



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

October 19, 2010

Ordinance 16950

Proposed No. 2010-0164.3

Sponsors

1 AN ORDINANCE relating to development processes and
2 requirements; amending Ordinance 13694, Section 70, and
3 K.C.C. 19A.20.010, Ordinance 13694, Section 71, and
4 K.C.C. 19A.20.020, Ordinance 13694, Section 76, and
5 K.C.C. 19A.24.010, Ordinance 13694, Section 78, and
6 K.C.C. 19A.24.030, Ordinance 13694, Section 80, and
7 K.C.C. 19A.28.020, Ordinance 12196, Section 10, as
8 amended, and K.C.C. 20.20.030, Ordinance 12196, Section
9 13, as amended, and K.C.C. 20.20.060, Ordinance 12196,
10 Section 17, as amended, and K.C.C. 20.20.100, Ordinance
11 4461, Section 10, as amended, and K.C.C. 20.24.190,
12 Ordinance 10870, Section 330, as amended, and K.C.C.
13 21A.08.030, Ordinance 10870, Section 331, as amended,
14 and K.C.C. 21A.08.040, Ordinance 10870, Section 332, as
15 amended, and K.C.C. 21A.08.050, Ordinance 10870,
16 Section 333, as amended, and K.C.C. 21A.08.060,
17 Ordinance 10870, Section 334, as amended, and K.C.C.
18 21A.08.070, Ordinance 10870, Section 335, as amended,
19 and K.C.C. 21A.08.080, Ordinance 10870, Section 341, as

20 amended, and K.C.C. 21A.12.040, Ordinance 10870,
21 Section 350, and K.C.C. 21A.12.130, Ordinance 10870,
22 Section 424, as amended, and K.C.C. 21A.20.060,
23 Ordinance 10870, Section 427, as amended and K.C.C.
24 21A.20.080, Ordinance 15051, Section 137, as amended,
25 and K.C.C. 21A.24.045, Ordinance 15051, Section 185, as
26 amended, and K.C.C. 21A.24.325, Ordinance 15051,
27 Section 193, as amended, and K.C.C. 21A.24.358,
28 Ordinance 10870, Section 549, as amended, and K.C.C.
29 21A.32.120, Ordinance 13274, Section 4, as amended, and
30 K.C.C. 21A.37.020, Ordinance 13274, Section 6, as
31 amended, and K.C.C. 21A.37.040, Ordinance 13733,
32 Section 10, as amended, and K.C.C. 21A.37.110,
33 Ordinance 13263, Section 8, as amended, and K.C.C.
34 23.02.070, Ordinance 13263, Section 43, as amended, and
35 K.C.C. 23.36.010 and Ordinance 13263, Section 51, as
36 amended, and K.C.C. 23.40.040, adding a new section to
37 K.C.C. chapter 19A.04, adding new sections to K.C.C.
38 chapter 20.20, adding a new section to K.C.C. chapter
39 21A.38 and repealing Ordinance 12196, Section 18 and
40 K.C.C. 20.20.110 and Ordinance 12196, Section 20 and
41 K.C.C. 20.20.130.

42 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

43 NEW SECTION. SECTION. 1. There is hereby added to K.C.C. chapter 19A.04

44 a new section to read as follows:

45 Condominium declaration: the document that creates a condominium by setting
46 forth the information required by chapters 64.32 and 64.34 RCW, as applicable, including
47 the survey map and plans, and that is recorded in conjunction with a condominium survey
48 map and plans.

49 SECTION 2. Ordinance 13694, Section 70, and K.C.C. 19A.20.010 are each
50 hereby amended to read as follows:

51 The purposes of this chapter are:

52 A. To provide an alternative method for division of land (~~((for commercial and~~
53 ~~industrial zoned property, mobile home parks, trailer parks or condominiums))~~ as
54 authorized by RCW 58.17.035;

55 B. (~~To allow the director to modify interior lot based or lot line requirements~~
56 ~~contained within the zoning, building, fire and other similar uniform codes adopted by~~
57 ~~the county)) To ensure through covenants, conditions, restrictions, easements and other
58 requirements binding upon all lot owners that the collective lots continue to function as
59 one site concerning, but not limited to, public roads, improvements, open spaces,
60 drainage and other elements specified in this chapter;~~

61 C. To allow the director to authorize sharing of open space, parking, access and
62 other improvements among contiguous properties subject to the binding site plan; and

63 D. To specify administrative requirements for binding site plans in addition to the
64 procedural requirements of K.C.C. chapter 20.20 and in accordance with applicable
65 Washington state and King County laws, rules and regulations.

66 SECTION 3. Ordinance 13694, Section 71, and K.C.C. 19A.20.020 are each
67 hereby amended to read as follows:

68 A. ~~((Any person seeking the use of a binding site plan process to divide property~~
69 ~~for the purpose of sale, lease or transfer of ownership of commercial or industrial zoned~~
70 ~~property, lease of mobile homes or travel trailers or creation of condominium units is~~
71 ~~required to have an approved binding site plan prior to any property division, as provided~~
72 ~~for in chapter 58.17, 64.32 or 64.34 RCW, and as required by this chapter.)) This chapter
73 applies to:~~

74 1. The division of commercial or industrial zoned land for sale or lease when
75 used for commercial or industrial purposes, or the division of land for lease when used as
76 a mobile home park or recreational vehicle park; and

77 2. The division of land resulting from subjecting a portion of a parcel or tract to
78 the Horizontal Property Regimes Act, chapter 64.32 RCW, or the Condominium Act,
79 chapter 64.34 RCW. After approval of a binding site plan for land, all or a portion of
80 which will be subjected to the provisions of chapter 64.32 or 64.34 RCW.

81 B. The applicant shall record the approved binding site plan with the King
82 County recorder's office. Following recordation of the binding site plan, the applicant
83 shall submit to the department for review a condominium declaration, survey map and
84 plans as required by chapters 64.32 and 64.34 RCW.

85 C. A binding site plan for a condominium shall be based on a recorded final
86 planned unit development, a building permit, an as-built site plan for developed sites or a
87 site development permit issued for the entire site or a general site plan showing the
88 anticipated development plan for the entire site~~((, notwithstanding the provisions of~~

89 ~~K.C.C. 21A.41.010 through 21A.41.020~~). As determined by the department, binding
90 site plan reviews may take place independently for developed sites or concurrently with
91 or subsequent to a building permit or site development permit.

92 ~~((B-))~~ D. The site that is subject to the binding site plan shall consist of one or
93 more contiguous lots.

94 ~~((C-))~~ E. The site that is subject to the binding site plan may be reviewed
95 independently for developed sites, concurrently with or subsequent to a site development
96 permit application for undeveloped land or concurrently with or subsequent to a building
97 permit application.

98 ~~((D-))~~ F. The binding site plan process creates or alters lot lines and does not
99 authorize substantial improvements or changes to the property or the uses thereon.

100 SECTION 4. Ordinance 13694, Section 76, and K.C.C. 19A.24.010 are each
101 hereby amended to read as follows:

102 The purpose of this chapter is to provide for review of ~~((a))~~ condominiums
103 ~~((survey map and plans for the precision and accuracy of the exterior boundary and legal~~
104 ~~description of the subject property, as shown on the final map))~~ and condominium
105 declarations to ensure compliance with chapters 64.32 and 64.34 RCW. The review shall
106 include, but is not limited to, the review of a condominium survey map and plans for the
107 precision and accuracy of the exterior boundary and legal description of the subject
108 property, as shown on the final map. In accordance with RCW 64.34.050(1), the review
109 shall not impose any requirement upon a condominium that would not be imposed upon a
110 physically identical development under a different form of ownership.

111 SECTION 5. Ordinance 13694, Section 78, and K.C.C. 19A.24.030 are each
112 hereby amended to read as follows:

113 (~~(A. The following notes))~~ An approval block for the department or its successor
114 in substantially the following form shall be (~~(placed on the final condominium map~~
115 ~~page))~~ added to the recording document:

116 "Approval of the Department of Development and Environmental Services:

117 (~~(1. The exterior boundary and legal description of this condominium meets or~~
118 ~~exceeds the review standards of the department of development and environmental~~
119 ~~services.~~

120 ~~2. The department of development and environmental services review consisted~~
121 ~~only of review of item 1 above and does not constitute binding site plan approval as~~
122 ~~contemplated under RCW 58.17.040(7).~~

123 ~~B. A signature line for the manager of the land use services division shall appear~~
124 ~~following the notes required by this section.))~~ Examined and Approved this _____ day of
125 _____, 2____. Division Director, Land Use Services Division"

126 SECTION 6. Ordinance 13694, Section 80, and K.C.C. 19A.28.020 are each
127 hereby amended to read as follows:

128 Adjustment of boundary lines between adjacent lots shall be consistent with the
129 following review procedures and limitations:

130 A. Applications for boundary line adjustments shall be reviewed as a Type 1
131 permit as provided in K.C.C. chapter 20.20. The review shall include examination for
132 consistency with the King County zoning code, K.C.C. Title 21A., shoreline master

133 program, K.C.C. Title 25, applicable board of health regulations and, for developed lots,
134 uniform fire and building codes;

135 B. Any adjustment of boundary lines must be approved by the department (~~prior~~
136 ~~to~~) before the transfer of property ownership between adjacent legal lots;

137 C. A boundary line adjustment proposal shall not:

138 1. Result in the creation of an additional lot or the creation of more than one
139 additional building site;

140 2. Result in a lot that does not qualify as a building site pursuant to this title;

141 3. Relocate an entire lot from one parent parcel into another parent parcel;

142 4. Reduce the overall area in a plat or short plat devoted to open space;

143 5. Be inconsistent with any restrictions or conditions of approval for a recorded
144 plat or short plat;

145 6. Involve lots which do not have a common boundary; or

146 7. Circumvent the subdivision or short subdivision procedures set forth in this
147 title. Factors which indicate that the boundary line adjustment process is being used in a
148 manner inconsistent with statutory intent include: numerous and frequent adjustments to
149 the existing lot boundary, a proposal to move a lot or building site to a different location,
150 and a large number of lots being proposed for a boundary line adjustment;

151 D. The elimination of lines between two or more lots (~~for the purpose of creating~~
152 ~~a single lot that meets requirements as a building site~~) shall in all cases shall be
153 considered a minor adjustment of boundary lines and shall not be subject to the
154 subdivision and short subdivision provisions of this title or to K.C.C. 19A.28.030. The

155 format and requirements of a minor adjustment under this subsection shall be specified
156 by the department; and

157 E. Recognized lots in an approved site plan for a conditional use permit, special
158 use permit, urban planned development, or commercial site development permit shall be
159 considered a single site and no lot lines on the site may be altered by a boundary line
160 adjustment to transfer density or separate lots to another property not included in the
161 original site plan of the subject development.

162 F. Lots that have been subject to a boundary line adjustment process that resulted
163 in the qualification of an additional building site shall not be permitted to utilize the
164 boundary line adjustment process again for five years to create an additional building site.

165 SECTION 7. Ordinance 12196, Section 10, as amended, and K.C.C. 20.20.030
166 are each hereby amended to read as follows:

167 A.1.a. Except as otherwise provided in subsection A.1.b. of this section, (~~prior~~
168 ~~to~~) before filing a permit application for a Type 1 decision, the applicant shall contact
169 the department to schedule a preapplication conference which shall be held (~~prior to~~)
170 before filing the application, if the property will have five thousand square feet of
171 development site or right-of-way improvements, the property is in a critical drainage
172 basin, or the property has a wetland, steep slope, landslide hazard, erosion hazard, or coal
173 mine on site.

174 b. A preapplication conference is not required for a Type 1 decision for single
175 family residence and its accessory buildings or for other structures where all work is in an
176 existing building and no parking is required or added.

177 2. Except as otherwise provided in this section, ~~((prior to))~~ before filing a permit
178 application requiring a Type 2, 3 or 4 decision, the applicant shall contact the department
179 to schedule a ~~((pre-application))~~ preapplication conference which shall be held ~~((prior~~
180 ~~to))~~ before filing the application.

181 B. The purpose of the ~~((pre-application))~~ preapplication conference is to review
182 and discuss the application requirements with the applicant and provide comments on the
183 development proposal. The ~~((pre-application))~~ preapplication conference shall be
184 scheduled by the department, at the request of an applicant, and shall be held in a timely
185 manner, within thirty days from the date of the applicant's request. ~~((A))~~ The department
186 shall assign a project ~~((coordinator shall be assigned by the department))~~ manager
187 following the ~~((pre-application))~~ preapplication conference. The director may waive the
188 requirement for a ~~((pre-application))~~ preapplication conference if ~~((it is determined to~~
189 ~~be))~~ the director determines the preapplication conference is unnecessary for review of an
190 application. Nothing in this section shall be interpreted to require more than one ~~((pre-~~
191 ~~application))~~ preapplication conference or to prohibit the applicant from filing an
192 application if the department is unable to schedule a ~~((pre-application))~~ preapplicaton
193 conference within thirty days following the applicant's request.

194 C. Information presented at or required as a result of the ~~((pre-application))~~
195 preapplication conference shall be valid for a period of one ~~((hundred eighty days))~~ year
196 following the ~~((pre-application))~~ preapplication conference. An applicant wishing to
197 submit a permit application more than one ~~((hundred eighty days))~~ year following a
198 preapplication for the same permit application shall be required to schedule another
199 preapplication conference.

200 D. At or subsequent to a preapplication conference, the department may issue a
201 preliminary determination that a proposed development is not permissible under
202 applicable county policies or regulatory enactments. In that event, the applicant shall
203 have the option to appeal the preliminary determination to the hearing examiner in the
204 manner provided for a Type 2 permit, as an alternative to proceeding with a complete
205 application. Mailed and published notice of the appeal shall be provided for as in K.C.C.
206 20.20.060, H. and I.

207 SECTION 8. Ordinance 12196, Section 13, as amended, and K.C.C. 20.20.060
208 are each hereby amended to read as follows:

209 A. A notice of application shall be provided to the public for land use permit
210 applications as follows:

- 211 1. Type 2, 3 or 4 decisions;
- 212 2. Type 1 decisions subject to SEPA; (~~and~~)
- 213 3. As provided in subsections K. and L. of this section; and
- 214 4. Type 1 decisions requiring a community meeting under section 10 of this
215 ordinance.

216 B. Notice of the application shall be provided by the department within fourteen
217 days following the department's determination that the application is complete. A public
218 comment period on a notice of application of at least twenty-one days shall be provided,
219 except as otherwise provided in chapter 90.58 RCW and RCW 58.17.215 with regards to
220 subdivision alterations. The public comment period shall commence on the third day
221 following the department's mailing of the notice of application as provided for in
222 subsection H₂ of this section.

223 C. If the county has made a determination of significance ("DS") under chapter
224 43.21 RCW before the issuance of the notice of application, the notice of the DS shall be
225 combined with the notice of application and the scoping notice.

226 D. Unless the mailed notice of application is by a post card as provided in
227 subsection E. of this section, the notice of application shall contain the following
228 information:

- 229 1. The file number;
- 230 2. The name of the applicant;
- 231 3. The date of application, the date of the notice of completeness and the date of
232 the notice of application;
- 233 4. A description of the project, the location, a list of the permits included in the
234 application and the location where the application and any environmental documents or
235 studies can be reviewed;
- 236 5. A site plan on eight and one-half by fourteen inch paper, if applicable;
- 237 6. The procedures and deadline for filing comments, requesting notice of any
238 required hearings and any appeal procedure;
- 239 7. The date, time, place and type of hearing, if applicable and scheduled at the
240 time of notice;
- 241 8. The identification of other permits not included in the application to the
242 extent known;
- 243 9. The identification of existing environmental documents that evaluate the
244 proposed project; and

245 10. A statement of the preliminary determination, if one has been made, of those
246 development regulations that will be used for project mitigation and of consistency with
247 applicable county plans and regulations.

248 E. If mailed notice of application is made by a post card, the notice of application
249 shall contain the following information:

250 1. A description of the project, the location, a list of the permits included in the
251 application and any environmental documents or studies can be reviewed;

252 2. The name of the applicant;

253 3. The date of application, the date of the notice of completeness and the date of
254 the notice of application;

255 4. If the department has made a decision or recommendation on the application,
256 the decision or recommendation made;

257 5. The applicable comment and appeal dates and the date, time, place and type
258 of hearing, if applicable;

259 6. A web site address that provides access to project information, including a
260 site map and application page; and

261 7. The department contact name, telephone number and e-mail address;

262 F. Notice shall be provided in the following manner:

263 1. Posted at the project site as provided in subsections G. and J. of this section;

264 2. Mailed by first class mail as provided in subsection H. of this section; and

265 3. Published as provided in subsection I. of this section.

266 G. Posted notice for a proposal shall consist of one or more notice boards posted
267 by the applicant within fourteen days following the department's determination of
268 completeness as follows:

269 1. A single notice board shall be posted for a project. This notice board may
270 also be used for the posting of the notice of decision and notice of hearing and shall be
271 placed by the applicant:

272 a. at the midpoint of the site street frontage or as otherwise directed by the
273 department for maximum visibility;

274 b. five feet inside the street property line except when the board is structurally
275 attached to an existing building, but a notice board shall not be placed more than five feet
276 from the street property without approval of the department;

277 c. so that the top of the notice board is between seven to nine feet above grade;

278 d. where it is completely visible to pedestrians; and

279 e. comply with site distance requirements of K.C.C. 21A.12.210 and the King
280 county road standards adopted under K.C.C. chapter 14.42.

281 2. Additional notice boards may be required when:

282 a. the site does not abut a public road;

283 b. a large site abuts more than one public road; or

284 c. the department determines that additional notice boards are necessary to
285 provide adequate public notice;

286 3. Notice boards shall be:

287 a. maintained in good condition by the applicant during the notice period

288 through the time of the final county decision on the proposal, including the expiration of

289 any applicable appeal periods, and for decisions which are appealed, through the time of
290 the final resolution of any appeal;

291 b. in place at least twenty-eight days before the date of any required hearing
292 for a Type 3 or 4 decision, or at least fourteen days following the department's
293 determination of completeness for any Type 2 decision; and

294 c. removed within fourteen days after the end of the notice period;

295 4. Removal of the notice board before the end of the notice period may be cause
296 for discontinuance of county review until the notice board is replaced and remains in
297 place for the specified time period;

298 5. An affidavit of posting shall be submitted to the department by the applicant
299 within fourteen days following the department's determination of completeness to allow
300 continued processing of the application by the department; and

301 6. Notice boards shall be constructed and installed in accordance with
302 subsection G. of this section and any additional specifications promulgated by the
303 department under K.C.C. chapter 2.98, rules of county agencies.

304 H. Mailed notice for a proposal shall be sent by the department within fourteen
305 days after the department's determination of completeness:

306 1. By first class mail to owners of record of property in an area within five
307 hundred feet of the site, but the area shall be expanded as necessary to send mailed
308 notices to at least twenty different property owners;

309 2. To any city with a utility which is intended to serve the site;

310 3. To the state Department of Transportation, if the site adjoins a state highway;

311 4. To the affected tribes;

312 5. To any agency or community group which the department may identify as
313 having an interest in the proposal;

314 6. Be considered supplementary to posted notice and be deemed satisfactory
315 despite the failure of one or more owners to receive mailed notice;

316 7. For preliminary plats only, to all cities within one mile of the proposed
317 preliminary plat, and to all airports within two miles of the proposed preliminary plat;
318 and

319 8. In those parts of the urban growth area designated by the King County
320 Comprehensive Plan where King County and a city have adopted either a memorandum
321 of understanding or a potential annexation boundary agreement, or both, the director shall
322 ensure that the city receives notice of all applications for development subject to this
323 chapter and shall respond specifically in writing to any comments on proposed
324 developments subject to this title.

325 I. The ((N))notice of ((a proposed action)) application shall be published by the
326 department within fourteen days after the department's determination of completeness in
327 the official county newspaper and another newspaper of general circulation in the
328 affected area.

329 J. Posted notice for approved formal subdivision engineering plans, clearing or
330 grading permits subject to SEPA or building permits subject to SEPA shall be a condition
331 of the plan or permit approval and shall consist of a single notice board posted by the
332 applicant at the project site, before construction as follows:

333 1. Notice boards shall comport with the size and placement provisions identified
334 for construction signs in K.C.C. 21A.20.120.B;

- 335 2. Notice boards shall include the following information:
- 336 a. permit number and description of the project;
- 337 b. projected completion date of the project;
- 338 c. a contact name and phone number for both the department and the applicant;
- 339 d. a department contact number for complaints after business hours; and
- 340 e. hours of construction, if limited as a condition of the permit;

341 3. Notice boards shall be maintained in the same manner as identified above, in

342 subsection F of this section; and

343 4. Notice boards shall remain in place until final construction approval is

344 granted. Early removal of the notice board may preclude authorization of final

345 construction approval.

346 K. Posted and mailed notice consistent with this section shall be provided, to

347 property owners of record and to the council district representative in which it is located,

348 for any proposed single-family residence in a higher density urban single family

349 residential zone (R-4 through R-8) exceeding a size of ten thousand square feet of floor

350 area as defined in the Washington State Uniform Building Code.

351 L. Posted and mailed notice consistent with this section shall be provided to any

352 property owner of record and to the council district representative in which is locating

353 any application for building permits or other necessary land use approvals for the

354 establishment of the social service facilities classified by SIC 8322 and 8361 and listed

355 below, unless the proposed use is protected under the Fair Housing Act:

- 356 1. Offender self-help agencies;
- 357 2. Parole offices;

- 358 3. Settlement houses;
- 359 4. Halfway home for delinquents and offenders; and
- 360 5. Homes for destitute men and women.

361 NEW SECTION. SECTION 9. There is hereby added to K.C.C. chapter 20.20 a
362 new section to read as follows:

363 Not later than January 1, 2012, the department shall provide public notice of Type
364 1 decisions for which a notice of application is not otherwise required under K.C.C.
365 20.20.060. The public notice may be provided electronically. The notice provided under
366 this section shall be considered supplementary to any other notice requirements and shall
367 be deemed satisfactory despite the failure of one or more individuals to receive notice.

