



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

September 21, 2011

### Ordinance 17191

Proposed No. 2011-0328.3

Sponsors Phillips

1 AN ORDINANCE relating to development regulations;  
2 amending Ordinance 14111, Section 4, as amended, and  
3 K.C.C. 16.02.110, Ordinance 10608, Section 314111, as  
4 amended, and K.C.C. 16.02.130, Ordinance 12560, Section  
5 10, as amended, and K.C.C. 16.02.240, Ordinance 14111,  
6 Section 118, as amended, and K.C.C. 16.12.010,  
7 Ordinance 14111, Section 129, as amended, and K.C.C.  
8 16.14.010, Ordinance 6746, Section 5, as amended, and  
9 K.C.C. 16.32.030, Ordinance 15053, Section 3, as  
10 amended, and K.C.C. 16.82.051, Ordinance 13964,  
11 Section 4, and K.C.C. 19A.04.020, Ordinance 13694,  
12 Section, and K.C.C. 19A.04.210, Ordinance 13694,  
13 Section 28, and K.C.C. 19A.04.270, Ordinance 13694,  
14 Section 42, as amended, and K.C.C. 19A.08.070,  
15 Ordinance 13694, Section 56, as amended, and K.C.C.  
16 19A.12.020, Ordinance 13694, Section 57, and K.C.C.  
17 19A.12.030, Ordinance 13694, Section 58, as amended,  
18 and K.C.C. 19A.12.040, Ordinance 13694, Section 80, and  
19 K.C.C. 19A.28.020, Ordinance 12196, Section 13, as

20 amended, and K.C.C. 20.20.060, Ordinance 12196, Section  
21 15, and K.C.C. 20.20.080, Ordinance 15051, Section 7,  
22 and K.C.C. 21A.06.072C , Ordinance 10870, Section 130,  
23 and K.C.C. 21A.06.450, Ordinance 10870, Section 82, and  
24 K.C.C. 21A.06.210, Ordinance 10870, Section 83, and  
25 K.C.C. 21A.06.215, Ordinance 10870, Section 247, and  
26 K.C.C. 21A.06.1035 , Ordinance 10870, Section 248, and  
27 K.C.C. 21A.06.1040, Ordinance 16950, Section 13, and  
28 K.C.C. 21A.06.1263, Ordinance 10870, Section 294, as  
29 amended, and K.C.C. 21A.06.1270, Ordinance 10870,  
30 Section 330, as amended, and K.C.C. 21A.08.030,  
31 Ordinance 10870, Section 331, as amended, and K.C.C.  
32 21A.08.040, Ordinance 10870, Section 332, as amended,  
33 and K.C.C. 21A.08.050, Ordinance 10870, Section 334, as  
34 amended, and K.C.C. 21A.08.070, Ordinance 10870,  
35 Section 336, as amended, and K.C.C. 21A.08.090,  
36 Ordinance 10870, Section 337, as amended, and K.C.C.  
37 21A.08.100, Ordinance 10870, Section 351, as amended,  
38 and K.C.C. 21A.12.140, Ordinance 10870, Section 354, as  
39 amended, and K.C.C. 21A.12.170, Ordinance 11210,  
40 Section 17, and K.C.C. 21A.16.330, Ordinance 10870,  
41 Section 415, as amended, and K.C.C. 21A.18.110,  
42 Ordinance 15051, Section 137, as amended, and K.C.C.

43 21A.24.045, Ordinance 10870, Section 454, as amended,  
44 and K.C.C. 21A.24.070, Ordinance 10870, Section 491,  
45 and K.C.C. 21A.26.020, Ordinance 10870, Section 492, as  
46 amended, and K.C.C. 21A.26.030, Ordinance 10870,  
47 Section 494, as amended, and K.C.C. 21A.26.050,  
48 Ordinance 10870, Section 503, as amended, and K.C.C.  
49 21A.26.140, Ordinance 10870, Section 505, as amended,  
50 and K.C.C. 21A.26.160, Ordinance 10870, Section 536, as  
51 amended, and K.C.C. 21A.30.080, Ordinance 15606,  
52 Section 20, as amended, and K.C.C. 21A.30.085,  
53 Ordinance 10870, Section 537, as amended, and K.C.C.  
54 21A.30.090, Ordinance 10870, Section 549, as amended,  
55 and K.C.C. 21A.32.120, Ordinance 11567, Section 1, as  
56 amended, and K.C.C. 21A.38.100, Ordinance 11621,  
57 Section 130, and K.C.C. 21A.41.110, Ordinance 13130,  
58 Section 10, and K.C.C. 21A.42.180, Ordinance 13130,  
59 Section 11, as amended, and K.C.C. 21A.42.190,  
60 Ordinance 12020, Section 14, and K.C.C. 27A.30.030 and  
61 Ordinance 12020, Section 27, and K.C.C. 27A.40.070,  
62 adding a new section to K.C.C. chapter 21A.04, adding  
63 new sections to K.C.C. chapter 21A.06, adding new  
64 sections to K.C.C. chapter 23.32, adding a new chapter to  
65 K.C.C. Title 21A, recodifying K.C.C. 21A.26.300, K.C.C.

66 21A.26.310, K.C.C. 21A.26.320, K.C.C. 21A.26.330,  
67 K.C.C. 21A.26.340, K.C.C. 21A.26.350, K.C.C.  
68 21A.26.360, K.C.C. 21A.26.370, K.C.C. 21A.26.380,  
69 K.C.C. 21A.26.390, K.C.C. 21A.26.400, K.C.C.  
70 21A.26.410, K.C.C. 21A.26.420, K.C.C. 21A.26.430,  
71 K.C.C. 21A.26.440, K.C.C. 21A.26.450 and K.C.C.  
72 21A.26.451 and repealing Ordinance 13694, Section 60,  
73 and K.C.C. 19A.12.060, Ordinance 11210, Section 14, and  
74 K.C.C. 21A.16.300, Ordinance 11210, Section 15, and  
75 K.C.C. 21A.16.310, Ordinance 11210, Section 16, and  
76 K.C.C. 21A.16.320 and Ordinance 11210, Section 20, and  
77 K.C.C. 21A.16.360.

78 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

79 SECTION 1. Ordinance 14111, Section 4, as amended, and K.C.C. 16.02.110 are  
80 each hereby amended to read as follows:

81 The International Building Code, ((2006)) 2009 Edition, with Appendix C, E and  
82 M, as amended in chapter 51-50 WAC, Appendix Z, as adopted by this title, and the  
83 International Residential Code for One- and Two Family Dwellings ((2006)) 2009  
84 Edition, with Appendix F, G, H and K, ((2006)) 2009 Edition, as amended in chapter 51-  
85 51 WAC, as published by or jointly with the International Code Council, Inc., together  
86 with amendments, additions and deletions adopted in this chapter by reference, together  
87 with the State Building Code Act, chapter 19.27 RCW, and with King County  
88 modifications that are adopted and codified in this chapter are adopted as the King

89 County building codes and may be cited as such and are referred to in this chapter as  
90 “this code.”

91 This code also may be further clarified and implemented with administrative rules  
92 adopted in accordance with K.C.C. chapter 2.98.

93 SECTION 2. Ordinance 10608, Section 314111, as amended, and K.C.C.  
94 16.02.130 are each hereby amended to read as follows:

95 ~~((Chapter 51-11 WAC, the Washington State Energy Code, ((2006)) 2009~~  
96 ~~Edition, effective July 1, 2007, and chapter 51-13 WAC, the Washington State~~  
97 ~~Ventilation and Indoor Air Quality Code, 2006 Edition, effective July 1, 2007, and t))~~  
98 The King County modifications to the ((2003)) 2006 editions of the International  
99 Building Code, International Residential Code for One- and Two-Family Dwellings,  
100 International Mechanical Code, International Property Maintenance Code, and the  
101 Security Code are adopted as part of the code.

102 SECTION 3. Ordinance 12560, Section 10, as amended, and K.C.C. 16.02.240  
103 are each hereby amended to read as follows:

104 Section 105.2 of the International Building Code is not adopted and the following  
105 is substituted:

106 **Work exempt from permit (IBC 105.2).** A building permit shall not be required  
107 for the following:

108 Building:

109 1. One-story detached one and two family residential accessory buildings used as  
110 tool and storage sheds, playhouses, tree supported structures used for play and similar  
111 uses, not including garages or other buildings used for vehicular storage, provided the

112 floor area does not exceed 200 square feet (11.15 m<sup>2</sup>) provided that the roof overhang  
113 does not exceed twenty-four inches measured horizontally from the exterior wall.

114       2. One-story detached agricultural accessory buildings used as tool and storage  
115 sheds, not including garages or other buildings used for vehicle storage, provided the  
116 floor area does not exceed 200 square feet (11.15 m<sup>2</sup>) provided that the roof overhang  
117 does not exceed twenty-four inches measured horizontally from the exterior wall.

118       3. Fences not over 6 feet (1.829 m) high.

119       ~~((3.))~~ 4. Oil derricks.

120       ~~((4.))~~ 5. Retaining walls which are not over 4 feet (1.219 m) in height measured  
121 from the bottom of the footing to the top of the wall, unless supporting a surcharge or  
122 impounding Class I, II or III-A liquids.

123       ~~((5.))~~ 6. Water tanks supported directly upon grade if the capacity does not  
124 exceed 5,000 gallons (18,927 l) and the ratio of height to diameter or width does not  
125 exceed 2 to 1.

126       ~~((6.))~~ 7. Platforms, sidewalks and driveways not more than 30 inches (.762 m)  
127 above grade and not over any basement or story below and which are not part of an  
128 accessible route.

129       ~~((7.))~~ 8. Painting, papering, tiling, carpeting, cabinets, counter tops and similar  
130 finish work.

131       ~~((8.))~~ 9. Temporary motion picture, television and theater stage sets and scenery.

132       ~~((9.))~~ 10. Prefabricated swimming pools accessory to a Group R, Division 3  
133 Occupancy as applicable in Section 101.2, which are less than 24 inches (610 mm) deep,  
134 do not exceed 5,000 gallons (18,925 l) and are installed entirely above ground.

135           ~~((10.))~~ 11. Shade cloth structures constructed for nursery or agricultural purposes  
136 and not including service systems.

137           ~~((11.))~~ 12. Swings and other playground equipment.

138           ~~((12.))~~ 13. Window awnings supported by an exterior wall which do not project  
139 more than 54 inches (1,372 mm) from the exterior wall and do not require additional  
140 support of Group R3, as applicable in Section 101.2, and Group U Occupancies.

141           ~~((13.))~~ 14. Moveable cases, counters and partitions not over 5 feet 9 inches (228.6  
142 m) high.

143           ~~((14.))~~ 15. Re-roofing of existing buildings.

144           **EXCEPTION:** When replacement roofing adds more than 5 pounds per square  
145 foot cumulative dead load to the weight of the original roofing a permit shall be required.

146           ~~((15.))~~ 16. Submerged, freestanding mechanical boat lifts associated with single-  
147 family residential piers and recreational watercraft not exceeding 25 feet in length or 15  
148 feet in width with no portion exceeding a height of 10 feet above the ordinary high water  
149 mark as defined in K.C.C. ~~((25.08.350))~~ 21A.06.825.

150           ~~((16.))~~ 17. Work located primarily in a public way, public utility towers and  
151 poles.

152           ~~((17.))~~ 18. Mechanical equipment not specifically regulated in this code.

153           ~~((18.))~~ 19. Hydraulic flood control structures.

154           ~~((19.))~~ 20. Antenna and dishes that fall under FCC Antenna Rule 47 C.F.R  
155 including masts under twelve feet above the roof line and dishes up to one meter in  
156 diameter.

157           Gas:

- 158                   1. Portable heating appliance.
- 159                   2. Replacement of any minor part that does not alter approval of
- 160 equipment or make such equipment unsafe.
- 161                   Mechanical:
- 162                   1. Portable heating appliance.
- 163                   2. Portable ventilation appliances and equipment.
- 164                   3. Portable cooling unit.
- 165                   4. Steam, hot or chilled water piping within any heating or cooling
- 166 equipment regulated by this code.
- 167                   5. Replacement of any part which does not alter its approval or make it
- 168 unsafe.
- 169                   6. Portable evaporative cooler.
- 170                   7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or
- 171 less of refrigerant and actuated by motors of one horsepower (746 W) or less.
- 172                   8. Portable fuel cell appliances that are not connected to a fixed piping
- 173 system and are not interconnected to a power grid.

174                   Unless otherwise exempted, separate plumbing, electrical and mechanical permits

175 will be required for the above-exempted items.

176                   Exemption from the permit requirements of this code shall not be deemed to grant

177 authorization for any work to be done in any manner in violation of the provisions of this

178 code or any other laws or ordinances of this jurisdiction.

179                   SECTION 4. Ordinance 14111, Section 118, as amended, and K.C.C. 16.12.010

180 are each hereby amended to read as follows:



181           The ((2006)) 2009 International Mechanical Code, with Appendix A, as amended  
182 in chapter 51-52 WAC effective July 1, ((2007)) 2010, as published by or jointly with the  
183 International Code Council, Inc, together with amendments, additions and deletions  
184 hereinafter adopted by reference, together with the state building code and with King  
185 County modifications which shall be adopted and codified in this chapter are adopted as  
186 the King County mechanical code and hereinafter referred to as “IMC.”

187           SECTION 5. Ordinance 14111, Section 129, as amended, and K.C.C. 16.14.010  
188 are each hereby amended to read as follows:

189           The International Property Maintenance Code, ((2006)) 2009 Edition, as  
190 published by the International Code Council, together with amendments, additions and  
191 deletions hereinafter adopted by reference, together with King County modifications  
192 which shall be adopted and codified in this chapter are adopted as the King County  
193 property maintenance code and hereinafter referred to as “IPMC.” Chapter 8, Referenced  
194 Standards, is not adopted.

195           SECTION 6. Ordinance 6746, Section 5, as amended, and K.C.C. 16.32.030 are  
196 each hereby amended to read as follows:

197           A. Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, and 16 and Appendix A, B, and  
198 I of the Uniform Plumbing Code, ((2006)) 2009 Edition, as published by or jointly with  
199 the International Association of Plumbing and Mechanical Officials and as amended in  
200 chapters 51-56 WAC and 51-57 WAC, and the gas piping provisions of the International  
201 Fuel Gas Code, ((2006)) 2009 Edition, the National Fuel Gas Code, ((2006)) 2009  
202 Edition (((2002)) 2009 ANSI Z223.1/ NFPA 54), the Liquefied Petroleum Gas Code,  
203 ((2004)) 2008 Edition (((2001)) 2008 NFPA 58) as amended in chapter 51-52 WAC, and

204 the International Residential Code, ((2006)) 2009 Edition, as amended in chapter 51-51  
 205 WAC, are hereby adopted and together with King County amendments, additions and  
 206 deletions adopted in this chapter are adopted as the King County Plumbing Code and may  
 207 be cited as such and referred to in this chapter as "this code." This code shall have  
 208 precedence over documents adopted by reference.

209 B. This code also may be further clarified and implemented by administrative  
 210 rules adopted in accordance with K.C.C. chapter 2.98.

211 SECTION 7. Ordinance 15053, Section 3, as amended, and K.C.C. 16.82.051  
 212 are each hereby amended to read as follows:

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

215 B. The following activities are excepted from the requirement of obtaining a  
 216 clearing or grading permit before undertaking forest practices or clearing or grading  
 217 activities, as long as those activities conducted in critical areas are in compliance with the  
 218 standards in this chapter and in K.C.C. chapter 21A.24. In cases where an activity may  
 219 be included in more than one activity category, the most-specific description of the  
 220 activity shall govern whether a permit is required. For activities involving more than one  
 221 critical area, compliance with the conditions applicable to each critical area is required.  
 222 Clearing and grading permits are required when a cell in this table is empty and for  
 223 activities not listed on the table.

<b>KEY</b>																			
"NP" in a cell means	O	A	CO	ER	FL	CH	L	A	SEI	VO	S	H	C	R	WE	A	A	W	A
			AL	OSI	OO	AN			SM	LC					TL				

	U R M I O N D H N E A N I C A N T A R E A N Q N I N												
	NE HA AZ LM HA IC HA IC DS L												
	T E H A Z A A R I G N D Z A H A E Z I C A N U D D												
	Z A R D D R A R D Z A T D B D												
	O A R D T I D B R D E A H U F A B N												
	F A S U P R C A R T U E												
	C N L F S D A R I F F T												
	R D I F L A L G F E W												
	I B E O N A E E A O												
	T U P D Q A R R R												
	I H A E K												
	C F E B U R A												
	A F U I E A												
	L E Z F A												
	R A E R												
	R F R												
	D E R												

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


<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 4 NP 23	NP 4 NP 23	
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
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
<u>Hazard tree removal</u>	NP												
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,	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

II, III, IV-S forest practice													
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 12	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
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 11	NP 11	NP
<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
<b>Agriculture</b>													
Horticulture activity including tilling, discing, planting, seeding,	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP

harvesting, preparing soil, rotating crops and related activity													
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 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 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

224 C. The following conditions apply:

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

228           2. Grading that produces less than two thousand square feet of new impervious  
229 surface on a single site added after January 1, 2005, or that produces less than two  
230 thousand square feet of replaced impervious surface or less than two thousand square feet  
231 of new plus replaced impervious surface after October 30, 2008. For purposes of this  
232 subsection C.2., "new impervious surface" and "replaced impervious surface" are defined  
233 in K.C.C. 9.04.020.

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

- 237           a. regulated as a Class IV forest practice under chapter 76.09 RCW;
- 238           b. in a critical drainage areas established by administrative rules;
- 239           c. subject to clearing limits included in property-specific development  
240 standards and special district overlays under K.C.C. chapter 21A.38; or
- 241           d. subject to urban growth area significant tree retention standards under  
242 K.C.C. 16.82.156 and 21A.38.230.

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

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

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

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



- 251           8. Cumulative clearing of less than seven thousand square feet and either:
- 252           a. conducted in accordance with a farm management plan, forest management
- 253 plan or a rural stewardship plan; or
- 254           b. limited to removal with hand labor.
- 255           9. Class I, II, III or IV forest practices as defined in chapter 76.09 RCW and
- 256 Title 222 WAC.
- 257           10. If done in compliance with K.C.C. 16.82.065.
- 258           11. Only when conducted by or at the direction of a government agency in
- 259 accordance with the regional road maintenance guidelines and K.C.C. 9.04.050, creates
- 260 less than two thousand square feet of new impervious surface on a single site added after
- 261 January 1, 2005, and is not within or does not directly discharge to an aquatic area or
- 262 wetland. For purposes of this subsection C.11., "new impervious surface" is defined in
- 263 K.C.C. 9.04.020.
- 264           12. Limited to clearing conducted by or at the direction of a government agency
- 265 or by a private utility that does not involve:
- 266           a. slope stabilization or vegetation removal on slopes; or
- 267           b. ditches that are used by salmonids.
- 268           13. In conjunction with normal and routine maintenance activities, if:
- 269           a. there is no alteration of a ditch or aquatic area that is used by salmonids:
- 270           b. the structure, condition or site maintained was constructed or created in
- 271 accordance with law; and
- 272           c. the maintenance does not expand the roadway, lawn, landscaping, ditch,
- 273 culvert or other improved area being maintained.

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

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

- 282           a. The King Conservation District;
- 283           b. King County department of natural resources and parks;
- 284           c. King County department of development and environmental services; or
- 285           d. Washington state Department of Fish and Wildlife.

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

288           17. Only if:

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

292           18. In accordance with a franchise permit.

293           19. Only within the roadway in accordance with a franchise permit.

294           20. When:

- 295           a. conducted by a public agency;
- 296           b. the height of the facility is not increased;

- 297 c. the linear length of the facility is not increased;
- 298 d. the footprint of the facility is not expanded waterward;
- 299 e. done in accordance with the Regional Road Maintenance Guidelines;
- 300 f. done in accordance with the adopted King County Flood Hazard
- 301 Management Plan and the Integrated Streambank Protection Guidelines (Washington
- 302 State Aquatic Habitat Guidelines Program, 2002); and
- 303 f. monitoring is conducted for three years following maintenance or repair and
- 304 an annual report is submitted to the department.
- 305 21. Only if:
- 306 a. the activity is not part of a mitigation plan associated with another
- 307 development proposal or is not corrective action associated with a violation; and
- 308 b. the activity is sponsored or co-sponsored by a public agency that has natural
- 309 resource management as its primary function or a federally-recognized tribe, and the
- 310 activity is limited to:
- 311 (1) revegetation of the critical area and its buffer with native vegetation or the
- 312 removal of noxious weeds or invasive vegetation;
- 313 (2) placement of weirs, log controls, spawning gravel, woody debris and
- 314 other specific salmonid habitat improvements;
- 315 (3) hand labor except:
- 316 (a) the use of riding mower or light mechanical cultivating equipment and
- 317 herbicides or biological control methods when prescribed by the King County noxious
- 318 weed control board for the removal of noxious weeds or invasive vegetation; or

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

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

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

324 24. Limited to the removal of downed trees.

325 SECTION 8. Ordinance 13964, Section 4, and K.C.C. 19A.04.020 are each  
326 hereby amended to read as follows:

327 Alteration: the modification of a previously recorded plat, short plat, binding site  
328 plan, or any portion thereof, that results in ~~((modifications))~~ changes to conditions of  
329 approval, the addition of new lots or more land, or the deletion of existing lots or the  
330 removal of plat or lot restrictions or dedications that are shown on the recorded plat.

331 SECTION 9. Ordinance 13694, Section, and K.C.C. 19A.04.210 are each hereby  
332 amended to read as follows:

333 Lot: a physically separate and distinct parcel of property that has been created  
334 pursuant to the provisions of this title, or pursuant to any previous state or local laws  
335 governing the subdivision, short subdivision or segregation of land.

336 SECTION 10. Ordinance 13694, Section 28, and K.C.C. 19A.04.270 are each  
337 hereby amended to read as follows:

338 Revisions: a change prior to final approval or recording of a previously approved  
339 preliminary plat, preliminary short plat or binding site plan that includes, but is not  
340 limited to, the addition of new lots, tracts or parcels.

341            SECTION 11. Ordinance 13694, Section 42, as amended, and K.C.C.

342 19A.08.070 are each hereby amended to read as follows:

343            A. A property owner may request that the department determine whether a lot  
344 was legally segregated. The property owner shall demonstrate to the satisfaction of the  
345 department that ~~((;))~~ a lot was created ~~((;))~~ in compliance with applicable state and local  
346 land segregation statutes or codes in effect at the time the lot was created ~~((; including, but  
347 not limited to, demonstrating that the lot was created))~~ and that it meets following  
348 requirements:

349            1. The lot was created ~~((B))~~ before June 9, 1937, and:

350            a. Before October 1, 1972 the lot was:

351            (1) conveyed as an individually described parcel to separate, noncontiguous  
352 ownerships through a fee simple transfer or purchase; or

353            (2) recognized as a separate tax lot by the county assessor; and

354            b. not later than January 1, 2000, the lot was provided with:

355            (1) approved sewage disposal;

356            (2) an approved water system; or

357            (3) a road, not including a forest road as defined in WAC 222-16-010 or in  
358 an easement for commercial road use for managing or hauling timber, that was:

359            (A) accepted for maintenance by the King County department of  
360 transportation; or

361            (B) located within an access easement for residential use or in a road right-  
362 of-way and consists of a smooth driving surface, including, but not limited to, asphalt,

363 concrete, or compact gravel, that complied with the King County road standards in effect  
364 at the time the road was constructed; ((and

365 ~~b.(1) was conveyed as an individually described parcel to separate,~~  
366 ~~noncontiguous ownerships through a fee simple transfer or purchase before October 1,~~  
367 ~~1972; or~~

368 ~~((2) was recognized before October 1, 1972, as a separate tax lot by the county~~  
369 ~~assessor;))~~

370 2. The lot was created between June 9, 1937 and October 1, 1972 through a  
371 review and approval process recognized by the county for the creation of four lots or less  
372 ~~((from June 9, 1937, to October 1, 1972, or));~~

373 3. The lot was created on or after June 9, 1937 through the subdivision process  
374 ~~((on or after June 9, 1937));~~

375 ~~((3-))~~ 4. The lot was created on or after October 1, 1972 through the short  
376 subdivision process ~~((on or after October 1, 1972));~~ or

377 4. The lot was created through the following alternative means of lot  
378 segregation provided for by state statute or county code:

379 a. for the raising of agricultural crops or livestock, in parcels greater than ten  
380 acres, between September 3, 1948, and August 11, 1969;

381 b. for cemeteries or other burial plots, while used for that purpose, on or after  
382 August 11, 1969;

383 c. at a size five acres or greater, recorded between August 11, 1969, and  
384 October 1, 1972, and did not contain a dedication;

385 d. at a size twenty acres or greater, created after June 9, 1937, not subsequently  
386 merged into a larger lot and recognized by ((King County)) the department or the  
387 department's predecessors before January 1, 2000(~~(, and not subsequently merged into a~~  
388 ~~larger lot));~~);

389 e. upon a court order entered between August 11, 1969, to July 1, 1974;

390 f. through testamentary provisions or the laws of descent after August 10,  
391 1969;

392 g. through an assessor's plat made in accordance with RCW 58.18.010 after  
393 August 10, 1969 and not subsequently merged into a larger lot;

394 h. as a result of deeding land to a public body after April 3, 1977, and that is  
395 consistent with King County zoning code, access and board of health requirements so as  
396 to qualify as a building site pursuant to K.C.C. 19A.04.050; or

397 i. by a partial fulfillment deed pursuant to a real estate contract recorded before  
398 October 1, 1972, and no more than four lots were created per the deed.

399 B. In requesting a determination, the property owner shall submit evidence,  
400 deemed acceptable to the department, such as:

401 1. Recorded subdivisions or division of land into four lots or less;

402 2. King County documents indicating approval of a short subdivision;

403 3. Recorded deeds or contracts describing the lot or lots either individually or as  
404 part of a conjunctive legal description (e.g. Lot 1 and Lot 2); or

405 4. Historic tax records or other similar evidence, describing the lot as an  
406 individual parcel. The department shall give great weight to the existence of historic tax  
407 records or tax parcels in making its determination.

408 C. Once the department has determined that the lot was legally created, the  
409 department shall continue to acknowledge the lot as such, unless the property owner  
410 reaggregates or merges the lot with another lot or lots in order to:

- 411 1. Create a parcel of land that would qualify as a building site, or
- 412 2. Implement a deed restriction or condition, a covenant or court decision.

413 D. The department's determination shall not be construed as a guarantee that the  
414 lot constitutes a building site as defined in K.C.C. 19A.04.050.

415 E. Reaggregation of lots after January 1, 2000, shall only be the result of a  
416 deliberate action by a property owner expressly requesting the department for a  
417 permanent merger of two or more lots through a boundary line adjustment under K.C.C.  
418 chapter 19A.28.

419 SECTION 12: Ordinance 13694, Section 56, as amended, and K.C.C.  
420 19A.12.020 are each hereby amended to read as follows:

421 A. Preliminary subdivision approval shall be effective for a period of sixty  
422 months.

423 B. Preliminary subdivision approval shall be considered the basis upon which the  
424 applicant may proceed toward development of the subdivision and preparation of the  
425 final plat subject to all the conditions of the preliminary approval.

426 C. If the final plat is being developed in divisions, and final plats for all of the  
427 divisions have not been recorded within the time limits provided in this section,  
428 preliminary subdivision approval for all unrecorded divisions shall become void. The  
429 preliminary subdivision for any unrecorded divisions must again be submitted to the



430 department with a new application, subject to the fees and regulations applicable at the  
431 time of submittal.

432 D. An urban planned development permit, fully contained community permit, or  
433 development agreement approved pursuant to K.C.C. chapter 21A.39 may extend the  
434 preliminary approval period beyond sixty months for any preliminary subdivision  
435 approved simultaneous or subsequent to the urban planned development permit or fully  
436 contained community permit. Such extensions may be made contingent upon satisfying  
437 conditions set forth in the urban planned development permit, fully contained community  
438 permit or development agreement. In no case shall the extended preliminary approval  
439 period exceed the expected buildout time period of the urban planned development or  
440 fully contained community as provided in the urban planned development permit, fully  
441 contained community permit or development agreement. This section shall apply to any  
442 approved urban planned development permit, fully contained community permit or  
443 development agreement in existence on January 1, 2000, or approved subsequent to  
444 January 1, 2000.

445 E. For any plat with more than four hundred lots that is also part of the county's  
446 four to one program, the preliminary subdivision approval shall be effective for eighty-  
447 four months. This subsection applies to any preliminary plat approved by either the  
448 council or the hearing examiner, or both, on or after January 1, 1998, that relates to a four  
449 to one program with proposed plats containing more than four hundred lots.

450 F. For any plat with more than fifty lots where fifty percent or more of those lots  
451 will constitute affordable housing which is housing for those that have incomes of less  
452 than eighty percent of median income for King County as periodically published by the

453 United States Department of Housing and Urban Development, or its successor agency,  
454 and at least a portion of the funding for the project has been provided by federal, state or  
455 county housing funds, the preliminary subdivision shall be effective for seventy-two  
456 months. This subsection applies to any plat that has received preliminary approval on or  
457 after January 1, 1998.

