



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

June 25, 2014

Ordinance 17841

Proposed No. 2013-0479.3

Sponsors Phillips

1 AN ORDINANCE relating to permitting and zoning;
2 amending Ordinance 13694, Section 10, as amended, and
3 K.C.C. 19A.08.040, Ordinance 13694, Section 79, and
4 K.C.C. 19A.28.010, Ordinance 13694, Section 80, as
5 amended, and K.C.C. 19A.28.020, Ordinance 12196,
6 Section 10, as amended, and K.C.C. 20.20.030, Ordinance
7 10870, Section 43, and K.C.C. 21A.06.015, Ordinance
8 10870, Section 44, as amended, and K.C.C. 21A.06.020,
9 Ordinance 10870, Section 45, and K.C.C. 21A.06.025,
10 Ordinance 10870, Section 75, and K.C.C. 21A.06.175,
11 Ordinance 10870, Section 135, as amended, and K.C.C.
12 21A.06.475, Ordinance 10870, Section 137, as amended,
13 and K.C.C. 21A.06.485, Ordinance 10870, Section 172,
14 and K.C.C. 21A.06.660, Ordinance 10870, Section 200,
15 and K.C.C. 21A.06.800, Ordinance 10870, Section 207, as
16 amended, and K.C.C. 21A.06.835, Ordinance 14045,
17 Section 7, and K.C.C. 21A.06.1013, Ordinance 10870,
18 Section 309, and K.C.C. 21A.06.1345, Ordinance 10870,
19 Section 328, and K.C.C. 21A.08.010, Ordinance 10870,

20 Section 330, as amended, and K.C.C. 21A.08.030,
21 Ordinance 10870, Section 331, as amended, and K.C.C.
22 21A.08.040, Ordinance 10870, Section 332, as amended,
23 and K.C.C. 21A.08.050, Ordinance 10870, Section 333, as
24 amended, and K.C.C. 21A.08.060, Ordinance 10870,
25 Section 334, as amended, and K.C.C. 21A.08.070,
26 Ordinance 10870, Section 335, as amended, and K.C.C.
27 21A.08.080, Ordinance 10870, Section 336, as amended,
28 and K.C.C. 21A.08.090, Ordinance 10870, Section 340, as
29 amended, and K.C.C. 21A.12.030, Ordinance 10870,
30 Section 378, as amended, and K.C.C. 21A.14.180,
31 Ordinance 11621, Section 49, as amended, and K.C.C.
32 21A.14.185, Ordinance 10870, Section 380, as amended,
33 and K.C.C. 21A.14.200, Ordinance 14045, Section 37, as
34 amended, and K.C.C. 21A.14.360, Ordinance 14045,
35 Section 38, as amended, and K.C.C. 21A.14.370,
36 Ordinance 14045, Section 39, as amended, and K.C.C.
37 21A.14.380, Ordinance 17539, Section 44, as amended,
38 and K.C.C. 21A.24.045, Ordinance 10870, Section 470, as
39 amended, and K.C.C. 21A.24.230, Ordinance 10870,
40 Section 471, as amended, and K.C.C. 21A.24.240,
41 Ordinance 17485, Section 17, and K.C.C. 21A.24.274,
42 Ordinance 14187, Section 1, as amended, and K.C.C.

43 21A.24.500, Ordinance 10870, Section 492, as amended,
44 and K.C.C. 21A.26.030, Ordinance 10870, Section 503, as
45 amended, and K.C.C. 21A.26.140, Ordinance 13129,
46 Section 4, and K.C.C. 21A.27.030, Ordinance 13129,
47 Section 9, as amended, and K.C.C. 21A.27.090, Ordinance
48 10870, Section 530, as amended, and K.C.C. 21A.30.020,
49 Ordinance 13130, Section § 2, and K.C.C. 21A.32.025,
50 Ordinance 13130, Section 12, and K.C.C. 21A.32.085,
51 Ordinance 10870, Section 547, and K.C.C. 21A.32.100,
52 Ordinance 10870, Section 549, as amended, and K.C.C.
53 21A.32.120, Ordinance 17710, Section 13, and K.C.C.
54 21A.32.250, Ordinance 10870, Section 575, as amended,
55 and K.C.C. 21A.38.020, Ordinance 10870, Section 577, as
56 amended, and K.C.C. 21A.38.040, Ordinance 10870,
57 Section 617, as amended, and K.C.C. 21A.42.090,
58 Ordinance 13130, Section 11, as amended, and K.C.C.
59 21A.42.190 and Ordinance 11621, Section 118, and K.C.C.
60 21A.43.190, adding a new section to K.C.C. chapter
61 19A.04, adding new sections to K.C.C. chapters 21A.06,
62 adding a new section to K.C.C. chapter 21A.08, adding a
63 new section to K.C.C. chapter 21A.24 and repealing
64 Ordinance 14807, Section 3, and K.C.C.21A.06.682.

65 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY

66 NEW SECTION. SECTION 1. A new section is hereby added to K.C.C chapter
67 19A.04 to read as follows:

68 "Large lot segregation" means the division of land into lots or tracts each one of
69 which is one-sixteenth of a section of land or larger, or forty acres or larger if the land is
70 not capable of description as a fraction of a section of land. However, for purposes of
71 computing the size of a lot that borders on a street or road, the lot size shall be expanded
72 to include that area that would be bounded by the center line of the road or street and the
73 side lot lines of the lot running perpendicular to such center line. Also, within the
74 resource zones, each lot or tract shall be of a size that meets the minimum lot size
75 requirements of K.C.C. 21A.12.040.A. for the respective zone.

76 SECTION 2. Ordinance 13694, Section 10, as amended, and K.C.C. 19A.08.040
77 are each hereby amended to read as follows:

78 A. The subdivision and short subdivision provisions of this title shall not apply to
79 ~~((divisions of land into lots or tracts each one of which is one-sixteenth of a section of~~
80 ~~land or larger, or forty acres or larger if the land is not capable of description as a fraction~~
81 ~~of a section of land; provided, that for purposes of computing the size of a lot that borders~~
82 ~~on a street or road, the lot size shall be expanded to include that area that would be~~
83 ~~bounded by the center line of the road or street and the side lot lines of the lot running~~
84 ~~perpendicular to such center line and further provided that within the resource zones,~~
85 ~~each lot or tract shall be of a size that meets the minimum lot size requirements of K.C.C.~~
86 ~~21A.12.040.A. for the respective zone)) large lot segregations. A lot created through a~~
87 large lot segregation may not be further segregated for a period of five years from the

88 date of approval of the large lot segregation unless it is subdivided in accordance with
89 K.C.C. chapter 19A.12.

90 B. The short subdivision provisions of this title shall not apply to:

91 1. Divisions of land into lots or tracts only for the purpose of allowing fee
92 simple purchase or deeding of such lots or tracts to public agencies; and

93 2. Divisions of land by a public roadway or freeway, as defined by the King
94 County Roadway Functional Classification System, that is planned, established, financed
95 and constructed by a state or county agency after January 1, 2000.

96 SECTION 3. Ordinance 13694, Section 79, and K.C.C. 19A.28.010 are each
97 hereby amended to read as follows:

98 The purpose of this chapter is to provide procedures and criteria for the review
99 and approval of (~~minor~~) adjustments to boundary lines of legal lots or building sites in
100 order to rectify defects in legal descriptions, to allow the enlargement or merging of lots
101 to improve or qualify as a building site, to achieve increased setbacks from property lines
102 or sensitive areas, to correct situations wherein an established use is located across a lot
103 line, or for other similar purposes.

104 SECTION 4. Ordinance 13694, Section 80, as amended, and K.C.C. 19A.28.020
105 are each hereby amended to read as follows:

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

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

111 program, K.C.C. chapter 21A.25, applicable board of health regulations and, for
112 developed lots, fire and building codes;

113 B. A lot created through a large lot segregation shall be consistent with the
114 underlying zoning and shall not be reduced to less than twenty acres within ten years of
115 the large lot segregation approval unless it is subdivided in accordance with K.C.C.
116 chapter 19A.12;

117 C. Any adjustment of boundary lines must be approved by the department before
118 the transfer of property ownership between adjacent legal lots;

119 ~~((C.))~~ D. A boundary line adjustment proposal shall not:

- 120 1. Result in the creation of an additional lot or the creation of more than one
121 additional building site;
- 122 2. Result in a lot that does not qualify as a building site pursuant to this title;
- 123 3. Relocate an entire lot from one parent parcel into another parent parcel;
- 124 4. Reduce the overall area in a plat or short plat devoted to open space;
- 125 5. Be inconsistent with any restrictions or conditions of approval for a recorded
126 plat or short plat;
- 127 6. Involve lots which do not have a common boundary; or
- 128 7. Circumvent the subdivision or short subdivision procedures set forth in this
129 title. Factors which indicate that the boundary line adjustment process is being used in a
130 manner inconsistent with statutory intent include: numerous and frequent adjustments to
131 the existing lot boundary, a proposal to move a lot or building site to a different location,
132 and a large number of lots being proposed for a boundary line adjustment;

133 ~~((D.))~~ E. The elimination of lines between two or more lots shall in all cases shall
134 be considered a minor adjustment of boundary lines and shall not be subject to the
135 subdivision and short subdivision provisions of this title or to K.C.C. 19A.28.030. The
136 format and requirements of a minor adjustment under this subsection shall be specified
137 by the department; ~~((and))~~

138 ~~((E.))~~ F. Recognized lots in an approved site plan for a conditional use permit,
139 special use permit, urban planned development, or commercial site development permit
140 shall be considered a single site and no lot lines on the site may be altered by a boundary
141 line adjustment to transfer density or separate lots to another property not included in the
142 original site plan of the subject development~~((:)); and~~

143 ~~((F.))~~ G. Lots that have been subject to a boundary line adjustment process that
144 resulted in the qualification of an additional building site shall not be permitted to utilize
145 the boundary line adjustment process again for five years to create an additional building
146 site.

147 SECTION 5. Ordinance 12196, Section 10, as amended, and K.C.C. 20.20.030
148 are each hereby amended to read as follows:

149 A.1.~~((a.))~~ Except as otherwise provided in subsection ~~((A.1.b.))~~ A.2. of this
150 section, before filing a permit application ~~((for a Type 1 decision,))~~ the applicant shall
151 contact the department to schedule a ~~((preapplication conference, which shall be held~~
152 ~~before filing the application, if the property will have five thousand square feet of~~
153 ~~development site or right-of-way improvements, the property is in a critical drainage~~
154 ~~basin, or the property has a wetland, steep slope, landslide hazard, erosion hazard, or coal~~
155 ~~mine on-site))~~ presubmittal project review to discuss the application requirements with

156 the applicant and provide comments on the development proposal. The department shall
157 credit any fees charged for the presubmittal project review towards the permit application
158 fees provided for in K.C.C. Title 27.

159 ~~((b.))~~ 2. A ~~((preapplication conference))~~ presubmittal project review is not
160 required for ~~((a Type 1 decision for a single family residence and its accessory buildings~~
161 ~~or for other structures where all work is in an existing building and no parking is required~~
162 ~~or added))~~ over-the-counter permits or for proposals that require a mandatory
163 preapplication conference under subsection B. of this section.

164 ~~((2.))~~ B. ~~((Except as otherwise provided in this section, b))~~ Before filing a permit
165 application requiring a Type 2, 3 or 4 decision, the applicant shall contact the department
166 to schedule a preapplication conference, which shall be held before filing the application.

167 ~~((B.))~~ The purpose of the preapplication conference is to review and discuss the
168 application requirements with the applicant and provide comments on the development
169 proposal. The preapplication conference shall be scheduled by the department, at the
170 request of an applicant, and shall be held ~~((in a timely manner,))~~ within approximately
171 thirty days from the date of the applicant's request. The department shall assign a project
172 manager following the preapplication conference. The director may waive the
173 requirement for a preapplication conference if the director determines the preapplication
174 conference is unnecessary for review of an application. Nothing in this section shall be
175 interpreted to require more than one preapplication conference or to prohibit the applicant
176 from filing an application if the department is unable to schedule a preapplication
177 conference within thirty days following the applicant's request.

178 C. Information presented at or required as a result of the preapplication
179 conference shall be valid for a period of one year following the preapplication
180 conference. An applicant wishing to submit a permit application more than one year
181 following a preapplication for the same permit application shall be required to schedule
182 another preapplication conference.

183 D. At or subsequent to a preapplication conference, the department may issue a
184 preliminary determination that a proposed development is not permissible under
185 applicable county policies or regulatory enactments. In that event, the applicant shall
186 have the option to appeal the preliminary determination to the hearing examiner in the
187 manner provided for a Type 2 permit, as an alternative to proceeding with a complete
188 application. Mailed and published notice of the appeal shall be provided for as in K.C.C.
189 20.20.060.H. and I.

190 NEW SECTION. SECTION 6. A new section is hereby added to K.C.C. chapter
191 21A.06 to read as follows:

192 Accessory use: A use, structure or activity that is:

- 193 A. Customarily associated with a principal use;
194 B. Located on the same site as the principal use; and
195 C. Subordinate and incidental to the principal use.

196 SECTION 7. Ordinance 10870, Section 43, and K.C.C. 21A.06.015 are each
197 hereby amended to read as follows:

198 Accessory use, commercial/industrial: ~~((A. A))~~ an accessory use ~~((that is~~
199 ~~subordinate and incidental))~~ to a commercial or industrial use~~((;))~~, including, but not
200 limited to ~~((the following uses))~~:

- 201 ~~((1.))~~ A. Administrative offices;
- 202 ~~((2.))~~ B. Employee exercise facilities;
- 203 ~~((3.))~~ C. Employee food service facilities;
- 204 ~~((4.))~~ D. Incidental storage of raw materials and finished products sold or
- 205 manufactured on-site;
- 206 ~~((5.))~~ E. Business owner or caretaker residence;
- 207 ~~((6.))~~ F. Cogeneration facilities; and
- 208 ~~((7.))~~ G. Ground maintenance facilities.

209 ~~((B. Some accessory uses within the scope of this section may be defined~~

210 ~~separately to enable the code to apply different conditions of approval.))~~

211 SECTION 8. Ordinance 10870, Section 44, as amended, and K.C.C. 21A.06.020

212 are each hereby amended to read as follows:

213 Accessory use, residential: ~~((A. A))~~ an accessory use~~((, structure, or activity~~

214 ~~which is subordinate and incidental))~~ to a ~~((residence))~~ residential use, including, but not

215 limited to ~~((the following uses))~~:

- 216 ~~((1.))~~ A. Accessory living quarters and dwellings;
- 217 ~~((2.))~~ B. Fallout~~((/))~~ or bomb shelters;
- 218 ~~((3.))~~ C. Keeping household pets or operating a hobby cattery or hobby kennel;
- 219 ~~((4.))~~ D. On-site rental office;
- 220 ~~((5.))~~ E. Pools, private docks~~((,))~~ or piers;
- 221 ~~((6.))~~ F. Antennae for private telecommunication services;
- 222 ~~((7.))~~ G. Storage of yard maintenance equipment; ~~((or))~~

223 ~~((8.))~~ H. Storage of private vehicles, ~~((e.g.))~~ such as motor vehicles, boats,
224 trailers or planes;

225 ~~((9.))~~ I. Greenhouses;

226 J. Recreation space areas required under K.C.C. 21A.14.180 and play areas
227 required under K.C.C. 21A.14.190; and

228 K. Home occupations and home industries under K.C.C. chapter 21A.30.

229 ~~((B. Some accessory uses within the scope of this section may be defined~~
230 ~~separately to enable the code to apply different conditions of approval.))~~

231 SECTION 9. Ordinance 10870, Section 45, and K.C.C. 21A.06.025 are each
232 hereby amended to read as follows:

233 Accessory use, resource: ~~((A. A))~~ an accessory use~~((, structure, or part of a~~
234 ~~structure, which is customarily subordinate and incidental))~~ to a resource use, including,
235 but not limited to ~~((the following uses))~~:

236 ~~((1.))~~ A. Housing of agricultural workers; ~~((or))~~ and

237 ~~((2.))~~ B. Storage of agricultural products or equipment used on site.

238 ~~((B. Some accessory uses within the scope of this section may be defined~~
239 ~~separately to enable the code to apply different conditions of approval.))~~

240 SECTION 10. Ordinance 10870, Section 75, and K.C.C. 21A.06.175 are each
241 hereby amended to read as follows:

242 Cattery, commercial: ~~((a place where adult cats are temporarily boarded for~~
243 ~~compensation, whether or not for training. An adult cat is of either sex, altered or~~
244 ~~unaltered, that has reached the age of six months)) an establishment or facility where four~~

245 or more cats are kept for commercial purposes, including, but not limited to, boarding,
246 breeding and training.

247 NEW SECTION. SECTION 11. A new section is hereby added to K.C.C.
248 chapter 21A.06 to read as follows:

249 A. Cattery, hobby: means a noncommercial cattery at or adjoining a private
250 residence where four or more cats are bred or kept for exhibition for organized shows or
251 the enjoyment of the species.

252 B. For purposes of this section, "noncommercial purposes" includes:

253 1. The breeding and sale of no more than two litters per applicable license year
254 per female cat; and

255 2. The training of cats, but not for compensation.

256 SECTION 12. Ordinance 10870, Section 135, as amended, and K.C.C.

257 21A.06.475 are each hereby amended to read as follows:

258 Flood hazard area: any area subject to inundation by the base flood or at risk
259 from channel migration including, but not limited to, an aquatic area, wetland or closed
260 depression. A flood hazard area may contain one or more of the following components:

261 A. Floodplain;

262 B. Zero-rise flood fringe;

263 C. Zero-rise floodway;

264 D. FEMA floodway; and

265 E. Channel migration zones.

266 SECTION 13. Ordinance 10870, Section 137, as amended, and K.C.C.

267 21A.06.485 are each hereby amended to read as follows:

268 Flood Insurance Study for King County and Incorporated Areas: the April 19,
269 2005, official report provided by FEMA that includes flood profiles and the Flood
270 Insurance Rate Map, along with any subsequently adopted revisions.

271 SECTION 14. Ordinance 10870, Section 172, and K.C.C. 21A.06.660 are each
272 hereby amended to read as follows:

273 Kennel, commercial: ~~((a place where adult dogs are temporarily boarded for~~
274 ~~compensation, whether or not for training. An adult dog is one of either sex, altered or~~
275 ~~unaltered, that has reached the age of six months)) an establishment or facility where four
276 or more dogs are kept for commercial purposes, including, but not limited to, boarding,
277 breeding and training. A commercial kennel does not include a dog daycare facility.~~

278 NEW SECTION. SECTION 15. A new section is hereby added to K.C.C.
279 chapter 21A.06 to read as follows:

280 A. Kennel, hobby: a noncommercial kennel at or adjoining a private residence
281 where four or more adult dogs are bred or kept for any combination of hunting, training
282 and exhibition for organized shows, for field, working or obedience trials or for the
283 enjoyment of the species.

284 B. For purposes of this section, "noncommercial purposes" includes:

285 1. The breeding and sale of no more than one litter per applicable license year
286 per female dog; and

287 2. The training of dogs, but not for compensation.

288 SECTION 16. Ordinance 10870, Section 200, and K.C.C. 21A.06.800 are each
289 hereby amended to read as follows:

290 Nonconformance: ~~((any))~~ a use, improvement or structure established in
291 conformance with King County's rules and regulations and other applicable local and
292 state rules and regulations in effect at the time ~~((of establishment))~~ the use, improvement
293 or structure was established that no longer conforms to ~~((the range of uses permitted in~~
294 ~~the site's current zone or to the current development standards of the code))~~ King
295 County's rules and regulations or other applicable local and state rules and regulations
296 due to changes in the ~~((code))~~ rules and regulations or ~~((its))~~ their application to the
297 subject property.

298 SECTION 17. Ordinance 10870, Section 207, as amended, and K.C.C.
299 21A.06.835 are each hereby amended to read as follows:

300 Park: a site ~~((designed or developed for recreational use by the public including,))~~
301 owned by the public for recreational, exercise or amusement purposes. Park facilities
302 include, but are not limited to:

303 A. Indoor facilities, such as:

- 304 1. Gymnasiums
305 2. Swimming pools; or
306 3. Activity centers;

307 B. Outdoor facilities, such as:

- 308 1. Playfields;
309 2. Fishing areas;
310 3. Picnic and related outdoor activity areas; or
311 4. Approved campgrounds;

312 C. Areas and trails for:

- 313 1. Hikers;
- 314 2. Equestrians;
- 315 3. Bicyclists; or
- 316 4. Off-road recreational vehicle users; and
- 317 D. ~~((Recreation space areas required under K.C.C. 21A.14.180;~~
- 318 ~~E. Play areas required under K.C.C. 21A.14.190; and~~
- 319 ~~F.))~~ Facilities for on-site maintenance.

320 NEW SECTION. SECTION 18. A new section is hereby added to K.C.C. chapter
321 21A.06 to read as follows:

322 Park, recreation or multiuse: a park owned by King County that is designated by
323 the department of natural resources and parks in the recreation category or the multiuse
324 category.

325 SECTION 19. Ordinance 14045, Section 7, and K.C.C. 21A.06.1013 are each
326 hereby amended to read as follows:

327 Rural equestrian community trail: an existing trail within the Equestrian
328 Community~~((, as mapped in the King County Comprehensive Plan,))~~ located in the A, F
329 or RA zones that has historically been used by the public for riding horses, and that may
330 also have historically been used by or is suitable for use by other non-motorized trail
331 users.

332 SECTION 20. Ordinance 10870, Section 309, and K.C.C. 21A.06.1345 are each
333 hereby amended to read as follows:

334 Use: ~~((activity or function carried out on an area of land, or in a building or~~
335 ~~structure located thereon. Any use subordinate or incidental to the primary use on a site~~

336 ~~is considered an accessory use))~~ the purpose for which land or a structure is designed,
337 built, arranged, intended, occupied, maintained, let or leased.

338 NEW SECTION. SECTION 21. A new section is hereby added to K.C.C.
339 chapter 21A.06 to read as follows:

340 Use, established: a use that has been in continuous operation for more than sixty
341 days and that conformed to King County's rules and regulations and to other applicable
342 local and state rules and regulations at the time it began operation and throughout the
343 sixty days.

344 SECTION 22. Ordinance 10870, Section 328, and K.C.C. 21A.08.010 are each
345 hereby amended to read as follows:

346 ~~((The use of a property is defined by the activity for which the building or lot is~~
347 ~~intended, designed, arranged, occupied, or maintained. The use is considered~~
348 ~~permanently established when that use will or has been in continuous operation for a~~
349 ~~period exceeding sixty days. A use which will operate for less than sixty days is~~
350 ~~considered a temporary use, and subject to the requirements of K.C.C. 21A.32 of this~~
351 ~~title.)) Uses permitted under this chapter are subject to ((A))all applicable ((requirements
352 of this code, or)) King County rules and regulations and other applicable local, state or
353 federal ((requirements, shall govern a use located in unincorporated King County)) rules
354 and regulations.~~

355 NEW SECTION. SECTION 23. A new section is hereby added to K.C.C.
356 chapter 21A.08 to read as follows:

357 Any accessory use not expressly permitted by this chapter or by the director shall
358 be prohibited. The director may determine whether any accessory use on a site is

359 incidental or subordinate to a principal use on the same site and whether uses not listed as
 360 accessory uses are customarily associated with a principal use. The director shall
 361 consider the purpose of the zone in K.C.C. chapter 21A.04 in making these
 362 determinations.

363 SECTION 24. Ordinance 10870, Section 330, as amended, and K.C.C.
 364 21A.08.030 are each hereby amended to read as follows:

365 A. Residential land uses.

KEY		RESOURC			R	RESIDENTI			COMMERCIAL/INDUST				
		E				U	AL				RIAL		
P-Permitted Use		A	F	M	R	* R	U	R	N B	C B	R B	O I	
C-Conditional Use		G	O	I	U	U	R	E	E U	O U	E U	F N	
S-Special Use	Z	R	R	N	R	R S	B S		I S	M S	G S	F D	
	O	I	E	E	A	B E	A I		C I	M I	I I	I U	
	N	C	S	R	L	A R	N D		H N	U N	O N	C S	
	E	U	T	A		N V	E		B E	N E	N E	E T	
	L			L	A	E	N		C S	I S	A S	R	
	T				R		T		R S	T S	L S	I	
	U				E		I		H	Y		A	
	R				A		A		C			L	

		E					L	C					
SIC #	SPECIFIC LAND USE	A	F	M	R	U	R1	R12	NB	CB	RB	O	I
	DWELLING UNITS, TYPES:												
*	Single Detached	P ((€ H)) <u>C1</u> <u>2</u>	P2		P ((€ H)) <u>C1</u> <u>2</u>	P ((€ H)) <u>C1</u> <u>2</u>	P ((€ H)) <u>C1</u> <u>2</u>	P ((€ H)) <u>C12</u>	P15				
*	Townhouse				C4	C4	((P H € θ)) <u>P1</u> <u>1</u> <u>C1</u> <u>2</u>	P	P3	P3	P3	P3	
*	Apartment				C4	C4	P5 C5	P	P3	P3	P3	P3	

*	Mobile Home Park				((S 12)) S1 3		((C 7)) C8	P					
*	Cottage Housing						((P 14)) P1 5						
	GROUP RESIDENCES:												
*	Community Residential Facility-I			C	C		((P 13. a)) P1 4.a C	P	P3	P3	P3	P3	
*	Community Residential Facility-II						((P 13. b)) P1	P	P3	P3	P3	P3	

							<u>4.b</u>						
*	Dormitory				((C 5)) <u>C6</u>	((C 5)) <u>C6</u>	((C 5)) <u>C6</u>	P					
*	Senior Citizen Assisted Housing				P4	P4	P	P3	P3	P3	P3		
	ACCESSORY USES:												
*	Residential Accessory Uses	((P 6 P4 6)) <u>P7</u> <u>P1</u> <u>7</u>	((P 6)) <u>P7</u>		((P 6)) <u>P7</u>	((P 6)) <u>P7</u>	((P 6)) <u>P7</u>	((P6) <u>P7</u>	((P6) <u>P7</u>	((P6) <u>P7</u>	((P6) <u>P7</u>	((P6) <u>P7</u>	
*	Home Occupation	((P 17)) <u>P1</u> <u>8</u>	((P 17)) <u>P1</u> <u>8</u>		((P 17)) <u>P1</u> <u>8</u>	((P 17)) <u>P1</u> <u>8</u>	((P 17)) <u>P1</u> <u>8</u>	((P1 7)) <u>P18</u>	((P1 7)) <u>P18</u>	((P1 7)) <u>P18</u>	((P1 7)) <u>P18</u>	((P1 7)) <u>P1</u> <u>8</u>	
*	Home Industry	C			C	C	C						
	TEMPORARY												

LODGING:												
701 1	Hotel/Motel (1)									P	P	P
*	Bed and Breakfast Guesthouse	((P 8)) <u>P9</u>		((P 8)) <u>P9</u>	((P 8)) <u>P9</u>	((P 8)) <u>P9</u>	((P8) P9) <u>P9</u>	((P8) P9) <u>P10</u>	((P9) P9) <u>P10</u>			
704 1	Organization Hotel/Lodging Houses										P	
GENERAL CROSS		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070;										
REFERENCES:		Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06.										

366

B. Development conditions.

367

1. Except bed and breakfast guesthouses.

368

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

369

a. Site disturbance associated with development of any new residence shall be

370

limited to three acres. Site disturbance shall mean all land alterations including, but not

371

limited to, grading, utility installation, landscaping, clearing for crops, on-site sewage

372

disposal systems and driveways. Additional site disturbance for agriculture, including

373

raising livestock, up to the smaller of thirty-five percent of the lot or seven aces, may be

374 approved only if a farm management (~~(((conservation)))~~) plan is prepared in accordance
375 with K.C.C. chapter 21A.30. Animal densities shall be based on the area devoted to
376 animal care and not the total area of the lot;

377 b. A forest management plan shall be required for any new residence in the
378 forest production district, that shall be reviewed and approved by the King County
379 department of natural resources and parks before building permit issuance; and

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

382 3. Only as part of a mixed use development subject to the conditions of K.C.C.
383 chapter 21A.14, except that in the NB zone on properties with a land use designation of
384 commercial outside of center (CO) in the urban areas, stand-alone townhouse
385 developments are permitted subject to K.C.C. 21A.12.040, 21A.14.030, 21A.14.060 and
386 21A.14.180.