368 NEW SECTION. SECTION 10. There is hereby added to K.C.C. chapter 20.20 a
369 new section to read as follows:

370 When an applicant is required by K.C.C. chapter 21A.08 to conduct a community
371 meeting, under this section, before filing of an application, notice of the meeting shall be
372 given and the meeting shall be conducted as follows:

373 A. At least two weeks in advance, the applicant shall:

374 1. Publish notice of the meeting in the local paper and mail and email to the
375 department and to the unincorporated area council serving the area in which potential
376 sites are contemplated, and

377 2. Mail notice of the meeting to all property owners within five hundred feet or
378 at least twenty of the nearest property owners, whichever is greater, as provided in
379 K.C.C. 21A.26.170 of any potential sites, identified by the applicant for possible
380 development, to be discussed at the community meeting. The mailed notice shall, at a

381 minimum, contain a brief description and purpose of the proposal, approximate location
382 noted on an assessor map with address and parcel number, photograph or sketch of any
383 existing or proposed structures, a statement that alternative sites proposed by citizens can
384 be presented at the meeting that will be considered by the applicant, a contact name and
385 telephone number to obtain additional information and other information deemed
386 necessary by the department of development and environmental services. Because the
387 purpose of the community meeting is to promote early discussion, applicants shall to note
388 any changes to the conceptual information presented in the mailed notice when they
389 submit an application.

390 B. At the community meeting at which at least one employee of the department
391 of development and environmental services, assigned by the director of the department,
392 shall be in attendance, the applicant shall provide information relative to the proposal and
393 any modifications proposed to existing structures or any new structures and how the
394 proposal is compatible with the character of the surrounding neighborhood. An applicant
395 shall also provide with the applicant's application a list of meeting attendees, those
396 receiving mailed notice of the meeting and a record of the published meeting notice.

397 C. The applicant shall, in the notice required under subsection A.2. of this
398 section, and at the community meeting required under subsection B. of this section ,
399 advise that persons interested in the applicant's proposal may monitor the progress of the
400 permitting of that proposal by contacting the department or by viewing the department's
401 website, the address of which will be provided in the notice and at the community
402 meeting.

403 SECTION 11. Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100
404 are each hereby amended to read as follows:

405 A. The department shall issue its recommendation to the hearing examiner on a
406 Type 3 or Type 4 land use decision within one hundred fifty days from the date the
407 applicant is notified by the department pursuant to this chapter that the application is
408 complete. The time periods for action by the hearing examiner on a Type 3 or Type 4
409 land use decision shall be governed by the hearing examiner's rules.

410 B.1. Except as otherwise provided in subsection B.2 of this section, the
411 department shall issue its final decision on a Type 1 or Type 2 land use decision within
412 one hundred twenty days from the date the applicant is notified by the department
413 pursuant to this chapter that the application is complete.

414 2. The following shorter time periods apply to the type of land use permit
415 indicated:

New residential building permits	90 days
Residential remodels	40 days
Residential appurtenances, such as decks and garages	15 days, or 40 days residential appurtenances that require substantial review.
Clearing and grading	90 days
Health Department review (for projects pending a final	40 days

department review or permit or review and permit).

Type 1 temporary use permit for a homeless encampment: 30 days

Type 2 temporary use permit for a homeless encampment: 40 days

416 C. The following periods shall be excluded from the times specified in
417 subsections A and B of this section:

418 1. Any period of time during which the applicant has been requested by the
419 department, hearing examiner or council to correct plans, perform required studies or
420 provide additional information, including road variances and variances required under
421 K.C.C. chapter 9.04. The period shall be calculated from the date of notice to the
422 applicant of the need for additional information until the earlier of the date the county
423 advises the applicant that the additional information satisfies the county's request, or
424 fourteen days after the date the information has been provided. If the county determines
425 that the correction, study or other information submitted by the applicant is insufficient, it
426 shall notify the applicant of the deficiencies and the procedures of this section shall apply
427 as if a new request for information had been made.

428 a. The department shall set a reasonable deadline for the submittal of
429 corrections, studies or other information when requested, and shall provide written
430 notification to the applicant. An extension of such deadline may be granted upon
431 submittal by an applicant of a written request providing satisfactory justification of an
432 extension.

433 b. Failure by the applicant to meet such deadline shall be cause for the
434 department to cancel(~~(/)~~) or deny the application.

435 c. When granting a request for a deadline extension, the department shall give
436 consideration to the number of days between receipt by the department of a written
437 request for a deadline extension and the mailing to the applicant of the department's
438 decision regarding that request;

439 2. The period of time, as set forth in K.C.C. 20.44.050, during which an
440 environmental impact statement is being prepared following a determination of
441 significance pursuant to chapter 43.21C RCW;

442 3. A period of no more than ninety days for an open record appeal hearing by
443 the hearing examiner on a Type 2 land use decision, and no more than sixty days for a
444 closed record appeal by the county council on a Type 3 land use decision appealable to
445 the county council, except when the parties to an appeal agree to extend these time
446 periods;

447 4. Any period of time during which an applicant fails to post the property, if
448 required by this chapter, following the date notice is required until an affidavit of posting
449 is provided to the department by the applicant;

450 5. Any time extension mutually agreed upon by the applicant and the
451 department; and

452 6. Any time during which there is an outstanding fee balance that is sixty days
453 or more past due.

454 D. Failure by the applicant to submit corrections, studies, or other information
455 acceptable to the department after two written requests under subsection C. of this section
456 shall be cause for the department to cancel or deny the application;

457 E. The time limits established in this section shall not apply if a proposed
458 development:

459 1. Requires an amendment to the comprehensive plan or a development
460 regulation, or modification or waiver of a development regulation as part of a
461 demonstration project;

462 2. Requires approval of a new fully contained community as provided in RCW
463 36.70A.350 master planned resort as provided in RCW 36.70A.360 or the siting of an
464 essential public facility as provided for RCW 36.70A.200; or

465 3. Is substantially revised by the applicant, when such revisions will result in a
466 substantial change in a project's review requirements, as determined by the department, in
467 which case the time period shall start from the date at which the revised project
468 application is determined to be complete.

469 ~~((E-))~~ F. The time limits established in this section may be exceeded on more
470 complex projects. If the department is unable to issue its final decision on a Type 1 or
471 Type 2 land use decision or its recommendation to the hearing examiner on a Type 3 or
472 Type 4 land use decision within the time limits established by this section, it shall provide
473 written notice of this fact to the project applicant. The notice shall include a statement of
474 reasons why the time limits have not been met and an estimated date for issuance of the
475 notice of final decision on a Type 1 or Type 2 land use decision or notice of
476 recommendation on a Type 3 or Type 4 land use decision.

477 ~~((F-))~~ G. The department shall require that all plats, short plats, building permits,
478 clearing and grading permits, conditional use permits, special use permits, site
479 development permits, shoreline substantial development permits, binding site plans,

480 urban planned development permits or fully contained community permits issued for
481 development activities on or within five hundred feet of designated agricultural lands,
482 forest lands or mineral resource lands shall contain a notice that the subject property is
483 within or near designated agricultural lands, forest lands or mineral resource lands on
484 which a variety of commercial activities may occur that are not compatible with
485 residential development for certain periods of limited duration.

486 SECTION 12. Ordinance 4461, Section 10, as amended, and K.C.C. 20.24.190
487 are each hereby amended to read as follows:

488 When the examiner issues a recommendation regarding an application for a
489 reclassification of property or for a shoreline environment redesignation, the
490 recommendation shall include additional findings that support the conclusion that at least
491 one of the following circumstances applies:

492 A. The proposed rezone or shoreline environment redesignation is consistent with
493 the King County Comprehensive Plan;

494 B. The property is potentially zoned for the reclassification being requested,
495 ~~((and))~~ conditions have been met that indicate the reclassification is appropriate and the
496 proposed rezone or shoreline environment redesignation is consistent with the King
497 County Comprehensive Plan;

498 ~~((B-))~~ C. An adopted subarea plan or area zoning specifies that the property shall
499 be subsequently considered through an individual reclassification application and the
500 proposed rezone or shoreline environment redesignation is consistent with the King
501 County Comprehensive Plan; or

502 ~~((C. Where a subarea plan has been adopted but subsequent area zoning has not~~
503 ~~been adopted, that the proposed reclassification or shoreline redesignation is consistent~~
504 ~~with the adopted subarea plan; or~~

505 ~~D. The applicant has demonstrated with substantial evidence that:~~

506 ~~1. Since the last previous area zoning or shoreline environment designation of~~
507 ~~the subject property, authorized public improvements, permitted private development or~~
508 ~~other conditions or circumstances affecting the subject property have undergone~~
509 ~~substantial and material change not anticipated or contemplated in the subarea plan or~~
510 ~~area zoning;~~

511 ~~2. The impacts from the changed conditions or circumstances affect the subject~~
512 ~~property in a manner and to a degree different than other properties in the vicinity such~~
513 ~~that area rezoning or redesignation is not appropriate. For the purposes of this~~
514 ~~subsection, "changed conditions or circumstances" does not include actions taken by the~~
515 ~~current or former property owners to facilitate a more intense development of the~~
516 ~~property including but not limited to changing tax limitations, adjusting property lines,~~
517 ~~extending services or changing property ownership;~~

518 ~~3. For proposals to increase rural residential density, that the proposal meets the~~
519 ~~criteria in Comprehensive Plan policies R-305 through R-309;~~

520 ~~4. For proposals to increase urban residential density, that the proposal meets~~
521 ~~the criteria in Comprehensive Plan policies U-122 through U-126; and~~

522 ~~5.))~~ D. The requested reclassification or redesignation is in the public interest
523 and the proposed rezone or shoreline environment redesignation is consistent with the
524 King County Comprehensive Plan.

525 NEW SECTION. SECTION 13. There is hereby added to K.C.C. chapter

526 21A.06 a new section to read as follows:

527 Subdivision or subdivision, residential: Unless the context clearly indicates
 528 otherwise, includes a subdivision as defined in K.C.C. 19A.04.320 and a short
 529 subdivision as defined K.C.C. 19A.04.310.

530 SECTION 14. Ordinance 10870, Section 330, as amended, and K.C.C.

531 21A.08.030 are each hereby amended to read as follows:

532 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	Z	R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
		O	I	E	E	A	A	E	A	I	G	I	M	I	I	I	U
		N	C	S	R	L	N	R	N	D	H	N	U	N	O	N	C
		E	U	T	A		V		E	B	E	N	E	N	E	E	T
		L		L			E		N	O	S	I	S	A	S		R
		T							T	R	S	T	S	L	S		I
		U							I	H	Y						A
		R							A	O							L
		E							L	O							
										D							
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I				
	DWELLING UNITS, TYPES:																
*	Single Detached	P ((C13)) C12	P 2		P (C13) C12	P (C13) C12	P (C13) C12	P (C13) C12	P17								
*	Townhouse				C4	C4	P ((C12)) C11	P	P3	P3	P3	P 3					
*	Apartment				C4	C4	P5 C4	P	P3	P3	P3	P					

												3
*	Mobile Home Park			((S14)) S13		C8	P					
*	Cottage Housing					((C16)) P15						
	GROUP RESIDENCES											
*	Community Residential Facility-I			C	C	((P15.a)) P14.a C	P	P3	P3	P3	P	3
*	Community Residential Facility-II					((P15.b)) P14.b	P	P3	P3	P3	P	3
*	Dormitory			C6	C6	C6	P					
*	Senior Citizen Assisted Housing				P4	P4	P	P3	P3	P3	P	3
	ACCESSORY USES:											
*	Residential Accessory Uses	P7 P18	P 7	P7	P7	P7	P7	P7	P7	P7	P	7
*	Home Occupation	P	P	P	P	P	P	P	P	P	P	
*	Home Industry	C		C	C	C						
	TEMPORARY LODGING:											
7011	Hotel/Motel (1)								P	P	P	
*	Bed and Breakfast Guesthouse	P9 ((C10))		((P10)) P9	((P10)) P9	((P10)) P9	((P10)) P9	((P10)) P9	((P11)) P10	((P11)) P10		
7041	Organization Hotel/Lodging Houses									P		

GENERAL 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;
CROSS Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific
REFERENCES:

land use, see K.C.C. chapter 21A.06.

533 B. Development conditions.

534 1. Except bed and breakfast guesthouses.

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

536 a. Site disturbance associated with development of any new residence shall be
537 limited to three acres. Site disturbance shall mean all land alterations including, but not
538 limited to, grading, utility installation, landscaping, clearing for crops, on-site sewage
539 disposal systems and driveways. Additional site disturbance for agriculture, including
540 raising livestock, up to the smaller of thirty-five percent of the lot or seven acres, may be
541 approved only if a farm management (conservation) plan is prepared in accordance with
542 K.C.C. chapter 21A.30. Animal densities shall be based on the area devoted to animal
543 care and not the total area of the lot;

544 b. A forest management plan shall be required for any new residence in the
545 forest production district, that shall be reviewed and approved by the King County
546 department of natural resources and parks (~~(prior to)~~) before building permit issuance;
547 and

548 c. The forest management plan shall incorporate a fire protection element that
549 includes fire safety best management practices developed by the department.

550 3. Only as part of a mixed use development subject to the conditions of K.C.C.
551 chapter 21A.14, except that in the NB zone on properties with a land use designation of
552 commercial outside of center (CO) in the urban areas, stand-alone townhouse
553 developments are permitted subject to K.C.C. 21A.12.040, 21A.14.030, 21A.14.060 and
554 21A.14.180.

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

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

558 (1) The proposal shall be subject to a conditional use permit when exceeding
559 base density,

560 (2) At least fifty percent of the site is constrained by unbuildable critical
561 areas. For purposes of this section, unbuildable critical areas shall include wetlands,
562 streams and slopes forty percent or steeper and associated buffers; and

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

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

569 5. Apartment units are permitted outright as follows:

570 a. In the R-1 zone when at least fifty percent of the site is constrained by
571 unbuildable critical areas that for purposes of this section, includes wetlands, streams and
572 slopes forty percent or steeper and associated buffers, and provided that the density does
573 not exceed a density of eighteen units per acre of net buildable area as defined in K.C.C.
574 21A.06.797; or

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

577 6. Only as ((an)) accessory to a school, college, university or church.

578 7.a. Accessory dwelling units:

579 (1) Only one accessory dwelling per primary single detached dwelling unit;

580 (2) Only in the same building as the primary dwelling unit on:

581 (a) an urban lot that is less than five thousand square feet in area;

582 (b) except as otherwise provided in subsection B.7.a.(5) of this section, a

583 rural lot that is less than the minimum lot size; or

584 c. a lot containing more than one primary dwelling;

585 (3) The primary dwelling unit or the accessory dwelling unit shall be owner

586 occupied;

587 (4)(a) Except as otherwise provided in subsection B.7.a(5) of this section, one

588 of the dwelling units shall not exceed a floor area of one thousand square feet except

589 when one of the dwelling units is wholly contained within a basement or attic; and

590 (b) When the primary and accessory dwelling units are located in the same

591 building, only one entrance may be located on each street side of the building;

592 (5) On a site zoned RA:

593 (a) If one transferable development right is purchased from the rural area

594 under K.C.C. chapter 21A.37, the smaller of the dwelling units is permitted a maximum

595 floor area up to one thousand five hundred square feet; and

596 (b) If one transferable development right is purchased from the rural area

597 under K.C.C. chapter 21A.37, a detached accessory dwelling unit is allowed on an RA-5

598 zoned lot that is at least two and one-half acres and less than three and three-quarters

599 acres;

600 (6) One additional off-street parking space shall be provided;

601 (7) The accessory dwelling unit shall be converted to another permitted use or
602 shall be removed if one of the dwelling units ceases to be owner occupied; and

603 (8) An applicant seeking to build an accessory dwelling unit shall file a notice
604 approved by the department of executive services, records and licensing services
605 division, that identifies the dwelling unit as accessory. The notice shall run with the land.
606 The applicant shall submit proof that the notice was filed before the department shall
607 approve any permit for the construction of the accessory dwelling unit. The required
608 contents and form of the notice shall be set forth in administrative rules. If an accessory
609 dwelling unit in a detached building in the rural zone is subsequently converted to a
610 primary unit on a separate lot, neither the original lot nor the new lot may have an
611 additional detached accessory dwelling unit constructed unless the lot is at least twice the
612 minimum lot area required in the zone; and

613 (9) Accessory dwelling units and accessory living quarters are not allowed in
614 the F zone.

615 b. One single or twin engine, noncommercial aircraft shall be permitted only
616 on lots that abut, or have a legal access that is not a county right-of-way, to a waterbody
617 or landing field, but only if there are:

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

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

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

- 624 8. Mobile home parks shall not be permitted in the R-1 zones.
- 625 9. ~~((Only as an accessory to the permanent residence of the operator, and:~~
- 626 a. ~~Serving meals to paying guests shall be limited to breakfast; and~~
- 627 b. ~~There shall be no more than five guests per night.~~
- 628 ~~10.))~~ Only as ~~((an))~~ accessory to the permanent residence of the operator, and:
- 629 a. Serving meals to paying guests shall be limited to breakfast; and
- 630 b. The number of persons accommodated per night shall not exceed five,
- 631 except that a structure that satisfies the standards of the ~~((Uniform))~~ International
- 632 Building Code as adopted by King County for R-1 occupancies may accommodate up to
- 633 ten persons per night.
- 634 ~~((11.))~~ 10. Only if part of a mixed use development, and subject to the
- 635 conditions of K.C.C. 21A.08.030.B.10.
- 636 ~~((12.))~~ 11. Townhouses are permitted, but shall be subject to a conditional use
- 637 permit if exceeding base density.
- 638 ~~((13.))~~ 12. Required before approving more than one dwelling on individual
- 639 lots, except on lots in subdivisions, short subdivisions or binding site plans approved for
- 640 multiple unit lots, and except as provided for accessory dwelling units in K.C.C.
- 641 21A.08.030.B.7.
- 642 ~~((14.))~~ 13. No new mobile home parks are allowed in a rural zone.
- 643 ~~((15.))~~ 14.a. Limited to domestic violence shelter facilities.
- 644 b. Limited to domestic violence shelter facilities with no more than eighteen
- 645 residents or staff.
- 646 ~~((16.))~~ 15. Only in the R4-R8 zones limited to:

- 647 a. developments no larger than one acre;
- 648 b. not adjacent to another cottage housing development such that the total
649 combined land area of the cottage housing developments exceeds one acre; ~~((and))~~
- 650 c. All units must be cottage housing units with no less than three units and no
651 more than sixteen units, provided that if the site contains an existing home that is not
652 being demolished, the existing house is not required to comply with the height limitation
653 in subsection B.25. of this section or the floor area and footprint limits in K.C.C.
654 21A.14.025.B; and
- 655 d. Before filing an application with the department, the applicant shall hold a
656 community meeting in accordance with section 10 of this ordinance.
- 657 ~~((17.))~~ 16. The development for a detached single-family residence shall be
658 consistent with the following:
- 659 a. The lot must have legally existed ~~((prior to))~~ before March 1, 2005;
- 660 b. The lot has a comprehensive plan land use designation of Rural
661 Neighborhood or Rural Residential; and
- 662 c. The standards of this title for the RA-5 zone shall apply.
- 663 ~~((18.))~~ 17. Housing for agricultural employees who are employed by the owner
664 or operator of the site year-round as follows:
- 665 a. Not more than:
- 666 (1) One agricultural employee dwelling unit on a site under twenty acres;
- 667 (2) Two agricultural employee dwelling units on a site between twenty acres
668 and fifty acres;

669 (3) Three agricultural employee dwelling units on a site greater than fifty
670 acres and less than one-hundred acres; and

671 (4) On sites one-hundred acres and larger one additional agricultural
672 employee dwelling unit for each additional one hundred acres;

673 b. The primary use of the site shall be agricultural in SIC Industry Group No.
674 01-Growing and Harvesting Crops or SIC Industry Group No. 02-Raising Livestock and
675 Small Animals. If the primary use of the site changes to a nonagricultural use, all
676 agricultural employee dwelling units shall be removed;

677 c. The applicant shall file with the department of executive services, records
678 and licensing services division, a notice approved by the department that identifies the
679 agricultural employee dwelling units as accessory and that the dwelling units shall only
680 be occupied by agricultural employees who are employed by the owner or operator year-
681 round. The notice shall run with the land. The applicant shall submit to the department
682 proof that the notice was filed with the department of executive services, records and
683 licensing services division, before the department approves any permit for the
684 construction of agricultural employee dwelling units;

685 d. An agricultural employee dwelling unit shall not exceed a floor area of one
686 thousand square feet and may be occupied by no more than eight unrelated agricultural
687 employees;

688 e. One off-street parking space shall be provided for each agricultural
689 employee dwelling unit; and

690 f. The agricultural employee dwelling units shall be constructed in compliance
691 with K.C.C. Title 16.

692 SECTION 15. Ordinance 10870, Section 331, as amended, and K.C.C.

693 21A.08.040 are each hereby amended to read as follows:

694 A. Recreational/cultural 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	G I	M I	I I	I	U
		C	S	R	L	N R	N	D	H N	U N	O N	C	S
		U	T	A		V		E	B E	N E	N E	E	T
		L		L		E		N	O S	I S	A S		R
		T						T	R S	T S	L S		I
		U						I	H	Y			A
		R						A	O				L
		E						L	O				
									D				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I
	PARK/RECREATION:												
*	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 C16a	P16 C16a							P16 C16a
*	Destination Resorts		S		S18	C					C		
*	Marina		C 3		C4	C4	C4	C4	P5	P	P	P	P
*	Recreational Vehicle Park		P19	P19	C2 and 18 P19	C2 P19							
*	Sports Club (17)				C4((,)) and 18	C4	C4	C4	C	P	P		
*	Ski Area		S		S18								
*	Recreational Camp		C		P24 C								
	AMUSEMENT/ENTERTAINMENT:												
*	Adult Entertainment Business									P6	P6	P6	

*	Theater									P	P	P	P25
7833	Theater, Drive-in										C		
793	Bowling Center									P	P		P
*	Golf Facility				C7 and 18	P7	P7	P7					
7999 (14)	Amusement and Recreation Services		P21	P21	P8 P21((,)) C15 and 18	P8((,)) P21 P22 C15	P8((,)) P21 P22 C15	P8((,)) P21 P22 C15	P21 P22	P	P	P21	P21
*	Indoor Paintball Range									P26	P26		P26
*	Outdoor Paintball Range				C27	C27							
*	Shooting Range		C9		C9 and 18						C10		P10
*	Amusement Arcades									P	P		
7996	Amusement Park										C		
*	Outdoor Performance Center		S		C12 S18		P20	P20			S		
CULTURAL:													
823	Library				P11	P11 C	P11 C	((P14 C)) P28	P	P	P	P	
841	Museum	C2 3	C23		P11	P11 C	P11 C	((P14 C)) P28	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	<u>P</u>	P	P	
GENERAL CROSS REFERENCES: Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards see K.C.C. 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.													

