

July 29, 1997

Introduced by: Pete von Reichbauer
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KN:AC: 96-261.sub
7/30/97 clerk

Proposed No.: 96-261

ORDINANCE NO. **12823**

AN ORDINANCE relating to comprehensive planning and zoning; completing the zoning code conversion process from Title 21 to Title 21A by converting p-suffix development conditions to King County Code through the amendment and creation of special district overlay zones by amending Ordinance 10870 Sections 6, 37, 575, 577, 578, and 580, and K.C.C. 21A.04.160, 21A.38.020; 21A.38.040, 21A.38.050 and 21A.38.070; Ordinance 11351 Section 1, and K.C.C. 21A.38.090; Ordinance 11567 Section 1, and K.C.C. 21A.38.100, all as amended and adding new sections to K.C.C. 21A.38.

PREAMBLE:

1. For purposes of effective land use planning and regulation, efficient and effective administration of development regulations, and compliance with the 1995 King County Comprehensive Plan, King County adopted a new zoning code in 1993 (Title 21A) and converted to the new zoning in February, 1995.
2. As a part of this conversion process, all site plan review (p-suffix) development conditions adopted under the previous zoning code (Title 21) were carried-forward pending further review pursuant to K.C.C. 21A.01.070 (F) and (G) and KCCP Policy I-406.
3. This ordinance is one of the products of that review process and represents the completion of the zoning conversion to Title 21A. As part of this conversion, a majority of area-wide p-suffix conditions are being repealed and replaced by general code provisions.
4. Area-wide p-suffix development conditions applicable to multiple properties are replaced by special district overlay zones (21A.38). These special district overlays are applied as part of the area zoning process to complete the zoning code conversion and apply to the same geographic area unless two or more p-suffix conditions were combined into a single special district overlay.
5. Where there are differences among p-suffix conditions in different areas and between p-suffix conditions and existing code language, the most recent policy direction was used as guidance to develop workable and consistent requirements.

1 6. Special district overlays offer a more efficient and flexible process than
2 the p-suffix conditions they replace. The improved process will help
3 applicants address site-specific problems and improve the county's
4 administration of the development regulations. These improvements will
5 save both the applicant and the county time and resources while providing
6 improved and more consistent implementation of the development
7 conditions.

8 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

9 SECTION 1. Ordinance 10870 Section 37, and K.C.C. 21A.04.160 are each hereby
10 amended as follows:

11 Map designation - Special district overlay. The purpose of the special district overlay
12 designation (-SO suffix to zone's map symbol (~~((which shall be shown on an official zoning~~
13 ~~map, area zoning document or hearing examiner's report, or as a notation on the SITUS file for~~
14 ~~an individual property maintained by the department)))~~) is to carry out Comprehensive Plan and
15 community, subarea or neighborhood plan policies that identify special opportunities for
16 achieving public benefits by allowing or requiring alternative uses and development standards
17 that differ from the general provisions of this title. Special district overlays are generally
18 applied to a group of individual properties or entire community, subarea or neighborhood
19 planning ((subareas)) areas and are designated primarily through the area zoning process.
20 Regardless of the form in which a special district overlay is adopted, the -SO suffix shall be
21 shown on the official zoning map maintained by the department and as a notation on the
22 SITUS file, which (~~((map))~~) shall be updated as soon as possible after the effective date of the
23 adopting ordinance adopting an overlay.

24 SECTION 2. Ordinance 10870 Section 575, and K.C.C. 21A.38.020 are each hereby
25 amended as follows:

26 A. This chapter authorizes King County to increase development standards or limit
27 uses on specific properties beyond the general requirements of this title through property-
28 specific development standards, and to carry out comprehensive (~~((and community))~~) plan
29 policies and map designations and community, subarea, or neighborhood plan policies through

1 special overlay districts which supplement or modify standard zones through different uses,
2 design or density standards or review processes;

3 B. Property-specific development standards shall be applied to specific properties
4 through either area zoning as provided in K.C.C. 20.12 and 20.16, or reclassifications of
5 individual properties as provided in K.C.C. 20.24 and 21A.44; and

6 C. Special district overlays shall be applied to specific properties or areas containing
7 several properties through the area zoning (~~((adopted in conjunction with community plans or~~
8 ~~the Comprehensive Plan))~~ process as provided in K.C.C. 20.12 and 20.16.

9 SECTION 3. Ordinance 10870 Section 577, and K.C.C. 21A.38.040 are each hereby
10 amended as follows:

11 Special district overlay - General provisions. Special district overlays shall be
12 designated on (~~community plan maps and indicated on~~) official area zoning maps (~~(or)~~) and
13 as a notation in the SITUS File, as follows:

14 A. A special district overlay shall be designated (~~(in a community plan, plan update or~~
15 ~~plan amendment or the Comprehensive Plan))~~ through the area zoning process as provided in
16 K.C.C. 20.12 and 20.16. Designation of an overlay district shall include policies that prescribe
17 the purposes and location of the overlay;

18 B. A special district overlay shall be applied to land through the area zoning (~~(adopted~~
19 ~~in conjunction with the community plan or the Comprehensive Plan))~~ process as provided in
20 K.C.C. 20.12 and 20.16 and shall be indicated on the zoning map (~~(or)~~) and as a notation in the
21 SITUS File and shall be designated in Appendix B of proposed ordinance 96-263 as
22 maintained by the department of development and environmental services, with the suffix
23 "-SO" following the map symbol of the underlying zone or zones;

24 C. The special district overlays set forth in this chapter are the only overlays
25 authorized by the code. New or amended overlays to carry out new or different goals or

1 policies shall be adopted as part of this chapter and be available for use in all appropriate
2 community, subarea or neighborhood planning areas;

3 D. The special district overlays set forth in this chapter may waive, modify and
4 substitute for the range of permitted uses and development standards established by this title
5 for any use or underlying zone;

6 E. Unless they are specifically modified by the provisions of this chapter, the standard
7 requirements of this title and other county ordinances and regulations govern all development
8 and land uses within special district overlays; and

9 F. A special district overlay on an individual site may be modified by property-specific
10 development standards as provided in K.C.C. 21A.38.030.

11 SECTION 4. Ordinance 10870 Section 578, and K.C.C. 21A.38.050 are each hereby
12 amended as follows:

13 A. The purpose of the pedestrian-oriented commercial development special district
14 overlay is to provide for high-density, pedestrian-oriented retail/employment uses. Pedestrian-
15 oriented commercial district shall only be established in areas designated within a community,
16 subarea, or neighborhood plan as an urban activity center and zoned CB, RB or O.

