

# 10086

ORDINANCE NO.

AN ORDINANCE relating to telecommuni-  
cation facilities; amending the BC, CG,  
ML, MP, MH, F, FR, A-10 and A-35 zones  
and Resolution 25789, Sections 1404,  
1504, 1604, 1704, 1805, 1904 as amended,  
Ordinance 7675, Section 5, Ordinance  
7636, Section 9 and KCC 21.28.050,  
21.30.080, 21.32.050, 21.34.060,  
21.36.060, 21.37.050, 21.38.050 and  
21.23.090.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Resolution 25789, Section 1404 as amended and  
KCC 21.28.050 are hereby amended to read as follows:

Permitted height. No maximum height is imposed, but when  
a structure exceeds thirty-five feet in height, the structure  
shall set back one foot from each side property line and the  
rear property line for each one foot such structure exceeds  
thirty-five feet in height((-)); provided, telecommunication  
facilities are exempted.

SECTION 2. Resolution 25789, Section 1504 as amended and  
KCC 21.30.080 are hereby amended to read as follows:

Permitted height. No maximum height is imposed, but when  
a structure exceeds thirty-five feet in height, the structure  
shall set back one foot from each side and rear property line  
for each one foot such structure exceeds thirty-five feet in  
height((-)); provided, telecommunication facilities are  
exempted.

SECTION 3. Resolution 25789, Section 1604 as amended and  
KCC 21.32.050 are hereby amended to read as follows:

Permitted height. No maximum height is imposed, but when  
a structure exceeds forty-five feet in height, the structure  
shall set back one foot from each side and rear property line  
for each one foot such structure exceeds forty-five feet in  
height((-)); provided, telecommunication facilities are  
exempted.

1            SECTION 4. Resolution 25789, Section 1704 as amended and  
2 KCC 21.34.060 are hereby amended to read as follows:

3            Permitted height. In an M-P zone no height limit is  
4 imposed, provided one additional foot of width is provided for  
5 each required open space on the periphery of the lot or site  
6 for each foot in height any structure on the premises exceeds  
7 forty-five feet((-)); provided, telecommunication facilities  
8 are exempted.

9            SECTION 5. Resolution 25789, Section 1805 as amended and  
10 KCC 21.36.060 are hereby amended to read as follows:

11           Permitted height. No maximum height is imposed, but when  
12 a structure exceeds forty-five feet in height, the structure  
13 shall set back one foot from each side and rear property line  
14 for each one foot such structure exceeds forty-five feet in  
15 height((-)); provided, telecommunication facilities are  
16 exempted.

17           SECTION 6. Ordinance 7675, Section 5 and KCC 21.37.050  
18 are hereby amended to read as follows:

19           Conditional uses. Only the following uses are permitted  
20 subject to issuance of a conditional use permit pursuant to  
21 K.C.C. 21.58.

22           (~~(A. Radio, microwave or television transmitters,~~  
23 ~~towers and appurtenances, provided;~~

24           ~~1. Sufficient setbacks or easements are provided to~~  
25 ~~protect improvements on adjacent property in the event of tower~~  
26 ~~collapse;~~

27           ~~2. Public access to towers is precluded;))~~

28           ((B-)) A. Campgrounds, hunting and fishing camps or  
29 other developed recreational uses, educational facilities and  
30 public agency training facilities provided:

31           1. Evidence is provided that the proposed use is  
32 forest land dependent, or that a remote site is necessary to  
33 accommodate a use that is beneficial to the public;

34           2. The use must not require public services other  
35 than those existing, or completely funded by the owner or

1 builder, or identified in an adopted public capital improvement  
2 program and scheduled for construction within twelve months;

3 3. Water supply is available from a well or wells  
4 located within the boundaries of the property in question, or  
5 from another source approved by the Seattle-King County health  
6 department. That approval shall be conditioned on evidence  
7 provided by the applicant that supplies are buffered from  
8 neighboring forest practices and that such use will not affect  
9 the ability of managers of adjacent and nearby forest lands to  
10 practice forestry;

11 4. Sewage shall be disposed in a system approved by  
12 the Seattle-King County health department;

13 5. Prior to issuance of any building permit, the  
14 property owner shall sign an affidavit acknowledging the  
15 following declaratory statement and shall record it in the deed  
16 and mortgage records for the subject property:

17 "The subject property is located in an area designated by  
18 King County for forestry and other compatible uses. Noise,  
19 dust, smoke and odors result from the harvesting, planting,  
20 fertilization and pest control associated with usual and normal  
21 forestry management practices, and as such, these normal and  
22 usual forestry practices, when performed in accordance with  
23 county, state and federal law, shall not be subject to legal  
24 action as public nuisances."

