

January 16, 1996

Introduced by: CHRISTOPHER VANCE

Proposed No.:

96-153

**12786**

ORDINANCE NO. \_\_\_\_\_

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AN ORDINANCE relating to zoning; clarifying accessory use provisions, defining kitchen, modifying requirements for accessory dwelling units and for livestock building and manure storage setbacks; and amending Ordinance 10870, Section 330, and K.C.C. 21A.08.030, Ordinance 10870, Section 534, and K.C.C. 21A.30.060 and Ordinance 11168, Section 5, and K.C.C. 21A.30.062; and adding new sections to 21A.06 and 21A.12; all as amended.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

NEW SECTION. SECTION 1. There is added to K.C.C. 21A.06

a new section to read as follows:

Kitchen or kitchen facility. Kitchen or kitchen facility:  
an area within a building intended for the preparation and storage of food and containing:

- A. An appliance for the refrigeration of food;
- B. An appliance for the cooking or heating of food; and
- C. A sink.

SECTION 2. Ordinance 10870, Section 330, as amended and K.C.C.21A.08.030 are each hereby amended to read as follows:

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K.C.C. 21A.08.030																							
A. RESIDENTIAL LAND USES																							
KEY																							
P-Permitted Use																							
C-Conditional Use																							
S-Special Use																							
Z O N E	RESOURCE			RURAL			RESIDENTIAL			COMMERCIAL/INDUSTRIAL													
	A G R I C U L T U R E	F O R E S T	M I N E R A L	R U R A L	U R B A N R V E	U R B S I D E N T I A L	N B U S I G N B E N E F I C I A L	C B O U S I N G H O U S E S	R E S I D E N T I A L	O F F I C E	I N D U S T R I A L	I N D U S T R I A L	I N D U S T R I A L										
SIC#	SPECIFIC LAND USE											A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I
DWELLING UNITS, TYPES:																							
*	Single detached											P2 C13	P2 C13		P2 C13	P C13	P C13	P C13					
*	Townhouse															P 12 C	P	P3	P3	P3	P3		
*	Apartment														C4	C4	P5 C4	P	P3	P3	P3	P3	
*	Mobile home park														S14		C8	P					
GROUP RESIDENCES:																							
*	Community residential facility-I														C	C	C	P	P3	P3	P3	P3	
*	Community residential facility-II																P	P3	P3	P3	P3		
*	Dormitory														C8	C8	C8	P					
*	Senior citizen assisted housing															P4	P4	P	P3	P3	P3	P3	
ACCESSORY USES:																							
*	Residential accessory uses											P7	P7		P7	P7	P7	P7	P7	P7	P7	P7	
*	Home occupation											P	P		P	P	P	P	P	P	P	P	
*	Home Industry											C			C	C	C						
TEMPORARY LODGING:																							
7011	Hotel/Motel (1)																		P	P	P		
*	Bed and breakfast guesthouse											P9 C10			P10	P10	P10	P10	P10	P11	P11		
7041	Organization Hotel/Lodging houses																				P		
GENERAL CROSS REFERENCES: Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070 Development Standards, see K.C.C. 21A.12 through 21A.30 General Provisions, see K.C.C. 21A.32 through 21A.3 Application and Review Procedures, see K.C.C. 21A.40 through 21A.44 (*Definition of this specific Land Use, see K.C.C. 21A.06																							

Residential land uses. B. Development Conditions.

1. Except bed and breakfast guesthouses.
2. The use shall be limited as follows:
  - a. Prior to issuance of any residential building permit, the property owner shall sign an affidavit acknowledging the following declaratory statement and shall record it in the deed and mortgage records for the subject property: "The subject property is located in or adjacent to an area designated by King County for forestry, agriculture, and mineral extraction and other compatible uses. Noise, dust, smoke and odors result from the harvesting, planting, fertilization, pest control, and other resource-related activities associated with usual and normal forest, agricultural or mining resource management practices, and, as

1 such, these normal and usual practices, when performed in  
2 accordance with county, state and federal law, shall not be  
3 subject to legal action as public nuisances"; and

4 b. For properties in the F zone, a fire protection  
5 plan for the subject property shall be reviewed and approved  
6 by the Washington Department of Natural Resources with the  
7 concurrence of the fire marshal for each residential use.  
8 This plan shall be developed in such a manner as to protect  
9 the adjoining forestry uses from a fire which may originate  
10 from the residential use. This plan shall provide for  
11 setbacks from existing forestry uses and maintenance of  
12 approved fire trails or other effective fire line buffers on  
13 perimeters with forest land.

