



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**July 10, 2001**

**Ordinance 14163**

**VETOED**

**Proposed No. 2001-0225.2**

**Sponsors Sullivan**

1 AN ORDINANCE relating to zoning and comprehensive  
2 planning establishing regulations for the development of  
3 nonresidential uses in the rural area; amending Ordinance 11616,  
4 Section 11, as amended, and K.C.C. 13.24.134, Ordinance 11616,  
5 Section 13, as amended, and K.C.C. 13.24.1380, Ordinance  
6 12196, Section 11, as amended, and K.C.C. 20.20.040, Ordinance  
7 10870, Section 72, and K.C.C. 21A.06.160, Ordinance 10870,  
8 Section 332, as amended, and K.C.C. 21A.08.050, Ordinance  
9 10870, Section 359, as amended, and K.C.C. 21A.12.220,  
10 Ordinance 10870, Section 424, as amended, and K.C.C.  
11 21A.20.060, Ordinance 10870, Section 427, as amended, and  
12 K.C.C. 21A.20.080 and Ordinance 13130, Section 5, and K.C.C.  
13 21A.32.065, adding new sections to K.C.C. chapter 21A.06,  
14 adding a new section to K.C.C. 9.08, adding a new chapter to  
15 K.C.C. 21A.  
16  
17

18 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

19 SECTION 1. Purpose. There are two equal purposes for the regulation of  
20 nonresidential developments on rural area parcels: to serve religious and educational  
21 needs of individuals and families in the vicinity of the sites and to protect and maintain  
22 the environment in the rural areas.

23 SECTION 2. Findings.

24 A. King County recognizes the right of individuals and families to exercise their  
25 right to freedom of religious worship and choice of educational options. King County  
26 also recognizes the value of its rural areas and is trying to manage growth and protect the  
27 rural area.

28 B. Because of recent rapid growth in the outlying areas of King County and rural  
29 cities, there is a lack of adequate facilities to meet the religious and educational needs of  
30 individuals and families. Facilitating responsible growth of such uses in the rural area  
31 requires attention to environmental impacts.

32 C. The Countywide Planning Policies call for protection of rural character, and  
33 identify the basic elements of rural character based on the recommendations of a rural  
34 character task force. To implement the Countywide Planning Policies, policies in the  
35 King County Comprehensive Plan regarding nonresidential uses in the rural residential  
36 area limit uses to "those that provide convenient local services for nearby residents,  
37 require location in a rural area, or support natural resource-based industries or adaptive  
38 reuse of significant historic resources." A quality rural residential environment  
39 accommodates those educational and religious facilities needed to serve a stable rural  
40 population.

41 D. The First Amendment of the Constitution of the United States states:  
42 “Congress shall make no law respecting an establishment of religion, or prohibiting the  
43 free exercise thereof; or abridging the freedom of speech, or of the press; or the right of  
44 the people peaceably to assemble, and to petition the Government for a redress of  
45 grievances.”

46 E. Article I, section 11 of the Washington state Constitution states “Absolute  
47 freedom of conscience in all matters of religious sentiment, belief and worship, shall be  
48 guaranteed to every individual, and no one shall be molested or disturbed in person or  
49 property on account of religion . . . .” In First Covenant Church of Seattle v. City of  
50 Seattle, 120 Wn.2d 203, 229-30, 840 P.2d 174 (1992), the Washington state supreme  
51 court concluded that Article I, section 11 of the state Constitution “extends broader  
52 protection than the First Amendment of the federal constitution . . . .” The court held,  
53 “The language of our state constitution is significantly different and stronger than the  
54 federal constitution . . . . Our state provision ‘absolutely’ protects freedom of worship  
55 and bars conduct that merely ‘disturbs’ another on the basis of religion . . . . Our state  
56 constitutional and common law history support a broader reading of article 1, section 11,  
57 than of the First Amendment.” First Covenant Church of Seattle, 120 Wn.2d at 224.

58 F. Congress has enacted the Religious Land Use and Institutionalized Persons  
59 Act of 2000 (RLUIPA), which declares that no government shall impose or implement a  
60 land use regulation in a manner that imposes a substantial burden on the religious  
61 exercise of a person, including a religious assembly or institution, unless the government  
62 demonstrates that imposition of the burden on that person, assembly, or institution is in

63 furtherance of a compelling governmental interest and is the least restrictive means of  
64 furthering that compelling governmental interest.

65 G. RLUIPA also declares that no local government may discriminate or exclude  
66 religious facilities, or impose or implement a land use regulation in a manner that treats a  
67 religious assembly or institution on less than equal terms with a nonreligious institution.

68 H. Under Washington state law, the property tax exemption for real property  
69 owned by religious organizations is limited to parcels that are five acres or less in size.

70 I. Under Washington state law and the King County Code, open space is  
71 potentially eligible to be taxed at a reduced rate under the Public Benefit Rating System.

72 J. The following guiding principles are embodied in this ordinance:

73 1. All regulations in this ordinance, and the implementation of these regulations,  
74 are consistent with existing county regulations, including the conditional use process, and  
75 state and federal laws, including the state Environmental Policy Act, the Washington  
76 state and United States Constitutions and RLUIPA;

77 2. The objective of this legislation is to permit the uses that are allowed, subject  
78 to applicable regulations, and to avoid situations where conflicting or overlapping  
79 regulations effectively preclude uses that are allowed by this ordinance.

80 3. There is a basis in science for restrictions and limitations imposed by this  
81 ordinance;

82 4. Differing treatment of high schools, as one type of use, and elementary,  
83 middle and junior high schools, as a different type of use, is merited due to distinct use  
84 impacts;

85 5. All new regulations shall treat public and private schools the same;

86           6. Differing treatment of schools and churches is merited due to distinct use  
87 impacts;

88           7. Expansion and use of existing facilities is encouraged wherever consistent  
89 with other principles;

90           8. Demonstration of progressive energy and water conservation measures and  
91 other new technologies to protect the environment is encouraged and facilitated;

92           9. Progressive environmental treatment of landscaping and native vegetation is  
93 encouraged and facilitated;

94           10. Shared use of parking, play fields and facilities within nonresidential uses  
95 and with the community are encouraged;

96           11. Buildings and grounds should be compatible with surrounding areas per  
97 conditional use process criteria;

98           12. Surroundings neighbors will receive notice and their input will be  
99 considered for inclusion prior to design phase; the applicant shall provide written  
100 responses to the neighbors on their recommendations;

101           13. New urban and suburban uses should not be allowed or enabled around new  
102 nonresidential uses in rural areas; and

103           14. The functions of the rural area, including agriculture, forest production and  
104 fisheries, are protected. Applicants must agree not to challenge existing lawful uses in  
105 the area around the site as a condition of approval.

106           SECTION 3. Ordinance 11616, Section 11, as amended, and K.C.C. 13.24.134  
107 are each hereby amended to read as follows:

108           **Expansion of sewer service in rural and natural resource areas.**

109 A. Sewer service shall be expanded to serve uses in the rural and natural resource  
110 areas only if ~~((the facilities are))~~:

111 1. The facilities are ~~((N))~~ needed to address:

112 a. Specific health and safety problems threatening the existing uses of structures;

113 or

114 b. The needs of public or private schools or school facilities; ~~((and))~~

115 2. The facilities are ~~((F))~~ tightlined; ~~((and))~~

116 3. A finding is made by the utilities technical review committee that no cost-  
117 effective alternative technologies are feasible; and

118 4. A contractual agreement is entered into among the proposed user, the provider  
119 of sewer service and the county precluding any future connections to the tightlined  
120 facilities. This agreement must provide for multiple third-party beneficiaries with  
121 enforcement rights with respect to the proposed user limitation.

122 B. Decisions on sewer service expansions in rural or resource areas shall be made  
123 by King County in the form of approval of a sewer comprehensive plan or approval of an  
124 amendment to a sewer comprehensive plan.

125 C. By August 1, 2002, and bi-annually thereafter, the Department of  
126 Development and Environmental Services shall report to the council on the county's  
127 experience with tightlined sewers being extended into the rural area, and the council shall  
128 review the adequacy of the existing regulations.

129 SECTION 4. Ordinance 11616, Section 13, as amended, and K.C.C. 13.24.138  
130 are each hereby amended to read as follows:

131 **Water facilities in rural areas.**

132           A. Standards and plans for utility services in rural areas and the design and scale of  
133 new water facilities that serve the Urban Growth Area but must be located in the rural area  
134 shall be consistent with the needs of long-term low density residential development and  
135 resource industries in the rural area.

136           B. Private wells and Group B water systems may be allowed in rural areas. If the  
137 area for a new public water system is included in the planning area of an existing water  
138 purveyor as identified in a Coordinated Water System Plan, the water system should be  
139 operated by the purveyor through either satellite management or direct service.

140           C. Existing Group A water systems may be allowed to remain and shall not be  
141 expanded beyond the total number of lots which such system is ultimately designed to  
142 serve, except as may be provided in subsection D of this section.