458 G.1. For any plat that has received preliminary approval on or after December 1,  
459 2003, the preliminary subdivision approval shall be valid for a period of eight-four  
460 months(~~(, if the applicant:~~

461 a. ~~makes a written request to the department to extend the period of validity;~~

462 b. ~~is current on all invoices for work performed by the department on the~~  
463 ~~subdivision review; and~~

464 c. ~~agrees in writing that t)).~~ The department may make revisions to the fee  
465 estimate issued by the department under K.C.C. 27.02.065.

466 2. For any plat that received preliminary approval on or after December 1, 2003,  
467 pursuant to K.C.C. 21A.55.060, the preliminary subdivision approval shall be valid for a  
468 period of one hundred and eight months(~~(, if the applicant:~~

469 a. ~~makes a written request to the department to extend the period of validity;~~

470 b. ~~is current on all invoices for work performed by the department on the~~  
471 ~~subdivision review; and~~

472 c. ~~agrees in writing that t)).~~ The department may make revisions to the fee  
473 estimate issued by the department under K.C.C. 27.02.065.

474 3. This subsection shall retroactively apply to any plat that has received  
475 preliminary approval on or after December 1, 2003. This subsection expires December  
476 31, ~~((2011))~~ 2014.

477 SECTION 13 Ordinance 13694, Section 57, and K.C.C. 19A.12.030 are each  
478 hereby amended to read as follows:

479 ~~((Applications to revise subdivisions that have;))~~ A. A request to revise a plat,  
480 short plat or binding site plan that has received preliminary approval shall ~~((comply with~~  
481 ~~the following))~~ be submitted to the department.

482 ~~((A.))~~ B. ((R))Proposed revisions to a preliminary subdivision that would result  
483 in a~~((ny))~~ substantial change~~((s)),~~ as determined by the department, shall be treated as a  
484 new application for purposes of vesting and transportation concurrency and shall be  
485 reviewed as Type 3 land use decision ~~((pursuant to))~~ under K.C.C. 20.20.020.

486 C. Proposed revisions to a preliminary short subdivision or binding site plan that  
487 would result in a substantial change, as determined by the department, shall be treated as  
488 a new application for purposes of vesting and, where applicable, transportation  
489 concurrency, and shall be reviewed as Type 2 land use decision pursuant to K.C.C.  
490 20.20.020.

491 D. For the purpose of this section, a substantial change includes, but is not  
492 limited to:

- 493 1. the creation of additional lots~~((;))~~;
- 494 2. the ~~reduction or~~ elimination of open space;
- 495 3. a change in use;
- 496 4. a change in points of ingress or egress: ~~((or changes))~~; and

497           4. a change to conditions of approval ((~~an~~)) of an approved preliminary  
498 subdivision, preliminary short subdivision or binding site plan that leads to environmental  
499 impacts that were not addressed in the original approval.

500           ~~((B. Approval of the following modifications by the department shall not be~~  
501 ~~considered revisions))~~ E. Proposed changes to a subdivision, short subdivision or binding  
502 site plan that do not result in a substantial change, as determined by the department, shall  
503 be treated as a minor change and may be approved administratively by the department.

504           F. For purposes of this section, minor changes include, but are not limited to:

505           1. ~~((E))~~ Changes to engineering design~~((, unless the proposed design alters or~~  
506 ~~eliminates features specifically required as a condition of preliminary subdivision~~  
507 ~~approval))~~ standards necessitated by changed circumstances, such as reconfiguration or  
508 reduction of lots;

509           2. Changes in lot dimensions that are consistent with ~~((K.C.C. Title 21A))~~ the  
510 underlying zone;

511           3. A decrease in the number of lots to be created so long as the ~~((decrease~~  
512 ~~allows for future compliance with the minimum density provisions of K.C.C. Title 21A,~~  
513 ~~if applicable))~~ minimum lot size and minimum density of the underlying zone is  
514 maintained;

515           4. Changes in timing of phased plans; and

516           5. Changes to engineering design that reduce construction related impacts and  
517 do not eliminate off-site improvements specifically required as a condition of preliminary  
518 approval.

519            SECTION 14 Ordinance 13694, Section 58, as amended, and K.C.C.

520 19A.12.040 are each hereby amended to read as follows:

521            Preliminary approval of a short subdivision shall be effective for a period of sixty  
522 months, except:

523            A. The approval period shall be eighty-four months for any short plat that was  
524 part of a development agreement or interlocal agreement entered into after January 1,  
525 1996, that included at least four hundred acres of open space dedications and urban land  
526 designations at a four-to-one ratio; and

527            B.1. For any short plat that has received preliminary approval on or after  
528 December 1, 2003, the preliminary short subdivision approval shall be valid for a period  
529 of eighty-four months(~~(, if the applicant:~~

530            a. ~~makes a written request to the department to extend the period of validity;~~

531            b. ~~is current on all invoices for work performed by the department on the short~~  
532 ~~subdivision review; and~~

533            c. ~~agrees in writing that t)).~~ The department may make revisions to the fee  
534 estimate issued by the department under K.C.C. 27.02.065.

535            2. This subsection shall retroactively apply to any short plat that has received  
536 preliminary approval on or after December 1, 2003. This subsection expires December  
537 31, ~~((2011))~~ 2014.

538            SECTION 15. Ordinance 13694, Section 80, and K.C.C. 19A.28.020 are each  
539 hereby amended to read as follows:

540            Adjustment of boundary lines between adjacent lots shall be consistent with the  
541 following review procedures and limitations:

542           A. Applications for boundary line adjustments shall be reviewed as a Type 1  
543 permit as provided in K.C.C. chapter 20.20. The review shall include examination for  
544 consistency with the King County zoning code, K.C.C. Title 21A., shoreline master  
545 program, K.C.C. ((Title 25)) chapter 21A.25, applicable board of health regulations and,  
546 for developed lots, ((uniform)) fire and building codes;

547           B. Any adjustment of boundary lines must be approved by the department prior  
548 to the transfer of property ownership between adjacent legal lots;

549           C. A boundary line adjustment proposal shall not:

- 550           1. Result in the creation of an additional lot or the creation of more than one  
551 additional building site;
- 552           2. Result in a lot that does not qualify as a building site pursuant to this title;
- 553           3. Relocate an entire lot from one parent parcel into another parent parcel;
- 554           4. Reduce the overall area in a plat or short plat devoted to open space;
- 555           5. Be inconsistent with any restrictions or conditions of approval for a recorded  
556 plat or short plat;
- 557           6. Involve lots which do not have a common boundary; or
- 558           7. Circumvent the subdivision or short subdivision procedures set forth in this  
559 title. Factors which indicate that the boundary line adjustment process is being used in a  
560 manner inconsistent with statutory intent include: numerous and frequent adjustments to  
561 the existing lot boundary, a proposal to move a lot or building site to a different location,  
562 and a large number of lots being proposed for a boundary line adjustment;

563           D. The elimination of lines between two or more lots for the purpose of creating  
564 a single lot that meets requirements as a building site shall in all cases shall be considered

565 a minor adjustment of boundary lines and shall not be subject to the subdivision and short  
566 subdivision provisions of this title; and

567 E. Recognized lots in an approved site plan for a conditional use permit, special  
568 use permit, urban planned development, or commercial site development permit shall be  
569 considered a single site and no lot lines on the site may be altered by a boundary line  
570 adjustment to transfer density or separate lots to another property not included in the  
571 original site plan of the subject development.

572 F. Lots that have been subject to a boundary line adjustment process that resulted  
573 in the qualification of an additional building site shall not be permitted to utilize the  
574 boundary line adjustment process again for five years to create an additional building site.

575 SECTION 16. Ordinance 12196, Section 13, as amended, and K.C.C. 20.20.060  
576 are each hereby amended to read as follows:

577 A. A notice of application shall be provided to the public for land use permit  
578 applications as follows:

- 579 1. Type 2, 3 or 4 decisions;
- 580 2. Type 1 decisions subject to SEPA;
- 581 3. As provided in subsections K. and L. of this section; and
- 582 4. Type 1 decisions requiring a community meeting under section 10 of this  
583 ordinance.

584 B. Notice of the application shall be provided by the department within fourteen  
585 days following the department's determination that the application is complete. A public  
586 comment period on a notice of application of at least twenty-one days shall be provided,  
587 except as otherwise provided in chapter 90.58 RCW and RCW 58.17.215 with regards to

588 subdivision alterations. The public comment period shall commence on the third day  
589 following the department's mailing of the notice of application as provided for in  
590 subsection H. of this section.

591 C. If the county has made a determination of significance ("DS") under chapter  
592 43.21 RCW before the issuance of the notice of application, the notice of the DS shall be  
593 combined with the notice of application and the scoping notice.

594 D. Unless the mailed notice of application is by a post card as provided in  
595 subsection E. of this section, the notice of application shall contain the following  
596 information:

- 597 1. The file number;
- 598 2. The name of the applicant;
- 599 3. The date of application, the date of the notice of completeness and the date of  
600 the notice of application;
- 601 4. A description of the project, the location, a list of the permits included in the  
602 application and the location where the application and any environmental documents or  
603 studies can be reviewed;
- 604 5. A site plan on eight and one-half by fourteen inch paper, if applicable;
- 605 6. The procedures and deadline for filing comments, requesting notice of any  
606 required hearings and any appeal procedure;
- 607 7. The date, time, place and type of hearing, if applicable and scheduled at the  
608 time of notice;
- 609 8. The identification of other permits not included in the application to the  
610 extent known;



611           9. The identification of existing environmental documents that evaluate the  
612 proposed project; and

613           10. A statement of the preliminary determination, if one has been made, of those  
614 development regulations that will be used for project mitigation and of consistency with  
615 applicable county plans and regulations.

616           E. If mailed notice of application is made by a post card, the notice of application  
617 shall contain the following information:

618           1. A description of the project, the location, a list of the permits included in the  
619 application and any environmental documents or studies can be reviewed;

620           2. The name of the applicant;

621           3. The date of application, the date of the notice of completeness and the date of  
622 the notice of application;

623           4. If the department has made a decision or recommendation on the application,  
624 the decision or recommendation made;

625           5. The applicable comment and appeal dates and the date, time, place and type  
626 of hearing, if applicable;

627           6. A web site address that provides access to project information, including a  
628 site map and application page; and

629           7. The department contact name, telephone number and e-mail address;

630           F. Notice shall be provided in the following manner:

631           1. Posted at the project site as provided in subsections G. and J. of this section;

632           2. Mailed by first class mail as provided in subsection H. of this section; and

633           3. Published as provided in subsection I. of this section.

634 G. Posted notice for a proposal shall consist of one or more notice boards posted  
635 by the applicant within fourteen days following the department's determination of  
636 completeness as follows:

637 1. A single notice board shall be posted for a project. This notice board may  
638 also be used for the posting of the notice of decision and notice of hearing and shall be  
639 placed by the applicant:

640 a. at the midpoint of the site street frontage or as otherwise directed by the  
641 department for maximum visibility;

642 b. five feet inside the street property line except when the board is structurally  
643 attached to an existing building, but a notice board shall not be placed more than five feet  
644 from the street property without approval of the department;

645 c. so that the top of the notice board is between seven to nine feet above grade;

646 d. where it is completely visible to pedestrians; and

647 e. comply with site distance requirements of K.C.C. 21A.12.210 and the King  
648 county road standards adopted under K.C.C. chapter 14.42.

649 2. Additional notice boards may be required when:

650 a. the site does not abut a public road;

651 b. a large site abuts more than one public road; or

652 c. the department determines that additional notice boards are necessary to  
653 provide adequate public notice;

654 3. Notice boards shall be:

655 a. maintained in good condition by the applicant during the notice period

656 through the time of the final county decision on the proposal, including the expiration of

657 any applicable appeal periods, and for decisions which are appealed, through the time of  
658 the final resolution of any appeal;

659           b. in place at least twenty-eight days before the date of any required hearing  
660 for a Type 3 or 4 decision, or at least fourteen days following the department's  
661 determination of completeness for any Type 2 decision; and

662           c. removed within fourteen days after the end of the notice period;

663           4. Removal of the notice board before the end of the notice period may be cause  
664 for discontinuance of county review until the notice board is replaced and remains in  
665 place for the specified time period;

666           5. An affidavit of posting shall be submitted to the department by the applicant  
667 within fourteen days following the department's determination of completeness to allow  
668 continued processing of the application by the department; and

669           6. Notice boards shall be constructed and installed in accordance with  
670 subsection G. of this section and any additional specifications promulgated by the  
671 department under K.C.C. chapter 2.98, rules of county agencies.

672           H. Mailed notice for a proposal shall be sent by the department within fourteen  
673 days after the department's determination of completeness:

674           1. By first class mail to owners of record of property in an area within five  
675 hundred feet of the site(~~(, but t)~~). The area shall be expanded ((as)) when the department  
676 determines it is necessary to send mailed notices to at least twenty different property  
677 owners;

678           2. To any city with a utility which is intended to serve the site;

679           3. To the state Department of Transportation, if the site adjoins a state highway;

680 4. To the affected tribes;

681 5. To any agency or community group which the department may identify as  
682 having an interest in the proposal;

683 6. Be considered supplementary to posted notice and be deemed satisfactory  
684 despite the failure of one or more owners to receive mailed notice;

685 7. For preliminary plats only, to all cities within one mile of the proposed  
686 preliminary plat, and to all airports within two miles of the proposed preliminary plat;

687 ((and))

688 8. In those parts of the urban growth area designated by the King County  
689 Comprehensive Plan where King County and a city have adopted either a memorandum  
690 of understanding or a potential annexation boundary agreement, or both, the director shall  
691 ensure that the city receives notice of all applications for development subject to this  
692 chapter and shall respond specifically in writing to any comments on proposed  
693 developments subject to this title.

694 I. The notice of application shall be published by the department within fourteen  
695 days after the department's determination of completeness in the official county  
696 newspaper and another newspaper of general circulation in the affected area.

697 J. Posted notice for approved formal subdivision engineering plans, clearing or  
698 grading permits subject to SEPA or building permits subject to SEPA shall be a condition  
699 of the plan or permit approval and shall consist of a single notice board posted by the  
700 applicant at the project site, before construction as follows:

701 1. Notice boards shall comport with the size and placement provisions identified  
702 for construction signs in K.C.C. 21A.20.120.B;

- 703           2. Notice boards shall include the following information:
- 704           a. permit number and description of the project;
- 705           b. projected completion date of the project;
- 706           c. a contact name and phone number for both the department and the applicant;
- 707           d. a department contact number for complaints after business hours; and
- 708           e. hours of construction, if limited as a condition of the permit;
- 709           3. Notice boards shall be maintained in the same manner as identified above, in
- 710 subsection F of this section; and
- 711           4. Notice boards shall remain in place until final construction approval is
- 712 granted. Early removal of the notice board may preclude authorization of final
- 713 construction approval.
- 714           K. Posted and mailed notice consistent with this section shall be provided, to
- 715 property owners of record and to the council district representative in which it is located,
- 716 for any proposed single-family residence in a higher density urban single family
- 717 residential zone (R-4 through R-8) exceeding a size of ten thousand square feet of floor
- 718 area as defined in the Washington State Uniform Building Code.
- 719           L. Posted and mailed notice consistent with this section shall be provided to any
- 720 property owner of record and to the council district representative in which is locating
- 721 any application for building permits or other necessary land use approvals for the
- 722 establishment of the social service facilities classified by SIC 8322 and 8361 and listed
- 723 below, unless the proposed use is protected under the Fair Housing Act:
- 724           1. Offender self-help agencies;
- 725           2. Parole offices;

- 726 3. Settlement houses;
- 727 4. Halfway home for delinquents and offenders; and
- 728 5. Homes for destitute men and women.

729 M. In addition to notice required by subsection F of this section, the department  
730 may provide additional notice by any other means determined by the department as  
731 necessary to provide notice to persons or entity who may be affected by a proposal.

732 SECTION 17. Ordinance 12196, Section 15, and K.C.C. 20.20.080 are each  
733 hereby amended to read as follows:

734 A. ~~((Modifications))~~ Department initiated changes ~~((required by the county))~~ to a  
735 pending application shall not ~~((be deemed))~~ require filing of a new application.

736 B. If the department determines the requested modification or revision would  
737 result in a substantial change in a development proposal's review requirements, ~~((A))~~ an  
738 applicant((-))\_requested revision or modification occurring either before or after issuance  
739 of the permit shall ~~((be deemed))~~ require filing of a new application ~~((when such~~  
740 ~~modification would result in a substantial change in a project's review requirements, as~~  
741 ~~determined by the department))~~.

742 C. For the purpose of this section, a "substantial change" includes, but is not  
743 limited to, locating buildings closer to the nearest property line, increasing the proposed  
744 square footage of any buildings or changes that will lead to significant built or natural  
745 environmental impacts that were not addressed in the original development proposal.

746 NEW SECTION. SECTION 18. A new section is hereby added to chapter  
747 21A.02 to read as follows:

748 If a development proposal depends on two or more lots to be considered as a site  
749 for purposes of complying with the provisions of this Title or any other provision of the  
750 King County Code, the department may require the applicant to record a covenant to the  
751 benefit of the county that requires the retention of the lots under common ownership and  
752 control for the duration that the use is maintained on the site.

753 SECTION 19. Ordinance 15051, Section 7, and K.C.C. 21A.06.072C are each  
754 hereby amended to read as follows:

755 Aquatic area:

756 A. ~~((a))~~Any nonwetland water feature including:

757 1. all shorelines of the state, rivers, streams, marine waters~~((, inland))~~ and bodies  
758 of open water, ~~((including))~~ such as lakes, ~~((and))~~ ponds~~((;))~~ and reservoirs; ~~((and))~~

759 2. conveyance systems ~~((and impoundments of these features))~~, such as a ditch,  
760 if any portion of the ~~((feature is formed))~~ contributing water is from ~~((a stream or wetland~~  
761 and if any stream or wetland contributing flows is not created solely as a consequence of  
762 stormwater pond construction)) an aquatic area listed in subsection A.1 of this section;

763 and

764 3. impoundments, such as a reservoir or pond, if any portion of the contributing  
765 water is from an aquatic area listed in subsection A.1 of this section.

766 B. "Aquatic area" does not include water features ~~((that are))~~ where the source of  
767 contributing water is entirely artificial~~((ly collected or conveyed storm or wastewater~~  
768 systems or entirely artificial channels, ponds, pools or other similar constructed water  
769 features)), including, but not limited to, a ground water well.

770            NEW SECTION. SECTION 20. There is hereby added to K.C.C. chapter  
771 21A.06 a new section to read as follows:

772            Digester, agricultural anaerobic: an air tight, oxygen-free container that is fed  
773 animal manure and other agricultural waste that uses a biological process to stabilize  
774 organic matter and produce methane gas for onsite energy generation or other beneficial  
775 use.

776            NEW SECTION. SECTION 21. There is hereby added to K.C.C. chapter  
777 21A.06 a new section to read as follows:

778            Farmers market: a regular assembly of vendors at a defined location for the  
779 purpose of promoting the sale of agricultural products grown or produced in Washington  
780 state.

781            SECTION 22. Ordinance 10870, Section 130, and K.C.C. 21A.06.450 are each  
782 hereby amended to read as follows:

783            Family: an individual; two or more persons related by blood, ~~((or))~~ marriage or  
784 state registered domestic partnership under chapter 26.60 RCW; a group of two or more  
785 disabled residents protected under the Federal Housing Act Amendments, who are not  
786 related by blood, ~~((or))~~ marriage or state registered domestic partnership under chapter  
787 26.60 RCW, living together as a single housekeeping unit; a group of eight or fewer  
788 residents, who are not related by blood, ~~((or))~~ marriage or state registered domestic  
789 partnership under chapter 26.60 RCW, living together as a single housekeeping unit; or a  
790 group living arrangement where eight or fewer residents receive supportive services such  
791 as counseling, foster care, or medical supervision at the dwelling unit by resident or non-



792 resident staff. For purposes of this definition, minors living with parent shall not be  
793 counted as part of the maximum number of residents.

794 SECTION 23. Ordinance 10870, Section 82, and K.C.C. 21A.06.210 are each  
795 hereby amended to read as follows:

796 Major communication facility: a communication facility, not classified as a minor  
797 communication facility, for transmission ~~((and reception))~~ of:

- 798 A. ~~((UHF and VHF-T))~~ Television signals; or  
799 B. FM or AM radio signals.

800 SECTION 24. Ordinance 10870, Section 83, and K.C.C. 21A.06.215 are each  
801 hereby amended to read as follows:

802 Minor communication facility: a communication facility for the:

803 A. ~~((t))~~ Transmission and reception of:

804 ~~((A.))~~ 1. Two-way ~~((and/))~~ or citizen band ("CB") radio signals; or

805 ~~((B.))~~ 2. Point-to-point microwave signals;

806 ~~((C. Cellular radio signals;))~~

807 ~~((D.))~~ 3. Signals through FM radio translators; or

808 ~~((E.))~~ 4. Signals through FM radio boosters under ten watts effective radiated  
809 power ("ERP"); and

810 B. Provision of personal wireless services.

811 NEW SECTION. SECTION 25. A new section is hereby added to K.C.C.

812 chapter 21A.06 to read as follows:

813 Personal wireless services: commercial mobile radio services, unlicensed wireless  
814 services, and common carrier wireless exchange access services, as defined by federal  
815 laws and regulations.

816 SECTION 26. Ordinance 10870, Section 247, and K.C.C. 21A.06.1035 are each  
817 hereby amended to read as follows:

818 Schools, elementary, and middle/junior high: public or private institutions of  
819 learning offering instruction in the several branches of learning and study required by the  
820 Education Code of the State of Washington in grades kindergarten through nine,  
821 including associated meeting rooms, auditoriums and athletic facilities.

822 SECTION 27. Ordinance 10870, Section 248, and K.C.C. 21A.06.1040 are each  
823 hereby amended to read as follows:

824 Schools, secondary or high school: public or private institutions of learning  
825 offering instruction in the several branches of learning and study required by the  
826 Education Code of the State of Washington in grades nine through twelve, including  
827 associated meeting rooms, auditoriums and athletic facilities.

828 SECTION 28. Ordinance 16950, Section 13, and K.C.C. 21A.06.1263 are each  
829 hereby amended to read as follows:

830 Subdivision or residential subdivision(~~(, residential)~~): Unless the context clearly  
831 indicates otherwise, includes a subdivision as defined in K.C.C. 19A.04.320 and a short  
832 subdivision as defined K.C.C. 19A.04.310.

833 SECTION 29. Ordinance 10870, Section 294, as amended, and K.C.C.  
834 21A.06.1270 are each hereby amended to read as follows:

835 Substantial improvement:

836 A.1. Any maintenance, repair, structural modification, addition or other  
 837 improvement of a structure, the cost of which equals or exceeds fifty percent of the  
 838 market value of the structure either:

- 839 a. before the improvement or repair is started; or
- 840 b. if the structure has been damaged and is being restored, before the damage  
 841 occurred.

842 2. For purposes of this definition, the cost of any improvement is considered to  
 843 begin when the first alteration of any wall, ceiling, floor or other structural part of the  
 844 building begins, whether or not that alteration affects the external dimensions of the  
 845 structure; and

846 B. Does not include either:

- 847 1. Any projects for improvement of a structure for purposes of flood mitigation,  
 848 including but not limited to elevating a structure to the base flood elevation, or to correct  
 849 existing violations of state or local health, sanitary or safety code specifications that have  
 850 been identified by the local code enforcement official and that are the minimum  
 851 necessary to ensure safe living conditions; or

852 2. any alteration of a structure listed on the national Register of Historic Places  
 853 or a state or local inventory of historic resources.

854 SECTION 30. Ordinance 10870, Section 330, as amended, and K.C.C.

855 21A.08.030 are each hereby amended to read as follows:

856 A. Residential land uses.

KEY	RESOURCE			<u>RURAL</u>	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	A	E			N	O	S	I	S	A	S		R
			T			R				T	R	S	T	S	L	S		I
			U			E				I	H		Y					A
			R			A				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					
	DWELLING UNITS, TYPES:																	
*	Single Detached	P	P2		P C12	P	P C12	P	P17									
		C12				C12		C12										
*	Townhouse				C4	C4	P11	P	P3	P3	P3	P3						
							C11											
*	Apartment				C4	C4	P5	P	P3	P3	P3	P3						
							C((4))5											
*	Mobile Home Park				S((13))		C((8))	P										
					12		7											
*	Cottage Housing						P((15))											
							14											
	GROUP RESIDENCES:																	
*	Community Residential Facility-I				C	C	P((14))	P	P3	P3	P3	P3						
							13.a C											
*	Community						P((14))	P	P3	P3	P3	P3						

	Residential Facility-II					<u>13.b</u>						
*	Dormitory			C((6)) <u>5</u>	C((6)) ) <u>5</u>	C((6)) <u>5</u>	P					
*	Senior Citizen Assisted Housing				P4	P4	P	P3	P3	P3	P3	
	<b>ACCESSORY USES:</b>											
*	Residential Accessory Uses	P((7)) <u>6</u>	P((7)) ) <u>6</u>	P((7)) <u>6</u>	P((7)) <u>6</u>	P((7)) <u>6</u>	P((7)) <u>6</u>	P((7)) <u>6</u>	P((7)) <u>6</u>	P((7)) <u>6</u>	P((7)) <u>6</u>	
		P((18)) ) <u>17</u>										
*	Home Occupation	P <u>17</u>	P <u>17</u>	P <u>17</u>	P <u>17</u>	P <u>17</u>	P <u>17</u>	P <u>17</u>	P <u>17</u>	P <u>17</u>	P <u>17</u>	
*	Home Industry	C		C	C	C						
	<b>TEMPORARY LODGING:</b>											
7011	Hotel/Motel (1)								P	P	P	
*	Bed and Breakfast Guesthouse	P((9)) <u>8</u>		P((9)) <u>8</u>	P((9)) <u>8</u>	P((9)) <u>8</u>	P((9)) <u>8</u>	P((9)) <u>8</u>	P((10)) ) <u>9</u>	P((10)) <u>9</u>		
7041	Organization Hotel/Lodging Houses									P		
<b>GENERAL</b>		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters										
<b>CROSS</b>		21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review										
<b>REFERENCES:</b>		Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06.										

857

B. Development conditions.

858

1. Except bed and breakfast guesthouses.

859

2. In the forest production district, the following conditions apply:

860 a. Site disturbance associated with development of any new residence shall be  
861 limited to three acres. Site disturbance shall mean all land alterations including, but not  
862 limited to, grading, utility installation, landscaping, clearing for crops, on-site sewage  
863 disposal systems and driveways. Additional site disturbance for agriculture, including  
864 raising livestock, up to the smaller of thirty-five percent of the lot or seven acres, may be  
865 approved only if a farm management (conservation) plan is prepared in accordance with  
866 K.C.C. chapter 21A.30. Animal densities shall be based on the area devoted to animal  
867 care and not the total area of the lot;

868 b. A forest management plan shall be required for any new residence in the  
869 forest production district, that shall be reviewed and approved by the King County  
870 department of natural resources and parks before building permit issuance; and

871 c. The forest management plan shall incorporate a fire protection element that  
872 includes fire safety best management practices developed by the department.

873 3. Only as part of a mixed use development subject to the conditions of K.C.C.  
874 chapter 21A.14, except that in the NB zone on properties with a land use designation of  
875 commercial outside of center (CO) in the urban areas, stand-alone townhouse  
876 developments are permitted subject to K.C.C. 21A.12.040, 21A.14.030, 21A.14.060 and  
877 21A.14.180.

878 ~~4((a.))~~ Only in a building listed on the National Register as an historic site or  
879 designated as a King County landmark subject to the provisions of K.C.C. 21A.32.

880 ~~((b.))~~ 5.a. In the R-1 zone, apartment units are permitted, ~~((provided that))~~ if:

881 (1) ~~((The proposal shall be subject to a conditional use permit when~~  
882 ~~exceeding base density,~~

883           (2)) At least fifty percent of the site is constrained by unbuildable critical  
884 areas. For purposes of this subsection, unbuildable critical areas ~~((shall))~~ includes  
885 wetlands, ~~((streams))~~ aquatic areas and slopes forty percent or steeper and associated  
886 buffers; and

887           ~~((3))~~ (2) The density does not exceed a density of eighteen units per acre of  
888 net buildable area ~~((as defined in K.C.C. 21A.06.797))~~~~((; or))~~.

889           ~~((e.))~~ b. In the R-4 through R-8 zones, apartment units are permitted~~((;~~  
890 ~~provided that the proposal shall be subject to a conditional use permit when exceeding~~  
891 ~~base density, and provided that))~~ if the density does not exceed a density of eighteen units  
892 per acre of net buildable area ~~((as defined in K.C.C. 21A.06.797))~~.

893           c. If the proposal will exceed base density for the zone in which it is proposed,  
894 a conditional use permit is required.

895           5. ~~((Apartment units are permitted outright as follows:~~

896           ~~a. In the R-1 zone when at least fifty percent of the site is constrained by~~  
897 ~~unbuildable critical areas ((that for purposes of this section, includes wetlands, streams~~  
898 ~~and slopes forty percent or steeper and associated buffers, and provided that the density~~  
899 ~~does not exceed a density of eighteen units per acre of net buildable area as defined in~~  
900 ~~K.C.C. 21A.06.797; or~~

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

903           6.) Only as accessory to a school, college, university or church.

