



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**September 28, 2004**

**Ordinance 15032**

**Proposed No.** 2004-0118.3

**Sponsors** Constantine, Edmonds and Phillips

1 AN ORDINANCE relating to zoning; amending Ordinance  
2 10870, Section 48, and K.C.C. 21A.06.040, Ordinance  
3 10870, Section 168, and K.C.C. 21A.06.640, Ordinance  
4 10870, Section 280, and K.C.C. 21A.06.1200, Ordinance  
5 10870, Section 330, as amended, and K.C.C. 21A.08.030,  
6 Ordinance 10870, Section 331, as amended, and K.C.C.  
7 21A.08.040, Ordinance 10870, Section 332, as amended,  
8 and K.C.C. 21A.08.050, Ordinance 10870, Section 333, as  
9 amended, and K.C.C. 21A.08.060, Ordinance 10870,  
10 Section 334, as amended, and K.C.C. 21A.08.070,  
11 Ordinance 10870, Section 335, as amended, and K.C.C.  
12 21A.08.080, Ordinance 10870, Section 336, as amended,  
13 and K.C.C. 21A.08.090, Ordinance 10870, Section 340, as  
14 amended, and K.C.C. 21A.12.030, Ordinance 10870,  
15 Section 364, as amended, and K.C.C. 21A.14.040,  
16 Ordinance 10870, Section 365, and K.C.C. 21A.14.050,  
17 Ordinance 10870, Section 388, as amended, and K.C.C.

18 21A.16.030, Ordinance 10870, Section 406, as amended,  
19 and K.C.C. 21A.18.020, Ordinance 10870, Section 439, as  
20 amended, and K.C.C. 21A.22.010, Ordinance 10870,  
21 Section 440, and K.C.C. 21A.22.020, Ordinance 10870,  
22 Section 441, and K.C.C. 21A.22.030, Ordinance 10870,  
23 Section 442, and K.C.C. 21A.22.040, Ordinance 10870,  
24 Section 443, and K.C.C. 21A.22.050, Ordinance 10870,  
25 Section 444, as amended, and K.C.C. 21A.22.060,  
26 Ordinance 10870, Section 445, as amended, and K.C.C.  
27 21A.22.070, Ordinance 1488, Section 12, as amended, and  
28 K.C.C. 16.82.110, Ordinance 10870, Section 447, as  
29 amended, and K.C.C. 21A.22.090, Ordinance 10870,  
30 Section 514, and K.C.C. 21A.28.040, Ordinance 10870,  
31 Section 536, as amended, and K.C.C. 21A.30.080,  
32 Ordinance 10870, Section 563, as amended, and K.C.C.  
33 21A.34.040, Ordinance 13724, Section 1, as amended, and  
34 K.C.C. 21A.37.010, Ordinance 13724, Section 4, as  
35 amended, and K.C.C. 21A.37.020, Ordinance 13724,  
36 Section 5, as amended, and K.C.C. 21A.37.030, Ordinance  
37 13724, Section 6, as amended, and K.C.C. 21A.37.040,  
38 Ordinance 14190, Section 7, and K.C.C. 21A.37.050,  
39 Ordinance 14190, Section 8, and K.C.C. 21A.37.060,  
40 Ordinance 13274, Section 7, as amended, and K.C.C.

41 21A.37.070, Ordinance 13274, Section 8, as amended, and  
42 K.C.C. 21A.37.080, Ordinance 13733, Section 10, as  
43 amended, and K.C.C. 21A.37.110, Ordinance 13733,  
44 Section 12, as amended, and K.C.C. 21A.37.130,  
45 Ordinance 13733, Section 15, as amended, and K.C.C.  
46 21A.37.160 and Ordinance 12823, Section 8, and K.C.C.  
47 21A.38.130, and Ordinance 10870, Section 625, as  
48 amended, and K.C.C. 21A.44.040, adding new sections to  
49 K.C.C. chapter 21.06, adding a new section to K.C.C.  
50 chapter 21A.14, adding new sections to K.C.C. chapter  
51 21A.22, recodifying K.C.C.16.82.110 and repealing  
52 Ordinance 14807, Section 2, and K.C.C. 21A.06.041 and  
53 Ordinance 10870, Section 446, as amended, and K.C.C.  
54 21A.22.080.

55  
56

57 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

58 SECTION 1. Ordinance 10870, Section 48, and K.C.C. 21A.06.040 are each  
59 hereby amended to read as follows:

60 **Agricultural product sales.** Agricultural product sales: the retail sale of items  
61 resulting ~~((farm))~~ from the practice of agriculture, including ~~((crops))~~ primary  
62 horticulture products such as fruits, vegetables, grains, seed, feed~~((s))~~ and plants, ~~((or))~~  
63 primary animal products such as eggs, milk~~((s))~~ and meat, or secondary and value added

64 products resulting from processing, sorting or packaging of primary agricultural products  
65 such as jams, cheeses, dried herbs or similar items.

66 SECTION 2. Ordinance 14807, Section 2, and K.C.C. 21A.06.041 are each  
67 hereby repealed.

68 NEW SECTION. SECTION 3. There is hereby added to K.C.C. 21A.06 a new  
69 section to read as follows:

70 **Dog training facility.** Dog training facility: a place for the training of dogs for  
71 discipline, agility, and other purposes.

72 NEW SECTION. SECTION 4. There is hereby added to K.C.C. 21.06 a new  
73 section to read as follows:

74 **Dwelling unit, cottage housing.** Dwelling unit, cottage housing: a detached  
75 single-family dwelling unit located on a commonly owned parcel with common open  
76 space.

77 SECTION 5. Ordinance 10870, Section 168, and K.C.C. 21A.06.640 are each  
78 hereby amended to read as follows:

79 **Interim recycling facility.** Interim recycling facility: a site or establishment  
80 engaged in collection or treatment of recyclable materials, which is not the final disposal  
81 site, and including:

82 A. Drop boxes; and

83 B. ~~((Source separated, organic waste processing facilities; and~~

84 C.)) Collection, separation and shipment of glass, metal, paper or other  
85 recyclables.

86            NEW SECTION. SECTION 6. There is hereby added to K.C.C. 21A.06 a new  
87 section to read as follows:

88            **Materials processing facility.** Materials processing facility: a site or  
89 establishment, not accessory to a mineral extraction or sawmill use, that is primarily  
90 engaged in crushing, grinding, pulverizing or otherwise preparing earth materials,  
91 vegetation, organic waste, construction and demolition materials or source separated  
92 organic materials and that is not the final disposal site.

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

95            **Processing operation, waste materials.** Processing operation waste materials: a  
96 site or establishment, accessory to mineral extraction or sawmill use, that is primarily  
97 engaged in crushing, grinding, pulverizing or otherwise preparing earth materials,  
98 vegetation, organic waste, construction and demolition materials or recycled and source  
99 separated nonhazardous waste materials and that is not the final disposal site.

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

102           **Puget Sound counties.** Puget Sound counties: the twelve counties that border  
103 the waters of Puget Sound.

104           SECTION 9. Ordinance 10870, Section 280, and K.C.C. 21A.06.1200 are each  
105 hereby amended to read as follows:

106           **Specialized instruction school.** Specialized instruction school: establishments  
107 engaged in providing specialized instruction in a designated field of study, rather than a full  
108 range of courses in unrelated areas; including, but not limited to:

- 109 A. Art;
- 110 B. Dance;
- 111 C. Music;
- 112 D. Cooking; and
- 113 E. Driving(~~;~~and
- 114 ~~F. Pet obedience training~~)).

115 SECTION 10. Ordinance 10870, Section 330, as amended, and K.C.C.

116 21A.08.030 are each hereby amended to read as follows:

117 **Residential land uses.**

- 118 A. Residential land uses.

KEY		RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL					
P – Permitted Use		A	F	M	R	U R	U	R	N B	C B	R B	O	I	
C – Conditional Use		G	O	I	U	R E	R	E	E U	O U	E U	F	N	
S – Special Use		R	R	N	R	B S	B	S	I S	M S	G S	F	D	
		Z	I	E	E	A	A	I	H I	M I	I I	I	U	
		O	C	S	R	L	N R	N	D	G N	E N	O N	C S	
		N	U	T	A		V		E	B E	R E	N E	E	T
		E	L		L		E		N	O S	C S	A S		R
			T						T	R S	I S	L S		I
			U						I	H	A			A
			R						A	O	L			L
			E						L	O				
										D				
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R1-48	NB	CB	RB	O	I	
	<b>DWELLING UNITS, TYPES:</b>													
*	Single Detached	P C13	P2		P C13	P C13	P C13	P C13						
*	Townhouse				C4	C4	P C12	P	P3	P3	P3	P3		
*	Apartment				C4	C4	P5 C4	P	P3	P3	P3	P3		
*	Mobile Home Park				S14		C8	P						
* -	<u>Cottage Housing</u>						C16							
	<b>GROUP RESIDENCES</b>													
*	Community Residential Facility-I				C	C	P15 C	P	P3	P3	P3	P3		

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*	Community Residential Facility-II							P	P3	P3	P3	P3	
*	Dormitory				C6	C6	C6	P					
*	Senior Citizen Assisted Housing					P4	P4	P	P3	P3	P3	P3	
	<b>ACCESSORY USES:</b>												
*	Residential Accessory Uses	P7	P7		P7	P7	P7	P7	P7	P7	P7	P7	
*	Home Occupation	P	P		P	P	P	P	P	P	P	P	
*	Home Industry	C			C	C	C						
	<b>TEMPORARY LODGING:</b>												
7011	Hotel/Motel (1)									P	P	P	
*	Bed and Breakfast Guesthouse	P9 C10			P10	P10	P10	P10	P10	P11	P11		
7041	Organization Hotel/Lodging Houses										P		
<b>GENERAL CROSS</b>		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070;											
<b>REFERENCES:</b>		Development Standards, see K.C.C. <u>chapters</u> 21A.12 through 21A.30; General Provisions, see K.C.C. <u>chapters</u> 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. <u>chapters</u> 21A.40 through 21A.44; (* ) Definition of this specific land use, see K.C.C. <u>chapter</u> 21A.06.											

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**B. Development conditions.**

121

1. Except bed and breakfast guesthouses.

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2. In the forest production district, the following conditions apply:



123 a. Site disturbance associated with development of any new residence shall be  
124 limited to three acres. Site disturbance shall mean all land alterations including, but not  
125 limited to, grading, utility installation, landscaping, clearing for crops, on-site sewage  
126 disposal systems(~~(s)~~) and driveways. Additional site disturbance for raising livestock, up  
127 to the smaller of thirty-five percent of the lot or seven acres, may be approved (~~provided~~  
128 ~~that~~) only if a farm management (conservation) plan is prepared (~~pursuant to the~~  
129 ~~requirements of~~) in accordance with K.C.C. chapter 21A.30. Animal densities shall be  
130 based on the area devoted to animal care and not the total area of the lot;

131 b. A forest management plan shall be required for any new residence in the  
132 forest production district, which shall be reviewed and approved by the King County  
133 department of natural resources and parks prior to building permit issuance; and

134 c. A fire protection plan for the subject property is required and shall be  
135 reviewed and approved by the Washington state department of natural resources with the  
136 concurrence of the fire marshal for each residential use. This plan shall be developed in  
137 such a manner as to protect the adjoining forestry uses from a fire that might originate  
138 from the residential use. This plan shall provide for setbacks from existing forestry uses  
139 and maintenance of approved fire trails or other effective fire line buffers on perimeters  
140 with forest land.

141 3. Only as part of a mixed use development subject to the conditions of K.C.C.  
142 chapter 21A.14, except that in the NB zone on properties with a land use designation of  
143 commercial outside of center (CO) in the urban areas, stand-alone townhouse  
144 developments are permitted subject to K.C.C. 21A.12.040, 21A.030, 21A.14.060 and  
145 21A.14.180.

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

148 b. In the R-1 zone, apartment units are permitted, provided that:

149 (1) ~~((t))~~The proposal shall be subject to a conditional use permit when  
150 exceeding base density,

151 (2) ~~((a))~~At least fifty percent of the site is constrained by unbuildable  
152 sensitive areas. For purposes of this section, unbuildable sensitive areas shall include  
153 wetlands, streams and slopes forty percent or steeper and associated buffers; and

154 (3) ~~((t))~~The density does not exceed a density of eighteen units per acre of net  
155 buildable area as defined in K.C.C. 21A.06.797; or

156 c. In the R-4 through R-8 zones, apartment units are permitted, provided that  
157 the proposal shall be subject to a conditional use permit when exceeding base density,  
158 and provided that density does not exceed a density of eighteen units per acre of net  
159 buildable area defined in K.C.C. 21A.06.797.

160 5. Apartment units are permitted outright as follows:

161 a. In the R-1 zone when at least fifty percent of the site is constrained by  
162 unbuildable sensitive areas which for purposes of this section, includes wetlands, streams  
163 and slopes forty percent or steeper and associated buffers, and provided that the density  
164 does not exceed a density of eighteen units per acre of net buildable area as defined in  
165 K.C.C. 21A.06.797; or

166 b. In the R-4 through R-8 zones, provided that the density does not exceed  
167 eighteen units per acre of net buildable areas as defined in K.C.C. 21A.06.797.

168 6. Only as an accessory to a school, college, university or church.

- 169           7.a. Accessory dwelling units:
- 170           (1) only one accessory dwelling per primary single detached dwelling unit;
- 171           (2) only in the same building as the primary dwelling unit on an urban lot that
- 172 is less than ten thousand square feet in area, on a rural lot that is less than the minimum
- 173 lot size, or on a lot containing more than one primary dwelling;
- 174           (3) ~~((t))~~The primary dwelling unit or the accessory dwelling unit shall be
- 175 owner occupied;
- 176           (4)(a) ~~((e))~~One of the dwelling units shall not exceed a floor area of one
- 177 thousand square feet except when one of the dwelling units is wholly contained within a
- 178 basement or attic, and
- 179           (b) ~~((w))~~When the primary and accessory dwelling units are located in the
- 180 same building, only one entrance may be located on each street side of the building;
- 181           (5) ~~((e))~~One additional off-street parking space shall be provided;
- 182           (6) ~~((t))~~The accessory dwelling unit shall be converted to another permitted
- 183 use or shall be removed if one of the dwelling units ceases to be owner occupied; and
- 184           (7) ~~((a))~~An applicant seeking to build an accessory dwelling unit shall file a
- 185 notice approved by the department of executive services, records, elections and licensing
- 186 services division, which identifies the dwelling unit as accessory. The notice shall run
- 187 with the land. The applicant shall submit proof that the notice was filed before the
- 188 department shall approve any permit for the construction of the accessory dwelling unit.
- 189 The required contents and form of the notice shall be set forth in administrative rules. If
- 190 an accessory dwelling unit in a detached building in the ~~((R))~~rural zone is subsequently
- 191 converted to a primary unit on a separate lot, neither the original lot or the new lot may

192 have an additional detached accessory dwelling unit constructed unless the lot is at least  
193 twice the minimum lot area required in the zone.

194 (8) ~~((a))~~ Accessory dwelling units and accessory living quarters are not  
195 allowed in the F zone.

196 (9) ~~((i))~~ In the A zone, one accessory dwelling unit is allowed on any lot under  
197 twenty acres in size, and two accessory dwelling units are allowed on lots that are twenty  
198 acres or more, provided that the accessory dwelling units are occupied only by farm  
199 workers and the units are constructed in conformance with the state Building Code.

200 b. One single or twin engine, noncommercial aircraft shall be permitted only  
201 on lots that abut, or have a legal access that is not a county right-of-way, to a waterbody  
202 or landing field, provided there is:

203 (1) no aircraft sales, service, repair, charter or rental; and

204 (2) no storage of aviation fuel except that contained in the tank or tanks of the  
205 aircraft.

206 c. Buildings for residential accessory uses in the RA and A zone shall not  
207 exceed five thousand square feet of gross floor area, except for buildings related to  
208 agriculture or forestry.

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

210 9. Only as an accessory to the permanent residence of the operator, and

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

212 b. There shall be no more than five guests per night.

213 10. Only as an accessory to the permanent residence of the operator, and

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

215           b. The number of persons accommodated per night shall not exceed five,  
216           except that a structure that satisfies the standards of the Uniform Building Code as  
217           adopted by King County for R-1 occupancies may accommodate up to ten persons per  
218           night.

219           11. Only if part of a mixed use development, and subject to the conditions of  
220           K.C.C. 21A.08.030B.10.

221           12. Townhouses are permitted, but shall be subject to a conditional use permit if  
222           exceeding base density.

223           13. Required before approving more than one dwelling on individual lots,  
224           except on lots in subdivisions, short subdivisions or binding site plans approved for  
225           multiple unit lots, and except as provided for accessory dwelling units in K.C.C.  
226           21A.08.030B.7.

227           14. No new mobile home parks are allowed in a rural zone.

228           15. Limited to domestic violence shelter facilities.

229           16. Only in the R4-R8 zones limited to:

230           a. developments no larger than one acre;

231           b. not adjacent to another cottage housing development such that the total

232           combined land area of the cottage housing developments exceeds one acre; and

233           c. All units must be cottage housing units with no less than three units and no

234           more than sixteen units, provided that if the site contains an existing home that is not

235           being demolished, the existing house is not required to comply with the height limitation

236           in subsection B.25. of this section or the floor area and footprint limits in section 18.B. of

237           this ordinance.

238 SECTION 11. Ordinance 10870, Section 331, as amended, and K.C.C.

239 21A.08.040 are each hereby amended to read as follows:

240 **Recreational/cultural land uses.**

241 A. Recreational/cultural land uses.

KEY		RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL								
P – Permitted Use	Z O N U T E L T U R E	A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C – Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S – Special Use		R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
		I	E	E	A	A	E	A	I	H	I	M	I	I	I	I	U
		C	S	R	L	N	R	N	D	G	N	E	N	O	N	C	S
		U	T	A		V			E	B	E	R	E	N	E	E	T
		L		L		E			N	O	S	C	S	A	S		R
									T	R	S	I	S	L	S		I
									I	H	A						A
									A	O	L						L
									L	O							
										D							
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R1-48	NB	CB	RB	O	I				
	<b>PARK/ RECREATION:</b>																
*	Park	P1	P1	P1	P1	P1	P1	P1	P	P	P	P	P13				
	Large Active Recreation and Multiuse Park		P1	P1	P1	P1	P1	P1	P	P	P	P	P13				
*	Trails	P	P	P	P	P	P	P	P	P	P	P	P				
*	Campgrounds		P16 C16 a	P16	P16 C16 a	P16 C16 a							P16 C16				

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*	Destination Resorts		S		S18	C					C		
*	Marina		C3		C4	C4	C4	C4	P5	P	P	P	P
*	Recreational Vehicle Park		P19	P19	C2, 18 P19	C2 P19							
*	Sports Club (17)				C4, 18	C4	C4	C4	C	P	P		
*	Ski Area		S		S18								
	<b>AMUSEMENT/ ENTERTAINMENT</b>												
*	Adult Entertainment Business									P6	P6	P6	
*	Theater									P	P	P	
7833	Theater, Drive-in										C		
793	Bowling Center									P	P		P
*	Golf Facility				C7, 18	P7	P7	P7					
7999 (14)	Amusement and Recreation Services		P21	P21	P8, 21, C15, 18	P8, 21, 22 C15	P8, 21, 22 C15	P8, 21, 22 C15	P21, 22	P	P	P21	P21
*	Shooting Range		C9		C9, 18						C10		P10
*	Amusement Arcades									P	P		
7996	Amusement Park										C		
*	Outdoor Performance Center		S		C12 S18		P20	P20			S		
	<b>CULTURAL:</b>												
823	Library				P11	P11 C	P11 C	P11 C	P	P	P	P	

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841	Museum	C2 3	C23		P11	P11 C	P11 C	P11 C	P	P	P	P	P
842	Arboretum	P	P		P	P	P	P	P	P	P	P	
*	Conference Center				P11 C12	P11 C12	P11 C	P11 C	P		P	P	

**GENERAL CROSS** Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070;

**REFERENCES:** Development Standards, see K.C.C. chapters 21A.12 through 21A.30;  
 General Provisions, see K.C.C. chapters 21A.32 through 21A.38;  
 Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44;  
 (\*) Definition of this specific land use, see K.C.C. chapter 21A.06.

242

B. Development conditions.

243

1. The following conditions and limitations shall apply, where appropriate:

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a. ~~((N))~~no stadiums on sites less than ten acres;

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b. Lighting for structures and fields shall be directed away from residential

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areas;

247

c. Structures or service yards shall maintain a minimum distance of fifty feet

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from property lines adjoining residential zones, except for structures in on-site recreation

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areas required in K.C.C. 21A.14.180 and 21A.14.190. Setback requirements for

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structures in these on-site required recreation areas shall be maintained in accordance

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with K.C.C. 21A.12.030;

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d. Facilities in the A zone shall be limited to trails and trailheads, including

253

related accessory uses such as parking and sanitary facilities; and

254

e. Overnight camping is allowed only in an approved campground.

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2. Recreational vehicle parks are subject to the following conditions and

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limitations:



257 a. The maximum length of stay of any vehicle shall not exceed one hundred  
258 eighty days during a three-hundred-sixty-five-day period;

259 b. The minimum distance between recreational vehicle pads shall be no less  
260 than ten feet; and

261 c. Sewage shall be disposed in a system approved by the Seattle-King County  
262 health department.

263 3. Limited to day moorage. The marina shall not create a need for off-site  
264 public services beyond those already available before the date of application.