143           D. Establishment of new Group A water systems or the expansions of existing  
144 Group A water systems may also be allowed if:

145           1.a. Water systems have quality or quantity problems that threaten public health  
146 and which can best be solved by Group A service; or

147           b. The area has been assigned to a water purveyor through a King County-  
148 adopted coordinated water system plan; and

149           2. Before approval of the new system or system extension, the maximum  
150 number of connections has been specified based on the number of previously platted, or  
151 otherwise legally divided, lots and the zoning approved for the total rural area being  
152 served, and Group A service is financially feasible at the resulting density.

153           E. In the RA zone, direct service by a Group A water system shall be required for  
154 all new schools.

155           F. In the RA zone, service by a Group A water system, including service through a  
156           satellite management agreement, shall be required for all new or expanded nonresidential  
157           uses with buildings totaling in excess of twenty-five thousand square feet of gross floor  
158           area, unless such service is not available. If such service is not available, then water service  
159           may be provided by a Group B water system or by other means, subject to compliance with  
160           all applicable legal processes and requirements, but water from a well shall be used only for  
161           potable water needs, for fireflow and for the flushing of toilets. Subject to state, county and  
162           health department regulations, captured or recycled water shall be used for all other uses,  
163           including for watering lawn and landscaping.

164           G. In the RA zone, water service to all new or expanded nonresidential uses with  
165           buildings totaling twenty-five thousand or fewer square feet of gross floor area may be  
166           provided by a Group A water system, a Group B water system or an exempt well, subject  
167           to compliance with all applicable legal processes and requirements, but if an exempt well is  
168           used the county shall provide at no cost to the applicant technical assistance in designing a  
169           system that utilizes to the extent practical captured and recycled water for nonpotable water  
170           needs.

171           SECTION 5. Ordinance 12196, Section 11, as amended, and K.C.C. 20.20.040  
172           are each hereby amended to read as follows:

173           **Application requirements.**

174           A. The department shall not commence review of any application set forth in this  
175           chapter until the applicant has submitted the materials and fees specified for complete  
176           applications. Applications for land use permits requiring Type 1, 2, 3 or 4 decisions shall  
177           be considered complete as of the date of submittal upon determination by the department



178 that the materials submitted meet the requirements of this section. Except as provided in  
179 K.C.C. 20.20.040B, all land use permit applications described in K.C.C. 20.20.020  
180 Exhibit A shall include the following:

181 1. An application form provided by the department and completed by the  
182 applicant that allows the applicant to file a single application form for all land use permits  
183 requested by the applicant for the development proposal at the time the application is  
184 filed;

185 2. Designation of who the applicant is, except that this designation shall not be  
186 required as part of a complete application for purposes of this section when a public  
187 agency or public or private utility is applying for a permit for property on which the  
188 agency or utility does not own an easement or right-of-way and the following three  
189 requirements are met:

190 a. the name of the agency or private or public utility is shown on the  
191 application as the applicant;

192 b. the agency or private or public utility includes in the complete application  
193 an affidavit declaring that notice of the pending application has been given to all owners  
194 of property to which the application applies, on a form provided by the department; and

195 c. the form designating who the applicant is submitted to the department prior  
196 to permit approval;

197 3. A certificate of sewer availability or site percolation data with preliminary  
198 approval by the Seattle-King County department of public health; or for schools located  
199 in rural areas, a letter indicating compliance with the tightline sewer provisions in the  
200 zoning code, as required by K.C.C. chapter 13.08 or 13.24;

- 201           4. A current certificate of water availability, if required by K.C.C. chapter  
202 13.24;
- 203           5. A fire district receipt pursuant to K.C.C. Title 17, if required by K.C.C.  
204 chapter 21A.40;
- 205           6. A site plan, prepared in a form prescribed by the director;
- 206           7. Proof that the lot or lots to be developed are recognized as a lot under this  
207 title;
- 208           8. A sensitive areas affidavit if required by K.C.C. chapter 21A.24;
- 209           9. A completed environmental checklist, if required by K.C.C. chapter 20.44;
- 210           10. Payment of any development permit review fees, excluding impact fees  
211 collectible pursuant to K.C.C. Title 27;
- 212           11. A list of any permits or decisions applicable to the development proposal  
213 that have been obtained prior to filing the application or that are pending before the  
214 county or any other governmental entity;
- 215           12. Certificate of transportation concurrency from the department of  
216 transportation if required by K.C.C. chapter 14.70;
- 217           13. Certificate of future connection from the appropriate purveyor for lots located  
218 within the urban growth area which are proposed to be served by on-site or community  
219 sewage system and group B water systems or private well, if required by K.C.C.  
220 13.24.136 through 13.24.140;
- 221           14. A determination if drainage review applies to the project pursuant to K.C.C.  
222 chapter 9.04, and, if applicable, all drainage plans and documentation required by the  
223 Surface Water Design Manual adopted pursuant to K.C.C. chapter 9.04;

224 15. Current assessor's maps and a list of tax parcels to which public notice must  
225 be given as provided in this chapter, for land use permits requiring a Type 2, 3 or 4  
226 decision;

227 16. Legal description of the site;

228 17. Variances obtained or required under K.C.C. Title 21A to the extent known  
229 at the date of application; ~~((and))~~

230 18. For site development permits only, a phasing plan and a time schedule, if the  
231 site is intended to be developed in phases or if all building permits will not be submitted  
232 within three years; and

233 19. For new high schools in the RA zone, a transportation demand management  
234 plan, which plan shall provide for the use of bus service and other trip reduction tools.

235 B. A permit application is complete for purposes of this section when it meets the  
236 procedural submission requirements of the department and is sufficient for continued  
237 processing even though additional information may be required or project modifications  
238 may be undertaken subsequently. The determination of completeness shall not preclude  
239 the department from requesting additional information or studies either at the time of  
240 notice of completeness or subsequently if new or additional information is required or  
241 substantial changes in the proposed action occur, as determined by the department.

242 ~~((B-))~~ C. Additional complete application requirements for the following land use  
243 permits are ~~((set forth))~~ in the following sections of the King County Code:

244 1. Clearing and grading permits, K.C.C. 16.82.060.

245 2. Construction permits, K.C.C. 16.04.052.

246 3. Mobile home permits, K.C.C. 16.04.093.

247 4. Subdivision applications, short subdivision applications and binding site plan  
248 applications, K.C.C. 19A.08.150.

249 ~~((C))~~ D. The director may specify the requirements of the site plan required to be  
250 submitted for various permits and may waive any of the specific submittal requirements  
251 listed herein that are determined to be unnecessary for review of an application.

252 ~~((D))~~ E. The applicant shall attest by written oath to the accuracy of all  
253 information submitted for an application.

254 ~~((E))~~ F. Applications shall be accompanied by the payment of the applicable  
255 filing fees, if any, as established by K.C.C. Title 27.

256 SECTION 6. Ordinance 10870, Section 72, and K.C.C. 21A.06.160 are each  
257 hereby amended to read as follows:

258 **Campground.** Campground: an establishment engaged in uses located in SIC  
259 Industry No. 7032-Sporting and Recreational Camps, or an area of land developed for  
260 recreational use in temporary occupancy, such as: tents or recreational vehicles without  
261 hook-up facilities.

262 NEW SECTION. SECTION 7. There is hereby added to K.C.C. chapter 21A.06  
263 a new section to read as follows:

264 **Effective impervious surface.** Effective impervious surface: that portion of the  
265 actual impervious surface from which the downstream impacts of runoff have not been  
266 fully mitigated. The downstream impacts of runoff include increased runoff peaks,  
267 frequencies, volumes and flashiness, and decreased groundwater recharge.

268 A. Effective impervious surface shall be calculated as that portion of the actual  
269 impervious surface from which runoff has not been effectively mitigated by:

270 1. Being fully dispersed either on site or off site using the dispersion Best  
271 Management Practices in the Surface Water Design Manual and the Best Management  
272 Practices in Volume 2 of the Tri-County Model 4(d) Rule Response Proposal, dated May  
273 18, 2001;

274 2. Being fully infiltrated either on site or off site according to the infiltration  
275 standards in the Surface Water Design Manual and the Best Management Practices in  
276 Volume 2 of the Tri-County Model 4(d) Rule Response Proposal, dated May 18,2001; or

277 3. Being managed in an alternative way approved by the department that  
278 effectively mitigates all of the downstream hydrologic effects of the impervious surface.

279 B. For impervious surface to qualify as having fully dispersed runoff, the  
280 following conditions must be met:

281 1. The runoff from the impervious surface must be dispersed through at least  
282 one hundred feet of undisturbed, native vegetation on a slope of fifteen percent or less  
283 before leaving the site or entering an existing onsite drainage feature, such as a pipe,  
284 ditch, stream, river, pond, lake or wetland. However, an adjacent property, or portion  
285 thereof, protected by an appropriate title restriction approved by the department, shall be  
286 considered to be part of the site for purposes of this subsection B.1; and

287 2. The dispersion of runoff shall not create erosion or flooding impacts as  
288 determined by the department.

