

1. Signs advertising an individual residential unit for sale or rent shall be limited to one sign per street frontage. The sign may not exceed eight square feet in area, and shall not exceed six feet in height. The sign shall be removed within five days after closing of the sale, lease or rental of the property.

2. Portable off-premise residential directional signs announcing directions to an open house at a specified residence which is offered for sale or rent shall not exceed six square feet in area for each sign, and shall not exceed 42 inches in height. Such signs shall be permitted only when the agent or seller is in attendance at the property for sale or rent and may be located on the right-of-way outside of vehicular and bicycle lanes.

3. On-site commercial or industrial property for sale or rent signs shall be limited to one sign per street frontage, and shall not exceed 32 square feet in area. The sign shall not exceed 12 feet in height. The sign shall be removed within 30 days after closing of the sale, lease or rental of the property. A building permit is required and shall be issued for a one year period. The permit is renewable for one year increments up to a maximum of three years.

4. On-site residential development for sale or rent signs shall be limited to one sign per development. The sign shall not exceed 32 square feet in area, and shall not exceed 12 feet in height. A building permit is required and shall be issued for a one year period. The permit is renewable annually for up to a maximum of three years

5. Off-site directional signs for residential developments shall be limited to six signs. Each sign shall not exceed 16 square feet in area, and shall include only the name of and directions to the residential development. The sign(s) shall be placed a maximum of two miles from the nearest residential development entrance. No two signs for one residential development shall be located closer than 500 feet from one another on the same street. A single building permit is required for all signs and shall be issued for a one year period. The permit number and the permit expiration date must be clearly displayed on the face of each sign. The permit is renewable for one year increments up to a maximum of three years, provided that extensions will only be granted if the sign permit applicant has complied with the applicable regulations.

6. Residential on-premise informational signs shall be limited to one sign per feature, including but not limited to signs for information centers, model homes, parking areas or announcing features such as parks, playgrounds, or trails. Each sign shall not exceed 16 square feet in area, and shall not exceed six feet in height.

E. Community event signs:

1. Community event signs shall be limited to announcing or promoting a non-profit sponsored community fair, festival or event;

2. Community event signs may be displayed no more than the time period specified in the temporary use permit issued pursuant to K.C.C. 21A.44; and

3. Community event signs shall be removed by the event sponsor within two weeks following the end of the community fair, festival or event.

6/1/93

MR. DERDOWSKI MOVE AMENDMENT NO. 23  
FAILED 3-5, BD, LP, RS "YES" CS EXC

KING COUNTY ZONING CODE

10870

ORDINANCE NUMBER 91-729

AMENDMENT NUMBER: 23

OFFERED BY: Derdowski

**TOPIC: SAO retention/detention facilities**

Amend the SAO public agency exemption as follows to clarify that retention/detention facilities which are not regional in character are not allowed in sensitive areas under any circumstances:

**SECTION 454.**

21A.24.070 Exceptions. A. If the application of this chapter would prohibit a development proposal by a public agency or public utility, the agency or utility may apply for an exception pursuant to this subsection:

1. the public agency or utility shall apply to the department and shall make available to the department other related project documents such as permit applications to other agencies, special studies and SEPA documents. The department shall prepare a recommendation to the zoning and subdivision examiner;

2. the examiner shall review the application and conduct a public hearing pursuant to the provisions of K.C.C. 20.24.070. The examiner shall make a recommendation to the council based on the following criteria:

a. there is no other practical alternative to the proposed development with less impact on the sensitive area; and

b. the proposal minimizes the impact on sensitive areas;

3. this exception shall not allow the use of the following sensitive areas for regional retention/detention facilities except where there is a clear showing that the facility will protect public health and safety or repair damaged natural resources:

a. class 1 streams or buffers;

b. class 1 wetlands or buffers with plant associations of infrequent occurrence; or

c. class 1 or 2 wetlands or buffers which provide critical or outstanding habitat for herons, raptors or state or federal designated endangered or threatened species unless clearly demonstrated by the applicant that there will be no impact on such habitat.

4. This exception shall not allow the use of any of the sensitive areas specified in paragraph A3 for retention/detention in facilities other than regional facilities allowed by paragraph A3.

B. If the application of this chapter would deny all reasonable use of the property, the applicant may apply for an exception pursuant to this subsection:

1. the applicant shall apply to the department, and the department shall prepare a recommendation to the zoning and subdivision examiner. The applicant may apply for a reasonable use exception without first having applied for a variance if the requested exception includes relief from standards for which a variance cannot be granted pursuant to the provisions of K.C.C. 21A.44;

2. the examiner shall review the application in consultation with the prosecuting attorney and shall conduct a public hearing pursuant to the provisions of K.C.C. 20.24.080. The examiner shall make a final decision based on the following criteria:

- a. the application of this chapter would deny all reasonable use of the property;
- b. there is no other reasonable use with less impact on the sensitive area;
- c. the proposed development does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest; and
- d. any alterations permitted to the sensitive area shall be the minimum necessary to allow for reasonable use of the property; and

3. any authorized alteration of a sensitive area under this subsection shall be subject to conditions established by the examiner including, but not limited to, mitigation under an approved mitigation plan.

10870

KING COUNTY ZONING CODEORDINANCE NUMBER 91-729AMENDMENT NUMBER: 24OFFERED BY: Derdowski

TOPIC: SAO partial exemptions

Amend SAO as follows to allow decks and other structures to be extended within sensitive areas buffers.

## SECTION 453.

21A.24.060 Partial exemptions. A. The following are exempt from the provisions of this chapter and any administrative rules promulgated thereunder, except for the notice on title provisions, K.C.C. 21A.24.170 - 21A.24.180, and the flood hazard area provisions, K.C.C. 21A.24.230 - 21A.24.270:

1. structural modification of, addition to or replacement of structures, except single detached residences, in existence before November 27, 1990 which do not meet the building setback or buffer requirements for wetlands, streams or steep slope hazard areas if the modification, addition, replacement or related activity does not increase the existing footprint of the structure lying within the above-described building setback area, sensitive area or buffer;

2. structural modification of, addition to or replacement of single detached residences in existence before November 27, 1990 which do not meet the building setback or buffer requirements for wetlands, streams or steep slope hazard areas if the modification, addition, replacement or related activity does not increase the existing footprint of the residence lying within the above-described buffer or building setback area by more than 1000 square feet over that existing before November 27, 1990 and no portion of the modification, addition or replacement is located closer than 25 feet to the sensitive area or, if the existing residence is in the sensitive area, extends farther into the sensitive area; and

3. maintenance or repair of structures which do not meet the development standards of this chapter for coal mine, landslide, seismic or volcanic hazard areas if the maintenance or repair does not increase the footprint of the structure and there is no increased risk to life or property as a result of the proposed maintenance or repair;

B. The grazing of livestock is exempt from the provisions of this chapter and any administrative rules promulgated thereunder, except for the livestock restriction provisions, K.C.C. 21A.24.320 and 21A.24.360, and any animal density limitations established by law, if the grazing activity was in existence before November 27, 1990;

C. A permit or approval sought as part of a development proposal for which multiple permits are required is exempt from the provisions of this chapter and any administrative rules

promulgated thereunder, except for the notice on title provisions, K.C.C. 21A.24.170 - 21A.24.180, if:

1. King County previously reviewed all sensitive areas on the site;
2. there is no material change in the development proposal since the prior review;
3. there is no new information available which is important to any sensitive area review of the site or particular sensitive area;
4. the permit or approval under which the prior review was conducted has not expired or, if no expiration date, no more than five years lapsed since the issuance of that permit or approval; and
5. the prior permit or approval, including any conditions, has been complied with.

10870

KING COUNTY ZONING CODE

ORDINANCE NUMBER 91-729

RECEIVED

93 MAY 27 AM 11:56

CLERK  
KING COUNTY COUNCIL

AMENDMENT NUMBER:

25

OFFERED BY:

Sullivan

**TOPIC: Nonresidential structures in the zero-rise floodway.**

This amendment clarifies that only residential structures and structures accessory to residential uses are subject to the limitations in paragraph F.

**SECTION 472.**

**21A.24.250 Zero-rise floodway: development standards and permitted**

**alterations.** A. The requirements which apply to the flood fringe shall also apply to the zero-rise floodway. The more restrictive requirements shall apply where there is a conflict.

B. A development proposal including, but not limited to, new or reconstructed structures shall not cause any increase in the base flood elevation unless the following requirements are met:

1. amendments to the Flood Insurance Rate Map are adopted by FEMA, in accordance with 44 CFR 70, to incorporate the increase in the base flood elevation; and

2. appropriate legal documents are prepared in which all property owners affected by the increased flood elevations consent to the impacts on their property. These documents shall be filed with the title of record for the affected properties.

C. The following are presumed to produce no increase in base flood elevation and shall not require a special study to establish this fact:

1. new residential structures outside the FEMA floodway on lots in existence before November 27, 1990 which contain less than 5,000 square feet of buildable land outside the zero-rise floodway and which have a total building footprint of all proposed structures on the lot of less than 2,000 square feet;

2. substantial improvements of existing residential structures in the zero-rise floodway, but outside the FEMA floodway, where the footprint is not increased; or

3. substantial improvements of existing residential structures meeting the requirements for new residential structures in K.C.C. 21A.24.240.

D. Post or piling construction techniques which permit water flow beneath a structure shall be used.

E. All temporary structures or substances hazardous to public health, safety and welfare, except for hazardous household substances or consumer products containing hazardous substances, shall be removed from the zero-rise floodway during the flood season from September 30 to May 1.