265 4. Not permitted in the RA-10 or RA-20 zones. Limited to recreation facilities  
266 subject to the following conditions and limitations:

267 a. The bulk and scale shall be compatible with residential or rural character of  
268 the area;

269 b. For sports clubs, the gross floor area shall not exceed ten thousand square  
270 feet unless the building is on the same site or adjacent to a site where a public facility is  
271 located or unless the building is a nonprofit facility located in the urban area; and

272 c. Use is limited to residents of a specified residential development or to sports  
273 clubs providing supervised instructional or athletic programs.

274 5. Limited to day moorage.

275 6.a. Adult entertainment businesses shall be prohibited within three hundred  
276 thirty feet of any property zoned RA, UR or R or containing schools, licensed daycare  
277 centers, public parks or trails, community centers, public libraries or churches. In  
278 addition, adult entertainment businesses shall not be located closer than three thousand  
279 feet to any other adult entertainment business. These distances shall be measured from

280 the property line of the parcel or parcels proposed to contain the adult entertainment  
281 business to the property line of the parcels zoned RA, UR or R or that contain the uses  
282 identified in this subsection B.6.a.

283 b. Adult entertainment businesses shall not be permitted within an area likely  
284 to be annexed to a city subject to an executed interlocal agreement between King County  
285 and a city declaring that the city will provide opportunities for the location of adult  
286 businesses to serve the area. The areas include those identified in the maps attached to  
287 Ordinance 13546.

288 7. Clubhouses, maintenance buildings, equipment storage areas and driving  
289 range tees shall be at least fifty feet from residential property lines. Lighting for practice  
290 greens and driving range ball impact areas shall be directed away from adjoining  
291 residential zones. Applications shall comply with adopted best management practices for  
292 golf course development. Within the RA zone, those facilities shall be permitted only in  
293 the RA-5 and RA-2.5 zones. Not permitted in designated rural forest focus area,  
294 regionally significant resource areas or locally significant resource areas. Ancillary  
295 facilities associated with a golf course are limited to practice putting greens, maintenance  
296 buildings and other structures housing administrative offices or activities that provide  
297 convenience services to players. These convenience services are limited to a pro shop,  
298 food services and dressing facilities and shall occupy a total of no more than ten thousand  
299 square feet. Furthermore, the residential density that is otherwise permitted by the zone  
300 shall not be used on other portions of the site through clustering or on other sites through  
301 the transfer of density provision. This residential density clustering or transfer limitation

302 shall be reflected in a deed restriction that is recorded at the time applicable permits for  
303 the development of the golf course are issued.

304 8. Limited to a golf driving range only as:

305 a. ~~((A))~~an accessory to golf courses; or

306 b. ~~((A))~~an accessory to a large active recreation and multiuse park.

307 9.a. New structures and outdoor ranges shall maintain a minimum distance of  
308 fifty feet from property lines adjoining residential zones, but existing facilities shall be  
309 exempt.

310 b. Ranges shall be designed to prevent stray or ricocheting projectiles, pellets  
311 or arrows from leaving the property.

312 c. Site plans shall include: safety features of the range; provisions for reducing  
313 sound produced on the firing line; elevations of the range showing target area, backdrops  
314 or butts; and approximate locations of buildings on adjoining properties.

315 d. ~~((S))~~subject to the licensing provisions of K.C.C. Title 6.

316 10.a. Only in an enclosed building, and subject to the licensing provisions of  
317 K.C.C. Title 6;

318 b. Indoor ranges shall be designed and operated so as to provide a healthful  
319 environment for users and operators by:

320 (1) installing ventilation systems that provide sufficient clean air in the users  
321 breathing zone, and

322 (2) adopting appropriate procedures and policies that monitor and control  
323 exposure time to airborne lead for individual users.

324           11. Only as accessory to a park or in a building listed on the National Register  
325 as an historic site or designated as a King County landmark subject to K.C.C. chapter  
326 21A.32.

327           12. Only as accessory to a nonresidential use established through a discretionary  
328 permit process, if the scale is limited to ensure compatibility with surrounding  
329 neighborhoods. This condition applies to the UR zone only if the property is located  
330 within a designated unincorporated ((R))rural ((T))town.

331           13. Subject to the following:

332           a. The park shall abut an existing park on one or more sides, intervening roads  
333 notwithstanding;

334           b. No bleachers or stadiums are permitted if the site is less than ten acres, and  
335 no public amusement devices for hire are permitted;

336           c. Any lights provided to illuminate any building or recreational area shall be  
337 so arranged as to reflect the light away from any premises upon which a dwelling unit is  
338 located; and

339           d. All buildings or structures or service yards on the site shall maintain a  
340 distance not less than fifty feet from any property line and from any public street.

341           14. Excluding amusement and recreational uses classified elsewhere in this  
342 chapter.

343           15. Limited to golf driving ranges and subject to subsection B.7. of this section.

344           16. Subject to the following conditions:

345           a. The length of stay per party in campgrounds shall not exceed one hundred  
346 eighty days during a three hundred sixty-five day period; and

347 b. ~~((Θ))~~only for campgrounds that are part of a proposed or existing county  
348 park, which are subject to review and public meetings through the department of natural  
349 resources and parks.

350 17. Only for stand-alone sports clubs that are not part of a park.

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

354 19. Only as an accessory to a large active recreation and multiuse park.

355 20. Only as an accessory to a large active recreation and multiuse park with the  
356 floor area of an individual outdoor performance center stage limited to three thousand  
357 square feet.

358 21. Only as an accessory to a park, or a large active recreation and multiuse park  
359 in the RA zones, and limited to:

360 a. ~~((R))~~rentals of sports and recreation equipment; and

361 b. ~~((A))~~a total floor area of seven hundred and fifty square feet.

362 22. Only as an accessory to a large active recreation and multiuse park and  
363 limited to:

364 a. ~~((W))~~waterslides, wave pools and associated water recreation facilities; and

365 b. ~~((R))~~rentals of sports and recreation equipment.

366 23. Limited to natural resource and heritage museums and only allowed in a  
367 farm or forestry structure, including but not limited to barns or sawmills, existing as of  
368 December 31, 2003.

369 SECTION 12. Ordinance 10870, Section 332, as amended, and K.C.C.

370 21A.08.050 are each hereby amended to read as follows:

371 General services land uses.

372 A. General services land uses.

KEY		RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL								
P – Permitted Use		A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C – Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S – Special Use		R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
	Z	I	E	E	A	A	E	A	I	H	I	M	I	I	I	I	U
	O	C	S	R	L	N	R	N	D	G	N	E	N	O	N	C	S
	N	U	T	A			V		E	B	E	R	E	N	E	E	T
	E	L		L			E		N	O	S	C	S	A	S		R
		T							T	R	S	I	S	L	S		I
	U							I	H		A					A	
	R							A	O		L					L	
	E							L	O								
										D							
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R1-48	NB	CB	RB	O	I				
	PERSONAL SERVICES																
72	General Personal Service						C((26)) 25	C((26)) 25	P	P	P	P3	P3				
7216	Drycleaning Plants												P				
7218	Industrial Launderers												P				
7261	Funeral Home/ Crematory					C4	C4	C4		P	P						

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*	Cemetery/ Columbarium or Mausoleum				P((25)) <u>24</u> C5, ((32)) <u>31</u>	P((25)) <u>24</u> C5	P((25)) <u>24</u> C5	P((25)) <u>24</u> C5	P((25)) <u>24</u>	P((25)) <u>24</u>	P((25)) <u>24</u> C5	P((25)) <u>24</u>	
*	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)) <u>31</u>	P9 C10			P10	P10	P10		P
753	Automotive Repair (1)								P11	P	P		P
754	Automotive Service								P11	P	P		P
76	Miscellaneous Repair	<u>C33</u>	((P3 3))	((P3 3))	P((33)) <u>32</u> <u>C33</u>	P((33)) <u>32</u>	P((33)) <u>32</u>	P((33)) <u>32</u>	P((33)) <u>32</u>	P	P		P
866	Church, Synagogue, Temple				P12 C28 ((32)) <u>31</u>	P12 C	P12 C	P12 C	P	P	P	P	
83	Social Services (2)				P12 C13, ((32)) <u>31</u>	P12 C13	P12 C13	P12 C13	P13	P	P	P	
*	Stable	P14 C			P14C ((32)) <u>31</u>	P14 C	P14 C						
*	Kennel or Cattery	P9			C	C				C	P		

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*	Theatrical Production Services									P((31)) 30	P((29)) 28		
*	Artist Studios				P((29)) 28	P((29)) 28	P((29)) 28	P((29)) 28	P	P	P	P((30)) 29	P
*	Interim Recycling Facility	P21	P21	P21	P22	<u>P21</u>	P22	P22	P23	P23	P		P
*	<u>Dog training facility</u>	<u>C34</u>			<u>C34</u>	<u>C34</u>			<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>
	<b>HEALTH SERVICES</b>												
801-04	Office/ Outpatient Clinic				P12 C13	P12 C13	P12 C13	P12 C13	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, 15, (32) 31	P	P	P		P16c	P16c	P16c	
*	Middle/Junior High School				P16 C15, (32)	P	P	P		P16c	P16c	P16c	



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					<u>31</u>							
*	Secondary or High School				P16 C15, 27, <del>(32)</del> <u>31</u>	P <del>((27))</del> <u>26</u>	P <del>((27))</del> <u>28</u>	P <del>((27))</del> <u>28</u>		P16c C	P16c C	P16c
*	Vocational School				P13 C, <del>(32)</del> <u>31</u>	P13 C	P13 C	P13 C			P	P17 P
*	Specialized Instruction School		P18		P19 C20, <del>(32)</del> <u>31</u>	P19 C20	P19 C20	P19 C20	P	P	P	P17 P
8.5	School District Support Facility				C <del>((24))</del> <u>23</u> , <del>(32)</del> <u>31</u> P16, C15	P <del>((24))</del> <u>23</u> C	P <del>((24))</del> <u>23</u> C	P <del>((24))</del> <u>23</u> C	C	P	P	P
<p><b>GENERAL CROSS REFERENCES:</b> Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070;  Development Standards, see K.C.C. chapters 21A.12 through 21A.30;  General Provisions, see K.C.C. chapters 21A.32 through 21A.38;  Application and Review Procedures, see chapters K.C.C. 21A.40 through 21A.44;  (*) Definition of this specific land use, see chapter K.C.C. 21A.06.</p>												

373

**B. Development conditions.**

374

1. Except SIC Industry No. ~~((7534—))~~ 7534-Tire Retreading, see

375

manufacturing permitted use table.

376

2. Except SIC Industry Group Nos.:

377

a. 835-Day Care Services, and

378           b. 836-Residential Care, which is otherwise provided for on the residential  
379 permitted land use table.

380           3. Limited to SIC Industry Group and Industry Nos.:

381           a. 723-Beauty Shops;

382           b. 724-Barber Shops;

383           c. 725-Shoe Repair Shops and Shoeshine Parlors;

384           d. 7212-Garment Pressing and Agents for Laundries and Drycleaners; and

385           e. 217-Carpet and Upholstery Cleaning.

386           4. Only as an accessory to a cemetery and prohibited from the UR zone only if  
387 the property is located within a designated unincorporated Rural Town.

388           5. Structures shall maintain a minimum distance of one hundred feet from  
389 property lines adjoining residential zones.

390           6. Only as an accessory to residential use, and:

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

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

395           7. Permitted as an accessory use. See commercial/industrial accessory, K.C.C.  
396 21A.08.060A.

397           8. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32,  
398 or an accessory use to a school, church, park, sport club or public housing administered  
399 by a public agency, and:

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

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

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

406 d. Hours of operation may be restricted to assure compatibility with  
407 surrounding development.

408 9.a. As a home occupation only, but the square footage limitations in K.C.C.  
409 chapter 21A.30 for home occupations apply only to the office space for the veterinary  
410 clinic, office space for the kennel or office space for the cattery, and:

411 (1) ~~((b))~~Boarding or overnight stay of animals is allowed only on sites of five  
412 acres or more;

413 (2) ~~((n))~~No burning of refuse or dead animals is allowed;

414 (3) ~~((t))~~The portion of the building or structure in which animals are kept or  
415 treated shall be soundproofed. All run areas, excluding confinement areas for livestock,  
416 shall be surrounded by an eight-foot high solid wall and the floor area shall be surfaced  
417 with concrete or other impervious material; and

418 (4) ~~((t))~~The provisions of K.C.C. chapter 21A.30 relative to animal keeping  
419 are met.

420 b. The following additional provisions apply to kennels or catteries in the A  
421 zone:

422 (1) ~~((i))~~Impervious surface for the kennel or cattery shall not exceed twelve  
423 thousand square feet;

424 (2) ~~((e))~~Obedience training classes are not allowed except as provided in  
425 subsection B.34 of this section; and

426 (3) ~~((a))~~Any buildings or structures used for housing animals and any outdoor  
427 runs shall be set back one hundred and fifty feet from property lines,

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

429 b. The portion of the building or structure in which animals are kept or treated  
430 shall be soundproofed. All run areas, excluding confinement areas for livestock shall be  
431 surrounded by an eight-foot-high solid wall and the floor area shall be surfaced with  
432 concrete or other impervious material; and

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

434 11. The repair work or service shall only be performed in an enclosed building,  
435 and no outdoor storage of materials. SIC Industry No. ~~((7532—))~~ 7532-Top, Body, and  
436 Upholstery Repair Shops and Paint Shops is not allowed.

437 12. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.

438 13. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter  
439 21A.32.

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

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

445 alternative technologies are feasible, in which case a tightline sewer sized only to meet  
446 the needs of the public school, as defined in RCW 28A.150.010, or the school facility and  
447 serving only the public school or the school facility may be used. New public high  
448 schools shall be permitted subject to the review process set forth in K.C.C. 21A.42.140.

449 16.a. For middle or junior high schools and secondary or high schools or school  
450 facilities, only as a reuse of a public school facility or school facility subject to K.C.C.  
451 chapter 21A.32. An expansion of such a school or a school facility shall be subject to  
452 approval of a conditional use permit and the expansion shall not require or result in an  
453 extension of sewer service outside the urban growth area, unless a finding is made that no  
454 cost-effective alternative technologies are feasible, in which case a tightline sewer sized  
455 only to meet the needs of the public school, as defined in RCW 28A.150.010, or the  
456 school facility may be used.

457 b. Renovation, expansion, modernization or reconstruction of a school, a  
458 school facility, or the addition of relocatable facilities, is permitted but shall not require  
459 or result in an expansion of sewer service outside the urban growth area, unless a finding  
460 is made that no cost effective alternative technologies are feasible, in which case a  
461 tightline sewer sized only to meet the needs of the public school, as defined in RCW  
462 28A.150.010, or that school facility may be used.

463 c. ((F))in CB, RB and O, for K-12 schools with no more than one hundred  
464 students.

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

466 18. Limited to resource management education programs.

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

- 468           a. Students shall be limited to twelve per one-hour session;  
469           b. All instruction must be within an enclosed structure; and  
470           c. Structures used for the school shall maintain a distance of twenty-five feet  
471 from property lines adjoining residential zones.

472           20. Subject to the following:

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

475           b. ~~((Θ))~~on lots over two and one-half acres:

476                 (1) ~~((#))~~Retail sale~~((s))~~ of items related to the instructional courses is  
477 permitted, if total floor area for retail sales is limited to two thousand square feet;

478                 (2) ~~((s))~~Sale~~((s))~~ of food prepared in the instructional courses is permitted  
479 with department of public health-Seattle and King County approval, if total floor area for  
480 food sales is limited to one thousand square feet and is located in the same structure as  
481 the school; and

482                 (3) ~~((ϵ))~~Other incidental student supporting uses are allowed, if such uses are  
483 found to be both compatible with and incidental to the principal use; and

484           c. ~~((Θ))~~on sites over ten acres, located in a designated Rural Town and zoned  
485 any one or more of UR, R-1 and R-4:

486                 (1) ~~((#))~~Retail sale~~((s))~~ of items related to the instructional courses is  
487 permitted, provided total floor area for retail sales is limited to two thousand square feet;

488                 (2) ~~((s))~~Sale~~((s))~~ of food prepared in the instructional courses is permitted  
489 with department of public health-Seattle and King County approval, if total floor area for

490 food sales is limited to one thousand seven hundred fifty square feet and is located in the  
491 same structure as the school;

492 (3) ~~((e))~~ Other incidental student supporting uses are allowed, if the uses are  
493 found to be functionally related, subordinate, compatible with and incidental to the  
494 principal use;

495 (4) ~~((t))~~ The use shall be integrated with allowable agricultural uses on the  
496 site;

497 (5) ~~((a))~~ Advertised special events shall comply with the temporary use  
498 requirements of this chapter; and

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

504 ~~((21. Limited to source separated yard or organic waste processing facilities.~~

505 ~~22.))~~ 21. Limited to drop box facilities accessory to a public or community use  
506 such as a school, fire station or community center.

507 ~~((23.))~~ 22. With the exception of drop box facilities for the collection and  
508 temporary storage of recyclable materials, all processing and storage of material shall be  
509 within enclosed buildings. Yard waste processing is not permitted.

510 ~~((24.))~~ 23. Only if adjacent to an existing or proposed school.

511 ~~((25.))~~ 24 Limited to columbariums accessory to a church, but required  
512 landscaping and parking shall not be reduced.

513            ~~((26.))~~ 25. Not permitted in R-1 and limited to a maximum of five thousand  
514 square feet per establishment and subject to the additional requirements in K.C.C.  
515 21A.21.230.

516            ~~((27.))~~ 26.a. New high schools shall be permitted in the rural and the urban  
517 residential and urban reserve zones subject to the review process in K.C.C. 21A.42.140.

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

520            ~~((28.))~~ 27. Limited to projects that do not require or result in an expansion of  
521 sewer service outside the urban growth area. In addition, such use shall not be permitted  
522 in the RA-20 zone.

523            ~~((29.))~~ 28. Only as a reuse of a surplus nonresidential facility subject to K.C.C.  
524 chapter 21A.32 or as a joint use of an existing public school facility.

525            ~~((30.))~~ 29. All studio use must be within an enclosed structure.

526            ~~((31.))~~ 30. Adult use facilities shall be prohibited within six hundred sixty feet  
527 of any residential zones, any other adult use facility, school licensed daycare centers,  
528 parks, community centers, public libraries or churches that conduct religious or  
529 educational classes for minors.

530            ~~((32.))~~ 31. Subject to review and approval of conditions to comply with trail  
531 corridor provisions of K.C.C. chapter 21A.14 when located in an RA zone and in an  
532 equestrian community designated by the Comprehensive Plan.

533            ~~((33.))~~ 32. Limited to repair of sports and recreation equipment:

534            a. ~~((A))~~as an accessory to a large active recreation and multiuse park in the  
535 urban growth area; or



536 b. ((A))as an accessory to a park, or a large active recreation and multiuse park  
537 in the RA zones, and limited to a total floor area of seven hundred fifty square feet.

538 33. Accessory to agricultural or forestry uses provided:

539 a. the repair of tools and machinery is limited to those necessary for the  
540 operation of a farm or forest.

541 b. the lot is at least five acres.

542 c. the size of the total repair use is limited to one percent of the lot size up to a  
543 maximum of five thousand square feet unless located in a farm structure, including but  
544 not limited to barns, existing as of December 31, 2003.

545 34. Subject to the following:

546 a. the lot is at least five acres.

547 b. in the A zones, area used for dog training shall be located on portions of  
548 agricultural lands that are unsuitable for other agricultural purposes, such as areas within  
549 the already developed portion of such agricultural lands that are not available for direct  
550 agricultural production or areas without prime agricultural soils.

551 c. structures and areas used for dog training shall maintain a minimum distance  
552 of seventy-five feet from property lines.

553 d. all training activities shall be conducted within fenced areas or in indoor  
554 facilities. Fences must be sufficient to contain the dogs.

