



Legislation Text

File #: 2016-0155, **Version:** 3

AN ORDINANCE relating to comprehensive planning and permitting; amending Ordinance 8421, Section 3, as amended, and K.C.C. 14.56.020, Ordinance 8421, Section 4, as amended, and K.C.C. 14.56.030, Ordinance 11653, Section 6, as amended, and K.C.C. 20.12.017, Ordinance 13147, Section 19, amended, and K.C.C. 20.18.030, Ordinance 4461, Section 10, amended, and K.C.C. 20.22.150, Ordinance 10870, Section 330, as amended, and K.C.C. 21A.08.030, Ordinance 10870, Section 332, as amended, and K.C.C. 21A.08.050, Ordinance 13274, Section 4, as amended, and K.C.C. 21A.37.020, Ordinance 13274, Section 5, as amended, and K.C.C. 21A.37.030, Ordinance 13733, Section 10, as amended, and K.C.C. 21A.37.110 and Ordinance 13733, Section 4, as amended, and K.C.C. 21A.37.150, and repealing Ordinance 8421, Section 2, and K.C.C. 14.56.010 and Ordinance 7889, Section 4, as amended, and K.C.C. 26.08.010.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings: For the purposes of effective land use planning and regulation, the King County council makes the following legislative findings:

- A. King County adopted the King County Comprehensive Plan 2012 to meet the requirements of the Washington State Growth Management Act ("the GMA");
- B. The 2012 King County Comprehensive Plan, adopted by King County Ordinance 17485, satisfied the GMA requirement for the county to update its comprehensive plan by June 30, 2015;
- C. In 2013 and 2014, King County adopted narrow amendments to the King County Comprehensive

Plan 2012;

D. The King County Code authorizes a review of the Comprehensive Plan and allows substantive amendments to the Comprehensive Plan once every four years. The King County Comprehensive Plan 2016 amendments are the fifth major review of the Comprehensive Plan;

E. The GMA requires that King County adopt development regulations to be consistent with and implement the Comprehensive Plan;

F. The changes to zoning contained in this ordinance are needed to maintain conformity with the King County Comprehensive Plan, as required by the GMA. As such, they bear a substantial relationship to, and are necessary for, the public health, safety and general welfare of King County and its residents; and

G. King County engages in a comprehensive review of its Comprehensive Plan and development regulations every four years. This ordinance constitutes the conclusion of the county's review process. The 2016 King County Comprehensive Plan and King County's development are intended to satisfy the requirements of the GMA.

SECTION 2. A. King County completed its fifth comprehensive four-cycle review of the Comprehensive Plan in 2016. As a result of the review, King County amended the King Comprehensive Plan 2012 through passage of the King County Comprehensive Plan 2016.

B. The amendments to the King County Comprehensive Plan 2012 contained in Attachments A, B, C, D, E, F, G, H, I, J and K to this ordinance are hereby adopted as amendments to the King County Comprehensive Plan 2012.

C. Attachments A and B to this ordinance amend policies, text and maps of the Comprehensive Plan and amend the Comprehensive Plan Land Use Zoning. The land use and zoning amendments contained in Attachments A and B to this ordinance are hereby adopted as the official land use and zoning controls for those portions of unincorporated King County defined in Attachments A and B to this ordinance.

D. Attachment C to this ordinance contains Technical Appendix A (Capital Facilities).

- E. Attachment D to this ordinance contains Technical Appendix B (Housing).
- F. Attachment E to this ordinance contains Technical Appendix C (Transportation).
- G. Attachment F to this ordinance contains Technical Appendix C.1 (Transportation Needs Report).
- H. Attachment G to this ordinance contains Technical Appendix C.2 (Regional Trails Needs Report).
- I. Attachment H to this ordinance contains Technical Appendix D (Growth Targets and Urban Growth Area).
- J. Attachment I to this ordinance contains Technical Appendix R (Summary of Public Outreach for Development of the 2016 KCCP Update).
- K. Attachment J to this ordinance contains the Skyway-West Hill Action Plan.
- L. Attachment K to this ordinance amends the Vashon Town Plan and the King County zoning map for those portions of unincorporated King County defined in Attachment K to this ordinance.

SECTION 3. Ordinance 8421, Section 2, and K.C.C. 14.56.010 are each hereby repealed.

SECTION 4. Ordinance 8421, Section 3, as amended, and K.C.C. 14.56.020 are each hereby amended to read as follows:

There is established a ~~((non-motorized vehicle))~~ nonmotorized transportation program ~~((to meet the following goals and objectives:~~

~~A. To identify and document the needs of non-motorized transportation in King County, including bicyclists, equestrians, pedestrians, and special populations;~~

~~B. To determine ways that the existing county transportation network, including transit, can be made more responsive to the needs of non-motorized users)).~~ The program shall consist of the nonmotorized policies in the King County Comprehensive Plan and the respective functional plans of the responsible county agencies, nonmotorized project needs contained in agency capital improvement programs and operational activities that:

A. Identify and document the nonmotorized transportation needs in the county for bicyclists, pedestrians, equestrians and special populations such as school children or people with limited mobility and

wheelchair users;

B. Determine ways that nonmotorized transportation can be integrated into the current and future county transportation network and services, including transit;

C. ~~((To i))~~ Inform and educate the public on issues relating to ((non-motorized)) nonmotorized transportation, including compliance with traffic laws; and