17 B. Permitted uses shall be those uses permitted in the underlying zone, excluding the
18 following:

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

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

17 ((B))C. The following development standards shall apply to uses ((locating)) located in
18 pedestrian-oriented commercial overlay districts:

- 19 1. Every use shall be subject to pedestrian-oriented use limitations and street facade
20 development standards (e.g. placement and orientation of buildings with respect to streets and
21 sidewalks, arcades or marquees) identified and adopted through ((the area zoning that
22 implements a)) an applicable community, subarea or, neighborhood plan, or the area zoning
23 process;
- 24 2. For properties that have frontage on pedestrian street(s) or routes as designated in
25 an applicable plan or area zoning process, the following conditions shall apply:
 - 26 a. main building entrances shall be oriented to the pedestrian street;

1 b. at the ground floor (at grade), buildings shall be located no more than 5 feet from
2 the sidewalk or sidewalk improvement, but shall not encroach on the public right-of-way;

3 c. building facades shall comprise at least 75% of the total pedestrian street frontage
4 for a property and if applicable, at least 75% of the total pedestrian route frontage for a
5 property;

6 d. minimum side setbacks of the underlying zoning are waived;

7 e. building facades of ground floor retail, general business service, and professional
8 office land uses that front onto a pedestrian street or route shall include windows and overhead
9 protection;

10 f. building facades along a pedestrian street or route, that are without ornamentation
11 or are comprised of uninterrupted glass curtain walls or mirrored glass are not permitted; and

12 g. vehicle access shall be limited to the rear access alley or rear access street where
13 such an alley or street exists.

14 ((2)) 3. Floor/lot area ratio shall not exceed 5:1, including the residential component
15 of mixed use developments, but not including parking structures;

16 ((3)) 4. Building setback and height requirements may be waived, except for areas
17 within 50 feet of the perimeter of any special district overlay area abutting an R-12 or lower
18 density residential zone;

19 ((4)) 5. The landscaping requirements of K.C.C. 21A.16 may be waived if
20 landscaping conforms to a special district overlay landscaping plan adopted as part of the area
21 zoning. The overlay district landscaping plan shall include features addressing street trees, and
22 other design amenities (e.g. landscaped plazas or public parks);

23 ((5)) 6. On designated pedestrian streets, ((S))sidewalks shall range from ((12)) 10 to
24 ((16)) 12 feet wide ((on streets designated as major pedestrian corridors)) including sidewalk
25 landscaping and other amenities. The sidewalk widths exceeding the amount required in the

1 King County Road Standards may occur on private property adjoining the public street right-
2 of-way; and

3 ((6)) 7. Off-street parking requirements K.C.C. 21A.18 are modified as follows for all
4 nonresidential uses:

- 5 a. No less than one space for every 1000 square feet of floor area shall be provided;
6 b. No more than 75 percent of parking shall be on-site surface parking. Such
7 parking shall be placed in the interior of the lot, or at the rear of the building it serves; and
8 c. At least 25 percent of the required parking shall be enclosed in an on-site parking
9 structure or located at an off-site common parking facility, provided that this requirement is
10 waived when the applicant signs a no protest agreement to participate in any improvement
11 district for the future construction of such facilities.

12 SECTION 5. Ordinance 10870 Section 580, and K.C.C. 21A.38.070 are each hereby
13 amended as follows:

14 A. The purpose of the UPD special district overlay is to provide a means for
15 community, subarea or neighborhood plans to designate urban areas which are appropriate for
16 development on a large scale basis:

17 B. In designating an overlay district, the ((community)) comprehensive plan ((and)) ,
18 subarea plan, neighborhood plan or area zoning shall ((:)).

19 ((1-D)) delineate UPD overlay district boundaries ((-and)) .

20 ((2-)) C. The community plan, subarea plan, neighborhood plan, or area zoning shall
21 designate and ((A)) adopt ((the)) urban residential zoning consistent with ((community))
22 comprehensive plan policies.

23 ((C)) D. In designating an overlay district, the community plan, subarea plan,
24 neighborhood plan ((and)) or area zoning may:

- 25 1. Set a maximum or range of the number of dwelling units within the UPD; and

1 2. Incorporate project description elements or requirements to the extent known,
2 including but not limited to the following: conceptual site plan; mix of attached and detached
3 housing; affordable housing goals and/or programs; major transportation or other major
4 infrastructure programs and the UPD's participation therein; and any other provision or
5 element deemed appropriate.

6 SECTION 6. Ordinance 11351, Section 1, as amended, and K.C.C. 21A.38.090 are
7 each hereby amended as follows:

8 A. The purpose of the economic redevelopment special district overlay is to provide
9 incentives for the redevelopment of large existing, underutilized concentrations of
10 commercial/industrial lands within urban areas.

11 B. The economic redevelopment special district overlay shall only be designated
12 through the ((community planning)) area zoning process; located in areas designated within a
13 community, subarea or neighborhood plan as an activity center; and zoned CB, RB, O or I.

14 C. The standards of this title and other county codes shall be applicable to
15 development within the economic redevelopment special district overlay except as follows:

16 1. Commercial or industrial uses that exist within an area as of the effective date of
17 legislation applying the economic redevelopment special district overlay, but that are not
18 otherwise permitted by the zoning, shall be considered permitted uses upon only the lots that
19 they occupied as of that date.

20 2. The minimum parking requirements of this title shall be reduced as follows,
21 provided that such reductions do not apply to new construction on vacant property or the
22 vacant portions of partially-developed property where that construction is not an enlargement
23 or replacement of an existing building:

24 a. The parking stall requirements are reduced 100 percent provided that:

25 (1) the square footage of any enlargement or replacement of an existing building
26 does not in total exceed 125 percent of the square footage of the existing building;

1 (2) the building fronts on an existing roadway improved to urban standards or a
2 roadway programmed to be improved to urban standards as a capital improvement project,
3 that accommodates on-street parking; and

4 (3) there is no net decrease in existing off-street parking space.

5 b. The parking stall requirements are reduced 50 percent provided that:

6 (1) the square footage of any enlargement or replacement of an existing building in
7 total exceeds 125 percent of the square footage of the existing building;

8 (2) the height of the enlarged or replacement building does not exceed the base
9 height of the zone in which it is located;

10 (3) the building fronts on an existing roadway improved to urban standards or a
11 roadway programmed to be improved as a capital improvement project, that accommodates
12 on-street parking; and

13 (4) there is no net decrease in existing off-street parking spaces, unless it exceeds
14 the minimum requirements of subsection C.2.b.

15 3. The landscaping requirements of this title shall be waived, provided that:

16 a. street trees, installed and maintained by the adjacent property owner, shall be
17 substituted in lieu of landscaping; and

18 b. any portion of the overlay district that directly abuts properties outside of the
19 district shall provide, along said portions, a landscape buffer area no less than 50 percent of
20 that required by this title.

21 4. The setback requirements of this title shall be waived, provided that:

22 a. setback widths along any street forming a boundary of the overlay district shall
23 comply with this title, and

24 b. any portion of the overlay district that directly abuts properties outside of the
25 district shall provide, along said portions, a setback no less than 50 percent of that required by
26 this title.

1 5. The building height limits of this title shall be waived, provided that the height limit
2 within 50 feet of the perimeter of the overlay district shall be 30 feet.