904           ~~((7.))~~ 6.a. Accessory dwelling units:

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

- 906 (2) Only in the same building as the primary dwelling unit on:
- 907 (a) an urban lot that is less than five thousand square feet in area;
- 908 (b) except as otherwise provided in subsection B.~~((7))~~6.a.(5) of this section,
- 909 a rural lot that is less than the minimum lot size; or
- 910 c. a lot containing more than one primary dwelling;
- 911 (3) The primary dwelling unit or the accessory dwelling unit shall be owner
- 912 occupied;
- 913 (4)(a) Except as otherwise provided in subsection B.~~((7))~~6.a(5) of this
- 914 section, one of the dwelling units shall not exceed ~~((a floor area of))~~ one thousand square
- 915 feet of heated floor area except when one of the dwelling units is wholly contained within
- 916 a basement or attic; and
- 917 (b) When the primary and accessory dwelling units are located in the same
- 918 building, or in multiple buildings connected by a breezeway or other structure, only one
- 919 entrance may be located on each street ~~((side of the building))~~;
- 920 (5) On a site zoned RA:
- 921 (a) If one transferable development right is purchased from the rural area
- 922 under K.C.C. chapter 21A.37, the smaller of the dwelling units is permitted a maximum
- 923 floor area up to one thousand five hundred square feet; and
- 924 (b) If one transferable development right is purchased from the rural area
- 925 under K.C.C. chapter 21A.37, a detached accessory dwelling unit is allowed on an RA-5
- 926 zoned lot that is at least two and one-half acres and less than three and three-quarters
- 927 acres;
- 928 (6) One additional off-street parking space shall be provided;



929           (7) The accessory dwelling unit shall be converted to another permitted use or  
930 shall be removed if one of the dwelling units ceases to be owner occupied; and

931           (8) An applicant seeking to build an accessory dwelling unit shall file a notice  
932 approved by the department of executive services, records and licensing services  
933 division, that identifies the dwelling unit as accessory. The notice shall run with the land.  
934 The applicant shall submit proof that the notice was filed before the department shall  
935 approve any permit for the construction of the accessory dwelling unit. The required  
936 contents and form of the notice shall be set forth in administrative rules. If an accessory  
937 dwelling unit in a detached building in the rural zone is subsequently converted to a  
938 primary unit on a separate lot, neither the original lot nor the new lot may have an  
939 additional detached accessory dwelling unit constructed unless the lot is at least twice the  
940 minimum lot area required in the zone; and

941           (9) Accessory dwelling units and accessory living quarters are not allowed in  
942 the F zone.

943           b. One single or twin engine, noncommercial aircraft shall be permitted only  
944 on lots that abut, or have a legal access that is not a county right-of-way, to a waterbody  
945 or landing field, but only if there are:

946                 (1) no aircraft sales, service, repair, charter or rental; and

947                 (2) no storage of aviation fuel except that contained in the tank or tanks of the  
948 aircraft.

949           c. Buildings for residential accessory uses in the RA and A zone shall not  
950 exceed five thousand square feet of gross floor area, except for buildings related to  
951 agriculture or forestry.

952           ~~((8-))~~ 7. Mobile home parks shall not be permitted in the R-1 zones.

953           ~~((9-))~~ 8. Only as accessory to the permanent residence of the operator, and:

954           a. Serving meals shall be limited to paying guests (~~((shall be limited to~~  
955 ~~breakfast))~~); and

956           b. The number of persons accommodated per night shall not exceed five,  
957 except that a structure that satisfies the standards of the International Building Code as  
958 adopted by King County for R-1 occupancies may accommodate up to ten persons per  
959 night.

960           ~~((10-))~~ 9. Only if part of a mixed use development, and subject to the conditions  
961 of K.C.C. 21A.08.030.B.10.

962           ~~((11-))~~ 10. Townhouses are permitted, but shall be subject to a conditional use  
963 permit if exceeding base density.

964           ~~((12-))~~ 11. Required before approving more than one dwelling on individual  
965 lots, except on lots in subdivisions, short subdivisions or binding site plans approved for  
966 multiple unit lots, and except as provided for accessory dwelling units in K.C.C.  
967 21A.08.030.B.7.

968           ~~((13-))~~ 12. No new mobile home parks are allowed in a rural zone.

969           ~~((14-))~~ 13.a. Limited to domestic violence shelter facilities.

970           b. Limited to domestic violence shelter facilities with no more than eighteen  
971 residents or staff.

972           ~~((15-))~~ 14. Only in the R4-R8 zones limited to:

973           a. developments no larger than one acre;

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

976 c. All units must be cottage housing units with no less than three units and no  
977 more than sixteen units, provided that if the site contains an existing home that is not  
978 being demolished, the existing house is not required to comply with the height limitation  
979 in ~~((subsection))~~ K.C.C. 21A.12.020B.25. ~~((of this section))~~ or the floor area and  
980 footprint limits in K.C.C. 21A.14.025.B; and

981 d. Before filing an application with the department, the applicant shall hold a  
982 community meeting in accordance with K.C.C. 20.20. \_\_\_ (section 10 of ordinance  
983 16950).

984 ~~((16.))~~ 15. The development for a detached single-family residence shall be  
985 consistent with the following:

986 a. The lot must have legally existed before March 1, 2005;

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

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

990 ~~((17.))~~ 16. Housing for agricultural employees who are employed by the owner  
991 or operator of the site year-round as follows:

992 a. Not more than:

993 (1) One agricultural employee dwelling unit on a site under twenty acres;

994 (2) Two agricultural employee dwelling units on a site between twenty acres  
995 and fifty acres;

996 (3) Three agricultural employee dwelling units on a site greater than fifty  
997 acres and less than one-hundred acres; and

998 (4) On sites one-hundred acres and larger one additional agricultural  
999 employee dwelling unit for each additional one hundred acres;

1000 b. The primary use of the site shall be agricultural in SIC Industry Group No.  
1001 01-Growing and Harvesting Crops or SIC Industry Group No. 02-Raising Livestock and  
1002 Small Animals. If the primary use of the site changes to a nonagricultural use, all  
1003 agricultural employee dwelling units shall be removed;

1004 c. The applicant shall file with the department of executive services, records  
1005 and licensing services division, a notice approved by the department that identifies the  
1006 agricultural employee dwelling units as accessory and that the dwelling units shall only  
1007 be occupied by agricultural employees who are employed by the owner or operator year-  
1008 round. The notice shall run with the land. The applicant shall submit to the department  
1009 proof that the notice was filed with the department of executive services, records and  
1010 licensing services division, before the department approves any permit for the  
1011 construction of agricultural employee dwelling units;

1012 d. An agricultural employee dwelling unit shall not exceed a floor area of one  
1013 thousand square feet and may be occupied by no more than eight unrelated agricultural  
1014 employees;

1015 e. One off-street parking space shall be provided for each agricultural  
1016 employee dwelling unit; and

1017 f. The agricultural employee dwelling units shall be constructed in compliance  
1018 with K.C.C. Title 16.

1019 17. Allowed if consistent with K.C.C. chapter 21A.30.

1020 SECTION 31. Ordinance 10870, Section 331, as amended, and K.C.C.

1021 21A.08.040 are each hereby amended to read as follows:

1022 A. Recreational/cultural land uses.

KEY		RESOURCE			RURAL	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	A		E		N	O	S	I	S	A	S		R
		T			R				T	R	S	T	S	L	S		I
		U			E				I	H	Y						A
		R			A				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				
	<b>PARK/RECREATION:</b>																
*	Park	P1	P1	P1	P1	P1	P1	P1	P	P	P	P	P13				
	Large Active Recreation and Multiuse Park		P1	P1	P1	P1	P1	P1	P	P	P	P	P13				
*	Trails	P	P	P	P	P	P	P	P	P	P	P	P				
*	Campgrounds		P16 C16 a	P1 1 6	P16 C16a	P16 C16a							P16 C16a				
*	Destination Resorts		S		S18	C						C					
*	Marina		C3		C4	C4	C4	C4	P5	P	P	P	P				
*	Recreational Vehicle Park		P19	P	C2 and	C2											

Ordinance 17191

				1 9	18 P19	P19							
*	Sports Club (17)				C4 and 18	C4	C4	C4	C	P	P		
*	Ski Area		S		S18								
*	Recreational Camp		C		P24 C								
	<b>AMUSEMENT/ENTERTAINMENT:</b>												
*	Adult Entertainment Business									P6	P6	P6	
*	Theater									P	P	P	P25
7833	Theater, Drive-in										C		
793	Bowling Center									P	P		P
*	Golf Facility				C7 and 18	P7	P7	P7					
7999 (14)	Amusement and Recreation Services		P21	P 2 1	P8 P21 C15 and 18	P8 P21 P22 C15	P8 P21 P22 C15	P8 P21 P22 C15	P21 P22	P	P	P21	P21
*	Indoor Paintball Range									P26	P26		P26
*	Outdoor Paintball Range				C27	C27							
*	Shooting Range		C9		C9 and 18						C10		P10
*	Amusement Arcades									P	P		
7996	Amusement Park										C		
*	Outdoor Performance Center		S		C12 S18		P20	P20			S		
	<b>CULTURAL:</b>												
823	Library				P11	P11 C	P11 C	P28	P	P	P	P	
841	Museum	C2 3	C23		P11	P11 C	P11 C	P28	P	P	P	P	P
842	Arboretum	P	P		P	P	P	P	P	P	P	P	
*	Conference Center				P11 C12	P11 C12	P11 C	P11 C	P	P	P	P	

<b>GENERAL CROSS</b>	Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards see K.C.C.
<b>REFERENCES:</b>	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.

1023  
1024  
1025  
1026  
1027  
1028  
1029  
1030  
1031  
1032  
1033  
1034  
1035  
1036  
1037  
1038  
1039  
1040  
1041

B. Development conditions.

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

- a. No stadiums on sites less than ten acres;
- b. Lighting for structures and fields shall be directed away from residential areas;
- c. Structures or service yards shall maintain a minimum distance of fifty feet from property lines adjoining residential zones, except for fences, wire mesh backstops and structures in on-site recreation areas required in K.C.C. 21A.14.180 and 21A.14.190. Setback requirements for structures in these on-site required recreation areas shall be maintained in accordance with K.C.C. 21A.12.030;
- d. Facilities in the A zone shall be limited to trails and trailheads, including related accessory uses such as parking and sanitary facilities; and
- e. Overnight camping is allowed only in an approved campground.

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

- a. The maximum length of stay of any vehicle shall not exceed one hundred eighty days during a three-hundred-sixty-five-day period;
- b. The minimum distance between recreational vehicle pads shall be no less than ten feet; and

1042 c. Sewage shall be disposed in a system approved by the Seattle-King County  
1043 health department.

1044 3. Limited to day moorage. The marina shall not create a need for off-site  
1045 public services beyond those already available before the date of application.

1046 4. Not permitted in the RA-10 or RA-20 zones. Limited to recreation facilities  
1047 subject to the following conditions and limitations:

1048 a. The bulk and scale shall be compatible with residential or rural character of  
1049 the area;

1050 b. For sports clubs, the gross floor area shall not exceed ten thousand square  
1051 feet unless the building is on the same site or adjacent to a site where a public facility is  
1052 located or unless the building is a nonprofit facility located in the urban area; and

1053 c. Use is limited to residents of a specified residential development or to sports  
1054 clubs providing supervised instructional or athletic programs.

1055 5. Limited to day moorage.

1056 6.a. Adult entertainment businesses shall be prohibited within three hundred  
1057 thirty feet of any property zoned RA, UR or R or containing schools, licensed daycare  
1058 centers, public parks or trails, community centers, public libraries or churches. In  
1059 addition, adult entertainment businesses shall not be located closer than three thousand  
1060 feet to any other adult entertainment business. These distances shall be measured from  
1061 the property line of the parcel or parcels proposed to contain the adult entertainment  
1062 business to the property line of the parcels zoned RA, UR or R or that contain the uses  
1063 identified in this subsection B.6.a.



1064           b. Adult entertainment businesses shall not be permitted within an area likely  
1065 to be annexed to a city subject to an executed interlocal agreement between King County  
1066 and a city declaring that the city will provide opportunities for the location of adult  
1067 businesses to serve the area. The areas include those identified in the maps attached to  
1068 Ordinance 13546.

1069           7. Clubhouses, maintenance buildings, equipment storage areas and driving  
1070 range tees shall be at least fifty feet from residential property lines. Lighting for practice  
1071 greens and driving range ball impact areas shall be directed away from adjoining  
1072 residential zones. Applications shall comply with adopted best management practices for  
1073 golf course development. Within the RA zone, those facilities shall be permitted only in  
1074 the RA-5 and RA-2.5 zones. Not permitted in designated rural forest focus area,  
1075 regionally significant resource areas or locally significant resource areas. Ancillary  
1076 facilities associated with a golf course are limited to practice putting greens, maintenance  
1077 buildings and other structures housing administrative offices or activities that provide  
1078 convenience services to players. These convenience services are limited to a pro shop,  
1079 food services and dressing facilities and shall occupy a total of no more than ten thousand  
1080 square feet. Furthermore, the residential density that is otherwise permitted by the zone  
1081 shall not be used on other portions of the site through clustering or on other sites through  
1082 the transfer of density provision. This residential density clustering or transfer limitation  
1083 shall be reflected in a deed restriction that is recorded at the time applicable permits for  
1084 the development of the golf course are issued.

1085           8. Limited to golf driving ranges, only as:

1086           a. accessory to golf courses; or

1087           b. accessory to large active recreation and multiuse parks.

1088           9.a. New structures and outdoor ranges shall maintain a minimum distance of  
1089 fifty feet from property lines adjoining residential zones, but existing facilities shall be  
1090 exempt.

1091           b. Ranges shall be designed to prevent stray or ricocheting projectiles, pellets  
1092 or arrows from leaving the property.

1093           c. Site plans shall include: safety features of the range; provisions for reducing  
1094 sound produced on the firing line; elevations of the range showing target area, backdrops  
1095 or butts; and approximate locations of buildings on adjoining properties.

1096           d. Subject to the licensing provisions of K.C.C. Title 6.

1097           10.a. Only in an enclosed building, and subject to the licensing provisions of  
1098 K.C.C. Title 6;

1099           b. Indoor ranges shall be designed and operated so as to provide a healthful  
1100 environment for users and operators by:

1101           (1) installing ventilation systems that provide sufficient clean air in the user's  
1102 breathing zone, and

1103           (2) adopting appropriate procedures and policies that monitor and control  
1104 exposure time to airborne lead for individual users.

1105           11. Only as accessory to a park or in a building listed on the National Register  
1106 as an historic site or designated as a King County landmark subject to K.C.C. chapter  
1107 21A.32.

1108           12. Only as accessory to a nonresidential use established through a discretionary  
1109 permit process, if the scale is limited to ensure compatibility with surrounding

1110 neighborhoods. This condition applies to the UR zone only if the property is located  
1111 within a designated unincorporated rural town.

1112 13. Subject to the following:

1113 a. The park shall abut an existing park on one or more sides, intervening roads  
1114 notwithstanding;

1115 b. No bleachers or stadiums are permitted if the site is less than ten acres, and  
1116 no public amusement devices for hire are permitted;

1117 c. Any lights provided to illuminate any building or recreational area shall be  
1118 so arranged as to reflect the light away from any premises upon which a dwelling unit is  
1119 located; and

1120 d. All buildings or structures or service yards on the site shall maintain a  
1121 distance not less than fifty feet from any property line and from any public street.

1122 14. Excluding amusement and recreational uses classified elsewhere in this  
1123 chapter.

1124 15. For amusement and recreation services not otherwise provided for in this  
1125 chapter:

1126 a. In the RA zones, not subject to regulation under K.C.C. Title 6 and only on  
1127 sites at least five acres or larger;

1128 b. Retail sales are limited to incidental sales to patrons of the amusement or  
1129 recreation service; and

1130 c. Does not involve the operation of motor vehicles or off-road vehicles,  
1131 including, but not limited to, motorcycles and gocarts.

1132 16. Subject to the following conditions:

1133           a. The length of stay per party in campgrounds shall not exceed one hundred  
1134 eighty days during a three-hundred-sixty-five-day period; and

1135           b. Only for campgrounds that are part of a proposed or existing county park,  
1136 that are subject to review and public meetings through the department of natural  
1137 resources and parks.

1138           17. Only for stand-alone sports clubs that are not part of a park.

1139           18. Subject to review and approval of conditions to comply with trail corridor  
1140 provisions of K.C.C. chapter 21A.14 when located in an RA zone.

1141           19. Only as accessory to a large active recreation and multiuse park.

1142           20. Only as accessory to a large active recreation and multiuse park with the  
1143 floor area of an individual outdoor performance center stage limited to three thousand  
1144 square feet.

1145           21. Limited to rentals of sports and recreation equipment with a total floor area  
1146 of no more than seven hundred fifty square feet and only as accessory to a park, or in the  
1147 RA zones, to a large active recreation and multiuse park.

1148           22. Only as accessory to a large active recreation and multiuse park and limited  
1149 to:

1150           a. water slides, wave pools and associated water recreation facilities; and

1151           b. rentals of sports and recreation equipment.

1152           23. Limited to natural resource and heritage museums and only allowed in a  
1153 farm or forestry structure, including, but not limited to barns or sawmills, existing as of  
1154 December 31, 2003.

1155           24. Use is permitted without a conditional use permit only when in compliance  
1156 with all of the following conditions:

1157           a. The use is limited to camps for youths or for persons with special needs due  
1158 to a disability, as defined by the American With Disabilities Act of 1990, or due to a  
1159 medical condition and including training for leaders for those who use the camp;

1160           b. Active recreational activities shall not involve the use of motorized vehicles  
1161 such as cross-country motorcycles or all-terrain vehicles or the use of firearms. The  
1162 prohibition on motorized vehicles does not apply to such vehicles that may be necessary  
1163 for operation and maintenance of the facility or to a client-specific vehicle used as a  
1164 personal mobility device;

1165           c.(1) Except as provided in subsection B.24.c.(2)(b) of this section, the number  
1166 of overnight campers, not including camp personnel, in a new camp shall not exceed:

1167                   (a) one hundred and fifty for a camp between twenty and forty acres; or

1168                   (b) for a camp greater than forty acres, but less than two hundred and fifty  
1169 acres, the number of users allowed by the design capacity of a water system and on-site  
1170 sewage disposal system approved by the department of health, Seattle/King County, up to  
1171 a maximum of three hundred and fifty; and

1172           (2) Existing camps shall be subject to the following:

1173                   (a) For a camp established before August 11, 2005, with a conditional use  
1174 permit and is forty acres or larger, but less than one hundred and sixty acres, the number  
1175 of overnight campers, not including camp personnel, may be up to one hundred and fifty  
1176 campers over the limit established by subsection B.24.c.(1)(b) of this section.

1177 (b) For a camp established before August 11, 2005, with a conditional use  
1178 permit and is one hundred and sixty acres or larger, but less than two hundred acres, the  
1179 number of overnight campers, not including camp personnel, may be up to three hundred  
1180 and fifty campers over the limit established by subsection B.24.c.(1)(b) of this section.  
1181 The camp may terminate operations at its existing site and establish a new camp if the  
1182 area of the camp is greater than two hundred and fifty acres and the number of overnight  
1183 campers, not including camp personnel, shall not exceed seven hundred.

1184 d. The length of stay for any individual overnight camper, not including camp  
1185 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

1186 e. The camp facilities, such as a medical station, food service hall, and activity  
1187 rooms, shall be of a scale to serve overnight camp users;

1188 f. The minimum size of parcel for such use shall be twenty acres;

1189 g. Except for any permanent caretaker residence, all new structures where  
1190 camp users will be housed, fed or assembled shall be no less than fifty feet from  
1191 properties not related to the camp;

1192 h. In order to reduce the visual impacts of parking areas, sports and activity  
1193 fields or new structures where campers will be housed, fed or assembled, the applicant  
1194 shall provide a Type 3 landscape buffer no less than twenty feet wide between the nearest  
1195 property line and such parking area, field, or structures, by retaining existing vegetation  
1196 or augmenting as necessary to achieve the required level of screening;

1197 i. If the site is adjacent to an arterial roadway, access to the site shall be  
1198 directly onto said arterial unless direct access is unsafe due inadequate sight distance or  
1199 extreme grade separation between the roadway and the site;

1200           j. If direct access to the site is via local access streets, transportation demand  
1201 management measures, such as use of carpools, buses or vans to bring in campers, shall  
1202 be used to minimize traffic impacts;

1203           k. Any lights provided to illuminate any building or recreational area shall be  
1204 so arranged as to reflect the light away from any adjacent property; and

1205           l. A community meeting shall be convened by the applicant before submittal  
1206 of an application for permits to establish a camp, or to expand the number of camp users  
1207 on an existing camp site as provided in subsection B.24.c.(2)(b) of this section. Notice of  
1208 the meeting shall be provided at least two weeks in advance to all property owners within  
1209 five hundred feet, or at least twenty of the nearest property owners, whichever is greater.  
1210 The notice shall at a minimum contain a brief description of the project and the location,  
1211 as well as, contact persons and numbers.

1212           25. Limited to theaters primarily for live productions located within a Rural  
1213 Town designated by the King County Comprehensive Plan.

1214           26.a. Only in an enclosed building; and

1215           b. A copy of the current liability policy of not less than one million dollars for  
1216 bodily injury or death shall be maintained in the department.

1217           27. Minimum standards for outdoor paintball recreation fields:

1218           a. The minimum site area is twenty-five acres;

1219           b. Structure shall be no closer than one hundred feet from any lot line adjacent  
1220 to a residential zoned property;

1221           c. The area where paintballs are discharged shall be located more than three  
1222 hundred feet of any lot line and more than five hundred feet from the lot line of any

1223 adjoining residential property. The department may allow for a lesser setback if it  
1224 determines through the conditional use permit review that the lesser setback in  
1225 combination with other elements of the site design provides adequate protection to  
1226 adjoining properties and rights-of-ways;

1227           d. A twenty-foot high nylon mesh screen shall be installed around all play areas  
1228 and shall be removed at the end of each day when the play area is not being used. The  
1229 department may allow for the height of the screen to be lowered to no less than ten feet if  
1230 it determines through the conditional use permit review that the lower screen in  
1231 combination with other elements of the site design provides adequate protection from  
1232 discharged paintballs;

1233           e. All parking and spectator areas, structures and play areas shall be screened  
1234 from adjoining residential zoned property and public rights of way with Type 1  
1235 landscaping at least ten feet wide;

1236           f. Any retail sales conducted on the property shall be accessory and incidental  
1237 to the permitted activity and conducted only for the participants of the site;

1238           g. A plan of operations specifying days and hours of operation, number of  
1239 participants and employees, types of equipment to be used by users of the site, safety  
1240 procedures, type of compressed air fuel to be used on the site and storage and  
1241 maintenance procedures for the compressed air fuel shall be provided for review in  
1242 conjunction with the conditional use permit application. All safety procedures shall be  
1243 reviewed and approved by department of public safety before submittal of the conditional  
1244 use permit application. All activities shall be in compliance with National Paintball  
1245 League standards;



1246 h. The hours of operation shall be limited to Saturdays and Sundays and  
1247 statutory holidays from 8:30 A.M. to 8:30 P.M., and further restricted as applicable to  
1248 daylight hours;

1249 i. No more than one hundred paintball players shall be allowed on the site at  
1250 any one time;

1251 j. No outdoor lights or amplified sounds shall be permitted;

1252 k. The facility shall have direct access to a road designated as a major collector  
1253 (or higher) in the Comprehensive Plan unless the department determines through the  
1254 conditional use permit review that the type and amount of traffic generated by the facility  
1255 is such that it will not cause an undue impact on the neighbors or adversely affect safety  
1256 of road usage;

1257 l. The facility shall be secured at the close of business each day;

1258 m. All equipment and objects used in the paintball activities shall be removed  
1259 from the site within ninety days of the discontinuance of the paintball use; and

1260 n. A copy of the current liability policy of not less than one million dollars for  
1261 bodily injury or death shall be submitted with the conditional use permit application and  
1262 shall be maintained in the department.

1263 28. Before filing an application with the department, the applicant shall hold a  
1264 community meeting in accordance with section 10 of this ordinance.

1265 SECTION 32. Ordinance 10870, Section 332, as amended, and K.C.C.

1266 21A.08.050 are each hereby amended to read as follows:

1267 A. General services land uses.

KEY	RESOURCE	<u>RURAL</u>	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 A	E		N	O S	I S	A S		R
			T		R			T	R S	T S	L S		I
			U		E			I	H	Y			A
			R		A			A	O				L
			E					L	D				
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 C37	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 and 31	P24 C5 and 31	P24 C5 and 31	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 (1)								P11	P	P		P
754	Automotive Service								P11	P	P		P

Ordinance 17191

76	Miscellaneous Repair	P33			P32 P33	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	
83	Social Services (2)				P12 P13 C31	P12 P13 C	P12 P13 C	P12 P13 C	P	P	P	P	
0752	Animal specialty services				C P35 P36	C			P	P	P	P	P
*	Stable	P14 C			P14 C31	P14 C	P14 C						
*	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 C13a	P12 C13a	P12 C13a C37	P12 C13a C37	P	P	P	P	P
805	Nursing and Personal Care Facilities						C			P	P		
806	Hospital						C13a	C13a		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	P	P	P		P16c	P16c	P16c	

				31								
*	Middle/Junior High School			P16 C15 and 31	P	P	P		P16c	P16c	P16c	
*	Secondary or High School			P16 C15 and 26 and 31	P26	P26	P26		P16c C	P16c C	P16c	
*	Vocational School			P13a C31	P13a C	P13a C	P13a C			P	P17	P
*	Specialized Instruction School		P18	P19 C20 and 31	P19 C20	P19 C20	P19 C20	P	P	P	P17	P38
*	School District Support Facility			P16 C15 and 23 and 31	P23 C	P23 C	P23 C	C	P	P	P	P
<p><b>GENERAL CROSS</b> Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; 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.</p>												

1268 B. Development conditions.

1269 1. Except SIC Industry No. 7534-Tire Retreading, see manufacturing permitted

1270 use table.

1271 2. Except SIC Industry Group Nos.:

1272 a. 835-Day Care Services, and

1273 b. 836-Residential Care, which is otherwise provided for on the residential

1274 permitted land use table.

1275 3. Limited to SIC Industry Group and Industry Nos.:

1276 a. 723-Beauty Shops;

1277 b. 724-Barber Shops;

1278 c. 725-Shoe Repair Shops and Shoeshine Parlors;

- 1279           d. 7212-Garment Pressing and Agents for Laundries and Drycleaners; and  
1280           e. 217-Carpet and Upholstery Cleaning.
- 1281           4. Only as accessory to a cemetery, and prohibited from the UR zone only if the  
1282 property is located within a designated unincorporated Rural Town.
- 1283           5. Structures shall maintain a minimum distance of one hundred feet from  
1284 property lines adjoining residential zones.
- 1285           6. Only as accessory to residential use, and:
- 1286           a. Outdoor play areas shall be completely enclosed by a solid wall or fence,  
1287 with no openings except for gates, and have a minimum height of six feet; and
- 1288           b. Outdoor play equipment shall maintain a minimum distance of twenty feet  
1289 from property lines adjoining residential zones.
- 1290           7. Permitted as an accessory use. See commercial/industrial accessory, K.C.C.  
1291 21A.08.060.A.
- 1292           8. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32,  
1293 or an accessory use to a school, church, park, sport club or public housing administered  
1294 by a public agency, and:
- 1295           a. Outdoor play areas shall be completely enclosed by a solid wall or fence,  
1296 with no openings except for gates and have a minimum height of six feet;
- 1297           b. Outdoor play equipment shall maintain a minimum distance of twenty feet  
1298 from property lines adjoining residential zones;
- 1299           c. Direct access to a developed arterial street shall be required in any  
1300 residential zone; and

1301 d. Hours of operation may be restricted to assure compatibility with  
1302 surrounding development.

1303 9.a. As a home occupation only, but the square footage limitations in K.C.C.  
1304 chapter 21A.30 for home occupations apply only to the office space for the veterinary  
1305 clinic, office space for the kennel or office space for the cattery, and:

1306 (1) Boarding or overnight stay of animals is allowed only on sites of five  
1307 acres or more;

1308 (2) No burning of refuse or dead animals is allowed;

1309 (3) The portion of the building or structure in which animals are kept or  
1310 treated shall be soundproofed. All run areas, excluding confinement areas for livestock,  
1311 shall be surrounded by an eight-foot-high solid wall and the floor area shall be surfaced  
1312 with concrete or other impervious material; and

1313 (4) The provisions of K.C.C. chapter 21A.30 relative to animal keeping are  
1314 met.

1315 b. The following additional provisions apply to kennels or catteries in the A  
1316 zone:

1317 (1) Impervious surface for the kennel or cattery shall not exceed twelve  
1318 thousand square feet;

1319 (2) Obedience training classes are not allowed except as provided in  
1320 subsection B.34. of this section; and

1321 (3) Any buildings or structures used for housing animals and any outdoor  
1322 runs shall be set back one hundred and fifty feet from property lines.

1323 10.a. No burning of refuse or dead animals is allowed;

1324           b. The portion of the building or structure in which animals are kept or treated  
1325 shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be  
1326 surrounded by an eight-foot-high solid wall and the floor area shall be surfaced with  
1327 concrete or other impervious material; and

1328           c. The provisions of K.C.C. chapter 21A.30 relative to animal keeping are met.