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

389 5.a. In the R-1 zone, apartment units are permitted, if:

390 (1) At least fifty percent of the site is constrained by unbuildable critical
391 areas. For purposes of this subsection, unbuildable critical areas includes wetlands,
392 aquatic areas and slopes forty percent or steeper and associated buffers; and

393 (2) The density does not exceed a density of eighteen units per acre of net
394 buildable area.

395 b. In the R-4 through R-8 zones, apartment units are permitted if the density
396 does not exceed a density of eighteen units per acre of net buildable area.

397 c. If the proposal will exceed base density for the zone in which it is proposed,
398 a conditional use permit is required.

399 ~~((5-))~~ 6. Only as accessory to a school, college, university or church.

400 ~~((6-))~~ 7.a. Accessory dwelling units:

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

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

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

404 (b) except as otherwise provided in subsection ~~((B.6.a.(5)))~~ B.7.a.(5) of this

405 section, a rural lot that is less than the minimum lot size; or

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

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

408 occupied;

409 (4)(a) Except as otherwise provided in subsection ~~((B.6.a.(5)))~~ B.7.a.(5) of

410 this section, one of the dwelling units shall not exceed one thousand square feet of heated

411 floor area except when one of the dwelling units is wholly contained within a basement

412 or attic; and

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

414 building, or in multiple buildings connected by a breezeway or other structure, only one

415 entrance may be located on each street;

416 (5) On a site zoned RA:

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

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

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

420 (b) If one transferable development right is purchased from the rural area
421 under K.C.C. chapter 21A.37, a detached accessory dwelling unit is allowed on an RA-5
422 zoned lot that is at least two and one-half acres and less than three and three-quarters
423 acres;

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

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

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

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

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

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

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

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

448 ~~((7.))~~ 8. Mobile home parks shall not be permitted in the R-1 zones.

449 ~~((8.))~~ 9. Only as accessory to the permanent residence of the operator, and:

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

451 b. The number of persons accommodated per night shall not exceed five,
452 except that a structure that satisfies the standards of the International Building Code as
453 adopted by King County for R-1 occupancies may accommodate up to ten persons per
454 night.

455 ~~((9.))~~ 10. Only if part of a mixed use development, and subject to the conditions
456 of subsection ~~((B.8.))~~ B.9. of this section.

457 ~~((10.))~~ 11. Townhouses are permitted, but shall be subject to a conditional use
458 permit if exceeding base density.

459 ~~((11.))~~ 12. Required before approving more than one dwelling on individual
460 lots, except on lots in subdivisions, short subdivisions or binding site plans approved for
461 multiple unit lots, and except as provided for accessory dwelling units in subsection
462 ~~((B.6.))~~ B.7. of this section.

463 ~~((12.))~~ 13. No new mobile home parks are allowed in a rural zone.

464 ~~((13.))~~ 14.a. Limited to domestic violence shelter facilities.

465 b. Limited to domestic violence shelter facilities with no more than eighteen
466 residents or staff.

467 ~~((14.))~~ 15. Only in the R4-R8 zones limited to:

468 a. developments no larger than one acre;

469 b. not adjacent to another cottage housing development such that the total
470 combined land area of the cottage housing developments exceeds one acre;

471 c. All units must be cottage housing units with no less than three units and no
472 more than sixteen units, provided that if the site contains an existing home that is not
473 being demolished, the existing house is not required to comply with the height limitation
474 in K.C.C. 21A.12.020.B.25. or the floor area and footprint limits in K.C.C.
475 21A.14.025.B; and

476 d. Before filing an application with the department, the applicant shall hold a
477 community meeting in accordance with K.C.C. 20.20.035.

478 ~~((15.))~~ 16. The development for a detached single-family residence shall be
479 consistent with the following:

480 a. The lot must have legally existed before March 1, 2005;

481 b. The lot has a Comprehensive Plan land use designation of Rural
482 Neighborhood Commercial Center or Rural Area; and

483 c. The standards of this title for the RA-5 zone shall apply.

484 ~~((16.))~~ 17. Housing for agricultural employees who are employed by the owner
485 or operator of the site year-round as follows:

486 a. Not more than:

487 (1) One agricultural employee dwelling unit on a site under twenty acres;

488 (2) Two agricultural employee dwelling units on a site between twenty acres
489 and fifty acres;

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

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

494 b. The primary use of the site shall be agricultural in SIC Industry Group No.
495 01-Growing and Harvesting Crops or SIC Industry Group No. 02-Raising Livestock and
496 Small Animals. If the primary use of the site changes to a nonagricultural use, all
497 agricultural employee dwelling units shall be removed;

498 c. The applicant shall file with the department of executive services, records
499 and licensing services division, a notice approved by the department that identifies the
500 agricultural employee dwelling units as accessory and that the dwelling units shall only
501 be occupied by agricultural employees who are employed by the owner or operator year-
502 round. The notice shall run with the land. The applicant shall submit to the department
503 proof that the notice was filed with the department of executive services, records and
504 licensing services division, before the department approves any permit for the
505 construction of agricultural employee dwelling units;

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

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

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

513 ((17:)) 18. Allowed if consistent with K.C.C. chapter 21A.30.

514 SECTION 25. Ordinance 10870, Section 331, as amended, and K.C.C.
 515 21A.08.040 are each hereby amended to read as follows:

516 A. Recreational/cultural land uses.

KEY		RESOURCE			R U R A L	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	A	E		N	O S	I S	A S		R
		T			R			T	R S	T S	L S		I
		U			E			I	H	Y			A
		R			A			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 C16 a	P16 C16 a							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/ENTER TAINMENT:												
*	Adult Entertainment Business									P6	P6	P6	
*	Theater									P	P	P	P25
783 3	Theater, Drive-in										C		
793	Bowling Center									P	P		P
*	Golf Facility				C7 and 18	P7	P7	P7					
799 9 (14)	Amusement and Recreation Services		P21	P21	P8 P21 C15 and	P8 P21 P22 C15	P8 P21 P22 C15	P8 P21 P22 C15	P21 P22	P	P	P2 1	P21

					18								
*	Indoor Paintball Range									P26	P26		P26
*	Outdoor Paintball Range				C27	C27							
*	Shooting Range		C9		C9 and 18						C10		P10
*	Amusement Arcades									P	P		
799 6	Amusement Park										C		
*	Outdoor Performance Center		S		C12 S18		P20	P20			S		
CULTURAL:													
823	Library				P11	P11 C	P11 C	P28	P	P	P	P	
841	Museum	C2 3	C23		P11	P11 C	P11 C	P28	P	P	P	P	P
842	Arboretum	P	P		P	P	P	P	P	P	P	P	
*	Conference Center				((P1 +)) <u>P29</u> C12	((P1 +)) <u>P29</u> C12	((P1 +)) <u>P29</u> C	((P1 +)) <u>P29</u> C	P	P	P	P	
GENERAL CROSS		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development											
REFERENCES:		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.											

517

B. Development conditions.

518

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

519

a. No stadiums on sites less than ten acres;

520 b. Lighting for structures and fields shall be directed away from rural area and
521 residential zones;

522 c. Structures or service yards shall maintain a minimum distance of fifty feet
523 from property lines adjoining rural area and residential zones, except for fences(~~(-wire)~~)
524 and mesh backstops (~~((and structures in on-site recreation areas required in K.C.C.~~
525 ~~21A.14.180 and 21A.14.190. Setback requirements for structures in these on-site~~
526 ~~required recreation areas shall be maintained in accordance with K.C.C. 21A.12.030))~~);

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

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

530 2. Recreational vehicle parks are subject to the following conditions and
531 limitations:

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

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

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

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

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

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

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

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

549 5. Limited to day moorage.

550 6.a. Adult entertainment businesses shall be prohibited within three hundred
551 thirty feet of any property zoned RA, UR or R or containing schools, licensed daycare
552 centers, public parks or trails, community centers, public libraries or churches. In
553 addition, adult entertainment businesses shall not be located closer than three thousand
554 feet to any other adult entertainment business. These distances shall be measured from
555 the property line of the parcel or parcels proposed to contain the adult entertainment
556 business to the property line of the parcels zoned RA, UR or R or that contain the uses
557 identified in this subsection B.6.a.

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

563 7. Clubhouses, maintenance buildings, equipment storage areas and driving
564 range tees shall be at least fifty feet from rural area and residential zoned property lines.

565 Lighting for practice greens and driving range ball impact areas shall be directed away
566 from adjoining rural area and residential zones. Applications shall comply with adopted
567 best management practices for golf course development. Within the RA zone, those
568 facilities shall be permitted only in the RA-5 and RA-2.5 zones. Not permitted in
569 designated rural forest focus area, regionally significant resource areas or locally
570 significant resource areas. Ancillary facilities associated with a golf course are limited to
571 practice putting greens, maintenance buildings and other structures housing
572 administrative offices or activities that provide convenience services to players. These
573 convenience services are limited to a pro shop, food services and dressing facilities and
574 shall occupy a total of no more than ten thousand square feet. Furthermore, the residential
575 density that is otherwise permitted by the zone shall not be used on other portions of the
576 site through clustering or on other sites through the transfer of density provision. This
577 residential density clustering or transfer limitation shall be reflected in a deed restriction
578 that is recorded at the time applicable permits for the development of the golf course are
579 issued.

580 8. Limited to golf driving ranges, only as:

581 a. accessory to golf courses; or

582 b. accessory to a (~~large active~~) recreation (~~and~~) or multiuse park.

583 9.a. New structures and outdoor ranges shall maintain a minimum distance of
584 fifty feet from property lines adjoining rural area and residential zones, but existing
585 facilities shall be exempt.

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

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

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

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

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

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

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

600 11. Only as accessory to a park or in a building listed on the National Register
601 as an historic site or designated as a King County landmark subject to K.C.C. chapter
602 21A.32.

603 12.a. Only as accessory to a nonresidential use established through a
604 discretionary permit process, if the scale is limited to ensure compatibility with
605 surrounding neighborhoods(~~(. This condition applies to)~~); and

606 b. In the UR zone, only if the property is located within a designated
607 unincorporated rural town.

608 13. Subject to the following:

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

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

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

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

618 14. Excluding amusement and recreational uses classified elsewhere in this
619 chapter.

620 15. For amusement and recreation services not otherwise provided for in this
621 chapter:

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

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

626 c((5)). Does not involve the operation of motor vehicles or off-road vehicles,
627 including, but not limited to, motorcycles and go-carts.

628 16. Subject to the following conditions:

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

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

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

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

637 19. Only as an accessory to a ~~((large active))~~ recreation ~~((and))~~ or multiuse
638 park.

639 20. Only as an accessory to a ~~((large active))~~ recreation ~~((and))~~ or multiuse park
640 of least twenty acres located within the urban growth area or on a site immediately
641 adjacent to the urban growth area with the floor area of an individual outdoor
642 performance center stage limited to three thousand square feet.

643 21. Limited to rentals of sports and recreation equipment with a total floor area
644 of no more than seven hundred fifty square feet and only as accessory to a park, or in the
645 RA zones, to a ~~((large active))~~ recreation ~~((and))~~ or multiuse park.

646 22. Only as accessory to a ~~((large active))~~ recreation ~~((and))~~ or multiuse park
647 and limited to:

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

649 b. rentals of sports and recreation equipment.

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

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

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

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

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

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

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

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

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

675 (b) For a camp established before August 11, 2005, with a conditional use
676 permit and that is one hundred and sixty acres or larger, but less than two hundred acres,
677 the number of overnight campers, not including camp personnel, may be up to three

678 hundred and fifty campers over the limit established by subsection B.24.c.(1)(b) of this
679 section. The camp may terminate operations at its existing site and establish a new camp
680 if the area of the camp is greater than two hundred and fifty acres and the number of
681 overnight campers, not including camp personnel, shall not exceed seven hundred.

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

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

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

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

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

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

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

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

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

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

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

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

715 27. Minimum standards for outdoor paintball recreation fields:

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

717 b. Structure shall be no closer than one hundred feet from any lot line adjacent
718 to a rural area or residential zoned property;

719 c. The area where paintballs are discharged shall be located more than three
720 hundred feet of any lot line and more than five hundred feet from the lot line of any
721 adjoining rural area or residential zoned property. The department may allow for a lesser
722 setback if it determines through the conditional use permit review that the lesser setback

723 in combination with other elements of the site design provides adequate protection to
724 adjoining properties and rights-of-ways;

725 d. A twenty-foot high nylon mesh screen shall be installed around all play
726 areas and shall be removed at the end of each day when the play area is not being used.

727 The department may allow for the height of the screen to be lowered to no less than ten
728 feet if it determines through the conditional use permit review that the lower screen in
729 combination with other elements of the site design provides adequate protection from
730 discharged paintballs;

731 e. All parking and spectator areas, structures and play areas shall be screened
732 from adjoining rural area or residential zoned property and public rights of way with
733 Type 1 landscaping at least ten feet wide;

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

736 g. A plan of operations specifying days and hours of operation, number of
737 participants and employees, types of equipment to be used by users of the site, safety
738 procedures, type of compressed air fuel to be used on the site and storage and
739 maintenance procedures for the compressed air fuel shall be provided for review in
740 conjunction with the conditional use permit application. All safety procedures shall be
741 reviewed and approved by department of public safety before submittal of the conditional
742 use permit application. All activities shall be in compliance with National Paintball
743 League standards;

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

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

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

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

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

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

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

761 28. Before filing an application with the department, the applicant shall hold a
762 community meeting in accordance with K.C.C. 20.20.035.

763 29. Only as accessory to a recreation or multiuse park of least twenty acres
764 located within the urban growth area or on a site immediately adjacent to the urban
765 growth area or in a building listed on the National Register as an historic site or
766 designated as a King County landmark subject to K.C.C. chapter 21A.32.

767 SECTION 26. Ordinance 10870, Section 332, as amended, and K.C.C.

768 21A.08.050 are each hereby amended to read as follows:

769 A. General services land uses.

KEY		RESOURCE			R U R A L	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	A		E	N		O	S	I	S	A	S		R
		T			R			T		R	S	T	S	L	S		I
		U			E			I		H		Y					A
		R			A			A		O							L
		E						L		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,				P24	P24	P24	P24	P24	P24	P24	P24	P24	P24			

	Columbarium or Mausoleum				C5 and 31	C5	C5	C5	C5			C5		
*	Day Care I	P6			P6	P6	P6	P	P	P	P	P	P7	P7
*	Day Care II				P8 C	P8 C	P8 C	P8 C	P	P	P	P	P7	P7
074	Veterinary Clinic	P9			P9 C10 and 31	P9 C10			P10	P10	P10			P
753	Automotive Repair (1)								P11	P	P			P
754	Automotive Service								P11	P	P			P
76	Miscellaneous Repair	P33			P32 P33	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 P13 C31	P12 P13 C	P12 P13 C	P12 P13 C	P	P	P	P		
0752	Animal specialty services				C P35 P36	C			P	P	P	P	P	P
*	Stable	P14 C			P14 C31	P14 C	P 14 C							
*	<u>Commercial Kennel</u> or <u>Commercial Cattery</u>	((P9)) P42			C43	C43				C43	P43			
*	Theatrical Production Services									P30	P28			
*	Artist Studios				P28	P28	P28	P28	P	P	P	P29	P	
*	Interim Recycling				P21	P21	P21	P21	P22	P22	P	P21	P	

	Facility											
*	Dog training facility	C34		C34	C34			P	P	P		P
	HEALTH SERVICES:											
801-04	Office/Outpatient Clinic			P12 C 13a	P12 C13a	P12 C13 a C37	P12 C13a C37	P	P	P	P	P
805	Nursing and Personal Care Facilities						C		P	P		
806	Hospital					C13 a	C13a		P	P	C	
807	Medical/Dental Lab								P	P	P	P
808-09	Miscellaneous Health								P	P	P	
	EDUCATION SERVICES:											
*	Elementary School			P39 P40	P	P	P		P16 P40	P16 P40	P16 P40	
*	Middle/Junior High School			P40 C39 and 31	P	P	P		P16 C40	P16 C40	P16 C40	
*	Secondary or High School			C39 and 31 C41an d 31	P26	P26	P26		P16 C15	P16 C15	P16	
*	Vocational School				P13a C	P13 a C	P13a C			P15	P17	P
*	Specialized		P1	P19	P19	P19	P19	P	P	P	P17	P 38

	Instruction School		8		C20 and 31	C20	C20	C20					
*	School District Support Facility					P23 C	P23 C	P23 C	C15	P15	P15	P15	P15
GENERAL CROSS		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards,											
REFERENCES:		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.											

- 770 B. Development conditions.
- 771 1. Except SIC Industry No. 7534-Tire Retreading, see manufacturing permitted
- 772 use table.
- 773 2. Except SIC Industry Group Nos.:
- 774 a. 835-Day Care Services, and
- 775 b. Community residential facilities.
- 776 3. Limited to SIC Industry Group and Industry Nos.:
- 777 a. 723-Beauty Shops;
- 778 b. 724-Barber Shops;
- 779 c. 725-Shoe Repair Shops and Shoeshine Parlors;
- 780 d. 7212-Garment Pressing and Agents for Laundries and Drycleaners; and
- 781 e. 217-Carpet and Upholstery Cleaning.
- 782 4. Only as accessory to a cemetery, and prohibited from the UR zone only if the
- 783 property is located within a designated unincorporated Rural Town.
- 784 5. Structures shall maintain a minimum distance of one hundred feet from
- 785 property lines adjoining rural area and residential zones.
- 786 6. Only as accessory to residential use, and:

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

789 b. Outdoor play equipment shall maintain a minimum distance of twenty feet
790 from property lines adjoining rural area and residential zones.

791 7. Permitted as an accessory use. See commercial/industrial accessory, K.C.C.
792 21A.08.060.A.

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

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

798 b. Outdoor play equipment shall maintain a minimum distance of twenty feet
799 from property lines adjoining rural area and residential zones;

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

802 d. Hours of operation may be restricted to assure compatibility with
803 surrounding development.

804 9.~~((a))~~ As a home occupation only, but the square footage limitations in K.C.C.
805 chapter 21A.30 for home occupations apply only to the office space for the veterinary
806 clinic~~((, office space for the kennel or office space for the cattery))~~, and:

807 ~~((1))~~ a. Boarding or overnight stay of animals is allowed only on sites of five
808 acres or more;

809 ~~((2))~~ b. No burning of refuse or dead animals is allowed;

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

814 ~~((4))~~ d. The provisions of K.C.C. chapter 21A.30 relative to animal keeping
815 are met.

816 ~~((b. The following additional provisions apply to kennels or catteries in the A
817 zone:~~

818 ~~(1) Impervious surface for the kennel or cattery shall not exceed twelve
819 thousand square feet;~~

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

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

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

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

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

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

833 12. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.
834 Before filing an application with the department, the applicant shall hold a community
835 meeting in accordance with K.C.C. 20.20.035.

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

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

841 c. Before filing an application with the department, the applicant shall hold a
842 community meeting in accordance with K.C.C. 20.20.035.

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

846 15. If located outside of the urban growth area, limited to projects that are of a
847 size and scale designed to primarily serve the rural area and shall be located within a rural
848 town.

849 16. If located outside of the urban growth area, shall be designed to primarily
850 serve the rural area and shall be located within a rural town. In CB, RB and O, for K-12
851 schools with no more than one hundred students.

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

853 18. Limited to resource management education programs.

854 19. Only as accessory to residential use, and:

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

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

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

861 d. Structures used for the school shall maintain a distance of twenty-five feet
862 from property lines adjoining rural area and residential zones.

863 20. Subject to the following:

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

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

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

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

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

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

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

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

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

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

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

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

894 21. Limited to:

895 a. drop box facilities accessory to a public or community use such as a school,
896 fire station or community center; or

897 b. in the RA zone, a facility accessory to a retail nursery, garden center and
898 farm supply store that accepts earth materials, vegetation, organic waste, construction and
899 demolition materials or source separated organic materials, if:

900 (1) the site is five acres or greater;

901 (2) all material is deposited into covered containers or onto covered
902 impervious areas;

903 (3) the facility and any driveways or other access to the facility maintain a
904 setback of at least twenty five feet from adjacent properties;

905 (4) the total area of the containers and covered impervious area is ten
906 thousand square feet or less;

907 (5) ten feet of type II landscaping is provided between the facility and
908 adjacent properties;

909 (6) no processing of the material is conducted on site; and

910 (7) access to the facility is not from a local access street.

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

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

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

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

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

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

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

926 28. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter
927 21A.32 or as a joint use of an existing public school facility.

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

929 30. Adult use facilities shall be prohibited within six hundred sixty feet of the
930 rural area and residential zones, any other adult use facility, school, licensed daycare
931 centers, parks, community centers, public libraries or churches that conduct religious or
932 educational classes for minors.

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

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

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

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

940 33. Accessory to agricultural or forestry uses provided:

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

943 b. the lot is at least five acres.

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

947 34. Subject to the following:

948 a. the lot is at least five acres;

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

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

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

957 35. Limited to animal rescue shelters and provided that:

958 a. the property shall be at least four acres;

959 b. buildings used to house rescued animals shall be no less than fifty feet from
960 property lines;

961 c. outdoor animal enclosure areas shall be located no less than thirty feet from
962 property lines and shall be fenced in a manner sufficient to contain the animals;

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

965 e. the facility shall maintain normal hours of operation no earlier than 7 a.m.

966 and no later than 7 p.m.

- 967 36. Limited to kennel-free dog boarding and daycare facilities, and:
968 a. the property shall be at least four and one-half acres;
969 b. buildings housing dogs shall be no less than seventy-five feet from property
970 lines;
971 c. outdoor exercise areas shall be located no less than thirty feet from property
972 lines and shall be fenced in a manner sufficient to contain the dogs;
973 d. the number of dogs allowed on the property at any one time shall be limited
974 to the number allowed for hobby kennels, as provided in K.C.C. 11.04.060.B; and
975 e. training and grooming are ancillary services that may be provided only to
976 dogs staying at the facility; and
977 f. the facility shall maintain normal hours of operation no earlier than 7 a.m.
978 and no later than 7 p.m.
- 979 37. Not permitted in R-1 and subject to the additional requirements in K.C.C.
980 21A.12.250.
- 981 38. Driver training is limited to driver training schools licensed under chapter
982 46.82 RCW.
- 983 39. A school may be located outside of the urban growth area only if allowed
984 under King County Comprehensive Plan policies.
- 985 40. Only as a reuse of an existing public school.
- 986 41. A high school may be allowed as a reuse of an existing public school if
987 allowed under King County Comprehensive Plan policies.
- 988 42. Commercial kennels and commercial catteries in the A zone are subject to
989 the following:
-

990 a. Only as a home occupation, but the square footage limitations in K.C.C.
 991 chapter 21A.30.085 for home occupations apply only to the office space for the
 992 commercial kennel or commercial cattery; and

993 b. Subject to K.C.C. 21A.30.020, except:

994 (1) A building or structure used for housing dogs or cats and any outdoor
 995 runs shall be set back one hundred and fifty feet from property lines;

996 (2) The portion of the building or structure in which the dogs or cats are kept
 997 shall be soundproofed;

998 (3) Impervious surface for the kennel or cattery shall not exceed twelve
 999 thousand square feet; and

1000 (4) Obedience training classes are not allowed except as provided in
 1001 subsection B.34. of this section.

1002 43. Commercial kennels and commercial catteries are subject to K.C.C.
 1003 21A.30.020.

1004 SECTION 27. Ordinance 10870, Section 333, as amended, and K.C.C.
 1005 21A.08.060 are each hereby amended to read as follows:

1006 A. Government/business services land uses.

KEY	RESOURCE			R U R A L	RESIDENTIAL				COMMERCIAL/INDUSTRIAL								
	A	F	M		U	R	U	R	N	B	C	B	R	B	O	I	
P-Permitted Use				R	U	R	U	R	N	B	C	B	R	B	O	I	
C-Conditional Use				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 N E	I C U L T U R E	E S T A L	E R A R E A	A L A R E A	A E R V E N T S	A I N D E N T I A L	G I H B E N E F I C I A L	M I N U S T R Y	I N T E R N A T I O N A L	I N T E R N A T I O N A L	I N T E R N A T I O N A L	U N I T E D S T A T E S
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1 -8	R1 2- 48	NB	CB	RB	O	I (30)	
	GOVERNMENT SERVICES:													
*	Public agency or utility office				P3 C5	P3 C5	P3 C	P3 C	P	P	P	P	P1 6	
*	Public agency or utility yard				P27	P27	P2 7	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	P2 9 C2 8	P2 9 C2 8	P2 9 C2 8	P29 C2 8 and 33	P29 C28	P2 9 C2 8	P29 C2 8	P	P	P	P	P	
*	Commuter Parking Lot				C	C P19	C	C	P	P	P	P	P3	

					33 P19		P1 9	19					5
*	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	P1 8	P18	P31	P31	P31	P3 1	P
	BUSINESS SERVICES:												
*	Construction and Trade				P34						P	P9	P
*	Individual Transportation and Taxi									P25	P	P1 0	P
421	Trucking and Courier Service									P11	P12	P1 3	P
*	Warehousing, (1) and Wholesale Trade												P
*	Self-service Storage							P14	P37	P	P	P	P
4221	Farm Product	P1			P15	P15,							P
4222	Warehousing, Refrigeration and Storage	5 C3 6			and 33 C3 6	C36							
*	Log Storage	P1 5	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	P1 6
*	Professional Office								P	P	P	P	P1 6
7312	Outdoor Advertising Service										P	P1 7	P
735	Miscellaneous Equipment Rental									P17	P	P1 7	P
751	Automotive Rental and Leasing									P	P		P
752	Automotive Parking								P20 _a	P20 _b	P21	P2 0 _a	P
*	Off-Street Required Parking Lot				P32	P32	P3 2	P32	P32	P32	P32	P3 2	P3 2
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	C2 3	C2 3	C23	C23	C24	C2 3	C2 4
<p>GENERAL Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see</p> <p>CROSS chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38;</p> <p>REFERENC Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*) Definition of this</p>													

ES: specific land use, see K.C.C. chapter 21A.06.

1007 B. Development conditions.

1008 1. Except self-service storage.

1009 2. Except SIC Industry No. 8732-Commercial Economic, Sociological, and
1010 Educational Research, see general business service/office.

1011 3.a. Only as a ~~((re-use))~~ reuse of a public school facility or a surplus
1012 nonresidential facility subject to ~~((the provisions of))~~ K.C.C. chapter 21A.32; or

1013 b. only when accessory to a fire facility and the office is no greater than one
1014 thousand five hundred square feet of floor area.

1015 4. Only as a ~~((re-use))~~ reuse of a surplus nonresidential facility subject to K.C.C.
1016 chapter 21A.32.

1017 5. New utility office locations only if there is no commercial/industrial zoning
1018 in the utility district, and not in the RA-10 or RA-20 zones unless it is demonstrated that
1019 no feasible alternative location is possible, and provided further that this condition
1020 applies to the UR zone only if the property is located within a designated unincorporated
1021 Rural Town.

1022 6.a. All buildings and structures shall maintain a minimum distance of twenty
1023 feet from property lines adjoining rural area and residential zones;

1024 b. Any buildings from which fire-fighting equipment emerges onto a street
1025 shall maintain a distance of thirty-five feet from such street;

1026 c. No outdoor storage; and

1027 d. Excluded from the RA-10 and RA-20 zones unless it is demonstrated that no
1028 feasible alternative location is possible.

