

**CHAPTER 21A.34 GENERAL PROVISIONS --
RESIDENTIAL DENSITY INCENTIVES**

SECTION:

21A.34.010	Purpose
21A.34.020	Permitted locations of residential density incentives
21A.34.030	Maximum densities permitted through residential density incentive review
21A.34.040	Public benefits and density incentives
21A.34.050	Rules for calculating total permitted dwelling units
21A.34.060	Review process
21A.34.070	Minor adjustments in final site plans
21A.34.080	Applicability of development standards

SECTION 560.

21A.34.010 Purpose. The purpose of this chapter is to provide density incentives to developers of residential lands in urban areas and rural activity centers, in exchange for public benefits to help achieve Comprehensive Plan goals of affordable housing, open space protection, historic preservation and energy conservation, by:

- A. Defining in quantified terms the public benefits that can be used to earn density incentives;
- B. Providing rules and formulae for computing density incentives earned by each benefit;
- C. Providing a method to realize the development potential of sites containing unique features of size, topography, environmental features or shape; and
- D. Providing a review process to allow evaluation of proposed density increases and the public benefits offered to earn them, and to give the public opportunities to review and comment.

SECTION 561.

21A.34.020 Permitted locations of residential density incentives. Residential density incentives (RDI) shall be used only on sites served by public sewers and only in the following zones:

- A. In R-4 through R-48 zones; and
- B. In NB, CB, RB and O zones when part of a mixed use development.

SECTION 562.

21A.34.030 Maximum densities permitted through residential density incentive review. The maximum density permitted through RDI review shall be 150 percent of the base density of the underlying zone of the development site or 200 percent of the base density for RDI proposals with 100 percent affordable units.

SECTION 563.

21A.34.040 Public benefits and density incentives. A. The public benefits eligible to earn increased densities, and the maximum incentive to be earned by each benefit, are set forth in subsection E. The density incentive is expressed as additional bonus dwelling units (or fractions of dwelling units) earned per amount of public benefit provided.

B. Bonus dwelling units may be earned through any combination of the listed public benefits.

C. The guidelines for affordable housing bonuses including the establishment of rental levels, housing prices and asset limitations, will be updated and adopted annually by the council in the comprehensive housing affordability strategy plan.

D. Bonus dwelling units may also be earned and transferred to the project site through the transfer of density credit ("TDC") process set forth in K.C.C. 21A.36, by providing any of the open space, park site or historic preservation public benefits set forth in subsections E.2. or E.3. on sites other than that of the RDI development.

E. Residential development in R-4 through R-48 zones with property specific development standards requiring any public benefit enumerated in this chapter, shall be eligible to earn bonus dwelling units as set forth in subsection E when the public benefits provided exceed the basic development standards of this title. When a development is located in a special overlay district, bonus units may be earned if the development provides public benefits exceeding corresponding standards of the special district.

F. The following are the public benefits eligible to earn density incentives through RDI review:

BENEFIT	DENSITY INCENTIVE
1. AFFORDABLE HOUSING	
<p>a. Benefit units consisting of rental housing permanently priced to serve non-elderly low-income households (i.e. no greater than 30 percent of gross income for households at or below 50 percent of King County median income, adjusted for household size). A covenant on the site that specifies the income level being served, rent levels and requirements for reporting to King County shall be recorded at final approval.</p>	<p>1.5 bonus units per benefit unit, up to a maximum of 30 low-income units per five acres of site area; projects on sites of less than five acres shall be limited to 30 low-income units.</p>
<p>b. Benefit units consisting of rental housing designed and permanently priced to serve low-income senior citizens (i.e. no greater than 30 percent of gross income for 1 or 2-person households, 1 member of which is 62 years of age or older, with incomes at or below 50 percent of King County median income, adjusted for household size). A covenant on the site that specifies the income level being served, rent levels and requirements for reporting to King County shall be recorded at final approval.</p>	<p>1.5 bonus units per benefit unit, up to a maximum of 60 low-income units per five acres of site area; projects on sites of less than five acres shall be limited to 60 low-income units.</p>

BENEFIT**DENSITY INCENTIVE**

c. Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing with prices restricted based on typical underwriting ratios and other lending standards, and with no restriction placed on resale. Final approval conditions shall specify requirements for reporting to King County on both buyer eligibility and housing prices.

.75 bonus unit per benefit unit.

d. Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing with prices restricted based on typical underwriting ratios and other lending standards, and with a 15 year restriction binding prices and eligibility on resale to qualified moderate income purchasers. Final approval conditions shall specify requirements for reporting to King County on both buyer eligibility and housing prices.

1 bonus unit per benefit unit.

BENEFIT

DENSITY INCENTIVE

e. Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing, with prices restricted to same income group, based on current underwriting ratios and other lending standards for 30 years from date of first sale. A covenant on the site that specifies the income level and other aspects of buyer eligibility, price levels and requirements for reporting to King County shall be recorded at final approval.

1.5 bonus units per benefit unit.

f. Projects in which 100 percent of the units are reserved for moderate income - and asset-qualified buyers (total household income at or below 80 percent of the King County median, adjusted for household size). All units shall be limited to owner-occupied housing with prices restricted based on current underwriting ratios and other lending standards, and with prices restricted to same income group, for 15 years from date of first sale. Final approval conditions shall specify requirements for reporting to King County on both buyer eligibility and housing prices.

200 percent of the base density of the underlying zone. Limited to parcels 5 acres or less in size and located in the R-4 through R-8 zones. Housing types in the R-4 or R-6 zones shall be limited to structures containing four or less units, except for townhouses. Such RDI proposals shall not be eligible to utilize other RDI bonus density incentives listed in this section.

g. Benefit units consisting of mobile home park space or pad reserved for the relocation of an insignia or non-insignia mobile home, that has been or will be displaced due to closure of a mobile home park located in incorporated or unincorporated King County.

1.0 bonus unit per benefit unit.

BENEFIT

DENSITY INCENTIVE

2. OPEN SPACE, TRAILS AND PARKS

a. Dedication of park site or trail right-of-way meeting King County location and size standards for neighborhood, community or regional park, or trail, and accepted by the Parks division.

.5 bonus unit per acre of park area or quarter-mile of trail exceeding the minimum requirement of K.C.C. 21A.14 for on-site recreation space or trail corridors, computed on the number of dwelling units permitted by the site's base density.

b. Improvement of dedicated park site to King County standards for developed parks.

.75 bonus unit per acre of park improvement. If the applicant is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.

c. Improvement of dedicated trail segment to King County standards.

1.8 bonus units per quarter-mile of trail constructed to county standard for pedestrian trails; or

2.5 bonus units per quarter-mile of constructed to county standard for multipurpose trails (pedestrian/ bicycle/equestrian).

Shorter segments shall be awarded bonus units on a pro-rate basis. If the applicant is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.

d. Dedication of open space, meeting King County acquisition standards to the county or a qualified public or private organization such as a nature conservancy.

.5 bonus unit per acre of open space.

BENEFIT

DENSITY INCENTIVE

3. HISTORIC PRESERVATION

a. Dedication of a site containing an historic landmark in accordance with K.C.C. 20.62, to King County or a qualifying nonprofit organization capable of restoring and/or maintaining the premises to standards set by the King County Landmarks Commission.

.5 bonus unit per acre of historic site.

b. Restoration of a site or structure designated as an historic landmark in accordance with K.C.C. 20.62 to a specific architectural or site plan approved by the King County Landmarks Commission.

.5 bonus unit per acre of site or one thousand square feet of floor area of building restored.

4. ENERGY CONSERVATION

a. Benefit units that incorporate conservation features in the construction of all on-site dwelling units heated by electricity that save at least 20 percent of space heat energy use from the maximum permitted by the Northwest Energy Code, as amended. No more than 50 percent of the required savings may result from the installation of heat pumps. None of the required savings shall be achieved by reduction of glazing area below 15 percent of floor area. Energy use shall be expressed as allowable energy load per square foot or as total transmittance (UA).

0.15 bonus unit per benefit unit that achieves the required savings.