F. New residential (~~or non-residential~~) structures or any structure accessory to a residential use shall meet the following requirements:

1. the structures shall be outside the FEMA floodway; and

10870

KING COUNTY ZONING CODE

ORDINANCE NUMBER 91-729

AMENDMENT NUMBER: 26 OFFERED BY: Derdowski

TOPIC: Water supply requirements

Amend Section 514 as follows to require that water quantity needed by development proposal be available for approval of building permits, plats and other proposals:

SECTION 514.

21A.28.040 Adequate water supply. All new development shall be served by an adequate public or private water supply system as follows:

A. A public water system is adequate for a development proposal provided that:

1. For the issuance of a building permit, preliminary plat approval or other land use approval, the applicant must demonstrate that the existing water supply system available to serve the site:

a. currently has available for use the quality of water sought by the applicant.

((a))b. complies with the applicable planning, operating and design requirements of WAC 246.290; K.C.C. 14.42 and K.C.C. 14.44 and K.C.C. Title 17; Coordinated Water system plans; K.C.C. Title 12, K.C.C. Title 13 and other applicable provisions of the rules and regulations of the King County board of health; and any limitation or condition imposed by the county-approved comprehensive plan of the water purveyor; and

((b))c. the proposed improvements to an existing water system have been reviewed by the department and determined to comply with the design standards and conditions specified in paragraph a of this subsection; or

((e))d. a proposed new water supply system has been reviewed by the department and determined to comply with the design standards and conditions specified in paragraph a of this subsection;.....

2. the structures shall be on lots in existence before November 27, 1990 which contain less than 5000 square feet of buildable land outside the zero-rise floodway.

G. Utilities may be allowed within the zero-rise floodway if King County determines that no feasible alternative site is available, subject to the following requirements:

1. installation of new on-site sewage disposal systems shall be prohibited unless a waiver is granted by the Seattle/King County department of public health; and
2. construction of sewage treatment facilities shall be prohibited.

H. Critical facilities shall not be allowed within the zero-rise floodway except as provided in subsection J.

I. Livestock manure storage facilities and associated non-point source water pollution facilities designed, constructed and maintained to the standards of and approved in a conservation plan by the King County Conservation District may be allowed if King County reviews and approves the location and design of the facilities.

J. Structures and installations which are dependent upon the floodway may be located in the floodway if the development proposal is approved by all agencies with jurisdiction. Such structures include, but are not limited to:

1. dams or diversions for water supply, flood control, hydroelectric production, irrigation or fisheries enhancement;
2. flood damage reduction facilities, such as levees and pumping stations;
3. stream bank stabilization structures where no feasible alternative exists for protecting public or private property;
4. storm water conveyance facilities subject to the development standards for streams and wetlands and the Surface Water Design Manual;
5. boat launches and related recreation structures;
6. bridge piers and abutments; and
7. other fisheries enhancement or stream restoration projects.



10870

KING COUNTY ZONING CODE

RECEIVED

ORDINANCE NUMBER 91-729

93 MAY 27 AM 11:56

AMENDMENT NUMBER: 27

OFFERED BY: Sullivan CLERK KING COUNTY COUNCIL

TOPIC: Expansion of nonconforming uses.

This amendment eliminates unnecessary criteria for establishing an expansion of a nonconforming use, since the conditional use or special use criteria already applies.

SECTION 546.

21A.32.090 Nonconformance - expansion of nonconformance. A nonconformance may be expanded subject to approval of a conditional use permit or a special use permit, whichever permit is required under existing codes, or if no permit is required through a conditional use permit, provided:

A. A nonconformance with the development standard provisions of K.C.C. 21A.12 through 21A.30 shall not be created or increased;

B. The proposal complies with the development standards of K.C.C. 21A.12 through 21A.30 to the extent feasible;

~~((C. Approval of such proposal shall be based on a finding that the expansion-~~

~~1. Does not allow an expansion that would be detrimental to adjacent uses; and~~

~~2. Improves aspects of safety or function of the nonconformance;)) and~~

~~((D-))C.~~ Expansions involving environmentally sensitive areas shall be subject to the provisions of K.C.C. 21A.24.

10870

KING COUNTY ZONING CODE RECEIVED

ORDINANCE NUMBER 91-729

93 MAY 27 AM 11:56

AMENDMENT NUMBER: 28 OFFERED BY: UAC UNCIL.

TOPIC: Minimum Densities: Chapter 21A.12

The UAC recommends deleting the mandatory minimum density requirements and instead allowing communities, through the community planning process, to designate areas appropriate for minimum density provisions. The following changes to the dimensional chart implements this recommendation.

**SECTION 340**

**21A.12.030 A**

**Densities and Dimensions - Residential Zones**

STANDARDS	RESIDENTIAL											
	RURAL			URBAN RESERVE	URBAN RESIDENTIAL							
	RA-2.5	RA-5	RA-10	UR	R-1	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density: Dwelling Unit/Acre	0.4 du/ac	0.2 du/ac	0.1 du/ac	0.2 du/ac	1 du/ac	4 du/ac (6)	6 du/ac	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac
Maximum Density: Dwelling Unit/Acre (1)						6 du/ac	9 du/ac	12 du/ac	18 du/ac	27 du/ac	36 du/ac	72 du/ac
((Minimum Density: % of Base Density (2)))						((85%))	((85%))	((85%))	((80%))	((75%))	((70%))	((65%))
Minimum Lot Width: (3)	135 ft	135 ft	135 ft	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft
Minimum Street Setback (3)	30 ft	30 ft	30 ft	30 ft (7)	30 ft (7)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)
Minimum Interior Setback (3)	35 ft (9)	35 ft (9)	35 ft (9)	10 ft (7)	10 ft (7)	5 ft	5 ft	5 ft	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10)
Base Height (4)	40 ft	40 ft	40 ft	35 ft	35 ft	35 ft	35 ft	35 ft	60 ft	60 ft	60 ft	60 ft 80 ft (14)
Maximum Building Coverage: Percentage (5)	4% (11) (12)	2% (11) (12)	1% (11) (12)	10 % (11) (12)	15% (11) (12)	35%	50%	55%	60%	60%	70%	70%
Maximum Impervious Surface: Percentage (5)	15% (13)	10% (13)	15% (13)	20% (13)	20%	45%	70%	75%	85%	85%	85%	90%

**21A.12.030 B. DEVELOPMENT CONDITIONS.**

1. The maximum density may be achieved only through the application of residential density incentives ((~~or transfers of density credits~~)) pursuant to Chapters 21A.34 ((~~or 21A.36~~)). ((~~Maximum density may only be exceeded pursuant to Section 21A.34.040 F. 1. f.~~)) ((~~2. Also see Section 21A.12.060.~~))
3. These standards may be modified under the provisions for zero-lot-line and townhouse developments.
4. Height limits may be increased when portions of the structure which exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit, provided that the maximum height may not exceed 75 feet.
5. Applies to each individual lot. Building coverage and impervious surface area standards for:
  - a. regional uses shall be established at the time of permit review; or
  - b. nonresidential uses in residential zones shall comply with K.C.C. 21A.12.120 and .230.
6. Mobile home parks shall be allowed a base density of six dwelling units per acre.
7. The standards of the R-4 zone shall apply if a lot is less than 15,000 square feet in area.
8. At least 20 linear feet of driveway shall be provided between any garage, carport, or other fenced parking area and the street property line. The linear distance shall be measured along the centerline of the driveway from the access point to such garage, carport or fenced area to the street property line.

9. Residences shall have a setback of at least 100 feet from any property line adjoining A, M or F zones or existing extractive operations.
10. For townhouse and apartment development, the setback shall be 20 feet along any property line abutting R-1 through R-8, RA and UR zones.
11. On any lot over 1 acre in area, an additional 5 percent may be used for buildings related to agricultural or forestry practices.
12. The maximum building coverage shall be 10 percent where the lot is between 1.0 and 1.25 acres in area. The maximum building coverage shall be 15 percent where the lot is less than 1 acre in area.
13. The impervious surface area shall be twenty percent when the lot is between 1.0 and 1.25 acres, and thirty-five percent when the lot is less than 1 acre in area.
14. The base height for projects using residential density incentives and transfer of density credits pursuant to this title is 80 feet. In all other cases, the base height is 60 feet.

~~((SECTION 343~~

~~21A.12.060 — Minimum Urban Residential Density. Minimum density for residential development in the urban areas designated by the comprehensive plan shall be based on the tables in K.C.C. 21A.12.030, adjusted as provided for in 21A.12.070 — .080.~~

- ~~A. A proposal may be phased, when compliance with the minimum density requirement results in noncompliance with the standards of K.C.C. 21A.28, provided the overall density of the proposal is consistent with this section.~~
- ~~B. Minimum density requirements may be waived by King County if the applicant demonstrates one or more of the following:~~
  - ~~1. The proposed layout of the lots in a subdivision or the buildings in a multiple dwelling development will not preclude future residential development consistent with the minimum density of the zone.~~
  - ~~2. The non-sensitive area of the parcel is of a size or configuration that results in lots which cannot meet the minimum dimensional requirements of the zone.~~
  - ~~3. In the R-12 through R-48 zones, the area of the parcel required to accommodate storm water facilities exceeds 10 percent of the area of the site.~~
  - ~~4. The site contains a national, state or county historic landmark.))~~

**KING COUNTY ZONING CODE**

**ORDINANCE NUMBER 91-729**

**10870**  
**RECEIVED**

93 MAY 27 AM 11:56

CLERK  
KING COUNTY COUNCIL

AMENDMENT NUMBER: 29

OFFERED BY: Gruger

**TOPIC: Minimum densities - Community Plan Designations**

**SECTION 343.**

**21A.12.060 Minimum Urban Residential Density.** Minimum density for residential development in the urban areas designated by the comprehensive plan shall be based on the tables in K.C.C. 21A.12.030, adjusted as provided for in 21A.12.070 - .080. Minimum density requirements shall only apply in specific areas which are designated by community plan policies as appropriate for minimum densities.