289 C. For purposes of calculating effective impervious surface, the area of actual  
290 impervious surface may be adjusted to exclude modular grid pavement in accordance  
291 with the Surface Water Design Manual and to exclude playfields and other areas covered  
292 by grass that are designed to infiltrate or disperse surface water runoff.

293            NEW SECTION. SECTION 8. There is hereby added to K.C.C. chapter 21A.06  
294 a new section to read as follows:

295            **Native vegetative cover retention.** Native vegetative cover retention: a measure  
296 of the effective clearing associated with a new or expanded use, expressed as a  
297 percentage of the site area. Native vegetative cover retention shall be calculated as  
298 follows:

299            A. The amount of land on a development site that is retained in native vegetative  
300 cover, pursuant to the rules described in subsection B of this section, shall be added to the  
301 amount of land off a development site that is retained in native vegetative cover as a  
302 result of the proposed development, pursuant to the rules described in subsection C of  
303 this section. The resulting sum shall be expressed as a percentage of the total area of the  
304 site.

305            B. The following rules govern the on site area counted as being retained in native  
306 vegetative cover:

307            1. All on site areas preserved in an undisturbed native condition shall be  
308 counted toward satisfaction of the standard;

309            2. All previously disturbed on site areas that are replanted in native vegetation  
310 in accordance with a vegetation plan approved by the department shall be counted toward  
311 satisfaction of the standard;

312            3. All on site areas that are cleared and replanted, in accordance with a  
313 vegetation plan approved by the department, in low-root native vegetation for use as a  
314 septic drain field or reserve drain field including but not limited to mounds systems and  
315 other approved technologies, shall be counted toward satisfaction of the standard;

316 demonstration projects for alternative drainfield systems that have been used successfully  
317 in other United States counties or other countries shall also be allowed if approved as a  
318 demonstration project by the health department; and

319           4. Abutting properties, or portions thereof, that are protected with an appropriate  
320 title restriction approved by the department shall be considered to be “on site” areas for  
321 purposes of native vegetative cover retention.

322           C. The following rules govern the off site area counted toward being retained in  
323 native vegetative cover:

324           1. All off site areas preserved in an undisturbed native condition shall be  
325 counted toward satisfaction of the standard;

326           2. All previously disturbed off site areas that are replanted in native vegetation  
327 shall be counted toward satisfaction of the standard;

328           3. No more than thirty percent of the amount of land required to be retained in  
329 native vegetative cover may be achieved off site;

330           4. All off site areas counted toward satisfaction of the native vegetation cover  
331 retention standard must be located in the same drainage basin as the development site;

332           5. All off site areas, or portions thereof, consisting of the following sensitive  
333 areas, as defined in this chapter, or the buffers for such sensitive areas, as defined in  
334 K.C.C. chapter 21A.24, shall not be counted toward satisfaction of the native vegetation  
335 cover retention standard: flood hazard areas; steep slope hazard areas; streams; and  
336 wetlands;

337           6. All off site areas counted toward satisfaction of the native vegetative cover  
338 retention standard must be protected from future clearing and development activities by

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339 deed restriction, dedication, conservation easement, or other legal mechanism prohibiting  
 340 future clearing and development that is deemed satisfactory by the department; and

341 7. The legal mechanism prohibiting future clearing and development referenced  
 342 in subsection C.6 of this section must be placed on the off site area in conjunction with  
 343 the proposed development. Any off-site areas already protected from future clearing and  
 344 development activities before the proposed development may not be counted toward  
 345 satisfaction of the native vegetative cover retention standard.

346 SECTION 9. Ordinance 10870, Section 332, as amended, and K.C.C. 21A08.050  
 347 are each hereby amended to read as follows:

348 **General services land uses.**

349 A. General services land uses.

KEY		RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL								
P-Permitted Use		A	F	M	R	U	R	U	R	N	B	CB	RB	O	I		
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	OU	EU	F	N		
S-Special Use		Z	R	R	N	R	B	S	B	S	I	S	MS	GS	F	D	
		O	I	E	E	A	A	E	A	I	G	I	M	I	I	I	U
		N	C	S	R	L	N	R	N	D	H	N	UN	ON	C	S	
		E	U	T	A		V		E		B	E	N	E	N	E	T
			L		L		E		N		O	S	I	S	A	S	R
			T						T		R	S	T	S	L	S	I
			U						I		H	Y					A
			R						A		O						L
			E						L		O						
											D						
SIC	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I				
	<b>PERSONAL SERVICES:</b>																
72	General Personal Service						C 26	C 26	P	P	P	P3	P3				
7216	Drycleaning plants												P				



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7218	Industrial Launderers												P
7261	Funeral Home/Crematory					C4	C4	C4		P	P		
*	Cemetery, Columbarium or Mausoleum				P25 C5, 32	P25 C5	P25 C5	P25 C5	P25	P25	P25 C5	P25	
*	Day care I	P6			P6	P6	P6	P	P	P	P	P7	P7
*	Day care II				P8 C	P8 C	P8 C	P8 C	P	P	P	P7	P7
074	Veterinary Clinic	P9			P9 C10, 32	P9 C10			P10	P10	P10		P
753	Automotive repair (1)								P11	P	P		P
754	Automotive service								P11	P	P		P
76	Miscellaneous repair									P	P		P
866	Churches, synagogue, temple				P((42))33 C28, 32	P12 C	P12 C	P12 C	P	P	P	P	
83	Social Services (2)				P12 C13, 32	P12 C13	P12 C13	P12 C13	P13	P	P	P	
*	Stable	P14 C			P14 C,32	P14 C	P 14 C						
*	Kennel or Cattery				C	C				C	P		
*	Theatrical Production Services									P31	P31		
*	Artist Studios				P29	P29	P29	P29	P	P	P	P30	P
*	Interim Recycling Facility	P 21	P21	P21	P 22		P 22	P 22	P 23	P 23	P		P
	<b>HEALTH SERVICES:</b>												
801-04	Office/Outpatient Clinic				P12 C 13	P12 C 13	P12 C 13	P12 C 13	P	P	P	P	P
805	Nursing and personal care facilities							C		P	P		
806	Hospital						C13	C13		P	P	C	
807	Medical/Dental Lab									P	P	P	P
808-09	Miscellaneous Health									P	P	P	
	<b>EDUCATION SERVICES:</b>												
*	Elementary School				P16 C15, 32	P	P	P					
*	Middle/Junior High School				P16 C15, 32	P	P	P					
*	Secondary or High School				P16 C15, 27, 32	P27	P27	P27		C	C		
*	Vocational School				P13 C, 32	P13 C	P13 C	P13 C			P	P17	P
*	Specialized Instruction School		P18		P19 C20, 32	P19 C20	P19 C20	P19 C20	P	P	P	P17	P
*	School District Support Facility				C 24, 32	P 24 C	P 24 C	P 24 C	C	P	P	P	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.38;  
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

- 350                    (~~General services land uses.~~)
- 351                    B. Development conditions.
- 352                    1. Except SIC Industry No. 7534 - Tire Retreading, see manufacturing permitted
- 353                    use table.
- 354                    2. Except SIC Industry Group Nos.:
- 355                    a. 835-Day Care Services, and
- 356                    b. 836-Residential Care, which is otherwise provided for on the residential
- 357                    permitted land use table.
- 358                    3. Limited to SIC Industry Group and Industry Nos.:
- 359                    a. 723-Beauty Shops;
- 360                    b. 724-Barber Shops;
- 361                    c. 725-Shoe Repair Shops and Shoeshine Parlors;
- 362                    d. 7212-Garment Pressing and Agents for Laundries and Drycleaners; and
- 363                    e. 217-Carpet and Upholstery Cleaning.
- 364                    4. Only as an accessory to a cemetery, and prohibited from the UR zone only if
- 365                    the property is located within a designated unincorporated Rural Town.
- 366                    5. Structures shall maintain a minimum distance of one hundred feet from
- 367                    property lines adjoining residential zones.
- 368                    6. Only as an accessory to residential use, and:

369 a. Outdoor play areas shall be completely enclosed by a solid wall or fence,  
370 with no openings except for gates, and have a minimum height of six feet; and

371 b. Outdoor play equipment shall maintain a minimum distance of twenty feet  
372 from property lines adjoining residential zones.

373 7. Permitted as an accessory use. See commercial/industrial accessory, K.C.C.  
374 21A.08.060A.

375 8. Only as a re((-))use of a public school facility subject to K.C.C. chapter  
376 21A.32, or an accessory use to a school, church, park, sport club or public housing  
377 administered by a public agency, and:

378 a. Outdoor play areas shall be completely enclosed by a solid wall or fence,  
379 with no openings except for gates and have a minimum height of six feet;

380 b. Outdoor play equipment shall maintain a minimum distance of twenty feet  
381 from property lines adjoining residential zones;

382 c. Direct access to a developed arterial street shall be required in any  
383 residential zone; and

384 d. Hours of operation may be restricted to assure compatibility with  
385 surrounding development.