BENEFIT	DENSITY INCENTIVE
<p>b. Benefit units that incorporate conservation features in the construction of all on-site dwelling units heated by natural gas, or other non-electric heat source, that save at least 25 percent of space heat energy use from the maximum permitted by the Northwest Energy Code, as amended. None of the required savings shall be achieved by reduction of glazing area below 15 percent of floor area. Energy use shall be expressed as allowable energy load per square foot or as total transmittance (UA).</p>	<p>0.10 bonus unit per benefit unit that achieves the required savings.</p>
<p>c. Developments located within 1/4 mile of transit routes served on at least a half-hourly basis during the peak hours and hourly during the daytime non-peak hours.</p>	<p>10 percent increase above the base density of the zone.</p>

NOTE: When proposed energy conservation bonus units of K.C.C. 21A.34.040 are reviewed in conjunction with a subdivision or a short subdivision, the applicant shall provide data and calculations for a typical house of the type to be built in the development that demonstrates to the department's satisfaction how the required savings will be achieved. A condition of approval shall be recorded with the plat and shown on the title of each lot specifying the required energy savings that must be achieved in the construction of the dwelling unit. The plat notation shall also specify that the savings shall be based on the energy code in effect at the time of preliminary plat application.

SECTION 564.

21A.34.050 Rules for calculating total permitted dwelling units. A. The formula for calculating the total number of dwelling units permitted through RDI review is as follows:

$$\begin{array}{rcl}
 \text{DUs allowed by} & + & \text{Bonus DUs} & + & \text{DUs allowed by} & = & \text{TOTAL RDI} \\
 \text{RDI site base} & & & & \text{sending site} & & \text{DUs} \\
 \text{density} & & & & \text{density (if any)} & &
 \end{array}$$

B. The total dwelling units permitted through RDI review shall be calculated using the following steps:

1. Calculate the number of dwellings permitted by the base density of the site in accordance with K.C.C. 21A.12;
2. Calculate the total number of bonus dwelling units earned by providing the public benefits listed in K.C.C. 21A.34.040;
3. Add the number of bonus dwelling units earned to the number of dwelling units permitted by the base density;
4. Add the number of dwelling units permitted by the base density of the site sending TDCs, if any;

5. Round fractional dwelling units to the nearest whole number; .49 or less dwelling units are rounded down; and

6. On sites with more than one zone or zone density, the maximum density shall be calculated for the site area of each zone. Bonus units may be reallocated within the zone's in the same manner set forth for base units in K.C.C. 21A.12.180.

SECTION 565.

21A.34.060 Review process. A. All RDI proposals shall be reviewed concurrently with a primary proposal to consider the proposed site plan and methods used to earn extra density as follows:

1. For the purpose of this section, a primary proposal is defined as a proposed subdivision, conditional use permit or commercial building permit.

2. When the primary proposal requires a public hearing under this code or Title 19, the public hearing on the primary proposal shall serve as the hearing on the RDI proposal, and the reviewing authority shall make a consolidated decision on the proposed development and use of RDI;

3. When the primary proposal does not require a public hearing under this code or K.C.C. Title 19, the RDI proposal shall be subject to the decision criteria for conditional use permits outlined in K.C.C. 21A.42 and to the procedures set forth for director/adjustor review in this title; and

4. The notice for the RDI proposal also shall include the development's proposed density and a general description of the public benefits offered to earn extra density.

B. RDI applications which propose to earn bonus units by dedicating real property or public facilities shall include a letter from the applicable county receiving agency certifying that the proposed dedication qualifies for the density incentive and will be accepted by the agency or other qualifying organization.

SECTION 566.

21A.34.070 Minor adjustments in final site plans. When issuing building permits in an approved RDI development, the department may allow minor adjustments in the approved site plan involving the location or dimensions of buildings or landscaping, provided such adjustments shall not:

- A. Increase the number of dwelling units;
- B. Decrease the amount of perimeter landscaping (if any);
- C. Decrease residential parking facilities (unless the number of dwelling units is decreased);
- D. Locate structures closer to any site boundary line; or
- E. Change the locations of any points of ingress and egress to the site.

SECTION 567.

21A.34.080 Applicability of development standards. A. RDI developments shall comply with dimensional standards of the zone with a base density most closely comparable to the total approved density of the RDI development, provided that an RDI proposal in the R-4 through R-8 zone shall conform to the height requirements of the underlying zone in which it is located.

B. RDI developments in the R-4 through R-8 zones shall be landscaped as follows:

1. When 75 percent or more of the units in the RDI development consists of townhouses or apartments, the development shall provide perimeter landscaping and tree retention in accordance with K.C.C. 21A.16 for townhouse or apartment projects.

2. When less than 75 percent of the units in the RDI consists of townhouses or apartments, the development shall provide landscaping and tree retention in accordance with K.C.C. 21A.16 for townhouses or apartments on the portion(s) of the development containing such units provided that, if buildings containing such units are more than 100 feet from the development's perimeter, the required landscaping may be reduced by 50 percent.

3. All other portions of the RDI shall provide landscaping or retain trees in accordance with K.C.C. 21A.16.

- C. RDI developments in all other zones shall be landscaped or retain trees in accordance with K.C.C. 21A.16.
- D. RDI developments shall provide parking as follows:
 - 1. Projects with 100 percent affordable housing shall provide one off-street parking space per unit. The director may require additional parking, up to the maximum standards for attached dwelling units, which may be provided in common parking areas.
 - 2. All other RDI proposals shall provide parking for:
 - a. market rate/bonus units at levels consistent with K.C.C. 21A.18, and
 - b. benefit units at 50 percent of the levels required for market rate/bonus units.
- E. RDI developments shall provide on-site recreation space as follows:
 - 1. Projects with 100 percent affordable housing shall provide recreation space at 50 percent of the levels required in K.C.C. 21A.14.
 - 2. All other RDI proposals shall provide recreation space for:
 - a. market rate/bonus units at levels consistent with K.C.C. 21A.14, and
 - b. benefit units at 50 percent of the levels required for market rate/bonus units.

10870

04/28/93

- 202 -

**CHAPTER 21A.36 GENERAL PROVISIONS -
TRANSFER OF RESIDENTIAL DENSITY CREDITS**

SECTIONS:

21A.36.010	Purpose
21A.36.020	Authority and application
21A.36.030	Sending sites
21A.36.040	Receiving sites
21A.36.050	Transfer rules
21A.36.060	Review process

SECTION 568.

21A.36.010 Purpose. The purpose of the transfer of residential density credit system is to supplement land use regulation and open space acquisition programs and to encourage increased residential development density where it can be accommodated with the least impacts on the natural environment and public services, by:

- A. Providing an incentive for private property owners to protect open space, environmentally sensitive areas, park sites, historic sites, rural and resource areas beyond the minimum requirements of the code;
- B. Using the community planning process as one mechanism for involving King County residents, land owners, cities and other public agencies in designating appropriate sending and receiving areas; and
- C. Providing a review system to ensure that transfers of residential density credits to receiving sites are balanced with other county goals and policies, and are adjusted to the specific conditions of each receiving site.

SECTION 569.

21A.36.020 Authority and application. The transfer of residential density credit ("TDC") system for King County is established. The base residential density of a sending site may be transferred and credited to a non-contiguous receiving site only when the TDC is approved in accordance with the rules and procedures in this chapter.

SECTION 570.

21A.36.030 Sending sites. A. Sending sites shall be maintained in a natural state, except for agricultural lands, proposed public park or trail sites suitable for active recreation, shoreline access areas, or historic sites.

B. Sending sites must contain one or more of the following features, as defined in the Comprehensive Plan, Open Space Plan, other functional plan or a community plan:

1. Open spaces
 2. Wildlife habitat;
 3. Woodlands
 4. Shoreline access;
 5. Community separator;
 6. Regional trail/natural linkage;
 7. Historic landmark designation;
 8. Agricultural land not encumbered through the county's farmlands preservation development rights purchase program; or
 9. Park site that meets adopted size, distance and other standards for serving the receiving sites to which the density credits are being transferred.
- C. Sending sites shall have zoning consistent with the Comprehensive Plan map designation.

D. A community plan may develop policies that set priorities for protection of the types of features to be preserved at sending areas.

SECTION 571.

21A.36.040 Receiving sites. A. Receiving sites shall be zoned R-4 through R-48, NB, CB, RB or O, or any combination thereof, before being eligible to participate in a TDC.
 B. Except as provided in this chapter, development of a receiving site shall remain subject to all use, lot coverage, height, setback and other requirements of its zone.
 C. A receiving site may accept density credits, up to the maximum density permitted pursuant to K.C.C. 21A.12, from any sending site unless a community plan adopts specific policies to allow only transfers from within the same community planning area or within a distance outside of the planning area as specified by the community plan.

SECTION 572.