- 1029 7. Limited to storefront police offices. Such offices shall not have:
- 1030 a. holding cells;
- 1031 b. suspect interview rooms (except in the NB zone); [or]**
- 1032 c. long-term storage of stolen properties.
- 1033 8. Private stormwater management facilities serving development proposals
- 1034 located on commercial/industrial zoned lands shall also be located on
- 1035 commercial/industrial lands, unless participating in an approved shared facility drainage
- 1036 plan. Such facilities serving development within an area designated urban in the King
- 1037 County Comprehensive Plan shall only be located in the urban area.
- 1038 9. No outdoor storage of materials.
- 1039 10. Limited to office uses.
- 1040 11. Limited to self-service household moving truck or trailer rental accessory to
- 1041 a gasoline service station.
- 1042 12. Limited to self-service household moving truck or trailer rental accessory to
- 1043 a gasoline service station and SIC Industry No. 4215-Courier Services, except by air.
- 1044 13. Limited to SIC Industry No. 4215-Courier Services, except by air.
- 1045 14. Accessory to an apartment development of at least twelve units provided:
- 1046 a. The gross floor area in self service storage shall not exceed the total gross
- 1047 floor area of the apartment dwellings on the site;
- 1048 b. All outdoor lights shall be deflected, shaded and focused away from all
- 1049 adjoining property;
- 1050 c. The use of the facility shall be limited to dead storage of household goods;

1051 d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or
1052 similar equipment;

1053 e. No outdoor storage or storage of flammable liquids, highly combustible or
1054 explosive materials or hazardous chemicals;

1055 f. No residential occupancy of the storage units;

1056 g. No business activity other than the rental of storage units; and

1057 h. A resident director shall be required on the site and shall be responsible for
1058 maintaining the operation of the facility in conformance with the conditions of approval.

1059 i. Before filing an application with the department, the applicant shall hold a
1060 community meeting in accordance with K.C.C. 20.20.035.

1061 15.a. The floor area devoted to warehousing, refrigeration or storage shall not
1062 exceed two thousand square feet;

1063 b. Structures and areas used for warehousing, refrigeration and storage shall
1064 maintain a minimum distance of seventy-five feet from property lines adjoining rural area
1065 and residential zones; and

1066 c. Warehousing, refrigeration and storage is limited to agricultural products
1067 and sixty percent or more of the products must be grown or processed in the Puget Sound
1068 counties. At the time of the initial application, the applicant shall submit a projection of
1069 the source of products to be included in the warehousing, refrigeration or storage.

1070 16. Only as an accessory use to another permitted use.

1071 17. No outdoor storage.

1072 18. Only as an accessory use to a public agency or utility yard, or to a transfer
1073 station.

1074 19. Limited to new commuter parking lots designed for thirty or fewer parking
1075 spaces or commuter parking lots located on existing parking lots for churches, schools, or
1076 other permitted nonresidential uses that have excess capacity available during
1077 commuting; provided that the new or existing lot is adjacent to a designated arterial that
1078 has been improved to a standard acceptable to the department of transportation;

1079 20.a. No tow-in lots for damaged, abandoned or otherwise impounded vehicle,
1080 and

1081 b. Tow-in lots for damaged, abandoned or otherwise impounded vehicles shall
1082 be:

1083 (1) permitted only on parcels located within Vashon Town Center;

1084 (2) accessory to a gas or automotive service use; and

1085 (3) limited to no more than ten vehicles.

1086 21. No dismantling or salvage of damaged, abandoned or otherwise impounded
1087 vehicles.

1088 22. Storage limited to accessory storage of commodities sold at retail on the
1089 premises or materials used in the fabrication of commodities sold on the premises.

1090 23. Limited to emergency medical evacuation sites in conjunction with police,
1091 fire or health service facility. Helistops are prohibited from the UR zone only if the
1092 property is located within a designated unincorporated Rural Town.

1093 24. Allowed as accessory to an allowed use.

1094 25. Limited to private road ambulance services with no outside storage of
1095 vehicles.

1096 26. Limited to two acres or less.

- 1097 27a. Utility yards only on sites with utility district offices; or
1098 b. Public agency yards are limited to material storage for road maintenance
1099 facilities.
- 1100 28. Limited to bulk gas storage tanks that pipe to individual residences but
1101 excluding liquefied natural gas storage tanks.
- 1102 29. Excluding bulk gas storage tanks.
- 1103 30. For I-zoned sites located outside the urban growth area designated by the
1104 King County Comprehensive Plan, uses shall be subject to the provisions for rural
1105 industrial uses in K.C.C. chapter 21A.12.
- 1106 31. Vactor waste treatment, storage and disposal shall be limited to liquid
1107 materials. Materials shall be disposed of directly into a sewer system, or shall be stored
1108 in tanks (or other covered structures), as well as enclosed buildings.
- 1109 32. Provided:
- 1110 a. Off-street required parking for a land use located in the urban area must be
1111 located in the urban area;
- 1112 b. Off-street required parking for a land use located in the rural area must be
1113 located in the rural area; and
- 1114 c.(1) Except as provided in subsection B.32.c.(2) of this subsection, off-street
1115 required parking must be located on a lot that would permit, either outright or through a
1116 land use permit approval process, the land use the off-street parking will serve.
- 1117 (2) For a social service agency allowed under K.C.C. 21A.08.050B.13.b. to
1118 be located on a site in the NB zone, off-street required parking may be located on a site

1119 within three hundred feet of the social service agency, regardless of zoning classification
1120 of the site on which the parking is located.

1121 33. Subject to review and approval of conditions to comply with trail corridor
1122 provisions of K.C.C. chapter 21A.14 when located in an RA zone.

1123 34. Limited to landscape and horticultural services (SIC 078) that are accessory
1124 to a retail nursery, garden center and farm supply store. Construction equipment for the
1125 accessory use shall not be stored on the premises.

1126 35. Allowed as a primary or accessory use to an allowed industrial-zoned land
1127 use.

1128 36. Accessory to agricultural uses provided:

1129 a. In the RA zones and on lots less than thirty-five acres in the A zone, the
1130 floor area devoted to warehousing, refrigeration or storage shall not exceed three
1131 thousand five hundred square feet unless located in a building designated as historic
1132 resource under K.C.C. chapter 20.62;

1133 b. On lots at least thirty-five acres in the A zones, the floor area devoted to
1134 warehousing, refrigeration or storage shall not exceed seven thousand square feet unless
1135 located in a building designated as historic resource under K.C.C. chapter 20.62.

1136 c. In the A zones, structures and areas used for warehousing, refrigeration and
1137 storage shall be located on portions of agricultural lands that are unsuitable for other
1138 agricultural purposes, such as areas within the already developed portion of such
1139 agricultural lands that are not available for direct agricultural production, or areas without
1140 prime agricultural soils;

1141 d. Structures and areas used for warehousing, refrigeration or storage shall
 1142 maintain a minimum distance of seventy-five feet from property lines adjoining rural area
 1143 and residential zones; and

1144 e. Warehousing, refrigeration and storage is limited to agricultural products
 1145 and sixty percent or more of the products must be grown or processed in the Puget Sound
 1146 counties. At the time of the initial application, the applicant shall submit a projection of
 1147 the source of products to be included in the warehousing, refrigeration or storage.

1148 37. Use shall be limited to the NB zone on parcels outside of the Urban Growth
 1149 Area, Rural Towns and Rural Neighborhoods and the building floor area devoted to such
 1150 use shall not exceed ten thousand square feet.

1151 SECTION 28. Ordinance 10870, Section 334, as amended, and K.C.C.

1152 21A.08.070 are each hereby amended to read as follows:

1153 A. Retail land uses.

KEY	RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
	A	F	M		U R	U	R	N B	C B	R B	O	I
P-Permitted Use				R	U R	U	R	N B	C B	R B	O	I
C-Conditional Use				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	A		E	N	O S	I S	A S		R
	T			R			T	R S	T S	L S		I
	U			E			I	H	Y			A
	R			A			A	O				L

		E					L		O				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	RI -8	R12 -48	NB	CB	RB	O	I (30)
*	Building Materials and Hardware Stores		P23						P2	P	P		
*	Retail Nursery, Garden Center and Farm Supply Stores	P1 C1			P1 C1				P	P	P		
*	Forest Products Sales	P3 and 4	P4		P3 and 4						P		
*	Department and Variety Stores						C14 a	P14	P5	P	P		
54	Food Stores						C15 a	P15	P	P	P	C	P6
*	Agricultural Product Sales	P7 C7	P4		P7 C7	P3	P3	P25	P25	P25	P25	P2 5	P2 5
*	Farmers Market	P24	P24		P24	P24	P24	P24	P24	P24	P24	P2 4	P2 4
*	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 P16	P10	P	P	P	P
*	Drug Stores					C15	P15	P	P	P	C	
*	Recreational marijuana retailer								P26 C27	P26 C27		
592	Liquor Stores	P13		P13	P13			P13	P	P		
593	Used Goods: Antiques/ Secondhand Shops								P	P		
*	Sporting Goods and Related Stores		P 2 2	P22	P22	P22	P22	P22	P	P	P2 2	P2 2
*	Book, Stationery,					C15 a	P15	P	P	P		

	Video and Art Supply Stores												
*	Jewelry Stores								P	P			
*	Monuments, Tombstones, and Gravestones									P			
*	Hobby, Toy, Game Shops							P	P	P			
*	Photographic and Electronic Shops							P	P	P			
*	Fabric Shops								P	P			
598	Fuel Dealers								C11	P			P
*	Florist Shops					C15 a	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													

REFERENCES:	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.
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1154 B. Development conditions.

1155 1.a. As a permitted use, covered sales areas shall not exceed a total area of two
1156 thousand square feet, unless located in a building designated as historic resource under
1157 K.C.C. chapter 20.62. With a conditional uses permit, covered sales areas of up to three
1158 thousand five hundred square feet may be allowed. Greenhouses used for the display of
1159 merchandise other than plants shall be considered part of the covered sales area.

1160 Uncovered outdoor areas used to grow or display trees, shrubs, or other plants are not
1161 considered part of the covered sales area;

1162 b. The site area shall be at least four and one-half acres;

1163 c. Sales may include locally made arts and crafts; and

1164 d. Outside lighting is permitted if no off-site glare is allowed.

1165 2. Only hardware stores.

1166 3.a. Limited to products grown on site.

1167 b. Covered sales areas shall not exceed a total area of five hundred square feet.

1168 4. No permanent structures or signs.

1169 5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a
1170 maximum of two thousand square feet of gross floor area.

1171 6. Limited to a maximum of five thousand square feet of gross floor area.

1172 7.a. As a permitted use, the covered sales area shall not exceed two thousand
1173 square feet, unless located in a building designated as a historic resource under K.C.C.

1174 chapter 20.62. As a conditional use, up to three thousand five hundred square feet of
1175 covered sales area may be allowed;

1176 b. The site area shall be at least four and one-half acres;

1177 c. Forty percent or more of the gross sales of agricultural product sold through
1178 the store must be sold by the producers of primary agricultural products;

1179 d. Sixty percent or more of the gross sales of agricultural products sold through
1180 the store shall be derived from products grown or produced in the Puget Sound counties.

1181 At the time of the initial application, the applicant shall submit a reasonable projection of
1182 the source of product sales;

1183 e. Sales shall be limited to agricultural products and locally made arts and
1184 crafts;

1185 f. Storage areas for agricultural products may be included in a farm store
1186 structure or in any accessory building; and

1187 g. Outside lighting is permitted if no off-site glare is allowed.

1188 8. Excluding retail sale of trucks exceeding one-ton capacity.

1189 9. Only the sale of new or reconditioned automobile supplies is permitted.

1190 10. Excluding SIC Industry No. 5813-Drinking Places.

1191 11. No outside storage of fuel trucks and equipment.

1192 12. Excluding vehicle and livestock auctions.

1193 13. Only as accessory to a winery or SIC Industry No. 2082-Malt Beverages,
1194 and limited to sales of products produced on site and incidental items where the majority
1195 of sales are generated from products produced on site.

1196 14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to
1197 a maximum of five thousand square feet of gross floor area, and subject to K.C.C.
1198 21A.12.230; and

1199 b. Before filing an application with the department, the applicant shall hold a
1200 community meeting in accordance with K.C.C. 20.20.035.

1201 15.a. Not permitted in R-1 and limited to a maximum of five thousand square
1202 feet of gross floor area and subject to K.C.C. 21A.12.230; and

1203 b. Before filing an application with the department, the applicant shall hold a
1204 community meeting in accordance with K.C.C. 20.20.035.

1205 16.a. Not permitted in R-1 and excluding SIC Industry No. 5813-Drinking
1206 Places, and limited to a maximum of five thousand square feet of gross floor area and
1207 subject to K.C.C. 21A.12.230, except as provided in subsection B.20. of this section; and

1208 b. Before filing an application with the department, the applicant shall hold a
1209 community meeting in accordance with K.C.C. 20.20.035.

1210 17. Retail sale of livestock is permitted only as accessory to raising livestock.

1211 18. Limited to the R-1 zone.

1212 19. Only as:

1213 a. an accessory use to a permitted manufacturing or retail land use, limited to
1214 espresso stands to include sales of beverages and incidental food items, and not to include
1215 drive-through sales; or

1216 b. an accessory use to a (~~large active~~) recreation (~~and~~) or multiuse park,
1217 limited to a total floor area of three thousand five hundred square feet.

1218 20. Only as:

- 1219 a. an accessory use to a (~~large active~~) recreation (~~and~~) or multiuse park; or
1220 b. an accessory use to a park and limited to a total floor area of one thousand
1221 five hundred square feet.

1222 21. Accessory to a park, limited to a total floor area of seven hundred fifty
1223 square feet.

1224 22. Only as an accessory use to:

1225 a. a (~~large active~~) recreation (~~and~~) or multiuse park in the urban growth
1226 area; or

1227 b. a park, or a (~~large active~~) recreation (~~and~~) or multiuse park in the RA
1228 zones, and limited to a total floor area of seven hundred and fifty square feet.

1229 23. Only as accessory to SIC Industry Group No. 242-Sawmills and SIC
1230 Industry No. 2431-Millwork and;

1231 a. limited to lumber milled on site; and

1232 b. the covered sales area is limited to two thousand square feet. The covered
1233 sales area does not include covered areas used to display only milled lumber.

1234 24. Requires at least five farmers selling their own products at each market and
1235 the annual value of sales by farmers should exceed the annual sales value of nonfarmer
1236 vendors.

1237 25. Limited to sites located within the urban growth area and:

1238 a. The sales area shall be limited to three hundred square feet and must be
1239 removed each evening;

1240 b. There must be legal parking that is easily available for customers; and

1241 ((d.)) c. The site must be in an area that is easily accessible to the public, will
 1242 accommodate multiple shoppers at one time and does not infringe on neighboring
 1243 properties.

1244 26. Per parcel, limited to a maximum aggregated total of two thousand square
 1245 feet of gross floor area devoted to, and in support of, the retail sale of marijuana.

1246 27. Per parcel, ((H))limited to a maximum aggregated total of five thousand
 1247 square feet gross floor area devoted to, and in support of, the retail sale of marijuana.

1248 SECTION 29. Ordinance 10870, Section 335, as amended, and K.C.C.

1249 21A.08.080 are each hereby amended to read as follows:

1250 A. Manufacturing land uses.

KEY		RESOURCE			RUR	RESIDENTIAL			COMMERCIAL/INDUSTRIAL								
					AL												
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	A		E	N		O	S	I	S	A	S		R
	T				R			T		R	S	T	S	L	S		I
	U				E			I		H		Y					A
	R				A			A		O							L
	E							L		O							
										D							
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R	R1	NB	CB	RB	O	I				
							1-8	2-48									(11)

Ordinance 17841

20	Food and Kindred Products	P1 C1	P1		P1 C1	P1			P2	P2	P2 C		P2 C
* /20 82 /208 5	Winery/Brewery /Distillery	P3 C1 2			P3 C12	P3			P((18))17	P((18))17	P		P
*	Materials Processing Facility	((P 43))	P(44))13 C	P((45))14 C((46))15	P((47)) 16 C								P
22	Textile Mill Products												C
23	Apparel and other Textile Products										C		P
24	Wood Products, except furniture	P4 P(49))18	P4 P(49))18 C5		P4 P((49)) 18 C5	P4					C6		P
25	Furniture and Fixtures		P((2 0)) 19		P((20))19						C		P
26	Paper and Allied Products												C
27	Printing and Publishing								P7	P7	P7 C	P 7 C	P
*	Recreational	P((P((21)					P((22	P((22		

	marijuana Processor I	21))2 0)20)21 C((23))22)21 C((23))22		
*	Recreational marijuana Processor II									P((24))23 C((25))24	P((24))23 C((25))24		P25 C26
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 Equipment									C	C	C	P

36	Electronic and other Electric Equipment										C		P
374	Railroad Equipment												C
376	Guided Missile and Space Vehicle Parts												C
379	Miscellaneous Transportation Vehicles												C
38	Measuring and Controlling Instruments										C	C	P
39	Miscellaneous Light Manufacturing										C		P
*	Motor Vehicle and Bicycle Manufacturing												C
*	Aircraft, Ship and Boat Building												P10 C
7534	Tire Retreading										C		P
781- 82	Movie Production/Distri bution										P		P
GENERAL		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development											
CROSS		Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C.											
REFERENCES:		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											

- 1251 B. Development conditions.
- 1252 1.a. Excluding wineries and SIC Industry No. 2082-Malt Beverages;
- 1253 b. In the A zone, only allowed on sites where the primary use is SIC industry
- 1254 Group No. 01-Growing Harvesting Crops or No. 02-Raising Livestock and Small
- 1255 Animals;
- 1256 c. In the RA and UR zones, only allowed on lots of at least four and one-half
- 1257 acres and only when accessory to an agricultural use;
- 1258 d.(1) Except as provided in subsection B.1.d.(2) and B.1.d.(3) of this section,
- 1259 the floor area devoted to all processing shall not exceed three thousand five hundred
- 1260 square feet, unless located in a building designated as historic resource under K.C.C.
- 1261 chapter 20.62;
- 1262 (2) With a conditional use permit, up to five thousand square feet of floor
- 1263 area may be devoted to all processing; and
- 1264 (3) In the A zone, on lots thirty-five acres or greater, the floor area devoted to
- 1265 all processing shall not exceed seven thousand square feet, unless located in a building
- 1266 designated as historic resource under K.C.C. chapter 20.62;
- 1267 e. Structures and areas used for processing shall maintain a minimum distance
- 1268 of seventy-five feet from property lines adjoining rural area and residential zones, unless
- 1269 located in a building designated as historic resource under K.C.C. chapter 20.62;
- 1270 f. Processing is limited to agricultural products and sixty percent or more of
- 1271 the products processed must be grown in the Puget Sound counties. At the time of initial
- 1272 application, the applicant shall submit a projection of the source of products to be
- 1273 produced;

1274 g. In the A zone, structures used for processing shall be located on portions of
1275 agricultural lands that are unsuitable for other agricultural purposes, such as areas within
1276 the already developed portion of such agricultural lands that are not available for direct
1277 agricultural production, or areas without prime agricultural soils; and

1278 h. Tasting of products produced on site may be provided in accordance with
1279 state law. The area devoted to tasting shall be included in the floor area limitation in
1280 subsection B.1.d. of this section.

1281 2. Except slaughterhouses.

1282 3.a. Limited to wineries, SIC Industry No. 2082-Malt Beverages and SIC
1283 Industry No. 2085-Distilled and Blended Liquors;

1284 b. In the A zone, only allowed on sites where the primary use is SIC Industry
1285 Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small
1286 Animals;

1287 c. In the RA and UR zones, only allowed on lots of at least four and one-half
1288 acres;

1289 d. The floor area devoted to all processing shall not exceed three thousand five
1290 hundred square feet, unless located in a building designated as historic resource under
1291 K.C.C. chapter 20.62;

1292 e. Structures and areas used for processing shall maintain a minimum distance
1293 of seventy-five feet from property lines adjoining rural area and residential zones, unless
1294 located in a building designated as historic resource under K.C.C. chapter 20.62;

1295 f. Sixty percent or more of the products processed must be grown in the Puget
1296 Sound counties. At the time of the initial application, the applicant shall submit a
1297 projection of the source of products to be produced; and

1298 g. Tasting of products produced on site may be provided in accordance with
1299 state law. The area devoted to tasting shall be included in the floor area limitation in
1300 subsection B.3.c. of this section.

1301 4. Limited to rough milling and planing of products grown on-site with portable
1302 equipment.

1303 5. Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No.
1304 2431-Millwork. For RA zoned sites, if using lumber or timber grown off-site, the
1305 minimum site area is four and one-half acres.

1306 6. Limited to uses found in SIC Industry No. 2434-Wood Kitchen Cabinets and
1307 No. 2431-Millwork, (excluding planing mills).

1308 7. Limited to photocopying and printing services offered to the general public.

1309 8. Only within enclosed buildings, and as an accessory use to retail sales.

1310 9. Only within enclosed buildings.

1311 10. Limited to boat building of craft not exceeding forty-eight feet in length.

1312 11. For I-zoned sites located outside the urban growth area designated by the
1313 King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.
1314 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for
1315 rural industrial uses as set forth in K.C.C. chapter 21A.12.

1316 12.a. Limited to wineries, SIC Industry No. 2082-Malt Beverages and SIC
1317 Industry No. 2085-Distilled and Blended Liquors;

1318 b.(1) Except as provided in subsection B.12.b.(2) of this section, the floor area
1319 of structures for wineries, breweries and distilleries and any accessory uses shall not
1320 exceed a total of eight thousand square feet. The floor area may be increased by up to an
1321 additional eight thousand square feet of underground storage that is constructed
1322 completely below natural grade, not including required exits and access points, if the
1323 underground storage is at least one foot below the surface and is not visible above
1324 ground; and

1325 (2) On Vashon-Maury Island, the total floor area of structures for wineries,
1326 breweries and distilleries and any accessory uses may not exceed six thousand square
1327 feet, including underground storage;

1328 c. Wineries, breweries and distilleries shall comply with Washington state
1329 Department of Ecology and King County board of health regulations for water usage and
1330 wastewater disposal. Wineries, breweries and distilleries using water from exempt wells
1331 shall install a water meter;

1332 d. Off-street parking is limited to one hundred and fifty percent of the
1333 minimum requirement for wineries, breweries or distilleries specified in K.C.C.
1334 21A.18.030;

1335 e. Structures and areas used for processing shall be set back a minimum
1336 distance of seventy-five feet from property lines adjacent to rural area and residential
1337 zones, unless the processing is located in a building designated as historic resource under
1338 K.C.C. chapter 20.62;

1339 f. The minimum site area is four and one-half acres. If the total floor area of
1340 structures for wineries, breweries and distilleries and any accessory uses exceed six
1341 thousand square feet, including underground storage:

1342 (1) the minimum site area is ten acres; and

1343 (2) a minimum of two and one-half acres of the site shall be used for the
1344 growing of agricultural products;

1345 g. The facility shall be limited to processing agricultural products and sixty
1346 percent or more of the products processed must be grown in the Puget Sound counties.

1347 At the time of the initial application, the applicant shall submit a projection of the source
1348 of products to be processed; and

1349 h. Tasting of products produced on site may be provided in accordance with
1350 state law. The area devoted to tasting shall be included in the floor area limitation in
1351 subsection B.12.b₂ of this section.

1352 13. (~~Limited to source separated organic waste processing facilities at a scale~~
1353 ~~appropriate to process the organic waste generated in the agricultural zone.~~

1354 14. ~~→~~) Only on the same lot or same group of lots under common ownership or
1355 documented legal control, which includes, but is not limited to, fee simple ownership, a
1356 long-term lease or an easement:

1357 a. as accessory to a primary forestry use and at a scale appropriate to process
1358 the organic waste generated on the site; or

1359 b. as a continuation of a sawmill or lumber manufacturing use only for that
1360 period to complete delivery of products or projects under contract at the end of the
1361 sawmill or lumber manufacturing activity.

1362 ~~((15.))~~ 14. Only on the same lot or same group of lots under common ownership
1363 or documented legal control, which includes, but is not limited to, fee simple ownership,
1364 a long-term lease or an easement:

1365 a. as accessory to a primary mineral use; or

1366 b. as a continuation of a mineral processing use only for that period to
1367 complete delivery of products or projects under contract at the end of mineral extraction.

1368 ~~((16.))~~ 15. Continuation of a materials processing facility after reclamation in
1369 accordance with an approved reclamation plan.

1370 ~~((17.))~~ 16. Only a site that is ten acres or greater and that does not use local
1371 access streets that abut lots developed for residential use.

1372 ~~((18.))~~ 17.a. Limited to wineries, SIC Industry No. 2082-Malt Beverages and
1373 SIC Industry No. 2085-Distilled and Blended Liquors;

1374 b. The floor area devoted to all processing shall not exceed three thousand five
1375 hundred square feet, unless located in a building designated as historic resource under
1376 K.C.C. chapter 20.62;

1377 c. Structures and areas used for processing shall maintain a minimum distance
1378 of seventy-five feet from property lines adjoining rural area and residential zones, unless
1379 located in a building designated as historic resource under K.C.C. chapter 20.62; and

1380 d. Tasting of products produced on site may be provided in accordance with
1381 state law. The area devoted to tasting shall be included in the floor area limitation in
1382 subsection B.18.b. of this section.

1383 ~~((19.))~~ 18. Limited to:

1384 a. SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-

1385 Millwork, as follows:

1386 (1) If using lumber or timber grown off-site, the minimum site area is four
1387 and one-half acres;

1388 (2) The facility shall be limited to an annual production of no more than one
1389 hundred fifty thousand board feet;

1390 (3) Structures housing equipment used in the operation shall be located at
1391 least one-hundred feet from adjacent properties with residential or rural area zoning;

1392 (4) Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to
1393 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

1394 (6) In the RA zone, the facility's driveway shall have adequate entering sight
1395 distance required by the 2007 King County Road Design and Construction Standards. An
1396 adequate turn around shall be provided on-site to prevent vehicles from backing out on to
1397 the roadway that the driveway accesses; and

1398 (7) Outside lighting is limited to avoid off-site glare; and

1399 b. SIC Industry No. 2411-Logging.

1400 ~~((20.))~~ 19. Limited to manufacture of custom made wood furniture or cabinets.

1401 ~~((21.))~~ 20.a. Only allowed on lots of at least four and one-half acres;

1402 b. Only as an accessory use to a Washington state Liquor Control Board
1403 licensed marijuana production facility on the same lot; and

1404 c. Accessory marijuana processing uses allowed under this section are subject
1405 to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.

1406 (~~22.~~) 21.a. Only in the CB and RB zones located outside the urban growth
1407 area; and

1408 b. Per parcel, the aggregated total gross floor area devoted to the use of, and in
1409 support of, processing marijuana together with any separately authorized production of
1410 marijuana shall be limited to a maximum of two thousand square feet; and

1411 c. If the two thousand square foot per parcel threshold is exceeded, each and
1412 every marijuana-related entity occupying space in addition to the two thousand square
1413 foot threshold area on that parcel shall obtain a conditional use permit as set forth in
1414 subsection B.23. of this section.

1415 (~~23.~~) 22.a. Only in the CB and RB zones located outside the urban growth
1416 area; and

1417 b. Per parcel, the aggregated total gross floor area devoted to the use of, and in
1418 support of, processing marijuana together with any separately authorized production of
1419 marijuana shall be limited to a maximum of thirty thousand square feet.

1420 (~~24.~~) 23.a. Only in the CB and RB zones located inside the urban growth area;
1421 and

1422 b. Per parcel, the aggregated total gross floor area devoted to the use of, and in
1423 support of, processing marijuana together with any separately authorized production of
1424 marijuana shall be limited to a maximum of two thousand square feet; and

1425 c. If the two thousand square foot per parcel threshold is exceeded, each and
1426 every marijuana-related entity occupying space in addition to the two thousand square
1427 foot threshold area on that parcel shall obtain a conditional use permit as set forth in
1428 subsection B.25. of this section.

1429 ((25.)) 24.a. Only in the CB and RB zones located inside the urban growth area;
 1430 and

1431 b. Per parcel, the aggregated total gross floor area devoted to the use of, and in
 1432 support of, processing marijuana together with any separately authorized production of
 1433 marijuana shall be limited to a maximum of thirty thousand square feet.

1434 ((26.)) 25. Per parcel, limited to a maximum aggregate total of ((~~thirty~~))two
 1435 thousand square feet of gross floor area devoted to, and in support of, the processing of
 1436 marijuana together with any separately authorized production of marijuana.

1437 26. Per parcel, limited to a maximum aggregate total of thirty thousand square
 1438 feet of gross floor area devoted to, and in support of, the processing of marijuana together
 1439 with any separately authorized production of marijuana.

