect and protect wildlife  
1993 habitat corridors designated by the comprehensive plan and to connect existing or  
1994 planned public parks or trails. The department may require open space tracts created  
1995 under this subsection to be dedicated to an appropriate managing public agency or  
1996 qualifying private entity such as a nature conservancy. In the absence of such a  
1997 requirement, open space tracts shall be retained in undivided interest by the residents of

1998 the subdivision or short subdivision. A homeowners association shall be established for  
1999 maintenance of the open space tract.

2000 SECTION 32. Ordinance 10870, Section 382, as amended, and K.C.C.

2001 21A.14.220 are each hereby amended to read as follows:

2002 Fences are permitted as follows:

2003 A. Fences exceeding a height of six feet shall comply with the applicable street  
2004 and interior setbacks of the zone in which the property is located, except((;)):

2005 1. Fences located on a rockery, retaining wall, or berm within a required setback  
2006 area are permitted subject to the following requirements;

2007 a. In R-1 through R-18, UR, RA and the resource zones:

2008 (1) The total height of the fence and the rockery, retaining wall or berm upon  
2009 which the fence is located shall not exceed a height of ten feet. This height shall be  
2010 measured from the top of the fence to the ground on the low side of the rockery, retaining  
2011 wall or berm; and

2012 (2) The total height of the fence itself, measured from the top of the fence to  
2013 the top of the rockery, retaining wall or berm, shall not exceed six feet.

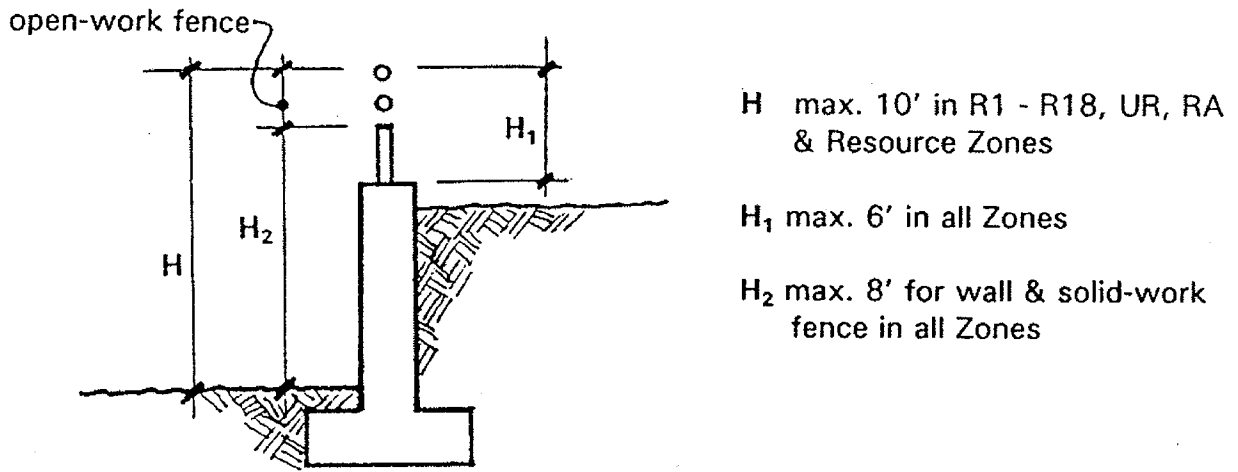
2014 b. In the R-24, R-48 and commercial/industrial zones, the height of the fence,  
2015 measured from the top of the fence to the top of the rockery, retaining wall or berm, shall  
2016 not exceed six feet.

2017 c. Any portion of the fence above a height of eight feet, measured to include  
2018 both the fence and the rockery, retaining wall, or berm (as described in a1. above), shall  
2019 be an open-work fence.

2020 d. The height limitation of this subsection may be exceeded where walls with  
2021 fences cross a setback perpendicularly or abut a critical area tract established under  
2022 K.C.C. chapter 21A.24.

2023 B. Fences located on a rockery, retaining wall or berm outside required setback  
2024 areas shall not exceed the building height for the zone, measured in accordance with the  
2025 standards established in the King County Building Code, Title 16.

**RETAINING WALL WITH FENCE IN SETBACK**



2026 C. Electric fences shall:  
2027

2028 1. Be permitted in all zones, provided that when placed within R-4 through R-48  
2029 zones, additional fencing or other barriers shall be constructed to prevent inadvertent  
2030 contact with the electric fence from abutting property;

2031 2. Comply with the following requirements:

2032 a. An electric fence using an interrupted flow of current at intervals of about  
2033 one second on and two seconds off shall be limited to 2,000 volts at 17 milliamp;

2034 b. An electric fence using continuous current shall be limited to 1,500 volts at  
2035 seven milliamp;

2036 c. All electric fences in the R-4 through R-48 zones shall be posted with  
2037 permanent signs a minimum of 36 square inches in area at 50 foot intervals stating that  
2038 the fence is electrified; and

2039 d. Electric fences sold as a complete and assembled unit can be installed by an  
2040 owner if the controlling elements of the installation are certified by an A.N.S.I. approved  
2041 testing agency; and

2042 D. Except as specifically required for the necessary security related to a  
2043 nonresidential use, no barbed or razor-wire fence shall be located in any R-4 through R-  
2044 48 zone.

2045 SECTION 33. Ordinance 10870, Section 390, as amended, and K.C.C.

2046 21A.16.050 are each hereby amended to read as follows:

2047 The average width of perimeter landscaping along street frontages shall be  
2048 provided as follows:

2049 A. Twenty feet of Type II landscaping shall be provided for an institutional use,  
2050 excluding playgrounds and playfields;

2051 B. Ten feet of Type II landscaping shall be provided for an industrial  
2052 development;

2053 C. Ten feet of Type II landscaping shall be provided for an above-ground utility  
2054 facilities development, excluding distribution and transmission corridors, located outside  
2055 a public right-of-way;

2056 D. Ten feet of Type III landscaping shall be provided for a commercial or  
2057 attached/group residence development; and

2058 E. For single family subdivisions and short subdivisions in the urban growth area:



2059 1. Trees shall be planted at the rate of one tree for every forty feet of frontage  
2060 along all public streets;

2061 2. The trees shall be:

2062 a. Located within the street right-of-way if permitted by the custodial state or  
2063 local agency;

2064 b. No more than twenty feet from the street right-of-way line if located within  
2065 a lot;

2066 c. Maintained by the adjacent landowner unless part of a county maintenance  
2067 program; and

2068 d. A species approved by the county if located within the street right-of way  
2069 and compatible with overhead utility lines.

2070 3. The trees may be spaced at irregular intervals to accommodate sight distance  
2071 requirements for driveways and intersections.

2072 SECTION 34. Ordinance 10870, Section 407, as amended, and K.C.C.

2073 21A.18.030 are each hereby amended to read as follows:

2074 A. Except as modified in K.C.C. 21A.18.070B-D, off-street parking areas shall  
2075 contain at a minimum the number of parking spaces as stipulated in the following table.

2076 Off-street parking ratios expressed as number of spaces per square feet means the usable  
2077 or net square footage of floor area, exclusive of non-public areas. Non-public areas

2078 include but are not limited to building maintenance areas, storage areas, closets or

2079 restrooms. If the formula for determining the number of off-street parking spaces results

2080 in a fraction, the number of off-street parking spaces shall be rounded to the nearest

2081 whole number with fractions of .50 or greater rounding up and fractions below .50  
 2082 rounding down.

<b>LAND USE</b>	<b>MINIMUM PARKING SPACES REQUIRED</b>
<b>RESIDENTIAL (K.C.C. 21A.08.030A):</b>	
Single detached/Townhouse	2.0 per dwelling unit
Apartment:	
Studio units	1.2 per dwelling unit
One bedroom units	1.5 per dwelling unit
Two bedroom units	1.7 per dwelling unit
Three bedroom units or larger	2.0 per dwelling unit
Mobile home park	2.0 per dwelling unit
Senior citizen assisted	1 per 2 dwelling or sleeping units
Community residential facilities	1 per two bedrooms
Dormitory, including religious	1 per two bedrooms
Hotel/Motel including organizational hotel/lodging	1 per bedroom
Bed and breakfast guesthouse	1 per guest room, plus 2 per facility
<b>RECREATION/CULTURAL (K.C.C. 21A.08.040A):</b>	

Recreation/culture uses:	1 per 300 square feet
Exceptions:	
Bowling center	5 per lane
Golf course	3 per hole, plus 1 per 300 square feet of club house facilities
Tennis Club	4 per tennis court plus 1 per 300 square feet of clubhouse facility
Golf driving range	1 per tee
Park/playfield/ <u>paintball</u>	(director)
Theater	1 per 3 fixed seats
Conference center	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces.
<b>GENERAL SERVICES (K.C.C. 21A.08.050A):</b>	
General services uses:	1 per 300 square feet
Exceptions:	
Funeral home/Crematory	1 per 50 square feet of chapel area
Daycare I	2 per facility

Daycare II	2 per facility, plus 1 space for each 20 children
Churches, synagogue, temple	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Outpatient and Veterinary clinic offices	1 per 300 square feet of office, labs and examination rooms
Nursing and personal care Facilities	1 per 4 beds
Hospital	1 per bed
Elementary schools	1 per classroom, plus 1 per 50 students
Secondary schools	
Middle/junior high schools	1 per classroom, plus 1 per 50 students
High schools	1 per classroom, plus 1 per 10 students
High schools with stadiums	greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium
Vocational schools	1 per classroom, plus 1 per five students
Specialized instruction Schools	1 per classroom, plus 1 per two students
Artist Studios	.9 per 1,000 square feet of area used for studios

<b>GOVERNMENT/BUSINESS SERVICES (K.C.C. 21A.08.060A):</b>	
Government/business services uses:	1 per 300 square feet
Exceptions:	
Public agency yard	1 per 300 square feet of offices, plus .9 per 1,000 square feet of indoor storage or repair areas
Public agency archives	.9 per 1000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas
Courts	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas
Police facility	(director)
Fire facility	(director)
Construction and trade	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
Warehousing and storage	1 per 300 square feet of office, plus .9 per 1,000 square feet of storage area
Self-service storage	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit
Outdoor advertising services	1 per 300 square feet of office, plus .9 per 1,000 square feet of storage area

Heavy equipment repair	1 per 300 square feet of office, plus .9 per 1,000 square feet of indoor repair areas
Office	1 per 300 square feet
<b>RETAIL/WHOLESALE (K.C.C. 21A.08.070A):</b>	
Retail trade uses:	1 per 300 square feet
Exceptions:	
Food stores, less than 15,000 square feet	3 plus 1 per 350 square feet
Gasoline service stations w/o grocery	3 per facility, plus 1 per service bay
Gasoline service stations w/grocery, no service bays	1 per facility, plus 1 per 300 square feet of store
Restaurants	1 per 75 square feet in dining or lounge areas
Wholesale trade uses	.9 per 1000 square feet
Retail and wholesale trade mixed use	1 per 300 square feet
<b>MANUFACTURING (K.C.C. 21A.08.080A):</b>	
Manufacturing uses	.9 per 1,000 square feet
Winery/Brewery	.9 per 1,000 square feet, plus 1 per 50

	square feet of tasting area
<b>RESOURCES (K.C.C. 21A.08.090A):</b>	
Resource uses	(director)
<b>REGIONAL (K.C.C. 21A.08.100A):</b>	
Regional uses	(director)

2083 B. An applicant may request a modification of the minimum required number of  
 2084 parking spaces by providing that parking demand can be met with a reduced parking  
 2085 requirement. In such cases, the director may approve a reduction of up to fifty percent of  
 2086 the minimum required number of spaces.

2087 C. When the county has received a shell building permit application, off-street  
 2088 parking requirements shall be based on the possible tenant improvements or uses  
 2089 authorized by the zone designation and compatible with the limitations of the shell  
 2090 permit. When the range of possible uses result in different parking requirements, the  
 2091 director will establish the amount of parking based on a likely range of uses.

2092 D. Where other provisions of this code stipulate maximum parking allowed or  
 2093 reduced minimum parking requirements, those provisions shall apply.

2094 E. In any development required to provide six or more parking spaces, bicycle  
2095 parking shall be provided. Bicycle parking shall be bike rack or locker-type parking  
2096 facilities unless otherwise specified.

2097 1. Off-street parking areas shall contain at least one bicycle parking space for  
2098 every twelve spaces required for motor vehicles except as follows:

2099 a. The director may reduce bike rack parking facilities for patrons when it is  
2100 demonstrated that bicycle activity will not occur at that location.

2101 b. The director may require additional spaces when it is determined that the  
2102 use or its location will generate a high volume of bicycle activity. Such a determination  
2103 will include but not be limited to the following uses:

2104 (1) Park/playfield,

2105 (2) Marina,

2106 (3) Library/museum/arboretum,

2107 (4) Elementary/secondary school,

2108 (5) Sports club, or

2109 (6) Retail business (when located along a developed bicycle trail or  
2110 designated bicycle route).

2111 2. Bicycle facilities for patrons shall be located within 100 feet of the building  
2112 entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a  
2113 structure attached to the pavement.

2114 3. All bicycle parking and storage shall be located in safe, visible areas that do  
2115 not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.



2116 4. When more than ten people are employed on site, enclosed locker-type  
2117 parking facilities for employees shall be provided. The director shall allocate the  
2118 required number of parking spaces between bike rack parking and enclosed locker-type  
2119 parking facilities.

2120 5. One indoor bicycle storage space shall be provided for every two dwelling  
2121 units in townhouse and apartment residential uses, unless individual garages are provided  
2122 for every unit. The director may reduce the number of bike rack parking spaces if indoor  
2123 storage facilities are available to all residents.

2124 SECTION 35. Ordinance 10870, Section 422, and K.C.C. 21A.20.040 are each  
2125 hereby amended to read as follows:

2126 Except as ~~((indicated))~~ otherwise specifically allowed by this chapter, the  
2127 following signs or displays are prohibited:

2128 A. Portable signs including, but not limited to, sandwich/A-frame signs and  
2129 mobile readerboard signs, and excluding signs permitted under K.C.C. 21A.20.120;

2130 B. Private signs on utility poles;

2131 C. Signs which, by reason of their size, location, movement, content, coloring or  
2132 manner of illumination may be confused with traffic control signs or signals;

2133 D. Signs located in the public right-of-way ~~((, except where permitted in this  
2134 chapter))~~; and

2135 E. Posters, pennants, string of lights, blinking lights, balloons, searchlights and  
2136 other displays of a carnival nature; except as architectural features, or on a limited basis  
2137 as seasonal decorations or as provided for in Section 21A.20.120 as grand opening  
2138 displays.

2139 F. Changing message center signs(~~(, where the message changes more frequently~~  
2140 ~~then every three minutes))~~).

2141 SECTION 36. Ordinance 10870, Section 424, as amended, and K.C.C.

2142 21A.20.060 are each hereby amended to read as follows:

2143 A. All signs, except billboards, community bulletin boards, community  
2144 identification signs, political signs, real estate signs and special event signs, shall be on-  
2145 premise signs, except that uses located on lots without public street frontage in business,  
2146 office and industrial zones may have one off-premise directional sign of no more than  
2147 sixteen square feet.

2148 B. Fuel price signs shall not be included in sign area or number limitations of  
2149 K.C.C. 21A.20.090, 21A.20.095, 21A.20.100 and 21A.20.110, but only if the signs do  
2150 not exceed twenty square feet per street frontage.

2151 C. Except as otherwise provided in K.C.C. 21A.20.115, projecting and awning  
2152 signs and signs mounted on the sloping portion of roofs shall not be permitted for uses in  
2153 the Resource and Residential zones. In other zones, projecting and awning signs and  
2154 signs mounted on the sloping portion of roofs may be used in lieu of wall signs, but only  
2155 if:

- 2156 1. They maintain a minimum clearance of eight feet above finished grade;
- 2157 2. They do not project more than six feet perpendicular from the supporting  
2158 building facade;
- 2159 3. They meet the standards of K.C.C. 21A.20.060J. if mounted on the roof of a  
2160 building; and
- 2161 4. They shall not exceed the number or size permitted for wall signs in a zone.

2162 D. Changing message center signs, and time and temperature signs, which can be  
2163 a wall or freestanding sign, shall not exceed the size permitted for a wall or freestanding  
2164 sign, and shall be permitted only in the NB, CB, RB, O and I zones. Changing message  
2165 center signs and time and temperature signs shall not exceed the maximum sign height  
2166 permitted in the zone.

2167 E. Directional signs shall not be included in the sign area or number limitation of  
2168 K.C.C. 21A.20.070, 21A.20.095, 21A.20.100 and 21A.20.110, but only if the signs do  
2169 not exceed six square feet in surface area and are limited to one for each entrance or exit  
2170 to surface parking areas or parking structure.

2171 F. Regarding sign illumination and glare:

2172 1. All signs ~~((in the NB, CB, RB, O or I zone districts))~~ may be illuminated;  
2173 2. ~~((Signs in all other zones may be indirectly illuminated, provided t))~~The light  
2174 source for indirectly illuminated signs shall be no farther away from the sign than the  
2175 height of the sign;

2176 ~~((2.))~~ 3. Indirectly and directly illuminated signs shall be arranged so that no  
2177 direct rays of light are projected from such artificial source into residences or any street  
2178 right-of-way~~((:))~~;

2179 ~~((3.))~~ 4. Electrical requirements for signs shall be governed by chapter 19.28  
2180 RCW and WAC 296-46-910; and

2181 ~~((4.))~~ 5. Signs with an on/off operation shall be permitted only in the CB, RB  
2182 and I zones.

2183 G. Maximum height for wall signs shall not extend above the highest exterior  
2184 wall or structure upon which the sign is located.

2185 H. Maximum height for projecting signs shall not extend above the highest  
2186 exterior wall upon which the projecting sign is located.

2187 I. Maximum height for awning signs shall not extend above the height of the  
2188 awning upon which the awning sign is located.

2189 J. Any sign attached to the sloping surface of a roof shall be installed or erected  
2190 in such a manner that there are no visible support structures, shall appear to be part of the  
2191 building itself, and shall not extend above the roof ridge line of the portion of the roof  
2192 upon which the sign is attached.

2193 K. Except as otherwise permitted by this chapter, off-premise directional signs  
2194 shall not exceed four square feet in sign area.

2195 L. Mixed use developments in the NB, CB, RB or O zones are permitted one  
2196 permanent residential identification sign not exceeding thirty-two square feet in addition  
2197 to the maximum sign area requirements in the zone where the mixed use development is  
2198 located.

2199 SECTION 37. Ordinance 10870, Section 427, as amended, and K.C.C.  
2200 21A.20.080 are each hereby amended to read as follows:

2201 Except as otherwise provided in K.C.C. 21A.20.115, signs in the R, UR and RA  
2202 zones are limited as follows:

2203 A. Nonresidential use:

2204 1. One sign identifying nonresidential uses, not exceeding twenty-five square  
2205 feet and not exceeding six feet in height is permitted;

2206           2. Schools are permitted one sign per school or school facility entrance, which  
2207 may be located in the setback. Two additional wall signs attached directly to the school  
2208 or school facility are permitted;

2209           3. Home occupation and home industry signs are limited to:

2210           a. wall signs not exceeding ~~((six square feet))~~ ten percent of the building façade  
2211 on which they are located; and

2212           b. one freestanding sign not exceeding six square feet for each street frontage of  
2213 at least one-hundred feet.

2214           B. Residential use:

2215           1. One residential identification sign not exceeding two square feet is permitted;  
2216 and

2217           2. One permanent residential development identification sign not exceeding  
2218 thirty-two square feet is permitted ~~((per))~~ for each entrance into a development. The  
2219 maximum height for the sign shall be six feet. The sign may be freestanding or mounted  
2220 on a wall, fence or other structure.

2221           SECTION 38. Ordinance 10870, Section 432, as amended, and K.C.C.

2222 21A.20.120 are each hereby amended to read as follows:

2223           The following temporary signs or displays are permitted and except as required by  
2224 the ~~((Uniform Building Code))~~ K.C.C. Title 16, or as otherwise permitted in this chapter,  
2225 do not require building permits:

2226           A. Grand opening displays:

2227           1. Signs, posters, pennants, strings of lights, blinking lights, balloons and  
2228 searchlights are permitted for a period of up to one month to announce the opening of a  
2229 new enterprise or the opening of an enterprise under new management; and

2230           2. All grand opening displays shall be removed upon the expiration of 30  
2231 consecutive days;

2232           B. Construction signs:

2233           1. Construction signs identifying architects, engineers, planners, contractors or  
2234 other individuals or firms involved with the construction of a building and announcing  
2235 the character of the building or the purpose for which the building is intended may be  
2236 displayed;

2237           2. One nonilluminated, double-faced sign is permitted for each public street  
2238 upon which the project fronts;

2239           3. No sign shall exceed 32 square feet in surface area or ten feet in height, or be  
2240 located closer than 30 feet from the property line of the adjoining property; and

2241           4. Construction signs must be removed by the date of first occupancy of the  
2242 premises or one year after placement of the sign, whichever occurs first;

2243           C. Political Signs:

2244           1. Signs, posters or bills promoting or publicizing candidates for public office or  
2245 issues that are to be voted upon in a general or special election may be displayed on  
2246 private property with the consent of the property owner. Any such sign, poster or bill  
2247 shall be removed within ten days following the election; and

2248           2. No sign, poster, bill or other advertising device shall be located on public  
2249 property or within public easements or street right-of-way;

2250 D. Real estate signs. All temporary real estate signs may be single or double-  
2251 faced signs:

2252 1. Signs advertising an individual residential unit for sale or rent shall be limited  
2253 to one sign per street frontage. The sign may not exceed eight square feet in area, and  
2254 shall not exceed six feet in height. The sign shall be removed within five days after  
2255 closing of the sale, lease or rental of the property.

2256 2. Portable off-premise residential directional signs announcing directions to an  
2257 open house at a specified residence which is offered for sale or rent shall not exceed six  
2258 square feet in area for each sign, and shall not exceed 42 inches in height. Such signs  
2259 shall be permitted only when the agent or seller is in attendance at the property for sale or  
2260 rent and may be located on the right-of-way outside of vehicular and bicycle lanes.

2261 3. On-site commercial or industrial property for sale or rent signs shall be  
2262 limited to one sign per street frontage, and shall not exceed 32 square feet in area. The  
2263 sign shall not exceed 12 feet in height. The sign shall be removed within 30 days after  
2264 closing of the sale, lease or rental of the property. A building permit is required and shall  
2265 be issued for a one year period. The permit is renewable for one year increments up to a  
2266 maximum of three years.

2267 4. On-site residential development for sale or rent signs shall be limited to one  
2268 sign per development. The sign shall not exceed 32 square feet in area, and shall not  
2269 exceed 12 feet in height. A building permit is required and shall be issued for a one year  
2270 period. The permit is renewable annually for up to a maximum of three years.

2271 5. Off-site directional signs for residential developments shall be limited to six  
2272 signs. Each sign shall not exceed 16 square feet in area, and shall include only the name

2273 of and directions to the residential development. The sign(s) shall be placed a maximum  
2274 of two road miles from the nearest residential development entrance. No two signs for  
2275 one residential development shall be located closer than 500 feet from one another on the  
2276 same street. A single building permit is required for all signs and shall be issued for a  
2277 one year period. The permit number and the permit expiration date must be clearly  
2278 displayed on the face of each sign. The permit is renewable for one year increments up to  
2279 a maximum of three years, provided that extensions will only be granted if the sign  
2280 permit applicant has complied with the applicable regulations.

2281 6. Residential on-premise informational signs shall be limited to one sign per  
2282 feature, including but not limited to signs for information centers, model homes, parking  
2283 areas or announcing features such as parks, playgrounds, or trails. Each sign shall not  
2284 exceed 16 square feet in area, and shall not exceed six feet in height.

2285 E. Community event signs:

2286 1. Community event signs shall be limited to announcing or promoting a non-  
2287 profit sponsored community fair, festival or event;

2288 2. Community event signs may be displayed no more than the time period  
2289 specified in the temporary use permit issued pursuant to K.C.C. 21A.44. Community  
2290 event signs that do not require a temporary use permit shall not be displayed earlier than  
2291 one month before the event; and

2292 3. Community event signs shall be removed by the event sponsor within two  
2293 weeks following the end of the community fair, festival or event.

2294 SECTION 39. Ordinance 13022, Section 26, and K.C.C. 21A.20.190 are each  
2295 hereby amended to read as follows:



2296 Community identification signs are permitted subject to the following provisions:

2297 A. Only Unincorporated Activity Centers, urban planned developments or Rural  
2298 Towns, designated and delineated by the comprehensive plan, or specific geographic  
2299 areas (communities) recognized and delineated by a recognized unincorporated area  
2300 council, are eligible to be identified with community identification signs. Identification  
2301 signs for Unincorporated Activity Centers, urban planned developments or Rural Towns  
2302 shall be placed along the boundaries identified by the comprehensive plan. Identification  
2303 signs for specific geographic areas (communities) recognized and delineated by a  
2304 recognized unincorporated area council shall be placed along the boundaries delineated  
2305 by the unincorporated area council.

2306 B. Two types of community identification signs are permitted. Primary signs are  
2307 intended to mark the main arterial street entrances to a designated community,  
2308 Unincorporated Activity Center, urban planned development or Rural Town. Auxiliary  
2309 signs are intended to mark entrances to a designated community, Unincorporated Activity  
2310 Center, urban planned development or Rural Town along local access streets.

2311 C. Primary signs are subject to the following provisions:

2312 1. No more than four primary signs shall be allowed per Unincorporated Activity  
2313 Center, urban planned development, Rural Town or designated community, unless a  
2314 recognized unincorporated area council permits up to two additional primary signs.

2315 2. Each primary sign shall be no more than thirty-two square feet in area and no  
2316 more than six feet in height, except that a recognized unincorporated area council may  
2317 permit consolidation of two primary signs into one larger sign no more than sixty-four

2318 square feet in area and no more than fifteen feet in height, to be located only in  
2319 commercial/industrial zones.

2320 3. Primary signs shall only be located along arterial streets, outside of the right-  
2321 of-way.

2322 D. Auxiliary community identification signs are subject to the following  
2323 provisions:

2324 1. There shall be no limits on the number of auxiliary community identification  
2325 signs allowed per Unincorporated Activity Center, urban planned development, Rural  
2326 Town, or designated community.