21A.36.050 Transfer rules. A. The number of density credits that a sending site is eligible to send to a receiving site shall be determined by applying the base density of the zone the sending site is located in to the total sending site area, less any portion of the sending site already in a conservation easement or other encumbrance, or any land area already used to calculate residential density for other development. A plot plan showing environmentally sensitive areas and buffers, conservation easements or other encumbrances shall be submitted as part of the development application to demonstrate compliance with the density calculation rules set forth in K.C.C. 21A.12.

B. Sending sites with environmentally sensitive areas that have been declared unbuildable under K.C.C. 21A.12 shall be considered to have a base density calculated in accordance with that chapter, except that the areas of the sending and receiving sites shall be combined to calculate the overall site percentage of sensitive areas and buffers necessary for determining the allowable density credit as set forth in K.C.C. 21A.24.

C. Density credits from one sending site may be allocated to more than one receiving site. The credit from each segment shall be allocated to a specified receiving site.

D. When the sending site consists only of a portion(s) of an unsubdivided parcel, said portion(s) shall be segregated from the remainder of the lot pursuant to Title 19 or deed restrictions documenting the density credit transfers shall be recorded with the title to both the sending and receiving site. A parcel need not segregate a sending site from the remainder of the parcel when the entire parcel is subject to a conservation easement pursuant to subsection E.

E. Conservation easements shall be required for land contained in the sending site, whether or not such land is dedicated, as follows:

1. For a sending site not zoned A-10 or A-35, a conservation easement as defined in the Open Space Plan shall be recorded on the sending site to indicate development limitations on the sending site.

2. For a sending site zoned A-10 or A-35, a conservation easement shall be recorded on the sending site, consistent in form and substance with the purchase agreements used in the agricultural land development rights purchase program. The conservation easement shall preclude subdivision of the subject property but may permit not more than one dwelling per sending site, and shall permit agricultural uses as provided in the A-10 or A-35 (agriculture) zone.

F. Upon submitting an application to develop a receiving site under the provisions of this chapter, the applicant shall provide evidence of ownership or full legal control of all sending sites proposed to be used in calculating total density on the receiving site. It shall be the applicant's responsibility, prior to application, to ascertain what form of permanent protection of the sending site will be acceptable to King County.

G. Density credits from a sending site shall be considered transferred to a receiving site when the sending site is permanently protected by a completed and recorded land dedication or conservation easement .

H. TDC developments shall comply with dimensional standards of the zone with a base density most closely comparable to the total approved density of the TDC development.

SECTION 573.

21A.36.060 Review process. All TDC proposals shall be reviewed concurrently with a primary proposal as follows:

- A. For the purpose of this section, a primary proposal is defined as a proposed subdivision, conditional use permit, or commercial building permit.
- B. When the primary proposal requires a public hearing under this title or Title 19, that public hearing shall also serve as the hearing on the TDC proposal, and the reviewing authority shall make a consolidated decision on the proposed development and use of TDC;
- C. When the primary proposal does not require a public hearing under this title or Title 19, that TDC proposal shall be subject to the decision criteria for conditional use permits outlined in K.C.C. 21A.42 and to the procedures set forth for director/adjustor review in this title.

10870

04/28/93

- 206 -

**CHAPTER 21A.38 PROPERTY - SPECIFIC DEVELOPMENT STANDARDS/
SPECIAL DISTRICT OVERLAYS**

SECTIONS:

21A.38.010	Purpose
21A.38.020	Authority and application
21A.38.030	Property-specific development standards - general provisions
21A.38.040	Special district overlay - general provisions
21A.38.050	Special district overlay - pedestrian-oriented commercial development
21A.38.060	Special district overlay - office/research park development
21A.38.070	Special district overlay - Urban Planned Development purpose and location
21A.38.080	Special district overlay - UPD implementation

SECTION 574.

21A.38.010 Purpose. The purposes of this chapter are to provide for alternative development standards to address unique site characteristics and to address development opportunities which can exceed the quality of standard developments, by:

- A. Establishing authority to adopt property-specific development standards for increasing minimum requirements of this title on individual sites; or
- B. Establishing special district overlays with alternative standards for special areas designated by community plans.

SECTION 575.

21A.38.020 Authority and application. A. This chapter authorizes King County to increase development standards or limit uses on specific properties beyond the general requirements of this title through property-specific development standards, and to carry out comprehensive and community plan policies and map designations through special overlay districts which supplement or modify standard zones through different uses, design or density standards or review processes; B. Property-specific development standards shall be applied to specific properties through either area zoning as provided in K.C.C. 20.12 and 20.18, or reclassifications of individual properties as provided in K.C.C. 20.24 and 21A.44; and C. Special district overlays shall be applied to specific properties or areas containing several properties through area zoning adopted in conjunction with community plans as provided in K.C.C. 20.12 and 20.18.

SECTION 576.

21A.38.030 Property-specific development standards - general provisions. A. Property-specific development standards, denoted by the zoning map symbol -P after the zone's map symbol, shall be established on individual properties through either reclassifications or area zoning. Upon the effective date of reclassification of a property to a zone with a -P suffix, the property-specific development standards adopted thereby shall apply to any development proposal on the subject property subject to county review, including, but not limited to, a building permit, grading permit, subdivision, short subdivision, subsequent reclassification to a potential zone, urban planned development, conditional use permit, variance, and special use permit. B. Property-specific development standards shall address problems unique to individual properties or specifically defined geographic areas that are not addressed or anticipated by general minimum requirements of this title or other regulations.

C. Property-specific development standards shall cite the provisions of this title, if any, that are to be augmented, limited, or increased, shall be supported by documentation that addresses the need for such condition(s), and shall include street addresses, tax lot numbers or other clear means of identifying the properties subject to the additional standards. Property-specific development standards are limited to:

1. Limiting the range of permitted land uses;
2. Requiring special development standards for property with physical constraints (e.g. environmental hazards, view corridors);
3. Requiring specific site design features (e.g. building orientation, lot layout, clustering, trails or access location);
4. Specifying the phasing of the development of a site;
5. Requiring public facility site dedications or improvements (e.g. roads, utilities, parks, open space, trails, school sites); or
6. Designating sending and receiving sites for transferring density credits as provided in K.C.C. 21A.36.

D. Property-specific development standards shall not be used to expand permitted uses or reduce minimum requirements of this title.

SECTION 577.

21A.38.040 Special district overlay - general provisions. Special district overlays shall be designated on community plan maps and indicated on area zoning maps as follows:

- A. A special district overlay shall be designated in a community plan, plan update or plan amendment as provided in K.C.C. 20.12. Designation of an overlay district shall include policies that prescribe the purposes and location of the overlay;
- B. A special district overlay shall be applied to land through the area zoning adopted in conjunction with the community plan and shall be indicated on the zoning map with the suffix "-SO" following the map symbol of the underlying zone or zones;
- C. The special district overlays set forth in this chapter are the only overlays authorized by the code. New or amended overlays to carry out new or different goals or policies shall be adopted as part of this chapter and be available for use in all appropriate community planning areas ;
- D. The special district overlays set forth in this chapter may waive, modify and substitute for the range of permitted uses and development standards established by this title for any use or underlying zone;
- E. Unless they are specifically modified by the provisions of this chapter, the standard requirements of this title and other county ordinances and regulations govern all development and land uses within special district overlays; and
- F. A special district overlay on an individual site may be modified by property-specific development standards as provided in K.C.C. 21A.38.030.

SECTION 578.

21A.38.050 Special district overlay - pedestrian-oriented commercial development.

A. The purpose of the pedestrian-oriented commercial development special district overlay is to provide for high-density, pedestrian-oriented retail/employment uses. Pedestrian-oriented commercial district shall only be established in areas designated within a community plan as an urban activity center and zoned CB, RB or O. Permitted uses shall be those uses permitted in the underlying zone, excluding the following:

1. Motor vehicle, boat and mobile home dealer;
2. Gasoline service station;
3. Drive-through retail and service uses;
4. Car washes;
5. Retail and service uses with outside storage, e.g. lumber yards, miscellaneous equipment rental or machinery sales;

6. Wholesale uses;
7. Recreation/cultural uses as set forth in K.C.C. 21A.08.040, except parks, sports clubs, theaters, libraries and museums;
8. SIC Major Group 75 (Automotive repair, services and parking) except 7521 (automobile parking; but excluding tow-in parking lots);
9. SIC Major Group 76 (Miscellaneous repair services), except 7631 (Watch, clock and jewelry repair);
10. SIC Major Group 78 (Motion pictures), except 7832(theater) and 7841 (video tape rental);
11. SIC Major Group 80 (Health services), except offices and outpatient clinics (801-804);
12. SIC Industry Group 421 (Trucking and courier service);
13. Public agency archives;
14. Self-service storage;
15. Manufacturing land uses as set forth in K.C.C. 21A.08.080, except 2759 (Commercial printing); and
16. Resource land uses as set forth in K.C.C. 21A.08.090.