3 6. Signage shall be limited to that allowed within the CB zone.

4 7. The roadway improvements of the King County code shall be waived, provided a
5 no-protest agreement to participate in future road improvement districts (RID) is signed by an
6 applicant and recorded with the county.

7 8. The pedestrian circulation requirements of this title shall be waived.

8 9. The impervious surface and lot coverage requirements of this title shall be waived.

9 10. On I zoned lands that are designated in the comprehensive plan as unincorporated
10 activity centers, conditional use permits shall not be issued where the resulting impacts such as
11 noise, smoke, odor and glare would be inconsistent with the maintenance of nearby viable
12 commercial and residential areas.

13 D. For properties that have frontage on pedestrian street(s) or routes as designated in an
14 applicable plan or area zoning process, the following conditions shall apply:

15 1. main building entrances shall be oriented to the pedestrian street;

16 2. at the ground floor (at grade), buildings shall be located no more than 5 feet from
17 the sidewalk or sidewalk improvement, but in no instance shall encroach on the public right-of-
18 way;

19 3. building facades shall comprise at least 75% of the total pedestrian street frontage
20 for a property, and if applicable, at least 75% of the total pedestrian route frontage for a
21 property;

22 4. minimum side setbacks of the underlying zoning are waived;

23 5. building facades of ground floor retail, general business service, and professional
24 office land uses, that front onto a pedestrian street or route shall include windows and
25 overhead protection;

1 6. building facades, along a pedestrian street or route, that are without ornamentation,
2 or are comprised of uninterrupted glass curtain walls or mirrored glass are not permitted; and

3 7. vehicle access shall be limited to the rear access alley or rear access street where
4 such an alley or street exists.

5 SECTION 7. Ordinance 11567 Section 1, and K.C.C. 21A.38.100 are each hereby
6 amended as follows:

7 A. The purpose of the commercial/industrial special district overlay is to accommodate
8 and support existing commercial/industrial areas outside of activity centers by providing
9 incentives for the redevelopment of underutilized commercial or industrial lands and by
10 permitting a range of appropriate uses consistent with maintaining the quality of nearby
11 residential areas.

12 B. The commercial/industrial special district overlay shall be designated only through
13 the ((community planning)) area zoning process and applied to areas substantially developed
14 with a mix of commercial and light industrial uses and zoned CB, RB, O or I.

15 C. The standards of this title and other county codes shall be applicable to
16 development within the commercial/industrial special district overlay except as follows:

17 1. Legally-established commercial or industrial uses that exist within an area as of the
18 effective date of the legislation applying the commercial/industrial special district overlay, but
19 that are not otherwise permitted by the zoning, shall be considered permitted uses upon only
20 the lots that they occupied as of that date.

21 2. Permitted uses within the area of a commercial/industrial special district overlay
22 shall include those uses permitted in the base zone applied therein as well as permitted uses as
23 set forth in the I zone with the exception of the following:

- 24 a. any use permitted in the I zone requiring a conditional use permit;
- 25 b. auction houses;
- 26 c. livestock sales;

- 1 d. SIC Industry Group 201 (meat products);
2 e. SIC Industry Group 202 (dairy products);
3 f. SIC Industry Group 204 (grain mill products);
4 g. SIC Industry Group 207 (fats and oils);
5 h. motor vehicle and boat dealers;
6 i. SIC Major Group 24 (lumber and wood products, except furniture) except 2431
7 (millwork) and 2434 (wood kitchen cabinets);
8 j. SIC Industry Group 311 (leather tanning and finishing);
9 k. SIC Major Group 32 (stone, clay, glass and concrete products);
10 l. SIC Industry 3999 (manufacturing industries, not elsewhere classified) dressing of
11 furs, fur stripping and pelts only;
12 m. SIC Industry Group 7534 (tire retreading);
13 n. SIC Industry Group 02 (agricultural production -- livestock and animal
14 specialties);
15 o. SIC Industry Group 2951 (asphalt paving mixtures and blocks);
16 p. resource accessory uses, and
17 q. outdoor storage of equipment or materials occupying more than 25% of the site
18 associated with: SIC Major Group 15 (building construction -- contractors and operative
19 builders), SIC Major Group 16 (heavy construction other than building construction --
20 contractors), SIC Major Group 17 (construction -- special trade contractors) and, SIC
21 Industry Group 7312 (outdoor advertising services); provided, that such outdoor storage be
22 visually screened from surrounding properties.
- 23 4. Uses permitted both by the base zone applied to the property and through the
24 application of the commercial/industrial special district overlay shall be subject to the
25 limitations on use found in the base zone in K.C.C. 21A.08 except for commercial/industrial
26 accessory uses to which the limitations on use in the base zone shall not apply.

1 5. The minimum parking requirements of this title shall be reduced as follows,
2 provided that such reductions do not apply to new construction on vacant property or the
3 vacant portions of partially-developed property where that construction is not an enlargement
4 or replacement of an existing building;

5 a. the parking stall requirements are reduced 100 percent provided that:

6 (1) the square footage of any enlargement or replacement of an existing building
7 does not in total exceed 125 percent of the square footage of the existing building;

8 (2) the building fronts on an existing roadway improved to urban standards or a
9 roadway programmed to be improved to urban standards as a capital improvement project,
10 that accommodates on-street parking; and

11 (3) there is no net decrease in existing off-street parking space.

12 b. the parking stall requirements are reduced 50 percent provided that:

13 (1) the square footage of any enlargement or replacement of an existing building in
14 total exceeds 125 percent of the square footage of the existing building;

15 (2) the height of the enlarged or replacement building does not exceed the base
16 height of the zone in which it is located;

17 (3) the building fronts on an existing roadway improved to urban standards or a
18 roadway programmed to be improved to urban standards as a capital improvement project,
19 that accommodates on-street parking; and

20 (4) there is no net decrease in existing off-street parking spaces, unless it exceeds
21 the minimum requirements of subsection C.5.b.

22 6. The landscaping requirements of this title shall be waived, provided that:

23 a. street trees, installed and maintained by the adjacent property owner, shall be
24 substituted in lieu of landscaping; and

1 b. any portion of the overlay district that directly abuts properties outside of the
2 district shall provide, along said portions, a landscape buffer area no less than 50 percent of
3 that required by this title.

4 7. The setback requirements of this title shall be waived, provided that:

5 a. setback widths along any street forming a boundary of the overlay district shall
6 comply with this title; and

7 b. any portion of the overlay district that directly abuts properties outside of the
8 district shall provide, along said portions, a setback no less than 50 percent of that required by
9 this title.

10 8. The building height limits of this title shall be waived, provided that the height limit
11 within 50 feet of the perimeter of the overlay district shall be 30 feet.

12 9. Signage shall be limited to that allowed within the CB zone.