695

B. Development conditions.

696

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

697

a. No stadiums on sites less than ten acres;

698 b. Lighting for structures and fields shall be directed away from residential
699 areas;

700 c. Structures or service yards shall maintain a minimum distance of fifty feet
701 from property lines adjoining residential zones, except for structures in on-site recreation
702 areas required in K.C.C. 21A.14.180 and 21A.14.190. Setback requirements for
703 structures in these on-site required recreation areas shall be maintained in accordance
704 with K.C.C. 21A.12.030;

705 d. Facilities in the A zone shall be limited to trails and trailheads, including
706 related accessory uses such as parking and sanitary facilities; and

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

708 2. Recreational vehicle parks are subject to the following conditions and
709 limitations:

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

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

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

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

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

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

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

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

727 5. Limited to day moorage.

728 6.a. Adult entertainment businesses shall be prohibited within three hundred
729 thirty feet of any property zoned RA, UR or R or containing schools, licensed daycare
730 centers, public parks or trails, community centers, public libraries or churches. In
731 addition, adult entertainment businesses shall not be located closer than three thousand
732 feet to any other adult entertainment business. These distances shall be measured from
733 the property line of the parcel or parcels proposed to contain the adult entertainment
734 business to the property line of the parcels zoned RA, UR or R or that contain the uses
735 identified in this subsection B.6.a.

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

741 7. Clubhouses, maintenance buildings, equipment storage areas and driving
742 range tees shall be at least fifty feet from residential property lines. Lighting for practice

743 greens and driving range ball impact areas shall be directed away from adjoining
744 residential zones. Applications shall comply with adopted best management practices for
745 golf course development. Within the RA zone, those facilities shall be permitted only in
746 the RA-5 and RA-2.5 zones. Not permitted in designated rural forest focus area,
747 regionally significant resource areas or locally significant resource areas. Ancillary
748 facilities associated with a golf course are limited to practice putting greens, maintenance
749 buildings and other structures housing administrative offices or activities that provide
750 convenience services to players. These convenience services are limited to a pro shop,
751 food services and dressing facilities and shall occupy a total of no more than ten thousand
752 square feet. Furthermore, the residential density that is otherwise permitted by the zone
753 shall not be used on other portions of the site through clustering or on other sites through
754 the transfer of density provision. This residential density clustering or transfer limitation
755 shall be reflected in a deed restriction that is recorded at the time applicable permits for
756 the development of the golf course are issued.

757 8. Limited to ((a)) golf driving ranges, only as:

758 a. ((an)) accessory to golf courses; or

759 b. ((an)) accessory to ((a)) large active recreation and multiuse parks.

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

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

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

768 d. Subject to the licensing provisions of K.C.C. Title 6.

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

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

773 (1) installing ventilation systems that provide sufficient clean air in the user's
774 breathing zone, and

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

777 11. Only as accessory to a park or in a building listed on the National Register
778 as an historic site or designated as a King County landmark subject to K.C.C. chapter
779 21A.32.

780 12. Only as accessory to a nonresidential use established through a discretionary
781 permit process, if the scale is limited to ensure compatibility with surrounding
782 neighborhoods. This condition applies to the UR zone only if the property is located
783 within a designated unincorporated rural town.

784 13. Subject to the following:

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

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

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

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

794 14. Excluding amusement and recreational uses classified elsewhere in this
795 chapter.

796 15. ~~((Limited to golf driving ranges and subject to subsection B.7. of this~~
797 ~~section.)) For amusement and recreation services not otherwise provided for in this
798 chapter:~~

799 a. In the RA zones, not subject to regulation under K.C.C. Title 6 and only on
800 sites at least five acres or larger;

801 b. Retail sales are limited to incidental sales to patrons of the amusement or
802 recreation service; and

803 c. Does not involve the operation of motor vehicles or off-road vehicles,
804 including, but not limited to, motorcycles and gocarts.

805 16. Subject to the following conditions:

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

808 b. Only for campgrounds that are part of a proposed or existing county park,
809 that are subject to review and public meetings through the department of natural
810 resources and parks.

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

812 18. Subject to review and approval of conditions to comply with trail corridor
813 provisions of K.C.C. chapter 21A.14 when located in an RA zone.

814 19. Only as ((an)) accessory to a large active recreation and multiuse park.

815 20. Only as ((an)) accessory to a large active recreation and multiuse park with
816 the floor area of an individual outdoor performance center stage limited to three thousand
817 square feet.

818 21. Limited to rentals of sports and recreation equipment with a total floor area
819 of no more than seven hundred fifty square feet and ((Θ))only as ((an)) accessory to a
820 park, or in the RA zones, to a large active recreation and multiuse park ((in the RA zones,
821 and limited to:

822 a. ~~rentals of sports and recreation equipment; and~~

823 b. ~~a total floor area of seven hundred and fifty square feet)).~~

824 22. Only as ((an)) accessory to a large active recreation and multiuse park and
825 limited to:

826 a. water slides, wave pools and associated water recreation facilities; and

827 b. rentals of sports and recreation equipment.

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

831 24. Use is permitted without a conditional use permit only when in compliance
832 with all of the following conditions:

833 a. The use is limited to camps for youths or for persons with special needs due
834 to a disability, as defined by the American With Disabilities Act of 1990, or due to a
835 medical condition and including training for leaders for those who use the camp;

836 b. Active recreational activities shall not involve the use of motorized vehicles
837 such as cross-country motorcycles or all-terrain vehicles or the use of firearms. The
838 prohibition on motorized vehicles does not apply to such vehicles that may be necessary
839 for operation and maintenance of the facility or to a client-specific vehicle used as a
840 personal mobility device;

841 c.(1) Except as provided in subsection B.24.c.(2)(b) of this section, the number
842 of overnight campers, not including camp personnel, in a new camp shall not exceed:

843 (a) one hundred and fifty for a camp between twenty and forty acres; or

844 (b) for a camp greater than forty acres, but less than two hundred and fifty
845 acres, the number of users allowed by the design capacity of a water system and on-site
846 sewage disposal system approved by the department of health, Seattle/King County, up to
847 a maximum of three hundred and fifty; and

848 (2) Existing camps shall be subject to the following:

849 (a) For a camp established (~~(prior to)~~) before August 11, 2005, with a
850 conditional use permit and is forty acres or larger, but less than one hundred and sixty
851 acres, the number of overnight campers, not including camp personnel, may be up to one
852 hundred and fifty campers over the limit established by subsection B.24.c.(1)(b) of this
853 section.

854 (b) For a camp established (~~(prior to)~~) before August 11, 2005, with a
855 conditional use permit and is one hundred and sixty acres or larger, but less than two
856 hundred acres, the number of overnight campers, not including camp personnel, may be
857 up to three hundred and fifty campers over the limit established by subsection
858 B.24.c.(1)(b) of this section. The camp may terminate operations at its existing site and
859 establish a new camp if the area of the camp is greater than two hundred and fifty acres
860 and the number of overnight campers, not including camp personnel, shall not exceed
861 seven hundred.

862 d. The length of stay for any individual overnight camper, not including camp
863 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

864 e. The camp facilities, such as a medical station, food service hall, and activity
865 rooms, shall be of a scale to serve overnight camp users;

866 f. The minimum size of parcel for such use shall be twenty acres;

867 g. Except for any permanent caretaker residence, all new structures where
868 camp users will be housed, fed or assembled shall be no less than fifty feet from
869 properties not related to the camp;

870 h. In order to reduce the visual impacts of parking areas, sports and activity
871 fields or new structures where campers will be housed, fed or assembled, the applicant
872 shall provide a Type 3 landscape buffer no less than twenty feet wide between the nearest
873 property line and such parking area, field, or structures, by retaining existing vegetation
874 or augmenting as necessary to achieve the required level of screening;

875 i. If the site is adjacent to an arterial roadway, access to the site shall be
876 directly onto said arterial unless direct access is unsafe due inadequate sight distance or
877 extreme grade separation between the roadway and the site;

878 j. If direct access to the site is via local access streets, transportation demand
879 management measures, such as use of carpools, buses or vans to bring in campers, shall
880 be used to minimize traffic impacts;

881 k. Any lights provided to illuminate any building or recreational area shall be
882 so arranged as to reflect the light away from any adjacent property; and

883 l. A community meeting shall be convened by the applicant ((prior to)) before
884 submittal of an application for permits to establish a camp, or to expand the number of
885 camp users on an existing camp site as provided in subsection B.24.c.(2)(b) of this
886 section. Notice of the meeting shall be provided at least two weeks in advance to all
887 property owners within five hundred feet (()), or at least twenty of the nearest property
888 owners, whichever is greater(+)). The notice shall at a minimum contain a brief
889 description of the project and the location, as well as, contact persons and numbers.

890 25. Limited to theaters primarily for live productions located within a Rural
891 Town designated by the King County Comprehensive Plan.

892 26.a. Only in an enclosed building; and

893 b. A copy of the current liability policy of not less than one million dollars for
894 bodily injury or death shall be maintained in the department.

895 27. Minimum standards for outdoor paintball recreation fields:

896 a. The minimum site area is twenty-five acres;

897 b. Structure shall be no closer than one hundred feet from any lot line adjacent
898 to a residential zoned property;

899 c. The area where paintballs are discharged shall be located more than three
900 hundred feet of any lot line and more than five hundred (~~feet~~ ~~[feet]~~) feet from the lot
901 line of any adjoining residential property. The department may allow for a lesser setback
902 if it determines through the conditional use permit review that the lesser setback in
903 combination with other elements of the site design provides adequate protection to
904 adjoining properties and rights-of-ways;

905 d. A twenty-foot high nylon mesh screen shall be installed around all play areas
906 and shall be removed at the end of each day when the play area is not being used. The
907 department may allow for the height of the screen to be lowered to no less than ten feet if
908 it determines through the conditional use permit review that the lower screen in
909 combination with other elements of the site design provides adequate protection from
910 discharged paintballs;

911 e. All parking and spectator areas, structures and play areas shall be screened
912 from adjoining residential zoned property and public rights of way with Type 1
913 landscaping at least ten feet wide;

914 f. Any retail sales conducted on the property shall be accessory and incidental
915 to the permitted activity and conducted only for the participants of the site;

916 g. A plan of operations specifying days and hours of operation, number of
917 participants and employees, types of equipment to be used by users of the site, safety
918 procedures, type of compressed air fuel to be used on the site and storage and
919 maintenance procedures for the compressed air fuel shall be provided for review in

920 conjunction with the conditional use permit application. All safety procedures shall be
921 reviewed and approved by department of public safety (~~prior to~~) before submittal of the
922 conditional use permit application. All activities shall be in compliance with National
923 Paintball League standards;

924 h. The hours of operation shall be limited to Saturdays and Sundays and
925 statutory holidays from 8:30 A.M. to 8:30 P.M., and further restricted as applicable to
926 daylight hours;

927 i. No more than one hundred paintball players shall be allowed on the site at
928 any one time;

929 j. No outdoor lights or amplified sounds shall be permitted;

930 k. The facility shall have direct access to a road designated as a major collector
931 (or higher) in the Comprehensive Plan unless the department determines through the
932 conditional use permit review that the type and amount of traffic generated by the facility
933 is such that it will not cause an undue impact on the neighbors or adversely affect safety
934 of road usage;

935 l. The facility shall be secured at the close of business each day;

936 m. All equipment and objects used in the paintball activities shall be removed
937 from the site within ninety days of the discontinuance of the paintball use; and

938 n. A copy of the current liability policy of not less than one million dollars for
939 bodily injury or death shall be submitted with the conditional use permit application and
940 shall be maintained in the department.

941 28. Before filing an application with the department, the applicant shall hold a
942 community meeting in accordance with section 10 of this ordinance.

943 SECTION 16. Ordinance 10870, Section 332, as amended, and K.C.C.

944 21A.08.050 are each hereby amended to read as follows:

945 A. General 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	G I	M I	I I	I	U
		C	S	R	L	N R	N	D	H N	U N	O N	C	S
		U	T	A		V		E	B E	N E	N E	E	T
		L		L		E		N	O S	I S	A S		R
		T						T	R S	T S	L S		I
		U						I	H	Y			A
		R						A	O				L
		E						L	O				
									D				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I
	PERSONAL SERVICES:												
72	General Personal Service						C25 C37	C25 C37	P	P	P	P3	P3
7216	Drycleaning Plants												P
7218	Industrial Launderers												P
7261	Funeral Home/Crematory					C4	C4	C4		P	P		
*	Cemetery, Columbarium or Mausoleum				P24 C5 and 31	P24 C5 and 31	P24 C5 and 31	P24 C5 and 31	P24	P24	P24 C5	P24	
*	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 and 31	P9 C10			P10	P10	P10		P
753	Automotive Repair								P11	P	P		P

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	(1)												
754	Automotive Service							P11	P	P			P
76	Miscellaneous Repair	((C33)) <u>P33</u>			P32 ((C33)) <u>P33</u>	P32	P32	P32	P32	P	P		P
866	Church, Synagogue, Temple				P12 C27 and 31	P12 C	P12 C	P12 C	P	P	P	P	
83	Social Services (2)				P12 ((C13 and)) <u>P13</u> <u>C31</u>	P12 ((C13)) <u>P13 C</u>	P12 ((C13)) <u>P13 C</u>	P12 ((C13)) <u>P13 C</u>	((P13)) <u>P</u>	P	P	P	
0752	Animal specialty services				C P35 P36	C			P	P	P	P	P
*	Stable	P14 C			P14 C31	P14 C	P14 C						
*	Kennel or Cattery	P9			C	C				C	P		
*	Theatrical Production Services									P30	P28		
*	Artist Studios				P28	P28	P28	P28	P	P	P	P29	P
*	Interim Recycling Facility				P21	P21	P21	P21	P22	P22	P	P21	P
*	Dog training facility	C34			C34	C34			P	P	P		P
	HEALTH SERVICES:												
801- 04	Office/Outpatient Clinic				P12 C13a	P12 C13a	P12 C13a C37	P12 C13a C37	P	P	P	P	P
805	Nursing and Personal Care Facilities							C		P	P		
806	Hospital						C13a	C13a		P	P	C	
807	Medical/Dental Lab									P	P	P	P
808- 09	Miscellaneous Health									P	P	P	
	EDUCATION SERVICES:												

*	Elementary School				P15 and 31	P	P	P		P16c	P16c	P16c	
*	Middle/Junior High School				P16 C15 and 31	P	P	P		P16c	P16c	P16c	
*	Secondary or High School				P16 C15 and 26 and 31	P26	P26	P26		P16c C	P16c C	P16c	
*	Vocational School				P13a C31	P13a C	P13a C	P13a C			P	P17	P
*	Specialized Instruction School		P18		P19 C20 and 31	P19 C20	P19 C20	P19 C20	P	P	P	P17	P
*	School District Support Facility				P16 C15 and 23 and 31	P23 C	P23 C	P23 C	C	P	P	P	P
GENERAL CROSS		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters											
REFERENCES:		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.											

946 B. Development conditions.

947 1. Except SIC Industry No. 7534-Tire Retreading, see manufacturing permitted
 948 use table.

949 2. Except SIC Industry Group Nos.:

950 a. 835-Day Care Services, and

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

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

954 a. 723-Beauty Shops;

955 b. 724-Barber Shops;

- 956 c. 725-Shoe Repair Shops and Shoeshine Parlors;
- 957 d. 7212-Garment Pressing and Agents for Laundries and Drycleaners; and
- 958 e. 217-Carpet and Upholstery Cleaning.
- 959 4. Only as ~~((an))~~ accessory to a cemetery, and prohibited from the UR zone only
- 960 if the property is located within a designated unincorporated Rural Town.
- 961 5. Structures shall maintain a minimum distance of one hundred feet from
- 962 property lines adjoining residential zones.
- 963 6. Only as ~~((an))~~ accessory to residential use, and:
- 964 a. Outdoor play areas shall be completely enclosed by a solid wall or fence,
- 965 with no openings except for gates, and have a minimum height of six feet; and
- 966 b. Outdoor play equipment shall maintain a minimum distance of twenty feet
- 967 from property lines adjoining residential zones.
- 968 7. Permitted as an accessory use. See commercial/industrial accessory, K.C.C.
- 969 21A.08.060.A.
- 970 8. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32,
- 971 or an accessory use to a school, church, park, sport club or public housing administered
- 972 by a public agency, and:
- 973 a. Outdoor play areas shall be completely enclosed by a solid wall or fence,
- 974 with no openings except for gates and have a minimum height of six feet;
- 975 b. Outdoor play equipment shall maintain a minimum distance of twenty feet
- 976 from property lines adjoining residential zones;
- 977 c. Direct access to a developed arterial street shall be required in any
- 978 residential zone; and

979 d. Hours of operation may be restricted to assure compatibility with
980 surrounding development.

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

984 (1) Boarding or overnight stay of animals is allowed only on sites of five
985 acres or more;

986 (2) No burning of refuse or dead animals is allowed;

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

991 (4) The provisions of K.C.C. chapter 21A.30 relative to animal keeping are
992 met.

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

995 (1) Impervious surface for the kennel or cattery shall not exceed twelve
996 thousand square feet;

997 (2) Obedience training classes are not allowed except as provided in
998 subsection B.34. of this section; and

999 (3) Any buildings or structures used for housing animals and any outdoor
1000 runs shall be set back one hundred and fifty feet from property lines.

1001 10.a. No burning of refuse or dead animals is allowed;

1002 b. The portion of the building or structure in which animals are kept or treated
1003 shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be
1004 surrounded by an eight-foot-high solid wall and the floor area shall be surfaced with
1005 concrete or other impervious material; and

1006 c. The provisions of K.C.C. chapter 21A.30 relative to animal keeping are met.

1007 11. The repair work or service shall only be performed in an enclosed building,
1008 and no outdoor storage of materials. SIC Industry No. 7532-Top, Body, and Upholstery
1009 Repair Shops and Paint Shops is not allowed.

1010 12. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.
1011 Before filing an application with the department, the applicant shall hold a community
1012 meeting in accordance with section 10 of this ordinance.

1013 13.a. Except as otherwise provided in 13.b. of this subsection, only as a reuse of
1014 a surplus nonresidential facility subject to K.C.C. chapter 21A.32.

1015 b. Allowed for a social service agency on a site in the NB zone that serves
1016 transitional or low-income housing located within three hundred feet of the site on which
1017 the social service agency is located.

1018 c. Before filing an application with the department, the applicant shall hold a
1019 community meeting in accordance with section 10 of this ordinance.

1020 14. Covered riding arenas are subject to K.C.C. 21A.30.030 and shall not
1021 exceed twenty thousand square feet, but stabling areas, whether attached or detached,
1022 shall not be counted in this calculation.

1023 15. Limited to projects that do not require or result in an expansion of sewer
1024 service outside the urban growth area, unless a finding is made that no cost-effective

1025 alternative technologies are feasible, in which case a tightline sewer sized only to meet
1026 the needs of the public school, as defined in RCW 28A.150.010, or the school facility and
1027 serving only the public school or the school facility may be used. New public high
1028 schools shall be permitted subject to the review process in K.C.C. 21A.42.140.

1029 16.a. For middle or junior high schools and secondary or high schools or school
1030 facilities, only as a reuse of a public school facility or school facility subject to K.C.C.
1031 chapter 21A.32. An expansion of such a school or a school facility shall be subject to
1032 approval of a conditional use permit and the expansion shall not require or result in an
1033 extension of sewer service outside the urban growth area, unless a finding is made that no
1034 cost-effective alternative technologies are feasible, in which case a tightline sewer sized
1035 only to meet the needs of the public school, as defined in RCW 28A.150.010, or the
1036 school facility may be used.

1037 b. Renovation, expansion, modernization or reconstruction of a school, a
1038 school facility, or the addition of relocatable facilities, is permitted but shall not require
1039 or result in an expansion of sewer service outside the urban growth area, unless a finding
1040 is made that no cost-effective alternative technologies are feasible, in which case a
1041 tightline sewer sized only to meet the needs of the public school, as defined in RCW
1042 28A.150.010, or the school facility may be used.

1043 c. In CB, RB and O, for K-12 schools with no more than one hundred students.

1044 17. All instruction must be within an enclosed structure.

1045 18. Limited to resource management education programs.

1046 19. Only as ((an)) accessory to residential use, and:

1047 a. Students shall be limited to twelve per one-hour session;

1048 b. Except as provided in subsection c. of this subsection, all instruction must
1049 be within an enclosed structure;

1050 c. Outdoor instruction may be allowed on properties at least two and one-half
1051 acres in size. Any outdoor activity must comply with the requirements for setbacks in
1052 K.C.C. chapter 21A.12; and

1053 d. Structures used for the school shall maintain a distance of twenty-five feet
1054 from property lines adjoining residential zones.

1055 20. Subject to the following:

1056 a. Structures used for the school and accessory uses shall maintain a minimum
1057 distance of twenty-five feet from property lines adjoining residential zones;

1058 b. On lots over two and one-half acres:

1059 (1) Retail sale of items related to the instructional courses is permitted, if total
1060 floor area for retail sales is limited to two thousand square feet;

1061 (2) Sale of food prepared in the instructional courses is permitted with
1062 Seattle-King County department of public health approval, if total floor area for food
1063 sales is limited to one thousand square feet and is located in the same structure as the
1064 school; and

1065 (3) Other incidental student-supporting uses are allowed, if such uses are
1066 found to be both compatible with and incidental to the principal use; and

1067 c. On sites over ten acres, located in a designated Rural Town and zoned any
1068 one or more of UR, R-1 and R-4:

1069 (1) Retail sale of items related to the instructional courses is permitted,
1070 provided total floor area for retail sales is limited to two thousand square feet;

1071 (2) Sale of food prepared in the instructional courses is permitted with
1072 Seattle-King County department of public health approval, if total floor area for food
1073 sales is limited to one thousand seven hundred fifty square feet and is located in the same
1074 structure as the school;

1075 (3) Other incidental student-supporting uses are allowed, if the uses are found
1076 to be functionally related, subordinate, compatible with and incidental to the principal
1077 use;

1078 (4) The use shall be integrated with allowable agricultural uses on the site;

1079 (5) Advertised special events shall comply with the temporary use
1080 requirements of this chapter; and

1081 (6) Existing structures that are damaged or destroyed by fire or natural event,
1082 if damaged by more than fifty percent of their prior value, may reconstruct and expand an
1083 additional sixty-five percent of the original floor area but need not be approved as a
1084 conditional use if their use otherwise complies with development condition B.20.c. of this
1085 section and this title.