386 9. As a home occupation only, but the square footage limitations in K.C.C.  
387 chapter 21A.30 for home occupations apply only to the office space for the clinic, and:

388 a. Boarding or overnight stay of animals is allowed only on sites of five acres  
389 or more;

390 b. No burning of refuse or dead animals is allowed;

391 c. The portion of the building or structure in which animals are kept or treated  
392 shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be  
393 surrounded by an eight-foot solid wall and surfaced with concrete or other impervious  
394 material; and

395 d. The provisions of K.C.C. chapter 21A.30 relative to animal keeping are met.

396 10.a. No burning of refuse or dead animals is allowed;

397 b. The portion of the building or structure in which animals are kept or treated  
398 shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be  
399 surrounded by an eight-foot solid wall and surfaced with concrete or other impervious  
400 material; and

401 c. The provisions of K.C.C. chapter 21A.30 relative to animal keeping are met.

402 11. The repair work or service shall only be performed in an enclosed building,  
403 and no outdoor storage of materials. SIC Industry No. 7532 - Top, Body, and Upholstery  
404 Repair Shops and Paint Shops is not allowed.

405 12. Only as a re((-))use of a public school facility subject to K.C.C. chapter  
406 21A.32.

407 13. Only as a re((-))use of a surplus nonresidential facility subject to K.C.C.  
408 chapter 21A.32.

409 14. Covered riding arenas are subject to K.C.C. 21A.30.030 and shall not  
410 exceed twenty thousand square feet, but stabling areas, whether attached or detached,  
411 shall not be counted in this calculation.

412 15. ~~((Limited to projects which do not require or result in an expansion of sewer  
413 service outside the urban growth area, unless a finding is made that no cost-effective~~

414 ~~alternative technologies are feasible, in which case a tightline sewer sized only to meet~~  
415 ~~the needs of the public school, as defined in RCW 28A.150.010, or the school facility and~~  
416 ~~servicing only the public school or the school facility may be used.)) New or expansions of  
417 existing public or private schools with buildings totaling in excess of twelve thousand  
418 square feet of gross floor area. New public high schools shall be permitted subject to the  
419 review process ~~((set forth))~~ in K.C.C. 21A.42.140. Sewer service shall not be expanded  
420 to serve public or private schools in the Rural Area, except in accordance with K.C.C.  
421 13.24.134.~~

422 16.a. ~~((For middle or junior high schools and secondary or high schools or~~  
423 ~~school facilities, only as a)) Limited to new or expansions of existing public or private  
424 schools with buildings totaling twelve thousand or fewer square feet of gross floor area or  
425 to the re((-)use of a public school ((facility)) or school facility subject to K.C.C.  
426 ~~((chapter))~~ 21A.32.200 and 21A.32.210. ~~((An expansion of such a school or a school~~  
427 ~~facility shall be subject to approval of a conditional use permit and the expansion shall~~  
428 ~~not require or result in an extension of sewer service outside the urban growth area,~~  
429 ~~unless a finding is made that no cost effective alternative technologies are feasible, in~~  
430 ~~which case a tightline sewer sized only to meet the needs of the public school, as defined~~  
431 ~~in RCW 28A.150.010, or the school facility may be used.)) Sewer service shall not be  
432 expanded to serve public or private schools in the Rural Area, except in accordance with  
433 K.C.C. 13.24.134.~~~~

434 b. Renovation, ~~((expansion,))~~ modernization or reconstruction of a school, ~~((a~~  
435 ~~school facility,))~~ or the addition of relocatable facilities, is permitted ~~((but shall not~~  
436 ~~require or result in an expansion of sewer service outside the urban growth area, unless a~~

437 finding is made that no cost-effective alternative technologies are feasible, in which case  
438 a tightline sewer sized only to meet the needs of the public school, as defined in RCW  
439 28A.150.010, or the school facility may be used)). Sewer service shall not be expanded  
440 to serve public or private schools in the Rural Area, except in accordance with K.C.C.  
441 13.24.134.

442 17. All instruction must be within an enclosed structure.

443 18. Limited to resource management education programs.

444 19. Only as an accessory to residential use, and:

445 a. Students shall be limited to twelve per one-hour session;

446 b. All instruction must be within an enclosed structure; and

447 c. Structures used for the school shall maintain a distance of twenty-five feet  
448 from property lines adjoining residential zones.

449 20. Subject to the following:

450 a. Structures used for the school and accessory uses shall maintain a minimum  
451 distance of twenty-five feet from property lines adjoining residential zones;

452 b. On lots over two and one half acres:

453 (1) Retail sales of items related to the instructional courses is permitted, if  
454 total floor area for retail sales is limited to two thousand square feet;

455 (2) Sales of food prepared in the instructional courses is permitted with  
456 department of public health-Seattle and King County approval, if total floor area for food  
457 sales is limited to one thousand square feet and is located in the same structure as the  
458 school; and

459 (3) Other incidental student-supporting uses are allowed, if such uses are  
460 found to be both compatible with and incidental to the principal use; and

461 c. On sites over ten acres, located in a designated Rural Town and zoned any  
462 combination of UR, R-1((5)) and((/0#)) R-4:

463 (1) Retail sales of items related to the instructional courses is permitted,  
464 provided total floor area for retail sales is limited to two thousand square feet;

465 (2) Sales of food prepared in the instructional courses is permitted with  
466 department of public health—Seattle and King County approval, if total floor area for food  
467 sales is limited to one thousand seven hundred fifty square feet and is located in the same  
468 structure as the school;

469 (3) Other incidental student-supporting uses are allowed, if the uses are found  
470 to be functionally related, subordinate, compatible with and incidental to the principal  
471 use;

472 (4) The use shall be integrated with allowable agricultural uses on the site;

473 (5) Advertised special events shall comply with the temporary use  
474 requirements of this chapter; and

475 (6) Existing structures that are damaged or destroyed by fire or natural event,  
476 if damaged by more than fifty percent of their prior value, may reconstruct and expand an  
477 additional sixty-five percent of the original floor area but need not be approved as a  
478 conditional use if their use otherwise complies with development condition B.20.c of this  
479 section and this title.

480 21. Limited to source-separated yard or organic waste processing facilities.

481           22. Limited to drop box facilities accessory to a public or community use such  
482 as a school, fire station or community center.

483           23. With the exception of drop box facilities for the collection and temporary  
484 storage of recyclable materials, all processing and storage of material shall be within  
485 enclosed buildings. Yard waste processing is not permitted.

486           24. Only if adjacent to an existing or proposed school.

487           25. Limited to columbariums accessory to a church, but required landscaping  
488 and parking shall not be reduced.

489           26. Not permitted in R-1 and limited to a maximum of five thousand square feet  
490 per establishment and subject to the additional requirements in K.C.C. 21A.12.230.

491           27.a. New high schools shall be permitted in the rural and the urban residential  
492 and urban reserve zones subject to the review process in K.C.C. 21A.42.140.

493           b. Renovation, expansion, modernization, or reconstruction of a school, or the  
494 addition of relocatable facilities, is permitted.

495           28. ~~((Limited to projects that do not require or result in an expansion of sewer  
496 service outside the urban growth area. In addition, such use shall not be permitted in the  
497 RA-20 zone))~~ New or expanded uses with buildings totaling in excess of twelve  
498 thousand square feet of gross floor area.

499           29. Only as a reuse of a surplus non((-)residential facility subject to K.C.C.  
500 chapter 21A.32 or as a joint use of an existing public school facility.

501           30. All studio use must be within an enclosed structure.

502           31. Adult use facilities shall be prohibited within six hundred sixty feet of any  
503 residential zones, any other adult use facility, school, licensed daycare centers, parks,



504 community centers, public libraries or churches that conduct religious or educational  
505 classes for minors.

506 32. Subject to review and approval of conditions to comply with trail corridor  
507 provisions of K.C.C. chapter 21A.14 when located in an RA zone and in an equestrian  
508 community designated by the Comprehensive Plan.

509 33. Limited to new or expanded uses with buildings totaling twelve thousand or  
510 fewer square feet of gross floor area or to the reuse of a public school facility subject to  
511 K.C.C. 21A.32.200 and 21A.32.210.

512 SECTION 10. Ordinance 10870, Section 359, as amended, and K.C.C.  
513 21A.12.220 are each hereby amended to read as follows:

514 **Nonresidential land uses in residential zones.** Except for ~~((utility facilities,~~  
515 ~~uses listed in K.C.C. 21A.08.100, and))~~ nonresidential uses regulated by K.C.C.  
516 21A.12.230, all nonresidential uses located in the RA, UR((;)) or R zones shall be subject  
517 to the following requirements, unless otherwise stated:

518 A. Impervious surface coverage shall not exceed:

- 519 1. Forty percent of the site in the RA zone.  
520 2. Seventy percent of the site in the UR and the R-1 through R-8 zones.  
521 3. Eighty percent of the site in the R-12 through R-48 zones.

522 B. Buildings and structures, except fences and wire or mesh backstops, shall not  
523 be closer than ~~((30))~~ thirty feet to any property line, except as provided in subsection C of  
524 this section.

525 C. Single detached dwelling allowed as accessory to a church or school shall  
526 conform to the setback requirements of the zone.