555 SECTION 13. Ordinance 10870, Section 333, as amended, and K.C.C.

556 21A.08.060 are each hereby amended to read as follows:

557 **Government/business services land uses.**

558 A. Government/business services land uses.

KEY		RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL				
P – Permitted Use	Z O N E	A	F	M	R	U R	U	R	N B	C B	R B	O	I
C – Conditional Use		G	O	I	U	R E	R	E	E U	O U	E U	F	N
S – Special Use		R	R	N	R	B S	B	S	I S	M S	G S	F	D
		I	E	E	A	A E	A	I	H I	M I	I I	I	U
		C	S	R	L	N R	N	D	G N	E N	O N	C	S
		U	T	A		V		E	B E	R E	N E	E	T
		L		L		E		N	O S	C S	A S		R
		T						T	R S	I S	L S		I
		U						I	H	A			A
		R						A	O	L			L
		E						L	O				
									D				
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R1-48	NB	CB	RB	O	I (30)
	<b>GOVERNMENT SERVICES</b>												
*	Public agency or utility office				P3 C5	P3 C5	P3 C	P3 C	P	P	P	P	P16
*	Public agency or utility yard				P27	P27	P27	P27			P		P
*	Public agency archives										P	P	P
921	Court									P4	P	P	
9221	Police Facility				P7	P7	P7	P7	P7	P	P	P	P
9224	Fire Facility				C6, 33	C6	C6	C6	P	P	P	P	P
*	Utility Facility	P29 C28	P29 C28	P29 C28	P29 C28, 33	P29 C28	P29 C28	P29 C28	P	P	P	P	P
*	Commuter Parking Lot				C33	C	C	C	P	P	P	P	<u>P35</u>

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					P19	P19	P19	P19					
*	Private Stormwater Management Facility	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8
*	Vactor Waste Receiving Facility	P	P	P	P18	P18	P18	P18	P31	P31	P31	P31	P
	<b>BUSINESS SERVICES:</b>												
*	Construction and Trade				P34						P	P9	P
*	Individual Transportation and Taxi									P25	P	P10	P
421	Trucking and Courier Service									P11	P12	P13	P
*	Warehousing, (1) and Wholesale Trade												P
*	Self-service Storage							C14		P	P	P	P
4221	Farm Product	P15			((C))	((C))							P
4222	Warehousing, Refrigeration and Storage	C36			P15, C36	P15, C36							
*	Log Storage	P15	P		P26, 33								P
47	Transportation Service												P
473	Freight and Cargo Service										P	P	P
472	Passenger Transportation Service									P	P	P	
48	Communication Offices										P	P	P
482	Telegraph and other Communications									P	P	P	P
*	General Business Service								P	P	P	P	P16
*	Professional Office								P	P	P	P	P16

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7312	Outdoor Advertising Service									P	P17	P		
735	Miscellaneous Equipment Rental									P17	P	P17	P	
751	Automotive Rental and Leasing									P	P		P	
752	Automotive Parking								P20	P20	P21	P20	P	
*	Off-Street Required Parking Lot				P32	P32	P32	P32	P32	P32	P32	P32	P32	
7941	Professional Sport Teams/Promoters										P	P		
873	Research, Development and Testing										P2	P2	P2	
*	Heavy Equipment and Truck Repair												P	
	<b>ACCESSORY USES:</b>													
*	Commercial/Industrial Accessory Uses				P	P22				P22	P22	P	P	P
*	Helistop					C23	C23	C23	C23	C23	C24	C23	C24	
<p><b>GENERAL CROSS</b> Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070;</p> <p><b>REFERENCES:</b> Development Standards, see <u>chapters</u> K.C.C. 21A.12 through 21A.30;</p> <p>General Provisions, see K.C.C. <u>chapters</u> 21A.32 through 21A.38;</p> <p>Application and Review Procedures, see K.C.C. <u>chapters</u> 21A.40 through 21A.44;</p> <p>(*) Definition of this specific land use, see K.C.C. <u>chapter</u> 21A.06.</p>														

- 560 B. Development conditions.
- 561 1. Except self-service storage.
- 562 2. Except SIC Industry No. 8732-Commercial Economic, Sociological, and
- 563 Educational Research, see general business service/office.
- 564 3.a. Only as a re-use of a public school facility or a surplus nonresidential
- 565 facility subject to the provisions of K.C.C. chapter 21A.32; or

566           b. only when accessory to a fire facility and the office is no greater than one  
567 thousand five hundred square feet of floor area.

568           4. Only as a re-use of a surplus nonresidential facility subject to K.C.C. chapter  
569 21A.32.

570           5. New utility office locations only if there is no commercial/industrial zoning  
571 in the utility district, and not in the RA-10 or RA-20 zones unless it is demonstrated that  
572 no feasible alternative location is possible, and provided further that this condition  
573 applies to the UR zone only if the property is located within a designated unincorporated  
574 Rural Town.

575           6.a. All buildings and structures shall maintain a minimum distance of twenty  
576 feet from property lines adjoining residential zones;

577           b. ~~((a))~~Any buildings from which fire-fighting equipment emerges onto a street  
578 shall maintain a distance of thirty-five feet from such street;

579           c. no outdoor storage; and

580           d. excluded from the RA-10 and RA-20 zones unless it is demonstrated that no  
581 feasible alternative location is possible.

582           7. Limited to ~~(( ))~~storefront~~(( ))~~ police offices. Such offices shall not have:

583           a. holding cells,

584           b. suspect interview rooms (except in the NB zone), or

585           c. long-term storage of stolen properties.

586           8. Private storm water management facilities serving development proposals  
587 located on commercial/industrial zoned lands shall also be located on  
588 commercial/industrial lands, unless participating in an approved shared facility drainage

589 plan. Such facilities serving development within an area designated ((~~"~~))urban((~~"~~)) in the  
590 King County Comprehensive Plan shall only be located in the urban area.

591 9. No outdoor storage of materials.

592 10. Limited to office uses.

593 11. Limited to self-service household moving truck or trailer rental accessory to  
594 a gasoline service station.

595 12. Limited to self-service household moving truck or trailer rental accessory to  
596 a gasoline service station and SIC Industry No. 4215-Courier Services, except by air.

597 13. Limited to SIC Industry No. 4215-Courier Services, except by air.

598 14. Accessory to an apartment development of at least twelve units provided:

599 a. ((~~†~~))The gross floor area in self-service storage shall not exceed the total  
600 gross floor area of the apartment dwellings on the site;

601 b. ((~~a~~))All outdoor lights shall be deflected, shaded and focused away from all  
602 adjoining property;

603 c. ((~~†~~))The use of the facility shall be limited to dead storage of household  
604 goods;

605 d. no servicing or repair of motor vehicles, boats, trailers, lawn mowers or  
606 similar equipment;

607 e. no outdoor storage or storage of flammable liquids, highly combustible or  
608 explosive materials or hazardous chemicals;

609 f. no residential occupancy of the storage units;

610 g. no business activity other than the rental of storage units; and

611 h. ((a)) A resident director shall be required on the site and shall be responsible  
612 for maintaining the operation of the facility in conformance with the conditions of  
613 approval.

614 15. ~~((Limited to products produced on site.))~~ a. The floor area devoted to  
615 warehousing, refrigeration or storage shall not exceed two thousand square feet;

616 b. Structures and areas used for warehousing, refrigeration and storage shall  
617 maintain a minimum distance of seventy-five feet from property lines adjoining  
618 residential zones; and

619 c. Warehousing, refrigeration and storage is limited to agricultural products  
620 and sixty percent or more of the products must be grown or processed in the Puget Sound  
621 counties. At the time of the initial application, the applicant shall submit a projection of  
622 the source of products to be included in the warehousing, refrigeration or storage.

623 16. Only as an accessory use to another permitted use.

624 17. No outdoor storage.

625 18. Only as an accessory use to a public agency or utility yard, or to a transfer  
626 station.

627 19. Limited to new commuter parking lots designed for thirty or fewer parking  
628 spaces or commuter parking lots located on existing parking lots for churches, schools, or  
629 other permitted nonresidential uses which have excess capacity available during  
630 commuting; provided that the new or existing lot is adjacent to a designated arterial that  
631 has been improved to a standard acceptable to the department of transportation;

632 20. No tow-in lots for damaged, abandoned or otherwise impounded vehicles.

633 21. No dismantling or salvage of damaged, abandoned or otherwise impounded  
634 vehicles.

635 22. Storage limited to accessory storage of commodities sold at retail on the  
636 premises or materials used in the fabrication of commodities sold on the premises.

637 23. Limited to emergency medical evacuation sites in conjunction with police,  
638 fire or health service facility. Helistops are prohibited from the UR zone only if the  
639 property is located within a designated unincorporated Rural Town.

640 24. Allowed as accessory to an allowed use.

641 25. Limited to private road ambulance services with no outside storage of  
642 vehicles.

643 26. Limited to two acres or less.

644 27.a. Utility yards only on sites with utility district office; or

645 b. Public agency yards are limited to material storage for road maintenance  
646 facilities.

647 28. Limited to bulk gas storage tanks which pipe to individual residences but  
648 excluding liquefied natural gas storage tanks.

649 29. Excluding bulk gas storage tanks.

650 30. For I-zoned sites located outside the urban growth area designated by the  
651 King County Comprehensive Plan, uses shall be subject to the provisions for rural  
652 industrial uses as set forth in K.C.C. chapter 21A.12.

653 31. Vactor waste treatment, storage and disposal shall be limited to liquid  
654 materials. Materials shall be disposed of directly into a sewer system, or shall be stored  
655 in tanks (or other covered structures), as well as enclosed buildings.



- 656                   32. Provided:
- 657                   a. ~~((e))~~Off-street required parking for a land use located in the urban area must
- 658 be located in the urban area;
- 659                   b. ~~((e))~~Off-street required parking for a land use located in the rural area must
- 660 be located in the rural area; and
- 661                   c. ~~((e))~~Off-street required parking must be located on a lot which would
- 662 permit, either outright or through a land use permit approval process, the land use the off-
- 663 street parking will serve.

664                   33. Subject to review and approval of conditions to comply with trail corridor

665 provisions of K.C.C. chapter 21A.14 when located in an RA zone and in an equestrian

666 community designated by the Comprehensive Plan.

667                   34. Limited to landscape and horticultural services (SIC 078) that are accessory

668 to a use classified as retail nurseries, lawn and garden supply store (SIC 5261) and

669 provided that construction equipment for the accessory use shall not be stored on the

670 premises.

671                   35. Allowed as a primary or accessory use to an allowed industrial-zoned land

672 use.

673                   36. Accessory to agricultural uses provided:

674                   a. In the RA zones and on lots less than thirty-five acres in the A zone, the floor

675 area devoted to warehousing, refrigeration or storage shall not exceed three thousand five

676 hundred square feet unless located in a farm structure, including but not limited to barns,

677 existing as of December 31, 2003;

678           b. On lots at least thirty-five acres in the A zones, the floor area devoted to  
679           warehousing, refrigeration or storage shall not exceed seven thousand square feet unless  
680           located in a farm structure, including but not limited to barns, existing as of December  
681           31, 2003;

682           c. In the A zones, structures and areas used for warehousing, refrigeration and  
683           storage shall be located on portions of agricultural lands that are unsuitable for other  
684           agricultural purposes, such as areas within the already developed portion of such  
685           agricultural lands that are not available for direct agricultural production, or areas without  
686           prime agricultural soils;

687           d. Structures and areas used for warehousing, refrigeration or storage shall  
688           maintain a minimum distance of seventy-five feet from property lines adjoining  
689           residential zones; and

690           e. Warehousing, refrigeration and storage is limited to agricultural products  
691           and sixty percent or more of the products must be grown or processed in the Puget Sound  
692           counties. At the time of the initial application, the applicant shall submit a projection of  
693           the source of products to be included in the warehousing, refrigeration or storage.

694           SECTION 14. Ordinance 10870, Section 334, as amended and K.C.C.

695           21A.08.070 are each hereby amended to read as follows:

696           **Retail land uses.**

697           A. Retail land uses.

KEY		RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL						
P - Permitted Use		A	F	M	R	U R	U	R	N	B	C B	R B	O	I	
C - Conditional Use		G	O	I	U	R E	R	E	E	U	O U	E U	F	N	
S - Special Use		R	R	N	R	B S	B	S	I	S	M S	G S	F	D	
		Z	I	E	A	A E	A	I	H	I	M I	I I	I	U	
		O	C	S	R	L	N R	N	D	G	N	E N	O N	C	S
		N	U	T	A		V		E	B	E	R E	N E	E	T
		E	L		L		E		N	O	S	C S	A S		R
			T						T	R	S	I S	L S		I
			U						I	H		A			A
			R						A	O		L			L
			E						L	O					
										D					
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R1-48	NB	CB	RB	O	I (30)		
*	Building, Hardware and Garden Materials	P19			P21 C1				P2	P	P				
*	Forest Products Sales	P3, 4	P4		P3, 4						P				
*	Department and Variety Stores						C14	C14	P5	P	P				
54	Food Stores				C13		C15	C15	P	P	P	C	P6		
*	Agricultural Product Sales	P20 C7	P4		P20 C7	P3	P3								
*	Motor Vehicle and Boat Dealers										P8		P		
553	Auto Supply Stores									P9	P9		P		
554	Gasoline Service Stations								P	P	P		P		
56	Apparel and Accessory Stores									P	P				

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*	Furniture and Home Furnishings Stores								P	P		
58	Eating and Drinking Places			C22 P24		C16 P23	C16 P23	P10	P	P	P	P
*	Drug Stores					C15	C15	P	P	P	C	
592	Liquor Stores								P	P		
593	((Uses {Used})) Used Goods: Antiques/Secondhand Shops								P	P		
*	Sporting Goods and Related Stores		P25	P25	P25	P25	P25	P25	P	P	P25	P25
*	Book, Stationery, Video and Art Supply Stores					C15	C15	P	P	P		
*	Jewelry Stores								P	P		
*	Monuments, Tombstones and Gravestones									P		
*	Hobby, Toy, Game Shops							P	P	P		
*	Photographic and Electronic Shops							P	P	P		
*	Fabric Shops								P	P		
598	Fuel Dealers								C11	P		P
*	Florist Shops					C15	C15	P	P	P	P	
*	Personal Medical Supply Stores								P	P		
*	Pet Shops							P	P	P		
*	Bulk Retail								P	P		
*	Auction Houses									P12		P

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*	Livestock Sales	P17	P1 7		P17	P17	P17 18						P
<b>GENERAL CROSS</b>		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070;											
<b>REFERENCES:</b>		Development Standards, see chapters K.C.C. 21A.12 through 21A.30;											
		General Provisions, see K.C.C. chapters 21A.32 through 21A.38;											
		Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44;											
		(*) Definition of this specific land use, see K.C.C. chapter 21A.06.											

- 699           B. Development conditions.
- 700           1. Only feed stores and garden supply stores.
- 701           2. Only hardware and garden materials stores shall be permitted.
- 702           3.a. Limited to products grown on((-)site.
- 703           b. Covered sales areas shall not exceed a total area of five hundred square feet.
- 704           4. No permanent structures or signs.
- 705           5. Limited to SIC Industry No. 5331((5))-Variety Stores, and further limited to a
- 706 maximum of two thousand square feet of gross floor area.
- 707           6. Limited to a maximum of two thousand square feet of gross floor area.
- 708           7.a. The floor area devoted to retail sales shall not exceed three((-)thousand
- 709 five hundred square feet unless it is located in an agricultural structure, such as a barn,
- 710 existing as of December 31, 2003.
- 711           b. Forty percent or more of the gross sales of agricultural products sold
- 712 through the store must be sold by the producers of primary agricultural products.
- 713           c. Sixty percent or more of the ((average annual)) gross sales of agricultural
- 714 products sold through the store ((over a five year period)) shall be derived from products
- 715 grown or produced in ((King County)) the Puget Sound counties. At the time of the

716 initial application, the applicant shall submit a reasonable projection of the source of  
717 product sales.

718 ~~((e.))~~ d. Sales shall be limited to agricultural products ~~((, value added~~  
719 ~~agricultural products, such as jams or cheeses, and plants))~~ and locally-made arts and  
720 crafts.

721 ~~((d.))~~ e. Storage areas for ~~((produce))~~ agricultural products may be included in  
722 a farm store structure or in any accessory building.

723 ~~((e. Hours of operation shall be limited to 7:00 a.m. to 9:00 p.m.))~~ f. Outside  
724 lighting is permitted if no off-site glare is allowed.

725 8. Excluding retail sale of trucks exceeding one-ton capacity.

726 9. Only the sale of new or reconditioned automobile supplies is permitted.

727 10. Excluding SIC Industry. No. 5813-Drinking Places.

728 11. No outside storage of fuel trucks and equipment.

729 12. Excluding vehicle and livestock auctions.

730 13. Only as accessory to a winery or brewery, and limited to sales of products  
731 produced on site and incidental items where the majority of sales are generated from  
732 products produced on site.

733 14. Not in R-1 and limited to SIC Industry No. ~~((5331--))~~ 5331-Variety Stores,  
734 limited to a maximum of five thousand square feet of gross floor area, and subject to  
735 K.C.C. 21A. 12.330.

736 15. Not permitted in R-1 and limited to a maximum of five thousand square feet  
737 of gross floor area and subject to K.C.C. 21A.12.230.

738 16. Not permitted in R-1 and excluding SIC Industry No. 5813- Drinking  
739 Places, and limited to a maximum of five thousand square feet of gross floor area and  
740 subject to K.C.C. 21A.12.230 except as provided in subsection B.23\_ of this section.

741 17. Retail sale of livestock is permitted only as accessory to raising livestock.

742 18. Limited to the R-1 zone.

743 19. Limited to the sale of livestock feed, hay and livestock veterinary supplies  
744 with a covered sales area of not more than ~~((five hundred))~~ two thousand square feet.

745 The five hundred square foot limitation does not include areas for storing livestock feed,  
746 hay or veterinary supplies or covered parking areas for trucks engaged in direct sale of  
747 these products from the truck.

748 20.a. The floor area devoted to retail sales shall not exceed two thousand square  
749 feet unless it is located in an agricultural structure, such as a barn, existing as of  
750 December 31, 2003.

751 b. ~~((The floor area devoted to retail sales may be covered but it cannot be~~  
752 ~~enclosed unless it is located in an agricultural structure, such as a barn, existing as of~~  
753 ~~December 31, 2003-))~~ Forty percent or more of the gross sales of agricultural products  
754 sold through the store must be sold by the producers of primary agricultural products.

755 c. Sixty percent or more of the ~~((average annual))~~ gross sales of agricultural  
756 products sold through the store ~~((over a five-year period))~~ shall be derived from products  
757 grown or produced in ~~((King County))~~ the Puget Sound counties. At the time of the  
758 initial application, the applicant shall submit a reasonable projection of the source of  
759 product sales.

760 d. Sales shall be limited to agricultural (~~produce, value added agricultural~~  
761 ~~products such as jams or cheeses, and plants~~) products and locally-made arts and crafts.

762 e. Storage areas for (~~produce~~) agricultural products may be included in a  
763 farm store structure or in any accessory building.

764 f. (~~Hours of operation shall be limited to 7:00 a.m. to 9:00 p.m.~~) Outside  
765 lighting is permitted if no off-site glare is allowed.

766 21. Limited to hay sales.

767 22. Only as:

768 a. an accessory use to a winery or brewery, limited to the tasting of products  
769 produced on site;

770 b. an accessory use to a permitted manufacturing or retail land use, limited to  
771 espresso stands to include sales of beverages and incidental food items, and not to include  
772 drive-through sales; or

773 c. an accessory use to a large active recreation and multiuse park, limited to a  
774 total floor area of three thousand five hundred square feet.

775 23. Only as:

776 a. ~~((A))~~an accessory to a large active recreation and multiuse park; or

777 b. ~~((A))~~an accessory to a park and limited to a total floor area of one thousand  
778 five hundred square feet.

779 24. Accessory to a park, limited to a total floor area of seven hundred fifty  
780 square feet.

781 25. Only as an accessory to:

782 a. ~~((A))~~a large active recreation and multiuse park in the urban growth area; or



783                    b. ((A))a park, or a large active recreation and multiuse park in the RA zones,  
784                    and limited to a total floor area of seven hundred fifty square feet.

785            SECTION 15. Ordinance 10870, Section 335, as amended, and K.C.C.

786            21A.08.080 are each hereby amended to read as follows:

787            **Manufacturing land uses.**

A. Manufacturing land USES.KEY		RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL				
P - Permitted Use C - Conditional Use S - Special Use		A	F	M	R	U R	U	R	N B	C B	R B	O	I
Z		G	O	I	U	R E	R	E	E U	O U	E U	F	N
O		R	R	N	R	B S	B	S	I S	M S	G S	F	D
N		I	E	E	A	A E	A	I	H I	M I	I I	I	U
E		C	S	R	L	N R	N	D	G N	E N	O N	C	S
L		U	T	A		V		E	B E	R E	N E	E	T
T		E		L		E		N	O S	C S	A S		R
U								T	R S	I S	L S		I
R								A	H	A			A
E								L	O	L			L
D													
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (11)
20	Food and Kindred Products	P1 <sub>2</sub> C14	P1		P1 <sub>2</sub> C14						C		P2 C
2082/208 4	Winery/Brewery	P3 C12			P3 C13	P3					C		P
*	Materials Processing Facility	P15	P16 C	P17 C18									P
22	Textile Mill Products												C
23	Apparel and other Textile Products										C		P
24	Wood Products, except furniture	P4	P4 C5		P4 <sub>2</sub> C5	P4					C6		P
25	Furniture and										C		P

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	Fixtures												
26	Paper and Allied Products												C
27	Printing and Publishing							P7	P7	P7	P7	P	
										C	C		
28	Chemicals and Allied Products											C	
2911	Petroleum Refining and Related Industries											C	
30	Rubber and Misc. Plastics Products											C	
31	Primary Metal Industries									C		P	
32	Fabricated Metal Products								P8	P9		P	
33	Industrial and Commercial Machinery											C	
34	Heavy Machinery and Equipment											P	
35	Industrial and Commercial Machinery											P	
351-55	Heavy Machinery and Equipment											C	
357	Computer and Office Equipment									C		P	
36	Electronic and other Electric Equipment									C		P	
374	Railroad Equipment											C	
376	Guided Missile and											C	

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	Space Vehicle Parts												
379	Miscellaneous Transportation Vehicles												C
38	Measuring and Controlling Instruments											C	P
8.5	Miscellaneous Light Manufacturing											C	P
*	Motor Vehicle and Bicycle Manufacturing												C
*	Aircraft, Ship and Boat Building												P10 C
7534	Tire Retreading											C	P
781-82	Movie Production/Distribut ion											P	P
<b>GENERAL CROSS</b>		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070;											
<b>REFERENCES:</b>		Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see chapters K.C.C. 21A.40 through 21A.44; (* ) Definition of this specific land use, see K.C.C. chapter 21A.06.											