1086 21. Limited to drop box facilities accessory to a public or community use such
1087 as a school, fire station or community center.

1088 22. With the exception of drop box facilities for the collection and temporary
1089 storage of recyclable materials, all processing and storage of material shall be within
1090 enclosed buildings. Yard waste processing is not permitted.

1091 23. Only if adjacent to an existing or proposed school.

1092 24. Limited to columbariums accessory to a church, but required landscaping
1093 and parking shall not be reduced.

1094 25. Not permitted in R-1 and limited to a maximum of five thousand square feet
1095 per establishment and subject to the additional requirements in K.C.C. 21A.12.230.

1096 26.a. New high schools shall be permitted in the rural and the urban residential
1097 and urban reserve zones subject to the review process in K.C.C. 21A.42.140.

1098 b. Renovation, expansion, modernization, or reconstruction of a school, or the
1099 addition of relocatable facilities, is permitted.

1100 27. Limited to projects that do not require or result in an expansion of sewer
1101 service outside the urban growth area. In addition, such use shall not be permitted in the
1102 RA-20 zone.

1103 28. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter
1104 21A.32 or as a joint use of an existing public school facility.

1105 29. All studio use must be within an enclosed structure.

1106 30. Adult use facilities shall be prohibited within six hundred sixty feet of any
1107 residential zones, any other adult use facility, school, licensed daycare centers, parks,
1108 community centers, public libraries or churches that conduct religious or educational
1109 classes for minors.

1110 31. Subject to review and approval of conditions to comply with trail corridor
1111 provisions of K.C.C. chapter 21A.14 when located in an RA zone.

1112 32. Limited to repair of sports and recreation equipment:

1113 a. as ~~((an))~~ accessory to a large active recreation and multiuse park in the urban
1114 growth area; or

1115 b. as ~~((an))~~ accessory to a park, or a large active recreation and multiuse park
1116 in the RA zones, and limited to a total floor area of seven hundred fifty square feet.

1117 33. Accessory to agricultural or forestry uses provided:
1118 a. the repair of tools and machinery is limited to those necessary for the
1119 operation of a farm or forest.
1120 b. the lot is at least five acres.
1121 c. the size of the total repair use is limited to one percent of the lot size up to a
1122 maximum of five thousand square feet unless located in a farm structure, including, but
1123 not limited to barns, existing as of December 31, 2003.

1124 34. Subject to the following:
1125 a. the lot is at least five acres((.));
1126 b. in the A zones, area used for dog training shall be located on portions of
1127 agricultural lands that are unsuitable for other agricultural purposes, such as areas within
1128 the already developed portion of such agricultural lands that are not available for direct
1129 agricultural production or areas without prime agricultural soils((.));
1130 c. structures and areas used for dog training shall maintain a minimum distance
1131 of seventy-five feet from property lines((.)); and
1132 d. all training activities shall be conducted within fenced areas or in indoor
1133 facilities. Fences must be sufficient to contain the dogs.

1134 35. Limited to animal rescue shelters and provided that:
1135 a. the property shall be at least four acres;
1136 b. buildings used to house rescued animals shall be no less than fifty feet from
1137 property lines;
1138 c. outdoor animal enclosure areas shall be located no less than thirty feet from
1139 property lines and shall be fenced in a manner sufficient to contain the animals;

1140 d. the facility shall be operated by a nonprofit organization registered under the
1141 Internal Revenue Code as a 501(c)(3) organization; and

1142 e. the facility shall maintain normal hours of operation no earlier than 7 a.m.
1143 and no later than 7 p.m.

1144 36. Limited to kennel-free dog boarding and daycare facilities, and:

1145 a. the property shall be at least ~~((five))~~ four and one-half acres;

1146 b. buildings housing dogs shall be no less than seventy-five feet from property
1147 lines;

1148 c. outdoor exercise areas shall be located no less than thirty feet from property
1149 lines and shall be fenced in a manner sufficient to contain the dogs;

1150 d. the number of dogs allowed shall be limited to twenty-five, consistent with
1151 the provisions for hobby kennels, as ~~((outline))~~ provided in K.C.C. 11.04.060.B;

1152 e. training and grooming are ancillary services ~~((which))~~ that may be provided
1153 only to dogs staying at the facility; and

1154 f. the facility shall maintain normal hours of operation no earlier than 7 a.m.
1155 and no later than 7 p.m.~~((; and~~

1156 ~~g. no new facility shall be permitted to be established after one year from June~~
1157 ~~17, 2007)).~~

1158 37. Not permitted in R-1 and subject to the additional requirements in K.C.C.
1159 21A.12.250.

1160 SECTION 17. Ordinance 10870, Section 333, as amended, and K.C.C.

1161 21A.08.060 are each hereby amended to read as follows:

1162 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
		O	I	E	E	A	A	E	A	I	G	I	M	I	I	I	U
		N	C	S	R	L	N	R	N	D	H	N	U	N	O	N	C
		E	U	T	A		V		E	B	E	N	E	N	E	E	T
			L		L		E		N	O	S	I	S	A	S		R
			T						T	R	S	T	S	L	S		I
			U						I	H							A
			R						A	O							L
			E						L	O							
										D							
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I				
	GOVERNMENT SERVICES:																
*	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 and 33	C6	C6	C6	P	P	P	P	P				
*	Utility Facility	P29 C28	P29 C28	P29 C28	P29 C28 and 33	P29 C28	P29 C28	P29 C28	P	P	P	P	P				
*	Commuter Parking Lot				C33 P19	C P19	C P19	C 19	P	P	P	P	P35				
*	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				
	BUSINESS SERVICES:																
*	Construction and Trade				P34						P	P9	P				
*	Individual Transportation and									P25	P	P10	P				

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	Taxi												
421	Trucking and Courier Service									P11	P12	P13	P
*	Warehousing, (1) and Wholesale Trade												P
*	Self-service Storage							((C1 4)) P14	P37	P	P	P	P
4221 4222	Farm Product Warehousing, Refrigeration and Storage	P15 C36			P15 and 33 C36	P15, C36							P
*	Log Storage	P15	P		P26 and 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
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

ACCESSORY USES:														
*	Commercial/Industrial Accessory Uses			P	P22					P22	P22	P	P	P
*	Helistop					C23	C23	C23	C23	C23	C24	C23	C24	
GENERAL Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see chapters 21A.12 CROSS through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see REFERENCES: K.C.C. chapters 21A.40 through 21A.44; (*) Definition of this specific land use, see K.C.C. chapter 21A.06.														

- 1163 B. Development conditions.
- 1164 1. Except self-service storage.
- 1165 2. Except SIC Industry No. 8732-Commercial Economic, Sociological, and
- 1166 Educational Research, see general business service/office.
- 1167 3.a. Only as a re-use of a public school facility or a surplus nonresidential
- 1168 facility subject to the provisions of K.C.C. chapter 21A.32; or
- 1169 b. only when accessory to a fire facility and the office is no greater than one
- 1170 thousand five hundred square feet of floor area.
- 1171 4. Only as a re-use of a surplus nonresidential facility subject to K.C.C. chapter
- 1172 21A.32.
- 1173 5. New utility office locations only if there is no commercial/industrial zoning
- 1174 in the utility district, and not in the RA-10 or RA-20 zones unless it is demonstrated that
- 1175 no feasible alternative location is possible, and provided further that this condition
- 1176 applies to the UR zone only if the property is located within a designated unincorporated
- 1177 Rural Town.
- 1178 6.a. All buildings and structures shall maintain a minimum distance of twenty
- 1179 feet from property lines adjoining residential zones;
- 1180 b. Any buildings from which fire-fighting equipment emerges onto a street
- 1181 shall maintain a distance of thirty-five feet from such street;

- 1182 c. No outdoor storage; and
- 1183 d. Excluded from the RA-10 and RA-20 zones unless it is demonstrated that no
- 1184 feasible alternative location is possible.
- 1185 7. Limited to storefront police offices. Such offices shall not have:
- 1186 a. holding cells((~~§~~));
- 1187 b. suspect interview rooms (except in the NB zone)((~~§~~)); or
- 1188 c. long-term storage of stolen properties.
- 1189 8. Private stormwater management facilities serving development proposals
- 1190 located on commercial/industrial zoned lands shall also be located on
- 1191 commercial/industrial lands, unless participating in an approved shared facility drainage
- 1192 plan. Such facilities serving development within an area designated urban in the King
- 1193 County Comprehensive Plan shall only be located in the urban area.
- 1194 9. No outdoor storage of materials.
- 1195 10. Limited to office uses.
- 1196 11. Limited to self-service household moving truck or trailer rental accessory to
- 1197 a gasoline service station.
- 1198 12. Limited to self-service household moving truck or trailer rental accessory to
- 1199 a gasoline service station and SIC Industry No. 4215-Courier Services, except by air.
- 1200 13. Limited to SIC Industry No. 4215-Courier Services, except by air.
- 1201 14. Accessory to an apartment development of at least twelve units provided:
- 1202 a. The gross floor area in self service storage shall not exceed the total gross
- 1203 floor area of the apartment dwellings on the site;

- 1204 b. All outdoor lights shall be deflected, shaded and focused away from all
1205 adjoining property;
- 1206 c. The use of the facility shall be limited to dead storage of household goods;
- 1207 d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or
1208 similar equipment;
- 1209 e. No outdoor storage or storage of flammable liquids, highly combustible or
1210 explosive materials or hazardous chemicals;
- 1211 f. No residential occupancy of the storage units;
- 1212 g. No business activity other than the rental of storage units; ~~((and))~~
- 1213 h. A resident director shall be required on the site and shall be responsible for
1214 maintaining the operation of the facility in conformance with the conditions of approval;
1215 and
- 1216 i. Before filing an application with the department, the applicant shall hold a
1217 community meeting in accordance with section 10 of this ordinance.
- 1218 15.a. The floor area devoted to warehousing, refrigeration or storage shall not
1219 exceed two thousand square feet;
- 1220 b. Structures and areas used for warehousing, refrigeration and storage shall
1221 maintain a minimum distance of seventy-five feet from property lines adjoining
1222 residential zones; and
- 1223 c. Warehousing, refrigeration and storage is limited to agricultural products
1224 and sixty percent or more of the products must be grown or processed in the Puget Sound
1225 counties. At the time of the initial application, the applicant shall submit a projection of
1226 the source of products to be included in the warehousing, refrigeration or storage.

- 1227 16. Only as an accessory use to another permitted use.
- 1228 17. No outdoor storage.
- 1229 18. Only as an accessory use to a public agency or utility yard, or to a transfer
1230 station.
- 1231 19. Limited to new commuter parking lots designed for thirty or fewer parking
1232 spaces or commuter parking lots located on existing parking lots for churches, schools, or
1233 other permitted nonresidential uses that have excess capacity available during
1234 commuting; provided that the new or existing lot is adjacent to a designated arterial that
1235 has been improved to a standard acceptable to the department of transportation;
- 1236 20. No tow-in lots for damaged, abandoned or otherwise impounded vehicles.
- 1237 21. No dismantling or salvage of damaged, abandoned or otherwise impounded
1238 vehicles.
- 1239 22. Storage limited to accessory storage of commodities sold at retail on the
1240 premises or materials used in the fabrication of commodities sold on the premises.
- 1241 23. Limited to emergency medical evacuation sites in conjunction with police,
1242 fire or health service facility. Helistops are prohibited from the UR zone only if the
1243 property is located within a designated unincorporated Rural Town.
- 1244 24. Allowed as accessory to an allowed use.
- 1245 25. Limited to private road ambulance services with no outside storage of
1246 vehicles.
- 1247 26. Limited to two acres or less.
- 1248 27a. Utility yards only on sites with utility district offices; or

1249 b. Public agency yards are limited to material storage for road maintenance
1250 facilities.

1251 28. Limited to bulk gas storage tanks that pipe to individual residences but
1252 excluding liquefied natural gas storage tanks.

1253 29. Excluding bulk gas storage tanks.

1254 30. For I-zoned sites located outside the urban growth area designated by the
1255 King County Comprehensive Plan, uses shall be subject to the provisions for rural
1256 industrial uses in K.C.C. chapter 21A.12.

1257 31. Vactor waste treatment, storage and disposal shall be limited to liquid
1258 materials. Materials shall be disposed of directly into a sewer system, or shall be stored
1259 in tanks (or other covered structures), as well as enclosed buildings.

1260 32. Provided:

1261 a. Off-street required parking for a land use located in the urban area must be
1262 located in the urban area;

1263 b. Off-street required parking for a land use located in the rural area must be
1264 located in the rural area; and

1265 c.(1) Except as provided in 32.c.(2) of this subsection, off-street required
1266 parking must be located on a lot that would permit, either outright or through a land use
1267 permit approval process, the land use the off-street parking will serve.

1268 (2) For a social service agency allowed under K.C.C. 21A.08.050.B.13.b. to
1269 be located on a site in the NB zone, off-street required parking may be located on a site
1270 within three hundred feet of the social service agency, regardless of zoning classification
1271 of the site on which the parking is located.

1272 33. Subject to review and approval of conditions to comply with trail corridor
1273 provisions of K.C.C. chapter 21A.14 when located in an RA zone.

1274 34. Limited to landscape and horticultural services (SIC 078) that are accessory
1275 to a retail nursery, garden center and farm supply store. Construction equipment for the
1276 accessory use shall not be stored on the premises.

1277 35. Allowed as a primary or accessory use to an allowed industrial-zoned land
1278 use.

1279 36. Accessory to agricultural uses provided:

1280 a. In the RA zones and on lots less than thirty-five acres in the A zone, the
1281 floor area devoted to warehousing, refrigeration or storage shall not exceed three
1282 thousand five hundred square feet unless located in a building designated as historic
1283 resource under K.C.C. chapter 20.62;

1284 b. On lots at least thirty-five acres in the A zones, the floor area devoted to
1285 warehousing, refrigeration or storage shall not exceed seven thousand square feet unless
1286 located in a building designated as historic resource under K.C.C. chapter 20.62.

1287 c. In the A zones, structures and areas used for warehousing, refrigeration and
1288 storage shall be located on portions of agricultural lands that are unsuitable for other
1289 agricultural purposes, such as areas within the already developed portion of such
1290 agricultural lands that are not available for direct agricultural production, or areas without
1291 prime agricultural soils;

1292 d. Structures and areas used for warehousing, refrigeration or storage shall
1293 maintain a minimum distance of seventy-five feet from property lines adjoining
1294 residential zones; and

1295 e. Warehousing, refrigeration and storage is limited to agricultural products
 1296 and sixty percent or more of the products must be grown or processed in the Puget Sound
 1297 counties. At the time of the initial application, the applicant shall submit a projection of
 1298 the source of products to be included in the warehousing, refrigeration or storage.

1299 37. Use shall be limited to the NB zone on parcels outside of the Urban Growth
 1300 Area, Rural Towns and Rural Neighborhoods and the building floor area devoted to such
 1301 use shall not exceed ten thousand square feet.

1302 SECTION 18. Ordinance 10870, Section 334, as amended, and K.C.C.
 1303 21A.08.070 are each hereby amended to read as follows:

1304 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	Z	R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
	O	I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U
	N	C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
	E	U	T	A			V		E	B	E	N	E	N	E	E	T
	L			L			E		N	O	S	I	S	A	S		R
	T								T	R	S	T	S	L	S		I
	U								I	H		Y					A
	R								A	O							L
	E								L	O							
										D							
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I				(30)
*	Building Materials and Hardware Stores		P23						P2	P	P						
*	Retail Nursery, Garden Center	P1 C1			P1 C1				P	P	P						

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	and Farm Supply Stores												
*	Forest Products Sales	P3 and 4	P4		P3 and 4						P		
*	Department and Variety Stores						C14a	((C14)) P14	P5	P	P		
54	Food Stores						C15a	((C15)) P15	P	P	P	C	P6
*	Agricultural Product Sales	P7 C7	P4		P7 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		
*	Furniture and Home Furnishings Stores									P	P		
58	Eating and Drinking Places				P21 C19		P20 C16	P20 ((C16)) P16	P10	P	P	P	P
*	Drug Stores						C15a	((C15)) P15	P	P	P	C	
592	Liquor Stores	P13			P13	P13			P13	P	P		
593	Used Goods: Antiques/ Secondhand Shops									P	P		
*	Sporting			P22	P22	P22	P22	P22	P22	P	P	P22	P22

	Goods and Related Stores												
*	Book, Stationery, Video and Art Supply Stores						C15a	((G45)) P15	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						C15a	((G45)) P15	P	P	P	P	
*	Personal Medical Supply Stores									P	P		
*	Pet Shops								P	P	P		
*	Bulk Retail									P	P		
*	Auction Houses										P12		P
*	Livestock Sales	P17	P17		P17	P17	P17	and 18					P
GENERAL CROSS		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see											
REFERENCES:		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.											

1305

B. Development conditions.

1306

1.a. As a permitted use, covered sales areas shall not exceed a total area of two

1307

thousand square feet, unless located in a building designated as historic resource under

1308 K.C.C. chapter 20.62. With a conditional uses permit, covered sales areas of up to three
1309 thousand five hundred square feet may be allowed. Greenhouses used for the display of
1310 merchandise other than plants shall be considered part of the covered sales area.

1311 Uncovered outdoor areas used to grow or display trees, shrubs, or other plants are not
1312 considered part of the covered sales area;

1313 b. The site area shall be at least four and one-half acres;

1314 c. Sales may include locally made arts and crafts; and

1315 d. Outside lighting is permitted if no off-site glare is allowed.

1316 2. Only hardware stores.

1317 3.a. Limited to products grown on site.

1318 b. Covered sales areas shall not exceed a total area of five hundred square feet.

1319 4. No permanent structures or signs.

1320 5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a
1321 maximum of two thousand square feet of gross floor area.

1322 6. Limited to a maximum of ~~((two))~~ five thousand square feet of gross floor
1323 area.

1324 7.a. As a permitted use, the covered sales area shall not exceed two thousand
1325 square feet, unless located in ~~(([a]))~~ a building designated as ~~(([a]))~~ a historic resource
1326 under K.C.C. chapter 20.62. As a conditional use, up to three thousand five hundred
1327 square feet of covered sales area may be allowed;

1328 b. The site area shall be at least four and one-half acres;

1329 c. Forty percent or more of the gross sales of agricultural product sold through
1330 the store must be sold by the producers of primary agricultural products;

1331 d. Sixty percent or more of the gross sales of agricultural products sold through
1332 the store shall be derived from products grown or produced in the Puget Sound counties.
1333 At the time of the initial application, the applicant shall submit a reasonable projection of
1334 the source of product sales;

1335 e. Sales shall be limited to agricultural products and locally made arts and
1336 crafts;

1337 f. Storage areas for agricultural products may be included in a farm store
1338 structure or in any accessory building; and

1339 g. Outside lighting is permitted if no off-site glare is allowed.

1340 8. Excluding retail sale of trucks exceeding one-ton capacity.

1341 9. Only the sale of new or reconditioned automobile supplies is permitted.

1342 10. Excluding SIC Industry No. 5813-Drinking Places.

1343 11. No outside storage of fuel trucks and equipment.

1344 12. Excluding vehicle and livestock auctions.

1345 13. Only as accessory to a winery or SIC Industry No. 2082-Malt Beverages,
1346 and limited to sales of products produced on site and incidental items where the majority
1347 of sales are generated from products produced on site.

1348 14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to
1349 a maximum of five thousand square feet of gross floor area, and subject to K.C.C.

1350 ~~((21A.12.330))~~ 21A.12.230; and

1351 b. Before filing an application with the department, the applicant shall hold a
1352 community meeting in accordance with section 10 of this ordinance.

1353 15. a. Not permitted in R-1 and limited to a maximum of five thousand square
1354 feet of gross floor area and subject to K.C.C. 21A.12.230; and

1355 b. Before filing an application with the department, the applicant shall hold a
1356 community meeting in accordance with section 10 of this ordinance.

1357 16. a. Not permitted in R-1 and excluding SIC Industry No. 5813-Drinking
1358 Places, and limited to a maximum of five thousand square feet of gross floor area and
1359 subject to K.C.C. 21A.12.230, except as provided in subsection B.20. of this section; and

1360 b. Before filing an application with the department, the applicant shall hold a
1361 community meeting in accordance with section 10 of this ordinance.

1362 17. Retail sale of livestock is permitted only as accessory to raising livestock.

1363 18. Limited to the R-1 zone.

1364 19. Only as:

1365 a. an accessory use to a permitted manufacturing or retail land use, limited to
1366 espresso stands to include sales of beverages and incidental food items, and not to include
1367 drive-through sales; or

1368 b. an accessory use to a large active recreation and multiuse park, limited to a
1369 total floor area of three thousand five hundred square feet.

1370 20. Only as:

1371 a. an accessory use to a large active recreation and multiuse park; or

1372 b. an accessory use to a park and limited to a total floor area of one thousand
1373 five hundred square feet.

1374 21. Accessory to a park, limited to a total floor area of seven hundred fifty
1375 square feet.

1376 22. Only as an accessory use to:
 1377 a. a large active recreation and multiuse park in the urban growth area; or
 1378 b. a park, or a large active recreation and multiuse park in the RA zones, and
 1379 limited to a total floor area of seven hundred and fifty square feet.

1380 23. Only as accessory to SIC Industry Group No. 242-Sawmills and;
 1381 a. limited to lumber milled on site; and
 1382 b. the covered sales area is limited to two thousand square feet. The covered
 1383 sales area does not include covered areas used to display only milled lumber.