D. ~~((To institute the consideration of non-motorized transportation in all related county-funded))~~ Consider nonmotorized transportation safety and other needs in all related county programs, and ((to)) encourage the same consideration on an interlocal and regional basis((;

~~E. To improve non-motorized transport users and motorists compliance with traffic laws; and~~

~~F. To guide development of a county functional plan for non-motorized transportation, to implement the adopted policies established in the county comprehensive plan, the county transportation plan, and current programs within county government)).~~

SECTION 5. Ordinance 8421, Section 4, as amended, and K.C.C. 14.56.030 are each hereby amended to read as follows:

The department of transportation shall ~~((carry out the following duties and responsibilities))~~:

A. Implement the ~~((non-motorized vehicle))~~ nonmotorized transportation program in coordination with other county departments;

B. Provide support to any ad hoc ~~((non-motorized))~~ nonmotorized transportation advisory committee;
and

C. Work with ~~((governmental agencies))~~ other jurisdictions and nongovernmental organizations to identify, develop and promote programs that encourage the use of ~~((non-motorized))~~ nonmotorized modes of transportation.

SECTION 6. Ordinance 11653, Section 6, as amended, and K.C.C. 20.12.017 are each hereby amended to read as follows:

The following provisions complete the zoning conversion from K.C.C. Title 21 to Title 21A pursuant to K.C.C. 21A.01.070:

A. Ordinance 11653 adopts area zoning to implement the 1994 King County Comprehensive Plan pursuant to the Washington State Growth Management Act RCW 36.760A. Ordinance 11653 also converts existing zoning in unincorporated King County to the new zoning classifications in the 1993 Zoning Code, codified in Title 21A, pursuant to the area zoning conversion guidelines in K.C.C. 21A.01.070. The following are adopted as attachments to Ordinance 11653:

Appendix A: 1994 Zoning Atlas, dated November 1994, as amended December 19, 1994.

Appendix B: Amendments to Bear Creek Community Plan P-Suffix Conditions.

Appendix C: Amendments to Federal Way Community Plan P-Suffix Conditions.

Appendix D: Amendments to Northshore Community Plan P-Suffix Conditions.

Appendix E: Amendments to Highline Community Plan P-Suffix Conditions.

Appendix F: Amendments to Soos Creek Community Plan P-Suffix Conditions.

Appendix G: Amendments to Vashon Community Plan P-Suffix Conditions.

Appendix H: Amendments to East Sammamish Community Plan P-Suffix Conditions.

Appendix I: Amendments to Snoqualmie Valley Community Plan P-Suffix Conditions.

Appendix J: Amendments to Newcastle Community Plan P-Suffix Conditions.

Appendix K: Amendments to Tahoma/Raven Heights Community Plan P-Suffix Conditions.

Appendix L: Amendments to Enumclaw Community Plan P-Suffix Conditions.

Appendix M: Amendments to West Hill Community Plan P-Suffix Conditions.

Appendix N: Amendments to Resource Lands Community Plan P-Suffix Conditions.

Appendix O: 1994 Parcel List, as amended December 19, 1994.

Appendix P: Amendments considered by the council January 9, 1995.

B. Area zoning adopted by Ordinance 11653, including potential zoning, is contained in Appendices A

and O. Amendments to area-wide P-suffix conditions adopted as part of community plan area zoning are contained in Appendices B through N. Existing P-suffix conditions whether adopted through reclassifications or community plan area zoning are retained by Ordinance 11653 except as amended in Appendices B through N.

C. The department is hereby directed to correct the official zoning map in accordance with Appendices A through P of Ordinance 11653.

D. The 1995 area zoning amendments attached to Ordinance 12061 in Appendix A are adopted as the official zoning control for those portions of unincorporated King County defined therein.

E. Amendments to the 1994 King County Comprehensive Plan area zoning, Ordinance 11653 Appendices A through P, as contained in Attachment A to Ordinance 12170 are hereby adopted to comply with the Decision and Order of the Central Puget Sound Growth Management Hearings Board in Vashon-Maury Island, et. al. v. King County, Case No. 95-3-0008.

F. The Vashon Town Plan Area Zoning, (~~attached to Ordinance 17842 as~~) Attachment ~~((D))~~ K to this ordinance, is adopted as the official zoning control for that portion of unincorporated King County defined therein.

G. The 1996 area zoning amendments attached to Ordinance 12531 in Appendix A are adopted as the official zoning control for those portions of unincorporated King County defined therein. Existing p-suffix conditions whether adopted through reclassifications or area zoning are retained by Ordinance 12531.

H. The Black Diamond Urban Growth Area Zoning Map attached to Ordinance 12533 as Appendix B is adopted as the official zoning control for those portions of unincorporated King County defined therein. Existing p-suffix conditions whether adopted through reclassifications or area zoning are retained by Ordinance 12533.

I. The King County Zoning Atlas is amended to include the area shown in Appendix B as UR - Urban Reserve, one DU per 5 acres. Existing p-suffix conditions whether adopted through reclassifications or area

zoning are retained by Ordinance 12535. The language from Ordinance 12535, Section 1.D., shall be placed on the King County Zoning Atlas page #32 with a reference marker on the area affected by Ordinance 12535.

J. The Northshore Community Plan Area Zoning is amended to add the Suffix "-DPA, Demonstration Project Area", to the properties identified on Map A attached to Ordinance 12627.

K. The special district overlays, as designated on the map attached to Ordinance 12809 in Appendix A, are hereby adopted pursuant to K.C.C. 21A.38.020 and 21A.38.040.