25 6. A fire protection plan for the subject property  
26 shall be reviewed and approved by the Washington Department of  
27 Natural Resources with the concurrence of the fire marshal for  
28 each developed recreational or educational use. This plan  
29 shall be developed in such a manner as to protect the adjoining  
30 forestry uses from a fire which may originate from the use.  
31 This plan shall provide for setbacks from existing forestry  
32 uses, and maintenance of approved fire trails or other  
33 effective fire line buffers on perimeters with forest land.

34 ((C-)) B. Use of forest land for sawmills that go  
35 beyond primary processing;

1           ((D-)) C. Use of forest land for treatment of  
2 wastewater or application of sewage sludge (where not a forest  
3 practice regulated by the state).

4           ((E-)) D. Hydroelectric projects as follows:

5           1. Hydroelectric projects which address the  
6 environmental concerns expressed in subsection E.2. of this  
7 section shall be permitted. For hydroelectric projects which  
8 are subject to licensing by the Federal Energy Regulatory  
9 Commission, the county shall conduct a thorough evaluation with  
10 regard to the standards set forth in subsection E.2. and the  
11 standards set forth in K.C.C. 21.44 and 21.58, and shall  
12 provide its evaluation to the commission for the purpose of  
13 advising the commission of the county's conclusion.

14           2. Project Development Standards:

15           a. The project will not substantially adversely  
16 affect unique and significant wildlife habitat and anadromous  
17 and resident fish species, as demonstrated by project approval  
18 from the Washington State Departments of Fisheries and Game,  
19 National Marine Fisheries Service, U.S. Fish and Wildlife  
20 Service and tribes on the Federal Energy Regulatory  
21 Commission's service list;

22           b. will not create an erosion hazard;

23           c. will mitigate any on-site and off-site visual  
24 impacts through the use of landscape and distance buffers;

25           d. the hydrologic, ecological, and aesthetic  
26 functions of natural stream corridors will be preserved,  
27 protected, or enhanced;

28           e. will preserve or enhance multiple use of the  
29 site including, but not limited to, public access, fishing, and  
30 recreational uses; and

31           f. the applicant shall provide to the county  
32 those supporting documents needed by the county in making a  
33 timely decision on intervention in the federal energy  
34 regulatory commission licensing decision and shall fully

1 cooperate with the county during pre-licensing study and  
2 consultation periods.

3 SECTION 7. Resolution 25789, Section 1904 as amended and  
4 KCC 21.38.050 are hereby amended to read as follows:

5 Permitted height. In an F-R zone no building shall exceed  
6 a height of forty-five feet provided any portion of a building  
7 or structure exceeding forty-five feet in height shall be set  
8 back from each side property line and the rear property line  
9 one foot for each foot such building or structure exceeds a  
10 height of forty-five feet((-)); provided, telecommunication  
11 facilities are exempted.

12 SECTION 8. Ordinance 7636, Section 9 and KCC 21.23.090  
13 are hereby amended to read as follows:

14 Height of structures. In any A zone, no residential  
15 building shall exceed a height of thirty-five feet, except that  
16 agricultural and permitted specialized structures may exceed  
17 this height limit. For structures in excess of 35 feet, there  
18 shall be one-foot setback from property lines for each foot of  
19 height in excess of 35 feet((-)); provided, telecommunication  
20 facilities are exempted.

21 INTRODUCED AND READ for the first time this 29th day  
22 of July, 1991.

23 PASSED this 9th day of September, 1991.

24 KING COUNTY COUNCIL  
25 KING COUNTY, WASHINGTON

26 Lois North  
27 Chair

28 ATTEST:

29 Gualberto Latorre  
30 Clerk of the Council

31 APPROVED this 20th day of September, 1991.

32 Jim D'Amico  
33 King County Executive