2327 2. Each auxiliary sign shall be no more than two ((2)) square feet, and shall be  
2328 located only outside of the right-of-way.

2329 E. No commercial advertisement shall be permitted on either primary or auxiliary  
2330 signs except as follows:

2331 1. When located on property within the RA, UR, R1-8 and R12-48 zones, signs  
2332 may have a logo or other symbol of a community service or business group (e.g. Kiwanis,  
2333 Chamber of Commerce, etc.) sponsoring construction of the signs(s). Any permitted logo  
2334 or symbol shall be limited to an area of no more than two square feet on primary signs  
2335 and no more than seventy-two square inches on auxiliary signs; or

2336 2. When located on properties within the NB, CB, RB, O and I zones, signs  
2337 may have a logo or other symbol of the company, community service or business group  
2338 sponsoring construction of the sign(s). Any permitted logo or symbol shall be limited to  
2339 an area of no more than four square feet on primary signs and no more than seventy-two  
2340 square inches on auxiliary signs.

2341 F. Community identification signs shall be exempt from the provisions of K.C.C.  
2342 21A.20.060.A that require signs to be on-premise.

2343 SECTION 40. Ordinance 15051, Section 137, and K.C.C. 21A.24.045 are each  
2344 hereby amended to read as follows:

2345 A. Within the following seven critical areas and their buffers all alterations are  
2346 allowed if the alteration complies with the development standards, impact avoidance and  
2347 mitigation requirements and other applicable requirements established in this chapter:

- 2348 1. Critical aquifer recharge area,
- 2349 2. Coal mine hazard area;
- 2350 3. Erosion hazard area;
- 2351 4. Flood hazard area except in the severe channel migration hazard area;
- 2352 5. Landslide hazard area under forty percent slope;
- 2353 6. Seismic hazard area; and
- 2354 7. Volcanic hazard areas.

2355 B. Within the following seven critical areas and their buffers, unless allowed as  
2356 an alteration exception under K.C.C. 21A.24.070, only the alterations on the table in  
2357 subsection C. of this section are allowed if the alteration complies with conditions in  
2358 subsection D. of this section and the development standards, impact avoidance and  
2359 mitigation requirements and other applicable requirements established in this chapter:

- 2360 1. Severe channel migration hazard area;
- 2361 2. Landslide hazard area over forty percent slope;
- 2362 3. Steep slope hazard area;
- 2363 4. Wetland;

2364 5. Aquatic area;  
 2365 6. Wildlife habitat conservation area; and  
 2366 7. Wildlife habitat network.

2367 C. In the following table where an activity is included in more than one activity  
 2368 category, the numbered conditions applicable to the most specific description of the  
 2369 activity governs. Where more than one numbered condition appears for a listed activity,  
 2370 each of the relevant conditions specified for that activity within the given critical area  
 2371 applies. For alterations involving more than one critical area, compliance with the  
 2372 conditions applicable to each critical area is required.

**KEY**

Letter "A" in a cell means alteration is allowed

A number in a cell means the corresponding numbered condition in subsection D. applies

"Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network

L	O	S	A	W	B	A	B	C	W	A
A	V	T	N	E	U	Q	U	H	I	N
N	E	E	D	T	F	U	F	A	L	D
D	R	E		L	F	A	F	N	D	
S		P	B	A	E	T	E	N	L	N
L	40%		U	N	R	I	R	E	I	E
I		S	F	D		C		L	F	T
D	A	L	F				A		E	W
E	N	O	E	A		A	N	M		O
	D	P	R	N		R	D	I	A	R
H		E		D		E		G	R	K
A	B					A	S	R	E	
Z	U	H					E	A	A	
A	F	A				A	V	T		
R	F	Z				N	E	I		
D	E	A				D	R	O		

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ACTIVITY	R	R D		E N	
<b>Structures</b>					
Construction of new single detached dwelling unit			A 1	A 2	
Construction of nonresidential structure			A 3	A 3	A 3, 4
Maintenance or repair of existing structure	A 5	A	A	A	A 4
Expansion or replacement of existing structure	A 5, 7	A 5, 7	A 7, 8	A 6, 7, 8	A 4, 7
Interior remodeling	A	A	A	A	A
Construction of new dock or pier			A 9	A 9, 10, 11	
Maintenance, repair or replacement of dock or pier			A 12	A 10, 11	A 4
<b>Grading</b>					
Grading		A 13		A 14	A 4, 14
Construction of new slope stabilization	A 15	A 15	A 15	A 15	A 4, 15
Maintenance of existing slope stabilization	A 16	A 13	A 17	A 16, 17	A 4
Mineral extraction	A	A			
<b>Clearing</b>					
Clearing	A 18	A 18, 19	A 18, 20	A 14, 18, 20	A 4, 14, 18, 20
Cutting firewood		A 21	A 21	A 21	A 4, 21
Removal of vegetation for fire safety	<u>A22</u>	<u>A22</u>	A 22	A 22	A 4, 22
Removal of noxious weeds or invasive vegetation	A 23	A 23	A 23	A 23	A 4, 23
<b>Forest Practices</b>					
Nonconversion Class IV-G forest practice	A 24	A 24	A 24	A 24	A 24, 25
Class I, II, III, IV-S forest practice	A	A	A	A	A
<b>Roads</b>					
Construction of new public road right-of-			A 26	A 26	

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way structure on unimproved right-of-way					
<u>Construction of new road in a plat</u>			<u>A26</u>	<u>A26</u>	
Maintenance of public road right-of-way structure	A 16	A 16	A 16	A 16	A 16, 27
Expansion beyond public road right-of-way structure	A	A	A 26	A 26	
Repair, replacement or modification within the roadway	A 16	A 16	A 16	A 16	A 16, 27
Construction of driveway or private access road	A 28	A 28	A 28	A 28	A 28
Construction of farm field access drive	A 29	A 29	A 29	A 29	A 29
Maintenance of driveway, private access road, ((or)) farm field access drive or parking lot	A	A	A 17	A 17	A 17, 27
<u>Construction of a bridge or culvert as part of a driveway or private access road</u>	<u>A 39</u>	<u>A 39</u>	<u>A 39</u>	<u>A 39</u>	<u>A 39</u>
<b>Bridges or culverts</b>					
Maintenance or repair of bridge or culvert	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17, 27
Replacement of bridge or culvert	A 16	A 16	A 16	A 16, 30	A 16, 27
Expansion of bridge or culvert	<u>A 16, 17</u>	<u>A 16, 17</u>	<u>A 16, 17, 31</u>	<u>A 16, 17, 31</u>	A 4
<b>Utilities and other infrastructure</b>					
Construction of new utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34	A 32, 34	A 27, 32, 35
<u>Construction of a new residential utility service distribution line</u>	<u>A 32, 33</u>	<u>A 32, 33</u>	<u>A 32, 60</u>	<u>A 32, 60</u>	<u>A 27, 32, 60</u>
Maintenance, repair or replacement of utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34, 36	A 32, 34, 36	A 4, 32, 37
Maintenance or repair of existing well	A 37	A 37	A 37	A 37	A 4, 37
Maintenance or repair of on-site sewage disposal system	A	A	A	A 37	A 4

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Construction of new surface water conveyance system	A <u>32</u> , 33	A <u>32</u> , 33	A <u>32</u> , 38	A 32, ((39)) <u>38</u>	A 4
Maintenance, repair or replacement of existing surface water conveyance system	A 33	A 33	A 16, 32, ((39)) <u>38</u>	A 16, 40, 41	A 4, 37
Construction of new surface water flow control or surface water quality treatment facility			A 32	A 32	A 4, 32
Maintenance or repair of existing surface water flow control or surface water quality treatment facility	A 16	A 16	A 16	A 16	A 4
Construction of new flood protection facility			A 42	A 42	A 27, 42
Maintenance, repair or replacement of flood protection facility	A 33, 43	A 33, 43	A 43	A 43	A 27, 43
<u>Flood risk reduction gravel removal</u>	<u>A 61</u>	<u>A 61</u>	<u>A 61</u>	<u>A 61</u>	<u>A 61</u>
Construction of new instream structure or instream work	A 16	A 16	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream structure	A 16	A	A	A	A 4
<b>Recreation ((areas))</b>					
Construction of new trail	A 46	A 46	A 47	A 47	A 4, 47
Maintenance of outdoor public park facility, trail or publicly improved recreation area	A 48	A 48	A 48	A 48	A 4, 48
<b>Habitat, education and science projects</b>					
Habitat restoration or enhancement project	A 49	A 49	A 49	A 49	A 4, 49
Scientific sampling for salmonids			A 50	A 50	A 50
Drilling and testing for critical areas report	A 51	A 51	A 51, 52	A 51, 52	A 4
<u>Environmental education project</u>	<u>A 62</u>	<u>A 62</u>	<u>A 62</u>	<u>A 62</u>	<u>A 62</u>
<b>Agriculture</b>					

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Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Grazing livestock	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of livestock manure storage facility			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction or maintenance of livestock flood sanctuary			A	A 56	
Construction of agricultural drainage			A 57	A 57	A 4, 57
Maintenance of agricultural drainage	A 23, 58	A 23, 58	A 23, 53, 54, 58	A 23, 53, 54, 58	A 4, 23, 53, 54, 58
Construction or maintenance of farm pond, fish pond or livestock watering pond	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
<b>Other</b>					
Excavation of cemetery graves in established and approved cemetery	A	A	A	A	A
Maintenance of cemetery graves	A	A	A	A	A
Maintenance of lawn, landscaping or garden((ing)) for personal consumption	A 59	A 59	A 59	A 59	A 59
Maintenance of golf course	A 17	A 17	A 17	A 17	A 4, 17

- 2373 D. The following alteration conditions apply:
- 2374 1. Limited to farm residences in grazed or tilled wet meadows and subject to the
- 2375 limitations of subsection D.3. of this section.
- 2376 2. Allowed in a buffer of a lake that is twenty acres or larger on a lot that was
- 2377 created before January 1, 2005, if:



2378 a. at least seventy-five percent of the lots abutting the shoreline of the lake or  
2379 seventy-five percent of the lake frontage, whichever constitutes the most developable  
2380 lake frontage, has existing density of four dwelling units per acre or more;

2381 b. the development proposal, including mitigation required by this chapter, will  
2382 have the least adverse impact on the critical area;

2383 c. existing native vegetation within the critical area buffer will remain  
2384 undisturbed except as necessary to accommodate the development proposal and required  
2385 building setbacks;

2386 d. access is located to have the least adverse impact on the critical area and  
2387 critical area buffer;

2388 e. the alteration is the minimum necessary to accommodate the development  
2389 proposal and in no case in excess of a development footprint of five thousand square feet;

2390 f. the alteration does not exceed the residential development setbacks required  
2391 under K.C.C. chapter 25.04 and in no circumstances shall the alteration be allowed closer  
2392 than:

2393 (1) twenty-five feet of the ordinary high water mark of a lake shoreline  
2394 designated urban under K.C.C. chapter 25.16;

2395 (2) fifty feet of the ordinary high water mark of a lake shoreline designated  
2396 rural under K.C.C. chapter 25.20 or conservancy under K.C.C. chapter 25.24; or

2397 (3) one hundred feet of the ordinary high water mark of a lake shoreline  
2398 designated natural under K.C.C. chapter 25.28; and

2399 g. to the maximum extent practical, alterations are mitigated on the  
2400 development proposal site by enhancing or restoring remaining critical area buffers.

- 2401                   3. Limited to nonresidential farm-structures in grazed or tilled wet meadows or  
2402 buffers of wetlands or aquatic areas where:
- 2403                   a. the site is predominantly used for the practice of agriculture;
- 2404                   b. the structure is in compliance with an approved farm management plan in  
2405 accordance with K.C.C. 21A.24.051;
- 2406                   c. the structure is either:
- 2407                   (1) on or adjacent to existing nonresidential impervious surface areas,  
2408 additional impervious surface area is not created waterward of any existing impervious  
2409 surface areas and the area was not used for crop production;
- 2410                   (2) higher in elevation and no closer to the critical area than its existing  
2411 position; or
- 2412                   (3) at a location away from existing impervious surface areas that is  
2413 determined to be the optimum site in the farm management plan;
- 2414                   d. all best management practices associated with the structure specified in the  
2415 farm management plan are installed and maintained;
- 2416                   e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not  
2417 require the development of a farm management plan if required best management  
2418 practices are followed and the installation does not require clearing of critical areas or  
2419 their buffers; and
- 2420                   f. in a severe channel migration hazard area portion of an aquatic buffer only  
2421 if:
- 2422                   (1) there is no feasible alternative location on-site;

2423 (2) the structure is located where it is least subject to risk from channel  
2424 migration;

2425 (3) the structure is not used to house animals or store hazardous substances;  
2426 and

2427 (4) the total footprint of all accessory structures within the severe channel  
2428 migration hazard area will not exceed the greater of one thousand square feet or two  
2429 percent of the severe channel migration hazard area on the site.

2430 4. Allowed if no clearing, external construction or other disturbance in a  
2431 wildlife habitat conservation area occurs during breeding seasons established under  
2432 K.C.C. 21A.24.382.

2433 5. Allowed for structures when:

- 2434 a. the landslide hazard poses little or no risk of injury;
- 2435 b. the risk of landsliding is low; and
- 2436 c. there is not an expansion of the structure.

2437 6. Within a severe channel migration hazard area allowed for:

2438 a. existing legally established primary structures if:

- 2439 (1) there is not an increase of the footprint of any existing structure; and
- 2440 (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270;

2441 and

2442 b. existing legally established accessory structures if:

- 2443 (1) additions to the footprint will not make the total footprint of all existing  
2444 structures more than one-thousand square feet; and

2445 (2) there is not an expansion of the footprint towards any source of channel  
2446 migration hazard, unless the applicant demonstrates that the location is less subject to risk  
2447 and has less impact on the critical area.

2448 7. Allowed only in grazed wet meadows or the buffer or building setback  
2449 outside a severe channel migration hazard area if:

2450 a. the expansion or replacement does not increase the footprint of a  
2451 nonresidential structure;

2452 b.(1) for a legally established dwelling unit, the expansion or replacement,  
2453 including any expansion of a ~~a((#))~~ legally established accessory structure or impervious  
2454 surfaces allowed under this subsection B.7.b., does not increase the footprint of the  
2455 dwelling unit and all other structures by more than one thousand square feet, not  
2456 including any expansion of a drainfield made necessary by the expansion of structures.  
2457 To the maximum extent practical, the replacement or expansion of a drainfield in the  
2458 buffer should be located within areas of existing lawn or landscaping, unless another  
2459 location will have a lesser impact on the critical area and its buffer;

2460 (2) for a structure accessory to a dwelling unit, the expansion or replacement  
2461 is located on or adjacent to existing impervious surface areas and does not increase the  
2462 footprint of the accessory structure and the dwelling unit by more than one thousand  
2463 square feet; and

2464 (3) the location of the expansion has the ~~leas((e))t~~ adverse impact on the  
2465 critical area;

2466 c. the structure was not established as the result of an alteration exception,  
2467 variance, buffer averaging or reasonable use exception; and

2468 d. to the maximum extent practical, the expansion or replacement is not  
2469 located closer to the critical area or within the relic of a channel that can be connected to  
2470 an aquatic area.

2471 8. Allowed upon another portion of an existing impervious surface outside a  
2472 severe channel migration hazard area if:

2473 a. the structure is not located closer to the critical area; and

2474 b. the existing impervious surface within the critical area or buffer is not  
2475 expanded.

2476 9. Limited to piers or seasonal floating docks (~~((or piers))~~) in a category II, III or  
2477 IV wetland or its buffer or along a lake shoreline or its buffer where:

2478 a. the existing and zoned density of all properties abutting the entire lake  
2479 shoreline averages three dwelling units per acre or more;

2480 b. at least seventy-five percent of the lots abutting the shoreline or seventy-five  
2481 percent of the lake frontage, whichever constitutes the most lake frontage, has been  
2482 developed with dwelling units;

2483 c. (~~((there is not any significant))~~) the vegetation where the alteration is  
2484 proposed does not consist of dominant native wetland herbaceous or woody vegetation  
2485 six feet in width or greater and the (~~((loss))~~) lack of this vegetation (~~((was))~~) is not the result  
2486 of any violation of law;

2487 (~~((d.))~~) b. the wetland or lake shoreline is not a salmonid spawning area; and

2488 (~~((e.))~~) c. hazardous substances or toxic materials are not used.

2489 10. Allowed on type N or O aquatic areas if hazardous substances or toxic  
2490 materials are not used.

- 2491            11. Allowed on type S or F aquatic areas outside of the severe channel  
2492 migration hazard area if in compliance with K.C.C. Title 25.
- 2493            12. When located on a lake, must be in compliance with K.C.C. Title 25.
- 2494            13. Limited to regrading and stabilizing of a slope formed as a result of a legal  
2495 grading activity.
- 2496            14. The following are allowed in the severe channel migration hazard area if  
2497 conducted more than one-hundred and sixty-five feet from the ordinary high water mark  
2498 in the rural area and one-hundred and fifteen feet from the ordinary high water mark in  
2499 the urban area:
- 2500            a. grading of up to fifty cubic yards on lot less than five acres; and  
2501            b. clearing of up to one-thousand square feet or up to a cumulative thirty-five  
2502 percent of the severe channel migration hazard area.
- 2503            15. Only where erosion or landsliding threatens a structure, utility facility,  
2504 roadway, driveway, public trails, aquatic area or wetland if, to the maximum extent  
2505 practical, stabilization work does not disturb the slope and its vegetative cover and any  
2506 associated critical areas.
- 2507            16. Allowed when performed by, at the direction of or authorized by a  
2508 government agency in accordance with regional road maintenance guidelines.
- 2509            17. Allowed when not performed under the direction of a government agency  
2510 only if:
- 2511            a. the maintenance or expansion does not involve the use of herbicides,  
2512 hazardous substances, sealants or other liquid oily substances in aquatic areas, wetlands  
2513 or their buffers; and

2514           b. when maintenance, expansion or replacement of bridges or culverts involves  
2515 water used by salmonids:

2516           (1) the work is in compliance with ditch standards in public rule; and

2517           (2) the maintenance of culverts is limited to removal of sediment and debris  
2518 from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or  
2519 damaged bank or channel immediately adjacent to the culvert and shall not involve the  
2520 excavation of a new sediment trap adjacent to the inlet.

2521           18. Allowed for the removal of hazard trees and vegetation as necessary for  
2522 surveying or testing purposes.

2523           19. The limited trimming and pruning of vegetation for the making and  
2524 maintenance of view((s)) corridors or habitat enhancement under a vegetation  
2525 management plan approved by the department, if the soils are not disturbed and the  
2526 activity will not adversely affect the long term slope stability ((~~of the slope, erosion~~)) or  
2527 water quality or cause erosion. The vegetation management plan shall use native species  
2528 with adequate root strength to add stability to a steep slope.

2529           20. Harvesting of plants and plant materials, such as plugs, stakes, seeds or  
2530 fruits, for restoration and enhancement projects is allowed.

2531           21. Cutting of firewood is subject to the following:

2532           a. within a wildlife habitat conservation area, cutting firewood is not allowed;

2533           b. within a wildlife network, cutting shall be in accordance with a management  
2534 plan approved under K.C.C. ((~~21A.14.270, as recodified by this ordinance~~)) 21A.24.386  
2535 by this ordinance; and

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- c. within a critical area buffer, cutting shall be for personal use and in accordance with an approved forest management plan or rural stewardship plan.
- 22. Allowed only in buffers if in accordance with best management practices approved by the King County fire marshal.
- 23. Allowed as follows:
  - a. if conducted in accordance with an approved forest management plan, farm management plan, or rural stewardship plan; or
  - b. without an approved forest management plan, farm management plan or rural stewardship plan, only if:
    - (1) removal is undertaken with hand labor, including hand-held mechanical tools, unless the King County noxious weed control board otherwise prescribes the use of riding mowers, light mechanical cultivating equipment or herbicides or biological control methods;
    - (2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;
    - (3) the cleared area is revegetated with native (~~or noninvasive~~) vegetation and stabilized against erosion; and
    - (4) herbicide use is in accordance with federal and state law;
- 24. Only if in accordance with chapter 76.09 RCW and Title 222 WAC and:
  - a. a forest management plan is approved for the site by the King County department of natural resources and parks; and
  - b. the property owner provides a notice of intent in accordance with RCW 76.09.060 that the site will not be converted to nonforestry uses within six years.



2558           25. Only if in compliance with published Washington state Department of Fish  
2559 and Wildlife and Washington state Department of Natural Resources Management  
2560 standards for the species. If there are no published Washington state standards, only if in  
2561 compliance with management standards determined by the county to be consistent with  
2562 best available science.

2563           26. Allowed only if:

2564           a. there is not another feasible location with less adverse impact on the critical  
2565 area and its buffer;

2566           b. the corridor is not located over habitat used for salmonid rearing or  
2567 spawning or by a species listed as endangered or threatened by the state or federal  
2568 government unless the department determines that there is no other feasible crossing site.

2569           c. the corridor width is minimized to the maximum extent practical;

2570           d. the construction occurs during approved periods for instream work; ~~((and))~~

2571           e. the corridor will not change or diminish the overall aquatic area flow peaks,  
2572 duration or volume or the flood storage capacity; and

2573           f. no new public right-of-way is established within a severe channel migration  
2574 hazard area.

2575           27. To the maximum extent practical, during breeding season established under  
2576 K.C.C. 21A.24.382, land clearing machinery such as bulldozers, graders or other heavy  
2577 equipment are not operated within a wildlife habitat conservation area.

2578           28. Allowed only if:

2579           a. an alternative access is not available;

- 2580                   b. impact to the critical area is minimized to the maximum extent practical  
2581 including the use of walls to limit the amount of cut and fill necessary;
- 2582                   c. the risk associated with landslide and erosion is minimized;
- 2583                   d. access is located where it is least subject to risk from channel migration; and  
2584                   e. construction occurs during approved periods for instream work.
- 2585                   29. Only if in compliance with a farm management plan in accordance with  
2586 K.C.C. 21A.24.051.
- 2587                   30. Allowed only if:
- 2588                   a. the replacement is made fish passable in accordance with the most recent  
2589 Washington state Department of Fish and Wildlife manuals or with the National Marine  
2590 and Fisheries Services guidelines for federally listed salmonid species; and  
2591                   b. the site is restored with appropriate native vegetation.
- 2592                   31. Allowed if necessary to bring the bridge or culvert up to current standards  
2593 and if:
- 2594                   a. there is not another feasible alternative available with less impact on the  
2595 aquatic area and its buffer; and  
2596                   b. to the maximum extent practical, the bridge or culvert is located to minimize  
2597 impacts to the aquatic area and its buffer's.
- 2598                   32. Allowed in an existing roadway if conducted consistent with the regional  
2599 road maintenance guidelines.
- 2600                   33. Allowed outside the roadway if:
- 2601                   a. the alterations will not subject the critical area to an increased risk of  
2602 landslide or erosion;

2603                   b. vegetation removal is the minimum necessary to locate the utility or  
2604 construct the corridor; and  
2605                   c. significant risk of personal injury is eliminated or minimized in the landslide  
2606 hazard area.

2607                   34. Limited to the pipelines, cables, wires and support structures of utility  
2608 facilities within utility corridors if:

2609                   a. there is no alternative location with less adverse impact on the critical area  
2610 and critical area buffer;

2611                   b. new utility corridors meet the all of the following to the maximum extent  
2612 practical:

2613                   (1) are not located over habitat used for salmonid rearing or spawning or by a  
2614 species listed as endangered or threatened by the state or federal government unless the  
2615 department determines that there is no other feasible crossing site;

2616                   (2) the mean annual flow rate is less than twenty cubic feet per second; and

2617                   (3) paralleling the channel or following a down-valley route near the channel  
2618 is avoided;

2619                   c. to the maximum extent practical utility corridors are located so that:

2620                   (1) the width is the minimized;

2621                   (2) the removal of trees greater than twelve inches diameter at breast height is  
2622 minimized;

2623                   (3) an additional, contiguous and undisturbed critical area buffer, equal in  
2624 area to the disturbed critical area buffer area including any allowed maintenance roads, is  
2625 provided to protect the critical area;

2626 d. to the maximum extent practical, access for maintenance is at limited access  
2627 points into the critical area buffer rather than by a parallel maintenance road. If a parallel  
2628 maintenance road is necessary the following standards are met:

2629 (1) to the maximum extent practical the width of the maintenance road is  
2630 minimized and in no event greater than fifteen feet; and

2631 (2) the location of the maintenance road is contiguous to the utility corridor  
2632 on the side of the utility corridor farthest from the critical area;

2633 e. the utility corridor or facility will not adversely impact the overall critical  
2634 area hydrology or diminish flood storage capacity;

2635 f. the construction occurs during approved periods for instream work;

2636 g. the utility corridor serves multiple purposes and properties to the maximum  
2637 extent practical;

2638 h. bridges or other construction techniques that do not disturb the critical areas  
2639 are used to the maximum extent practical;

2640 i. bored, drilled or other trenchless crossing is laterally constructed at least four  
2641 feet below the maximum depth of scour for the base flood;

2642 j. bridge piers or abutments for bridge crossing are not placed within the  
2643 FEMA floodway or the ordinary high water mark;

2644 k. open trenching is only used during low flow periods or only within aquatic  
2645 areas when they are dry. The department may approve open trenching of type S or F  
2646 aquatic areas only if there is not a feasible alternative and equivalent or greater  
2647 environmental protection can be achieved; and

2648 l. minor communication facilities may collocate on existing utility facilities if:

- 2649 (1) no new transmission support structure is required; and
- 2650 (2) equipment cabinets are located on the transmission support structure.
- 2651 35. Allowed only for new utility facilities in existing utility corridors.
- 2652 36. Allowed for private individual utility service connections on site or to public
- 2653 utilities if the disturbed area is not expanded and no hazardous substances, pesticides or
- 2654 fertilizers are applied.
- 2655 37. Allowed if the disturbed area is not expanded, clearing is limited to the
- 2656 maximum extent practical and no hazardous substances, pesticides or fertilizers are
- 2657 applied.
- 2658 38. Allowed if:
- 2659 a. conveying the surface water into the wetland or aquatic area buffer and
- 2660 discharging into the wetland or aquatic area buffer or at the wetland or aquatic area edge
- 2661 has less adverse impact upon the wetland or aquatic area or wetland or aquatic area buffer
- 2662 than if the surface water were discharged at the buffer's edge and allowed to naturally
- 2663 drain through the buffer;
- 2664 b. the volume of discharge is minimized through application of low impact
- 2665 development and water quality measures identified in the King County Surface Water
- 2666 Design Manual;
- 2667 c. the conveyance and outfall are installed with hand equipment where
- 2668 feasible;
- 2669 d. the outfall shall include bioengineering techniques where feasible; and
- 2670 e. the outfall is designed to minimize adverse impacts to critical areas.
- 2671 39. ~~((Allowed if constructed only with vegetation))~~ Allowed only if:

- 2672           a. there is no feasible alternative with less impact on the critical area and its  
2673 buffer;
- 2674           b. to the maximum extent practical, the bridge or culvert is located to minimize  
2675 impacts to the critical area and its buffer;
- 2676           c. the bridge or culvert is not located over habitat used for salmonid rearing or  
2677 spawning unless there is no other feasible crossing site;
- 2678           d. construction occurs during approved periods for in-stream work; and
- 2679           e. bridge piers or abutments for bridge crossings are not placed within the  
2680 FEMA floodway , severe channel migration hazard area or waterward of the ordinary  
2681 high water mark.