13 10. The roadway improvements of the King County code shall be waived, provided a
14 no-protest agreement to participate in future road improvement districts (RID) is signed by an
15 applicant and recorded with the county.

16 11. The pedestrian circulation requirements of this title shall be waived.

17 12. The impervious surface and lot coverage requirements of this title shall be
18 waived.

19 D. The following standards shall be applicable to unincorporated activity centers as
20 designated in the comprehensive plan and located within the commercial/industrial special
21 district overlay:

22 1. For properties that have frontage on pedestrian street(s) or routes as designated in
23 an applicable plan or area zoning process, except for gasoline service stations (SIC 5541) and
24 grocery stores (SIC 5411) that also sell gasoline, the following conditions shall apply:

25 a. main building entrances shall be oriented to the pedestrian street;

1 b. at the ground floor (at grade), buildings shall be located no more than 5 feet from
2 the sidewalk or sidewalk improvement, but in no instance shall encroach on the public right-of-
3 way;

4 c. building facades shall comprise at least 75% of the total pedestrian street frontage
5 for a property, and if applicable, at least 75% of the total pedestrian route frontage for a
6 property;

7 d. minimum side setbacks of the underlying zoning are waived;

8 e. building facades of ground floor retail, general business service, and professional
9 office land uses, that front onto a pedestrian street or route shall include windows and
10 overhead protection;

11 f. building facades, along a pedestrian street or route, that are without
12 ornamentation, or are comprised of uninterrupted glass curtain walls or mirrored glass are not
13 permitted; and

14 g. vehicle access shall be limited to the rear access alley or rear access street where
15 such an alley or street exists.

16 NEW SECTION. SECTION 8. There is hereby added to K.C.C. 21A.38 a new
17 section to read as follows:

18 Special district overlay - agricultural production buffer. A. The purpose of the
19 agricultural production buffer special district overlay is to provide a buffer between agricultural
20 and upslope residential land uses. An agricultural production buffer special district overlay
21 shall only be established in areas adjacent to an agricultural production district and zoned RA.

22 B. The following development standard shall apply to uses locating in an agricultural
23 production buffer special district overlay:

24 1. Lots shall be clustered pursuant to K.C.C. 21A.14.040 and at least 75% of a
25 site shall remain as open space, unless greater lot area is required by the Seattle-King County
26 health department.

1 NEW SECTION. SECTION 9. There is hereby added to K.C.C. 21A.38 a new
2 section to read as follows:

3 Special district overlay - residential infill. A. The purpose of the residential infill
4 special district overlay is to require the consolidation of individual parcels as a single
5 development project when a subdivision application of one or more acres is made. A
6 residential infill district overlay shall only be established in areas zoned R-8.

7 B. The following development standards shall apply to uses locating in a residential
8 infill district overlay:

9 1. Recreation and open space shall be sited adjacent to any existing utility right-of-
10 way corridor(s) or recreation and open space wherever feasible; and

11 2. Pedestrian access shall be provided to adjacent utility right-of-way corridor(s) as
12 found necessary by department staff.

13 NEW SECTION. SECTION 10. There is hereby added to K.C.C. 21A.38 a new
14 section to read as follows:

15 Special district overlay - ground water protection. A. The purpose of the ground
16 water protection special district overlay is to limit land uses that have the potential to severely
17 contaminate groundwater supplies and to provide increased areas of permeable surface to
18 allow for infiltration of surface water into ground resources.

19 B. For all commercial and industrial development proposals, at least 40 percent of the
20 site shall remain in natural vegetation or planted with landscaping, which area shall be used to
21 maintain predevelopment infiltration rates for the entire site. For purposes of this special
22 district overlay, the following shall be considered commercial and industrial land uses:

23 1. amusement/entertainment land uses as defined by K.C.C. 21A.08.040 except golf
24 facilities;

25 2. general services land uses as defined by K.C.C. 21A.08.050 except health and
26 educational services, daycare 1, churches, synagogues, and temples;

1 3. government/business services land uses as defined by K.C.C. 21A.08.060 except
2 government services;

3 4. retail/wholesale land uses as defined by K.C.C. 21A.08.070 except forest product
4 sales and agricultural product sales;

5 5. manufacturing land uses as defined by K.C.C. 21A.08.080; and,

6 6. mineral extraction and processing land uses as defined by K.C.C. 21A.08.090.

7 C. Permitted uses within the area of the ground water protection special district
8 overlay shall be those permitted in the underlying zone, excluding the following as defined by
9 Standard Industrial Classification number and type:

10 1. SIC 4581, airports, flying fields, and airport terminal services;

11 2. SIC 4953, refuse systems, (including landfills and garbage transfer stations
12 operated by a public agency);

13 3. SIC 4952, sewerage systems (including wastewater treatment facilities); and

14 4. SIC 7996, amusement parks; SIC 7948, racing, including track operation; or other
15 commercial establishments or enterprises involving large assemblages of people or automobiles
16 except where excluded by section B above;

17 5. SIC 0752, animal boarding and kennel services((-));

18 6. SIC 1721, building painting services;

19 7. SIC 3260, pottery and related products manufacturing;

20 8. SIC 3599, machine shop services;

21 9. SIC 3732, boat building and repairing;

22 10. SIC 3993, electric and neon sign manufacturing;

23 11. SIC 4226, automobile storage services; ((and))

24 12. SIC 7334, blueprinting and photocopying services;

25 13. SIC 7534, tire retreading and repair services;

26 14. SIC 7542, carwashes;

27 15. SIC 8731, commercial, physical and biological research laboratory services;

- 1 16. SIC 02, interim agricultural crop production and livestock quarters or grazing on
- 2 properties 5 acres or larger in size;
- 3 17. SIC 0752, public agency animal control facility;
- 4 18. SIC 2230, 2260, textile dyeing;
- 5 19. SIC 2269, 2299, textile and textile goods finishing;
- 6 20. SIC 2700, printing and publishing industries;
- 7 21. SIC 2834, pharmaceuticals manufacturing;
- 8 22. SIC 2844, cosmetics, perfumes and toiletries manufacturing;
- 9 23. SIC 2893, printing ink manufacturing;
- 10 24. SIC 3000, rubber products fabrication;
- 11 25. SIC 3111, leather tanning and finishing;
- 12 26. SIC 3400, metal products manufacturing and fabrication;
- 13 27. SIC 3471, metal electroplating;
- 14 28. SIC 3691, 3692, battery rebuilding and manufacturing;
- 15 29. SIC 3711, automobile manufacturing; and
- 16 30. SIC 4600, petroleum pipeline operations.

17 NEW SECTION. SECTION 11. There is hereby added to K.C.C. 21A.38 a new
18 section to read as follows:

19 Special district overlay - aviation facilities. A. The purpose of the aviation facilities
20 special district overlay is to protect existing non-commercial airports from encroaching
21 residential development. An aviation facilities special district overlay shall only be established
22 in the area up to 1/4 mile around airports and shall be zoned UR or RA.