- 789           B. Development conditions.
- 790           1. (~~Limited to agricultural products grown on site, provided~~) a. The floor area
- 791           devoted to processing shall not exceed two thousand square feet.
- 792           b. ~~(s)~~ Structures and areas used for processing shall maintain a minimum
- 793           distance of seventy-five feet from property lines adjoining residential zones.
- 794           c. Processing is limited to agricultural products and sixty percent or more of
- 795           the products processed must be grown in the Puget Sound counties. At the time of initial

796 application, the applicant shall submit a projection of the source of products to be  
797 produced.

798 2. Except slaughterhouses.

799 3. Only as a home industry, subject to K.C.C. chapter 21A.30.

800 4. Limited to rough milling and planing of products grown on-site with portable  
801 equipment.

802 5. Limited to SIC Industry Group No. 242-Sawmills. For RA zoned sites,  
803 limited to RA-10 on lots at least ten acres in size and only as accessory to forestry uses.

804 6. Limited to uses found in SIC Industry No. 2434-Wood Kitchen Cabinets and  
805 No. 2431-Millwork (excluding planing mills).

806 7. Limited to photocopying and printing services offered to the general public.

807 8. Only within enclosed buildings, and as an accessory use to retail sales.

808 9. Only within enclosed buildings.

809 10. Limited to boat building of craft not exceeding forty-eight feet in length.

810 11. For I-zoned sites located outside the urban growth area designated by the  
811 King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.  
812 21A.08.080.A, shall be prohibited, and all other uses shall be subject to the provisions for  
813 rural industrial uses as set forth in K.C.C chapter 21A.12.

814 12. Limited to wineries subject to the following:

815 a. the total floor area of structures for wineries and any accessory uses not to  
816 exceed three thousand five hundred square feet, including underground storage, unless  
817 located in existing agricultural structures, including, but not limited to, barns.

818           b. ~~((e))~~Expansions of existing agricultural structures used for wineries are not  
819 to exceed three thousand five hundred square feet.

820           c. ~~((a))~~At least sixty percent of the grapes or other agricultural products used to  
821 produce the wine must be grown in King County.

822           d. ~~((s))~~Structures and areas used for processing are set back a minimum  
823 distance of seventy-five feet from property lines adjacent to residential zones.

824           e. ~~((w))~~Wineries must comply with Washington state Department of Ecology  
825 and King County board of health regulations for water usage and wastewater disposal.  
826 Wineries using water from exempt wells must install a water meter.

827           13. Limited to wineries subject to the following:

828           a. The floor area of structures for wineries and any accessory uses are limited  
829 to a total of eight thousand square feet, except that underground storage that is  
830 constructed completely below natural grade, not including required exits and access  
831 points, may add an additional eight thousand square feet provided that the underground  
832 storage is at least one foot below the surface and is not visible above ground and must  
833 meet the following:

834           (1) ~~((w))~~Wineries must comply with Washington state Department of  
835 Ecology and King County board of health regulations for water usage and wastewater  
836 disposal. Wineries using water from exempt wells are to install a water meter.

837           (2) ~~((e))~~Clearing on the site is limited to a maximum of thirty-five percent of  
838 the lot area or the amount previously legally cleared, whichever is greater. Removal of  
839 noxious weeds and invasive vegetation is exempt from this clearing limitation. The

840 remainder of the site is to be managed under a forest management plan approved by the  
841 King County department of natural resources and parks.

842 (3) ~~((e))~~Off-street parking is limited to one hundred and fifty percent of the  
843 minimum requirement for wineries specified in K.C.C. 21A.18.030.

844 (4) ~~((s))~~Structures and areas used for processing are set back a minimum  
845 distance of seventy-five feet from property lines adjacent to residential zones.

846 b. Structures for wineries and any accessory uses that exceed six thousand  
847 square feet of total floor area including underground storage must:

848 (1) have a minimum lot size of ten acres; and

849 (2) use a minimum of two and one-half acres of the site for the growing of  
850 agricultural products.

851 c. Structures for wineries and any accessory uses that do not exceed a six  
852 thousand square feet of total floor area including underground storage must have a  
853 minimum lot size of five acres.

854 d. On Vashon-Maury Island, the total floor area of structures for wineries and  
855 any accessory uses located may not exceed six thousand square feet including  
856 underground storage and must have a minimum lot size of five acres.

857 14. Accessory to agriculture uses provided:

858 a. In the RA zones and on lots less than thirty-five acres in the A zones, the  
859 floor area devoted to processing shall not exceed three thousand five hundred square feet  
860 unless located in a farm structure, including but not limited to barns, existing as of  
861 December 31, 2003.



862           b. On lots at least thirty-five acres in the A zones, the floor area devoted to  
863 processing shall not exceed seven thousand square feet unless located in a farm structure,  
864 including but not limited to barns, existing as of December 31, 2003.

865           c. In the A zones, structures used for processing shall be located on portions of  
866 agricultural lands that are unsuitable for other agricultural purposes, such as areas within  
867 the already developed portion of such agricultural lands that are not available for direct  
868 agricultural production, or areas without prime agricultural soils.

869           d. Structures and areas used for processing shall maintain a minimum distance  
870 of seventy-five feet from property lines adjoining residential zones.

871           e. Processing is limited to agricultural products and sixty percent or more of  
872 the products processed must be grown in the Puget Sound counties. At the time of initial  
873 application, the applicant shall submit a projection of the source of products to be  
874 processed.

875           15. Limited to source separated organic waste processing facilities at a scale  
876 appropriate to process the organic waste generated in the agricultural zone.

877           16. Only on the same lot or same group of lots under common ownership or  
878 documented legal control, which includes but is not limited to, fee simple ownership, a  
879 long-term lease or an easement:

880           a. as accessory to a primary forestry use and at a scale appropriate to process  
881 the organic waste generated on the site; or

882           b. as a continuation of a sawmill or lumber manufacturing use only for that  
883 period to complete delivery of products or projects under contract at the end of the  
884 sawmill or lumber manufacturing activity.

885           17. Only on the same lot or same group of lots under common ownership or  
886           documented legal control, which includes but is not limited to, fee simple ownership, a  
887           long-term lease or an easement:

888                   a. as accessory to a primary mineral use; or

889                   b. as a continuation of a mineral processing use only for that period to  
890           complete delivery of products or projects under contract at the end of mineral extraction.

891           18. Continuation of a materials processing facility after reclamation in  
892           accordance with an approved reclamation plan.

893           SECTION 16. Ordinance 10870, Section 336, as amended, and K.C.C.

894           21A.08.090 are each hereby amended to read as follows:

895           **Resource land uses.**

896           A. Resource land uses.

KEY		RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL								
P - Permitted Use	Z O N E  O C C U R E  T U R E	A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C - Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S - Special Use		R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
		I	E	E	A	A	E	A	I	H	I	M	I	I	I	I	U
		C	S	R	L	N	R	N	D	G	N	E	N	O	N	C	S
		U	T	A			V		E	B	E	R	E	N	E	E	T
		L		L			E		N	O	S	C	S	A	S		R
		T							T	R	S	I	S	L	S		I
		U							I	H		A					A
		R							A	O		L					L
		E							L	O							
										D							
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I				
	<b>AGRICULTURE:</b>																
01	Growing and Harvesting Crops	P	P		P	P	P						P				
02	Raising Livestock and Small Animals	P	P		P	P	P6						P				
*	Agriculture Training Facility	C10															
	<b>FORESTRY:</b>																
08	Growing & Harvesting Forest Production	P	P	P7	P	P	P						P				
*	Forest Research		P		P	P						P2	P				
	<b>FISH AND WILDLIFE MANAGEMENT:</b>																
0921	Hatchery/Fish	P	P		P	P	C						P				

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	Preserve (1)												
0273	Aquaculture (1)	P	P		P	P	C						P
*	Wildlife Shelters	P	P		P	P							P
	<b>MINERAL:</b>												
10, 12, 14	Mineral Extraction and Processing		P9 C	P C11									
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block		P8 C11	P8 C11									P
	<b>ACCESSORY USES:</b>												
*	Resource Accessory Uses	P3	P4	P5	P3	P3							P4
<b>GENERAL CROSS</b>		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070;											
<b>REFERENCES:</b>		Development Standards, see K.C.C. <u>chapters</u> 21A.12 through 21A.30; General Provisions, see K.C.C. <u>chapters</u> 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. <u>chapters</u> 21A.40 through 21A.44; (* ) Definition of this specific land use, see K.C.C. <u>chapter</u> 21A.06.											

- 898 B. Development conditions.
- 899 1. May be further subject to K.C.C. Title 25, Shoreline Management.
- 900 2. Only forest research conducted within an enclosed building.
- 901 3. Accessory dwelling units in accordance with K.C.C. 21A.08.030.
- 902 4. Excluding housing for agricultural workers.
- 903 5. Limited to either maintenance or storage facilities, or both, in conjunction
- 904 with mineral extraction or processing operation.
- 905 6. Large livestock allowed in accordance with K.C.C. chapter 21A.30.
- 906 7. Only in conjunction with a mineral extraction site plan approved in
- 907 accordance with K.C.C. chapter 21A.22.

908           8. Only on the same lot or same group of lots under common ownership or  
909 documented legal control, which includes, but is not limited to, fee simple ownership, a  
910 long-term lease or an easement:

911           a. as accessory to a primary mineral use(~~(, or)~~);

912           b. as a continuation of a mineral processing use (~~established prior to the~~  
913 ~~effective date of consistent with this title)~~ only for that period to complete delivery of  
914 products or projects under contract at the end of mineral extraction; or

915           c. for a public works project under a temporary grading permit issued in  
916 accordance with K.C.C. 16.82.152.

917           9. Limited to (~~mining activities~~) mineral extraction and processing:

918           a. on a lot or group of lots under common ownership or documented legal  
919 control, which includes but is not limited to, fee simple ownership, a long-term lease or  
920 an easement;

921           b. that are located greater than one-quarter mile from an established residence;  
922 and

923           c. that do not use local access streets that abut lots developed for residential  
924 use.

925           10. Agriculture training facilities are allowed only as an accessory to existing  
926 agricultural uses and are subject to the following conditions:

927           a. The impervious surface associated with the agriculture training facilities  
928 shall comprise not more than ten percent of the allowable impervious surface permitted  
929 under K.C.C. 21A.12.040;

930           b. New or the expansion of existing structures, or other site improvements,  
931 shall not be located on class 1, 2 or 3 soils;

932           c. The director may require reuse of surplus structures to the maximum extent  
933 practical;

934           d. The director may require the clustering of new structures with existing  
935 structures;

936           e. New structures or other site improvements shall be set back a minimum  
937 distance of seventy-five feet from property lines adjoining residential zones;

938           f. Bulk and design of structures shall be compatible with the architectural style  
939 of the surrounding agricultural community;

940           g. New sewers shall not be extended to the site;

941           h. Traffic generated shall not impede the safe and efficient movement of  
942 agricultural vehicles, nor shall it require capacity improvements to rural roads;

943           i. Agriculture training facilities may be used to provide educational services to  
944 the surrounding rural/agricultural community or for community events. Property owners  
945 may be required to obtain a temporary use permit for community events in accordance  
946 with K.C.C. chapter 21A.32;

947           j. Use of lodging and food service facilities shall be limited only to activities  
948 conducted in conjunction with training and education programs or community events  
949 held on site;

950           k. Incidental uses, such as office and storage, shall be limited to those that  
951 directly support education and training activities or farm operations; and

952           1. The King County agriculture commission shall be notified of and have an  
953 opportunity to comment upon all proposed agriculture training facilities during the permit  
954 process in accordance with K.C.C. chapter 21A.40.

955           11. Continuation of mineral processing and asphalt/concrete mixtures and block  
956 uses after reclamation in accordance with an approved reclamation plan.

957           SECTION 17. Ordinance 10870, Section 340, as amended, and K.C.C.  
958 21A.12.030 are each hereby amended to read as follows:

959           **Densities and dimensions – residential zones.**

960           A. Densities and dimensions – residential zones.

RESIDENTIAL														
STANDARDS	Z O N E S	RURAL				URBAN RESERVE	URBAN RESIDENTIAL							
		RA- 2.5	RA-5	RA-10	RA- 20	UR	R-1 (17)	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density: Dwelling Unit/Acre (15)		0.2 du/ac	0.2 du/ac	0.1 du/ac	0.05 du/ac	0.2 du/ac (21)	1 du/ac	4 du/ac (6)	6 du/ac	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac
Maximum Density: Dwelling Unit/Acre (1)		0.4 du/ac (20)	0.4 du/ac (20)					6 du/ac (22)	9 du/ac	12 du/ac	18 du/ac	27 du/ac	36 du/ac	72 du/ac
Minimum Density: (2)								85% (12) (18) (23)	85% (12) (18)	85% (12) (18)	80% (18)	75% (18)	70% (18)	65% (18)
Minimum Lot Area (13)		1.875 ac	3.75 ac	7.5 ac	15 ac									
Minimum Lot Width (3)		135 ft	135 ft	135 ft	135 ft	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft
Minimum Street Setback (3)		30 ft (9)	30 ft (9)	30 ft (9)	30 ft (9)	30 ft (7)	20 ft (7)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)
Minimum Interior Setback (3) (16)		5 ft (9)	10 ft (9)	10 ft (9)	10 ft (9)	5 ft (7)	5 ft (7)	5 ft	5 ft	5 ft	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10)
Base Height (4)		40 ft	40 ft	40 ft	40 ft	35 ft	35 ft	35 ft (25)	35 ft (14) (25)	35 ft (14) (25)	60 ft	60 ft (14)	60 ft (14)	60 ft (14)
Maximum Impervious Surface: Percentage (5)		25% (11) (19)	20% (11) (19)	15% (11) (19) (24)	12.5 % (11) (19)	30% (11)	30% 11	55%	70%	75%	85%	85%	85%	90%

B. Development conditions.



963 1. This maximum density may be achieved only through the application of  
964 residential density incentives in accordance with K.C.C. chapter 21A.34 or transfers of  
965 development rights in accordance with K.C.C. chapter 21A.37, or any combination of  
966 density incentive or density transfer. Maximum density may only be exceeded in  
967 accordance with K.C.C. 21A.34.040, F.1.g. and F.6.

968 2. Also see K.C.C. 21A.12.060.

969 3. These standards may be modified under the provisions for zero lot-line and  
970 townhouse developments.

971 4. Height limits may be increased if portions of the structure that exceed the  
972 base height limit provide one additional foot of street and interior setback for each foot  
973 above the base height limit, but the maximum height may not exceed seventy-five feet.  
974 Netting or fencing and support structures for the netting or fencing used to contain golf  
975 balls in the operation of golf courses or golf driving ranges are exempt from the  
976 additional interior setback requirements but the maximum height shall not exceed  
977 seventy-five feet, except for large active recreation and multiuse parks, where the  
978 maximum height shall not exceed one hundred and twenty-five feet, unless a golf ball  
979 trajectory study requires a higher fence.

980 5. Applies to each individual lot. Impervious surface area standards for:

981 a. ~~((#))~~Regional uses shall be established at the time of permit review;

982 b. ~~((#))~~Nonresidential uses in residential zones shall comply with K.C.C.

983 21A.12.120 and 21A.12.220;

984 c. ~~((i))~~Individual lots in the R-4 through R-6 zones that are less than nine  
985 thousand seventy-six square feet in area shall be subject to the applicable provisions of  
986 the nearest comparable R-6 or R-8 zone; and

987 d. ~~((a))~~A lot may be increased beyond the total amount permitted in this  
988 chapter subject to approval of a conditional use permit.

989 6. Mobile home parks shall be allowed a base density of six dwelling units per  
990 acre.

991 7. The standards of the R-4 zone shall apply if a lot is less than fifteen thousand  
992 square feet in area.

993 8. At least twenty linear feet of driveway shall be provided between any garage,  
994 carport or other fenced parking area and the street property line. The linear distance shall  
995 be measured along the center line of the driveway from the access point to such garage,  
996 carport or fenced area to the street property line.

997 9.a. Residences shall have a setback of at least one hundred feet from any  
998 property line adjoining A, M or F zones or existing extractive operations. However,  
999 residences on lots less than one hundred fifty feet in width adjoining A, M or F zones or  
1000 existing extractive operations shall have a setback from the rear property line equal to  
1001 fifty percent of the lot width and a setback from the side property equal to twenty-five  
1002 percent of the lot width.

1003 b. Except for residences along a property line adjoining A, M or F zones or  
1004 existing extractive operations, lots between one acre and two and one-half acres in size  
1005 shall conform to the requirements of the R-1 zone and lots under one acre shall conform  
1006 to the requirements of the R-4 zone.

1007           10.a. For developments consisting of three or more single-detached dwellings  
1008 located on a single parcel, the setback shall be ten feet along any property line abutting  
1009 R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in  
1010 K.C.C. 21A.14.190, which shall have a setback of five feet.

1011           b. For townhouse and apartment development, the setback shall be twenty feet  
1012 along any property line abutting R-1 through R-8, RA and UR zones, except for  
1013 structures in on-site play areas required in K.C.C. 21.14.190, which shall have a setback  
1014 of five feet, unless the townhouse or apartment development is adjacent to property upon  
1015 which an existing townhouse or apartment development is located.

1016           11. Lots smaller than one-half acre in area shall comply with standards of the  
1017 nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or  
1018 larger, the maximum impervious surface area allowed shall be at least ten thousand  
1019 square feet. On any lot over one acre in area, an additional five percent of the lot area  
1020 may be used for buildings related to agricultural or forestry practices. For lots smaller  
1021 than two acres but larger than one-half acre, an additional ten percent of the lot area may  
1022 be used for structures that are determined to be medically necessary, if the applicant  
1023 submits with the permit application a notarized affidavit, conforming with K.C.C.  
1024 21A.32.170A.2.

1025           12. For purposes of calculating minimum density, the applicant may request that  
1026 the minimum density factor be modified based upon the weighted average slope of the  
1027 net buildable area of the site in accordance with K.C.C. 21A.12.087.

1028           13. The minimum lot area does not apply to lot clustering proposals as provided  
1029 in K.C.C. chapter 21A.14.

- 1030           14. The base height to be used only for projects as follows:
- 1031           a. in R-6 and R-8 zones, a building with a footprint built on slopes exceeding a
- 1032 fifteen percent finished grade; and
- 1033           b. in R-18, R-24 and R-48 zones using residential density incentives and
- 1034 transfer of density credits in accordance with this title.
- 1035           15. Density applies only to dwelling units and not to sleeping units.
- 1036           16. Vehicle access points from garages, carports or fenced parking areas shall
- 1037 be set back from the property line on which a joint use driveway is located to provide a
- 1038 straight line length of at least twenty-six feet as measured from the center line of the
- 1039 garage, carport or fenced parking area, from the access point to the opposite side of the
- 1040 joint use driveway.
- 1041           17.a. All subdivisions and short subdivisions in the R-1 zone shall be required to
- 1042 be clustered if the property is located within or contains:
- 1043           (1) a floodplain;
- 1044           (2) a critical aquifer recharge area;
- 1045           (3) a ~~((R))~~regionally or ~~((L))~~locally ~~((S))~~ significant ~~((R))~~resource ~~((A))~~area;
- 1046           (4) existing or planned public parks or trails, or connections to such facilities;
- 1047           (5) a ~~((Class I or II stream))~~ category S or F aquatic area or category I or II
- 1048 wetland;
- 1049           (6) a steep slope; or
- 1050           (7) a ~~(( ))~~greenbelt/urban separator~~(( ))~~ or ~~(( ))~~wildlife corridor~~(( ))~~ area
- 1051 designated by the Comprehensive Plan or a community plan.

1052           b. The development shall be clustered away from ((sensitive)) critical areas or  
1053 the axis of designated corridors such as urban separators or the wildlife habitat network to  
1054 the extent possible and the open space shall be placed in a separate tract that includes at  
1055 least fifty percent of the site. Open space tracts shall be permanent and shall be dedicated  
1056 to a homeowner's association or other suitable organization, as determined by the  
1057 director, and meet the requirements in K.C.C. 21A.14.040. On-site ((sensitive)) critical  
1058 area and buffers, wildlife habitat networks, required habitat and buffers for protected  
1059 species and designated urban separators shall be placed within the open space tract to the  
1060 extent possible. Passive recreation (with no development of recreational facilities) and  
1061 natural surface pedestrian and equestrian trails are acceptable uses within the open space  
1062 tract.

1063           18. See K.C.C. 21A.12.085.

1064           19. All subdivisions and short subdivisions in R-1 and RA zones within the  
1065 North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North  
1066 Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and  
1067 Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East  
1068 Sammamish Community Planning Area that drains to Patterson Creek shall have a  
1069 maximum impervious surface area of eight percent of the gross acreage of the plat.  
1070 Distribution of the allowable impervious area among the platted lots shall be recorded on  
1071 the face of the plat. Impervious surface of roads need not be counted towards the  
1072 allowable impervious area. Where both lot- and plat-specific impervious limits apply, the  
1073 more restrictive shall be required.

1074 20. This density may only be achieved on RA 2.5 and RA 5 zoned parcels  
1075 receiving density from rural forest focus areas through the transfer of density credit pilot  
1076 program outlined in K.C.C. chapter 21A.55.

1077 21. Base density may be exceeded, if the property is located in a designated  
1078 rural city urban growth area and each proposed lot contains an occupied legal residence  
1079 that predates 1959.

1080 22. The maximum density is four dwelling units per acre for properties zoned  
1081 R-4 when located in the Rural Town of Fall City.

1082 23. The minimum density requirement does not apply to properties located  
1083 within the Rural Town of Fall City.