L. the White Center Community Plan Area Zoning, as revised in the Attachments to Ordinance 11568, is the official zoning for those portions of White Center in unincorporated King county defined herein.

M. Ordinance 12824 completes the zoning conversion process begun in Ordinance 11653, as set forth in K.C.C. 21A.01.070, by retaining, repealing, replacing or amending previously adopted p-suffix conditions or property-specific development standards pursuant to K.C.C. 21A.38.020 and K.C.C. 21A.38.030 as follows:

1. Resolutions 31072, 32219, 33877, 33999, 34493, 34639, 35137, and 37156 adopting individual zone reclassifications are hereby repealed and p-suffix conditions are replaced by the property specific development standards as set forth in Appendix A to Ordinance 12824.

2. All ordinances adopting individual zone reclassifications effective prior to February 2, 1995, including but not limited to Ordinances 43, 118, 148, 255, 633, 1483, 1543, 1582, 1584, 1728, 1788, 2487, 2508, 2548, 2608, 2677, 2701, 2703, 2765, 2781, 2840, 2884, 2940, 2958, 2965, 2997, 3239, 3262, 3313, 3360, 3424, 3494, 3496, 3501, 3557, 3561, 3641, 3643, 3744, 3779, 3901, 3905, 3953, 3988, 4008, 4043, 4051, 4053, 4082, 4094, 4137, 4289, 4290, 4418, 4560, 4589, 4703, 4706, 4764, 4767, 4867, 4812, 4885, 4888, 4890, 4915, 4933, 4956, 4970, 4978, 5087, 5114, 5144, 5148, 5171, 5184, 5242, 5346, 5353, 5378, 5453, 5663, 5664, 5689, 5744, 5752, 5755, 5765, 5854, 5984, 5985, 5986, 6059, 6074, 6113, 6151, 6275, 6468, 6497, 6618, 6671, 6698, 6832, 6885, 6916, 6966, 6993, 7008, 7087, 7115, 7207, 7328, 7375, 7382, 7396, 7583, 7653, 7677, 7694, 7705, 7757, 7758, 7821, 7831, 7868, 7944, 7972, 8158, 8307, 8361, 8375, 8427, 8452, 8465, 8571, 8573, 8603, 8718, 8733, 8786, 8796, 8825, 8858, 8863, 8865, 8866, 9030, 9095, 9189, 9276, 9295, 9476, 9622, 9656, 9823, 9991,

10033, 10194, 10287, 10419, 10598, 10668, 10781, 10813, 10970, 11024, 11025, 11271, and 11651, are hereby repealed and p-suffix conditions are replaced by the property specific development standards as set forth in Appendix A to Ordinance 12824.

3. All ordinances establishing individual reclassifications effective after February 2, 1995, are hereby amended, as set forth in Appendix C to Ordinance 12824, to retain, repeal or amend the property specific development standards (p-suffix conditions) contained therein.

4. All ordinances adopting area zoning pursuant to Resolution 25789 or converted by Ordinance 11653 are repealed as set forth in subsection((s)) M.4.a. through n. of this section. All p-suffix conditions contained therein are repealed or replaced by adopting the property specific development standards as set forth in Appendix A to Ordinance 12824, the special district overlays as designated in Appendix B to Ordinance 12824 or the special requirements as designated in Appendix A to Ordinance 12822.

a. The Highline Area Zoning attached to Ordinance 3530, as amended, is hereby repealed.

b. The Shoreline Community Plan Area Zoning, attached to Ordinance 5080 as Appendix B, as amended, is hereby repealed.

c. The Newcastle Community Plan Area Zoning, attached to Ordinance 6422 as Appendix B, as amended is hereby repealed.

d. The Tahoma/Raven Heights Community Plan Area Zoning, attached to Ordinance 6986 as Appendix B, as amended, is hereby repealed.

e. The Revised Federal Way area zoning, adopted by Ordinance 7746, as amended, is hereby repealed.

f. The Revised Vashon Community Plan Area Zoning, attached to Ordinance 7837 as Appendix B, as amended, is hereby repealed.

g. The Bear Creek Community Plan Area Zoning, attached to Ordinance 8846 as Appendix B, as amended, is hereby repealed.

- h. The Resource Lands Area Zoning, adopted by Ordinance 8848, as amended, is hereby repealed.
- i. The Snoqualmie Valley Community Plan Area Zoning, as adopted by Ordinance 9118, is hereby repealed.
- j. The Enumclaw Community Plan Area Zoning attached to Ordinance 9499, as amended, is hereby repealed.
- k. The Soos Creek Community Plan Update Area Zoning, adopted by Ordinance 10197, Appendix B, as amended, is hereby repealed.
- l. The Northshore Area Zoning adopted by Ordinance 10703 as Appendices B and E, as amended, is hereby repealed.
- m. The East Sammamish Community Plan Update Area Zoning, as revised in Appendix B attached to Ordinance 10847, as amended, is hereby repealed.
- n. The West Hill Community Plan Area Zoning adopted in Ordinance 11116, as amended, is hereby repealed.
- 5. All ordinances adopting area zoning pursuant to Title 21A and not converted by Ordinance 11653, including community or comprehensive plan area zoning and all subsequent amendments thereto, are amended as set forth in subsection M.5.a. through f. All property specific development standards (p-suffix conditions) are retained, repealed, amended or replaced by the property specific development standards as set forth in Appendix A to Ordinance 12824, the special district overlays as designated in Appendix B to Ordinance 12824 or the special requirements as designated in Appendix A to Ordinance 12822.
 - a. The White Center Community Plan Area Zoning, contained in the Attachments to Ordinance 11568, as subsequently amended, is hereby further amended as set forth in Appendix D to Ordinance 12824.
 - b. All property specific development standards established in Ordinance 11653, as amended, are hereby amended as set forth in Appendix E to Ordinance 12824.
 - c. All property specific development standards established in Attachment A to Ordinance 11747, as

amended, are hereby amended as set forth in Appendix F to Ordinance 12824.