1329           11. The repair work or service shall only be performed in an enclosed building,  
1330 and no outdoor storage of materials. SIC Industry No. 7532-Top, Body, and Upholstery  
1331 Repair Shops and Paint Shops is not allowed.

1332           12. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.  
1333 Before filing an application with the department, the applicant shall hold a community  
1334 meeting in accordance with section 10 of this ordinance.

1335           13.a. Except as otherwise provided in 13.b. of this subsection, only as a reuse of  
1336 a surplus nonresidential facility subject to K.C.C. chapter 21A.32.

1337           b. Allowed for a social service agency on a site in the NB zone that serves  
1338 transitional or low-income housing located within three hundred feet of the site on which  
1339 the social service agency is located.

1340           c. Before filing an application with the department, the applicant shall hold a  
1341 community meeting in accordance with section 10 of this ordinance.

1342           14. Covered riding arenas are subject to K.C.C. 21A.30.030 and shall not  
1343 exceed twenty thousand square feet, but stabling areas, whether attached or detached,  
1344 shall not be counted in this calculation.

1345           15. Limited to projects that do not require or result in an expansion of sewer  
1346 service outside the urban growth area, unless a finding is made that no cost-effective

1347 alternative technologies are feasible, in which case a tightline sewer sized only to meet  
1348 the needs of the public school, as defined in RCW 28A.150.010, or the school district  
1349 support facility and serving only the public school or the school district support facility  
1350 may be used. New public high schools shall be permitted subject to the review process in  
1351 K.C.C. 21A.42.140.

1352           16.a. For middle or junior high schools and secondary or high schools or school  
1353 district support facilities, only as a reuse of a public school ((~~facility~~)) or school district  
1354 support facility subject to K.C.C. chapter 21A.32. An expansion of such a school or a  
1355 school district support facility shall be subject to approval of a conditional use permit and  
1356 the expansion shall not require or result in an extension of sewer service outside the  
1357 urban growth area, unless a finding is made that no cost-effective alternative technologies  
1358 are feasible, in which case a tightline sewer sized only to meet the needs of the public  
1359 school, as defined in RCW 28A.150.010, or the school district support facility may be  
1360 used.

1361           b. Renovation, expansion, modernization or reconstruction of a school, a  
1362 school district support facility, or the addition of relocatable facilities, is permitted but  
1363 shall not require or result in an expansion of sewer service outside the urban growth area,  
1364 unless a finding is made that no cost-effective alternative technologies are feasible, in  
1365 which case a tightline sewer sized only to meet the needs of the public school, as defined  
1366 in RCW 28A.150.010, or the school district support facility may be used.

1367           c. In CB, RB and O, for K-12 schools with no more than one hundred students.

1368           17. All instruction must be within an enclosed structure.

1369           18. Limited to resource management education programs.



- 1370 19. Only as accessory to residential use, and:
- 1371 a. Students shall be limited to twelve per one-hour session;
- 1372 b. Except as provided in subsection c. of this subsection, all instruction must
- 1373 be within an enclosed structure;
- 1374 c. Outdoor instruction may be allowed on properties at least two and one-half
- 1375 acres in size. Any outdoor activity must comply with the requirements for setbacks in
- 1376 K.C.C. chapter 21A.12; and
- 1377 d. Structures used for the school shall maintain a distance of twenty-five feet
- 1378 from property lines adjoining residential zones.
- 1379 20. Subject to the following:
- 1380 a. Structures used for the school and accessory uses shall maintain a minimum
- 1381 distance of twenty-five feet from property lines adjoining residential zones;
- 1382 b. On lots over two and one-half acres:
- 1383 (1) Retail sale of items related to the instructional courses is permitted, if total
- 1384 floor area for retail sales is limited to two thousand square feet;
- 1385 (2) Sale of food prepared in the instructional courses is permitted with
- 1386 Seattle-King County department of public health approval, if total floor area for food
- 1387 sales is limited to one thousand square feet and is located in the same structure as the
- 1388 school; and
- 1389 (3) Other incidental student-supporting uses are allowed, if such uses are
- 1390 found to be both compatible with and incidental to the principal use; and
- 1391 c. On sites over ten acres, located in a designated Rural Town and zoned any
- 1392 one or more of UR, R-1 and R-4:

- 1393           (1) Retail sale of items related to the instructional courses is permitted,  
1394 provided total floor area for retail sales is limited to two thousand square feet;
- 1395           (2) Sale of food prepared in the instructional courses is permitted with  
1396 Seattle-King County department of public health approval, if total floor area for food  
1397 sales is limited to one thousand seven hundred fifty square feet and is located in the same  
1398 structure as the school;
- 1399           (3) Other incidental student-supporting uses are allowed, if the uses are found  
1400 to be functionally related, subordinate, compatible with and incidental to the principal  
1401 use;
- 1402           (4) The use shall be integrated with allowable agricultural uses on the site;
- 1403           (5) Advertised special events shall comply with the temporary use  
1404 requirements of this chapter; and
- 1405           (6) Existing structures that are damaged or destroyed by fire or natural event,  
1406 if damaged by more than fifty percent of their prior value, may reconstruct and expand an  
1407 additional sixty-five percent of the original floor area but need not be approved as a  
1408 conditional use if their use otherwise complies with development condition B.20.c. of this  
1409 section and this title.
- 1410           21. Limited to drop box facilities accessory to a public or community use such  
1411 as a school, fire station or community center.
- 1412           22. With the exception of drop box facilities for the collection and temporary  
1413 storage of recyclable materials, all processing and storage of material shall be within  
1414 enclosed buildings. Yard waste processing is not permitted.
- 1415           23. Only if adjacent to an existing or proposed school.

1416           24. Limited to columbariums accessory to a church, but required landscaping  
1417 and parking shall not be reduced.

1418           25. Not permitted in R-1 and limited to a maximum of five thousand square feet  
1419 per establishment and subject to the additional requirements in K.C.C. 21A.12.230.

1420           26.a. New high schools shall be permitted in the rural and the urban residential  
1421 and urban reserve zones subject to the review process in K.C.C. 21A.42.140.

1422           b. Renovation, expansion, modernization, or reconstruction of a school, or the  
1423 addition of relocatable facilities, is permitted.

1424           27. Limited to projects that do not require or result in an expansion of sewer  
1425 service outside the urban growth area. In addition, such use shall not be permitted in the  
1426 RA-20 zone.

1427           28. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter  
1428 21A.32 or as a joint use of an existing public school facility.

1429           29. All studio use must be within an enclosed structure.

1430           30. Adult use facilities shall be prohibited within six hundred sixty feet of any  
1431 residential zones, any other adult use facility, school, licensed daycare centers, parks,  
1432 community centers, public libraries or churches that conduct religious or educational  
1433 classes for minors.

1434           31. Subject to review and approval of conditions to comply with trail corridor  
1435 provisions of K.C.C. chapter 21A.14 when located in an RA zone.

1436           32. Limited to repair of sports and recreation equipment:

1437           a. as accessory to a large active recreation and multiuse park in the urban  
1438 growth area; or

1439           b. as accessory to a park, or a large active recreation and multiuse park in the  
1440 RA zones, and limited to a total floor area of seven hundred fifty square feet.

1441           33. Accessory to agricultural or forestry uses provided:

1442           a. the repair of tools and machinery is limited to those necessary for the  
1443 operation of a farm or forest.

1444           b. the lot is at least five acres.

1445           c. the size of the total repair use is limited to one percent of the lot size up to a  
1446 maximum of five thousand square feet unless located in a farm structure, including, but  
1447 not limited to barns, existing as of December 31, 2003.

1448           34. Subject to the following:

1449           a. the lot is at least five acres;

1450           b. in the A zones, area used for dog training shall be located on portions of  
1451 agricultural lands that are unsuitable for other agricultural purposes, such as areas within  
1452 the already developed portion of such agricultural lands that are not available for direct  
1453 agricultural production or areas without prime agricultural soils;

1454           c. structures and areas used for dog training shall maintain a minimum distance  
1455 of seventy-five feet from property lines; and

1456           d. all training activities shall be conducted within fenced areas or in indoor  
1457 facilities. Fences must be sufficient to contain the dogs.

1458           35. Limited to animal rescue shelters and provided that:

1459           a. the property shall be at least four acres;

1460           b. buildings used to house rescued animals shall be no less than fifty feet from  
1461 property lines;

1462 c. outdoor animal enclosure areas shall be located no less than thirty feet from  
1463 property lines and shall be fenced in a manner sufficient to contain the animals;

1464 d. the facility shall be operated by a nonprofit organization registered under the  
1465 Internal Revenue Code as a 501(c)(3) organization; and

1466 e. the facility shall maintain normal hours of operation no earlier than 7 a.m.  
1467 and no later than 7 p.m.

1468 36. Limited to kennel-free dog boarding and daycare facilities, and:

1469 a. the property shall be at least four and one-half acres;

1470 b. buildings housing dogs shall be no less than seventy-five feet from property  
1471 lines;

1472 c. outdoor exercise areas shall be located no less than thirty feet from property  
1473 lines and shall be fenced in a manner sufficient to contain the dogs;

1474 d. the number of dogs allowed on the property at any one time shall be limited  
1475 to ~~((twenty five, consistent with the provisions))~~ the number allowed for hobby kennels,  
1476 as provided in K.C.C. 11.04.060.B;

1477 e. training and grooming are ancillary services that may be provided only to  
1478 dogs staying at the facility; and

1479 f. the facility shall maintain normal hours of operation no earlier than 7 a.m.  
1480 and no later than 7 p.m..

1481 37. Not permitted in R-1 and subject to the additional requirements in K.C.C.  
1482 21A.12.250.

1483 38. Driver training is limited to driver training schools licensed under chapter  
1484 46.82 RCW.

1485 SECTION 33. Ordinance 10870, Section 334, as amended, and K.C.C.

1486 21A.08.070 are each hereby amended to read as follows:

1487 A. Retail land uses.

KEY		RESOURCE			<u>RURA</u>	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	<u>A</u>		E		N	O	S	I	S	A	S		R
		T				<u>R</u>				T	R	S	T	S	L	S		I
		U				<u>E</u>				I	H		Y					A
		R				<u>A</u>				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					
*	Building Materials and Hardware Stores		P23						P2	P	P							
*	Nursery, Garden Center and Farm Supply Stores	P1 C1			P1 C1				P	P	P							
*	Forest Products Sales	P3 and 4	P4		P3 and 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	<u>P25</u>	<u>P25</u>	<u>P25</u>	<u>P25</u>	<u>P25</u>	<u>P25</u>					
<u>*</u>	<u>Farmers Market</u>	<u>P24</u>	<u>P24</u>		<u>P24</u>	<u>P24</u>	<u>P24</u>	<u>P24</u>	<u>P24</u>	<u>P24</u>	<u>P24</u>	<u>P24</u>	<u>P24</u>					
*	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	
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
*	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; Development Standards, see K.C.C.											
<b>REFERENCES:</b>		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.											

1488

B. Development conditions.

1489

1.a. As a permitted use, covered sales areas shall not exceed a total area of two

1490

thousand square feet, unless located in a building designated as historic resource under

1491

K.C.C. chapter 20.62. With a conditional uses permit, covered sales areas of up to three

1492

thousand five hundred square feet may be allowed. Greenhouses used for the display of

1493

merchandise other than plants shall be considered part of the covered sales area.

1494

Uncovered outdoor areas used to grow or display trees, shrubs, or other plants are not

1495

considered part of the covered sales area;

1496

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

1497

c. Sales may include locally made arts and crafts; and

1498

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

1499

2. Only hardware stores.

1500

3.a. Limited to products grown on site.

1501

b. Covered sales areas shall not exceed a total area of five hundred square feet.

1502

4. No permanent structures or signs.

1503

5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a

1504

maximum of two thousand square feet of gross floor area.

1505

6. Limited to a maximum of two thousand square feet of gross floor area.



1506           7.a. As a permitted use, the covered sales area shall not exceed two thousand  
1507 square feet, unless located in (({a})) a building designated as (({a})) a historic resource  
1508 under K.C.C. chapter 20.62. As a conditional use, up to three thousand five hundred  
1509 square feet of covered sales area may be allowed;

1510           b. The site area shall be at least four and one-half acres;

1511           c. Forty percent or more of the gross sales of agricultural product sold through  
1512 the store must be sold by the producers of primary agricultural products;

1513           d. Sixty percent or more of the gross sales of agricultural products sold through  
1514 the store shall be derived from products grown or produced in the Puget Sound counties.

1515           At the time of the initial application, the applicant shall submit a reasonable projection of  
1516 the source of product sales;

1517           e. Sales shall be limited to agricultural products and locally made arts and  
1518 crafts;

1519           f. Storage areas for agricultural products may be included in a farm store  
1520 structure or in any accessory building; and

1521           g. Outside lighting is permitted if no off-site glare is allowed.

1522           8. Excluding retail sale of trucks exceeding one-ton capacity.

1523           9. Only the sale of new or reconditioned automobile supplies is permitted.

1524           10. Excluding SIC Industry No. 5813-Drinking Places.

1525           11. No outside storage of fuel trucks and equipment.

1526           12. Excluding vehicle and livestock auctions.

1527           13. Only as accessory to a winery or SIC Industry No. 2082-Malt Beverages,  
1528 and limited to sales of products produced on site and incidental items where the majority  
1529 of sales are generated from products produced on site.

1530           14. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to a  
1531 maximum of five thousand square feet of gross floor area, and subject to K.C.C.  
1532 21A.12.330.

1533           15. Not permitted in R-1 and limited to a maximum of five thousand square feet  
1534 of gross floor area and subject to K.C.C. 21A.12.230.

1535           16. Not permitted in R-1 and excluding SIC Industry No. 5813-Drinking Places,  
1536 and limited to a maximum of five thousand square feet of gross floor area and subject to  
1537 K.C.C. 21A.12.230, except as provided in subsection B.20. of this section.

1538           17. Retail sale of livestock is permitted only as accessory to raising livestock.

1539           18. Limited to the R-1 zone.

1540           19. Only as:

1541           a. an accessory use to a permitted manufacturing or retail land use, limited to  
1542 espresso stands to include sales of beverages and incidental food items, and not to include  
1543 drive-through sales; or

1544           b. an accessory use to a large active recreation and multiuse park, limited to a  
1545 total floor area of three thousand five hundred square feet.

1546           20. Only as:

1547           a. an accessory to a large active recreation and multiuse park; or

1548           b. an accessory to a park and limited to a total floor area of one thousand five  
1549 hundred square feet.

1550           21. Accessory to a park, limited to a total floor area of seven hundred fifty  
1551 square feet.

1552           22. Only as an accessory to:

1553           a. a large active recreation and multiuse park in the urban growth area; or

1554           b. a park, or a large active recreation and multiuse park in the RA zones, and

1555 limited to a total floor area of seven hundred and fifty square feet.

1556           23. Only as accessory to SIC Industry Group No. 242-Sawmills and;

1557           a. limited to lumber milled on site; and

1558           b. the covered sales area is limited to two thousand square feet. The covered

1559 sales area does not include covered areas used to display only milled lumber.

1560           24. Requires at least five farmers selling their own products at each market and

1561 the annual value of sales by farmers should exceed the annual sales value of non-farmer

1562 vendors.

1563           25. Limited to sites located within the urban growth area and:

1564           a. The sales area shall be limited to three hundred square feet and must be

1565 removed each evening;

1566           b. There must be legal parking that is easily available for customers; and

1567           d. The site must be in an area that is easily accessible to the public, will

1568 accommodate multiple shoppers at one time and does not infringe on neighboring

1569 properties.

1570           SECTION 34. Ordinance 10870, Section 336, as amended, and K.C.C.

1571 21A.08.090 are each hereby amended to read as follows:

1572           A. Resource land uses.

KEY		RESOURCE			<u>RURA</u>	RESIDENTIAL			COMMERCIAL/INDUSTRIAL								
P-Permitted Use	Z	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
	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	<u>A</u>				N	O	S	I	S	A	S		R
	T				<u>R</u>				T	R	S	T	S	L	S		I
	U				<u>E</u>				I	H		Y					A
	R				<u>A</u>				A	O							L
	E								L	O							
										D							
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1	R12	NB	CB	RB	O	I				
	<b>AGRICULTURE</b>																
	:																
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	C1															
		0															
*	Agriculture-related special needs camp	P12															
*	Agricultural Anaerobic Digester	P13															
	<b>FORESTRY:</b>																
08	Growing & Harvesting Forest Production	P	P	P7	P	P	P						P				

*	Forest Research		P		P	P						P	P
												2	
	<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 C1 1									
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block		P8 C1 1	P8 C1 1									P
	<b>ACCESSORY USES:</b>												
*	Resource Accessory Uses	P3	P4	P5	P3	P3							P 4
<b>GENERAL CROSS REFERENCES:</b>		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; 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.											

1573

B. Development conditions.

1574

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

1575

2. Only forest research conducted within an enclosed building.

1576

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

1577

4. Excluding housing for agricultural workers.

1578           5. Limited to either maintenance or storage facilities, or both, in conjunction  
1579 with mineral extraction or processing operation.

1580           6. Large livestock allowed in accordance with K.C.C. chapter 21A.30.

1581           7. Only in conjunction with a mineral extraction site plan approved in  
1582 accordance with K.C.C. chapter 21A.22.

1583           8. Only on the same lot or same group of lots under common ownership or  
1584 documented legal control, which includes, but is not limited to, fee simple ownership, a  
1585 long-term lease or an easement:

1586           a. as accessory to a primary mineral extraction use;

1587           b. as a continuation of a mineral processing only for that period to complete  
1588 delivery of products or projects under contract at the end of a mineral extraction; or

1589           c. for a public works project under a temporary grading permit issued in  
1590 accordance with K.C.C. 16.82.152.

1591           9. Limited to mineral extraction and processing:

1592           a. on a lot or group of lots under common ownership or documented legal control,  
1593 which includes but is not limited to, fee simple ownership, a long-term lease or an  
1594 easement;

1595           b. that are located greater than one-quarter mile from an established residence;

1596 and

1597           c. that do not use local access streets that abut lots developed for residential  
1598 use.

1599           10. Agriculture training facilities are allowed only as an accessory to existing  
1600 agricultural uses and are subject to the following conditions:

- 1601           a. The impervious surface associated with the agriculture training facilities  
1602 shall comprise not more than ten percent of the allowable impervious surface permitted  
1603 under K.C.C. 21A.12.040;
- 1604           b. New or the expansion of existing structures, or other site improvements,  
1605 shall not be located on class 1, 2 or 3 soils;
- 1606           c. The director may require reuse of surplus structures to the maximum extent  
1607 practical;
- 1608           d. The director may require the clustering of new structures with existing  
1609 structures;
- 1610           e. New structures or other site improvements shall be set back a minimum  
1611 distance of seventy-five feet from property lines adjoining residential zones;
- 1612           f. Bulk and design of structures shall be compatible with the architectural style  
1613 of the surrounding agricultural community;
- 1614           g. New sewers shall not be extended to the site;
- 1615           h. Traffic generated shall not impede the safe and efficient movement of  
1616 agricultural vehicles, nor shall it require capacity improvements to rural roads;
- 1617           i. Agriculture training facilities may be used to provide educational services to  
1618 the surrounding rural/agricultural community or for community events. Property owners  
1619 may be required to obtain a temporary use permit for community events in accordance  
1620 with K.C.C. chapter 21A.32;
- 1621           j. Use of lodging and food service facilities shall be limited only to activities  
1622 conducted in conjunction with training and education programs or community events  
1623 held on site;

1624 k. Incidental uses, such as office and storage, shall be limited to those that  
1625 directly support education and training activities or farm operations; and

1626 l. The King County agriculture commission shall be notified of and have an  
1627 opportunity to comment upon all proposed agriculture training facilities during the permit  
1628 process in accordance with K.C.C. chapter 21A.40.

1629 11. Continuation of mineral processing and asphalt/concrete mixtures and block  
1630 uses after reclamation in accordance with an approved reclamation plan.

1631 12.a. Activities at the camp shall be limited to agriculture and agriculture-  
1632 oriented activities. In addition, activities that place minimal stress on the site's  
1633 agricultural resources or activities that are compatible with agriculture are permitted.

1634 (1) passive recreation;

1635 (2) training of individuals who will work at the camp;

1636 (3) special events for families of the campers; and

1637 (4) agriculture education for youth.

1638 b. Outside the camp center, as provided for in subsection B.12.e of this section,  
1639 camp activities shall not preclude the use of the site for agriculture and agricultural  
1640 related activities, such as the processing of local food to create value-added products and  
1641 the refrigeration and storage of local agricultural products. The camp shall be managed  
1642 to coexist with agriculture and agricultural activities both onsite and in the surrounding  
1643 area.

1644 c. A farm plan shall be required for commercial agricultural production to  
1645 ensure adherence to best management practices and soil conservation.



1646           d.(1) The minimum site area shall be five hundred acres. Unless the property  
1647 owner has sold or transferred the development rights as provided in subsection B.12.c.(3)  
1648 of this section, a minimum of five hundred acres of the site must be owned by a single  
1649 individual, corporation, partnership or other legal entity and must remain under the  
1650 ownership of a single individual, corporation, partnership or other legal entity for the  
1651 duration of the operation of the camp.

1652           (2) Nothing in subsection B.12.d.(1) of this section prohibits the property  
1653 owner from selling or transferring the development rights for a portion or all of the site to  
1654 the King County farmland preservation program or, if the development rights are  
1655 extinguished as part of the sale or transfer, to a nonprofit entity approved by the director;

1656           e. The impervious surface associated with the camp shall comprise not more  
1657 than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;

1658           f. Structures for living quarters, dining facilities, medical facilities and other  
1659 nonagricultural camp activities shall be located in a camp center. The camp center shall  
1660 be no more than fifty acres and shall be depicted on a site plan. New structures for  
1661 nonagricultural camp activities shall be clustered with existing structures;

1662           g. To the extent practicable, existing structures shall be reused. The applicant  
1663 shall demonstrate to the director that a new structure for nonagricultural camp activities  
1664 cannot be practicably accommodated within an existing structure on the site, though  
1665 cabins for campers shall be permitted only if they do not already exist on site;

1666           h. Camp facilities may be used to provide agricultural educational services to  
1667 the surrounding rural and agricultural community or for community events. If required

1668 by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for  
1669 community events;

1670 i. Lodging and food service facilities shall only be used for activities related to  
1671 the camp or for agricultural education programs or community events held on site;

1672 j. Incidental uses, such as office and storage, shall be limited to those that  
1673 directly support camp activities, farm operations or agricultural education programs;

1674 k. New nonagricultural camp structures and site improvements shall maintain a  
1675 minimum set-back of seventy-five feet from property lines adjoining residential zones;

1676 l. Except for legal nonconforming structures existing as of January 1, 2007,  
1677 camp facilities, such as a medical station, food service hall and activity rooms, shall be of  
1678 a scale to serve overnight camp users;

1679 m. Landscaping equivalent to a type III landscaping screen, as provided for in  
1680 K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures  
1681 and site improvements located within two hundred feet of an adjacent residential zoned  
1682 property not associated with the camp;

1683 n. New sewers shall not be extended to the site;

1684 o. The total number of persons staying overnight shall not exceed three  
1685 hundred;

1686 p. The length of stay for any individual overnight camper, not including camp  
1687 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

1688 q. Traffic generated by camp activities shall not impede the safe and efficient  
1689 movement of agricultural vehicles nor shall it require capacity improvements to rural  
1690 roads;

1691 r. If the site is adjacent to an arterial roadway, access to the site shall be  
1692 directly onto the arterial unless the county road engineer determines that direct access is  
1693 unsafe;

1694 s. If direct access to the site is via local access streets, transportation  
1695 management measures shall be used to minimize adverse traffic impacts;

1696 t. Camp recreational activities shall not involve the use of motor vehicles  
1697 unless the motor vehicles are part of an agricultural activity or are being used for the  
1698 transportation of campers, camp personnel or the families of campers. Camp personnel  
1699 may use motor vehicles for the operation and maintenance of the facility. Client-specific  
1700 motorized personal mobility devices are allowed; and

1701 u. Lights to illuminate the camp or its structures shall be arranged to reflect the  
1702 light away from any adjacent property.

1703 13. Limited to digester receiving plant and animal and other organic waste from  
1704 agricultural activities, ~~((and subject))~~ as follows:

1705 ~~((b.))~~ a. the digester must be included as part of a Washington state  
1706 Department of Agriculture approved dairy nutrient plan;

1707 b. the digester must process at least seventy percent livestock manure or other  
1708 agricultural organic material from farms in the vicinity, by volume;

1709 c. imported organic waste-derived material, such as food processing waste,  
1710 may be processed in the digester for the purpose of increasing methane gas production for  
1711 beneficial use, but not shall exceed thirty percent of volume processed by the digester;  
1712 and

1713 ~~((e.))~~ d. the use must be accessory to an operating dairy or livestock operation.

1714 SECTION 35. Ordinance 10870, Section 337, as amended, and K.C.C.

1715 21A.08.100 are each hereby amended to read as follows:

1716 A. Regional land uses.

KEY		RESOURCE			RURAL	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	NB	CB	RB	O	I				
								-48					(15)				
*	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 S	C14 S	C14 S										
*	Non-hydroelectric Generation Facility	P25 C12 S	C12 S	C1 2 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	P12 S				
*	Communication Facility (17)	C6c S	P		C6c S	C6c S	C6c S	C6c S	C6c S	P	P	P	P				
*	Earth Station	P6b C	P		C6a S	C6a S	C6a S	C6a	P6b	P	P	P	P				

Ordinance 17191

								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 Production	S	P13 S	S	S	S	S	S	S	S	S	S	S
*	Airport/Heliport	S7	S7		S	S	S	S	S	S	S	S	S
*	Rural Public Infrastructure Maintenance Facility				C23								
*	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	S24
*	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								
<b>GENERAL CROSS</b>		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C.											
<b>REFERENCES:</b>		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.											

- 1717 B. Development conditions.
- 1718 1. Except technical institutions. See vocational schools on general services land  
1719 use table, K.C.C. 21A.08.050.
- 1720 2. Except arboretum. See K.C.C. 21A.08.040, recreation/cultural land use table.
- 1721 3. Except weapons armories and outdoor shooting ranges.
- 1722 4. Except outdoor shooting range.
- 1723 5. Only in conjunction with an existing or proposed school.
- 1724 6.a. Limited to no more than three satellite dish antennae.
- 1725 b. Limited to one satellite dish antenna.
- 1726 c. Limited to tower consolidations.
- 1727 7. Limited to landing field for aircraft involved in forestry or agricultural  
1728 practices or for emergency landing sites.
- 1729 8. Except racing of motorized vehicles.
- 1730 9. Limited to wildlife exhibit.
- 1731 10. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.
- 1732 11. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter  
1733 21A.32.
- 1734 12. Limited to cogeneration facilities for on-site use only.
- 1735 13. Excluding impoundment of water using a dam.
- 1736 14. Limited to facilities that comply with the following:
- 1737 a. Any new diversion structure shall not:
- 1738 (1) exceed a height of eight feet as measured from the streambed; or

1739           (2) impound more than three surface acres of water at the normal maximum  
1740 surface level;

1741           b. There shall be no active storage;

1742           c. The maximum water surface area at any existing dam or diversion shall not  
1743 be increased;

1744           d. An exceedance flow of no greater than fifty percent in mainstream reach  
1745 shall be maintained;

1746           e. Any transmission line shall be limited to a:

1747               (1) right-of-way of five miles or less; and

1748               (2) capacity of two hundred thirty KV or less;

1749           f. Any new, permanent access road shall be limited to five miles or less; and

1750           g. The facility shall only be located above any portion of the stream used by  
1751 anadromous fish.

1752           15. For I-zoned sites located outside the urban growth area designated by the  
1753 King County Comprehensive Plan, uses shown as a conditional or special use in K.C.C.  
1754 21A.08.100.A, except for waste water treatment facilities and racetracks, shall be  
1755 prohibited. All other uses, including waste water treatment facilities, shall be subject to  
1756 the provisions for rural industrial uses in K.C.C. chapter 21A.12.

1757           16. The operator of such a facility shall provide verification to the department of  
1758 natural resources and parks or its successor organization that the facility meets or exceeds  
1759 the standards of the Animal and Plant Health Inspection Service of the United States  
1760 Department of Agriculture and the accreditation guidelines of the American Zoo and  
1761 Aquarium Association.

1762           17. The following provisions of the table apply only to major communication  
1763 facilities. ~~((m))~~ Minor communication facilities shall be reviewed in accordance with the  
1764 processes and standard outlined in K.C.C. chapter ~~((21A.26))~~ 21A. (the new chapter  
1765 created by section 60 of this ordinance).

1766           18. Only for facilities related to resource-based research.

1767           19. Limited to work release facilities associated with natural resource-based  
1768 activities.

1769           20. Limited to projects which do not require or result in an expansion of sewer  
1770 service outside the urban growth area, unless a finding is made that no cost-effective  
1771 alternative technologies are feasible, in which case a tightline sewer sized only to meet  
1772 the needs of the school bus base and serving only the school bus base may be used.  
1773 Renovation, expansion, modernization or reconstruction of a school bus base is permitted  
1774 but shall not require or result in an expansion of sewer service outside the urban growth  
1775 area, unless a finding is made that no cost-effective alternative technologies are feasible,  
1776 in which case a tightline sewer sized only to meet the needs of the school bus base.