2682           40. Allowed for an open, vegetated stormwater management conveyance system  
2683 and outfall structure that simulates natural conditions if:

- 2684           a. fish habitat features necessary for feeding, cover and reproduction are  
2685 included when appropriate;
- 2686           b. vegetation is maintained and added adjacent to all open channels and ponds,  
2687 if necessary to prevent erosion, filter out sediments or shade the water; and
- 2688           c. bioengineering techniques are used to the maximum extent practical.

2689           41. Allowed for a closed, tightlined conveyance system and outfall structure if:

- 2690           a. necessary to avoid erosion of slopes; and
- 2691           b. bioengineering techniques are used to the maximum extent practical.

2692           42. Allowed in a severe channel migration hazard area (~~(portion of)~~) or an  
2693 aquatic area buffer to prevent bank erosion only:

2694 a. if consistent with the ((Washington state)) Integrated ((Stream)) Streambank  
2695 Protection Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002) and  
2696 if bioengineering techniques are used to the maximum extent practical, unless the  
2697 applicant demonstrates that other methods provide equivalent structural stabilization and  
2698 environmental function; ~~((and))~~

2699 b. based on a critical areas report, the department determines that the new  
2700 flood protection facility will not cause significant impacts to upstream or downstream  
2701 properties; and

2702 c. to prevent bank erosion for the protection of:

2703 (1) public roadways;

2704 (2) sole access routes in existence before February 16, 1995; ~~((or))~~

2705 (3) new primary dwelling units, accessory dwelling units or accessory living  
2706 quarters and residential accessory structures located outside the severe channel migration  
2707 hazard area if:

2708 (a) the site is adjacent to or abutted by properties on both sides containing  
2709 buildings or sole access routes protected by legal bank stabilization in existence before  
2710 February 16, 1995. The buildings, sole access routes or bank stabilization must be  
2711 located no more than six hundred feet apart as measured parallel to the migrating  
2712 channel; and

2713 (b) the new primary dwelling units, accessory dwelling units, accessory  
2714 living quarters or residential accessory structures are located no closer to the aquatic area  
2715 than existing primary dwelling units, accessory dwelling units, accessory living quarters  
2716 or residential accessory structures on abutting or adjacent properties; or

2717 (4) existing primary dwelling units, accessory dwelling units, accessory living  
2718 quarters or residential accessory structures if:

2719 (a) the structure was in existence before the adoption date of a King County  
2720 Channel Migration Zone hazard map that applies to that channel, if such a map exists;

2721 (b) the structure is in imminent danger, as determined by a geologist,  
2722 engineering geologist or geotechnical engineer;

2723 (c) the applicant has demonstrated that the existing structure is at risk, and  
2724 the structure and supporting infrastructure cannot be relocated on the lot further from the  
2725 source of channel migration; and

2726 (d) nonstructural measures are not feasible.

2727 43. Applies to lawfully established existing structures if:

2728 a. ~~((maintained by a public agency;~~

2729 b.)) the height of the facility is not increased, unless the facility is being  
2730 replaced in a new alignment that is landward of the previous alignment and enhances  
2731 aquatic area habitat and process;

2732 ~~((e.))~~ b. the linear length of the ~~((affected edge of the))~~ facility is not increased,  
2733 unless the facility is being replaced in a new alignment that is landward of the previous  
2734 alignment and enhances aquatic area habitat and process;

2735 ~~((d.))~~ c. the footprint of the facility is not expanded waterward;

2736 ~~((e.))~~ d. consistent with ~~((King County's Guidelines for Bank Stabilization~~  
2737 Projects (King County Surface Water Management 1993))) the Integrated Streambank  
2738 Protection Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002) and  
2739 bioengineering techniques are used to the maximum extent practical; ~~((and))~~



2740 ((f.)) e. the site is restored with appropriate native vegetation and erosion  
2741 protection materials; and

2742 f. based on a critical areas report, the department determines that the  
2743 maintenance, repair, replacement or construction will not cause significant impacts to  
2744 upstream or downstream properties.

2745 44. Allowed in type N and O aquatic areas if done in least impacting way at  
2746 least impacting time of year, in conformance with applicable best management practices,  
2747 and all affected instream and buffer features are restored.

2748 45. Allowed in a type S or F water when such work is:

2749 a. included as part of a project to evaluate, restore or improve habitat, and

2750 b. sponsored or cosponsored by a public agency that has natural resource  
2751 management as a function or by a federally recognized tribe.

2752 46. Allowed as long as the trail is not constructed of impervious surfaces that  
2753 will contribute to surface water run-off, unless the construction is necessary for soil  
2754 stabilization or soil erosion prevention or unless the trail system is specifically designed  
2755 and intended to be accessible to handicapped persons.

2756 47. Not allowed in a wildlife habitat conservation area. Otherwise, allowed ((as  
2757 far landward as feasible)) in the buffer or for crossing a category II, III or IV wetland or a  
2758 type F, N or O aquatic area, if:

2759 a. the trail surface is ((not)) made of ((im))pervious materials, except that  
2760 public multipurpose trails may be made of impervious materials if they meet all the  
2761 requirements in K.C.C. chapter 9.12. A trail that crosses a wetland or aquatic area shall  
2762 be constructed as a raised boardwalk or bridge; ((and))

2763                   b. to the maximum extent practical, buffers are expanded equal to the width of  
2764 the trail corridor including disturbed areas;

2765                   c. there is not another feasible location with less adverse impact on the critical  
2766 area and its buffer;

2767                   d. the trail is not located over habitat used for salmonid rearing or spawning or  
2768 by a species listed as endangered or threatened by the state or federal government unless  
2769 the department determines that there is no other feasible crossing site;

2770                   e. the trail width is minimized to the maximum extent practical;

2771                   f. the construction occurs during approved periods for instream work; and

2772                   g. the trail corridor will not change or diminish the overall aquatic area flow  
2773 peaks, duration or volume or the flood storage capacity.

2774                   h. the trail may be located across a critical area buffer for access to a viewing  
2775 platform or to a permitted dock or pier;

2776                   i. A private viewing platform may be allowed if it is:

2777                   (1) located upland from the wetland edge or the ordinary high water mark of  
2778 an aquatic area;

2779                   (2) located where it will not be detrimental to the functions of the wetland or  
2780 aquatic area and will have the least adverse environmental impact on the critical area or  
2781 its buffer;

2782                   (3) limited to fifty square feet in size;

2783                   (4) constructed of materials that are non-toxic; and

2784                   (5) on footings located outside of the wetland or aquatic area.

2785                   48. Only if the maintenance:

2786 a. does not involve the use of herbicides or other hazardous substances except  
2787 for the removal of noxious weeds or invasive vegetation;

2788 b. when salmonids are present, the maintenance is in compliance with ditch  
2789 standards in public rule; and

2790 c. does not involve any expansion of the roadway, lawn, landscaping, ditch,  
2791 culvert, engineered slope or other improved area being maintained.

2792 49. Limited to alterations to restore habitat forming processes or directly restore  
2793 habitat function and value, including access for construction, as follows:

2794 a. projects sponsored or cosponsored by a public agency that has natural  
2795 resource management as a primary function or by a federally recognized tribe;

2796 b. restoration and enhancement plans prepared by a qualified biologist; or

2797 c. conducted in accordance with an approved forest management plan, farm  
2798 management plan or rural stewardship plan.

2799 50. Allowed in accordance with a scientific sampling permit issued by  
2800 Washington state Department of Fish and Wildlife or an incidental take permit issued  
2801 under Section 10 of the Endangered Species Act.

2802 51. Allowed for the ~~((limited))~~ minimal clearing and grading, including site  
2803 access, necessary ~~((needed))~~ to prepare critical area reports.

2804 52. The following are allowed if associated spoils are contained:

2805 a. data collection and research if carried out to the maximum extent practical  
2806 by nonmechanical or hand-held equipment;

2807 b. survey monument placement;

2808 c. site exploration and gage installation if performed in accordance with state-  
2809 approved sampling protocols and accomplished to the maximum extent practical by  
2810 hand-held equipment and; or similar work associated with an incidental take permit  
2811 issued under Section 10 or consultation under Section 7 of the Endangered Species Act.

2812 53. Limited to activities in continuous existence since January 1, 2005, with no  
2813 expansion within the critical area or critical area buffer. "Continuous existence" includes  
2814 cyclical operations and managed periods of soil restoration, enhancement or other fallow  
2815 states associated with these horticultural and agricultural activities.

2816 54. Allowed for expansion of existing or new agricultural activities where:

2817 a. the site is predominantly involved in the practice of agriculture;

2818 b. there is no expansion into an area that:

2819 (1) has been cleared under a class I, II, III, IV-S or nonconversion IV-G forest  
2820 practice permit; or

2821 (2) is more than ten thousand square feet with tree cover at a uniform density  
2822 more than ninety trees per acre and with the predominant mainstream diameter of the  
2823 trees at least four inches diameter at breast height, not including areas that are actively  
2824 managed as agricultural crops for pulpwood, Christmas trees or ornamental nursery  
2825 stock;

2826 c. the activities are in compliance with an approved farm management plan in  
2827 accordance with K.C.C. 21A.24.051; and

2828 d. all best management practices associated with the activities specified in the  
2829 farm management plan are installed and maintained.

2830 55. Only allowed in grazed or tilled wet meadows or their buffers if:

2831           a. the facilities are designed to the standards of an approved farm management  
2832 plan in accordance K.C.C. 21A.24.051 or an approved livestock management plan in  
2833 accordance with K.C.C. chapter 21A.30;

2834           b. there is not a feasible alternative location available on the site; and

2835           c. the facilities are located close to the outside edge of the buffer to the  
2836 maximum extent practical.

2837           56. Allowed in a severe channel migration hazard area portion of an aquatic  
2838 area buffer if:

2839           a. the facilities are designed to the standards in an approved farm management  
2840 plan in accordance with K.C.C. 21A.24.051;

2841           b. there is not a feasible alternative location available on the site; and

2842           c. the structure is located where it is least subject to risk from channel  
2843 migration.

2844           57. Allowed for new agricultural drainage in compliance with an approved farm  
2845 management plan in accordance with K.C.C. 21A.24.051 and all best management  
2846 practices associated with the activities specified in the farm management plan are  
2847 installed and maintained.

2848           58. If the agricultural drainage is used by salmonids, maintenance shall be in  
2849 compliance with an approved farm management plan in accordance with K.C.C.  
2850 21A.24.051.

2851           59. Allowed within existing landscaped areas or other previously disturbed  
2852 areas.

- 2853           60. Allowed for residential utility service distribution lines to residential  
2854 dwelling, including, but not limited to, well water conveyance, septic system  
2855 conveyance, water service, sewer service, natural gas, electrical, cable and telephone, if:  
2856           a. there is no alternative location with less adverse impact on the critical area  
2857 or the critical area buffer;  
2858           b. the residential utility service distribution lines meet the all of the following,  
2859 to the maximum extent practical:  
2860           (1) are not located over habitat used for salmonid rearing or spawning or by a  
2861 species listed as endangered or threatened by the state or federal government unless the  
2862 department determines that there is no other feasible crossing site;  
2863           (2) not located over a type S aquatic area;  
2864           (3) paralleling the channel or following a down-valley route near the channel  
2865 is avoided;  
2866           (4) the width of clearing is minimized;  
2867           (5) the removal of trees greater than twelve inches diameter at breast height is  
2868 minimized;  
2869           (6) an additional, contiguous and undisturbed critical area buffer, equal in  
2870 area to the disturbed critical area buffer area is provided to protect the critical area;  
2871           (7) access for maintenance is at limited access points into the critical area  
2872 buffer.  
2873           (8) the construction occurs during approved periods for instream work;

2874           (9) bored, drilled or other trenchless crossing is encouraged, and shall be  
2875 laterally constructed at least four feet below the maximum depth of scour for the base  
2876 flood; and

2877           (10) open trenching across Type O or Type N aquatic areas is only used  
2878 during low flow periods or only within aquatic areas when they are dry.

2879           61. Allowed if sponsored or cosponsored by the countywide flood control zone  
2880 district and the department determines that the project and its location:

2881           a. is the best flood risk reduction alternative practicable;

2882           b. is part of a comprehensive, long-term flood management strategy;

2883           c. is consistent with the King County Flood Hazard Management Plan policies;

2884           d. will have the least adverse impact on the ecological functions of the critical  
2885 area or its buffer, including habitat for fish and wildlife that are identified for protection in  
2886 the King County Comprehensive Plan; and

2887           e. has been subject to public notice in accordance with K.C.C. 20.44.060.

2888           62.a. Not allowed in wildlife habitat conservation areas;

2889           b. Only allowed if:

2890           (1) the project is sponsored or cosponsored by a public agency whose primary  
2891 function deals with natural resources management;

2892           (2) the project is located on public land or on land that is owned by a non-  
2893 profit agency whose primary function deals with natural resources management;

2894           (3) there is not a feasible alternative location available on the site with less  
2895 impact to the critical area or its associated buffer;

2896           (4) the aquatic area or wetland is not for salmonid rearing or spawning;

2897                   (5) the project minimizes the footprint of structures and the number of access  
2898 points to any critical areas; and

2899                   (6) the project meets the following design criteria:

2900                   (A) to the maximum extent practical size of platform shall not exceed one  
2901 hundred square feet;

2902                   (B) all construction materials for any structures, including the platform,  
2903 pilings, exterior and interior walls and roof, are constructed of nontoxic material, such as  
2904 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,  
2905 fiberglass or cured concrete that the department determines will not have an adverse  
2906 impact on water quality;

2907                   (C) the exterior of any structures are sufficiently camouflaged using netting  
2908 or equivalent to avoid any visual deterrent for wildlife species to the maximum extent  
2909 practical. The camouflage shall be maintained to retain concealment effectiveness;

2910                   (D) structures shall be located outside of the wetland or aquatic area  
2911 landward of the Ordinary High Water Mark or open water component (if applicable) to  
2912 the maximum extent practical on the site;

2913                   (E) construction occurs during approved periods for work inside the  
2914 Ordinary High Water Mark;

2915                   (F) construction associated with bird blinds shall not occur from March 1  
2916 through August 31, in order to avoid disturbance to birds during the breeding, nesting,  
2917 and rearing seasons;

2918                   (G) to the maximum extent practical, provide accessibility for persons with  
2919 physical disabilities in accordance with the International Building Code;



2920                    (H) trail access is designed in accordance with public rules adopted by the  
2921 department;

2922                    (I) existing native vegetation within the critical area will remain undisturbed  
2923 except as necessary to accommodate the proposal. Only minimal hand clearing of  
2924 vegetation is allowed; and

2925                    (J) disturbed bare ground areas around the structure must be replanted with  
2926 native vegetation approved by the department.

2927                    SECTION 41. Ordinance 15051, Section 139, and K.C.C. 21A.24.055 are each  
2928 hereby amended to read as follows:

2929                    A. On a site zoned RA, the department may approve a modification of the  
2930 minimum buffer widths for aquatic areas, wetlands and wildlife habitat conservation  
2931 areas and maximum clearing restrictions through a rural stewardship plan for single  
2932 family detached residential development in accordance with this section.

2933                    B. The property owner or applicant shall develop the rural stewardship plan as  
2934 part of a rural stewardship program offered or approved by King County and has the  
2935 option of incorporating appropriate components of a county-approved farm management  
2936 or a county-approved forest stewardship plan.

2937                    C. In its evaluation of any proposed modification of the minimum buffer widths  
2938 for aquatic areas, wetlands and wildlife habitat conservation areas and maximum clearing  
2939 restrictions, the department shall consider the following factors:

2940                    1. The existing condition of the drainage basin or marine shoreline as designated  
2941 on the Basin and Shoreline Conditions Map;

2942                    2. The existing condition of wetland and aquatic area buffers;

2943           3. The existing condition of wetland functions based on the adopted Washington  
2944 State Wetland Rating System for Western Washington, Washington state department of  
2945 ecology publication number 04-06-025, published August 2004;

2946           4. The location of the site in the drainage basin; ~~((and))~~

2947           5. The percentage of impervious surfaces and clearing on the site; and

2948           6. Any existing development on the site that was approved as a result of a  
2949 variance or alteration exception that allowed development within a critical area or critical  
2950 area buffer. If the existing development was approved through a variance or alteration  
2951 exception, the rural stewardship plan shall demonstrate that the plan will result in  
2952 enhancing the functions and values of critical areas located on the site as if the  
2953 development approved through the variance or alteration exception had not occurred.

2954           D. A rural stewardship plan does not modify the requirement for permits for  
2955 activities covered by the rural stewardship plan.

2956           E. Modifications of critical area buffers shall be based on the following  
2957 prioritized goals:

2958           1. To avoid impacts to critical areas to the maximum extent practical;

2959           2. To avoid impacts to the higher quality wetland or aquatic area or the more  
2960 protected fish or wildlife species, if there is a potential to affect more than one category  
2961 of wetland or aquatic area or more than one species of native fish or wildlife;

2962           3. To maintain or enhance the natural hydrologic systems on the site to the  
2963 maximum extent practical;

2964           4. To maintain, restore or enhance native vegetation;

- 2965           5. To maintain, restore or enhance the function and value of critical areas or  
2966 critical area buffers located on the site;
- 2967           6. To minimize habitat fragmentation and enhance corridors between wetlands,  
2968 riparian corridors, wildlife habitat conservation areas and other priority habitats;
- 2969           7. To minimize the impacts of development over time by implementing best  
2970 management practices and meeting performance standards during the life of the  
2971 development; and
- 2972           8. To monitor the effectiveness of the stewardship practices and implement  
2973 additional practices through adaptive management to maintain, restore or enhance critical  
2974 area functions when necessary.
- 2975           F. A rural stewardship plan may include, but is not limited to, the following  
2976 elements:
- 2977           1. Critical areas designation under K.C.C. 21A.24.500;
- 2978           2. Identification of structures, cleared and forested areas and other significant  
2979 features on the site;
- 2980           3. Location of wetlands and aquatic areas and their buffers, and wildlife habitat;
- 2981           4. ~~((Site-specific best management practices;~~
- 2982           5. ~~P))~~ Analysis of impacts of planned changes to any existing structures, ((or))  
2983 for other changes to the site that involve clearing or grading or for new development;
- 2984           5. Site-specific best management practices that mitigate impacts of development  
2985 and that protect and enhance the ecological values and functions of the site;
- 2986           6. A schedule for implementation of the elements of the rural stewardship plan;
- 2987 and

2988           7. A plan for monitoring the effectiveness of measures approved under the rural  
2989 stewardship plan and to modify if adverse impacts occur.

2990           G. A rural stewardship plan may be developed as part of a program offered or  
2991 approved by King County and shall include a site inspection by the county to verify that  
2992 the plan is reasonably likely to accomplish the goals in subsection E. of this section to  
2993 protect water quality, reduce flooding and erosion, maintain, restore or enhance the  
2994 function and value of critical areas and their buffers and maintain or enhance native  
2995 vegetation on the site of this section.

2996           H. A property owner who completes a rural stewardship plan that is approved by  
2997 the county may be eligible for tax benefits under the public benefit rating system in  
2998 accordance with K.C.C. 20.36.100.

2999           I. If a property owner withdraws from the rural stewardship plan, in addition to  
3000 any applicable penalties under the public benefit rating system, the following apply:

3001           1. Mitigation is required for any structures constructed in critical area buffers  
3002 under the rural stewardship plan; and

3003           2. The property owner shall apply for buffer averaging or an alteration  
3004 exception, as appropriate, to permit any structure or use that has been established under  
3005 the rural stewardship plan and that would not otherwise be permitted under this chapter.

3006           J. A rural stewardship plan is not effective until approved by the county. Before  
3007 approval, the county may conduct a site inspection, which may be through a program  
3008 offered or approved by King County, to verify that the plan is reasonably likely to  
3009 accomplish the goals in subsection E. of this section.

3010 K. Once approved, activities carried out in compliance with the approved rural  
3011 stewardship plan shall be deemed in compliance with this chapter. In the event of a  
3012 potential code enforcement action, the department of development and environmental  
3013 services shall first inform the department of natural resources and parks of the activity.  
3014 Prior to taking code enforcement action, the department of development and  
3015 environmental services shall consult with the department of natural resources and parks  
3016 to determine whether the activity is consistent with the rural stewardship plan.

3017 SECTION 42. Ordinance 10870, Section 454, as amended, and K.C.C.  
3018 21A.24.070 are each hereby amended to read as follows:

3019 A. The director may approve alterations to critical areas, critical area buffers and  
3020 critical area setbacks not otherwise allowed by this chapter as follows:

3021 1. For linear alterations, the director may approve alterations to critical areas,  
3022 critical area buffers and critical area setbacks only when all of the following criteria are  
3023 met:

3024 a. there is no feasible alternative to the development proposal with less adverse  
3025 impact on the critical area;

3026 b. the proposal minimizes the adverse impact on critical areas to the maximum  
3027 extent practical;

3028 c. the approval does not require the modification of a critical area development  
3029 standard established by this chapter;

3030 d. the development proposal does not pose an unreasonable threat to the public  
3031 health, safety or welfare on or off the development proposal site and is consistent with the  
3032 general purposes of this chapter and the public interest;

- 3033 e. the linear alteration:
- 3034 (1) connects to or is an alteration to a public roadway, public trail, a utility
- 3035 corridor or utility facility or other public infrastructure owned or operated by a public
- 3036 utility; or
- 3037 (2) is required to overcome limitations due to gravity; and
- 3038 2. For nonlinear alterations the director may approve alterations to critical areas
- 3039 except wetlands, unless otherwise allowed under subsection A.2.h. of this section, aquatic
- 3040 areas and wildlife habitat conservation areas, and alterations to critical area buffers and
- 3041 critical area setbacks, when all of the following criteria are met:
- 3042 a. there is no feasible alternative to the development proposal with less adverse
- 3043 impact on the critical area;
- 3044 b. the alteration is the minimum necessary to accommodate the development
- 3045 proposal;
- 3046 c. the approval does not require the modification of a critical area development
- 3047 standard established by this chapter;
- 3048 d. the development proposal does not pose an unreasonable threat to the public
- 3049 health, safety or welfare on or off the development proposal site and is consistent with the
- 3050 general purposes of this chapter and the public interest;
- 3051 e. for dwelling units, no more than ~~((three))~~ five thousand square feet or ten
- 3052 percent of the site, whichever is greater, may be disturbed by structures, building setbacks
- 3053 or other land alteration, including grading, utility installations and landscaping, but not
- 3054 including the area used for a driveway or for an on-site sewage disposal system;

3055 f. to the maximum extent possible, access is located to have the least adverse  
3056 impact on the critical area and critical area buffer;

3057 g. the critical area is not used as a salmonid spawning area; and

3058 h. the director may approve an alteration in a category II, III and IV wetland  
3059 for development of a public school facility.

3060 B. The director may approve alterations to critical areas, critical area buffers and  
3061 critical area setbacks if the application of this chapter would deny all reasonable use of  
3062 the property. The applicant may apply for a reasonable use exception pursuant to this  
3063 subsection without first having applied for an alteration exception under this section if the  
3064 requested reasonable use exception includes relief from development standards for which  
3065 an alteration exception cannot be granted pursuant to the provisions of this section. The  
3066 director shall determine that all of the following criteria are met:

3067 a. there is no other reasonable use with less adverse impact on the critical area;

3068 b. the development proposal does not pose an unreasonable threat to the public  
3069 health, safety or welfare on or off the development proposal site and is consistent with the  
3070 general purposes of this chapter and the public interest;

3071 c. any authorized alteration to the critical area or critical area buffer is the  
3072 minimum necessary to allow for reasonable use of the property; and

3073 d. for dwelling units, no more than ~~((three))~~ five thousand square feet or ten  
3074 percent of the site, whichever is greater, may be disturbed by structures, building setbacks  
3075 or other land alteration, including grading, utility installations and landscaping but not  
3076 including the area used for a driveway or for an on-site sewage disposal system.

3077 C. For the purpose of this section, "linear" alteration means infrastructure that  
3078 supports development that is linear in nature and includes public and private roadways,  
3079 public trails, private driveways, railroads, utility corridors and utility facilities.

3080 D. Alteration exceptions approved under this section shall meet the mitigation  
3081 requirements of this chapter.

3082 E. An applicant for an alteration exception shall submit a critical area report, as  
3083 required by K.C.C. 21A.24.110.

3084 ~~((F. The hearing examiner shall provide to the clerk of the council a copy of the  
3085 final decision of an appeal of the department's decision under this section within thirty  
3086 days after the hearing examiner's decision. The clerk shall notify the council of the  
3087 availability of the decision.))~~

3088 SECTION 43. Ordinance 10870, Section 464, as amended, and K.C.C.  
3089 21A.24.170 are each hereby amended to read as follows:

3090 A. Except as otherwise provided in subsection of C. of this section, the owner of  
3091 any property containing critical areas or buffers on which a development proposal is  
3092 submitted or any property on which mitigation is established as a result of development  
3093 shall file a notice approved by King County with the records and licensing services  
3094 division. The notice shall inform the public of:

- 3095 1. The presence of critical areas or buffers or mitigation sites on the property;  
3096 2. The application of this chapter to the property; and  
3097 3. The possible existence of limitations on actions in or affecting the critical  
3098 areas or buffers or the fact that mitigation sites may exist.