527 D. Parking areas are permitted within the required setback area from property  
528 lines(~~(, provided such))~~ only if the parking areas are located outside of the required  
529 landscape area.

530 E. Sites shall abut or (~~(be accessible from))~~ access at least one public street  
531 (~~((functioning))~~) constructed at a level consistent with King County Road (~~((Design))~~)  
532 Standards for neighborhood collector street or higher. New high school sites shall abut or  
533 (~~((be accessible from))~~) access a public street functioning as an arterial (~~((per the King~~  
534 ~~County Road Design Standards))~~) as determined by the department of transportation. In  
535 the RA zone, sites with buildings totaling in excess of twenty-five thousand square feet of  
536 gross floor area, except for sites to be developed for elementary schools, middle/junior  
537 high schools, or conference centers, shall abut or access a public street functioning as, or  
538 constructed to standards for, an arterial as determined by the department of  
539 transportation.

540 F. The base height shall conform to the zone in which the use is located.

541 G. Building illumination and lighted signs shall be designed so that no direct rays  
542 of light are projected into neighboring residences or onto any street right-of-way.

543 H. In the RA zone, lighting may be used only to address safety, security,  
544 highlighting of symbols, and the operational needs of sports fields. Except for  
545 highlighting symbols and the operational needs of sports fields:

546 1. Lighting shall be focused downward and designed in a manner to protect the  
547 view of the night sky; and

548 2. Internally lighted signs shall not be used.

549 I. In the RA zone, all new or expanded nonresidential uses are encouraged, but  
550 not required, to prepare a transportation demand management plan in order to minimize  
551 the impact of any increase in traffic associated with the use. All new high schools in the  
552 RA zone shall be required to submit a transportation demand management plan for  
553 approval, which plan shall provide for the use of bus service and other trip reduction  
554 tools.

555 J. Proposed new or expanded nonresidential uses in the RA zone that would  
556 require road widening creating additional travel lanes to mitigate traffic impacts shall not  
557 be approved, except that such projects may be approved if the required road widening is  
558 for only one or more of the following:

- 559 1. right and left turn lanes;
- 560 2. acceleration and deceleration lanes;
- 561 3. improvements otherwise needed for safety and operations, as opposed to  
562 capacity; and
- 563 4. improvements identified in the Capital Improvement Program or  
564 Transportation Needs Report or its successor.

565 K. The governing board of the applicant for a new nonresidential use in the RA  
566 zone with buildings totaling in excess of twenty-five thousand square feet of gross floor  
567 area shall certify that the facility is intended to serve residents of the rural area or  
568 adjacent areas in the vicinity of the proposed use.

569 L. Nonresidential uses in the RA zone shall comply with the following effective  
570 impervious surface limitations:

571           1. For new nonresidential uses in the RA zone, other than public and private  
572 schools and school facilities, with buildings totaling in excess of twenty-five thousand  
573 square feet of gross floor area, the amount of effective impervious surface shall not  
574 exceed ten percent of the area of the site;

575           2. For expansions of existing nonresidential uses in the RA zone, other than  
576 public and private schools and school facilities, with buildings totaling in excess of  
577 twenty-five thousand square feet of gross floor area, the amount of effective impervious  
578 surface shall not exceed the greater of:

579           a. ten percent of the area of a site; or

580           b. the existing percentage of effective impervious surface on a site.

581           3. For new public or private schools and school facilities in the RA zone with  
582 buildings totaling in excess of twenty-five thousand square feet of gross floor area, the  
583 amount of impervious surface shall not exceed forty percent of the area of the site,  
584 provided that:

585           a. At the request of a public school district or a private school provider, the  
586 county shall work cooperatively with the public school district or private school provider  
587 to pursue appropriate Endangered Species Act funding or other sources or to propose a  
588 reduction in county fees imposed on the project in order to fund or to promote a school  
589 demonstration project with a goal of reducing the total amount of impervious surface;  
590 and,

591           b. No later than August 1, 2006, the department shall report to the council on the  
592 overall basin condition with respect to any school or school facility developed in

593 accordance with this subsection 10.L.3 and the council shall review the adequacy of the  
594 existing regulations.

595 4. For expansions of existing public or private schools and school facilities in  
596 the RA zone with buildings totaling in excess of twenty-five thousand square feet of  
597 gross floor area, the amount of impervious surface shall not exceed:

598 a. forty percent of the area of a site; or

599 b. if greater than (a), ten percent of the remaining pervious surface located on a  
600 site prior to the expansion.

601 5. New or expanded nonresidential uses in the RA zone with buildings totaling  
602 twenty-five thousand or fewer square feet of gross floor area, shall be encouraged, but not  
603 required to limit effective impervious surface to ten percent of a site. The county shall  
604 provide technical assistance at no cost to the applicant to assist in minimizing the  
605 effective impervious surface on a site.

606 6. New or expanded nonresidential uses in the RA zone with buildings totaling  
607 in excess of twenty-five thousand square feet of gross floor area that include as a primary  
608 use on a single lot both a school and a nonresidential use subject to the effective  
609 impervious service limits in subsection 1 or 2 of this subsection 10.L must comply with  
610 the applicable impervious service limits in subsection 1 or 2 of this subsection 10.L for  
611 the entire joint use project. Alternatively, the proponent of such a joint use may construct  
612 a school on one lot, subject to the limitations contained in this subsection 10.L applicable  
613 to schools, and construct on an adjacent lot a nonresidential use subject to the effective  
614 impervious service limits in subsection 1 or 2 of this subsection 10.L, subject to the  
615 applicable limitations in subsection 1 or 2 of this subsection 10.L. A chapel or other

616 room used for worship purposes that is ancillary to a private school does not constitute a  
617 primary use of a site as a church, synagogue, or temple.

618 7. The department shall use administrative discretion to attempt to reconcile  
619 conflicts between the requirements of the effective impervious surface standards of this  
620 subsection 10.L and the requirements of other state and county regulations.

621 8. If compliance with other state or county regulations prevents or inhibits  
622 compliance with the effective impervious surface standards in this subsection 10.L, then  
623 either those other state or county regulations or the effective impervious surface standards  
624 of this subsection 10.L must be waived or varied. First, a waiver or variance of the other  
625 conflicting regulation or regulations must be sought. If the necessary waiver or variance  
626 cannot be obtained, then the effective impervious surface standards of this subsection  
627 10.L must be waived or varied, but only to the minimum extent necessary to eliminate the  
628 conflict.

629 9. By August 1, 2002, and annually thereafter, the department shall report to the  
630 council on the department's experience with the implementation of the effective  
631 impervious surface limitations in this subsection 10.L.

632 M. The following standards for native vegetative cover retention, as defined in  
633 section 8 of this ordinance, shall apply to the following nonresidential uses in the RA  
634 zone:

635 1. New nonresidential uses in the RA zone, other than public and private  
636 schools and school facilities, with buildings totaling in excess of twenty-five thousand  
637 square feet of gross floor area shall achieve a sixty-five percent native vegetative cover  
638 retention standard;

639           2. Expansions of existing nonresidential uses in the RA zone, other than public  
640           and private schools and school facilities, with buildings totaling in excess of twenty-five  
641           thousand square feet of gross floor area shall achieve the lesser of sixty-five percent  
642           native vegetative cover retention standard or the existing percentage of site area in native  
643           vegetative cover; the native vegetative cover required by this subsection M.2 may be  
644           achieved off site in accordance with section 8.B and C of this ordinance;

645           3. New public or private schools and school facilities in the RA zone shall be  
646           exempt from native vegetative cover retention standards contained in this ordinance, but  
647           shall be subject to the clearing standards contained in K.C.C.16.82.150;

648           4.Expansions of existing public or private schools and school facilities and the  
649           addition of relocatable facilities at school sites in the RA zone shall be exempt from  
650           native vegetative cover retention standards contained in this ordinance, but shall be  
651           subject to clearing standards contained in K.C.C.16.82.150;

652           5. New or expanded nonresidential uses in the RA zone with buildings totaling  
653           twenty-five thousand or fewer square feet of gross floor area shall be encouraged, but not  
654           required, to maximize the retention of native vegetative cover on a site. The county shall  
655           provide technical assistance at no cost to the applicant to assist in maximizing the  
656           retention of native vegetative cover on a site.

657           6. New or expanded nonresidential uses in the RA zone with buildings totaling  
658           in excess of twenty-five thousand square feet of gross floor area that include as a primary  
659           use on a single lot both a school and a nonresidential use subject to the native vegetative  
660           cover retention standard in subsection 1 or 2 of this subsection 10.M must comply with  
661           the applicable native vegetative cover retention standard in subsection 1 or 2 of this

662 subsection 10.M for the entire joint use project. Alternatively, the proponent of such a  
663 joint use may construct a school on one lot, subject to the limitations contained in this  
664 subsection 10.M applicable to schools, and construct on an adjacent lot a nonresidential  
665 use subject to the native vegetative cover retention standard in subsection 1 or 2 of this  
666 subsection 10.M, subject to the applicable limitations in subsection 1 or 2 of this  
667 subsection 10.M. A chapel or other room used for worship purposes that is ancillary to a  
668 private school does not constitute a primary use of a site as a church, synagogue, or  
669 temple.

