

RD → S1
Carried
7-0-2 JMCB
LH

6/23/14

2013-0479 V2
Striking Amendment

S1

rb/bar/cmj

Sponsor: Rod Dembowski

Proposed No.: 2013-0479

17841

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2013-0479, VERSION**

2 2

3 On page 3, beginning on line 53, strike everything through page 186, line 3610, and
4 insert:

5 "BE IT ORDAINED BY THE COUNCIL OF KING COUNTY

6 NEW SECTION. SECTION 1. A new section is hereby added to K.C.C chapter
7 19A.04 to read as follows:

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

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

21

18 A. The subdivision and short subdivision provisions of this title shall not apply to
 19 ~~((divisions of land into lots or tracts each one of which is one sixteenth of a section of land
 20 or larger, or forty acres or larger if the land is not capable of description as a fraction of a
 21 section of land; provided, that for purposes of computing the size of a lot that borders on a
 22 street or road, the lot size shall be expanded to include that area that would be bounded by
 23 the center line of the road or street and the side lot lines of the lot running perpendicular to
 24 such center line and further provided that within the resource zones, each lot or tract shall
 25 be of a size that meets the minimum lot size requirements of K.C.C. 21A.12.040.A. for the
 26 respective zone)) large lot segregations. A lot created through a large lot segregation may
 27 not be further segregated for a period of five years from the date of approval of the large lot
 28 segregation unless it is subdivided in accordance with K.C.C. chapter 19A.12.~~

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

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

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

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

37 The purpose of this chapter is to provide procedures and criteria for the review and
 38 approval of ~~((minor))~~ adjustments to boundary lines of legal lots or building sites in order
 39 to rectify defects in legal descriptions, to allow the enlargement or merging of lots to
 40 improve or qualify as a building site, to achieve increased setbacks from property lines or

41 sensitive areas, to correct situations wherein an established use is located across a lot line,
42 or for other similar purposes.

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

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

47 A. Applications for boundary line adjustments shall be reviewed as a Type 1
48 permit as provided in K.C.C. chapter 20.20. The review shall include examination for
49 consistency with the King County zoning code, K.C.C. Title 21A., shoreline master
50 program, K.C.C. chapter 21A.25, applicable board of health regulations and, for developed
51 lots, fire and building codes;

52 B. A lot created through a large lot segregation shall be consistent with the
53 underlying zoning and shall not be reduced to less than twenty acres within ten years of the
54 large lot segregation approval unless it is subdivided in accordance with K.C.C. chapter
55 19A.12;

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

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

- 59 1. Result in the creation of an additional lot or the creation of more than one
60 additional building site;
- 61 2. Result in a lot that does not qualify as a building site pursuant to this title;
- 62 3. Relocate an entire lot from one parent parcel into another parent parcel;
- 63 4. Reduce the overall area in a plat or short plat devoted to open space;

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

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

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

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

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

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

86 SECTION 5. Ordinance 12196, Section 10, as amended, and K.C.C. 20.20.030

87 are each hereby amended to read as follows:

88 A.1.~~((a.))~~ Except as otherwise provided in subsection ~~((A.1.b.))~~ A.2. of this
89 section, before filing a permit application ~~((for a Type 1 decision,))~~ the applicant shall
90 contact the department to schedule a ~~((preapplication conference, which shall be held~~
91 ~~before filing the application, if the property will have five thousand square feet of~~
92 ~~development site or right of way improvements, the property is in a critical drainage~~
93 ~~basin, or the property has a wetland, steep slope, landslide hazard, erosion hazard, or coal~~
94 ~~mine on-site))~~ presubmittal project review to discuss the application requirements with
95 the applicant and provide comments on the development proposal. The department shall
96 credit any fees charged for the presubmittal project review towards the permit application
97 fees provided for in K.C.C. Title 27.

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

103 ~~((2.))~~ B. ~~((Except as otherwise provided in this section, b))~~ Before filing a permit
104 application requiring a Type 2, 3 or 4 decision, the applicant shall contact the department
105 to schedule a preapplication conference, which shall be held before filing the application.
106 ~~((B.))~~ The purpose of the preapplication conference is to review and discuss the
107 application requirements with the applicant and provide comments on the development
108 proposal. The preapplication conference shall be scheduled by the department, at the
109 request of an applicant, and shall be held ~~((in a timely manner,))~~ within approximately

110 thirty days from the date of the applicant's request. The department shall assign a project
111 manager following the preapplication conference. The director may waive the
112 requirement for a preapplication conference if the director determines the preapplication
113 conference is unnecessary for review of an application. Nothing in this section shall be
114 interpreted to require more than one preapplication conference or to prohibit the applicant
115 from filing an application if the department is unable to schedule a preapplication
116 conference within thirty days following the applicant's request.

117 C. Information presented at or required as a result of the preapplication
118 conference shall be valid for a period of one year following the preapplication
119 conference. An applicant wishing to submit a permit application more than one year
120 following a preapplication for the same permit application shall be required to schedule
121 another preapplication conference.

122 D. At or subsequent to a preapplication conference, the department may issue a
123 preliminary determination that a proposed development is not permissible under
124 applicable county policies or regulatory enactments. In that event, the applicant shall
125 have the option to appeal the preliminary determination to the hearing examiner in the
126 manner provided for a Type 2 permit, as an alternative to proceeding with a complete
127 application. Mailed and published notice of the appeal shall be provided for as in K.C.C.
128 20.20.060.H. and I.

129 NEW SECTION. SECTION 6. A new section is hereby added to K.C.C. chapter
130 21A.06 to read as follows:

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

132 A. Customarily associated with a principal use;

133 B. Located on the same site as the principal use; and

134 C. Subordinate and incidental to the principal use.

135 SECTION 7. Ordinance 10870, Section 43, and K.C.C. 21A.06.015 are each

136 hereby amended to read as follows:

137 Accessory use, commercial/industrial: ~~((A. A))~~ an accessory use ~~((that is~~

138 ~~subordinate and incidental))~~ to a commercial or industrial use~~((;))~~, including, but not

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

140 ~~((1.))~~ A. Administrative offices;

141 ~~((2.))~~ B. Employee exercise facilities;

142 ~~((3.))~~ C. Employee food service facilities;

143 ~~((4.))~~ D. Incidental storage of raw materials and finished products sold or

144 manufactured on-site;

145 ~~((5.))~~ E. Business owner or caretaker residence;

146 ~~((6.))~~ F. Cogeneration facilities; and

147 ~~((7.))~~ G. Ground maintenance facilities.

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

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

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

151 are each hereby amended to read as follows:

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

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

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

155 ~~((1.))~~ A. Accessory living quarters and dwellings;

156 ~~((2.))~~ B. Fallout~~((/))~~ or bomb shelters;

157 ~~((3.))~~ C. Keeping household pets or operating a hobby cattery or hobby kennel;

158 ~~((4.))~~ D. On-site rental office;

159 ~~((5.))~~ E. Pools, private docks~~((,))~~ or piers;

160 ~~((6.))~~ F. Antennae for private telecommunication services;

161 ~~((7.))~~ G. Storage of yard maintenance equipment; ~~((or))~~

162 ~~((8.))~~ H. Storage of private vehicles, ~~((e.g.))~~ such as motor vehicles, boats,

163 trailers or planes;

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

165 J. Recreation space areas required under K.C.C. 21A.14.180 and play areas

166 required under K.C.C. 21A.14.190; and

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

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

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

170 SECTION 9. Ordinance 10870, Section 45, and K.C.C. 21A.06.025 are each

171 hereby amended to read as follows:

172 Accessory use, resource: ~~((A. A))~~ an accessory use~~((, structure, or part of a~~

173 ~~structure, which is customarily subordinate and incidental))~~ to a resource use, including,

174 but not limited to ~~((the following uses))~~:

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

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

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

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

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

181 Cattery, commercial: (~~(a place where adult cats are temporarily boarded for~~
182 ~~compensation, whether or not for training. An adult cat is of either sex, altered or~~
183 ~~unaltered, that has reached the age of six months)) an establishment or facility where four
184 or more cats are kept for commercial purposes, including, but not limited to, boarding,
185 breeding and training.~~

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

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

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

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

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

195 SECTION 12. Ordinance 10870, Section 135, as amended, and K.C.C.
196 21A.06.475 are each hereby amended to read as follows:

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

200 A. Floodplain;

201 B. Zero-rise flood fringe;

- 202 C. Zero-rise floodway;
- 203 D. FEMA floodway; and
- 204 E. Channel migration zones.

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

206 21A.06.485 are each hereby amended to read as follows:

207 Flood Insurance Study for King County and Incorporated Areas: the April 19,
208 2005, official report provided by FEMA that includes flood profiles and the Flood
209 Insurance Rate Map, along with any subsequently adopted revisions.

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

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

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

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

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

- 224 1. The breeding and sale of no more than one litter per applicable license year

225 per female dog; and

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

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

229 Nonconformance: ~~((any))~~ a use, improvement or structure established in
230 conformance with King County's rules and regulations and other applicable local and
231 state rules and regulations in effect at the time ~~((of establishment))~~ the use, improvement
232 or structure was established that no longer conforms to ~~((the range of uses permitted in~~
233 ~~the site's current zone or to the current development standards of the code))~~ King
234 County's rules and regulations or other applicable local and state rules and regulations
235 due to changes in the ~~((code))~~ rules and regulations or ~~((its))~~ their application to the
236 subject property.

237 SECTION 17. Ordinance 10870, Section 207, as amended, and K.C.C.
238 21A.06.835 are each hereby amended to read as follows:

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

242 A. Indoor facilities, such as:

243 1. Gymnasiums

244 2. Swimming pools; or

245 3. Activity centers;

246 B. Outdoor facilities, such as:

247 1. Playfields;

- 248 2. Fishing areas;
249 3. Picnic and related outdoor activity areas; or
250 4. Approved campgrounds;

251 C. Areas and trails for:

- 252 1. Hikers;
253 2. Equestrians;
254 3. Bicyclists; or
255 4. Off-road recreational vehicle users; and

256 D. ~~((Recreation space areas required under K.C.C. 21A.14.180;~~

257 ~~E. Play areas required under K.C.C. 21A.14.190; and~~

258 ~~F.))~~ Facilities for on-site maintenance.

259 NEW SECTION. SECTION 18. A new section is hereby added to K.C.C. chapter
260 21A.06 to read as follows:

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

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

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

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

273 Use: ~~((activity or function carried out on an area of land, or in a building or~~
274 ~~structure located thereon. Any use subordinate or incidental to the primary use on a site~~
275 ~~is considered an accessory use)) the purpose for which land or a structure is designed,
276 built, arranged, intended, occupied, maintained, let or leased.~~

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

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

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

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

294 NEW SECTION. SECTION 23. A new section is hereby added to K.C.C.
 295 chapter 21A.08 to read as follows:
 296 Any accessory use not expressly permitted by this chapter or by the director shall
 297 be prohibited. The director may determine whether any accessory use on a site is
 298 incidental or subordinate to a principal use on the same site and whether uses not listed as
 299 accessory uses are customarily associated with a principal use. The director shall
 300 consider the purpose of the zone in K.C.C. chapter 21A.04 in making these
 301 determinations.

302 SECTION 24. Ordinance 10870, Section 330, as amended, and K.C.C.
 303 21A.08.030 are each hereby amended to read as follows:

304 A. Residential land uses.

KEY		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
P-Permitted Use	Z O N E	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		R	R	N	R	R-S	B	S	I-S	M S	G S	F	D
		I	E	E	A	B E	A	I	G I	M I	I I	I	U
		C	S	R	L	A R	N	D	H N	U N	O N	C	S
		U	T	A	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			R			I	H	Y			A
		R			E			A	O				L
		E			A			L	D				
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I
	DWELLING UNITS, TYPES:												
*	Single Detached	P (C1) C12	P2		P (C1) C12	P (C1) C12	P (C1) C12	P (C1) C12	P15				
*	Townhouse				C4	C4	(P10) C10 P11 C12	P	P3	P3	P3	P3	
*	Apartment				C4	C4	P5 C5	P	P3	P3	P3	P3	

*	Mobile Home Park				((S I2)) S13		((C7) C8	P					
*	Cottage Housing						((P1 4)) P15						
GROUP RESIDENCES:													
*	Community Residential Facility-I				C	C	((P 13-a) P14. a C	P	P3	P3	P3	P3	
*	Community Residential Facility-II						((P 13-b) P14. b	P	P3	P3	P3	P3	
*	Dormitory				((C5) C6	((C5) C6	((C5) C6	P					
*	Senior Citizen Assisted Housing					P4	P4	P	P3	P3	P3	P3	
ACCESSORY USES:													
*	Residential Accessory Uses	((P6 P16)) P7 P17	((P6) P7		((P6) P7	((P6) P7	((P6) P7	((P6) P7	((P6)) P7	((P6)) P7	((P6)) P7	((P6)) P7	((P6) P7
*	Home Occupation	((P1 7)) P18	((P1 7)) P18		((P1 7)) P18	((P1 7)) P18	((P1 7)) P18	((P17) P18	((P17)) P18	((P17)) P18	((P17)) P18	((P17)) P18	((P1 7)) P18
*	Home Industry	C			C	C	C						
TEMPORARY LODGING:													
7011	Hotel/Motel (1)										P	P	P
*	Bed and Breakfast Guesthouse	((P8) P9			((P8) P9	((P8) P9	((P8) P9	((P8) P9	((P8)) P9	((P8)) P9	((P9)) P10	((P9)) 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 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.											

305

B. Development conditions.

306

1. Except bed and breakfast guesthouses.

307

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

308

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

309

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

310

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

311

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

312 raising livestock, up to the smaller of thirty-five percent of the lot or seven acres, may be
313 approved only if a farm management (~~(((conservation)))~~) plan is prepared in accordance
314 with K.C.C. chapter 21A.30. Animal densities shall be based on the area devoted to
315 animal care and not the total area of the lot;

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

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

321 3. Only as part of a mixed use development subject to the conditions of K.C.C.
322 chapter 21A.14, except that in the NB zone on properties with a land use designation of
323 commercial outside of center (CO) in the urban areas, stand-alone townhouse
324 developments are permitted subject to K.C.C. 21A.12.040, 21A.14.030, 21A.14.060 and
325 21A.14.180.

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

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

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

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

334 b. In the R-4 through R-8 zones, apartment units are permitted if the density

335 does not exceed a density of eighteen units per acre of net buildable area.

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

338 ~~((5-))~~ 6. Only as accessory to a school, college, university or church.

339 ~~((6-))~~ 7.a. Accessory dwelling units:

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

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

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

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

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

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

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

347 occupied;

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

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

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

351 or attic; and

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

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

354 entrance may be located on each street;

355 (5) On a site zoned RA:

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

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

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

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

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

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

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

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

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

381 (1) no aircraft sales, service, repair, charter or rental; and
382 (2) no storage of aviation fuel except that contained in the tank or tanks of the
383 aircraft.

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

387 ~~((7-))~~ 8. Mobile home parks shall not be permitted in the R-1 zones.

388 ~~((8-))~~ 9. Only as accessory to the permanent residence of the operator, and:

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

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

394 ~~((9-))~~ 10. Only if part of a mixed use development, and subject to the conditions
395 of subsection ~~((B.8-))~~ B.9. of this section.

396 ~~((10-))~~ 11. Townhouses are permitted, but shall be subject to a conditional use
397 permit if exceeding base density.

398 ~~((11-))~~ 12. Required before approving more than one dwelling on individual
399 lots, except on lots in subdivisions, short subdivisions or binding site plans approved for
400 multiple unit lots, and except as provided for accessory dwelling units in subsection
401 ~~((B.6-))~~ B.7. of this section.

402 ~~((12-))~~ 13. No new mobile home parks are allowed in a rural zone.

403 ~~((13-))~~ 14.a. Limited to domestic violence shelter facilities.

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

406 ~~((14.))~~ 15. Only in the R4-R8 zones limited to:

407 a. developments no larger than one acre;

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

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

414 21A.14.025.B; and

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

417 ~~((15.))~~ 16. The development for a detached single-family residence shall be
418 consistent with the following:

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

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

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

423 ~~((16.))~~ 17. Housing for agricultural employees who are employed by the owner
424 or operator of the site year-round as follows:

425 a. Not more than:

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

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

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

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

433 b. The primary use of the site shall be agricultural in SIC Industry Group No.
434 01-Growing and Harvesting Crops or SIC Industry Group No. 02-Raising Livestock and
435 Small Animals. If the primary use of the site changes to a nonagricultural use, all
436 agricultural employee dwelling units shall be removed;

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

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

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

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

452 ((17-)) 18. Allowed if consistent with K.C.C. chapter 21A.30.

453 SECTION 25. Ordinance 10870, Section 331, as amended, and K.C.C.
 454 21A.08.040 are each hereby amended to read as follows:

455 A. Recreational/cultural land uses.

KEY		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL								
P-Permitted Use C-Conditional Use S-Special Use	Z O N E	A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
		G	O	I	U	R	R	U	R	E	E	O	U	E	U	F	N
		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	A	V	E		E	B	E	N	E	N	E	E	T
		L		L	R				N	O	S	I	S	A	S	R	
		T			E				T	R	S	T	S	L	S	I	
		U			A				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 C16 a				
*	Destination Resorts		S		S18	C					C						
*	Marina		C3		C4	C4	C4	C4	P5	P	P	P	P				
*	Recreational Vehicle Park		P19	P19	C2 and 18 P19	C2 P19											
*	Sports Club (17)				C4 and 18	C4	C4	C4	C	P	P						
*	Ski Area		S		S18												
*	Recreational Camp		C		P24 C												
	AMUSEMENT/ENTERTAINMENT:																
*	Adult Entertainment Business									P6	P6	P6					
*	Theater									P	P	P	P25				
7833	Theater, Drive-in										C						
793	Bowling Center									P	P		P				
*	Golf Facility				C7	P7	P7	P7									

					and 18								
7999 (14)	Amusement and Recreation Services		P21	P21	P8 P21 C15 and 18	P8 P21 P22 C15	P8 P21 P22 C15	P8 P21 P22 C15	P21 P22	P	P	P21	P21
*	Indoor Paintball Range									P26	P26		P26
*	Outdoor Paintball Range				C27	C27							
*	Shooting Range		C9		C9 and 18							C10	P10
*	Amusement Arcades									P	P		
7996	Amusement Park											C	
*	Outdoor Performance Center		S		C12 S18		P20	P20				S	
	CULTURAL:												
823	Library				P11	P11 C	P11 C	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 1)) P29 C12	((P1 1)) P29 C12	((P1 1)) P29 C	((P1 1)) P29 C	P	P	P	P	
GENERAL CROSS REFERENCES:		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards see K.C.C. 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.											

456

B. Development conditions.

457

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

458

a. No stadiums on sites less than ten acres;

459

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

460

residential zones;

461

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

462

from property lines adjoining rural area and residential zones, except for fences(~~(-wire))~~)

463

and mesh backstops ((and structures in on-site recreation areas required in K.C.C.

464

21A.14.180 and 21A.14.190. Setback requirements for structures in these on-site

465

required recreation areas shall be maintained in accordance with K.C.C. 21A.12.030));

466

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

467

related accessory uses such as parking and sanitary facilities; and

- 468 e. Overnight camping is allowed only in an approved campground.
- 469 2. Recreational vehicle parks are subject to the following conditions and
- 470 limitations:
- 471 a. The maximum length of stay of any vehicle shall not exceed one hundred
- 472 eighty days during a three-hundred-sixty-five-day period;
- 473 b. The minimum distance between recreational vehicle pads shall be no less
- 474 than ten feet; and
- 475 c. Sewage shall be disposed in a system approved by the Seattle-King County
- 476 health department.
- 477 3. Limited to day moorage. The marina shall not create a need for off-site
- 478 public services beyond those already available before the date of application.
- 479 4. Not permitted in the RA-10 or RA-20 zones. Limited to recreation facilities
- 480 subject to the following conditions and limitations:
- 481 a. The bulk and scale shall be compatible with residential or rural character of
- 482 the area;
- 483 b. For sports clubs, the gross floor area shall not exceed ten thousand square
- 484 feet unless the building is on the same site or adjacent to a site where a public facility is
- 485 located or unless the building is a nonprofit facility located in the urban area; and
- 486 c. Use is limited to residents of a specified residential development or to sports
- 487 clubs providing supervised instructional or athletic programs.
- 488 5. Limited to day moorage.
- 489 6.a. Adult entertainment businesses shall be prohibited within three hundred
- 490 thirty feet of any property zoned RA, UR or R or containing schools, licensed daycare

491 centers, public parks or trails, community centers, public libraries or churches. In
492 addition, adult entertainment businesses shall not be located closer than three thousand
493 feet to any other adult entertainment business. These distances shall be measured from
494 the property line of the parcel or parcels proposed to contain the adult entertainment
495 business to the property line of the parcels zoned RA, UR or R or that contain the uses
496 identified in this subsection B.6.a.

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

502 7. Clubhouses, maintenance buildings, equipment storage areas and driving
503 range tees shall be at least fifty feet from rural area and residential zoned property lines.
504 Lighting for practice greens and driving range ball impact areas shall be directed away
505 from adjoining rural area and residential zones. Applications shall comply with adopted
506 best management practices for golf course development. Within the RA zone, those
507 facilities shall be permitted only in the RA-5 and RA-2.5 zones. Not permitted in
508 designated rural forest focus area, regionally significant resource areas or locally
509 significant resource areas. Ancillary facilities associated with a golf course are limited to
510 practice putting greens, maintenance buildings and other structures housing
511 administrative offices or activities that provide convenience services to players. These
512 convenience services are limited to a pro shop, food services and dressing facilities and
513 shall occupy a total of no more than ten thousand square feet. Furthermore, the residential

514 density that is otherwise permitted by the zone shall not be used on other portions of the
515 site through clustering or on other sites through the transfer of density provision. This
516 residential density clustering or transfer limitation shall be reflected in a deed restriction
517 that is recorded at the time applicable permits for the development of the golf course are
518 issued.