- A. A proposal may be phased, when compliance with the minimum density requirement results in noncompliance with the standards of K.C.C. 21A.28, provided the overall density of the proposal is consistent with this section.
- B. Minimum density requirements may be waived by King County if the applicant demonstrates one or more of the following:
  - 1. The proposed layout of the lots in a subdivision or the buildings in a multiple dwelling development will not preclude future residential development consistent with the minimum density of the zone.
  - 2. The non-sensitive area of the parcel is of a size or configuration that results in lots which cannot meet the minimum dimensional requirements of the zone.
  - 3. In the R-12 through R-48 zones, the area of the parcel required to accommodate storm water facilities exceeds 10 percent of the area of the site.
  - 4. The site contains a national, state or county historic landmark.

10870

KING COUNTY COUNCIL RECEIVED

93 MAY 27 AM 11:56

ORDINANCE 91-729

CLERK  
KING COUNTY COUNCIL

AMENDMENT NUMBER: 30

OFFERED BY: Sullivan

**TOPIC: Minimum Densities in Urban Plan Developments**

**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))~~ portion of the site to be used for residential purposes, 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.

10870

KING COUNTY ZONING CODE RECEIVED

ORDINANCE NUMBER 91-729 93 MAY 27 AM 11:57

AMENDMENT NUMBER: 31

OFFERED BY: UAC  
CLERK KING COUNTY COUNCIL

TOPIC: Density Bonuses: Chapters 21A.34 and 36

The committee recommends limiting density bonuses (Chapter 34) to public benefits which mitigate the effects of density, such as open space preservation. The Committee also recommends deleting the transfer of residential density credit provisions since there is no nexus between the sending sites providing the open space and the receiving sites which receive the density increases. Further, there are concerns about how sending and receiving sites would be selected. As with the minimum density provisions, the committee expressed concern with the lack of environmental review on density bonus provisions. The following amendments implement these recommendations.

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))~~B. 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))~~C. The following are the public benefits eligible to earn density incentives through RDI review:



---

**((BENEFIT))**

---

**((DENSITY INCENTIVE))**

---

**((1. — AFFORDABLE HOUSING))**

~~((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.))~~

~~((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.))~~

~~((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.))~~

~~((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.))~~

---

~~((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))1. 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 a 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 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))**

~~((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).))~~

~~((0.10 bonus unit per benefit unit that achieves the required savings.))~~

~~((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.))~~

~~((10 percent increase above the base density of the zone.))~~

~~((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 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.

~~((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 un subdivided 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

**KING COUNTY ZONING CODERECEIVED**

ORDINANCE NUMBER 91-729

93 MAY 27 AM 11:57

AMENDMENT NUMBER:

32

OFFERED BY:

CLERK  
KING COUNTY COUNCIL,  
Gruger

**TOPIC: Neighborhood Design Review Program**

**Add a new Section 10 to read as follows:**

**SECTION 10.**

Chapter 21A.34 (Residential Density Incentives), and Chapter 21A.36 (Transfer of Residential Density Credits ) will not become effective until such time that the Council adopts an ordinance creating a neighborhood design review program. This program will require design review for projects utilizing density bonuses and will ensure public participation by interested community groups and individuals.

10870

KING COUNTY ZONING CODE

RECEIVED

ORDINANCE NUMBER 91-729

93 MAY 27 AM 11:57

AMENDMENT NUMBER: 33

OFFERED BY: Gruger

CLERK  
KING COUNTY COUNCIL

**TOPIC: Residential Density Incentives - Community Plan Designations**

**SECTION 561.**

**21A.34.020 Permitted locations of residential density incentives.** Residential density incentives (RDI) shall be used only on sites designated by community plan policies as appropriate for residential density incentives and 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.

10870

KING COUNTY ZONING CODE RECEIVED

ORDINANCE NUMBER 91-729 93 MAY 27 AM 11:57

CLERK  
KING COUNTY COUNCIL

AMENDMENT NUMBER:

34

OFFERED BY:

Gruger

TOPIC: Transfer of Residential Density Credits - Community Plan Designations

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, and must be designated by community plan policies as appropriate for the transfer of residential density credits 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.

10870

KING COUNTY ZONING CODE

ORDINANCE NUMBER 91-729

AMENDMENT NUMBER: 35 OFFERED BY: Derdowski

TOPIC: UPD's

Add new Section to Chapter 21A.38, Special District Overlays, to read:

**21A.38.xxx Special District overlay - urban planned development - rural areas.**

Urban Planned Developments shall not be allowed as ~~unincorporated~~ islands in the resource or rural zones.

delete BD

KING COUNTY ZONING CODE

10870

ORDINANCE NUMBER 91-729

AMENDMENT NUMBER: 36      OFFERED BY: Derdowski

**TOPIC: Water and sewer comprehensive plans relative to UPD's**

**Amend section 583 as follows to require that water and sewer plans or amendments be completed before council review of a UPD permit:**

**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))~~Council review of the UPD permit application shall not ~~((be completed))~~begin until applicable sewer and/or water comprehensive utility plans or plan amendments are ~~((identified~~adopted by the service provider;

2. A UPD permit may be processed concurrently with any application for a subsequent development approval implementing the UPD permit. ...

KING COUNTY ZONING CODE

ORDINANCE NUMBER 91-729

10870

AMENDMENT NUMBER: 37 OFFERED BY: Derdowski

TOPIC: UPD's - flexibility of standards

Amend Section 584 as follows to reduce the ability of UPD's to apply standards in a flexible way.

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.....



10870

RECEIVED  
KING COUNTY ZONING CODE

93 MAY 27 AM 11:30  
ORDINANCE NUMBER 11-329

CLERK  
KING COUNTY COUNCIL

AMENDMENT NUMBER: 38 OFFERED BY: Derdowski

TOPIC: Vesting of CUP's

Delete section 598 to delete provisions allowing vesting of CUP's.

6/7/93

MR. SIMS WITHDREW AMENDMENT NO. 39

10870

KING COUNTY ZONING CODE RECEIVED

93 MAY 27 AM 11:57

ORDINANCE NUMBER 91-729

CLERK  
KING COUNTY COUNCIL

AMENDMENT NUMBER: 39

OFFERED BY: Sims

**TOPIC: Livestock commercial dairies**

Add new definition for commercial dairies, to read as follows:

**Commercial dairy operation.** Commercial dairy operation: a facility engaged in the commercial production of milk from dairy cows. The dairy facility includes the animal confinement area, milking parlor, animal passageways, pasture, and fields where manure and wastewater are applied.

**Basis:** This definition is taken from the DOE proposed permit system for regulating dairies. Using this definition will clearly separate the coverage of the county's ordinance from the state's permit coverage.

10870

KING COUNTY ZONING CODE RECEIVED

ORDINANCE NUMBER 91-729 93 MAY 27 AM 11:58

CLERK  
KING COUNTY COUNCIL

AMENDMENT NUMBER: 40

OFFERED BY: Pullen

TOPIC: Best management practices requirements livestock.

SECTION 531.

21A.30.030 Animal regulations-livestock - purpose. The primary purpose of this section is to support the raising and keeping of livestock in the county by setting livestock densities (~~and by implementing applicable best management practices for land used to accommodate such livestock~~) in ways which reduce the impact of livestock on the environment(~~(, particularly with regard to their impacts on water quality)~~). The regulations set forth in this section are intended to be consistent with livestock welfare; however, those concerns are more appropriately addressed through K.C.C. 11.04.

BASIS: The UAC committee is recommends that all management standards be removed from the proposed code, due to public resistance to the standards.

10870

Motion to defer consideration of certain sections of Proposed Ordinance 91-729 relating to livestock management, by:

*Pullen*  
*Gruger*  
*Audrey Gruger*  
*Brian Derdowski*

6/7/93 MS. GRUGER MOVE RECONSIDER THIS AMENDMENT. PASSED 6-3. KP. BD. GN "NO"  
6/7/93 MS. GRUGER MOVE REINSTATE SECTIONS 534A.2 and 535.  
6/7/93 MR. BARDEN MOVE REINSTATE SECTION ~~534A.1~~. PASSED 5-4. GN. BL. KP. BD "NO"  
MR. DERDOWSKI MOVE ATTACHED AMENDMENTS: FAILED 3-6. BD. BL. KP "YES" & 2-7. BD. KP "YES"  
VOTING ON MS. GRUGER'S MOTION TO REINSTATE. PASSED 5-4. KP. GN. BL. BD "NO"  
MR. NICKELS MOVE DELETE 'COUNTY COUNCILMEMBERS' AND 'COUNTY COUNCIL STAFF' PASSED UNANIMOUSLY.  
MR. BARDEN MOVE CHANGE JULY 31 to AUG 31 FAILED 3-6. PB. AG. BL. "YES"

I move that we defer further consideration of Sections 531, 533, 534, <sup>(part)</sup> ~~and~~ 535. (relating to livestock management), that these sections be temporarily deleted from Proposed Ordinance 91-729 subject to further study, and that the Chair of the County Council appoint a fair, balanced, and impartial panel that will include, but not necessarily be limited to ~~County Councilmembers~~, environmentalists, farmers, fish biologists, ~~county council staff~~, executive staff, water quality scientists, and Muckleshoot Indian representatives to seek a compromise on the proposed livestock regulations and to report their recommendations to the County Council prior to July 31, 1993

**B. The maximum number of livestock shall be as follows:**

1. Commercial dairy farms covered by the Washington State department of Ecology NPDES system; either through a general or special permit - as consistent with the permit requirements.