B. The following development standards shall apply to uses locating in pedestrian-oriented commercial overlay districts:

1. Every use shall be subject to pedestrian-oriented use limitations and street facade development standards (e.g. placement and orientation of buildings with respect to streets and sidewalks, arcades or marquees) identified and adopted through the area zoning that implements a community plan;
2. Floor/lot area ratio shall not exceed 5:1, including the residential component of mixed use developments, but not including parking structures;
3. Building setback and height requirements may be waived, except for areas within 50 feet of the perimeter of any special district overlay area abutting an R-12 or lower density residential zone;
4. The landscaping requirements of K.C.C. 21A.16 may be waived if landscaping conforms to a special district overlay landscaping plan adopted as part of the area zoning. The overlay district landscaping plan shall include features addressing street trees, and other design amenities (e.g. landscaped plazas or public parks);
5. Sidewalk width requirements shall be increased to a range of 12 to 16 feet on streets designated as major pedestrian corridors. The sidewalk widths exceeding the amount required in the King County Road Standards may occur on private property adjoining the public street right-of-way; and
6. Off-street parking requirements K.C.C. 21A.18 are modified as follows for all nonresidential uses:
 - a. No less than one space for every 1000 square feet of floor area shall be provided;
 - b. No more than 75 percent of parking shall be on-site surface parking. Such parking shall be placed in the interior of the lot, or at the rear of the building it serves; and
 - c. At least 25 percent of the required parking shall be enclosed in an on-site parking structure or located at an off-site common parking facility, provided that this requirement is waived when the applicant signs a no protest agreement to participate in any improvement district for the future construction of such facilities.

SECTION 579.

21A.38.060 Special district overlay - office/research park development. A. The purpose of the office/research park special district overlay is to establish an area for development to occur in a campus setting with integrated building designs, flexible grouping of commercial and industrial uses, generous landscaping and buffering treatment, and coordinated auto and pedestrian circulation plans. Office/research park districts shall only be established in areas designated within a community plan and zoned RB, O or I zones. Permitted uses shall include all uses permitted in the RB, O and I zones, as set forth in K.C.C. 21A.08, regardless of the classification used as the underlying zone on a particular parcel of land.

B. The following development standards shall apply to uses locating in office/research park overlay districts:

1. All uses shall be conducted inside an entirely enclosed building;
2. An internal circulation plan shall be developed to facilitate pedestrian and vehicular traffic flow between major project phases and individual developments;
3. The standards set forth in this section shall be applied to the development as a unified site, not withstanding any division of the development site under a binding site plan or subdivision;
4. All buildings shall maintain a 50-foot setback from perimeter streets and from residential zoned areas;
5. The total permitted impervious lot coverage shall be 80 percent. The remaining 20 percent shall be devoted to open space. Open space may include all required landscaping, and any unbuildable environmentally sensitive areas and their associated buffers;
6. The landscaping standards set forth in K.C.C. 21A.16 are modified as follows:
 - a. 20-foot wide Type II landscaping shall be provided along exterior streets, and 20-foot wide Type III landscaping shall be provide along interior streets;
 - b. 20-foot wide Type I landscaping shall be provided along property lines adjacent to residential zoned areas;
 - c. 15-foot wide Type II landscaping shall be provided along lines adjacent to nonresidential zoned areas; and
 - d. Type IV landscaping shall be provided within all surface parking lots as follows:
 - (1) Fifteen percent of the parking area, excluding required perimeter landscaping, shall be landscaped in parking lots with more than 30 parking stalls;
 - (2) At least one tree for every four parking stalls shall be provided, to be reasonably distributed throughout the parking lot; and
 - (3) No parking stall shall be more than 40 feet from some landscaping;
 - e. An inventory of existing site vegetation shall be conducted pursuant to the procedures set forth in K.C.C. 21A.16. Significant trees identified in the inventory shall be retained as set forth in K.C.C. 21A.16 for commercial and industrial developments, and
 - f. An overall landscaping plan which conforms to the requirements of this subsection shall be submitted for the entire district or each major development phase prior to the issuance of any site development, grading, or building permits;
7. Lighting within an office/industrial park shall shield the light source from the direct view of surrounding residential areas;
8. Refuse collection/recycling areas and loading or delivery areas shall be located at least 100 feet from residential areas and screened with a solid view obscuring barrier;
9. Off street parking standards as set forth in Chapter 21A.18 are modified as follows:
 - a. one space for every 300 square feet of floor area shall be provided for all uses, except on-site daycare, exercise facilities, eating areas for employees, archive space for tenants, retail/service uses;
 - b. parking for on-site daycare, exercise facilities, eating areas for employees, archive space for tenants, and retail/service uses shall be no less than one space for every 1000 square feet of floor area and no greater than one space for every 500 square feet of floor area; and
 - c. at least 25 percent of required parking shall be located in a parking structure; and
10. Sign standards as set forth in Chapter 21A.20 are modified as follows:
 - a. Signs visible from the exterior of the park shall be limited to one monument office/research park identification sign at each entrance. Such signs shall not exceed an area of 64 square feet per sign;
 - b. no pole signs shall be permitted; and
 - c. all other signs shall be visible only from within the park.

SECTION 580.

21A.38.070 Special district overlay - urban planned development (UPD) purpose and designation A. The purpose of the UPD special district overlay is to provide a means for community plans to designate urban areas which are appropriate for development on a large scale basis:

- B. In designating a overlay district, the community plan and area zoning shall:
 - 1. Delineate UPD overlay district boundaries; and
 - 2. Adopt the urban residential zoning consistent with community plan policies.
- C. In designating an overlay district, the community plan and area zoning may:
 - 1. Set a maximum or range of the number of dwelling units within the UPD; and
 - 2. Incorporate project description elements or requirements to the extent known, including but not limited to the following: conceptual site plan; mix of attached and detached housing; affordable housing goals and/or programs; major transportation or other major infrastructure programs and the UPD's participation therein; and any other provision or element deemed appropriate.

SECTION 581.

21A.38.080 Special district overlay - UPD implementation. Implementation of the UPD designation shall comply with the following:

- A. The minimum site size for an UPD permit application shall be not less than 200 acres. "Site size" for purposes of this subsection means contiguous land under one ownership or under the control of a single legal entity responsible for submitting an UPD permit application and for carrying out all provisions of the development agreement; and
- B. The UPD shall comply with the standards and procedures set out in Chapter 21A.39.

10870

04/28/93

- 212 -

CHAPTER 21A.39 GENERAL PROVISIONS - URBAN PLANNED DEVELOPMENTS

SECTIONS:

21A.39.010	Urban Planned Development ("UPD") permit - purpose
21A.39.020	UPD permit - application/review process
21A.39.030	UPD permit - conditions of approval
21A.39.040	UPD permit - development agreement
21A.39.050	UPD standards - land use
21A.39.060	UPD standards - affordable housing
21A.39.070	UPD standards - recreation and open space
21A.39.080	UPD standards - road and school adequacy
21A.39.090	UPD standards - water and sewer service
21A.39.100	UPD standards - road design
21A.39.110	UPD standards - storm water management design
21A.39.120	UPD standards - applicability of other zoning code provisions
21A.39.130	Latecomer agreements and fair share

SECTION 582.

21A.39.010 Urban planned development (UPD) permit - purpose. The purpose of the urban planned development (UPD) permit process and standards set out in this chapter is to:

- A. Establish the UPD permit as the mechanism for standardized and consolidated review to implement a UPD;
- B. Establishing conditions for the UPD to be complied with by all subsequent land use approvals implementing the UPD;
- C. Coordinate infrastructure and project phasing to the adequacy of public services;
- D. Implement open space protection specifically tailored to the UPD;
- E. Establish a specific range and intensity of land uses for the UPD, tailored to fit the site; and
- F. Provide diversity in housing types and affordability within UPDs.
- G. Promote site design that it supports and encourage the use of transit.

SECTION 583.

21A.39.020 UPD permit - application/review process. A. King County shall accept an application for an UPD permit only in areas designated urban by the comprehensive plan and contained within the boundaries of UPD Special District Overlays designated by a community plan, provided that density transfer from adjacent rural lands is allowed as provided for in Chapter 21A.34.