1384 SECTION 19. Ordinance 10870, Section 335, as amended, and K.C.C.

1385 21A.08.080 are each hereby amended to read as follows:

1386 A. Manufacturing 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	Z	R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
		O	I	E	E	A	A	E	A	I	G	I	M	I	I	I	U
		N	C	S	R	L	N	R	N	D	H	N	U	N	O	N	C
		E	U	T	A		V		E	B	E	N	E	N	E	E	T
		L		L			E		N	O	S	I	S	A	S		R
		T							T	R	S	T	S	L	S		I
		U							I	H	Y						A
		R							A	O							L
		E							L	O							
										D							
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1	R12	NB	CB	RB	O	I (11)				
20	Food and Kindred Products	P1	P1		P1	P1			P2	P2	P2 C		P2 C				
		C1			C1												
*/2082	Winery/Brewery	P3			P3	P3			P18	P18	((C))		P				
		C1			C1						P						
		2			2												

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*	Materials Processing Facility	P1 3	P1 4 C	P1 5 C1 6	P1 7 C								P
22	Textile Mill Products												C
23	Apparel and other Textile Products									C			P
24	Wood Products, except furniture	P4	P4 C5		P4, C5	P4					C6		P
25	Furniture and Fixtures										C		P
26	Paper and Allied Products												C
27	Printing and Publishing							P7	P7	P7 C		P 7 C	P
28	Chemicals and Allied Products												C
2911	Petroleum Refining and Related Industries												C
30	Rubber and Misc. Plastics Products												C
31	Leather and Leather Goods										C		P
32	Stone, Clay, Glass and Concrete Products								P6	P9			P
33	Primary Metal Industries												C
34	Fabricated Metal Products												P
35	Industrial and Commercial Machinery												P
351-55	Heavy Machinery and Equipment												C
357	Computer and Office										C	C	P

1394 d.(1) Except as provided in subsection B.1.d.(2) and B.1.d.(3) of this section,
1395 the floor area devoted to all processing shall not exceed three thousand five hundred
1396 square feet, unless located in a building designated as historic resource under K.C.C.
1397 chapter 20.62;

1398 (2) With a conditional use permit, up to five thousand square feet of floor
1399 area may be devoted to all processing; and

1400 (3) In the A zone, on lots thirty-five acres or greater, the floor area devoted to
1401 all processing shall not exceed seven thousand square feet, unless located in a building
1402 designated as historic resource under K.C.C. chapter 20.62;

1403 e. Structures and areas used for processing shall maintain a minimum distance
1404 of seventy-five feet from property lines adjoining residential zones, unless located in a
1405 building designated as historic resource under K.C.C. chapter 20.62;

1406 f. Processing is limited to agricultural products and sixty percent or more of
1407 the products processed must be grown in the Puget Sound counties. At the time of initial
1408 application, the applicant shall submit a projection of the source of products to be
1409 produced;

1410 g. In the A zone, structures used for processing shall be located on portions of
1411 agricultural lands that are unsuitable for other agricultural purposes, such as areas within
1412 the already developed portion of such agricultural lands that are not available for direct
1413 agricultural production, or areas without prime agricultural soils; and

1414 h. Tasting of products produced on site may be provided. The area devoted to
1415 tasting shall be included in the floor area limitation in subsection B.1.d. of this section.

1416 2. Except slaughterhouses.

- 1417 3.a. Limited to wineries and SIC Industry No. 2082-Malt Beverages;
- 1418 b. In the A zone, only allowed on sites where the primary use is SIC Industry
- 1419 Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small
- 1420 Animals;
- 1421 c. In the RA and UR zones, only allowed on lots of at least four and one-half
- 1422 acres;
- 1423 d. The floor area devoted to all processing shall not exceed three thousand five
- 1424 hundred square feet, unless located in a building designated as historic resource under
- 1425 K.C.C. chapter 20.62((-));
- 1426 e. Structures and areas used for processing shall maintain a minimum distance
- 1427 of seventy-five feet from property lines adjoining residential zones, unless located in a
- 1428 building designated as historic resource under K.C.C. chapter 20.62;
- 1429 f. Sixty percent or more of the products processed must be grown in the Puget
- 1430 Sound counties. At the time of the initial application, the applicant shall submit a
- 1431 projection of the source of products to be produced; and
- 1432 g. Tasting of products produced on site may be provided. The area devoted to
- 1433 tasting shall be included in the floor area limitation in subsection B.3.c. of this section.
- 1434 4. Limited to rough milling and planing of products grown on-site with portable
- 1435 equipment.
- 1436 5. Limited to SIC Industry Group No. 242-Sawmills. For RA zoned sites,
- 1437 limited to RA-10 on lots at least ten acres in size and only as accessory to forestry uses.
- 1438 6. Limited to uses found in SIC Industry No. 2434-Wood Kitchen Cabinets and
- 1439 No. 2431-Millwork, (excluding planing mills).

- 1440 7. Limited to photocopying and printing services offered to the general public.
- 1441 8. Only within enclosed buildings, and as an accessory use to retail sales.
- 1442 9. Only within enclosed buildings.
- 1443 10. Limited to boat building of craft not exceeding forty-eight feet in length.
- 1444 11. For I-zoned sites located outside the urban growth area designated by the
- 1445 King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.
- 1446 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for
- 1447 rural industrial uses as set forth in K.C.C. chapter 21A.12.
- 1448 12.a. Limited to wineries and SIC Industry No. 2082-Malt Beverages;
- 1449 b.(1) Except as provided in subsection B.12.b.(2) of this section, the floor area
- 1450 of structures for wineries and breweries and any accessory uses shall not exceed a total of
- 1451 eight thousand square feet. The floor area may be increased by up to an additional eight
- 1452 thousand square feet of underground storage that is constructed completely below natural
- 1453 grade, not including required exits and access points, if the underground storage is at least
- 1454 one foot below the surface and is not visible above ground; and
- 1455 (2) On Vashon-Maury Island, the total floor area of structures for wineries
- 1456 and breweries and any accessory uses may not exceed six thousand square feet, including
- 1457 underground storage;
- 1458 c. Wineries and breweries shall comply with Washington state Department of
- 1459 Ecology and King County board of health regulations for water usage and wastewater
- 1460 disposal. Wineries and breweries using water from exempt wells shall install a water
- 1461 meter;

1462 d. Off-street parking is limited to one hundred and fifty percent of the
1463 minimum requirement for wineries or breweries specified in K.C.C. 21A.18.030;

1464 e. Structures and areas used for processing shall be set back a minimum
1465 distance of seventy-five feet from property lines adjacent to residential zones, unless the
1466 processing is located in a building designated as historic resource under K.C.C. chapter
1467 20.62;

1468 f. The minimum site area is four and one-half acres. If the total floor area of
1469 structures for wineries and breweries and any accessory uses exceed six thousand square
1470 feet, including underground storage:

1471 (1) the minimum site area is ten acres; and

1472 (2) a minimum of two and one-half acres of the site shall be used for the
1473 growing of agricultural products;

1474 g. The facility shall be limited to processing agricultural products and sixty
1475 percent or more of the products processed must be grown in the Puget Sound counties.
1476 At the time of the initial application, the applicant shall submit a projection of the source
1477 of products to be processed; and

1478 h. Tasting of products produced on site may be provided. The area devoted to
1479 tasting shall be included in the floor area limitation in subsection B.12.b of this section.

1480 13. Limited to source separated organic waste processing facilities at a scale
1481 appropriate to process the organic waste generated in the agricultural zone.

1482 14. Only on the same lot or same group of lots under common ownership or
1483 documented legal control, which includes, but is not limited to, fee simple ownership, a
1484 long-term lease or an easement:

1485 a. as accessory to a primary forestry use and at a scale appropriate to process
1486 the organic waste generated on the site; or

1487 b. as a continuation of a sawmill or lumber manufacturing use only for that
1488 period to complete delivery of products or projects under contract at the end of the
1489 sawmill or lumber manufacturing activity.

1490 15. Only on the same lot or same group of lots under common ownership or
1491 documented legal control, which includes, but is not limited to, fee simple ownership, a
1492 long-term lease or an easement:

1493 a. as accessory to a primary mineral use; or

1494 b. as a continuation of a mineral processing use only for that period to
1495 complete delivery of products or projects under contract at the end of mineral extraction.

1496 16. Continuation of a materials processing facility after reclamation in
1497 accordance with an approved reclamation plan.

1498 17. Only a site that is ten acres or greater and that does not use local access
1499 streets that abut lots developed for residential use.

1500 18.a. Limited to wineries and SIC Industry No. 2082-Malt Beverages;

1501 b. The floor area devoted to all processing shall not exceed three thousand five
1502 hundred square feet, unless located in a building designated as historic resource under
1503 K.C.C. chapter 20.62;

1504 c. Structures and areas used for processing shall maintain a minimum distance
1505 of seventy-five feet from property lines adjoining residential zones, unless located in a
1506 building designated as historic resource under K.C.C. chapter 20.62; and

1507 d. Tasting of products produced on site may be provided. The area devoted to
 1508 tasting shall be included in the floor area limitation in subsection B.18.b. of this section.

1509 SECTION 20. Ordinance 10870, Section 341, as amended, and K.C.C.

1510 21A.12.040 are each hereby amended to read as follows:

1511 A. Densities and dimensions - resource and commercial/industrial zones.

	Z O N E S	RESOURCE				COMMERCIAL/INDUSTRIAL				
		AGRICULTURE	F O R E S T	M I N E R A L		NEIGHBO R-HOOD BUSINESS	COMMUNI TY BUSINESS	REGIONA L BUSINES S	O F F I C E	I N D U S T R I A L
STANDARDS		A-10	A-35	F	M	NB	CB	RB	O	I
Base Density: Dwelling Unit/Acre		0.1 du/ac	.0286 du/ac	.0125 du/ac		8 du/ac (2)	48 du/ac (2)	36 du/ac (2) 48 du/ac (1)	48 du/ac (2)	
Maximum Density: Dwelling Unit/Acre						12 du/ac (3) 16 du/ac (15)	72 du/ac (16) 96 du/ac (17)	48 du/ac (3) 72 du/ac (16) 96 du/ac (17)	72 du/ac (16) 96 du/ac (17)	
Minimum Lot Area		10 acres	35 acres	80 acres	10 acres					
Maximum Lot Depth/ Width Ratio		4 to 1	4 to 1							
Minimum Street Setback		30 ft (4)	30 ft (4)	50 ft (4)	(12)	10 ft (5)	10 ft (5)	10 ft (5)	10 ft	25 ft

Minimum Interior Setback	10 ft (4)	10 ft (4)	100 ft (4)	(12)	10 ft (18) 20 ft (((7))) (14)	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7)	50 ft (8)
Base Height (10)	35 ft	35 ft	35 ft	35 ft	35 ft 45 ft (6)	35 ft 60 ft (6) 65 ft (17)	35 ft 65 ft (6)	45 ft 65 ft (6)	45 ft	45 ft	
Maximum Floor/Lot Ratio: Square Feet					1/1 (9)	1.5/1 (9)	2.5/1 (9)	2.5/1 (9)			
Maximum Impervious Surface: Percentage (13)	15%	10%	10%		85%	85%	90%	75%	90%		

1512

B. Development conditions.

1513

1. In the RB zone on property located within the Potential Annexation Area of a

1514

rural city, this density is not allowed.

1515

2. These densities are allowed only through the application of mixed-use

1516

development standards and, in the NB zone on property in the urban area designated

1517

commercial outside of center, for stand-alone townhouse development.

1518

3. These densities may only be achieved through the application of residential

1519

density incentives or transfer of development rights in mixed-use developments and, in

1520

the NB zone on property in the urban area designated commercial outside of center, for

1521

stand-alone townhouse development. See K.C.C. chapters 21A.34 and 21A.37.

1522

4.a. in the F zone, scaling stations may be located thirty-five feet from property

1523

lines. Residences shall have a setback of at least thirty feet from all property lines.

1524 b. for lots between one acre and two and one half acres in size, the setback
1525 requirements of the R-1 zone shall apply. For lots under one acre, the setback
1526 requirements of the R-4 zone shall apply.

1527 c. for developments consisting of three or more single-detached dwellings
1528 located on a single parcel, the setback shall be ten feet along any property line abutting
1529 R-1 through R-8, RA and UR zones.

1530 5. Gas station pump islands shall be placed no closer than twenty-five feet to
1531 street front lines.

1532 6. This base height allowed only for mixed-use developments and for stand-
1533 alone townhouse development in the NB zone on property designated commercial outside
1534 of center in the urban area.

1535 7. Required on property lines adjoining residential zones.

1536 8. Required on property lines adjoining residential zones for industrial uses
1537 established by conditional use permits.

1538 9. The floor-to-lot ratio for mixed use developments shall conform to K.C.C.
1539 chapter 21A.14.

1540 10. Height limits may be increased if portions of the structure building that
1541 exceed the base height limit provide one additional foot of street and interior setback for
1542 each foot above the base height limit, provided the maximum height may exceed seventy-
1543 five feet only in mixed use developments. Netting or fencing and support structures for
1544 the netting or fencing used to contain golf balls in the operation of golf courses or golf
1545 driving ranges are exempt from the additional interior setback requirement provided that
1546 the maximum height shall not exceed seventy-five feet.

1547 11. Applicable only to lots containing less than one acre of lot area.
1548 Development on lots containing less than fifteen thousand square feet of lot area shall be
1549 governed by impervious surface standards of the nearest comparable R-4 through R-8
1550 zone.

1551 12. See K.C.C. 21A.22.060 for setback requirements in the mineral zone.

1552 13. The impervious surface area for any lot may be increased beyond the total
1553 amount permitted in this chapter subject to approval of a conditional use permit.

1554 14. Required on property lines adjoining residential zones unless a stand-alone
1555 townhouse development on property designated commercial outside of center in the
1556 urban area is proposed to be located adjacent to property upon which an existing
1557 townhouse development is located.

1558 15. Only as provided for walkable communities under K.C.C. 21A.34.040.F.8.
1559 well-served by transit or for mixed-use development through the application of
1560 residential density incentives under K.C.C. 21A.34.040.F.1.g.

1561 16. Only for mixed-use development through the application of residential
1562 density incentives under K.C.C. chapter 21A.34 or the transfer of development rights
1563 under K.C.C. chapter 21A.37. In the RB zone on property located within the Potential
1564 Annexation Area of a rural city, this density is not allowed.

1565 17. Only for mixed-use development through the application of residential
1566 density incentives through the application of residential density incentives under K.C.C.
1567 chapter 21A.34 or the transfer of development rights under K.C.C. chapter 21A.37.

1568 Upper-level setbacks are required for any facade facing a pedestrian street for any portion
1569 of the structure greater than forty-five feet in height. The upper level setback shall be at

1570 least one foot for every two feet of height above forty-five feet, up to a maximum
1571 required setback of fifteen feet. The first four feet of horizontal projection of decks,
1572 balconies with open railings, eaves, cornices, and gutters shall be permitted in required
1573 setbacks. In the RB zone on property located within the Potential Annexation Area of a
1574 rural city, this density is not allowed.

1575 18. Required on property lines adjoining residential zones only for a social
1576 service agency office reusing a residential structure in existence on January 1, 2010.

1577 SECTION 21. Ordinance 10870, Section 350, and K.C.C. 21A.12.130 are each
1578 hereby amended to read as follows:

1579 ~~((The following setback modifications are permitted:~~

1580 ~~A. When the common property line of two lots is covered by a building(s), the~~
1581 ~~setbacks required by this chapter shall not apply along the common property line; and~~

1582 ~~B.))~~ When a lot is located between lots having nonconforming street setbacks, the
1583 required street setback for such lot may be the average of the two nonconforming
1584 setbacks or ~~((60))~~ sixty percent of the required street setback, whichever results in the
1585 greater street setback.

1586 SECTION 22. Ordinance 10870, Section 424, as amended, and K.C.C.
1587 21A.20.060 are each hereby amended to read as follows:

1588 A. All signs, except billboards, community bulletin boards, community
1589 identification signs, political signs, real estate signs and special event signs, shall be on-
1590 premise signs, except that uses located on lots without public street frontage in business,
1591 office and industrial zones may have one off-premise directional sign of no more than
1592 sixteen square feet.

1593 B. Fuel price signs shall not be included in sign area or number limitations of
1594 K.C.C. 21A.20.090, 21A.20.095, 21A.20.100 and 21A.20.110, but only if the signs do
1595 not exceed twenty square feet per street frontage.

1596 C. Except as otherwise provided in K.C.C. 21A.20.115 and 21A.20.080.A.3,
1597 projecting and awning signs and signs mounted on the sloping portion of roofs shall not
1598 be permitted for uses in the Resource and Residential zones. In other zones, projecting
1599 and awning signs and signs mounted on the sloping portion of roofs may be used in lieu
1600 of wall signs, but only if:

- 1601 1. They maintain a minimum clearance of eight feet above finished grade;
- 1602 2. They do not project more than six feet perpendicular from the supporting
1603 building facade;
- 1604 3. They meet the standards of K.C.C. 21A.20.060.J. if mounted on the roof of a
1605 building; and
- 1606 4. They shall not exceed the number or size permitted for wall signs in a zone.

1607 D. Changing message center signs, and time and temperature signs, which can be
1608 a wall or freestanding sign, shall not exceed the size permitted for a wall or freestanding
1609 sign. Changing message center signs shall be permitted for all uses only in the NB, CB,
1610 RB, O and I zones and only for elementary, middle, junior, secondary and high schools
1611 and colleges and universities in the RA zone. Changing message center signs and time
1612 and temperature signs shall not exceed the maximum sign height permitted in the zone.

1613 E. Directional signs shall not be included in the sign area or number limitation of
1614 K.C.C. 21A.20.070, 21A.20.095, 21A.20.100 and 21A.20.110, but only if the signs do

1615 not exceed six square feet in surface area and are limited to one for each entrance or exit
1616 to surface parking areas or parking structure.

1617 F. Regarding sign illumination and glare:

1618 1. Except as otherwise provided in this chapter, all signs may be illuminated;

1619 2. The light source for indirectly illuminated signs shall be no farther away from
1620 the sign than the height of the sign;

1621 3. Indirectly and directly illuminated signs shall be arranged so that no direct
1622 rays of light are projected from such artificial source into residences or any street right-
1623 of-way;

1624 4. Electrical requirements for signs shall be governed by chapter 19.28 RCW
1625 and WAC 296-46-910; and

1626 5. Signs with an on/off operation shall be permitted only in the CB, RB and I
1627 zones.

1628 G. Maximum height for wall signs shall not extend above the highest exterior
1629 wall or structure upon which the sign is located.

1630 H. Maximum height for projecting signs shall not extend above the highest
1631 exterior wall upon which the projecting sign is located.

1632 I. Maximum height for awning signs shall not extend above the height of the
1633 awning upon which the awning sign is located.

1634 J. Any sign attached to the sloping surface of a roof shall be installed or erected
1635 in such a manner that there are no visible support structures, shall appear to be part of the
1636 building itself, and shall not extend above the roof ridge line of the portion of the roof
1637 upon which the sign is attached.

1638 K. Except as otherwise permitted by this chapter, off-premise directional signs
1639 shall not exceed four square feet in sign area.

1640 L. Mixed use developments in the NB, CB, RB or O zones are permitted one
1641 permanent residential identification sign not exceeding thirty-two square feet in addition
1642 to the maximum sign area requirements in the zone where the mixed use development is
1643 located.

1644 SECTION 23. Ordinance 10870, Section 427, as amended and K.C.C.
1645 21A.20.080 are each hereby amended to read as follows:

1646 Except as otherwise provided in K.C.C. 21A.20.115, signs in the R, UR and RA
1647 zones are limited as follows:

1648 A. Nonresidential use:

1649 1. One indirectly illuminated sign identifying nonresidential uses, not exceeding
1650 twenty-five square feet and not exceeding six feet in height is permitted, except as
1651 provided in subsection A.3. of this section; ((and))

1652 2. Schools are permitted one sign per school or school facility entrance, which
1653 may be located in the setback. Two additional wall signs attached directly to the school
1654 or school facility are permitted. Changing message center signs, if allowed under K.C.C.
1655 21A.20.060, shall be limited to hours of operation between 7a.m. and 10 p.m.; and

1656 3. In lieu of the sign allowed under subsection A.1. of this section, one
1657 nonilluminated sign may be attached or painted on the sloping portion of a roof of a
1658 building located within one hundred feet of a state route as follows:

1659 a. each sign shall not exceed fifty square feet in area and six feet in height;

1660 b. each sign, and its mounting brackets, attached to the sloping surface of a
1661 roof shall not extend above the roof ridge line portion of the roof upon which the sign is
1662 attached; and

1663 c. no more than two signs may be attached or painted on the roof.

1664 B. Residential use:

1665 1. One residential identification sign not exceeding two square feet is permitted;

1666 2. One permanent residential development identification sign not exceeding
1667 thirty-two square feet is permitted for each entrance into a development. The maximum
1668 height for the sign shall be six feet. The sign may be freestanding or mounted on a wall,
1669 fence or other structure; and

1670 3. Home occupation and home industry signs are limited to:

1671 a. one nonilluminated wall sign not exceeding ten percent of the building
1672 façade on which they are located; and

1673 b. in the RA zone, one nonilluminated freestanding sign not exceeding twenty-
1674 four square feet and a maximum height of six feet.

1675 SECTION 24. Ordinance 15051, Section 137, as amended, and K.C.C.

1676 21A.24.045 are each hereby amended to read as follows:

1677 A. Within the following seven critical areas and their buffers all alterations are
1678 allowed if the alteration complies with the development standards, impact avoidance and
1679 mitigation requirements and other applicable requirements established in this chapter:

1680 1. Critical aquifer recharge area,

1681 2. Coal mine hazard area;

1682 3. Erosion hazard area;

- 1683 4. Flood hazard area except in the severe channel migration hazard area;
- 1684 5. Landslide hazard area under forty percent slope;
- 1685 6. Seismic hazard area; and
- 1686 7. Volcanic hazard areas.

1687 B. Within the following seven critical areas and their buffers, unless allowed as
 1688 an alteration exception under K.C.C. 21A.24.070, only the alterations on the table in
 1689 subsection C. of this section are allowed if the alteration complies with conditions in
 1690 subsection D. of this section and the development standards, impact avoidance and
 1691 mitigation requirements and other applicable requirements established in this chapter:

- 1692 1. Severe channel migration hazard area;
- 1693 2. Landslide hazard area over forty percent slope;
- 1694 3. Steep slope hazard area;
- 1695 4. Wetland;
- 1696 5. Aquatic area;
- 1697 6. Wildlife habitat conservation area; and
- 1698 7. Wildlife habitat network.

1699 C. In the following table where an activity is included in more than one activity
 1700 category, the numbered conditions applicable to the most specific description of the
 1701 activity governs. Where more than one numbered condition appears for a listed activity,
 1702 each of the relevant conditions specified for that activity within the given critical area
 1703 applies. For alterations involving more than one critical area, compliance with the
 1704 conditions applicable to each critical area is required.