1084 24. The impervious surface standards for the county fairground facility are  
1085 established in the King County Fairgrounds Site Development Plan, Attachment A to  
1086 Ordinance 14808 on file at the department of natural resources and parks and the  
1087 department of development and environmental services. Modifications to that standard  
1088 may be allowed provided the square footage does not exceed the approved impervious  
1089 surface square footage established in the King County Fairgrounds Site Development  
1090 Plan Environmental Checklist, dated September 21, 1999, Attachment B to Ordinance  
1091 14808, by more than ten percent.

1092 25. For cottage housing developments only:

1093 a. The base height is eighteen feet.

1094 b. Buildings having pitched roofs with a minimum slope of six and twelve may  
1095 extend up to twenty-five feet at the ridge of the roof.

1096            NEW SECTION. SECTION 18. There is hereby added to K.C.C. 21A.14 a new  
1097 section to read as follows:

1098            **Cottage housing development.** For cottage housing developments in the R4-R8  
1099 zones:

1100            A. The total area of the common open space must be at least two hundred and  
1101 fifty square feet per unit and at least fifty percent of the units must be clustered around  
1102 the common space.

1103            B. The total floor area of each unit, including any enclosed parking, is limited to  
1104 one thousand two hundred square feet. The footprint of each unit, including any enclosed  
1105 parking, is limited to nine hundred square feet.

1106            C. Fences within the cottage housing unit development are limited to three feet in  
1107 height. Fences along the perimeter of the cottage housing development are limited to six  
1108 feet.

1109            D. Individual cottage housing units must be at least ten feet apart.

1110            SECTION 19. Ordinance 10870, Section 364 and K.C.C. 21A.14.040 are each  
1111 hereby amended to read as follows:

1112            **Lot segregations - clustered development.** ~~((If  $\neq$ ))~~ Residential lot clustering  
1113 ~~((is))~~ may be proposed ~~(( $\neq$ ))~~ as part of a subdivision or short subdivision and shall comply  
1114 with the following ~~((provisions shall be met))~~:

1115            A. In the R zones, any designated open space tract resulting from lot clustering  
1116 shall not be altered or disturbed except as specified on recorded documents creating the  
1117 open space. Open spaces may be retained under ownership by the subdivider, conveyed

1118 to residents of the development, or conveyed to a third party. If access to the open space  
1119 is provided, the access shall be located in a separate tract;

1120 B. In the RA zone:

1121 1. No more than eight lots of less than two and one-half acres shall be allowed  
1122 in a cluster;

1123 2. No more than eight lots of less than two and one-half acres shall be served by  
1124 a single cul-de-sac street;

1125 3. Clusters containing two or more lots of less than two and one-half acres,  
1126 whether in the same or adjacent developments, shall be separated from similar clusters by  
1127 at least one hundred twenty feet;

1128 4. The overall amount, and the individual degree of clustering shall be limited to  
1129 a level that can be adequately served by rural facilities and services, including, but not  
1130 limited to, on-site sewage disposal systems and rural roadways;

1131 5. A fifty-foot Type II landscaping screen, as defined in K.C.C. 21A.16.040,  
1132 shall be provided along the frontage of all public roads. The planting materials shall  
1133 consist of species that are native to the Puget Sound region. Preservation of existing  
1134 healthy vegetation is encouraged and may be used to augment new plantings to meet the  
1135 requirements of this section;

1136 6. Except as provided in subsection B.7 of this section, open space tracts created  
1137 by clustering in the RA zone shall be designated as permanent open space. Acceptable  
1138 uses within open space tracts are passive recreation, with no development of active  
1139 recreational facilities, natural-surface pedestrian and equestrian foot trails and passive  
1140 recreational facilities;



1141           7. In the RA zone a resource land tract may be created through a cluster  
1142 development in lieu of an open space tract. The resource land tract may be used as a  
1143 working forest or farm if the following provisions are met:

1144           a. Appropriateness of the tract for forestry or agriculture has been determined  
1145 by the King County department of natural resources and parks;

1146           b. The subdivider shall prepare a forest management plan, which must be  
1147 reviewed and approved by the King County department of natural resources, or a farm  
1148 management (conservation) plan, if such is required pursuant to K.C.C. chapter 21A.30,  
1149 which must be developed by the King Conservation District. The criteria for  
1150 management of a resource land tract established through a cluster development in the RA  
1151 zone shall be set forth in a public rule. The criteria must assure that forestry or farming  
1152 will remain as a sustainable use of the resource land tract and that structures supportive of  
1153 forestry and agriculture may be allowed in the resource land tract. The criteria must also  
1154 set impervious surface limitations and identify the type of buildings or structures that will  
1155 be allowed within the resource land tract;

1156           c. The recorded plat or short plat shall designate the resource land tract as a  
1157 working forest or farm;

1158           d. Resource land tracts that are conveyed to residents of the development shall  
1159 be retained in undivided interest by the residents of the subdivision or short subdivision;

1160           e. A homeowners association shall be established to assure implementation of  
1161 the forest management plan or farm management (conservation) plan if the resource land  
1162 tract is retained in undivided interest by the residents of the subdivision or short  
1163 subdivision;

1164 f. The subdivider shall file a notice with the King County department of  
1165 executive services, records, elections and licensing services division. The required  
1166 contents and form of the notice shall be set forth in a public rule. The notice shall inform  
1167 the property owner or owners that the resource land tract is designated as a working  
1168 forest or farm, which must be managed in accordance with the provisions established in  
1169 the approved forest management plan or farm management (conservation) plan;

1170 g. The subdivider shall provide to the department proof of the approval of the  
1171 forest management plan or farm management (conservation) plan and the filing of the  
1172 notice required in subsection B.7.f. of this section before recording of the final plat or  
1173 short plat;

1174 h. The notice shall run with the land; and

1175 i. Natural-surface pedestrian and equestrian foot trails, passive recreation, and  
1176 passive recreational facilities, with no development of active recreational facilities, are  
1177 allowed uses in resource tracts; and

1178 8. For purposes of this section, passive recreational facilities include trail access  
1179 points, small-scale parking areas and restroom facilities.

1180 C. In the R-1 zone, open space tracts created by clustering required by K.C.C.  
1181 21A.12.030 shall be located and configured to create urban separators and greenbelts as  
1182 required by the Comprehensive Plan, or subarea plans or open space functional plans, to  
1183 connect and increase protective buffers for environmentally sensitive areas as defined in  
1184 K.C.C. 21A.06.1065, to connect and protect wildlife habitat corridors designated by the  
1185 Comprehensive Plan and to connect existing or planned public parks or trails. King  
1186 County may require open space tracts created under this subsection to be dedicated to an

1187 appropriate managing public agency or qualifying private entity such as a nature  
1188 conservancy. In the absence of such a requirement, open space tracts shall be retained in  
1189 undivided interest by the residents of the subdivision or short subdivision. A  
1190 homeowners association shall be established for maintenance of the open space tract.

1191 SECTION 20. Ordinance 10870, Section 365 and K.C.C. 21A.14.050 are each  
1192 hereby amended to read as follows:

1193 **UR zone reserve tract.** Subdivision of UR zoned property of ~~((10))~~ ten or more  
1194 acres shall be required to be clustered and a reserve tract shall be created for future  
1195 development ~~((pursuant to))~~ in accordance with the following ~~((provisions))~~:

1196 A. The reserve tract shall be no less than ~~((75))~~ seventy-five percent of the net  
1197 developable area of the property to be subdivided.

1198 B. The reserve tract shall be configured to contain lands with topography and  
1199 natural features that allow future conversion of the reserve tract to residential  
1200 development at urban densities.

1201 C. The reserve tract may contain a single dwelling unit, ~~((provided))~~ only if:

1202 1. The unit was included in the overall density calculations for the original  
1203 subdivision creating the reserve tract~~((;))~~; and

1204 2. The unit was noted on the face of the original subdivision (plat or short plat).

1205 D. The reserve tract shall not be altered or disturbed except as specified on the  
1206 face of the original subdivision (plat or short plat).

1207 E. The reserve tract may be retained under the ownership of the subdivider,  
1208 conveyed to residents of the subdivisions, or conveyed to a third party. Regardless of  
1209 ownership of the reserve tract, all restrictions relative to the reserve tract shall apply.

1210 F. The reserve tract shall not be used to satisfy the recreation space requirement  
1211 of the original subdivision.

1212 G. The layout of the lots and roadways created in the original subdivision shall  
1213 facilitate future development of the reserve tract.

1214 H. ~~((The lots created in the original subdivision shall be of a sufficient area to  
1215 comply with on site sewage disposal requirements, if public sewers are not available.))~~

1216 The reserve tract shall not be eligible for further subdivision until such time that  
1217 reclassification of the reserve tract occurs ~~((pursuant to))~~ in accordance with the  
1218 community plan area zoning process outlined in K.C.C. 20.08.030.

1219 ~~((F))~~ I. Any proposed subsequent development on the reserve tract shall be  
1220 governed by the development standards in effect at the time of such development.

1221 SECTION 21. Ordinance 10870, Section 388, as amended, and K.C.C.  
1222 21A.16.030 are each hereby amended to read as follows:

1223 **Land use grouping.** To facilitate the application of this chapter, the land uses of  
1224 K.C.C. chapter 21A.08 have been grouped in the following manner:

1225 A. Residential~~((s))~~ development refers to those uses listed in K.C.C. 21A.08.030,  
1226 except those uses listed under ~~((s))~~Accessory~~((s))~~ uses, and:

1227 1. ~~((s))~~Attached/group residences~~((s))~~ refers to:

1228 a. townhouses, except as provided in subsection A.2.a. of this section;

1229 b. apartments~~((s))~~ and detached dwelling units developed on common property  
1230 at a density of twelve or more units per acre;

1231 c. senior citizen assisted housing;

1232 d. temporary lodging;

- 1233 e. group residences other than Type I community residential facilities;
- 1234 f. mobile home parks; and
- 1235 2. ((=))Single-family development((=)) refers to:
- 1236 a. residential subdivisions and short subdivisions, including attached and
- 1237 detached dwelling units on individually platted or short platted lots;
- 1238 b. any detached dwelling units located on a lot including cottage housing units;
- 1239 and
- 1240 c. Type 1 community residential facilities;
- 1241 B. ((=))Commercial development((=)) refers to those uses in:
- 1242 1. K.C.C. 21A.08.040 as amusement/entertainment uses, except golf facilities;
- 1243 2. K.C.C. 21A.08.050 except recycling centers, health and educational services,
- 1244 daycare I, churches, synagogues and temples, and miscellaneous repair as allowed in the
- 1245 A and RA zones; and
- 1246 3. K.C.C. 21A.08.070, except forest product sales and agricultural ((~~crop~~))
- 1247 product sales as allowed in the A, F, and RA zones and building, hardware and garden
- 1248 materials as allowed in the A zones.
- 1249 C. ((=))Industrial development((=)) refers to those uses listed in:
- 1250 1. K.C.C. 21A.08.050 as recycling center;
- 1251 2. K.C.C. 21A.08.060, except government services and farm product
- 1252 warehousing, refrigeration and storage as allowed in the A zones;
- 1253 3. K.C.C. 21A.08.080, except food and kindred products as allowed in the A
- 1254 and F zones; and
- 1255 4. K.C.C. 21A.08.090 as mineral extraction and processing;

- 1256 D. ((<sup>u</sup>))Institutional development((<sup>u</sup>)) refers to those uses listed in:
- 1257 1. K.C.C. 21A.08.040 as cultural uses, except arboretums;
- 1258 2. K.C.C. 21A.08.050 as churches, synagogues and temples, health services((<sup>g</sup>))
- 1259 and education services except specialized instruction schools permitted as an accessory
- 1260 use; and
- 1261 3. K.C.C. 21A.08.060 as government services;

1262 E. ((<sup>u</sup>))Utility development((<sup>u</sup>)) refers to those uses listed in K.C.C. 21A.08.060

1263 as utility facilities; and

1264 F. Uses in K.C.C. chapter 21A.08 that are not listed in subsections A. through E.

1265 of this section shall not be subject to landscaping and tree retention requirements except

1266 as specified in any applicable review of a conditional use or special use permits.

1267 SECTION 22. Ordinance 10870, Section 406, as amended, and K.C.C.

1268 21A.18.020 are each hereby amended to read as follows:

1269 **Authority and application.**

1270 A. Before an occupancy permit may be granted for any new or enlarged building

1271 or for a change in use in any existing building, the use shall be required to meet the

1272 requirements of this chapter. In addition, K.C.C. 21A.18.110 I. and J. establish

1273 residential parking limitations applicable to existing, as well as new, residential uses.

1274 B. If this chapter does not specify a parking requirement for a land use, the

1275 director shall establish the minimum requirement based on a study of anticipated parking

1276 demand. Transportation demand management actions taken at the site shall be

1277 considered in determining anticipated demand. If the site is located in an activity center

1278 or community business center, the minimum requirement shall be set at a level less than

1279 the anticipated demand, but at no less than seventy-five percent of the anticipated  
1280 demand. In the study, the applicant shall provide sufficient information to demonstrate  
1281 that the parking demand for a specific land use will be satisfied. Parking studies shall be  
1282 prepared by a professional engineer with expertise in traffic and parking analyses, or an  
1283 equally qualified individual as authorized by the director.

1284 C. If the required amount of off-street parking has been proposed to be provided  
1285 off-site, the applicant shall provide written contracts with affected landowners showing  
1286 that required off-street parking shall be provided in a manner consistent with this chapter.  
1287 The contracts shall be reviewed by the director for compliance with this chapter, and if  
1288 approved, the contracts shall be recorded with the county records ~~((and))~~, elections and  
1289 licensing services division as a deed restriction on the title to all applicable properties.  
1290 These deed restrictions may not be revoked or modified without authorization by the  
1291 director.

1292 D. Upon request from the proponent of any use subject to the this chapter located  
1293 in a rural town, rural neighborhood center, ~~((or))~~ any commercial zone located in a rural  
1294 area or natural resource production district designated by the ~~((e))~~ Comprehensive  
1295 Plan, or any agricultural product production, processing or sales use allowed in the A  
1296 or F zones the director may waive or modify this chapter in order to protect or enhance  
1297 the historic character of the area, ~~((and))~~ to reduce the need for pavement or other  
1298 impervious surfaces, to recognize the seasonal nature of any such activity, or to minimize  
1299 the conversion of agriculturally productive soils. Where a neighborhood or subarea plan  
1300 with design guidelines that includes the subject property has been adopted, the director

1301 shall base allowable waivers or modifications on the policies and guidelines in such a  
1302 plan.

1303 SECTION 23. Ordinance 10870, Section 439, as amended, and K.C.C.  
1304 21A.22.010 are each hereby amended to read as follows:

1305 **Purpose.** The purpose of this chapter is to establish standards ~~((which))~~ that  
1306 minimize the impacts of ~~((extractive))~~ mineral extraction and materials processing  
1307 operations upon surrounding parties by:

1308 A. Ensuring adequate review of operating aspects of ~~((extractive))~~ mineral  
1309 extraction and materials processing sites;

1310 B. Requiring project phasing on large sites to minimize environmental impacts;

1311 C. Requiring minimum site areas large enough to provide setbacks and  
1312 mitigations necessary to protect environmental quality; and

1313 D. Requiring period review of ~~((extractive and processing))~~ mineral extraction  
1314 and materials processing operations to ensure compliance with the ~~((most current))~~  
1315 approved operating standards.

1316 SECTION 24. Ordinance 10870, Section 440 and K.C.C. 21A.22.020 are each  
1317 hereby amended to read as follows:

1318 ~~((Exemptions))~~ **Applicability of chapter.** ~~((The provisions of t))~~ This chapter  
1319 shall ~~((not))~~ only apply to uses or activities ~~((specifically exempted in K.C.C. 16.82.050))~~  
1320 that are mineral extraction or materials processing operations.

1321 SECTION 25. Ordinance 10870, Section 441 and K.C.C. 21A.22.030 are each  
1322 hereby amended to read as follows:



1323           **Grading permits required.** Extractive operations and materials processing  
1324 operations shall commence only after issuance of a grading permit.

1325           NEW SECTION. SECTION 26. There is hereby added to K.C.C. 21A.22 a new  
1326 section to read as follows:

1327           **Community meeting.**

1328           A. Not later than thirty days after the department provides the notice of  
1329 application to the public required by K.C.C. 20.20.060 on a mineral extraction or  
1330 materials processing site or for an expansion of an existing mineral extraction or  
1331 materials processing site or operation beyond the scope of the prior environmental  
1332 review, the applicant shall hold a community meeting. The notice of application shall  
1333 include notification of the date, time and location of the community meeting. At the  
1334 meeting, the applicant shall provide information relative the proposal, including  
1335 information on existing residences and lot patterns within one-quarter mile of potential  
1336 sites and on alternative haul routes. The applicant shall also provide a preliminary  
1337 evaluation at the meeting of any alternative routes that have been provided to the  
1338 applicant in writing at least five days in advance of the meeting. The applicant shall  
1339 provide to the department within fourteen days after the community meeting a written list  
1340 of meeting attendees and documentation of the meeting.

1341           B. Public notice of the community meeting required by this section shall be  
1342 prepared, posted and distributed in accordance with KCC 20.20.060 at least two weeks  
1343 before the community meeting. In addition, the department shall:

1344           1. Publish a notice of the meeting in a local newspaper of general circulation in  
1345 the affected area;

1346           2. Mail the notice of the meeting to the unincorporated area council serving the  
1347 area where the site is located; and

1348           3. Mail the notice of the meeting to all property owners within one-quarter mile  
1349 of the proposed or expanded site or to at least twenty of the property owners nearest to  
1350 the site, whichever is greater; and

1351           4. Mail the notice of the meeting to all property owners within five hundred feet  
1352 of any proposed haul route from the site to the nearest arterial.

1353           SECTION 27. Ordinance 10870, Section 442 and K.C.C. 21A.22.040 are each  
1354 hereby amended to read as follows:

1355           **Nonconforming ~~((extractive))~~ mineral extraction operations.** To the ~~((extent~~  
1356 ~~determined feasible by the county))~~ maximum extent practicable, nonconforming  
1357 ~~((extractive))~~ mineral extraction operations shall be brought into conformance with the  
1358 operating conditions and performance standards of ~~((K.C.C. 21A.22.070))~~ this chapter  
1359 during permit renewal. The department shall establish a schedule for conformance  
1360 during the first periodic review of the nonconforming mineral extraction operation and  
1361 incorporated into the permit conditions.

1362           SECTION 28. Ordinance 10870, Section 443 and K.C.C. 21A.22.050 are each  
1363 hereby amended to read as follows:

1364           **Periodic review.** ~~((Unless a more frequent review is required by the county,~~  
1365 ~~periodic review of extractive and processing operations shall be provided as follows:))~~

1366           A. In addition to the review conducted as part of the annual renewal of a mineral  
1367 extraction operating permit or materials processing permit, the department shall be  
1368 subject to)) conduct a periodic review of ~~((development))~~ mineral extraction and

1369 materials processing operation site design and operating standards at five-year  
1370 intervals(~~(;)~~).

1371 B. The periodic review (~~shall be:~~

1372 1. ~~Conducted by the director or zoning adjustor pursuant to the review process~~  
1373 ~~outlined in K.C.C. 21A.42.040-090;~~) is a Type 2 land use decision.

1374 (~~2. Used to~~) C. The periodic review shall determine (~~that~~):

1375 1. Whether the site is operating consistent with all existing permit conditions;  
1376 and

1377 2. That the most current site design and operating standards (~~and to establish~~  
1378 ~~other~~) are applied to the site through additional or revised permit conditions as necessary  
1379 to mitigate identifiable environmental impacts.