1440 SECTION 30. Ordinance 10870, Section 336, as amended, and K.C.C.
 1441 21A.08.090 are each hereby amended to read as follows:

1442 A. Resource land uses.

KEY		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
		P-Permitted Use		A	F	M	R	U	R	U R	N B	C	B
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	A		E	N	O S	I	S	A S	R
	T				R			T	R S	T	S	L S	I

		U			E		I	H	Y			A	
		R			A		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
	AGRICULTURE												
01	Growing and Harvesting Crops	P	P		P	P	P						P
02	Raising Livestock and Small Animals (6)	P	P		P	P	P((6))						P
*	Recreational marijuana producer	P15 <u>C22</u>			P16 C17					P18 C19	P18 C19		P2 0 <u>C2</u> 1
*	Agriculture Training Facility	C10											
*	Agriculture-related special needs camp	P12											
*	Agricultural Anaerobic Digester	P13											
	FORESTRY:												
08	Growing & Harvesting Forest Production	P	P	P7	P	P	P						P
*	Forest Research		P		P	P						P	P
												2	

	FISH AND WILDLIFE MANAGEMENT :												
0921	Hatchery/Fish Preserve (1)	P	P		P	P	C						P
0273	Aquaculture (1)	P	P		P	P	C						P
*	Wildlife Shelters	P	P		P	P							
	MINERAL:												
10,12,14	Mineral Extraction and Processing		P9 C	P C11									
2951,3271,3273	Asphalt/Concrete Mixtures and Block		P8 C11	P8 C11									P
	ACCESSORY USES:												
*	Resource Accessory Uses	P3 P23	P4	P5	P3	P3							P4
*	Temporary Farm Worker Housing	P14	P14		P14								
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.											

1443

B. Development conditions.

- 1444 1. May be further subject to K.C.C. (~~(Title 25, Shoreline Management)~~) chapter
1445 21A.25.
- 1446 2. Only forest research conducted within an enclosed building.
- 1447 3. Accessory dwelling units in accordance with K.C.C. 21A.08.030.
- 1448 4. Excluding housing for agricultural workers.
- 1449 5. Limited to either maintenance or storage facilities, or both, in conjunction
1450 with mineral extraction or processing operation.
- 1451 6. (~~(Large livestock a)~~) Allowed in accordance with K.C.C. chapter 21A.30.
- 1452 7. Only in conjunction with a mineral extraction site plan approved in
1453 accordance with K.C.C. chapter 21A.22.
- 1454 8. Only on the same lot or same group of lots under common ownership or
1455 documented legal control, which includes, but is not limited to, fee simple ownership, a
1456 long-term lease or an easement:
- 1457 a. as accessory to a primary mineral extraction use;
- 1458 b. as a continuation of a mineral processing only for that period to complete
1459 delivery of products or projects under contract at the end of a mineral extraction; or
- 1460 c. for a public works project under a temporary grading permit issued in
1461 accordance with K.C.C. 16.82.152.
- 1462 9. Limited to mineral extraction and processing:
- 1463 a. on a lot or group of lots under common ownership or documented legal
1464 control, which includes but is not limited to, fee simple ownership, a long-term lease or
1465 an easement;

1466 b. that are located greater than one-quarter mile from an established residence;

1467 and

1468 c. that do not use local access streets that abut lots developed for residential

1469 use.

1470 10. Agriculture training facilities are allowed only as an accessory to existing

1471 agricultural uses and are subject to the following conditions:

1472 a. The impervious surface associated with the agriculture training facilities

1473 shall comprise not more than ten percent of the allowable impervious surface permitted

1474 under K.C.C. 21A.12.040;

1475 b. New or the expansion of existing structures, or other site improvements,

1476 shall not be located on class 1, 2 or 3 soils;

1477 c. The director may require reuse of surplus structures to the maximum extent

1478 practical;

1479 d. The director may require the clustering of new structures with existing

1480 structures;

1481 e. New structures or other site improvements shall be set back a minimum

1482 distance of seventy-five feet from property lines adjoining rural area and residential

1483 zones;

1484 f. Bulk and design of structures shall be compatible with the architectural style

1485 of the surrounding agricultural community;

1486 g. New sewers shall not be extended to the site;

1487 h. Traffic generated shall not impede the safe and efficient movement of

1488 agricultural vehicles, nor shall it require capacity improvements to rural roads;

1489 i. Agriculture training facilities may be used to provide educational services to
1490 the surrounding rural/agricultural community or for community events. Property owners
1491 may be required to obtain a temporary use permit for community events in accordance
1492 with K.C.C. chapter 21A.32;

1493 j. Use of lodging and food service facilities shall be limited only to activities
1494 conducted in conjunction with training and education programs or community events
1495 held on site;

1496 k. Incidental uses, such as office and storage, shall be limited to those that
1497 directly support education and training activities or farm operations; and

1498 l. The King County agriculture commission shall be notified of and have an
1499 opportunity to comment upon all proposed agriculture training facilities during the permit
1500 process in accordance with K.C.C. chapter 21A.40.

1501 11. Continuation of mineral processing and asphalt/concrete mixtures and block
1502 uses after reclamation in accordance with an approved reclamation plan.

1503 12.a. Activities at the camp shall be limited to agriculture and agriculture-
1504 oriented activities. In addition, activities that place minimal stress on the site's
1505 agricultural resources or activities that are compatible with agriculture are permitted.

1506 (1) passive recreation;

1507 (2) training of individuals who will work at the camp;

1508 (3) special events for families of the campers; and

1509 (4) agriculture education for youth.

1510 b. Outside the camp center, as provided for in subsection B.12.e. of this
1511 section, camp activities shall not preclude the use of the site for agriculture and

1512 agricultural related activities, such as the processing of local food to create value-added
1513 products and the refrigeration and storage of local agricultural products. The camp shall
1514 be managed to coexist with agriculture and agricultural activities both onsite and in the
1515 surrounding area.

1516 c. A farm plan shall be required for commercial agricultural production to
1517 ensure adherence to best management practices and soil conservation.

1518 d.(1) The minimum site area shall be five hundred acres. Unless the property
1519 owner has sold or transferred the development rights as provided in subsection B.12.c.(3)
1520 of this section, a minimum of five hundred acres of the site must be owned by a single
1521 individual, corporation, partnership or other legal entity and must remain under the
1522 ownership of a single individual, corporation, partnership or other legal entity for the
1523 duration of the operation of the camp.

1524 (2) Nothing in subsection B.12.d.(1) of this section prohibits the property
1525 owner from selling or transferring the development rights for a portion or all of the site to
1526 the King County farmland preservation program or, if the development rights are
1527 extinguished as part of the sale or transfer, to a nonprofit entity approved by the director;

1528 e. The impervious surface associated with the camp shall comprise not more
1529 than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;

1530 f. Structures for living quarters, dining facilities, medical facilities and other
1531 nonagricultural camp activities shall be located in a camp center. The camp center shall
1532 be no more than fifty acres and shall be depicted on a site plan. New structures for
1533 nonagricultural camp activities shall be clustered with existing structures;

1534 g. To the extent practicable, existing structures shall be reused. The applicant
1535 shall demonstrate to the director that a new structure for nonagricultural camp activities
1536 cannot be practicably accommodated within an existing structure on the site, though
1537 cabins for campers shall be permitted only if they do not already exist on site;

1538 h. Camp facilities may be used to provide agricultural educational services to
1539 the surrounding rural and agricultural community or for community events. If required
1540 by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for
1541 community events;

1542 i. Lodging and food service facilities shall only be used for activities related to
1543 the camp or for agricultural education programs or community events held on site;

1544 j. Incidental uses, such as office and storage, shall be limited to those that
1545 directly support camp activities, farm operations or agricultural education programs;

1546 k. New nonagricultural camp structures and site improvements shall maintain a
1547 minimum set-back of seventy-five feet from property lines adjoining rural area and
1548 residential zones;

1549 l. Except for legal nonconforming structures existing as of January 1, 2007,
1550 camp facilities, such as a medical station, food service hall and activity rooms, shall be of
1551 a scale to serve overnight camp users;

1552 m. Landscaping equivalent to a type III landscaping screen, as provided for in
1553 K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures
1554 and site improvements located within two hundred feet of an adjacent rural area and
1555 residential zoned property not associated with the camp;

1556 n. New sewers shall not be extended to the site;

- 1557 o. The total number of persons staying overnight shall not exceed three
1558 hundred;
- 1559 p. The length of stay for any individual overnight camper, not including camp
1560 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;
- 1561 q. Traffic generated by camp activities shall not impede the safe and efficient
1562 movement of agricultural vehicles nor shall it require capacity improvements to rural
1563 roads;
- 1564 r. If the site is adjacent to an arterial roadway, access to the site shall be
1565 directly onto the arterial unless the county road engineer determines that direct access is
1566 unsafe;
- 1567 s. If direct access to the site is via local access streets, transportation
1568 management measures shall be used to minimize adverse traffic impacts;
- 1569 t. Camp recreational activities shall not involve the use of motor vehicles
1570 unless the motor vehicles are part of an agricultural activity or are being used for the
1571 transportation of campers, camp personnel or the families of campers. Camp personnel
1572 may use motor vehicles for the operation and maintenance of the facility. Client-specific
1573 motorized personal mobility devices are allowed; and
- 1574 u. Lights to illuminate the camp or its structures shall be arranged to reflect the
1575 light away from any adjacent property.
- 1576 13. Limited to digester receiving plant and animal and other organic waste from
1577 agricultural activities, as follows:
- 1578 a. the digester must be included as part of a Washington state Department of
1579 Agriculture approved dairy nutrient plan;

1580 b. the digester must process at least seventy percent livestock manure or other
1581 agricultural organic material from farms in the vicinity, by volume;

1582 c. imported organic waste-derived material, such as food processing waste,
1583 may be processed in the digester for the purpose of increasing methane gas production for
1584 beneficial use, but not shall exceed thirty percent of volume processed by the digester;

1585 and

1586 d. the use must be accessory to an operating dairy or livestock operation.

1587 14. Temporary farm worker housing subject to the following conditions:

1588 a. The housing must be licensed by the Washington state Department of
1589 Health under chapter 70.114A RCW and chapter 246-358 WAC;

1590 b. Water supply and sewage disposal systems must be approved by the Seattle
1591 King County department of health;

1592 c. To the maximum extent practical, the housing should be located on
1593 nonfarmable areas that are already disturbed and should not be located in the floodplain
1594 or in a critical area or critical area buffer; and

1595 d. The property owner shall file with the department of executive services,
1596 records and licensing services division, a notice approved by the department identifying
1597 the temporary farm worker housing as accessory and that the housing shall only be
1598 occupied by agricultural employees and their families while employed by the owner or
1599 operator. The notice shall run with the land.

1600 15. Marijuana production by marijuana producers licensed by the Washington
1601 state Liquor Control Board is subject to the following standards:

1602 a. Production is limited to outdoor, indoor within marijuana greenhouses, and
1603 within structures that are nondwelling unit structures that exist as of October 1, 2013,
1604 subject to the size limitations in subsection B.15.b. of this section;

1605 b. Per parcel, the plant canopy, as defined in WAC 314-55-010, combined with
1606 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
1607 aggregated total of two thousand square feet and shall be located within a fenced area or
1608 marijuana greenhouse that is no more than ten percent larger than that combined area, or
1609 may occur in nondwelling unit structures that exist as of October 1, 2013; and

1610 c. Outdoor production area fencing as required by the Washington state Liquor
1611 Control Board and marijuana greenhouses shall maintain a minimum street setback of
1612 fifty feet and a minimum interior setback of thirty feet.

1613 16. Marijuana production by marijuana producers licensed by the Washington
1614 state Liquor Control Board is subject to the following standards:

1615 a. Production is limited to outdoor, indoor within marijuana greenhouses, and
1616 within nondwelling unit structures that exist as of October 1, 2013, subject to the size
1617 limitations in subsection B.16.b. of this section;

1618 b. Per parcel, the plant canopy, as defined in WAC 314-55-010, combined with
1619 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
1620 aggregated total of two thousand square feet and shall be located within a fenced area or
1621 marijuana greenhouse, that is no more than ten percent larger than that combined area, or
1622 may occur in nondwelling unit structures that exist as of October 1, 2013;

1623 c. Only allowed on lots of at least four and one-half acres; and

1624 d. Outdoor production area fencing as required by the Washington state Liquor
1625 Control Board and marijuana greenhouses shall maintain a minimum street setback of
1626 fifty feet and a minimum interior setback of thirty feet; and

1627 e. If the two thousand square foot per parcel threshold of plant canopy within
1628 fenced areas or marijuana greenhouses is exceeded, each and every marijuana-related
1629 entity occupying space in addition to the two thousand square foot threshold area on that
1630 parcel shall obtain a conditional use permit as set forth in subsection B.17. of this section.

1631 17. Marijuana production by marijuana producers licensed by the Washington
1632 state Liquor Control Board is subject to the following standards:

1633 a. Production is limited to outdoor and indoor within marijuana greenhouses
1634 subject to the size limitations in subsection B.17.b. of this section;

1635 b. Per parcel, the plant canopy, as defined in WAC 314-55-010, combined with
1636 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
1637 aggregated total of thirty thousand square feet and shall be located within a fenced area or
1638 marijuana greenhouse that is no more than ten percent larger than that combined area;
1639 and

1640 c. Only allowed on lots of at least four and one-half acres.

1641 18.a.(((1))) Production is limited to indoor only; and

1642 (((2))) b. Per parcel, the plant canopy, as defined in WAC 314-55-010,
1643 combined with any area used for processing under K.C.C. 21A.08.080, shall be limited to
1644 a maximum aggregated total of two thousand square feet and shall be located within a
1645 building or tenant space that is no more than ten percent larger than the plant canopy and
1646 separately authorized processing area; and

1647 ~~((b-))~~ c. If the two thousand square foot per parcel threshold is exceeded, each
1648 and every marijuana-related entity occupying space in addition to the two thousand
1649 square foot threshold area on that parcel shall obtain a conditional use permit as set forth
1650 in subsection B.19. of this section.

1651 19.a. Production is limited to indoor only; and

1652 b. Per parcel, the plant canopy, as defined in WAC 314-55-010, combined with
1653 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
1654 aggregated total of thirty thousand square feet and shall be located within a building or
1655 tenant space that is no more than ten percent larger than the plant canopy and separately
1656 authorized processing area.

1657 20.a. Production is limited to indoor only;

1658 b. Per parcel, the plant canopy, as defined in WAC 314-55-010, combined with
1659 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
1660 aggregated total of ~~((thirty))~~ two thousand square feet and shall be located within a
1661 building or tenant space that is no more than ten percent larger than the plant canopy and
1662 separately authorized processing area.

1663 21.a. Production is limited to indoor only;

1664 b. Per parcel, the plant canopy, as defined in WAC 314-55-010, combined with
1665 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
1666 aggregated total of thirty thousand square feet and shall be located within a building or
1667 tenant space that is no more than ten percent larger than the plant canopy and separately
1668 authorized processing area.

1669 22. Marijuana production by marijuana producers licensed by the Washington
1670 state Liquor Control Board is subject to the following standards:

1671 a. Production is limited to outdoor, indoor within marijuana greenhouses, and
1672 within structures that are nondwelling unit structures that exist as of October 1, 2013,
1673 subject to the size limitations in subsection B.15.b. of this section:

1674 b. Per parcel, the plant canopy, as defined in WAC 314-55-010, combined with
1675 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
1676 aggregated total of ten thousand square feet and shall be located within a fenced area or
1677 marijuana greenhouse that is no more than ten percent larger than that combined area, or
1678 may occur in nondwelling unit structures that exist as of October 1, 2013; and

1679 c. Outdoor production area fencing as required by the Washington state Liquor
1680 Control Board and marijuana greenhouses shall maintain a minimum street setback of
1681 fifty feet and a minimum interior setback of thirty feet.

1682 23. The storage and processing of non-manufactured source separated organic
1683 waste that originates from agricultural operations and that does not originate from the
1684 site, if:

1685 a. agricultural is the primary use of the site;

1686 b. the storage and processing are in accordance with best management practices
1687 included in an approved farm plan; and

1688 c. except for areas used for manure storage, the areas used for storage and
1689 processing do not exceed three acres and ten percent of the site.

1690 SECTION 31. Ordinance 10870, Section 340, as amended, and K.C.C.

1691 21A.12.030 are each hereby amended to read as follows:

1692

A. Densities and dimensions - residential and rural zones.

	RURAL				RESIDENTIAL								
	Z	RURAL AREA				URB	RESIDENTIAL						
STANDARDS	RA-2.5	RA-5	RA-10	RA-20	UR	R-1 (17)	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density: Dwelling Unit/Acre (15) (28)	0.2 du/ ac	0.2 du/ ac	0.1 du/a c	0.05 du/ac	0.2 du/ac (21)	1 du/a c	4 du/a c (6)	6 du/ ac	8 du/ ac	12 du/ ac	18 du/ ac	24 du/ ac	48 du/ ac
Maximum Density: Dwelling Unit/Acre (1)	0.4 du/ ac (20)						6 du/a c (22) 8 du/a c (27) (27)	9 du/ ac 12 16 24 36 48 96 du/ ac (27)	12 du/ ac 16 24 36 48 96 du/ ac (27)	18 du/ ac 24 36 48 96 du/ ac (27)	27 du/ ac 36 48 96 du/ ac (27)	36 du/ ac 48 96 du/ ac (27)	72 du/ ac 96 du/ ac (27)
Minimum Density: (2)							85% (12) (18) (23)	85 % (12) (18)	85 % (12) (18)	80 % (18)	75 % (18)	70 % (18)	65 % (18)
Minimum Lot Area (13)	1.87 5 ac	3.75 ac	7.5 ac	15 ac									
Minimum Lot Width (3)	135 ft	135 ft	135 ft	135 ft	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30ft	30 ft	30 ft

Minimum Street Setback (3)	30 ft (9)	30 ft (9)	30ft (9)	30 ft (9)	30 ft (7)	20 ft (7)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10ft (8)	10 ft (8)
Minimum Interior Setback (3) (16)	5 ft (9)	10ft (9)	10 ft (9)	10 ft (9)	5 ft (7)	5 ft (7)	5 ft	5 ft	5 ft	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10)
Base Height (4)	40 ft	40 ft	40 ft	40 ft	35 ft	35 ft	35 ft (25)	35 ft (14)	35 ft (25)	60 ft (14)	60 ft (14)	60 ft (14)	60 ft (14)
Maximum Impervious Surface: Percentage (5)	25 % (11) (19) (26)	20 % (11) (19) (26)	15% (11) (19) (24) (26)	12.5 % (11) (19) (26)	30% (11) (26)	30% (11) (26)	55% (26)	70 % (26)	75 % (26)	85 % (26)	85 % (26)	85 % (26)	90 % (26)

1693

B. Development conditions.

1694

1. This maximum density may be achieved only through the application of

1695

residential density incentives in accordance with K.C.C. chapter 21A.34 or transfers of

1696

development rights in accordance with K.C.C. chapter 21A.37, or any combination of

1697

density incentive or density transfer.

1698

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

1699

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

1700

townhouse developments.

1701 4. Height limits may be increased if portions of the structure that exceed the
1702 base height limit provide one additional foot of street and interior setback for each foot
1703 above the base height limit, but the maximum height may not exceed seventy-five feet.
1704 Netting or fencing and support structures for the netting or fencing used to contain golf
1705 balls in the operation of golf courses or golf driving ranges are exempt from the
1706 additional interior setback requirements but the maximum height shall not exceed
1707 seventy-five feet, except for ((large active)) recreation ((and)) or multiuse parks, where
1708 the maximum height shall not exceed one hundred twenty-five feet, unless a golf ball
1709 trajectory study requires a higher fence.

1710 5. Applies to each individual lot. Impervious surface area standards for:
1711 a. Regional uses shall be established at the time of permit review;
1712 b. Nonresidential uses in rural area and residential zones shall comply with
1713 K.C.C. 21A.12.120 and 21A.12.220;
1714 c. Individual lots in the R-4 through R-6 zones that are less than nine thousand
1715 seventy-six square feet in area shall be subject to the applicable provisions of the nearest
1716 comparable R-6 or R-8 zone; and
1717 d. A lot may be increased beyond the total amount permitted in this chapter
1718 subject to approval of a conditional use permit.

1719 6. Mobile home parks shall be allowed a base density of six dwelling units per
1720 acre.

1721 7. The standards of the R-4 zone apply if a lot is less than fifteen thousand
1722 square feet in area.

1723 8. At least twenty linear feet of driveway shall be provided between any garage,
1724 carport or other fenced parking area and the street property line. The linear distance shall
1725 be measured along the center line of the driveway from the access point to such garage,
1726 carport or fenced area to the street property line.

1727 9.a. Residences shall have a setback of at least one hundred feet from any
1728 property line adjoining A, M or F zones or existing extractive operations. However,
1729 residences on lots less than one hundred fifty feet in width adjoining A, M or F zones or
1730 existing extractive operations shall have a setback from the rear property line equal to
1731 fifty percent of the lot width and a setback from the side property equal to twenty-five
1732 percent of the lot width.

1733 b. Except for residences along a property line adjoining A, M or F zones or
1734 existing extractive operations, lots between one acre and two and one-half acres in size
1735 shall conform to the requirements of the R-1 zone and lots under one acre shall conform
1736 to the requirements of the R-4 zone.

1737 10.a. For developments consisting of three or more single-detached dwellings
1738 located on a single parcel, the setback shall be ten feet along any property line abutting
1739 R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in
1740 K.C.C. 21A.14.190, which shall have a setback of five feet.

1741 b. For townhouse and apartment development, the setback shall be twenty feet
1742 along any property line abutting R-1 through R-8, RA and UR zones, except for
1743 structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback
1744 of five feet, unless the townhouse or apartment development is adjacent to property upon
1745 which an existing townhouse or apartment development is located.

1746 11. Lots smaller than one-half acre in area shall comply with standards of the
1747 nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or
1748 larger, the maximum impervious surface area allowed shall be at least ten thousand
1749 square feet. On any lot over one acre in area, an additional five percent of the lot area
1750 may be used for buildings related to agricultural or forestry practices. For lots smaller
1751 than two acres but larger than one-half acre, an additional ten percent of the lot area may
1752 be used for structures that are determined to be medically necessary, if the applicant
1753 submits with the permit application a notarized affidavit, conforming with K.C.C.
1754 21A.32.170A.2.

1755 12. For purposes of calculating minimum density, the applicant may request that
1756 the minimum density factor be modified based upon the weighted average slope of the
1757 net buildable area of the site in accordance with K.C.C. 21A.12.087.

1758 13. The minimum lot area does not apply to lot clustering proposals as provided
1759 in K.C.C. chapter 21A.14.

1760 14. The base height to be used only for projects as follows:

1761 a. in R-6 and R-8 zones, a building with a footprint built on slopes exceeding a
1762 fifteen percent finished grade; and

1763 b. in R-18, R-24 and R-48 zones using residential density incentives and
1764 transfer of density credits in accordance with this title.

1765 15. Density applies only to dwelling units and not to sleeping units.

1766 16. Vehicle access points from garages, carports or fenced parking areas shall
1767 be set back from the property line on which a joint use driveway is located to provide a
1768 straight line length of at least twenty-six feet as measured from the center line of the

1769 garage, carport or fenced parking area, from the access point to the opposite side of the
1770 joint use driveway.

1771 17.a. All subdivisions and short subdivisions in the R-1 zone shall be required to
1772 be clustered if the property is located within or contains:

1773 (1) a floodplain;

1774 (2) a critical aquifer recharge area;

1775 (3) a regionally or locally significant resource area;

1776 (4) existing or planned public parks or trails, or connections to such facilities;

1777 (5) a category type S or F aquatic area or category I or II wetland;

1778 (6) a steep slope; or

1779 (7) an urban separator or wildlife habitat network designated by the

1780 Comprehensive Plan or a community plan.

1781 b. The development shall be clustered away from critical areas or the axis of
1782 designated corridors such as urban separators or the wildlife habitat network to the extent
1783 possible and the open space shall be placed in a separate tract that includes at least fifty
1784 percent of the site. Open space tracts shall be permanent and shall be dedicated to a
1785 homeowner's association or other suitable organization, as determined by the director,
1786 and meet the requirements in K.C.C. 21A.14.040. On-site critical area and buffers and
1787 designated urban separators shall be placed within the open space tract to the extent
1788 possible. Passive recreation, with no development of recreational facilities, and natural-
1789 surface pedestrian and equestrian trails are acceptable uses within the open space tract.

1790 18. See K.C.C. 21A.12.085.

1791 19. All subdivisions and short subdivisions in R-1 and RA zones within the
1792 North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North
1793 Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and
1794 Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East
1795 Sammamish Community Planning Area that drains to Patterson Creek shall have a
1796 maximum impervious surface area of eight percent of the gross acreage of the plat.
1797 Distribution of the allowable impervious area among the platted lots shall be recorded on
1798 the face of the plat. Impervious surface of roads need not be counted towards the
1799 allowable impervious area. Where both lot- and plat-specific impervious limits apply, the
1800 more restrictive shall be required.

1801 20. This density may only be achieved on RA 2.5 zoned parcels receiving
1802 density from rural forest focus areas through a transfer of density credit pursuant to
1803 K.C.C. chapter 21A.37.

1804 21. Base density may be exceeded, if the property is located in a designated
1805 rural city urban growth area and each proposed lot contains an occupied legal residence
1806 that predates 1959.

1807 22. The maximum density is four dwelling units per acre for properties zoned
1808 R-4 when located in the Rural Town of Fall City.

1809 23. The minimum density requirement does not apply to properties located
1810 within the Rural Town of Fall City.

1811 24. The impervious surface standards for the county fairground facility are
1812 established in the King County Fairgrounds Site Development Plan, Attachment A to
1813 Ordinance 14808 on file at the department of natural resources and parks and the

1814 department of permitting and environmental review. Modifications to that standard may
1815 be allowed provided the square footage does not exceed the approved impervious surface
1816 square footage established in the King County Fairgrounds Site Development Plan
1817 Environmental Checklist, dated September 21, 1999, Attachment B to Ordinance 14808*,
1818 by more than ten percent.

1819 25. For cottage housing developments only:

1820 a. The base height is eighteen feet.

1821 b. Buildings have pitched roofs with a minimum slope of six and twelve may
1822 extend up to twenty-five feet at the ridge of the roof.

1823 26. Impervious surface does not include access easements serving neighboring
1824 property and driveways to the extent that they extend beyond the street setback due to
1825 location within an access panhandle or due to the application of King County Code
1826 requirements to locate features over which the applicant does not have control.

1827 27. Only in accordance with K.C.C. 21A.34.040.F.1.g. and F.6.

1828 28. On a site zoned RA with a building listed on the national register of historic
1829 places, additional dwelling units in excess of the maximum density may be allowed under
1830 K.C.C. 21A.12.042.

1831 SECTION 32. Ordinance 10870, Section 378, as amended, and K.C.C.

1832 21A.14.180 are each hereby amended to read as follows:

1833 A. Residential developments, other than cottage housing developments, of more
1834 than four units in the UR and R-4 through R-48 zones, stand-alone townhouse
1835 developments in the NB zone on property designated commercial outside of center in the

1836 urban area of more than four units, and mixed-use developments of more than four units,
1837 shall provide recreation space for leisure, play and sport activities as follows:

1838 1. Residential subdivision, townhouses and apartments developed at a density of
1839 eight units or less per acre: three hundred ninety square feet per unit;

1840 2. Mobile home park: two hundred sixty square feet per unit;

1841 3. Residential subdivisions developed at a density of greater than eight units per
1842 acre: one hundred seventy square feet per unit; and

1843 4. Apartments and townhouses developed at a density of greater than eight units
1844 per acre and mixed use:

1845 a. Studio and one bedroom: ninety square feet per unit;

1846 b. Two bedrooms: one hundred seventy square feet per unit; and

1847 c. Three or more bedrooms: one hundred seventy square feet per unit.

1848 B. Recreation space shall be placed in a designated recreation space tract if part
1849 of a subdivision. The tract shall be dedicated to a homeowner's association or other
1850 workable organization acceptable to the director, to provide continued maintenance of the
1851 recreation space tract consistent with K.C.C. 21A.14.200.