1777           21. Only in conformance with the King County Site Development Plan Report,  
1778 through modifications to the plan of up to ten percent are allowed for the following:

- 1779           a. building square footage;
- 1780           b. landscaping;
- 1781           c. parking;
- 1782           d. building height; or
- 1783           e. impervious surface.



1784           22. A special use permit shall be required for any modification or expansion of  
1785 the King County fairgrounds facility that is not in conformance with the King County  
1786 Site Development Plan Report or that exceeds the allowed modifications to the plan  
1787 identified in subsection B.21 of this section.

1788           23. The facility shall be primarily devoted to rural public infrastructure  
1789 maintenance and is subject to the following conditions:

1790           a. The minimum site area shall be ten acres, unless;

1791                 (1) the facility is a reuse of a public agency yard; or

1792                 (2) the site is separated from a county park by a street or utility right-of-way;

1793           b. Type 1 landscaping as provided in K.C.C. chapter 21A.16 shall be provided  
1794 between any stockpiling or grinding operations and adjacent residential zoned property;

1795           c. Type 2 landscaping as provided in K.C.C. chapter 21A.16 shall be provided  
1796 between any office and parking lots and adjacent residential zoned property;

1797           d. Access to the site does not use local access streets that abut residential zoned  
1798 property, unless the facility is a reuse of a public agency yard;

1799           e. Structural setbacks from property lines shall be as follows:

1800                 (1) Buildings, structures and stockpiles used in the processing of materials  
1801 shall be no closer than:

1802                     (a) one hundred feet from any residential zoned properties, except that the  
1803 setback may be reduced to fifty feet when the grade where the building or structures are  
1804 proposed is fifty feet or greater below the grade of the residential zoned property;

1805                     (b) fifty feet from any other zoned property, except when adjacent to a  
1806 mineral extraction or materials processing site;

1807 (c) the greater of fifty feet from the edge of any public street or the setback  
1808 from residential zoned property on the far side of the street; and

1809 (2) Offices, scale facilities, equipment storage buildings and stockpiles shall  
1810 not be closer than fifty feet from any property line except when adjacent to M or F zoned  
1811 property or when a reuse of an existing building. Facilities necessary to control access to  
1812 the site, when demonstrated to have no practical alternative, may be located closer to the  
1813 property line;

1814 f. On-site clearing, grading or excavation, excluding that necessary for  
1815 required access, roadway or storm drainage facility construction, shall not be permitted  
1816 within fifty feet of any property line except along any portion of the perimeter adjacent to  
1817 M or F zoned property. If native vegetation is restored, temporary disturbance resulting  
1818 from construction of noise attenuation features located closer than fifty feet shall be  
1819 permitted; and

1820 g. Sand and gravel extraction shall be limited to forty thousand yards per year.

1821 24. The following accessory uses to a motor race track operation are allowed if  
1822 approved as part of the special use permit:

1823 a. motocross;

1824 b. autocross;

1825 c. skidpad;

1826 d. garage;

1827 e. driving school; and

1828 f. fire station.

1829 25. Only as an accessory use of an agricultural anaerobic digester.

1830            SECTION 36. Ordinance 10870, Section 351, as amended, and K.C.C.

1831            21A.12.140 are each hereby amended to read as follows:

1832            A. Except as otherwise provided in subsection B. of this section, in subdivisions  
1833            and short subdivisions, areas used as regional utility corridors shall be contained in  
1834            separate tracts.

1835            B. For a subdivision or short subdivision:

1836            1. Upon mutual agreement of the utility and applicant for the subdivision or  
1837            short subdivision submitted at the time of application for the preliminary plat, the area of  
1838            the regional utility corridor placed in a separate tract may be less than the entire utility  
1839            right-of-way or easement. The agreement may be evidenced by correspondence between  
1840            the utility and the applicant;

1841            2. If the utility and applicant enter into an agreement under subsection B.1. of  
1842            this section:

1843            a. The location of the easement or right-of-way shall be shown on the face of  
1844            the plat;

1845            b. The applicant shall record on the title of all lots that extend into the right-  
1846            of-way or easement a notice approved by the department that there is an easement or  
1847            right-of-way for a regional utility corridor that may subject use of that area of the  
1848            property to conditions established by the utility; and

1849            c. The department shall include as conditions of plat approval the conditions  
1850            on use of the area within the regional utility corridor included in the agreement between  
1851            the utility and the applicant.

1852 C. In land development permits other than subdivisions or short subdivisions,  
1853 easements shall be used to delineate regional utility corridors.

1854 D. All structures shall maintain a minimum distance of five feet from property or  
1855 easement lines delineating the boundary of regional utility corridors, except for utility  
1856 structures necessary to the operation of the utility corridor or when structures are allowed  
1857 by mutual agreement in the regional utility corridor.

1858 E. Any structure designed for human occupancy, except for utility structures not  
1859 normally occupied that are necessary for the operation of the pipeline or a minor  
1860 communication facility, and any required parking or recreation space shall maintain a  
1861 minimum distance of one hundred feet from a hazardous liquid or gas transmission  
1862 pipeline located within a regional utility corridor. The setback distance may be modified  
1863 if the applicant demonstrates the following:

- 1864 1. A one-hundred-foot setback would deny all reasonable use of the property; or
- 1865 2. That the structure, parking or recreation space would be protected from  
1866 radiant heat of an explosion by berming or other physical barriers; or
- 1867 3. That a one-hundred-foot setback would be impractical or unnecessary due to  
1868 existing geographical features, streets, lot lines, or easements; or
- 1869 4. That no other practical alternative exists to meet the demand for service; and
- 1870 5. That the applicant will construct a hazardous liquid or gas transmission  
1871 containment system or other mitigating actions if the county finds that leakage could  
1872 accumulate within one hundred feet of the pipeline. Any containment system or other  
1873 mitigating actions required by this section shall meet all applicable federal, state and local  
1874 regulations.

1875            SECTION 37. Ordinance 10870, Section 354, as amended, and K.C.C.

1876            21A.12.170 are each hereby amended to read as follows:

1877                   Provided that the required setbacks from regional utility corridors of K.C.C.

1878            21A.12.140, the adjoining half-street or designated arterial setbacks of K.C.C.

1879            21A.12.160 and the sight distance requirements of K.C.C. 21A.12.210 are maintained,

1880            structures may extend into or be located in required setbacks, including setbacks as

1881            required by K.C.C. 21A.12.220.B, as follows:

1882                   A. Fireplace structures, bay or garden windows, enclosed stair landings, closets,

1883            or similar structures may project into any setback, provided such projections are:

1884                       1. Limited to two per facade;

1885                       2. Not wider than ten feet; and

1886                       3. Not more than twenty-four inches into an interior setback or thirty inches into

1887            a street setback;

1888                   B. Uncovered porches and decks that exceed eighteen inches above the finished

1889            grade may project:

1890                       1. Eighteen inches into interior setbacks; and

1891                       2. Five feet into the street setback;

1892                   C. Uncovered porches and decks not exceeding eighteen inches above the

1893            finished grade may project to the property line;

1894                   D. Eaves may not project more than:

1895                       1. Eighteen inches into an interior setback;

1896                       2. Twenty-four inches into a street setback; or

1897                       3. Eighteen inches across a lot line in a zero-lot-line development;

1898 E. Fences with a height of six feet or less may project into or be located in any  
1899 setback;

1900 F. Rockeries, retaining walls and curbs may project into or be located in any  
1901 setback. Except for structures that cross the setback perpendicularly to property lines or  
1902 that abut a critical area, these structures:

1903 1. Shall not exceed a height of six feet in the R-1 through R-18, UR, RA and  
1904 resource zones;

1905 2. Shall not exceed a height of eight feet in the R-24 and R-48 zones; and

1906 3. Shall not exceed the building height for the zone in commercial/industrial  
1907 zones, measured in accordance with the standards established in the King County  
1908 Building Code, Title 16;

1909 G. Fences located on top of rockeries, retaining walls or berms are subject to the  
1910 requirements of K.C.C. 21A.14.220;

1911 H. Telephone, power, light and flag poles;

1912 I. The following may project into or be located within a setback, but may only  
1913 project into or be located within a five foot interior setback area if an agreement  
1914 documenting consent between the owners of record of the abutting properties is recorded  
1915 with the records and licensing services division prior to the installment or construction of  
1916 the structure:

1917 1. Sprinkler systems, electrical and cellular equipment cabinets and other  
1918 similar utility boxes and vaults;

1919 2. Security system access controls;

1920           3. Structures, except for buildings, associated with trails and on-site recreation  
1921 spaces and play areas required in K.C.C.21A.14.180 and K.C.C. 21A.14.190 such as  
1922 benches, picnic tables and drinking fountains; and

1923           4. Surface water management facilities as required by K.C.C. 9.04;

1924           J. Freestanding air conditioners and heat pumps may project into or be located  
1925 within a setback abutting a residential property, but may only be located closer than  
1926 five feet of an abutting residential property if an agreement documenting consent between  
1927 the owners of record of the abutting properties is recorded with the records and licensing  
1928 services division prior to permit issuance.

1929           K. Mailboxes and newspaper boxes may project into or be located within street  
1930 setbacks;

1931           ~~((K.))~~ L Fire hydrants and associated appendages;

1932           ~~((L.))~~ M. Metro bus shelters may be located within street setbacks;

1933           ~~((M.))~~ N. Unless otherwise allowed in K.C.C. 21A.20.080, free standing and  
1934 monument signs four feet or less in height, with a maximum sign area of twenty square  
1935 feet may project into or be located within street setbacks;

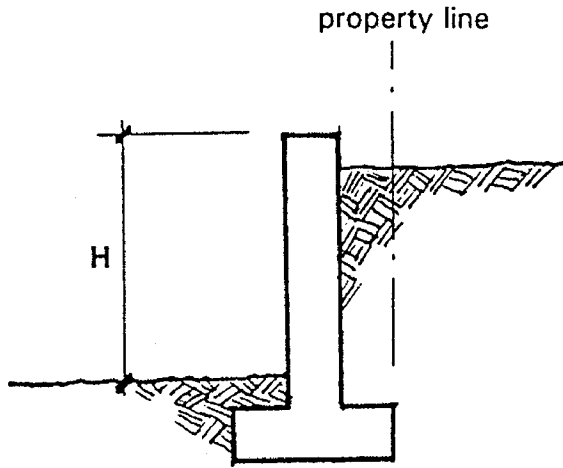
1936           ~~((N.))~~ O. On a parcel in the RA zone, in the interior setback that adjoins a  
1937 property zoned NB or CB, structures housing refrigeration equipment that extends no  
1938 more than ten feet into the setback and is no more than sixty feet in length; and

1939           ~~((O.))~~ P. Stormwater conveyance and control facilities, both above and below  
1940 ground, provided such projections are:

1941           1. Consistent with setback, easement and access requirements specified in the  
1942 Surface Water Design Manual; or

1943 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

1944

1945 SECTION 38. Ordinance 11210, Section 17, and K.C.C. 21A.16.330 are each

1946 hereby amended to read as follows:

1947 For purposes of this section, irrigation shall include any means of applying water

1948 to landscaped areas. All irrigation is at the applicant's option. Manually applied

1949 irrigation methods shall comply with subsections A ~~((and B))~~ through C. Irrigation

1950 applied through installed irrigation systems shall comply with subsections A through

1951 ~~((C))~~ D:

1952 A. The applicant shall provide the following information:

1953 1. Right-of-way use permit if required;

1954 2. Identity of person or entity responsible for maintenance of the irrigation; and

1955 3. Location of shut-off valves.

1956 B. Irrigation water shall be applied with goals of avoiding runoff, low head

1957 drainage, overspray, or other similar conditions where water flows onto adjacent

1958 property, nonirrigated areas, and impervious surfaces by:



- 1959           1. Considering soil type and infiltration rates,
- 1960           2. Using proper irrigation equipment and schedules, including features such as
- 1961 repeat cycles, to closely match application rates with infiltration rates, and
- 1962           3. Considering special problems posed by irrigation on slopes and in median
- 1963 strips.
- 1964           ~~((B-))~~ C. All irrigation water outlets, except those using alternative water sources,
- 1965 shall be downstream of the meter used to measure irrigation water use.
- 1966           ~~((C-))~~ D. Irrigation systems shall be subject to the following additional
- 1967 provisions:
- 1968           1. Systems shall not be located on any:
- 1969           a. turfgrass slopes exceeding a slope of three horizontal feet to one vertical
- 1970 foot (3:1), and
- 1971           b. turfgrass portions of median strips.
- 1972           2. Systems in landscape strips less than five feet in width shall be designed to
- 1973 ensure that overspray and/or runoff does not occur by use of system design options such
- 1974 as low volume emitters.
- 1975           3. Systems shall be designed to be consistent with the requirements of the
- 1976 hydrozone in which they are located.
- 1977           4. Systems shall be designed with the minimum average irrigation efficiency of
- 1978 0.625.
- 1979           5. The use of automatic shutoff or override capabilities using rain shutoffs or
- 1980 moisture sensors is encouraged.

- 1981           6. Systems shall utilize a master control valve connected to an automatic  
1982 controller.
- 1983           7. Systems shall make provisions for winterization either by providing:  
1984           a. manual drains (automatic drain valves are not permitted at all low points), or  
1985           b. means to blow out lines with pressurized air.
- 1986           8. Separate valves shall be used to irrigate plants with differing water needs.
- 1987           9. Sprinkler heads with consistent application rates shall be selected for proper  
1988 area coverage, operating pressure, and adjustment capability.

1989           SECTION 39. Ordinance 10870, Section 415, as amended, and K.C.C.  
1990 21A.18.110 are each hereby amended to read as follows:

1991           A. Off-street parking areas shall not be located more than six hundred feet from  
1992 the building they are required to serve for all uses except those specified as follows;  
1993 where an off-street parking area does not abut the building it serves, the required  
1994 maximum distance shall be measured from the nearest building entrance that the parking  
1995 area serves:

1996           1. For all single detached dwellings the parking spaces shall be located on the  
1997 same lot they are required to serve;

1998           2. For all other residential dwellings at least a portion of parking areas shall be  
1999 located within one hundred fifty feet from the building or buildings they are required to  
2000 serve;

2001           3. For all nonresidential uses permitted in residential zones, the parking spaces  
2002 shall be located on the (~~same lot~~) site they are required to serve and at least a portion of

2003 parking areas shall be located within one hundred fifty feet from the nearest building  
 2004 entrance they are required to serve;

2005 4. In designated activity, community business and neighborhood business  
 2006 centers, parking lots shall be located to the rear or sides of buildings. Relief from this  
 2007 subsection A.4 may be granted by the director only if the applicant can demonstrate that  
 2008 there is no practical site design to meet this requirement. The director may allow only the  
 2009 number of parking spaces that cannot be accommodated to the rear or sides of buildings  
 2010 to be located to the front of buildings;

2011 5. Parking lots shall be so arranged as to permit the internal circulation of  
 2012 vehicles between parking aisles without re-entering adjoining public streets; and

2013 6. Parking for the disabled shall be provided in accordance with K.C.C.  
 2014 21A.18.060.

2015 B. The minimum parking space and aisle dimensions for the most common  
 2016 parking angles are shown on the table in this subsection. For parking angles other than  
 2017 those shown on the chart, the minimum parking space and aisle dimensions shall be  
 2018 determined by the director. Regardless of the parking angle, one-way aisles shall be at  
 2019 least ten feet wide, and two-way aisles shall be at least twenty feet wide. If dead-end  
 2020 aisles are used in the parking layout, they shall be constructed as two-way aisles. Parking  
 2021 plans for angle parking shall use space widths no less than eight feet six inches for a  
 2022 standard parking space design and eight feet for a compact car parking space design.

2023 **MINIMUM PARKING STALL AND AISLE DIMENSIONS**

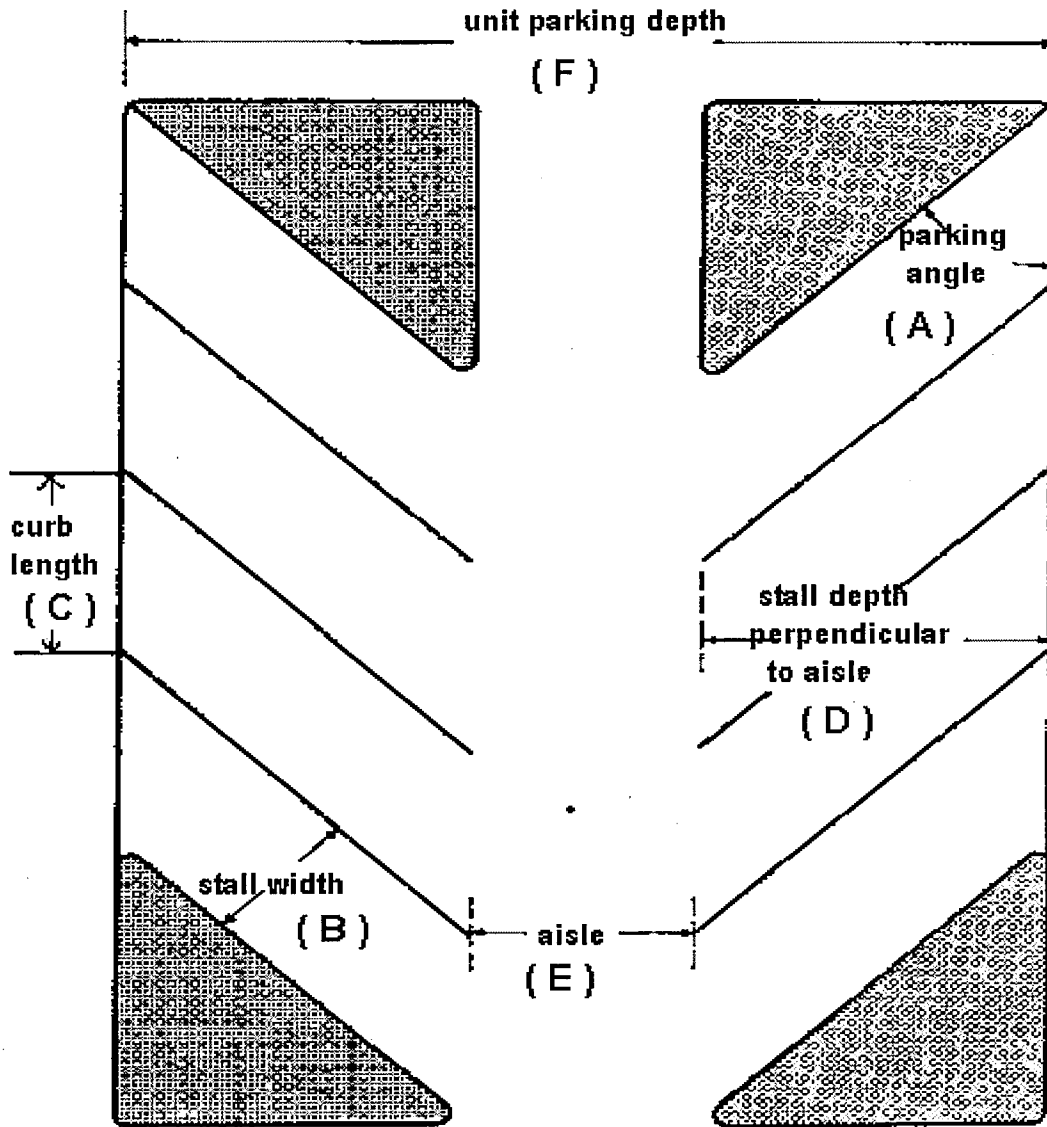
A	B	C	D	E	F
PARKING	STALL WIDTH	CURB	STALL	AISLE WIDTH	UNIT DEPTH 1-

ANGLE		LENGTH	DEPTH	1-WAY 2-WAY	WAY 2-WAY
0 0	8.0* Min	20.0* 22.5	8.0 8.5	12.0 20.0 12.0	** ** 29.0
	8.5 Desired 9.0	22.5	9.0	20.0 12.0 20.0	37.0 30.0 38.0
30 30	8.0* Min	16.0* 17.0	15.0 16.5	10.0 20.0 10.0	** ** 42.0
	8.5 Desired 9.0	18.0	17.0	20.0 10.0 20.0	53.0 44.0 54.0
45 45	8.0* Min	11.5* 12.0	17.0*	12.0 20.0 12.0	** ** 50.0
	8.5 Desired 9.0	12.5		20.0 12.0 20.0	58.0 51.0 59.0
60 60	8.0* Min	9.6* 10.0	18.0 20.0	18.0 20.0 18.0	** ** 58.0
	8.5 Desired 9.0	10.5	21.0	20.0 18.0 20.0	60.0 60.0 62.0
90	8.0* Min	8.0* 8.5	16.0*	24.0 24.0 24.0	** ** 60.0
	8.5 Desired 9.0	9.0	18.0 18.0	24.0 23.0 24.0	60.0 60.0 60.0

2024 \* for compact stalls only

2025 \*\* variable with compact and standard combinations

**NOMENCLATURE OF OFF-STREET PARKING AREA**



2026

2027

2028

2029

2030

2031

C. Any parking spaces abutting a required landscaped area on the driver or passenger side of the vehicle shall provide an additional eighteen inches above the minimum space width requirement to provide a place to step other than in the landscaped area. The additional width shall be separated from the adjacent parking space by a parking space division stripe.

2032 D. The parking space depth may be reduced if vehicles overhang a walkway or  
2033 landscaping under the following conditions:

2034 1. Wheelstops or curbs are installed;

2035 2. The remaining walkway provides a minimum of forty-eight inches of  
2036 unimpeded passageway for pedestrians;

2037 3. The amount of space depth reduction is limited to a maximum of eighteen  
2038 inches; and

2039 4. Landscaping is designed in accordance with K.C.C. 21A.16.070E.

2040 E. Driveways providing ingress and egress between off-street parking areas and  
2041 abutting streets shall be designed, located and constructed in accordance with K.C.C.

2042 chapter 14.42, Road Standards. Driveways for single detached dwellings, no more than  
2043 twenty feet in width, may cross required setbacks or landscaped areas to provide access

2044 between the off-street parking areas and the street, provided no more than fifteen percent  
2045 of the required landscaping or setback area is eliminated by the driveway. Joint use

2046 driveways may be located within required landscaping or setback areas. Driveways for  
2047 all other developments may cross or be located within required setbacks or landscaped

2048 areas to provide access between the off-street parking areas and the street, if no more than  
2049 ten percent of the required landscaping is displaced by the driveway and the driveway is

2050 located no closer than five feet from any property line except where intersecting the  
2051 street.

2052 F. Parking spaces required under this title shall be located as follows:

2053 1. For single detached dwelling units the required parking spaces shall be  
2054 outside of any required setbacks or landscaping, but driveways crossing setbacks and

2055 required landscaping may be used for parking. However, if the driveway is a joint use  
2056 driveway, no vehicle parked on the driveway shall obstruct any joint user's access to the  
2057 driveway or parking spaces;

2058           2. For all other developments parking spaces may be permitted by the director  
2059 in setback areas in accordance with an approved landscape plan; and

2060           3. For nonresidential uses in residential zones, parking is permitted in setback  
2061 areas in accordance with K.C.C. 21A.12.220.

2062           G. Lighting shall be provided for safety of traffic and pedestrian circulation on  
2063 the site. It shall be designed to minimize direct illumination of abutting properties and  
2064 adjacent streets. The director shall have the authority to waive the requirement to provide  
2065 lighting.

2066           H. Tandem or end-to-end parking is allowed in residential developments.  
2067 Apartment or townhouse developments may have tandem parking areas for each dwelling  
2068 unit but shall not combine parking for separate dwelling units in tandem parking areas.

2069           I. All vehicle parking and storage for single detached dwellings must be in a  
2070 garage, carport or on an approved impervious surface. Any impervious surface used for  
2071 vehicle parking or storage must have direct and unobstructed driveway access.

2072           J. The total number of vehicles parked or stored outside of a building on a single  
2073 family lot in the R-1 through R-8 zones, excluding recreational vehicles and trailers, shall  
2074 not exceed six vehicles on lots that are twelve thousand five hundred square feet or less  
2075 and eight vehicles on lots that are greater than twelve thousand five hundred square feet.

2076           K. Vanpool and carpool parking areas shall meet the following minimum design  
2077 standards:

2078           1. A minimum vertical clearance of seven feet three inches shall be provided to  
2079 accommodate van vehicles if designated vanpool and carpool parking spaces are located  
2080 in a parking structure; and

2081           2. A minimum turning radius of twenty-six feet four inches with a minimum  
2082 turning diameter, curb to curb, of fifty-two feet five inches shall be provided from  
2083 parking aisles to adjacent vanpool and carpool parking spaces.

2084           L. Direct access from the street right-of-way to off-street parking areas shall be  
2085 subject to K.C.C. 21A.28.120.

2086           M. No dead-end alley may provide access to more than eight off-street parking  
2087 spaces.

2088           N. Any parking stalls located in enclosed buildings must be totally within the  
2089 enclosed building.

2090           SECTION 40. Ordinance 15051, Section 137, as amended, and K.C.C.

2091 21A.24.045 are each hereby amended to read as follows:

2092           A. Within the following seven critical areas and their buffers all alterations are  
2093 allowed if the alteration complies with the development standards, impact avoidance and  
2094 mitigation requirements and other applicable requirements established in this chapter:

2095           1. Critical aquifer recharge area,

2096           2. Coal mine hazard area;

2097           3. Erosion hazard area;

2098           4. Flood hazard area except in the severe channel migration hazard area;

2099           5. Landslide hazard area under forty percent slope;

2100           6. Seismic hazard area; and



2101 7. Volcanic hazard areas.

2102 B. Within the following seven critical areas and their buffers, unless allowed as  
 2103 an alteration exception under K.C.C. 21A.24.070, only the alterations on the table in  
 2104 subsection C. of this section are allowed if the alteration complies with conditions in  
 2105 subsection D. of this section and the development standards, impact avoidance and  
 2106 mitigation requirements and other applicable requirements established in this chapter:

- 2107 1. Severe channel migration hazard area;
- 2108 2. Landslide hazard area over forty percent slope;
- 2109 3. Steep slope hazard area;
- 2110 4. Wetland;
- 2111 5. Aquatic area;
- 2112 6. Wildlife habitat conservation area; and
- 2113 7. Wildlife habitat network.

2114 C. In the following table where an activity is included in more than one activity  
 2115 category, the numbered conditions applicable to the most specific description of the  
 2116 activity governs. Where more than one numbered condition appears for a listed activity,  
 2117 each of the relevant conditions specified for that activity within the given critical area  
 2118 applies. For alterations involving more than one critical area, compliance with the  
 2119 conditions applicable to each critical area is required.

<b>KEY</b> Letter "A" in a cell means alteration is allowed.  A number in a cell means the corresponding numbered	L	O	S	A	W	BU	A	B	WI	A		
	AN	VE	T	N	ET	FF	Q	UF	C	LD	ND	
	DS	R	E	D	LA	ER	U	FE	H	LIF	NE	
	LI	40%	E	B	ND		A	R	A	E	A	T

<p>condition in subsection D. applies. "Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network.</p>	<p>DE AN HA DB ZA UF RD FE R P E H A Z A R D</p>	<p>P U S FF L E O R P E H A Z A R D</p>	<p>AN D</p>	<p>TI AN N C D N A SE E R VE L E RE M A I A G N R D A T I O N</p>	<p>RE W A OR K</p>
<p><b>ACTIVITY</b></p>					
<p><b>Structures</b></p>					
<p>Construction of new single detached dwelling unit</p>			<p>A 1</p>	<p>A 2</p>	
<p>Construction of a new tree-supported structure</p>			<p>A 63</p>	<p>A 63</p>	<p>A 63</p>
<p>Construction of nonresidential structure</p>			<p>A 3</p>	<p>A 3</p>	<p>A 3, 4</p>
<p>Maintenance or repair of existing structure</p>	<p>A 5</p>	<p>A</p>	<p>A</p>	<p>A</p>	<p>A 4</p>
<p>Expansion or replacement of existing structure</p>	<p>A 5, 7</p>	<p>A 5, 7</p>	<p>A 7, 8</p>	<p>A 6, 7, 8</p>	<p>A 4, 7</p>
<p>Interior remodeling</p>	<p>A</p>	<p>A</p>	<p>A</p>	<p>A</p>	<p>A</p>

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	A22	A22	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-way structure on unimproved right-of-way			A 26	A 26	
Construction of new road in a plat			A26	A26	

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, farm field access drive or parking lot	A	A	A 17	A 17	A 17, 27
Construction of a bridge or culvert as part of a driveway or private access road	A 39	A 39	A 39	A 39	A 39
<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	A 16, 17	A 16, 17	A 16, 17, 31	A 16, 17, 31	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 or maintenance of a hydroelectric generating facility</u>	<u>A 66</u>	<u>A 66</u>	<u>A 65</u>	<u>A 65</u>	<u>A 4, 65</u>
Construction of a new residential utility service distribution line	A 32, 33	A 32, 33	A 32, 60	A 32, 60	A 27, 32, 60

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
Construction of new surface water conveyance system	A 32, 33	A 32, 33	A 32, 38	A 32, 38	A 4
Maintenance, repair or replacement of existing surface water conveyance system	A 33	A 33	A 16, 32, 38	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
Flood risk reduction gravel removal	A 61	A 61	A 61	A 61	A 61
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</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
Environmental education project	A 62	A 62	A 62	A 62	A 62
<b>Agriculture</b>					
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
<u>Construction or maintenance of a commercial fish farm</u>			<u>A 53, 54</u>	<u>A 53, 54</u>	<u>A 53, 54</u>
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	A 53	A 53	A 53, 54	A 53, 54	A 53, 54

pond, fish pond or livestock watering pond					
<b>Other</b>					
Shoreline water dependent or shoreline water oriented use				A 64	
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 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

2120 D. The following alteration conditions apply:

2121 1. Limited to farm residences in grazed or tilled wet meadows and subject to the  
 2122 limitations of subsection D.3. of this section.