3099 B. The applicant for a development proposal shall submit proof that the notice  
3100 required by this section has been filed for public record before King County approves any  
3101 development proposal for the property or, in the case of subdivisions, short subdivisions  
3102 and binding site plans, at or before recording of the subdivision, short subdivision or  
3103 binding site plan.

3104 C. The notice required under subsection A. of this section is not required if:

3105 1. The property is a public right-of-way or the site of a permanent public  
3106 facility; ~~((or))~~

3107 2. The development proposal does not require sensitive area review under  
3108 K.C.C. 21A.24.100.C; or

3109 3. The property only contains a critical aquifer recharge area.

3110 SECTION 44. Ordinance 10870, Section 471, as amended, and K.C.C.  
3111 21A.24.240 are each hereby amended to read as follows:

3112 The following development standards apply to development proposals and  
3113 alterations on sites within the zero-rise flood fringe:

3114 A. Development proposals and alterations shall not reduce the effective base flood  
3115 storage volume of the floodplain. A development proposal shall provide ~~((compensatory))~~  
3116 compensatory storage if grading or other activity displaces any effective flood storage  
3117 volume. Compensatory storage shall:

3118 1. Provide equivalent volume at equivalent elevations to that being displaced;

3119 2. Hydraulically connect to the source of flooding;

3120 3. Provide compensatory storage in the same construction season as when the  
3121 displacement of flood storage volume occurs and before the flood season begins on  
3122 September 30 for that year; and

3123 4. Occur on the site. The director may approve equivalent compensatory storage  
3124 off the site if legal arrangements, acceptable to the department, are made to assure that the  
3125 effective compensatory storage volume will be preserved over time;

3126 B. A structural engineer shall design and certify all elevated construction and  
3127 ~~((submit))~~ submit the design to the department;

3128 C. A civil engineer shall prepare a base flood depth and base flood velocity  
3129 analysis and submit the analysis to the department. The director may waive the  
3130 requirement for a base flood depth and base flood velocity analysis for agricultural  
3131 structures that are not used for human habitation. Development proposals and alterations  
3132 are not allowed if the base flood depth exceeds three feet ~~((or))~~ and the base flood velocity  
3133 exceeds three feet per second except, the director may approve development proposals and  
3134 alterations in areas where the base flood depth exceeds three feet and the base flood  
3135 velocity exceeds three feet per second for the following projects:

3136 1. Agricultural accessory structures;

3137 2. Roads and bridges;

3138 3. Utilities;

3139 4. Surface water flow control or surface water conveyance systems;

3140 5. Public park structures; and

3141 6. Flood hazard mitigation projects, such as, but not limited to construction, repair  
3142 or replacement of flood protection facilities or for building elevations or relocations;

3143 D. Subdivisions, short subdivisions, urban planned developments and binding site  
3144 plans shall meet the following requirements:

3145 1. New building lots shall include five thousand square feet or more of buildable  
3146 land outside the zero-rise floodway;

3147 2. All utilities and facilities such as sewer, gas, electrical and water systems are  
3148 consistent with subsections E., F. and I. of this section;

3149 3. A civil engineer shall prepare detailed base flood elevations in accordance with  
3150 FEMA guidelines for all new lots;

3151 4. A development proposal shall provide adequate drainage in accordance with  
3152 the King County Surface Water Design Manual to reduce exposure to flood damage; and

3153 5. The face of the recorded subdivision, short subdivision, urban planned  
3154 development or binding site plan shall include the following for all lots:

3155 a. building setback areas restricting structures to designated buildable areas:

3156 b. base flood data and sources and flood hazard notes including, but not limited  
3157 to, base flood elevation, required flood protection elevations, the boundaries of the  
3158 floodplain and the zero-rise floodway, if determined, and channel migration zone  
3159 boundaries, if determined; and

3160 c. include the following notice:

3161 "Lots and structures located within flood hazard areas may be inaccessible  
3162 by emergency vehicles during flood events. Residents and property owners should take  
3163 appropriate advance precautions.";

3164 E. New residential structures and substantial improvements of existing residential  
3165 structures shall meet the following standards:

- 3166 1. Elevate the lowest floor, including basement, to the flood protection elevation;
- 3167 2. Do not fully enclose portions of the structure that are below the lowest floor
- 3168 area;
- 3169 3. Design and construct the areas and rooms below the lowest floor to
- 3170 automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by
- 3171 allowing for the entry and exit of floodwaters as follows:
- 3172 a. provide a minimum of two openings on each of two opposite side walls in the
- 3173 direction of flow, with each of those walls having a total open area of not less than one
- 3174 square inch for every square foot of enclosed area subject to flooding;
- 3175 b. design and construct the bottom of all openings so they are no higher than one
- 3176 foot above grade; and
- 3177 c. screens, louvers or other coverings or devices are allowed over the opening if
- 3178 they allow the unrestricted entry and exit of floodwaters;
- 3179 4. Use materials and methods that are resistant to and minimize flood damage;
- 3180 and
- 3181 5. Elevate above or dry-proof all electrical, heating, ventilation, plumbing, air
- 3182 conditioning equipment and other utilities that service the structure, such as duct-work to
- 3183 the flood protection elevation;
- 3184 F. New nonresidential structures and substantial improvements of existing
- 3185 nonresidential structures shall meet the following standards:
- 3186 1. Elevate the lowest floor to the flood protection elevation; or
- 3187 2. Dry flood-proof the structure to the flood protection elevation to meet the
- 3188 following standards:

3189           a. the applicant shall provide certification by a civil or structural engineer that  
3190 the dry flood-proofing methods are adequate to withstand the flood-depths, pressures,  
3191 velocities, impacts, uplift forces and other factors associated with the base flood. After  
3192 construction, the engineer shall certify that the permitted work conforms to the approved  
3193 plans and specifications; and

3194           b. approved building permits for dry flood-proofed nonresidential structures  
3195 shall contain a statement notifying applicants that flood insurance premiums are based  
3196 upon rates for structures that are one foot below the base flood elevation;

3197           3. Use materials and methods that are resistant to and minimize flood damage;  
3198 and

3199           4. Design and construct the areas and rooms below the lowest floor to  
3200 automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by  
3201 allowing for the entry and exit of floodwaters as follows:

3202           a. provide a minimum of two openings on each of two opposite side walls in the  
3203 direction of flow, with each of those walls having a total open area of not less than one  
3204 square inch for every square foot of enclosed area subject to flooding;

3205           b. design the bottom of all openings is no higher than one foot above grade; and

3206           c. screens, louvers or other coverings or devices are allowed if they do not  
3207 restrict entry and exit of floodwaters; and

3208           5. Dry flood proof all electrical, heating, ventilation, plumbing, air conditioning  
3209 equipment and other utility and service facilities to, or elevated above, the flood protection  
3210 elevation;

3211 G. Anchor all new construction and substantially improved structures to prevent  
3212 flotation, collapse or lateral movement of the structure. The department shall approve the  
3213 method used to anchor the new construction;

3214 H. Newly sited manufactured homes and substantial improvements of existing  
3215 manufactured homes shall meet the following standards:

3216 1. Manufactured homes shall meet all the standards in this section for residential  
3217 structures and the following standards:

3218 a. anchor all manufactured homes; and  
3219 b. install manufactured homes using methods and practices that minimize flood  
3220 damage; and

3221 2. All manufactured homes within a new mobile home park or expansion of an  
3222 existing mobile home park must meet the requirements for flood hazard protection for  
3223 residential structures; and

3224 3. Only manufactured homes are allowed in a new or existing mobile home park  
3225 located in a flood hazard area;

3226 I. Public and private utilities shall meet the following standards:

3227 1. Dry flood-proof new and replacement utilities including, but not limited to,  
3228 sewage treatment and storage facilities, to, or elevate above, the flood protection elevation;

3229 2. Locate new on-site sewage disposal systems outside the floodplain. When  
3230 there is insufficient (~~soil area or~~) area outside the floodplain, new on-site sewage disposal  
3231 systems are allowed only in the zero-rise flood fringe. Locate on-site sewage (~~disposal~~)  
3232 disposal systems in the zero-rise flood fringe to avoid:

3233 a. impairment to the system during flooding;

- 3234           b. contamination from the system during flooding; and
- 3235           3. Design all new and replacement water supply systems to minimize or eliminate
- 3236 infiltration of floodwaters into the system;
- 3237           4. Above-ground utility transmission lines, except for electric transmission lines,
- 3238 are allowed only for the transport of nonhazardous substances; and
- 3239           5. Bury underground utility transmission lines transporting hazardous substances
- 3240 at a minimum depth of four feet below the maximum depth of scour for the base flood, as
- 3241 predicted by a civil engineer, and achieve sufficient negative buoyancy so that any potential
- 3242 for flotation or upward migration is eliminated;
- 3243           J. Critical facilities are only allowed within the zero-rise flood fringe when a
- 3244 feasible alternative site is not available and the following standards are met:
- 3245           1. Elevate the lowest floor to the five-hundred year floodplain elevation or three
- 3246 or more feet above the base flood elevation, whichever is higher;
- 3247           2. Dry flood-proof and seal structures to ensure that hazardous substances are not
- 3248 displaced by or released into floodwaters; and
- 3249           3. Elevate access routes to or above the base flood elevation from the critical
- 3250 facility to the nearest maintained public street or roadway;
- 3251           K. New construction or expansion of existing livestock flood sanctuaries is only
- 3252 allowed as follows:
- 3253           1. A livestock flood sanctuary is only allowed if there is no other suitable holding
- 3254 area on the site outside the floodplain to which the livestock have access;

3255           2. Construct the livestock flood sanctuary to the standards in an approved farm  
3256 management plan prepared in accordance with K.C.C. 21A.24.051 and K.C.C. chapter  
3257 21A.30. The farm management plan shall demonstrate compliance with the following:  
3258           a. flood storage compensation consistent with subsection A. of this section;  
3259           b. siting and sizing that do not increase base flood elevations consistent with  
3260 K.C.C. 21A.24.250.B. and 21A.24.260.D; and  
3261           c. siting that is located in the area least subject to risk from floodwaters; and

3262           L. New construction or expansion of existing livestock manure storage facilities is  
3263 only allowed as follows:

3264           1. The livestock manure storage facility is only allowed if there is not a feasible  
3265 alternative area on the site outside the floodplain;

3266           2. Construct the livestock manure storage facility to the standards in an approved  
3267 farm management plan prepared in accordance with K.C.C. 21A.24.051 and K.C.C.  
3268 chapter 21A.30. The farm management plan shall demonstrate compliance with the  
3269 following:

3270           a. flood storage compensation consistent with subsection A. of this section;  
3271           b. siting and sizing that do not increase base flood elevations consistent with  
3272 K.C.C. 21A.24.250.B. and 21A.24.260.D;  
3273           c. dry flood-proofing to the flood protection elevation; and  
3274           d. siting that is located in the area least subject to risk from floodwaters.

3275           SECTION 45. Ordinance 10870, Section 472; as amended, and K.C.C.  
3276 21A.24.250 are each hereby amended to read as follows:



3277 The following development standards apply to development proposals and  
3278 alterations on sites within the zero-rise floodway:

3279 A. The development standards that apply to the zero-rise flood fringe also apply to  
3280 the zero-rise floodway. The more restrictive requirements shall apply where there is a  
3281 conflict;

3282 B. A development proposal shall not increase the base flood elevation except as  
3283 follow:

3284 1. Revisions to the Flood Insurance Rate Map are approved by FEMA, in  
3285 accordance with 44 CFR 70, to incorporate the increase in the base flood elevation; and

3286 2. Appropriate legal documents are prepared and recorded in which all property  
3287 owners affected by the increased flood elevations consent to the impacts on their property;

3288 C. If post and piling construction techniques are used, the following are presumed  
3289 to produce no increase in the base flood elevation and a critical areas report is not required  
3290 to establish this fact:

3291 1. New residential structures outside the FEMA floodway on lots in existence  
3292 before November 27, 1990, that contain less than five thousand square feet of buildable  
3293 land outside the zero-rise floodway if the total building footprint of all existing and  
3294 proposed structures on the lot does not exceed two-thousand square feet;

3295 2. Substantial improvements of existing residential structures in the zero-rise  
3296 floodway, but outside the FEMA floodway, if the footprint is not increased; or

3297 3. Substantial improvements of existing residential structures that meet the  
3298 standards for new residential structures in K.C.C. 21A.24.240.~~(E)~~D;

3299 D. When post or piling construction techniques are not used, a critical areas report  
3300 is required in accordance with K.C.C. 21A.24.110 demonstrating that the proposal will not  
3301 increase the base flood elevation;

3302 E. During the flood season from September 30 to May 1 the following are not  
3303 allowed to be located in the zero-rise floodway;

- 3304 1. All temporary seasonal shelters, such as tents and recreational vehicles; and  
3305 2. Staging or stockpiling of equipment, materials or substances that the director  
3306 determines may be hazardous to the public health, safety or welfare;

3307 F. New residential structures and substantial improvements to existing residential  
3308 structures or any structure accessory to a residential use shall meet the following standards:

- 3309 1. Locate the structures outside the FEMA floodway;  
3310 2. Locate the structures only on lots in existence before November 27, 1990, that  
3311 contain less than five thousand square feet of buildable land outside the zero-rise floodway;  
3312 and

3313 3. To the maximum extent practical, locate the structures the farthest distance  
3314 from the channel, unless the applicant can demonstrate that an alternative location is less  
3315 subject to risk;

3316 G. Public and private utilities are only allowed if:

- 3317 1. The department determines that a feasible alternative site is not available;  
3318 2. A waiver is granted by the Seattle-King County department of public health for  
3319 new on-site sewage disposal facilities;  
3320 3. The utilities are dry flood-proofed to or elevated above the flood protection  
3321 elevation;

3322 4. Above-ground utility transmission lines, except for electrical transmission  
3323 lines, are only allowed for the transport of nonhazardous substances; and

3324 5. Underground utility transmission lines transporting hazardous substances are  
3325 buried at a minimum depth of four feet below the maximum dept of scour for the base  
3326 flood, as predicted by a civil engineer, and achieve sufficient negative buoyancy so that any  
3327 potential for flotation or upward migration is eliminated;

3328 H. Critical facilities, except for those listed in subsection I. of this section are not  
3329 allowed within the zero-rise floodway; and

3330 I. Structures and installations that are dependent upon the zero-rise floodway are  
3331 allowed in the zero-rise floodway if the development proposal is approved by all agencies  
3332 with jurisdiction and meets the development standards for the zero-rise floodway. These  
3333 structures and installations may include, but are not limited to:

3334 1. Dams or diversions for water supply, flood control, hydroelectric  
3335 production, irrigation or fisheries enhancement;

3336 2. Flood damage reduction facilities, such as levees, revetments and pumping  
3337 stations;

3338 3. Stream bank stabilization structures only if a feasible alternative does not exist  
3339 for protecting structures, public roadways, flood protection facilities or sole access routes.

3340 Bank stabilization projects must ~~((meet the standards of King County's Guidelines for Bank  
3341 Stabilization Projects (King County Surface Water Management 1993)))~~ be consistent with  
3342 the Integrated Streambank Protection Guidelines (Washington State Aquatic Habitat  
3343 Guidelines Program, 2002) and use bioengineering techniques to the maximum extent  
3344 practical. An applicant may use alternative methods to the guidelines if the applicant

3345 demonstrates that the alternative methods provide equivalent or better structural  
3346 stabilization, ecological and hydrological functions and salmonid habitat;  
3347 4. Surface water conveyance facilities;  
3348 5. Boat launches and related recreation structures;  
3349 6. Bridge piers and abutments; and  
3350 7. Approved aquatic area or wetland restoration projects including, but not limited  
3351 to, fisheries enhancement projects.

3352 SECTION 46. Ordinance 10870, Section 473, as amended and K.C.C. 21A.24.260  
3353 are each hereby amended to read as follows:

3354 A. The development standards that apply to the zero-rise floodway also apply to  
3355 the FEMA floodway. The more restrictive standards apply where there is a conflict;

3356 B. A development proposal shall not increase the base flood elevation. A civil  
3357 engineer shall certify, through hydrologic and hydraulic analyses performed in accordance  
3358 with standard engineering practice, that any proposed encroachment would not result in any  
3359 increase in flood levels during the occurrence of the base flood discharge;

3360 C. New residential or nonresidential structures are prohibited within the mapped  
3361 FEMA floodway. A residential structure cannot be constructed on fill placed within the  
3362 mapped FEMA floodway;

3363 D. Livestock flood sanctuaries and manure storage facilities are prohibited in the  
3364 FEMA floodway;

3365 E. If the footprint of the existing residential structure is not increased, substantial  
3366 improvements of existing residential structures in the FEMA floodway, meeting the

3367 requirements of WAC 173-158-070, as amended, are presumed to not increase the base  
3368 flood elevation and do not require a critical areas report to establish this fact;

3369 F. Maintenance, repair, replacement or improvement of an existing residential  
3370 structure located within the agricultural production district on property that is zoned  
3371 agriculture (A) is allowed in the FEMA floodway if the structure meets the standards for  
3372 residential structures and utilities in K.C.C. 21A.24.240 and also meets the following  
3373 requirements:

3374 1. The existing residential structure was legally established;

3375 2. The viability of the farm is dependent upon a residential structure within close  
3376 proximity to other agricultural structures; and

3377 3. Replacing an existing residential structure within the FEMA floodway is only  
3378 allowed if:

3379 a. there is not sufficient buildable area on the site outside the FEMA floodway  
3380 for the replacement;

3381 b. the replacement residential structure is not located in an area that increases the  
3382 flood hazard in water depth, velocity or erosion;

3383 c. the building footprint of the existing residential structure is not increased; and

3384 d. the existing structure, including the foundation, is completely removed within  
3385 ninety days of receiving a certificate of occupancy, or temporary certificate of occupancy,  
3386 whichever occurs first, for the replacement structure;

3387 G. Maintenance, repair or replacement of a substantially damaged existing  
3388 residential structure, other than a residential structure located within the agricultural  
3389 production district on property that is zoned agricultural (A), is allowed in the FEMA

3390 floodway if the structure meets the standards for existing residential structures and utilities  
3391 in K.C.C. 21A.24.240 and also meets the following requirements:

3392 1. The Washington state Department of Ecology has assessed the flood  
3393 characteristics of the site and determined:

- 3394 a. base flood depths will not exceed three feet;
- 3395 b. base flood velocities will not exceed three feet per second;
- 3396 c. there is no evidence of flood-related erosion, as determined by location of the  
3397 project site in relationship to mapped channel migration zones or, if the site is not mapped,  
3398 evidence of overflow channels and bank erosion; and
- 3399 d. a flood warning system or emergency plan is in operation;

3400 2. The Washington state Department of Ecology has prepared a report of findings  
3401 and recommendations to the department that determines the repair or replacement will not  
3402 result in an increased risk of harm to life based on the characteristics of the site;

3403 3. The department has reviewed the Washington state Department of Ecology  
3404 report and concurs that the development proposal is consistent with the findings and  
3405 recommendations in the report;

3406 4. The development proposal is consistent with the findings and recommendations  
3407 of the Washington state Department of Ecology report;

3408 5. The existing residential structure was legally established;

3409 6. Replacing an existing residential structure within the FEMA floodway is only  
3410 allowed if:

- 3411 a. there is not sufficient buildable area on the site outside the FEMA floodway;

3412           b. the replacement structure is a residential structure built as a substitute for a  
3413 previously existing residential structure of equivalent use and size; and

3414           c. the existing residential structure, including the foundation, is removed within  
3415 ninety days of receiving a certificate of occupancy, or temporary certificate of occupancy,  
3416 whichever occurs first, for the replacement structure; and

3417           H. Maintenance or repair of a structure, as defined in WAC 173-158-030, that is  
3418 identified as a historic resource, as defined in K.C.C. 21A.06.597, is allowed in the FEMA  
3419 floodway if the structure and utilities meet the standards of K.C.C. 21A.24.240 for  
3420 residential structures or nonresidential structures, as appropriate.

3421           SECTION 47. Ordinance 10870, Section 476, as amended, and K.C.C.

3422 21A.24.290 are each hereby amended to read as follows:

3423           The following development standards apply to development proposals and  
3424 alterations on sites containing seismic hazard areas:

3425           A. The department may approve alterations to seismic hazard areas only if:

3426           1. the evaluation of site-specific subsurface conditions shows that the proposed  
3427 development site is not located in a seismic hazard area; or

3428           2. The applicant implements appropriate engineering design based on the best  
3429 available engineering and geological practices that either eliminates or minimizes the risk  
3430 of structural damage or injury resulting from seismically induced settlement or soil  
3431 liquefaction; and

3432           B. The department may waive or reduce engineering study and design  
3433 requirements for alterations in seismic hazard areas for:

3434           1. Mobile homes;

3435           2. Additions or alterations that do not increase occupancy or significantly affect  
3436 the risk of structural damage or injury; and

3437           3. One story ~~((B))~~ buildings with less than two-thousand-five hundred square  
3438 feet of floor area or roof area, whichever is greater, and that are not dwelling units or  
3439 used as places of employment or public assembly.

3440           SECTION 48. Ordinance 11481, Section 2, as amended, and K.C.C. 21A.24.311  
3441 are each hereby amended to read as follows:

3442           The map entitled King County Critical Aquifer Recharge Areas, included in  
3443 Attachment ~~((B to Ordinance 15051))~~ A to this ordinance,, is hereby adopted as the  
3444 designation of critical aquifer recharge areas in King County in accordance with RCW  
3445 36.70A.170. ~~((The council may adopt by ordinance revisions to add or remove critical  
3446 aquifer recharge areas based on additional information about areas with susceptibility to  
3447 ground water contamination or on changes to sole source aquifers or wellhead protection  
3448 areas as identified in wellhead protection programs.))~~

3449           SECTION 49. Ordinance 15051, Section 173, and K.C.C. 21A.24.312 are each  
3450 hereby amended to read as follows:

3451           Upon application supported by a critical areas report that includes a  
3452 hydrogeologic site evaluation, the department, in consultation with the department of  
3453 natural resources and parks, may determine that an area that is or is not classified as a  
3454 critical aquifer recharge area on the map adopted ~~((and amended by public rule))~~ under  
3455 K.C.C. 21A.24.311:

3456           A. Does not meet the criteria for a critical aquifer recharge area and declassify  
3457 that area if it is classified as a critical aquifer recharge area; ~~((or))~~



3458 B. Has the wrong critical aquifer recharge area classification and determine the  
3459 correct classification; or

3460 C. Has not been classified as a critical aquifer recharge area and should be so  
3461 classified based on the standards of KCC 21A.24.313.

3462 SECTION 50. Ordinance 15051, Section 174, and K.C.C. 21A.24.313 are each  
3463 hereby amended to read as follows:

3464 Critical aquifer recharge areas are categorized as follows:

3465 A. Category I critical aquifer recharge areas include those mapped areas that  
3466 King County has determined are:

3467 1. ~~((h))~~ Highly susceptible to groundwater contamination and that are located  
3468 within a sole source aquifer or a wellhead protection area; or

3469 2. In an area where hydrogeologic mapping or a numerical flow transport  
3470 model in a Washington department of health approved wellhead protection plan  
3471 demonstrate that the area is within the one year time of travel to a wellhead for a Group A  
3472 water system;

3473 B. Category II critical aquifer recharge areas include those mapped areas that  
3474 King County has determined:

3475 1. Have a medium susceptibility to ground water contamination and are located  
3476 in a sole source aquifer or a wellhead protection area; or

3477 2. Are highly susceptible to groundwater contamination and are not located in a  
3478 sole source aquifer or wellhead protection area; and

3479 C. Category III critical aquifer recharge areas include those mapped areas that  
3480 King County has determined have low susceptibility to groundwater contamination and  
3481 are located over an aquifer underlying an island that is surrounded by saltwater.

3482 SECTION 51. Ordinance 15051, Section 179, and K.C.C. 21A.24.316 are each  
3483 hereby amended to read as follows:

3484 The following development standards apply to development proposals and  
3485 alterations on sites containing critical aquifer recharge areas:

3486 A. Except as otherwise provided in subsection H. of this section, the following  
3487 new development proposals and alterations are not allowed on a site located in a category  
3488 I critical aquifer recharge area:

- 3489 1. Transmission pipelines carrying petroleum or petroleum products;
- 3490 2. Sand and gravel, and hard rock mining unless:
  - 3491 a. the site has mineral zoning as of January 1, 2005; or
  - 3492 b. mining is a permitted use on the site and the critical aquifer recharge area  
3493 was mapped after the date a complete application for mineral extraction on the site was  
3494 filed with the department;
- 3495 3. Mining of any type below the upper surface of the saturated ground water that  
3496 could be used for potable water supply;
- 3497 4. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;
- 3498 5. Hydrocarbon extraction;
- 3499 6. Commercial wood treatment facilities on permeable surfaces;
- 3500 7. Underground storage tanks, including tanks that are exempt from the  
3501 requirements of chapter 173 WAC, with hazardous substances, as defined in chapter

3502 70.105 RCW, that do not comply with standards of chapter 173-360 WAC and K.C.C.

3503 Title 17;

3504 8. Above-ground storage tanks for hazardous substances, as defined in chapter  
3505 70.105 RCW, unless protected with primary and secondary containment areas and a spill  
3506 protection plan;

3507 9. Golf courses;

3508 10. Cemeteries;

3509 11. Wrecking yards;

3510 12. Landfills for hazardous waste, municipal solid waste or special waste, as  
3511 defined in K.C.C. chapter 10.04; and

3512 13. On lots smaller than one acre, an on-site septic system, unless:

3513 a. the system is approved by the Washington state Department of Health and  
3514 ~~((the system either uses an up flow media filter system or a proprietary packed bed filter~~  
3515 ~~system or is designed to achieve approximately eighty percent total nitrogen removal for~~  
3516 ~~typical domestic wastewater)) has been listed by the Washington state Department of  
3517 Health as meeting treatment standard N as provided in WAC chapter 426-172A; or~~

3518 b. the Seattle-King County department of public health determines that the  
3519 systems required under subsection A.13.a. of this section will not function on the site.