d. All property specific development standards established in Ordinance 12061, as amended, are hereby amended as set forth in Appendix G to Ordinance 12824.

e. All property specific development standards established in Ordinance 12065, as amended, are hereby amended as set forth in K.C.C. 20.12.170.

f. All property specific development standards established in Attachment A to Ordinance 12170, as amended, are hereby amended as set forth in Appendix H to Ordinance 12824.

SECTION 7. Ordinance 13147, Section 19, amended, and K.C.C. 20.18.030 are hereby amended to read as follows:

A. The King County Comprehensive Plan shall be amended in accordance with this chapter, which, in compliance with RCW 36.70A.130(2), establishes a public participation program whereby amendments are considered by the council no more frequently than once a year as part of the amendment cycle established in this chapter, except that the council may consider amendments more frequently to address:

1. Emergencies;
2. An appeal of the plan filed with the Central Puget Sound Growth Management Hearings Board or with the court;
3. The initial adoption of a subarea plan, which may amend the urban growth area boundary only to redesignate land within a joint planning area;
4. An amendment of the capital facilities element of the Comprehensive Plan that occurs in conjunction with the adoption of the county budget under K.C.C. 4A.100.010; or
5. The adoption or amendment of a shoreline master program under chapter 90.58 RCW.

B. Every year the Comprehensive Plan may be amended to address technical updates and corrections, and to consider amendments that do not require substantive changes to policy language, changes to the priority areas map, or changes to the urban growth area boundary, except as permitted in subsection B.((5,10.)) 9. and

~~((12.))~~ 11. of this section. This review may be referred to as the annual cycle. The Comprehensive Plan, including subarea plans, may be amended in the annual cycle only to consider the following:

1. Technical amendments to policy, text, maps or shoreline designations;
2. The annual capital improvement plan;
3. The transportation needs report;
4. School capital facility plans;
5. ~~((A mining site conversion demonstration project. The demonstration project shall evaluate and~~

~~address:~~

- ~~a. potential options for the use of a reclaimed mine site, including the feasibility of residential use and/or long-term forestry on the demonstration project site;~~
- ~~b. the impacts to carbon sequestration as a result of reforestation, and for residential use, the impacts to carbon sequestration when implementing modified standards for lot clustering or transfer of development rights;~~
- ~~c. the need for a site design that compatibly integrates any proposed residential development on the demonstration project site with uses occurring on the adjacent rural or forest production district lands, especially if the proposed residential development utilizes modified standards for lot clustering and/or transfer of development rights;~~
- ~~d. the levels and standards for reclamation of mining sites that are appropriate to their use either for long-term forestry and/or for residential development; and~~
- ~~e. the need to ensure that the demonstration project provides an overall public benefit by providing permanent protection, as designated park or open space, of lands in the vicinity of the demonstration project site that form the headwaters of critical, high-valued habitat areas; or that remove the development potential from nonconforming legal parcels in the forest production district; or that provide linkages with other forest production district lands;~~

- ~~6-))~~ Changes required by existing Comprehensive Plan policies;
- ~~((7-))~~ 6. Changes to the technical appendices and any amendments required thereby;
- ~~((8-))~~ 7. Comprehensive updates of subarea plans initiated by motion;
- ~~((9-))~~ 8. Changes required by amendments to the countywide planning policies or state law;
- ~~((10-))~~ 9. Redesignation proposals under the four-to-one program as provided for in this chapter;
- ~~((11-))~~ 10. Amendments necessary for the conservation of threatened and endangered species; ~~((and))~~
- ~~((12-))~~ 11. Site-specific ~~((comprehensive))~~ land use map amendments that do not require substantive change to comprehensive plan policy language and that do not alter the urban growth area boundary, except to correct mapping errors;

12. Amendments resulting from subarea studies required by comprehensive plan policy that do not require substantive change to comprehensive plan policy language and that do not alter the urban growth area boundary, except to correct mapping errors; and

13. Changes required to implement a study regarding the provision of wastewater services to a Rural Town. The amendments shall be limited to policy amendments and adjustment to the boundaries of the Rural Town as needed to implement the preferred option identified in the study.

C. Every fourth year beginning in 2000, the county shall complete a comprehensive review of the Comprehensive Plan in order to update it as appropriate and to ensure continued compliance with the GMA. This review may provide for a cumulative analysis of the twenty-year plan based upon official population growth forecasts, benchmarks and other relevant data in order to consider substantive changes to policy language and changes to the urban growth area ~~((UGA))~~. This comprehensive review shall begin one year in advance of the transmittal and may be referred to as the four-year cycle. The urban growth area boundaries shall be reviewed in the context of the four-year cycle and in accordance with countywide planning policy ~~((FW))~~G-1 and RCW 36.70A.130. If the county determines that the purposes of the Comprehensive Plan are not being achieved as evidenced by official population growth forecasts, benchmarks, trends and other relevant

data, substantive changes to the Comprehensive Plan may also be considered on even calendar years. This determination shall be authorized by motion. The motion shall specify the scope of the even-year amendment, and identify that the resources necessary to accomplish the work are available. An analysis of the motion's fiscal impact shall be provided to the council before to adoption. The executive shall determine if additional funds are necessary to complete the even-year amendment, and may transmit an ordinance requesting the appropriation of supplemental funds.