23 B. The following development standards shall apply to uses locating in aviation
24 facilities special overlay districts:

1 On the title of all properties within pending short subdivisions or subdivisions and
2 binding site plans, the following statement shall be recorded and be shown to all prospective
3 buyers of lots or homes:

4 "This property is located near the (name of airport) which is recognized as a legitimate
5 land use by King County. Air traffic in this area, whether at current or increased levels, is
6 consistent with King County land use policies provided it conforms to all applicable state and
7 federal laws."

8 NEW SECTION. SECTION 12. There is hereby added to K.C.C. 21A.38 a new
9 section to read as follows:

10 Special overlay district - urban aquifer protection area. A. The purpose of the urban
11 aquifer protection area special district overlay is to provide additional protection for urban
12 areas that are highly susceptible to ground water contamination. An urban aquifer protection
13 area special district overlay shall only be established within areas designated in the
14 comprehensive plan as highly susceptible to ground water contamination, including the
15 surrounding area up to 1/2 mile, and zoned UR, R, NB, CB, O, and I.

16 B. Permitted uses shall be those permitted in the underlying zone, excluding the
17 following as defined by Standard Industrial Classification (SIC) number and type:

18 1. SIC 4953, refuse systems (including hazardous waste recycling or treatment and
19 solid waste landfills);

20 2. SIC 461, pipelines, except natural gas (including petroleum pipelines); and

21 3. businesses maintaining open storage of toxic substances.

22 C. New septic tank drainfield systems shall be prohibited.

23 NEW SECTION. SECTION 13. There is hereby added to K.C.C. 21A.38 a new
24 section to read as follows:

25 Special district overlay - highway-oriented development. A. The purpose of the
26 highway-oriented development special district overlay is to ensure the compatibility of

1 highway-oriented land uses adjacent to rural residential and resource land uses. A highway-
2 oriented special district overlay shall only be established along existing or former state or U.S.
3 highway route corridors and zoned RA, UR, NB, RB or I.

4 B. Except in the RB zone at highway interchanges, permitted uses in the RA, UR, NB,
5 RB or I zones shall be those in the underlying zone, excluding the following as defined by
6 Standard Industrial Classification (SIC) number and type:

- 7 1. SIC 5812, eating places; and
- 8 2. SIC 5813, drinking places.

9 C. Permitted uses in the RB zone at highway interchanges shall be limited to the
10 following highway oriented commercial services for the traveling public, as defined by
11 Standard Industrial Classification (SIC) number and type:

- 12 1. SIC 5411, grocery stores (including convenience stores);
- 13 2. SIC 5541, gasoline service stations;
- 14 3. SIC 5812, eating places; and
- 15 4. SIC 7011, hotels and motels.

16 D. The following development standards shall apply to uses located in highway-
17 oriented overlay districts:

- 18 1. Business signs are limited to those allowed in the NB zone classification. Ground
19 supported signs shall not exceed five feet in height.
- 20 2. Natural vegetation shall be retained wherever possible, and landscaping shall be
21 used for screening. The following commercial screening matrix shall be applied where NB, RB
22 and I zoned properties, and properties with potential NB, RB or I zoning, have common
23 boundaries with rural or resource zoned lands. The purpose of this is to allow for adequate
24 buffering between commercial or industrial and rural land uses.

Commercial Screening Matrix

Adjacent Property Zoning	Commercial Property Zoning		
	<i>NB Neighborhood Business</i>	<i>RB Regional Business</i>	<i>I Industrial</i>
<i>RA (Rural Area)</i>	Type I Buffer 30' Depth	Type I Buffer 30' Depth	Type I Buffer 50' Depth
<i>F (Forest) A (Agricultural)</i>	Type I Buffer 30' Depth	Type I Buffer 50' Depth	Type I Buffer 50' Depth

3. Primary vehicular access shall be from a principal arterial road. Secondary vehicular access shall be from a collector arterial road.

4. At the time of site plan review, the county may require additional right-of-way dedication to provide new roadways.

5. Utilities in RB zones shall be placed underground.

6. All uses shall be evaluated for impacts to ground water quality.

NEW SECTION. SECTION 14. There is hereby added to K.C.C. 21A.38 a new section to read as follows:

Special district overlay - wetland management areas. A. The purpose of the wetland management area special overlay district is to provide a means to designate certain unique and outstanding wetlands when necessary to protect their functions and values from the impacts created from geographic and hydrologic isolation and impervious surface.

B. The following development standards shall be applied in addition to all applicable requirements of K.C.C. 21A.24 to development proposals located within a wetland management area district overlay:

1. All subdivisions and short subdivisions in R-1 and RA zones shall have a maximum impervious surface area of 8 percent of the gross acreage of the plat. Distribution of the allowable impervious area among the platted lots shall be recorded on the face of the plat. Impervious surface of existing roads need not be counted towards the allowable impervious

1 area. This condition may be modified by the director for the minimum necessary to
2 accommodate unusual site access conditions;

3 2. All subdivisions and short subdivisions shall be required to cluster away from
4 wetlands or the axis of corridors along stream tributaries and identified swales connecting
5 wetlands in order to minimize land disturbance and maximize distance from these sensitive
6 features. At least 50 percent of the R-1 zoned portions of the site and at least 65% of the RA-
7 zoned portions of the site shall be left in native vegetation, preferably forest, and placed in a
8 permanent open space tract; and

9 3. Clearing and grading activity from October 1 through March 31 shall meet the
10 provisions of K.C.C. 16.82.150D wherever not already applicable.

11 NEW SECTION. SECTION 15. There is hereby added to K.C.C. 21A.38 a new
12 section to read as follows:

13 Special district overlay - erosion hazards near sensitive water bodies. A. The purpose
14 of the erosion hazards near sensitive water bodies special overlay district is to provide a means
15 to designate sloped areas posing erosion hazards which drain directly to lakes or streams of
16 high resource value which are particularly sensitive to the impacts of increased erosion and the
17 resulting sediment loads from development.

18 B. The following development standards shall be applied in addition to all applicable
19 requirements of K.C.C. 21A.24 to development proposals located within erosion hazards near
20 a sensitive water bodies district overlay:

21 1. A no-disturbance area shall be established on the sloped portion of the special
22 district overlay to prevent damage from erosion. Land clearing or development shall not occur
23 in the no-disturbance area, except for the clearing activities listed in subsection a. Clearing
24 activities listed in subsection a shall only be permitted if they meet the requirements of
25 subsection b.

1 a. Clearing activities may be permitted as follows:

2 i. for the construction of single family residences on pre-existing separate lots;

3 ii. for the construction of utility corridors to service existing development along
4 existing rights-of-way including any vacated portions of otherwise contiguous rights-of-way;

5 iii. for the construction of roads providing sole access to buildable property and
6 associated utility facilities within those roadways; or

7 iv. for the construction of development within an isolated no-disturbance area of two
8 acres or less in size. The isolated no-disturbance area is either geologically separated from
9 other no-disturbance areas or lies completely within a separate drainage subbasin and is,
10 therefore, hydrologically isolated from the rest of the no-disturbance area.