670 7. The department shall use administrative discretion to attempt to reconcile  
671 conflicts between the requirements of the native vegetative cover retention standards of  
672 this subsection 10.M and the requirements of other state and county regulations.

673 8. If compliance with other state or county regulations prevents or inhibits  
674 compliance with the native vegetative cover retention standards in this subsection 10.M,  
675 then either such other state or county regulations or the native vegetative cover retention  
676 standards of this subsection 10.M must be waived or varied. First, a waiver or variance  
677 of the other conflicting regulation or regulations must be sought. If the necessary waiver  
678 or variance cannot be obtained, then the native vegetative cover retention standards of  
679 this subsection 10.M must be waived or varied, but only to the minimum extent necessary  
680 to eliminate the conflict.

681 9. By August 1, 2002, and annually thereafter, the department shall report to the  
682 council on the department's experience with the implementation of the native vegetative  
683 cover retention standards in this subsection 10.M.



684 N. New nonresidential uses in the RA zone shall be landscaped in a manner to  
685 reduce the impacts of the development on the surrounding area.

686 O. The following uses are exempt from the standards established in this section

687 10:

688 a. stables;

689 b. farm product warehousing, refrigeration and storage;

690 c. livestock sales;

691 d. all resource land uses permitted in the RA zone under K.C.C. 21A.08.090;

692 e. uses requiring a special use permit except a college/university;

693 f. any reuse of existing facilities or any primary or accessory uses related to

694 agriculture or forestry; and

695 g. campgrounds.

696 SECTION 11. Ordinance 10870, Section 424, as amended, and K.C.C.

697 21A.20.060 are each hereby amended to read as follows:

698 **General sign requirements.**

699 A. All signs, except billboards, community bulletin boards, community  
700 identification signs, political signs, real estate signs and special event signs shall be on-  
701 premise signs(~~(; provided that)~~). However, uses located on lots without public street  
702 frontage in business, office and industrial zones may have one off-premise directional  
703 sign of no more than sixteen square feet and nonresidential uses in the RA zone may have  
704 two off-premise signs, one in each direction, of no more than six square feet providing  
705 notice of the approach of the entrance to the facility within approximately five hundred  
706 feet of the entrance.

707 B. Fuel price signs shall not be included in sign area or number limitations of  
708 K.C.C. 21A.20.090((-)), 21A.20.095, 21A.20.100 and 21A.20.110 (~~(, provided such)~~) if  
709 the signs do not exceed twenty square feet per street frontage.

710 C. Projecting and awning signs and signs mounted on the sloping portion of roofs  
711 shall not be permitted for uses in the Resource and Residential zones. In other zones,  
712 projecting and awning signs and signs mounted on the sloping portion of roofs may be  
713 used in lieu of wall signs, (~~provided~~) if:

- 714 1. They maintain a minimum clearance of eight feet above finished grade;
- 715 2. They do not project more than six feet perpendicular from the supporting  
716 building facade;
- 717 3. They meet the standards of K.C.C. 21A.20.060J. if mounted on the roof of a  
718 building; and
- 719 4. They (~~shall~~) do not exceed the number or size permitted for wall signs in a  
720 zone.

721 D. Changing message center signs, and time and temperature signs, which can be  
722 a wall or freestanding sign, shall not exceed the size permitted for a wall or freestanding  
723 sign, and shall be permitted only in the NB, CB, RB, O(~~;~~) and I zones. Changing  
724 message center signs and time and temperature signs shall not exceed the maximum sign  
725 height permitted in the zone.

726 E. Directional signs shall not be included in the sign area or number limitation of  
727 K.C.C. 21A.20.070 ((-)), 21A.20.080, 21A.08.090, 21A.08.095, 21A.20.100 and  
728 21A.20.110, (~~provided~~) but they shall not exceed six square feet in surface area and

729 ((are)) shall be limited to one for each entrance or exit to surface parking areas or parking  
730 structure.

731 F. Sign illumination and glare:

732 1. All signs in the NB, CB, RB, O((;)) or I zone districts may be illuminated.

733 Signs in all other zones may be indirectly illuminated((, provided)) only if the light  
734 source for indirectly illuminated signs ((shall be)) is no farther away from the sign than  
735 the height of the sign;

736 2. Indirectly illuminated signs shall be arranged so that no direct rays of light  
737 are projected from such artificial source into residences or any street right-of-way.

738 3. Electrical requirements for signs shall be governed by ((€))chapter 19.28  
739 RCW and ((€))chapter 296-46-910 ((of the Washington Administrative Code)) WAC;  
740 and

741 4. Signs with an on/off operation shall be permitted only in the CB, RB((;)) and  
742 I zones.

743 G. Maximum height for wall signs shall not extend above the highest exterior  
744 wall or structure upon which the sign is located.

745 H. Maximum height for projecting signs shall not extend above the highest  
746 exterior wall upon which the projecting sign is located.

747 I. Maximum height for awning signs shall not extend above the height of the  
748 awning upon which the awning sign is located.

749 J. Any sign attached to the sloping surface of a roof shall be installed or erected  
750 in such a manner that there are no visible support structures, shall appear to be part of the

751 building itself, and shall not extend above the roof ridge line of the portion of the roof  
752 upon which the sign is attached.

753 K. Except as otherwise permitted by this chapter, off-premise directional signs  
754 shall not exceed four square feet in sign area.

755 L. Mixed use developments in the NB, CB, RB((5)) or O zones are permitted one  
756 permanent residential identification sign not exceeding thirty-two square feet in addition  
757 to the maximum sign area requirements in the zone where the mixed use development is  
758 located.

759 SECTION 12. Ordinance 10870, Section 427, as amended, and K.C.C.

760 21A.20.080 are each hereby amended to read as follows:

761 **Residential zone signs.** Signs in the R, UR and RA zones are limited as follows:

762 A. Nonresidential use:

763 1. One sign identifying nonresidential uses, not exceeding 25 square feet and  
764 not exceeding ((6))six feet in height is permitted;

765 2. Schools are permitted one sign per school or school facility entrance, which  
766 may be located in the setback. Two additional wall signs attached directly to the school  
767 or school facility are permitted;

768 3. Home occupation and home industry signs are limited to wall signs not  
769 exceeding six square feet.

770 4. In the RA zone, nonresidential uses may have two off-premise signs, one in  
771 each direction, of no more than six square feet providing notice of the approach of the  
772 entrance to the facility within approximately five hundred feet of the entrance.

773 B. Residential use:

774 1. One residential identification sign not exceeding two square feet is permitted;  
775 and

776 2. One permanent residential development identification sign not exceeding  
777 ~~((32))~~ thirty-two square feet is permitted per development. The maximum height for the  
778 sign shall be ~~((6))~~ six feet. The sign may be freestanding or mounted on a wall, fence, or  
779 other structure.

780 SECTION 13. Ordinance 13130, Section 5, and K.C.C. 21A.32.065 are each  
781 hereby amended to read as follows:

782 **Nonconformance -- ~~((E))~~expansions of nonconforming uses, structures~~((5))~~ or**  
783 **site improvements.** A nonconforming use, structure~~((5))~~ or site improvement may be  
784 expanded as follows:

785 A. The department may review and approve, pursuant to the code compliance  
786 process of K.C.C. 21A.42.010, an expansion of a nonconformance ~~((provided that))~~, but:

787 1. The expansion shall conform to all other provisions of this title, except that  
788 the extent of the project-wide nonconformance in each of the following may be increased  
789 up to ~~((10))~~ ten percent:

790 a. building square footage~~((5))~~;

791 b. impervious surface, but the expansion of nonresidential uses in the RA zone,  
792 other than public and private schools and school facilities, with buildings totaling in  
793 excess of twenty-five thousand square feet of gross floor area, shall not result in the  
794 expansion of effective impervious surface beyond the greater of ten percent of the area of  
795 a site or the existing percentage of effective impervious surface on a site;

796 c. parking~~((5))~~; or

797 d. building height.

798 2. No subsequent expansion of the same nonconformance shall be approved  
799 under this subsection if the cumulative amount of such expansion exceeds the percentage  
800 prescribed in subsection A.1 of this section.

801 B. A special use permit shall be required for expansions of a nonconformance  
802 within a development authorized by an existing special use or unclassified use permit if  
803 the expansions are not consistent with the provisions of subsection A of this section.

804 C. A conditional use permit shall be required for expansions of a  
805 nonconformance:

806 1. Within a development authorized by an existing planned unit development  
807 approval((;)); or

808 2. Not consistent with the provisions of subsections A and B of this section.

809 D. No expansion shall be approved that would ((allow for urban growth outside  
810 the urban growth area, in conflict with King County Comprehensive Plan rural and  
811 natural resource policies and)) constitute impermissible urban growth outside an urban  
812 growth area.