14 3. Only as part of a mixed use development subject to  
15 the conditions of K.C.C. 21A.14.

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

19 5. Only subject to the residential density incentive  
20 provisions of K.C.C. 21A.34.

21 6. Only as an accessory to a school, college/university  
22 or church.

23 7.a. Accessory dwelling units:

24 (1) Only one accessory dwelling per (~~lot~~)  
25 primary single detached dwelling unit;

26 (2) Only in the same building as the (~~principal~~  
27 ~~residence~~) primary dwelling unit when the lot is less than  
28 10,000 square feet in area or when there is more than one  
29 primary dwelling on a lot;

30 (3) The primary (~~residence~~) dwelling unit or the  
31 accessory dwelling unit shall be owner occupied;

32 (4) (~~The accessory dwelling unit shall not be~~  
33 ~~larger than 50% of the living area of the primary residence~~)

34 (a.) One of the dwelling units shall not  
35 exceed a floor area of 1,000 square feet except when one of  
36 the dwelling units is wholly contained within a basement or  
37 attic, and

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

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1 (5) One additional off-street parking space (~~is~~)  
2 shall be provided; ((and))

3 (6) The accessory dwelling unit shall be converted  
4 to another permitted use or shall be removed if one of the  
5 dwelling units ceases to be owner occupied; and

6 (7) An applicant seeking to build an accessory  
7 dwelling unit shall file a notice approved by the department  
8 with the records and elections division which identifies the  
9 dwelling unit as accessory. The notice shall run with the  
10 land. The applicant shall submit proof that the notice was  
11 filed before the department shall approve any permit for the  
12 construction of the accessory dwelling unit. The required  
13 contents and form of the notice shall be set forth in  
14 administrative rules.

15 b. One single or twin engine, noncommercial aircraft  
16 shall be permitted only on lots which abut, or have a legal  
17 access which is not a county right-of-way, to a waterbody or  
18 landing field, provided:

19 (1) No aircraft sales, service, repair, charter or  
20 rental;

21 (2) No storage of aviation fuel except that  
22 contained in the tank or tanks of the aircraft; and

23 (3) Storage hangars shall not exceed 20 feet in  
24 height above average finished grade or have a gross area  
25 exceeding 3,000 square feet.

26 8. Mobile home parks shall not be permitted in the R-1  
27 zones.

28 9. Only as an accessory to the permanent residence of  
29 the operator, provided:

30 a. Serving meals to paying guests shall be limited to  
31 breakfast; and

32 b. No more than 5 guests per night.

33 10. Only as an accessory to the permanent residence of  
34 the operator, provided:

1 a. Serving meals to paying guests shall be limited to  
2 breakfast; and

3 b. The number of persons accommodated per night shall  
4 not exceed five, except that a structure which satisfies the  
5 standards of the Uniform Building Code as adopted by King  
6 County for R-1 occupancies may accommodate up to ten persons  
7 per night.

8 11. Only when part of a mixed use development, and  
9 subject to the conditions of 21A.08.030B(10).

10 12. A conditional use permit is not required for  
11 townhouse units on lots in a subdivision designed for townhouse  
12 units.

13 13. Required prior to approving more than one dwelling  
14 on individual lots, except on lots in subdivisions, short  
15 subdivisions, or binding site plans approved for multiple unit  
16 lots, and except as provided for accessory dwelling units in  
17 K.C.C. 21A.08.030.B.7.