1852 C. Any recreation space located outdoors that is not part of a storm water tract
1853 developed in accordance with subsection F. of this section shall:

1854 1. Be of a grade and surface suitable for recreation improvements and have a
1855 maximum grade of five percent;

1856 2. Be on the site of the proposed development;

1857 3. Be located in an area where the topography, soils, hydrology and other
1858 physical characteristics are of such quality as to create a flat, dry, obstacle-free space in a
1859 configuration that allows for passive and active recreation;

1860 4. Be centrally located with good visibility of the site from roads and sidewalks;

1861 5. Have no dimensions less than thirty feet, except trail segments;

1862 6. Be located in one designated area, unless the director determines that
1863 residents of large subdivisions, townhouses and apartment developments would be better
1864 served by multiple areas developed with recreation or play facilities;

1865 7. Have a street roadway or parking area frontage along ten percent or more of
1866 the recreation space perimeter, except trail segments, if the required outdoor recreation
1867 space exceeds five thousand square feet and is located in a single detached or townhouse
1868 subdivision;

1869 8. Be accessible and convenient to all residents within the development; and

1870 9. Be located adjacent to, and be accessible by, trail or walkway to any existing
1871 or planned municipal, county or regional park, public open space or trail system, which
1872 may be located on adjoining property.

1873 D. Indoor recreation areas may be credited towards the total recreation space
1874 requirement, if the director determines that the areas are located, designed and improved
1875 in a manner that provides recreational opportunities functionally equivalent to those
1876 recreational opportunities available outdoors. For senior citizen assisted housing, indoor
1877 recreation areas need not be functionally equivalent but may include social areas, game
1878 and craft rooms, and other multipurpose entertainment and education areas.

1879 E. Play equipment or age appropriate facilities shall be provided within dedicated
1880 recreation space areas according to the following requirements:

1881 1. For developments of five dwelling units or more, a tot lot or children's play
1882 area, that includes age appropriate play equipment and benches, shall be provided
1883 consistent with K.C.C. 21A.14.190;

1884 2. For developments of five to twenty-five dwelling units, one of the following
1885 recreation facilities shall be provided in addition to the tot lot or children's play area:

1886 a. playground equipment;

1887 b. sport court;

1888 c. sport field;

1889 d. tennis court; or

1890 e. any other recreation facility proposed by the applicant and approved by the
1891 director;

1892 3. For developments of twenty-six to fifty dwelling units, at least two or more of
1893 the recreation facilities listed in subsection E.2. of this section shall be provided in
1894 addition to the tot lot or children's play area; and

1895 4. For developments of more than fifty dwelling units, one or more of the
1896 recreation facilities listed in subsection E.2. of this section shall also be provided for
1897 every twenty-five dwelling units in addition to the tot lot or children's play area. If
1898 calculations result in a fraction, the fraction shall be rounded to the nearest whole number
1899 as follows:

1900 a. Fractions of 0.50 or above shall be rounded up; and

1901 b. Fractions below 0.50 shall be rounded down.

1902 F. In subdivisions, recreation areas that are contained within the on-site
1903 stormwater tracts, but are located outside of the one hundred year design water surface,
1904 may be credited for up to fifty percent of the required square footage of the on-site
1905 recreation space requirement on a foot-per-foot basis, subject to the following criteria:

1906 1. The stormwater tract and any on-site recreation tract shall be contiguously
1907 located. At final plat recording, contiguous stormwater and recreation tracts shall be
1908 recorded as one tract and dedicated to the homeowner's association or other organization
1909 as approved by the director;

1910 2. The drainage facility shall be constructed to meet the following conditions:

1911 a. The side slope of the drainage facility shall not exceed thirty-three percent
1912 unless slopes are existing, natural and covered with vegetation;

1913 b. A bypass system or an emergency overflow pathway shall be designed to
1914 handle flow exceeding the facility design and located so that it does not pass through
1915 active recreation areas or present a safety hazard;

1916 c. The drainage facility shall be landscaped and developed for passive
1917 recreation opportunities such as trails, picnic areas and aesthetic viewing; and

1918 d. The drainage facility shall be designed so they do not require fencing under
1919 the King County Surface Water Design Manual.

1920 G. When the tract is a joint use tract for a drainage facility and recreation space,
1921 King County is responsible for maintenance of the drainage facility only and requires a
1922 drainage easement for that purpose.

1923 H. A recreation space plan shall be submitted to the department and reviewed and
1924 approved with engineering plans.

1925 1. The recreation space plans shall address all portions of the site that will be
1926 used to meet recreation space requirements of this section, including drainage facility.
1927 The plans shall show dimensions, finished grade, equipment, landscaping and
1928 improvements, as required by the director, to demonstrate that the requirements of the on-
1929 site recreation space in K.C.C. 21A.14.180 and play areas in K.C.C. 21A.14.190 have
1930 been met.

1931 2. If engineering plans indicate that the on-site drainage facility or stormwater
1932 tract must be increased in size from that shown in preliminary approvals, the recreation
1933 plans must show how the required minimum recreation space under K.C.C.
1934 21A.14.180.A. will be met.

1935 SECTION 33. Ordinance 11621, Section 49, as amended, and K.C.C.
1936 21A.14.185 are each hereby amended to read as follows:

1937 A. The creation of on-site recreation space shall be the preferred method of
1938 providing new development with opportunities for leisure, play and sports activities.
1939 Applicants shall to the best of their ability endeavor to provide recreation space on the
1940 project site. However, if on-site recreation space is not provided in accordance with
1941 K.C.C. 21A.14.180, the applicant shall pay a fee-in-lieu of actual recreation space if
1942 approved by King County. King County acceptance of a fee-in-lieu payment is
1943 discretionary. A fee-in-lieu of on-site recreation space may be permitted if the recreation
1944 space provided within a county park in the vicinity will be of greater benefit to the
1945 prospective residents of the development.

1946 B. Fees shall be determined annually by the department of natural resources and
1947 parks (~~((and recreation))~~) on the basis of the projected market value of the required

1948 recreation space land area after development. Any recreational space provided by the
1949 applicant shall be credited toward the required fees.

1950 C. If recreation space credit is applied to stormwater facilities in accordance with
1951 K.C.C. 21A.14.180E, the development loses its option to request a fee-in-lieu and the
1952 remainder of the required recreation space and play area must be provided on site.

1953 SECTION 34. Ordinance 10870, Section 380, as amended, and K.C.C.
1954 21A.14.200 are each hereby amended to read as follows:

1955 A. Recreation space that meets the criteria in K.C.C. 21A.14.180.C may, at the
1956 discretion of the department of natural resources and parks (~~and recreation~~), be
1957 dedicated as a park open to the public in lieu of providing the on-site recreation required
1958 under K.C.C. 21A.14.180 if the following criteria are met:

1959 1. The dedicated area is at least ten acres in size, unless when adjacent to an
1960 existing or planned county park;

1961 2. The dedicated land provides one or more of the following:

1962 a. shoreline access;

1963 b. regional trail linkages;

1964 c. habitat linkages;

1965 d. recreation facilities; or

1966 e. heritage sites; and

1967 3. The dedicated area is located within one mile of the project site.

1968 B. Unless the recreation space is dedicated to King County in accordance with
1969 subsection A₂ of this section, maintenance of any recreation space retained in private

1970 ownership shall be the responsibility of the owner or other separate entity capable of
1971 long-term maintenance and operation in a manner acceptable to the parks department.

1972 SECTION 35. Ordinance 14045, Section 37, as amended, and K.C.C.

1973 21A.14.360 are each hereby amended to read as follows:

1974 ~~((A.))~~ The county may accept the voluntary grant of an easement for a rural
1975 equestrian community ~~((trails [trail]))~~ trail consistent with K.C.C. 21A.14.350 through
1976 21A.14.390 from any development when ~~((such))~~ the development contains ~~((any~~
1977 ~~existing historically established))~~ a rural equestrian community trail~~((, and when located~~
1978 ~~in the RA, A or F zones))~~. The residents or tenants of the development shall be provided
1979 access to any such trail ~~((provided hereunder))~~ for use consistent with the function of the
1980 trail. The area of ~~((any such))~~ a trail provided ~~((hereunder))~~ under this section shall be
1981 counted as part of the site for purposes of density and floor area calculations. The
1982 application of this section shall not reduce the allowed density within a residential
1983 subdivision or short subdivision. The county may also accept the voluntary grant of an
1984 easement for a rural equestrian community trail consistent with K.C.C. 21A.14.350
1985 through 21A.14.390 when there is no development proposed for the property.

1986 ~~((B The rural equestrian community trails provisions apply to any property~~
1987 ~~located in the RA, A or F zones.~~

1988 ~~4. Development proposals for government/business service uses denoted in the~~
1989 ~~permitted use table in K.C.C. 21A.08.060.))~~

1990 SECTION 36. Ordinance 14045, Section 38, as amended, and K.C.C.

1991 21A.14.370 are each hereby amended to read as follows:

1992 The ~~((county shall))~~ department of natural resources and parks may accept a
1993 ~~((voluntary))~~ grant of easement for the preservation or relocation of a rural equestrian
1994 community trail ~~((in the RA, A or F zone whenever))~~ as follows:

1995 A. The department of natural resources and parks makes a determination in
1996 writing that:

1997 1. The rural equestrian community trail is listed or mapped on an inventory of
1998 equestrian community trails maintained by the ~~((King County))~~ department of natural
1999 resources and parks ~~((and recreation department))~~. The department of natural resources
2000 and parks shall field verify the presence of a trail where an inventory indicates the
2001 general location of a trail that has not yet been field verified~~((:))~~;

2002 2. The rural equestrian community trail connects to a state, county or other trail
2003 open to the public;

2004 3. The rural equestrian community trail, following a site inspection by the
2005 department of natural resources and parks, is reasonably fit for use as a rural equestrian
2006 community trail;

2007 4. ~~((If the))~~ A rural equestrian community trail that traverses or impacts an
2008 environmentally sensitive area~~((, it))~~ can be modified to meet code requirements for trails
2009 in ~~((sensitive))~~ critical areas; and

2010 5. Permanent protection or relocation of ~~((an))~~ a rural equestrian community
2011 trail can be accomplished without interference with allowed uses and development of the
2012 subject property, and the site can be developed without interference with the trail and
2013 allows for future owners of the property to access historically existing or public trails in
2014 the vicinity of the site~~((:))~~ or

2015 B. If the rural equestrian community trail is proposed to be granted as part of a
2016 mitigation package for a development proposal, the department of permitting and
2017 environmental review;

2018 1. ~~((d))~~Determines ~~((and reports to the department of natural resources))~~ that
2019 permanent protection or relocation of ~~((an))~~ the rural equestrian community trail can be
2020 accomplished without interference with the proposed use and development of the subject
2021 property~~((, and))~~;

2022 2. Determines that the site can be developed without interference with the trail
2023 and in a manner that allows future owners of the property to access historically existing
2024 or public trails in the vicinity that are linked to the subject site~~((:))~~; and

2025 3. ~~((The department of permitting and environmental review shall r))~~Reports its
2026 findings in writing to the department of natural resources and parks.

2027 SECTION 37. Ordinance 14045, Section 39, as amended, and K.C.C.
2028 21A.14.380 are each hereby amended to read as follows:

2029 The following design standards apply to rural equestrian community trails
2030 ~~((provided pursuant to this chapter located within the RA, A or F zones.))~~;

2031 A. An on-site rural equestrian community trail should be retained at its existing
2032 location unless that location impairs the use of the property as intended by the applicant.
2033 A rural equestrian community trail retained in the existing location shall not require any
2034 upgrades or improvements, except for maintenance required by this section. The trail
2035 may be relocated to a location within the street right-of-way or to another corridor
2036 separate from a street right-of-way, provided that whatever alternative is used preserves
2037 the same connections as the original trail to an existing public park or trail in the vicinity

2038 of the subject property. The preferred place for a relocated trail is out of the right-of-way
2039 or separated from the paved surface and road shoulder by a berm, ditch or other
2040 separation. Trails may only be relocated to a street right-of-way when meeting the
2041 standards in subsection E. of this section. A tax credit (~~(pursuant to)~~) under the Public
2042 Benefit Rating System may only be given for trails relocated off the road right-of-way.
2043 The trail location shall be preserved by appropriate easements or dedications.

2044 B. Corridors for trails located outside a street right-of-way shall be ten feet wide,
2045 or six feet wide if the trail will be located along a property line and additional corridor
2046 space can reasonably be expected to be preserved on the abutting property and the
2047 corridor is not encumbered by any structures adjacent to the corridor.

2048 C. If permitted by K.C.C. chapter 21A.24, an existing or relocated rural
2049 equestrian community trail may be located in a designated (~~(sensitive)~~) critical area
2050 buffer.

2051 D. Rural equestrian community trails that are not located within street rights-of-
2052 way, should be natural, visually and functionally unobtrusive, and as low-impact as
2053 possible.

2054 E. Relocated or new rural equestrian community trails within public or private
2055 road rights-of-way shall be designed consistent with adopted King County Road
2056 Standards, (~~(KCRS)~~) Section 3.11(~~(K)~~), as supplemented by the following standards:

2057 1. The trail shall be located to provide access to a local equestrian travel
2058 corridor through the project site and adjacent properties, as determined by the King
2059 County department of transportation in cooperation with the local equestrian
2060 community(~~(K)~~);

2061 2. The preferred design is a trail separated from the paved roadway by a berm,
2062 ditch, tree cover or other natural obstacle; the center of the trail tread shall be at least
2063 eight feet of horizontal distance from the paved roadway edge((-));

2064 3. When a separated trail cannot be provided, a soft-surfaced ninety-six inch-
2065 wide roadway shoulder path shall be installed on all roads other than local access streets,
2066 where a forty-eight inches shoulder path shall be sufficient((-));

2067 4. All trails shall have an all-weather tread of thirty-six to forty-eight inches((-));

2068 5. The roadway shall include appropriate surface treatment to reduce slippage at
2069 roadway((-)) and trail crossings((-)); and

2070 6. Appropriate signs shall be provided to indicate the location of street crossings
2071 for trails, with emphasis on arterials and subcollector street.

2072 F. Relocated or new rural equestrian community trails not located in a right-of-
2073 way shall be designed to the King County Road Standards, KCRS((-)) Section 3.11.A.2.

2074 SECTION 38. Ordinance 17539, Section 44, as amended, and K.C.C.

2075 21A.24.045 are hereby amended to read as follows:

2076 A. Within the following seven critical areas and their buffers all alterations are
2077 allowed if the alteration complies with the development standards, impact avoidance and
2078 mitigation requirements and other applicable requirements established in this chapter:

2079 1. Critical aquifer recharge area;

2080 2. Coal mine hazard area;

2081 3. Erosion hazard area;

2082 4. Flood hazard area except in the severe channel migration hazard area;

2083 5. Landslide hazard area under forty percent slope;

- 2084 6. Seismic hazard area; and
 2085 7. Volcanic hazard areas.

2086 B. Within the following seven critical areas and their buffers, unless allowed as
 2087 an alteration exception under K.C.C. 21A.24.070, only the alterations on the table in
 2088 subsection C. of this section are allowed if the alteration complies with conditions in
 2089 subsection D. of this section and the development standards, impact avoidance and
 2090 mitigation requirements and other applicable requirements established in this chapter:

- 2091 1. Severe channel migration hazard area;
 2092 2. Landslide hazard area over forty percent slope;
 2093 3. Steep slope hazard area;
 2094 4. Wetland;
 2095 5. Aquatic area;
 2096 6. Wildlife habitat conservation area; and
 2097 7. Wildlife habitat network.

2098 C. In the following table where an activity is included in more than one activity
 2099 category, the numbered conditions applicable to the most specific description of the
 2100 activity governs. Where more than one numbered condition appears for a listed activity,
 2101 each of the relevant conditions specified for that activity within the given critical area
 2102 applies. For alterations involving more than one critical area, compliance with the
 2103 conditions applicable to each critical area is required.

KEY	L	O	S	W	B	B	W	A
	A	VE	T	ET	UF	A	LD	N

Letter "A" in a cell means alteration is allowed

A number in a cell means the corresponding

N	R	E	N	L	A	F	E	Q	F	F	H	L	I	F	D
D	40	E	D	N	R			U	E	A		E	A	N	
S	%	P	B	D				A	R	N		R	E	E	
L	A	S	U	A				T	A	N		A	T		
D	N	L	F	N				I	N	E			W		
E	D	O	F	D				C	D	L			O		
H	B	U	P	E				A	S	M			R		
A	F	F	E	R				R	E	I			K		
Z	E	R	H					E	V	G					
A			A					A	E	R					
R			Z					A	R	A					
D			A					N	E	T					
			R					D		I					
			D							O					
										N					

numbered condition in subsection D. of this section applies "Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network					
ACTIVITY					
Structures					
Construction of new single detached dwelling unit			A 1	A 2	

Construction of a new tree-supported structure			A 64	A 64	A 64
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	A 18, 20	A 14, 18, 20	A 4, 14,

					18, 20
Cutting firewood		A 21	A 21	A 21	A 4, 21
Vegetation management	A 19	A 19	A 19	A 19	A 4, 19
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					
Forest management activity	A	A	A	A	A 25
Roads					
Construction of new public road right-of-way structure on unimproved right-of-way			A 26	A 26	
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
Construction of a new bridge	A 16, 39	A 16, 39	A 16, 39	A 16, 39	A 4, 16, 39
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	A 32, 33	A 32,	A 32, 34	A 32, 34	A 27, 32,

corridor or utility facility		33			35
Construction or maintenance of a hydroelectric generating facility	A 67	A 67	A 66	A 66	A 4, 66
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
Construction of a new on-site sewage disposal system or well	A 24	A 24	A 63	A 63	
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
Construction, maintenance or repair of in-water heat exchanger			A 68	A 68	
Maintenance, repair or	A 33	A 33	A 16, 32,	A 16, 40, 41	A 4, 37

replacement of existing surface water conveyance system			38		
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 a commercial fish farm			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 of a livestock heavy use area			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction or maintenance of a farm pad			A 56	A 56	
Construction of agricultural drainage			A 57	A 57	A 4, 57
Maintenance or replacement 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
Maintenance of agricultural waterway			A 69	A 69	
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					
Shoreline water dependent or shoreline water oriented use				A 65	
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

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D. The following alteration conditions apply:

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

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

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

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

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

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

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

f. the alteration is no closer than:

2122 (1) on site with a shoreline environment designation of high intensity or
2123 residential, the greater of twenty-five feet or the average of the setbacks on adjacent lots
2124 on either side of the subject property, as measured from the ordinary high water mark of
2125 the lake shoreline;

2126 (2) on a site with a shoreline environment designation of rural, conservancy,
2127 resource or forestry, the greater of fifty feet or the average of the setbacks on adjacent
2128 lots on either side of the subject property, as measured from the ordinary high water mark
2129 the lake shoreline; and

2130 (3) on a site with a shoreline environment designation of natural, the greater
2131 of one hundred feet or the average of the setbacks on adjacent lots on either side of the
2132 subject property, as measured from the ordinary high water mark; and

2133 g. to the maximum extent practical, alterations are mitigated on the
2134 development proposal site by enhancing or restoring remaining critical area buffers.

2135 3. Limited to nonresidential farm-structures in grazed or tilled wet meadows or
2136 buffers of wetlands or aquatic areas where:

2137 a. the site is predominantly used for the practice of agriculture;

2138 b. the structure is in compliance with an approved farm management plan in
2139 accordance with K.C.C. 21A.24.051;

2140 c. the structure is either:

2141 (1) on or adjacent to existing nonresidential impervious surface areas,
2142 additional impervious surface area is not created waterward of any existing impervious
2143 surface areas and the area was not used for crop production;

2144 (2) higher in elevation and no closer to the critical area than its existing
2145 position; or

2146 (3) at a location away from existing impervious surface areas that is
2147 determined to be the optimum site in the farm management plan;

2148 d. all best management practices associated with the structure specified in the
2149 farm management plan are installed and maintained;

2150 e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not
2151 require the development of a farm management plan if required best management
2152 practices are followed and the installation does not require clearing of critical areas or
2153 their buffers; and

2154 f. in a severe channel migration hazard area portion of an aquatic buffer only
2155 if:

2156 (1) there is no feasible alternative location on-site;

2157 (2) the structure is located where it is least subject to risk from channel
2158 migration;

2159 (3) the structure is not used to house animals or store hazardous substances;
2160 and

2161 (4) the total footprint of all accessory structures within the severe channel
2162 migration hazard area will not exceed the greater of one thousand square feet or two
2163 percent of the severe channel migration hazard area on the site.

2164 4. No clearing, external construction or other disturbance in a wildlife habitat
2165 conservation area is allowed during breeding seasons established under K.C.C.
2166 21A.24.382.

- 2167 5. Allowed for structures when:
- 2168 a. the landslide hazard poses little or no risk of injury;
- 2169 b. the risk of landsliding is low; and
- 2170 c. there is not an expansion of the structure.
- 2171 6. Within a severe channel migration hazard area allowed for:
- 2172 a. existing legally established primary structures if:
- 2173 (1) there is not an increase of the footprint of any existing structure; and
- 2174 (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270;
- 2175 and
- 2176 b. existing legally established accessory structures if:
- 2177 (1) additions to the footprint will not make the total footprint of all existing
- 2178 structures more than one-thousand square feet; and
- 2179 (2) there is not an expansion of the footprint towards any source of channel
- 2180 migration hazard, unless the applicant demonstrates that the location is less subject to risk
- 2181 and has less impact on the critical area.
- 2182 7. Allowed only in grazed wet meadows or the buffer or building setback
- 2183 outside a severe channel migration hazard area if:
- 2184 a. the expansion or replacement does not increase the footprint of a
- 2185 nonresidential structure;
- 2186 b.(1) for a legally established dwelling unit, the expansion or replacement,
- 2187 including any expansion of a legally established accessory structure allowed under this
- 2188 subsection B.7.b., does not increase the footprint of the dwelling unit and all other
- 2189 structures by more than one thousand square feet, not including any expansion of a

2190 drainfield made necessary by the expansion of the dwelling unit. To the maximum extent
2191 practical, the replacement or expansion of a drainfield in the buffer should be located
2192 within areas of existing lawn or landscaping, unless another location will have a lesser
2193 impact on the critical area and its buffer;

2194 (2) for a structure accessory to a dwelling unit, the expansion or replacement
2195 is located on or adjacent to existing impervious surface areas and does not result in a
2196 cumulative increase in the footprint of the accessory structure and the dwelling unit by
2197 more than one thousand square feet;

2198 (3) the location of the expansion has the least adverse impact on the critical
2199 area; and

2200 (4) a comparable area of degraded buffer area shall be enhanced through
2201 removal of nonnative plants and replacement with native vegetation in accordance with
2202 an approved landscaping plan;

2203 c. the structure was not established as the result of an alteration exception,
2204 variance; buffer averaging or reasonable use exception;

2205 d. to the maximum extent practical, the expansion or replacement is not
2206 located closer to the critical area or within the relic of a channel that can be connected to
2207 an aquatic area; and

2208 e. The expansion of a residential structure in the buffer of a Type S aquatic
2209 area that extends towards the ordinary high water mark requires a shoreline variance if:

2210 (1) the expansion is within thirty-five feet of the ordinary high water mark; or

2211 (2) the expansion is between thirty-five and fifty feet of the ordinary high
2212 water mark and the area of the expansion extending towards the ordinary high water mark
2213 is greater than three hundred square feet.

2214 8. Allowed upon another portion of an existing impervious surface outside a
2215 severe channel migration hazard area if:

2216 a. except as otherwise allowed under subsection D.7. of this section, the
2217 structure is not located closer to the critical area;

2218 b. except as otherwise allowed under subsection D.7. of this section, the
2219 existing impervious surface within the critical area or buffer is not expanded; and

2220 c. the degraded buffer area is enhanced through removal of nonnative plants
2221 and replacement with native vegetation in accordance with an approved landscaping plan.

2222 9. Limited to piers or seasonal floating docks in a category II, III or IV wetland
2223 or its buffer or along a lake shoreline or its buffer where:

2224 a. the vegetation where the alteration is proposed does not consist of dominant
2225 native wetland herbaceous or woody vegetation six feet in width or greater and the lack
2226 of this vegetation is not the result of any violation of law;

2227 b. the wetland or lake shoreline is not a salmonid spawning area;

2228 c. hazardous substances or toxic materials are not used; and

2229 d. if located in a freshwater lake, the pier or dock conforms to the standards for
2230 docks under K.C.C. 21A.25.180.

2231 10. Allowed on type N or O aquatic areas if hazardous substances or toxic
2232 materials are not used.

- 2233 11. Allowed on type S or F aquatic areas outside of the severe channel
2234 migration hazard area if in compliance with K.C.C. 21A.25.180.
- 2235 12. When located on a lake, must be in compliance with K.C.C. 21A.25.180.
- 2236 13. Limited to regrading and stabilizing of a slope formed as a result of a legal
2237 grading activity.
- 2238 14. The following are allowed in the severe channel migration hazard area if
2239 conducted more than one hundred sixty-five feet from the ordinary high water mark in
2240 the rural area and one-hundred fifteen feet from the ordinary high water mark in the
2241 urban area:
- 2242 a. grading of up to fifty cubic yards on lot less than five acres; and
2243 b. clearing of up to one-thousand square feet or up to a cumulative thirty-five
2244 percent of the severe channel migration hazard area.
- 2245 15. Only where erosion or landsliding threatens a structure, utility facility,
2246 roadway, driveway, public trails, aquatic area or wetland if, to the maximum extent
2247 practical, stabilization work does not disturb the slope and its vegetative cover and any
2248 associated critical areas.
- 2249 16. Allowed when performed by, at the direction of or authorized by a
2250 government agency in accordance with regional road maintenance guidelines.
- 2251 17. Allowed when not performed under the direction of a government agency
2252 only if:
- 2253 a. the maintenance or expansion does not involve the use of herbicides,
2254 hazardous substances, sealants or other liquid oily substances in aquatic areas, wetlands
2255 or their buffers; and

2256 b. when maintenance, expansion or replacement of bridges or culverts involves
2257 water used by salmonids:

2258 (1) the work is in compliance with ditch standards in public rule; and

2259 (2) the maintenance of culverts is limited to removal of sediment and debris
2260 from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or
2261 damaged bank or channel immediately adjacent to the culvert and shall not involve the
2262 excavation of a new sediment trap adjacent to the inlet.

2263 18. Allowed for the removal of hazard trees and vegetation as necessary for
2264 surveying or testing purposes.

2265 19. The limited trimming, pruning or removal of vegetation under a vegetation
2266 management plan approved by the department:

2267 a. in steep slope and landslide hazard areas, for the making and maintenance of
2268 view corridors; and

2269 b. in all critical areas for habitat enhancement, invasive species control or
2270 forest management activities.

2271 20. Harvesting of plants and plant materials, such as plugs, stakes, seeds or
2272 fruits, for restoration and enhancement projects is allowed.

2273 21. Cutting of firewood is subject to the following:

2274 a. within a wildlife habitat conservation area, cutting firewood is not allowed;

2275 b. within a wildlife network, cutting shall be in accordance with a management
2276 plan approved under K.C.C. 21A.24.386; and

2277 c. within a critical area buffer, cutting shall be for personal use and in
2278 accordance with an approved forest management plan or rural stewardship plan.

2279 22. Allowed only in buffers if in accordance with best management practices
2280 approved by the King County fire marshal.