1380 SECTION 29. Ordinance 10870, Section 444, as amended, and K.C.C.  
1381 21A.22.060 are each hereby amended to read as follows:

1382 **Site design standards.** Except as otherwise provided for nonconforming  
1383 (~~extractive~~) mineral extraction operations in K.C.C. 21A.22.040, in addition to  
1384 requirements in this title, all (~~extractive and processing~~) mineral extraction and  
1385 materials processing operations shall (~~at minimum~~) comply with the following  
1386 standards:

1387 A. The minimum site area of (~~an extractive~~) a mineral extraction or materials  
1388 processing operation shall be (~~10~~) ten acres(~~(-)~~);

1389 B. (~~Extractive~~) Mineral extraction or materials processing operations on sites  
1390 larger than (~~20~~) twenty acres shall occur in phases to minimize environmental impacts.  
1391 The size of each phase shall be determined during the review process;

1392 C. If the department determines they are necessary to eliminate a safety hazard,  
1393 ~~((F))~~fences or alternatives to fences approved by the department, shall be:

1394 1. Provided in a manner ~~((which))~~ that discourages access to ~~((safety hazards~~  
1395 ~~which may arise on))~~ areas of the site where:

1396 a. active extracting, processing, stockpiling and loading of materials is  
1397 occurring;

1398 b. boundaries are in common with residential or commercial zoned property or  
1399 public lands; or

1400 c. any unstable slope or any slope exceeding a grade of ~~((40))~~ forty percent is  
1401 present; ~~((or~~

1402 ~~e. any settling pond or other stormwater facility is present;))~~

1403 2. At least six feet in height above the grade measured at a point five feet ~~((from~~  
1404 ~~the))~~ outside ~~((of))~~ the fence and the fence material shall have no opening larger than two  
1405 inches;

1406 3. Installed with lockable gates at all openings or entrances;

1407 4. No more than four inches from the ground to fence bottom; and

1408 5. Maintained in good repair;

1409 D. Warning and trespass signs advising of the ~~((extractive))~~ mineral extraction or  
1410 materials processing operation shall be placed on the perimeter of the site adjacent to RA,  
1411 UR or R zones at intervals no greater than ~~((200))~~ two hundred feet along any unfenced  
1412 portion of the site where the items noted in subsection C.1.a~~((-))~~, through c. of this section  
1413 are present;

1414 E. Structural setbacks from property lines shall be as follows:

1415 1. Buildings, ~~((or))~~ structures and stockpiles used in the processing of materials  
1416 shall be no closer than:

1417 a. ~~((One))~~ one hundred feet from any ~~((UR or R))~~ residential zoned properties  
1418 except that the setback may be reduced to ~~((50))~~ fifty feet when the grade where such  
1419 building or structures are proposed is ~~((50))~~ fifty feet or greater below the grade of ~~((said~~  
1420 ~~UR or R))~~ the residential zoned property~~((or))~~;

1421 b. ~~((Twenty))~~ fifty feet from any other zoned property, except when adjacent to  
1422 another ~~((extractive))~~ mineral extraction or materials processing site; and

1423 c. ~~((Twenty))~~ the greater of fifty feet from the edge of any public street((-) or  
1424 the setback from residential zoned property on the far side of the street; and

1425 2. Offices, scale facilities, equipment storage buildings and stockpiles, including  
1426 those for reclamation, shall not be closer than ~~((20))~~ fifty feet from any property line  
1427 except when adjacent to another ~~((extractive))~~ mineral extraction or materials processing  
1428 site((-) or M or F zoned property. Facilities necessary to control access to the site, when  
1429 demonstrated to have no practical alternative, may be located closer to the property line;

1430 F. ~~((No))~~ On-site clearing, grading or excavation, excluding that necessary for  
1431 required access, roadway or storm drainage facility construction or activities in  
1432 accordance with an approved reclamation plan, shall not be permitted within ((20)) fifty  
1433 feet of any property line except along any portion of the perimeter adjacent to another  
1434 ((extractive)) mineral extraction or materials processing operation ((provided that such  
1435 activities may be pursuant to an approved reclamation plan)) or M or F zoned property.  
1436 If native vegetation is restored, temporary disturbance resulting from construction of  
1437 noise attenuation features located closer than fifty feet shall be permitted;

1438 G. Landscaping ~~((as required pursuant to))~~ consistent with type 1 screening  
1439 K.C.C. chapter 21A.16, except using only plantings native to the surrounding area, shall  
1440 be provided along any portion of the site perimeter where disturbances such as site  
1441 clearing and grading, or mineral extraction or materials processing is performed, except  
1442 where adjacent to another ~~((extractive))~~ mineral extraction, materials processing or  
1443 forestry operation or M or F-zoned property; ~~((and))~~

1444 H. Relevant clearing and grading operating standards from K.C.C. chapter 16.82  
1445 shall be applied; and

1446 I. Lighting shall:

1447 1. Be limited to that required for security, lighting of structures and equipment,  
1448 and vehicle operation; and

1449 2. Not ~~((direct))~~ directly glare onto surrounding properties.

1450 SECTION 30. Ordinance 10870, Section 445, as amended, and K.C.C.  
1451 21A.22.070 are each hereby amended to read as follows:

1452 **Operating conditions and performance standards.** ~~((All of))~~ Operating  
1453 conditions and performance standards shall be as specified in K.C.C. chapter 16.82  
1454 except:

1455 A. Noise levels produced by ~~((an extractive))~~ a mineral extraction or materials  
1456 processing operation shall not exceed levels specified by ~~((the King County Noise~~  
1457 Ordinance)) K.C.C. chapters 12.86, 12.87, 12.88, 12.90, 12.91, 12.92, 12.94, 12.96,  
1458 12.98, 12.99 and 12.100;

1459 B. Blasting shall be conducted under an approved blasting plan:

1460 1. Consistent with the methods specified in the ~~((Θ))~~office of ~~((§))~~surface  
1461 ~~((M))~~mining, 1987 Blasting Guidance Manual in a manner that protects from damage all  
1462 structures, excluding those owned and directly used by the operator, and persons in the  
1463 vicinity of the blasting area, including but not limited to adherence to the following:

1464 a. Airblast levels shall not exceed one hundred thirty-three dBL measured by a  
1465 two Hz or lower flat response system at the nearest residential property or place of public  
1466 assembly;

1467 b. Flyrock shall not be cast one-half the distance to the nearest residential  
1468 property, place of public assembly or the property boundary, whichever is less; and

1469 c. Ground motion shall not exceed ground vibration levels damaging to  
1470 structures using one of the four accepted methods in the Blasting Guidance Manual;

1471 2. During daylight hours; and

1472 3. According to a time schedule, provided to residents within one-half mile of  
1473 the site, that(:

1474 a.) features regular or predictable times, except in the case of an emergency(;  
1475 and

1476 b. ~~is provided to residents within one-half mile of the site;)~~. If requested by a  
1477 resident, the operator shall provide notice of changes in the time schedule at least twenty  
1478 four hours before the changes take effect;

1479 C.1. Dust and smoke produced by ~~((extractive))~~ mineral extraction and materials  
1480 processing operations shall ~~((not substantially increase the existing levels of suspended~~  
1481 ~~particulates at the perimeter of the site and shall))~~ be controlled by ~~((watering of the site~~

1482 ~~and equipment or other methods specified by the county))~~ best management practices to  
1483 comply with relevant regulations of the Puget Sound Clean Air Agency.

1484 2. Dust and smoke from process facilities shall be controlled in accordance with  
1485 a valid operating permit from the Puget Sound Clean Air Agency. Copies of the permit  
1486 shall be kept onsite and available for department and public inspection. Copies of the  
1487 Puget Sound Clean Air Agency monitoring results shall be provided to the department on  
1488 permit monitoring data submittal dates.

1489 3. Dust and smoke from process facilities shall not significantly increase the  
1490 existing levels of suspended particulates at the perimeter of the site;

1491 D. The applicant shall ~~((provide for measures to))~~ prevent ~~((transport of))~~ rocks,  
1492 dirt, ~~((and))~~ mud and any raw or processed material from spilling from or being tracked  
1493 by trucks onto public roadways and shall be responsible for cleaning debris or repairing  
1494 damage to roadways caused by the operation;

1495 E. The applicant shall provide ~~((F))~~ traffic control measures such as ~~((flagmen))~~  
1496 flaggers or warning signs as determined by the ~~((county shall be provided by the~~  
1497 applicant)) department during all hours of operation; ~~((and))~~

1498 F. ~~((The applicant shall be responsible for cleaning of debris or repairing of~~  
1499 damage to roadways caused by the operation.)) The operator shall control surface water  
1500 and site discharges to comply with K.C.C. chapter 9.04 and the surface water design  
1501 manual and K.C.C. chapter 9.12 and the stormwater pollution prevention manual. For the  
1502 life of the mineral resource operation and until site reclamation is complete, the operator  
1503 shall maintain a valid Washington state department of ecology National Pollutant  
1504 Discharge Elimination System individual permit or maintain coverage under the sand and



1505 gravel general permit. The operator shall keep onsite and available for department  
1506 review copies of the erosion and sediment control plan, the applicable National Pollution  
1507 Discharge Elimination System individual or general permit and the Stormwater Pollution  
1508 Prevention Plan. The operator shall make the plans and permit available for public  
1509 inspection upon request. The operator shall provide to the department copies of the  
1510 monitoring results on permit monitoring data submittal dates. The department shall make  
1511 the monitoring results available for public inspection. If the department determines that  
1512 National Pollution Discharge Elimination System monitoring frequency or type is not  
1513 adequate to meet the demands of the site and the requirements of this subsection, the  
1514 department may require more frequent and detailed monitoring and may require a  
1515 program designed to bring the site into compliance;

1516 G. The operator shall not excavate below the contours determined through  
1517 hydrologic studies necessary to protect groundwater and the upper surface of the  
1518 saturated groundwater that could be used for potable water supply;

1519 H. If contamination of surface or ground water by herbicides is possible, to the  
1520 maximum extent practicable, mechanical means shall be used to control noxious weeds  
1521 on the site;

1522 I. Upon depletion of mineral resources or abandonment of the site, the operator  
1523 shall remove all structures, equipment and appurtenances accessory to operations; and

1524 J. If the operator fail to comply with this section, the department shall require  
1525 modifications to operations, procedures or equipment until compliance is demonstrated to  
1526 the satisfaction of the department. If the modifications are inconsistent with the approved  
1527 permit conditions, the department shall revise the permit accordingly.

1528            SECTION 31. K.C.C.16.82.110, as amended by this ordinance, is hereby  
1529 recodified as a new section in K.C.C. chapter 21A.22.

1530            SECTION 32. Ordinance 1488, Section 12, as amended and K.C.C. 16.82.110  
1531 are each hereby amended to read as follows:

1532            ~~((Land restoration))~~ Reclamation.

1533            A. A valid clearing and grading permit shall be maintained on a mineral  
1534 extraction site until the reclamation of the site required under chapter 78.44 RCW is  
1535 completed.

1536            B. A reclamation plan approved in accordance with chapter 78.44 RCW shall be  
1537 submitted before the effective date of a zone reclassification in Mineral-zoned properties  
1538 or the acceptance of any development proposal for a subsequent use in Forest-zoned  
1539 properties. The zone reclassification shall grant potential zoning that is only to be  
1540 actualized, under K.C.C. chapter 20.24, upon demonstration of successful completion of  
1541 all requirements of the reclamation plan. Development proposals in the Forest zone for  
1542 uses subsequent to mineral extraction operations shall not be approved until  
1543 demonstration of successful completion of all requirements of the reclamation plan  
1544 except that forestry activities may be permitted on portions of the site already fully  
1545 reclaimed.

1546            C. Mineral extraction operations that are not required to have an approved  
1547 reclamation plan under chapter 78.44 RCW shall meet the following requirements:

1548            1. Upon the exhaustion of minerals or materials or upon the permanent  
1549 abandonment of the quarrying or mining operation, all nonconforming buildings,  
1550 structures, apparatus or appurtenances accessory to the quarrying and mining operation

1551 shall be removed or otherwise dismantled to the satisfaction of the director(~~(-This~~  
1552 ~~requirement shall not require land restoration on projects completed prior to January 1,~~  
1553 ~~1971, except those covered under previously existing zoning requirements.))~~);

1554 ~~((B))~~2. Final grades shall:

1555 a. be such so as to encourage the uses permitted within the primarily  
1556 surrounding zone or, if applicable the underlying or potential zone classification((-); and

1557 b. result in drainage patterns that reestablish natural conditions of water  
1558 velocity, volume, and turbidity within six months of reclamation and that precludes water  
1559 from collecting or becoming stagnant. Suitable drainage systems approved by the  
1560 department shall be constructed or installed where natural drainage conditions are not  
1561 possible or where necessary to control erosion. All constructed drainage systems shall be  
1562 designed consistent with the Surface Water Design Manual;

1563 ~~((C))~~3. All areas subject to ((G))grading or backfilling shall ((be made with)));

1564 a. incorporate only nonnoxious, nonflammable, noncombustible and  
1565 nunputrescible solids((-); and

1566 ~~((D. Such graded or backfilled areas,))~~ b. except for roads and areas incorporated  
1567 into drainage facilities, ((shall)) be ((sodded or)) surfaced with soil of a quality at least  
1568 equal to the topsoil of the land areas immediately surrounding, and to a depth of ((at least  
1569 four inches or a depth of that of)) the topsoil of land area immediately surrounding ((if  
1570 less than four)) six inches, whichever is greater. The topsoil layer shall have an organic  
1571 matter content of eight to thirteen percent and a pH of 6.0 to 8.0 or matching the pH of  
1572 the original undisturbed soil layer. Compacted areas such as pit floors or compacted fill  
1573 shall be tilled or scarified prior to topsoil placement;

1574 4. All reclaimed slopes shall comprise an irregular sinuous appearance in both  
1575 profile and plan view and blend with adjacent topography to a reasonable extent;

1576 5. Where excavation has penetrated the seasonal or permanent water table  
1577 creating a water body or wetland:

1578 a. All side slopes below the permanent water table and banks shall be graded  
1579 or shaped as to not constitute a safety hazard;

1580 b. Natural features and plantings to provide beneficial wetland functions and  
1581 promote wildlife habitat shall be provided; and

1582 c. Appropriate drainage controls shall be provided to stabilize the water level  
1583 and not create potential flooding hazards;

1584 ~~((E. Such))~~ 6. All cleared, graded or backfilled areas, including areas surfaced  
1585 with topsoil ((as required by subdivision D)), shall be planted with a variety of trees,  
1586 shrubs, legumes ((or)) and grasses((, and said flora shall be so selected as to be))  
1587 indigenous to the surrounding area((-)) and appropriate for the soil, moisture and  
1588 exposure conditions;

1589 ~~((F. Graded or backfilled areas shall be reclaimed in a manner which will not~~  
1590 ~~allow water to collect and permit stagnant water to remain. Suitable drainage systems~~  
1591 ~~approved by the department of natural resources and parks shall be constructed or~~  
1592 ~~installed if natural drainage is not possible.~~

1593 ~~G))~~ 7. Waste or soil piles shall be ((leveled and the area treated as to sodding or  
1594 surfacing)) used for grading, backfilling or surfacing if permissible under this section,  
1595 then covered with topsoil and ((planting as required in)) planted in accordance with  
1596 subsection((s D))C.3. and ((E)) 6. of this section. Waste or soil piles not acceptable to be

1597 used for fill in accordance with this chapter or as top soil in accordance with subsection  
1598 C.3. of this section shall be removed from the site; and

1599 8. Where excavation has exposed natural materials that may create polluting  
1600 conditions, including but not limited to acid-forming coals and metalliferous rock or soil,  
1601 such conditions shall be addressed to the satisfaction of the department. The final ground  
1602 surface shall be graded so that surface water drains away from any such materials  
1603 remaining on the site.

1604 H. The department may modify any requirement of this section when not  
1605 applicable or if it conflicts with an approved subsequent use for the site.

1606 SECTION 33. Ordinance 10870, Section 446, as amended, and K.C.C.  
1607 21A.22.080 are each hereby repealed.

1608 NEW SECTION. SECTION 34. There is hereby added to K.C.C. 21A.22 a new  
1609 section to read as follows:

1610 **Mitigation and monitoring.** The applicant shall mitigate adverse impacts  
1611 resulting from the extraction or processing operations and monitor to demonstrate  
1612 compliance with this chapter.

1613 SECTION 35. Ordinance 10870, Section 447, as amended, and K.C.C.  
1614 21A.22.090 are each hereby amended to read as follows:

1615 **Financial guarantees.** Financial guarantees shall be required consistent with  
1616 ~~((the provisions of))~~ K.C.C. Title 27A.

1617 SECTION 36. Ordinance 10870, Section 514 and K.C.C. 21A.28.040 are each  
1618 hereby amended to read as follows:

1619           **Adequate water supply.** All new development shall be served by an adequate  
1620 public or private water supply system as follows:

1621           A. A public water system is adequate for a development proposal (~~provided~~  
1622 ~~that~~) only if:

1623           1. For the issuance of a building permit, preliminary plat approval or other land  
1624 use approval, the applicant (~~must~~) demonstrates that the existing water supply system  
1625 available to serve the site:

1626           a. complies with the applicable planning, operating and design requirements  
1627 of:

1628           (1) chapters WAC 246~~(-)~~-290 and 246-291;

1629           (2) K.C.C. chapters 14.42 and (~~K.C.C.~~) 14.44 and K.C.C. Title 17;

1630           (3) (~~E~~)coordinated (~~W~~)water system plans;

1631           (4) K.C.C. Titles 12(~~, K.C.C. Title~~) and 13 and other applicable (~~provisions~~  
1632 ~~of the~~) rules (~~and regulations~~) of the King County board of health;

1633           (5) applicable rules of the Washington state Board of Health, Department of  
1634 Health, Utilities and Transportation Commission and Department of Ecology;

1635           (6) applicable provisions of King County groundwater management plans and  
1636 watershed plans;

1637           (7) applicable provisions of the King County Comprehensive Plan and  
1638 development regulations; and

1639           (8) any limitation or condition imposed by the county-approved  
1640 comprehensive plan of the water purveyor; (~~and~~)

1641 b. ~~((t))~~The proposed improvements to an existing water system have been  
1642 reviewed by the department and determined to comply with the design standards and  
1643 conditions specified in ~~((paragraph a. of this))~~ subsection A.1.a of this section; ~~((or))~~ and

1644 c. ~~((a))~~A proposed new water supply system has been reviewed by the  
1645 department and determined to comply with the design standards and conditions specified  
1646 in ~~((paragraph a. of this))~~ subsection A.1.a. of this section;

1647 2. ~~((Prior to))~~ Before issuance of a certificate of occupancy for a building or  
1648 change of use permit, the approved public water system and any system improvements  
1649 ~~((set forth))~~ in subsection A.1. of this section ~~((shall be))~~ are installed to serve each  
1650 building or lot respectively;

1651 3. For recording a final plat, final short plat or binding site plan, either the  
1652 approved public water supply system or system improvements ~~((set forth))~~ in subsection  
1653 A.1. of this section ~~((shall be))~~ are installed to serve each lot or a bond or similar security  
1654 shall be deposited with King County and may be assigned to a purveyor to assure the  
1655 construction of required water facilities in Group A systems as defined by board of health  
1656 regulations, within two years of recording; and

1657 4. For a zone reclassification or urban planned development permit, the timing  
1658 of installation of required water system improvements ~~((shall be))~~ is included in the  
1659 approving ordinance as specified in K.C.C. 20.24.230.

1660 B. An on-site~~((s))~~ individual water system is adequate and the plat or short plat  
1661 may receive preliminary and final approval, and a building or change of use permit may  
1662 be issued~~((;~~

1663 ~~1. In an urban area if:~~

1664 a. ~~the buildings or lots to be served are located outside of a county approved~~  
1665 ~~water purveyor service area; or~~

1666 b. ~~The water purveyor has indicated that service cannot be provided in~~  
1667 ~~compliance with the purveyors approved comprehensive plan; and~~

1668 c. ~~The Seattle King County department of public health has approved the~~  
1669 ~~proposed method of water supply in accordance with the applicable King County board~~  
1670 ~~of health rules and regulations and this section. The applicant shall provide appropriate~~  
1671 ~~information to demonstrate to the department and the Seattle King County department of~~  
1672 ~~public health that a private individual water system will be adequate. The Seattle King~~  
1673 ~~County department of public health may require installation of private individual water~~  
1674 ~~systems prior to final approval of a plat or short plat where information is insufficient to~~  
1675 ~~show an adequate water supply can be made available.~~

1676 2. ~~In a rural area, if the Seattle King County department of public health has~~  
1677 ~~approved the proposed method of water supply in accordance with the applicable King~~  
1678 ~~County board of health rules and regulations and this section. The applicant shall provide~~  
1679 ~~appropriate information to demonstrate to the department and the Seattle King County~~  
1680 ~~department of public health that a private individual water system will be adequate. The~~  
1681 ~~Seattle King County department of public health may require installation of private~~  
1682 ~~individual water systems prior to final approval of a plat or short plat where information~~  
1683 ~~is insufficient to show an adequate water supply can be made available)) as provided in~~  
1684 K.C.C. 13.24.138 and 13.24.140.

1685 SECTION 37. Ordinance 10870, Section 536, as amended, and K.C.C. chapter  
1686 21A.30.080 are each hereby amended to read as follows:



1687           **Home occupation.** Residents of a dwelling unit may conduct one or more home  
1688 occupations as accessory activities, (~~provided~~) only if:

1689           A. The total area devoted to all home occupation(~~s~~) or occupations shall not  
1690 exceed twenty percent of the floor area of the dwelling unit. Areas with attached garages  
1691 and storage buildings shall not be considered part of the dwelling unit for purposes of  
1692 calculating allowable home occupation area but may be used for storage of goods  
1693 associated with the home occupation;

1694           B. In urban residential zones, all the activities of the home occupation(~~s~~) or  
1695 occupations shall be conducted indoors, except for those related to growing or storing of  
1696 plants used by the home occupation(~~s~~) or occupations;

1697           C. In A, F and RA zones:

1698           1. The total indoor area of a home occupation shall not exceed twenty percent of  
1699 the floor area of the dwelling unit. Areas with attached garages and storage buildings  
1700 shall not be considered part of the dwelling unit for purposes of calculating allowable  
1701 home occupation area but may be used for storage of goods associated with the home  
1702 occupation.

1703           2. Total outdoor area of a home occupation shall not exceed one percent of the  
1704 size of the lot up to a maximum of five thousand square feet.

1705           3. Outdoor storage and parking shall have ten-foot wide Type II landscaping.

1706           D. No more than one nonresident shall be employed by the home  
1707 occupation(~~s~~) or occupations;

1708           E. The following activities (~~shall be~~) are prohibited in urban residential zones  
1709 only:

1710 1. Automobile, truck and heavy equipment repair;

1711 2. Autobody work or painting;

1712 3. Parking and storage of heavy equipment; and

1713 4. Storage of building materials for use on other properties.