2123 2. Allowed in a buffer of a lake that is twenty acres or larger on a lot that was  
 2124 created before January 1, 2005, if:

2125 a. at least seventy-five percent of the lots abutting the shoreline of the lake or  
 2126 seventy-five percent of the lake frontage, whichever constitutes the most developable  
 2127 lake frontage, has existing density of four dwelling units per acre or more;

2128 b. the development proposal, including mitigation required by this chapter, will  
 2129 have the least adverse impact on the critical area;

2130 c. existing native vegetation within the critical area buffer will remain  
 2131 undisturbed except as necessary to accommodate the development proposal and required  
 2132 building setbacks;

- 2133           d. access is located to have the least adverse impact on the critical area and  
2134 critical area buffer;
- 2135           e. the alteration is the minimum necessary to accommodate the development  
2136 proposal and in no case in excess of a development footprint of five thousand square feet;
- 2137           f. the alteration is no closer than twenty-five feet of the ordinary high water  
2138 mark of the lake shoreline; and
- 2139           g. to the maximum extent practical, alterations are mitigated on the  
2140 development proposal site by enhancing or restoring remaining critical area buffers.
- 2141           3. Limited to nonresidential farm-structures in grazed or tilled wet meadows or  
2142 buffers of wetlands or aquatic areas where:
- 2143           a. the site is predominantly used for the practice of agriculture;
- 2144           b. the structure is in compliance with an approved farm management plan in  
2145 accordance with K.C.C. 21A.24.051;
- 2146           c. the structure is either:
- 2147               (1) on or adjacent to existing nonresidential impervious surface areas,  
2148 additional impervious surface area is not created waterward of any existing impervious  
2149 surface areas and the area was not used for crop production;
- 2150               (2) higher in elevation and no closer to the critical area than its existing  
2151 position; or
- 2152               (3) at a location away from existing impervious surface areas that is  
2153 determined to be the optimum site in the farm management plan;
- 2154           d. all best management practices associated with the structure specified in the  
2155 farm management plan are installed and maintained;



2156 e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not  
2157 require the development of a farm management plan if required best management  
2158 practices are followed and the installation does not require clearing of critical areas or  
2159 their buffers; and

2160 f. in a severe channel migration hazard area portion of an aquatic buffer only  
2161 if:

2162 (1) there is no feasible alternative location on-site;

2163 (2) the structure is located where it is least subject to risk from channel  
2164 migration;

2165 (3) the structure is not used to house animals or store hazardous substances;  
2166 and

2167 (4) the total footprint of all accessory structures within the severe channel  
2168 migration hazard area will not exceed the greater of one thousand square feet or two  
2169 percent of the severe channel migration hazard area on the site.

2170 4. Allowed if no clearing, external construction or other disturbance in a  
2171 wildlife habitat conservation area occurs during breeding seasons established under  
2172 K.C.C. 21A.24.382.

2173 5. Allowed for structures when:

2174 a. the landslide hazard poses little or no risk of injury;

2175 b. the risk of landsliding is low; and

2176 c. there is not an expansion of the structure.

2177 6. Within a severe channel migration hazard area allowed for:

2178 a. existing legally established primary structures if:

- 2179 (1) there is not an increase of the footprint of any existing structure; and  
2180 (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270;
- 2181 b. existing legally established accessory structures if:
- 2182 (1) additions to the footprint will not make the total footprint of all existing  
2183 structures more than one-thousand square feet; and
- 2184 (2) there is not an expansion of the footprint towards any source of channel  
2185 migration hazard, unless the applicant demonstrates that the location is less subject to risk  
2186 and has less impact on the critical area; and
- 2187 c. in the shoreline jurisdiction, any structures will not interfere with the natural  
2188 hydrologic and geomorphic processes of channel migration.
- 2189 7. Allowed only in grazed wet meadows or the buffer or building setback  
2190 outside a severe channel migration hazard area if:
- 2191 a. the expansion or replacement does not increase the footprint of a  
2192 nonresidential structure;
- 2193 b.(1) for a legally established dwelling unit, the expansion or replacement,  
2194 including any expansion of a legally established accessory structure (~~or impervious~~  
2195 ~~surfaces~~)) allowed under this subsection B.7.b., does not increase the footprint of the  
2196 dwelling unit and all other structures by more than one thousand square feet, not  
2197 including any expansion of a drainfield made necessary by the expansion of (~~structures~~)  
2198 the dwelling unit. To the maximum extent practical, the replacement or expansion of a  
2199 drainfield in the buffer should be located within areas of existing lawn or landscaping,  
2200 unless another location will have a lesser impact on the critical area and its buffer;

2201 (2) for a structure accessory to a dwelling unit, the expansion or replacement  
2202 is located on or adjacent to existing impervious surface areas and does not result in a  
2203 cumulative increase in the footprint of the accessory structure and the dwelling unit by  
2204 more than one thousand square feet;

2205 (3) the location of the expansion has the least adverse impact on the critical  
2206 area; and

2207 (4) a comparable area of degraded buffer area shall be enhanced through  
2208 removal of nonnative plants and replacement with native vegetation in accordance with  
2209 an approved landscaping plan;

2210 c. the structure was not established as the result of an alteration exception,  
2211 variance, buffer averaging or reasonable use exception; and

2212 d. to the maximum extent practical, the expansion or replacement is not  
2213 located closer to the critical area or within the relic of a channel that can be connected to  
2214 an aquatic area.

2215 8. Allowed upon another portion of an existing impervious surface outside a  
2216 severe channel migration hazard area if:

2217 a. except as otherwise allowed under subsection D.7. of this section, the  
2218 structure is not located closer to the critical area;

2219 b. except as otherwise allowed under subsection D.7. of this section, the  
2220 existing impervious surface within the critical area or buffer is not expanded; and

2221 c. the degraded buffer area is enhanced through removal of nonnative plants  
2222 and replacement with native vegetation in accordance with an approved landscaping plan.

2223 9. Limited to piers or seasonal floating docks in a category II, III or IV wetland  
2224 or its buffer or along a lake shoreline or its buffer where:

2225 a. the vegetation where the alteration is proposed does not consist of dominant  
2226 native wetland herbaceous or woody vegetation six feet in width or greater and the lack  
2227 of this vegetation is not the result of any violation of law;

2228 b. the wetland or lake shoreline is not a salmonid spawning area; ((and))

2229 c. hazardous substances or toxic materials are not used; and

2230 e. if located on a freshwater lake, the pier or dock conforms to the standards  
2231 for docks under K.C.C. 21A.25.190.

2232 10. Allowed on type N or O aquatic areas if hazardous substances or toxic  
2233 materials are not used.

2234 11. Allowed on type S or F aquatic areas outside of the severe channel  
2235 migration hazard area if in compliance with K.C.C. 21A.25.190.

2236 12. When located on a lake, must be in compliance with K.C.C. 21A.25.190.

2237 13. Limited to regrading and stabilizing of a slope formed as a result of a legal  
2238 grading activity.

2239 14. The following are allowed in the severe channel migration hazard area if  
2240 conducted more than one hundred sixty-five feet from the ordinary high water mark in  
2241 the rural area and one-hundred fifteen feet from the ordinary high water mark in the  
2242 urban area and if in the shoreline jurisdiction, any clearing or grading will not interfere  
2243 with the natural hydrologic and geomorphic processes of channel migration:

2244 a. grading of up to fifty cubic yards on lot less than five acres; and

2245           b. clearing of up to one-thousand square feet or up to a cumulative thirty-five  
2246 percent of the severe channel migration hazard area.

2247           15. Only where erosion or landsliding threatens a structure, utility facility,  
2248 roadway, driveway, public trails, aquatic area or wetland if, to the maximum extent  
2249 practical, stabilization work does not disturb the slope and its vegetative cover and any  
2250 associated critical areas.

2251           16. Allowed when performed by, at the direction of or authorized by a  
2252 government agency in accordance with regional road maintenance guidelines.

2253           17. Allowed when not performed under the direction of a government agency  
2254 only if:

2255           a. the maintenance or expansion does not involve the use of herbicides,  
2256 hazardous substances, sealants or other liquid oily substances in aquatic areas, wetlands  
2257 or their buffers; and

2258           b. when maintenance, expansion or replacement of bridges or culverts involves  
2259 water used by salmonids:

2260           (1) the work is in compliance with ditch standards in public rule; and

2261           (2) the maintenance of culverts is limited to removal of sediment and debris  
2262 from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or  
2263 damaged bank or channel immediately adjacent to the culvert and shall not involve the  
2264 excavation of a new sediment trap adjacent to the inlet.

2265           18. Allowed for the removal of hazard trees and vegetation as necessary for  
2266 surveying or testing purposes.

2267           19. The limited trimming and pruning of vegetation for the making and  
2268 maintenance of view corridors or habitat enhancement under a vegetation management  
2269 plan approved by the department, if the soils are not disturbed and the activity will not  
2270 adversely affect the long term slope stability or water quality or cause erosion. The  
2271 vegetation management plan shall use native species with adequate root strength to add  
2272 stability to a steep slope.

2273           20. Harvesting of plants and plant materials, such as plugs, stakes, seeds or  
2274 fruits, for restoration and enhancement projects is allowed.

2275           21. Cutting of firewood is subject to the following:

2276           a. within a wildlife habitat conservation area, cutting firewood is not allowed;

2277           b. within a wildlife network, cutting shall be in accordance with a management  
2278 plan approved under K.C.C. 21A.24.386 by this ordinance; and

2279           c. within a critical area buffer, cutting shall be for personal use and in  
2280 accordance with an approved forest management plan or rural stewardship plan.

2281           22. Allowed only in buffers if in accordance with best management practices  
2282 approved by the King County fire marshal.

2283           23. Allowed as follows:

2284           a. if conducted in accordance with an approved forest management plan, farm  
2285 management plan or rural stewardship plan; or

2286           b. without an approved forest management plan, farm management plan or  
2287 rural stewardship plan, only if:

2288           (1) removal is undertaken with hand labor, including hand-held mechanical  
2289 tools, unless the King County noxious weed control board otherwise prescribes the use of

2290 riding mowers, light mechanical cultivating equipment or herbicides or biological control  
2291 methods;

2292 (2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;

2293 (3) the cleared area is revegetated with native vegetation and stabilized  
2294 against erosion; and

2295 (4) herbicide use is in accordance with federal and state law;

2296 24. Only if in accordance with chapter 76.09 RCW and Title 222 WAC and:

2297 a. a forest management plan is approved for the site by the King County

2298 department of natural resources and parks; and

2299 b. the property owner provides a notice of intent in accordance with RCW

2300 76.09.060 that the site will not be converted to nonforestry uses within six years.

2301 25. Only if in compliance with published Washington state Department of Fish

2302 and Wildlife and Washington state Department of Natural Resources Management

2303 standards for the species. If there are no published Washington state standards, only if in

2304 compliance with management standards determined by the county to be consistent with

2305 best available science.

2306 26. Allowed only if:

2307 a. there is not another feasible location with less adverse impact on the critical  
2308 area and its buffer;

2309 b. the corridor is not located over habitat used for salmonid rearing or

2310 spawning or by a species listed as endangered or threatened by the state or federal

2311 government unless the department determines that there is no other feasible crossing site.

2312 c. the corridor width is minimized to the maximum extent practical;

- 2313 d. the construction occurs during approved periods for instream work;
- 2314 e. the corridor will not change or diminish the overall aquatic area flow peaks,  
2315 duration or volume or the flood storage capacity; and
- 2316 f. no new public right-of-way is established within a severe channel migration  
2317 hazard area.
- 2318 27. To the maximum extent practical, during breeding season established under  
2319 K.C.C. 21A.24.382, land clearing machinery such as bulldozers, graders or other heavy  
2320 equipment are not operated within a wildlife habitat conservation area.
- 2321 28. Allowed only if:
- 2322 a. an alternative access is not available;
- 2323 b. impact to the critical area is minimized to the maximum extent practical  
2324 including the use of walls to limit the amount of cut and fill necessary;
- 2325 c. the risk associated with landslide and erosion is minimized;
- 2326 d. access is located where it is least subject to risk from channel migration; and
- 2327 e. construction occurs during approved periods for instream work.
- 2328 29. Only if in compliance with a farm management plan in accordance with  
2329 K.C.C. 21A.24.051.
- 2330 30. Allowed only if:
- 2331 a. the replacement is made fish passable in accordance with the most recent  
2332 Washington state Department of Fish and Wildlife manuals or with the National Marine  
2333 and Fisheries Services guidelines for federally listed salmonid species; and
- 2334 b. the site is restored with appropriate native vegetation.



2335           31. Allowed if necessary to bring the bridge or culvert up to current standards  
2336 and if:

2337           a. there is not another feasible alternative available with less impact on the  
2338 aquatic area and its buffer; and

2339           b. to the maximum extent practical, the bridge or culvert is located to minimize  
2340 impacts to the aquatic area and its buffer's.

2341           32. Allowed in an existing roadway if conducted consistent with the regional  
2342 road maintenance guidelines.

2343           33. Allowed outside the roadway if:

2344           a. the alterations will not subject the critical area to an increased risk of  
2345 landslide or erosion;

2346           b. vegetation removal is the minimum necessary to locate the utility or  
2347 construct the corridor; and

2348           c. significant risk of personal injury is eliminated or minimized in the landslide  
2349 hazard area.

2350           34. Limited to the pipelines, cables, wires and support structures of utility  
2351 facilities within utility corridors if:

2352           a. there is no alternative location with less adverse impact on the critical area  
2353 and critical area buffer;

2354           b. new utility corridors meet the all of the following to the maximum extent  
2355 practical:

2356 (1) are not located over habitat used for salmonid rearing or spawning or by a  
2357 species listed as endangered or threatened by the state or federal government unless the  
2358 department determines that there is no other feasible crossing site;

2359 (2) the mean annual flow rate is less than twenty cubic feet per second; and

2360 (3) paralleling the channel or following a down-valley route near the channel  
2361 is avoided;

2362 c. to the maximum extent practical utility corridors are located so that:

2363 (1) the width is the minimized;

2364 (2) the removal of trees greater than twelve inches diameter at breast height is  
2365 minimized;

2366 (3) an additional, contiguous and undisturbed critical area buffer, equal in  
2367 area to the disturbed critical area buffer area including any allowed maintenance roads, is  
2368 provided to protect the critical area;

2369 d. to the maximum extent practical, access for maintenance is at limited access  
2370 points into the critical area buffer rather than by a parallel maintenance road. If a parallel  
2371 maintenance road is necessary the following standards are met:

2372 (1) to the maximum extent practical the width of the maintenance road is  
2373 minimized and in no event greater than fifteen feet; and

2374 (2) the location of the maintenance road is contiguous to the utility corridor  
2375 on the side of the utility corridor farthest from the critical area;

2376 e. the utility corridor or facility will not adversely impact the overall critical  
2377 area hydrology or diminish flood storage capacity;

2378 f. the construction occurs during approved periods for instream work;

2379 g. the utility corridor serves multiple purposes and properties to the maximum  
2380 extent practical;

2381 h. bridges or other construction techniques that do not disturb the critical areas  
2382 are used to the maximum extent practical;

2383 i. bored, drilled or other trenchless crossing is laterally constructed at least four  
2384 feet below the maximum depth of scour for the base flood;

2385 j. bridge piers or abutments for bridge crossing are not placed within the  
2386 FEMA floodway or the ordinary high water mark;

2387 k. open trenching is only used during low flow periods or only within aquatic  
2388 areas when they are dry. The department may approve open trenching of type S or F  
2389 aquatic areas only if there is not a feasible alternative and equivalent or greater  
2390 environmental protection can be achieved; and

2391 l. minor communication facilities may collocate on existing utility facilities if:

2392 (1) no new transmission support structure is required; and

2393 (2) equipment cabinets are located on the transmission support structure.

2394 35. Allowed only for new utility facilities in existing utility corridors.

2395 36. Allowed for private individual utility service connections on site or to public  
2396 utilities if the disturbed area is not expanded and no hazardous substances, pesticides or  
2397 fertilizers are applied.

2398 37. Allowed if the disturbed area is not expanded, clearing is limited to the  
2399 maximum extent practical and no hazardous substances, pesticides or fertilizers are  
2400 applied.

2401 38. Allowed if:

2402 a. conveying the surface water into the wetland or aquatic area buffer and  
2403 discharging into the wetland or aquatic area buffer or at the wetland or aquatic area edge  
2404 has less adverse impact upon the wetland or aquatic area or wetland or aquatic area buffer  
2405 than if the surface water were discharged at the buffer's edge and allowed to naturally  
2406 drain through the buffer;

2407 b. the volume of discharge is minimized through application of low impact  
2408 development and water quality measures identified in the King County Surface Water  
2409 Design Manual;

2410 c. the conveyance and outfall are installed with hand equipment where  
2411 feasible;

2412 d. the outfall shall include bioengineering techniques where feasible; and

2413 e. the outfall is designed to minimize adverse impacts to critical areas.

2414 39. Allowed only if:

2415 a. there is no feasible alternative with less impact on the critical area and its  
2416 buffer;

2417 b. to the maximum extent practical, the bridge or culvert is located to minimize  
2418 impacts to the critical area and its buffer;

2419 c. the bridge or culvert is not located over habitat used for salmonid rearing or  
2420 spawning unless there is no other feasible crossing site;

2421 d. construction occurs during approved periods for in-stream work; and

2422 e. bridge piers or abutments for bridge crossings are not placed within the  
2423 FEMA floodway, severe channel migration hazard area or waterward of the ordinary high  
2424 water mark.

2425           40. Allowed for an open, vegetated stormwater management conveyance system  
2426 and outfall structure that simulates natural conditions if:

2427           a. fish habitat features necessary for feeding, cover and reproduction are  
2428 included when appropriate;

2429           b. vegetation is maintained and added adjacent to all open channels and ponds,  
2430 if necessary to prevent erosion, filter out sediments or shade the water; and

2431           c. bioengineering techniques are used to the maximum extent practical.

2432           41. Allowed for a closed, tightlined conveyance system and outfall structure if:

2433           a. necessary to avoid erosion of slopes; and

2434           b. bioengineering techniques are used to the maximum extent practical.

2435           42. Allowed in a severe channel migration hazard area or an aquatic area buffer  
2436 to prevent bank erosion only:

2437           a. if consistent with the Integrated Streambank Protection Guidelines  
2438 (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering  
2439 techniques are used to the maximum extent practical, unless the applicant demonstrates  
2440 that other methods provide equivalent structural stabilization and environmental function;

2441           b. based on a critical areas report, the department determines that the new  
2442 flood protection facility will not cause significant impacts to upstream or downstream  
2443 properties; and

2444           c. to prevent bank erosion for the protection of:

2445           (1) public roadways;

2446           (2) sole access routes in existence before February 16, 1995;

2447 (3) new primary dwelling units, accessory dwelling units or accessory living  
2448 quarters and residential accessory structures located outside the severe channel migration  
2449 hazard area if:

2450 (a) the site is adjacent to or abutted by properties on both sides containing  
2451 buildings or sole access routes protected by legal bank stabilization in existence before  
2452 February 16, 1995. The buildings, sole access routes or bank stabilization must be  
2453 located no more than six hundred feet apart as measured parallel to the migrating  
2454 channel; and

2455 (b) the new primary dwelling units, accessory dwelling units, accessory  
2456 living quarters or residential accessory structures are located no closer to the aquatic area  
2457 than existing primary dwelling units, accessory dwelling units, accessory living quarters  
2458 or residential accessory structures on abutting or adjacent properties; or

2459 (4) existing primary dwelling units, accessory dwelling units, accessory living  
2460 quarters or residential accessory structures if:

2461 (a) the structure was in existence before the adoption date of a King County  
2462 Channel Migration Zone hazard map that applies to that channel, if such a map exists;

2463 (b) the structure is in imminent danger, as determined by a geologist,  
2464 engineering geologist or geotechnical engineer;

2465 (c) the applicant has demonstrated that the existing structure is at risk, and  
2466 the structure and supporting infrastructure cannot be relocated on the lot further from the  
2467 source of channel migration; and

2468 (d) nonstructural measures are not feasible.

2469 43. Applies to lawfully established existing structures if:

2470 a. the height of the facility is not increased, unless the facility is being replaced  
2471 in a new alignment that is landward of the previous alignment and enhances aquatic area  
2472 habitat and process;

2473 b. the linear length of the facility is not increased, unless the facility is being  
2474 replaced in a new alignment that is landward of the previous alignment and enhances  
2475 aquatic area habitat and process;

2476 c. the footprint of the facility is not expanded waterward;

2477 d. consistent with the Integrated Streambank Protection Guidelines  
2478 (Washington State Aquatic Habitat Guidelines Program, 2002) and bioengineering  
2479 techniques are used to the maximum extent practical;

2480 e. the site is restored with appropriate native vegetation and erosion protection  
2481 materials; and

2482 f. based on a critical areas report, the department determines that the  
2483 maintenance, repair, replacement or construction will not cause significant impacts to  
2484 upstream or downstream properties.

2485 44. Allowed in type N and O aquatic areas if done in least impacting way at  
2486 least impacting time of year, in conformance with applicable best management practices,  
2487 and all affected instream and buffer features are restored.

2488 45. Allowed in a type S or F water when such work is:

2489 a. included as part of a project to evaluate, restore or improve habitat; and

2490 b. sponsored or cosponsored by a public agency that has natural resource  
2491 management as a function or by a federally recognized tribe.

2492           46. Allowed as long as the trail is not constructed of impervious surfaces that  
2493 will contribute to surface water run-off, unless the construction is necessary for soil  
2494 stabilization or soil erosion prevention or unless the trail system is specifically designed  
2495 and intended to be accessible to handicapped persons.

2496           47. Not allowed in a wildlife habitat conservation area. Otherwise, allowed in  
2497 the buffer or for crossing a category II, III or IV wetland or a type F, N or O aquatic area,  
2498 if:

2499           a. the trail surface is made of pervious materials, except that public  
2500 multipurpose trails may be made of impervious materials if they meet all the  
2501 requirements in K.C.C. chapter 9.12. A trail that crosses a wetland or aquatic area shall  
2502 be constructed as a raised boardwalk or bridge;

2503           b. to the maximum extent practical, buffers are expanded equal to the width of  
2504 the trail corridor including disturbed areas;

2505           c. there is not another feasible location with less adverse impact on the critical  
2506 area and its buffer;

2507           d. the trail is not located over habitat used for salmonid rearing or spawning or  
2508 by a species listed as endangered or threatened by the state or federal government unless  
2509 the department determines that there is no other feasible crossing site;

2510           e. the trail width is minimized to the maximum extent practical;

2511           f. the construction occurs during approved periods for instream work; and

2512           g. the trail corridor will not change or diminish the overall aquatic area flow  
2513 peaks, duration or volume or the flood storage capacity.



2514 h. the trail may be located across a critical area buffer for access to a viewing  
2515 platform or to a permitted dock or pier;

2516 i. A private viewing platform may be allowed if it is:

2517 (1) located upland from the wetland edge or the ordinary high water mark of  
2518 an aquatic area;

2519 (2) located where it will not be detrimental to the functions of the wetland or  
2520 aquatic area and will have the least adverse environmental impact on the critical area or  
2521 its buffer;

2522 (3) limited to fifty square feet in size;

2523 (4) constructed of materials that are nontoxic; and

2524 (5) on footings located outside of the wetland or aquatic area.

2525 48. Only if the maintenance:

2526 a. does not involve the use of herbicides or other hazardous substances except  
2527 for the removal of noxious weeds or invasive vegetation;

2528 b. when salmonids are present, the maintenance is in compliance with ditch  
2529 standards in public rule; and

2530 c. does not involve any expansion of the roadway, lawn, landscaping, ditch,  
2531 culvert, engineered slope or other improved area being maintained.

2532 49. Limited to alterations to restore habitat forming processes or directly restore  
2533 habitat function and value, including access for construction, as follows:

2534 a. projects sponsored or cosponsored by a public agency that has natural  
2535 resource management as a primary function or by a federally recognized tribe;

2536 b. restoration and enhancement plans prepared by a qualified biologist; or

2537 c. conducted in accordance with an approved forest management plan, farm  
2538 management plan or rural stewardship plan.

2539 50. Allowed in accordance with a scientific sampling permit issued by  
2540 Washington state Department of Fish and Wildlife or an incidental take permit issued  
2541 under Section 10 of the Endangered Species Act.

2542 51. Allowed for the minimal clearing and grading, including site access,  
2543 necessary to prepare critical area reports.

2544 52. The following are allowed if associated spoils are contained:

2545 a. data collection and research if carried out to the maximum extent practical  
2546 by nonmechanical or hand-held equipment;

2547 b. survey monument placement;

2548 c. site exploration and gage installation if performed in accordance with state-  
2549 approved sampling protocols and accomplished to the maximum extent practical by  
2550 hand-held equipment and; or similar work associated with an incidental take permit  
2551 issued under Section 10 of the Endangered Species Act or consultation under Section 7 of  
2552 the Endangered Species Act.

2553 53. Limited to activities in continuous existence since January 1, 2005, with no  
2554 expansion within the critical area or critical area buffer. "Continuous existence" includes  
2555 cyclical operations and managed periods of soil restoration, enhancement or other fallow  
2556 states associated with these horticultural and agricultural activities.

2557 54. Allowed for expansion of existing or new agricultural activities where:

2558 a. the site is predominantly involved in the practice of agriculture;

2559 b. there is no expansion into an area that:

2560 (1) has been cleared under a class I, II, III, IV-S or nonconversion IV-G forest  
2561 practice permit; or

2562 (2) is more than ten thousand square feet with tree cover at a uniform density  
2563 more than ninety trees per acre and with the predominant mainstream diameter of the  
2564 trees at least four inches diameter at breast height, not including areas that are actively  
2565 managed as agricultural crops for pulpwood, Christmas trees or ornamental nursery  
2566 stock;

2567 c. the activities are in compliance with an approved farm management plan in  
2568 accordance with K.C.C. 21A.24.051; and

2569 d. all best management practices associated with the activities specified in the  
2570 farm management plan are installed and maintained.

2571 55. Only allowed in grazed or tilled wet meadows or their buffers if:

2572 a. the facilities are designed to the standards of an approved farm management  
2573 plan in accordance K.C.C. 21A.24.051 or an approved livestock management plan in  
2574 accordance with K.C.C. chapter 21A.30;

2575 b. there is not a feasible alternative location available on the site; and

2576 c. the facilities are located close to the outside edge of the buffer to the  
2577 maximum extent practical.

2578 56. Allowed in a severe channel migration hazard area portion of an aquatic  
2579 area buffer if:

2580 a. the facilities are designed to the standards in an approved farm management  
2581 plan in accordance with K.C.C. 21A.24.051;

2582 b. there is not a feasible alternative location available on the site;

2583 c. the structure is located where it is least subject to risk from channel  
2584 migration; and

2585 d. in the shoreline jurisdiction, any structures will not interfere with the natural  
2586 hydrologic and geomorphic processes of channel migration.

2587 57. Allowed for new agricultural drainage in compliance with an approved farm  
2588 management plan in accordance with K.C.C. 21A.24.051 and all best management  
2589 practices associated with the activities specified in the farm management plan are  
2590 installed and maintained.

2591 58. If the agricultural drainage is used by salmonids, maintenance shall be in  
2592 compliance with an approved farm management plan in accordance with K.C.C.  
2593 21A.24.051.

2594 59. Allowed within existing landscaped areas or other previously disturbed  
2595 areas.