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

520 a. accessory to golf courses; or

521 b. accessory to a ((large-active)) recreation ((and)) or multiuse park.

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

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

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

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

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

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

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

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

539 11. Only as accessory to a park or in a building listed on the National Register
540 as an historic site or designated as a King County landmark subject to K.C.C. chapter
541 21A.32.

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

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

547 13. Subject to the following:

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

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

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

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

557 14. Excluding amusement and recreational uses classified elsewhere in this
558 chapter.

559 15. For amusement and recreation services not otherwise provided for in this

- 560 chapter:
- 561 a. In the RA zones, not subject to regulation under K.C.C. Title 6 and only on
562 sites at least five acres or larger;
- 563 b. Retail sales are limited to incidental sales to patrons of the amusement or
564 recreation service; and
- 565 c((;)). Does not involve the operation of motor vehicles or off-road vehicles,
566 including, but not limited to, motorcycles and gocarts.
- 567 16. Subject to the following conditions:
- 568 a. The length of stay per party in campgrounds shall not exceed one hundred
569 eighty days during a three-hundred-sixty-five-day period; and
- 570 b. Only for campgrounds that are part of a proposed or existing county park,
571 that are subject to review and public meetings through the department of natural
572 resources and parks.
- 573 ~~17. Only for stand-alone sports clubs that are not part of a park.~~
- 574 18. Subject to review and approval of conditions to comply with trail corridor
575 provisions of K.C.C. chapter 21A.14 when located in an RA zone.
- 576 19. Only as an accessory to a ((~~large active~~)) recreation ((~~and~~)) or multiuse
577 park.
- 578 20. Only as an accessory to a ((~~large active~~)) recreation ((~~and~~)) or multiuse park
579 of least twenty acres located within the urban growth area or on a site immediately
580 adjacent to the urban growth area with the floor area of an individual outdoor
581 performance center stage limited to three thousand square feet.
- 582 21. Limited to rentals of sports and recreation equipment with a total floor area

583 of no more than seven hundred fifty square feet and only as accessory to a park, or in the
584 RA zones, to a ((large-active)) recreation ((and)) or multiuse park.

585 22. Only as accessory to a ((large-active)) recreation ((and)) or multiuse park
586 and limited to:

- 587 a. water slides, wave pools and associated water recreation facilities; and
- 588 b. rentals of sports and recreation equipment.

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

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

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

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

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

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

605 (b) for a camp greater than forty acres, but less than two hundred and fifty

606 acres, the number of users allowed by the design capacity of a water system and on-site
607 sewage disposal system approved by the department of health, Seattle/King County, up to
608 a maximum of three hundred and fifty; and

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

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

614 (b) For a camp established before August 11, 2005, with a conditional use
615 permit and that is one hundred and sixty acres or larger, but less than two hundred acres,
616 the number of overnight campers, not including camp personnel, may be up to three
617 hundred and fifty campers over the limit established by subsection B.24.c.(1)(b) of this
618 section. The camp may terminate operations at its existing site and establish a new camp
619 if the area of the camp is greater than two hundred and fifty acres and the number of
620 overnight campers, not including camp personnel, shall not exceed seven hundred.

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

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

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

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

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

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

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

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

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

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

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

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

654 27. Minimum standards for outdoor paintball recreation fields:

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

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

658 c. The area where paintballs are discharged shall be located more than three
659 hundred feet of any lot line and more than five hundred feet from the lot line of any
660 adjoining rural area or residential zoned property. The department may allow for a lesser
661 setback if it determines through the conditional use permit review that the lesser setback
662 in combination with other elements of the site design provides adequate protection to
663 adjoining properties and rights-of-ways;

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

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

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

675 g. A plan of operations specifying days and hours of operation, number of
676 participants and employees, types of equipment to be used by users of the site, safety
677 procedures, type of compressed air fuel to be used on the site and storage and
678 maintenance procedures for the compressed air fuel shall be provided for review in
679 conjunction with the conditional use permit application. All safety procedures shall be
680 reviewed and approved by department of public safety before submittal of the conditional
681 use permit application. All activities shall be in compliance with National Paintball
682 League standards;

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

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

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

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

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

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

697 n. A copy of the current liability policy of not less than one million dollars for

698 bodily injury or death shall be submitted with the conditional use permit application and
 699 shall be maintained in the department.

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

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

706 SECTION 26. Ordinance 10870, Section 332, as amended, and K.C.C.
 707 21A.08.050 are each hereby amended to read as follows:

708 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	R	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				
	PERSONAL SERVICES:																
72	General Personal Service						C25 C37	C25 C37	P	P	P	P3	P3				
7216	Drycleaning Plants												P				
7218	Industrial Launderers												P				
7261	Funeral Home/Crematory					C4	C4	C4		P	P						
*	Cemetery, Columbarium or Mausoleum				P24 C5 and 31	P24 C5	P24 C5	P24 C5	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	P9			P10	P10	P10		P				

				C10 and 31	C10							
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	((P9) 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 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 and31	P	P	P		P16 C40	P16 C40	P16 C40	
*	Secondary or High School			C39 and 31 C41and 31	P26	P26	P26		P16 C15	P16 C15	P16	
*	Vocational School				P13a C	P13a C	P13a C			P15	P17	P
*	Specialized Instruction School	P1 8		P19 C20 and 31	P19 C20	P19 C20	P19 C20	P	P	P	P17	P 38
*	School District Support Facility				P23 C	P23 C	P23 C	C15	P15	P15	P15	P15

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

- 709 B. Development conditions.
- 710 1. Except SIC Industry No. 7534-Tire Retreading, see manufacturing permitted
711 use table.
- 712 2. Except SIC Industry Group Nos.:
- 713 a. 835-Day Care Services, and
- 714 b. Community residential facilities.
- 715 3. Limited to SIC Industry Group and Industry Nos.:
- 716 a. 723-Beauty Shops;
- 717 b. 724-Barber Shops;
- 718 c. 725-Shoe Repair Shops and Shoeshine Parlors;
- 719 d. 7212-Garment Pressing and Agents for Laundries and Drycleaners; and
- 720 e. 217-Carpet and Upholstery Cleaning.
- 721 4. Only as accessory to a cemetery, and prohibited from the UR zone only if the
722 property is located within a designated unincorporated Rural Town.
- 723 5. Structures shall maintain a minimum distance of one hundred feet from
724 property lines adjoining rural area and residential zones.
- 725 6. Only as accessory to residential use, and:
- 726 a. Outdoor play areas shall be completely enclosed by a solid wall or fence,
727 with no openings except for gates, and have a minimum height of six feet; and
- 728 b. Outdoor play equipment shall maintain a minimum distance of twenty feet
729 from property lines adjoining rural area and residential zones.
- 730 7. Permitted as an accessory use. See commercial/industrial accessory, K.C.C.
731 21A.08.060.A.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

777 b. Allowed for a social service agency on a site in the NB zone that serves

778 transitional or low-income housing located within three hundred feet of the site on which
779 the social service agency is located.

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

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

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

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

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

792 18. Limited to resource management education programs.

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

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

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

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

800 d. Structures used for the school shall maintain a distance of twenty-five feet

801 from property lines adjoining rural area and residential zones.

802 20. Subject to the following:

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

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

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

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

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

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

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

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

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

824 use;

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

826 (5) Advertised special events shall comply with the temporary use

827 requirements of this chapter; and

828 (6) Existing structures that are damaged or destroyed by fire or natural event,

829 if damaged by more than fifty percent of their prior value, may reconstruct and expand an

830 additional sixty-five percent of the original floor area but need not be approved as a

831 conditional use if their use otherwise complies with development condition B.20.c. of this

832 section and this title.

833 21. Limited to:

834 a. drop box facilities accessory to a public or community use such as a school,

835 fire station or community center; or

836 b. in the RA zone, a facility accessory to a retail nursery, garden center and

837 farm supply store that accepts earth materials, vegetation, organic waste, construction and

838 demolition materials or source separated organic materials, if:

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

840 (2) all material is deposited into covered containers or onto covered

841 impervious areas;

842 (3) the facility and any driveways or other access to the facility maintain a

843 setback of at least twenty five feet from adjacent properties;

844 (4) the total area of the containers and covered impervious area is ten

845 thousand square feet or less;

846 (5) ten feet of type II landscaping is provided between the facility and

847 adjacent properties;

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

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

850 22. With the exception of drop box facilities for the collection and temporary

851 storage of recyclable materials, all processing and storage of material shall be within

852 enclosed buildings. Yard waste processing is not permitted.

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

854 24. Limited to columbariums accessory to a church, but required landscaping

855 and parking shall not be reduced.

856 25. Not permitted in R-1 and limited to a maximum of five thousand square feet

857 per establishment and subject to the additional requirements in K.C.C. 21A.12.230.

858 26.a. New high schools permitted in the rural and the urban residential and

859 urban reserve zones shall be subject to the review process in K.C.C. 21A.42.140.

860 b. Renovation, expansion, modernization, or reconstruction of a school, or the

861 addition of relocatable facilities, is permitted.

862 27. Limited to projects that do not require or result in an expansion of sewer

863 service outside the urban growth area. In addition, such use shall not be permitted in the

864 RA-20 zone.

865 28. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter

866 21A.32 or as a joint use of an existing public school facility.

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

868 30. Adult use facilities shall be prohibited within six hundred sixty feet of the

869 rural area and residential zones, any other adult use facility, school, licensed daycare

870 centers, parks, community centers, public libraries or churches that conduct religious or
871 educational classes for minors.

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

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

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

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

879 33. Accessory to agricultural or forestry uses provided:

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

882 b. the lot is at least five acres.

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

886 34. Subject to the following:

887 a. the lot is at least five acres;

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

892 c. structures and areas used for dog training shall maintain a minimum distance

893 of seventy-five feet from property lines; and

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

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

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

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

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

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

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

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

907 a. the property shall be at least four and one-half acres;

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

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

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

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

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

918 37. Not permitted in R-1 and subject to the additional requirements in K.C.C.
919 21A.12.250.

920 38. Driver training is limited to driver training schools licensed under chapter
921 46.82 RCW.

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

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

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

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

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

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

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

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

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

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

941 43. Commercial kennels and commercial catteries are subject to K.C.C.
 942 21A.30.020.

943 SECTION 27. Ordinance 10870, Section 333, as amended, and K.C.C.
 944 21A.08.060 are each hereby amended to read as follows:

945 A. Government/business 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
		L	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
		C	U	T	A	R	E	V	E	B	E	N	E	N	E	E	T
		U	T	A	A	R	E	A	N	O	S	I	S	A	S	R	
		R	E	A	A	R	E	A	T	H	O	S	T	L	S	I	
		E						L	O	O	D				A	L	
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	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	P16				
*	Public agency or utility yard				P27	P27	P27	P27			P		P				
*	Public agency archives										P	P	P				
921	Court								P4	P	P						
9221	Police Facility				P7	P7	P7	P7	P7	P	P	P	P				
9224	Fire Facility				C6 and 33	C6	C6	C6	P	P	P	P	P				
*	Utility Facility	P29 C28	P29 C28	P29 C28	P29 C28 and 33	P29 C28	P29 C28	P29 C28	P	P	P	P	P				
*	Commuter Parking Lot				C 33 P19	C P19	C P19	C 19	P	P	P	P	P35				
*	Private Stormwater Management Facility	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8				
*	Vector Waste Receiving Facility	P	P	P	P18	P18	P18	P18	P31	P31	P31	P31	P				
	BUSINESS SERVICES:																
*	Construction and Trade				P34						P	P9	P				
*	Individual Transportation and Taxi								P25	P	P10	P					
421	Trucking and Courier Service								P11	P12	P13	P					
*	Warehousing, (1) and Wholesale Trade												P				
*	Self-service Storage							P14	P37	P	P	P	P				
4221	Farm Product Warehousing,	P15			P15	P15,							P				

4222	Refrigeration and Storage	C36			and 33 C36	C36							
*	Log Storage	P15	P		P26 and 33								P
47	Transportation Service												P
473	Freight and Cargo Service									P	P	P	
472	Passenger Transportation Service									P	P	P	
48	Communication Offices										P	P	P
482	Telegraph and other Communications									P	P	P	P
*	General Business Service								P	P	P	P	P16
*	Professional Office								P	P	P	P	P16
7312	Outdoor Advertising Service										P	P17	P
735	Miscellaneous Equipment Rental									P17	P	P17	P
751	Automotive Rental and Leasing									P	P		P
752	Automotive Parking								P20a	P20b	P21	P20 a	P
*	Off-Street Required Parking Lot				P32	P32	P32	P32	P32	P32	P32	P32	P32
7941	Professional Sport Teams/Promoters										P	P	
873	Research, Development and Testing										P2	P2	P2
*	Heavy Equipment and Truck Repair												P
	ACCESSORY USES:												
*	Commercial/Industrial Accessory Uses			P	P22				P22	P22	P	P	P
*	Helistop					C23	C23	C23	C23	C23	C24	C23	C24
GENERAL:		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see chapters 21A.12 through 21A.30;											
CROSS		General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40											
REFERENCES:		through 21A.44; (*) Definition of this specific land use, see K.C.C. chapter 21A.06.											

946

B. Development conditions.

947

1. Except self-service storage.

948

2. Except SIC Industry No. 8732-Commercial Economic, Sociological, and

949

Educational Research, see general business service/office.

950

3.a. Only as a ~~((re-use))~~ reuse of a public school facility or a surplus

951

nonresidential facility subject to ~~((the provisions of))~~ K.C.C. chapter 21A.32; or

952

b. only when accessory to a fire facility and the office is no greater than one

953

thousand five hundred square feet of floor area.

954

4. Only as a ~~((re-use))~~ reuse of a surplus nonresidential facility subject to K.C.C.

955

chapter 21A.32.

956

5. New utility office locations only if there is no commercial/industrial zoning

957 in the utility district, and not in the RA-10 or RA-20 zones unless it is demonstrated that
958 no feasible alternative location is possible, and provided further that this condition
959 applies to the UR zone only if the property is located within a designated unincorporated
960 Rural Town.

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

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

965 c. No outdoor storage; and

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

968 7. Limited to storefront police offices. Such offices shall not have:

969 a. holding cells;

970 b. suspect interview rooms (except in the NB zone); [or]**

971 c. long-term storage of stolen properties.

972 8. Private stormwater management facilities serving development proposals
973 located on commercial/industrial zoned lands shall also be located on
974 commercial/industrial lands, unless participating in an approved shared facility drainage
975 plan. Such facilities serving development within an area designated urban in the King
976 County Comprehensive Plan shall only be located in the urban area.

977 9. No outdoor storage of materials.

978 10. Limited to office uses.

979 11. Limited to self-service household moving truck or trailer rental accessory to

980 a gasoline service station.

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

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

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

985 a. The gross floor area in self service storage shall not exceed the total gross
986 floor area of the apartment dwellings on the site;

987 b. All outdoor lights shall be deflected, shaded and focused away from all
988 adjoining property;

989 c. The use of the facility shall be limited to dead storage of household goods;

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

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

994 f. No residential occupancy of the storage units;

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

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

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

1000 15.a. The floor area devoted to warehousing, refrigeration or storage shall not
1001 exceed two thousand square feet;

1002 b. Structures and areas used for warehousing, refrigeration and storage shall

1003 maintain a minimum distance of seventy-five feet from property lines adjoining rural area
1004 and residential zones; and

1005 c. Warehousing, refrigeration and storage is limited to agricultural products
1006 and sixty percent or more of the products must be grown or processed in the Puget Sound
1007 counties. At the time of the initial application, the applicant shall submit a projection of
1008 the source of products to be included in the warehousing, refrigeration or storage.

1009 16. Only as an accessory use to another permitted use.

1010 17. No outdoor storage.

1011 18. Only as an accessory use to a public agency or utility yard, or to a transfer
1012 station.

1013 19. Limited to new commuter parking lots designed for thirty or fewer parking
1014 spaces or commuter parking lots located on existing parking lots for churches, schools, or
1015 other permitted nonresidential uses that have excess capacity available during
1016 commuting; provided that the new or existing lot is adjacent to a designated arterial that
1017 has been improved to a standard acceptable to the department of transportation;

1018 20.a. No tow-in lots for damaged, abandoned or otherwise impounded vehicle,
1019 and

1020 b. Tow-in lots for damaged, abandoned or otherwise impounded vehicles shall
1021 be:

1022 (1) permitted only on parcels located within Vashon Town Center;

1023 (2) accessory to a gas or automotive service use; and

1024 (3) limited to no more than ten vehicles.

1025 21. No dismantling or salvage of damaged, abandoned or otherwise impounded

1026 vehicles.

1027 22. Storage limited to accessory storage of commodities sold at retail on the
1028 premises or materials used in the fabrication of commodities sold on the premises.

1029 23. Limited to emergency medical evacuation sites in conjunction with police,
1030 fire or health service facility. Helistops are prohibited from the UR zone only if the
1031 property is located within a designated unincorporated Rural Town.

1032 24. Allowed as accessory to an allowed use.

1033 25. Limited to private road ambulance services with no outside storage of
1034 vehicles.

1035 26. Limited to two acres or less.

1036 27a. Utility yards only on sites with utility district offices; or

1037 b. Public agency yards are limited to material storage for road maintenance
1038 facilities.

1039 28. Limited to bulk gas storage tanks that pipe to individual residences but
1040 excluding liquefied natural gas storage tanks.

1041 29. Excluding bulk gas storage tanks.

1042 30. For I-zoned sites located outside the urban growth area designated by the
1043 King County Comprehensive Plan, uses shall be subject to the provisions for rural
1044 industrial uses in K.C.C. chapter 21A.12.

1045 31. Vector waste treatment, storage and disposal shall be limited to liquid
1046 materials. Materials shall be disposed of directly into a sewer system, or shall be stored
1047 in tanks (or other covered structures), as well as enclosed buildings.

1048 32. Provided:

1049 a. Off-street required parking for a land use located in the urban area must be
1050 located in the urban area;

1051 b. Off-street required parking for a land use located in the rural area must be
1052 located in the rural area; and

1053 c.(1) Except as provided in subsection B.32.c.(2) of this subsection, off-street
1054 required parking must be located on a lot that would permit, either outright or through a
1055 land use permit approval process, the land use the off-street parking will serve.

1056 (2) For a social service agency allowed under K.C.C. 21A.08.050B.13.b. to
1057 be located on a site in the NB zone, off-street required parking may be located on a site
1058 within three hundred feet of the social service agency, regardless of zoning classification
1059 of the site on which the parking is located.

1060 33. Subject to review and approval of conditions to comply with trail corridor
1061 provisions of K.C.C. chapter 21A.14 when located in an RA zone.

1062 34. Limited to landscape and horticultural services (SIC 078) that are accessory
1063 to a retail nursery, garden center and farm supply store. Construction equipment for the
1064 accessory use shall not be stored on the premises.

1065 35. Allowed as a primary or accessory use to an allowed industrial-zoned land
1066 use.

1067 36. Accessory to agricultural uses provided:

1068 a. In the RA zones and on lots less than thirty-five acres in the A zone, the
1069 floor area devoted to warehousing, refrigeration or storage shall not exceed three
1070 thousand five hundred square feet unless located in a building designated as historic
1071 resource under K.C.C. chapter 20.62;

1072 b. On lots at least thirty-five acres in the A zones, the floor area devoted to
 1073 warehousing, refrigeration or storage shall not exceed seven thousand square feet unless
 1074 located in a building designated as historic resource under K.C.C. chapter 20.62.

1075 c. In the A zones, structures and areas used for warehousing, refrigeration and
 1076 storage shall be located on portions of agricultural lands that are unsuitable for other
 1077 agricultural purposes, such as areas within the already developed portion of such
 1078 agricultural lands that are not available for direct agricultural production, or areas without
 1079 prime agricultural soils;

1080 d. Structures and areas used for warehousing, refrigeration or storage shall
 1081 maintain a minimum distance of seventy-five feet from property lines adjoining rural area
 1082 and residential zones; and

1083 e. Warehousing, refrigeration and storage is limited to agricultural products
 1084 and sixty percent or more of the products must be grown or processed in the Puget Sound
 1085 counties. At the time of the initial application, the applicant shall submit a projection of
 1086 the source of products to be included in the warehousing, refrigeration or storage.

1087 37. Use shall be limited to the NB zone on parcels outside of the Urban Growth
 1088 Area, Rural Towns and Rural Neighborhoods and the building floor area devoted to such
 1089 use shall not exceed ten thousand square feet.