KEY	LA	OV	S	A	WE	BU	A	B	WIL	A
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ACTIVITY					
Structures					
Construction of new single detached dwelling unit			A 1	A 2	
Construction of nonresidential structure			A 3	A 3	A 3, 4
Maintenance or repair of existing structure	A 5	A	A	A	A 4
Expansion or replacement of existing structure	A 5, 7	A 5, 7	A 7, 8	A 6, 7, 8	A 4, 7
Interior remodeling	A	A	A	A	A
Construction of new dock or pier			A 9	A 9, 10, 11	
Maintenance, repair or replacement of dock or pier			A 12	A 10, 11	A 4
Grading					
Grading		A 13		A 14	A 4, 14
Construction of new slope stabilization	A 15	A 15	A 15	A 15	A 4, 15
Maintenance of existing slope stabilization	A 16	A 13	A 17	A 16, 17	A 4
Mineral extraction	A	A			
Clearing					
Clearing	A 18	A 18, 19	A 18, 20	A 14, 18, 20	A 4, 14, 18, 20
Cutting firewood		A 21	A 21	A 21	A 4, 21
Removal of vegetation for fire safety	A 22	A 22	A 22	A 22	A 4, 22
Removal of noxious weeds or invasive vegetation	A 23	A 23	A 23	A 23	A 4, 23
Forest Practices					
Nonconversion Class IV-G forest practice	A 24	A 24	A 24	A 24	A 24, 25
Class I, II, III, IV-S forest practice	A	A	A	A	A
Roads					
Construction of new public road right-of-way structure on unimproved right-of-way			A 26	A 26	

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Construction of new road in a plat			A 26	A 26	
Maintenance of public road right-of-way structure	A 16	A 16	A 16	A 16	A 16, 27
Expansion beyond public road right-of way structure	A	A	A 26	A 26	
Repair, replacement or modification within the roadway	A 16	A 16	A 16	A 16	A 16, 27
Construction of driveway or private access road	A 28	A 28	A 28	A 28	A 28
Construction of farm field access drive	A 29	A 29	A 29	A 29	A 29
Maintenance of driveway, private access road, farm field access drive or parking lot	A	A	A 17	A 17	A 17, 27
Construction of a bridge or culvert as part of a driveway or private access road	A 39	A 39	A 39	A 39	A 39
Bridges or culverts					
Maintenance or repair of bridge or culvert	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17, 27
Replacement of bridge or culvert	A 16	A 16	A 16	A 16, 30	A 16, 27
Expansion of bridge or culvert	A 16, 17	A 16, 17	A 16, 17, 31	A 17, 31	A 4
Utilities and other infrastructure					
Construction of new utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34	A 32, 34	A 27, 32, 35
Construction of a new residential utility service distribution line	A 32, 33	A 32, 33	A 32, 60	A 32, 60	A 27, 32, 60
Maintenance, repair or replacement of utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34, 36	A 32, 34, 36	A 4, 32, 37
<u>Construction of a new on-site sewage disposal system or well</u>			<u>A 63</u>	<u>A 63</u>	
Maintenance or repair of existing well	A 37	A 37	A 37	A 37	A 4, 37
Maintenance or repair of on-site sewage disposal system	A	A	A	A 37	A 4
Construction of new surface water conveyance system	A 32, 33	A 32, 33	A 32, 38	A 32, 38	A 4
Maintenance, repair or replacement of	A 33	A 33	A 16, 32, 38	A 16, 40, 41	A 4, 37

existing surface water conveyance system					
Construction of new surface water flow control or surface water quality treatment facility			A 32	A 32	A 4, 32
Maintenance or repair of existing surface water flow control or surface water quality treatment facility	A 16	A 16	A 16	A 16	A 4
Construction of new flood protection facility			A 42	A 42	A 27, 42
Maintenance, repair or replacement of flood protection facility	A 33, 43	A 33, 43	A 43	A 43	A 27, 43
Flood risk reduction gravel removal	A 61	A 61	A 61	A 61	A 61
Construction of new instream structure or instream work	A 16	A 16	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream structure	A 16	A	A	A	A 4
Recreation					
Construction of new trail	A 46	A 46	A 47	A 47	A 4, 47
Maintenance of outdoor public park facility, trail or publicly improved recreation area	A 48	A 48	A 48	A 48	A 4, 48
Habitat, education and science projects					
Habitat restoration or enhancement project	A 49	A 49	A 49	A 49	A 4, 49
Scientific sampling for salmonids			A 50	A 50	A 50
Drilling and testing for critical areas report	A 51	A 51	A 51, 52	A 51, 52	A 4
Environmental education project	A 62	A 62	A 62	A 62	A 62
Agriculture					
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Grazing livestock	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of livestock manure storage facility			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction or maintenance of livestock flood sanctuary			A	A 56	

Construction of agricultural drainage			A 57	A 57	A 4, 57
Maintenance of agricultural drainage	A 23, 58	A 23, 58	A 23, 53, 54, 58	A 23, 53, 54, 58	A 4, 23, 53, 54, 58
Construction or maintenance of farm pond, fish pond or livestock watering pond	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Other					
Excavation of cemetery graves in established and approved cemetery	A	A	A	A	A
Maintenance of cemetery graves	A	A	A	A	A
Maintenance of lawn, landscaping or garden for personal consumption	A 59	A 59	A 59	A 59	A 59
Maintenance of golf course	A 17	A 17	A 17	A 17	A 4, 17

1705 D. The following alteration conditions apply:

1706 1. Limited to farm residences in grazed or tilled wet meadows and subject to the
1707 limitations of subsection D.3. of this section.

1708 2. Allowed in a buffer of a lake that is twenty acres or larger on a lot that was
1709 created before January 1, 2005, if:

1710 a. at least seventy-five percent of the lots abutting the shoreline of the lake or
1711 seventy-five percent of the lake frontage, whichever constitutes the most developable
1712 lake frontage, has existing density of four dwelling units per acre or more;

1713 b. the development proposal, including mitigation required by this chapter, will
1714 have the least adverse impact on the critical area;

1715 c. existing native vegetation within the critical area buffer will remain
1716 undisturbed except as necessary to accommodate the development proposal and required
1717 building setbacks;

1718 d. access is located to have the least adverse impact on the critical area and
1719 critical area buffer;

1720 e. the alteration is the minimum necessary to accommodate the development
1721 proposal and in no case in excess of a development footprint of five thousand square feet;

1722 f. the alteration does not exceed the residential development setbacks required
1723 under K.C.C. chapter 25.04 and in no circumstances shall the alteration be allowed closer
1724 than:

1725 (1) twenty-five feet of the ordinary high water mark of a lake shoreline
1726 designated urban under K.C.C. chapter 25.16;

1727 (2) fifty feet of the ordinary high water mark of a lake shoreline designated
1728 rural under K.C.C. chapter 25.20 or conservancy under K.C.C. chapter 25.24; or

1729 (3) one hundred feet of the ordinary high water mark of a lake shoreline
1730 designated natural under K.C.C. chapter 25.28; and

1731 g. to the maximum extent practical, alterations are mitigated on the
1732 development proposal site by enhancing or restoring remaining critical area buffers.

1733 3. Limited to nonresidential farm-structures in grazed or tilled wet meadows or
1734 buffers of wetlands or aquatic areas where:

1735 a. the site is predominantly used for the practice of agriculture;

1736 b. the structure is in compliance with an approved farm management plan in
1737 accordance with K.C.C. 21A.24.051;

1738 c. the structure is either:

1739 (1) on or adjacent to existing nonresidential impervious surface areas,
1740 additional impervious surface area is not created waterward of any existing impervious

1741 surface areas and the area was not used for crop production;

1742 (2) higher in elevation and no closer to the critical area than its existing
1743 position; or

1744 (3) at a location away from existing impervious surface areas that is
1745 determined to be the optimum site in the farm management plan;

1746 d. all best management practices associated with the structure specified in the
1747 farm management plan are installed and maintained;

1748 e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not
1749 require the development of a farm management plan if required best management
1750 practices are followed and the installation does not require clearing of critical areas or
1751 their buffers; and

1752 f. in a severe channel migration hazard area portion of an aquatic buffer only
1753 if:

1754 (1) there is no feasible alternative location on-site;

1755 (2) the structure is located where it is least subject to risk from channel
1756 migration;

1757 (3) the structure is not used to house animals or store hazardous substances;
1758 and

1759 (4) the total footprint of all accessory structures within the severe channel
1760 migration hazard area will not exceed the greater of one thousand square feet or two
1761 percent of the severe channel migration hazard area on the site.

1762 4. Allowed if no clearing, external construction or other disturbance in a
1763 wildlife habitat conservation area occurs during breeding seasons established under
1764 K.C.C. 21A.24.382.

- 1765 5. Allowed for structures when:
- 1766 a. the landslide hazard poses little or no risk of injury;
- 1767 b. the risk of landsliding is low; and
- 1768 c. there is not an expansion of the structure.
- 1769 6. Within a severe channel migration hazard area allowed for:
- 1770 a. existing legally established primary structures if:
- 1771 (1) there is not an increase of the footprint of any existing structure; and
- 1772 (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270;
- 1773 and
- 1774 b. existing legally established accessory structures if:
- 1775 (1) additions to the footprint will not make the total footprint of all existing
- 1776 structures more than one-thousand square feet; and
- 1777 (2) there is not an expansion of the footprint towards any source of channel
- 1778 migration hazard, unless the applicant demonstrates that the location is less subject to risk
- 1779 and has less impact on the critical area.
- 1780 7. Allowed only in grazed wet meadows or the buffer or building setback
- 1781 outside a severe channel migration hazard area if:
- 1782 a. the expansion or replacement does not increase the footprint of a
- 1783 nonresidential structure;
- 1784 b.(1) for a legally established dwelling unit, the expansion or replacement,
- 1785 including any expansion of a legally established accessory structure or impervious
- 1786 surfaces allowed under this subsection B.7.b., does not increase the footprint of the
- 1787 dwelling unit and all other structures by more than one thousand square feet, not

1788 including any expansion of a drainfield made necessary by the expansion of structures.

1789 To the maximum extent practical, the replacement or expansion of a drainfield in the

1790 buffer should be located within areas of existing lawn or landscaping, unless another

1791 location will have a lesser impact on the critical area and its buffer;

1792 (2) for a structure accessory to a dwelling unit, the expansion or replacement

1793 is located on or adjacent to existing impervious surface areas and does not increase the

1794 footprint of the accessory structure and the dwelling unit by more than one thousand

1795 square feet; and

1796 (3) the location of the expansion has the least adverse impact on the critical

1797 area;

1798 c. the structure was not established as the result of an alteration exception,

1799 variance, buffer averaging or reasonable use exception; and

1800 d. to the maximum extent practical, the expansion or replacement is not

1801 located closer to the critical area or within the relic of a channel that can be connected to

1802 an aquatic area.

1803 8. Allowed upon another portion of an existing impervious surface outside a

1804 severe channel migration hazard area if:

1805 a. the structure is not located closer to the critical area; and

1806 b. the existing impervious surface within the critical area or buffer is not

1807 expanded.

1808 9. Limited to piers or seasonal floating docks in a category II, III or IV wetland

1809 or its buffer or along a lake shoreline or its buffer where:

- 1810 a. the existing and zoned density of all properties abutting the entire lake
1811 shoreline averages three dwelling units per acre or more;
- 1812 b. at least seventy-five percent of the lots abutting the shoreline or seventy-five
1813 percent of the lake frontage, whichever constitutes the most lake frontage, has been
1814 developed with dwelling units;
- 1815 c. the vegetation where the alteration is proposed does not consist of dominant
1816 native wetland herbaceous or woody vegetation six feet in width or greater and the lack
1817 of this vegetation is not the result of any violation of law;
- 1818 d. the wetland or lake shoreline is not a salmonid spawning area; and
1819 e. hazardous substances or toxic materials are not used.
- 1820 10. Allowed on type N or O aquatic areas if hazardous substances or toxic
1821 materials are not used.
- 1822 11. Allowed on type S or F aquatic areas outside of the severe channel
1823 migration hazard area if in compliance with K.C.C. Title 25.
- 1824 12. When located on a lake, must be in compliance with K.C.C. Title 25.
- 1825 13. Limited to regrading and stabilizing of a slope formed as a result of a legal
1826 grading activity.
- 1827 14. The following are allowed in the severe channel migration hazard area if
1828 conducted more than one-hundred and sixty-five feet from the ordinary high water mark
1829 in the rural area and one-hundred and fifteen feet from the ordinary high water mark in
1830 the urban area:
- 1831 a. grading of up to fifty cubic yards on lot less than five acres; and

1832 b. clearing of up to one-thousand square feet or up to a cumulative thirty-five
1833 percent of the severe channel migration hazard area.

1834 15. Only where erosion or landsliding threatens a structure, utility facility,
1835 roadway, driveway, public trails, aquatic area or wetland if, to the maximum extent
1836 practical, stabilization work does not disturb the slope and its vegetative cover and any
1837 associated critical areas.

1838 16. Allowed when performed by, at the direction of or authorized by a
1839 government agency in accordance with regional road maintenance guidelines.

1840 17. Allowed when not performed under the direction of a government agency
1841 only if:

1842 a. the maintenance or expansion does not involve the use of herbicides,
1843 hazardous substances, sealants or other liquid oily substances in aquatic areas, wetlands
1844 or their buffers; and

1845 b. when maintenance, expansion or replacement of bridges or culverts involves
1846 water used by salmonids:

1847 (1) the work is in compliance with ditch standards in public rule; and

1848 (2) the maintenance of culverts is limited to removal of sediment and debris
1849 from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or
1850 damaged bank or channel immediately adjacent to the culvert and shall not involve the
1851 excavation of a new sediment trap adjacent to the inlet.

1852 18. Allowed for the removal of hazard trees and vegetation as necessary for
1853 surveying or testing purposes.

1854 19. The limited trimming and pruning of vegetation for the making and
1855 maintenance of view corridors or habitat enhancement under a vegetation management
1856 plan approved by the department, if the soils are not disturbed and the activity will not
1857 adversely affect the long term slope stability or water quality or cause erosion. The
1858 vegetation management plan shall use native species with adequate root strength to add
1859 stability to a steep slope.

1860 20. Harvesting of plants and plant materials, such as plugs, stakes, seeds or
1861 fruits, for restoration and enhancement projects is allowed.

1862 21. Cutting of firewood is subject to the following:

1863 a. within a wildlife habitat conservation area, cutting firewood is not allowed;

1864 b. within a wildlife network, cutting shall be in accordance with a management
1865 plan approved under K.C.C. 21A.24.386; and

1866 c. within a critical area buffer, cutting shall be for personal use and in
1867 accordance with an approved forest management plan or rural stewardship plan.

1868 22. Allowed only in buffers if in accordance with best management practices
1869 approved by the King County fire marshal.

1870 23. Allowed as follows:

1871 a. if conducted in accordance with an approved forest management plan, farm
1872 management plan, or rural stewardship plan; or

1873 b. without an approved forest management plan, farm management plan or
1874 rural stewardship plan, only if:

1875 (1) removal is undertaken with hand labor, including hand-held mechanical
1876 tools, unless the King County noxious weed control board otherwise prescribes the use of

1877 riding mowers, light mechanical cultivating equipment or herbicides or biological control
1878 methods;

1879 (2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;

1880 (3) the cleared area is revegetated with native vegetation and stabilized
1881 against erosion; and

1882 (4) herbicide use is in accordance with federal and state law;

1883 24. Only if in accordance with chapter 76.09 RCW and Title 222 WAC and:

1884 a. a forest management plan is approved for the site by the King County
1885 department of natural resources and parks; and

1886 b. the property owner provides a notice of intent in accordance with RCW
1887 76.09.060 that the site will not be converted to nonforestry uses within six years.

1888 25. Only if in compliance with published Washington state Department of Fish
1889 and Wildlife and Washington state Department of Natural Resources Management
1890 standards for the species. If there are no published Washington state standards, only if in
1891 compliance with management standards determined by the county to be consistent with
1892 best available science.

1893 26. Allowed only if:

1894 a. there is not another feasible location with less adverse impact on the critical
1895 area and its buffer;

1896 b. the corridor is not located over habitat used for salmonid rearing or
1897 spawning or by a species listed as endangered or threatened by the state or federal
1898 government unless the department determines that there is no other feasible crossing site.

1899 c. the corridor width is minimized to the maximum extent practical;

- 1900 d. the construction occurs during approved periods for instream work;
- 1901 e. the corridor will not change or diminish the overall aquatic area flow peaks,
- 1902 duration or volume or the flood storage capacity; and
- 1903 f. no new public right-of-way is established within a severe channel migration
- 1904 hazard area.
- 1905 27. To the maximum extent practical, during breeding season established under
- 1906 K.C.C. 21A.24.382, land clearing machinery such as bulldozers, graders or other heavy
- 1907 equipment are not operated within a wildlife habitat conservation area.
- 1908 28. Allowed only if:
- 1909 a. an alternative access is not available;
- 1910 b. impact to the critical area is minimized to the maximum extent practical
- 1911 including the use of walls to limit the amount of cut and fill necessary;
- 1912 c. the risk associated with landslide and erosion is minimized;
- 1913 d. access is located where it is least subject to risk from channel migration; and
- 1914 e. construction occurs during approved periods for instream work.
- 1915 29. Only if in compliance with a farm management plan in accordance with
- 1916 K.C.C. 21A.24.051.
- 1917 30. Allowed only if:
- 1918 a. the replacement is made fish passable in accordance with the most recent
- 1919 Washington state Department of Fish and Wildlife manuals or with the National Marine
- 1920 and Fisheries Services guidelines for federally listed salmonid species; and
- 1921 b. the site is restored with appropriate native vegetation.

- 1922 31. Allowed if necessary to bring the bridge or culvert up to current standards
1923 and if:
- 1924 a. there is not another feasible alternative available with less impact on the
1925 aquatic area and its buffer; and
- 1926 b. to the maximum extent practical, the bridge or culvert is located to minimize
1927 impacts to the aquatic area and its buffer's.
- 1928 32. Allowed in an existing roadway if conducted consistent with the regional
1929 road maintenance guidelines.
- 1930 33. Allowed outside the roadway if:
- 1931 a. the alterations will not subject the critical area to an increased risk of
1932 landslide or erosion;
- 1933 b. vegetation removal is the minimum necessary to locate the utility or
1934 construct the corridor; and
- 1935 c. significant risk of personal injury is eliminated or minimized in the landslide
1936 hazard area.
- 1937 34. Limited to the pipelines, cables, wires and support structures of utility
1938 facilities within utility corridors if:
- 1939 a. there is no alternative location with less adverse impact on the critical area
1940 and critical area buffer;
- 1941 b. new utility corridors meet the all of the following to the maximum extent
1942 practical:

1943 (1) are not located over habitat used for salmonid rearing or spawning or by a
1944 species listed as endangered or threatened by the state or federal government unless the
1945 department determines that there is no other feasible crossing site;

1946 (2) the mean annual flow rate is less than twenty cubic feet per second; and

1947 (3) paralleling the channel or following a down-valley route near the channel
1948 is avoided;

1949 c. to the maximum extent practical utility corridors are located so that:

1950 (1) the width is the minimized;

1951 (2) the removal of trees greater than twelve inches diameter at breast height is
1952 minimized;

1953 (3) an additional, contiguous and undisturbed critical area buffer, equal in
1954 area to the disturbed critical area buffer area including any allowed maintenance roads, is
1955 provided to protect the critical area;

1956 d. to the maximum extent practical, access for maintenance is at limited access
1957 points into the critical area buffer rather than by a parallel maintenance road. If a parallel
1958 maintenance road is necessary the following standards are met:

1959 (1) to the maximum extent practical the width of the maintenance road is
1960 minimized and in no event greater than fifteen feet; and

1961 (2) the location of the maintenance road is contiguous to the utility corridor
1962 on the side of the utility corridor farthest from the critical area;

1963 e. the utility corridor or facility will not adversely impact the overall critical
1964 area hydrology or diminish flood storage capacity;

1965 f. the construction occurs during approved periods for instream work;

1966 g. the utility corridor serves multiple purposes and properties to the maximum
1967 extent practical;

1968 h. bridges or other construction techniques that do not disturb the critical areas
1969 are used to the maximum extent practical;

1970 i. bored, drilled or other trenchless crossing is laterally constructed at least four
1971 feet below the maximum depth of scour for the base flood;

1972 j. bridge piers or abutments for bridge crossing are not placed within the
1973 FEMA floodway or the ordinary high water mark;

1974 k. open trenching is only used during low flow periods or only within aquatic
1975 areas when they are dry. The department may approve open trenching of type S or F
1976 aquatic areas only if there is not a feasible alternative and equivalent or greater
1977 environmental protection can be achieved; and

1978 l. minor communication facilities may collocate on existing utility facilities if:

1979 (1) no new transmission support structure is required; and

1980 (2) equipment cabinets are located on the transmission support structure.

1981 35. Allowed only for new utility facilities in existing utility corridors.

1982 36. Allowed for private individual utility service connections on site or to public
1983 utilities if the disturbed area is not expanded and no hazardous substances, pesticides or
1984 fertilizers are applied.

1985 37. Allowed if the disturbed area is not expanded, clearing is limited to the
1986 maximum extent practical and no hazardous substances, pesticides or fertilizers are
1987 applied.

1988 38. Allowed if:

1989 a. conveying the surface water into the wetland or aquatic area buffer and
1990 discharging into the wetland or aquatic area buffer or at the wetland or aquatic area edge
1991 has less adverse impact upon the wetland or aquatic area or wetland or aquatic area buffer
1992 than if the surface water were discharged at the buffer's edge and allowed to naturally
1993 drain through the buffer;

1994 b. the volume of discharge is minimized through application of low impact
1995 development and water quality measures identified in the King County Surface Water
1996 Design Manual;

1997 c. the conveyance and outfall are installed with hand equipment where
1998 feasible;

1999 d. the outfall shall include bioengineering techniques where feasible; and

2000 e. the outfall is designed to minimize adverse impacts to critical areas.

2001 39. Allowed only if:

2002 a. there is no feasible alternative with less impact on the critical area and its
2003 buffer;

2004 b. to the maximum extent practical, the bridge or culvert is located to minimize
2005 impacts to the critical area and its buffer;

2006 c. the bridge or culvert is not located over habitat used for salmonid rearing or
2007 spawning unless there is no other feasible crossing site;

2008 d. construction occurs during approved periods for in-stream work; and

2009 e. bridge piers or abutments for bridge crossings are not placed within the
2010 FEMA floodway, severe channel migration hazard area or waterward of the ordinary high
2011 water mark.

2012 40. Allowed for an open, vegetated stormwater management conveyance system
2013 and outfall structure that simulates natural conditions if:

2014 a. fish habitat features necessary for feeding, cover and reproduction are
2015 included when appropriate;

2016 b. vegetation is maintained and added adjacent to all open channels and ponds,
2017 if necessary to prevent erosion, filter out sediments or shade the water; and

2018 c. bioengineering techniques are used to the maximum extent practical.