2596 60. Allowed for residential utility service distribution lines to residential  
2597 dwellings, including, but not limited to, well water conveyance, septic system  
2598 conveyance, water service, sewer service, natural gas, electrical, cable and telephone, if:

2599 a. there is no alternative location with less adverse impact on the critical area  
2600 or the critical area buffer;

2601 b. the residential utility service distribution lines meet the all of the following,  
2602 to the maximum extent practical:

2603 (1) are not located over habitat used for salmonid rearing or spawning or by a  
2604 species listed as endangered or threatened by the state or federal government unless the  
2605 department determines that there is no other feasible crossing site;

- 2606 (2) not located over a type S aquatic area;
- 2607 (3) paralleling the channel or following a down-valley route near the channel
- 2608 is avoided;
- 2609 (4) the width of clearing is minimized;
- 2610 (5) the removal of trees greater than twelve inches diameter at breast height is
- 2611 minimized;
- 2612 (6) an additional, contiguous and undisturbed critical area buffer, equal in
- 2613 area to the disturbed critical area buffer area is provided to protect the critical area;
- 2614 (7) access for maintenance is at limited access points into the critical area
- 2615 buffer.
- 2616 (8) the construction occurs during approved periods for instream work;
- 2617 (9) bored, drilled or other trenchless crossing is encouraged, and shall be
- 2618 laterally constructed at least four feet below the maximum depth of scour for the base
- 2619 flood; and
- 2620 (10) open trenching across Type O or Type N aquatic areas is only used
- 2621 during low flow periods or only within aquatic areas when they are dry.
- 2622 61. Allowed if sponsored or cosponsored by the countywide flood control zone
- 2623 district and the department determines that the project and its location:
- 2624 a. is the best flood risk reduction alternative practicable;
- 2625 b. is part of a comprehensive, long-term flood management strategy;
- 2626 c. is consistent with the King County Flood Hazard Management Plan policies;

2627 d. will have the least adverse impact on the ecological functions of the critical  
2628 area or its buffer, including habitat for fish and wildlife that are identified for protection  
2629 in the King County Comprehensive Plan; and

2630 e. has been subject to public notice in accordance with K.C.C. 20.44.060.

2631 62.a. Not allowed in wildlife habitat conservation areas;

2632 b. Only allowed if:

2633 (1) the project is sponsored or cosponsored by a public agency whose primary  
2634 function deals with natural resources management;

2635 (2) the project is located on public land or on land that is owned by a  
2636 nonprofit agency whose primary function deals with natural resources management;

2637 (3) there is not a feasible alternative location available on the site with less  
2638 impact to the critical area or its associated buffer;

2639 (4) the aquatic area or wetland is not for salmonid rearing or spawning;

2640 (5) the project minimizes the footprint of structures and the number of access  
2641 points to any critical areas; and

2642 (6) the project meets the following design criteria:

2643 (A) to the maximum extent practical size of platform shall not exceed one  
2644 hundred square feet;

2645 (B) all construction materials for any structures, including the platform,  
2646 pilings, exterior and interior walls and roof, are constructed of nontoxic material, such as  
2647 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,  
2648 fiberglass or cured concrete that the department determines will not have an adverse  
2649 impact on water quality;

2650 (C) the exterior of any structures are sufficiently camouflaged using netting  
2651 or equivalent to avoid any visual deterrent for wildlife species to the maximum extent  
2652 practical. The camouflage shall be maintained to retain concealment effectiveness;

2653 (D) structures shall be located outside of the wetland or aquatic area  
2654 landward of the Ordinary High Water Mark or open water component (if applicable) to  
2655 the maximum extent practical on the site;

2656 (E) construction occurs during approved periods for work inside the  
2657 Ordinary High Water Mark;

2658 (F) construction associated with bird blinds shall not occur from March 1  
2659 through August 31, in order to avoid disturbance to birds during the breeding, nesting and  
2660 rearing seasons;

2661 (G) to the maximum extent practical, provide accessibility for persons with  
2662 physical disabilities in accordance with the International Building Code;

2663 (H) trail access is designed in accordance with public rules adopted by the  
2664 department;

2665 (I) existing native vegetation within the critical area will remain undisturbed  
2666 except as necessary to accommodate the proposal. Only minimal hand clearing of  
2667 vegetation is allowed; and

2668 (J) disturbed bare ground areas around the structure must be replanted with  
2669 native vegetation approved by the department.

2670 63. Only structures wholly or partially supported by a tree and used as accessory  
2671 living quarters or for play and similar uses described in K.C.C. 16.02.240.1, subject to the  
2672 following:

- 2673           a. not allowed in wildlife habitat conservation areas or severe channel  
2674 migration hazard areas;
- 2675           b. the structure's floor area shall not exceed two hundred square feet, excluding  
2676 a narrow access stairway or landing leading to the structure;
- 2677           c. the structure shall be located as far from the critical area as practical, but in  
2678 no case closer than seventy-five feet from the critical area;
- 2679           d. only one tree-supported structure within a critical area buffer is allowed on a  
2680 lot;
- 2681           e. all construction materials for the structure, including the platform, pilings,  
2682 exterior and interior walls and roof, shall be constructed of nontoxic material, such as  
2683 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,  
2684 fiberglass or cured concrete that the department determines will not have an adverse  
2685 impact on water quality;
- 2686           f. to the maximum extent practical, the exterior of the structure shall be  
2687 camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife  
2688 and visibility from the critical area. The camouflage shall be maintained to retain  
2689 concealment effectiveness;
- 2690           g. the structure must not adversely impact the long-term health and viability of  
2691 the tree. The evaluation shall include, but not be limited to, the following:
- 2692               (1) the quantity of supporting anchors and connection points to attach the tree  
2693 house to the tree shall be the minimum necessary to adequately support the structure;
- 2694               (2) the attachments shall be constructed using the best available tree anchor  
2695 bolt technology; and



2696 (3) an ISA Certified Arborist shall evaluate the tree proposed for placement  
2697 of the tree house and shall submit a report discussing how the tree's long-term health and  
2698 viability will not be negatively impacted by the tree house or associated infrastructure;

2699 h. exterior lighting shall meet the following criteria:

2700 (1) limited to the minimum quantity of lights necessary to meet the building  
2701 code requirements to allow for safe exiting of the structure and stairway; and

2702 (2) exterior lights shall be fully shielded and shall direct light downward, in  
2703 an attempt to minimize impacts to the nighttime environment;

2704 i. unless otherwise approved by the department, all external construction shall  
2705 be limited to September 1 through March 1 in order to avoid disturbance to wildlife  
2706 species during typical breeding, nesting and rearing seasons;

2707 j. trail access to the structure shall be designed in accordance with trail  
2708 standards under subsection D.47. of this section;

2709 k. to the maximum extent practical, existing native vegetation shall be left  
2710 undisturbed. Only minimal hand clearing of vegetation is allowed; and

2711 l. vegetated areas within the critical area buffer that are temporarily impacted  
2712 by construction of the structure shall be restored by planting native vegetation according  
2713 to a vegetation management plan approved by the department.

2714 64. Shoreline water dependent and shoreline water oriented uses are allowed in  
2715 the aquatic area and aquatic area buffer of a Type S aquatic area if consistent with K.C.C.  
2716 chapter 21A.25, chapter 90.58 RCW and the King County Comprehensive Plan.

2717 65. Only hydroelectric generating facilities meeting the requirements of K.C.C.  
2718 21A.08.100B.14., and only as follows:

2719 a. there is not another feasible location within the aquatic area with less adverse  
2720 impact on the critical area and its buffer;

2721 b. the facility and corridor is not located over habitat used for salmonid rearing  
2722 or spawning or by a species listed as endangered or threatened by the state or federal  
2723 government unless the department determines that there is no other feasible location;

2724 c. the facility is not located in Category I wetlands or Category II wetlands with  
2725 a habitat score 30 points or greater

2726 d. the corridor width is minimized to the maximum extent practical;

2727 e. paralleling the channel or following a down-valley route within an aquatic  
2728 area buffer is avoided to the maximum extent practical;

2729 f. the construction occurs during approved periods for instream work;

2730 g. the facility and corridor will not change or adversely impact the overall  
2731 aquatic area flow peaks, duration or volume or the flood storage capacity;

2732 h. The facility and corridor is not located within a severe channel migration  
2733 hazard area;

2734 h. To the maximum extent practical, buildings will be located outside the  
2735 buffer and away from the aquatic area or wetland;

2736 i. To the maximum extent practical, access for maintenance is at limited access  
2737 points into the critical area buffer rather than by a parallel maintenance road. If a parallel  
2738 maintenance road is necessary the following standards are met:

2739 1. to the maximum extent practical the width of the maintenance road is  
2740 minimized and in no event greater than fifteen feet; and

2741 2. the location of the maintenance road is contiguous to the utility corridor on  
2742 the side of the utility corridor farthest from the critical area;

2743 j. the facility does not pose an unreasonable threat to the public health, safety or  
2744 welfare on or off the development proposal site and is consistent with the general  
2745 purposes of this chapter and the public interest; and

2746 k. the facility connects to or is an alteration to a public roadway, public trail, a  
2747 utility corridor or utility facility or other infrastructure owned or operated by a public  
2748 utility; and

2749 66. Only hydroelectric generating facilities meeting the requirements of K.C.C.  
2750 21A.08.100B.14, and only as follows:

2751 a. there is not another feasible location with less adverse impact on the critical  
2752 area and its buffer;

2753 b. the alterations will not subject the critical area to an increased risk of  
2754 landslide or erosion;

2755 c. the corridor width is minimized to the maximum extent practical;

2756 d. vegetation removal is the minimum necessary to locate the utility or  
2757 construct the corridor;

2758 e. the facility and corridor do not pose an unreasonable threat to the public  
2759 health, safety or welfare on or off the development proposal site and is consistent with the  
2760 general purposes of this chapter, and the public interest and significant risk of personal  
2761 injury is eliminated or minimized in the landslide hazard area; and

2762            f. the facility connects to or is an alteration to a public roadway, public trail, a  
2763 utility corridor or utility facility or other infrastructure owned or operated by a public  
2764 utility.

2765            SECTION 41. Ordinance 10870, Section 454, as amended, and K.C.C.  
2766 21A.24.070 are each hereby amended to read as follows:

2767            A. The director may approve alterations to critical areas, critical area buffers and  
2768 critical area setbacks not otherwise allowed by this chapter as follows:

2769            1. Except as otherwise provided in subsection A.2. of this section, for linear  
2770 alterations, the director may approve alterations to critical areas, critical area buffers and  
2771 critical area setbacks only when all of the following criteria are met:

2772            a. there is no feasible alternative to the development proposal with less adverse  
2773 impact on the critical area;

2774            b. the proposal minimizes the adverse impact on critical areas to the maximum  
2775 extent practical;

2776            c. the approval does not require the modification of a critical area development  
2777 standard established by this chapter;

2778            d. the development proposal does not pose an unreasonable threat to the public  
2779 health, safety or welfare on or off the development proposal site and is consistent with the  
2780 general purposes of this chapter and the public interest;

2781            e. the linear alteration:

2782            (1) connects to or is an alteration to a public roadway, regional light rail  
2783 transit line, public trail, a utility corridor or utility facility or other public infrastructure  
2784 owned or operated by a public utility; or

2785 (2) is required to overcome limitations due to gravity;

2786 2. In order to accommodate the siting of a regional light rail transit facility  
2787 under RCW 36.70A.200, the director may approve alterations to critical areas, critical  
2788 area buffers and critical area setbacks not otherwise allowed by this chapter and may  
2789 impose reasonable conditions to minimize the impact of the light rail transit facility on  
2790 the critical area and its buffer; and

2791 3. For nonlinear alterations the director may approve alterations to critical areas  
2792 except wetlands, unless otherwise allowed under subsection A.2.h. of this section, aquatic  
2793 areas and wildlife habitat conservation areas, and alterations to critical area buffers and  
2794 critical area setbacks, when all of the following criteria are met:

2795 a. there is no feasible alternative to the development proposal with less adverse  
2796 impact on the critical area;

2797 b. the alteration is the minimum necessary to accommodate the development  
2798 proposal;

2799 c. the approval does not require the modification of a critical area development  
2800 standard established by this chapter;

2801 d. the development proposal does not pose an unreasonable threat to the public  
2802 health, safety or welfare on or off the development proposal site and is consistent with the  
2803 general purposes of this chapter and the public interest;

2804 e. for dwelling units, no more than five thousand square feet or ten percent of  
2805 the site, whichever is greater, may be disturbed by structures, building setbacks or other  
2806 land alteration, including grading, utility installations and landscaping, but not including  
2807 the area used for a driveway or for an on-site sewage disposal system;

2808 f. to the maximum extent practical, access is located to have the least adverse  
2809 impact on the critical area and critical area buffer;

2810 g. the critical area is not used as a salmonid spawning area; and

2811 h. the director may approve an alteration in a category II, III and IV wetland  
2812 for development of a public school facility.

2813 B. The director may approve alterations to critical areas, critical area buffers and  
2814 critical area setbacks if the application of this chapter would deny all reasonable use of  
2815 the property as follows:

2816 1. If the critical area, critical area buffer or critical area setback is outside of the  
2817 shoreline jurisdiction, the applicant may apply for a reasonable use exception under this  
2818 subsection without first having applied for an alteration exception under this section if the  
2819 requested reasonable use exception includes relief from development standards for which  
2820 an alteration exception cannot be granted under this section. The director shall determine  
2821 that all of the following criteria are met:

2822 a. there is no other reasonable use with less adverse impact on the critical area;

2823 b. the development proposal does not pose an unreasonable threat to the public  
2824 health, safety or welfare on or off the development proposal site and is consistent with the  
2825 general purposes of this chapter and the public interest;

2826 c. any authorized alteration to the critical area or critical area buffer is the  
2827 minimum necessary to allow for reasonable use of the property; and

2828 d. for dwelling units, no more than five thousand square feet or ten percent of  
2829 the site, whichever is greater, may be disturbed by structures, building setbacks or other

2830 land alteration, including grading, utility installations and landscaping but not including  
2831 the area used for a driveway or for an on-site sewage disposal system; and

2832           2. If the critical area, critical area buffer or critical area setback is located within  
2833 the shoreline jurisdiction, the request for a reasonable use exception shall be considered a  
2834 request for a shoreline variance under K.C.C. 25.32.040, as recodified by this ordinance.

2835           C. For the purpose of this section, "linear" alteration means infrastructure that  
2836 supports development, that is linear in nature and includes public and private roadways,  
2837 public trails, private driveways, railroads, regional light rail transit, hydroelectric  
2838 generating facilities, utility corridors and utility facilities.

2839           D. Alteration exceptions approved under this section shall meet the mitigation  
2840 requirements of this chapter.

2841           E. An applicant for an alteration exception shall submit a critical area report, as  
2842 required by K.C.C. 21A.24.110.

2843           SECTION 42. Ordinance 10870, Section 491, and K.C.C. 21A.26.020 are each  
2844 hereby amended to read as follows:

2845           The following are exempt from the provisions of this chapter and shall be  
2846 permitted in all zones:

2847           A. Industrial processing equipment and scientific or medical equipment using  
2848 frequencies regulated by the Federal Communications Commission (FCC);

2849           B. Machines and equipment that are designed and marketed as consumer  
2850 products, such as microwave ovens and remote control toys;

2851           C. The storage, shipment or display for sale of transmission equipment;

2852           D. Radar systems for military and civilian communication and navigation;

- 2853 E. Hand-held, mobile, marine and portable radio transmitters and/or receivers;
- 2854 F. Two-way radio utilized for temporary or emergency services communications;
- 2855 G. Licensed amateur (Ham) radio stations and citizen band stations;
- 2856 H. Earth station downlink using satellite dish antennas with a diameter of less
- 2857 than 12 feet provided that stations in excess of one dish antennas are subject to condi-
- 2858 tional use permits;
- 2859 I. Receive-only satellite dish antennas as an accessory use; and
- 2860 J. Two-way radio antennas, point-to-point microwave dishes, and ~~((cellular~~
- 2861 ~~radio))~~ personal wireless service antennas ~~((which))~~ that are not located on a transmission
- 2862 structure (lattice towers and monopoles); and
- 2863 K. Any maintenance, reconstruction, repair or replacement of a conforming or
- 2864 nonconforming communication facility, transmission equipment, transmission structure
- 2865 or transmitter building; provided, that the transmission equipment does not result in
- 2866 noncompliance with K.C.C. 21A.26.100 and 21A.26.130.
- 2867 L. In the event a building permit is required for any emergency maintenance,
- 2868 reconstruction, repair or replacement, filing of the building permit application shall not be
- 2869 required until 30 days after the completion of such emergency activities. In the event a
- 2870 building permit is required for nonemergency maintenance, reconstruction, repair or
- 2871 replacement, filing of the building permit application shall be required prior to the
- 2872 commencement of such nonemergency activities.
- 2873 SECTION 43. Ordinance 10870, Section 492, as amended, and K.C.C.
- 2874 21A.26.030 are each hereby amended to read as follows:



2875           The standards and process requirements of this chapter supersede all other review  
2876 process, setback or landscaping requirements of this title. All communication facilities  
2877 ~~((which))~~ that are not exempt pursuant to K.C.C. 21A.26.020 shall comply with the  
2878 provisions of this chapter as follows:

2879           A. New communication facilities, with the exception of consolidations, shall  
2880 comply with the provisions of K.C.C. 21A.26.020 through 21A.26.130 and K.C.C.  
2881 21A.26.160 through 21A.26.190~~((; new minor communication facilities shall also  
2882 comply with applicable provisions of this chapter, and, in case of conflict, the provisions  
2883 of this chapter shall apply))~~);

2884           B. Modified communication facilities, with the exception of consolidations, shall  
2885 comply with standards as provided in K.C.C. 21A.26.020, K.C.C. 21A.26.060 through  
2886 21A.26.140, and K.C.C. 21A.26.160 through 21A.26.190~~((; modifications to minor  
2887 communication facilities shall also comply with the applicable provisions of this chapter,  
2888 and, in case of conflict, the provisions of this chapter shall apply))~~);

2889           C. Consolidations shall comply with standards as provided in K.C.C.  
2890 21A.26.020, K.C.C. 21A.26.060 through 21A.26.130, and K.C.C. 21A.26.150 through  
2891 21A.26.190~~((; consolidations to minor communication facilities shall also comply with  
2892 the applicable provisions of this chapter, and, in the case of conflict, the provisions of this  
2893 chapter shall apply))~~; and

2894           D. New, modified or consolidated minor communication facilities shall comply  
2895 with the standards of this chapter and K.C.C. Chapter 21A. \_\_\_ (the new chapter created by  
2896 section 60 of this ordinance). In the case of a conflict between the provisions of this

2897 chapter and the provisions of K.C.C. Chapter 21A. (the new chapter created by section  
2898 60 of this ordinance), the provisions of this chapter shall apply.

2899 SECTION 44. Ordinance 10870, Section 494, as amended, and K.C.C.  
2900 21A.26.050 are each hereby amended to read as follows:

2901 Except as outlined for modifications and consolidations pursuant to K.C.C.  
2902 21A.26.140 and 21A.26.150 or when setbacks are increased to ensure compliance with  
2903 NIER exposure limits, communication facilities shall comply with the following  
2904 setbacks:

2905 A. Transmission structures, other than those for minor communication facilities,  
2906 ~~((which))~~ that do not exceed the height limit of the zone in which they are located~~((;))~~  
2907 shall be set back from the property line as required for other structures by the zone in  
2908 which such transmission structure is located;

2909 B. Transmission structures, other than those for minor communication facilities,  
2910 ~~((which))~~ that exceed the height limit of the zone in which they are located~~((;))~~ shall be  
2911 set back from property lines either a minimum of fifty feet or one foot for every foot in  
2912 height, whichever results in the greater setback, except:

2913 1. Transmission structures, other than those for minor communication facilities,  
2914 located in the A, F, NB, CB, RB, O or I zones shall be set back from the property line as  
2915 required by the zone in which they are located; and

2916 2. Transmission structures for minor communication facilities shall be set back  
2917 from the property line as provided in K.C.C. 21A.26.320, as recodified by this ordinance;

2918 C. When two or more communication facilities share a common boundary, the  
2919 setback from such boundary shall comply with the requirements of the zone in which the  
2920 facilities are located, unless easements are provided:

2921 1. On the adjoining sites (~~which~~) that limit development to communication  
2922 facilities;

2923 2. Of sufficient depth to provide the setbacks required in subsections A and B;  
2924 and

2925 3. (~~Which~~) That provide for King County as a third party signatory to the  
2926 agreement; and

2927 D. Transmitter buildings shall be subject to the setback requirements of the zone  
2928 in which they are located.

2929 SECTION 45. Ordinance 10870, Section 503, as amended, and K.C.C.  
2930 21A.26.140 are each hereby amended to read as follows:

2931 A. Cumulative modifications of conforming or nonconforming communication  
2932 facilities, transmission structures or transmission equipment (~~which~~) that do not  
2933 increase the overall height of the transmission structure or transmission equipment by  
2934 more than thirty percent shall be allowed provided:

2935 1. A nonconformance with respect to the transmission structure shall not be  
2936 created or increased, except as otherwise provided above as to height;

2937 2. Existing perimeter vegetation or landscaping shall not be reduced; (~~and~~)

2938 3. The modification results in compliance with K.C.C. 21A.26.100 and  
2939 21A.26.130. The applicant shall provide King County a detailed certification of

2940 compliance with these provisions ((which)) that has been prepared by a licensed  
2941 professional engineer((-)); and

2942 4. For minor communication facilities, the allowances for increased height  
2943 established by this chapter shall be complied with.

2944 B. Except for consolidations allowed by K.C.C. 21A.26.150, modifications  
2945 which increase the overall height of the transmission structure or transmission equipment  
2946 by more than 30 percent shall be subject to the following provisions:

2947 1. Applications for such transmission structures shall be reviewed pursuant to  
2948 the applicable process specified in this chapter; and

2949 2. Such transmission structures shall comply with the provisions of K.C.C.  
2950 21A.26.020, K.C.C. 21A.26.060 through 21A.26.140, K.C.C. 21A.26.160 through  
2951 21A.26.190, and, ~~((Ordinance 13129, and))~~ for minor communication facilities K.C.C.  
2952 Chapter 21A. (the new chapter created by section 60 of this ordinance). For minor  
2953 communication facilities, in case of conflict, the provisions of ~~((Ordinance 13129))~~  
2954 K.C.C. Chapter 21A. (the new chapter created by section 60 of this ordinance) shall  
2955 control.

2956 SECTION 46. Ordinance 10870, Section 505, as amended, and K.C.C.  
2957 21A.26.160 are each hereby amended to read as follows:

2958 A. In addition to any required site plan, a permit application for ~~((any))~~ a  
2959 communication facility shall also include:

2960 1. A site plan ~~((which))~~ that shows existing and proposed transmission  
2961 structures; guy wire anchors; warning signs; fencing and access restrictions;

- 2962           2. A report by a licensed professional engineer demonstrating compliance with  
2963 applicable structural standards of ~~((the UBC))~~ K.C.C. Title 16, and describing the general  
2964 structural capacity of any proposed transmission structure(s), including:
- 2965           a. The number and type of antennas that can be accommodated; and  
2966           b. The basis for the calculation of capacity;
- 2967           3. A report by a state licensed professional engineer that includes the following:
- 2968           a. A description of any proposed transmission tower(s) or structure(s),  
2969 including height above grade, materials, color and lighting; and  
2970           b. Information related to interference required by K.C.C. 21A.26.090.
- 2971           B. Where a permit for a non-exempt communication facility is required, the  
2972 application shall also include the following information:
- 2973           1. The name and address of the operator(s) of proposed and existing antennas on  
2974 the site;
- 2975           2. The height of any proposed antennas;
- 2976           3. Manufacture, type, and model of such antennas;
- 2977           4. Frequency, modulation and class or service;
- 2978           5. Transmission and maximum effective radiated power;
- 2979           6. Direction of maximum lobes and associated radiation;
- 2980           7. The calculated NIER levels attributable to the proposed antennas at points  
2981 along the property line and other areas off-site which are higher than the property line  
2982 points, as well as calculated power density (NIER levels) in areas that are expected to be  
2983 unfenced on-site;

2984           8. For a major communication facility, if there is another major communication  
2985 facility within one mile of the site of the proposed facility, the level of NIER at the points  
2986 identified in subsection B.7. as measured within ~~((30))~~ thirty days prior to application;  
2987 and

2988           9. For a minor communication facility, if there is an existing major  
2989 communication facility within one-half mile of the site of the proposed facility, the level  
2990 of NIER at the points identified in subsection B.7. as measured within ~~((30))~~ thirty days  
2991 prior to the application.

2992           SECTION 47. Ordinance 10870, Section 536, as amended, and K.C.C.  
2993 21A.30.080 are each hereby amended to read as follows:

2994           In the R, ~~((and))~~ UR, NB, CB and RB zones, residents of a dwelling unit may  
2995 conduct one or more home occupations as accessory activities, only if:

2996           A. The total floor area of the dwelling unit devoted to all home occupations shall  
2997 not exceed twenty percent of the dwelling unit.

2998           B. Areas within garages and storage buildings shall not be considered part of the  
2999 dwelling unit and may be used for activities associated with the home occupation;

3000           ~~((B-))~~ C. All the activities of the home occupation or occupations shall be  
3001 conducted indoors, except for those related to growing or storing of plants used by the  
3002 home occupation or occupations;

3003           ~~((C-))~~ D. A home occupation or occupations is not limited in the number of  
3004 employees that remain off-site. No more than one nonresident employee shall be  
3005 permitted to work on-site for the home occupation or occupations;

3006           ~~((D.))~~ E. The following ~~((activities are prohibited))~~ uses, by the nature of their  
3007 operation or investment, tend to increase beyond the limits permitted for home  
3008 occupations. Therefore, the following shall not be permitted as home occupations:

- 3009           1. Automobile, truck and heavy equipment repair;
- 3010           2. Autobody work or painting;
- 3011           3. Parking and storage of heavy equipment; ~~((and))~~
- 3012           4. Storage of building materials for use on other properties;
- 3013           5. Hotels, motels or organizational lodging;
- 3014           6. Dry cleaning;
- 3015           7. Towing services; and
- 3016           8. Trucking, storage or self service, except for parking or storage of one  
3017 commercial vehicle used in ome occupation; and
- 3018           9. Veterinary clinic;

3019           ~~((E.))~~ F. In addition to required parking for the dwelling unit, on-site parking is  
3020 provided as follows:

- 3021           1. One stall for each nonresident employed by the home occupations; and
- 3022           2. One stall for patrons when services are rendered on-site;

3023           ~~((F.))~~ G. Sales are limited to:

- 3024           1. Mail order sales;
- 3025           2. Telephone, Internet or other electronic commerce sales with off-site delivery;

3026 and

- 3027           3. Items accessory to a service provided to patrons who receive services on the  
3028 premises;

3029           ~~((G.))~~ H. On-site services to patrons are arranged by appointment;

3030           ~~((H.))~~ I. The home occupation or occupations use or store a vehicle for pickup of  
3031 materials used by the home occupation or occupations or the distribution of products  
3032 from the site, only if:

3033           1. No more than one such a vehicle is allowed; and

3034           2. The vehicle is not stored within any required setback areas of the lot or on  
3035 adjacent streets; and

3036           3. The vehicle does not exceed an equivalent licensed gross vehicle weight of  
3037 one ton;

3038           ~~((I.))~~ J. The home occupation or occupations do not ~~((use electrical or mechanical~~  
3039 ~~equipment that results in))~~:

3040           1. ~~((A))~~ Use electrical or mechanical equipment that results in a change to the  
3041 occupancy type of the structure or structures used for the home occupation or  
3042 occupations; or

3043           2. ~~((V))~~ Cause visual or audible interference in radio or television receivers, or  
3044 electronic equipment located off-premises~~((;))~~ or ~~((3. F))~~ fluctuations in line voltage off-  
3045 premises;

3046           K. There shall be no exterior evidence of a home occupation, other than growing  
3047 or storing of plants under subsection C of this section or a permitted sign, that would  
3048 cause the premises to differ from its residential character. Exterior evidence includes, but  
3049 is not limited to, lighting, the generation or emission of noise, fumes or vibrations as  
3050 determined by using normal senses from any lot line or on average increase vehicular  
3051 traffic by more than four additional vehicles at any given time;



3052            L. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00  
3053 p.m. on weekdays, and 9:00 a.m. to 5 p.m. on weekends; and

3054            ~~((F))~~ M. Uses not allowed as home occupations may be allowed as a home  
3055 industry under K.C.C. ~~((chapter))~~ 21A.30.090.

3056            SECTION 48. Ordinance 15606, Section 20, as amended, and K.C.C.  
3057 21A.30.085 are each hereby amended to read as follows:

3058            In the A, F and RA zones, residents of a dwelling unit may conduct one or more  
3059 home occupations as accessory activities, under the following provisions:

3060            A. The total floor area of the dwelling unit devoted to all home occupations shall  
3061 not exceed twenty percent of the dwelling unit.

3062            B. Areas within garages and storage buildings shall not be considered part of the  
3063 dwelling unit and may be used for activities associated with the home occupation;

3064            ~~((B-))~~ C. Total outdoor area of all home occupations shall be permitted as  
3065 follows:

3066            1. For any lot less than one acre: Four hundred forty square feet; and

3067            2. For lots one acre or greater: One percent of the area of the lot, up to a  
3068 maximum of five thousand square feet.

3069            ~~((C-))~~ D. Outdoor storage areas and parking areas related to home occupations  
3070 shall be:

3071            1. No less than twenty-five feet from any property line; and

3072            2. Screened along the portions of such areas that can be seen from an adjacent  
3073 parcel or roadway by the:

3074            a. planting of Type II landscape buffering; or

3075           b. use of existing vegetation which meets or can be augmented with additional  
3076 plantings to meet the intent of Type II landscaping.

3077           ~~((D.))~~ E. A home occupation or occupations is not limited in the number of  
3078 employees that remain off-site. Regardless of the number of home occupations, the  
3079 number of nonresident employees is limited to no more than three who work on-site at  
3080 the same time and no more than three who report to the site but primarily provide  
3081 services off-site.