1090 SECTION 28. Ordinance 10870, Section 334, as amended, and K.C.C.
 1091 21A.08.070 are each hereby amended to read as follows:

1092 A. Retail 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
P-Permitted Use	Z O	G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
C-Conditional Use		R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
S-Special Use		I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U

SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (30)
*	Building Materials and Hardware Stores		P23						P2	P	P		
*	Retail Nursery, Garden Center 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						C14a	P14	P5	P	P		
54	Food Stores						C15a	P15	P	P	P	C	P6
*	Agricultural Product Sales	P7 C7	P4		P7 C7	P3	P3	P25	P25	P25	P25	P25	P25
*	Farmers Market	P24	P24		P24	P24	P24	P24	P24	P24	P24	P24	P24
*	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			P22	P22	P22	P22	P22	P22	P	P	P22	P22
*	Book, Stationery, Video and Art Supply Stores						C15a	P15	P	P	P		
*	Jewelry Stores									P	P		
*	Monuments, Tombstones, and Gravestones										P		
*	Hobby, Toy, Game Shops								P	P	P		
*	Photographic and Electronic Shops								P	P	P		
*	Fabric Shops									P	P		
598	Fuel Dealers									C11	P		P
*	Florist Shops						C15a	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 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.											

1093

B. Development conditions.

1094

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

1095

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

1096

K.C.C. chapter 20.62. With a conditional uses permit, covered sales areas of up to three

1097

thousand five hundred square feet may be allowed. Greenhouses used for the display of

1098

merchandise other than plants shall be considered part of the covered sales area.

1099

Uncovered outdoor areas used to grow or display trees, shrubs, or other plants are not

1100

considered part of the covered sales area;

1101

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

1102

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

1103

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

1104

2. Only hardware stores.

1105

3.a. Limited to products grown on site.

1106

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

1107

4. No permanent structures or signs.

1108

5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a

1109

maximum of two thousand square feet of gross floor area.

1110

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

1111

7.a. As a permitted use, the covered sales area shall not exceed two thousand

1112

square feet, unless located in a building designated as a historic resource under K.C.C.

1113

chapter 20.62. As a conditional use, up to three thousand five hundred square feet of

1114 covered sales area may be allowed;

1115 b. The site area shall be at least four and one-half acres;

1116 c. Forty percent or more of the gross sales of agricultural product sold through
1117 the store must be sold by the producers of primary agricultural products;

1118 d. Sixty percent or more of the gross sales of agricultural products sold through
1119 the store shall be derived from products grown or produced in the Puget Sound counties.
1120 At the time of the initial application, the applicant shall submit a reasonable projection of
1121 the source of product sales;

1122 e. Sales shall be limited to agricultural products and locally made arts and
1123 crafts;

1124 f. Storage areas for agricultural products may be included in a farm store
1125 structure or in any accessory building; and

1126 g. Outside lighting is permitted if no off-site glare is allowed.

1127 8. ~~Excluding retail sale of trucks exceeding one-ton capacity.~~

1128 9. Only the sale of new or reconditioned automobile supplies is permitted.

1129 10. Excluding SIC Industry No. 5813-Drinking Places.

1130 11. No outside storage of fuel trucks and equipment.

1131 12. Excluding vehicle and livestock auctions.

1132 13. Only as accessory to a winery or SIC Industry No. 2082-Malt Beverages,
1133 and limited to sales of products produced on site and incidental items where the majority
1134 of sales are generated from products produced on site.

1135 14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to
1136 a maximum of five thousand square feet of gross floor area, and subject to K.C.C.

1137 21A.12.230; and

1138 b. Before filing an application with the department, the applicant shall hold a
1139 community meeting in accordance with K.C.C. 20.20.035.

1140 15.a. Not permitted in R-1 and limited to a maximum of five thousand square
1141 feet of gross floor area and subject to K.C.C. 21A.12.230; and

1142 b. Before filing an application with the department, the applicant shall hold a
1143 community meeting in accordance with K.C.C. 20.20.035.

1144 16.a. Not permitted in R-1 and excluding SIC Industry No. 5813-Drinking
1145 Places, and limited to a maximum of five thousand square feet of gross floor area and
1146 subject to K.C.C. 21A.12.230, except as provided in subsection B.20. of this section; and

1147 b. Before filing an application with the department, the applicant shall hold a
1148 community meeting in accordance with K.C.C. 20.20.035.

1149 17. Retail sale of livestock is permitted only as accessory to raising livestock.

1150 18. Limited to the R-1 zone.

1151 19. Only as:

1152 a. an accessory use to a permitted manufacturing or retail land use, limited to
1153 espresso stands to include sales of beverages and incidental food items, and not to include
1154 drive-through sales; or

1155 b. an accessory use to a ((large active)) recreation ((and)) or multiuse park,
1156 limited to a total floor area of three thousand five hundred square feet.

1157 20. Only as:

1158 a. an accessory use to a ((large active)) recreation ((and)) or multiuse park; or

1159 b. an accessory use to a park and limited to a total floor area of one thousand

1160 five hundred square feet.

1161 21. Accessory to a park, limited to a total floor area of seven hundred fifty
1162 square feet.

1163 22. Only as an accessory use to:

1164 a. a ~~((large active))~~ recreation ~~((and))~~ or multiuse park in the urban growth
1165 area; or

1166 b. a park, or a ~~((large active))~~ recreation ~~((and))~~ or multiuse park in the RA
1167 zones, and limited to a total floor area of seven hundred and fifty square feet.

1168 23. Only as accessory to SIC Industry Group No. 242-Sawmills and SIC
1169 Industry No. 2431-Millwork and;

1170 a. limited to lumber milled on site; and

1171 b. the covered sales area is limited to two thousand square feet. The covered
1172 sales area does not include covered areas used to display only milled lumber.

1173 24. ~~Requires at least five farmers selling their own products at each market and~~
1174 ~~the annual value of sales by farmers should exceed the annual sales value of nonfarmer~~
1175 ~~vendors.~~

1176 25. Limited to sites located within the urban growth area and:

1177 a. The sales area shall be limited to three hundred square feet and must be
1178 removed each evening;

1179 b. There must be legal parking that is easily available for customers; and

1180 ~~((d.))~~ c. The site must be in an area that is easily accessible to the public, will
1181 accommodate multiple shoppers at one time and does not infringe on neighboring
1182 properties.

1183 26. Per parcel, limited to a maximum aggregated total of two thousand square
 1184 feet of gross floor area devoted to, and in support of, the retail sale of marijuana.

1185 27. Per parcel, ((F))limited to a maximum aggregated total of five thousand
 1186 square feet gross floor area devoted to, and in support of, the retail sale of marijuana.

1187 SECTION 29. Ordinance 10870, Section 335, as amended, and K.C.C.

1188 21A.08.080 are each hereby amended to read as follows:

1189 A. Manufacturing land uses.

KEY		RESOURCE			RURAL	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	J	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 (11)				
20	Food and Kindred Products	P1 C1	P1		P1 C1	P1			P2	P2	P2 C		P2 C				
*2082 /2085	Winery/Brewery /Distillery	P3 C12			P3 C12	P3			P((18))17	P((18))17	P		P				
*	Materials Processing Facility	((P13))	P(44)13 C	P((15))14 C((16))15	P((17))16 C								P				
22	Textile Mill Products												C				
23	Apparel and other Textile Products										C		P				
24	Wood Products, except furniture	P4 P((19))18	P4 P((19))18 C5		P4 P((19))18 C5	P4					C6		P				
25	Furniture and Fixtures		P((20))19		P((20))19						C		P				
26	Paper and Allied Products												C				
27	Printing and Publishing								P7	P7	P7 C	P7 C	P				
*	Recreational marijuana Processor I	P((21))20			P((21))20					P((22))21 C((23))22	P((22))21 C((23))22						
*	Recreational marijuana Processor II									P((24))23 C((25))	P((24))23 C((25))		P25 C26				

									24	24			
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	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												P10C
7534	Tire Retreading										C		P
781-82	Movie Production/Distribution										P		P
GENERAL CROSS REFERENCES:		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38 Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06											

- 1190 B. Development conditions.
- 1191 1.a. Excluding wineries and SIC Industry No. 2082-Malt Beverages;
- 1192 b. In the A zone, only allowed on sites where the primary use is SIC industry
- 1193 Group No. 01-Growing Harvesting Crops or No. 02-Raising Livestock and Small
- 1194 Animals;
- 1195 c. In the RA and UR zones, only allowed on lots of at least four and one-half
- 1196 acres and only when accessory to an agricultural use;

1197 d.(1) Except as provided in subsection B.1.d.(2) and B.1.d.(3) of this section,
1198 the floor area devoted to all processing shall not exceed three thousand five hundred
1199 square feet, unless located in a building designated as historic resource under K.C.C.
1200 chapter 20.62;

1201 (2) With a conditional use permit, up to five thousand square feet of floor
1202 area may be devoted to all processing; and

1203 (3) In the A zone, on lots thirty-five acres or greater, the floor area devoted to
1204 all processing shall not exceed seven thousand square feet, unless located in a building
1205 designated as historic resource under K.C.C. chapter 20.62;

1206 e. Structures and areas used for processing shall maintain a minimum distance
1207 of seventy-five feet from property lines adjoining rural area and residential zones, unless
1208 located in a building designated as historic resource under K.C.C. chapter 20.62;

1209 f. Processing is limited to agricultural products and sixty percent or more of
1210 the products processed must be grown in the Puget Sound counties. At the time of initial
1211 application, the applicant shall submit a projection of the source of products to be
1212 produced;

1213 g. In the A zone, structures used for processing shall be located on portions of
1214 agricultural lands that are unsuitable for other agricultural purposes, such as areas within
1215 the already developed portion of such agricultural lands that are not available for direct
1216 agricultural production, or areas without prime agricultural soils; and

1217 h. Tasting of products produced on site may be provided in accordance with
1218 state law. The area devoted to tasting shall be included in the floor area limitation in
1219 subsection B.1.d. of this section.

- 1220 2. Except slaughterhouses.
- 1221 3.a. Limited to wineries, SIC Industry No. 2082-Malt Beverages and SIC
1222 Industry No. 2085-Distilled and Blended Liquors;
- 1223 b. In the A zone, only allowed on sites where the primary use is SIC Industry
1224 Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small
1225 Animals;
- 1226 c. In the RA and UR zones, only allowed on lots of at least four and one-half
1227 acres;
- 1228 d. The floor area devoted to all processing shall not exceed three thousand five
1229 hundred square feet, unless located in a building designated as historic resource under
1230 K.C.C. chapter 20.62;
- 1231 e. Structures and areas used for processing shall maintain a minimum distance
1232 of seventy-five feet from property lines adjoining rural area and residential zones, unless
1233 located in a building designated as historic resource under K.C.C. chapter 20.62;
- 1234 f. Sixty percent or more of the products processed must be grown in the Puget
1235 Sound counties. At the time of the initial application, the applicant shall submit a
1236 projection of the source of products to be produced; and
- 1237 g. Tasting of products produced on site may be provided in accordance with
1238 state law. The area devoted to tasting shall be included in the floor area limitation in
1239 subsection B.3.c. of this section.
- 1240 4. Limited to rough milling and planing of products grown on-site with portable
1241 equipment.
- 1242 5. Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No.

1243 2431-Millwork. For RA zoned sites, if using lumber or timber grown off-site, the
1244 minimum site area is four and one-half acres.

1245 6. Limited to uses found in SIC Industry No. 2434-Wood Kitchen Cabinets and
1246 No. 2431-Millwork, (excluding planing mills).

1247 7. Limited to photocopying and printing services offered to the general public.

1248 8. Only within enclosed buildings, and as an accessory use to retail sales.

1249 9. Only within enclosed buildings.

1250 10. Limited to boat building of craft not exceeding forty-eight feet in length.

1251 11. For I-zoned sites located outside the urban growth area designated by the
1252 King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.
1253 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for
1254 rural industrial uses as set forth in K.C.C. chapter 21A.12.

1255 12.a. Limited to wineries, SIC Industry No. 2082-Malt Beverages and SIC
1256 Industry No. 2085-Distilled and Blended Liquors;

1257 b.(1) Except as provided in subsection B.12.b.(2) of this section, the floor area
1258 of structures for wineries, breweries and distilleries and any accessory uses shall not
1259 exceed a total of eight thousand square feet. The floor area may be increased by up to an
1260 additional eight thousand square feet of underground storage that is constructed
1261 completely below natural grade, not including required exits and access points, if the
1262 underground storage is at least one foot below the surface and is not visible above
1263 ground; and

1264 (2) On Vashon-Maury Island, the total floor area of structures for wineries,
1265 breweries and distilleries and any accessory uses may not exceed six thousand square

1266 feet, including underground storage;

1267 c. Wineries, breweries and distilleries shall comply with Washington state
1268 Department of Ecology and King County board of health regulations for water usage and
1269 wastewater disposal. Wineries, breweries and distilleries using water from exempt wells
1270 shall install a water meter;

1271 d. Off-street parking is limited to one hundred and fifty percent of the
1272 minimum requirement for wineries, breweries or distilleries specified in K.C.C.
1273 21A.18.030;

1274 e. Structures and areas used for processing shall be set back a minimum
1275 distance of seventy-five feet from property lines adjacent to rural area and residential
1276 zones, unless the processing is located in a building designated as historic resource under
1277 K.C.C. chapter 20.62;

1278 f. The minimum site area is four and one-half acres. If the total floor area of
1279 structures for wineries, breweries and distilleries and any accessory uses exceed six
1280 thousand square feet, including underground storage:

1281 (1) the minimum site area is ten acres; and

1282 (2) a minimum of two and one-half acres of the site shall be used for the
1283 growing of agricultural products;

1284 g. The facility shall be limited to processing agricultural products and sixty
1285 percent or more of the products processed must be grown in the Puget Sound counties.
1286 At the time of the initial application, the applicant shall submit a projection of the source
1287 of products to be processed; and

1288 h. Tasting of products produced on site may be provided in accordance with

1289 state law. The area devoted to tasting shall be included in the floor area limitation in
1290 subsection B.12.b. of this section.

1291 13. (~~Limited to source separated organic waste processing facilities at a scale~~
1292 ~~appropriate to process the organic waste generated in the agricultural zone.~~

1293 ~~—————14.)~~Only on the same lot or same group of lots under common ownership or
1294 documented legal control, which includes, but is not limited to, fee simple ownership, a
1295 long-term lease or an easement:

1296 a. as accessory to a primary forestry use and at a scale appropriate to process
1297 the organic waste generated on the site; or

1298 b. as a continuation of a sawmill or lumber manufacturing use only for that
1299 period to complete delivery of products or projects under contract at the end of the
1300 sawmill or lumber manufacturing activity.

1301 ~~((15.))~~14. Only on the same lot or same group of lots under common ownership
1302 or documented legal control, which includes, but is not limited to, fee simple ownership,
1303 a long-term lease or an easement:

1304 a. as accessory to a primary mineral use; or

1305 b. as a continuation of a mineral processing use only for that period to
1306 complete delivery of products or projects under contract at the end of mineral extraction.

1307 ~~((16.))~~15. Continuation of a materials processing facility after reclamation in
1308 accordance with an approved reclamation plan.

1309 ~~((17.))~~16. Only a site that is ten acres or greater and that does not use local
1310 access streets that abut lots developed for residential use.

1311 ~~((18.))~~17.a. Limited to wineries, SIC Industry No. 2082-Malt Beverages and

1312 SIC Industry No. 2085-Distilled and Blended Liquors;

1313 b. The floor area devoted to all processing shall not exceed three thousand five
1314 hundred square feet, unless located in a building designated as historic resource under
1315 K.C.C. chapter 20.62;

1316 c. Structures and areas used for processing shall maintain a minimum distance
1317 of seventy-five feet from property lines adjoining rural area and residential zones, unless
1318 located in a building designated as historic resource under K.C.C. chapter 20.62; and

1319 d. Tasting of products produced on site may be provided in accordance with
1320 state law. The area devoted to tasting shall be included in the floor area limitation in
1321 subsection B.18.b. of this section.

1322 ~~((19.))~~18. Limited to:

1323 a. SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-
1324 Millwork, as follows:

1325 (1) If using lumber or timber grown off-site, the minimum site area is four
1326 and one-half acres;

1327 (2) The facility shall be limited to an annual production of no more than one
1328 hundred fifty thousand board feet;

1329 (3) Structures housing equipment used in the operation shall be located at
1330 least one-hundred feet from adjacent properties with residential or rural area zoning;

1331 (4) Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to
1332 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

1333 (6) In the RA zone, the facility's driveway shall have adequate entering sight
1334 distance required by the 2007 King County Road Design and Construction Standards. An

1335 adequate turn around shall be provided on-site to prevent vehicles from backing out on to
1336 the roadway that the driveway accesses; and

1337 (7) Outside lighting is limited to avoid off-site glare; and

1338 b. SIC Industry No. 2411-Logging.

1339 ~~((20.))~~19. Limited to manufacture of custom made wood furniture or cabinets.

1340 ~~((21.))~~20.a. Only allowed on lots of at least four and one-half acres;

1341 b. Only as an accessory use to a Washington state Liquor Control Board
1342 licensed marijuana production facility on the same lot; and

1343 c. Accessory marijuana processing uses allowed under this section are subject
1344 to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.

1345 ~~((22.))~~21.a. Only in the CB and RB zones located outside the urban growth area;
1346 and

1347 b. Per parcel, the aggregated total gross floor area devoted to the use of, and in
1348 support of, processing marijuana together with any separately authorized production of
1349 marijuana shall be limited to a maximum of two thousand square feet; and

1350 c. If the two thousand square foot per parcel threshold is exceeded, each and
1351 every marijuana-related entity occupying space in addition to the two thousand square
1352 foot threshold area on that parcel shall obtain a conditional use permit as set forth in
1353 subsection B.23. of this section.

1354 ~~((23.))~~22.a. Only in the CB and RB zones located outside the urban growth area;
1355 and

1356 b. Per parcel, the aggregated total gross floor area devoted to the use of, and in
1357 support of, processing marijuana together with any separately authorized production of

1358 marijuana shall be limited to a maximum of thirty thousand square feet.

1359 ((24.))23.a. Only in the CB and RB zones located inside the urban growth area;
1360 and

1361 b. Per parcel, the aggregated total gross floor area devoted to the use of, and in
1362 support of, processing marijuana together with any separately authorized production of
1363 marijuana shall be limited to a maximum of two thousand square feet; and

1364 c. If the two thousand square foot per parcel threshold is exceeded, each and
1365 every marijuana-related entity occupying space in addition to the two thousand square
1366 foot threshold area on that parcel shall obtain a conditional use permit as set forth in
1367 subsection B.25. of this section.

1368 ((25.))24.a. Only in the CB and RB zones located inside the urban growth area;
1369 and

1370 b. Per parcel, the aggregated total gross floor area devoted to the use of, and in
1371 support of, processing marijuana together with any separately authorized production of
1372 marijuana shall be limited to a maximum of thirty thousand square feet.

1373 ((26.))25. Per parcel, limited to a maximum aggregate total of ~~((thirty))~~two
1374 thousand square feet of gross floor area devoted to, and in support of, the processing of
1375 marijuana together with any separately authorized production of marijuana.

1376 26. Per parcel, limited to a maximum aggregate total of thirty thousand square
1377 feet of gross floor area devoted to, and in support of, the processing of marijuana together
1378 with any separately authorized production of marijuana.

1379 SECTION 30. Ordinance 10870, Section 336, as amended, and K.C.C.

1380 21A.08.090 are each hereby amended to read as follows:

A. Resource land uses.

KEY		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL					
P-Permitted Use C-Conditional Use S-Special Use	Z O N E	A G R I C U L T U R E	F O R E S T L A N D S	M I N E R A L	R U R A L	U R B A N	U R B A N	U R B A N	N B C B R B	C B R B	B U S I N E S S E S S E S	O F F I C E S	I N D U S T R I A L	
SIC#		SPECIFIC LAND USE	A	F	M	RA	UR	RI- 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 C22			P16 C17					P18 C19	P18 C19			P20 C21
*	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 2	P
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.												

B. Development conditions.

1. May be further subject to K.C.C. ((Title 25, Shoreline Management)) chapter

21A.25.

- 1385 2. Only forest research conducted within an enclosed building.
- 1386 3. Accessory dwelling units in accordance with K.C.C. 21A.08.030.
- 1387 4. Excluding housing for agricultural workers.
- 1388 5. Limited to either maintenance or storage facilities, or both, in conjunction
- 1389 with mineral extraction or processing operation.
- 1390 6. ~~((Large livestock a))~~ Allowed in accordance with K.C.C. chapter 21A.30.
- 1391 7. Only in conjunction with a mineral extraction site plan approved in
- 1392 accordance with K.C.C. chapter 21A.22.
- 1393 8. Only on the same lot or same group of lots under common ownership or
- 1394 documented legal control, which includes, but is not limited to, fee simple ownership, a
- 1395 long-term lease or an easement:
- 1396 a. as accessory to a primary mineral extraction use;
- 1397 b. as a continuation of a mineral processing only for that period to complete
- 1398 delivery of products or projects under contract at the end of a mineral extraction; or
- 1399 c. for a public works project under a temporary grading permit issued in
- 1400 accordance with K.C.C. 16.82.152.
- 1401 9. Limited to mineral extraction and processing:
- 1402 a. on a lot or group of lots under common ownership or documented legal
- 1403 control, which includes but is not limited to, fee simple ownership, a long-term lease or
- 1404 an easement;
- 1405 b. that are located greater than one-quarter mile from an established residence;
- 1406 and
- 1407 c. that do not use local access streets that abut lots developed for residential

1408 use.