3520 B. Except as otherwise provided in subsection H. of this section, the following  
3521 new development proposals and alterations are not allowed on a site located in a category  
3522 II critical aquifer recharge area:

3523 1. Mining of any type below the upper surface of the saturated ground water that  
3524 could be used for potable water supply;

- 3525           2. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;
- 3526           3. Hydrocarbon extraction;
- 3527           4. Commercial wood treatment facilities located on permeable surfaces;
- 3528           5.a. Except for a category II critical aquifer recharge area located over an
- 3529 aquifer underlying an island that is surrounded by saltwater, underground storage tanks
- 3530 with hazardous substances, as defined in chapter 70.105 RCW, that do not meet the
- 3531 requirements of chapter 173-360 WAC and K.C.C. Title 17; and
- 3532           b. For a category II critical aquifer recharge area located over an aquifer
- 3533 underlying an island that is surrounded by saltwater, underground storage tanks,
- 3534 including underground storage tanks exempt from the requirements of chapter 173-360
- 3535 WAC, with hazardous substances, as defined in chapter 70.105 RCW, that do not comply
- 3536 with the standards in chapter 173-360 WAC and K.C.C. Title 17;
- 3537           6. Above-ground storage tanks for hazardous substances, as defined in chapter
- 3538 70.105 RCW, unless protected with primary and secondary containment areas and a spill
- 3539 protection plan;
- 3540           7. Wrecking yards;
- 3541           8. Landfills for hazardous waste, municipal solid waste, or special waste, as
- 3542 defined in K.C.C. chapter 10.04; and
- 3543           9. On lots smaller than one acre, an on-site septic systems, unless:
- 3544           a. the system is approved by the Washington state Department of Health and
- 3545 ~~((the system either uses an up flow media filter system or a proprietary packed bed filter~~
- 3546 ~~system or is designed to achieve approximately eighty percent total nitrogen removal for~~

3547 ~~typical domestic wastewater))~~ has been listed by the Washington state Department of  
3548 Health as meeting treatment standard N as provided in WAC chapter 426-172A; or

3549           b. the Seattle-King County department of public health determines that the  
3550 systems required under subsection B.9.a. of this section will not function on the site.

3551           C. Except as otherwise provided in subsection H. of this section, the following  
3552 new development proposals and alterations are not allowed on a site located in a category  
3553 III critical aquifer recharge area:

- 3554           1. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;
- 3555           2. Hydrocarbon extraction;
- 3556           3. Commercial wood treatment facilities located on permeable surfaces;
- 3557           4. Underground storage tanks, including tanks exempt from the requirements of  
3558 chapter 173-360 WAC, with hazardous substances, as defined in chapter 70.105 RCW,  
3559 that do not comply with the requirements of chapter 173-360 WAC and K.C.C. Title 17;
- 3560           5. Above ground storage tanks for hazardous substances, as defined in chapter  
3561 70.105 RCW, unless protected with primary and secondary containment areas and a spill  
3562 protection plan;
- 3563           6. Wrecking yards; and
- 3564           7. Landfills for hazardous waste, municipal solid waste, or special waste, as  
3565 defined in K.C.C. chapter 10.04.

3566           D. The following standards apply to development proposals and alterations that  
3567 are substantial improvements on a site located in a critical aquifer recharge area:

- 3568           1. The owner of an underground storage tank, including a tank that is exempt  
3569 from the requirements of chapter 173 WAC, in a category I or III critical aquifer recharge

3570 area or a category II critical aquifer recharge area located over an aquifer underlying an  
3571 island that is surrounded by saltwater shall either bring the tank into compliance with the  
3572 standards of chapter 173 WAC and K.C.C. Title 17 or properly decommission or remove  
3573 the tank; and

3574 2. The owner of an underground storage tank in a category II critical aquifer  
3575 recharge area not located on located over an aquifer underlying an island that is  
3576 surrounded by saltwater shall bring the tank into compliance with the standards of  
3577 chapter 173-360 WAC and K.C.C. Title 17 or shall properly decommission or remove the  
3578 tank.

3579 E. In any critical aquifer recharge area, the property owner shall properly  
3580 decommission an abandoned well.

3581 F. On a site located in a critical aquifer recharge area within the urban growth  
3582 area, a development proposal for new residential development, including, but not limited  
3583 to, a subdivision, short subdivision, or dwelling unit, shall incorporate best management  
3584 practices included in the King County Surface Water Design Manual into the site design  
3585 in order to infiltrate stormwater runoff to the maximum extent practical.

3586 G. On an island surround by saltwater, the owner of a new well located within  
3587 two hundred feet of the ordinary high water mark of the marine shoreline and within a  
3588 critical aquifer recharge area shall test the well for chloride levels using testing protocols  
3589 approved by the Washington state Department of Health. The owner shall report the  
3590 results of the test to Seattle-King County department of public health and to the  
3591 department of natural resources and parks. If the test results indicate saltwater intrusion  
3592 is likely to occur, the department of natural resources and parks, in consultation with

3593 Seattle-King County department of public health, shall recommend appropriate measures  
3594 to prevent saltwater intrusion.

3595 H. On a site greater than twenty acres, the department may approve a  
3596 development proposal otherwise prohibited by subsections A., B. and C. of this section if  
3597 the applicant demonstrates through a critical areas report that the development proposal is  
3598 located outside the critical aquifer recharge area and that the development proposal will  
3599 not cause a significant adverse environmental impact to the critical aquifer recharge area.

3600 I. The provisions relating to underground storage tanks in subsections A. through  
3601 D. of this section apply only when the proposed regulation of underground storage tanks  
3602 has been submitted to and approved by the Washington state department of ecology, in  
3603 accordance with 90.76.040 RCW and WAC 173-360-530.

3604 SECTION 52. Ordinance 15051, Section 185, and K.C.C. 21A.24.325 are each  
3605 hereby amended to read as follows:

3606 Except as otherwise provided in this section, buffers shall be provided from the  
3607 wetland edge as follows:

3608 A. In the Urban Growth Area, buffers for wetlands shall be established in  
3609 accordance with the following standards:

3610 1. The standard buffer widths of the following table shall apply unless modified  
3611 in accordance with subsection A.2, A.3, C. or D. of this section:

<b>WETLAND CATEGORY AND CHARACTERISTICS</b>	<b>BUFFER</b>
<b>Category I</b>	
Natural Heritage Wetlands	215 feet
Bog	215 feet

WETLAND CATEGORY AND CHARACTERISTICS	BUFFER
Estuarine	175 feet
Coastal Lagoon	175 feet
Habitat score from ((29)) <u>31</u> to 36 points	225 feet
Habitat score from 20 to ((28)) <u>30</u> points	150 feet <u>plus 7.5</u> <u>feet for each habitat</u> <u>score point above</u> <u>20 points</u>
Category I wetlands not meeting any of the criteria ((below)) <u>above</u>	125 feet
<b>Category II</b>	
Estuarine	135 feet
Habitat score from ((29)) <u>31</u> to 36 points	200 feet
Habitat score from 20 to ((28)) <u>30</u> points	125 feet <u>plus 7.5</u> <u>feet for each habitat</u> <u>score point above</u> <u>20 points</u>
Category II wetlands not meeting any of the criteria ((below)) <u>above</u>	100 feet
<b>Category III</b>	
Habitat score from 20 to 28 points	125 feet



WETLAND CATEGORY AND CHARACTERISTICS	BUFFER
Category III wetlands not meeting any of the criteria <del>((below))</del> <u>above</u>	75 feet
<b>Category IV</b>	50 feet

3612           2. If a Category I or II wetland with habitat score greater than twenty points is  
 3613 located within three hundred feet of a priority habitat area as defined by the Washington  
 3614 state Department of Fish and Wildlife, the buffer established by subsection A.1. of this  
 3615 section shall be increased by fifty feet unless:

3616           a.(i) the applicant provides relatively undisturbed vegetated corridor at least  
 3617 one hundred feet wide between the wetland and all priority habitat areas located within  
 3618 three hundred feet of the wetland. The corridor shall be protected for the entire distance  
 3619 between the wetland and the priority habitat through a conservation easement, native  
 3620 growth protection easement or the equivalent; and

3621           ~~((b.))~~ (ii) the applicable mitigation measures in subsection A.3.b. of this  
 3622 section are provided; or

3623           b. the wetland is a freshwater or deep freshwater wetland; and

3624           3. Buffers calculated in accordance with subsection A.1. and A.2. of this  
 3625 ~~((section))~~ section shall be reduced as follows:

3626           a. Buffers for all categories of wetlands shall be reduced by twenty-five feet if  
 3627 the applicant implements all applicable mitigation measures identified in subsection  
 3628 A.3.b. of this section, or if the applicant proposes alternate mitigation to reduce the  
 3629 impacts of the development and the department determines the alternative provides  
 3630 equivalent mitigation.

3631 b. The following mitigation measures may be used by an applicant to obtain a  
 3632 reduced buffer width under subsection A.1. of this section:

Disturbance	Measures to minimize impacts	Activities that may cause the disturbance
Lights	Direct lights away from wetland	Parking lots, warehouses, manufacturing, high density residential
Noise	Place activity that generates noise away from the wetland.	manufacturing, high density residential
Toxic runoff	Route all new untreated runoff away from wetland, or Covenants limiting use of pesticides within 150 ft of wetland, or Implement integrated pest management program	Parking lots, roads, manufacturing, residential areas, application of agricultural pesticides, landscaping
Change in water regime	Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces <u>using low impact development measures identified in the King County Surface Water Design Manual</u>	Any impermeable surface, lawns, tilling

Pets and Human disturbance	Privacy fencing or landscaping to delineate buffer edge and to discourage disturbance of wildlife by humans and pets	Residential areas
Dust	BMP's for dust	Tilled fields
Degraded buffer condition	Nonnative plants to be removed and replaced with native vegetation per an approved landscaping plan to be bonded and monitored for a three year period after completion to assure at least 80% survival of plantings	All activities potentially requiring buffers

3633

B. For a wetland located outside the Urban Growth Area:

3634

1. The buffers shown on the following table apply unless modified in

3635

accordance with subsections C. and D. of this section:

WETLAND CATEGORY AND CHARACTERISTICS	INTENSITY OF IMPACT OF ADJACENT LAND USE		
	HIGH IMPACT	MODERATE IMPACT	LOW IMPACT
<b>Category I</b>			
Category I wetlands not meeting any of the criteria below	100 feet	75 feet	50 feet
Natural Heritage Wetlands	250 feet	190 feet	125 feet

WETLAND CATEGORY AND CHARACTERISTICS	INTENSITY OF IMPACT OF ADJACENT LAND USE		
	HIGH IMPACT	MODERATE IMPACT	LOW IMPACT
Bog	250 feet	190 feet	125 feet
Estuarine	200 feet	150 feet	100 feet
Coastal Lagoon	200 feet	150 feet	100 feet
Habitat score from ((29)) <u>31</u> to 36 points	300 feet	225 feet	150 feet
Habitat score from 20 to ((28)) <u>30</u> points	150 feet <u>plus</u> <u>15 feet for</u> <u>each habitat</u> <u>point above</u> <u>20</u>	110 feet <u>plus</u> <u>11.5 feet for</u> <u>each habitat</u> <u>point above</u> <u>20</u>	75 feet <u>plus</u> <u>7.5 feet for</u> <u>each</u> <u>habitat</u> <u>point above</u> <u>20</u>
<b>Category II</b>			
Category II wetlands not meeting any of the criteria below	100 feet	75 feet	50 feet
Estuarine	150 feet	110 feet	75 feet
Interdunal	150 feet	110 feet	75 feet
Habitat score from ((29)) <u>31</u> to 36 points	300 feet	225 feet	150 feet

WETLAND CATEGORY AND CHARACTERISTICS	INTENSITY OF IMPACT OF ADJACENT LAND USE		
	HIGH IMPACT	MODERATE IMPACT	LOW IMPACT
Habitat score from 20 to <del>((28))</del> <u>30</u> points	150 feet <u>plus</u> 15 feet for <u>each habitat</u> point above <u>20</u>	110 feet <u>plus</u> 11.5 feet for <u>each habitat</u> point above <u>20</u>	75 feet <u>plus</u> 7.5 feet for <u>each</u> <u>habitat</u> point above <u>20</u>
<b>Category III</b>			
Category III wetlands not meeting any of the criteria below	80 feet	60 feet	40 feet
Habitat score from 20 to 28 points	150 feet	110 feet	75 feet
<b>Category IV</b>	50 feet	40 feet	25 feet

3636 2. For purposes of this subsection B., unless the director determines a lesser  
3637 level of impact is appropriate based on information provided by the applicant, the  
3638 intensity of impact of the adjacent land use is determined as follows:

3639 a. high impact includes:

3640 (1) sites zoned commercial or industrial;

3641 (2) commercial or industrial use on a site regardless of the zoning  
3642 designation;

- 3643 (3) nonresidential use on a site zoned for residential use;
- 3644 (4) active recreation use on a site regardless of zoning;
- 3645 b. moderate impact includes:
- 3646 (1) residential uses on sites zoned rural residential (~~((without an approved~~  
3647 ~~rural stewardship plan)));~~
- 3648 (2) residential use on a site zoned agriculture or forestry; or
- 3649 (3) agricultural uses without an approved farm management plan; and
- 3650 c. low impact includes:
- 3651 (1) forestry use on a site regardless of zoning designation;
- 3652 (2) (~~residential uses on sites zoned rural residential with an approved rural~~  
3653 ~~stewardship plan;~~
- 3654 (3)) passive recreation uses, such as trails, nature viewing areas, fishing and  
3655 camping areas, and other similar uses that do not require permanent structures, on a site  
3656 regardless of zoning; or
- 3657 (~~((4))) (3) agricultural uses carried out in accordance with an approved farm~~
- 3658 management plan.
- 3659 C. The department may approve a modification of the minimum buffer width  
3660 required by this section by averaging the buffer width if:
- 3661 1. The department determines that:
- 3662 a. the ecological structure and function of the buffer after averaging is  
3663 equivalent to or greater than the structure and function before averaging; or
- 3664 b. averaging includes the corridors of a wetland complex; and
- 3665 2. The resulting buffer meets the following standards:

3666 a. the total area of the buffer after averaging is equivalent to or greater than the  
3667 area of the buffer before averaging;

3668 b. the additional buffer is contiguous with the standard buffer; and

3669 c. if the buffer width averaging allows a structure or landscaped area to intrude  
3670 into the area that was buffer area before averaging, the resulting landscaped area shall  
3671 extend no more than fifteen feet from the edge of the structure's footprint toward the  
3672 reduced buffer.

3673 D. Wetland buffer widths shall also be subject to modifications under the  
3674 following special circumstances:

3675 1. For wetlands containing documented habitat for endangered, threatened or  
3676 species of local importance, the following shall apply:

3677 a. the department shall establish the appropriate buffer, based on a habitat  
3678 assessment, to ensure that the buffer provides adequate protection for the sensitive  
3679 species; and

3680 b. the department may apply the buffer increase rules in subsection A.2. of this  
3681 section, the buffer reduction rules in subsection A.3. of this section, and the buffer  
3682 averaging rules in subsection C. of this section;

3683 2. For a wetland buffer that includes a steep slope hazard area or landslide  
3684 hazard area, the buffer width is the greater of (~~either~~) the buffer width required by the  
3685 wetland's category in this section or twenty-five feet beyond the top of the hazard area;  
3686 and

3687 3. For a wetland complex located outside the Urban Growth Area established by  
3688 the King County Comprehensive Plan or located within the Urban Growth Area in a

3689 basin designated as "high" on the Basin and Shoreline Conditions Map, which is included  
3690 as Attachment A to (~~this ordinance~~) Ordinance 15051, the buffer width is determined as  
3691 follows:

3692 a. the buffer width for each individual wetland in the complex is the same  
3693 width as the buffer width required for the category of wetland;

3694 b. if the buffer of a wetland within the complex does not touch or overlap with  
3695 at least one other wetland buffer in the complex, a corridor is required from the buffer of  
3696 that wetland to one other wetland buffer in the complex considering the following  
3697 factors:

3698 (1) the corridor is designed to support maintaining viable wildlife species that  
3699 are commonly recognized to exclusively or partially use wetlands and wetland buffers  
3700 during a critical life cycle stage, such as breeding, rearing, or feeding;

3701 (2) the corridor minimizes fragmentation of the wetlands;

3702 (3) higher category wetlands are connected through corridors before lower  
3703 category wetlands; and

3704 (4) the corridor width is a least twenty-five percent of the length of the  
3705 corridor, but no less than twenty-five feet in width; and

3706 (5) shorter corridors are preferred over longer corridors;

3707 c. wetlands in a complex that are connected by an aquatic area that flows  
3708 between the wetlands are not required to be connected through a corridor;

3709 d. the department may exclude a wetland from the wetland complex if the  
3710 applicant demonstrates that the wetland is unlikely to provide habitat for wildlife species



3711 that are commonly recognized to exclusively or partially use wetlands and wetland  
3712 buffers during a critical life cycle stage, such as breeding, rearing or feeding; and

3713 e. the alterations allowed in a wetland buffer in K.C.C. 21A.24.045 are  
3714 allowed in corridors subject to the same conditions and requirements as wetland buffers  
3715 as long as the alteration is designed so as not to disrupt wildlife movement through the  
3716 corridor; and

3717 4. Where a legally established roadway transects a wetland buffer, the  
3718 department may approve a modification of the minimum required buffer width to the  
3719 edge of the roadway if the part of the buffer on the other side of the roadway sought to be  
3720 reduced:

3721 a. does not provide additional protection of the proposed development or the  
3722 wetland; and

3723 b. provides insignificant biological, geological or hydrological buffer functions  
3724 relating to the other portion of the buffer adjacent to the wetland.

3725 5. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055,  
3726 the buffer widths shall be established under the rural stewardship plan and shall not  
3727 exceed the standard for a low impact land use, unless the department of natural resources  
3728 and parks determines that a larger buffer is necessary to achieve no net loss of wetland  
3729 ecological function.

3730 E. (~~Wetlands created through voluntary enhancement or restoration projects are~~  
3731 ~~not subject~~) The department may approve a modification to the buffers established in  
3732 subsections A. and B. of this section if the wetland was created or its characterization was  
3733 upgraded as part of a voluntary enhancement or restoration project.

3734            SECTION 53. Ordinance 15051, Section 187, and K.C.C. 21A.24.335 are each  
3735 hereby amended to read as follows:

3736            The following development standards apply to development proposals and  
3737 alterations on sites containing wetlands or their buffers:

3738            A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the  
3739 alterations identified in K.C.C. 21A.24.045 are allowed in wetlands and wetland buffers;

3740            B. The applicant shall not introduce any plant or wildlife that is not indigenous to  
3741 the Puget Sound lowland into any wetland or wetland buffer unless authorized by a state  
3742 or federal permit or approval;

3743            C. A category IV wetland less than two-thousand-five-hundred square feet that is  
3744 not part of a wetland complex may be altered in accordance with an approved mitigation  
3745 plan by relocating ~~((its functions))~~ the wetland into a new wetland, ~~((on the site))~~ with  
3746 equivalent or greater functions, or into an existing wetland at the ratios specified in  
3747 K.C.C. 21A.24.340 based on the type of mitigation measures proposed ~~((in accordance~~  
3748 ~~with an approved mitigation plan))~~; and

3749            D. Alterations to category I wetlands containing bogs or fens are limited to  
3750 K.C.C. 21A.24.045 D.20. and D.52.

3751            SECTION 54. Ordinance 10870, Section 481, as amended, and K.C.C.  
3752 21A.24.340 are each hereby amended to read as follows:

3753            In addition to the requirements in K.C.C. 21A.24.125 and 21A.24.130, the  
3754 following applies to ~~((mitiation))~~ mitigation to compensate for the adverse impacts  
3755 associated with an alteration to a wetland or wetland buffer:

3756 A. Mitigation measures must achieve equivalent or greater wetland functions,  
 3757 including, but not limited to:

- 3758 1. Habitat complexity, connectivity and other biological functions; and  
 3759 2. Seasonal hydrological dynamics, as provided in the King County Surface  
 3760 Water Design Manual;

3761 B. The following ratios of area of mitigation to area of alteration apply to  
 3762 mitigation measures for permanent alterations:

- 3763 1. For alterations to a wetland buffer, a ratio of one to one; and  
 3764 2. For alterations to a wetland:

Category and type of wetland	Wetland reestablishment or creation	Wetland rehabilitation	1:1 Wetland reestablishment or wetland creation (R/C) and wetland enhancement (E)	Wetland enhancement only
Category IV	1.5:1	3:1	1:1 R/C and 2:1 E	6:1
Category III	2:1	4:1	1:1 R/C and 2:1 E	8:1
Category II estuarine	Case-by-case	4:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by-case
All other Category II	3:1	8:1	1:1 R/C and 4:1 E	12:1
Category I forested	6:1	12:1	1:1 R/C and 10:1 E	Case-by-case
Category I	4:1	8:1	1:1 R/C and 6:1 E	Case-by-case

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based on score for functions				
Category I natural heritage site	Not allowed	6:1 rehabilitation of a natural heritage site	Case-by-case	Case-by-case
Category I coastal lagoon	Not allowed	6:1 rehabilitation of a coastal lagoon	Case-by-case	Case-by-case
Category I bog	Not allowed	6:1 rehabilitation of a bog	Case-by-case	Case-by-case
Category I estuarine	Case-by-case	6:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by-case

3765 C. The following ratios of area of mitigation to area of alteration apply to  
 3766 mitigation measures for temporary alterations where wetlands will not be impacted by  
 3767 permanent fill material:

Wetland category	Permanent conversion of forested and shrub wetlands into emergent wetlands			Mitigation for temporal loss of forested and shrub wetlands when the impacted wetlands will be revegetated to forest or shrub communities		
	Enhancement	Rehabilitation	Creation or restoration	Enhancement	Rehabilitation	Creation or restoration
Category I	6:1	4.5:1	3:1	3:1	2:1	1.5:1
Category II	3:1	2:1	1.5:1	1.5:1	1:1	.75:1
Category III	2:1	1.5:1	1:1	1:1	.75:1	.5:1
Category	1.5:1	1:1	.75:1	Not	Not	Not

IV				applicable	applicable	applicable
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3768 D. The department may increase the mitigation ratios provided in subsections B.  
3769 and C. of this section under the following circumstances:

3770 1. The department determines there is uncertainty as to the probable success of  
3771 the proposed restoration or creation;

3772 2. A significant period of time will elapse between the impact caused by the  
3773 development proposal and the establishment of wetland functions at the mitigation site;

3774 3. The proposed mitigation will result in a lower category wetland or reduced  
3775 functions relative to the wetland being impacted; or

3776 4. The alteration causing the impact was an unauthorized impact.

3777 E. The department may decrease the mitigation ratios provided in subsections B.  
3778 and C. of this section under the following circumstances:

3779 1. The applicant demonstrates by documentation submitted by a qualified  
3780 wetland specialist that the proposed mitigation actions have a very high likelihood of  
3781 success based on hydrologic data and prior experience;

3782 2. The applicant demonstrates by documentation by a qualified wetland  
3783 specialist that the proposed actions for compensation will provide functions and values  
3784 that are significantly greater than the wetland being impacted;

3785 3. The applicant demonstrates that the proposed actions for mitigation have  
3786 been conducted in advance of the impact caused by the development proposal and that  
3787 the actions are successful; or

3788 4. In wetlands where several wetland hydrogeomorphic classes, including, but  
3789 not limited to depressional, slope, riverine and flow through, are found within one  
3790 delineated boundary, the department may decrease the ratios if:

- 3791 a. impacts to the wetland are all within an area that has a different  
3792 hydrogeomorphic class from the one used to establish the category;  
3793 b. the category of the area with a different class is lower than that of the entire  
3794 wetland; and  
3795 c. the applicant provides adequate hydrologic and geomorphic data to establish  
3796 that the boundary between the hydrogeomorphic classes lies outside of the footprint of  
3797 the impacts.

3798 F. For temporary alterations to a wetland or its buffer that are predominately  
3799 woody vegetation, the department may require mitigation in addition to restoration of the  
3800 altered wetland or buffer; and

3801 G. Mitigation of an alteration to a buffer of a wetland that occurs along an  
3802 aquatic area lake shoreline in accordance with an allowed alteration under this chapter  
3803 shall include, but is not limited to, on-site revegetation, maintenance and other restoration  
3804 of the buffer or setback area to the maximum extent practical(~~(; and~~

3805 ~~H. The department may consider two or more contiguous sites under common~~  
3806 ~~ownership and located in the same drainage subbasin, as one site for the purpose of~~  
3807 ~~mitigation ratios)).~~

3808 SECTION 55. Ordinance 15051, Section 192, and K.C.C. 21A.24.355 are each  
3809 hereby amended to read as follows:

3810 A. Aquatic areas are categorized or "typed" as follows:

3811 1. Type S waters include all aquatic areas inventoried as "shorelines of the state"  
3812 under King County's Shoreline Master Program, K.C.C. Title 25, in accordance with  
3813 chapter 90.58 RCW, including segments of streams where the mean annual flow is more

3814 than twenty cubic feet per second, marine shorelines and lakes twenty acres in size or  
3815 greater;

3816           2. Type F waters include all segments of aquatic areas that are not type S waters  
3817 and that contain fish or fish habitat, including waters diverted for use by a federal, state or  
3818 tribal fish hatchery from the point of diversion for one-thousand-five-hundred feet or the  
3819 entire tributary if the tributary is highly significant for protection of downstream water  
3820 quality;

3821           3. Type N waters include all segments of aquatic areas that are not type S or F  
3822 waters and that are physically connected to type S or F waters by an above-ground  
3823 channel system, stream or wetland; and

3824           4. Type O waters include all segments of aquatic areas that are not type S, F or  
3825 N waters and that are not physically connected to type S, F or N waters by an above-  
3826 ground channel system, pipe or culvert, stream or wetland.

3827           B. For the purposes of the water types in subsection A. of this section, an above-  
3828 ground channel system is considered to be present if the one-hundred year floodplains of  
3829 both the contributing and receiving waters are connected.