2. Stables with covered arenas, for which farm management plans are implemented and maintained pursuant to K.C.C. 21A.030.033 such that pasture and paddock use does not exceed the equivalent of 3 animals per acre on a full time basis, up to 6 resident horses per acre, provided further that higher densities may be allowed subject to the conditional use permit process to confirm compliance with the management standards;

3. For all large livestock not covered by paragraph 1. or 2. above:

(a) if a farm management plan pursuant to K.C.C. 21A.030.033 is implemented and maintained as or, in the alternative, all of the management standards of section K.C.C. 21A.30.035 are met, three horse, cows or similarly sized animals per gross acre of total site area, provided further that two ponies shall be counted as being equivalent to one horse and that miniature horses shall be treated as small livestock subject to paragraph d below.

(b) if paragraph (a) is not met, one horse, cow, or similarly sized animal (excluding any young under 6 months of age) per two acres of fenced grazing area;

4. for small livestock, five of each or any combination (excluding sucklings) per one acre of fenced pasturage, or per one-half acre of total site area subject to the management requirements set out in K.C.C. 21.30.035 below.

**SECTION 533.**

21A.30.050 Farm management plan. In order to achieve the maximum livestock density allowances provided for in Section K.C.C. 21A.030.032, above, a farm management plan (conservation) plan developed by the property owner with the assistance of the King Conservation District (KCD) which incorporates applicable best management practices for grazing and pasture management, manure management, watering and feeding area management, and stream corridor management must be developed, implemented and maintained. Such plans must include a schedule for implementation. A copy of the proposed and final plans shall be provided to the clerk of the council.

MR . DERDOWSKI MOVE ADD "adopted by administrative rule  
approved by the County Council" FAILED 2-7. BD. KP YES"

**SECTION 534.**

21A.30.060 Animal regulations-livestock - management standards. A. As an alternative to a farm management plan, any property owner may implement the following management standards for any site which is used or proposed to be used to accommodate large livestock at densities greater than 1 animal per 2 acres, and small livestock at densities greater than 5 per acre.

1. Livestock access to streams and their buffers shall be limited to stream crossing and watering points which have been addressed by a crossing plan or watering point designed to SCS/KCD specifications, which shall prevent free access along the length of the stream; fencing shall be used as necessary to prevent livestock access to streams. Bridges may be used in lieu of stream crossings, provided that piers and abutments shall not be placed within the ordinary high water mark or top-of-bank, whichever is greater. Bridges shall be designed to allow free flow of flood waters and shall not diminish the flood carrying capacity of the stream; these bridges may be placed without a county building permit, provided that such permit waiver shall not constitute any assumption of liability by the county with regard to such bridge or its placement. The waiver of county building permit requirements does not constitute a waiver from other required agency permits;

2. Grazing areas not addressed by K.C.C. 21A.24 shall maintain a vegetative buffer of ~~25 feet~~ <sup>wetland edge of a class I or II wetland, (except those wetlands meeting the definition of grazed wet meadows)</sup> from any naturally occurring pond, ~~wetland edge of a class I or II wetland, (except those wetlands meeting the definition of grazed wet meadows)~~ or the ordinary high water mark of a class I or II stream. If the buffer does not contain vegetation sufficient for bank stability and biofiltration, fencing or timed rotational grazing shall be used to establish and maintain the buffer.

6/7/93 MR. DERDOWSKI MOVE AMEND SECTION 534 A.2. FAILED 3-6. BD. BL.

KP "YES"

3. Confinement areas located within 200 feet of any class I or II streams, wetlands or drainageways shall:

a. Have a 20 foot wide vegetative filter strip downhill from the confinement area, consisting of heavy grasses or other ground cover with high stem density and which may also include tree cover, in addition to the buffers in paragraph b;

b. Not be located in any stream or wetland buffer area required by the sensitive areas ordinance in effect at the time the confinement area is built, or within 50 feet of any naturally occurring pond, wetland edge of any class I or II wetland or the ordinary high water mark of any class I or II stream, unless some other distance has been approved by a county permit issued following an environmental review or by a farm management plan pursuant to 21A.30.050. Existing confinement areas which do not meet these requirements shall be modified as necessary to provide the buffers specified herein within five years of the effective date of this section provided further that buildings in the confinement area need not be so modified;

c. Have roof drains of any buildings in the confinement area diverted away from the confinement area; and

4. Manure storage areas shall be managed as follows:

a. Surface flows and roof runoff shall be diverted away from manure storage areas.

b. All manure stockpiled within 200 feet of any stream, wetland, or drainageway to a stream or wetland shall be covered during the winter months (October 15 to April 15) in a manner that excludes precipitation and allows free flow of air to minimize fire danger; and

c. Manure shall be stored in a location that avoids having runoff from the manure enter streams or wetlands. Manure piles shall not be closer than 50 feet to any wetland edge, the ordinary high water mark of any stream, or any ditch to which the topography would generally direct runoff from the manure, nor in any stream buffer.

5. Manure shall be spread on fields only during the growing season, and not on saturated or frozen fields.

B. The following setback and buffer requirements apply to the keeping of livestock:

1. Any building used to house, confine or feed livestock shall not be located closer than 10 feet to any boundary property line or 35 feet to any residence existing when the livestock structure is built, and shall be increased to 100 feet for any building used to house, confine or feed swine;

2. Any building used to house, confine or feed livestock shall not be located closer than 35 feet to any dwelling unit or accessory living quarters on the same premises, except that a barn or stable may contain a caretaker's accessory living quarters;

3. There shall be no uncovered storage of manure, shavings or similar organic material closer than 45 feet to any dwelling unit or accessory living quarters; and

4. Grazing and confinement areas may extend to the property line.

C. In residential zones, fee boarding of livestock other than in a legally established stable shall only be as an accessory use to a residence on the subject property; and

D. A barn or stable may contain a caretaker's accessory living quarters.

#### SECTION 535.

21A.30.070 Existing livestock operations. All existing livestock operations shall either implement a farm management plan pursuant to K.C.C. 21A.30.033 or meet the management standards in K.C.C. 21A.30.035A, within five years of the adoption date of this title: existing buildings are exempt from this provision.

#### SECTION 536.

21A.30.080 Home occupation. Residents of a dwelling unit may conduct one or more home occupations as accessory activities, provided:

10870

RECEIVED

KING COUNTY ZONING CODE

93 MAY 27 AM 11: 58

ORDINANCE NUMBER 91-729

CLERK  
KING COUNTY COUNCIL

AMENDMENT NUMBER: 41 OFFERED BY: Sims

TOPIC: Livestock - fisheries habitat

SECTION 531.

21A.30.030 Animal regulations-livestock - purpose. The primary purpose of this section is to support the raising and keeping of livestock in the county by setting livestock densities and by implementing applicable best management practices for land used to accommodate such livestock in ways which (~~reduce~~) minimize the impact of livestock on the environment, particularly with regard to their impacts on water quality and salmonid fisheries habitat. The regulations set forth in this section are intended to be consistent with livestock welfare; however, those concerns are more appropriately addressed through K.C.C. 11.04.

BASIS: Reinstates original wording and intent, which recognize federal and state goals to protect fisheries resource; meeting water quality standards is simply one of the tools used to achieve this goal.

One goal if Agricultural nonpoint Source Pollution program is to "prevent and/or minimize potential contamination of ground and surface water, both on and off farm."

"Salmonid" replaces "anadromous" in recognition of the native trout populations which must be protected, and to conform with language in Sensitive Areas Ordinance.

10870  
RECEIVED

KING COUNTY ZONING CODE

ORDINANCE NUMBER 91-729

93 MAY 27 AM 11:57

CLERK  
KING COUNTY COUNCIL

AMENDMENT NUMBER: 42

OFFERED BY: PULLEN

TOPIC: Livestock Densities.

Amend livestock density provisions to allow livestock on a minimum lot size of 21,500 square feet.

SECTION 532.

21A.30.040 Animal regulations-livestock -densities. The raising, keeping, breeding or fee boarding of livestock are subject to K.C.C. 11.04, Animal Control Regulations, and the following requirements:

A. The minimum site which may be used to accommodate large livestock shall be (~~35,000~~) 21,500 square feet, provided that the portion of the total site area used for confinement or grazing meets the requirements of this section;

B. The maximum number of livestock shall be as follows:

1. Commercial dairy farms covered by the Washington State department of Ecology NPDES system; either through a general or special permit - as consistent with the permit requirements.

2. Stables with covered arenas, for which farm management plans are implemented and maintained pursuant to K.C.C. 21A. 030.033 such that pasture and paddock use does not exceed the equivalent of 3 animals per acre on a full time basis, up to 6 resident horses per acre, provided further that higher densities may be allowed subject to the conditional use permit process to confirm compliance with the management standards;

3. For all large livestock not covered by paragraph 1. or 2. above:

(a) if a farm management plan pursuant to K.C.C. 21A.030.033 is implemented and maintained as or, in the alternative, all of the management standards of section K.C.C. 21A.30.035 are met, three horse, cows or similarly sized animals per gross acre of total site area, provided further that two ponies shall be counted as being equivalent to one horse and that miniature horses shall be treated as small livestock subject to paragraph d below.

(b) if paragraph (a) is not met, one horse, cow, or similarly sized animal (excluding any young under 6 months of age) per two acres of fenced grazing area;

4. for small livestock, five of each or any combination (excluding sucklings) per one acre of fenced pasturage, or per one-half acre of total site area subject to the management requirements set out in K.C.C. 21.30.035 below.

BASIS: Matches site requirements more closely to allowed densities.



**10870**  
**RECEIVED**

**KING COUNTY ZONING CODE**

**ORDINANCE NUMBER 91-729**

**93 MAY 27 AM 11: 58**

CLERK  
KING COUNTY COUNCIL

AMENDMENT NUMBER: 43 OFFERED BY: Pullen

TOPIC: Livestock densities.