1409 10. Agriculture training facilities are allowed only as an accessory to existing
1410 agricultural uses and are subject to the following conditions:

1411 a. The impervious surface associated with the agriculture training facilities
1412 shall comprise not more than ten percent of the allowable impervious surface permitted
1413 under K.C.C. 21A.12.040;

1414 b. New or the expansion of existing structures, or other site improvements,
1415 shall not be located on class 1, 2 or 3 soils;

1416 c. The director may require reuse of surplus structures to the maximum extent
1417 practical;

1418 d. The director may require the clustering of new structures with existing
1419 structures;

1420 e. New structures or other site improvements shall be set back a minimum
1421 distance of seventy-five feet from property lines adjoining rural area and residential
1422 zones;

1423 f. Bulk and design of structures shall be compatible with the architectural style
1424 of the surrounding agricultural community;

1425 g. New sewers shall not be extended to the site;

1426 h. Traffic generated shall not impede the safe and efficient movement of
1427 agricultural vehicles, nor shall it require capacity improvements to rural roads;

1428 i. Agriculture training facilities may be used to provide educational services to
1429 the surrounding rural/agricultural community or for community events. Property owners
1430 may be required to obtain a temporary use permit for community events in accordance

1431 with K.C.C. chapter 21A.32;

1432 j. Use of lodging and food service facilities shall be limited only to activities
1433 conducted in conjunction with training and education programs or community events
1434 held on site;

1435 k. Incidental uses, such as office and storage, shall be limited to those that
1436 directly support education and training activities or farm operations; and

1437 l. The King County agriculture commission shall be notified of and have an
1438 opportunity to comment upon all proposed agriculture training facilities during the permit
1439 process in accordance with K.C.C. chapter 21A.40.

1440 11. Continuation of mineral processing and asphalt/concrete mixtures and block
1441 uses after reclamation in accordance with an approved reclamation plan.

1442 12.a. Activities at the camp shall be limited to agriculture and agriculture-
1443 oriented activities. In addition, activities that place minimal stress on the site's
1444 agricultural resources or activities that are compatible with agriculture are permitted.

1445 (1) passive recreation;

1446 (2) training of individuals who will work at the camp;

1447 (3) special events for families of the campers; and

1448 (4) agriculture education for youth.

1449 b. Outside the camp center, as provided for in subsection B.12.e. of this
1450 section, camp activities shall not preclude the use of the site for agriculture and
1451 agricultural related activities, such as the processing of local food to create value-added
1452 products and the refrigeration and storage of local agricultural products. The camp shall
1453 be managed to coexist with agriculture and agricultural activities both onsite and in the

1454 surrounding area.

1455 c. A farm plan shall be required for commercial agricultural production to
1456 ensure adherence to best management practices and soil conservation.

1457 d.(1) The minimum site area shall be five hundred acres. Unless the property
1458 owner has sold or transferred the development rights as provided in subsection B.12.c.(3)
1459 of this section, a minimum of five hundred acres of the site must be owned by a single
1460 individual, corporation, partnership or other legal entity and must remain under the
1461 ownership of a single individual, corporation, partnership or other legal entity for the
1462 duration of the operation of the camp.

1463 (2) Nothing in subsection B.12.d.(1) of this section prohibits the property
1464 owner from selling or transferring the development rights for a portion or all of the site to
1465 the King County farmland preservation program or, if the development rights are
1466 extinguished as part of the sale or transfer, to a nonprofit entity approved by the director;

1467 e. The impervious surface associated with the camp shall comprise not more
1468 than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;

1469 f. Structures for living quarters, dining facilities, medical facilities and other
1470 nonagricultural camp activities shall be located in a camp center. The camp center shall
1471 be no more than fifty acres and shall be depicted on a site plan. New structures for
1472 nonagricultural camp activities shall be clustered with existing structures;

1473 g. To the extent practicable, existing structures shall be reused. The applicant
1474 shall demonstrate to the director that a new structure for nonagricultural camp activities
1475 cannot be practicably accommodated within an existing structure on the site, though
1476 cabins for campers shall be permitted only if they do not already exist on site;

1477 h. Camp facilities may be used to provide agricultural educational services to
1478 the surrounding rural and agricultural community or for community events. If required
1479 by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for
1480 community events;

1481 i. Lodging and food service facilities shall only be used for activities related to
1482 the camp or for agricultural education programs or community events held on site;

1483 j. Incidental uses, such as office and storage, shall be limited to those that
1484 directly support camp activities, farm operations or agricultural education programs;

1485 k. New nonagricultural camp structures and site improvements shall maintain a
1486 minimum set-back of seventy-five feet from property lines adjoining rural area and
1487 residential zones;

1488 l. Except for legal nonconforming structures existing as of January 1, 2007,
1489 camp facilities, such as a medical station, food service hall and activity rooms, shall be of
1490 a scale to serve overnight camp users;

1491 m. Landscaping equivalent to a type III landscaping screen, as provided for in
1492 K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures
1493 and site improvements located within two hundred feet of an adjacent rural area and
1494 residential zoned property not associated with the camp;

1495 n. New sewers shall not be extended to the site;

1496 o. The total number of persons staying overnight shall not exceed three
1497 hundred;

1498 p. The length of stay for any individual overnight camper, not including camp
1499 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

1500 q. Traffic generated by camp activities shall not impede the safe and efficient
1501 movement of agricultural vehicles nor shall it require capacity improvements to rural
1502 roads;

1503 r. If the site is adjacent to an arterial roadway, access to the site shall be
1504 directly onto the arterial unless the county road engineer determines that direct access is
1505 unsafe;

1506 s. If direct access to the site is via local access streets, transportation
1507 management measures shall be used to minimize adverse traffic impacts;

1508 t. Camp recreational activities shall not involve the use of motor vehicles
1509 unless the motor vehicles are part of an agricultural activity or are being used for the
1510 transportation of campers, camp personnel or the families of campers. Camp personnel
1511 may use motor vehicles for the operation and maintenance of the facility. Client-specific
1512 motorized personal mobility devices are allowed; and

1513 u. Lights to illuminate the camp or its structures shall be arranged to reflect the
1514 light away from any adjacent property.

1515 13. Limited to digester receiving plant and animal and other organic waste from
1516 agricultural activities, as follows:

1517 a. the digester must be included as part of a Washington state Department of
1518 Agriculture approved dairy nutrient plan;

1519 b. the digester must process at least seventy percent livestock manure or other
1520 agricultural organic material from farms in the vicinity, by volume;

1521 c. imported organic waste-derived material, such as food processing waste,
1522 may be processed in the digester for the purpose of increasing methane gas production for

1523 beneficial use, but not shall exceed thirty percent of volume processed by the digester;
1524 and

1525 d. the use must be accessory to an operating dairy or livestock operation.

1526 14. Temporary farm worker housing subject to the following conditions:

1527 a. The housing must be licensed by the Washington state Department of
1528 Health under chapter 70.114A RCW and chapter 246-358 WAC;

1529 b. Water supply and sewage disposal systems must be approved by the Seattle
1530 King County department of health;

1531 c. To the maximum extent practical, the housing should be located on
1532 nonfarmable areas that are already disturbed and should not be located in the floodplain
1533 or in a critical area or critical area buffer; and

1534 d. The property owner shall file with the department of executive services,
1535 records and licensing services division, a notice approved by the department identifying
1536 the temporary farm worker housing as accessory and that the housing shall only be
1537 occupied by agricultural employees and their families while employed by the owner or
1538 operator. The notice shall run with the land.

1539 15. Marijuana production by marijuana producers licensed by the Washington
1540 state Liquor Control Board is subject to the following standards:

1541 a. Production is limited to outdoor, indoor within marijuana greenhouses, and
1542 within structures that are nondwelling unit structures that exist as of October 1, 2013,
1543 subject to the size limitations in subsection B.15.b. of this section;

1544 b. Per parcel, the plant canopy, as defined in WAC 314-55-010, combined with
1545 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum

1546 aggregated total of two thousand square feet and shall be located within a fenced area or
1547 marijuana greenhouse that is no more than ten percent larger than that combined area, or
1548 may occur in nondwelling unit structures that exist as of October 1, 2013; and

1549 c. Outdoor production area fencing as required by the Washington state Liquor
1550 Control Board and marijuana greenhouses shall maintain a minimum street setback of
1551 fifty feet and a minimum interior setback of thirty feet.

1552 16. Marijuana production by marijuana producers licensed by the Washington
1553 state Liquor Control Board is subject to the following standards:

1554 a. Production is limited to outdoor, indoor within marijuana greenhouses, and
1555 within nondwelling unit structures that exist as of October 1, 2013, subject to the size
1556 limitations in subsection B.16.b. of this section;

1557 b. Per parcel, the plant canopy, as defined in WAC 314-55-010, combined with
1558 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
1559 aggregated total of two thousand square feet and shall be located within a fenced area or
1560 marijuana greenhouse, that is no more than ten percent larger than that combined area, or
1561 may occur in nondwelling unit structures that exist as of October 1, 2013;

1562 c. Only allowed on lots of at least four and one-half acres; and

1563 d. Outdoor production area fencing as required by the Washington state Liquor
1564 Control Board and marijuana greenhouses shall maintain a minimum street setback of
1565 fifty feet and a minimum interior setback of thirty feet; and

1566 e. If the two thousand square foot per parcel threshold of plant canopy within
1567 fenced areas or marijuana greenhouses is exceeded, each and every marijuana-related
1568 entity occupying space in addition to the two thousand square foot threshold area on that

1569 parcel shall obtain a conditional use permit as set forth in subsection B.17. of this section.

1570 17. Marijuana production by marijuana producers licensed by the Washington
1571 state Liquor Control Board is subject to the following standards:

1572 a. Production is limited to outdoor and indoor within marijuana greenhouses
1573 subject to the size limitations in subsection B.17.b. of this section;

1574 b. Per parcel, the plant canopy, as defined in WAC 314-55-010, combined with
1575 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
1576 aggregated total of thirty thousand square feet and shall be located within a fenced area or
1577 marijuana greenhouse that is no more than ten percent larger than that combined area;
1578 and

1579 c. Only allowed on lots of at least four and one-half acres.

1580 18.a.(((1))) Production is limited to indoor only; and

1581 (((2))) b. Per parcel, the plant canopy, as defined in WAC 314-55-010,
1582 combined with any area used for processing under K.C.C. 21A.08.080, shall be limited to
1583 a maximum aggregated total of two thousand square feet and shall be located within a
1584 building or tenant space that is no more than ten percent larger than the plant canopy and
1585 separately authorized processing area; and

1586 ((b-)) c. If the two thousand square foot per parcel threshold is exceeded, each
1587 and every marijuana-related entity occupying space in addition to the two thousand
1588 square foot threshold area on that parcel shall obtain a conditional use permit as set forth
1589 in subsection B.19. of this section.

1590 19.a. Production is limited to indoor only; and

1591 b. Per parcel, the plant canopy, as defined in WAC 314-55-010, combined with

1592 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
1593 aggregated total of thirty thousand square feet and shall be located within a building or
1594 tenant space that is no more than ten percent larger than the plant canopy and separately
1595 authorized processing area.

1596 20.a. Production is limited to indoor only;

1597 b. Per parcel, the plant canopy, as defined in WAC 314-55-010, combined with
1598 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
1599 aggregated total of ~~((thirty))~~ two thousand square feet and shall be located within a
1600 building or tenant space that is no more than ten percent larger than the plant canopy and
1601 separately authorized processing area.

1602 21.a. Production is limited to indoor only;

1603 b. Per parcel, the plant canopy, as defined in WAC 314-55-010, combined with
1604 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
1605 aggregated total of thirty thousand square feet and shall be located within a building or
1606 tenant space that is no more than ten percent larger than the plant canopy and separately
1607 authorized processing area.

1608 22. Marijuana production by marijuana producers licensed by the Washington
1609 state Liquor Control Board is subject to the following standards:

1610 a. Production is limited to outdoor, indoor within marijuana greenhouses, and
1611 within structures that are nondwelling unit structures that exist as of October 1, 2013,
1612 subject to the size limitations in subsection B.15.b. of this section;

1613 b. Per parcel, the plant canopy, as defined in WAC 314-55-010, combined with
1614 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum

1615 aggregated total of ten thousand square feet and shall be located within a fenced area or
 1616 marijuana greenhouse that is no more than ten percent larger than that combined area, or
 1617 may occur in nondwelling unit structures that exist as of October 1, 2013; and

1618 c. Outdoor production area fencing as required by the Washington state Liquor
 1619 Control Board and marijuana greenhouses shall maintain a minimum street setback of
 1620 fifty feet and a minimum interior setback of thirty feet.

1621 23. The storage and processing of non-manufactured source separated organic
 1622 waste that originates from agricultural operations and that does not originate from the
 1623 site, if:

1624 a. agricultural is the primary use of the site;

1625 b. the storage and processing are in accordance with best management practices
 1626 included in an approved farm plan; and

1627 c. except for areas used for manure storage, the areas used for storage and
 1628 processing do not exceed three acres and ten percent of the site.

1629 SECTION 31. Ordinance 10870, Section 340, as amended, and K.C.C.

1630 21A.12.030 are each hereby amended to read as follows:

1631 A. Densities and dimensions - residential and rural zones.

STANDARDS	RURAL				RESIDENTIAL								
	RURAL AREA				URB AN RE- SERV E	RESIDENTIAL							
	RA- 2.5	RA-5	RA-10	RA-20	UR	R-1 (17)	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density: Dwelling Unit/Acre (15) (28)	0.2 du/a c	0.2 du/a c	0.1 du/ac	0.05 du/ac	0.2 du/ac (21)	1 du/ac	4 du/ac (6)	6 du/a c	8 du/a c	12 du/a c	18 du/a c	24 du/a c	48 du/a c
Maximum Density: Dwelling Unit/Acre (1)	0.4 du/a c (20)						6 du/ac (22) 8 du/ac (27)	9 du/a c (27)	12 du/a c (27)	18 du/a c (27)	27 du/a c (27)	36 du/a c (27)	72 du/a c (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)	1.875 ac	3.75 ac	7.5 ac	15 ac									
Minimum Lot Width (3)	135 ft	135 ft	135 ft	135 ft	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	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) (25)	35 ft (14) (25)	60 ft	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)

1632

B. Development conditions.

1633

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

1634

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

1635

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

1636

density incentive or density transfer.

1637

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

1638

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

1639

townhouse developments.

1640

4. Height limits may be increased if portions of the structure that exceed the

1641

base height limit provide one additional foot of street and interior setback for each foot

1642

above the base height limit, but the maximum height may not exceed seventy-five feet.

1643

Netting or fencing and support structures for the netting or fencing used to contain golf

1644

balls in the operation of golf courses or golf driving ranges are exempt from the

1645

additional interior setback requirements but the maximum height shall not exceed

1646

seventy-five feet, except for ((large active)) recreation ((and)) or multiuse parks, where

1647

the maximum height shall not exceed one hundred twenty-five feet, unless a golf ball

1648 trajectory study requires a higher fence.

1649 5. Applies to each individual lot. Impervious surface area standards for:

1650 a. Regional uses shall be established at the time of permit review;

1651 b. Nonresidential uses in rural area and residential zones shall comply with

1652 K.C.C. 21A.12.120 and 21A.12.220;

1653 c. Individual lots in the R-4 through R-6 zones that are less than nine thousand

1654 seventy-six square feet in area shall be subject to the applicable provisions of the nearest

1655 comparable R-6 or R-8 zone; and

1656 d. A lot may be increased beyond the total amount permitted in this chapter

1657 subject to approval of a conditional use permit.

1658 6. Mobile home parks shall be allowed a base density of six dwelling units per

1659 acre.

1660 7. The standards of the R-4 zone apply if a lot is less than fifteen thousand

1661 square feet in area.

1662 8. At least twenty linear feet of driveway shall be provided between any garage,

1663 carport or other fenced parking area and the street property line. The linear distance shall

1664 be measured along the center line of the driveway from the access point to such garage,

1665 carport or fenced area to the street property line.

1666 9.a. Residences shall have a setback of at least one hundred feet from any

1667 property line adjoining A, M or F zones or existing extractive operations. However,

1668 residences on lots less than one hundred fifty feet in width adjoining A, M or F zones or

1669 existing extractive operations shall have a setback from the rear property line equal to

1670 fifty percent of the lot width and a setback from the side property equal to twenty-five

1671 percent of the lot width.

1672 b. Except for residences along a property line adjoining A, M or F zones or
1673 existing extractive operations, lots between one acre and two and one-half acres in size
1674 shall conform to the requirements of the R-1 zone and lots under one acre shall conform
1675 to the requirements of the R-4 zone.

1676 10.a. For developments consisting of three or more single-detached dwellings
1677 located on a single parcel, the setback shall be ten feet along any property line abutting
1678 R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in
1679 K.C.C. 21A.14.190, which shall have a setback of five feet.

1680 b. For townhouse and apartment development, the setback shall be twenty feet
1681 along any property line abutting R-1 through R-8, RA and UR zones, except for
1682 structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback
1683 of five feet, unless the townhouse or apartment development is adjacent to property upon
1684 which an existing townhouse or apartment development is located.

1685 11. Lots smaller than one-half acre in area shall comply with standards of the
1686 nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or
1687 larger, the maximum impervious surface area allowed shall be at least ten thousand
1688 square feet. On any lot over one acre in area, an additional five percent of the lot area
1689 may be used for buildings related to agricultural or forestry practices. For lots smaller
1690 than two acres but larger than one-half acre, an additional ten percent of the lot area may
1691 be used for structures that are determined to be medically necessary, if the applicant
1692 submits with the permit application a notarized affidavit, conforming with K.C.C.
1693 21A.32.170A.2.

1694 12. For purposes of calculating minimum density, the applicant may request that
1695 the minimum density factor be modified based upon the weighted average slope of the
1696 net buildable area of the site in accordance with K.C.C. 21A.12.087.

1697 13. The minimum lot area does not apply to lot clustering proposals as provided
1698 in K.C.C. chapter 21A.14.

1699 14. The base height to be used only for projects as follows:

1700 a. in R-6 and R-8 zones, a building with a footprint built on slopes exceeding a
1701 fifteen percent finished grade; and

1702 b. in R-18, R-24 and R-48 zones using residential density incentives and
1703 transfer of density credits in accordance with this title.

1704 15. Density applies only to dwelling units and not to sleeping units.

1705 16. Vehicle access points from garages, carports or fenced parking areas shall
1706 be set back from the property line on which a joint use driveway is located to provide a
1707 straight line length of at least twenty-six feet as measured from the center line of the
1708 garage, carport or fenced parking area, from the access point to the opposite side of the
1709 joint use driveway.

1710 17.a. All subdivisions and short subdivisions in the R-1 zone shall be required to
1711 be clustered if the property is located within or contains:

1712 (1) a floodplain;

1713 (2) a critical aquifer recharge area;

1714 (3) a regionally or locally significant resource area;

1715 (4) existing or planned public parks or trails, or connections to such facilities;

1716 (5) a category type S or F aquatic area or category I or II wetland;

1717 (6) a steep slope; or

1718 (7) an urban separator or wildlife habitat network designated by the

1719 Comprehensive Plan or a community plan.

1720 b. The development shall be clustered away from critical areas or the axis of
1721 designated corridors such as urban separators or the wildlife habitat network to the extent
1722 possible and the open space shall be placed in a separate tract that includes at least fifty
1723 percent of the site. Open space tracts shall be permanent and shall be dedicated to a
1724 homeowner's association or other suitable organization, as determined by the director,
1725 and meet the requirements in K.C.C. 21A.14.040. On-site critical area and buffers and
1726 designated urban separators shall be placed within the open space tract to the extent
1727 possible. Passive recreation, with no development of recreational facilities, and natural-
1728 surface pedestrian and equestrian trails are acceptable uses within the open space tract.

1729 18. See K.C.C. 21A.12.085.

1730 19. All subdivisions and short subdivisions in R-1 and RA zones within the
1731 North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North
1732 Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and
1733 Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East
1734 Sammamish Community Planning Area that drains to Patterson Creek shall have a
1735 maximum impervious surface area of eight percent of the gross acreage of the plat.
1736 Distribution of the allowable impervious area among the platted lots shall be recorded on
1737 the face of the plat. Impervious surface of roads need not be counted towards the
1738 allowable impervious area. Where both lot- and plat-specific impervious limits apply, the
1739 more restrictive shall be required.

1740 20. This density may only be achieved on RA 2.5 zoned parcels receiving
1741 density from rural forest focus areas through a transfer of density credit pursuant to
1742 K.C.C. chapter 21A.37.

1743 21. Base density may be exceeded, if the property is located in a designated
1744 rural city urban growth area and each proposed lot contains an occupied legal residence
1745 that predates 1959.

1746 22. The maximum density is four dwelling units per acre for properties zoned
1747 R-4 when located in the Rural Town of Fall City.

1748 23. The minimum density requirement does not apply to properties located
1749 within the Rural Town of Fall City.

1750 24. The impervious surface standards for the county fairground facility are
1751 established in the King County Fairgrounds Site Development Plan, Attachment A to
1752 Ordinance 14808 on file at the department of natural resources and parks and the
1753 department of permitting and environmental review. Modifications to that standard may
1754 be allowed provided the square footage does not exceed the approved impervious surface
1755 square footage established in the King County Fairgrounds Site Development Plan
1756 Environmental Checklist, dated September 21, 1999, Attachment B to Ordinance 14808*,
1757 by more than ten percent.

1758 25. For cottage housing developments only:

1759 a. The base height is eighteen feet.

1760 b. Buildings have pitched roofs with a minimum slope of six and twelve may
1761 extend up to twenty-five feet at the ridge of the roof.