3830           C. The department may determine that an area upstream of a legal human-made  
3831 barrier is not fish habitat considering the following factors:

3832           1. The human-made barrier is located beneath public infrastructure that is  
3833 unlikely to be replaced and it is not feasible to remove the barrier without removing the  
3834 public infrastructure;

3835           2. The human-made barrier is in the Urban Growth Area established by the  
3836 King County Comprehensive Plan and is located beneath one or more dwelling units and  
3837 it is not feasible to remove the barrier without removing the dwelling unit;

3838           3. The human-made barrier is located in a subbasin that is not designated "high"  
3839 on the Basin and Shoreline Conditions Map which is included as Attachment A to ((this  
3840 ordinance)) Ordinance 15051; or

3841           4. The human-made barrier is not identified for removal by a public agency or  
3842 in an adopted watershed plan.

3843           SECTION 56. Ordinance 15051, Section 193, and K.C.C. 21A.24.358 are each  
3844 hereby amended to read as follows:

3845           A. Aquatic area buffers shall be measured as follows:

3846           1. From the ordinary high water mark or from the top of bank if the ordinary  
3847 high water mark cannot be identified;

3848           2. If the aquatic area is located within a mapped severe channel migration area,  
3849 the aquatic area buffer width shall be the greater of the aquatic area buffer width as  
3850 measured consistent with subsection A.1. of this section or the outer edge of the severe  
3851 channel migration area; or

3852           3. If the aquatic area buffer includes a steep slope hazard area or landslide  
3853 hazard area, the aquatic area buffer width is the greater of either the aquatic area buffer in  
3854 this section or twenty-five feet beyond the top of the hazard area.

3855           B. Within the Urban Growth Area, aquatic area buffers shall be as follows:

3856           1. A type S or F aquatic area buffer is one-hundred-fifteen-feet;



3857           2. A type S or F aquatic area buffer in a basin or shoreline designated as "high"  
3858 on the Basin and Shoreline Conditions Map is one-hundred-sixty-five-feet;

3859           3. A type N aquatic area buffer is sixty-five-feet; and

3860           4. A type O aquatic area buffer is twenty-five-feet.

3861           C. Outside the Urban Growth Area, aquatic area buffers shall be as follows:

3862           1. A type S or F aquatic area buffer is one-hundred-sixty-five-feet;

3863           2. A type N aquatic area buffer is sixty-five-feet; and

3864           3. A type O aquatic area buffer is twenty-five-feet.

3865           D. Within the Bear Creek drainage basin a type N aquatic area buffer in a  
3866 designated regionally significant resource area is one-hundred-feet.

3867           E. The department may approve a modification of buffer widths if:

3868           1. The department determines that through buffer averaging the ecological  
3869 structure and function of the resulting buffer is equivalent to or greater than the structure  
3870 and function before averaging and meets the following standards:

3871           a. The total area of the buffer is not reduced;

3872           b. The buffer area is contiguous; and

3873           c. Averaging does not result in the reduction of the minimum buffer for the  
3874 buffer area waterward of the top of the associated steep slopes or for a severe channel  
3875 migration hazard area;

3876           2. The applicant demonstrates that the buffer cannot provide certain functions  
3877 because of soils, geology or topography, provided that the department shall establish  
3878 buffers which protect the remaining ecological functions that the buffer can provide;

3879           3. The site is zoned RA and is subject to an approved rural stewardship plan. In  
3880           modifying the buffers, the department shall consider factors such as, the basin and  
3881           shoreline condition, the location of the site within the basin and shoreline, the buffer  
3882           condition and the amount of clearing;

3883           4. A legally established roadway transects an aquatic area buffer, the roadway  
3884           edge closest to aquatic area shall be the extent of the buffer, if the part of the buffer on  
3885           the other side of the roadway provides insignificant biological or hydrological function in  
3886           relation to the portion of the buffer adjacent to the aquatic area; and

3887           5. The aquatic area is created or its type is changed as a result of enhancement  
3888           or restoration projects that are not mitigation for a development proposal or alteration.

3889           SECTION 57. Ordinance 15051, Section 195, and K.C.C. 21A.24.365 are each  
3890           hereby amended to read as follows:

3891           The following development standards apply to development proposals and  
3892           alterations on sites containing aquatic areas or their buffers:

3893           A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the  
3894           alterations identified in K.C.C. 21A.24.045 are allowed in aquatic areas and aquatic area  
3895           buffers;

3896           B. Grading for allowed alterations in aquatic area buffers is only allowed from  
3897           May 1 to October 1. This period may be modified when the department determines it is  
3898           necessary along marine shorelines to protect critical forage fish and salmonid migration  
3899           or as provided in K.C.C. 16.82.095;

3900           C. The moisture-holding capacity of the topsoil layer on all areas of the site not  
3901           covered by impervious surfaces should be maintained by:

- 3902 1. Minimizing soil compaction, or  
3903 2. Reestablishing natural soil structure and the capacity to infiltrate;  
3904 D. New structures within an aquatic area buffer should be sited to avoid the  
3905 creation of future hazard trees and to minimize the impact on groundwater movement;

3906 ((and))

3907 E. To the maximum extent practical:

- 3908 1. The soil duff layer should not be disturbed, but if disturbed, should be  
3909 redistributed to other areas of the project site where feasible;  
3910 2. A spatial connection should be provided between vegetation within and  
3911 outside the aquatic area buffer to prevent creation of wind throw hazards; and  
3912 3. Hazard trees should be retained in aquatic area buffers and either topped or  
3913 pushed over toward the aquatic area; and

3914 G. If a restoration, enhancement or mitigation project proposes to place large  
3915 woody debris waterward of the ordinary high water mark of a Type S aquatic area, the  
3916 applicant shall consider the potential for recreational hazards in project design.

3917 SECTION 58. Ordinance 10870, Section 485, as amended, and K.C.C.  
3918 21A.24.380 are each hereby amended to read as follows:

3919 In addition the requirements in K.C.C. 21A.24.130, 21A.24.125 and 21A.24.133,  
3920 the following applies to mitigation to compensate for the adverse impacts associated with  
3921 an alteration to an aquatic area or aquatic area buffer:

3922 A. Mitigation measures must achieve equivalent or greater aquatic area functions  
3923 including, but not limited to:

- 3924 1. Habitat complexity, connectivity and other biological functions;

3925           2. Seasonal hydrological dynamics, water storage capacity and water quality;

3926 and

3927           3. Geomorphic and habitat processes and functions;

3928           B. To the maximum extent practical, permanent alterations that require

3929 restoration or enhancement of the altered aquatic area, aquatic area buffer or another

3930 aquatic area or aquatic area buffer must consider the following design factors, as

3931 applicable to the function being mitigated:

3932           1. The natural channel or shoreline reach dimensions including its depth, width,  
3933 length and gradient;

3934           2. The horizontal alignment and sinuosity;

3935           3. The channel bed, sea bed or lake bottom with identical or similar substrate  
3936 and similar erosion and sediment transport dynamics;

3937           4. Bank and buffer configuration and erosion and sedimentation rates; and

3938           5. Similar vegetation species diversity, size and densities in the channel, sea bed  
3939 or lake bottom and on the riparian bank or buffer;

3940           C. Mitigation to compensate for adverse impacts shall meet the following  
3941 standards:

3942           1. Not upstream of a barrier to fish passage;

3943           2. Is equal or greater in biological function; and

3944           3. To the maximum extent practical is located on the site of the alteration or

3945 within one-half mile of the site and in the same aquatic area reach at a 1:1 ratio of area of

3946 mitigation to area of alteration; or

3947 4. Is located in the same aquatic area drainage subbasin or marine shoreline and  
3948 attains the following ratios of area of functional mitigation to area of alteration:

3949 a. a 3:1 ratio for a type S or F aquatic area; and

3950 b. a 2:1 ratio for a type N or O aquatic area;

3951 D. For purposes of subsection C. of this section, a mitigation measure is in the  
3952 same aquatic area reach if the length of aquatic area shoreline meets the following  
3953 criteria:

3954 1. Similar geomorphic conditions including slope, soil, aspect and substrate;

3955 2. Similar processes including erosion and transport of sediment and woody  
3956 debris;

3957 3. Equivalent or better biological conditions including invertebrates, fish,  
3958 wildlife and vegetation; and

3959 4. Equivalent or better biological functions including mating, reproduction,  
3960 rearing, migration and refuge; or

3961 5. For tributary streams, a distance of no more than one-half mile;

3962 E. The department may reduce the mitigation ratios in subsection C. of this  
3963 section to 2:1 ratio for a type S or F aquatic area and 1.5:1 ratio for a type N or O aquatic  
3964 area if the applicant provides a scientifically rigorous mitigation monitoring program that  
3965 includes the following elements:

3966 1. Monitoring methods that ensure that the mitigation meets the approved  
3967 performance standards identified by the department;

3968 2. Financing or funding guarantees for the duration of the monitoring program;

3969 and

3970 3. Experienced, qualified staff to perform the monitoring;

3971 F. For rectifying an illegal alteration to any type of aquatic area or its buffer,  
3972 mitigation measures must meet the following standards:

3973 1. Located on the site of the illegal alteration at a 1:1 ratio of area of mitigation  
3974 to area of alteration; and

3975 2. To the maximum extent practical, replicates the natural prealteration  
3976 configuration at its natural prealteration location including the factors in subsection B. of  
3977 this section; and

3978 G. The department may modify the requirements in this section if the applicant  
3979 demonstrates that, with respect to each aquatic area function, greater functions can be  
3980 obtained in the affected hydrologic unit that the department may determine to be the  
3981 drainage subbasin through alternative mitigation measures.

3982 H. For temporary alterations to an aquatic area or its buffer that is predominately  
3983 woody vegetation, the department may require mitigation in addition to restoration of the  
3984 altered aquatic area or buffer.

3985 NEW SECTION. SECTION 59. A new section is hereby added to K.C.C.  
3986 chapter 21A.24 to read as follows:

3987 The department shall only approve an aquatic habitat restoration project that is  
3988 proposed for a site located within the agricultural production districts as follows:

3989 A. The project shall be located on agricultural lands that the department of  
3990 natural resources and parks determines:

3991 1.a. Are unsuitable for direct agricultural production purposes, such as portions  
3992 of property that have not historically been farmed due to soil conditions or frequent

3993 flooding and that it determines cannot be returned to productivity by drainage  
3994 maintenance; or

3995           b. The proposed project would result in a net benefit to agricultural  
3996 productivity in the agricultural production district;

3997           2. The project will not reduce the ability to farm in the area; and

3998           3. Agriculture will remain the predominant use in the agricultural production  
3999 district;

4000           B. The applicant shall demonstrate to the satisfaction of the department that there  
4001 are no other suitable land outside the agricultural production district that is available for  
4002 the project;

4003           C. The department shall hold a public meeting to solicit input from the property  
4004 owners affected by the project; and

4005           D. The department shall determine that the project:

4006           1. The project is included in an approved Water Resources Inventory Area Plan,  
4007 Farm Management Plan, Flood Hazard Management Plan, or other King County  
4008 functional plan; or

4009           2. Based on the recommendation of the department of natural resources and  
4010 parks, the project would improve agricultural productivity within the agricultural  
4011 productions district.

4012           SECTION 60. Ordinance 14187, Section 1, as amended, and K.C.C. 21A.24.500  
4013 are each hereby amended to read as follows:

4014           A.1. A property owner or the property owner's agent may request a critical area  
4015 designation for part or all of a site, without seeking a permit for a development proposal,

4016 by filing with the department a written application for a critical area designation on a  
4017 form provided by the department. If the request is for review of a portion of a site, the  
4018 application shall include a map identifying the portion of the site for which the  
4019 designation is sought.

4020 2. ~~((The designation is limited to the following determinations:~~

4021 a. ~~The existence, location, and boundaries of any aquatic area, wetland, critical~~  
4022 ~~aquifer recharge area, coal mine hazard area, landslide hazard area or steep slope on the~~  
4023 ~~site; and~~

4024 b. ~~The classification of any aquatic area or wetland.~~

4025 3.)) The designation may include an evaluation or interpretation of the  
4026 applicability of critical area buffers and other critical area standards to a future  
4027 development proposal.

4028 B. In preparing the critical area designation, the department shall perform a  
4029 critical area review to:

4030 1. Determine whether any critical area ~~((that is subject to this designation~~  
4031 ~~process))~~ exists on the site and confirm its type, location, boundaries and classification;

4032 2. Determine whether a critical area report is required to identify and  
4033 characterize the location, boundaries and classification of the critical area;

4034 3. Evaluate the critical area report, if required; and

4035 4. Document the existence, location and classification of any critical area ~~((that~~  
4036 ~~is subject to this designation process))~~.

4037 C. If required by the department, the applicant for a critical area designation shall  
4038 prepare and submit to the department the critical area report required by subsection B.2.



4039 of this section. For sites zoned for single detached dwelling units involving wetlands or  
4040 aquatic areas, the applicant may elect to have the department conduct the special study in  
4041 accordance with K.C.C. Title 27;

4042 D. The department shall make the determination of a critical area designation in  
4043 writing within one hundred twenty days after the application for a critical area  
4044 designation is complete, as provided in K.C.C. 20.20.050. The periods in K.C.C.  
4045 20.20.100A.1. through 5. are excluded from the one-hundred-twenty-day period. The  
4046 written determination made under this section as to the existence, location, classification  
4047 of a critical area and critical area buffers is effective for five years from the date the  
4048 determination is issued if there has been no change in site conditions. The department  
4049 shall rely on the determination of the existence, location and classification of the critical  
4050 area and the critical area buffer in its review of a complete application for a permit or  
4051 approval filed within five years after the determination is issued. If the determination  
4052 applies to less than an entire site, the determination shall clearly identify the portion of  
4053 the site to which the determination applies.

4054 E. If the department designates critical areas on a site under this section, the  
4055 applicant for a development proposal on that site shall submit proof that a critical area  
4056 notice has been filed as required by K.C.C. 21A.24.170. Except as provided in this  
4057 subsection, the department's determination under this section is final. If the department  
4058 relies on a critical area designation made under this section during its review of an  
4059 application for a permit or other approval of a development proposal and the permit or  
4060 other approval is subject to an administrative appeal, any appeal of the designation shall  
4061 be consolidated with and is subject to the same appeal process as the underlying

4062 development proposal. If the King County hearing examiner makes the county's final  
4063 decision with regard to the permit or other approval type for the underlying development  
4064 proposal, the hearing examiner's decision constitutes the county's final decision on the  
4065 designation. If the King County council, acting as a quasi-judicial body, makes the  
4066 county's final decision with regard to the permit or other approval type for the underlying  
4067 development proposal, the King County council's decision constitutes the county's final  
4068 decision on the designation.

4069 SECTION 61. Ordinance 15051, Section 230, and K.C.C. 21A.24.515 are each  
4070 hereby amended to read as follows:

4071 The department of natural resources and parks, in consultation with the  
4072 department of development and environmental services, shall conduct monitoring ~~((in~~  
4073 ~~one or two subbasins))~~ to evaluate the effect of this ~~((ordinance))~~ chapter on ~~((wetland))~~  
4074 protecting the functions and values of critical areas. ~~((The departments shall file a status~~  
4075 ~~report on the monitoring with the clerk of the council for distribution to the chair of the~~  
4076 ~~growth management and unincorporated areas committee, or its successor committee, not~~  
4077 ~~later than January 1, 2007. The departments shall file a final report on the monitoring~~  
4078 ~~with the clerk of the council for distribution to the chair of the growth management and~~  
4079 ~~unincorporated areas committee, or its successor committee, not later than January 1,~~  
4080 ~~2010.))~~

4081 SECTION 62. Ordinance 11621, Section 90, and K.C.C. 21A.28.154 are each  
4082 hereby amended to read as follows:

4083 A. There is hereby created a School Technical Review Committee (STRC) within  
4084 King County. The Committee shall consist of ~~((4))~~ three county staff persons, one each

4085 from the department of development and environmental services, ~~((the planning and~~  
4086 ~~community development division,))~~ the office of financial management and the county  
4087 council.

4088 B. The Committee shall be charged with reviewing each school district's capital  
4089 facilities plan, enrollment projections, standard of service, the district's overall capacity  
4090 for the next six (6) years to ensure consistency with the Growth Management Act, King  
4091 County Comprehensive Plan, and adopted community plans, and the district's calculation  
4092 and rationale for proposed impact fees.

4093 C. Notice of the time and place of the Committee meeting where the district's  
4094 documents will be considered shall be provided to the district.

4095 D. At the meeting where the Committee will review or act upon the district's  
4096 documents, the district shall have the right to attend or to be represented, and shall be  
4097 permitted to present testimony to the Committee. Meetings shall also be open to the  
4098 public.

4099 E. In its review, the Committee shall consider the following factors:

4100 1. Whether the district's forecasting system for enrollment projections has been  
4101 demonstrated to be reliable and reasonable.

4102 2. The historic levels of funding and voter support for bond issues in the district;

4103 3. The inability of the district to obtain the anticipated state funding or to  
4104 receive voter approval for district bond issues;

4105 4. An emergency or emergencies in the district which required the closing of a  
4106 school facility or facilities resulting in a sudden and unanticipated decline in districtwide  
4107 capacity; and

4108           5. The standards of service set by school districts in similar types of  
4109 communities. While community differences will be permitted, the standard established  
4110 by the district should be reasonably consistent with the standards set by other school  
4111 districts in communities of similar socioeconomic profile.

4112           6. The Committee shall consider the standards identified by the state concerning  
4113 the ratios of certificated instructional staff to students.

4114           F. In the event that the district's standard of service reveals a deficiency in its  
4115 current facilities, the Committee shall review the district's capital facilities plan to  
4116 determine whether the district has identified all sources of funding necessary to achieve  
4117 the standard of service.

4118           G. The district in developing the Financing Plan Component of the Capital  
4119 Facilities Plan shall plan on a six-year horizon and shall demonstrate its best efforts by  
4120 taking the following steps:

4121           1. Establish a six-year financing plan, and propose the necessary bond issues  
4122 and levies required by and consistent with that plan and as approved by the school board  
4123 and consistent with RCW 28A.53.020 and RCW 84.52.052 and .056 as amended; and

4124           2. Apply to the state for funding, and comply with the state requirement for  
4125 eligibility to the best of the district's ability.

4126           H. The Committee is authorized to request the school district to review and to  
4127 resubmit its capital facilities plan, or to establish a different standard of service, or to  
4128 review its capacity for accommodating new students, under the following circumstances:

4129           1. The standard of service established by the district is not reasonable in light of  
4130 the factors set forth in subsection E of this section.

4131           2. The Committee finds that the district's standard of service cannot reasonably  
4132 be achieved in light of the secured financial commitments and the historic levels of  
4133 support in the district; or

4134           3. Any other basis which is consistent with the provisions of this section.

4135           I. The Committee shall prepare and submit an annual report to the King County  
4136 council for each school district recommending a certification of concurrency in the  
4137 district, except as provided in Subsection L of this section using the school concurrency  
4138 standard as set forth in K.C.C. 21A.28.160. If a school district fails to submit its capital  
4139 facilities plan for review by the STRC, King County shall assume the district has  
4140 adequate capacity to accommodate growth for the following six years.

4141           J. The Committee shall submit copies of its recommendation of concurrency for  
4142 each school district to the director of DDES, to the hearing examiner, and to the district.

4143           K. The committee shall recommend to the council a comprehensive plan  
4144 amendment adopting the district's capital facilities plan as part of the comprehensive  
4145 plan, for any plan which the Committee concludes accurately reflects the district's  
4146 facilities status.

4147           L. In the event that after reviewing the district's capital facilities plan and other  
4148 documents, the Committee is unable to recommend certifying concurrency in a school  
4149 district, the Committee shall submit a statement to the council, the director and the  
4150 hearing examiner stating that the Committee is unable to recommend certifying  
4151 concurrency in a specific school district. The Committee shall recommend to the  
4152 executive that he propose to the council, amendments to the land use element of the King  
4153 County Comprehensive Plan or amendments to the development regulations

4154 implementing the plan to more closely conform county land use plans and school  
4155 facilities plans, including but not limited to requiring mandatory phasing of plats, UPDs  
4156 or multifamily development located within the district's boundary. The necessary draft  
4157 amendments shall accompany such recommendations.

4158 SECTION 63. Ordinance 10870, Section 563, as amended, and K.C.C.

4159 21A.34.040 are each hereby amended to read as follows:

4160 A. The public benefits eligible to earn increased densities, and the maximum  
4161 incentive to be earned by each benefit, are in subsection F of this section. The density  
4162 incentive is expressed as additional bonus dwelling unit, or fractions of dwelling units,  
4163 earned per amount of public benefit provided.

4164 B. Bonus dwelling units may be earned through any combination of the listed  
4165 public benefits.

4166 C. The guidelines for affordable housing bonuses including the establishment of  
4167 rental levels, housing prices and asset limitations, will be updated and adopted annually  
4168 by the council in the consolidated housing and community development plan.

4169 D. Bonus dwelling units may also be earned and transferred to the project site  
4170 through the transfer of development rights (TDR) program established in K.C.C. chapter  
4171 21A.37, by providing any of the open space, park site or historic preservation public  
4172 benefits set forth in subsection F.2. or 3. of this section on sites other than that of the RDI  
4173 development.

4174 E. Residential development in R-4 through R-48 zones with property specific  
4175 development standards requiring any public benefit enumerated in this chapter, shall be  
4176 eligible to earn bonus dwelling units in accordance with subsection F of this section if the

4177 public benefits provided exceed the basic development standards of this title. If a  
4178 development is located in a special overlay district, bonus units may be earned if the  
4179 development provides public benefits exceeding corresponding standards of the special  
4180 district.

4181 F. The following are the public benefits eligible to earn density incentives  
4182 through RDI review:

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BENEFIT

DENSITY INCENTIVE

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1. AFFORDABLE HOUSING

a. Benefit units consisting of rental housing permanently priced to serve nonsenior citizen low-income households (that is no greater than 30 percent of gross income for households at or below 50 percent of King County median income, adjusted for household size). A covenant on the site that specifies the income level being served, rent levels and requirements for reporting to King County shall be recorded at final approval.

1.5 bonus units per benefit unit, up to a maximum of 30 low-income units per five acres of site area; projects on sites of less than five acres shall be limited to 30 low-income units.

BENEFIT

DENSITY INCENTIVE

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b. Benefit units consisting of rental housing designed and permanently priced to serve low-income senior citizens (that is no greater than 30 percent of gross income for 1- or 2-person households, 1 member of which is 62 years of age or older, with incomes at or below 50 percent of King County median income, adjusted for household size). A covenant on the site that specifies the income level being served, rent levels and requirements for reporting to King County shall be recorded at final approval.

1.5 bonus units per benefit unit, up to a maximum of 60 low-income units per five acres of site area; projects on sites of less than five acres shall be limited to 60 low-income units.

c. Benefit units consisting of senior citizen assisted housing units 600 square feet or less.

1 bonus unit per benefit unit



BENEFIT

DENSITY INCENTIVE

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d. Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing with prices restricted based on typical underwriting ratios and other lending standards, and with no restriction placed on resale. Final approval conditions shall specify requirements for reporting to King County on both buyer eligibility and housing prices.

0.75 bonus unit per benefit unit.

BENEFIT

DENSITY INCENTIVE

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e. Benefit units consisting of moderate income housing reserved for income and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing with prices restricted based on typical underwriting ratios and other lending standards, and with a 15 year restriction binding prices and eligibility on resale to qualified moderate income purchasers. Final approval conditions shall specify requirements for reporting to King County on both buyer eligibility and housing prices.

1 bonus unit per benefit unit.

BENEFIT

DENSITY INCENTIVE

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f. Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing, with prices restricted to same income group, based on current underwriting ratios and other lending standards for 30 years from date of first sale. A covenant on the site that specifies the income level and other aspects of buyer eligibility, price levels and requirements for reporting to King County shall be recorded at final approval.

1.5 bonus units per benefit unit.

BENEFIT

DENSITY INCENTIVE

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g. Projects in which 100 percent of the units are reserved for moderate income - and asset-qualified buyers (total household income at or below 80 percent of the King County median, adjusted for household size). All units shall be limited to owner-occupied housing with prices restricted based on current underwriting ratios and other lending standards, and with prices restricted to same income group, for 15 years from date of first sale. Final approval conditions shall specify requirements for reporting to King County on both buyer eligibility and housing prices.

200 percent of the base density of the underlying zone. Limited to parcels 5 acres or less in size and located in the R-4 through R-8 zones. Housing types in the R-4 or R-6 zones shall be limited to structures containing four or less units, except for townhouses. Such RDI proposals shall not be eligible to utilize other RDI bonus density incentives listed in this section.

h. Benefit units consisting of mobile home park space or pad reserved for the relocation of an insignia or noninsignia mobile home, that has been or will be displaced due to closure of a mobile home park located in incorporated or unincorporated King County.

1.0 bonus unit per benefit unit.

BENEFIT

DENSITY INCENTIVE

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2. OPEN SPACE, TRAILS AND PARKS

a. Dedication of park site or trail right-of-way meeting King County location and size standards for neighborhood, community or regional park, or trail, and accepted by the parks division.

0.5 bonus unit per acre of park area or quarter-mile of trail exceeding the minimum requirement of K.C.C. 21A.14 for on-site recreation space or trail corridors, computed on the number of dwelling units permitted by the site's base density.

b. Improvement of dedicated park site to King County standards for developed parks.

0.75 bonus unit per acre of park improvement. If the applicant is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.

BENEFIT

DENSITY INCENTIVE

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c. Improvement of dedicated trail segment to King County standards.

1.8 bonus units per quarter mile of trail constructed to county standard for pedestrian trails; or

2.5 bonus units per quarter mile of constructed to county standard for multipurpose trails (pedestrian/ bicycle/equestrian).

Shorter segments shall be awarded bonus units on a pro rata basis. If the applicant is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.