**SECTION 532.**

**21A.30.040 Animal regulations-livestock -densities.** The raising, keeping, breeding or fee boarding of livestock are subject to K.C.C. 11.04, Animal Control Regulations, and the following requirements:

A. The minimum site which may be used to accommodate large livestock shall be 35,000 square feet(~~(7 provided that the portion of the total site area used for confinement or grazing meets the requirements of this section))~~);

B. The maximum number of livestock shall be as follows:

1. Commercial dairy farms - as authorized by the Washington State department of Ecology NPDES system;

2. Stables with covered arenas, (~~for which farm management plans are implemented and maintained pursuant to K.C.C. 21A. 030.033 such that pasture and paddock use does not exceed the equivalent of 3 animals using the areas on a full-time basis;~~) up to 6 resident horses per acre, provided that pasture and paddock area use does not exceed the equivalent of 2 animals per acre on a full time basis, and provided further that higher densities may be allowed subject to the conditional use permit process to confirm compliance with the management standards;

3. For all large livestock not covered by paragraph 1. or 2. above:

(a) for sites of one acre or less, one horse, cow or similarly sized animal per 17,500 square feet(~~if a farm management plan pursuant to K.C.C. 21A.030.033 is implemented and maintained as or, in the alternative, all of the management standards of section K.C.C. 21A.30.035 are met;~~)

(b) for sites larger than one acre, ((three)) two horses, cows or similarly sized animals per gross acre of total site area, provided further that two ponies shall be counted as being equivalent to one horse and that miniature horses and cows shall be treated as small livestock subject to paragraph d below.

~~((b) if paragraph (a) is not met, one horse, cow, or similarly sized animal (excluding any young under 6 months of age) per two acres of fenced grazing area));~~

4. for small livestock, five of each or any combination (excluding sucklings) per one acre of fenced pasturage, or per one-half acre of total site area(~~subject to the management requirements set out in K.C.C. 21.30.035 below~~)).

**BASIS:** Return to two animal per acre rule in existing code.

KING COUNTY ZONING CODE **10870**

ORDINANCE NUMBER 91-729

RECEIVED

AMENDMENT NUMBER: 44

93 MAY 27 AM 11: 57  
OFFERED BY: Sims  
CLERK  
KING COUNTY COUNCIL

TOPIC: Livestock Densities.

Amend livestock density provisions to allow livestock densities to be set by a farm management plan.

SECTION 532.

**21A.30.040 Animal regulations-livestock -densities.** The raising, keeping, breeding or fee boarding of livestock are subject to K.C.C. 11.04, Animal Control Regulations, and the following requirements:

A. The minimum site which may be used to accommodate large livestock shall be 35,000 square feet, provided that the portion of the total site area used for confinement or grazing meets the requirements of this section;

B. The maximum number of livestock shall be as follows:

1. Commercial dairy farms covered by the Washington State department of Ecology NPDES system; either through a general or special permit - as consistent with the permit requirements.

~~(2. Stables with covered arenas, for which farm management plans are implemented and maintained pursuant to K.C.C. 21A.030.033 such that pasture and paddock use does not exceed the equivalent of 3 animals per acre on a full time basis, up to 6 resident horses per acre, provided further that higher densities may be allowed subject to the conditional use permit process to confirm compliance with the management standards;~~

3. For all large livestock not covered by paragraph 1. or 2. above:

~~(a) if a farm management plan pursuant to K.C.C. 21A.030.033 is implemented and maintained as or, in the alternative, all of the management standards of section K.C.C. 21A.30.035 are met, three horse, cows or similarly sized animals per gross acre of total site area, provided further that two ponies shall be counted as being equivalent to one horse and that miniature horses shall be treated as small livestock subject to paragraph d below.~~

~~(b) if paragraph (a) is not met, one horse, cow, or similarly sized animal (excluding any young under 6 months of age) per two acres of fenced grazing area;~~

~~4. for small livestock, five of each or any combination (excluding sucklings) per one acre of fenced pasturage, or per one half acre of total site area subject to the management requirements set out in K.C.C. 21.30.035 below.))~~

2. For properties with an approved and implemented farm management plan, livestock densities shall be set as part of the plan.

3. For properties without a farm management plan, the following limits shall apply, provided that the management standards set out in Section 534 are met on any property located within 200 feet of a stream or wetland:

a. three horse, cows or other large livestock per gross acre of total site area, provided further that two ponies shall be counted as being equivalent to one horse and that miniature horses shall be treated as small livestock

b. ten small livestock per acre of total site area

4. For properties without a farm management plan that do not meet the management standards in Section 534, 1 large livestock per 2 acres of grazing area, and 5 small livestock per 1 acre of grazing area.

BASIS: Recognizes that farm management plans may need to stipulate densities as well as site management.

LP EXC

10870

KING COUNTY ZONING CODE RECEIVED

93 MAY 27 AM 11: 58

ORDINANCE NUMBER 91-729

CLERK  
KING COUNTY COUNCIL

AMENDMENT NUMBER: 45 OFFERED BY: Pullen, UAC

TOPIC: Farm management plans.

~~((SECTION 533,~~

~~21A.30.050 — Farm management plan. In order to achieve the maximum livestock density allowances provided for in Section K.C.C. 21A.030.032, above, a farm management plan (conservation) plan developed by the property owner with the assistance of the King County Conservation District which incorporates applicable best management practices for grazing and pasture management, manure management, watering and feeding area management, and stream corridor management must be developed, implemented and maintained. Such plans must include a schedule for implementation. A copy of the proposed and final plans shall be provided to the clerk of the council.))~~

BASIS: Don't require best management practices, don't need farm management plan sections.

10870

KING COUNTY ZONING CODE RECEIVED

ORDINANCE NUMBER 91-729 93 MAY 27 AM 11:58

AMENDMENT NUMBER: 46 OFFERED BY: CLERK KING COUNTY COUNCIL Pullen, UAC

TOPIC: Livestock management standards.

~~((SECTION 534.~~

~~21.30.060 Animal regulations livestock management standards. A. As an alternative to a farm management plan, any property owner may implement the following management standards for any site which is used or proposed to be used to accommodate large livestock at densities greater than 1 animal per 2 acres, and small livestock at densities greater than 5 per acre.~~

~~1. Livestock access to streams and their buffers shall be limited to stream crossing and watering points which have been addressed by a crossing plan or watering point designed to SCS/SCD specifications which shall prevent free access along the length of the stream; fencing shall be used as necessary to prevent livestock access to streams. Bridges may be used in lieu of stream crossings, provided that piers and abutments shall not be placed within the ordinary high water mark or top of bank, whichever is greater. Bridges shall be designed to allow free flow of flood waters and shall not diminish the flood-carrying capacity of the stream; these bridges may be placed without a county building permit, provided that such permit waiver shall not constitute any assumption of liability by the county with regard to such bridge or its placement. The waiver of county building permit requirements does not constitute a waiver from other required agency permits;~~

~~2. Grazing areas not addressed by K.C.C. 21A.24 shall maintain a vegetative buffer of 25 feet from any naturally occurring pond, wetland edge of a class I or II wetland, (except those wetlands meeting the definition of grazed wet meadows) or the ordinary high water mark of a class I or II stream (excluding grazed wet meadows). If the buffer does not contain vegetation sufficient for bank stability and biofiltration, fencing or timed rotational grazing shall be used to establish and maintain the buffer.~~

~~3. Confinement areas located within 200 feet of any class I or II streams, wetlands or drainageways shall:~~

~~a. Have a 20 foot wide vegetative filter strip downhill from the confinement area, consisting of heavy grasses or other ground cover with high stem density and which may also include tree cover, in addition to the buffers in paragraph 2;~~

~~b. Not be located in any stream or wetland buffer area required by the sensitive areas ordinance in effect at the time the confinement area is built, or within 50 feet of any naturally occurring pond, wetland edge of any class I or II wetland or the ordinary high water mark of any class I or II stream, unless some other distance has been approved by a county permit issued following an environment review or by a conservation district plan pursuant to paragraph D. Existing confinement areas which do not meet these requirements shall be modified as necessary to provide the buffers specified herein within five years of the effective date of this section provided further that buildings in the confinement area need not be so modified;~~

~~e. Have roof drains of any buildings in the confinement area diverted away from the confinement area; and~~

~~4. Manure storage areas shall be managed as follows:~~

~~a. Surface flows and roof runoff shall be diverted away from manure storage areas.~~

~~b. All manure stockpiled within 200 feet of any stream, wetland, or drainageway to a stream or wetland shall be covered during the winter months (October 15 to April 15) in a manner that excludes precipitation and allows free flow of air to minimize fire danger; and~~

~~e. Manure shall be stored in a location that avoids having runoff from the manure enter streams or wetlands. Manure piles shall not be closer than 50 feet to any wetland edge, the ordinary high water mark of any stream, or any ditch to which the topography would generally direct runoff from the manure, nor in any stream buffer.~~

~~6. Manure shall be spread on fields only during the growing season, and not on saturated or frozen fields.~~

~~A. The following setback and buffer requirements apply to the keeping of livestock:~~

~~1. Any building used to house, confine or feed livestock shall not be located closer than 10 feet to any boundary property line or 35 feet to any residence existing when the livestock structure is built, and shall be increased to 100 feet for any building used to house, confine or feed swine;~~

~~2. Any building used to house, confine or feed livestock shall not be located closer than 35 feet to any dwelling unit or accessory living quarters on the same premises, except that a barn or stable may contain a caretaker's accessory living quarters;~~

~~3. There shall be no uncovered storage of manure, shavings or similar organic material closer than 45 feet to any dwelling unit or accessory living quarters; and~~

~~4. Grazing and confinement areas may extend to the property line.~~

~~B. In residential zones, fee boarding of livestock other than in a legally established stable shall only be as an accessory use to a residence on the subject property; and~~

~~C. A barn or stable may contain a caretaker's accessory living quarters.))~~

**BASIS:** Remove livestock management standards due to public resistance.

10870

KING COUNTY ZONING CODE RECEIVED

ORDINANCE NUMBER 91-729

93 MAY 27 AM 11: 58

AMENDMENT NUMBER: 47 OFFERED BY: Sims  
CLERK KING COUNTY COUNCIL.