1762 26. Impervious surface does not include access easements serving neighboring

1763 property and driveways to the extent that they extend beyond the street setback due to
1764 location within an access panhandle or due to the application of King County Code
1765 requirements to locate features over which the applicant does not have control.

1766 27. Only in accordance with K.C.C. 21A.34.040.F.1.g. and F.6.

1767 28. On a site zoned RA with a building listed on the national register of historic
1768 places, additional dwelling units in excess of the maximum density may be allowed under
1769 K.C.C. 21A.12.042.

1770 SECTION 32. Ordinance 10870, Section 378, as amended, and K.C.C.

1771 21A.14.180 are each hereby amended to read as follows:

1772 A. Residential developments, other than cottage housing developments, of more
1773 than four units in the UR and R-4 through R-48 zones, stand-alone townhouse
1774 developments in the NB zone on property designated commercial outside of center in the
1775 urban area of more than four units, and mixed-use developments of more than four units,
1776 shall provide recreation space for leisure, play and sport activities as follows:

1777 1. Residential subdivision, townhouses and apartments developed at a density of
1778 eight units or less per acre: three hundred ninety square feet per unit;

1779 2. Mobile home park: two hundred sixty square feet per unit;

1780 3. Residential subdivisions developed at a density of greater than eight units per
1781 acre: one hundred seventy square feet per unit; and

1782 4. Apartments and townhouses developed at a density of greater than eight units
1783 per acre and mixed use:

1784 a. Studio and one bedroom: ninety square feet per unit;

1785 b. Two bedrooms: one hundred seventy square feet per unit; and

- 1786 c. Three or more bedrooms: one hundred seventy square feet per unit.
- 1787 B. Recreation space shall be placed in a designated recreation space tract if part
1788 of a subdivision. The tract shall be dedicated to a homeowner's association or other
1789 workable organization acceptable to the director, to provide continued maintenance of the
1790 recreation space tract consistent with K.C.C. 21A.14.200.
- 1791 C. Any recreation space located outdoors that is not part of a storm water tract
1792 developed in accordance with subsection F. of this section shall:
- 1793 1. Be of a grade and surface suitable for recreation improvements and have a
1794 maximum grade of five percent;
- 1795 2. Be on the site of the proposed development;
- 1796 3. Be located in an area where the topography, soils, hydrology and other
1797 physical characteristics are of such quality as to create a flat, dry, obstacle-free space in a
1798 configuration that allows for passive and active recreation;
- 1799 4. Be centrally located with good visibility of the site from roads and sidewalks;
- 1800 5. Have no dimensions less than thirty feet, except trail segments;
- 1801 6. Be located in one designated area, unless the director determines that
1802 residents of large subdivisions, townhouses and apartment developments would be better
1803 served by multiple areas developed with recreation or play facilities;
- 1804 7. Have a street roadway or parking area frontage along ten percent or more of
1805 the recreation space perimeter, except trail segments, if the required outdoor recreation
1806 space exceeds five thousand square feet and is located in a single detached or townhouse
1807 subdivision;
- 1808 8. Be accessible and convenient to all residents within the development; and

1809 9. Be located adjacent to, and be accessible by, trail or walkway to any existing
1810 or planned municipal, county or regional park, public open space or trail system, which
1811 may be located on adjoining property.

1812 D. Indoor recreation areas may be credited towards the total recreation space
1813 requirement, if the director determines that the areas are located, designed and improved
1814 in a manner that provides recreational opportunities functionally equivalent to those
1815 recreational opportunities available outdoors. For senior citizen assisted housing, indoor
1816 recreation areas need not be functionally equivalent but may include social areas, game
1817 and craft rooms, and other multipurpose entertainment and education areas.

1818 E. Play equipment or age appropriate facilities shall be provided within dedicated
1819 recreation space areas according to the following requirements:

1820 1. For developments of five dwelling units or more, a tot lot or children's play
1821 area, that includes age appropriate play equipment and benches, shall be provided
1822 consistent with K.C.C. 21A.14.190;

1823 2. For developments of five to twenty-five dwelling units, one of the following
1824 recreation facilities shall be provided in addition to the tot lot or children's play area:

1825 a. playground equipment;

1826 b. sport court;

1827 c. sport field;

1828 d. tennis court; or

1829 e. any other recreation facility proposed by the applicant and approved by the
1830 director;

1831 3. For developments of twenty-six to fifty dwelling units, at least two or more of

1832 the recreation facilities listed in subsection E.2. of this section shall be provided in
1833 addition to the tot lot or children's play area; and

1834 4. For developments of more than fifty dwelling units, one or more of the
1835 recreation facilities listed in subsection E.2. of this section shall also be provided for
1836 every twenty-five dwelling units in addition to the tot lot or children's play area. If
1837 calculations result in a fraction, the fraction shall be rounded to the nearest whole number
1838 as follows:

1839 a. Fractions of 0.50 or above shall be rounded up; and

1840 b. Fractions below 0.50 shall be rounded down.

1841 F. In subdivisions, recreation areas that are contained within the on-site
1842 stormwater tracts, but are located outside of the one hundred year design water surface,
1843 may be credited for up to fifty percent of the required square footage of the on-site
1844 recreation space requirement on a foot-per-foot basis, subject to the following criteria:

1845 1. The stormwater tract and any on-site recreation tract shall be contiguously
1846 located. At final plat recording, contiguous stormwater and recreation tracts shall be
1847 recorded as one tract and dedicated to the homeowner's association or other organization
1848 as approved by the director;

1849 2. The drainage facility shall be constructed to meet the following conditions:

1850 a. The side slope of the drainage facility shall not exceed thirty-three percent
1851 unless slopes are existing, natural and covered with vegetation;

1852 b. A bypass system or an emergency overflow pathway shall be designed to
1853 handle flow exceeding the facility design and located so that it does not pass through
1854 active recreation areas or present a safety hazard;

1855 c. The drainage facility shall be landscaped and developed for passive
1856 recreation opportunities such as trails, picnic areas and aesthetic viewing; and

1857 d. The drainage facility shall be designed so they do not require fencing under
1858 the King County Surface Water Design Manual.

1859 G. When the tract is a joint use tract for a drainage facility and recreation space,
1860 King County is responsible for maintenance of the drainage facility only and requires a
1861 drainage easement for that purpose.

1862 H. A recreation space plan shall be submitted to the department and reviewed and
1863 approved with engineering plans.

1864 1. The recreation space plans shall address all portions of the site that will be
1865 used to meet recreation space requirements of this section, including drainage facility.
1866 The plans shall show dimensions, finished grade, equipment, landscaping and
1867 improvements, as required by the director, to demonstrate that the requirements of the on-
1868 site recreation space in K.C.C. 21A.14.180 and play areas in K.C.C. 21A.14.190 have
1869 been met.

1870 2. If engineering plans indicate that the on-site drainage facility or stormwater
1871 tract must be increased in size from that shown in preliminary approvals, the recreation
1872 plans must show how the required minimum recreation space under K.C.C.
1873 21A.14.180.A. will be met.

1874 SECTION 33. Ordinance 11621, Section 49, as amended, and K.C.C.
1875 21A.14.185 are each hereby amended to read as follows:

1876 A. The creation of on-site recreation space shall be the preferred method of
1877 providing new development with opportunities for leisure, play and sports activities.

1878 Applicants shall to the best of their ability endeavor to provide recreation space on the
1879 project site. However, if on-site recreation space is not provided in accordance with
1880 K.C.C. 21A.14.180, the applicant shall pay a fee-in-lieu of actual recreation space if
1881 approved by King County. King County acceptance of a fee-in-lieu payment is
1882 discretionary. A fee-in-lieu of on-site recreation space may be permitted if the recreation
1883 space provided within a county park in the vicinity will be of greater benefit to the
1884 prospective residents of the development.

1885 B. Fees shall be determined annually by the department of natural resources and
1886 parks (~~and recreation~~) on the basis of the projected market value of the required
1887 recreation space land area after development. Any recreational space provided by the
1888 applicant shall be credited toward the required fees.

1889 C. If recreation space credit is applied to stormwater facilities in accordance with
1890 K.C.C. 21A.14.180E, the development loses its option to request a fee-in-lieu and the
1891 remainder of the required recreation space and play area must be provided on site.

1892 SECTION 34. Ordinance 10870, Section 380, as amended, and K.C.C.
1893 21A.14.200 are each hereby amended to read as follows:

1894 A. Recreation space that meets the criteria in K.C.C. 21A.14.180.C may, at the
1895 discretion of the department of natural resources and parks (~~and recreation~~), be
1896 dedicated as a park open to the public in lieu of providing the on-site recreation required
1897 under K.C.C. 21A.14.180 if the following criteria are met:

1898 1. The dedicated area is at least ten acres in size, unless when adjacent to an
1899 existing or planned county park;

1900 2. The dedicated land provides one or more of the following:

- 1901 a. shoreline access;
- 1902 b. regional trail linkages;
- 1903 c. habitat linkages;
- 1904 d. recreation facilities; or
- 1905 e. heritage sites; and

1906 3. The dedicated area is located within one mile of the project site.

1907 B. Unless the recreation space is dedicated to King County in accordance with
1908 subsection A, of this section, maintenance of any recreation space retained in private
1909 ownership shall be the responsibility of the owner or other separate entity capable of
1910 long-term maintenance and operation in a manner acceptable to the parks department.

1911 SECTION 35. Ordinance 14045, Section 37, as amended, and K.C.C.

1912 21A.14.360 are each hereby amended to read as follows:

1913 ~~((A.))~~ The county may accept the voluntary grant of an easement for a rural
1914 equestrian community ~~((trails [trail]))~~ trail consistent with K.C.C. 21A.14.350 through
1915 21A.14.390 from any development when ~~((such))~~ the development contains ~~((any~~
1916 ~~existing historically established))~~ a rural equestrian community trail~~((, and when located~~
1917 ~~in the RA, A or F zones))~~). The residents or tenants of the development shall be provided
1918 access to any such trail ~~((provided hereunder))~~ for use consistent with the function of the
1919 trail. The area of ~~((any such))~~ a trail provided ~~((hereunder))~~ under this section shall be
1920 counted as part of the site for purposes of density and floor area calculations. The
1921 application of this section shall not reduce the allowed density within a residential
1922 subdivision or short subdivision. The county may also accept the voluntary grant of an
1923 easement for a rural equestrian community trail consistent with K.C.C. 21A.14.350

1924 through 21A.14.390 when there is no development proposed for the property.

1925 ~~((B The rural equestrian community trails provisions apply to any property~~
1926 ~~located in the RA, A or F zones.~~

1927 ~~4. Development proposals for government/business service uses denoted in the~~
1928 ~~permitted use table in K.C.C. 21A.08.060.))~~

1929 SECTION 36. Ordinance 14045, Section 38, as amended, and K.C.C.
1930 21A.14.370 are each hereby amended to read as follows:

1931 The ~~((county shall))~~ department of natural resources and parks may accept a
1932 ~~((voluntary))~~ grant of easement for the preservation or relocation of a rural equestrian
1933 community trail ~~((in the RA, A or F zone whenever))~~ as follows:

1934 A. The department of natural resources and parks makes a determination in
1935 writing that:

1936 1. The rural equestrian community trail is listed or mapped on an inventory of
1937 equestrian community trails maintained by the ~~((King County))~~ department of natural
1938 resources and parks ~~((and recreation department))~~. The department of natural resources
1939 and parks shall field verify the presence of a trail where an inventory indicates the
1940 general location of a trail that has not yet been field verified~~((:));~~

1941 2. The rural equestrian community trail connects to a state, county or other trail
1942 open to the public;

1943 3. The rural equestrian community trail, following a site inspection by the
1944 department of natural resources and parks, is reasonably fit for use as a rural equestrian
1945 community trail;

1946 4. ~~((If the))~~ A rural equestrian community trail that traverses or impacts an

1947 environmentally sensitive area(~~(-it)~~) can be modified to meet code requirements for trails
1948 in (~~(sensitive)~~) critical areas; and

1949 5. Permanent protection or relocation of (~~(an)~~) a rural equestrian community
1950 trail can be accomplished without interference with allowed uses and development of the
1951 subject property, and the site can be developed without interference with the trail and
1952 allows for future owners of the property to access historically existing or public trails in
1953 the vicinity of the site(~~(-)~~) or

1954 B. If the rural equestrian community trail is proposed to be granted as part of a
1955 mitigation package for a development proposal, the department of permitting and
1956 environmental review:

1957 1. (~~(d)~~)Determines (~~(and reports to the department of natural resources)~~) that
1958 permanent protection or relocation of (~~(an)~~) the rural equestrian community trail can be
1959 accomplished without interference with the proposed use and development of the subject
1960 property(~~(-and)~~);

1961 2. Determines that the site can be developed without interference with the trail
1962 and in a manner that allows future owners of the property to access historically existing
1963 or public trails in the vicinity that are linked to the subject site(~~(-)~~); and

1964 3. (~~(The department of permitting and environmental review shall r)~~)Reports its
1965 findings in writing to the department of natural resources and parks.

1966 SECTION 37. Ordinance 14045, Section 39, as amended, and K.C.C.
1967 21A.14.380 are each hereby amended to read as follows:

1968 The following design standards apply to rural equestrian community trails
1969 (~~(provided pursuant to this chapter located within the RA, A or F zones.)~~);

1970 A. An on-site rural equestrian community trail should be retained at its existing
1971 location unless that location impairs the use of the property as intended by the applicant.
1972 A rural equestrian community trail retained in the existing location shall not require any
1973 upgrades or improvements, except for maintenance required by this section. The trail
1974 may be relocated to a location within the street right-of-way or to another corridor
1975 separate from a street right-of-way, provided that whatever alternative is used preserves
1976 the same connections as the original trail to an existing public park or trail in the vicinity
1977 of the subject property. The preferred place for a relocated trail is out of the right-of-way
1978 or separated from the paved surface and road shoulder by a berm, ditch or other
1979 separation. Trails may only be relocated to a street right-of-way when meeting the
1980 standards in subsection E. of this section. A tax credit (~~(pursuant to)~~) under the Public
1981 Benefit Rating System may only be given for trails relocated off the road right-of-way.
1982 The trail location shall be preserved by appropriate easements or dedications.

1983 B. Corridors for trails located outside a street right-of-way shall be ten feet wide,
1984 or six feet wide if the trail will be located along a property line and additional corridor
1985 space can reasonably be expected to be preserved on the abutting property and the
1986 corridor is not encumbered by any structures adjacent to the corridor.

1987 C. If permitted by K.C.C. chapter 21A.24, an existing or relocated rural
1988 equestrian community trail may be located in a designated (~~(sensitive)~~) critical area
1989 buffer.

1990 D. Rural equestrian community trails that are not located within street rights-of-
1991 way, should be natural, visually and functionally unobtrusive, and as low-impact as
1992 possible.

1993 E. Relocated or new rural equestrian community trails within public or private
1994 road rights-of-way shall be designed consistent with adopted King County Road
1995 Standards, ~~((f))~~KCRS~~((5))~~ Section 3.11~~((f))~~, as supplemented by the following standards:

1996 1. The trail shall be located to provide access to a local equestrian travel
1997 corridor through the project site and adjacent properties, as determined by the King
1998 County department of transportation in cooperation with the local equestrian
1999 community~~((:))~~;

2000 2. The preferred design is a trail separated from the paved roadway by a berm,
2001 ditch, tree cover or other natural obstacle; the center of the trail tread shall be at least
2002 eight feet of horizontal distance from the paved roadway edge~~((:))~~;

2003 3. When a separated trail cannot be provided, a soft-surfaced ninety-six inch-
2004 wide roadway shoulder path shall be installed on all roads other than local access streets,
2005 where a forty-eight inches shoulder path shall be sufficient~~((:))~~;

2006 4. All trails shall have an all-weather tread of thirty-six to forty-eight inches~~((:))~~;

2007 5. The roadway shall include appropriate surface treatment to reduce slippage at
2008 roadway~~((f))~~ and trail crossings~~((:))~~; and

2009 6. Appropriate signs shall be provided to indicate the location of street crossings
2010 for trails, with emphasis on arterials and subcollector street.

2011 F. Relocated or new rural equestrian community trails not located in a right-of-
2012 way shall be designed to the King County Road Standards, KCRS~~((5))~~ Section 3.11.A.2.

2013 SECTION 38. Ordinance 17539, Section 44, as amended, and K.C.C.
2014 21A.24.045 are hereby amended to read as follows:

2015 A. Within the following seven critical areas and their buffers all alterations are

2016 allowed if the alteration complies with the development standards, impact avoidance and
2017 mitigation requirements and other applicable requirements established in this chapter:

- 2018 1. Critical aquifer recharge area;
- 2019 2. Coal mine hazard area;
- 2020 3. Erosion hazard area;
- 2021 4. Flood hazard area except in the severe channel migration hazard area;
- 2022 5. Landslide hazard area under forty percent slope;
- 2023 6. Seismic hazard area; and
- 2024 7. Volcanic hazard areas.

2025 B. Within the following seven critical areas and their buffers, unless allowed as
2026 an alteration exception under K.C.C. 21A.24.070, only the alterations on the table in
2027 subsection C. of this section are allowed if the alteration complies with conditions in
2028 subsection D. of this section and the development standards, impact avoidance and
2029 mitigation requirements and other applicable requirements established in this chapter:

- 2030 1. Severe channel migration hazard area;
- 2031 2. Landslide hazard area over forty percent slope;
- 2032 3. Steep slope hazard area;
- 2033 4. Wetland;
- 2034 5. Aquatic area;
- 2035 6. Wildlife habitat conservation area; and
- 2036 7. Wildlife habitat network.

2037 C. In the following table where an activity is included in more than one activity
2038 category, the numbered conditions applicable to the most specific description of the

2039 activity governs. Where more than one numbered condition appears for a listed activity,
 2040 each of the relevant conditions specified for that activity within the given critical area
 2041 applies. For alterations involving more than one critical area, compliance with the
 2042 conditions applicable to each critical area is required.

KEY
Letter "A" in a cell means alteration is allowed
A number in a cell means the corresponding numbered condition in subsection D. of <u>this section</u> applies
"Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network

L AN DS LI DE HA ZA RD 	O VE R 40% AN DB UF FE 	S T E E P S L O P E H A Z A R D	A N D B FF R 	W ET LA ND AN D 	B UF FE R 	A Q U A T I C A R R E A N D 	B UF FE R AN N D 	WI LD LIF E RE A OR K 	A ND NE T W OR K

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 corridor or utility facility	A 32, 33	A 32, 33	A 32, 34	A 32, 34	A 27, 32, 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 replacement of existing surface water conveyance system	A 33	A 33	A 16, 32, 38	A 16, 40, 41	A 4, 37
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	A 16	A	A	A	A 4

instream structure					
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

2043

D. The following alteration conditions apply:

2044

1. Limited to farm residences in grazed or tilled wet meadows and subject to the

2045 limitations of subsection D.3. of this section.

2046 2. Only allowed in a buffer of a lake that is twenty acres or larger on a lot that
2047 was created before January 1, 2005, if:

2048 a. at least seventy-five percent of the lots abutting the shoreline of the lake or
2049 seventy-five percent of the lake frontage, whichever constitutes the most developable
2050 lake frontage, has existing density of four dwelling units per acre or more;

2051 b. the development proposal, including mitigation required by this chapter, will
2052 have the least adverse impact on the critical area;

2053 c. existing native vegetation within the critical area buffer will remain
2054 undisturbed except as necessary to accommodate the development proposal and required
2055 building setbacks;

2056 d. access is located to have the least adverse impact on the critical area and
2057 critical area buffer;

2058 e. the alteration is the minimum necessary to accommodate the development
2059 proposal and in no case in excess of a development footprint of five thousand square feet;

2060 f. the alteration is no closer than:

2061 (1) on site with a shoreline environment designation of high intensity or
2062 residential, the greater of twenty-five feet or the average of the setbacks on adjacent lots
2063 on either side of the subject property, as measured from the ordinary high water mark of
2064 the lake shoreline;

2065 (2) on a site with a shoreline environment designation of rural, conservancy,
2066 resource or forestry, the greater of fifty feet or the average of the setbacks on adjacent
2067 lots on either side of the subject property, as measured from the ordinary high water mark

2068 the lake shoreline; and

2069 (3) on a site with a shoreline environment designation of natural, the greater
2070 of one hundred feet or the average of the setbacks on adjacent lots on either side of the
2071 subject property, as measured from the ordinary high water mark; and

2072 g. to the maximum extent practical, alterations are mitigated on the
2073 development proposal site by enhancing or restoring remaining critical area buffers.

2074 3. Limited to nonresidential farm-structures in grazed or tilled wet meadows or
2075 buffers of wetlands or aquatic areas where:

2076 a. the site is predominantly used for the practice of agriculture;

2077 b. the structure is in compliance with an approved farm management plan in
2078 accordance with K.C.C. 21A.24.051;

2079 c. the structure is either:

2080 (1) on or adjacent to existing nonresidential impervious surface areas,
2081 additional impervious surface area is not created waterward of any existing impervious
2082 surface areas and the area was not used for crop production;

2083 (2) higher in elevation and no closer to the critical area than its existing
2084 position; or

2085 (3) at a location away from existing impervious surface areas that is
2086 determined to be the optimum site in the farm management plan;

2087 d. all best management practices associated with the structure specified in the
2088 farm management plan are installed and maintained;

2089 e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not
2090 require the development of a farm management plan if required best management

2091 practices are followed and the installation does not require clearing of critical areas or
2092 their buffers; and

2093 f. in a severe channel migration hazard area portion of an aquatic buffer only
2094 if:

2095 (1) there is no feasible alternative location on-site;

2096 (2) the structure is located where it is least subject to risk from channel
2097 migration;

2098 (3) the structure is not used to house animals or store hazardous substances;

2099 and

2100 (4) the total footprint of all accessory structures within the severe channel
2101 migration hazard area will not exceed the greater of one thousand square feet or two
2102 percent of the severe channel migration hazard area on the site.