D. The executive shall seek public comment on the comprehensive plan and any proposed comprehensive plan amendments in accordance with the procedures in K.C.C. 20.18.160 before making a recommendation, in addition to conducting the public review and comment procedures required by SEPA. The public shall be afforded at least one official opportunity to record public comment before ((~~to~~)) the transmittal of a recommendation by the executive to the council. County-sponsored councils and commissions may submit written position statements that shall be considered by the executive before transmittal and by the council before adoption, if they are received in a timely manner. The executive's recommendations for changes to policies, text and maps shall include the elements listed in Comprehensive Plan policy ((~~RP-307~~)) I-207 and analysis of their financial costs and public benefits, any of which may be included in environmental review documents. Proposed amendments to the Comprehensive Plan shall be accompanied by any development regulations or amendments to development regulations, including area zoning, necessary to implement the proposed amendments.

SECTION 8. Ordinance 4461, Section 10, amended, and K.C.C. 20.22.150 are hereby amended to read as follows:

When the examiner issues a recommendation regarding an application for a zone reclassification of property, the recommendation shall include findings on whether the application meets both of the following:

- A. The proposed rezone is consistent with the King County Comprehensive Plan; and
- B.1. The property is potentially zoned for the reclassification being requested;

2. An adopted subarea plan, subarea study or area zoning specifies that the property shall be subsequently considered through an individual reclassification application; or

3. The requested reclassification is based on changed conditions.

SECTION 9. Ordinance 10870, Section 330, as amended, and K.C.C. 21A.08.030, are each hereby amended to read as follows:

A. Residential land uses.

KEY		RESOURCE			R U R A L	RESIDENTI AL			COMMERCIAL/INDUSTRIAL				
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 E	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	G 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 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	NB	CB	RB	O	I
	DWELLIN G UNITS, TYPES:												
*	Single Detached	P C12	P2		P C12	P C12	P C12	P C12	P15				
*	Townhouse				C4	C4	P1 C1 2	P	P3	P3	P3	P3	
*	Apartment				C4	C4	P5 C5	P	P3	P3	P3	P3	
*	Mobile Home Park				S13		C8	P					
*	Cottage Housing						P1 5						
	GROUP RESIDEN CES:												
*	Community Residential Facility-I				C	C	P1 4.a C	P	P3	P3	P3	P3	
*	Community Residential Facility-II						P1 4.b	P	P3	P3	P3	P3	

*	Dormitory				C6	C6	C6	P				
*	Senior Citizen Assisted Housing					P4	P4	P	P3	P3	P3	P3
	ACCESSORY USES:											
*	Residential Accessory Uses	P7	P1	P7	P7	P7	P7	P7	P7	P7	P7	P7
*	Home Occupation	P18	P18		P18							
*	Home Industry	C			C	C	C					
	TEMPORARY LODGING:											
7011	Hotel/Motel (1)									P	P	P
*	Bed and Breakfast Guesthouse	P9			P9	P9	P9	P9	P9	P10	P10	
7041	Organization Hotel/Lodging Houses										P	
GENERAL CROSS REFERENCES:		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see 21A.06.										

B. Development conditions.

1. Except bed and breakfast guesthouses.
2. In the forest production district, the following conditions apply:
 - a. Site disturbance associated with development of any new residence shall be limited to three acres.

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

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

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

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

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

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

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

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

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

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

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

7.a. Accessory dwelling units:

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

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

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

(b) except as otherwise provided in subsection B.7.a.(5) of this section, a rural lot that is less than the minimum lot size; or

c. a lot containing more than one primary dwelling;

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

(4)(a) Except as otherwise provided in subsection B.7.a(5) of this section, one of the dwelling units shall not exceed one thousand square feet of heated floor area except when one of the dwelling units is wholly contained within a basement or attic; and

(b) When the primary and accessory dwelling units are located in the same building, or in multiple buildings connected by a breezeway or other structure, only one entrance may be located on each street;

(5) On a site zoned RA:

(a) If one transferable development right is purchased from the ~~((f))Rural~~ ~~((a))Area or Natural Resource Lands~~ under K.C.C. chapter 21A.37, the smaller of the dwelling units is permitted a maximum floor area up to one thousand five hundred square feet; and

(b) If one transferable development right is purchased from the ~~((f))Rural~~ ~~((a))Area or Natural Resource Lands~~ under K.C.C. chapter 21A.37, a detached accessory dwelling unit is allowed on an RA-5 zoned lot that is at least two and one-half acres and less than three and three-quarters acres;

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

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

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

is at least twice the minimum lot area required in the zone; and

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

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

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

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

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

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

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

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

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

10. Only if part of a mixed use development, and subject to the conditions of subsection B.9. of this section.

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

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

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

14.a. Limited to domestic violence shelter facilities.