TOPIC: Livestock - farm management plan minimum requirements.

SECTION 533.

**21A.30.050 Farm management plan.** In order to achieve the maximum livestock density allowances provided for in Section K.C.C. 21A.030.032, above, a farm management(~~plan~~) (conservation) plan developed by the property owner with the assistance of the King Conservation District (KCD) which incorporates applicable best management practices for grazing and pasture management, manure management, watering and feeding area management, and wetland and stream corridor management must be developed, implemented and maintained. Such plans must, at a minimum:

1. Achieve 25 foot vegetated buffers for all class 1 and class 2 streams and wetlands and 10 foot vegetated buffers for class 3 streams and wetlands using buffer averaging where necessary to accommodate existing structures and stream meander;
2. Assure that drainage ditches on the site do not channel animal waste to such streams; and
3. Include a schedule for implementation.

A copy of the proposed and final plans shall be provided to the clerk of the council within 60 days of approval.

**BASIS:** Eliminates unnecessary word, and recognizes KCD's new title.

Reinstates original language, requiring minimum buffers for class 1 and class 2 streams, recognizing studies which identify 25 foot vegetated buffer as minimum required to protect fish habitat; also recognized the need to accommodate existing structures.

Adds protection of class 3 streams, recognizing the importance of headwater streams.

requires minimum buffer for class 1, class 2 and class 3 wetlands, based on similar information.

Provides time frame for filling plan with clerk of council.

**KING COUNTY ZONING CODE**

**10870**

**RECEIVED**

**ORDINANCE NUMBER 91-729**

**AMENDMENT NUMBER:**

**48**

**OFFERED BY:**

**93 MAY 27 AM 11: 57**

**PULLEN**

**CLERK  
KING COUNTY COUNCIL**

**TOPIC: Farm Management Plans.**

**Section 533.**

**21A.30.050 Farm management plan.** In order to achieve the maximum livestock density allowances provided for in Section K.C.C. 21A.030.040, above, a farm management plan (conservation) plan developed by the property owner with the assistance of the King Conservation District (KCD) which incorporates applicable best management practices for grazing and pasture management, manure management, watering and feeding area management, and stream corridor management must be developed, implemented and maintained. Such plans must include a schedule for implementation. An additional copy of the proposed and final plans shall be provided to ~~((the clerk of the council))~~ the livestock owner to be available upon request by the Washington State Department of Ecology who shall be made aware of the plan by the Conservation District.

**BASIS:**

The Washington State Department of Ecology, King County Conservation District and Washington State Conservation Commission have a formal Memoranda of Agreement outlining provisions for complaints, compliance and enforcement of Clean Water Act violations. Leaving an additional copy of a Conservation Plan with the livestock owner and notifying DOE that it is available for them, is a part of that Memoranda.

## KING COUNTY ZONING CODE

ORDINANCE NUMBER 91-729

10870

RECEIVED

AMENDMENT NUMBER: 4993 MAY 27 AM 11:57  
OFFERED BY: Phillips  
CLERK  
KING COUNTY COUNCIL

TOPIC: Rotational grazing of livestock.

This amendment will:

- A. preclude rotational grazing in stream buffers;
- B. apply manure pile cover provision only to piles located uphill from streams and wetlands

**SECTION 534.**

**21A.30.060 Animal regulations-livestock - management standards.** A. As an alternative to a farm management plan, any property owner may implement the following management standards for any site which is used or proposed to be used to accommodate large livestock at densities greater than 1 animal per 2 acres, and small livestock at densities greater than 5 per acre.

1. Livestock access to streams and their buffers shall be limited to stream crossing and watering points which have been addressed by a crossing plan or watering point designed to SCS/KCD specifications which shall prevent free access along the length of the stream; fencing shall be used as necessary to prevent livestock access to streams. Bridges may be used in lieu of stream crossings, provided that piers and abutments shall not be placed within the ordinary high water mark or top-of-bank, whichever is greater. Bridges shall be designed to allow free flow of flood waters and shall not diminish the flood carrying capacity of the stream; these bridges may be placed without a county building permit, provided that such permit waiver shall not constitute any assumption of liability by the county with regard to such bridge or its placement. The waiver of county building permit requirements does not constitute a waiver from other required agency permits;

2. Grazing areas not addressed by K.C.C. 21A.24 shall maintain a vegetative buffer of 25 feet from any naturally occurring pond, wetland edge of a class I or II wetland, (except those wetlands meeting the definition of grazed wet meadows) or the ordinary high water mark of a class I or II stream. If the buffer does not contain vegetation sufficient for bank stability and biofiltration, fencing (~~(or timed rotational grazing)~~) shall be used to establish and maintain the buffer.

3. Confinement areas located within 200 feet of any class I or II streams, wetlands or drainageways shall:

- a. Have a 20 foot wide vegetative filter strip downhill from the confinement area, consisting of heavy grasses or other ground cover with high stem density and which may also include tree cover, in addition to the buffers in paragraph b;
- b. Not be located in any stream or wetland buffer area required by the sensitive areas ordinance in effect at the time the confinement area is built, or within 50 feet of any naturally occurring pond, wetland edge of any class I or II wetland or the ordinary high water mark of any class I or II stream, unless some other distance has been approved by a county permit issued following an environment review or by a farm management plan pursuant to 21A.30.050. Existing confinement areas which do not meet these requirements shall be modified as necessary to provide the buffers specified herein within five years of the effective date of this section provided further that buildings in the confinement area need not be so modified;
- c. Have roof drains of any buildings in the confinement area diverted away from the confinement area; and

4. Manure storage areas shall be managed as follows:

- a. Surface flows and roof runoff shall be diverted away from manure storage areas.
- b. All manure stockpiled within 200 feet uphill of any stream, wetland, or drainageway to a stream or wetland shall be covered during the winter months (October 15 to April 15) in a manner that excludes precipitation and allows free flow of air to minimize fire danger; and
- c. Manure shall be stored in a location that avoids having runoff from the manure enter streams or wetlands. Manure piles shall not be closer than 50 feet to any wetland edge, the ordinary high water



mark of any stream, or any ditch to which the topography would generally direct runoff from the manure, nor in any stream buffer.

5. Manure shall be spread on fields only during the growing season, and not on saturated or frozen fields.

B. The following setback and buffer requirements apply to the keeping of livestock:

1. Any building used to house, confine or feed livestock shall not be located closer than 10 feet to any boundary property line or 35 feet to any residence existing when the livestock structure is built, and shall be increased to 100 feet for any building used to house, confine or feed swine;

2. Any building used to house, confine or feed livestock shall not be located closer than 35 feet to any dwelling unit or accessory living quarters on the same premises, except that a barn or stable may contain a caretaker's accessory living quarters;

3. There shall be no uncovered storage of manure, shavings or similar organic material closer than 45 feet to any dwelling unit or accessory living quarters; and

4. Grazing and confinement areas may extend to the property line.

C. In residential zones, fee boarding of livestock other than in a legally established stable shall only be as an accessory use to a residence on the subject property; and

D. A barn or stable may contain a caretaker's accessory living quarters.

**BASIS:** Buffers cannot be maintained if they are allowed to be grazed without a farm management plan.

## KING COUNTY ZONING CODE

10870

ORDINANCE NUMBER 91-729

RECEIVED

AMENDMENT NUMBER:

**50**

OFFERED BY:

93 MAY 27 AM 11:58

Sims

CLERK  
KING COUNTY COUNCIL

TOPIC: Livestock - buffer requirements.

SECTION 534.

**21A.30.060 Animal regulations-livestock - management standards.** A. As an alternative to a farm management plan, any property owner may implement the following management standards for any site which is used or proposed to be used to accommodate large livestock at densities greater than 1 animal per 2 acres, and small livestock at densities greater than 5 per acre.

1. Livestock access to streams and their buffers shall be limited to stream crossing and watering points which have been addressed by a crossing plan or watering point designed to SCS/KCD specifications which shall prevent free access along the length of the stream; fencing shall be used as necessary to prevent livestock access to streams. Bridges may be used in lieu of stream crossings, provided that piers and abutments shall not be placed within the ordinary high water mark or top-of-bank, whichever is greater. Bridges shall be designed to allow free flow of flood waters and shall not diminish the flood carrying capacity of the stream; these bridges may be placed without a county building permit, provided that such permit waiver shall not constitute any assumption of liability by the county with regard to such bridge or its placement. The waiver of county building permit requirements does not constitute a waiver from other required agency permits;

2. Grazing areas not addressed by K.C.C. 21A.24 shall maintain an average vegetative buffer of ~~((25))~~ 50 feet from any naturally occurring pond, wetland edge of a class I or II wetland, (except those wetlands meeting the definition of grazed wet meadows) or the ordinary high water mark of a class I or II stream. ~~((If the buffer does not contain vegetation sufficient for bank stability and biofiltration, f)).~~ The buffer size may be reduced to 25 feet as part of a county permit issued following an environmental review or by a farm management plan pursuant to section 21A.30.050 or where a buffer of at least 25 feet already exists. Class 3 wetlands and drainage ditches shall have buffers of 10 feet in grazing areas. Fencing or timed rotational grazing shall be used to establish and maintain the buffer.