B. A UPD permit application, or modifications of an approved UPD permit which requires council review, shall be reviewed pursuant to the hearing examiner process outlined in K.C.C. 21.42, provided that:

1. the review of the UPD permit application shall not be completed until applicable sewer and/or water comprehensive utility plans or plan amendments are identified;
 2. A UPD permit may be processed concurrently with any application for a subsequent development approval implementing the UPD permit.
- C. If requested by the applicant, a processing memorandum of understanding (MOU) shall be adopted containing any of the following elements. :
1. Schedule for processing including timelines for EIS, drainage master plan, UPD permit hearings, plats or other permits or approvals;
 2. Budget for permit processing and review;

3. Establishment of a core UPD review team with one representative from each county department having a principal UPD permit review role. The department responsible for coordinating review of the UPD shall enter into memorandums of understanding with other county departments specifying special tasks and timetables consistent with the schedule for performance by each department and/or independent consulting

4. Retention of a third-party facilitator at the applicant's cost to assist the county's review;

5. Establishment of baseline monitoring requirements and design parameters which are to apply under existing law during the UPD application and review process;

6. Final scope for EIS, which shall be adjusted for adopted county substantive environmental or mitigation requirements which will apply to the UPD permit such as the sensitive area ordinance, the SWM Manual, road and school adequacy standards, impact fee or mitigation programs or other adopted standards.

D. The processing MOU shall be completed initially within 90 days after the request by a UPD permit applicant, unless the county and applicant agree to a different time. If the county and applicant have not reached agreement within 90 days, then either may request final resolution of the processing MOU by a committee consisting of the directors of the departments of public works, development and environmental services, and parks planning and resources;

E. UPD Application Form. The County shall prepare an application form consistent with the information required under K.C.C. 21A.39.030, which shall take into account that detailed information which may not be available at the time of the application will be developed through the environmental impact statement and review process.

SECTION 584.

21A.39.030 UPD permit - conditions of approval. A. In approving a UPD permit, conditions of approval shall at a minimum establish:

1. A site plan for the entire UPD showing locations of sensitive areas and buffers, required open spaces, UPD perimeter buffers, location and range of densities for residential development, and location and size of non-residential development;

2. The expected buildout time period for the entire project and the various phases.

3. Project phasing and other project-specific conditions to mitigate impacts on the environment, on public facilities and services including transportation, utilities, drainage, police and fire protection, schools, and parks;

4. Affordable housing requirements;

5. Road and storm water design standards that shall apply to the various phases of the project;

6. Bulk design and dimensional standards that shall be implemented throughout subsequent development within the UPD;

7. The size and range of uses authorized for any non-residential development within the UPD;

8. The minimum and maximum number of residential units for the UPD; and

9. Any sewer and/or water comprehensive utility plans or amendments required to be completed before development can occur; and

10. Provisions for the applicant's surrender of an approved UPD permit before commencement of construction or cessation of UPD development based upon causes beyond the applicant's control or other circumstances, with the property to develop thereafter under the base zoning in effect prior to the UPD permit approval.

B. A UPD permit and development agreement may allow development standards different from those otherwise imposed under the king county code, including but not limited to K.C.C.

21A.39.050 through 120, in order to provide flexibility to achieve public benefits, respond to changing community needs, and encourage modifications which provide the functional equivalent or adequately achieve the purposes of county standards. Any approved development standards that differ from those in the Code shall not require any further zoning reclassification, variance from King County standards or other county approval apart from the UPD permit approval. The development standards as approved through the UPD permit and development agreement shall

apply to and govern the development and implementation of each UPD site in lieu of any conflicting or different standards or requirements elsewhere in the king county code.

C. Subsequently adopted standards which differ from those of the UPD permit shall apply to the UPD only where necessary to address imminent public health and safety hazards or where the UPD permit specifies a time period or phase after which certain identified standards can be modified. Determination of the appropriate standards for future phases which are not fully defined during the initial approval process may be postponed. Building permit applications shall be subject to the building codes in effect when the permit is applied for.

D. An approved UPD permit, including site plan elements or conditions of approval, may be amended or modified at the request of the applicant or the applicant's successor in interest. The director may administratively approve minor modifications to an approved UPD permit. Modifications that do not qualify as minor shall be deemed major modifications and shall be reviewed in the same manner as that set forth in Sections 21A.39.020 for new UPD permit applications. Any increase in the total number of dwelling units in a UPD above the maximum number set forth in the approved UPD permit, or any decrease in the minimum density for residential areas of the UPD (exclusive of roads and sensitive areas), shall be deemed major modifications. The county through the development agreement for an approved UPD may specify additional criteria for determining whether proposed modifications are major or minor.

E. Unless otherwise provided for through the UPD permit approval, and subject to any appropriate credits for fees paid or facilities provided by the UPD, applicable impact fee payment requirements shall be those which are in effect when subsequent implementing approvals such as subdivision applications, binding site plans, building permits or other approvals are applied for.

SECTION 585.

21A.39.040 UPD permit - development agreement. The conditions of UPD permit approval shall be attached to a development agreement that is:

- A. Signed by King County Executive and all property owners within the UPD in a form acceptable to King County.
- B. Binding on all property owners and their successors to develop a UPD only in accordance with the conditions of the UPD permit, but subject to surrender or cessation of the UPD permit and development as provided in 21A. 39 030 A 10.
- C. Recorded with King County division of Records prior to the effective date of the UPD permit or any development proposal which was submitted and reviewed concurrently with the UPD permit application.

SECTION 586.

21A.39.050 UPD standards - land uses. A. Except as required by subsections B and C, a UPD may contain any non-residential use set out in the K.C.C. 21A.08 (Land Use Tables) when approved as part of the UPD permit. Any non-residential use shall be subject to any applicable UPD conditions contained in the development agreement that limits the scope or intensity of such use.

B. The primary land use shall be residential and shall be provided as follows:

1. the base density of the UPD shall be that of the zone set for the site were it to not develop with a UPD, applied to the entire site including portions proposed for nonresidential uses.
2. the minimum density of the UPD shall be not less than the minimum residential density of the underlying zoning calculated for the total area of the site, including areas proposed for non-residential development, pursuant to the methodology outlined in K.C.C. 21A.12, and
3. the maximum density of the UPD shall be determined by the council in the UPD permit, subject to any maximum density set out in the community plan which designated in the UPD special district overlay.

C. UPDs shall at a minimum:

1. provide retail/commercial areas at a rate of one acre per 2500 projected UPD residents, or
2. demonstrate that existing or potential commercial development within one quarter mile of UPD boundaries will meet the convenience shopping needs of UPD residents.

SECTION 587.

21A.39.060 UPD standards - affordable housing. A. Exclusive of dwelling units from the density bonus provisions, at least 30 percent of the residential units in each phase shall be affordable housing units defined and allocated as follows:

1. Ten percent of the affordable housing units shall be affordable to households at an income level:

- a. below 80 percent of the median household income for ownership units, and/or
- b. below 50 percent of the median household income for rental units.
- c. Housing affordable for households at this level of median income will be required in any phase only if publicly funded or private non-profit programs for such housing are available, provided that the developer sets aside sufficient land for a period of up to five years. That period shall begin with approval of the final plat for each subdivision containing any land set aside for low income housing. If during that period, programs become available, the developer shall cooperate with the public agency or private non-profit for the development of such housing.

d. If housing funds do not become available by the end of the five year period the land shall be released for other development consistent with the UPD. The overall requirement for units available to below 80 or 50 percent of median income households, whichever is applicable, shall be reduced by the number for which the five year period has elapsed and the overall requirement for units available to households between 80 to less than 100 percent (ownership units) or 50 to less than 80 percent (rental units) of median income shall be increased by the same number.

2. Ten percent of the affordable housing units shall be affordable to households at an income level:

- a. between 80 and less than 100 percent of the median household income for ownership units, and/or
- b. between 50 and less than 80 percent of the median household income for rental units;

3. Ten percent of the affordable housing units shall be affordable to households at an income level:

- a. between 100 and 120 percent of the median household income for ownership units; and/or

- b. between 80 and 100 percent of the median household income for rental units; and

4. The formula for determining median income for King County and affordable monthly housing payments based on a percentage of this income shall be determined at the time of the UPD permit approval.

B. The affordable housing units that are owner-occupied shall be resale restricted to same income group (based on typical underwriting ratios and other lending standards) for 15 years from date of first sale. Renter occupied units shall be restricted for thirty years to ensure continuing affordability for households of the applicable income level.

SECTION 588.