813 E. Any expansions of nonresidential uses in the RA zone, other than public and  
814 private schools and school facilities, with buildings totaling in excess of twenty-five  
815 thousand square feet of gross floor area shall not result in the expansion of effective  
816 impervious surface beyond the greater of:

817 a. ten percent of the area of a site; or

818 b. the existing percentage of effective impervious surface on a site.

819            SECTION 14. Section 15 of this ordinance should constitute a new chapter in  
820 K.C.C. Title 21A.

821            NEW SECTION. SECTION 15. Environmentally sensitive building  
822 **techniques workshop and task force.** A. Annually, the King County council and  
823 executive shall jointly conduct a workshop to educate interested individuals regarding  
824 environmentally sensitive building techniques.

825            B. The King County council and executive shall jointly establish a task force to  
826 study the use of new technologies to reduce the impact of constructing nonresidential  
827 uses in the county's rural area. The task force shall be composed of persons with  
828 technical expertise in environmentally sensitive building techniques or with a  
829 demonstrated interest in either nonresidential uses (including, but not limited to, such  
830 uses as churches, synagogues, and temples, public schools, and private schools) or  
831 environmental protection. The task force shall review new technologies that are available  
832 to reduce the impact of constructing nonresidential uses and shall recommend changes to  
833 county development regulations in order to reduce the impact of constructing such uses in  
834 the county's rural area.

835            NEW SECTION. SECTION 16. There is hereby added to K.C.C. chapter 9.08 a  
836 new section to read as follows:

837            **Rate credits.** The division shall develop a program to allow any nonresidential  
838 use to receive a service charge exemption or credit against future service charges  
839 assessed under this chapter or both. Such a credit shall be available based on reductions  
840 from the maximum amount of effective impervious surface permitted for the project. An  
841 exemption shall be based on on-going work any nonresidential use provides that benefits

**Ordinance 14163**

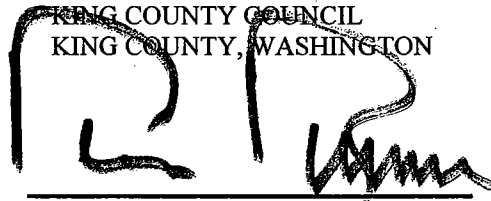
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the County's surface water management program. The division shall develop proposed regulations to implement this section and shall cause the proposed regulations to be transmitted to the council within one hundred eighty days of the effective date of this ordinance. The division shall specifically consider proposing a regulation that makes the credit available to public schools under K.C.C. 9.08.080.B.6 available to private schools on an equivalent basis. The exemption and service fee credit authorized under this section shall not be available until implementing regulations are enacted by the county.

Ordinance 14163 was introduced on 4/9/01 and passed as amended by the Metropolitan King County Council on 7/9/01, by the following vote:

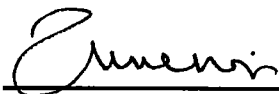
Yes: 7 - Mr. von Reichbauer, Ms. Fimia, Mr. McKenna, Mr. Pullen, Ms. Hague, Mr. Thomas and Mr. Irons  
No: 6 - Ms. Miller, Mr. Phillips, Mr. Pelz, Ms. Sullivan, Mr. Nickels and Mr. Gossett  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

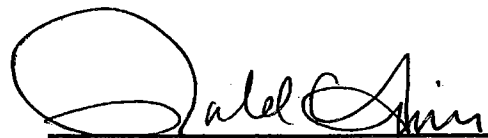


Pete von Reichbauer, Chair

ATTEST:

  
Anne Noris, Clerk of the Council

~~APPROVED~~ this 20 day of July, 2001.  
**VETOED**

  
Ron Sims, County Executive

Attachments None





King County Executive  
RON SIMS

The Honorable Pete von Reichbauer, Chair  
Metropolitan King County Council  
Room 1200  
COURTHOUSE

July 20, 2001

RECEIVED  
2001 JUN 20 AM 11:52  
CLERK  
KING COUNTY COUNCIL

Dear Councilmember von Reichbauer:

Today I am vetoing Ordinance 14163, a measure that was originally intended to establish strict new environmental regulations on non-residential development in the rural area. While I appreciate the countless hours of negotiations by the representatives of several different organizations that produced this ordinance, it falls far short of what, in reality, is needed to guide wise development in the rural area and to effectively protect our sensitive rural environment.

I am signing into law Ordinance 14162, repealing the moratorium on the construction of churches, temples, synagogues and schools in the rural area. I do not believe that it would be responsible for the County to continue with the moratorium when the prospect for an immediate resolution is unlikely. The issue of non-residential uses in the rural area has become an extremely divisive one in our community. While this has often been characterized as a church versus state, or a freedom to worship issue, I continue to regard it as a land use issue only. However, the political environment in which we had been making these decisions has become too contentious to continue. I am hopeful that by lifting the moratorium, we can change the environment in which more productive discussion can occur.

The problems we were attempting to address, notably protection of the sensitive rural environment, however, will continue. The rural area growth has slowed because we have instituted one SmartGrowth measure after another to protect this area from sprawl. We have done so with clean, concise, enforceable regulations. The ordinance before us offers none of that. As adopted, Ordinance 14163 is not, as purported, the "strictest environmental regulations in the country." It is instead a measure that will result in sufficient loopholes to allow major growth to occur, bringing with it the potential sprawl – all the way to the Cascades. It is for that reason I am today vetoing this measure.

There are four important reasons for this veto. First, the 65/10 standard as proposed, which would retain 65 percent of the site in native vegetation and limiting effective impervious surface to 10 percent, is not based on the same scientific research that has been done to respond to the listing of Chinook salmon as an endangered species. The 65/10 standard as proposed would only apply to structures larger than 25,000 square feet. Under these provisions, one could build a building of 25,000 square feet plus the required parking, more than two football fields worth of development on a rural lot, and not have to apply any of

The Honorable Pete von Reichbauer

July 20, 2001

Page 2

these "strict" regulations. If this standard were to apply today, only three to four buildings in the rural area would be subject to it, since the vast majority of existing buildings are much smaller than that. The threshold that I recommended is 12,000 square feet, which is the current standard used in the State Environmental Protection Act.

Second, this ordinance would greatly expand the use of sewers in the rural area. I strongly disagree that allowing the extension of sewer service to all schools, without sunset, is environmentally responsible. The fact is, when sewers come, growth follows. The State Growth Management Act prohibits urban services such as sewers in the designated rural area for exactly that reason. I had advocated to actually remove the current allowance for sewer extensions for public schools at the conclusion of a six-year period. Sewers in the rural area are simply unacceptable.

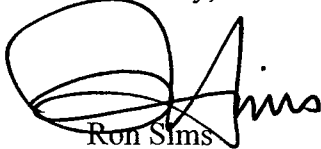
Further, this ordinance does not treat similar uses the same. I advocated for parity among all of the nonresidential uses that are allowed to locate in the rural area. This is not just an issue of churches and schools in the rural area; it is about regulating nonresidential uses so that they are compatible with both the rural culture and environment. These uses must be designed in a way that best serves the rural communities.

Additionally, this ordinance commits or "gifts" public money to pay for assistance to private developers, which is, again, unacceptable, and we question its legality. Lastly, the measure, as written, is going to be very difficult to accomplish, because it contains vague terminology making accurate implementation problematic.

A complete section-by-section analysis of the ordinance is contained in an attachment to this letter.

In the near future, I am hopeful that we will be able to join together in a productive debate. At a future date, I propose we take the time to find common ground as we work to shape new regulations that will address the sensitive rural environment and provide more certainty to both developers and residents. My door remains open and I continue to be willing to meet to do all we can to meet vital land use needs, as well as serve the public interest.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Sims". The signature is stylized with a large, looping initial "R" and a long, sweeping tail.

Ron Sims  
King County Executive

Enclosure

cc: King County Councilmembers

ATTN: John Chelminiak, Chief of Staff

Shelley Sutton, Policy Staff Director

Anne Noris, Clerk of the Council

**Ordinance 14163 – Section Analysis**  
**July 20, 2001**

**Section 3**

- **Line 114:** This would allow the extension of sewers into rural and natural resource areas to serve private schools and private school facilities. The terms “private school” and “school facilities” are not defined. The expansion of a network of sewers through the rural area to serve many potential customers would be contrary to the State Growth Management Act.
- **Lines 118 through 121:** Even though there is a provision to require a contractual agreement to restrict future connections, the total number of sewer connections that could result from this provision is unlimited.

**Section 4**

- **Lines 160 through 163:** This would require that “captured or recycled water” be used for the irrigation of lawns and landscapes. According to the Washington State Department of Ecology, a water right is needed to collect, store, and beneficially use rain water. The term “recycled water” is not defined, so the assumption could be made that this means gray water. The Washington State Department of Health guidelines recommend that gray water be used only for sub-surface irrigation. Public Health – Seattle and King County currently does not have a process in place to evaluate and permit gray water systems. Therefore, this ordinance would require actions that are contrary to current state and local regulations.
- **Line 168:** This would commit the county to provide technical assistance at no cost to the applicant, but there has been no analysis presented that identifies the fiscal impact this will have on the departments doing this work.