2103 4. No clearing, external construction or other disturbance in a wildlife habitat
2104 conservation area is allowed during breeding seasons established under K.C.C.

2105 21A.24.382.

2106 5. Allowed for structures when:

2107 a. the landslide hazard poses little or no risk of injury;

2108 b. the risk of landsliding is low; and

2109 c. there is not an expansion of the structure.

2110 6. Within a severe channel migration hazard area allowed for:

2111 a. existing legally established primary structures if:

2112 (1) there is not an increase of the footprint of any existing structure; and

2113 (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270;

2114 and

2115 b. existing legally established accessory structures if:

2116 (1) additions to the footprint will not make the total footprint of all existing
2117 structures more than one-thousand square feet; and

2118 (2) there is not an expansion of the footprint towards any source of channel
2119 migration hazard, unless the applicant demonstrates that the location is less subject to risk
2120 and has less impact on the critical area.

2121 7. Allowed only in grazed wet meadows or the buffer or building setback
2122 outside a severe channel migration hazard area if:

2123 a. the expansion or replacement does not increase the footprint of a
2124 nonresidential structure;

2125 b.(1) for a legally established dwelling unit, the expansion or replacement,
2126 including any expansion of a legally established accessory structure allowed under this
2127 subsection B.7.b., does not increase the footprint of the dwelling unit and all other
2128 structures by more than one thousand square feet, not including any expansion of a
2129 drainfield made necessary by the expansion of the dwelling unit. To the maximum extent
2130 practical, the replacement or expansion of a drainfield in the buffer should be located
2131 within areas of existing lawn or landscaping, unless another location will have a lesser
2132 impact on the critical area and its buffer;

2133 (2) for a structure accessory to a dwelling unit, the expansion or replacement
2134 is located on or adjacent to existing impervious surface areas and does not result in a
2135 cumulative increase in the footprint of the accessory structure and the dwelling unit by
2136 more than one thousand square feet;

2137 (3) the location of the expansion has the least adverse impact on the critical
2138 area; and

2139 (4) a comparable area of degraded buffer area shall be enhanced through
2140 removal of nonnative plants and replacement with native vegetation in accordance with
2141 an approved landscaping plan;

2142 c. the structure was not established as the result of an alteration exception,
2143 variance, buffer averaging or reasonable use exception;

2144 d. to the maximum extent practical, the expansion or replacement is not
2145 located closer to the critical area or within the relic of a channel that can be connected to
2146 an aquatic area; and

2147 e. The expansion of a residential structure in the buffer of a Type S aquatic
2148 area that extends towards the ordinary high water mark requires a shoreline variance if:

2149 (1) the expansion is within thirty-five feet of the ordinary high water mark; or

2150 (2) the expansion is between thirty-five and fifty feet of the ordinary high
2151 water mark and the area of the expansion extending towards the ordinary high water mark
2152 is greater than three hundred square feet.

2153 8. Allowed upon another portion of an existing impervious surface outside a
2154 severe channel migration hazard area if:

2155 a. except as otherwise allowed under subsection D.7. of this section, the
2156 structure is not located closer to the critical area;

2157 b. except as otherwise allowed under subsection D.7. of this section, the
2158 existing impervious surface within the critical area or buffer is not expanded; and

2159 c. the degraded buffer area is enhanced through removal of nonnative plants

2160 and replacement with native vegetation in accordance with an approved landscaping plan.

2161 9. Limited to piers or seasonal floating docks in a category II, III or IV wetland
2162 or its buffer or along a lake shoreline or its buffer where:

2163 a. the vegetation where the alteration is proposed does not consist of dominant
2164 native wetland herbaceous or woody vegetation six feet in width or greater and the lack
2165 of this vegetation is not the result of any violation of law;

2166 b. the wetland or lake shoreline is not a salmonid spawning area;

2167 c. hazardous substances or toxic materials are not used; and

2168 d. if located in a freshwater lake, the pier or dock conforms to the standards for
2169 docks under K.C.C. 21A.25.180.

2170 10. Allowed on type N or O aquatic areas if hazardous substances or toxic
2171 materials are not used.

2172 11. Allowed on type S or F aquatic areas outside of the severe channel
2173 migration hazard area if in compliance with K.C.C. 21A.25.180.

2174 12. When located on a lake, must be in compliance with K.C.C. 21A.25.180.

2175 13. Limited to regrading and stabilizing of a slope formed as a result of a legal
2176 grading activity.

2177 14. The following are allowed in the severe channel migration hazard area if
2178 conducted more than one hundred sixty-five feet from the ordinary high water mark in
2179 the rural area and one-hundred fifteen feet from the ordinary high water mark in the
2180 urban area:

2181 a. grading of up to fifty cubic yards on lot less than five acres; and

2182 b. clearing of up to one-thousand square feet or up to a cumulative thirty-five

2183 percent of the severe channel migration hazard area.

2184 15. Only where erosion or landsliding threatens a structure, utility facility,
2185 roadway, driveway, public trails, aquatic area or wetland if, to the maximum extent
2186 practical, stabilization work does not disturb the slope and its vegetative cover and any
2187 associated critical areas.

2188 16. Allowed when performed by, at the direction of or authorized by a
2189 government agency in accordance with regional road maintenance guidelines.

2190 17. Allowed when not performed under the direction of a government agency
2191 only if:

2192 a. the maintenance or expansion does not involve the use of herbicides,
2193 hazardous substances, sealants or other liquid oily substances in aquatic areas, wetlands
2194 or their buffers; and

2195 b. when maintenance, expansion or replacement of bridges or culverts involves
2196 water used by salmonids:

2197 (1) the work is in compliance with ditch standards in public rule; and

2198 (2) the maintenance of culverts is limited to removal of sediment and debris
2199 from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or
2200 damaged bank or channel immediately adjacent to the culvert and shall not involve the
2201 excavation of a new sediment trap adjacent to the inlet.

2202 18. Allowed for the removal of hazard trees and vegetation as necessary for
2203 surveying or testing purposes.

2204 19. The limited trimming, pruning or removal of vegetation under a vegetation
2205 management plan approved by the department:

2206 a. in steep slope and landslide hazard areas, for the making and maintenance of
2207 view corridors; and

2208 b. in all critical areas for habitat enhancement, invasive species control or
2209 forest management activities.

2210 20. Harvesting of plants and plant materials, such as plugs, stakes, seeds or
2211 fruits, for restoration and enhancement projects is allowed.

2212 21. Cutting of firewood is subject to the following:

2213 a. within a wildlife habitat conservation area, cutting firewood is not allowed;

2214 b. within a wildlife network, cutting shall be in accordance with a management
2215 plan approved under K.C.C. 21A.24.386; and

2216 c. within a critical area buffer, cutting shall be for personal use and in
2217 accordance with an approved forest management plan or rural stewardship plan.

2218 22. Allowed only in buffers if in accordance with best management practices
2219 approved by the King County fire marshal.

2220 23. Allowed as follows:

2221 a. if conducted in accordance with an approved forest management plan, farm
2222 management plan or rural stewardship plan; or

2223 b. without an approved forest management plan, farm management plan or
2224 rural stewardship plan, only if:

2225 (1) removal is undertaken with hand labor, including hand-held mechanical
2226 tools, unless the King County noxious weed control board otherwise prescribes the use of
2227 riding mowers, light mechanical cultivating equipment or herbicides or biological control
2228 methods;

2229 (2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;

2230 (3) the cleared area is revegetated with native vegetation and stabilized

2231 against erosion; and

2232 (4) herbicide use is in accordance with federal and state law;

2233 24. Allowed to repair or replace existing on site wastewater disposal systems in

2234 accordance with the applicable public health standards within Marine Recovery Areas

2235 adopted by the Seattle King County board of health and:

2236 a. there is no alternative location available with less impact on the critical area;

2237 b. impacts to the critical area are minimized to the maximum extent

2238 practicable;

2239 c. the alterations will not subject the critical area to increased risk of landslide

2240 or erosion;

2241 d. vegetation removal is the minimum necessary to accommodate the septic

2242 system; and

2243 e. significant risk of personal injury is eliminated or minimized in the landslide

2244 hazard area.

2245 25. Only if in compliance with published Washington state Department of Fish

2246 and Wildlife and Washington state Department of Natural Resources Management

2247 standards for the species. If there are no published Washington state standards, only if in

2248 compliance with management standards determined by the county to be consistent with

2249 best available science.

2250 26. Allowed only if:

2251 a. there is not another feasible location with less adverse impact on the critical

- 2252 area and its buffer;
- 2253 b. the corridor is not located over habitat used for salmonid rearing or
2254 spawning or by a species listed as endangered or threatened by the state or federal
2255 government unless the department determines that there is no other feasible crossing site.
- 2256 c. the corridor width is minimized to the maximum extent practical;
- 2257 d. the construction occurs during approved periods for instream work;
- 2258 e. the corridor will not change or diminish the overall aquatic area flow peaks,
2259 duration or volume or the flood storage capacity; and
- 2260 f. no new public right-of-way is established within a severe channel migration
2261 hazard area.
- 2262 27. To the maximum extent practical, during breeding season established under
2263 K.C.C. 21A.24.382, land clearing machinery such as bulldozers, graders or other heavy
2264 equipment are not operated within a wildlife habitat conservation area.
- 2265 28. Allowed only if:
- 2266 a. an alternative access is not available;
- 2267 b. impact to the critical area is minimized to the maximum extent practical
2268 including the use of walls to limit the amount of cut and fill necessary;
- 2269 c. the risk associated with landslide and erosion is minimized;
- 2270 d. access is located where it is least subject to risk from channel migration; and
- 2271 e. construction occurs during approved periods for instream work.
- 2272 29. Only if in compliance with a farm management plan in accordance with
2273 K.C.C. 21A.24.051.
- 2274 30. Allowed only if:

2275 a. the new construction or replacement is made fish passable in accordance
2276 with the most recent Washington state Department of Fish and Wildlife manuals or with
2277 the National Marine and Fisheries Services guidelines for federally listed salmonid
2278 species; and

2279 b. the site is restored with appropriate native vegetation.

2280 31. Allowed if necessary to bring the bridge or culvert up to current standards
2281 and if:

2282 a. there is not another feasible alternative available with less impact on the
2283 aquatic area and its buffer; and

2284 b. to the maximum extent practical, the bridge or culvert is located to minimize
2285 impacts to the aquatic area and its buffer's.

2286 32. Allowed in an existing roadway if conducted consistent with the regional
2287 road maintenance guidelines.

2288 33. Allowed outside the roadway if:

2289 a. the alterations will not subject the critical area to an increased risk of
2290 landslide or erosion;

2291 b. vegetation removal is the minimum necessary to locate the utility or
2292 construct the corridor; and

2293 c. significant risk of personal injury is eliminated or minimized in the landslide
2294 hazard area.

2295 34. Limited to the pipelines, cables, wires and support structures of utility
2296 facilities within utility corridors if:

2297 a. there is no alternative location with less adverse impact on the critical area

2298 and critical area buffer;

2299 b. new utility corridors meet the all of the following to the maximum extent
2300 practical:

2301 (1) are not located over habitat used for salmonid rearing or spawning or by a
2302 species listed as endangered or threatened by the state or federal government unless the
2303 department determines that there is no other feasible crossing site;

2304 (2) the mean annual flow rate is less than twenty cubic feet per second; and

2305 (3) paralleling the channel or following a down-valley route near the channel
2306 is avoided;

2307 c. to the maximum extent practical utility corridors are located so that:

2308 (1) the width is the minimized;

2309 (2) the removal of trees greater than twelve inches diameter at breast height is
2310 minimized;

2311 (3) ~~an additional, contiguous and undisturbed critical area buffer, equal in~~
2312 area to the disturbed critical area buffer area including any allowed maintenance roads, is
2313 provided to protect the critical area;

2314 d. to the maximum extent practical, access for maintenance is at limited access
2315 points into the critical area buffer rather than by a parallel maintenance road. If a parallel
2316 maintenance road is necessary the following standards are met:

2317 (1) to the maximum extent practical the width of the maintenance road is
2318 minimized and in no event greater than fifteen feet; and

2319 (2) the location of the maintenance road is contiguous to the utility corridor
2320 on the side of the utility corridor farthest from the critical area;

- 2321 e. the utility corridor or facility will not adversely impact the overall critical
2322 area hydrology or diminish flood storage capacity;
- 2323 f. the construction occurs during approved periods for instream work;
- 2324 g. the utility corridor serves multiple purposes and properties to the maximum
2325 extent practical;
- 2326 h. bridges or other construction techniques that do not disturb the critical areas
2327 are used to the maximum extent practical;
- 2328 i. bored, drilled or other trenchless crossing is laterally constructed at least four
2329 feet below the maximum depth of scour for the base flood;
- 2330 j. bridge piers or abutments for bridge crossing are not placed within the
2331 FEMA floodway or the ordinary high water mark;
- 2332 k. open trenching is only used during low flow periods or only within aquatic
2333 areas when they are dry. The department may approve open trenching of type S or F
2334 aquatic areas only if there is not a feasible alternative and equivalent or greater
2335 environmental protection can be achieved; and
- 2336 l. minor communication facilities may collocate on existing utility facilities if:
- 2337 (1) no new transmission support structure is required; and
- 2338 (2) equipment cabinets are located on the transmission support structure.
- 2339 35. Allowed only for new utility facilities in existing utility corridors.
- 2340 36. Allowed for onsite private individual utility service connections or private
2341 or public utilities if the disturbed area is not expanded and no hazardous substances,
2342 pesticides or fertilizers are applied.
- 2343 37. Allowed if the disturbed area is not expanded, clearing is limited to the

2344 maximum extent practical and no hazardous substances, pesticides or fertilizers are
2345 applied.

2346 38. Allowed if:

2347 a. conveying the surface water into the wetland or aquatic area buffer and
2348 discharging into the wetland or aquatic area buffer or at the wetland or aquatic area edge
2349 has less adverse impact upon the wetland or aquatic area or wetland or aquatic area buffer
2350 than if the surface water were discharged at the buffer's edge and allowed to naturally
2351 drain through the buffer;

2352 b. the volume of discharge is minimized through application of low impact
2353 development and water quality measures identified in the King County Surface Water
2354 Design Manual;

2355 c. the conveyance and outfall are installed with hand equipment where
2356 feasible;

2357 ~~d. the outfall shall include bioengineering techniques where feasible; and~~

2358 e. the outfall is designed to minimize adverse impacts to critical areas.

2359 39. Allowed only if:

2360 a. there is no feasible alternative with less impact on the critical area and its
2361 buffer;

2362 b. to the maximum extent practical, the bridge or culvert is located to minimize
2363 impacts to the critical area and its buffer;

2364 c. the bridge or culvert is not located over habitat used for salmonid rearing or
2365 spawning unless there is no other feasible crossing site;

2366 d. construction occurs during approved periods for in-stream work; and

2367 e. bridge piers or abutments for bridge crossings are not placed within the
2368 FEMA floodway, severe channel migration hazard area or waterward of the ordinary high
2369 water mark.

2370 40. Allowed for an open, vegetated stormwater management conveyance system
2371 and outfall structure that simulates natural conditions if:

2372 a. fish habitat features necessary for feeding, cover and reproduction are
2373 included when appropriate;

2374 b. vegetation is maintained and added adjacent to all open channels and ponds,
2375 if necessary to prevent erosion, filter out sediments or shade the water; and

2376 c. bioengineering techniques are used to the maximum extent practical.

2377 41. Allowed for a closed, tightlined conveyance system and outfall structure if:

2378 a. necessary to avoid erosion of slopes; and

2379 b. bioengineering techniques are used to the maximum extent practical.

2380 42. Allowed in a severe channel migration hazard area or an aquatic area buffer
2381 to prevent bank erosion only:

2382 a. if consistent with the Integrated Streambank Protection Guidelines
2383 (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering
2384 techniques are used to the maximum extent practical, unless the applicant demonstrates
2385 that other methods provide equivalent structural stabilization and environmental function;

2386 b. based on a critical areas report, the department determines that the new
2387 flood protection facility will not cause significant impacts to upstream or downstream
2388 properties; and

2389 c. to prevent bank erosion for the protection of:

- 2390 (1) public roadways;
- 2391 (2) sole access routes in existence before February 16, 1995;
- 2392 (3) new primary dwelling units, accessory dwelling units or accessory living
2393 quarters and residential accessory structures located outside the severe channel migration
2394 hazard area if:
- 2395 (a) the site is adjacent to or abutted by properties on both sides containing
2396 buildings or sole access routes protected by legal bank stabilization in existence before
2397 February 16, 1995. The buildings, sole access routes or bank stabilization must be
2398 located no more than six hundred feet apart as measured parallel to the migrating
2399 channel; and
- 2400 (b) the new primary dwelling units, accessory dwelling units, accessory
2401 living quarters or residential accessory structures are located no closer to the aquatic area
2402 than existing primary dwelling units, accessory dwelling units, accessory living quarters
2403 or residential accessory structures on abutting or adjacent properties; or
- 2404 (4) existing primary dwelling units, accessory dwelling units, accessory living
2405 quarters or residential accessory structures if:
- 2406 (a) the structure was in existence before the adoption date of a King County
2407 Channel Migration Zone hazard map that applies to that channel, if such a map exists;
- 2408 (b) the structure is in imminent danger, as determined by a geologist,
2409 engineering geologist or geotechnical engineer;
- 2410 (c) the applicant has demonstrated that the existing structure is at risk, and
2411 the structure and supporting infrastructure cannot be relocated on the lot further from the
2412 source of channel migration; and

- 2413 (d) nonstructural measures are not feasible.
- 2414 43. Applies to lawfully established existing structures if:
- 2415 a. the height of the facility is not increased, unless the facility is being replaced
- 2416 in a new alignment that is landward of the previous alignment and enhances aquatic area
- 2417 habitat and process;
- 2418 b. the linear length of the facility is not increased, unless the facility is being
- 2419 replaced in a new alignment that is landward of the previous alignment and enhances
- 2420 aquatic area habitat and process;
- 2421 c. the footprint of the facility is not expanded waterward;
- 2422 d. consistent with the Integrated Streambank Protection Guidelines
- 2423 (Washington State Aquatic Habitat Guidelines Program, 2002) and bioengineering
- 2424 techniques are used to the maximum extent practical;
- 2425 e. the site is restored with appropriate native vegetation and erosion protection
- 2426 materials; and
- 2427 f. based on a critical areas report, the department determines that the
- 2428 maintenance, repair, replacement or construction will not cause significant impacts to
- 2429 upstream or downstream properties.
- 2430 44. Allowed in type N and O aquatic areas if done in least impacting way at
- 2431 least impacting time of year, in conformance with applicable best management practices,
- 2432 and all affected instream and buffer features are restored.
- 2433 45. Allowed in a type S or F water when such work is:
- 2434 a. included as part of a project to evaluate, restore or improve habitat, and
- 2435 b. sponsored or cosponsored by a public agency that has natural resource

2436 management as a function or by a federally recognized tribe.

2437 46. Allowed as long as the trail is not constructed of impervious surfaces that
2438 will contribute to surface water run-off, unless the construction is necessary for soil
2439 stabilization or soil erosion prevention or unless the trail system is specifically designed
2440 and intended to be accessible to handicapped persons.

2441 47. Not allowed in a wildlife habitat conservation area. Otherwise, allowed in
2442 the buffer or for crossing a category II, III or IV wetland or a type F, N or O aquatic area,
2443 if:

2444 a. the trail surface is made of pervious materials, except that public
2445 multipurpose trails may be made of impervious materials if they meet all the
2446 requirements in K.C.C. chapter 9.12. A trail that crosses a wetland or aquatic area shall
2447 be constructed as a raised boardwalk or bridge;

2448 b. to the maximum extent practical, buffers are expanded equal to the width of
2449 the trail corridor including disturbed areas;

2450 c. there is not another feasible location with less adverse impact on the critical
2451 area and its buffer;

2452 d. the trail is not located over habitat used for salmonid rearing or spawning or
2453 by a species listed as endangered or threatened by the state or federal government unless
2454 the department determines that there is no other feasible crossing site;

2455 e. the trail width is minimized to the maximum extent practical;

2456 f. the construction occurs during approved periods for instream work; and

2457 g. the trail corridor will not change or diminish the overall aquatic area flow
2458 peaks, duration or volume or the flood storage capacity.

2459 h. the trail may be located across a critical area buffer for access to a viewing
2460 platform or to a permitted dock or pier;

2461 i. A private viewing platform may be allowed if it is:

2462 (1) located upland from the wetland edge or the ordinary high water mark of
2463 an aquatic area;

2464 (2) located where it will not be detrimental to the functions of the wetland or
2465 aquatic area and will have the least adverse environmental impact on the critical area or
2466 its buffer;

2467 (3) limited to fifty square feet in size;

2468 (4) constructed of materials that are nontoxic; and

2469 (5) on footings located outside of the wetland or aquatic area.