21A.39.070 UPD standards - on-site recreation. The UPD shall provide the amount of on-site recreation required pursuant to K.C.C. 21A.14

SECTION 589.

21A.39.080 UPD standards - Transportation road and school adequacy. A. Transportation, and school adequacy impacts relative to the standards set forth in K.C.C. 21A.28 shall be evaluated based on complete development of the total site area in the UPD permit application.
B. Required facility construction and dedication and other mitigation measures may be phased in conjunction with subsequent land use approvals consistent with their proportion of the total project impacts.

SECTION 590.

21A.39.090 UPD standards - water and sewer service. A. All UPDs shall be served with public water and sewer systems that:
1. comply with applicable comprehensive utility plans, and
2. are in place at the time said service is needed for the UPD or any completed phase thereof.
B. The UPD shall provide all on-site and off-site improvements and additions to water and sewer facilities required to support the UPD, at the expense of the UPD, which may include developer extension agreements (latecomer provision), LIDs or other capital facility financing.

SECTION 591.

21A.39.100 UPD standards - road design. The road design standards applied to subsequent land use actions which implement the UPD shall be such standards in effect at the time of UPD permit approval, except when new standards are specifically determined by the King County Council to be necessary for public safety.

SECTION 592.

21A.39.110 UPD standards - storm water management design. The SWM design standards in effect at the time of UPD permit approval shall be applied to subsequent land use actions which implement the UPD except when new standards are specifically determined by the King County Council to be necessary for public safety.

SECTION 593.

21A.39.120 UPD standards - applicability of other zoning code provisions. A. Except as may be specified in the UPD permit conditions, all developments and uses on the UPD site proposed subsequent to the UPD permit approval shall comply with all the other applicable provisions of this title.
B. Except as may be otherwise specified in the UPD permit conditions the development standards for the UPD shall be as follows:
1. individual residential subareas shall use the standards of the zone that is closest in density to the proposed subarea development; and
2. commercial or industrial uses shall be subject to the standards of CB zone.

SECTION 594.

21A.39.130 Latecomer agreements and fair share. If the UPD provides more than its fair share contribution, to infrastructure improvements or public services including but not limited to roads, sewers, water, fire, police, schools or park and recreation facilities, then the UPD shall receive latecomer fees, offsets, credits, reductions, or other adjustments to reflect the UPD's fair share obligations.

10870

04/28/93

- 218 -

CHAPTER 21A.40 APPLICATION REQUIREMENTS / NOTICE METHODS

SECTIONS:

21A.40.010	Applications - Specific form and content of application determined
21A.40.020	Applications - Initiation of required approvals or permits
21A.40.030	Applications - Complete applications
21A.40.035	Applications - Vesting
21A.40.040	Applications - Modifications to proposal
21A.40.050	Applications - Supplemental information
21A.40.060	Applications - Oath of accuracy
21A.40.070	Applications - Limitations on refiling of applications
21A.40.080	Notice - Content
21A.40.090	Notice - Posted notice
21A.40.100	Notice - Published notice
21A.40.110	Notice - Mailed notice
21A.40.120	Notice - Additional notice
21A.40.130	Notice - Exception to notice requirements

SECTION 595.

21A.40.010 Applications - Specific form and content of application determined. As provided by the administrative rule process of K.C.C. 2.98, the department shall:

- A. Prescribe, prepare and provide the form on which applications required by this are made; and
- B. Prescribe the type of information to be submitted by the applicant.

SECTION 596.

21A.40.020 Applications - Initiation of required approvals or permits. The department shall not commence review of any application set forth in this chapter until the property owner has submitted the materials and fees specified for complete applications.

SECTION 597.

21A.40.030 Applications - Complete applications. A. Applications for conditional use permits, variances, zone reclassifications, and special use permits, shall be considered complete as of the date of submittal upon determination by the department that the materials submitted contain the following:

1. Application forms provided by the department and completed by the applicant;
2. Certificates of sewer and water availability from the appropriate purveyors, where sewer and/or water service is proposed to be obtained from a purveyor, confirming that the proposed water supply and/or sewage disposal are adequate to serve the development in compliance with adopted state and local system design and operating guidelines;
3. Receipt signed by the fire district verifying application submittal pursuant to K.C.C. 17.10.020E, if applicable;
4. Identification on the site plan of all easements, deed restrictions, or other encumbrances restricting the use of the property, if applicable;
5. Proof that the lot or lots are recognized as separate lots pursuant to the provisions of K.C.C. 19.04;
6. A sensitive area affidavit as provided by K.C.C. 21A.24;
7. A completed environmental checklist, if required by K.C.C. 20.44, County Environmental Procedures;
8. Payment of any development permit review fees, excluding impact fees collectible pursuant to K.C.C. Title 27, Development Permit Fees; and

9. Complete applications for other required permits that are required to be processed concurrently with the proposed application, or copies of approved permits that are required to be obtained prior to the proposed application.
- B. Applications found to contain material errors shall not be deemed complete until such material errors are corrected.
- C. The director may waive specific submittal requirements determined to be unnecessary for review of an application.

SECTION 598.

- 21A.40.035 Vesting.** A. Only a complete application for a conditional use permit shall be considered under zoning and other land use control ordinances in effect as of the date of submittal.
- B. Supplemental information required after acceptance and vesting of a complete application shall not affect the validity of the vesting for such application.
- C. Vesting of an application does not vest any subsequently required permits, nor does it affect the requirements for vesting of subsequent permits or approvals.
- D. This section vests only conditional use permits. Vesting for other development permits shall be governed by other applicable titles.

SECTION 599.

- 21A.40.040 Applications - Modifications to proposal.** A. Modifications to an application required by the county shall not be deemed a new application.
- B. An applicant-requested modification occurring either before or after issuance of the permit shall be deemed a new application for the purpose of vesting when such modification would result in a substantial increase in a project's impacts as determined by the department. Such substantially increased impacts may include increases in residential density or traffic generation or a greater than 10 percent increase in building square footage.

SECTION 600.

- 21A.40.050 Applications - Supplemental information.** A. The department may cease processing of a complete application while awaiting supplemental information which is found to be necessary for continued review subsequent to the initial screening by the department.
- B. The department shall set a reasonable deadline for the submittal of such supplemental information and shall provide written notification to the applicant by certified mail. An extension of such deadline may be granted upon submittal by the applicant of a written request providing satisfactory justification for an extension.
- C. Failure by the applicant to meet such deadline shall be cause for the department to cancel/deny the application:
- D. When granting a request for a deadline extension, the department shall give consideration to the number of days between receipt by the department of a written request for a deadline extension and the mailing to the applicant of the department's decision regarding that request.

SECTION 601.

- 21A.40.060 Applications - Oath of accuracy.** The applicant shall attest by written oath to the accuracy and completeness of all information submitted for an application.

SECTION 602.

- 21A.40.070 Applications - Limitations on refiling of applications.** Upon denial by the council of a zone reclassification or a special use permit, no new application for substantially the same proposal shall be accepted within one year from the date of denial.

SECTION 603.

21A.40.080 Notice - Content. A. Notice of applications shall be provided as specified under the respective review procedures in K.C.C. 21A.42.

B. All required notice of proposed actions shall contain the following information:

1. The file number;
2. The name of the applicant;
3. The description of the requested action and the proposed use of the property;
4. A vicinity map and general location description in non-technical terms;
5. A site plan, if applicable;
6. The procedures and deadline for filing comments;
7. The time and place of public hearing, if applicable;
8. A form to request department reports decisions; and
9. Identification of the responsible county official.

SECTION 604.

21A.40.090 Notice - Posted notice. Posted notice for a proposed action shall consist of one or more notice boards as follows.

A. A single notice board shall be placed by the applicant:

1. At the midpoint of the site street frontage or as otherwise directed by the department for maximum visibility;
2. Five feet inside the street property line except when the board is structurally attached to an existing building, provided that no notice board shall be placed more than five feet from the street property without approval of the department;
3. So that the top of the notice board is between seven to nine feet above grade; and
4. Where it is completely visible to pedestrians.

B. Additional notice boards may be required when:

1. The site does not abut a public road;
2. A large site abuts more than one public road; or
3. The department determines that additional notice boards are necessary to provide adequate public notice.

C. Notice boards shall be:

1. maintained in good condition by the applicant during the notice period;
2. in place at least 30 days prior to the date of hearing, or at least 15 days prior to the end of any required comment period; and
3. removed within 15 days after the end of the notice period.

D. Removal of the notice board prior to the end of the notice period may be cause for discontinuance of the department review until the notice board is replaced and remains in place for the specified time period.