**Section 5**

- **Lines 233 through 234 :** This would require that a transportation demand management plan be completed for high schools only. This should be applied to all nonresidential uses in the RA zone, not just high schools.

**Section 7**

- **Lines 264 through 292:** Only the first two sentences are a definition. The remaining sections are standards and should not be included in the definition in K.C.C. chapter 21A.06.
- **Line 276:** This is an inappropriate reference to a draft document. The May 18, 2001 Tri-County 4d. proposal has not been officially approved and the final standards are expected to change.

- **Lines 279 through 288:** This is incomplete. A provision stating that the dispersed impervious surface area not exceed 15% of the total native vegetation area retained on site is contained in the Tri-County 4d. proposal, but is missing from this ordinance.
- **Line 285:** The clause, "appropriate title restriction", needs clarification.
- **Lines 289 through 292:** According to the 4d. proposal, the fully dispersed impervious surface cannot exceed 15% of the total native vegetation area retained on a site. King County cannot arbitrarily exempt impervious playfields that disperse their runoff from impervious surface calculations. It is not clear if this ordinance intends dispersed impervious playfields to be counted as part of 10% maximum dispersed area as allowed in Tri-County.

### Section 8

- **Lines 295 through 345:** Only the first sentence is a definition and it fails to clarify that the intent of the 4d. proposal is to develop hydrologically mature vegetation (i.e. native forest). The remaining sections are standards and should not be included in the definition in K.C.C. chapter 21A.06.
- **Lines 309 and 326:** The term "previously disturbed" is vague. A specific time standard is needed to accurately implement this provision.
- **Lines 312 through 315:** This would allow an inappropriate amount of the requirement for native vegetation to be met with the planting of a drainfield. The standard should be for "shallow-rooted" native vegetation. If permitted, this should be restricted to smaller sites and should be limited to 20% of native vegetation requirement. Areas occupied by drain field should not be counted toward full dispersion capacity (15% provision).
- **Lines 319 through 321:** This would not guarantee same hydrologic function as on-site vegetation retention. Vegetation on abutting properties may be in a different drainage sub-basin or basin and may not offer the same hydrologic function, which would therefore, not meet the intent of the 4d. proposal.
- **Lines 330 through 331:** This would not guarantee same hydrologic function as on-site vegetation retention. Off-site vegetation in the "same drainage basin" would not necessarily have the same result as on-site vegetation. This provision would allow native vegetation to be retained in separate stream sub-basins and with different hydrologic functions. Off-site vegetation retention areas should provide equivalent hydrologic benefit to that provided by on-site vegetation, as determined by King County. This provision would not meet the intent of the 4d. proposal.
- **Lines 343 through 345:** This provision should also include those areas already protected under 16.82.150c.

### Section 9

- **Line 348:** General Services land uses table – The review process is more restrictive than current code for a new elementary school by requiring a Conditional Use Permit (CUP) for schools in excess of 12,000 square feet. Currently an elementary school of any size is an outright permitted use, not a CUP.

- Only one of the eight land use tables is included in this ordinance. This fails to provide an equal application of the threshold for when a CUP is required and fails to clearly identify which land uses are subject to the proposed rural nonresidential standards.

## **Section 10**

- **Lines 527 through 529:** Parking within required setback areas in the RA zone should be prohibited.
- **Line 537:** This would add an exception for conference centers for the requirement to abut or access an arterial. Conference centers can generate large amounts of traffic and should not be excepted from this requirement.
- **Line 540:** The height of buildings should be restricted by removing the ability for buildings in the RA zone to exceed the base height of forty feet by additional street setback. Under this ordinance, a nonresidential use in the RA zone could be a building constructed to a height of seventy-five feet.
- **Lines 546 and 547:** The term "protect the view of the night sky" is not a standard that can be adequately implemented.
- **Lines 549, 602 and 653:** The proposal is to "encourage" preparation of transportation demand management plans, limitation on impervious surface and retention of native vegetation. This is not appropriate in a zoning code designed for development regulations.
- **Line 560:** This would add acceleration and deceleration lanes as an allowed road widening, which could result in additional traffic capacity in the rural area.
- **Line 565:** The ordinance would require that a governing board certify that the facility is intended to serve residents of the rural area or adjacent areas, but few nonresidential uses have governing boards. Therefore this would be a requirement that many property owners could not meet.
- **Lines 571 through 617:** This would allow 40% impervious surface for all schools and other nonresidential uses with less than 25,000 square feet of gross floor area in the RA zone. This provision would effectively exempt most non-residential development from having to meet any enhanced environmental standards and would result in virtually no reduction of environmental impacts from rural non-residential rural development. Further eroding the efficacy of the 65/10 standard, expansions of existing developments could increase the effective impervious surface. The draft 4d. standards require all rural area development to meet 65/10 standard.
- **Line 586:** "The county" would be required to work with school providers to receive alternative sources of funding, but the ordinance does not specify the departments responsible for this work or how this would be funded. There has been no analysis presented that identifies the fiscal impact this will have on the departments doing this work.
- **Line 588:** This would propose a reduction in fees for schools that reduce impervious surface. The Department of Development and Environmental Services (DDDES) is primarily fee supported and cannot operate with reduced permit fees.

- **Line 591:** This would require DDES to provide a report to council on overall basin conditions with respect to school or school district facilities, but DDES does not do basin monitoring or planning. In addition, there has been no analysis presented that identifies the fiscal impact this will have on DDES or other departments doing this work.
- **Line 604:** This would commit the county to provide technical assistance at no cost to the applicant, but there has been no analysis presented that identifies the fiscal impact this will have on the departments doing this work.
- **Line 611:** The term "joint use" project is used, but this term is not defined in code. The ability to put multiple non-school uses on adjacent lots will encourage lot line adjustments in order to reduce the environmental standard that must be met.
- **Lines 621 through 628:** This would authorize a variance and waiver process from these requirements and states that if a waiver or variance cannot be obtained from other requirements, including state law, then "the effective impervious surface standards ... must be waived or varied." Further, "inhibits compliance" is a very imprecise term. This appears to guarantee the granting of a waiver or variance rendering the impervious surface standard meaningless.
- **Lines 629 through 631:** This would require monitoring and a report. There has been no analysis presented that identifies the fiscal impact the monitoring and reporting of these regulations will have on DDES or other departments doing this work.
- **Lines 635 through 669:** The 65% vegetation retention would only apply to non-school projects which exceed 25,000 gross square feet of floor area in the RA zone. This provision would effectively exempt most non-residential development from having to meet any enhanced environmental standards and would result in virtually no reduction of environmental impacts from rural non-residential rural development. Further eroding the effectiveness of the 65/10 standard, expansions of existing developments could remove on-site vegetation and replace with off-site. The draft 4d. standards require all rural area development to meet 65/10 standard.
- **Lines 652 through 656:** This would commit the County to offer technical assistance at no cost to the applicant, but there has been no analysis presented that identifies the fiscal impact this will have on the departments doing this work.
- **Lines 673 through 680:** This would authorize a variance and waiver process from these requirements and states that if a waiver or variance cannot be obtained from other requirements then "the native vegetative cover retention standards ... must be waived or varied." Further, "inhibits compliance" is a very imprecise term. This appears to guarantee the granting of a waiver or variance rendering the native vegetation standard meaningless.
- **Lines 681 through 683:** This would require monitoring and a report. There has been no analysis presented that identifies the fiscal impact the monitoring and reporting of these regulations will have on DDES or other departments doing this work.
- **Lines 684 through 658:** The provision, 'in a manner to reduce the impacts', is vague and should be replaced with specific standards.
- **Lines 686 through 695:** The ordinance would add campgrounds to the list of exemptions from the standards in section 10. Campgrounds can have significant environmental impacts and should not be exempted from these environmental regulations.

## **Section 11**

- **Lines 703 through 706:** The term "approximately" is used, which is not a standard that can be uniformly enforced. In addition, this section would increase the quantity of signs permitted in the rural area.
- **Line 727:** The code sections appear to be wrong. There is no KCC 21A.08.095 and KCC 21A.08.090 has nothing to do with signs.

## **Section 12**

- **Lines 770 through 772:** The term "approximately" is used, which is not a standard that can be uniformly enforced. In addition, this section would increase the quantity of signs permitted in the rural area.

## **Section 15**

- **Lines 821 through 834:** The establishment of workshops and the creation of a task force is typically done through a Council motion. It is inappropriate for this to be codified as sections of the zoning code. There has been no analysis presented that identifies the fiscal impact these workshops and task force will have on Executive departments doing this work.

## **Section 16**

- **Lines 837 through 848:** The current surface water fee is based on the amount of impervious area coverage, so reductions in impervious surface currently result in lower rates. The new Executive proposed rate schedule that has been transmitted to Council, offers additional discounts for forest retention and dispersion of runoff. These reductions are offered equivalently to all uses that meet the requirements and not just to nonresidential uses in the RA zone. There has been no analysis presented that identifies the fiscal impact of the reductions presented in this ordinance