2281 23. Allowed as follows:

2282 a. if conducted in accordance with an approved forest management plan, farm
2283 management plan or rural stewardship plan; or

2284 b. without an approved forest management plan, farm management plan or
2285 rural stewardship plan, only if:

2286 (1) removal is undertaken with hand labor, including hand-held mechanical
2287 tools, unless the King County noxious weed control board otherwise prescribes the use of
2288 riding mowers, light mechanical cultivating equipment or herbicides or biological control
2289 methods;

2290 (2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;

2291 (3) the cleared area is revegetated with native vegetation and stabilized
2292 against erosion; and

2293 (4) herbicide use is in accordance with federal and state law;

2294 24. Allowed to repair or replace existing on site wastewater disposal systems in
2295 accordance with the applicable public health standards within Marine Recovery Areas
2296 adopted by the Seattle King County board of health and:

2297 a. there is no alternative location available with less impact on the critical area;

2298 b. impacts to the critical area are minimized to the maximum extent
2299 practicable;

2300 c. the alterations will not subject the critical area to increased risk of landslide
2301 or erosion;

- 2302 d. vegetation removal is the minimum necessary to accommodate the septic
2303 system; and
- 2304 e. significant risk of personal injury is eliminated or minimized in the landslide
2305 hazard area.
- 2306 25. Only if in compliance with published Washington state Department of Fish
2307 and Wildlife and Washington state Department of Natural Resources Management
2308 standards for the species. If there are no published Washington state standards, only if in
2309 compliance with management standards determined by the county to be consistent with
2310 best available science.
- 2311 26. Allowed only if:
- 2312 a. there is not another feasible location with less adverse impact on the critical
2313 area and its buffer;
- 2314 b. the corridor is not located over habitat used for salmonid rearing or
2315 spawning or by a species listed as endangered or threatened by the state or federal
2316 government unless the department determines that there is no other feasible crossing site.
- 2317 c. the corridor width is minimized to the maximum extent practical;
- 2318 d. the construction occurs during approved periods for instream work;
- 2319 e. the corridor will not change or diminish the overall aquatic area flow peaks,
2320 duration or volume or the flood storage capacity; and
- 2321 f. no new public right-of-way is established within a severe channel migration
2322 hazard area.

2323 27. To the maximum extent practical, during breeding season established under
2324 K.C.C. 21A.24.382, land clearing machinery such as bulldozers, graders or other heavy
2325 equipment are not operated within a wildlife habitat conservation area.

2326 28. Allowed only if:

2327 a. an alternative access is not available;

2328 b. impact to the critical area is minimized to the maximum extent practical
2329 including the use of walls to limit the amount of cut and fill necessary;

2330 c. the risk associated with landslide and erosion is minimized;

2331 d. access is located where it is least subject to risk from channel migration; and

2332 e. construction occurs during approved periods for instream work.

2333 29. Only if in compliance with a farm management plan in accordance with

2334 K.C.C. 21A.24.051.

2335 30. Allowed only if:

2336 a. the new construction or replacement is made fish passable in accordance
2337 with the most recent Washington state Department of Fish and Wildlife manuals or with
2338 the National Marine and Fisheries Services guidelines for federally listed salmonid
2339 species; and

2340 b. the site is restored with appropriate native vegetation.

2341 31. Allowed if necessary to bring the bridge or culvert up to current standards
2342 and if:

2343 a. there is not another feasible alternative available with less impact on the
2344 aquatic area and its buffer; and

2345 b. to the maximum extent practical, the bridge or culvert is located to minimize
2346 impacts to the aquatic area and its buffer's.

2347 32. Allowed in an existing roadway if conducted consistent with the regional
2348 road maintenance guidelines.

2349 33. Allowed outside the roadway if:

2350 a. the alterations will not subject the critical area to an increased risk of
2351 landslide or erosion;

2352 b. vegetation removal is the minimum necessary to locate the utility or
2353 construct the corridor; and

2354 c. significant risk of personal injury is eliminated or minimized in the landslide
2355 hazard area.

2356 34. Limited to the pipelines, cables, wires and support structures of utility
2357 facilities within utility corridors if:

2358 a. there is no alternative location with less adverse impact on the critical area
2359 and critical area buffer;

2360 b. new utility corridors meet the all of the following to the maximum extent
2361 practical:

2362 (1) are not located over habitat used for salmonid rearing or spawning or by a
2363 species listed as endangered or threatened by the state or federal government unless the
2364 department determines that there is no other feasible crossing site;

2365 (2) the mean annual flow rate is less than twenty cubic feet per second; and

2366 (3) paralleling the channel or following a down-valley route near the channel
2367 is avoided;

- 2368 c. to the maximum extent practical utility corridors are located so that:
- 2369 (1) the width is the minimized;
- 2370 (2) the removal of trees greater than twelve inches diameter at breast height is
- 2371 minimized;
- 2372 (3) an additional, contiguous and undisturbed critical area buffer, equal in
- 2373 area to the disturbed critical area buffer area including any allowed maintenance roads, is
- 2374 provided to protect the critical area;
- 2375 d. to the maximum extent practical, access for maintenance is at limited access
- 2376 points into the critical area buffer rather than by a parallel maintenance road. If a parallel
- 2377 maintenance road is necessary the following standards are met:
- 2378 (1) to the maximum extent practical the width of the maintenance road is
- 2379 minimized and in no event greater than fifteen feet; and
- 2380 (2) the location of the maintenance road is contiguous to the utility corridor
- 2381 on the side of the utility corridor farthest from the critical area;
- 2382 e. the utility corridor or facility will not adversely impact the overall critical
- 2383 area hydrology or diminish flood storage capacity;
- 2384 f. the construction occurs during approved periods for instream work;
- 2385 g. the utility corridor serves multiple purposes and properties to the maximum
- 2386 extent practical;
- 2387 h. bridges or other construction techniques that do not disturb the critical areas
- 2388 are used to the maximum extent practical;
- 2389 i. bored, drilled or other trenchless crossing is laterally constructed at least four
- 2390 feet below the maximum depth of scour for the base flood;

2391 j. bridge piers or abutments for bridge crossing are not placed within the
2392 FEMA floodway or the ordinary high water mark;

2393 k. open trenching is only used during low flow periods or only within aquatic
2394 areas when they are dry. The department may approve open trenching of type S or F
2395 aquatic areas only if there is not a feasible alternative and equivalent or greater
2396 environmental protection can be achieved; and

2397 l. minor communication facilities may collocate on existing utility facilities if:

2398 (1) no new transmission support structure is required; and

2399 (2) equipment cabinets are located on the transmission support structure.

2400 35. Allowed only for new utility facilities in existing utility corridors.

2401 36. Allowed for onsite private individual utility service connections or private
2402 or public utilities if the disturbed area is not expanded and no hazardous substances,
2403 pesticides or fertilizers are applied.

2404 37. Allowed if the disturbed area is not expanded, clearing is limited to the
2405 maximum extent practical and no hazardous substances, pesticides or fertilizers are
2406 applied.

2407 38. Allowed if:

2408 a. conveying the surface water into the wetland or aquatic area buffer and
2409 discharging into the wetland or aquatic area buffer or at the wetland or aquatic area edge
2410 has less adverse impact upon the wetland or aquatic area or wetland or aquatic area buffer
2411 than if the surface water were discharged at the buffer's edge and allowed to naturally
2412 drain through the buffer;

2413 b. the volume of discharge is minimized through application of low impact
2414 development and water quality measures identified in the King County Surface Water
2415 Design Manual;

2416 c. the conveyance and outfall are installed with hand equipment where
2417 feasible;

2418 d. the outfall shall include bioengineering techniques where feasible; and

2419 e. the outfall is designed to minimize adverse impacts to critical areas.

2420 39. Allowed only if:

2421 a. there is no feasible alternative with less impact on the critical area and its
2422 buffer;

2423 b. to the maximum extent practical, the bridge or culvert is located to minimize
2424 impacts to the critical area and its buffer;

2425 c. the bridge or culvert is not located over habitat used for salmonid rearing or
2426 spawning unless there is no other feasible crossing site;

2427 d. construction occurs during approved periods for in-stream work; and

2428 e. bridge piers or abutments for bridge crossings are not placed within the
2429 FEMA floodway, severe channel migration hazard area or waterward of the ordinary high
2430 water mark.

2431 40. Allowed for an open, vegetated stormwater management conveyance system
2432 and outfall structure that simulates natural conditions if:

2433 a. fish habitat features necessary for feeding, cover and reproduction are
2434 included when appropriate;

2435 b. vegetation is maintained and added adjacent to all open channels and ponds,
2436 if necessary to prevent erosion, filter out sediments or shade the water; and

2437 c. bioengineering techniques are used to the maximum extent practical.

2438 41. Allowed for a closed, tightlined conveyance system and outfall structure if:

2439 a. necessary to avoid erosion of slopes; and

2440 b. bioengineering techniques are used to the maximum extent practical.

2441 42. Allowed in a severe channel migration hazard area or an aquatic area buffer
2442 to prevent bank erosion only:

2443 a. if consistent with the Integrated Streambank Protection Guidelines

2444 (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering

2445 techniques are used to the maximum extent practical, unless the applicant demonstrates

2446 that other methods provide equivalent structural stabilization and environmental function;

2447 b. based on a critical areas report, the department determines that the new

2448 flood protection facility will not cause significant impacts to upstream or downstream

2449 properties; and

2450 c. to prevent bank erosion for the protection of:

2451 (1) public roadways;

2452 (2) sole access routes in existence before February 16, 1995;

2453 (3) new primary dwelling units, accessory dwelling units or accessory living

2454 quarters and residential accessory structures located outside the severe channel migration

2455 hazard area if:

2456 (a) the site is adjacent to or abutted by properties on both sides containing

2457 buildings or sole access routes protected by legal bank stabilization in existence before

2458 February 16, 1995. The buildings, sole access routes or bank stabilization must be
2459 located no more than six hundred feet apart as measured parallel to the migrating
2460 channel; and

2461 (b) the new primary dwelling units, accessory dwelling units, accessory
2462 living quarters or residential accessory structures are located no closer to the aquatic area
2463 than existing primary dwelling units, accessory dwelling units, accessory living quarters
2464 or residential accessory structures on abutting or adjacent properties; or

2465 (4) existing primary dwelling units, accessory dwelling units, accessory living
2466 quarters or residential accessory structures if:

2467 (a) the structure was in existence before the adoption date of a King County
2468 Channel Migration Zone hazard map that applies to that channel, if such a map exists;

2469 (b) the structure is in imminent danger, as determined by a geologist,
2470 engineering geologist or geotechnical engineer;

2471 (c) the applicant has demonstrated that the existing structure is at risk, and
2472 the structure and supporting infrastructure cannot be relocated on the lot further from the
2473 source of channel migration; and

2474 (d) nonstructural measures are not feasible.

2475 43. Applies to lawfully established existing structures if:

2476 a. the height of the facility is not increased, unless the facility is being replaced
2477 in a new alignment that is landward of the previous alignment and enhances aquatic area
2478 habitat and process;

2479 b. the linear length of the facility is not increased, unless the facility is being
2480 replaced in a new alignment that is landward of the previous alignment and enhances
2481 aquatic area habitat and process;

2482 c. the footprint of the facility is not expanded waterward;

2483 d. consistent with the Integrated Streambank Protection Guidelines
2484 (Washington State Aquatic Habitat Guidelines Program, 2002) and bioengineering
2485 techniques are used to the maximum extent practical;

2486 e. the site is restored with appropriate native vegetation and erosion protection
2487 materials; and

2488 f. based on a critical areas report, the department determines that the
2489 maintenance, repair, replacement or construction will not cause significant impacts to
2490 upstream or downstream properties.

2491 44. Allowed in type N and O aquatic areas if done in least impacting way at
2492 least impacting time of year, in conformance with applicable best management practices,
2493 and all affected instream and buffer features are restored.

2494 45. Allowed in a type S or F water when such work is:

2495 a. included as part of a project to evaluate, restore or improve habitat, and

2496 b. sponsored or cosponsored by a public agency that has natural resource
2497 management as a function or by a federally recognized tribe.

2498 46. Allowed as long as the trail is not constructed of impervious surfaces that
2499 will contribute to surface water run-off, unless the construction is necessary for soil
2500 stabilization or soil erosion prevention or unless the trail system is specifically designed
2501 and intended to be accessible to handicapped persons.

2502 47. Not allowed in a wildlife habitat conservation area. Otherwise, allowed in
2503 the buffer or for crossing a category II, III or IV wetland or a type F, N or O aquatic area,
2504 if:

2505 a. the trail surface is made of pervious materials, except that public
2506 multipurpose trails may be made of impervious materials if they meet all the
2507 requirements in K.C.C. chapter 9.12. A trail that crosses a wetland or aquatic area shall
2508 be constructed as a raised boardwalk or bridge;

2509 b. to the maximum extent practical, buffers are expanded equal to the width of
2510 the trail corridor including disturbed areas;

2511 c. there is not another feasible location with less adverse impact on the critical
2512 area and its buffer;

2513 d. the trail is not located over habitat used for salmonid rearing or spawning or
2514 by a species listed as endangered or threatened by the state or federal government unless
2515 the department determines that there is no other feasible crossing site;

2516 e. the trail width is minimized to the maximum extent practical;

2517 f. the construction occurs during approved periods for instream work; and

2518 g. the trail corridor will not change or diminish the overall aquatic area flow
2519 peaks, duration or volume or the flood storage capacity.

2520 h. the trail may be located across a critical area buffer for access to a viewing
2521 platform or to a permitted dock or pier;

2522 i. A private viewing platform may be allowed if it is:

2523 (1) located upland from the wetland edge or the ordinary high water mark of
2524 an aquatic area;

2525 (2) located where it will not be detrimental to the functions of the wetland or
2526 aquatic area and will have the least adverse environmental impact on the critical area or
2527 its buffer;

2528 (3) limited to fifty square feet in size;

2529 (4) constructed of materials that are nontoxic; and

2530 (5) on footings located outside of the wetland or aquatic area.

2531 48. Only if the maintenance:

2532 a. does not involve the use of herbicides or other hazardous substances except
2533 for the removal of noxious weeds or invasive vegetation;

2534 b. when salmonids are present, the maintenance is in compliance with ditch
2535 standards in public rule; and

2536 c. does not involve any expansion of the roadway, lawn, landscaping, ditch,
2537 culvert, engineered slope or other improved area being maintained.

2538 49. Limited to alterations to restore habitat forming processes or directly restore
2539 habitat function and value, including access for construction, as follows:

2540 a. projects sponsored or cosponsored by a public agency that has natural
2541 resource management as a primary function or by a federally recognized tribe;

2542 b. restoration and enhancement plans prepared by a qualified biologist; or

2543 c. conducted in accordance with an approved forest management plan, farm
2544 management plan or rural stewardship plan.

2545 50. Allowed in accordance with a scientific sampling permit issued by
2546 Washington state Department of Fish and Wildlife or an incidental take permit issued
2547 under Section 10 of the Endangered Species Act.

2548 51. Allowed for the minimal clearing and grading, including site access,
2549 necessary to prepare critical area reports.

2550 52. The following are allowed if associated spoils are contained:

2551 a. data collection and research if carried out to the maximum extent practical
2552 by nonmechanical or hand-held equipment;

2553 b. survey monument placement;

2554 c. site exploration and gage installation if performed in accordance with state-
2555 approved sampling protocols and accomplished to the maximum extent practical by
2556 hand-held equipment and; or similar work associated with an incidental take permit
2557 issued under Section 10 of the Endangered Species Act or consultation under Section 7 of
2558 the Endangered Species Act.

2559 53. Limited to activities in continuous existence since January 1, 2005, with no
2560 expansion within the critical area or critical area buffer. "Continuous existence" includes
2561 cyclical operations and managed periods of soil restoration, enhancement or other fallow
2562 states associated with these horticultural and agricultural activities.

2563 54. Allowed for expansion of existing or new agricultural activities where:

2564 a. the site is predominantly involved in the practice of agriculture;

2565 b. there is no expansion into an area that:

2566 (1) has been cleared under a class I, II, III, IV-S or nonconversion IV-G forest
2567 practice permit; or

2568 (2) is more than ten thousand square feet with tree cover at a uniform density
2569 more than ninety trees per acre and with the predominant mainstream diameter of the
2570 trees at least four inches diameter at breast height, not including areas that are actively

2571 managed as agricultural crops for pulpwood, Christmas trees or ornamental nursery
2572 stock;

2573 c. the activities are in compliance with an approved farm management plan in
2574 accordance with K.C.C. 21A.24.051; and

2575 d. all best management practices associated with the activities specified in the
2576 farm management plan are installed and maintained.

2577 55. Only allowed in grazed or tilled wet meadows or their buffers if:

2578 a. the facilities are designed to the standards of an approved farm management
2579 plan in accordance K.C.C. 21A.24.051 or an approved livestock management plan in
2580 accordance with K.C.C. chapter 21A.30;

2581 b. there is not a feasible alternative location available on the site; and

2582 c. the facilities are located close to the outside edge of the buffer to the
2583 maximum extent practical.

2584 56. Only allowed in a severe channel migration hazard area located outside of
2585 the shorelines jurisdiction area, grazed or tilled wet meadow or wet meadow buffer or
2586 aquatic area buffer and only if:

2587 ~~((a. located outside the shoreline jurisdiction;))~~

2588 ~~((b.))~~ a. the applicant demonstrates that adverse impacts to the critical area and
2589 critical area buffers have been minimized;

2590 ~~((c.))~~ b. there is not another feasible location available on the site that is
2591 located outside of the critical area or critical area buffer; and

2592 (~~d.~~) c. for proposals located in the severe channel migration hazard area, the
2593 farm pad or livestock manure storage facility is located where it is least subject to risk
2594 from channel migration.

2595 57. Allowed for new agricultural drainage in compliance with an approved farm
2596 management plan in accordance with K.C.C. 21A.24.051 and all best management
2597 practices associated with the activities specified in the farm management plan are
2598 installed and maintained.

2599 58. If the agricultural drainage is used by salmonids, maintenance shall be in
2600 compliance with an approved farm management plan in accordance with K.C.C.
2601 21A.24.051.

2602 59. Allowed within existing landscaped areas or other previously disturbed
2603 areas.

2604 60. Allowed for residential utility service distribution lines to residential
2605 dwellings, including, but not limited to, well water conveyance, septic system
2606 conveyance, water service, sewer service, natural gas, electrical, cable and telephone, if:

2607 a. there is no alternative location with less adverse impact on the critical area
2608 or the critical area buffer;

2609 b. the residential utility service distribution lines meet the all of the following,
2610 to the maximum extent practical:

2611 (1) are not located over habitat used for salmonid rearing or spawning or by a
2612 species listed as endangered or threatened by the state or federal government unless the
2613 department determines that there is no other feasible crossing site;

2614 (2) not located over a type S aquatic area;

2615 (3) paralleling the channel or following a down-valley route near the channel
2616 is avoided;

2617 (4) the width of clearing is minimized;

2618 (5) the removal of trees greater than twelve inches diameter at breast height is
2619 minimized;

2620 (6) an additional, contiguous and undisturbed critical area buffer, equal in
2621 area to the disturbed critical area buffer area is provided to protect the critical area;

2622 (7) access for maintenance is at limited access points into the critical area
2623 buffer.

2624 (8) the construction occurs during approved periods for instream work;

2625 (9) bored, drilled or other trenchless crossing is encouraged, and shall be
2626 laterally constructed at least four feet below the maximum depth of scour for the base
2627 flood; and

2628 (10) open trenching across Type O or Type N aquatic areas is only used
2629 during low flow periods or only within aquatic areas when they are dry.

2630 61. Allowed if sponsored or cosponsored by the countywide flood control zone
2631 district and the department determines that the project and its location:

2632 a. is the best flood risk reduction alternative practicable;

2633 b. is part of a comprehensive, long-term flood management strategy;

2634 c. is consistent with the King County Flood Hazard Management Plan policies;

2635 d. will have the least adverse impact on the ecological functions of the critical
2636 area or its buffer, including habitat for fish and wildlife that are identified for protection
2637 in the King County Comprehensive Plan; and

- 2638 e. has been subject to public notice in accordance with K.C.C. 20.44.060.
- 2639 62.a. Not allowed in wildlife habitat conservation areas;
- 2640 b. Only allowed if:
- 2641 (1) the project is sponsored or cosponsored by a public agency whose primary
- 2642 function deals with natural resources management;
- 2643 (2) the project is located on public land or on land that is owned by a
- 2644 nonprofit agency whose primary function deals with natural resources management;
- 2645 (3) there is not a feasible alternative location available on the site with less
- 2646 impact to the critical area or its associated buffer;
- 2647 (4) the aquatic area or wetland is not for salmonid rearing or spawning;
- 2648 (5) the project minimizes the footprint of structures and the number of access
- 2649 points to any critical areas; and
- 2650 (6) the project meets the following design criteria:
- 2651 (a) to the maximum extent practical size of platform shall not exceed one
- 2652 hundred square feet;
- 2653 (b) all construction materials for any structures, including the platform,
- 2654 pilings, exterior and interior walls and roof, are constructed of nontoxic material, such as
- 2655 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,
- 2656 fiberglass or cured concrete that the department determines will not have an adverse
- 2657 impact on water quality;
- 2658 (c) the exterior of any structures are sufficiently camouflaged using netting
- 2659 or equivalent to avoid any visual deterrent for wildlife species to the maximum extent
- 2660 practical. The camouflage shall be maintained to retain concealment effectiveness;

2661 (d) structures shall be located outside of the wetland or aquatic area
2662 landward of the Ordinary High Water Mark or open water component (if applicable) to
2663 the maximum extent practical on the site;

2664 (e) construction occurs during approved periods for work inside the
2665 Ordinary High Water Mark;

2666 (f) construction associated with bird blinds shall not occur from March 1
2667 through August 31, in order to avoid disturbance to birds during the breeding, nesting and
2668 rearing seasons;

2669 (g) to the maximum extent practical, provide accessibility for persons with
2670 physical disabilities in accordance with the International Building Code;

2671 (h) trail access is designed in accordance with public rules adopted by the
2672 department;

2673 (i) existing native vegetation within the critical area will remain undisturbed
2674 except as necessary to accommodate the proposal. Only minimal hand clearing of
2675 vegetation is allowed; and

2676 (j) disturbed bare ground areas around the structure must be replanted with
2677 native vegetation approved by the department.

2678 63. Not allowed in the severe channel migration zone, there is no alternative
2679 location with less adverse impact on the critical area and buffer and clearing is minimized
2680 to the maximum extent practical.

2681 64. Only structures wholly or partially supported by a tree and used as accessory
2682 living quarters or for play and similar uses described in K.C.C. 16.02.240.1, subject to the
2683 following:

- 2684 a. not allowed in wildlife habitat conservation areas or severe channel
2685 migration hazard areas;
- 2686 b. the structure's floor area shall not exceed two hundred square feet, excluding
2687 a narrow access stairway or landing leading to the structure;
- 2688 c. the structure shall be located as far from the critical area as practical, but in
2689 no case closer than seventy-five feet from the critical area;
- 2690 d. only one tree-supported structure within a critical area buffer is allowed on a
2691 lot;
- 2692 e. all construction materials for the structure, including the platform, pilings,
2693 exterior and interior walls and roof, shall be constructed of nontoxic material, such as
2694 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,
2695 fiberglass or cured concrete that the department determines will not have an adverse
2696 impact on water quality;
- 2697 f. to the maximum extent practical, the exterior of the structure shall be
2698 camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife
2699 and visibility from the critical area. The camouflage shall be maintained to retain
2700 concealment effectiveness;
- 2701 g. the structure must not adversely impact the long-term health and viability of
2702 the tree. The evaluation shall include, but not be limited to, the following:
- 2703 (1) the quantity of supporting anchors and connection points to attach the tree
2704 house to the tree shall be the minimum necessary to adequately support the structure;
- 2705 (2) the attachments shall be constructed using the best available tree anchor
2706 bolt technology; and

2707 (3) an ISA Certified Arborist shall evaluate the tree proposed for placement
2708 of the tree house and shall submit a report discussing how the tree's long-term health and
2709 viability will not be negatively impacted by the tree house or associated infrastructure;

2710 h. exterior lighting shall meet the following criteria:

2711 (1) limited to the minimum quantity of lights necessary to meet the building
2712 code requirements to allow for safe exiting of the structure and stairway; and

2713 (2) exterior lights shall be fully shielded and shall direct light downward, in
2714 an attempt to minimize impacts to the nighttime environment;

2715 i. unless otherwise approved by the department, all external construction shall
2716 be limited to September 1 through March 1 in order to avoid disturbance to wildlife
2717 species during typical breeding, nesting and rearing seasons;

2718 j. trail access to the structure shall be designed in accordance with trail
2719 standards under subsection D.47. of this section;

2720 k. to the maximum extent practical, existing native vegetation shall be left
2721 undisturbed. Only minimal hand clearing of vegetation is allowed; and

2722 l. vegetated areas within the critical area buffer that are temporarily impacted
2723 by construction of the structure shall be restored by planting native vegetation according
2724 to a vegetation management plan approved by the department.

2725 65. Shoreline water dependent and shoreline water oriented uses are allowed in
2726 the aquatic area and aquatic area buffer of a Type S aquatic area if consistent with K.C.C.
2727 chapter 21A.25, chapter 90.58 RCW and the King County Comprehensive Plan.

2728 66. Only hydroelectric generating facilities meeting the requirements of K.C.C.
2729 21A.08.100B.14., and only as follows:

- 2730 a. there is not another feasible location within the aquatic area with less
2731 adverse impact on the critical area and its buffer;
- 2732 b. the facility and corridor is not located over habitat used for salmonid rearing
2733 or spawning or by a species listed as endangered or threatened by the state or federal
2734 government unless the department determines that there is no other feasible location;
- 2735 c. the facility is not located in Category I wetlands or Category II wetlands
2736 with a habitat score 30 points or greater
- 2737 d. the corridor width is minimized to the maximum extent practical;
- 2738 e. paralleling the channel or following a down-valley route within an aquatic
2739 area buffer is avoided to the maximum extent practical;
- 2740 f. the construction occurs during approved periods for instream work;
- 2741 g. the facility and corridor will not change or adversely impact the overall
2742 aquatic area flow peaks, duration or volume or the flood storage capacity;
- 2743 h. The facility and corridor is not located within a severe channel migration
2744 hazard area;
- 2745 ~~((h-))~~ i. To the maximum extent practical, buildings will be located outside the
2746 buffer and away from the aquatic area or wetland;
- 2747 ~~((i-))~~ j. To the maximum extent practical, access for maintenance is at limited
2748 access points into the critical area buffer rather than by a parallel maintenance road. If a
2749 parallel maintenance road is necessary the following standards are met:
- 2750 (1) to the maximum extent practical the width of the maintenance road is
2751 minimized and in no event greater than fifteen feet; and

2752 (2) the location of the maintenance road is contiguous to the utility corridor
2753 on the side of the utility corridor farthest from the critical area;

2754 ~~((j))~~ k. the facility does not pose an unreasonable threat to the public health,
2755 safety or welfare on or off the development proposal site and is consistent with the
2756 general purposes of this chapter and the public interest; and

2757 ~~((k))~~ l. the facility connects to or is an alteration to a public roadway, public
2758 trail, a utility corridor or utility facility or other infrastructure owned or operated by a
2759 public utility~~((; and))~~;

2760 67. Only hydroelectric generating facilities meeting the requirements of K.C.C.
2761 21A.08.100.B.14, and only as follows:

2762 a. there is not another feasible location with less adverse impact on the critical
2763 area and its buffer;

2764 b. the alterations will not subject the critical area to an increased risk of
2765 landslide or erosion;

2766 c. the corridor width is minimized to the maximum extent practical;

2767 d. vegetation removal is the minimum necessary to locate the utility or
2768 construct the corridor;

2769 e. the facility and corridor do not pose an unreasonable threat to the public
2770 health, safety or welfare on or off the development proposal site and is consistent with the
2771 general purposes of this chapter, and the public interest and significant risk of personal
2772 injury is eliminated or minimized in the landslide hazard area; and

2773 f. the facility connects to or is an alteration to a public roadway, public trail, a
2774 utility corridor or utility facility or other infrastructure owned or operated by a public
2775 utility.

2776 68. Only for a single detached dwelling unit on a lake twenty acres or larger and
2777 only as follows:

2778 a. the heat exchanger must be a closed loop system that does not draw water
2779 from or discharge to the lake;

2780 b. the lake bed shall not be disturbed, except as required by the county or a
2781 state or federal agency to mitigate for impacts of the heat exchanger;

2782 c. the in-water portion of system is only allowed where water depth exceeds
2783 six feet; and

2784 d. system structural support for the heat exchanger piping shall be attached to
2785 an existing dock or pier or be attached to a new structure that meets the requirements of
2786 K.C.C. 21A.25.180.