BENEFIT

DENSITY INCENTIVE

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d. Dedication of open space, meeting King County acquisition standards to the county or a qualified public or private organization such as a nature conservancy.	0.5 bonus unit per acre of open space.
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3. HISTORIC PRESERVATION

a. Dedication of a site containing an historic landmark in accordance with K.C.C. chapter 20.62, to King County or a qualifying nonprofit organization capable of restoring and/or maintaining the premises to standards set by the King County landmarks commission.	0.5 bonus unit per acre of historic site.
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b. Restoration of a site or structure designated as an historic landmark in accordance with K.C.C. chapter 20.62 to a specific architectural or site plan approved by the King County landmarks commission.	0.5 bonus unit per acre of site or one thousand square feet of floor area of building restored.
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BENEFIT

DENSITY INCENTIVE

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4. ENERGY CONSERVATION

a. Benefit units that incorporate conservation features in the construction of all on-site dwelling units heated by electricity that save at least 20 percent of space heat energy use from the maximum permitted by the Northwest Energy Code, as amended. No more than 50 percent of the required savings may result from the installation of heat pumps. None of the required savings shall be achieved by reduction of glazing area below 15 percent of floor area. Energy use shall be expressed as allowable energy load per square foot or as total transmittance (UA).

0.15 bonus unit per benefit unit that achieves the required savings.



BENEFIT

DENSITY INCENTIVE

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b. Benefit units that incorporate conservation features in the construction of all on-site dwelling units heated by natural gas, or other nonelectric heat source, that save at least 25 percent of space heat energy use from the maximum permitted by the Northwest Energy Code, as amended. None of the required savings shall be achieved by reduction of glazing area below 15 percent of floor area. Energy use shall be expressed as allowable energy load per square foot or as total transmittance (UA).

0.10 bonus unit per benefit unit that achieves the required savings.

c. Developments located within ~~((1/4))~~ 1/2 mile of transit routes served on at least a half-hourly basis during the peak hours and hourly during the daytime nonpeak hours or within 1/2 mile of a light rail transit or commuter rail station.

10 percent increase above the base density of the zone.

BENEFIT

DENSITY INCENTIVE

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5. PUBLIC ART

a. Devoting 1% of the project budget to public art on site.

5 percent increase above the base density of the zone.

b. Contributing 1% of the project budget to the King County public art fund for development of art projects. The contribution shall be used for projects located within a one mile radius of the development project.

5 percent increase above the base density of the zone.

BENEFIT

DENSITY INCENTIVE

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6. COTTAGE HOUSING

Provision of three to sixteen detached cottage units clustered around at least one common open space.

Two hundred percent of the base density of the underlying zone. Limited to parcels in the R4-R8 zones. Such RDI proposals shall not be eligible to utilize other RDI bonus density incentives listed in this section.

7. COMPACT HOUSING

In R and UR zones, for the construction of detached single family homes 1500 square feet or smaller.

One hundred fifty percent of the base density of the underlying zone.

8. WALKABLE COMMUNITIES

In commercial centers located inside the urban growth area, as part of a development proposal that includes elements of walkable design and transit oriented development.

Two hundred percent of the base density of the underlying zone

4183           If proposed energy conservation bonus units of this section are reviewed in  
4184 conjunction with a subdivision or a short subdivision, the applicant shall provide data and  
4185 calculations for a typical house of the type to be built in the development that  
4186 demonstrates to the department's satisfaction how the required savings will be achieved.  
4187 A condition of approval shall be recorded with the plat and shown on the title of each lot  
4188 specifying the required energy savings that must be achieved in the construction of the  
4189 dwelling unit. The plat notation shall also specify that the savings shall be based on the  
4190 energy code in effect at the time of preliminary plat application.

4191           SECTION 64. Ordinance 13274, Section 1, as amended, and K.C.C. 21A.37.010  
4192 are each hereby amended to read as follows:

4193           A. The purpose of the transfer of development rights program is to transfer  
4194 residential density from ~~((eligible))~~ eligible sending sites to eligible receiving sites  
4195 through a voluntary process ~~((for))~~ that permanently ~~((preserving))~~ preserves rural,  
4196 resource and urban separator lands that provide a public benefit. The TDR provisions  
4197 are intended to supplement land use regulations, resource protection efforts and open  
4198 space acquisition programs and to encourage increased residential development density  
4199 or increased commercial square footage, especially inside cities, where it can best be  
4200 accommodated with the least impacts on the natural environment and public services by:

4201           1. Providing an effective and predictable incentive process for property owners  
4202 of rural, resource and urban separator land to preserve lands with a public benefit as  
4203 described in K.C.C. 21A.37.020; and

4204           2. Providing an efficient and streamlined administrative review system to ensure  
4205 that transfers of development rights to receiving sites are evaluated in a timely way and

4206 balanced with other county goals and policies, and are adjusted to the specific conditions  
4207 of each receiving site.

4208 B. The TDR provisions in this chapter shall only apply to TDR receiving site  
4209 development proposals submitted on or after September 17, 2001, and applications for  
4210 approval of TDR sending sites submitted on or after September 17, 2001.

4211 SECTION 65. Ordinance 13274, Section 4, as amended, and K.C.C. 21A.37.020  
4212 are each hereby amended to read as follows:

4213 A. For the purpose of this chapter, sending site means the entire tax lot or lots  
4214 qualified under subsection B of this section. Sending sites may only be located within  
4215 rural or resource lands or urban separator areas with R-1 zoning, as designated by the  
4216 King County Comprehensive Plan ~~((and cannot be))~~. Except for lands zoned RA that are  
4217 managed by the Washington State Department of Natural Resources as state grant or state  
4218 forest lands, lands in public ownership may not be sending sites. If the sending site  
4219 consists of more than one tax lot, the lots must be contiguous. For purposes of this  
4220 section, lots divided by a street are considered contiguous if the lots would share a  
4221 common lot line if the street was removed; this provision may be waived by the  
4222 interagency committee if the total acreage of a rural or resource sending site application  
4223 exceeds one hundred acres. A sending site shall be maintained in a condition that is  
4224 consistent with the criteria in this section under which the sending was qualified.

4225 B. Qualification of a sending site shall demonstrate that the site contains a public  
4226 benefit such that preservation of that benefit by transferring residential development  
4227 rights to another site is in the public interest. A sending site must meet at least one of the  
4228 following criteria:

4229 1. Designation in the King County Comprehensive Plan or a functional plan as  
4230 an agricultural production district or zoned A;

4231 2. Designation in the King County Comprehensive Plan or a functional plan as  
4232 forest production district or zoned F;

4233 3. Designation in the King Count Comprehensive Plan as rural residential,  
4234 zoned  
4235 RA-2.5, RA-5 or RA-10, and meeting the definition in RCW 84.34.020 of open space,  
4236 farm and agricultural land, or timber land;

4237 4. ~~((Designation in the King County Comprehensive Plan or a functional plan as  
4238 within the rural forest focus area and zoned RA with a minimum of fifteen acres of  
4239 forested land that is not encumbered through King County's development rights purchase  
4240 program;~~

4241 5-)) Designation in the King County Comprehensive Plan, or a functional plan  
4242 as a proposed rural or resource area regional trail or rural or resource area open space  
4243 site, through either:

4244 a. designation of a specific site; or

4245 b. identification of proposed rural or resource area regional trails or rural or  
4246 resource area open space sites which meet adopted standards and criteria, and for rural or  
4247 resource area open space sites, meet the definition of open space land, as defined in RCW  
4248 84.34.020;

4249 ~~((6-))~~ 5. Identification as habitat for federal listed endangered or threatened  
4250 species in a written determination by the King County department of natural resources  
4251 and parks\*, Washington state Department of Fish and Wildlife, United States Fish and

4252 Wildlife Services or a federally recognized tribe that the sending site is appropriate for  
4253 preservation or acquisition; or

4254 ((7.)) 6. Designation in the King County Comprehensive Plan as urban separator  
4255 and zoned R-1.

4256 C. For the purposes of the TDR program, acquisition means obtaining fee simple  
4257 rights in real property, or a less than a fee simple right in a form that preserves in  
4258 perpetuity the public benefit supporting the designation or qualification of the property as  
4259 a sending site.

4260 D. If a sending site has any outstanding code violations, the person responsible  
4261 for code compliance should resolve these violations, including any required abatement,  
4262 restoration, or payment of civil penalties, before a TDR sending site may be qualified by  
4263 the interagency review committee created under K.C.C. 21A.37.070. However, the  
4264 interagency may qualify and certify a TDR sending site with outstanding code violations  
4265 if the person responsible for code compliance has made a good faith effort to resolve the  
4266 violations and the proposal is in the public interest.

4267 E. For lots on which the entire lot or a portion of the lot has been cleared or  
4268 graded in accordance with a Class II, III or IV special forest practice as defined in chapter  
4269 76.09 RCW within the six years prior to application as a TDR sending site, the applicant  
4270 must provide an affidavit of compliance with the reforestation requirements of the Forest  
4271 Practices Act, and any additional reforestation conditions of their forest practice permit.  
4272 Lots on which the entire lot or a portion of the lot has been cleared or graded without any  
4273 required forest practices or county authorization, shall be not qualified or certified as a  
4274 TDR sending site for six years unless the six-year moratorium on development

4275 applications has been lifted or waived or the landowner has a reforestation plan approved  
4276 by the state Department of Natural Resources and King County.

4277 SECTION 66. Ordinance 13274, Section 5, as amended, and K.C.C. 21A.37.030  
4278 are each hereby amended to read as follows:

4279 A. Receiving sites shall be:

4280 1. King County unincorporated urban sites, except as limited in subsection D. of  
4281 this section, zoned R-4 through R-48, NB, CB, RB or O, or any combination thereof.

4282 The sites may also be within potential annexation areas established under the countywide  
4283 planning policies; or

4284 2. Cities where new growth is or will be encouraged under the Growth  
4285 Management Act and the countywide planning policies and where facilities and services  
4286 exist or where public investments in facilities and services will be made, or

4287 3. RA-2.5 zoned parcels, except as limited in subsection E. of this section, that  
4288 meet the criteria listed in this subsection A.3. may receive development rights transferred  
4289 from rural forest focus areas, and accordingly may be subdivided and developed at a  
4290 maximum density of one dwelling per two and one-half acres. Increased density allowed  
4291 through the designation of rural receiving areas:

4292 a. must be eligible to be served by domestic Group A public water service;

4293 b. must be located within one-quarter mile of an existing predominant pattern  
4294 of rural lots smaller than five acres in size;

4295 c. must not adversely impact regionally or locally significant resource areas or  
4296 critical areas;

4297 d. must not require public services and facilities to be extended to create or



4298 encourage a new pattern of smaller lots;

4299 e. must not be located within rural forest focus areas; and

4300 f. must not be located on Vashon Island or Maury Island.

4301 B. Except as provided in this chapter, development of an unincorporated King  
4302 County receiving site shall remain subject to all zoning code provisions for the base zone,  
4303 except TDR receiving site developments shall comply with dimensional standards of the  
4304 zone with a base density most closely comparable to the total approved density of the  
4305 TDR receiving site development.

4306 C. An unincorporated King County receiving site may accept development rights  
4307 from one or more sending sites, up to the maximum density permitted under K.C.C.  
4308 21A.12.030 and 21A.12.040.

4309 D. Property located within the outer boundaries of the Noise Remedy Areas as  
4310 identified by the Seattle-Tacoma International Airport may not accept development  
4311 rights.

4312 E. Property located within the shorelands, as defined in RCW 90.58.020, or  
4313 located on Vashon Island or Maury Island may not accept development rights.

4314 SECTION 67. Ordinance 13274, Section 6, as amended, and K.C.C. 21A.37.040  
4315 are each hereby amended to read as follows:

4316 A. The number of residential development rights that an unincorporated sending  
4317 site is eligible to send to a receiving site shall be determined by applying the TDR  
4318 sending site base density established in subsection D. of this section to the area of the  
4319 sending site, after deducting the area associated with any existing development, any  
4320 retained development rights and any portion of the sending site already in a conservation

4321 easement or other similar encumbrance (~~((has been deducted))~~). For each existing  
4322 dwelling unit or retained development right, the sending site area shall be reduced by the  
4323 minimum lot size for that zone under K.C.C. 21A.12.030.

4324 B. Any fractions of development rights that result from the calculations in  
4325 subsection A. of this section shall not be included in the final determination of total  
4326 development rights available for transfer.

4327 C. For purposes of calculating the amount of development rights a sending site  
4328 can transfer, the amount of land contained within a sending site shall be determined as  
4329 follows:

4330 1. If the sending site is an entire tax lot, the square footage or acreage shall be  
4331 determined:

4332 a. by the King County department of assessments records; or

4333 b. by a survey funded by the applicant that has been prepared and stamped by a  
4334 surveyor licensed in the state of Washington; and

4335 2. If the sending site consists of a lot that is divided by a zoning boundary, the  
4336 square footage or acreage shall be calculated separately for each zoning classification.

4337 The square footage or acreage within each zoning classification shall be determined by  
4338 the King County record of the action that established the zoning and property lines, such  
4339 as an approved lot line adjustment. When such records are not available or are not  
4340 adequate to determine the square footage or acreage within each zoning classification, the  
4341 department of development and environmental services shall calculate the square footage  
4342 or acreage through the geographic information system (GIS) mapping system.

4343 D. For the purposes of the transfer of development rights (TDR) program only,

4344 the following TDR sending site base densities apply:

4345 1. Sending sites designated in the King County Comprehensive Plan as urban  
4346 separator and zoned R-1 shall have a base density of four dwelling units per acre (~~for~~  
4347 ~~transfer purposes only~~);

4348 2. Sending sites zoned RA-2.5 (~~outside a rural forest focus area~~) shall have a  
4349 base density (~~consistent with the base density established in the density and dimensions~~  
4350 ~~tables in K.C.C. 21A.12.030~~) of one unit for each two and one-half acres. Sending sites  
4351 zoned RA-2.5 that are vacant and are smaller than 1.25 acres shall be allocated one  
4352 additional TDR for each vacant lot that is smaller than 1.25 acres;

4353 3. Sending sites zoned RA-5 or RA-10 (~~within rural forest focus areas~~) shall  
4354 have a base density of one dwelling unit per five acres (~~for transfer purposes only~~).  
4355 Vacant sending sites that are zoned RA-5 and are smaller than two and one-half acres or  
4356 that are zoned RA-10 and are smaller than five acres shall be allocated one additional  
4357 TDR for each vacant lot that is smaller than two and one-half acres or five acres,  
4358 respectively;

4359 4. Sending sites zoned RA and that have a designation under the King County  
4360 Shoreline Master Program of conservancy or natural shall be allocated one additional  
4361 TDR;

4362 5. Sending sites zoned A-10 and A-35 within the agricultural production district  
4363 shall have a base density of one dwelling unit per five acres for transfer purposes only;  
4364 and

4365 ~~(5-)~~ 6. Sending sites zoned F within the forest production district shall have a  
4366 base density of one dwelling unit per eighty acres or one dwelling unit per each lot that is

4367 between fifteen and eighty acres in size ((for transfer purposes only)).

4368 E. A sending site may send one development right for every legal lot created on  
4369 or before September 17, 2001, if that number is greater than the number of development  
4370 rights determined under subsection A. of this section.

4371 F. The number of development rights that a King County unincorporated rural or  
4372 natural resources land sending site is eligible to send to a King County incorporated  
4373 urban area receiving site shall be determined through the application of a conversion ratio  
4374 established by King County and the incorporated municipal jurisdiction. The conversion  
4375 ratio will be applied to the number of available sending site development rights  
4376 determined under subsection A. or E. of this section.

4377 G. Development rights from one sending site may be allocated to more than one  
4378 receiving site and one receiving site may accept development rights from more than one  
4379 sending site.

4380 H. The determination of the number of residential development rights a sending  
4381 site has available for transfer to a receiving site shall be valid for transfer purposes only,  
4382 shall be documented in a TDR certificate letter of intent and shall be considered a final  
4383 determination, not to be revised due to changes to the sending site's zoning.

4384 I. ~~((The number of residential development rights that a sending site with RA, A  
4385 or F zoning is eligible to send to an unincorporated urban area receiving site shall be  
4386 determined by applying twice the base density allowed for transfer purposes as specified  
4387 in subsection D. of this section.))~~ Each residential development right that originates from  
4388 a sending site zoned RA, A or F shall be designated "Rural" and is equivalent to two  
4389 additional units above base density in eligible receiving sites located in unincorporated

4390 urban King County. Each residential development right that originates from a sending  
4391 site zoned R-1 urban separator shall be designated "Urban" and is equivalent to one  
4392 additional unit above base density.

4393 NEW SECTION. SECTION 68. A new section is hereby added to K.C.C.  
4394 chapter 21A.37 to read as follows:

4395 An urban receiving site that purchases rural TDRs may include the reduced  
4396 greenhouse gas emissions that are estimated to result from the TDR in calculating the  
4397 receiving site's greenhouse gas emissions.

4398 SECTION 69. Ordinance 14190, Section 8, as amended, and K.C.C. 21A.37.060  
4399 are each hereby amended to read as follows:

4400 A. ~~((Following the))~~ Prior to issuing a certificate for transferable ~~((of))~~  
4401 development rights ~~((from))~~ to a sending site, the department of natural resources and  
4402 parks, or its successor shall record deed restrictions in the form of a conservation  
4403 easement documenting the development rights ~~((transfer shall be recorded by the~~  
4404 ~~department of natural resources and parks, or its successor,))~~ that have been removed  
4405 from the property and shall place a notice ~~((placed))~~ on the title ~~((to))~~ of the sending site  
4406 ~~((parcel))~~. The department of development and environmental services, or its successor,  
4407 shall establish and maintain an internal tracking system that identifies all certified transfer  
4408 of developments rights sending sites.

4409 B. A conservation easement granted to the county or other appropriate land  
4410 management agency shall be required for land contained in the sending site. The  
4411 conservation easement shall be documented by a map. The conservation easement shall  
4412 be placed on the entire lot or lots. The conservation easement shall identify limitations in

4413 perpetuity on future residential and nonresidential development consistent with this  
4414 chapter, ~~((and))~~ as follows:

4415 1. A conservation easement, which contains the easement map, shall be  
4416 recorded on the entire sending site to indicate development limitations on the sending  
4417 site;

4418 2. For a sending site zoned A-10 or A-35, the conservation easement shall be  
4419 consistent in form and substance with the purchase agreements used in the agricultural  
4420 land development rights purchase program. The conservation easement shall preclude  
4421 subdivision of the subject property but may permit not more than one dwelling per  
4422 sending site, and shall permit agricultural uses as provided in the A-10 or A-35 zone;

4423 3. ~~((For a sending site located within a rural forest focus area, the sending site  
4424 shall be a minimum of twenty acres. The conservation easement shall require that fifteen  
4425 acres of contiguous forest land be restricted to forest management activities and shall  
4426 include a forest stewardship plan approved by the county for ongoing forest management  
4427 practices. The Forest Stewardship Plan shall meet the requirements of King County  
4428 administrative rules concerning forest stewardship plans and shall not impose standards  
4429 that exceed Title 222 WAC. No more than one dwelling unit is allowed for every twenty  
4430 acres;~~

4431 4-)) For a rural sending site ~~((located outside a rural forest focus area))~~ the  
4432 conservation easement shall allow for restoration, maintenance or enhancement of native  
4433 vegetation. A present conditions report shall be required to document the location of  
4434 existing structures and existing native vegetation and the baseline conservation values of  
4435 protected property at the time the conservation easement is put in place. If residential

4436 development will be allowed on the site under the conservation easement, the present  
4437 conditions report shall be used to guide the location of residential development;

4438 ~~((5-))~~ 4. For a sending site qualifying as habitat for federal listed endangered or  
4439 threatened species, the conservation easement shall protect habitat and allow for  
4440 restoration, maintenance or enhancement of native vegetation. A present conditions  
4441 report shall be required to document the location of existing structures. If existing or  
4442 future residential development will be allowed on the site under the conservation  
4443 easement, the present conditions report shall be used by the owner to guide the location  
4444 of residential development; and

4445 ~~((6-))~~ 5. For a sending site zoned F, the conservation easement shall encumber  
4446 the entire sending site. Lots between fifteen acres and eighty acres in size are not eligible  
4447 to participate in the TDR program if they include any existing dwelling units intended to  
4448 be retained, or if a new dwelling unit is proposed. For eligible lots between fifteen acres  
4449 and eighty acres in size, the sending site must include the entire lot. For lots greater than  
4450 eighty acres in size, the sending site shall be a minimum of eighty acres. The  
4451 conservation easement shall permit forestry uses subject to a forest stewardship plan  
4452 prepared by the applicant and approved by the county for ongoing forest management  
4453 practices. The Forest Stewardship Plan shall include a description of the site's forest  
4454 resources and the long term forest management objectives of the property owner, and  
4455 shall not impose standards that exceed Title 222 WAC.

4456 SECTION 70. Ordinance 13274, Section 8, as amended, and K.C.C. 21A.37.080  
4457 are each hereby amended to read as follows:

4458 A. TDR development rights where both the proposed sending and receiving sites

4459 would be within unincorporated King County shall be transferred using the following  
4460 process:

4461 1. Following interagency review committee review and approval of the sending  
4462 site application as described in K.C.C. 21A.37.070 the interagency review committee  
4463 shall issue a TDR certificate letter of intent, agreeing to issue a TDR certificate in  
4464 exchange for the proposed sending site conservation easement. After signing and  
4465 notarizing the conservation easement and receiving the TDR certificate from the County,  
4466 ~~((F))~~the sending site owner may ~~((then))~~ market the TDR sending site development rights  
4467 to potential purchasers. The TDR certificate shall be in the name of the property owner  
4468 and separate from the land title. If a TDR sending site that has been reviewed and  
4469 approved by the interagency review committee changes ownership, the TDR certificate  
4470 letter of intent may be transferred to the new owner if requested in writing to the  
4471 department of natural resources by the person or persons that owned the property when  
4472 the TDR certificate letter of intent was issued, provided that the documents evidencing  
4473 the transfer of ownership are also provided to the department of natural resources;

4474 2. In applying for receiving site approval, the applicant shall provide the  
4475 department of development and environmental services with one of the following:  
4476 a. a TDR certificate letter of intent issued in the name of the applicant,  
4477 b. a TDR certificate letter of intent issued in the name of another person or  
4478 persons and a copy of a signed option to purchase those TDR sending site development  
4479 rights,

4480 c. a TDR certificate issued in the name of the applicant, or  
4481 d. a TDR certificate issued in the name of another person or persons and a



4482 copy of a signed option to purchase those TDR sending site development rights;

4483           3. Following building permit approval, but before building permit issuance by  
4484 the department of development and environmental services or following preliminary plat  
4485 approval or preliminary short plat approval, but before final plat or short plat recording of  
4486 a receiving site development proposal which includes the use of TDR development  
4487 rights, the receiving site applicant shall deliver the TDR certificate issued in the  
4488 applicant's name for the number of TDR development rights being used and the TDR  
4489 extinguishment document to the county;

4490           4. When the receiving site development proposal requires a public hearing  
4491 under this title or K.C.C. Title 19A or its successor, that public hearing shall also serve as  
4492 the hearing on the TDR proposal. The reviewing authority shall make a consolidated  
4493 decision on the proposed development and use of TDR development rights and consider  
4494 any appeals of the TDR proposal under the same appeal procedures set forth for the  
4495 development proposal; and

4496           5. When the development proposal does not require a public hearing under this  
4497 title or K.C.C. Title 19A, the TDR proposal shall be considered along with the  
4498 development proposal, and any appeals of the TDR proposal shall be considered under  
4499 the same appeal procedures set forth for the development proposal.

4500           6. Development rights from a sending site shall be considered transferred to a  
4501 receiving site when a final decision is made on the TDR receiving area development  
4502 proposal, the sending site is permanently protected by a completed and recorded land  
4503 dedication or conservation easement, notification has been provided to the King County  
4504 assessor's office and a TDR extinguishment document has been provided to the

4505 department of natural resources and parks, or its successor agency.

4506 B. TDR development rights where the proposed receiving site would be within an  
4507 incorporated King County municipal jurisdiction shall be reviewed and transferred using  
4508 that jurisdiction's development application review process.

4509 SECTION 71. Ordinance 13733, Section 8, as amended, and K.C.C. 21A.37.100  
4510 are each hereby amended to read as follows:

4511 The purpose of the TDR bank is to assist in the implementation of the transfer of  
4512 development rights (TDR) program by purchasing and selling development rights, ~~((and))~~  
4513 purchasing conservation easements, and facilitating interlocal TDR agreements with  
4514 cities in King County through the provision of amenity funds. The TDR bank may  
4515 acquire development rights and conservation easements only from sending sites located  
4516 in the rural area or in an agricultural or forest production district as designated in the  
4517 King County Comprehensive Plan. Development rights purchased from the TDR bank  
4518 may only be used for receiving sites in cities or in the urban unincorporated area as  
4519 designated in the King County Comprehensive Plan.

4520 SECTION 72. Ordinance 13733, Section 10, as amended, and K.C.C.  
4521 21A.37.110 are each hereby amended to read as follows:

4522 Transfer of development rights (TDR) bank expenditure and purchase  
4523 authorization.

4524 A. The TDR bank may purchase development rights from qualified sending sites  
4525 at prices not to exceed fair market value and to sell development rights at prices not less  
4526 than fair market value. The TDR bank may accept donations of development rights from  
4527 qualified TDR sending sites.

4528           B. The TDR bank may purchase a conservation easement only if the property  
4529 subject to the conservation easement is qualified as a sending site as evidenced by a TDR  
4530 certificate letter of intent, the conservation easement restricts development of the sending  
4531 site in the manner required by K.C.C. 21A.37.060 and the development rights generated  
4532 by encumbering the sending site with the conservation easement are issued to the TDR  
4533 bank at no additional cost.

4534           C. If a conservation easement is acquired through a county park, open space,  
4535 trail, agricultural, forestry or other natural resource acquisition program for a property  
4536 that is qualified as a TDR sending site as evidenced by a TDR certificate letter of intent,  
4537 any development rights generated by encumbering the sending site with the conservation  
4538 easement may be issued to the TDR bank so long as there is no additional cost for the  
4539 development rights.

4540           D. The TDR bank may use funds to facilitate development rights transfers.  
4541 These expenditures may include, but are not limited to, establishing and maintaining  
4542 internet web pages, marketing TDR receiving sites, procuring title reports and appraisals  
4543 and reimbursing the costs incurred by the department of natural resources and parks,  
4544 water and land resources division, or its successor, for administering the TDR bank fund  
4545 and executing development rights purchases and sales.

4546           E. The TDR bank fund ~~((shall not))~~ may be used to cover the cost of providing  
4547 staff support for identifying and qualifying sending and receiving sites, ~~((or))~~ and the  
4548 costs of providing staff support for the TDR interagency review committee ~~((or the~~  
4549 ~~department of natural resources and parks))~~.