11 b. The clearing activities listed in subsection a may be permitted only if the following
12 requirements are met:

13 i. a report which meets the requirements of K.C.C. 21A.24.120 shall show that the
14 clearing activities will not subject the area to risk of landslide or erosion and that the purpose
15 of the no-disturbance area is not compromised in any way;

16 ii. the clearing activities shall be mitigated, monitored and bonded consistent with the
17 mitigation requirements applicable to sensitive areas regulated in K.C.C. 21A.24;

18 iii. the clearing activities are limited to the minimal area and duration necessary for
19 construction; and

20 iv. the clearing activities are consistent with K.C.C. 21A.24.

21 2. The upslope boundary of the no-disturbance area lies at the first obvious break in
22 slope from the upland plateau over onto the steep valley walls. The downslope boundary of

1 this zone includes those areas designated as erosion or landslide hazard areas pursuant to
2 K.C.C. 21A.24.220 and 21A.24.280. The sensitive areas folio indicates the general location of
3 these hazard areas, but it cannot be used to specify the areas' precise boundaries. Maps of the
4 approximate boundaries of these no-disturbance zones shall be available at the department.
5 Single family or multi-family residential density from the no-disturbance area may be
6 reallocated onto any buildable portion of the site pursuant to K.C.C. 21A.12.080, or
7 transferred to other sites pursuant to K.C.C. 21A.36;

8 3. New development proposals for sites which drained predeveloped runoff to the no-
9 disturbance zone shall evaluate the suitability of onsite soils for infiltration. All runoff from
10 newly constructed impervious surfaces shall be retained on-site unless this requirement
11 precludes the ability to meet minimum density requirements in K.C.C. 21A.12. When
12 minimum density cannot be met, runoff shall be retained on-site as follows:

13 a. Infiltration of all site runoff shall be required in granular soils as defined in the
14 King County Surface Water Design Manual.

15 b. Infiltration of downspouts shall be required in granular soils and in soil conditions
16 defined as allowable in the Surface Water Design Manual when feasible to fit the required
17 trench lengths onsite;

18 c. When infiltration of downspouts is not feasible, downspout dispersion trenches
19 shall be required when minimum flow paths defined in the Surface Water Design Manual can
20 be met onsite or into adjacent open space; and

21 d. When dispersion of downspouts is not feasible, downspouts shall be connected to
22 the drainage system via perforated pipe.

1 4. For the portions of proposed subdivisions, short subdivisions and binding site plans
2 that cannot infiltrate runoff up to the 100-year peak flow, at least 25 percent shall remain
3 undisturbed and set aside in an open space tract consistent with K.C.C. 21A.24.150-180; and

4 5. For the portions of all development proposals that cannot infiltrate runoff up to
5 the 100-year peak flow, no more than 35 percent of the gross site area shall be covered by
6 impervious surfaces. For new subdivisions and short subdivisions, maximum lot coverage
7 should be specified for subsequent residential building permits on individual lots.

8 6. If the application of this section would deny all reasonable use of property, the
9 applicant may apply for a reasonable use exception pursuant to K.C.C. 21A.24.070B.

10 7. The director may modify the property specific development standards required by
11 B.1 through B.5 of this section, when a development proposal complies with the following:

12 a. The proposed development is subject to public/private partnerships such as an
13 approved community block grant or other such water quality program designed to improve
14 water quality in the basin,

15 b. The proposed development is designated by King County, in consultation with the
16 Lake Sammamish Management Committee, as a demonstration project designed to implement
17 best management practices and state of the art technology that assures the greatest possible
18 improvement to water quality, and

19 c. A site specific study is conducted by the applicant and approved by the director,
20 which demonstrates that the proposed development substantially increases water quality by
21 showing the following:

- 1 (1) water quality on-site is improved;
- 2 (2) the development project will not subject downstream channels to increased risk of
- 3 landslide or erosion;
- 4 (3) the development project will not subject the nearest sensitive water body to
- 5 additional erosion hazards; and
- 6 (4) the project is consistent with element a. and b. above, and provides predictable
- 7 improvements to the water quality of Lake Sammamish.

8 NEW SECTION. SECTION 16. There is hereby added to K.C.C. 21A.38 a new
 9 section to read as follows:

10 Special district overlay - Heron habitat protection area. A. The purpose of the heron
 11 habitat protection area special district overlay is to provide a means to designate areas that
 12 provide essential feeding, nesting and roosting habitat for identified great blue heron rookeries.
 13 A district overlay will usually contain several isolated areas of known heron habitat in the
 14 general region surrounding the heron rookery.

15 B. The following development standards shall be applied in addition to all applicable
 16 requirements of K.C.C. 21A.24 and Title 25 to development proposals located within a heron
 17 habitat protection area district overlay:

18 1. The following conditions shall apply to the wetland or along the main channel of
 19 the stream riparian zone containing the heron rookery (tributary streams are excluded):

20 a. The 100-year floodplain shall be left undisturbed. Development proposals on
 21 individual lots shall require the 100-year floodplain to retain the native vegetation and be
 22 placed in a county-approved conservation easement or notice shall be placed on the title of
 23 the lot. The notice shall be approved by King County and filed with the records and

1 elections division. The notice shall inform the public of the presence and location of the
2 floodplain and heron habitat on the property and that limitations on actions in or affecting
3 the area exist. Subdivisions, short subdivisions and binding site plans shall require the 100-
4 year floodplain to retain the native vegetation and be placed in a sensitive areas tract, to be
5 dedicated to the homeowner's association or other legal entity which assumes maintenance and
6 protection of the tract. Determination of the floodplain shall be done for each permit
7 application based on actual field survey using county-approved floodplain elevations;

8 b. There shall be a 660 foot radius buffer maintained around the periphery of the
9 great blue heron rookery. If the sensitive areas and buffers are not adequate to provide the
10 radius, then the buffer shall be expanded to meet the requirement. A rookery and its buffer
11 shall be designated as sensitive area tract, easement or noticed on title as required in this
12 subsection; and

13 c. All access shall be restricted under nest trees from February 15th to July 31st and
14 noted on signage at the floodplain or buffer edge, whichever is further from the rookery.
15 Access may be further restricted with fencing or dense plantings with native plant material
16 approved by the county. All developments in R-12 or higher density zones shall restrict access
17 and provide an interpretive sign that provides information about the stream or wetland and its
18 wildlife, biological, and hydrological functions. All signs shall be consistent with sensitive area
19 signage requirements and subject to review and approval of the county;