2787 69. Only for maintenance of agricultural waterways if:

2788 a. the purpose of the maintenance project is to improve agricultural production
2789 on a site predominately engaged in the practice of agriculture;

2790 b. the maintenance project is conducted in compliance with a hydraulic project
2791 approval issued by the Washington state Department of Fish and Wildlife pursuant to
2792 chapter 77.55 RCW;

2793 c. the maintenance project complies with the King County agricultural
2794 drainage assistance program as agreed to by the Washington state Department of Fish and
2795 Wildlife, the department of permitting and environmental review and the department of

2796 natural resources and parks, and as reviewed by the Washington state Department of
2797 Ecology;

2798 d. the person performing the maintenance and the land owner have attended
2799 training provided by King County on the King County agricultural drainage assistance
2800 program and the best management practices required under that program; and

2801 e. the maintenance project complies with K.C.C. chapter 16.82.

2802 SECTION 39. Ordinance 10870, Section 470, as amended, and K.C.C.

2803 21A.24.230 are each hereby amended to read as follows:

2804 A. A flood hazard area consists of the following components:

2805 1. Floodplain;

2806 2. Zero-rise flood fringe;

2807 3. Zero-rise floodway;

2808 4. FEMA floodway; and

2809 5. Channel migration zones.

2810 B. The department (~~shall~~) may delineate a flood hazard area after reviewing

2811 base flood elevations and flood hazard data for a flood having a one percent chance of

2812 being equaled or exceeded in any given year, often referred to as the "one-hundred-year

2813 flood." The department shall determine the base flood for existing conditions. If a basin

2814 plan or hydrologic study including projected flows under future developed conditions has

2815 been completed and is currently approved by King County, the department (~~shall~~) may

2816 use these future flow projections. Many flood hazard areas are mapped by FEMA in a

2817 scientific and engineering report entitled "The Flood Insurance Study for King County

2818 and Incorporated Areas." Proof that a land use or development activity is occurring

2819 within the area mapped on the Flood Hazard Area Study for King County and
2820 Incorporated Areas shall be sufficient, but not required, to prove that the area of concern
2821 is subject to inundation by the base flood in any action to enforce code compliance under
2822 K.C.C. Title 23. When there are multiple sources of flood hazard data for flood plain
2823 boundaries, regulatory floodway boundaries, base flood elevations, or flood cross
2824 sections, the department may determine which data most accurately classifies and
2825 delineates the flood hazard area. The department may utilize the following sources of
2826 flood hazard data for floodplain boundaries, regulatory floodway boundaries, base flood
2827 elevations or cross sections when determining a flood hazard area:

- 2828 1. Flood Insurance Rate Maps;
- 2829 2. Flood Insurance Studies;
- 2830 3. Preliminary Flood Insurance Rate Maps;
- 2831 4. Preliminary Flood Insurance Studies;
- 2832 5. Draft flood boundary work maps and associated technical reports;
- 2833 6. Critical area reports prepared in accordance with FEMA standards contained
2834 in 44 C.F.R. Part 65 and consistent with the King County Surface Water Design Manual
2835 provisions for floodplain analysis;
- 2836 7. Letter of map amendments;
- 2837 8. Letter of map revisions;
- 2838 9. Channel migration zone maps and studies;
- 2839 10. Historical flood hazard information;
- 2840 11. Wind and wave data provided by the United States Army Corps of
2841 Engineers; and

2842 12. Any other available data that accurately classifies and delineates the flood
2843 hazard area or base flood elevation.

2844 C. A number of channel migration zones are mapped by the county for portions
2845 of river systems. These channel migration zones and the criteria and process used to
2846 designate and classify channel migration zones are specified by public rule adopted by
2847 the department. An applicant for a development proposal may submit a critical area
2848 report to the department to determine channel migration zone boundaries or classify
2849 channel migration hazard areas on a specific property if there is an apparent discrepancy
2850 between the site-specific conditions or data and the adopted channel migration zone
2851 maps.

2852 SECTION 40. Ordinance 10870, Section 471, as amended, and K.C.C.

2853 21A.24.240 are each hereby amended to read as follows:

2854 The following development standards apply to development proposals and
2855 alterations on sites within the zero-rise flood fringe:

2856 A. Development proposals and alterations shall not reduce the effective base
2857 flood storage volume of the floodplain. A development proposal shall provide
2858 compensatory storage if grading or other activity displaces any effective flood storage
2859 volume. Compensatory storage is not required for grading or fill placed within the
2860 foundation of an existing residential structure to bring the interior foundation grade to the
2861 same level as the lowest adjacent exterior grade. Compensatory storage shall:

2862 1. Provide equivalent volume at equivalent elevations to that being displaced.
2863 For this purpose, equivalent elevations means having similar relationship to ordinary high
2864 water and to the best available ten-year, fifty-year and one-hundred-year water surface

2865 profiles. If the difference between the fifty-year and the one-hundred-year surface
2866 profiles is less than one foot, equivalent elevations means having similar relationships to
2867 ordinary high water and to the best available ten-year and one-hundred-year water surface
2868 profiles;

2869 2. Hydraulically connect to the source of flooding;

2870 3. Provide compensatory storage in the same construction season as when the
2871 displacement of flood storage volume occurs and before the flood season begins on
2872 September 30 for that year;

2873 4. Occur on the site. The director may approve equivalent compensatory
2874 storage off the site if legal arrangements, acceptable to the department, are made to
2875 ensure that the effective compensatory storage volume will be preserved over time; and

2876 5. The director may approve of off site compensatory storage through a
2877 compensatory storage bank managed by the department of natural resources and parks or
2878 the director, in consultation with and agreement from the department of natural resources
2879 and parks, may allow a reduction in flood storage if a cumulative effects analysis
2880 demonstrates that the loss of storage will not create a measurable increase in the base
2881 flood elevation anywhere off the site;

2882 B. A structural engineer shall design and certify all elevated buildings and submit
2883 the design to the department;

2884 C. A civil engineer shall prepare a base flood depth and base flood velocity
2885 analysis and submit the analysis to the department. A base flood depth and base flood
2886 velocity analysis is not required for agricultural structures that will not be used for human
2887 habitation. The director may waive the requirement for a base flood depth and base flood

2888 velocity analysis for agricultural structures that are not used for human habitation.
2889 Development proposals and alterations are not allowed if the base flood depth exceeds
2890 three feet and the base flood velocity exceeds three feet per second, except that the
2891 director may approve development proposals and alterations in areas where the base
2892 flood depth exceeds three feet and the base flood velocity exceeds three feet per second
2893 for the following projects;

- 2894 1. Agricultural accessory structures;
- 2895 2. Roads and bridges;
- 2896 3. Utilities;
- 2897 4. Surface water flow control or surface water conveyance systems;
- 2898 5. Public park structures; and
- 2899 6. Flood hazard mitigation projects, such as, but not limited to construction,
2900 repair or replacement of flood protection facilities or for building elevations or
2901 relocations;

2902 D. Subdivisions, short subdivisions, urban planned developments and binding
2903 site plans shall meet the following requirements:

- 2904 1. New building lots shall include five thousand square feet or more of buildable
2905 land outside the zero-rise floodway;
- 2906 2. All utilities and facilities such as sewer, gas, electrical and water systems are
2907 consistent with subsections E., F. and I. of this section;
- 2908 3. A civil engineer shall prepare detailed base flood elevations in accordance
2909 with FEMA guidelines for all new lots;

2910 4. A development proposal shall provide adequate drainage in accordance with
2911 the King County Surface Water Design Manual to reduce exposure to flood damage; and

2912 5. The face of the recorded subdivision, short subdivision, urban planned
2913 development or binding site plan shall include the following for all lots:

2914 a. building setback areas restricting structures to designated buildable areas:

2915 b. base flood data and sources and flood hazard notes including, but not limited
2916 to, base flood elevation, required flood protection elevations, the boundaries of the
2917 floodplain and the zero-rise floodway, if determined, and channel migration zone
2918 boundaries, if determined; and

2919 c. include the following notice:

2920 "Lots and structures located within flood hazard areas may be inaccessible
2921 by emergency vehicles during flood events. Residents and property owners should take
2922 appropriate advance precautions.";

2923 E. New residential structures, substantial improvements of existing residential
2924 structures and flood mitigation home elevations shall meet the following standards:

2925 1. Elevate the lowest floor, including basement, to the flood protection
2926 elevation;

2927 2. Do not fully enclose portions of the structure that are below the lowest floor
2928 area;

2929 3. Design and construct the areas and rooms below the lowest floor to
2930 automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by
2931 allowing for the entry and exit of floodwaters as follows:

2932 a. provide a minimum of two openings on each of two opposite side walls in
2933 the direction of flow, with each of those walls having a total open area of not less than
2934 one square inch for every square foot of enclosed area subject to flooding;

2935 b. design and construct the bottom of all openings so they are no higher than
2936 one foot above grade; and

2937 c. screens, louvers or other coverings or devices are allowed over the opening
2938 if they allow the unrestricted entry and exit of floodwaters;

2939 4. Use materials and methods that are resistant to and minimize flood damage;
2940 and

2941 5. Elevate above or dry-proof all electrical, heating, ventilation, plumbing, air
2942 conditioning equipment and other utilities that service the structure, such as duct-work to
2943 the flood protection elevation;

2944 F. New nonresidential structures, substantial improvements and flood mitigation
2945 nonresidential elevations of existing nonresidential structures shall meet the following
2946 standards:

2947 1.a. Except as provided in subsection F.1.b. of this section, elevate the lowest
2948 floor to the flood protection elevation;

2949 b. Nonresidential agricultural accessory buildings elevate the lowest floor to
2950 one foot above the base flood elevation;

2951 2. Dry flood-proof the structure to the flood protection elevation to meet the
2952 following standards:

2953 a. the applicant shall provide certification by a civil or structural engineer that
2954 the dry flood-proofing methods are adequate to withstand the flood-depths, pressures,

2955 velocities, impacts, uplift forces and other factors associated with the base flood. After
2956 construction, the engineer shall certify that the permitted work conforms to the approved
2957 plans and specifications; and

2958 b. approved building permits for dry flood-proofed nonresidential structures
2959 shall contain a statement notifying applicants that flood insurance premiums are based
2960 upon rates for structures that are one foot below the elevation to which the building is
2961 dry-floodproofed;

2962 3. Nonresidential agricultural accessory buildings that do not equal or exceed a
2963 maximum assessed value of sixty-five thousand dollars may be designed and oriented to
2964 allow the free passage of floodwaters through the building in a manner affording
2965 minimum flood damage provided they meet the standards in subsection F.4. through F.6.
2966 of this section. Nonresidential agricultural accessory buildings that equal or exceed
2967 sixty-five thousand dollars may apply for an alteration exception pursuant to K.C.C.
2968 21A.24.070. Nonresidential agricultural accessory buildings that do not meet the
2969 elevation standard in subsection F. 1. of this section or the dry flood-proofing standard in
2970 subsection F.2. of this section will be assessed at the flood insurance rate based on the
2971 risk to which the building is exposed;

2972 4. Use materials and methods that are resistant to and minimize flood damage;

2973 5. Design and construct the areas and rooms below the lowest floor to
2974 automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by
2975 allowing for the entry and exit of floodwaters as follows:

2976 a. provide a minimum of two openings on each of two opposite side walls in
2977 the direction of flow, with each of those walls having a total open area of not less than
2978 one square inch for every square foot of enclosed area subject to flooding;

2979 b. design the bottom of all openings is no higher than one foot above grade;
2980 and

2981 c. screens, louvers or other coverings or devices are allowed if they do not
2982 restrict entry and exit of floodwaters; and

2983 6. Dry flood proof all electrical, heating, ventilation, plumbing, air conditioning
2984 equipment and other utility and service facilities to, or elevated above, the flood
2985 protection elevation;

2986 G. Anchor all new construction and substantially improved structures to prevent
2987 flotation, collapse or lateral movement of the structure. The department shall approve the
2988 method used to anchor the new construction;

2989 H. Newly sited manufactured homes and substantial improvements of existing
2990 manufactured homes shall meet the following standards:

2991 1. Manufactured homes shall meet all the standards in this section for residential
2992 structures and the following standards:

2993 a. anchor all manufactured homes; and

2994 b. install manufactured homes using methods and practices that minimize flood
2995 damage;

2996 2. All manufactured homes within a new mobile home park or expansion of an
2997 existing mobile home park must meet the requirements for flood hazard protection for
2998 residential structures; and

2999 3. Only manufactured homes are allowed in a new or existing mobile home park
3000 located in a flood hazard area;

3001 I. Public and private utilities shall meet the following standards:

3002 1. Dry flood-proof new and replacement utilities including, but not limited to,
3003 sewage treatment and storage facilities, to, or elevate above, the flood protection
3004 elevation;

3005 2. Locate new on-site sewage disposal systems outside the floodplain. When
3006 there is insufficient area outside the floodplain, new on-site sewage disposal systems are
3007 allowed only in the zero-rise flood fringe. Locate on-site sewage disposal systems in the
3008 zero-rise flood fringe to avoid:

- 3009 a. impairment to the system during flooding;
- 3010 b. contamination from the system during flooding;

3011 3. Design all new and replacement water supply systems to minimize or
3012 eliminate infiltration of floodwaters into the system;

3013 4. Above-ground utility transmission lines, except for electric transmission
3014 lines, are allowed only for the transport of nonhazardous substances; and

3015 5. Bury underground utility transmission lines transporting hazardous
3016 substances at a minimum depth of four feet below the maximum depth of scour for the
3017 base flood, as predicted by a civil engineer, and achieve sufficient negative buoyancy so
3018 that any potential for flotation or upward migration is eliminated;

3019 J. Critical facilities are allowed within the zero-rise flood fringe only when a
3020 feasible alternative site is not available and the following standards are met:

- 3021 1. Elevate the lowest floor to the five-hundred year floodplain elevation or three
3022 or more feet above the base flood elevation, whichever is higher;
- 3023 2. Dry flood-proof and seal structures to ensure that hazardous substances are
3024 not displaced by or released into floodwaters; and
- 3025 3. Elevate access routes to or above the base flood elevation from the critical
3026 facility to the nearest maintained public street or roadway;
- 3027 K. New construction or expansion of existing farm pads is allowed only on a site
3028 with existing agriculture if emergency flood relief is required for the protection of
3029 livestock or assets or for operations that must continue during flood events as follows:
- 3030 1. A farm pad is allowed only if there is no other suitable holding area on the
3031 site outside the floodplain;
- 3032 2. Construct the farm pad to the standards in an approved farm management
3033 plan prepared in accordance with K.C.C. 21A.24.051 and K.C.C. chapter 21A.30.
- 3034 3. The farm pad proposal shall demonstrate compliance with the following:
- 3035 a. flood storage compensation consistent with subsection A. of this section;
- 3036 b. siting and sizing that do not increase base flood elevations consistent with
3037 K.C.C. 21A.24.250.B.;
- 3038 c. siting that is located in the area least subject to risk from floodwaters; and
- 3039 d. an alternatives analysis demonstrating adverse impacts to wetlands, wetland
3040 buffers and aquatic area buffers have been minimized;
- 3041 4. The farm pad is constructed to base flood elevation plus one-foot. An
3042 elevation report shall be completed after construction to demonstrate compliance with
3043 that elevation requirement;

3044 5.a. The farm pad should be sized as is necessary for the protection of livestock
3045 and assets and operations that must continue during flood events;

3046 b. for farm pads larger than two thousand square feet of finished usable
3047 surface, a site specific evaluation of agricultural operations must demonstrate the need for
3048 the size of the pad; and

3049 c. for farm pads larger than ten thousand square feet, an area-wide analysis
3050 must demonstrate that sufficient flood storage is available for reasonably foreseeable
3051 future land use needs in the vicinity;

3052 6. Nonresidential agricultural buildings are allowed on a farm pad as shelter for
3053 livestock or other farm animals, greenhouses for plant starts to be used on the property,
3054 milking parlors, storage of farm vehicles and agricultural equipment and shelter for farm
3055 products including, but not limited to, feed, seeds, flower bulbs and hay and farm
3056 operations that must continue during a flood event. Nonresidential structures allowed on
3057 a farm pad shall not be used for retail operations or any residential or public use; and

3058 7. The property owner shall file with the department of executive services,
3059 records and licensing services division, a notice approved by the department that restricts
3060 the use of the farm pad to nonresidential agricultural uses. The notice shall run with the
3061 land. The applicant shall submit to the department proof that the notice was filed before
3062 the department approves any permit for the construction of the farm pad;

3063 L. New construction or expansion of existing livestock manure storage facilities
3064 is only allowed as follows:

3065 1. The livestock manure storage facility is only allowed if there is not a feasible
3066 alternative area on the site outside the floodplain;

3067 2. Construct the livestock manure storage facility to the standards in an
3068 approved farm management plan prepared in accordance with K.C.C. 21A.24.051 and
3069 K.C.C. chapter 21A.30. The farm management plan shall demonstrate compliance with
3070 the following:

3071 a. flood storage compensation consistent with subsection A. of this section;

3072 b. siting and sizing that do not increase base flood elevations consistent with
3073 K.C.C. 21A.24.250.B. and 21A.24.260.D;

3074 c. dry flood-proofing liquid manure storage facility to one foot above the base
3075 flood elevation; and

3076 d. siting that is located in the area least subject to risk from floodwaters; and

3077 M. Recreational vehicles must be on site for fewer than one hundred eighty days
3078 or be fully licensed and ready for highway use(~~;~~ and

3079 ~~N. Temporary farm worker housing not meeting the requirements of subsection~~
3080 ~~E. or subsection H. of this section is only allowed as follows:~~

3081 ~~1. The housing must be on site for fewer than one hundred eighty days;~~

3082 ~~2. The housing must not be placed in the floodplain before May 1 of any year;~~

3083 ~~3. Except as otherwise provided in subsection N.4. of this section, the housing~~
3084 ~~must be removed from the floodplain no later than October 31 of each year;~~

3085 ~~4. Housing must be removed from a floodplain within twelve hours of King~~
3086 ~~County issuing a phase 2 flood alert for the applicable river basin, unless the water and~~
3087 ~~land resources division director or the director's designee determines flood conditions are~~
3088 ~~not likely to threaten temporary farm worker housing; and~~

3089 5. ~~In the Snoqualmie floodplain, if the housing is not removed from the~~
3090 ~~floodplain by September 30, the operator must have a plan approved by King County for~~
3091 ~~the evacuation and removal of the housing as required by subsection N.4. of this section~~
3092 ~~and for emergency communication to the housing's occupants.))~~

3093 SECTION 41. Ordinance 17485, Section 17, and K.C.C. 21A.24.274 are each
3094 hereby amended to read as follows:

3095 A. The department and the department of natural resources and parks, by public
3096 rule, shall adopt:

3097 1. Criteria for channel migration designation, classification and mapping, taking
3098 into consideration, at a minimum, Washington state ~~((d))~~Department of ~~((e))~~Ecology
3099 channel migration zone mapping guidelines; and

3100 2. Channel migration zone studies and channel migration zone maps.

3101 B. The channel migration zone and its component channel migration hazard areas
3102 shall be delineated in a channel migration zone study that is the basis for each channel
3103 migration zone map.

3104 C. The channel migration zone study:

3105 1. Shall evaluate evidence of historical channel locations and movement, basin-
3106 scale physical characteristics, current channel conditions and other relevant factors in
3107 order to delineate the channel migration zone;

3108 2. Shall include the present channel within the channel migration zone;

3109 3. Shall determine the extent of channel migration hazard areas within the
3110 channel migration zone; and

3111 4. May exclude areas from the channel migration zone that lie behind a lawfully
3112 established flood protection structure that is maintained by existing programs for public
3113 maintenance, transportation infrastructure, or other constructed feature if it is built above
3114 the elevation of the one hundred-year flood or if scientific or technical information
3115 otherwise demonstrate that the flood protection structure is not within the channel
3116 migration zone.

3117 D. An applicant for a development proposal may submit a critical area report to
3118 the department to determine channel migration zone boundaries or classify channel
3119 migration hazard areas on a specific property if there is an apparent discrepancy between
3120 the site-specific conditions or data and the adopted channel migration zone maps. If the
3121 department, in consultation with the department of natural resources and parks, based on
3122 the adopted criteria for channel migration designation, classification and mapping,
3123 determines that there is a discrepancy between the site conditions and the adopted
3124 channel migration zone maps, it shall make appropriate revisions to the maps.

3125 NEW SECTION. SECTION 42. A new section is hereby added to K.C.C.
3126 chapter 21A.24 to read as follows:

3127 In an appeal of a code enforcement action taken by the department under K.C.C.
3128 Title 23 that alleges an alteration within the flood hazard area without a required permit,
3129 proof by the department by a preponderance of the evidence that the alteration occurred
3130 within any one component of the flood hazard area shall be sufficient to sustain the
3131 allegation. A finding under this section that an alteration has occurred in the flood hazard
3132 area shall not estop the department from delineating a different flood hazard area under
3133 K.C.C. 21A.24.230 during review of a development proposal.

3134 SECTION 43. Ordinance 14187, Section 1, as amended, and K.C.C. 21A.24.500
3135 are each hereby amended to read as follows:

3136 A.1. A property owner or the property owner's agent may request a critical area
3137 designation for part or all of a site, without seeking a permit for a development proposal,
3138 by filing with the department a written application for a critical area designation on a
3139 form provided by the department. If the request is for review of a portion of a site, the
3140 application shall include a map identifying the portion of the site for which the
3141 designation is sought.

3142 2. The designation may include an evaluation or interpretation of the
3143 applicability of critical area buffers and other critical area standards to a future
3144 development proposal.

3145 B. In preparing the critical area designation, the department shall perform a
3146 critical area review to:

3147 1. Determine whether any critical area exists on the site and confirm its type,
3148 location, boundaries and classification;

3149 2. Determine whether a critical area report is required to identify and
3150 characterize the location, boundaries and classification of the critical area;

3151 3. Evaluate the critical area report, if required; and

3152 4. Document the existence, location and classification of any critical area.

3153 C. If required by the department, the applicant for a critical area designation shall
3154 prepare and submit to the department the critical area report required by subsection B.2.
3155 of this section. For sites zoned for single detached dwelling units involving wetlands or

3156 aquatic areas, the applicant may elect to have the department conduct the special study in
3157 accordance with K.C.C. Title 27;

3158 D. The department shall make the determination of a critical area designation in
3159 writing within one hundred twenty days after the application for a critical area
3160 designation is complete, as provided in K.C.C. 20.20.050. The periods in K.C.C.
3161 20.20.100A.1. through 5. are excluded from the one-hundred-twenty-day period. ~~((The
3162 written determination made under this section as to the existence, location, classification
3163 of a critical area and critical area buffers is effective for five years from the date the
3164 determination is issued if there has been no change in site conditions. The department
3165 shall rely on the determination of the existence, location and classification of the critical
3166 area and the critical area buffer in its review of a complete application for a permit or
3167 approval filed within five years after the determination is issued. If the determination
3168 applies to less than an entire site, the determination shall clearly identify the portion of
3169 the site to which the determination applies.))~~ If the determination applies to less than an
3170 entire site, the determination shall clearly identify the portion of the site to which the
3171 determination applies.

3172 E.1. The written determination made under this section is effective for five years
3173 as to the existence, location, classification of a critical area and critical area buffers on the
3174 site, unless:

3175 a. there is a change in site conditions;

3176 b. a state or federal agency adopts critical area maps that conflict with the
3177 department's written determination.

3178 2. As part of its review of a complete application for a permit or approval, the
3179 department shall establish whether the written determination is still effective.

3180 F. If the department designates critical areas on a site under this section, the
3181 applicant for a development proposal on that site shall submit proof that a critical area
3182 notice has been filed as required by K.C.C. 21A.24.170. Except as provided in this
3183 subsection, the department's determination under this section is final. If the department
3184 relies on a critical area designation made under this section during its review of an
3185 application for a permit or other approval of a development proposal and the permit or
3186 other approval is subject to an administrative appeal, any appeal of the designation shall
3187 be consolidated with and is subject to the same appeal process as the underlying
3188 development proposal. If the King County hearing examiner makes the county's final
3189 decision with regard to the permit or other approval type for the underlying development
3190 proposal, the hearing examiner's decision constitutes the county's final decision on the
3191 designation. If the King County council, acting as a quasi-judicial body, makes the
3192 county's final decision with regard to the permit or other approval type for the underlying
3193 development proposal, the King County council's decision constitutes the county's final
3194 decision on the designation.

3195 SECTION 44. Ordinance 10870, Section 492, as amended, and K.C.C.
3196 21A.26.030 are each hereby amended to read as follows:

3197 The standards and process requirements of this chapter supersede all other review
3198 process, setback or landscaping requirements of this title. All communication facilities
3199 that are not exempt ~~((pursuant to))~~ under K.C.C. 21A.26.020 shall comply with ~~((the~~
3200 ~~provisions of))~~ this chapter as follows:

3201 A. New communications facilities, with the exception of consolidations, shall
3202 comply with ~~((the provisions of))~~ K.C.C 21A.26.020 through 21A.26.130 and K.C.C.
3203 21A.26.160 through 21A.26.190;

3204 B. Modified communications facilities, with the exception of consolidations,
3205 shall comply with standards as provided in K.C.C. 21A.26.020, K.C.C. 21A.26.060
3206 through 21A.26.140, and 21A.26.160 through 21A.26.190;

3207 C. Consolidations shall comply with standards as provided in K.C.C.
3208 21A.26.020, K.C.C. 21A.26.060 through 21A.26.130, and K.C.C. 21A.26.150 through
3209 21A.26.190; and

3210 D. New, modified or consolidated minor communication facilities shall comply
3211 with the standards of this chapter and K.C.C. chapter 21A.27. In the case of a conflict
3212 between ~~((the provisions of))~~ this chapter and ~~((the provisions of))~~ K.C.C. chapter
3213 21A.27, ~~((the provisions of this))~~ K.C.C. chapter 21A.27 shall apply.

3214 SECTION 45. Ordinance 10870, Section 503, as amended, and K.C.C.
3215 21A.26.140 are each hereby amended to read as follows:

3216 A. Cumulative modifications of conforming or nonconforming communication
3217 facilities, transmission structures or transmission equipment that do not increase the
3218 overall height of the transmission structure or transmission equipment by more than thirty
3219 percent shall be allowed ~~((provided))~~ subject to the following:

3220 1. A nonconformance with respect to the transmission structure shall not be
3221 created or increased, except as otherwise provided above as to height;

3222 2. Existing perimeter vegetation or landscaping shall not be reduced;

3223 3. The modification ~~((results in))~~ brings the facility, structure or equipment into
3224 compliance with K.C.C. 21A.26.100 and 21A.26.130. The applicant shall provide King
3225 County a detailed certification of compliance with these provisions that has been
3226 prepared by a licensed professional engineer; and

3227 4. For minor communication facilities, the allowances for increased height
3228 established by ~~((this))~~ K.C.C. chapter 21A.27 shall be complied with.

3229 B. Except for consolidations allowed by K.C.C. 21A.26.150, modifications
3230 which increase the overall height of the transmission structure or transmission equipment
3231 by more than ~~((30))~~ thirty percent shall be subject to the following ~~((provisions))~~:

3232 1. Applications for such transmission structures shall be reviewed ~~((pursuant~~
3233 ~~to))~~ in accordance with the applicable process specified in this chapter; and

3234 2. Such transmission structures shall comply with ~~((the provisions of))~~ K.C.C.
3235 21A.26.020, K.C.C. 21A.26.060 through 21A.26.140, K.C.C. 21A.26.160 through
3236 21A.26.190 and, for minor communication facilities, with K.C.C. chapter 21A.27. ~~((For~~
3237 ~~minor communication facilities, in case of conflict, the provisions of K.C.C. chapter~~
3238 ~~21A.27 shall control.))~~

3239 SECTION 46. Ordinance 13129, Section 4, and K.C.C. 21A.27.030 are each
3240 hereby amended to read as follows:

3241 A new transmission support structure exceeding the standards of this section are
3242 subject to the conditional use permit process as outlined in K.C.C. 21A.27.020. These
3243 provisions do not apply to transmission support structures that are being modified or
3244 replaced pursuant to the provisions of K.C.C. 21A.27.090 or replace an existing
3245 transmission support structure.