E. An affidavit of posting shall be submitted to the department by the applicant prior to the hearing or final comment date.

F. Notice boards shall be constructed and installed in accordance with specifications promulgated by the department pursuant to K.C.C. 2.98, Rules of County Agencies.

SECTION 605.

21A.40.100 Notice - Published notice. Notice of a proposed action shall be published by the department at least 15 days prior to the end of any required comment period in the official county newspaper and another newspaper of general circulation in the affected area.

SECTION 606.

21A.40.110 Notice - Mailed notice. Mailed notice for a proposed action shall:

- A. Be sent by the department by first class mail to owners of property in an area within 500 feet of the site, provided such area shall be expanded as necessary to send mailed notice to at least 20 different property owners.
- B. Be considered supplementary to posted or published notice.
- C. Be deemed satisfactory despite the failure of one or more owners to receive mailed notice.

SECTION 607.

21A.40.120 Notice - Additional notice. The department may provide additional notice or may expand the area of notice in order to inform affected property owners of a proposed action.

SECTION 608.

21A.40.130 Notice - Exception to notice requirements. If testimony cannot be completed prior to adjournment on the date set for a hearing, the presiding official shall:

- A. Announce prior to adjournment the time and place said hearing will be continued; or
- B. Provide mailed notice for a continued hearing to all parties of record, when a new time and place is determined.

CHAPTER 21A.42 REVIEW PROCEDURES / NOTICE REQUIREMENTS

SECTIONS:

21A.42.010	Code compliance review - Permits subject to review
21A.42.020	Code compliance review - Notice requirements and comment periods
21A.42.030	Code compliance review - Decisions and appeals
21A.42.040	Director/adjustor review - Actions subject to review
21A.42.050	Director/adjustor review - Notice requirements and comment period
21A.42.060	Director/adjustor review - Decision or public hearing required
21A.42.070	Director/adjustor review - Additional requirements prior to hearing
21A.42.080	Director/adjustor review - Decision regarding proposal
21A.42.090	Director/adjustor review - Decision final unless appealed
21A.42.100	Examiner review - Zone reclassification, urban plan developments ("UPD"), and special use permits
21A.42.110	Combined review
21A.42.120	Establishment of hearing rules
21A.42.130	Records

SECTION 609.

21.42.010 Code compliance review - Actions subject to review. The following actions shall be subject to administrative review for determining compliance with the provisions of this title and/or any applicable development conditions which may affect the proposal:

- A. Building permits;
- B. Grading permits; and
- C. Temporary use permits.

SECTION 610.

21A.42.020 Code compliance review - Notice requirements and comment period. A. The department shall provide posted, and published notice pursuant to K.C.C. 21A.40 for temporary use permits. In addition, mailed notice pursuant to K.C.C. 21A.40 shall be provided for temporary use permits in resource zones

B. Any written comments on applications subject to code compliance review shall be submitted within 15 days of the date of published notice or the posting date, whichever is later.

SECTION 611.

21A.42.030 Code compliance review - Decisions and appeals. A. The department shall approve, approve with conditions, or deny permits based on compliance with this title and any other development condition affecting the proposal.

B. Decisions on temporary use permits may be appealed to the zoning and subdivision examiner.
C. Permits approved through code compliance review shall be effective for the time periods and subject to the terms set out as follows:

1. Building permits shall comply with K.C.C. 16.04;
2. Grading permits shall comply with K.C.C. 16.82; and
3. Temporary use permits shall comply with K.C.C. 21A.32.

SECTION 612.

21A.42.040 Director/adjustor review - Actions subject to review. The following actions shall be subject to the director/adjustor review procedures set forth in this chapter:

- A. Applications for variances and conditional uses; and
- B. Periodic review of extractive operations.

SECTION 613.

21A.42.050 Director/adjustor review - Notice requirements and comment period. A. The department shall provide published, posted and mailed notice pursuant to K.C.C. 21A.40.080- .130 for all applications subject to director/adjustor review. to all parties of record.

B. Written comments and materials regarding applications subject to director/adjustor review procedures shall be submitted within 15 days of the date of published notice or the posting date, whichever is later.

SECTION 614.

21A.42.060 Director/adjustor review - Decision or public hearing required. Following the comment period provided in K.C.C. 21A.42.050, the director shall:

A. Review the information in the record and render a decision pursuant to K.C.C. 21A.42.080; or
B. Forward the application to the adjustor for public hearing, if:

1. Adverse comments are received from at least five persons or agencies during the comment period which are relevant to the decision criteria of K.C.C. 21A.44 or state specific reasons why a hearing should be held; or

2. The director determines that a hearing is necessary to address issues of vague, conflicting or inadequate information, or issues of public significance.

C. Mailed notice of any public hearing required pursuant to K.C.C. 21A.40.110 shall be provided by the department to all parties of record.

SECTION 615.

21A.42.070 Director/adjustor review - Additional requirements prior to hearing. When a hearing before the adjustor is deemed necessary by the director:

A. Application processing shall not proceed until the supplemental permit review fees set forth in K.C.C. Title 27 are received; and

B. The application shall be deemed withdrawn if the supplemental fees are not received within 30 days of applicant notification by the department.

SECTION 616.

21A.42.080 Director/adjustor review - Decision regarding proposal. A. Decisions regarding the approval or denial of proposals (excluding periodic review of extractive operations) subject to director/adjustor review shall be based upon compliance with the required showings of K.C.C. 21A.44. Periodic reviews of extractive operations shall be based upon the criteria outlined in K.C.C. 21A.22.050.B.

B. Decisions shall be rendered no more than 40 days after the termination of a public hearing or comment period. A public hearing or comment period may be reopened for purposes of obtaining additional information.

C. The written decision contained in the record shall show:

1. Facts, findings and conclusions supporting the decision and demonstrating compliance with the applicable decision criteria; and

2. Any conditions and limitations imposed, if the request is granted.

D. The director or adjustor shall mail a copy of the written decision to the applicant and to all parties of record.

SECTION 617.

21A.42.090 Director/adjustor review - Decision final unless appealed. A. The decision of the director or adjustor shall be final unless the applicant or an adverse party files an appeal to the zoning and subdivision examiner pursuant to K.C.C. 20.24.

B. Prior to an appeal hearing by the examiner, the examiner shall mail notice of the appeal to parties of record.

C. The examiner shall review and make decisions based upon information contained in the written appeal and the record.

D. As provided by K.C.C. 20.24.210A. and C.:

1. The examiner shall render a decision within ten days of the closing of hearing; and
2. The decision shall be final unless appealed under the provisions of K.C.C. 20.24.240B.

E. Permit approvals which are subject to review per K.C.C. 21A.42.040 shall have a time limit of two years from issuance or date of the final appeal decision, whichever is applicable, in which any required conditions of approval must be met; however conditional use approval for schools shall have a time limit of five years. The time limit may be extended one additional year by the director/adjustor or the examiner if the applicant provides written justification prior to the expiration of the time limit. For the purpose of this chapter, issuance date shall be the date the permit is issued or date upon which the examiner's decision is issued on an appeal of a permit, whichever is later. A permit is effective indefinitely once any required conditions of approval have been met.

SECTION 618.

21A.42.100 Examiner review - Zone reclassifications, urban plan developments, and special use permits. Applications for zone reclassifications, special use permits and urban plan developments shall be reviewed by the department subject to the procedures and criteria set forth in K.C.C. 20.24 for action subject to approval by the council.

SECTION 619.

21A.42.110 Combined review. Proposed actions may be combined for review purposes with any other action subject to the same review process, provided:

- A. Notice requirements for combined review shall not be less than the greatest individual action requirement; and
- B. No permit shall be approved without prior review and approval of any required variance.

SECTION 620.

21A.42.120 Establishment of hearing rules. The department shall establish rules governing the conduct of public hearings before the adjustor pursuant to K.C.C. 2.98.

SECTION 621.

21A.42.130 Records. The department shall maintain public records for all permit approvals and denials containing the following information:

- A. Application documents;
- B. Tape recorded verbatim records of required public hearing;
- C. Written recommendations and decisions for proposed actions;
- D. Ordinances showing final council actions;
- E. Evidence of notice;
- F. Written comments received; and
- G. Material submitted as exhibits.

10870

SECTIONS:

21A.44.010	Purpose
21A.44.020	Temporary use permit
21A.44.030	Variance
21A.44.040	Conditional use permit
21A.44.050	Special use permit
21A.44.060	Zone reclassification
21A.44.070	Urban plan development permit

SECTION 622.