3. Confinement areas located within 200 feet of any ~~((class 1 or 2))~~ streams, wetlands or drainage ~~((ways))~~ ditches shall:

a. Have a 20 foot wide vegetative filter strip downhill from the confinement area, consisting of heavy grasses or other ground cover with high stem density and which may also include tree cover, in addition to the buffers in paragraph 2;

b. Not be located in any stream or wetland buffer area required by the sensitive areas ordinance in effect at the time the confinement area is built, or within 50 feet of any naturally occurring pond, wetland edge of any class 1 or 2 wetland or the ordinary high water mark of any class 1 or 2 stream, unless some other distance has been approved by a county permit issued following an environment review or by a conservation district plan pursuant to paragraph D. Existing confinement areas which do not meet these requirements shall be modified as necessary to provide the buffers specified herein within five years of the effective date of this section provided further that buildings in the confinement area need not be so modified;

c. Have roof drains of any buildings in the confinement area diverted away from the confinement area; and

4. Manure storage areas shall be managed as follows:

a. Surface flows and roof runoff shall be diverted away from manure storage areas.

b. All manure stockpiled within 200 feet of any stream, wetland, or drainage ~~((way))~~ ditch to a stream or wetland shall be covered during the winter months (October 15 to April 15) in a manner that excludes precipitation and allows free flow of air to minimize fire danger; and

c. Manure shall be stored in a location that avoids having runoff from the manure enter streams or wetlands. Manure piles shall not be closer than 50 feet to any wetland edge, the ordinary high water mark of any stream, or any ditch to which the topography would generally direct runoff from the manure, nor in any stream buffer.

5. Manure shall be spread on fields only during the growing season, and not on saturated or frozen fields.

B. The following setback and buffer requirements apply to the keeping of livestock:

1. Any building used to house, confine or feed livestock shall not be located closer than 10 feet to any boundary property line or 35 feet to any residence existing when the livestock structure is built, and shall be increased to 100 feet for any building used to house, confine or feed swine;
  2. Any building used to house, confine or feed livestock shall not be located closer than 35 feet to any dwelling unit or accessory living quarters on the same premises, except that a barn or stable may contain a caretaker's accessory living quarters;
  3. There shall be no uncovered storage of manure, shavings or similar organic material closer than 45 feet to any dwelling unit or accessory living quarters; and
  4. Grazing and confinement areas may extend to the property line.
- C. In residential zones, fee boarding of livestock other than in a legally established stable shall only be as an accessory use to a residence on the subject property; and
- D. A barn or stable may contain a caretaker's accessory living quarters.

**BASIS:** Reinstates original language, recognizing that a 50 foot buffer provides adequate protection under most circumstances, and that professional review is required to ensure that 25 foot buffer will provide minimum protection. Encourages use of Conservation District expertise.

Adds protection of Class III streams and wetlands.

Eliminates subjective language - who and how will the amount of "vegetation sufficient for bank stability and biofiltration" be determined?

Avoids requiring fencing to parallel meandering streams, and clarifies treatment of drainage ditches and class 3 streams.

Eliminates "timed rotational grazing" in buffers, which is neither enforceable nor protective of the stream or wetland. Experts use rotational grazing within the riparian zone (this is already allowed under this rule). However, only rarely is it done within buffers ("stream corridors"), and then it is very closely controlled.

## KING COUNTY ZONING CODE

10870

ORDINANCE NUMBER 91-729

RECEIVED

AMENDMENT NUMBER:

51

OFFERED BY:

93 MAY 27 AM 11:57

PULLEN

KING COUNTY COUNCIL

TOPIC: Management standards - livestock.

Amend Section 534, proposed 21A.30.060 as follows, to

- A. reduce required stream and wetland buffers:
- B. allow manure piles closer to streams and wetlands

SECTION 534.

**21A.30.060 Animal regulations-livestock - management standards.** A. As an alternative to a farm management plan, any property owner may implement the following management standards for any site which is used or proposed to be used to accommodate large livestock at densities greater than 1 animal per 2 acres, and small livestock at densities greater than 5 per acre.

1. Livestock access to streams and their buffers shall be limited to stream crossing and watering points which have been addressed by a crossing plan or watering point designed to SCS/SCD specifications which shall prevent free access along the length of the stream; fencing shall be used as necessary to prevent livestock access to streams. Bridges may be used in lieu of stream crossings, provided that piers and abutments shall not be placed within the ordinary high water mark or top-of-bank, whichever is greater. Bridges shall be designed to allow free flow of flood waters and shall not diminish the flood carrying capacity of the stream; these bridges may be placed without a county building permit, provided that such permit waiver shall not constitute any assumption of liability by the county with regard to such bridge or its placement. The waiver of county building permit requirements does not constitute a waiver from other required agency permits;

2. Grazing areas not addressed by K.C.C. 21A.24 shall maintain a vegetative buffer of ~~((25))~~ 10 feet from any naturally occurring pond, wetland edge of a class 1 or 2 wetland, (except those wetlands meeting the definition of grazed wet meadows) or the ordinary high water mark of a class 1 or 2 stream (excluding grazed wet meadows). If the buffer does not contain vegetation sufficient for bank stability and biofiltration, fencing or timed rotational grazing shall be used to establish and maintain the buffer.

3. Confinement areas located within 200 feet of any class 1 or 2 streams, wetlands or drainageways shall:

a. Have a ~~((20))~~ 10 foot wide vegetative filter strip downhill from the confinement area, consisting of heavy grasses or other ground cover with high stem density and which may also include tree cover, in addition to the buffers in paragraph 2;

b. Not be located in any stream or wetland buffer area required by the sensitive areas ordinance in effect at the time the confinement area is built, or within ~~((50))~~ 25 feet of any naturally occurring pond, wetland edge of any class 1 or 2 wetland or the ordinary high water mark of any class 1 or 2 stream, unless some other distance has been approved by a county permit issued following an environment review or by a conservation district plan ~~((pursuant to 21A.30.050. Existing confinement areas which do not meet these requirements shall be modified as necessary to provide the buffers specified herein within five years of the effective date of this section provided further that buildings in the confinement area need not be so modified));~~

c. Have roof drains of any buildings in the confinement area diverted away from the confinement area; and

4. Manure storage areas shall be managed as follows:

a. Surface flows and roof runoff shall be diverted away from manure storage areas.

b. ~~((All manure stockpiled within 200 feet of any stream, wetland, or drainageway to a stream or wetland shall be covered during the winter months (October 15 to April 15) in a manner that excludes precipitation and allows free flow of air to minimize fire danger; and~~

e.) Manure shall be stored in a location that avoids having runoff from the manure enter streams or wetlands. Manure piles shall not be closer than 50 feet to any wetland edge, the ordinary high water mark of any stream, or any ditch to which the topography would generally direct runoff from the manure, nor in any stream buffer.

c. Upon initiation of a King County manure recycling or manure composting program, stockpiled manure shall be encouraged to be brought for recycling or composting before the winter months (October 15 to April 15).

5. Manure shall be spread on fields only during the growing season, and not on saturated or frozen fields.

B. The following setback and buffer requirements apply to the keeping of livestock:

1. Any building used to house, confine or feed livestock shall not be located closer than 10 feet to any boundary property line or 35 feet to any residence existing when the livestock structure is built, and shall be increased to 100 feet for any building used to house, confine or feed swine;

2. Any building used to house, confine or feed livestock shall not be located closer than 35 feet to any dwelling unit or accessory living quarters on the same premises, except that a barn or stable may contain a caretaker's accessory living quarters;

3. There shall be no uncovered storage of manure, shavings or similar organic material closer than 45 feet to any dwelling unit or accessory living quarters; and

4. Grazing and confinement areas may extend to the property line.

C. In residential zones, fee boarding of livestock other than in a legally established stable shall only be as an accessory use to a residence on the subject property; and

D. A barn or stable may contain a caretaker's accessory living quarters.

**BASIS:**

The grazing areas not addressed by K.C.C. 21A.24 are solely those livestock operations existing before November 1990 that have not applied for any County permit. K.C.C. 21A.24 set buffers from 25 to 100 feet for livestock operations established since November 1990 or for existing uses that have applied for a County permit since then.

Vested, existing uses should be granted some exception from regulations that were not in practice at the instigation of the land use.

USEPA and PSWQA identify existing and ongoing agricultural activities as allowed activities.

Grazing is a low-intensity land use.

SCS and Washington Department of Fisheries have used 10 foot stream buffers with positive results.

A 10 foot buffer eliminates the fear of Adverse Possession for trail rights by County or other groups.

the 20 foot filter strip plus the 50 foot buffer renders a minimum buffer area of 70 feet, that's 20 feet more than the current SAO establishes for existing uses.

The goal is to protect the streams form manure.

Wetlands are natural biofiltration.

Many properties would not have the 400 feet width needed to stockpile away from streams or wetlands.

On farms that have been "ditched", removing stockpiles 200 feet away from all ditches could eliminate the entire farm.

Covering all stockpiles in such a manner would practically involve roofing it; which in turn, requires a county permit, which in turn would eliminate any vesting of the farm, requiring compliance with the Sensitive Areas Ordinance.

A manure recycling or composting program must be encouraged.

**KING COUNTY ZONING CODE 10870**

**ORDINANCE NUMBER 91-729**

AMENDMENT NUMBER: 52 OFFERED BY: Derdowski

**TOPIC: Create an R-3 zone.**

This amendment would create a new R-3 urban residential zone (3 units to the acre).

6/7/93

MR. PULLEN WITHDREW AMENDMENT NO. 53

10870

KING COUNTY ZONING CODE RECEIVED

ORDINANCE NUMBER 91-729 93 MAY 27 AM 11:57

AMENDMENT NUMBER: 53

OFFERED BY: CLERK KING COUNTY COUNCIL Pullen, UAC

TOPIC: Livestock standards - application to existing operations.