3246 **MINOR COMMUNICATION FACILITIES - DEVELOPMENT**
 3247 **STANDARDS**

Zone District(s)	Height and Location Of Tower	Setbacks 1
I	140 feet high	50 feet (or one foot setback for every one foot in height) from any UR, RA, A, or R1 - R48 zone property, whichever provides the greatest setback
RB, CB	120 feet high	SAME AS ABOVE
NB, O, UR, RA, A, R1 - R48	60 feet high	SAME AS ABOVE
F, M	140 feet high	SAME AS ABOVE

3248 ¹Setbacks may be modified to achieve additional screening, see K.C.C.
 3249 ~~((21A.26.330C))~~ 21A.27.040.C. or as provided in K.C.C. 21A.26.050.
 3250 SECTION 47. Ordinance 13129, Section 9, as amended, and K.C.C. 21A.27.090
 3251 are each hereby amended to read as follows:
 3252 A. Antenna modifications consistent with ~~((the provisions of))~~ K.C.C.
 3253 21A.27.100 are permitted outright. Antenna modifications consistent with K.C.C.
 3254 21A.27.100 that are proposed for a transmission support structure that was approved by a
 3255 conditional use permit are permitted outright, notwithstanding conditions in the
 3256 conditional use permit that limit the number of antennae allowed on the transmission
 3257 support structure.

3258 B.1. Except as otherwise provided in subsection B.2. of this section,
3259 ~~((M))~~modifications to transmission support structures are ~~((also))~~ permitted outright,
3260 ~~((provided))~~ if there is no increase in the height of the transmission support structure
3261 ~~((except when))~~.

3262 2. A modification to increase the height of a transmission support structure is
3263 permitted outright if the increase in height is:

3264 ~~((A.))~~ a. ~~((N))~~necessary to accommodate the actual collocation of the antenna
3265 of other service providers, or to accommodate the current providers antenna required to
3266 ~~((utilize))~~ use new technology, such as digital transmissions;

3267 ~~((B.))~~ b. ~~((L))~~limited to no more than forty feet above the height of the existing
3268 transmission support structure; ~~((and))~~ or

3269 ~~((C. Proposed))~~ c. the transmission support structure is located in a rural area or
3270 residential zone, ~~((and))~~ the proposed height exceeds sixty feet and ~~((is demonstrated by))~~
3271 the applicant ~~((to be))~~ demonstrates the proposed height is required to meet the proposed
3272 area of coverage.

3273 3. If modification to increase the height of a transmission support structure is
3274 proposed in a rural area or residential zone((:));

3275 a. ~~((n))~~Notice and a comment period shall be provided consistent with ~~((the~~
3276 ~~provisions of))~~ K.C.C. 20.20.060~~((:));~~

3277 b. If the need for additional height is challenged within the comment period
3278 specified, a technical evaluation ~~((as provided for in))~~ under K.C.C. 21A.27.160 shall be
3279 conducted~~((:));~~ and

3280 c. The department may approve, require additional mitigation, or deny the
3281 proposed height increase on the basis of this technical evaluation.

3282 SECTION 48. Ordinance 10870, Section 530, as amended, and K.C.C.
3283 21A.30.020 are each hereby amended to read as follows:

3284 The raising, keeping, breeding or ~~((fee))~~ boarding of small animals are subject to
3285 K.C.C. chapter 11.04, ((Animal Control Regulations,)) King County Board of Health
3286 Code chapter 8.03 and the following requirements:

3287 A.1. Small animals that are kept ~~((indoors))~~ as household pets in a dwelling unit
3288 in aquariums, terrariums, cages or similar containers shall not be limited in number,
3289 except as ~~((may be))~~ otherwise provided in King County Board of Health
3290 Code chapter 8.03 or K.C.C. Title 11.

3291 2. Except as otherwise allowed for a facility licensed under King County Board
3292 of Health Code chapter 8.03 or K.C.C. chapter 11.04, ((Ø))other small animals,
3293 excluding altered cats, kept ~~((indoors))~~ as household pets in a dwelling unit shall be
3294 limited to five((, of which not more than three may be unaltered cats or dogs. C)).

3295 3. Altered cats kept ~~((indoors))~~ as household pets in a dwelling unit shall not be
3296 limited in numbers.

3297 B.1. ~~((Other))~~ Except as otherwise provided in subsection E. of this section, the
3298 number of small animals kept outside a dwelling unit((, including adult cats and dogs,))
3299 as household pets shall be limited ((tø)) as follows:

3300 a. on sites of less than twenty thousand square feet, three per ((household on
3301 lots of less than 20,000 square feet,)) dwelling unit;

3302 b. on sites of between twenty thousand and thirty-five thousand square feet,
3303 five per ((household on lots of 20,000 to 35,000 square feet, with an)) dwelling unit; and
3304 c. on sites greater than thirty-five thousand square feet, one additional ((2))
3305 small animal per dwelling unit for each one-half acre of site area over 35,000 square feet
3306 up to a maximum of ((20, unless more are allowed as an accessory use pursuant to
3307 paragraph E., provided that all)) twenty.

3308 2. ((u))Unaltered animals kept outdoors must be kept on a leash or in a confined
3309 area, except as ((authorized)) otherwise allowed under K.C.C. chapter 11.04 for a hobby
3310 kennel, ((or)) hobby cattery or under King County Board of Health Code chapter 8.03 for
3311 a commercial kennel or commercial cattery ((pursuant to K.C.C. 11.04)).

3312 C. ((Excluding kennels and catteries)) Unless otherwise allowed for a facility
3313 licensed under King County Board of Health Code chapter 8.03 or K.C.C. chapter 11.04,
3314 the total number of unaltered adult cats and((/or)) dogs per ((household)) dwelling unit
3315 shall not exceed three.

3316 D. ((A))Small animals considered to be household pets shall be treated as other
3317 small animals ((pursuant to K.C.C. 21A.30.020E)) under subsection E. of this section
3318 when they are kept for ((commercial)) breeding, boarding or training.

3319 E. Small animals ((and household pets)) kept outside the dwelling unit for
3320 breeding, boarding or training as an accessory use ((outside the dwelling shall be raised,
3321 kept or bred only as an accessory use on the premises of the owner or in a kennel or
3322 cattery,)) of a resident of the dwelling unit are allowed, subject to the following
3323 limitations:

3324 1. Birds shall be kept in an aviary or loft that meets the following standards:

3325 a. The aviary or loft shall provide ~~((1/2))~~ one-half square foot for each
3326 parakeet, canary or similarly sized birds, ~~((1))~~ one square foot for each pigeon, small
3327 parrot or similarly sized bird~~((;))~~ and ~~((2))~~ two square feet for each large parrot, macaw or
3328 similarly sized bird~~((;))~~;

3329 b. Aviaries or lofts shall not exceed ~~((2000))~~ two thousand square feet,
3330 provided this limit shall not apply in rural, forestry~~((;))~~ or agricultural zones~~((;))~~; and

3331 c. The aviary is set back at least ~~((10))~~ ten feet from any property line, and
3332 ~~((20))~~ twenty feet from any dwelling unit.

3333 2. Small animals other than birds shall be kept according to the following
3334 standards:

3335 a. The minimum site area shall be one-half acre if more than ~~((3))~~ three small
3336 animals are being kept~~((;))~~;

3337 b. All animals shall be confined within a building, pen, aviary or similar
3338 structure~~((;))~~;

3339 c. Any covered structure used to house or contain such animals shall maintain
3340 a distance of not less than ~~((10))~~ ten feet to any property line, except structures used to
3341 house mink and fox shall be a distance of not less than ~~((150))~~ one-hundred fifty feet.

3342 d. Poultry, chicken, squab, and rabbits are limited to a maximum of one animal
3343 per one square foot of structure used to house such animals, up to a maximum of ~~((2000))~~
3344 two thousand square feet~~((; provided that))~~. ~~((t))~~ This maximum structure size limit shall
3345 not apply in rural area, forestry, or agricultural zones.

3346 e. Hamsters, nutria and chinchilla are limited to a maximum of one animal per
3347 square foot of structure used to house such animals, up to a maximum of ~~((2000))~~ two

3348 thousand square feet(~~(; provided that)~~), ~~((t))~~This maximum structure size limit shall not
3349 apply in rural area, forestry(~~(;)~~) or agricultural zones.

3350 f. Mink and fox are permitted only on sites having a minimum area of five
3351 acres.

3352 g. Beekeeping is limited as follows:

3353 (1) Beehives are limited to ~~((50))~~ fifty on sites less than five acres;

3354 (2) The number of beehives shall not be limited on sites of five acres or
3355 greater;

3356 (3) Colonies shall be maintained in movable-frame hives at all times;

3357 (4) Adequate space shall be provided in each hive to prevent overcrowding
3358 and swarming;

3359 (5) Colonies shall be requeened following any swarming or aggressive
3360 behavior;

3361 (6) All colonies shall be registered with the ~~((C))~~county ~~((E))~~extension agent
3362 before April 1 of each year, on a state registration form acceptable to the county; and

3363 (7) Abandoned colonies, diseased bees, or bees living in trees, buildings, or
3364 any other space except in movable-frame hives shall constitute a public nuisance, and
3365 shall be abated as set forth in K.C.C. chapter 21A.50(~~(, Enforcement)~~);

3366 3. ~~((K))~~Hobby kennels and hobby catteries are subject to the following
3367 requirements:

3368 a. For hobby kennels located on resource, rural area or residential zoned sites:

3369 (1) The minimum site area shall be five acres; and

3370 (2) Structures housing animals and outdoor animal runs shall be a minimum
3371 distance of one hundred feet from property lines abutting the resource, rural area (~~zone~~)
3372 or residential zones;

3373 b. For hobby kennels located on nonresidential zoned sites, run areas shall be
3374 completely surrounded by an eight foot solid wall or fence, and be subject to the
3375 requirements in K.C.C. 11.04.060; and

3376 c. Hobby (~~C~~)catteries shall be on sites of thirty-five thousand square feet or
3377 more, and buildings used to house cats shall be a minimum distance of fifty feet from
3378 property lines abutting the rural area zone or residential zones.

3379 F. Commercial kennels and commercial catteries are subject to the following
3380 requirements:

3381 1. For commercial kennels located on resource, rural area, or residential zoned
3382 sites:

3383 a. The minimum site area shall be five acres; and

3384 b. Structures housing animals and outdoor animal runs shall be a minimum
3385 distance of one hundred feet from property lines abutting the resource, rural area or
3386 residential zones;

3387 2. For commercial kennels located on nonresidential zoned sites, run areas shall
3388 be completely surrounded by an eight foot solid wall or fence, and be subject to the
3389 requirements in King County Board of Health Code chapter 8.03; and

3390 3. Commercial catteries shall be on sites of thirty-five thousand square feet or
3391 more, and buildings used to house cats shall be a minimum distance of fifty feet from
3392 property lines abutting the rural area or residential zones.

3393 SECTION 49. Ordinance 13130, Section § 2, and K.C.C. 21A.32.025 are each
3394 hereby amended to read as follows:

3395 ~~((Once created pursuant to K.C.C. 21A.06.800, a nonconformance))~~ A
3396 nonconforming use, structure or improvement may be continued in a manner consistent
3397 with ~~((the provisions of))~~ this chapter. However, nonconformance status is forfeited if
3398 the ~~((nonconformance))~~ nonconforming use, structure or improvement is discontinued
3399 beyond the provisions of K.C.C. 21A.32.045. Once nonconformance status is forfeited,
3400 the ~~((nonconformance))~~ nonconforming use, structure or improvement shall not be ~~((re-~~
3401 ~~established))~~ reestablished.

3402 SECTION 50. Ordinance 13130, Section 12, and K.C.C. 21A.32.085 are each
3403 hereby amended to read as follows:

3404 Any residence nonconforming relative to use may be expanded, after review and
3405 approval through the code compliance process ~~((set forth))~~ in K.C.C. ~~((21A.42.010))~~
3406 chapter 21A.42, subject to all other applicable codes besides those set forth in this chapter
3407 for nonconformances.

3408 SECTION 51. Ordinance 10870, Section 547, and K.C.C. 21A.32.100 are each
3409 hereby amended to read as follows:

3410 Except as provided by K.C.C. 21A.32.110, a temporary use permit shall be
3411 required for:

3412 A. ~~((Uses))~~ A use not otherwise permitted in the zone that can be made
3413 compatible for a period~~((s))~~ of ~~((limited duration and/or frequency))~~ of up to sixty days a
3414 year; or

3415 B. ~~((Limited))~~ The expansion of ~~((any))~~ an established use that:

- 3416 1. ~~((i))~~Is otherwise allowed in the zone ~~((but which))~~;
- 3417 2. Is not inconsistent with the original land use approval;
- 3418 3. ~~(€)~~Exceeds the ((intended)) scope of the original land use approval; and
- 3419 4. Can be made compatible with the zone for a period of up to sixty days a year.

3420 SECTION 52. Ordinance 10870, Section 549, as amended, and K.C.C.

3421 21A.32.120 are each hereby amended to read as follows:

3422 Except as otherwise provided in this chapter or in K.C.C. chapter 21A.45,

3423 temporary use permits shall be limited in duration and frequency as follows:

3424 A. The temporary use permit shall be effective for one year from the date of
3425 issuance and may be renewed annually as provided in subsection D. of this section;

3426 B. The temporary use shall not exceed a total of sixty days in any three-hundred
3427 and sixty five day period. This requirement applies only to the days that the event or
3428 events actually take place. For a winery in the A or RA zones, the temporary use shall
3429 not exceed a total of two events per month and all parking for the events must be
3430 accommodated on site;

3431 C. The temporary use permit shall specify a date upon which the use shall be
3432 terminated and removed; and

3433 D. A temporary use permit may be renewed annually for up to a total of five
3434 consecutive years as follows:

3435 1. The applicant shall make a written request and pay the applicable permit
3436 extension fees for renewal of the temporary use permit at least seventy days before the
3437 ~~((earlier of the))~~ end of the permit period ~~((or the last of the events))~~;

3438 2. The department must determine that the temporary use is being conducted in
3439 compliance with the conditions of the temporary use permit;

3440 3. The department must determine that site conditions have not changed since
3441 the original temporary permit was issued; and

3442 4. At least forty-five days before the end of the permit period, the department
3443 shall notify property owners within five hundred feet of the property boundaries that a
3444 temporary use permit extension has been requested and contact information to request
3445 additional information or to provide comments on the proposed extension.

3446 SECTION 53. Ordinance 17710, Section 13, and K.C.C. 21A.32.250 are each
3447 hereby amended to read as follows:

3448 For those recreational marijuana production and processing facilities requiring a
3449 conditional use permit under ~~((the chapter))~~ this title, as part of the permit review process,
3450 the department may require the applicant to submit an odor management plan for any
3451 areas of indoor processing or ventilation of any structure used to produce or process
3452 marijuana. The purpose of such plan is to minimize odors and fumes from chemicals or
3453 products used in or resulting from either production ~~((and/))~~ or processing, or both, of
3454 marijuana.

3455 SECTION 54. Ordinance 10870, Section 575, as amended, and K.C.C.
3456 21A.38.020 are each hereby amended to read as follows:

3457 A. This chapter authorizes King County to increase development standards or
3458 limit uses on specific properties beyond the general requirements of this title through
3459 property-specific development standards, and to carry out comprehensive plan policies
3460 and map designations and community, subarea~~((s))~~ or neighborhood plan policies through

3461 special overlay districts (~~(which)~~) that supplement or modify standard zones through
3462 different uses, design or density standards or review processes;

3463 B. Property-specific development standards shall be applied to specific properties
3464 through either area zoning as provided in K.C.C. chapters 20.12 and (~~(20.16)~~) 20.18, or
3465 reclassifications of individual properties as provided in K.C.C. chapters 20.24 and
3466 21A.44; and

3467 C. Special district overlays shall be applied to specific properties or areas
3468 containing several properties through the area zoning process as provided in K.C.C.
3469 chapters 20.12 and (~~(20.16)~~) 20.18.

3470 SECTION 55. Ordinance 10870, Section 577, as amended, and K.C.C.
3471 21A.38.040 are each hereby amended to read as follows:

3472 Special district overlays shall be designated on official area zoning maps and as a
3473 notation in the department's electronic parcel record, as follows:

3474 A. A special district overlay shall be designated through the area zoning process
3475 as provided in K.C.C. chapters 20.12 and (~~(20.16)~~) 20.18. Designation of an overlay
3476 district shall include policies that prescribe the purposes and location of the overlay;

3477 B. A special district overlay shall be applied to land through an area zoning
3478 process as provided in K.C.C. chapters 20.12 and (~~(20.16)~~) 20.18 and shall be indicated
3479 on the zoning map and as a notation in the department's electronic parcel record and shall
3480 be designated in Appendix B of Ordinance 12824 as maintained by the department of
3481 permitting and environmental review, with the suffix "-SO" following the map symbol of
3482 the underlying zone or zones;

3483 C. The special district overlays in this chapter are the only overlays authorized by
3484 the code. New or amended overlays to carry out new or different goals or policies shall
3485 be adopted as part of this chapter and be available for use in all appropriate community,
3486 subarea or neighborhood planning areas;

3487 D. The special district overlays in this chapter may waive, modify and substitute
3488 for the range of permitted uses and development standards established by this title for any
3489 use or underlying zone;

3490 E. Unless they are specifically modified by this chapter, the standard
3491 requirements of this title and other county ordinances and regulations govern all
3492 development and land uses within special district overlays;

3493 F. A special district overlay on an individual site may be modified by property-
3494 specific development standards as provided in K.C.C. 21A.38.030;

3495 G. A special district overlay may not be deleted by a zone reclassification; and

3496 H. Special district overlay development standards may be modified or waived
3497 through the consideration of a variance, subject to the variance criteria in K.C.C.
3498 21A.44.030.

3499 SECTION 56. Ordinance 10870, Section 617, as amended, and K.C.C.
3500 21A.42.090 are each hereby amended to read as follows:

3501 A. The decision of the director shall be final unless the applicant or an aggrieved
3502 party files an appeal to the hearing examiner (~~(pursuant to)~~) under K.C.C. chapter 20.24.

3503 B. The examiner shall review and make decisions based upon information
3504 contained in the written appeal and the record.

3505 C. The examiner's decision may affirm, modify(~~(;)~~) or reverse the decision of the
3506 director.

3507 D. As provided by K.C.C. 20.24.210, A. and C:

3508 1. The examiner shall render a decision within ten days of the closing of
3509 hearing; and

3510 2. The decision shall be final unless appealed under ~~((the provisions of))~~ K.C.C.
3511 20.24.240, B.

3512 E. Establishment of any use or activity authorized under K.C.C. 21A.24.070 or
3513 ~~((pursuant to))~~ under a conditional use permit or variance shall occur within four years of
3514 the effective date of the decision ~~((for such permit or variance, provided that F)).~~ For
3515 schools this period shall be five years. ~~((t))~~ This period may be extended for one
3516 additional year by the director if the applicant has submitted the applications necessary to
3517 establish the use or activity and has provided written justification for the extension.

3518 F. For the purpose of this section, "establishment" shall occur upon the issuance
3519 of all local ~~((permit(s)))~~ permits or approvals for on-site improvements needed to begin
3520 the authorized use or activity, ~~((provided that))~~ if the conditions or improvements
3521 required by ~~((such))~~ the permits are completed within the required timeframes ~~((of said~~
3522 permits)).

3523 G. Once a use, activity or improvement allowed under K.C.C. 21A.24.070 or by
3524 a conditional use permit or variance has been established, it may continue as long as all
3525 conditions of permit issuance are met.

3526 SECTION 57. Ordinance 13130, Section 11, as amended, and K.C.C.

3527 21A.42.190 are each hereby amended to read as follows:

3528 A. The department may review and approve, ~~((pursuant to))~~ in accordance with
3529 the code compliance process of this chapter, an expansion of a use or development
3530 authorized by an existing conditional use, special use or unclassified use permit as
3531 follows:

3532 1. The expansion shall conform to ~~((all provisions of))~~ this title and the original
3533 land use permit, except that the project-wide amount of each of the following may be
3534 increased up to ten percent:

- 3535 a. building square footage;
- 3536 b. impervious surface;
- 3537 c. parking; or
- 3538 d. building height;

3539 2. No subsequent expansions shall be approved under this subsection if the
3540 cumulative amount of such expansions exceeds the percentage prescribed in subsection
3541 A.1. of this section; and

3542 3. An expansion of a use or development authorized by an existing conditional
3543 use, special use or unclassified use permit that does not conform to ~~((the provisions of))~~
3544 subsection A.1. of this section may only be approved if:

- 3545 a. the expansion is within a use or development authorized by an existing
3546 conditional use permit and is reviewed and approved as a conditional use; ~~((and))~~ or
- 3547 b. the expansion is within a use or development authorized by an existing
3548 special use or unclassified use permit and is reviewed and approved as a special use.

3549 B. The department may review and approve, in accordance with the code
3550 compliance process of this chapter, a modification of a use or a development authorized

3551 by an existing conditional use, special use or unclassified use permit that does not make a
3552 substantial change, as determined by the department, to the conditional use, special use or
3553 unclassified use. For the purpose of this subsection, a "substantial change" includes, but
3554 is not limited to, a change to the conditions of approval that leads to significant built or
3555 natural environmental impacts that were not addressed in the original approval or the
3556 creation of a new use.

3557 C. This section shall not apply to modifications or expansions of:

3558 1. ~~((t))~~ Telecommunication facilities~~((, the provision for which are in))~~ under
3559 K.C.C. 21A.26.140;

3560 2. Minor telecommunication facilities under K.C.C. 21A.27.090; or

3561 3. ~~((to modifications or expansions of n))~~ Nonconformances~~((, the provisions for~~
3562 ~~which are in))~~ under K.C.C. 21A.32.065.

3563 SECTION 58. Ordinance 11621, Section 118, and K.C.C. 21A.43.190 are each
3564 hereby amended to read as follows:

3565 A. Impact fee receipts shall be earmarked specifically and retained in a special
3566 interest-bearing account established by the county solely for the district's school impact
3567 fees. All interest shall be retained in the account and expended for the purpose or
3568 purposes identified in subsection B of this section. Annually, the county, based in part on
3569 the report submitted by the district ~~((pursuant to Section))~~ under K.C.C. 21A.28.152 shall
3570 prepare a report on each impact fee account showing the source and amount of all
3571 moneys collected, earned or received, and capital or system improvements that were
3572 financed in whole or in part by impact fees.

3573 B. Impact fees for the district's system improvements shall be expended by the
3574 district for capital improvements including but not limited to school planning, land
3575 acquisition, site improvements, necessary off-site improvements, construction,
3576 engineering, architectural, permitting, financing, and administrative expenses, relocatable
3577 facilities, capital equipment pertaining to educational facilities, and any other expenses
3578 which could be capitalized, and which are consistent with the school district's capital
3579 facilities plan.

3580 C. In the event that bonds or similar debt instruments are issued for the advanced
3581 provision of capital facilities for which impact fees may be expended and where
3582 consistent with ~~((the provisions of))~~ the bond covenants, impact fees may be used to pay
3583 debt service on such bonds or similar debt instruments to the extent that the facilities or
3584 improvements provided are consistent with the requirements of this section.

3585 D. Impact fees shall be expended or encumbered, ~~((i.e.))~~ which means being
3586 committed as part of the funding for a facility for which the publicly funded share has
3587 been assured, ~~((or))~~ building permits applied for ~~((;))~~ or construction contracts let ~~((;))~~, by
3588 the district for a permissible use within ~~((six (6)))~~ ten years of receipt by the county,
3589 unless there exists an extraordinary and compelling reason for fees to be held longer than
3590 ~~((six (6)))~~ ten years. Such extraordinary or compelling reasons shall be identified to the
3591 county by the district. The county must prepare written findings concurring with the
3592 district's reasons, and authorizing the later encumbrance or expenditure of the fees prior
3593 to the district so encumbering or expending the funds, or directing a refund of the fees.

3594 E. The current owner of property on which an impact fee has been paid may
3595 receive a refund of such fees if the impact fees have not been expended or encumbered

3596 within ~~((six-(6)))~~ ten years of receipt of the funds by the county. In determining whether
3597 impact fees have been encumbered, impact fees shall be considered encumbered on a first
3598 in, first out basis. The county shall notify potential claimants by first-class mail
3599 deposited with the United States Postal Service addressed to the owner of the property as
3600 shown in the county tax records.

3601 F. An owner's request for a refund must be submitted to the county council in
3602 writing within one ~~((1))~~ year of the date the right to claim the refund arises or the date
3603 that notice is given, whichever date is later. Any impact fees that are not expended or
3604 encumbered within these time limitations, and for which no application for a refund has
3605 been made within this one~~((1))~~-year period, shall be retained and expended consistent
3606 with ~~((the provisions of))~~ this section. Refunds of impact fees shall include any interest
3607 earned on the impact fees.

3608 G. Should the county seek to terminate any or all school impact fee requirements,
3609 all unexpended or unencumbered funds, including interest earned, shall be refunded to
3610 the current owner of the property for which a school impact fee was paid. Upon the
3611 finding that any or all fee requirements are to be terminated, the county shall place notice
3612 of ~~((such))~~ the termination and the availability of refunds in a newspaper of general
3613 circulation at least two ~~((2))~~ times and shall notify all potential claimants by first-class
3614 mail addressed to the owner of the property as shown in the county tax records. All funds
3615 available for refund shall be retained for a period of one ~~((1))~~ year. At the end of one
3616 ~~((1))~~ year, any remaining funds shall be retained by the county, but must be expended
3617 for the district, consistent with ~~((the provisions of))~~ this section. The notice requirement

3618 ~~((set forth above))~~ in this subsection shall not apply if there are no unexpended or
3619 unencumbered balances within the account or accounts being terminated.

3620 H. A developer may request and shall receive a refund, including interest earned
3621 on the impact fees, when:

3622 1. The developer does not proceed to finalize the development activity as
3623 required by statute or county code ~~((or the Uniform Building Code,))~~; and

3624 2. No impact on the district has resulted. "Impact" shall be deemed to include
3625 cases where the district has expended or encumbered the impact fees in good faith prior
3626 to the application for a refund. In the event that the district has expended or encumbered
3627 the fees in good faith, no refund shall be forthcoming. However, if within a period of
3628 three ~~((3))~~ years, the same or subsequent owner of the property proceeds with the same
3629 or substantially similar development activity, the owner shall be eligible for a credit. The
3630 owner must petition the county and provide receipts of impact fees paid by the owner for
3631 a development of the same or substantially similar nature on the same property or some
3632 portion thereof. The county shall determine whether to grant a credit, and such
3633 determinations may be appealed by following the procedures ~~((set forth))~~ in ~~((Section))~~
3634 K.C.C. 21A.43.070.

3635 I. Interest due upon the refund of impact fees required by this section shall be
3636 calculated according to the average rate received by the county or the district on invested
3637 funds throughout the period during which the fees were retained.

3638 SECTION 59. Ordinance 14807, Section 3, and K.C.C. 21A.06.682 are each
3639 hereby repealed.

3640 SECTION 60. Pursuant to K.C.C. 20.44.080, the metropolitan King County
3641 council finds that the requirements for environmental analysis, protections and mitigation
3642 measures in the chapters of K.C.C. Title 21A amended by this ordinance, provide
3643 adequate analysis of and mitigation for the specific adverse environmental impacts to
3644 which the requirements apply.

3645 SECTION 61. If any provision of this ordinance or its application to any person

3646 or circumstance is held invalid, the remainder of the ordinance or the application of the
3647 provision to other persons or circumstances is not affected.
3648

Ordinance 17841 was introduced on 12/2/2013 and passed as amended by the Metropolitan King County Council on 6/23/2014, by the following vote:


Yes: 6 - Mr. Phillips, Mr. von Reichbauer, Ms. Hague, Ms. Lambert, Mr. Dunn and Mr. Dembowski
No: 1 - Mr. Upthegrove
Excused: 2 - Mr. Gossett and Mr. McDermott

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON




Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 4th day of July, 2014.



Dow Constantine, County Executive

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CLERK

Attachments: None