1714 F. In addition to required parking for the dwelling unit, on-site parking (~~shall~~  
1715 ~~be~~) is provided as follows:

1716 1. One stall for a non((-)resident employed by the home occupation(~~(s)~~); and

1717 2. One stall for patrons when services are rendered on-site((-);

1718 G. Sales (~~shall be~~) are limited to:

1719 1. Mail order sales; and

1720 2. Telephone sales with off-site delivery((-);

1721 H. Services to patrons (~~shall be~~) are arranged by appointment or provided off-  
1722 site;

1723 I. The home occupation(~~(s) may~~) or occupations use or store a vehicle for  
1724 pickup of materials used by the home occupation(~~(s)~~) or occupations or the distribution  
1725 of products from the site (~~provided~~) only if:

1726 1. No more than one such a vehicle (~~shall be~~) is allowed;

1727 2. (~~Such~~) The vehicle (~~shall~~) does not park within any required setback areas  
1728 of the lot or on adjacent streets; and

1729 3. (~~Such~~) The vehicle (~~shall~~) does not exceed a weight capacity of one ton,  
1730 except in the A, F and RA zones on lots at least five acres in size, where it is only if the  
1731 vehicle does not exceed a weight capacity of two and one-half tons ((-)); and

1732 J. The home occupation(~~((s) shall))~~ or occupations do not use electrical or  
1733 mechanical equipment that results in:

1734 1. A change to the occupancy type of the structure(~~((s)))~~ or structures used for  
1735 the home occupation(~~((s)))~~ or occupations;

1736 2. Visual or audible interference in radio or television receivers, or electronic  
1737 equipment located off premises; or

1738 3. Fluctuations in line voltage off premises(~~((:))~~);

1739 K. Uses not allowed as home occupations may be allowed as a home industry  
1740 (~~(pursuant to))~~ under K.C.C. chapter 21A.30.

1741 SECTION 38. Ordinance 10870, Section 563, as amended, and K.C.C.  
1742 21A.34.040 are each hereby amended to read as follows:

1743 **Public benefits and density incentives.**

1744 A. The public benefits eligible to earn increased densities, and the maximum  
1745 incentive to be earned by each benefit, are in subsection F of this section. The density  
1746 incentive is expressed as additional bonus dwelling units, or fractions of dwelling units,  
1747 earned per amount of public benefit provided.

1748 B. Bonus dwelling units may be earned through any combination of the listed  
1749 public benefits.

1750 C. The guidelines for affordable housing bonuses including the establishment of  
1751 rental levels, housing prices and asset limitations, will be updated and adopted annually  
1752 by the council in the consolidated housing and community development plan.

1753 D. Bonus dwelling units may also be earned and transferred to the project site  
1754 through the transfer of development rights (TDR) program established in K.C.C. chapter

1755 21A.37, by providing any of the open space, park site or historic preservation public  
1756 benefits set forth in subsection((s)) F.2. or ((F-))3. of this subsection on sites other than  
1757 that of the RDI development.

1758 E. Residential development in R-4 through R-48 zones with property specific  
1759 development standards requiring any public benefit enumerated in this chapter, shall be  
1760 eligible to earn bonus dwelling units in accordance with subsection F of this section of  
1761 the public benefits provided exceed the basic development standards of this title. If a  
1762 development is located in a special overlay district, bonus units may be earned if the  
1763 development provides public benefits exceeding corresponding standards of the special  
1764 district.

1765 F. The following are the public benefits eligible to earn density incentives  
1766 through RDI review.

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BENEFIT	DENSITY INCENTIVE
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1. AFFORDABLE HOUSING

a. Benefit units consisting of rental housing permanently prices to serve non((-)senior citizen low-income households (((i.e.)) that is no greater than 30 percent of gross income for households at or below 50 percent of King County median income, adjusted for household size).

1.5 bonus units per benefit unit, up to a maximum of 30 low-income units per five acres of site area; projects on sites of less than five acres shall be limited to 30 low-income units?

A covenant on the site that specifies the income level being served, rent levels and requirements for reporting to King County shall be recorded at final approval.

Benefit units consisting of rental housing designed and permanently priced to serve low-income senior citizens ~~((i.e.))~~ that is no greater than 30 percent of gross income for 1- or 2-person households, 1 member of which is 62 years of age or older, with incomes at or below 50 percent of King County median income, adjusted for household size). A covenant on the site that specifies the income level being served, rent levels and requirements for reporting to King County shall be recorded at final approval.

1.5 bonus units per benefit unit, up to a maximum of 60 low-income units per five acres of site area, projects on sites of less than five acres shall be limited to 60 low-income units.

c. Benefit units consisting of senior citizen assisted housing units 600 square feet or less

1 bonus unit per benefit unit

d. Benefit units consisting of 0.75 bonus unit per benefit unit.  
moderate income housing reserved  
for income- and asset-qualified home  
buyers (total household income at or  
below 80 percent of King County  
median, adjusted for household size).  
Benefit units shall be limited to  
owner-occupied housing with prices  
restricted based on typical  
underwriting ratios and other lending  
standards, and with no restriction  
placed on resale. Final approval  
conditions shall specify requirements  
for reporting to King County on both  
buyer eligibility and housing prices.

3. Benefit units consisting of 1 bonus unit per benefit unit.  
moderate income housing reserved  
for income and asset-qualified home  
buyers (total household income at or  
below 80 percent of King County  
median, adjusted for household size).  
Benefit units shall be limited to  
owner-occupied housing with prices

restricted based on typical underwriting ratios and other lending standards, and with a 15-year restriction binding prices and eligibility on resale to qualified moderate income purchasers. Final approval conditions shall specify requirements for reporting to King County on both buyer eligibility and housing prices.

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

1.5 bonus units per benefit unit.

income level and other aspects of buyer eligibility, price levels and requirements for reporting to King County shall be recorded at final approval.

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

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

h. Benefit units consisting of

1.0 bonus unit per benefit unit.



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

2. OPEN SPACE, TRAILS AND PARKS

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

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

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

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

c. Improvement of dedicated trail

1.8 bonus units per quarter((-))

segment to King County standards.

mile of trail constructed to county standard for pedestrian trails; or

2.5 bonus units per quarter((-))

mile of constructed to county standard for multipurpose trails (pedestrian/bicycle/equestrian).

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

### 3. HISTORIC PRESERVATION

a. Dedication of a site containing an historic landmark in accordance with K.C.C. chapter 20.62, to King County or a qualifying nonprofit organization capable of restoring and/or maintaining the premises to standards set by the King County ((~~L~~))landmarks ((~~C~~))commission.

0.5 bonus unit per acre of historic site.

b. Restoration of a site or

0.5 bonus unit per acre of site or

structure designated as an historic landmark in accordance with K.C.C. chapter 20.62 to a specific architectural or site plan approved by the King County ~~(L)~~ landmarks ~~(C)~~ commission.

one thousand square feet of floor area of building restored.

#### 4. ENERGY CONSERVATION

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

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

b. Benefit units that incorporate conservation features on the construction of an all on-site dwelling units heated by natural gas, or other non((-)electric heat source, that save at least 25 percent of space heat energy use from the maximum permitted by the Northwest Energy Code, as amended. None of the required savings shall be achieved by reduction of glazing area below 15 percent of floor area. Energy use shall be expressed as allowable energy load per square foot or as total transmittance (UA).

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

c. Developments located within 1/4 mile of transit routes served on at least a half-hourly basis during the peak hours and hourly during the daytime non((-)peak hours.

10 percent increase above the base density of the zone.

## 5. PUBLIC ART

a. Devoting 1% of the project budget to public art on site.

5 percent increase above the base density of the zone.

b. Contributing 1% of the project budget to the King County public art fund for development of art projects. 5 percent increase above the base density of the zone.

The contribution shall be used for projects located within a one mile radius of the development project.

6. COTTAGE HOUSING

Provision of three to sixteen detached cottage units clustered around at least one common open space.

Two hundred percent of the base density of the underlying zone.  
Limited to parcels in the R4-R8 zones.  
Such RDI proposals shall not be eligible to utilize other RDI bonus density incentives listed in this section.

1767           ((Note:)) If proposed energy conservation bonus units of this section are reviewed  
1768 in conjunction with a subdivision of a short subdivision, the applicant shall provide data  
1769 and calculations for a typical house of the type to be built in the development that  
1770 demonstrates to the department's satisfaction how the required savings will be achieved.  
1771 A condition of approval shall be recorded with the plat and shown on the title of each lot  
1772 specifying the required energy savings that must be achieved in the construction of the  
1773 dwelling unit. The plat notation shall also specify that the savings shall be based on the  
1774 energy code in effect at the time of preliminary plat application.

1775            SECTION 39. Ordinance 13724, Section 1, as amended, and K.C.C. 21A.37.010  
1776 are each hereby amended to read as follows:

1777            **Transfer of development rights (TDR) program - purpose.**

1778            A. The purpose of the transfer of development rights program is to ~~((provide a))~~  
1779 transfer residential density from eligible sending sites to eligible receiving sites through a  
1780 voluntary~~((, incentive-based))~~ process for permanently preserving rural resource and  
1781 ~~((U))~~urban ~~((S))~~separator lands that provide a public benefit. The TDR provisions are  
1782 intended to supplement land use regulations, resource protection efforts and open space  
1783 acquisition programs and to encourage increased residential development density or  
1784 increased commercial square footage, especially inside cities, where it can best be  
1785 accommodated with the least impacts on the natural environment and public services by:

1786            1. Providing an effective and predictable incentive process for property owners  
1787 of rural, resource and ~~((U))~~urban ~~((S))~~separator land ~~((property owners))~~ to preserve  
1788 lands with a public benefit as described in K.C.C. 21A.37.020; and

1789            2. Providing an efficient and streamlined administrative review system to ensure  
1790 that transfers of development rights to receiving sites are evaluated in a timely way and  
1791 balanced with other county goals and policies, and are adjusted to the specific conditions  
1792 of each receiving site.

1793            B. The TDR provisions in this chapter shall only apply to TDR receiving site  
1794 development proposals submitted on or after September 17, 2001, and applications for  
1795 approval of TDR sending sites submitted on or after September 17, 2001.

1796            SECTION 40. Ordinance 13724, Section 4, as amended, and K.C.C. 21A.37.020  
1797 are each hereby amended to read as follows:

1798           **Transfer of development rights (TDR) program - sending sites.**

1799           A. For the purpose of this chapter, ~~((“))~~ sending site ~~((“))~~ means ~~((the portion of~~  
1800 ~~the))~~ the entire tax lot or lots qualified under subsection B of this section. Sending sites  
1801 may only be located within rural ~~((;))~~ or resource lands or ~~((“))~~ urban ~~((“))~~ separator areas  
1802 with R-1 zoning, as designated by the King County Comprehensive Plan and ~~((may))~~  
1803 cannot be in public ownership. If the sending site consists of more than one tax lot, the  
1804 lots must be contiguous. For purposes of this section, lots divided by a street are  
1805 considered contiguous if the lots would share a common lot line if the street was  
1806 removed ~~((. Sending sites shall be maintained in a natural state, except for lands zoned A~~  
1807 ~~or F, or lands zoned RA within the rural forest focus areas, or within proposed regional~~  
1808 ~~trail or open space sites suitable for passive recreation.))~~; this provision may be waived  
1809 by the interagency committee if the total acreage of a rural or resource sending site  
1810 application exceeds one hundred acres. A sending site shall be maintained in a condition  
1811 that is consistent with the criteria in this section under which the sending was qualified.

1812           B. Qualification of a sending site shall demonstrate that the site contains a public  
1813 benefit such that preservation of that benefit by transferring residential development  
1814 rights to another site is in the public interest. A sending site must meet at least one of the  
1815 following criteria:

- 1816           1. Designation in the King County Comprehensive Plan or a functional plan as  
1817 an agricultural production district or zoned A;
- 1818           2. Designation in the King County Comprehensive Plan or a functional plan as  
1819 forest production district or zoned F;

1820           3. Designation in the King County Comprehensive Plan as rural residential,  
1821 zoned RA-5 or RA-10, and meeting the definition in RCW 84.34.020 of open space, farm  
1822 and agricultural land, or timber land;

1823           4. Designation in the King County Comprehensive Plan or a functional plan as  
1824 within the rural forest focus area and zoned RA with a minimum of fifteen acres of  
1825 forested land that is not encumbered through King County's development rights purchase  
1826 program;

1827           ~~((4))~~ 5. Designation in the King County Comprehensive Plan, or a functional  
1828 plan as a proposed rural or resource area regional trail or rural or resource area open  
1829 space site, through either:

1830           a. designation of a specific site; or

1831           b. identification of proposed rural or resource area regional trails or rural or  
1832 resource area open space sites which meet adopted standards and criteria, and for rural or  
1833 resource area open space sites, meet the definition of open space land, as defined in RCW  
1834 84.34.020;

1835           ~~((5))~~ 6. Identification as habitat for federal listed endangered or threatened  
1836 species in a written determination by the King County department of natural resources  
1837 and parks, Washington state Department of Fish and Wildlife, United States Fish and  
1838 Wildlife Services or a federally recognized tribe that the sending site is appropriate for  
1839 preservation or acquisition; or

1840           ~~((6))~~ 7. Designation in the King County Comprehensive Plan as ~~((U))~~urban  
1841 ~~((S))~~separator and zoned R-1.



1842 C. For the purposes of the TDR program, ((<sup>(1)</sup>))acquisition((<sup>(2)</sup>)) means obtaining  
1843 fee simple rights in real property, or a less than a fee simple right in a form that preserves  
1844 in perpetuity the public benefit supporting the designation or qualification of the property  
1845 as a sending site.

1846 D. If a sending site has any outstanding code violations, the person responsible  
1847 for code compliance should resolve these violations, including any required abatement,  
1848 restoration, or payment of civil penalties, before a TDR sending site may be qualified by  
1849 the interagency review committee created under K.C.C. 21A.37.070. However, the  
1850 interagency may qualify and certify a TDR sending site with outstanding code violations  
1851 if the person responsible for code compliance has made a good faith effort to resolve the  
1852 violations and the proposal is in the public interest.

1853 E. For lots on which the entire lot or a portion of the lot has been cleared or  
1854 graded ((~~pursuant to~~)) in accordance with to a Class II, III or IV special forest practice as  
1855 defined in chapter 76.09 RCW within the six years prior to application as a TDR sending  
1856 site, the applicant must provide an affidavit of compliance with the reforestation  
1857 requirements of the Forest Practices Act, and any additional reforestation conditions of  
1858 their forest practice permit. Lots on which the entire lot or a portion of the lot has been  
1859 cleared or graded without any required forest practices or county authorization, shall be  
1860 not qualified or certified as a TDR sending site for six years unless the six-year  
1861 moratorium on development applications has been lifted or waived or the landowner has  
1862 a reforestation plan approved by the state Department of Natural Resources and King  
1863 County.

1864            SECTION 41. Ordinance 13724, Section 5, as amended, and K.C.C. 21A.37.030

1865 are each hereby amended to read as follows:

1866            **Transfer of development rights (TDR) program - receiving sites.**

1867            A. Receiving sites shall be:

1868            1. King County unincorporated urban sites, except as limited in subsection ~~((e))~~  
1869 of D<sub>2</sub> of this section, zoned R-4 through R-48, NB, CB, RB or O, or any combination  
1870 thereof. The sites may also be within potential annexation areas established under the  
1871 countywide planning policies; or

1872            2. Cities where new growth is or will be encouraged under the Growth  
1873 Management Act and the countywide planning policies and where facilities and services  
1874 exist or where public investments in facilities and services will be made, or

1875            3. RA-2.5 ~~((and RA-5))~~ zoned parcels, except as limited in subsection E<sub>2</sub> of this  
1876 section, that meet the criteria listed in this subsection A.3<sub>2</sub> may receive development  
1877 ~~((credits))~~ rights transferred from rural forest focus areas, and accordingly may be  
1878 subdivided and developed at a maximum density of one dwelling per two and one-half  
1879 acres. Increased density allowed through the designation of rural receiving areas:

1880            a. must be eligible to be served by domestic Group A public water service;

1881            b. must be located within one-quarter mile of an existing predominant pattern  
1882 of rural lots smaller than five acres in size;

1883            c. must not adversely impact regionally or locally significant resource areas or  
1884 environmentally sensitive areas;

1885            d. must not require public services and facilities to be extended to create or  
1886 encourage a new pattern of smaller lots;

1887 e. must not be located within rural forest focus areas; and

1888 f. must not be located on Vashon Island or Maury Island((s)).

1889 B. Except as provided in this chapter development of an unincorporated King  
1890 County receiving site shall remain subject to all zoning code provisions for the base zone,  
1891 except TDR receiving site developments shall comply with dimensional standards of the  
1892 zone with a base density most closely comparable to the total approved density of the  
1893 TDR receiving site development.

1894 C. An unincorporated King County receiving site may accept development rights  
1895 from one or more sending sites, up to the maximum density permitted under K.C.C.  
1896 21A.12.030 and 21A.12.040.

1897 D. Property located within the outer boundaries of the Noise Remedy Areas as  
1898 identified by the Seattle-Tacoma International Airport may not accept development  
1899 rights.

1900 E. Property located on Vashon Island or Maury Island may not accept  
1901 development rights.

1902 SECTION 42. Ordinance 13724, Section 6, as amended, and K.C.C. 21A.37.040  
1903 are each hereby amended to read as follows:

1904 **Transfer of development rights (TDR) program - calculations.**

1905 A. The number of residential development rights that an unincorporated sending  
1906 site is eligible to send to a receiving site shall be determined by applying the TDR  
1907 sending site base density established in subsection D of this section to the area of the  
1908 sending site after ~~((the following has been deducted:~~

1909           1. A)) any portion of the sending site already in a conservation easement or  
1910 other similar encumbrance(;) has been deducted.

1911           ~~((2. The amount of land area equal to the base density in the density and  
1912 dimensions tables in K.C.C. 21A.12.030 and 21A.12.040 for the zone for each existing or  
1913 proposed residential development unit within the lot or lots;~~

1914           3. Any submerged land; and

1915           4. Other areas, ~~excluding setbacks, required by King County to remain  
1916 undeveloped.)~~)

1917           B. Any fractions of development rights that result from the calculations in  
1918 subsection A. of this section shall not be included in the final determination of total  
1919 development rights available for transfer.

1920           C. For purposes of calculating the amount of development rights a sending site  
1921 can transfer, the amount of land contained within a sending site shall be determined as  
1922 follows:

1923           1. If the sending site is an entire tax lot, the square footage or acreage shall be  
1924 determined:

1925           a. by the King County department of assessments records; or

1926           b. by a survey funded by the applicant that has been prepared and stamped by a  
1927 surveyor licensed in the state of Washington; and

1928           2. ~~((If the sending site is a portion of a tax lot, the square footage or acreage  
1929 shall be determined by a survey that has been prepared and stamped by a surveyor  
1930 licensed in the state of Washington; and~~

1931            3.) If the sending site consists of a lot that is divided by a zoning boundary, the  
1932 square footage or acreage shall be calculated separately for each zoning classification.  
1933 The square footage or acreage within each zoning classification shall be determined by  
1934 the King County record of the action that established the zoning and property lines, such  
1935 as an approved lot line adjustment. When such records are not available or are not  
1936 adequate to determine the square footage or acreage within each zoning classification, the  
1937 department of development and environmental services shall calculate the square footage  
1938 or acreage through the geographic information system (GIS) mapping system.

1939            D. For the purposes of the transfer of development rights (TDR) program, the  
1940 following TDR sending site base densities apply:

1941            1. Sending sites designated in the King County Comprehensive Plan as  
1942 ~~((U))~~urban ~~((S))~~separator and zoned R-1 shall have a base density of four dwelling units  
1943 per acre ~~((-))~~ for transfer purposes only;

1944            2. Sending sites zoned RA outside a rural forest focus area shall have a base  
1945 density consistent with the base density established in the density and dimensions tables  
1946 in K.C.C.21A.12.030;

1947            3. Sending sites zoned RA within rural forest focus areas shall have a base  
1948 density of one dwelling unit per five acres for transfer purposes only;

1949            4. Sending sites zoned A-10 and A-35 within the agricultural production district  
1950 shall have a base density of one dwelling unit per five acres for transfer purposes only;

1951 and

1952           5. Sending sites zoned F within the forest production district shall have a base  
1953 density of one dwelling unit per eighty acres or one dwelling unit per each lot that is  
1954 between fifteen and eighty acres in size for transfer purposes only.

1955           E. A sending site may send one development right for every legal lot created on  
1956 or before September 17, 2001, if that number is greater than the number of development  
1957 rights determined under subsection A<sub>2</sub> of this section.

1958           F. The number of development rights that a King County unincorporated rural or  
1959 natural resources land sending site is eligible to send to a King County incorporated  
1960 urban area receiving site shall be determined through the application of a conversion ratio  
1961 established by King County and the incorporated municipal jurisdiction. The conversion  
1962 ratio will be applied to the number of available sending site development rights  
1963 determined under subsection A<sub>2</sub> or E<sub>2</sub> of this section.

1964           G. Development rights from one sending site may be allocated to more than one  
1965 receiving site and one receiving site may accept development rights from more than one  
1966 sending site.

1967           H. The determination of the number of residential development rights a sending  
1968 site has available for transfer to a receiving site shall be valid for transfer purposes only,  
1969 shall be documented in a TDR certificate letter of intent and shall be considered a final  
1970 determination, not to be revised due to changes to the sending site's zoning.

1971           I. The number of residential development rights that a sending site with RA, A or  
1972 F zoning is eligible to send to an unincorporated urban area receiving site shall be  
1973 determined by applying twice the base density allowed for transfer purposes as specified  
1974 in subsection D<sub>2</sub> of this section.