2019 41. Allowed for a closed, tightlined conveyance system and outfall structure if:

2020 a. necessary to avoid erosion of slopes; and

2021 b. bioengineering techniques are used to the maximum extent practical.

2022 42. Allowed in a severe channel migration hazard area or an aquatic area buffer
2023 to prevent bank erosion only:

2024 a. if consistent with the Integrated Streambank Protection Guidelines
2025 (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering
2026 techniques are used to the maximum extent practical, unless the applicant demonstrates
2027 that other methods provide equivalent structural stabilization and environmental function;

2028 b. based on a critical areas report, the department determines that the new
2029 flood protection facility will not cause significant impacts to upstream or downstream
2030 properties; and

2031 c. to prevent bank erosion for the protection of:

2032 (1) public roadways;

2033 (2) sole access routes in existence before February 16, 1995;

2034 (3) new primary dwelling units, accessory dwelling units or accessory living
2035 quarters and residential accessory structures located outside the severe channel migration
2036 hazard area if:

2037 (a) the site is adjacent to or abutted by properties on both sides containing
2038 buildings or sole access routes protected by legal bank stabilization in existence before
2039 February 16, 1995. The buildings, sole access routes or bank stabilization must be
2040 located no more than six hundred feet apart as measured parallel to the migrating
2041 channel; and

2042 (b) the new primary dwelling units, accessory dwelling units, accessory
2043 living quarters or residential accessory structures are located no closer to the aquatic area
2044 than existing primary dwelling units, accessory dwelling units, accessory living quarters
2045 or residential accessory structures on abutting or adjacent properties; or

2046 (4) existing primary dwelling units, accessory dwelling units, accessory living
2047 quarters or residential accessory structures if:

2048 (a) the structure was in existence before the adoption date of a King County
2049 Channel Migration Zone hazard map that applies to that channel, if such a map exists;

2050 (b) the structure is in imminent danger, as determined by a geologist,
2051 engineering geologist or geotechnical engineer;

2052 (c) the applicant has demonstrated that the existing structure is at risk, and
2053 the structure and supporting infrastructure cannot be relocated on the lot further from the
2054 source of channel migration; and

2055 (d) nonstructural measures are not feasible.

2056 43. Applies to lawfully established existing structures if:

2057 a. the height of the facility is not increased, unless the facility is being replaced
2058 in a new alignment that is landward of the previous alignment and enhances aquatic area
2059 habitat and process;

2060 b. the linear length of the facility is not increased, unless the facility is being
2061 replaced in a new alignment that is landward of the previous alignment and enhances
2062 aquatic area habitat and process;

2063 c. the footprint of the facility is not expanded waterward;

2064 d. consistent with the Integrated Streambank Protection Guidelines
2065 (Washington State Aquatic Habitat Guidelines Program, 2002) and bioengineering
2066 techniques are used to the maximum extent practical;

2067 e. the site is restored with appropriate native vegetation and erosion protection
2068 materials; and

2069 f. based on a critical areas report, the department determines that the
2070 maintenance, repair, replacement or construction will not cause significant impacts to
2071 upstream or downstream properties.

2072 44. Allowed in type N and O aquatic areas if done in least impacting way at
2073 least impacting time of year, in conformance with applicable best management practices,
2074 and all affected instream and buffer features are restored.

2075 45. Allowed in a type S or F water when such work is:

2076 a. included as part of a project to evaluate, restore or improve habitat, and

2077 b. sponsored or cosponsored by a public agency that has natural resource
2078 management as a function or by a federally recognized tribe.

2079 46. Allowed as long as the trail is not constructed of impervious surfaces that
2080 will contribute to surface water run-off, unless the construction is necessary for soil
2081 stabilization or soil erosion prevention or unless the trail system is specifically designed
2082 and intended to be accessible to handicapped persons.

2083 47. Not allowed in a wildlife habitat conservation area. Otherwise, allowed in
2084 the buffer or for crossing a category II, III or IV wetland or a type F, N or O aquatic area,
2085 if:

2086 a. the trail surface is made of pervious materials, except that public
2087 multipurpose trails may be made of impervious materials if they meet all the
2088 requirements in K.C.C. chapter 9.12. A trail that crosses a wetland or aquatic area shall
2089 be constructed as a raised boardwalk or bridge;

2090 b. to the maximum extent practical, buffers are expanded equal to the width of
2091 the trail corridor including disturbed areas;

2092 c. there is not another feasible location with less adverse impact on the critical
2093 area and its buffer;

2094 d. the trail is not located over habitat used for salmonid rearing or spawning or
2095 by a species listed as endangered or threatened by the state or federal government unless
2096 the department determines that there is no other feasible crossing site;

2097 e. the trail width is minimized to the maximum extent practical;

2098 f. the construction occurs during approved periods for instream work; and

2099 g. the trail corridor will not change or diminish the overall aquatic area flow
2100 peaks, duration or volume or the flood storage capacity.

2101 h. the trail may be located across a critical area buffer for access to a viewing
2102 platform or to a permitted dock or pier;

2103 i. A private viewing platform may be allowed if it is:

2104 (1) located upland from the wetland edge or the ordinary high water mark of
2105 an aquatic area;

2106 (2) located where it will not be detrimental to the functions of the wetland or
2107 aquatic area and will have the least adverse environmental impact on the critical area or
2108 its buffer;

2109 (3) limited to fifty square feet in size;

2110 (4) constructed of materials that are non-toxic; and

2111 (5) on footings located outside of the wetland or aquatic area.

2112 48. Only if the maintenance:

2113 a. does not involve the use of herbicides or other hazardous substances except
2114 for the removal of noxious weeds or invasive vegetation;

2115 b. when salmonids are present, the maintenance is in compliance with ditch
2116 standards in public rule; and

2117 c. does not involve any expansion of the roadway, lawn, landscaping, ditch,
2118 culvert, engineered slope or other improved area being maintained.

2119 49. Limited to alterations to restore habitat forming processes or directly restore
2120 habitat function and value, including access for construction, as follows:

2121 a. projects sponsored or cosponsored by a public agency that has natural
2122 resource management as a primary function or by a federally recognized tribe;

2123 b. restoration and enhancement plans prepared by a qualified biologist; or

2124 c. conducted in accordance with an approved forest management plan, farm
2125 management plan or rural stewardship plan.

2126 50. Allowed in accordance with a scientific sampling permit issued by
2127 Washington state Department of Fish and Wildlife or an incidental take permit issued
2128 under Section 10 of the Endangered Species Act.

2129 51. Allowed for the minimal clearing and grading, including site access,
2130 necessary to prepare critical area reports.

2131 52. The following are allowed if associated spoils are contained:

2132 a. data collection and research if carried out to the maximum extent practical
2133 by nonmechanical or hand-held equipment;

2134 b. survey monument placement;

2135 c. site exploration and gage installation if performed in accordance with state-
2136 approved sampling protocols and accomplished to the maximum extent practical by
2137 hand-held equipment and; or similar work associated with an incidental take permit
2138 issued under Section 10 or consultation under Section 7 of the Endangered Species Act.

2139 53. Limited to activities in continuous existence since January 1, 2005, with no
2140 expansion within the critical area or critical area buffer. "Continuous existence" includes
2141 cyclical operations and managed periods of soil restoration, enhancement or other fallow
2142 states associated with these horticultural and agricultural activities.

2143 54. Allowed for expansion of existing or new agricultural activities where:

2144 a. the site is predominantly involved in the practice of agriculture;

2145 b. there is no expansion into an area that:

2146 (1) has been cleared under a class I, II, III, IV-S or nonconversion IV-G forest
2147 practice permit; or

2148 (2) is more than ten thousand square feet with tree cover at a uniform density
2149 more than ninety trees per acre and with the predominant mainstream diameter of the
2150 trees at least four inches diameter at breast height, not including areas that are actively
2151 managed as agricultural crops for pulpwood, Christmas trees or ornamental nursery
2152 stock;

2153 c. the activities are in compliance with an approved farm management plan in
2154 accordance with K.C.C. 21A.24.051; and

2155 d. all best management practices associated with the activities specified in the
2156 farm management plan are installed and maintained.

2157 55. Only allowed in grazed or tilled wet meadows or their buffers if:

2158 a. the facilities are designed to the standards of an approved farm management
2159 plan in accordance K.C.C. 21A.24.051 or an approved livestock management plan in
2160 accordance with K.C.C. chapter 21A.30;

2161 b. there is not a feasible alternative location available on the site; and

2162 c. the facilities are located close to the outside edge of the buffer to the
2163 maximum extent practical.

2164 56. Allowed in a severe channel migration hazard area portion of an aquatic
2165 area buffer if:

2166 a. the facilities are designed to the standards in an approved farm management
2167 plan in accordance with K.C.C. 21A.24.051;

2168 b. there is not a feasible alternative location available on the site; and

2169 c. the structure is located where it is least subject to risk from channel
2170 migration.

2171 57. Allowed for new agricultural drainage in compliance with an approved farm
2172 management plan in accordance with K.C.C. 21A.24.051 and all best management
2173 practices associated with the activities specified in the farm management plan are
2174 installed and maintained.

2175 58. If the agricultural drainage is used by salmonids, maintenance shall be in
2176 compliance with an approved farm management plan in accordance with K.C.C.
2177 21A.24.051.

2178 59. Allowed within existing landscaped areas or other previously disturbed
2179 areas.

2180 60. Allowed for residential utility service distribution lines to residential
2181 dwellings, including, but not limited to, well water conveyance, septic system
2182 conveyance, water service, sewer service, natural gas, electrical, cable and telephone, if:

2183 a. there is no alternative location with less adverse impact on the critical area
2184 or the critical area buffer;

2185 b. the residential utility service distribution lines meet the all of the following,
2186 to the maximum extent practical:

2187 (1) are not located over habitat used for salmonid rearing or spawning or by a
2188 species listed as endangered or threatened by the state or federal government unless the
2189 department determines that there is no other feasible crossing site;

2190 (2) not located over a type S aquatic area;

- 2191 (3) paralleling the channel or following a down-valley route near the channel
2192 is avoided;
- 2193 (4) the width of clearing is minimized;
- 2194 (5) the removal of trees greater than twelve inches diameter at breast height is
2195 minimized;
- 2196 (6) an additional, contiguous and undisturbed critical area buffer, equal in
2197 area to the disturbed critical area buffer area is provided to protect the critical area;
- 2198 (7) access for maintenance is at limited access points into the critical area
2199 buffer.
- 2200 (8) the construction occurs during approved periods for instream work;
- 2201 (9) bored, drilled or other trenchless crossing is encouraged, and shall be
2202 laterally constructed at least four feet below the maximum depth of scour for the base
2203 flood; and
- 2204 (10) open trenching across Type O or Type N aquatic areas is only used
2205 during low flow periods or only within aquatic areas when they are dry.
- 2206 61. Allowed if sponsored or cosponsored by the countywide flood control zone
2207 district and the department determines that the project and its location:
- 2208 a. is the best flood risk reduction alternative practicable;
- 2209 b. is part of a comprehensive, long-term flood management strategy;
- 2210 c. is consistent with the King County Flood Hazard Management Plan policies;
- 2211 d. will have the least adverse impact on the ecological functions of the critical
2212 area or its buffer, including habitat for fish and wildlife that are identified for protection
2213 in the King County Comprehensive Plan; and

- 2214 e. has been subject to public notice in accordance with K.C.C. 20.44.060.
- 2215 62.a. Not allowed in wildlife habitat conservation areas;
- 2216 b. Only allowed if:
- 2217 (1) the project is sponsored or cosponsored by a public agency whose primary
- 2218 function deals with natural resources management;
- 2219 (2) the project is located on public land or on land that is owned by a non-
- 2220 profit agency whose primary function deals with natural resources management;
- 2221 (3) there is not a feasible alternative location available on the site with less
- 2222 impact to the critical area or its associated buffer;
- 2223 (4) the aquatic area or wetland is not for salmonid rearing or spawning;
- 2224 (5) the project minimizes the footprint of structures and the number of access
- 2225 points to any critical areas; and
- 2226 (6) the project meets the following design criteria:
- 2227 (a) to the maximum extent practical size of platform shall not exceed one
- 2228 hundred square feet;
- 2229 (b) all construction materials for any structures, including the platform,
- 2230 pilings, exterior and interior walls and roof, are constructed of nontoxic material, such as
- 2231 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,
- 2232 fiberglass or cured concrete that the department determines will not have an adverse
- 2233 impact on water quality;
- 2234 (c) the exterior of any structures are sufficiently camouflaged using netting
- 2235 or equivalent to avoid any visual deterrent for wildlife species to the maximum extent
- 2236 practical. The camouflage shall be maintained to retain concealment effectiveness;

2237 (d) structures shall be located outside of the wetland or aquatic area
2238 landward of the Ordinary High Water Mark or open water component (if applicable) to
2239 the maximum extent practical on the site;

2240 (e) construction occurs during approved periods for work inside the
2241 Ordinary High Water Mark;

2242 (f) construction associated with bird blinds shall not occur from March 1
2243 through August 31, in order to avoid disturbance to birds during the breeding, nesting,
2244 and rearing seasons;

2245 (g) to the maximum extent practical, provide accessibility for persons with
2246 physical disabilities in accordance with the International Building Code;

2247 (h) trail access is designed in accordance with public rules adopted by the
2248 department;

2249 (i) existing native vegetation within the critical area will remain undisturbed
2250 except as necessary to accommodate the proposal. Only minimal hand clearing of
2251 vegetation is allowed; and

2252 (j) disturbed bare ground areas around the structure must be replanted with
2253 native vegetation approved by the department.

2254 63. Not allowed in the severe channel migration zone, there is no alternative
2255 location with less adverse impact on the critical area and buffer and clearing is minimized
2256 to the maximum extent practical.

2257 SECTION 25. Ordinance 15051, Section 185, as amended, and K.C.C.
2258 21A.24.325 are each hereby amended to read as follows:

2259 Except as otherwise provided in this section, buffers shall be provided from the
 2260 wetland edge as follows:

2261 A. In the Urban Growth Area, buffers for wetlands shall be established in
 2262 accordance with the following standards:

2263 1. The standard buffer widths of the following table shall apply unless modified
 2264 in accordance with subsection A.2, A.3, C. or D. of this section:

WETLAND CATEGORY AND CHARACTERISTICS	BUFFER
Category I	
Natural Heritage Wetlands	215 feet
Bog	215 feet
Estuarine	175 feet
Coastal Lagoon	175 feet
Habitat score from 31 to 36 points	225 feet
Habitat score from 20 to 30 points	150 feet plus 7.5 feet for each habitat score point above 20 points
Category I wetlands not meeting any of the criteria above	125 feet
Category II	
Estuarine	135 feet
Habitat score from 31 to 36 points	200 feet
Habitat score from 20 to 30 points	125 feet plus 7.5 feet for each habitat score

	point above 20 points
Category II wetlands not meeting any of the criteria above	100 feet
Category III	
Habitat score from 20 to 28 points	125 feet
Category III wetlands not meeting any of the criteria above	75 feet
Category IV	50 feet

2265 2. If a Category I or II wetland with habitat score greater than twenty points is
 2266 located within three hundred feet of a priority habitat area as defined by the Washington
 2267 state Department of Fish and Wildlife, the buffer established by subsection A.1. of this
 2268 section shall be increased by fifty feet unless:

2269 a.(i) the applicant provides relatively undisturbed vegetated corridor at least
 2270 one hundred feet wide between the wetland and all priority habitat areas located within
 2271 three hundred feet of the wetland. The corridor shall be protected for the entire distance
 2272 between the wetland and the priority habitat through a conservation easement, native
 2273 growth protection easement or the equivalent; and

2274 (ii) the applicable mitigation measures in subsection A.3.b. of this section are
 2275 provided; or

2276 b. the wetland is a freshwater or deep freshwater wetland; and

2277 3. Buffers calculated in accordance with subsection A.1. and A.2. of this section
 2278 shall be reduced as follows:

2279 a. Buffers for all categories of wetlands shall be reduced by twenty-five feet if
 2280 the applicant implements all applicable mitigation measures identified in subsection
 2281 A.3.b. of this section, or if the applicant proposes alternate mitigation to reduce the

2282 impacts of the development and the department determines the alternative provides
 2283 equivalent mitigation.

2284 b. The following mitigation measures may be used by an applicant to obtain a
 2285 reduced buffer width under subsection A.1. of this section:

Disturbance	Measures to minimize impacts	Activities that may cause the disturbance
Lights	Direct lights away from wetland	Parking lots, warehouses, manufacturing, high density residential
Noise	Place activity that generates noise away from the wetland.	manufacturing, high density residential
Toxic runoff	Route all new untreated runoff away from wetland, or Covenants limiting use of pesticides within 150 ft of wetland, or Implement integrated pest management program	Parking lots, roads, manufacturing, residential areas, application of agricultural pesticides, landscaping
Change in water regime	Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces using low impact development measures identified in the King County Surface Water Design Manual	Any impermeable surface, lawns, tilling

Pets and Human disturbance	Privacy fencing or landscaping to delineate buffer edge and to discourage disturbance of wildlife by humans and pets	Residential areas
Dust	BMP's for dust	Tilled fields
Degraded buffer condition	Nonnative plants to be removed and replaced with native vegetation per an approved landscaping plan to be bonded and monitored for a three year period after completion to assure at least 80% survival of plantings	All activities potentially requiring buffers

2286

B. For a wetland located outside the Urban Growth Area:

2287

1. The buffers shown on the following table apply unless modified in

2288

accordance with subsections C. and D. of this section:

WETLAND CATEGORY AND CHARACTERISTICS	INTENSITY OF IMPACT OF ADJACENT LAND USE		
	HIGH IMPACT	MODERATE IMPACT	LOW IMPACT
Category I			
Category I wetlands not meeting any of the criteria below	100 feet	75 feet	50 feet
Natural Heritage Wetlands	250 feet	190 feet	125 feet

Bog	250 feet	190 feet	125 feet
Estuarine	200 feet	150 feet	100 feet
Coastal Lagoon	200 feet	150 feet	100 feet
Habitat score from 31 to 36 points	300 feet	225 feet	150 feet
Habitat score from 20 to 30 points	150 feet plus 15 feet for each habitat point above 20	110 feet plus 11.5 feet for each habitat point above 20	75 feet plus 7.5 feet for each habitat point above 20
Category II			
Category II wetlands not meeting any of the criteria below	100 feet	75 feet	50 feet
Estuarine	150 feet	110 feet	75 feet
Interdunal	150 feet	110 feet	75 feet
Habitat score from 31 to 36 points	300 feet	225 feet	150 feet
Habitat score from 20 to 30 points	150 feet plus 15 feet for each habitat point above 20	110 feet plus 11.5 feet for each habitat point above 20	75 feet plus 7.5 feet for each habitat point above 20
Category III			
Category III wetlands not meeting any of the	80 feet	60 feet	40 feet

criteria below			
Habitat score from 20 to 28 points	150 feet	110 feet	75 feet
Category IV	50 feet	40 feet	25 feet

2289 2. For purposes of this subsection B., unless the director determines a lesser

2290 level of impact is appropriate based on information provided by the applicant, the

2291 intensity of impact of the adjacent land use is determined as follows:

2292 a. high impact includes:

2293 (1) sites zoned commercial or industrial;

2294 (2) commercial or industrial use on a site regardless of the zoning

2295 designation;

2296 (3) nonresidential use on a site zoned for residential use;

2297 (4) active recreation use on a site regardless of zoning;

2298 b. moderate impact includes:

2299 (1) residential uses on sites zoned rural residential;

2300 (2) residential use on a site zoned agriculture or forestry; or

2301 (3) agricultural uses without an approved farm management plan; and

2302 c. low impact includes:

2303 (1) forestry use on a site regardless of zoning designation;

2304 (2) passive recreation uses, such as trails, nature viewing areas, fishing and

2305 camping areas, and other similar uses that do not require permanent structures, on a site

2306 regardless of zoning; or

2307 (3) agricultural uses carried out in accordance with an approved farm

2308 management plan.

2309 C. The department may approve a modification of the minimum buffer width
2310 required by this section by averaging the buffer width if:

2311 1. The department determines that:

2312 a. the ecological structure and function of the buffer after averaging is
2313 equivalent to or greater than the structure and function before averaging; or

2314 b. averaging includes the corridors of a wetland complex; and

2315 2. The resulting buffer meets the following standards:

2316 a. the total area of the buffer after averaging is equivalent to or greater than the
2317 area of the buffer before averaging;

2318 b. the additional buffer is contiguous with the standard buffer; and

2319 c. if the buffer width averaging allows a structure or landscaped area to intrude
2320 into the area that was buffer area before averaging, the resulting landscaped area shall
2321 extend no more than fifteen feet from the edge of the structure's footprint toward the
2322 reduced buffer.

2323 D. Wetland buffer widths shall also be subject to modifications under the
2324 following special circumstances:

2325 1. For wetlands containing documented habitat for endangered, threatened or
2326 species of local importance, the following shall apply:

2327 a. the department shall establish the appropriate buffer, based on a habitat
2328 assessment, to ensure that the buffer provides adequate protection for the sensitive
2329 species; and

2330 b. the department may apply the buffer increase rules in subsection A.2. of this
2331 section, the buffer reduction rules in subsection A.3. of this section, and the buffer
2332 averaging rules in subsection C. of this section;

2333 2. For a wetland buffer that includes a steep slope hazard area or landslide
2334 hazard area, the buffer width is the greater of the buffer width required by the wetland's
2335 category in this section or ~~((twenty-five feet beyond))~~ the top of the hazard area; and

2336 3. For a wetland complex located outside the Urban Growth Area established by
2337 the King County Comprehensive Plan or located within the Urban Growth Area in a
2338 basin designated as "high" on the Basin and Shoreline Conditions Map, which is included
2339 as Attachment A to Ordinance 15051, the buffer width is determined as follows:

2340 a. the buffer width for each individual wetland in the complex is the same
2341 width as the buffer width required for the category of wetland;

2342 b. if the buffer of a wetland within the complex does not touch or overlap with
2343 at least one other wetland buffer in the complex, a corridor is required from the buffer of
2344 that wetland to one other wetland buffer in the complex considering the following
2345 factors:

2346 (1) the corridor is designed to support maintaining viable wildlife species that
2347 are commonly recognized to exclusively or partially use wetlands and wetland buffers
2348 during a critical life cycle stage, such as breeding, rearing, or feeding;

2349 (2) the corridor minimizes fragmentation of the wetlands;

2350 (3) higher category wetlands are connected through corridors before lower
2351 category wetlands; and

2352 (4) the corridor width is a least twenty-five percent of the length of the
2353 corridor, but no less than twenty-five feet in width; and

2354 (5) shorter corridors are preferred over longer corridors;

2355 c. wetlands in a complex that are connected by an aquatic area that flows
2356 between the wetlands are not required to be connected through a corridor;

2357 d. the department may exclude a wetland from the wetland complex if the
2358 applicant demonstrates that the wetland is unlikely to provide habitat for wildlife species
2359 that are commonly recognized to exclusively or partially use wetlands and wetland
2360 buffers during a critical life cycle stage, such as breeding, rearing or feeding; and

2361 e. the alterations allowed in a wetland buffer in K.C.C. 21A.24.045 are
2362 allowed in corridors subject to the same conditions and requirements as wetland buffers
2363 as long as the alteration is designed so as not to disrupt wildlife movement through the
2364 corridor; (~~and~~)

2365 4. Where a legally established roadway transects a wetland buffer, the
2366 department may approve a modification of the minimum required buffer width to the
2367 edge of the roadway if the part of the buffer on the other side of the roadway sought to be
2368 reduced:

2369 a. does not provide additional protection of the proposed development or the
2370 wetland; and

2371 b. provides insignificant biological, geological or hydrological buffer functions
2372 relating to the other portion of the buffer adjacent to the wetland(~~(-)~~); and

2373 5. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055,
2374 the buffer widths shall be established under the rural stewardship plan and shall not

2375 exceed the standard for a low impact land use, unless the department (~~(of natural~~
2376 ~~resources and parks))~~ determines that a larger buffer is necessary to achieve no net loss of
2377 wetland ecological function.