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

15. Only in the R4-R8 zones limited to:

a. developments no larger than one acre;

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

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

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

16. The development for a detached single-family residence shall be consistent with the following:

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

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

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

17. Housing for agricultural employees who are employed by the owner or operator of the site year-round as follows:

a. Not more than:

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

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

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

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

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

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

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

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

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

18. Allowed if consistent with K.C.C. chapter 21A.30.

SECTION 10. Ordinance 10870, Section 332, as amended, and K.C.C. 21A.08.050, are each hereby amended to read as follows:

A. General services land uses.

KEY		RESOURCE			R U R A L		RESIDENTIAL			COMMERCIAL/INDUSTRIAL							
		A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
P-Permitted Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
C-Conditional Use	Z	R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
S-Special Use	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

SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12	NB	CB	RB	O	I
	PERSONAL SERVICES:												
72	General Personal Service						C25 C37		P	P	P	P3	P3
7216	Drycleaning Plants												P
7218	Industrial Launderies												P
7261	Funeral Home/Crematory					C4	C4	C4		P	P		
*	Cemetery, Columbarium or Mausoleum				P24 C5 and 31	P24 C5	P24 C5	P24	P24	P24	P24 C5	P24	
*	Day Care I	P6			P6	P6	P6	P	P	P	P	P7	P7
*	Day Care II				P8 C	P8 C	P8 C	P8 C	P	P	P	P7	P7
074	Veterinary Clinic	P9			P9 C10 and 31	P9 C10			P10	P10	P10		P
753	Automotive Repair (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
*	Stable	P14 C			P14 C31	P14 C	P 14 C						

*	Commercial Kennel or Commercial Cattery	P42			C43	C43				C43	P43		
*	Theatrical Production Services									P30	P28		
*	Artist Studios				P28	P28	P28	P28	P	P	P	P29	P
*	Interim Recycling Facility				P21	P21	P21	P21	P22	P22	P	P21	P
*	Dog training facility	C34			C34	C34			P	P	P		P
	HEALTH SERVICES:												
801-04	Office/Outpatient Clinic				P12 C13a	P12 C13a	P12 C13a C37	P		P	P	P	P
805	Nursing and Personal Care Facilities						C			P	P		
806	Hospital						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 C41 and 31	P26	P26	P26		P16 C15	P16 C15	P16	
*	Vocational School					P13a C	P13a C	P13a			P15	P17	P
*	Specialized Instructional School	P18			P19 C20 and 31	P19 C20	P19 C20	P		P	P	P17	P38

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

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

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

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

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

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

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

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

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

c. The portion of the building or structure in which animals are kept or treated shall be soundproofed.

All run areas, excluding confinement areas for livestock, shall be surrounded by an eight-foot-high solid wall and the floor area shall be surfaced with concrete or other impervious material; and

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

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

b. The portion of the building or structure in which animals are kept or treated shall be soundproofed.

All run areas, excluding confinement areas for livestock, shall be surrounded by an eight-foot-high solid wall and the floor area shall be surfaced with concrete or other impervious material; and

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

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

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

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

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

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

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

15. If located outside of the urban growth area, limited to projects that are of a size and scale designed to primarily serve the ~~((R))~~Rural ~~((A))~~Area and Natural Resource Lands and shall be located within a rural town.

16. If located outside of the urban growth area, shall be designed to primarily serve the ~~((R))~~Rural ~~((A))~~Area and Natural Resource Lands and shall be located within a rural town. In CB, RB and O, for K-12 schools with no more than one hundred students.

17. All instruction must be within an enclosed structure.

18. Limited to resource management education programs.

19. Only as accessory to residential use, and:

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

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

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

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

20. Subject to the following:

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

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

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

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

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

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

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

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

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

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

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

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

21. Limited to:

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

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

(1) the site is five acres or greater;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32. Limited to repair of sports and recreation equipment:

- a. as accessory to a recreation or multiuse park in the urban growth area; or
- b. as accessory to a park and limited to a total floor area of seven hundred fifty square feet.

33. Accessory to agricultural or forestry uses provided:

- a. the repair of tools and machinery is limited to those necessary for the operation of a farm or forest.
- b. the lot is at least five acres.
- c. the size of the total repair use is limited to one percent of the lot size up to a maximum of five thousand square feet unless located in a farm structure, including but not limited to barns, existing as of

December 31, 2003.

34. Subject to the following:

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

35. Limited to animal rescue shelters and provided that:

- a. the property shall be at least four acres;
- b. buildings used to house rescued animals shall be no less than fifty feet from property lines;
- c. outdoor animal enclosure areas shall be located no less than thirty feet from property lines and shall be fenced in a manner sufficient to contain the animals;
- d. the facility shall be operated by a nonprofit organization registered under the Internal Revenue Code as a 501(c)(3) organization; and
- e. the facility shall maintain normal hours of operation no earlier than 7 a.m. and no later than 7 p.m.

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

- a. the property shall be at least four and one-half acres;
- b. buildings housing dogs shall be no less than seventy-five feet from property lines;
- c. outdoor exercise areas shall be located no less than thirty feet from property lines and shall be fenced in a manner sufficient to contain the dogs;

d. the number of dogs allowed on the property at any one time shall be limited to the number allowed for hobby kennels, as provided in K.C.C. 11.04.060.B; and

e. training and grooming are ancillary services that may be provided only to dogs staying at the facility; and

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

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

38. Driver training is limited to driver training schools licensed under chapter 46.82 RCW.

39. A school may be located outside of the urban growth area only if allowed under King County Comprehensive Plan policies.