3082           ~~((E.))~~ F. In addition to required parking for the dwelling unit, on-site parking is  
3083 provided as follows:

- 3084           1. One stall for each nonresident employed on-site; and  
3085           2. One stall for patrons when services are rendered on-site;

3086           ~~((F.))~~ G. Sales are limited to:

- 3087           1. Mail order sales;  
3088           2. Telephone, Internet or other electronic commerce sales with off-site delivery;  
3089           3. Items accessory to a service provided to patrons who receive services on the  
3090 premises;

3091           4. Items grown, produced or fabricated on-site; and

3092           5. On sites five acres or larger, items that support agriculture, equestrian or  
3093 forestry uses except for the following:

3094           a. motor vehicles and parts (North American Industrial Classification System  
3095 ("NAICS" Code 441));

3096           b. electronics and appliances (NAICS Code 443); and

3097           c. building material and garden equipments and supplies (NAICS Code 444);

3098           ~~((G.))~~ H. The home occupation or occupations do not ~~((use electrical or~~  
3099 ~~mechanical equipment that results in))~~:

3100           1. ~~((A))~~ Use electrical or mechanical equipment that results in a change to the  
3101 occupancy type of the structure or structures used for the home occupation or  
3102 occupations;

3103           2. ~~((V))~~ Cause visual or audible interference in radio or television receivers, or  
3104 electronic equipment located off-premises~~((;))~~ or ~~((3.-F))~~ fluctuations in line voltage off-  
3105 premises; or

3106           3. Increase average vehicular traffic by more than four additional vehicles at any  
3107 given time;

3108           ~~((H.))~~ I. Customer visits and deliveries shall be limited to the hours of 8:00 a.m.  
3109 to 7:00 p.m. on weekdays, and 9:00 a.m. to 5 p.m. on weekends;

3110           J. The following uses, by the nature of their operation or investment, tend to  
3111 increase beyond the limits permitted for home occupations. Therefore, the following  
3112 shall not be permitted as home occupations:

3113           1. Hotels, motels or organizational lodging;

3114           2. Dry cleaning; and

3115           3. Towing services;

3116           K. Uses not allowed as home occupation may be allowed as a home industry  
3117 under K.C.C. chapter 21A.30; and

3118           ~~((H.))~~ L. The home occupation or occupations may use or store vehicles, as  
3119 follows:

3120           1. The total number of vehicles for all home occupations shall be:

- 3121 a. for any lot five acres or less: two;
- 3122 b. for lots greater than five acres: three; and
- 3123 c. for lots greater than ten acres: four;
- 3124 2. The vehicles are not stored within any required setback areas of the lot or on
- 3125 adjacent streets; and
- 3126 3. The parking area for the vehicles shall not be considered part of the outdoor
- 3127 storage area provided for in subsection C. of this section.

3128 SECTION 49. Ordinance 10870, Section 537, as amended, and K.C.C.

3129 21A.30.090 are each hereby amended to read as follows:

3130 A resident may establish a home industry as an accessory activity, as follows:

3131 A. The site area is one acre or greater;

3132 B. The area of the dwelling unit used for the home industry does not exceed fifty

3133 percent of the floor area of the dwelling unit.

3134 C. Areas within attached garages and storage buildings shall not be considered

3135 part of the dwelling unit for purposes of calculating allowable home industry area but

3136 may be used for storage of goods associated with the home industry;

3137 C. No more than ~~((four))~~ six nonresidents who ~~((come to the))~~ work on-site ~~((of~~

3138 ~~the home industry are employed in the home industry))~~ at the same time;

3139 D. In addition to required parking for the dwelling unit, on-site parking is

3140 provided as follows:

3141 1. One stall for each non-resident employee of the home industry; and

3142 2. One stall for customer parking;

3143 E. Additional customer parking shall be calculated for areas devoted to the home  
3144 industry at the rate of one stall per:

- 3145 1. One thousand square feet of building floor area; and  
3146 2. Two thousand square feet of outdoor work or storage area;

3147 F. Sales are limited to items produced on-site, except for items collected, traded  
3148 and occasionally sold by hobbyists, such as coins, stamps, and antiques;

3149 G. Ten feet of Type I landscaping are provided around portions of parking and  
3150 outside storage areas that are otherwise visible from adjacent properties or public rights-  
3151 of-way; and

3152 H. The department ensures compatibility of the home industry by:

- 3153 1. Limiting the type and size of equipment used by the home industry to those  
3154 that are compatible with the surrounding neighborhood;  
3155 2. Providing for setbacks or screening as needed to protect adjacent residential  
3156 properties;  
3157 3. Specifying hours of operation;  
3158 4. Determining acceptable levels of outdoor lighting; and  
3159 5. Requiring sound level tests for activities determined to produce sound levels  
3160 that may be in excess of those in K.C.C. chapter 12.88.

3161 SECTION 50. Ordinance 10870, Section 549, as amended, and K.C.C.  
3162 21A.32.120 are each hereby amended to read as follows:

3163 Except as otherwise provided in this chapter or in K.C.C. chapter 21A.45,  
3164 temporary use permits shall be limited in duration and frequency as follows:

3165           A. The temporary use permit shall be effective for one year from the date of  
3166 issuance and may be renewed annually as provided in subsection ~~((E-))~~ D. of this section;

3167           B. The temporary use shall not exceed a total of sixty days in any ~~((calendar~~  
3168 ~~year))~~ three-hundred and sixty five day period. This requirement applies only to the days  
3169 that the event or events actually take place. For a winery in the A or RA zones, the  
3170 temporary use shall not exceed a total of two events per month and all parking for the  
3171 events must be accommodated on site;

3172           C. The temporary use permit shall specify a date upon which the use shall be  
3173 terminated and removed; and

3174           D. A temporary use permit may be renewed annually for up to a total of five  
3175 consecutive ~~((calendar))~~ years as follows:

3176           1. The applicant shall make a written request and pay~~((s))~~ the applicable permit  
3177 extension fees for renewal of the temporary use permit at least ~~((sixty))~~ seventy days  
3178 before the earlier of the end of the permit period or the last of the events;

3179           2. The department must determine that the temporary use is being conducted in  
3180 compliance with the conditions of the temporary use permit;

3181           3. The department must determine that site conditions have not changed since  
3182 the original temporary permit was issued; and

3183           4. At least forty-five days before the end of the permit period, the department  
3184 shall notify property owners within five hundred feet of the property boundaries that a  
3185 temporary use permit extension has been requested and contact information to request  
3186 additional information or to provide comments on the proposed extension.

3187            SECTION 51. Ordinance 11567, Section 1, as amended, and K.C.C. 21A.38.100  
3188 are each hereby amended to read as follows:

3189            A. The purpose of the commercial/industrial special district overlay is to  
3190 accommodate and support existing commercial/industrial areas outside of activity centers  
3191 by providing incentives for the redevelopment of underutilized commercial or industrial  
3192 lands and by permitting a range of appropriate uses consistent with maintaining the  
3193 quality of nearby residential areas.

3194            B. The commercial/industrial special district overlay shall be designated only  
3195 through the area zoning process and applied to areas substantially developed with a mix  
3196 of commercial and light industrial uses and zoned CB, RB, O, or I.

3197            C. The standards of this title and other county codes shall be applicable to  
3198 development within the commercial/industrial special district overlay except as follows:

3199            1. Legally-established commercial or industrial uses that exist within an area as  
3200 of the effective date of legislation applying the commercial/industrial special district  
3201 overlay, but that are not otherwise permitted by the zoning, shall be considered permitted  
3202 uses upon only the lots that they occupied as of that date.

3203            2. Permitted uses within the area of a commercial/industrial special district  
3204 overlay shall include those uses permitted in the base zone applied therein as well as  
3205 permitted uses as set forth in the I zone with the exception of the following:

- 3206            a. any use permitted in the I zone requiring a conditional use permit;
- 3207            b. auction houses;
- 3208            c. livestock sales;
- 3209            d. SIC Industry Group 201 (meat products);

- 3210 e. SIC Industry Group 202 (dairy products);
- 3211 f. SIC Industry Group 204 (grain mill products);
- 3212 g. SIC Industry Group 207 (fats and oils);
- 3213 h. motor vehicle and boat dealers;
- 3214 i. SIC Major Group 24 (lumber and wood products, except furniture) except
- 3215 2431 (millwork) and 2434 (wood kitchen cabinets);
- 3216 j. SIC Industry Group 311 (leather tanning and finishing);
- 3217 k. SIC Major Group 32 (stone, clay, glass and concrete products);
- 3218 l. SIC Industry 3999 (manufacturing industries, not elsewhere classified)
- 3219 dressing of furs, fur stripping and pelts only;
- 3220 m. SIC Industry 7534 (tire retreading);
- 3221 n. SIC Major Group 02 (agricultural production--livestock and animal
- 3222 specialties);
- 3223 o. SIC Industry 2951 (asphalt paving mixtures and blocks);
- 3224 p. resource accessory uses, and
- 3225 q. outdoor storage of equipment or materials occupying more than 25% of the
- 3226 site associated with: SIC Major Group 15 (building construction--contractors and
- 3227 operative builders), SIC Major Group 16 (heavy construction other than building
- 3228 construction--contractors), SIC Major Group 17 (construction--special trade contractors)
- 3229 and, SIC Industry 7312 (outdoor advertising services); provided, that such outdoor
- 3230 storage be visually screened from surrounding properties.
- 3231 4. Uses permitted both by the base zone applied to the property and through the
- 3232 application of the commercial/industrial special district overlay shall be subject to the



3233 limitations on use found in the base zone in K.C.C. 21A.08 except for  
3234 commercial/industrial accessory uses to which the limitations on use in the base zone  
3235 shall not apply.

3236           5. The minimum parking requirements of this title shall be reduced as follows,  
3237 provided that such reductions do not apply to new construction on vacant property or the  
3238 vacant portions of partially-developed property where that construction is not an  
3239 enlargement or replacement of an existing building:

3240           a. the parking stall requirements are reduced (~~(100)~~) one hundred percent  
3241 provided that:

3242           (1) the square footage of any enlargement or replacement of an existing  
3243 building does not in total exceed (~~(125)~~) one hundred twenty-five percent of the square  
3244 footage of the existing building;

3245           (2) the building fronts on an existing roadway improved to urban standards or  
3246 a roadway programmed to be improved to urban standards as a capital improvement  
3247 project, that accommodates on-street parking; and

3248           (3) there is no net decrease in existing-off-street parking space.

3249           b. the parking stall requirements are reduced (~~(50)~~) fifty percent provided that:

3250           (1) the square footage of any enlargement or replacement of an existing  
3251 building in total exceeds (~~(125)~~) one hundred twenty-five percent of the square footage of  
3252 the existing building;

3253           (2) the height of the enlarged or replacement building does not exceed the  
3254 base height of the zone in which it is located;

3255 (3) the building fronts on an existing roadway improved to urban standards or  
3256 a roadway programmed to be improved to urban standards as a capital improvement  
3257 project, that accommodates on-street parking; and

3258 (4) there is no net decrease in existing off-street parking spaces, unless it  
3259 exceeds the minimum requirements of this subsection C.5.b.

3260 6. The landscaping requirements of this title shall be waived, provided that:

3261 a. street trees, installed and maintained by the adjacent property owner, shall  
3262 be substituted in lieu of landscaping; and

3263 b.(1) except as otherwise provided in 6.b.(2) of this subsection, any portion of  
3264 the overlay district that directly abuts properties outside of the district shall provide,  
3265 along said portions, a landscape buffer area no less than ~~((50))~~ fifty percent of that  
3266 required by this title; and

3267 (2) if required parking for a development proposal is located on properties  
3268 outside of the district that directly abut the site, the landscape buffer required by 6.b.(1)  
3269 of this section may be placed on the perimeter of the properties on which the parking is  
3270 located that abut other properties outside of the district.

3271 7. The setback requirements of this title shall be waived, provided that:

3272 a. setback widths along any street that is not an alley forming a boundary of  
3273 the overlay district shall comply with this title; and

3274 b. any portion of the overlay district that directly abuts properties outside of  
3275 the district shall provide, along said portions, a setback no less than ~~((50))~~ fifty percent of  
3276 that required by this title.

3277 8. The building height limits of this title shall be waived, provided that the  
3278 height limit within ~~((50))~~ fifty feet of the perimeter of the overlay district shall be ~~((30))~~  
3279 thirty feet.

3280 9. Signage shall be limited to that allowed within the CB zone.

3281 10. The roadway improvements of the King county code shall be waived,  
3282 provided a no-protest agreement to participate in future road improvement districts (RID)  
3283 is signed by an applicant and recorded with the county.

3284 11. The pedestrian circulation requirements of this title shall be waived.

3285 12. The impervious surface and lot coverage requirements of this title shall be  
3286 waived.

3287 D. The following standards shall be applicable to unincorporated activity centers  
3288 as designated in the comprehensive plan and located within the commercial/industrial  
3289 special district overlay:

3290 1. For properties that have frontage on a pedestrian street~~((s))~~ or route~~((s))~~ as  
3291 designated in an applicable plan or area zoning process, except for gasoline service  
3292 stations (SIC 5541) and grocery stores (SIC 5411) that also sell gasoline, the following  
3293 conditions shall apply:

3294 a. main building entrances shall be oriented to the pedestrian street;

3295 b. at the ground floor (at grade), buildings shall be located no more than ~~((5))~~  
3296 five feet from the sidewalk or sidewalk improvement, but in no instance shall encroach  
3297 on the public right-of-way;

3298 c. building facades shall comprise at least (~~(75%)~~) seventy-five percent of the  
3299 total pedestrian street frontage for a property, and if applicable, at least (~~(75%)~~) seventy-  
3300 five percent of the total pedestrian route frontage for a property;

3301 d. minimum side setbacks of the underlying zoning are waived;

3302 e. building facades of ground floor retail, general business service, and  
3303 professional office land uses, that front onto a pedestrian street or route shall include  
3304 windows and overhead protection;

3305 f. building facades, along a pedestrian street or route, that are without  
3306 ornamentation, or are comprised of uninterrupted glass curtain walls or mirrored glass are  
3307 not permitted; and

3308 g. vehicle access shall be limited to the rear access alley or rear access street  
3309 where such an alley or street exists.

3310 SECTION 52. Ordinance 11621, Section 130, and K.C.C. 21A.41.110 are each  
3311 hereby amended to read as follows:

3312 A. A subsequent building permit application may contain minor modifications to  
3313 an approved commercial site development plan (~~((provided-a))~~) if the modification does  
3314 not:

3315 1. (~~((does not))~~) increase the building floor area by more than 10%;

3316 2. (~~((does not))~~) increase the number of dwelling units;

3317 3. (~~((does not))~~) increase the total impervious surface area, provided that,

3318 relocatable facilities for schools shall be exempt from this restriction; does not result in

3319 an insufficient amount of parking and/or loading;

3320           4. ~~((does not))~~ locate buildings outside an approved building envelope, provided  
3321 that, relocatable facilities for schools shall be exempt from this restriction;

3322           5. ~~((does not))~~ change the number of ingress and egress points to the site;

3323           6. ~~((does not))~~ significantly increase the traffic impacts of peak hour trips to and  
3324 from the site; or

3325           7. ~~((does not))~~ significantly increase the quantity of imported or exported  
3326 materials or increase the area of site disturbance.

3327           B. Modifications ~~((which))~~ that exceed the conditions of approval as stated in this  
3328 section and require a new review as determined by the director shall only be  
3329 accomplished by applying for a new commercial site development permit for the entire  
3330 site. The new application shall be reviewed according to the laws and rules in effect at  
3331 the time of application.

3332           SECTION 53. Ordinance 13130, Section 10, and K.C.C. 21A.42.180 are each  
3333 hereby amended to read as follows:

3334           Modifications and expansions of uses or developments authorized by an existing  
3335 planned unit development approval shall be subject to the following provisions.

3336           A. Any approved modification or expansion shall be recorded.

3337           B. Modifications to building location ~~((and/))~~ or dimensions shall be reviewed  
3338 pursuant to the code compliance process of ~~((K.C.C. 21A.42.010 only when))~~ this chapter  
3339 unless:

3340           1. ~~((No-b))~~ Buildings are located closer to the nearest property line(s) ~~((, and))~~; or

3341           2. ~~((No))~~ An increase in square footage of buildings is proposed.

3342 C. Modifications (~~beyond those permitted in~~) not exempted from the code  
3343 compliance process of this chapter by subsection B of this section and all expansions(~~(s)~~)  
3344 shall be subject to the approval of a conditional use permit.

3345 SECTION 54. Ordinance 13130, Section 11, as amended, and K.C.C.  
3346 21A.42.190 are each hereby amended to read as follows:

3347 A. The department may review and approve, pursuant to the code compliance  
3348 process of (~~K.C.C. 21A.42.030~~) this chapter, an expansion of a use or development  
3349 authorized by an existing conditional use, special use or unclassified use permit as  
3350 follows:

3351 1. The expansion shall conform to all provisions of this title and the original  
3352 land use permit, except that the project-wide amount of each of the following may be  
3353 increased up to ten percent:

- 3354 a. building square footage(~~(s)~~);
- 3355 b. impervious surface(~~(s)~~);
- 3356 c. parking(~~(s)~~); or
- 3357 d. building height;

3358 2. No subsequent expansions shall be approved under this subsection if the  
3359 cumulative amount of such expansions exceeds the percentage prescribed in subsection  
3360 A.1. of this section; and

3361 3. (~~A conditional use permit shall be required for~~) An expansion(s)  
3362 expansion of a use or development authorized by an existing conditional use, special use  
3363 or unclassified use permit that does not conform to the provisions of subsection A.1. of  
3364 this section may only be approved if:

3365            a. the expansion is within a use or development authorized by an existing  
3366 conditional use permit (~~((if the expansions are not consistent with the provisions of this~~  
3367 ~~subsection))~~ and is reviewed and approved as a conditional use; and

3368            (~~(4. A special use permit shall be required for))~~ b. the expansion((s)) is within  
3369 a use or development authorized by an existing special use or unclassified use permit(~~((if~~  
3370 ~~the expansions to either permit are not consistent with the provisions of this subsection))~~)  
3371 and is reviewed and approved as a special use.

3372            B. The department may review and approve, in accordance with the code  
3373 compliance process of (~~(K.C.C. 21A.42.030))~~ this chapter, a modification of a use or a  
3374 development authorized by an existing conditional use, special use or unclassified use  
3375 permit that does not make a substantial change, as determined by the department, to the  
3376 conditional use, special use or unclassified use. For the purpose of this subsection, a  
3377 "substantial change" includes, but is not limited to, a change to the conditions of approval  
3378 that leads to significant built or natural environmental impacts that were not addressed in  
3379 the original approval or the creation of a new use.

3380            C. This section shall not apply to modifications or expansions of  
3381 telecommunication facilities, the provision for which are in K.C.C. 21A.26.140 or to  
3382 modifications or expansions of nonconformances, the provisions for which are in K.C.C.  
3383 21A.32.065.

3384            NEW SECTION. SECTION 55. There is hereby added to K.C.C. chapter 23.32  
3385 a new section to read as follows:

3386            A. The invoice for civil penalties imposed under this Title shall include a  
3387 statement advising the person responsible for code compliance that there is a right to

3388 appeal any civil penalties assessed for any time period after achieving compliance with a  
3389 notice and order, stop work order or voluntary compliance agreement.

3390 B. The person billed in an invoice for civil penalties who believes that civil  
3391 penalties were assessed for a time period after achieving compliance may file an appeal  
3392 with the department. In order to be effective, a written notice and statement of appeal  
3393 must be received by the department within fourteen days from the date of the invoice.

3394 The statement of appeal must include:

- 3395 1. The identity of the person filing the appeal;
- 3396 2. The address of the property where the violations were determined to exist;
- 3397 3. A description of the violations for which civil penalties were assessed; and
- 3398 4. A description of the actions taken to achieve compliance and the date of  
3399 compliance.

3400 C. Failure to effectively appeal the assessment of civil penalties within the  
3401 applicable time limits renders the invoiced amount final.

3402 NEW SECTION. SECTION 56. There is hereby added to K.C.C. chapter 23.32  
3403 a new section to read as follows:

3404 The hearing examiner shall conduct a closed record hearing on the appeal of the  
3405 assessment of civil penalties. The burden is on the appellant to demonstrate by a  
3406 preponderance of the evidence that civil penalties were assessed after achieving  
3407 compliance. If the hearing examiner grants the appeal, the examiner shall modify the  
3408 assessment of civil penalties accordingly. If the hearing examiner denies the appeal, the  
3409 assessed civil penalties shall be reinstated in full. The hearing examiner's decision is  
3410 final.



3411            NEW SECTION. SECTION 57. There is hereby added to K.C.C. chapter 23.32  
3412 a new section to read as follows:

3413            A. In an appeal of the assessment of civil penalties, the appellant may only  
3414 challenge whether civil penalties were assessed for any time period after achieving  
3415 compliance. The hearing examiner's determination is limited to finding whether civil  
3416 penalties were assessed for any time period after achieving compliance and to  
3417 establishing the proper penalty dates if the appeal is granted.

3418            B. The appeal of the assessment of civil penalties to the hearing examiner shall  
3419 be governed by K.C.C. chapters 20.24 and 23.36, except that where specific provisions in  
3420 this chapter conflict with KCC chapters 20.24 or 23.36, the provisions of this chapter  
3421 shall govern.

3422            C. Upon the timely receipt of a statement of appeal, the assessment of civil  
3423 penalties shall be tolled pending the hearing examiner's decision. Should the hearing  
3424 examiner deny or dismiss the appeal, the civil penalties shall be applied retroactively  
3425 from the date that compliance was required in the notice and order, stop work order,  
3426 voluntary compliance agreement or the compliance dates set in the hearing examiner's  
3427 decision on an appeal of a notice and order.

3428            SECTION 58. Ordinance 12020, Section 14, and K.C.C. 27A.30.030 are each  
3429 hereby amended to read as follows:

3430            The director may allow up to two reductions in performance guarantee amounts  
3431 that total no more than seventy percent of the initial guarantee value, including  
3432 contingencies, in accordance with the county's cost estimate of the work remaining to be  
3433 completed. No more than ~~((one))~~ two reductions will be allowed ~~((except that two~~

3434 ~~reductions may be allowed at the director's discretion for phased subdivisions~~). The total  
3435 ~~((reduction))~~ performance guarantee amount shall not ~~((exceed 70% of the initial~~  
3436 ~~guarantee value including contingency))~~ be less than the department's estimate of the  
3437 actual cost to complete the remaining work. The request for reduction shall be in writing,  
3438 accompanied by a schedule for completion of remaining work.

3439 SECTION 59. Ordinance 12020, Section 27, and K.C.C. 27A.40.070 are each  
3440 hereby amended to read as follows:

3441 A. Prior to receiving a temporary or permanent occupancy certificate for any  
3442 building or structure for which Title 21A requires landscaping, an applicant shall provide  
3443 the required performance guarantee to secure the completion and improvement of  
3444 required landscaping, in accordance with approved site plan, within three months  
3445 following issuance of the ~~((building or buildings))~~ temporary ~~((or permanent))~~ occupancy  
3446 certificate~~((, whichever comes first))~~.

3447 B. Performance guarantees for landscaping required pursuant to K.C.C. 21A.16  
3448 shall be sufficient to cover the cost of conformance with conditions of the permit, and  
3449 shall be required for a period of two years after the planting or transplanting of vegetation  
3450 to insure proper installation, establishment and maintenance. This time period may be  
3451 extended by one year by the director, if necessary to cover a planting and growing  
3452 season.

3453 C. The director may extend the time limit for compliance with the above  
3454 landscaping requirement up to one year after issuance of the occupancy certificate if  
3455 circumstances beyond the control of the applicant warrant an extension. The request for

3456 an extension shall be in writing, accompanied by a schedule for completion of remaining  
3457 work.

3458         SECTION 60. There is hereby established a new chapter in K.C.C. Title 21A.

3459 This new chapter shall contain K.C.C. 21A.26.300, as recodified by this ordinance,  
3460 21A.26.310, as recodified by this ordinance, 21A.26.320, as recodified by this ordinance,  
3461 21A.26.330, as recodified by this ordinance, 21A.26.340, as recodified by this ordinance,  
3462 21A.26.350, as recodified by this ordinance, 21A.26.360, as recodified by this ordinance,  
3463 21A.26.370, as recodified by this ordinance, 21A.26.380, as recodified by this ordinance,  
3464 21A.26.390, as recodified by this ordinance, 21A.26.400, as recodified by this ordinance,  
3465 21A.26.410, as recodified by this ordinance, 21A.26.420, as recodified by this ordinance,  
3466 21A.26.430, as recodified by this ordinance, 21A.26.440, as recodified by this ordinance,  
3467 21A.26.450, as recodified by this ordinance and 21A.26.451, as recodified by this  
3468 ordinance.

3469         SECTION 61. A. K.C.C. 21A.26.300 is hereby recodified as a new section in the  
3470 new chapter established in section 60 of this ordinance.

3471         B. K.C.C. 21A.26.310 is hereby recodified as a new section in the new chapter  
3472 established in section 60 of this ordinance.

3473         C. K.C.C. 21A.26.320 is hereby recodified as a new section in the new chapter  
3474 established in section 60 of this ordinance.

3475         D. K.C.C. 21A.26.330 is hereby recodified as a new section in the new chapter  
3476 established in section 60 of this ordinance.

3477         E. K.C.C. 21A.26.340 is hereby recodified as a new section in the new chapter  
3478 established in section 60 of this ordinance.

3479 F. K.C.C. 21A.26.350 is hereby recodified as a new section in the new chapter  
3480 established in section 60 of this ordinance.

3481 G. K.C.C. 21A.26.360 is hereby recodified as a new section in the new chapter  
3482 established in section 60 of this ordinance.

3483 H. K.C.C. 21A.26.370 is hereby recodified as a new section in the new chapter  
3484 established in section 60 of this ordinance.

3485 I. K.C.C. 21A.26.380 is hereby recodified as a new section in the new chapter  
3486 established in section 60 of this ordinance.

3487 J. K.C.C. 21A.26.390 is hereby recodified as a new section in the new chapter  
3488 established in section 60 of this ordinance.

3489 K. K.C.C. 21A.26.400 is hereby recodified as a new section in the new chapter  
3490 established in section 60 of this ordinance.

3491 L. K.C.C. 21A.26.410 is hereby recodified as a new section in the new chapter  
3492 established in section 60 of this ordinance.

3493 M. K.C.C. 21A.26.420 is hereby recodified as a new section in the new chapter  
3494 established in section 60 of this ordinance.

3495 N. K.C.C. 21A.26.430 is hereby recodified as a new section in the new chapter  
3496 established in section 60 of this ordinance.

3497 O. K.C.C. 21A.26.440 is hereby recodified as a new section in the new chapter  
3498 established in section 60 of this ordinance.

3499 P. K.C.C. 21A.26.450 is hereby recodified as a new section in the new chapter  
3500 established in section 60 of this ordinance.

3501 Q. K.C.C. 21A.26.451 is hereby recodified as a new section in the new chapter  
3502 established in section 60 of this ordinance.

3503 SECTION 62. A. Ordinance 13694, Section 60, and K.C.C. 19A.12.060 are each  
3504 hereby repealed.

3505 B. Ordinance 11210, Section 14, and K.C.C. 21A.16.300 are each hereby  
3506 repealed.

3507 C. Ordinance 11210, Section 15, and K.C.C. 21A.16.310 are each hereby  
3508 repealed.

3509 D. Ordinance 11210, Section 16, and K.C.C. 21A.16.320 are each hereby  
3510 repealed.

3511 E. Ordinance 11210, Section 20, and K.C.C. 21A.16.360 are each hereby  
3512 repealed.

3513 SECTION 63. Pursuant to K.C.C. 20.44.080, the metropolitan King County  
3514 council finds that the requirements for environmental analysis, protections and mitigation  
3515 measures in the chapters of K.C.C. Title 21A amended by this ordinance, provide  
3516 adequate analysis of and mitigation for the specific adverse environmental impacts to  
3517 which the requirements apply.

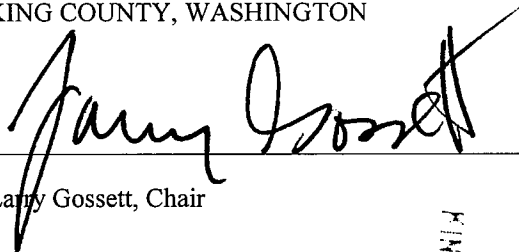
3518 SECTION 64. If any provision of this ordinance or its application to any person

3519 or circumstance is held invalid, the remainder of the ordinance or the application of the  
3520 provision to other persons or circumstances is not affected.  
3521


Ordinance 17191 was introduced on 7/18/2011 and passed as amended by the Metropolitan King County Council on 9/19/2011, by the following vote:

Yes: 8 - Mr. Phillips, Mr. Gossett, Ms. Hague, Ms. Patterson, Ms. Lambert, Mr. Ferguson, Mr. Dunn and Mr. McDermott  
No: 0  
Excused: 1 - Mr. von Reichbauer


KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
Larry Gossett, Chair

ATTEST:

  
Anne Noris, Clerk of the Council

APPROVED this 29 day of SEPTEMBER 2011.

  
Dow Constantine, County Executive

RECEIVED  
2011 SEP 29 PM 4:18  
CLERK  
KING COUNTY COUNCIL

Attachments: None