20 2. Subdivisions, short subdivisions, binding site plans, site development permits or
21 other commercial or multifamily permits adjacent to stream reaches and wetlands designated
22 on the heron habitat protection area district overlay map, shall provide buffers that are 50 feet
23 greater than required pursuant to K.C.C. 21A.24 along those streams and wetlands to provide
24 habitat for herons. This additional 50 foot buffer shall be planted with dense native plant
25 material to discourage human intrusion into feeding or nesting and roosting areas. Plantings
26 shall be reviewed and approved by the department. If conformance with the additional buffer

1 requirement results in an unbuildable lot, then the minimum variation necessary to
2 accommodate the proposed development shall be determined in consultation with county
3 biologists and be reviewed and approved by the department;

4 3. Along the shoreline of lakes and river corridors included in the heron habitat
5 protection area, all subdivisions, short subdivisions, binding site plans, site development
6 permits or other commercial or multifamily permits shall provide a 50 foot buffer in addition to
7 required shoreline setbacks of K.C.C. Title 25 and 21A.24. Along the shoreline of the major
8 rivers (Sammamish, Green, Cedar, Snoqualmie, Snohomish, Skykomish and White River), the
9 setback requirement may be waived if a special wildlife study shows no great blue heron
10 nesting, roosting, and feeding areas on the site. These studies shall be done by a wildlife
11 biologist and approved by county biologists. This additional 50 foot buffer shall be planted
12 with dense native plant material to discourage human intrusion into feeding or nesting and
13 roosting areas. Plantings shall be reviewed and approved by the department; and

14 4. New docks, piers, bulkheads, and boat ramps constructed within the heron habitat
15 protection area shall mitigate for loss of heron feeding habitat by providing enhanced native
16 vegetation approved by the county adjacent to the development or between the development
17 and the shoreline. Bulkheads shall be buffered from the water's edge by enhanced plantings of
18 native vegetation approved by the county.

19 NEW SECTION. SECTION 17. There is hereby added to K.C.C. 21A.38 a new
20 section to read as follows:

21 Special district overlay - Urban stream protection area. A. The purpose of the urban
22 stream protection area special district overlay is to provide a means to designate areas with
23 substantial fisheries resources that have severe flooding and stream damage problems from
24 high storm water volumes. This district overlay limits land coverage along significant urban
25 stream corridors to reduce stormwater volumes and the costs associated with flooding
26 problems and loss of salmon resources.

1 B. The following development standards shall be applied to development proposals on
2 R-1 zoned parcels located within an urban stream protection area district overlay:

3 1. Clearing is limited to and development shall be clustered on 30 percent of the site.
4 Parcels adjacent to streams or wetlands shall place structures as far as feasible from streams
5 and wetlands. For binding site plans, subdivisions and short subdivisions, the remaining 70
6 percent of the site shall be placed in a contiguous permanent open-space tract retaining the
7 native vegetation. For individual lots, the remaining 70 percent of the parcel shall retain the
8 native vegetation and be placed in a county-approved conservation easement, or notice shall be
9 placed on the title of the lot. The notice shall be approved by King County and filed with the
10 records and elections division. The notice shall inform the public of the presence and location
11 of an urban stream protection area on the property and that limitations on actions in or
12 affecting the corridor exist;

13 2. Where existing clearing has already exceeded 30 percent of the gross acreage of
14 the site, reforestation according to a county-approved plan shall be provided to restore native
15 forested cover to 70 percent of the site;

16 3. The maximum impervious surface area shall be 8 percent of the gross acreage of
17 the site. Proposed short subdivisions, subdivisions, and binding site plans shall record the
18 distribution of allowable impervious area among individual parcels on the face of the plat.
19 Impervious surface of roads shall not be counted towards the allowable impervious area. This
20 condition may be modified by the director only as necessary to accommodate unusual site
21 access conditions;

22 4. Keeping or grazing of livestock shall be prohibited; and

23 5. No road crossings of streams defined in K.C.C. 21A.06.1240 shall be allowed.

24 Crossing of streams by utilities shall be limited to existing road or utility rights-of-way unless
25 no feasible alternative exists.

1 NEW SECTION. SECTION 18. There is hereby added to K.C.C. 21A.38 a new section
2 to read as follows:

3 Special district overlay - Significant Trees. A. The purpose of the significant trees special
4 district overlay is to provide a means to designate areas losing their natural vegetation that
5 characterizes their community and receiving the accompanying impacts from increased
6 stormwater runoff and decreased wildlife habitat. This district overlay limits removal of
7 significant trees in these urbanizing areas to reduce visual impacts of development and maintain
8 a portion of the natural vegetation and soils characteristic of the Pacific Northwest.

9 B. The following development standards shall be applied to all residential, commercial
10 (including golf courses), industrial or institutional development proposals located within a
11 significant tree district overlay:

12 1. Significant tree retention rates. Except when replacement trees are used as provided
13 in subsection B.5, significant trees defined pursuant to K.C.C. 21A.06 shall be at a minimum
14 retained as follows:

15 a. Exclusive of the area required for site access by vehicles, pedestrians, or utility
16 infrastructure, significant trees shall be retained within required perimeter landscape areas at
17 the following rates:

- 18 (1) One hundred percent for the interior perimeters.
- 19 (2) Seventy-five percent for the street perimeter, provided that this standard may be
20 reduced to 50 percent for retail commercial developments if:

21 (a) the combined landscaping and tree retention requirement is shown by the
22 applicant to result in:

1 i. the loss of the line-of-sight necessary for identification of the retail commercial
2 development; and

3 ii. a vegetative buffer exceeding the screening characteristics of a Type III
4 landscape screen; or

5 (b) The average width of the street perimeter landscape area is increased by 50
6 percent, provided that within the additional landscape area, significant trees are retained at the
7 rate consistent with subsection c;

8 b. If any portion of the lot contains erosion hazards, significant trees located in the
9 interior of separate lots, including sensitive areas or their buffers, shall be retained in single
10 detached dwelling development at the rate of 20 trees per acre or ten percent of such trees,
11 whichever is greater;

12 c. Significant trees located in the interior of the development proposal, including
13 sensitive areas or their buffers, shall be retained in a residential subdivision at the rate of 20
14 trees per acre or ten percent of such trees, whichever is greater;

15 d. Significant trees located in the interior of the development proposal, excluding
16 sensitive areas or their buffers, shall be retained in an apartment or townhouse development at
17 the rate of 20 trees per acre or ten percent of such trees, whichever is greater;

18 e. Significant trees located in the interior of the development proposal, excluding
19 sensitive areas or their buffers, shall be retained in commercial or industrial development at a
20 rate of ten trees per acre or five percent of such trees, whichever is greater;

21 f. Significant trees located in the interior of the development proposal, excluding
22 sensitive areas or their buffers and areas designated for sport fields, playfields or other

1 recreational facilities, shall be retained in institutional developments at a rate of ten trees per
2 acre or five percent of such trees, whichever is greater;

3 g. Utility developments and mineral extraction operations shall be exempt from the
4 significant tree retention requirements of this section; and