~~((SECTION 535,~~

~~21A.30.070 Existing livestock operations. All existing livestock operations shall either implement a farm management plan pursuant to K.C.C. 21A.30.033 or meet the management standards in K.C.C. 21A.30.035A, within five years of the adoption date of this title; existing buildings are exempt from this provision.))~~

**BASIS:**

Existing operations previous to November 1990 will gradually turn-over in ownership and through the county permit process. This will lend itself to facilitated implementation of farm plans through the Conservation District, while eliminating the challenge to vested rights.

Federal and State agencies identify existing ongoing agricultural activities as exempt from regulations related to the Clean Water Act.

This Section was never presented or voted upon by the GMHE Committee, having appeared in this form for the first time in this draft.

If matching funds are not available, farmers should not be penalized with mandatory dates of compliance.

10870

KING COUNTY ZONING CODE RECEIVED

ORDINANCE NUMBER 91-729

93 MAY 27 AM 11: 58

CLERK  
KING COUNTY COUNCIL

AMENDMENT NUMBER: 54 OFFERED BY: Sims

TOPIC: Livestock - King Conservation District Levy Oversight Committee

**SECTION XXX.**

21A.30.XXX Livestock - King Conservation District Levy Oversight Committee. A. Within 90 days of adoption of this chapter, King County shall establish a Levy Oversight Committee comprised of representatives from county, state and federal agencies with expertise in the area of water quality and habitat impact of livestock, affected tribes, commercial and hobby farms, consumers and the environmental community.

The group will:

1. Evaluate the effectiveness of farm management plans and provide guidance regarding changes required to ensure that the goals of this legislation are being met;

2. Review the efficacy of current performance standards and best management practices, and determine how and where they could best be applied in King County; and

3. Provided a link between government "experts" and the average livestock owners who must implement this legislation.

A professional facilitator and experts in the field will be provided to ensure that the best information is provided to King County Council as the elements of the livestock density legislation are improved.

B. KCD levy monies will be used to fund monitoring of farm management plans, to provide information regarding the efficacy of the best management practices being implemented. The level of funding required will be set by the County and District jointly. This information can be used to demonstrate the value of such plans to other farmers, and will be reported to the Levy Oversight Committee, for use in development of improved standards for the livestock density legislation.

**BASIS:** Under current wording, the Conservation District will receive major taxpayer funds, with no oversight. It is in the public interest to establish some form of oversight, to ensure that the goals of this legislation are met.



KING COUNTY ZONING CODE

10870

ORDINANCE NUMBER 91-729AMENDMENT NUMBER: 55OFFERED BY: Derdowski

TOPIC: Livestock standards

Amend livestock management standards as follows to clarify that requirements for confinement areas and manure piles relate to those uphill from streams, and to clarify what classifications of wetlands the standards apply to.

SECTION 534.

21A.30.060 Animal regulations-livestock - management standards. A. As an alternative to a farm management plan, any property owner may implement the following management standards for any site which is used or proposed to be used to accommodate large livestock at densities greater than 1 animal per 2 acres, and small livestock at densities greater than 5 per acre.

1. Livestock access to streams and their buffers shall be limited to stream crossing and watering points which have been addressed by a crossing plan or watering point designed to SCS/KCD specifications which shall prevent free access along the length of the stream; fencing shall be used as necessary to prevent livestock access to streams. Bridges may be used in lieu of stream crossings, provided that piers and abutments shall not be placed within the ordinary high water mark or top-of-bank, whichever is greater. Bridges shall be designed to allow free flow of flood waters and shall not diminish the flood carrying capacity of the stream; these bridges may be placed without a county building permit, provided that such permit waiver shall not constitute any assumption of liability by the county with regard to such bridge or its placement. The waiver of county building permit requirements does not constitute a waiver from other required agency permits;

2. Grazing areas not addressed by K.C.C. 21A.24 shall maintain a vegetative buffer of 25 feet from any naturally occurring pond, wetland edge of a class I or II wetland, (except those wetlands meeting the definition of grazed wet meadows) or the ordinary high water mark of a class I or II stream. If the buffer does not contain vegetation sufficient for bank stability and biofiltration, fencing or timed rotational grazing shall be used to establish and maintain the buffer.

3. Confinement areas located within 200 feet of any class ((F))1 or ((H))2 streams, class 1 or 2 wetlands or drainageways shall:

a. Have a 20 foot wide vegetative filter strip downhill from the confinement area, consisting of heavy grasses or other ground cover with high stem density and which may also include tree cover, in addition to the buffers in paragraph b;

b. Not be located in any stream or wetland buffer area required by the sensitive areas ordinance in effect at the time the confinement area is built, or within 50 feet of any naturally occurring pond, wetland edge of any class I or II wetland or the ordinary high water mark of any class I or II stream, unless some other distance has been approved by a county permit issued following an environment review or by a farm management plan pursuant to 21A.30.050. Existing confinement areas which do not meet these requirements shall be modified as necessary to provide the buffers specified herein within five years of the effective date of this section provided further that buildings in the confinement area need not be so modified;

c. Have roof drains of any buildings in the confinement area diverted away from the confinement area; and

4. Manure storage areas shall be managed as follows:

a. Surface flows and roof runoff shall be diverted away from manure storage areas.

b. All manure stockpiled within 200 feet uphill of any stream, wetland, or drainageway to a stream or wetland shall be covered during the winter months (October 15 to April 15) in a manner that excludes precipitation and allows free flow of air to minimize fire danger; and

c. Manure shall be stored in a location that avoids having runoff from the manure enter streams or wetlands. Manure piles shall not be closer than 50 feet to any wetland edge, the ordinary high water mark of any stream, or any ditch to which the topography would generally direct runoff from the manure, nor in any stream buffer.

5. Manure shall be spread on fields only during the growing season, and not on saturated or frozen fields.

B. The following setback and buffer requirements apply to the keeping of livestock:

1. Any building used to house, confine or feed livestock shall not be located closer than 10 feet to any boundary property line or 35 feet to any residence existing when the livestock structure is built, and shall be increased to 100 feet for any building used to house, confine or feed swine;

2. Any building used to house, confine or feed livestock shall not be located closer than 35 feet to any dwelling unit or accessory living quarters on the same premises, except that a barn or stable may contain a caretaker's accessory living quarters;

3. There shall be no uncovered storage of manure, shavings or similar organic material closer than 45 feet to any dwelling unit or accessory living quarters; and

4. Grazing and confinement areas may extend to the property line.

C. In residential zones, fee boarding of livestock other than in a legally established stable shall only be as an accessory use to a residence on the subject property; and

D. A barn or stable may contain a caretaker's accessory living quarters.

KING COUNTY ZONING CODE

ORDINANCE NUMBER 91-729

10870

AMENDMENT NUMBER: 56

OFFERED BY: Derdowski

TOPIC: Effective date for UPD chapter

Add a new section after section 9, to read as follows:

Aug. 31 Chapter 21A.39 is reserved for additional council review, which shall be completed by  
1993 ~~December 31~~, 1993. The chapter shall be effective as shown in this code as of ~~January 1~~, Sept. 1  
~~1994~~, subject to other relevant provisions in Sections 1 through 5, if such review is not  
completed or if the review does not result in changes to the chapter.

MOTION OR  
ORDINANCE AMENDMENT

10870

~~Motion~~  
Proposed Ordinance No. 91-729

Page 232, Section 634, line \_\_\_\_\_

after (( modification. )) and before (( INTRODUCED

shall be amended to read as follows: \_\_\_\_\_

SECTION 634. The amendments to this ordinance noted as passed on the  
attached amendment sheets are hereby adopted and incorporated herein.

after ((King County Executive)) and before ((232))

Attachments: King County Zoning Code Amendments No. 1 - 58

Cynthia Sullivan  
Council Member

**KING COUNTY ZONING CODE**

**ORDINANCE NUMBER 91-729**

**10870**

AMENDMENT NUMBER: 58

OFFERED BY: SULLIVAN

**TOPIC:** Density shifts between different zones on one property

Amend Section 357 as follows:

21A.12.200 Lot divided by zone boundary. When a lot is divided by a zone boundary, the following rules shall apply:

A. When a lot contains both residential and non-residential zoning, the zone boundary between the zones shall be considered a lot line for determining permitted building height and required setbacks on the site;

B. When a lot contains residential zones of varying density,

1. any residential density transfer within the lot shall ~~((only))~~ be allowed from the portion with the lesser residential density to that of the greater residential density; ~~((and))~~

2. residential density transfer from the higher density zone to the lower density zone may be allowed only when:

a. the units transferred from any R-12 to R-48 zoned portion of the lot are maintained in an attached dwelling unit configuration on the lower density portion receiving such units.

b. the transfer does not reduce the minimum density achievable on the lot.

c. the transfer enhances the efficient use of needed infrastructure.

d. the transfer does not result in significant adverse impacts to the low density portion of the lot.

d. the transfer contributes to preservation of environmentally sensitive areas, wildlife corridors, or other natural features, and

~~e. the transfer is limited to a maximum of 25% of the minimum units allowed on the higher density site.~~

3. compliance with these criteria shall be evaluated during review of any development proposals in which such a transfer is proposed; and

C. Uses on each portion of the lot shall only be those permitted in each zone pursuant to K.C.C. 21A.08.

MR. DERDOWSKI MOVE AMEND BY ADDING: <sup>e</sup> ~~"f.~~ the transfer does not result in significant adverse impacts to adjoining lower density properties." PASSED 5-4. PB. LP. CS. RS "NO"

MR. BARDEN MOVE STRIKE "e." and renumber <sup>letter?</sup> PASSED 6-3. BD. GN. AG "NO"