21A.44.010 Purpose. The purposes of this chapter are to allow for consistent evaluation of land use applications and to protect nearby properties from the possible effects of such requests by:

- A. Providing clear criteria on which to base a decision;
- B. Recognizing the effects of unique circumstances upon the development potential of a property;
- C. Avoiding the granting of special privileges;
- D. Avoiding development which may be unnecessarily detrimental to neighboring properties;
- E. Requiring that the design, scope and intensity of development is in keeping with the physical aspects of a site and adopted land use policies for the area; and
- F. Providing criteria which emphasize protection of the general character of neighborhoods.

SECTION 623.

21A.44.020 Temporary use permit. A temporary use permit shall be granted by the County, only if the applicant demonstrates that:

- A. The proposed temporary use will not be materially detrimental to the public welfare;
- B. The proposed temporary use is compatible with existing land uses in the immediate vicinity in terms of noise and hours of operation;
- C. The proposed temporary use, if located in a resource zone, will not be materially detrimental to the use of the land for resource purposes and will provide adequate off-site parking if necessary to protect against soil compaction;
- D.. Adequate public off-street parking and traffic control for the exclusive use of the proposed temporary use can be provided in a safe manner; and
- E. The proposed temporary use is not otherwise permitted in the zone in which it is proposed.

SECTION 624.

21A.44.030 Variance. A variance shall be granted by the county, only if the applicant demonstrates all of the following:

- A. The strict enforcement of the provisions of this title creates an unnecessary hardship to the property owner;
- B. The variance is necessary because of the unique size, shape, topography, or location of the subject property;
- C. The subject property is deprived, by provisions of this title, of rights and privileges enjoyed by other properties in the vicinity and under an identical zone;
- D. The need for the variance is not the result of deliberate actions of the applicant or property owner;
- E. The variance does not create health and safety hazards;
- F. The variance does not relieve an applicant from any of the procedural provisions of this title;
- G. The variance does not relieve an applicant from any standard or provision that specifically states that no variance from such standard or provision is permitted;

- H. The variance does not relieve an applicant from conditions established during prior permit review or from provisions enacted pursuant to K.C.C. 21A.38, Property-Specific Development Standards;
- I. The variance does not allow establishment of a use that is not otherwise permitted in the zone in which the proposal is located;
- J. The variance does not allow the creation of lots or densities that exceed the base residential density for the zone by more than 10 percent;
- K. The variance is the minimum necessary to grant relief to the applicant;
- L. The variance from setback or height requirements does not infringe upon or interfere with easement or covenant rights or responsibilities; and
- M. The variance does not relieve an applicant from any provisions of K.C.C. 21A.24 Sensitive Areas, except for the required buffer widths set forth in K.C.C. 21A.24.270, 21A.24.300, 21A.24.310, or 21A.24.350

SECTION 625.

21A.44.040 Conditional use permit. A conditional use permit shall be granted by the County, only if the applicant demonstrates that:

- A. The conditional use is designed in a manner which is compatible with the character and appearance with the existing, or proposed development in the vicinity of the subject property;
- B. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder neighborhood circulation or discourage the permitted development or use of neighboring properties;
- C. The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;
- D. Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;
- E. The conditional use is not in conflict with the health and safety of the community;
- F. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood; and
- G. The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities.

SECTION 626.

21A.44.050 Special use permit. A special use permit shall be granted by the County, only if the applicant demonstrates that:

- A. The characteristics of the special use will not be unreasonably incompatible with the types of uses permitted in surrounding areas;
- B. The special use will not materially endanger the health, safety and welfare of the community;
- C. The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;
- D. The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts;
- E. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the special use shall not hinder or discourage the appropriate development or use of neighboring properties; and
- F. The special use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this title.

SECTION 627.

21A.44.060 Zone reclassification. A zone reclassification shall be granted only if the applicant demonstrates that the proposal complies with the criteria for approval specified in K.C.C. Title 20.24.180 and 20.24.190 and is consistent with the Comprehensive Plan and applicable community and functional plans.

SECTION 628.

21A.44.070 Urban plan development permit. An urban plan development permit shall be granted only if the applicant demonstrates compliance with the provisions of K.C.C. 21A.39.

10870

CHAPTER 21A.50 ENFORCEMENT

SECTIONS:

21A.50.010	Purpose
21A.50.020	Authority and application
21A.50.030	Violations defined
21A.50.040	Permit suspension, revocation or modification
21A.50.050	Initiation of revocation or modification proceedings

SECTION 629.

21A.50.010 Purpose. The purpose of this chapter is to promote compliance with this title by establishing enforcement authority, defining violations, and setting standards for initiating the procedures set forth in K.C.C. Title 23, Enforcement, when violations of this title occur.

SECTION 630.

21A.50.020 Authority and application. The director is authorized to enforce the provisions of this code, any implementing administrative rules adopted under K.C.C. 2.98, administration, and approval conditions attached to any land use approval, through revocation or modification of permits, or through the enforcement, penalty and abatement provisions of K.C.C. Title 23, Enforcement.

SECTION 631.

21A.50.030 Violations defined. No building permit or land use approval in conflict with the provisions of this Title shall be issued. Structures or uses which do not conform to this title, except legal nonconformances specified in K.C.C. 21A.32 and approved variances, are violations subject to the enforcement, penalty and abatement provisions of Title 23, including but not limited to:

- A. Establishing a use not permitted in the zone in which it is located;
- B. Constructing, expanding or placing a structure in violation of setback, height and other dimensional standards in this title;
- C. Establishing a permitted use without complying with applicable development standards set forth in other Titles, ordinances, rules or other laws, including but not limited to, road construction, surface water management, the Fire Code, and rules of the department of public health;
- D. Failing to carry out or observe conditions of land use or permit approval, including contract development standards;
- E. Failing to secure required land use or permit approval prior to establishing a permitted use; and
- F. Failing to maintain site improvements, such as landscaping, parking or drainage control facilities as required by this code or other King County ordinances.

SECTION 632.

21A.50.040 Permit suspension, revocation or modification. A. Permit suspension, revocation or modification shall be carried out through the procedures set forth in K.C.C. Title 23. Any permit, variance, or other land use approval issued by King County pursuant to this Title may be suspended, revoked or modified on one or more of the following grounds:

1. The approval was obtained by fraud;
2. The approval was based on inadequate or inaccurate information;
3. The approval, when given, conflicted with existing laws or regulations applicable thereto;
4. An error of procedure occurred which prevented consideration of the interests of persons directly affected by the approval;
5. The approval or permit granted is being exercised contrary to the terms or conditions of such approval or in violation of any statute, law or regulation;

- 6. The use for which the approval was granted is being exercised in a manner detrimental to the public health or safety;
- 7. The holder of the permit or approval interferes with the director or any authorized representative in the performance of his or her duties; or
- 8. The holder of the permit or approval fails to comply with any notice and order issued pursuant to K.C.C. Title 23.

B. Authority to revoke or modify a permit or land use approval shall be exercised by the issuer, as follows:

- 1. The council may, after a recommendation from the Examiner, revoke or modify any residential density incentive approval, transfer of development credit, Urban Planned Development, preliminary subdivision, zone reclassification or special use permit;
- 2. The adjustor may revoke or modify any variance or conditional use permit, provided that if it was reviewed through a public hearing, a new public hearing shall be held on its revocation or modification; and
- 3. The director may revoke or modify any permit or other land use approval issued by the director.

SECTION 633.

21A.50.050 Initiation of revocation or modification proceedings. A. The director may suspend any permit, variance or land use approval issued by any King County issuing agency and processed by the department pending its revocation or modification, or pending a public hearing on its revocation or modification;

B. The issuing agency may initiate proceedings to revoke or modify any permit or land use approval it has issued; and

C. Persons who are aggrieved may petition the issuing agency to initiate revocation or modification proceedings, and may petition the director to suspend a permit, variance or land use approval pending a public hearing on its revocation or modification.

SECTION 634.

The amendments to this ordinance noted as passed on the attached amendment sheets are hereby adopted and incorporated herein.

INTRODUCED AND READ for the first time this 23rd day of September, 19 91.

PASSED this 7th day of June, 19 93.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Corliss Sullivan
VICE Chair

ATTEST:

Gerald R. Peters
Clerk of the Council

APPROVED this 18th day of June, 19 93.

Patricia B. Stal for
King County Executive
Jim Hill

ATTACHMENTS:

King county Zoning Code Amendments No. 1 - 58