40. Only as a reuse of an existing public school.

41. A high school may be allowed as a reuse of an existing public school if allowed under King County Comprehensive Plan policies.

42. Commercial kennels and commercial catteries in the A zone are subject to the following:

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

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

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

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

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

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

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

SECTION 11. Ordinance 13274, Section 4, as amended, and K.C.C. 21A.37.020 are hereby amended to read as follows:

A. For the purpose of this chapter, "sending site" means the entire tax lot or lots qualified under subsection B. of this section. Sending sites may only be located within rural or resource lands or urban separator areas with R-1 zoning, as designated by the King County Comprehensive Plan, and shall meet the minimum lot area for construction requirements in K.C.C. 21A.12.100 for the zone in which the sending site is located. Except as provided in K.C.C. 21A.37.110.C., or for lands zoned RA that are managed by the Washington state Department of Natural Resources as state grant or state forest lands, land in public ownership may not be sending sites. If the sending site consists of more than one tax lot, the lots must be contiguous and the area of the combined lots must meet the minimum lot area for construction requirements in K.C.C. 21A.12.100 for the zone in which the sending site is located. For purposes of this section, lots divided by a street are considered contiguous if the lots would share a common lot line if the street was removed; this provision may be waived by the interagency committee if the total acreage of a rural or resource sending site application exceeds one hundred acres. A sending site shall be maintained in a condition that is consistent with the criteria in this section under which the sending was qualified.

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

1. Designation in the King County Comprehensive Plan or a functional plan as an agricultural production district or zoned A;
2. Designation in the King County Comprehensive Plan or a functional plan as forest production district or zoned F;
3. Designation in the King County Comprehensive Plan as rural residential, zoned RA-2.5, RA-5 or RA-10, and meeting the definition in RCW 84.34.020 of open space, farm and agricultural land, or timber land;
4. Designation in the King County Comprehensive Plan, or a functional plan as a proposed rural or resource area regional trail or rural or resource area open space site, through either:

a. designation of a specific site; or

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

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

6. Designation in the King County Comprehensive Plan as urban separator and zoned R-1.

C. For the purposes of the TDR program, acquisition means obtaining fee simple rights in real property, or a less than a fee simple right in a form that preserves in perpetuity the public benefit supporting the designation or qualification of the property as a sending site.

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

E. For lots on which the entire lot or a portion of the lot has been cleared or graded in accordance with a Class II, III or IV special forest practice as defined in chapter 76.09 RCW within the six years prior to application as a TDR sending site, the applicant must provide an affidavit of compliance with the reforestation requirements of the Forest Practices Act, and any additional reforestation conditions of their forest practice permit. Lots on which the entire lot or a portion of the lot has been cleared or graded without any required forest practices or county authorization, shall be not qualified or certified as a TDR sending site for six years

unless the six-year moratorium on development applications has been lifted or waived or the landowner has a reforestation plan approved by the state Department of Natural Resources and King County.

SECTION 12. Ordinance 13274, Section 5, as amended, and K.C.C. 21A.37.030, are each hereby amended to read as follows:

A. Receiving sites shall be:

1. King County unincorporated urban sites, except as limited in subsections C and D. of this section, zoned R-4 through R-48, NB, CB, RB or O, or any combination thereof. The sites may also be within potential annexation areas established under the countywide planning policies; or

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

3. RA-2.5 zoned parcels, except as limited in subsection E. of this section, that meet the criteria listed in this subsection A.3. may receive development rights transferred from rural forest focus areas, and accordingly may be subdivided and developed at a maximum density of one dwelling per two and one-half acres. Increased density allowed through the designation of rural receiving areas:

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

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

c. must not adversely impact regionally or locally significant resource areas or critical areas;

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

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

f. must not be located on Vashon Island or Maury Island.

B. Except as provided in this chapter, development of an unincorporated King County receiving site

shall remain subject to all zoning code provisions for the base zone, except TDR receiving site developments shall comply with dimensional standards of the zone with a base density most closely comparable to the total approved density of the TDR receiving site development.

C. An unincorporated King County receiving site may accept development rights from one or more sending sites, as follows:

1. For short subdivisions, up to the maximum density permitted under K.C.C. 21A.12.030 and 21A.12.040; and
2. For formal subdivisions, only as authorized in a subarea study that includes a comprehensive analysis of the impacts of receiving development rights.

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

E. Property located within the shoreline jurisdiction or located on Vashon Island or Maury Island may not accept development rights.

SECTION 13. Ordinance 13733, Section 10, as amended, and K.C.C. 21A.37.110 are hereby amended to read as follows:

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

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

C. ~~((If a conservation easement is acquired through a county park, open space, trail, agricultural,~~

~~forestry or other natural resource acquisition program for a property that is qualified as a TDR sending site as evidenced by a TDR qualification report, any development rights generated by encumbering the sending site with the conservation easement may be issued to the TDR bank so long as there is no additional cost for the development rights.))~~ Any development rights, generated by encumbering property with a conservation easement, may be issued to the TDR bank if:

1.a. The conservation easement is acquired through a county park, open space, trail, agricultural, forestry or other natural resource acquisition program for a property that is qualified as a TDR sending site as evidenced by a TDR qualification report; or

b. the property is acquired by the county with the intent of conveying the property encumbered by a reserved conservation easement. The number of development rights generated by this reserved conservation easement shall be determined by the TDR qualification report; and

2. Under either subsection C.1.a. or b. of this section, there will be no additional cost to the county for acquiring the development rights.