18 14. No new mobile home parks are allowed in a Rural  
19 Zone.

20 NEW SECTION. SECTION 3. There is added to K.C.C. 21A.12  
21 a new section to read as follows:

22 Setbacks - livestock buildings and manure storage areas..

23 A. The minimum interior setback for any building used to  
24 house, confine or feed swine shall be 90 feet.

25 B. The minimum interior setback for any building used to  
26 house, confine or feed any other livestock shall be 25 feet.

27 C. The minimum interior setback for any manure storage  
28 area shall be 35 feet.

29 SECTION 4. Ordinance 10870, Section 534, as amended and  
30 K.C.C. 21A.30.060 are each hereby amended to read as follows:

31 Animal regulations-livestock-management standards.  
32 Property owners with farms containing large livestock at  
33 densities greater than 1 animal unit per 2 acres, and/or small  
34 livestock at densities greater than 5 animals per acre are not  
35 required to follow a FMP if said owners adhere to the following

1 management standards. This section shall apply as long as farm  
2 practices do not result in violation of any federal, state or  
3 local water quality standards.

4 A. Livestock watering, wetland and stream corridor  
5 management. To minimize livestock access to streams, property  
6 owners shall utilize the following livestock watering options:

7 1. The preferred option shall be a domestic water  
8 supply, stock watering pond, roof runoff collection system, or  
9 approved pumped supply from the stream so that livestock are  
10 not required to enter streams for their water supply.

11 2. Livestock access to class 1 and 2 streams and their  
12 buffers shall be limited to stream crossing and watering points  
13 which have been addressed by a crossing or watering point plan  
14 designed to SCS/KCD specifications which shall prevent free  
15 access along the length of the streams.

16 a. Fencing shall be used as necessary to prevent  
17 livestock access to class 1 and 2 streams.

18 b. Bridges may be used in lieu of stream crossings,  
19 provided that piers and abutments shall not be placed within  
20 the ordinary high water mark or top-of-bank, whichever is  
21 greater. Bridges shall be designed to allow free flow of flood  
22 waters and shall not diminish the flood carrying capacity of  
23 the stream; these bridges may be placed without a county  
24 building permit, provided that such permit waiver shall not  
25 constitute any assumption of liability of the county with  
26 regard to such bridge or its placement. The waiver of county  
27 building permit requirements does not constitute a waiver from  
28 other required agency permits.

29 B. Grazing and pasture management.

30 1. Existing grazing areas not addressed by K.C.C.  
31 21A.24 shall maintain a vegetative buffer of 50 feet from any  
32 naturally occurring pond, wetland edge of a class 1 or 2  
33 wetland, (except those wetlands meeting the definition of  
34 grazed wet meadows) or the ordinary high water mark of a class  
35 1 or 2 stream.

1           2. Forested lands being cleared for grazing areas shall  
2 comply with the sensitive area ordinance setbacks for class 1,  
3 2 and 3 streams, and class 1 and 2 wetlands.

4           3. The grazing area buffer may be reduced to 25 feet  
5 where a 25 foot buffer of diverse, mature vegetation already  
6 exists. This buffer reduction may not be used when forested  
7 lands are being cleared for grazing areas.

8           4. Fencing shall be used to establish and maintain the  
9 buffer.

10           5. Fencing installed pursuant to the 1990 SAO prior to  
11 the effective date of this section at setbacks other than those  
12 specified in paragraphs 1 and 2 shall be deemed to constitute  
13 compliance with those requirements.

14           6. Grazing areas within 200 feet of a class 1 or 2  
15 stream or wetland shall not be plowed during the rainy season  
16 (October 1 through April 15).

17           7. Grazing areas may extend to the property line,  
18 provided that class 1 or 2 streams and wetlands adjacent to the  
19 property line are buffered in accordance with K.C.C.

20 21A.30.060.B1, B2 or B3.