1975            SECTION 43. Ordinance 14190, Section 7 and K.C.C. 21A.37.050 are each  
1976 hereby amended to read as follows:

1977            **Transfer of development rights (TDR) program - development limitations.**

1978            A. Following the transfer of residential development rights (~~(from)~~) a sending  
1979 site(~~(, the portion of the lot or lots not designated as a sending site))~~) may subsequently  
1980 accommodate remaining residential dwelling units, if any, on the buildable portion of the  
1981 parcel or parcels or be subdivided, consistent with the zoned base density provisions of  
1982 the density and dimensions tables in K.C.C. 21A.12.030 and 21A.12.040, the allowable  
1983 dwelling unit calculations in K.C.C. 21A.12.070 and other King County development  
1984 regulations. For sending sites zoned RA, the subdivision potential remaining after a  
1985 density transfer may only be actualized through a clustered subdivision, short subdivision  
1986 or binding site plan that creates a permanent preservation tract as large or larger than the  
1987 portion of the subdivision set aside as lots. Within rural forest focus areas, resource use  
1988 tracts shall be at least fifteen acres of contiguous forest land.

1989            B. Residential and (N)nonresidential uses on lots zoned R-1, RA, A and F shall  
1990 be limited (~~(as follows:))~~) to a maximum of ten percent impacting impervious surface.

1991            ~~((1.))~~ C. Only those nonresidential uses directly related to, and supportive of the  
1992 criteria under which the site qualified are allowed (~~((on the portion of the lot designated as~~  
1993 ~~a sending site))~~) on a sending site.

1994            D. The applicable limitations in this section shall be included in the sending site  
1995 conservation easement.

1996            ~~((2. The portion of the lot outside the sending site may develop nonresidential~~  
1997 ~~uses consistent with the zone.))~~

1998                    SECTION 44. Ordinance 14190, Section 8 and K.C.C. 21A.37.060 are each  
1999 hereby amended to read as follows:

2000                    **Transfer of development rights (TDR) program - documentation of**  
2001 **restrictions.**

2002                    A. Following the transfer of development rights from a sending site, deed  
2003 restrictions documenting the development rights transfers shall be recorded by the  
2004 department of natural resources and parks, or its successor, and notice placed on the title  
2005 to the sending site parcel. The department of development and environmental services,  
2006 or its successor, shall establish and maintain an internal tracking system that identifies all  
2007 certified transfer of developments rights sending sites.

2008                    B. A conservation easement granted to the county or other appropriate land  
2009 management agency shall be required for land contained in the sending site. The  
2010 conservation easement shall be documented by a map. The conservation easement  
2011 ~~((may))~~ shall be placed on the entire lot or lots ~~((or only the portion of the lot or lots that~~  
2012 ~~is qualified as the sending site))~~. The conservation easement shall ~~((indicate the portion~~  
2013 ~~of the lot or lots restricted from future residential development, or))~~ identify limitations  
2014 on future residential and nonresidential development ~~((within the conservation easement,~~  
2015 ~~whether or not the land is dedicated,))~~ consistent with this chapter and as follows:

2016                    1. A conservation easement, which contains the easement map, shall be  
2017 recorded on the entire sending site to indicate development limitations on the sending  
2018 site;

2019                    2. For a sending site zoned A-10 or A-35, the conservation easement shall be  
2020 consistent in form and substance with the purchase agreements used in the agricultural



2021 land development rights purchase program. The conservation easement shall preclude  
2022 subdivision of the subject property but may permit not more than one dwelling per  
2023 sending site, and shall permit agricultural uses as provided in the A-10 or A-35 zone;

2024 3. For a sending site located within a rural forest focus area, the sending site  
2025 shall be a minimum of twenty acres. The conservation easement shall require that fifteen  
2026 acres of contiguous forest land be restricted to forest management activities and shall  
2027 include a forest stewardship plan approved by the county for ongoing forest management  
2028 practices. The Forest Stewardship Plan shall ~~((include a description of the sites forest  
2029 resources and the long term forest management objectives of the property owner,))~~ meet  
2030 the requirements of King County administrative rules concerning forest stewardship plans  
2031 and shall not impose standards that exceed Title 222 ~~((of the Washington Administrative  
2032 Code))~~ WAC. No more than one dwelling unit is allowed for every twenty acres~~((The  
2033 dwelling unit is to remain with the unrestricted portion of the conservation easement or  
2034 unencumbered portion of the sending site))~~);

2035 4. For a rural sending site located outside a rural forest focus area the  
2036 conservation easement shall allow for restoration, maintenance or enhancement of native  
2037 vegetation. A present conditions report shall be required to document the location of  
2038 native vegetation. If residential development will be allowed on the site under the  
2039 conservation easement, the present conditions report shall be used to guide the location of  
2040 residential development;

2041 5. For a sending site qualifying as habitat for federal listed endangered or  
2042 threatened species, the conservation easement shall ~~((be placed on the portion of the lot  
2043 or lots needed for habitat protection. The conservation easement shall))~~ protect habitat

2044 and allow for restoration, maintenance or enhancement of native vegetation. A present  
2045 conditions report shall be required to document the location of ~~((native vegetation))~~  
2046 existing structures. If existing or future residential development will be allowed on the  
2047 site under the conservation easement, the present conditions report shall be used by the  
2048 owner to guide the location of residential development; and

2049           6. For a sending site zoned F, the conservation easement shall encumber the  
2050 entire sending site. Lots between fifteen acres and eighty acres in size are not eligible to  
2051 participate in the TDR program if they include any existing dwelling units intended to be  
2052 retained, or if a new dwelling unit is proposed. For eligible lots between fifteen acres and  
2053 eighty acres in size, the sending site must include the entire lot. For lots greater than  
2054 eighty acres in size, the sending site shall be a minimum of eighty acres. The  
2055 conservation easement shall permit forestry uses subject to a forest stewardship plan  
2056 prepared by the applicant and approved by the county for ongoing forest management  
2057 practices. The Forest Stewardship Plan shall include a description of the site's forest  
2058 resources and the long-term forest management objectives of the property owner, and  
2059 shall not impose standards that exceed Title 222 ~~((of the Washington Administrative~~  
2060 ~~Code))~~ WAC.

2061           SECTION 45. Ordinance 13274, Section 7, as amended, and K.C.C. 21A.37.070  
2062 are each hereby amended to read as follows:

2063           **Transfer of development rights (TDR) program - sending site certification**  
2064 **and interagency review committee process.**

2065           A. An interagency review committee, chaired by the directors of the department  
2066 of development and environmental services and the department of natural resources and

2067 parks, or their designees, shall be responsible for qualification of sending sites.  
2068 Determinations on sending site certifications made by the committee are appealable to the  
2069 examiner (~~(pursuant to)~~) under K.C.C. 20.24.080. The department of natural resources  
2070 and parks shall be responsible for preparing a written report, which shall be signed by the  
2071 director of the department of natural resources and parks or the director's designee,  
2072 documenting the review and decision of the committee. The committee shall issue a  
2073 TDR certification letter within sixty days of the date of submittal of a completed sending  
2074 site certification application.

2075 B. Responsibility for preparing a completed application rests exclusively with the  
2076 applicant. Application for sending site certification shall include:

- 2077 1. A legal description of the site;
- 2078 2. A title report;
- 2079 3. A brief description of the site resources and public benefit to be preserved;
- 2080 4. A site plan showing the (~~(proposed conservation easement area,)~~) existing  
2081 and proposed dwelling units, nonresidential structures, driveways, submerged lands(~~(,)~~)  
2082 and any area already (~~(in)~~) subject to a conservation easement or other similar  
2083 encumbrance (~~(and any other area, except setbacks, required by King County to remain~~  
2084 ~~open)~~);
- 2085 5. Assessors map or maps of the lot or lots;
- 2086 6. A statement of intent indicating whether the property ownership, after TDR  
2087 certification, will be retained in private ownership or dedicated to King County or another  
2088 public or private nonprofit agency;

2089           7. Any or all of the following written in conformance with criteria established  
2090 through a public rule consistent with K.C.C. chapter 2.98, if the site is qualifying as  
2091 habitat for a threatened or endangered species:

- 2092           a. a wildlife habitat conservation plan;
- 2093           b. a wildlife habitat restoration plan; or
- 2094           c. a wildlife present conditions report;

2095           8. A forest stewardship plan, written in conformance with criteria established  
2096 through a public rule consistent with K.C.C. chapter 2.98, if required under K.C.C.  
2097 21A.37.060B.3, and 6;

2098           9. An affidavit of compliance with the reforestation requirements of the Forest  
2099 Practices Act and any additional reforestation conditions of the forest practices permit for  
2100 the site, if required under K.C.C. 21A.37.020.E(( ));

2101           10. A completed density calculation worksheet for estimating the number of  
2102 available development rights(( )); and

2103           11. The application fee consistent with K.C.C. 27.36.020.

2104           SECTION 46. Ordinance 13274, Section 8, as amended, and K.C.C. 21A.37.080  
2105 are each hereby amended to read as follows:

2106           **Transfer of development rights (TDR) program - transfer process.**

2107           A. TDR development rights where both the proposed sending and receiving sites  
2108 would be within unincorporated King County shall be transferred using the following  
2109 process:

2110           1. Following interagency review committee review and approval of the sending  
2111 site application as described in K.C.C. 21A.37.070 the interagency review committee

2112 shall issue a TDR certificate letter of intent, agreeing to issue a TDR certificate in  
2113 exchange for the proposed sending site conservation easement. The sending site owner  
2114 may then market the TDR sending site development rights to potential purchasers. If a  
2115 TDR sending site that has been reviewed and approved by the interagency review  
2116 committee changes ownership, the TDR certificate letter of intent may be transferred to  
2117 the new owner if requested in writing to the department of natural resources by the  
2118 person or persons that owned the property when the TDR certificate letter of intent was  
2119 issued, provided that the documents evidencing the transfer of ownership are also  
2120 provided to the department of natural resources;

2121 2. In applying for receiving site approval, the applicant shall provide the  
2122 department of development and environmental services with one of the following:

2123 a. a TDR certificate letter of intent issued in the name of the applicant,  
2124 b. a TDR certificate letter of intent issued in the name of another person or  
2125 persons and a copy of a signed option to purchase those TDR sending site development  
2126 rights,

2127 c. a TDR certificate issued in the name of the applicant, or

2128 d. a TDR certificate issued in the name of another person or persons and a  
2129 copy of a signed option to purchase those TDR sending site development rights;

2130 3. Following building permit approval, but before building permit issuance by  
2131 the department of development and environmental services or following preliminary plat  
2132 approval or preliminary short plat approval, but before final plat or short plat recording of  
2133 a receiving site development proposal which includes the use of TDR development  
2134 rights, the receiving site applicant shall deliver the TDR certificate issued in the

2135 applicant's name for the number of TDR development rights being used and the TDR  
2136 extinguishment document to the county;

2137 4. When the receiving site development proposal requires a public hearing  
2138 under this title or K.C.C. Title 19A or its successor, that public hearing shall also serve as  
2139 the hearing on the TDR proposal. The reviewing authority shall make a consolidated  
2140 decision on the proposed development and use of TDR development rights and consider  
2141 any appeals of the TDR proposal under the same appeal procedures set forth for the  
2142 development proposal; and

2143 5. When the development proposal does not require a public hearing under this  
2144 title or K.C.C. Title 19A, the TDR proposal shall be considered along with the  
2145 development proposal, and any appeals of the TDR proposal shall be considered under  
2146 the same appeal procedures set forth for the development proposal.

2147 6. Development rights from a sending site shall be considered transferred to a  
2148 receiving site when a final decision is made on the TDR receiving area development  
2149 proposal, the sending site is permanently protected by a completed and recorded land  
2150 dedication or conservation easement, notification has been provided to the King County  
2151 assessor' office and a TDR extinguishment document has been provided to the  
2152 department ((and the King County department)) of natural resources and parks, or  
2153 ((their)) its successor ((agencies)) agency.

2154 B. TDR development rights where the proposed receiving site would be within an  
2155 incorporated King County municipal jurisdiction shall be reviewed and transferred using  
2156 that jurisdiction's development application review process.

2157            SECTION 47. Ordinance 13733, Section 10, as amended, and K.C.C.

2158            21A.37.110 are each hereby amended to read as follows:

2159            **Transfer of development rights (TDR) bank expenditure and purchase**  
2160 **authorization.**

2161            A. The TDR bank may purchase development rights from qualified sending sites  
2162 at prices not to exceed fair market value and to sell development rights at prices not less  
2163 than fair market value. The TDR bank may accept donations of development rights from  
2164 qualified TDR sending sites.

2165            B. The TDR bank may purchase a conservation easement only if the property  
2166 subject to the conservation easement is qualified as a sending site as evidenced by a TDR  
2167 certificate letter of intent, the conservation easement restricts development of the sending  
2168 site in the manner required by K.C.C. 21A.37.060 and the development rights generated  
2169 by encumbering the sending site with the conservation easement are issued to the TDR  
2170 bank at no additional cost.

2171            C. If a conservation easement is acquired through a county park, open space,  
2172 trail, agricultural, forestry((;)) or other natural resource acquisition program for a property  
2173 that is qualified as a TDR sending site as evidenced by a TDR certificate letter of intent,  
2174 any development rights generated by encumbering the sending site with the conservation  
2175 easement may be issued to the TDR bank so long as there is no additional cost for the  
2176 development rights.

2177            D. The TDR bank may use funds to facilitate development rights transfers.  
2178 These expenditures may include, but are not limited to, establishing and maintaining  
2179 internet web pages, marketing TDR receiving sites, procuring title reports and appraisals

2180 and reimbursing the costs incurred by the department of natural resources and parks,  
2181 water and land resources division, or its successor, for administering the TDR bank fund  
2182 and executing development rights purchases and sales.

2183 E. The TDR bank fund shall not be used to cover the cost of identifying and  
2184 qualifying sending and receiving sites, or the costs of providing staff support for the TDR  
2185 interagency review committee or the department of natural resources and parks.

2186 F. All proceeds from the sale of TDR bank development rights shall be available  
2187 for acquisition of additional development rights upon approval of the TDR executive  
2188 board.

2189 SECTION 48. Ordinance 13733, Section 12, as amended, and K.C.C.  
2190 21A.37.130 are each hereby amended to read as follows:

2191 **Transfer of development rights (TDR) program - sale of TDR rights by TDR**  
2192 **bank.**

2193 A. The sale of development rights by the TDR bank shall be at a price that equals  
2194 or exceeds the fair market value of the development rights. The fair market value of the  
2195 development rights shall be established by the department of natural resources and shall  
2196 be based on the amount the county paid for the development rights and the prevailing  
2197 market conditions.

2198 B. When selling development rights, the TDR bank may select prospective  
2199 purchasers based on the price offered for the development rights, the number of  
2200 development rights offered to be purchased, and the potential for the sale to achieve the  
2201 purposes of the TDR program.



2202 C. The TDR bank may sell development rights only in whole or half increments  
2203 to incorporated receiving sites through an interlocal agreement. The TDR bank may sell  
2204 development rights only in whole increments to unincorporated King County receiving  
2205 sites.

2206 D. All offers to purchase development rights from the TDR bank shall be in  
2207 writing, shall include a certification that the development rights, if used, shall be used  
2208 only inside an identified city or within the urban unincorporated area, include a minimum  
2209 ten((-))percent down payment with purchase option, shall include the number of  
2210 development rights to be purchased, location of the receiving site, proposed purchase  
2211 price and the required date or dates for completion of the sale, not later than ((one  
2212 hundred twenty calendar days)) three years after the date of receipt by King County of  
2213 the purchase offer.

2214 E. Payment for purchase of development rights from the TDR bank shall be in  
2215 full at the time the development rights are transferred unless otherwise authorized by the  
2216 department of natural resources and parks

2217 SECTION 49. Ordinance 13733, Section 15, as amended, and K.C.C.

2218 21A.37.160 are each hereby amended to read as follows:

2219 **Transfer of development rights (TDR) program - establishment and duties of**  
2220 **the TDR executive board.**

2221 A. The TDR executive board is hereby established. The TDR executive board  
2222 shall be composed of the director of the budget office, the director of the department of  
2223 natural resources and parks, the director of the department of transportation and the  
2224 director of finance, or their designees. A representative from the King County council

2225 staff, designated by the council chair, may participate as an ex officio, nonvoting member  
2226 of the TDR executive board. The TDR executive board shall be chaired by the director  
2227 of the department of natural resources and parks or that director's designee.

2228 B. The issues that may be addressed by the executive board include, but are not  
2229 limited to, using site evaluation criteria established by administrative rules, ranking and  
2230 selecting sending sites to be purchased by the TDR bank, recommending interlocal  
2231 agreements and the provision of TDR amenities, if any, to be forwarded to the executive,  
2232 identifying future funding for amenities in the annual budget process, enter into other  
2233 written agreements necessary to facilitate density transfers by the TDR bank and  
2234 otherwise oversee the operation of the TDR bank to measure the effectiveness in  
2235 achieving the policy goals of the TDR program.

2236 C. The department of natural resources and parks shall provide lead staff support  
2237 to the TDR executive board. Staff duties include, but are not limited to:

2238 1. Making recommendations to the TDR executive board on TDR program and  
2239 TDR bank issues on which the TDR executive board must take action;

2240 2. Facilitating development rights transfers through marketing and outreach to  
2241 the public, community organizations, developers and cities;

2242 3. Identifying potential receiving sites;

2243 4. Developing proposed interlocal agreements with cities;

2244 5. Assisting in the implementation of TDR executive board policy in  
2245 cooperation with other departments;

2246 6. Ranking certified sending sites for consideration by the TDR executive  
2247 board;

2248 7. Negotiating with cities to establish city receiving areas with the provision of  
2249 amenities;

2250 8. Preparing agendas for TDR executive board meetings;

2251 9. Recording TDR executive board meeting summaries;

2252 10. Preparing administrative rules in accordance with K.C.C. chapter 2.98 to  
2253 implement this chapter; and

2254 11. Preparing ~~((annual))~~ periodic reports on the progress of the TDR program to  
2255 the council with assistance from other departments.

2256 NEW SECTION. SECTION 50. Ordinance 12823, Section 8 and K.C.C.

2257 21A.38.130 are each hereby amended to read as follows:

2258 **Special district overlay – ~~((A))~~agricultural production buffer.**

2259 A. The purpose of the agricultural production buffer special district overlay is to  
2260 provide a buffer between agricultural and upslope residential land uses. An agricultural  
2261 production buffer special district overlay shall only be established in areas adjacent to an  
2262 agricultural production district and zoned RA.

2263 B. The following development standard shall apply to ~~((uses))~~ residential  
2264 subdivisions locating in an agricultural production buffer special district overly: ~~((1-))~~  
2265 Lots shall be clustered ~~((pursuant to))~~ in accordance with K.C.C.21A.14.040 and at least  
2266 ~~((75))~~ seventy-five percent of a site shall remain as open space, unless greater lot area is  
2267 required by the Seattle-King County ~~((health))~~ department of public health.

2268 SECTION 51. Ordinance 11621, Section 108 and K.C.C. 21A.44.040 are each  
2269 hereby amended to read as follows:

2270           **Conditional use permit.** A conditional use permit shall be granted by the  
2271 county, only if the applicant demonstrates that:

2272           A. The conditional use is designed in a manner which is compatible with the  
2273 character and appearance of an existing, or proposed development in the vicinity of the  
2274 subject property;

2275           B. The location, size and height of buildings, structures, walls and fences, and  
2276 screening vegetation for the conditional use shall not hinder neighborhood circulation or  
2277 discourage the permitted development or use of neighboring properties;

2278           C. The conditional use is designed in a manner that is compatible with the  
2279 physical characteristics of the subject property;

2280           D. Requested modifications to standards are limited to those which will mitigate  
2281 impacts in a manner equal to or greater than the standards of this title;

2282           E. The conditional use is not in conflict with the health and safety of the  
2283 community;

2284           F. The conditional use is such that pedestrian and vehicular traffic associated  
2285 with the use will not be hazardous or conflict with existing and anticipated traffic in the  
2286 neighborhood; ~~((and))~~

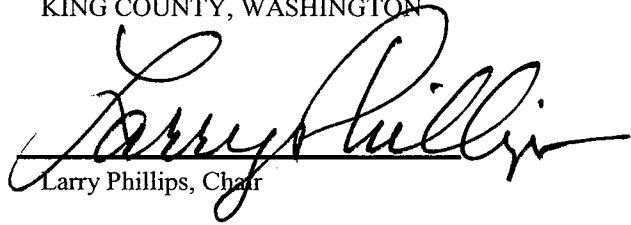
2287           G. The conditional use will be supported by adequate public facilities or services  
2288 and will not adversely affect public services to the surrounding area or conditions can be  
2289 established to mitigate adverse impacts on such facilities; and

2290 H. The conditional use is not in conflict with the policies of the Comprehensive  
2291 Plan or the basic purposes of this title.  
2292

Ordinance 15032 was introduced on 3/8/2004 and passed as amended by the Metropolitan King County Council on 9/27/2004, by the following vote:

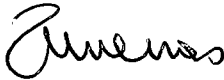
Yes: 8 - Mr. Phillips, Ms. Edmonds, Mr. Pelz, Mr. Ferguson, Mr. Gossett, Mr. Irons, Ms. Patterson and Mr. Constantine  
No: 3 - Ms. Lambert, Mr. McKenna and Mr. Hammond  
Excused: 2 - Mr. von Reichbauer and Ms. Hague

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 29 day of September, 2004.



Ron Sims, County Executive

Attachments None

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2004 SEP 29 PM 3:12  
CLERK  
KING COUNTY COUNCIL