D. The TDR bank may use funds to facilitate development rights transfers. These expenditures may include, but are not limited to, establishing and maintaining internet web pages, marketing TDR receiving sites, procuring title reports and appraisals and reimbursing the costs incurred by the department of natural resources and parks, water and land resources division, or its successor, for administering the TDR bank fund and executing development rights purchases and sales.

E. The TDR bank fund may be used to cover the cost of providing staff support for identifying and qualifying sending and receiving sites, and the costs of providing staff support for the TDR interagency review committee.

F. Upon approval of the TDR executive board, proceeds from the sale of TDR bank development rights shall be available for acquisition of additional development rights and as amenity funds to facilitate interlocal TDR agreements with cities in King County and for projects in receiving areas located in urban unincorporated

King County. Amenity funds provided to a city from the sale of TDR bank development rights to that city are limited to one-third of the proceeds from the sale.

SECTION 14. Ordinance 13733, Section 14, as amended, and K.C.C. 21A.37.150 are each hereby amended to read as follows:

A. Expenditures by the county for amenities to facilitate development rights sales in cities shall be authorized by the TDR executive board during review of proposed interlocal agreements, and should be roughly proportionate to the value and number of development rights anticipated to be accepted in an incorporated receiving site pursuant to the controlling interlocal agreement, ~~((or in the unincorporated urban area,))~~ in accordance with K.C.C. 21A.37.040. Expenditures by the county to fund projects in receiving areas located in urban unincorporated King County shall be authorized by the TDR executive board and should be roughly proportionate to the value and number of development rights accepted in the unincorporated urban area.

B. The county shall not expend funds on TDR amenities in a city before execution of an interlocal agreement, except that:

1. The executive board may authorize up to twelve thousand dollars be spent by the county on TDR amenities before a development rights transfer for use at a receiving site or for the execution of an interlocal agreement if the TDR executive board recommends that the funds be spent based on a finding that the expenditure will expedite a proposed transfer of development rights or facilitate acceptance of a proposed transfer of development rights by the community around a proposed or established receiving site area;

2. King County may distribute the funds directly to a city if a scope of work, schedule and budget governing the use of the funds is mutually agreed to in writing by King County and the affected city. Such an agreement need not be in the form of an interlocal agreement; and

3. The funds may be used for project design renderings, engineering or other professional services performed by persons or entities selected from the King County approved architecture and engineering roster

maintained by the department of finance or an affected city's approved architecture and engineering roster, or selected by an affected city through its procurements processes consistent with state law and city ordinances.

C. TDR amenities may include the acquisition, design or construction of public art, cultural and community facilities, parks, open space, trails, roads, parking, landscaping, sidewalks, other streetscape improvements, transit-related improvements or other improvements or programs that facilitate increased densities on or near receiving sites.

D. When King County funds amenities in whole or in part, the funding shall not commit the county to funding any additional amenities or improvements to existing or uncompleted amenities.

E. King County funding of amenities shall not exceed appropriations adopted by the council or funding authorized in interlocal agreements, whichever is less.

F. Public transportation amenities shall enhance the transportation system. These amenities may include capital improvements such as passenger and layover facilities, if the improvements are within a designated receiving area or within one thousand five hundred feet of a receiving site. These amenities may also include programs such as the provision of security at passenger and layover facilities and programs that reduce the use of single occupant vehicles, including car sharing and bus pass programs.

G. Road fund amenities shall enhance the transportation system. These amenities may include capital improvements, such as streets, traffic signals, sidewalks, street landscaping, bicycle lanes and pedestrian overpasses, if the improvements are within a designated receiving site area or within one thousand five hundred feet of a receiving site. These amenities may also include programs that enhance the transportation system.

H. All amenity funding provided by King County to cities or to urban unincorporated receiving areas to facilitate the transfer of development rights shall be consistent with federal, state and local laws.

I. The timing and amounts of funds for amenities paid by King County to each participating city shall be determined in an adopted interlocal agreement. The interlocal agreement shall set forth the amount of funding to be provided by the county, an anticipated scope of work, work schedule and budget governing the

use of the amenity funds. Except for the amount of funding to be provided by the county, these terms may be modified by written agreement between King County and the city. Such an agreement need not be in the form of an interlocal agreement. Such an agreement must be authorized by the TDR executive board. If amenity funds are paid to a city to operate a program, the interlocal agreement shall set the period during which the program is to be funded by King County.

J. A city that receives amenity funds from the county is responsible for using the funds for the purposes and according to the terms of the governing interlocal agreement.

K. To facilitate timely implementation of capital improvements or programs at the lowest possible cost, King County may make amenity payments as authorized in an interlocal agreement to a city before completion of the required improvements or implementation programs, as applicable. If all or part of the required improvements or implementation programs in an interlocal agreement to be paid for from King County funds are not completed by a city within five years from the date of the transfer of amenity funds, then, unless the funds have been used for substitute amenities by agreement of the city and King County, those funds, plus interest, shall be returned to King County and deposited into the originating amenity fund for reallocation to other TDR projects.

L. King County is not responsible for maintenance, operating and replacement costs associated with amenity capital improvements inside cities, unless expressly agreed to in an interlocal agreement.

SECTION 15. Ordinance 7889, Section 4, as amended, and K.C.C. 26.08.010 are each hereby repealed.

SECTION 16. Severability. If any provision of this ordinance its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision other persons or circumstances is not affected.