21           C. Confinement area management.

22           1. In addition to the buffers in Section B.1. and B.2.  
23 above, confinement areas located within 200 feet of any class 1  
24 or 2 streams, wetlands or drainageways shall:

25           a. Have a 20 foot wide vegetative filter strip  
26 downhill, from the confinement area, consisting of heavy grasses  
27 or other ground cover with high stem density and which may also  
28 include tree cover;

29           b. Not be located in any class 1 or 2 stream or  
30 wetland buffer area required by the sensitive areas ordinance  
31 in effect at the time the confinement area is built, or within  
32 50 feet of any naturally occurring pond, wetland edge of any  
33 class 1 or 2 wetland or the ordinary high water mark of any  
34 class 1 or 2 stream. Fencing shall be used to establish and  
35 maintain the buffer. Existing confinement areas which do not

1 meet these requirements shall be modified as necessary to  
2 provide the buffers specified herein within five years of the  
3 effective date of this section provided further that the  
4 footprint of existing buildings need not be so modified;

5 c. Have roof drains of any buildings in the  
6 confinement area diverted away from the confinement area.

7 2. Confinement areas may extend to the property line,  
8 provided that streams and wetlands adjacent to the property  
9 line are buffered in accordance with K.C.C. 21A.30.060.C.1.

10 D. Manure Management.

11 1. Manure storage areas shall be managed as follows:

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

14 b. During the winter months (October 15 to April 15),  
15 all manure stockpiled within 200 feet uphill of any class 1 or  
16 2 stream or wetland, shall be covered in a manner that excludes  
17 precipitation and allows free flow of air to minimize fire  
18 danger; or, in the alternative, shall be placed in an uncovered  
19 concrete bunker or manure lagoon or held for pickup in a  
20 dumpster, vehicle or other facility designed to prevent  
21 leachate from reaching any streams or any class 1 or 2  
22 wetlands. Concrete bunkers shall be monitored quarterly for  
23 the first two years after installation, then annually unless  
24 problems were identified in the first two years, in which case  
25 quarterly monitoring shall continue and appropriate adjustments  
26 shall be made.

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

33 ~~((d. There shall be no uncovered storage of manure~~  
34 ~~material closer than 45 feet to any dwelling unit or accessory~~  
35 ~~living quarters.))~~



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

3           E. Noxious weeds. None of these standards shall preclude  
4 the removal of noxious weeds, provided that such removal is  
5 achieved without the use of chemicals or mechanical methods  
6 which would be damaging to stream banks or other vegetation in  
7 the buffer.

8           F. For purposes of this ordinance, "buffer maintenance"  
9 means allowing vegetation in the buffer which provides shade  
10 for the stream or acts as a filter for storm water entering the  
11 stream, other than noxious weeds, to grow to its mature height;  
12 provided that grasses in the buffer may be mowed but not  
13 grazed. Grading in the buffer is allowed only for  
14 establishment of watering and crossing points, or for other  
15 activities permitted pursuant to the sensitive areas ordinance;  
16 with the appropriate permits.

17           G. Properties which have existing fencing already  
18 installed at distances other than those specified in these  
19 standards, and for which farm management plans have been  
20 developed based on the existing fencing locations shall be  
21 deemed to be in compliance with the fencing requirements of  
22 these standards.

23           H. Buffer areas shall not be subject to public access,  
24 use or dedication by reason of the establishment of such  
25 buffers.

26           SECTION 5. Ordinance 11168, Section 5, and K.C.C.  
27 21A.30.062 are each hereby amended to read as follows:

28           Animal regulations-livestock-building ((setback))  
29 requirements. A. ((The following setback requirements apply  
30 to the keeping of livestock:

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

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~~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;~~

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

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

INTRODUCED AND READ for the first time this 4<sup>th</sup> day of March, 1996.

PASSED by a vote of 13 to 0 this 30<sup>th</sup> day of June, 1997.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

Jane Hogue  
Chair

ATTEST:

Ummaris  
Clerk of the Council

APPROVED this 9 day of July, 1997.

Paul D. Smith  
King County Executive

Attachments:  
None