2470 48. Only if the maintenance:

2471 a. does not involve the use of herbicides or other hazardous substances except
2472 for the removal of noxious weeds or invasive vegetation;

2473 b. when salmonids are present, the maintenance is in compliance with ditch
2474 standards in public rule; and

2475 c. does not involve any expansion of the roadway, lawn, landscaping, ditch,
2476 culvert, engineered slope or other improved area being maintained.

2477 49. Limited to alterations to restore habitat forming processes or directly restore
2478 habitat function and value, including access for construction, as follows:

2479 a. projects sponsored or cosponsored by a public agency that has natural
2480 resource management as a primary function or by a federally recognized tribe;

2481 b. restoration and enhancement plans prepared by a qualified biologist; or

2482 c. conducted in accordance with an approved forest management plan, farm
2483 management plan or rural stewardship plan.

2484 50. Allowed in accordance with a scientific sampling permit issued by
2485 Washington state Department of Fish and Wildlife or an incidental take permit issued
2486 under Section 10 of the Endangered Species Act.

2487 51. Allowed for the minimal clearing and grading, including site access,
2488 necessary to prepare critical area reports.

2489 52. The following are allowed if associated spoils are contained:

2490 a. data collection and research if carried out to the maximum extent practical
2491 by nonmechanical or hand-held equipment;

2492 b. survey monument placement;

2493 c. site exploration and gage installation if performed in accordance with state-
2494 approved sampling protocols and accomplished to the maximum extent practical by
2495 hand-held equipment and; or similar work associated with an incidental take permit

2496 issued under Section 10 of the Endangered Species Act or consultation under Section 7 of
2497 the Endangered Species Act.

2498 53. Limited to activities in continuous existence since January 1, 2005, with no
2499 expansion within the critical area or critical area buffer. "Continuous existence" includes
2500 cyclical operations and managed periods of soil restoration, enhancement or other fallow
2501 states associated with these horticultural and agricultural activities.

2502 54. Allowed for expansion of existing or new agricultural activities where:

2503 a. the site is predominantly involved in the practice of agriculture;

2504 b. there is no expansion into an area that:

2505 (1) has been cleared under a class I, II, III, IV-S or nonconversion IV-G forest
2506 practice permit; or

2507 (2) is more than ten thousand square feet with tree cover at a uniform density
2508 more than ninety trees per acre and with the predominant mainstream diameter of the
2509 trees at least four inches diameter at breast height, not including areas that are actively
2510 managed as agricultural crops for pulpwood, Christmas trees or ornamental nursery
2511 stock;

2512 c. the activities are in compliance with an approved farm management plan in
2513 accordance with K.C.C. 21A.24.051; and

2514 d. all best management practices associated with the activities specified in the
2515 farm management plan are installed and maintained.

2516 55. Only allowed in grazed or tilled wet meadows or their buffers if:

2517 a. the facilities are designed to the standards of an approved farm management
2518 plan in accordance K.C.C. 21A.24.051 or an approved livestock management plan in
2519 accordance with K.C.C. chapter 21A.30;

2520 b. there is not a feasible alternative location available on the site; and

2521 c. the facilities are located close to the outside edge of the buffer to the
2522 maximum extent practical.

2523 56. Only allowed in a severe channel migration hazard area located outside of
2524 the shorelines jurisdiction area, grazed or tilled wet meadow or wet meadow buffer or
2525 aquatic area buffer and only if:

2526 ~~((a. located outside the shoreline jurisdiction;))~~

2527 ~~((b.))~~ a. the applicant demonstrates that adverse impacts to the critical area and

2528 critical area buffers have been minimized;

2529 ((e-)) b. there is not another feasible location available on the site that is
2530 located outside of the critical area or critical area buffer; and

2531 ((d-)) c. for proposals located in the severe channel migration hazard area, the
2532 farm pad or livestock manure storage facility is located where it is least subject to risk
2533 from channel migration.

2534 57. Allowed for new agricultural drainage in compliance with an approved farm
2535 management plan in accordance with K.C.C. 21A.24.051 and all best management
2536 practices associated with the activities specified in the farm management plan are
2537 installed and maintained.

2538 58. If the agricultural drainage is used by salmonids, maintenance shall be in
2539 compliance with an approved farm management plan in accordance with K.C.C.
2540 21A.24.051.

2541 59. Allowed within existing landscaped areas or other previously disturbed
2542 areas.

2543 60. Allowed for residential utility service distribution lines to residential
2544 dwellings, including, but not limited to, well water conveyance, septic system
2545 conveyance, water service, sewer service, natural gas, electrical, cable and telephone, if:

2546 a. there is no alternative location with less adverse impact on the critical area
2547 or the critical area buffer;

2548 b. the residential utility service distribution lines meet the all of the following,
2549 to the maximum extent practical:

2550 (1) are not located over habitat used for salmonid rearing or spawning or by a

2551 species listed as endangered or threatened by the state or federal government unless the
2552 department determines that there is no other feasible crossing site;

2553 (2) not located over a type S aquatic area;

2554 (3) paralleling the channel or following a down-valley route near the channel
2555 is avoided;

2556 (4) the width of clearing is minimized;

2557 (5) the removal of trees greater than twelve inches diameter at breast height is
2558 minimized;

2559 (6) an additional, contiguous and undisturbed critical area buffer, equal in
2560 area to the disturbed critical area buffer area is provided to protect the critical area;

2561 (7) access for maintenance is at limited access points into the critical area
2562 buffer.

2563 (8) the construction occurs during approved periods for instream work;

2564 (9) bored, drilled or other trenchless crossing is encouraged, and shall be
2565 laterally constructed at least four feet below the maximum depth of scour for the base
2566 flood; and

2567 (10) open trenching across Type O or Type N aquatic areas is only used
2568 during low flow periods or only within aquatic areas when they are dry.

2569 61. Allowed if sponsored or cosponsored by the countywide flood control zone
2570 district and the department determines that the project and its location:

2571 a. is the best flood risk reduction alternative practicable;

2572 b. is part of a comprehensive, long-term flood management strategy;

2573 c. is consistent with the King County Flood Hazard Management Plan policies;

2574 d. will have the least adverse impact on the ecological functions of the critical
2575 area or its buffer, including habitat for fish and wildlife that are identified for protection
2576 in the King County Comprehensive Plan; and

2577 e. has been subject to public notice in accordance with K.C.C. 20.44.060.

2578 62.a. Not allowed in wildlife habitat conservation areas;

2579 b. Only allowed if:

2580 (1) the project is sponsored or cosponsored by a public agency whose primary
2581 function deals with natural resources management;

2582 (2) the project is located on public land or on land that is owned by a
2583 nonprofit agency whose primary function deals with natural resources management;

2584 (3) there is not a feasible alternative location available on the site with less
2585 impact to the critical area or its associated buffer;

2586 (4) the aquatic area or wetland is not for salmonid rearing or spawning;

2587 (5) the project minimizes the footprint of structures and the number of access
2588 points to any critical areas; and

2589 (6) the project meets the following design criteria:

2590 (a) to the maximum extent practical size of platform shall not exceed one
2591 hundred square feet;

2592 (b) all construction materials for any structures, including the platform,
2593 pilings, exterior and interior walls and roof, are constructed of nontoxic material, such as
2594 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,
2595 fiberglass or cured concrete that the department determines will not have an adverse
2596 impact on water quality;

2597 (c) the exterior of any structures are sufficiently camouflaged using netting
2598 or equivalent to avoid any visual deterrent for wildlife species to the maximum extent
2599 practical. The camouflage shall be maintained to retain concealment effectiveness;

2600 (d) structures shall be located outside of the wetland or aquatic area
2601 landward of the Ordinary High Water Mark or open water component (if applicable) to
2602 the maximum extent practical on the site;

2603 (e) construction occurs during approved periods for work inside the
2604 Ordinary High Water Mark;

2605 (f) construction associated with bird blinds shall not occur from March 1
2606 through August 31, in order to avoid disturbance to birds during the breeding, nesting and
2607 rearing seasons;

2608 (g) to the maximum extent practical, provide accessibility for persons with
2609 physical disabilities in accordance with the International Building Code;

2610 (h) trail access is designed in accordance with public rules adopted by the
2611 department;

2612 (i) existing native vegetation within the critical area will remain undisturbed
2613 except as necessary to accommodate the proposal. Only minimal hand clearing of
2614 vegetation is allowed; and

2615 (j) disturbed bare ground areas around the structure must be replanted with
2616 native vegetation approved by the department.

2617 63. Not allowed in the severe channel migration zone, there is no alternative
2618 location with less adverse impact on the critical area and buffer and clearing is minimized
2619 to the maximum extent practical.

2620 64. Only structures wholly or partially supported by a tree and used as accessory
2621 living quarters or for play and similar uses described in K.C.C. 16.02.240.1, subject to the
2622 following:

- 2623 a. not allowed in wildlife habitat conservation areas or severe channel
2624 migration hazard areas;
- 2625 b. the structure's floor area shall not exceed two hundred square feet, excluding
2626 a narrow access stairway or landing leading to the structure;
- 2627 c. the structure shall be located as far from the critical area as practical, but in
2628 no case closer than seventy-five feet from the critical area;
- 2629 d. only one tree-supported structure within a critical area buffer is allowed on a
2630 lot;
- 2631 e. all construction materials for the structure, including the platform, pilings,
2632 exterior and interior walls and roof, shall be constructed of nontoxic material, such as
2633 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,
2634 fiberglass or cured concrete that the department determines will not have an adverse
2635 impact on water quality;
- 2636 f. to the maximum extent practical, the exterior of the structure shall be
2637 camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife
2638 and visibility from the critical area. The camouflage shall be maintained to retain
2639 concealment effectiveness;
- 2640 g. the structure must not adversely impact the long-term health and viability of
2641 the tree. The evaluation shall include, but not be limited to, the following:
2642 (1) the quantity of supporting anchors and connection points to attach the tree

2643 house to the tree shall be the minimum necessary to adequately support the structure;

2644 (2) the attachments shall be constructed using the best available tree anchor

2645 bolt technology; and

2646 (3) an ISA Certified Arborist shall evaluate the tree proposed for placement

2647 of the tree house and shall submit a report discussing how the tree's long-term health and

2648 viability will not be negatively impacted by the tree house or associated infrastructure;

2649 h. exterior lighting shall meet the following criteria:

2650 (1) limited to the minimum quantity of lights necessary to meet the building

2651 code requirements to allow for safe exiting of the structure and stairway; and

2652 (2) exterior lights shall be fully shielded and shall direct light downward, in

2653 an attempt to minimize impacts to the nighttime environment;

2654 i. unless otherwise approved by the department, all external construction shall

2655 be limited to September 1 through March 1 in order to avoid disturbance to wildlife

2656 species during typical breeding, nesting and rearing seasons;

2657 j. trail access to the structure shall be designed in accordance with trail

2658 standards under subsection D.47. of this section;

2659 k. to the maximum extent practical, existing native vegetation shall be left

2660 undisturbed. Only minimal hand clearing of vegetation is allowed; and

2661 l. vegetated areas within the critical area buffer that are temporarily impacted

2662 by construction of the structure shall be restored by planting native vegetation according

2663 to a vegetation management plan approved by the department.

2664 65. Shoreline water dependent and shoreline water oriented uses are allowed in

2665 the aquatic area and aquatic area buffer of a Type S aquatic area if consistent with K.C.C.

2666 chapter 21A.25, chapter 90.58 RCW and the King County Comprehensive Plan.

2667 66. Only hydroelectric generating facilities meeting the requirements of K.C.C.
2668 21A.08.100B.14., and only as follows:

2669 a. there is not another feasible location within the aquatic area with less
2670 adverse impact on the critical area and its buffer;

2671 b. the facility and corridor is not located over habitat used for salmonid rearing
2672 or spawning or by a species listed as endangered or threatened by the state or federal
2673 government unless the department determines that there is no other feasible location;

2674 c. the facility is not located in Category I wetlands or Category II wetlands
2675 with a habitat score 30 points or greater

2676 d. the corridor width is minimized to the maximum extent practical;

2677 e. paralleling the channel or following a down-valley route within an aquatic
2678 area buffer is avoided to the maximum extent practical;

2679 f. the construction occurs during approved periods for instream work;

2680 g. the facility and corridor will not change or adversely impact the overall
2681 aquatic area flow peaks, duration or volume or the flood storage capacity;

2682 h. The facility and corridor is not located within a severe channel migration
2683 hazard area;

2684 ~~((h))~~ i. To the maximum extent practical, buildings will be located outside the
2685 buffer and away from the aquatic area or wetland;

2686 ~~((i))~~ j. To the maximum extent practical, access for maintenance is at limited
2687 access points into the critical area buffer rather than by a parallel maintenance road. If a
2688 parallel maintenance road is necessary the following standards are met:

2689 (1) to the maximum extent practical the width of the maintenance road is
2690 minimized and in no event greater than fifteen feet; and

2691 (2) the location of the maintenance road is contiguous to the utility corridor
2692 on the side of the utility corridor farthest from the critical area;

2693 ~~((j-))~~ k. the facility does not pose an unreasonable threat to the public health,
2694 safety or welfare on or off the development proposal site and is consistent with the
2695 general purposes of this chapter and the public interest; and

2696 ~~((k-))~~ l. the facility connects to or is an alteration to a public roadway, public
2697 trail, a utility corridor or utility facility or other infrastructure owned or operated by a
2698 public utility~~((; and))~~.

2699 67. Only hydroelectric generating facilities meeting the requirements of K.C.C.
2700 21A.08.100.B.14, and only as follows:

2701 a. there is not another feasible location with less adverse impact on the critical
2702 area and its buffer;

2703 b. the alterations will not subject the critical area to an increased risk of
2704 landslide or erosion;

2705 c. the corridor width is minimized to the maximum extent practical;

2706 d. vegetation removal is the minimum necessary to locate the utility or
2707 construct the corridor;

2708 e. the facility and corridor do not pose an unreasonable threat to the public
2709 health, safety or welfare on or off the development proposal site and is consistent with the
2710 general purposes of this chapter, and the public interest and significant risk of personal
2711 injury is eliminated or minimized in the landslide hazard area; and

2712 f. the facility connects to or is an alteration to a public roadway, public trail, a
2713 utility corridor or utility facility or other infrastructure owned or operated by a public
2714 utility.

2715 68. Only for a single detached dwelling unit on a lake twenty acres or larger and
2716 only as follows:

2717 a. the heat exchanger must be a closed loop system that does not draw water
2718 from or discharge to the lake;

2719 b. the lake bed shall not be disturbed, except as required by the county or a
2720 state or federal agency to mitigate for impacts of the heat exchanger;

2721 c. the in-water portion of system is only allowed where water depth exceeds
2722 six feet; and

2723 d. system structural support for the heat exchanger piping shall be attached to
2724 an existing dock or pier or be attached to a new structure that meets the requirements of
2725 K.C.C. 21A.25.180.

2726 69. Only for maintenance of agricultural waterways if:

2727 a. the purpose of the maintenance project is to improve agricultural production
2728 on a site predominately engaged in the practice of agriculture;

2729 b. the maintenance project is conducted in compliance with a hydraulic project
2730 approval issued by the Washington state Department of Fish and Wildlife pursuant to
2731 chapter 77.55 RCW;

2732 c. the maintenance project complies with the King County agricultural
2733 drainage assistance program as agreed to by the Washington state Department of Fish and
2734 Wildlife, the department of permitting and environmental review and the department of

2735 natural resources and parks, and as reviewed by the Washington state Department of
2736 Ecology;

2737 d. the person performing the maintenance and the land owner have attended
2738 training provided by King County on the King County agricultural drainage assistance
2739 program and the best management practices required under that program; and

2740 e. the maintenance project complies with K.C.C. chapter 16.82.

2741 SECTION 39. Ordinance 10870, Section 470, as amended, and K.C.C.

2742 21A.24.230 are each hereby amended to read as follows:

2743 A. A flood hazard area consists of the following components:

- 2744 1. Floodplain;
- 2745 2. Zero-rise flood fringe;
- 2746 3. Zero-rise floodway;
- 2747 4. FEMA floodway; and
- 2748 5. Channel migration zones.

2749 B. The department (~~shall~~) may delineate a flood hazard area after reviewing base
2750 flood elevations and flood hazard data for a flood having a one percent chance of being
2751 equaled or exceeded in any given year, often referred to as the "one-hundred-year flood."
2752 The department shall determine the base flood for existing conditions. If a basin plan or
2753 hydrologic study including projected flows under future developed conditions has been
2754 completed and is currently approved by King County, the department (~~shall~~) may use
2755 these future flow projections. Many flood hazard areas are mapped by FEMA in a
2756 scientific and engineering report entitled "The Flood Insurance Study for King County and
2757 Incorporated Areas." Proof that a land use or development activity is occurring within the

2758 area mapped on the Flood Hazard Area Study for King County and Incorporated Areas
2759 shall be sufficient, but not required, to prove that the area of concern is subject to
2760 inundation by the base flood in any action to enforce code compliance under K.C.C. Title
2761 23. When there are multiple sources of flood hazard data for flood plain boundaries,
2762 regulatory floodway boundaries, base flood elevations, or flood cross sections, the
2763 department may determine which data most accurately classifies and delineates the flood
2764 hazard area. The department may utilize the following sources of flood hazard data for
2765 floodplain boundaries, regulatory floodway boundaries, base flood elevations or cross
2766 sections when determining a flood hazard area:

- 2767 1. Flood Insurance Rate Maps;
- 2768 2. Flood Insurance Studies;
- 2769 3. Preliminary Flood Insurance Rate Maps;
- 2770 4. Preliminary Flood Insurance Studies;
- 2771 5. Draft flood boundary work maps and associated technical reports;
- 2772 6. Critical area reports prepared in accordance with FEMA standards contained in
2773 44 C.F.R. Part 65 and consistent with the King County Surface Water Design Manual
2774 provisions for floodplain analysis;
- 2775 7. Letter of map amendments;
- 2776 8. Letter of map revisions;
- 2777 9. Channel migration zone maps and studies;
- 2778 10. Historical flood hazard information;
- 2779 11. Wind and wave data provided by the United States Army Corps of Engineers;
- 2780 and

2781 12. Any other available data that accurately classifies and delineates the flood
2782 hazard area or base flood elevation.

2783 C. A number of channel migration zones are mapped by the county for portions
2784 of river systems. These channel migration zones and the criteria and process used to
2785 designate and classify channel migration zones are specified by public rule adopted by
2786 the department. An applicant for a development proposal may submit a critical area
2787 report to the department to determine channel migration zone boundaries or classify
2788 channel migration hazard areas on a specific property if there is an apparent discrepancy
2789 between the site-specific conditions or data and the adopted channel migration zone
2790 maps.

2791 SECTION 40. Ordinance 10870, Section 471, as amended, and K.C.C.
2792 21A.24.240 are each hereby amended to read as follows:

2793 The following development standards apply to development proposals and
2794 alterations on sites within the zero-rise flood fringe:

2795 A. Development proposals and alterations shall not reduce the effective base flood
2796 storage volume of the floodplain. A development proposal shall provide compensatory
2797 storage if grading or other activity displaces any effective flood storage volume.

2798 Compensatory storage is not required for grading or fill placed within the foundation of an
2799 existing residential structure to bring the interior foundation grade to the same level as the
2800 lowest adjacent exterior grade. Compensatory storage shall:

2801 1. Provide equivalent volume at equivalent elevations to that being displaced. For
2802 this purpose, equivalent elevations means having similar relationship to ordinary high
2803 water and to the best available ten-year, fifty-year and one-hundred-year water surface

2804 profiles. If the difference between the fifty-year and the one-hundred-year surface profiles
2805 is less than one foot, equivalent elevations means having similar relationships to ordinary
2806 high water and to the best available ten-year and one-hundred-year water surface profiles;

2807 2. Hydraulically connect to the source of flooding;

2808 3. Provide compensatory storage in the same construction season as when the
2809 displacement of flood storage volume occurs and before the flood season begins on
2810 September 30 for that year;

2811 4. Occur on the site. The director may approve equivalent compensatory storage
2812 off the site if legal arrangements, acceptable to the department, are made to ensure that the
2813 effective compensatory storage volume will be preserved over time; and

2814 5. The director may approve of off site compensatory storage through a
2815 compensatory storage bank managed by the department of natural resources and parks or
2816 the director, in consultation with and agreement from the department of natural resources
2817 and parks, may allow a reduction in flood storage if a cumulative effects analysis
2818 demonstrates that the loss of storage will not create a measurable increase in the base flood
2819 elevation anywhere off the site;

2820 B. A structural engineer shall design and certify all elevated buildings and submit
2821 the design to the department;

2822 C. A civil engineer shall prepare a base flood depth and base flood velocity
2823 analysis and submit the analysis to the department. A base flood depth and base flood
2824 velocity analysis is not required for agricultural structures that will not be used for human
2825 habitation. The director may waive the requirement for a base flood depth and base flood
2826 velocity analysis for agricultural structures that are not used for human habitation.