5 h. Project sites with 25 percent or greater of the total gross site area in sensitive areas,
6 sensitive area buffers and other areas to be left undisturbed such as wildlife corridors, shall be
7 exempt from the significant tree retention requirements of this chapter;

8 2. Retention plan. The applicant shall submit tree retention plans as follows:

9 a. A significant tree inventory shall be submitted for review prior to or with submittal
10 of development permit applications. The tree inventory may be conducted by any method that
11 reflects general locations, numbers and grouping of significant trees on-site; and

12 b. A detailed tree retention plan shall be submitted for review prior to or with submittal
13 of grading permit applications or other permit applications incorporating grading plans. This
14 plan shall identify the exact location, size, species, and condition of the significant trees
15 proposed to be retained, transplanted or replaced in order to comply with this chapter;

16 3. The retention requirements shall be met as follows:

17 a. Except as provided in subsection b, the applicant shall determine that the final tree
18 retention plan does not include significant trees unable to survive more than ten years after the
19 date of project completion due to:

20 (1) Damage or disease;

21 (2) Safety hazards due to potential root, trunk or primary limb failure;

22 (3) Windfall; or

1 (4) Age in relation to the normal lifespan of the tree species;

2 b. At the discretion of the county, damaged or diseased or standing dead trees, not
3 classified as a danger tree, may be counted toward the significant tree requirement if
4 demonstrated that such trees will provide important wildlife habitat;

5 c. A significant tree may be credited as two trees when it meets one or more of the
6 following characteristics:

7 (1) The tree is 18 inches or greater in diameter;

8 (2) The tree is located in a grouping of at least five trees with canopies that touch or
9 overlap;

10 (3) The tree provides energy savings through winter wind protection or summer
11 shading as a result of its location relative to buildings;

12 (4) The tree belongs to a unique or unusual species;

13 (5) The tree is located within 25 feet of any sensitive area or required sensitive area
14 buffers; or

15 (6) The tree is listed on a historical register; and

16 d. The department shall, pursuant to K.C.C. 2.98, develop and maintain an advisory
17 listing of trees recommended for retention. Such list shall describe their general characteristics
18 and suitability, and provide guidelines for their retention;

19 4. Protection. To provide the best protection for significant trees designated for
20 retention, the development shall comply with the following:

21 a. No tree removal for a project action shall be allowed prior to the county approval of
22 a grading permit consistent with tree retention and landscape plans;

1 b. Prior to clearing for a project action, trees to be retained shall be flagged;

2 c. Prior to grading for a project action and throughout construction, a temporary
3 chainlink or plastic net fence shall be used to identify the protected area of any significant tree
4 designated for retention. The height of such fencing shall be adjusted according to the
5 topographic and vegetative conditions of the site to provide clear visual delineation of the
6 protected area. The size of protected area around the tree shall be equal to one foot diameter
7 for each inch of tree trunk diameter measured four feet above the ground; and

8 d. At no time during and after construction shall the following be permitted within the
9 area described in subsection c:

10 (1) Impervious surfaces; fill, excavation, or storage of construction materials; or

11 (2) Grade level changes, except in limited circumstances where proposed
12 improvements using permeable materials are determined by an arborist to be non-detrimental
13 to the trees root system; and

14 e. Alternative or additional protection methods may proposed and be used if
15 determined by the director to provide equal or greater protection for trees designated for
16 retention;

17 5. Plan modifications and tree replacement are permitted as follows:

18 a. Any significant tree in the interior may be replaced by another significant tree in the
19 interior;

20 b. If the required number of significant trees cannot be retained, then non-significant
21 sized trees may be retained or new trees may be planted to meet significant tree requirements

1 as follows, provided that the reason for the purpose of this subsection, the significant tree to be
2 replaced by the new or existing replacement tree is assigned a diameter of 12 inches:

3 (1) When using replacement trees measuring three inches in diameter or greater (as
4 measured by caliper), one-half inch diameter of replacement tree shall be provided for every
5 one inch diameter of significant tree to be replaced; and

6 (2) When using replacement trees measuring less than three inches in diameter (as
7 measured by caliper), one inch diameter of replacement tree shall be provided for every one
8 inch diameter of significant tree to be replaced; and

9 c. An approved tree retention plan shall be modified to reflect any changes made
10 pursuant to subsection a and b: and

11 6. Maintenance. The following provisions apply to significant trees where applicable:

12 a. All significant trees shall be maintained for the life of the project;

13 b. All significant trees shall be pruned and trimmed as necessary to maintain a healthy
14 growing condition or to prevent primary limb failure. This requirement shall not be interpreted
15 to allow:

16 (1) Topping of primary stems;

17 (2) Pruning that results in the loss of 20 percent of vegetative mass, and

18 (3) Cutting of major roots, except in preparation for transplantation or as deemed
19 necessary and/or acceptable by a certified arborist; and

20 c. With the exception of dead, diseased or damaged trees specifically retained to
21 provide wildlife habitat; other dead, diseased, damaged or stolen plantings shall be replaced

1 within three months or during the next planting season if the loss does not occur in a planting
2 season.

3 C. The development standards set forth in paragraph B shall not be applied to
4 institutional development proposals that consist of one or more of the following uses:

- 5 1. Government services listed in K.C.C. 21A.08.060,
- 6 2. Educational services listed in K.C.C. 21A.08.050,
- 7 3. Parks as listed in K.C.C. 21A.08.040 when located adjacent to an existing or
8 proposed school, or
- 9 4. Libraries listed in K.C.C. 21A.08.040.

10 NEW SECTION. SECTION 19. There is hereby added to K.C.C. 21A.38 a new
11 section to read as follows:

12 Special district overlay - Floodplain Density. A. The purpose of the floodplain
13 density special district overlay is to provide a means to designate areas that cannot
14 accommodate additional density due to severe flooding problems. This district overlay
15 limits development in sensitive areas to reduce potential future flooding.

16 B. The following development standards shall be applied to all development proposals
17 on RA-5 zoned parcels located within a floodplain density special district overlay:

- 18 1. Density is limited to one home per 10 acres for any property that is located within
19 a sensitive area; and
- 20 2. All development shall be clustered outside of the identified sensitive areas, unless
21 the entire parcel is a mapped sensitive area.

22

1 SECTION 20. The amendment or repeal of any P-suffix conditions (property specific
2 development standards) pursuant to the provisions of this ordinance may apply to a
3 development application filed before the effective date of this ordinance if the director
4 determines that the development regulations to which the application is vested provide
5 equivalent development standards or conditions, or the applicant agrees to be bound by
6 existing development regulations.

7 INTRODUCED AND READ for the first time this 3rd day of
8 September, 19 96

9 PASSED by a vote of 11 to 2 this 28th day of July, 1997.

10
11
12
13

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON
Louise Miller
VICE Chair

14 ATTEST:

15 [Signature]
16 Clerk of the Council

17 APPROVED this 8 day of August, 1997.

18 [Signature]
19 King County Executive

20 Attachments:

21
22 None