4550 F. All proceeds from the sale of TDR bank development rights shall be available  
4551 for acquisition of additional development rights upon approval of the TDR executive  
4552 board.

4553 SECTION 73. Ordinance 10870, Section 581, and K.C.C. 21A.38.080 are each  
4554 hereby amended to read as follows:

4555 Implementation of the UPD designation shall comply with the following:

4556 A. The minimum site size for an UPD permit application shall be not less than  
4557 ((200)) one hundred acres. "Site size" for purposes of this subsection means contiguous  
4558 land under one ownership or under the control of a single legal entity responsible for  
4559 submitting an UPD permit application and for carrying out all provisions of the  
4560 development agreement; and

4561 B. The UPD shall comply with the standards and procedures set out in Chapter  
4562 21A.39.

4563 SECTION 74. Ordinance 11351, Section 1, as amended, and K.C.C. 21A.38.090  
4564 are each hereby amended to read as follows:

4565 A. The purpose of the economic redevelopment special district overlay is to  
4566 provide incentives for the redevelopment of large existing, underutilized concentrations  
4567 of commercial/industrial lands within urban areas.

4568 B. The economic redevelopment special district overlay shall only be designated  
4569 through the area zoning process; located in areas designated within a community, subarea  
4570 or neighborhood plan as an activity center; and zoned CB, RB, O, or I.

4571 C. The standards of this title and other county codes shall be applicable to  
4572 development within the economic redevelopment special district overlay except as  
4573 follows:

4574 1. Commercial or industrial uses that exist within an area as of the effective date  
4575 of legislation applying the economic redevelopment special district overlay, but that are  
4576 not otherwise permitted by the zoning, shall be considered permitted uses upon only the  
4577 lots that they occupied as of that date.

4578 2. The minimum parking requirements of this title shall be reduced as follows(~~(,~~  
4579 ~~provided that such reductions do not apply to new construction on vacant property or the~~  
4580 ~~vacant portions of partially developed property where that construction is not an~~  
4581 ~~enlargement or replacement of an existing building))):~~

4582 a. The parking stall requirements are reduced 100 percent provided that:

4583 (1) the square footage of any enlargement or replacement of an existing  
4584 building does not in total exceed 125 percent of the square footage of the existing  
4585 building;

4586 (2) any new mixed use development provides a minimum of two stories of  
4587 residences above the ground-floor level commercial;

4588 (3) the building fronts on an existing roadway improved to urban standards or  
4589 a roadway programmed to be improved to urban standards as a capital improvement  
4590 project, that accommodates on-street parking; and

4591 ~~((3))~~ (4) there is no net decrease in existing off-street parking space.

4592 b. the parking stall requirements for commercial and retail uses are reduced 50  
4593 percent (~~provided that~~) if:

4594 (1) the square footage of any enlargement or replacement of an existing  
4595 building in total exceeds 125 percent of the square footage of the existing building;  
4596 (2) the height of the enlarged or replacement building does not exceed the  
4597 base height of the zone in which it is located;  
4598 (3) the building fronts on an existing roadway improved to urban standards or  
4599 a roadway programmed to be improved as a capital improvement project, that  
4600 accommodates on-street parking; and

4601 (4) there is no net decrease in existing off-street parking spaces, unless it  
4602 exceeds the minimum requirements of subsection C.2.b.

4603 3. ~~((The landscaping requirements of this title shall be waived, provided that:~~

4604 ~~a. street trees, installed and maintained by the adjacent property owner, shall~~  
4605 ~~be substituted in lieu of landscaping; and~~

4606 ~~b. any portion of the overlay district that directly abuts properties outside of~~  
4607 ~~the district shall provide, along said portions, a landscape buffer area no less than 50~~  
4608 ~~percent of that required by this title.~~

4609 4. ~~The setback requirements of this title shall be waived, provided that:~~

4610 ~~a. setback widths along any street forming a boundary of the overlay district~~  
4611 ~~shall comply with this title, and~~

4612 ~~b. any portion of the overlay district that directly abuts properties outside of~~  
4613 ~~the district shall provide, along said portions, a setback no less than 50 percent of that~~  
4614 ~~required by this title.~~

4615 5.)) The building height limits of this title shall be waived, provided that the  
4616 height limit within 50 feet of the perimeter of the overlay district shall be 30 feet.

4617            ~~((6.))~~ (4) Signage shall be limited to that allowed within the CB zone.

4618            ~~((7.))~~ (5) The roadway improvements of the King County code shall be waived,  
4619 provided a no-protest agreement to participate in future road improvement districts (RID)  
4620 is signed by an applicant and recorded with the county.

4621            ~~((8. The pedestrian circulation requirements of this title shall be waived.~~

4622            ~~9. The impervious surface and lot coverage requirements of this title shall be~~  
4623 ~~waived.~~

4624            ~~10.))~~ (6) On I zoned lands that are designated in the comprehensive plan as  
4625 unincorporated activity centers, conditional use permits shall not be issued where the  
4626 resulting impacts such as noise, smoke, odor and glare would be inconsistent with the  
4627 maintenance of nearby viable commercial and residential areas.

4628            D. For properties that have frontage on pedestrian street(s) or routes as  
4629 designated in an applicable plan or area zoning process, the following conditions shall  
4630 apply:

4631            1. main building entrances shall be oriented to the pedestrian street. If multiple  
4632 pedestrian streets front on the building, each pedestrian street shall have a similar main  
4633 building entrance;

4634            2. at the ground floor (at grade), buildings shall be located no more than 5 feet  
4635 from the sidewalk or sidewalk improvement, but in no instance shall encroach on the  
4636 public right-of-way;

4637            3. building facades shall comprise at least 75% of the total pedestrian street  
4638 frontage for a property, and if applicable, at least 75% of the total pedestrian route  
4639 frontage for a property;

- 4640 4. minimum side setbacks of the underlying zoning are waived;
- 4641 5. building facades of ground floor retail, general business service, and
- 4642 professional office land uses, that front onto a pedestrian street or route shall include
- 4643 windows and overhead protection;
- 4644 6. building facades, along a pedestrian street or route, that are without
- 4645 ornamentation, or are comprised of uninterrupted glass curtain walls or mirrored glass are
- 4646 not permitted; and
- 4647 7. vehicle access shall be limited to the rear access alley or rear access street
- 4648 where such an alley or street exists.

4649 SECTION 75. Ordinance 14045, Section 37, as amended, and K.C.C.

4650 21A.14.360 are each hereby amended to read as follows:

- 4651 A. The county may accept the voluntary grant of an easement for a rural
- 4652 equestrian community trails [trail] consistent with K.C.C. 21A.14.350 through
- 4653 21A.14.390 from any development when such development contains any existing
- 4654 historically established rural equestrian community trail, and when located in the RA, A
- 4655 or F zones (~~and within an equestrian community designated by the King County~~
- 4656 ~~Comprehensive Plan~~). The residents or tenants of the development shall be provided
- 4657 access to any such trail provided hereunder for use consistent with the function of the
- 4658 trail. The area of any such trail provided hereunder shall be counted as part of the site for
- 4659 purposes of density and floor area calculations. The application of this section shall not
- 4660 reduce the allowed density within a residential subdivision or short subdivision. The
- 4661 county may also accept the voluntary grant of an easement for a rural equestrian



4662 community trail consistent with K.C.C. 21A.14.350 through 21A.14.390 when there is no  
4663 development proposed for the property.

4664 B The rural equestrian community trails provisions apply to any property located  
4665 in the RA, A or F zones (~~and within an equestrian community designated by the King~~  
4666 ~~County Comprehensive Plan~~)).

4667 4. Development proposals for government/business service uses denoted in the  
4668 permitted use table in K.C.C. 21A.08.060.

4669 SECTION 76. Ordinance 14259, Section 10 and K.C.C. 21A.14.365 are each  
4670 hereby amended to read as follows:

4671 A. The department shall notify every applicant for a plat, short plat, boundary  
4672 line adjustment, clearing and grading permit, conditional use permit, building permit for  
4673 new construction or additions to existing structures, or zone reclassification in the RA, A  
4674 or F zones (~~and within an equestrian community designated by the King County~~  
4675 ~~Comprehensive Plan~~)) on the opportunity to voluntarily grant an easement for a rural  
4676 equestrian community trail in accordance with Ordinance 14259.

4677 B. The department shall notify the department of natural resources and parks of  
4678 every application for a plat, short plat, boundary line adjustment, clearing and grading  
4679 permit, conditional use permit, building permit for new construction or additions to  
4680 existing structures, or zone reclassification in the RA, A or F zones (~~and within an~~  
4681 ~~equestrian community designated by the King County Comprehensive Plan~~)).

4682 SECTION 77. Ordinance 14045, Section 38, as amended, and K.C.C.  
4683 21A.14.370 are each hereby amended to read as follows:

4684           The county shall accept a voluntary grant of easement for the preservation or  
4685 relocation of a rural equestrian community trail in the RA, A or F zone (~~within the~~  
4686 ~~Equestrian Community area designated in the King County Comprehensive Plan~~)  
4687 whenever:

4688           A. The department makes a determination in writing that:

4689           1. The equestrian community trail is listed or mapped on an inventory of  
4690 equestrian community trails maintained by the King County parks and recreation  
4691 department. The department shall field verify the presence of a trail where an inventory  
4692 indicates the general location of a trail that has not yet been field verified:

4693           2. The equestrian community trail connects to a state, county or other trail open  
4694 to the public;

4695           3. The equestrian community trail, following a site inspection by the department  
4696 of natural resources and parks, is reasonably fit for use as a rural equestrian community  
4697 trail;

4698           4. If the equestrian community trail traverses or impacts an environmentally  
4699 sensitive area, it can be modified to meet code requirements for trails in sensitive areas;  
4700 and

4701           5. Permanent protection or relocation of an equestrian community trail can be  
4702 accomplished without interference with allowed uses and development of the subject  
4703 property, and the site can be developed without interference with the trail and allows for  
4704 future owners of the property to access historically existing or public trails in the vicinity  
4705 of the site.

4706 B. If the trail is proposed to be granted as part of a mitigation package for a  
4707 development proposal, the department of development and environmental services  
4708 determines and reports to the department of natural resources that permanent protection  
4709 or relocation of an equestrian community trail can be accomplished without interference  
4710 with the proposed use and development of the subject property, and the site can be  
4711 developed without interference with the trail and in a manner that allows future owners of  
4712 the property to access historically existing or public trails in the vicinity that are linked to  
4713 the subject site. The department of development and environmental services shall report  
4714 its findings in writing.

4715 SECTION 78. Ordinance 14045, Section 39, as amended, and K.C.C.  
4716 21A.14.380 are each hereby amended to read as follows:

4717 **Rural equestrian community trails – location and design standards.** The  
4718 following design standards apply to rural equestrian community trails provided pursuant  
4719 to this chapter located within the RA, A or F zones (~~and within the equestrian~~  
4720 ~~community designated by the King County Comprehensive Plan~~)).

4721 A. An on-site rural equestrian community trail should be retained at its existing  
4722 location unless that location impairs the use of the property as intended by the applicant.  
4723 A rural equestrian trail retained in the existing location shall not require any upgrades or  
4724 improvements, except for maintenance required by this section. The trail may be  
4725 relocated to a location within the street right-of-way or to another corridor separate from  
4726 a street right-of-way, provided that whatever alternative is used preserves the same  
4727 connections as the original trail to an existing public park or trail in the vicinity of the  
4728 subject property. The preferred place for a relocated trail is out of the right-of-way or

4729 separated from the paved surface and road shoulder by a berm, ditch or other separation.  
4730 Trails may only be relocated to a street right-of-way when meeting the standards in  
4731 subsection E of this section. A tax credit pursuant to the Public Benefit Rating System  
4732 may only be given for trails relocated off the road right-of-way. The trail location shall  
4733 be preserved by appropriate easements or dedications.

4734 B. Corridors for trails located outside a street right-of-way shall be ten feet wide,  
4735 or six feet wide if the trail will be located along a property line and additional corridor  
4736 space can reasonably be expected to be preserved on the abutting property and the  
4737 corridor is not encumbered by any structures adjacent to the corridor.

4738 C. If permitted by K.C.C. chapter 21A.24, an existing or relocated rural  
4739 equestrian community trail may be located in a designated sensitive area buffer.

4740 D. Rural equestrian community trails that are not located within street rights-of-  
4741 way, should be natural, visually and functionally unobtrusive, and as low-impact as  
4742 possible.

4743 E. Relocated or new rural equestrian community trails within public or private  
4744 road rights-of-way shall be designed consistent with adopted King County Road  
4745 Standards (KCRS, Section 3.11), as supplemented by the following standards:

4746 1. The trail shall be located to provide access to a local equestrian travel  
4747 corridor through the project site and adjacent properties, as determined by the King  
4748 County department of transportation in cooperation with the local equestrian community.

4749 2. The preferred design is a trail separated from the paved roadway by a berm,  
4750 ditch, tree cover or other natural obstacle; the center of the trail tread shall be at least  
4751 eight feet of horizontal distance from the paved roadway edge.

4752 3. When a separated trail cannot be provided, a soft-surfaced ninety-six inch-  
 4753 wide roadway shoulder path shall be installed on all roads other than local access streets,  
 4754 where a forty-eight inches shoulder path shall be sufficient.

4755 4. All trails shall have an all-weather tread of thirty-six to forty-eight inches.

4756 5. The roadway shall include appropriate surface treatment to reduce slippage at  
 4757 roadway/trail crossings.

4758 6. Appropriate signs shall be provided to indicate the location of street crossings  
 4759 for trails, with emphasis on arterials and subcollector street.

4760 F. Relocated or new rural equestrian community trails not located in a right-of-  
 4761 way shall be designed to the King County Road Standards, KCRS, Section 3.11.A.2.

4762 SECTION 79. Ordinance 10870, Section 333, as amended and K.C.C.

4763 21A.08.060 are each hereby amended to read as follows:

4764 A. Government/business services land uses.

KEY		RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL								
P-Permitted Use		A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S-Special Use	Z	R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
	O	I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U
	N	C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
	E	U	T	A			V		E	B	E	N	E	N	E	E	T
		L		L			E		N	O	S	I	S	A	S		R
		T							T	R	S	T	S	L	S		I
		U							I	H		Y					A
		R							A	O							L
		E							L	O							
										D							
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1- 8	R12- 48		NB	CB	RB	O	I			(30)
	GOVERNMENT SERVICES:																

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*	Public agency or utility office				P3 C5	P3 C5	P3 C	P3 C	P	P	P	P	P16
*	Public agency or utility yard				P27	P27	P27	P27			P		P
*	Public agency archives										P	P	P
921	Court									P4	P	P	
9221	Police Facility				P7	P7	P7	P7	P7	P	P	P	P
9224	Fire Facility				C6 and3 3	C6	C6	C6	P	P	P	P	P
*	Utility Facility	P29 C28	P29 C28	P29 C28	P29 C28 and 33	P29 C28	P29 C28	P29 C28	P	P	P	P	P
*	Commuter Parking Lot				C 33 P19	C P19	C	C 19 P19	P	P	P	P	P35
*	Private Stormwater Management Facility	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8
*	Vactor Waste Receiving Facility	P	P	P	P18	P18	P18	P18	P31	P31	P31	P31	P
<b>BUSINESS SERVICES:</b>													
*	Construction and Trade				P34						P		P9 P
*	Individual Transportation and Taxi									P25	P		P10 P
421	Trucking and Courier Service									P11	P12	P13	P
*	Warehousing, (1) and Wholesale Trade												P
*	Self-service Storage							C14	P37	P	P	P	P
4221	Farm Product Warehousing,	P15			P15	P15,							P
4222	Refrigeration and Storage	C36			and 33 C36	C36							
*	Log Storage	P15	P		P26 and 33								P
47	Transportation Service												P
473	Freight and Cargo Service										P	P	P
472	Passenger Transportation Service									P	P	P	
48	Communication Offices										P	P	P

**Ordinance 16267**

482	Telegraph and other Communications								P	P	P	P
*	General Business Service							P	P	P	P	P16
*	Professional Office							P	P	P	P	P16
7312	Outdoor Advertising Service									P	P17	P
735	Miscellaneous Equipment Rental								P17	P	P17	P
751	Automotive Rental and Leasing								P	P		P
752	Automotive Parking							P20	P20	P21	P20	P
*	Off-Street Required Parking Lot			P32	P32	P32	P32	P32	P32	P32	P32	P32
7941	Professional Sport Teams/Promoters									P	P	
873	Research, Development and Testing									P2	P2	P2
*	Heavy Equipment and Truck Repair											P
<b>ACCESSORY USES:</b>												
*	Commercial/Industrial Accessory Uses			P	P22				P22	P22	P	P P
*	Helistop					C23	C23	C23	C23	C23	C24	C23 C24
<p><b>GENERAL</b> Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070;</p> <p><b>CROSS</b> Development Standards, see chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38;</p> <p><b>REFERENCES:</b> Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44;</p> <p>(*) Definition of this specific land use, see K.C.C. chapter 21A.06.</p>												

- 4765 B. Development conditions.
- 4766 1. Except self-service storage.
- 4767 2. Except SIC Industry No. 8732-Commercial Economic, Sociological, and
- 4768 Educational Research, see general business service/office.
- 4769 3.a. Only as a re-use of a public school facility or a surplus nonresidential
- 4770 facility subject to the provisions of K.C.C. chapter 21A.32; or
- 4771 b. only when accessory to a fire facility and the office is no greater than one
- 4772 thousand five hundred square feet of floor area.

4773 4. Only as a re-use of a surplus nonresidential facility subject to K.C.C. chapter  
4774 21A.32.

4775 5. New utility office locations only if there is no commercial/industrial zoning  
4776 in the utility district, and not in the RA-10 or RA-20 zones unless it is demonstrated that  
4777 no feasible alternative location is possible, and provided further that this condition  
4778 applies to the UR zone only if the property is located within a designated unincorporated  
4779 Rural Town.

4780 6.a. All buildings and structures shall maintain a minimum distance of twenty  
4781 feet from property lines adjoining residential zones;

4782 b. Any buildings from which fire-fighting equipment emerges onto a street  
4783 shall maintain a distance of thirty-five feet from such street;

4784 c. No outdoor storage; and

4785 d. Excluded from the RA-10 and RA-20 zones unless it is demonstrated that no  
4786 feasible alternative location is possible.

4787 7. Limited to storefront police offices. Such offices shall not have:

4788 a. holding cells,

4789 b. suspect interview rooms (except in the NB zone), or

4790 c. long-term storage of stolen properties.

4791 8. Private stormwater management facilities serving development proposals  
4792 located on commercial/industrial zoned lands shall also be located on  
4793 commercial/industrial lands, unless participating in an approved shared facility drainage  
4794 plan. Such facilities serving development within an area designated urban in the King  
4795 County Comprehensive Plan shall only be located in the urban area.



- 4796           9. No outdoor storage of materials.
- 4797           10. Limited to office uses.
- 4798           11. Limited to self-service household moving truck or trailer rental accessory to  
4799 a gasoline service station.
- 4800           12. Limited to self-service household moving truck or trailer rental accessory to  
4801 a gasoline service station and SIC Industry No. 4215-Courier Services, except by air.
- 4802           13. Limited to SIC Industry No. 4215-Courier Services, except by air.
- 4803           14. Accessory to an apartment development of at least twelve units provided:
- 4804           a. The gross floor area in self service storage shall not exceed the total gross  
4805 floor area of the apartment dwellings on the site;
- 4806           b. All outdoor lights shall be deflected, shaded and focused away from all  
4807 adjoining property;
- 4808           c. The use of the facility shall be limited to dead storage of household goods;
- 4809           d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or  
4810 similar equipment;
- 4811           e. No outdoor storage or storage of flammable liquids, highly combustible or  
4812 explosive materials or hazardous chemicals;
- 4813           f. No residential occupancy of the storage units;
- 4814           g. No business activity other than the rental of storage units; and
- 4815           h. A resident director shall be required on the site and shall be responsible for  
4816 maintaining the operation of the facility in conformance with the conditions of approval.
- 4817           15.a. The floor area devoted to warehousing, refrigeration or storage shall not  
4818 exceed two thousand square feet;

4819           b. Structures and areas used for warehousing, refrigeration and storage shall  
4820 maintain a minimum distance of seventy-five feet from property lines adjoining  
4821 residential zones; and

4822           c. Warehousing, refrigeration and storage is limited to agricultural products  
4823 and sixty percent or more of the products must be grown or processed in the Puget Sound  
4824 counties. At the time of the initial application, the applicant shall submit a projection of  
4825 the source of products to be included in the warehousing, refrigeration or storage.

4826           16. Only as an accessory use to another permitted use.

4827           17. No outdoor storage.

4828           18. Only as an accessory use to a public agency or utility yard, or to a transfer  
4829 station.

4830           19. Limited to new commuter parking lots designed for thirty or fewer parking  
4831 spaces or commuter parking lots located on existing parking lots for churches, schools, or  
4832 other permitted nonresidential uses that have excess capacity available during  
4833 commuting; provided that the new or existing lot is adjacent to a designated arterial that  
4834 has been improved to a standard acceptable to the department of transportation;

4835           20. No tow-in lots for damaged, abandoned or otherwise impounded vehicles.

4836           21. No dismantling or salvage of damaged, abandoned or otherwise impounded  
4837 vehicles.

4838           22. Storage limited to accessory storage of commodities sold at retail on the  
4839 premises or materials used in the fabrication of commodities sold on the premises.

4840           23. Limited to emergency medical evacuation sites in conjunction with police,  
4841 fire or health service facility. Helistops are prohibited from the UR zone only if the  
4842 property is located within a designated unincorporated Rural Town.

4843           24. Allowed as accessory to an allowed use.

4844           25. Limited to private road ambulance services with no outside storage of  
4845 vehicles.

4846           26. Limited to two acres or less.

4847           27a. Utility yards only on sites with utility district offices; or

4848           b. Public agency yards are limited to material storage for road maintenance  
4849 facilities.

4850           28. Limited to bulk gas storage tanks that pipe to individual residences but  
4851 excluding liquefied natural gas storage tanks.

4852           29. Excluding bulk gas storage tanks.

4853           30. For I-zoned sites located outside the urban growth area designated by the  
4854 King County Comprehensive Plan, uses shall be subject to the provisions for rural  
4855 industrial uses in K.C.C. chapter 21A.12.

4856           31. Vactor waste treatment, storage and disposal shall be limited to liquid  
4857 materials. Materials shall be disposed of directly into a sewer system, or shall be stored  
4858 in tanks (or other covered structures), as well as enclosed buildings.

4859           32. Provided:

4860           a. Off-street required parking for a land use located in the urban area must be  
4861 located in the urban area;

4862                   b. Off-street required parking for a land use located in the rural area must be  
4863 located in the rural area; and

4864                   c. Off-street required parking must be located on a lot that would permit, either  
4865 outright or through a land use permit approval process, the land use the off-street parking  
4866 will serve.

4867                   33. Subject to review and approval of conditions to comply with trail corridor  
4868 provisions of K.C.C. chapter 21A.14 when located in an RA zone (~~and in an equestrian~~  
4869 ~~community designated by the Comprehensive Plan~~)).

4870                   34. Limited to landscape and horticultural services (SIC 078) that are accessory  
4871 to a use classified as retail nurseries, lawn and garden supply store (SIC 5261) and  
4872 provided that construction equipment for the accessory use shall not be stored on the  
4873 premises.

4874                   35. Allowed as a primary or accessory use to an allowed industrial-zoned land  
4875 use.

4876                   36. Accessory to agricultural uses provided:

4877                   a. In the RA zones and on lots less than thirty-five acres in the A zone, the floor  
4878 area devoted to warehousing, refrigeration or storage shall not exceed three thousand five  
4879 hundred square feet unless located in a farm structure, including but not limited to barns,  
4880 existing as of December 31, 2003;

4881                   b. On lots at least thirty-five acres in the A zones, the floor area devoted to  
4882 warehousing, refrigeration or storage shall not exceed seven thousand square feet unless  
4883 located in a farm structure, including but not limited to barns, existing as of December  
4884 31, 2003;

4885 c. In the A zones, structures and areas used for warehousing, refrigeration and  
4886 storage shall be located on portions of agricultural lands that are unsuitable for other  
4887 agricultural purposes, such as areas within the already developed portion of such  
4888 agricultural lands that are not available for direct agricultural production, or areas without  
4889 prime agricultural soils;

4890 d. Structures and areas used for warehousing, refrigeration or storage shall  
4891 maintain a minimum distance of seventy-five feet from property lines adjoining  
4892 residential zones; and

4893 e. Warehousing, refrigeration and storage is limited to agricultural products  
4894 and sixty percent or more of the products must be grown or processed in the Puget Sound  
4895 counties. At the time of the initial application, the applicant shall submit a projection of  
4896 the source of products to be included in the warehousing, refrigeration or storage.

4897 37. Use shall be limited to the NB zone on parcels outside of the Urban Growth  
4898 Area, Rural Towns and Rural Neighborhoods and the building floor area devoted to such  
4899 use shall not exceed ten thousand square feet.

4900 SECTION 80. Pursuant to K.C.C. 20.44.080, the metropolitan King County  
4901 council finds that the requirements for environmental analysis, protections and mitigation  
4902 measures in the chapters of K.C.C. Titles 16 and 21A amended by this ordinance, provide  
4903 adequate analysis of and mitigation for the specific adverse environmental impacts to  
4904 which the requirements apply.

4905 SECTION 81. If any provision of this ordinance or its application to any person  
4906

4907 or circumstance is held invalid, the remainder of the ordinance or the application of the  
4908 provision to other persons or circumstances is not affected.  
4909

Ordinance 16267 was introduced on 3/10/2008 and passed as amended by the Metropolitan King County Council on 10/6/2008, by the following vote:

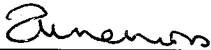
Yes: 7 - Ms. Patterson, Mr. Dunn, Mr. von Reichbauer, Mr. Ferguson, Mr. Gossett, Mr. Phillips and Ms. Hague  
No: 1 - Mr. Constantine  
Excused: 1 - Ms. Lambert

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



Julia Patterson, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 20 day of OCTOBER, 2008.



Ron Sims, County Executive

**Attachments**      A. King County Critical Aquifer Recharge Areas, dated June 9, 2008

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