2378 E. The department may approve a modification to the buffers established in
2379 subsections A. and B. of this section if the wetland was created or its characterization was
2380 upgraded as part of a voluntary enhancement or restoration project.

2381 SECTION 26. Ordinance 15051, Section 193, as amended, and K.C.C.
2382 21A.24.358 are each hereby amended to read as follows:

2383 A. Aquatic area buffers shall be measured as follows:

2384 1. From the ordinary high water mark or from the top of bank if the ordinary
2385 high water mark cannot be identified;

2386 2. If the aquatic area is located within a mapped severe channel migration area,
2387 the aquatic area buffer width shall be the greater of the aquatic area buffer width as
2388 measured consistent with subsection A.1. of this section or the outer edge of the severe
2389 channel migration area; ~~((or))~~ and

2390 3. If the aquatic area buffer includes a steep slope hazard area or landslide
2391 hazard area, the aquatic area buffer width is the greater of either the aquatic area buffer in
2392 this section or ~~((twenty-five feet beyond))~~ the top of the hazard area.

2393 B. Within the Urban Growth Area, aquatic area buffers shall be as follows:

2394 1. A type S or F aquatic area buffer is one-hundred-fifteen-feet;

2395 2. A type S or F aquatic area buffer in a basin or shoreline designated as "high"
2396 on the Basin and Shoreline Conditions Map is one-hundred-sixty-five-feet;

2397 3. A type N aquatic area buffer is sixty-five-feet; and

2398 4. A type O aquatic area buffer is twenty-five-feet.

2399 C. Outside the Urban Growth Area, aquatic area buffers shall be as follows:

2400 1. A type S or F aquatic area buffer is one-hundred-sixty-five-feet;

2401 2. A type N aquatic area buffer is sixty-five-feet; and

2402 3. A type O aquatic area buffer is twenty-five-feet.

2403 D. Within the Bear Creek drainage basin a type N aquatic area buffer in a

2404 designated regionally significant resource area is one-hundred-feet.

2405 E. The department may approve a modification of buffer widths if:

2406 1. The department determines that through buffer averaging the ecological

2407 structure and function of the resulting buffer is equivalent to or greater than the structure

2408 and function before averaging and meets the following standards:

2409 a. The total area of the buffer is not reduced;

2410 b. The buffer area is contiguous; and

2411 c. Averaging does not result in the reduction of the minimum buffer for the

2412 buffer area waterward of the top of the associated steep slopes or for a severe channel

2413 migration hazard area;

2414 2. The applicant demonstrates that the buffer cannot provide certain functions

2415 because of soils, geology or topography, provided that the department shall establish

2416 buffers which protect the remaining ecological functions that the buffer can provide;

2417 3. The site is zoned RA and is subject to an approved rural stewardship plan. In

2418 modifying the buffers, the department shall consider factors such as, the basin and

2419 shoreline condition, the location of the site within the basin and shoreline, the buffer

2420 condition and the amount of clearing;

2421 4. A legally established roadway transects an aquatic area buffer, the roadway
2422 edge closest to aquatic area shall be the extent of the buffer, if the part of the buffer on
2423 the other side of the roadway provides insignificant biological or hydrological function in
2424 relation to the portion of the buffer adjacent to the aquatic area; and

2425 5. The aquatic area is created or its type is changed as a result of enhancement
2426 or restoration projects that are not mitigation for a development proposal or alteration.

2427 SECTION 27. Ordinance 10870, Section 549, as amended, and K.C.C.
2428 21A.32.120 are each hereby amended to read as follows:

2429 Except as otherwise provided in this chapter or in K.C.C. chapter 21A.45,
2430 temporary use permits shall be limited in duration and frequency as follows:

2431 A. The temporary use permit shall be effective for ~~((no more than one hundred~~
2432 ~~eighty days from the date of the first event))~~ one year from the date of issuance and may
2433 be renewed annually as provided in subsection E. of this section;

2434 B. The temporary use shall not exceed a total of sixty days in any calendar year.
2435 This requirement applies only to the days that the event or events actually take place. For
2436 a winery in the A or RA zones, the temporary use shall not exceed a total of two events
2437 per month and all parking for the events must be accommodated on site;

2438 C. The temporary use permit shall specify a date upon which the use shall be
2439 terminated and removed; and

2440 D. A temporary use permit ~~((shall not be granted for the same temporary use on a~~
2441 ~~property more than once per calendar year, though a temporary use permit may be~~
2442 ~~granted for multiple events during the approval period))~~ may be renewed annually for up
2443 to a total of five consecutive calendar years as follows:

2444 1. The applicant shall make a written request and pays applicable permit
2445 extension fees for renewal of the temporary use permit at least sixty days before the end
2446 of the permit period;

2447 2. The department must determine that the temporary use is being conducted in
2448 compliance with the conditions of the temporary use permit;

2449 3. The department must determine that site conditions have not changed since
2450 the original temporary permit was issued; and

2451 4. At least forty-five days before the end of the permit period, the department
2452 shall notify property owners within five hundred feet of the property boundaries that a
2453 temporary use permit extension has been requested and contact information to request
2454 additional information or to provide comments on the proposed extension.

2455 SECTION 28. Ordinance 13274, Section 4, as amended, and K.C.C. 21A.37.020
2456 are each hereby amended to read as follows:

2457 A. For the purpose of this chapter, sending site means the entire tax lot or lots
2458 qualified under subsection B of this section. Sending sites may only be located within
2459 rural or resource lands or urban separator areas with R-1 zoning, as designated by the
2460 King County Comprehensive Plan, and shall meet the minimum lot area for construction
2461 requirements in K.C.C. 21A.12.100 for the zone in which the sending site is located.

2462 Except for lands zoned RA that are managed by the Washington state Department of
2463 Natural Resources as state grant or state forest lands, land in public ownership may not be
2464 sending sites. If the sending site consists of more than one tax lot, the lots must be
2465 contiguous and the area of the combined lots must meet the minimum lot area for
2466 construction requirements in K.C.C. 21A.12.100 for the zone in which the sending site is

2467 located. For purposes of this section, lots divided by a street are considered contiguous if
2468 the lots would share a common lot line if the street was removed; this provision may be
2469 waived by the interagency committee if the total acreage of a rural or resource sending
2470 site application exceeds one hundred acres. A sending site shall be maintained in a
2471 condition that is consistent with the criteria in this section under which the sending was
2472 qualified.

2473 B. Qualification of a sending site shall demonstrate that the site contains a public
2474 benefit such that preservation of that benefit by transferring residential development
2475 rights to another site is in the public interest. A sending site must meet at least one of the
2476 following criteria:

2477 1. Designation in the King County Comprehensive Plan or a functional plan as
2478 an agricultural production district or zoned A;

2479 2. Designation in the King County Comprehensive Plan or a functional plan as
2480 forest production district or zoned F;

2481 3. Designation in the King Count Comprehensive Plan as rural residential,
2482 zoned RA-2.5, RA-5 or RA-10, and meeting the definition in RCW 84.34.020 of open
2483 space, farm and agricultural land, or timber land;

2484 4. Designation in the King County Comprehensive Plan, or a functional plan as
2485 a proposed rural or resource area regional trail or rural or resource area open space site,
2486 through either:

2487 a. designation of a specific site; or

2488 b. identification of proposed rural or resource area regional trails or rural or

2489 resource area open space sites which meet adopted standards and criteria, and for rural or

2490 resource area open space sites, meet the definition of open space land, as defined in RCW
2491 84.34.020;

2492 5. Identification as habitat for federal listed endangered or threatened species in
2493 a written determination by the King County department of natural resources and parks,
2494 Washington state Department of Fish and Wildlife, United States Fish and Wildlife
2495 Services or a federally recognized tribe that the sending site is appropriate for
2496 preservation or acquisition; or

2497 6. Designation in the King County Comprehensive Plan as urban separator and
2498 zoned R-1.

2499 SECTION 29. Ordinance 13274, Section 6, as amended, and K.C.C. 21A.37.040
2500 are each hereby amended to read as follows:

2501 A. The number of residential development rights that an unincorporated area
2502 sending site is eligible to send to a receiving site shall be determined by applying the
2503 TDR sending site base density established in subsection D. of this section to the area of
2504 the sending site, after deducting the area associated with any existing development, any
2505 retained development rights and any portion of the sending site already in a conservation
2506 easement or other similar encumbrance. For each existing dwelling unit or retained
2507 development right, the sending site area shall be reduced by ~~((the minimum lot size))~~ an
2508 area equivalent to the base density for that zone under K.C.C. 21A.12.030.

2509 B. Any fractions of development rights that result from the calculations in
2510 subsection A. of this section shall not be included in the final determination of total
2511 development rights available for transfer.

2512 C. For purposes of calculating the amount of development rights a sending site
2513 can transfer, the amount of land contained within a sending site shall be determined as
2514 follows:

2515 1. If the sending site is an entire tax lot, the square footage or acreage shall be
2516 determined:

2517 a. by the King County department of assessments records; or

2518 b. by a survey funded by the applicant that has been prepared and stamped by a
2519 surveyor licensed in the state of Washington; and

2520 2. If the sending site consists of a lot that is divided by a zoning boundary, the
2521 square footage or acreage shall be calculated separately for each zoning classification.

2522 The square footage or acreage within each zoning classification shall be determined by
2523 the King County record of the action that established the zoning and property lines, such
2524 as an approved lot line adjustment. When such records are not available or are not
2525 adequate to determine the square footage or acreage within each zoning classification, the
2526 department of development and environmental services shall calculate the square footage
2527 or acreage through the geographic information system (GIS) mapping system.

2528 D. For the purposes of the transfer of development rights (TDR) program only,
2529 the following TDR sending site base densities apply:

2530 1. Sending sites designated in the King County Comprehensive Plan as urban
2531 separator and zoned R-1 shall have a base density of four dwelling units per acre;

2532 2. Sending sites zoned RA-2.5 shall have a base density of one unit for each two
2533 and one-half acres. Sending sites zoned RA-2.5 that are vacant and are smaller than 1.25

2534 acres shall be allocated one additional TDR for each vacant lot that is smaller than 1.25
2535 acres;

2536 3. Sending sites zoned RA-5 or RA-10 shall have a base density of one dwelling
2537 unit per five acres. Vacant sending sites that are zoned RA-5 and are smaller than two
2538 and one-half acres or that are zoned RA-10 and are smaller than five acres shall be
2539 allocated one additional TDR for each vacant lot that is smaller than two and one-half
2540 acres or five acres, respectively;

2541 4. Sending sites zoned RA and that have a designation under the King County
2542 Shoreline Master Program of conservancy or natural shall be allocated one additional
2543 TDR;

2544 5. Sending sites zoned A-10 and A-35 (~~within the agricultural production~~
2545 ~~district~~) shall have a base density of one dwelling unit per five acres for transfer
2546 purposes only;

2547 6. Sending sites zoned F within the forest production district shall have a base
2548 density of one dwelling unit per eighty acres or one dwelling unit per each lot that is
2549 between fifteen and eighty acres in size.

2550 E. A sending site zoned RA, A or F may send one development right for every
2551 legal lot larger than five thousand square feet that was created on or before September 17,
2552 2001, if that number is greater than the number of development rights determined under
2553 subsection A. of this section. A sending site zoned R-1 may send one development right
2554 for every legal lot larger than two thousand five hundred square feet that was created on
2555 or before September 17, 2001, if that number is greater than the number of development
2556 rights determined under subsection A. of this section.

2557 F. The number of development rights that a King County unincorporated rural or
2558 natural resources land sending site is eligible to send to a King County incorporated
2559 urban area receiving site shall be determined through the application of a conversion ratio
2560 established by King County and the incorporated municipal jurisdiction. The conversion
2561 ratio will be applied to the number of available sending site development rights
2562 determined under subsection A. or E. of this section.

2563 G. Development rights from one sending site may be allocated to more than one
2564 receiving site and one receiving site may accept development rights from more than one
2565 sending site.

2566 SECTION 30. Ordinance 13733, Section 10, as amended, and K.C.C.
2567 21A.37.110 are each hereby amended to read as follows:

2568 A. The TDR bank may purchase development rights from qualified sending sites
2569 at prices not to exceed fair market value and to sell development rights at prices not less
2570 than fair market value. The TDR bank may accept donations of development rights from
2571 qualified TDR sending sites.

2572 B. The TDR bank may purchase a conservation easement only if the property
2573 subject to the conservation easement is qualified as a sending site as evidenced by a TDR
2574 certificate letter of intent, the conservation easement restricts development of the sending
2575 site in the manner required by K.C.C. 21A.37.060 and the development rights generated
2576 by encumbering the sending site with the conservation easement are issued to the TDR
2577 bank at no additional cost.

2578 C. If a conservation easement is acquired through a county park, open space,
2579 trail, agricultural, forestry or other natural resource acquisition program for a property

2580 that is qualified as a TDR sending site as evidenced by a TDR certificate letter of intent,
2581 any development rights generated by encumbering the sending site with the conservation
2582 easement may be issued to the TDR bank so long as there is no additional cost for the
2583 development rights.

2584 D. The TDR bank may use funds to facilitate development rights transfers.
2585 These expenditures may include, but are not limited to, establishing and maintaining
2586 internet web pages, marketing TDR receiving sites, procuring title reports and appraisals
2587 and reimbursing the costs incurred by the department of natural resources and parks,
2588 water and land resources division, or its successor, for administering the TDR bank fund
2589 and executing development rights purchases and sales.

2590 E. The TDR bank fund may be used to cover the cost of providing staff support
2591 for identifying and qualifying sending and receiving sites, and the costs of providing staff
2592 support for the TDR interagency review committee.

2593 F. ~~((AH))~~ Upon approval of the TDR executive board, proceeds from the sale of
2594 TDR bank development rights shall be available for acquisition of additional
2595 development rights ~~((upon approval of the TDR executive board))~~ and as amenity funds
2596 to facilitate interlocal TDR agreements with cities in King County. Amenity funds
2597 provided to a city from the sale of TDR bank development rights to that city are limited
2598 to one-third of the proceeds from the sale.

2599 SECTION 31. Ordinance 13263, Section 8, as amended, and K.C.C. 23.02.070
2600 are each hereby amended to read as follows:

2601 A. The department shall determine, based on information derived from sources
2602 such as field observations, the statements of witnesses, relevant documents and data

2603 systems for tracking violations and applicable county codes, whether or not a violation
2604 has occurred. As soon as a department has reasonable cause to determine that a violation
2605 has occurred, it shall document the violation and promptly notify the owner, occupant or
2606 other person responsible for code compliance.

2607 B. Except as provided in subsection D. of this section, a warning shall be issued
2608 verbally or in writing promptly when a field inspection reveals a violation, or as soon as
2609 the department otherwise determines that a violation has occurred. The warning shall
2610 inform the person determined to be responsible for code compliance of the violation and
2611 shall include a reference to the applicable permit or zoning condition, ordinance or code
2612 related to the violation. The warning shall also allow the person an opportunity to correct
2613 the violation or enter into a voluntary compliance agreement as provided for by this title.
2614 Verbal warnings shall be logged and followed up with a written warning within two
2615 weeks, and the site shall be reinspected within thirty days.

2616 C. The guidelines in this section for warnings, notifications and reinspections are
2617 not jurisdictional, and failure to meet them in any particular case shall not affect the
2618 county's authority to enforce county code provisions with regard to that case.

2619 D. No warning need be issued in cases involving, emergencies that pose an
2620 imminent threat to environmental health or to the public safety.

2621 E. A department may issue a citation if it determines that the violation is likely to
2622 be a one-time occurrence or is likely to be fully corrected in a reasonable period of time.

2623 F. A department may issue notice and orders in cases where it determines that the
2624 violation is unlikely to be fully corrected in a reasonable period of time.

2625 G. The department shall use all reasonable means to determine and cite the
2626 person or persons actually responsible for the violation occurring when the owner has not
2627 directly or indirectly caused the violation.

2628 H. If the violation is not corrected or a voluntary compliance agreement is not
2629 achieved within a reasonable time period, a citation, notice and order or stop work order
2630 should be issued. As a guideline, citations should be issued within sixty days from receipt
2631 of a complaint, and notice and orders should be issued within one hundred twenty days
2632 from receipt of a complaint. Stop work orders should be issued promptly upon discovery
2633 of a violation in progress.

2634 I. Any complainant who provides a mailing address and requests to be kept
2635 advised of enforcement efforts should be mailed a copy of all written warnings, voluntary
2636 compliance agreements, citations, notice and orders, stop work orders and notices of
2637 settlement conferences issued by a department with regard to the alleged violation. Any
2638 complainant who is an aggrieved person and who alleges a violation of K.C.C. chapter
2639 9.12, 16.82 or 21A.24 may appeal a citation, notice and order, stop work order(~~(a~~
2640 ~~determination to enter into a voluntary compliance agreement)) or a determination not to~~
2641 ~~issue a citation or order ((pursuant to the provisions of)) under K.C.C. chapter 20.24((~~
2642 ~~provided that)). ((†))The appeal under this subsection shall be considered a civil~~
2643 proceeding, and any decision to pursue criminal sanctions shall remain the obligation of
2644 the prosecuting attorney, as set out in K.C.C. 23.02.030.

2645 SECTION 32. Ordinance 13263, Section 43, as amended, and K.C.C. 23.36.010
2646 are each hereby amended to read as follows:

2647 A.1. Any person named in a notice and order or stop work order and any owner
2648 of the land where the violation occurred for which a notice and order or stop work order
2649 is issued (~~((and any complainant who is an aggrieved person pursuant to K.C.C. Title 20~~
2650 ~~and requests to be kept advised pursuant to K.C.C. 23.02.070.H.))~~) may file with the
2651 issuing department a notice of appeal of the notice and order or stop work order. The
2652 notice of appeal shall be filed within fourteen days of the service of the notice and order
2653 or stop work order.

2654 2. Any complainant who has alleged a violation of K.C.C. chapter 9.12, 16.82
2655 or 21A.24, who is an aggrieved person under K.C.C. Title 20 and who requests to be kept
2656 advised in accordance with K.C.C. 23.02.070.H. may file with the issuing department a
2657 notice of appeal of a citation, notice and order, stop work order or a determination not to
2658 issue a citation or order. The notice of appeal shall be filed within fourteen days of the
2659 service of the citation, notice and order, stop work order or notice of decision not to issue
2660 a citation or order.

2661 B. If a notice of appeal has been filed within the time period provided in this
2662 section, the appellant shall file a statement of appeal with the issuing department within
2663 twenty-one days of the service of the citation, notice and order (~~((or))~~), stop work order
2664 (~~((with the issuing department))~~) or notice of decision not to issue a citation or order.

2665 C. Any person issued a citation shall respond to the citation as provided in
2666 K.C.C. chapter 23.20.

2667 D. A notice of appeal shall comply with the form, content and service
2668 requirements of K.C.C. chapters 20.20 and 20.24 and adopted public rules.

2669 SECTION 33. Ordinance 13263, Section 51, as amended, and K.C.C. 23.40.040

2670 are each hereby amended to read as follows:

2671 A. No lien created by this title binds the property subject to the lien for a period
2672 longer than ((~~three~~)) ten years after the lien claim has been recorded, unless an action to
2673 enforce that lien is commenced in the proper court within ((~~three~~)) ten years after the
2674 recording.

2675 B. When all penalties or abatement costs, or both, assessed against the property
2676 owner have been paid, the director shall expeditiously record a satisfaction of lien with
2677 the records and licensing services division, or its successor agency. The satisfaction shall
2678 include a legal description of the property where the violation occurred.

2679 SECTION 34. A. Ordinance 12196, Section 18, and K.C.C. 20.20.110 are each
2680 hereby repealed.

2681 B. Ordinance 12196, Section 20, and K.C.C. 20.20.130 are each hereby repealed.

2682 SECTION 35. In accordance with K.C.C. 20.44.080, the metropolitan King
2683 County council finds that the requirements for environmental analysis, protections and
2684 mitigation measures in the chapters of K.C.C. Title 21A amended by this ordinance,
2685 provide adequate analysis of and mitigation for the specific adverse environmental
2686 impacts to which the requirements apply.

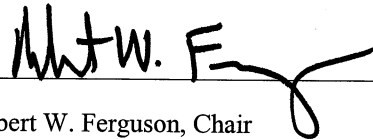
2687 SECTION 36. If any provision of this ordinance or its application to any person

2688 or circumstance is held invalid, the remainder of the ordinance or the application of the
2689 provision to other persons or circumstances is not affected.
2690

Ordinance 16950 was introduced on 3/8/2010 and passed as amended by the Metropolitan King County Council on 10/18/2010, by the following vote:

Yes: 9 - Ms. Drago, Mr. Phillips, Mr. von Reichbauer, Mr. Gossett,
Ms. Hague, Ms. Patterson, Ms. Lambert, Mr. Ferguson and Mr. Dunn
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Robert W. Ferguson, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 27 day of OCTOBER 2010.



Dow Constantine, County Executive

Attachments: None

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KING COUNTY COUNCIL