2827 Development proposals and alterations are not allowed if the base flood depth exceeds
2828 three feet and the base flood velocity exceeds three feet per second, except that the director
2829 may approve development proposals and alterations in areas where the base flood depth
2830 exceeds three feet and the base flood velocity exceeds three feet per second for the
2831 following projects;

- 2832 1. Agricultural accessory structures;
- 2833 2. Roads and bridges;
- 2834 3. Utilities;
- 2835 4. Surface water flow control or surface water conveyance systems;
- 2836 5. Public park structures; and
- 2837 6. Flood hazard mitigation projects, such as, but not limited to construction, repair
2838 or replacement of flood protection facilities or for building elevations or relocations;

2839 D. Subdivisions, short subdivisions, urban planned developments and binding site
2840 plans shall meet the following requirements:

- 2841 1. New building lots shall include five thousand square feet or more of buildable
2842 land outside the zero-rise floodway;
- 2843 2. All utilities and facilities such as sewer, gas, electrical and water systems are
2844 consistent with subsections E., F. and I. of this section;
- 2845 3. A civil engineer shall prepare detailed base flood elevations in accordance with
2846 FEMA guidelines for all new lots;
- 2847 4. A development proposal shall provide adequate drainage in accordance with
2848 the King County Surface Water Design Manual to reduce exposure to flood damage; and
2849 5. The face of the recorded subdivision, short subdivision, urban planned

2850 development or binding site plan shall include the following for all lots:

2851 a. building setback areas restricting structures to designated buildable areas:

2852 b. base flood data and sources and flood hazard notes including, but not limited
2853 to, base flood elevation, required flood protection elevations, the boundaries of the
2854 floodplain and the zero-rise floodway, if determined, and channel migration zone
2855 boundaries, if determined; and

2856 c. include the following notice:

2857 "Lots and structures located within flood hazard areas may be inaccessible
2858 by emergency vehicles during flood events. Residents and property owners should take
2859 appropriate advance precautions.";

2860 E. New residential structures, substantial improvements of existing residential
2861 structures and flood mitigation home elevations shall meet the following standards:

2862 1. Elevate the lowest floor, including basement, to the flood protection elevation;

2863 2. Do not fully enclose portions of the structure that are below the lowest floor
2864 area;

2865 3. Design and construct the areas and rooms below the lowest floor to
2866 automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by
2867 allowing for the entry and exit of floodwaters as follows:

2868 a. provide a minimum of two openings on each of two opposite side walls in the
2869 direction of flow, with each of those walls having a total open area of not less than one
2870 square inch for every square foot of enclosed area subject to flooding;

2871 b. design and construct the bottom of all openings so they are no higher than one
2872 foot above grade; and

2873 c. screens, louvers or other coverings or devices are allowed over the opening if
2874 they allow the unrestricted entry and exit of floodwaters;

2875 4. Use materials and methods that are resistant to and minimize flood damage;
2876 and

2877 5. Elevate above or dry-proof all electrical, heating, ventilation, plumbing, air
2878 conditioning equipment and other utilities that service the structure, such as duct-work to
2879 the flood protection elevation;

2880 F. New nonresidential structures, substantial improvements and flood mitigation
2881 nonresidential elevations of existing nonresidential structures shall meet the following
2882 standards:

2883 1.a. Except as provided in subsection F, 1.b. of this section, elevate the lowest
2884 floor to the flood protection elevation;

2885 b. Nonresidential agricultural accessory buildings elevate the lowest floor to
2886 one foot above the base flood elevation;

2887 2. Dry flood-proof the structure to the flood protection elevation to meet the
2888 following standards:

2889 a. the applicant shall provide certification by a civil or structural engineer that
2890 the dry flood-proofing methods are adequate to withstand the flood-depths, pressures,
2891 velocities, impacts, uplift forces and other factors associated with the base flood. After
2892 construction, the engineer shall certify that the permitted work conforms to the approved
2893 plans and specifications; and

2894 b. approved building permits for dry flood-proofed nonresidential structures
2895 shall contain a statement notifying applicants that flood insurance premiums are based

2896 upon rates for structures that are one foot below the elevation to which the building is dry-
2897 floodproofed;

2898 3. Nonresidential agricultural accessory buildings that do not equal or exceed a
2899 maximum assessed value of sixty-five thousand dollars may be designed and oriented to
2900 allow the free passage of floodwaters through the building in a manner affording minimum
2901 flood damage provided they meet the standards in subsection F.4. through F.6. of this
2902 section. Nonresidential agricultural accessory buildings that equal or exceed sixty-five
2903 thousand dollars may apply for an alteration exception pursuant to K.C.C. 21A.24.070.
2904 Nonresidential agricultural accessory buildings that do not meet the elevation standard in
2905 subsection F. 1. of this section or the dry flood-proofing standard in subsection F.2. of this
2906 section will be assessed at the flood insurance rate based on the risk to which the building
2907 is exposed;

2908 4. Use materials and methods that are resistant to and minimize flood damage;

2909 5. Design and construct the areas and rooms below the lowest floor to
2910 automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by
2911 allowing for the entry and exit of floodwaters as follows:

2912 a. provide a minimum of two openings on each of two opposite side walls in the
2913 direction of flow, with each of those walls having a total open area of not less than one
2914 square inch for every square foot of enclosed area subject to flooding;

2915 b. design the bottom of all openings is no higher than one foot above grade; and

2916 c. screens, louvers or other coverings or devices are allowed if they do not
2917 restrict entry and exit of floodwaters; and

2918 6. Dry flood proof all electrical, heating, ventilation, plumbing, air conditioning

2919 equipment and other utility and service facilities to, or elevated above, the flood protection
2920 elevation;

2921 G. Anchor all new construction and substantially improved structures to prevent
2922 flotation, collapse or lateral movement of the structure. The department shall approve the
2923 method used to anchor the new construction;

2924 H. Newly sited manufactured homes and substantial improvements of existing
2925 manufactured homes shall meet the following standards:

2926 1. Manufactured homes shall meet all the standards in this section for residential
2927 structures and the following standards:

2928 a. anchor all manufactured homes; and

2929 b. install manufactured homes using methods and practices that minimize flood
2930 damage;

2931 2. All manufactured homes within a new mobile home park or expansion of an
2932 existing mobile home park must meet the requirements for flood hazard protection for
2933 residential structures; and

2934 3. Only manufactured homes are allowed in a new or existing mobile home park
2935 located in a flood hazard area;

2936 I. Public and private utilities shall meet the following standards:

2937 1. Dry flood-proof new and replacement utilities including, but not limited to,
2938 sewage treatment and storage facilities, to, or elevate above, the flood protection elevation;

2939 2. Locate new on-site sewage disposal systems outside the floodplain. When
2940 there is insufficient area outside the floodplain, new on-site sewage disposal systems are
2941 allowed only in the zero-rise flood fringe. Locate on-site sewage disposal systems in the

- 2942 zero-rise flood fringe to avoid:
- 2943 a. impairment to the system during flooding;
- 2944 b. contamination from the system during flooding;
- 2945 3. Design all new and replacement water supply systems to minimize or eliminate
- 2946 infiltration of floodwaters into the system;
- 2947 4. Above-ground utility transmission lines, except for electric transmission lines,
- 2948 are allowed only for the transport of nonhazardous substances; and
- 2949 5. Bury underground utility transmission lines transporting hazardous substances
- 2950 at a minimum depth of four feet below the maximum depth of scour for the base flood, as
- 2951 predicted by a civil engineer, and achieve sufficient negative buoyancy so that any potential
- 2952 for flotation or upward migration is eliminated;
- 2953 J. Critical facilities are allowed within the zero-rise flood fringe only when a
- 2954 feasible alternative site is not available and the following standards are met:
- 2955 1. Elevate the lowest floor to the five-hundred year floodplain elevation or three
- 2956 or more feet above the base flood elevation, whichever is higher;
- 2957 2. Dry flood-proof and seal structures to ensure that hazardous substances are not
- 2958 displaced by or released into floodwaters; and
- 2959 3. Elevate access routes to or above the base flood elevation from the critical
- 2960 facility to the nearest maintained public street or roadway;
- 2961 K. New construction or expansion of existing farm pads is allowed only on a site
- 2962 with existing agriculture if emergency flood relief is required for the protection of livestock
- 2963 or assets or for operations that must continue during flood events as follows:
- 2964 1. A farm pad is allowed only if there is no other suitable holding area on the site

2965 outside the floodplain;

2966 2. Construct the farm pad to the standards in an approved farm management plan
2967 prepared in accordance with K.C.C. 21A.24.051 and K.C.C. chapter 21A.30.

2968 3. The farm pad proposal shall demonstrate compliance with the following:

2969 a. flood storage compensation consistent with subsection A. of this section;

2970 b. siting and sizing that do not increase base flood elevations consistent with
2971 K.C.C. 21A.24.250.B.;

2972 c. siting that is located in the area least subject to risk from floodwaters; and

2973 d. an alternatives analysis demonstrating adverse impacts to wetlands, wetland
2974 buffers and aquatic area buffers have been minimized;

2975 4. The farm pad is constructed to base flood elevation plus one-foot. An elevation
2976 report shall be completed after construction to demonstrate compliance with that elevation
2977 requirement;

2978 5.a. The farm pad should be sized as is necessary for the protection of livestock
2979 and assets and operations that must continue during flood events;

2980 b. for farm pads larger than two thousand square feet of finished usable surface,
2981 a site specific evaluation of agricultural operations must demonstrate the need for the size
2982 of the pad; and

2983 c. for farm pads larger than ten thousand square feet, an area-wide analysis must
2984 demonstrate that sufficient flood storage is available for reasonably foreseeable future land
2985 use needs in the vicinity;

2986 6. Nonresidential agricultural buildings are allowed on a farm pad as shelter for
2987 livestock or other farm animals, greenhouses for plant starts to be used on the property,

2988 milking parlors, storage of farm vehicles and agricultural equipment and shelter for farm
2989 products including, but not limited to, feed, seeds, flower bulbs and hay and farm
2990 operations that must continue during a flood event. Nonresidential structures allowed on a
2991 farm pad shall not be used for retail operations or any residential or public use; and

2992 7. The property owner shall file with the department of executive services,
2993 records and licensing services division, a notice approved by the department that restricts
2994 the use of the farm pad to nonresidential agricultural uses. The notice shall run with the
2995 land. The applicant shall submit to the department proof that the notice was filed before
2996 the department approves any permit for the construction of the farm pad;

2997 L. New construction or expansion of existing livestock manure storage facilities is
2998 only allowed as follows:

2999 1. The livestock manure storage facility is only allowed if there is not a feasible
3000 alternative area on the site outside the floodplain;

3001 2. Construct the livestock manure storage facility to the standards in an approved
3002 farm management plan prepared in accordance with K.C.C. 21A.24.051 and K.C.C.
3003 chapter 21A.30. The farm management plan shall demonstrate compliance with the
3004 following:

3005 a. flood storage compensation consistent with subsection A. of this section;

3006 b. siting and sizing that do not increase base flood elevations consistent with
3007 K.C.C. 21A.24.250.B. and 21A.24.260.D;

3008 c. dry flood-proofing liquid manure storage facility to one foot above the base
3009 flood elevation; and

3010 d. siting that is located in the area least subject to risk from floodwaters; and

3011 M. Recreational vehicles must be on site for fewer than one hundred eighty days or
3012 be fully licensed and ready for highway use(~~;~~ and

3013 ~~N. Temporary farm worker housing not meeting the requirements of subsection E.~~
3014 ~~or subsection H. of this section is only allowed as follows:~~

3015 ~~1. The housing must be on site for fewer than one hundred eighty days;~~

3016 ~~2. The housing must not be placed in the floodplain before May 1 of any year;~~

3017 ~~3. Except as otherwise provided in subsection N.4. of this section, the housing~~
3018 ~~must be removed from the floodplain no later than October 31 of each year;~~

3019 ~~4. Housing must be removed from a floodplain within twelve hours of King~~
3020 ~~County issuing a phase 2 flood alert for the applicable river basin, unless the water and~~
3021 ~~land resources division director or the director's designee determines flood conditions are~~
3022 ~~not likely to threaten temporary farm worker housing; and~~

3023 ~~5. In the Snoqualmie floodplain, if the housing is not removed from the~~
3024 ~~floodplain by September 30, the operator must have a plan approved by King County for~~
3025 ~~the evacuation and removal of the housing as required by subsection N.4. of this section~~
3026 ~~and for emergency communication to the housing's occupants.))~~

3027 SECTION 41. Ordinance 17485, Section 17, and K.C.C. 21A.24.274 are each
3028 hereby amended to read as follows:

3029 A. The department and the department of natural resources and parks, by public
3030 rule, shall adopt:

3031 1. Criteria for channel migration designation, classification and mapping, taking
3032 into consideration, at a minimum, Washington state ~~((d))~~Department of ~~((e))~~Ecology
3033 channel migration zone mapping guidelines; and

3034 2. Channel migration zone studies and channel migration zone maps.

3035 B. The channel migration zone and its component channel migration hazard areas
3036 shall be delineated in a channel migration zone study that is the basis for each channel
3037 migration zone map.

3038 C. The channel migration zone study:

3039 1. Shall evaluate evidence of historical channel locations and movement, basin-
3040 scale physical characteristics, current channel conditions and other relevant factors in
3041 order to delineate the channel migration zone;

3042 2. Shall include the present channel within the channel migration zone;

3043 3. Shall determine the extent of channel migration hazard areas within the
3044 channel migration zone; and

3045 4. May exclude areas from the channel migration zone that lie behind a lawfully
3046 established flood protection structure that is maintained by existing programs for public
3047 maintenance, transportation infrastructure, or other constructed feature if it is built above
3048 the elevation of the one hundred-year flood or if scientific or technical information
3049 otherwise demonstrate that the flood protection structure is not within the channel
3050 migration zone.

3051 D. An applicant for a development proposal may submit a critical area report to
3052 the department to determine channel migration zone boundaries or classify channel
3053 migration hazard areas on a specific property if there is an apparent discrepancy between
3054 the site-specific conditions or data and the adopted channel migration zone maps. If the
3055 department, in consultation with the department of natural resources and parks, based on
3056 the adopted criteria for channel migration designation, classification and mapping,

3057 determines that there is a discrepancy between the site conditions and the adopted
3058 channel migration zone maps, it shall make appropriate revisions to the maps.

3059 NEW SECTION. SECTION 42. A new section is hereby added to K.C.C.
3060 chapter 21A.24 to read as follows:

3061 In an appeal of a code enforcement action taken by the department under K.C.C.
3062 Title 23 that alleges an alteration within the flood hazard area without a required permit,
3063 proof by the department by a preponderance of the evidence that the alteration occurred
3064 within any one component of the flood hazard area shall be sufficient to sustain the
3065 allegation. A finding under this section that an alteration has occurred in the flood hazard
3066 area shall not estop the department from delineating a different flood hazard area under
3067 K.C.C. 21A.24.230 during review of a development proposal.

3068 SECTION 43. Ordinance 14187, Section 1, as amended, and K.C.C. 21A.24.500
3069 are each hereby amended to read as follows:

3070 A.1. A property owner or the property owner's agent may request a critical area
3071 designation for part or all of a site, without seeking a permit for a development proposal,
3072 by filing with the department a written application for a critical area designation on a
3073 form provided by the department. If the request is for review of a portion of a site, the
3074 application shall include a map identifying the portion of the site for which the
3075 designation is sought.

3076 2. The designation may include an evaluation or interpretation of the
3077 applicability of critical area buffers and other critical area standards to a future
3078 development proposal.

3079 B. In preparing the critical area designation, the department shall perform a

3080 critical area review to:

3081 1. Determine whether any critical area exists on the site and confirm its type,
3082 location, boundaries and classification;

3083 2. Determine whether a critical area report is required to identify and
3084 characterize the location, boundaries and classification of the critical area;

3085 3. Evaluate the critical area report, if required; and

3086 4. Document the existence, location and classification of any critical area.

3087 C. If required by the department, the applicant for a critical area designation shall
3088 prepare and submit to the department the critical area report required by subsection B.2.
3089 of this section. For sites zoned for single detached dwelling units involving wetlands or
3090 aquatic areas, the applicant may elect to have the department conduct the special study in
3091 accordance with K.C.C. Title 27;

3092 D. The department shall make the determination of a critical area designation in
3093 writing within one hundred twenty days after the application for a critical area
3094 designation is complete, as provided in K.C.C. 20.20.050. The periods in K.C.C.
3095 20.20.100A.1. through 5., are excluded from the one-hundred-twenty-day period. ((The
3096 written determination made under this section as to the existence, location, classification of
3097 a critical area and critical area buffers is effective for five years from the date the
3098 determination is issued if there has been no change in site conditions. The department shall
3099 rely on the determination of the existence, location and classification of the critical area and
3100 the critical area buffer in its review of a complete application for a permit or approval filed
3101 within five years after the determination is issued. If the determination applies to less than
3102 an entire site, the determination shall clearly identify the portion of the site to which the

3103 ~~determination applies.))~~ If the determination applies to less than an entire site, the
3104 determination shall clearly identify the portion of the site to which the determination
3105 applies.

3106 E.1. The written determination made under this section is effective for five years as
3107 to the existence, location, classification of a critical area and critical area buffers on the site,
3108 unless:

3109 a. there is a change in site conditions;

3110 b. a state or federal agency adopts critical area maps that conflict with the
3111 department's written determination.

3112 2. As part of its review of a complete application for a permit or approval, the
3113 department shall establish whether the written determination is still effective.

3114 F. If the department designates critical areas on a site under this section, the
3115 applicant for a development proposal on that site shall submit proof that a critical area
3116 notice has been filed as required by K.C.C. 21A.24.170. Except as provided in this
3117 subsection, the department's determination under this section is final. If the department
3118 relies on a critical area designation made under this section during its review of an
3119 application for a permit or other approval of a development proposal and the permit or
3120 other approval is subject to an administrative appeal, any appeal of the designation shall
3121 be consolidated with and is subject to the same appeal process as the underlying
3122 development proposal. If the King County hearing examiner makes the county's final
3123 decision with regard to the permit or other approval type for the underlying development
3124 proposal, the hearing examiner's decision constitutes the county's final decision on the
3125 designation. If the King County council, acting as a quasi-judicial body, makes the

3126 county's final decision with regard to the permit or other approval type for the underlying
3127 development proposal, the King County council's decision constitutes the county's final
3128 decision on the designation.

3129 SECTION 44. Ordinance 10870, Section 492, as amended, and K.C.C.

3130 21A.26.030 are each hereby amended to read as follows:

3131 The standards and process requirements of this chapter supersede all other review
3132 process, setback or landscaping requirements of this title. All communication facilities
3133 that are not exempt ~~((pursuant to))~~ under K.C.C. 21A.26.020 shall comply with ~~((the~~
3134 ~~provisions of))~~ this chapter as follows:

3135 A. New communications facilities, with the exception of consolidations, shall
3136 comply with ~~((the provisions of))~~ K.C.C 21A.26.020 through 21A.26.130 and K.C.C.
3137 21A.26.160 through 21A.26.190;

3138 B. Modified communications facilities, with the exception of consolidations,
3139 shall comply with standards as provided in K.C.C. 21A.26.020, K.C.C. 21A.26.060
3140 through 21A.26.140, and 21A.26.160 through 21A.26.190;

3141 C. Consolidations shall comply with standards as provided in K.C.C.
3142 21A.26.020, K.C.C. 21A.26.060 through 21A.26.130, and K.C.C. 21A.26.150 through
3143 21A.26.190; and

3144 D. New, modified or consolidated minor communication facilities shall comply
3145 with the standards of this chapter and K.C.C. chapter 21A.27. In the case of a conflict
3146 between ~~((the provisions of))~~ this chapter and ~~((the provisions of))~~ K.C.C. chapter
3147 21A.27, ~~((the provisions of this))~~ K.C.C. chapter 21A.27 shall apply.

3148 SECTION 45. Ordinance 10870, Section 503, as amended, and K.C.C.

3149 21A.26.140 are each hereby amended to read as follows:

3150 A. Cumulative modifications of conforming or nonconforming communication
3151 facilities, transmission structures or transmission equipment that do not increase the
3152 overall height of the transmission structure or transmission equipment by more than thirty
3153 percent shall be allowed ~~((provided))~~ subject to the following:

3154 1. A nonconformance with respect to the transmission structure shall not be
3155 created or increased, except as otherwise provided above as to height;

3156 2. Existing perimeter vegetation or landscaping shall not be reduced;

3157 3. The modification ~~((results in))~~ brings the facility, structure or equipment into
3158 compliance with K.C.C. 21A.26.100 and 21A.26.130. The applicant shall provide King
3159 County a detailed certification of compliance with these provisions that has been
3160 prepared by a licensed professional engineer; and

3161 4. For minor communication facilities, the allowances for increased height
3162 established by ~~((this))~~ K.C.C. chapter 21A.27 shall be complied with.

3163 B. Except for consolidations allowed by K.C.C. 21A.26.150, modifications
3164 which increase the overall height of the transmission structure or transmission equipment
3165 by more than ~~((30))~~ thirty percent shall be subject to the following ~~((provisions))~~:

3166 1. Applications for such transmission structures shall be reviewed ~~((pursuant~~
3167 ~~to))~~ in accordance with the applicable process specified in this chapter; and

3168 2. Such transmission structures shall comply with ~~((the provisions of))~~ K.C.C.
3169 21A.26.020, K.C.C. 21A.26.060 through 21A.26.140, K.C.C. 21A.26.160 through
3170 21A.26.190 and, for minor communication facilities, with K.C.C. chapter 21A.27. ~~((For~~
3171 ~~minor communication facilities, in case of conflict, the provisions of K.C.C. chapter~~

3172 ~~21A.27 shall control.))~~

3173 SECTION 46. Ordinance 13129, Section 4, and K.C.C. 21A.27.030 are each
3174 hereby amended to read as follows:

3175 A new transmission support structure exceeding the standards of this section are
3176 subject to the conditional use permit process as outlined in K.C.C. 21A.27.020. These
3177 provisions do not apply to transmission support structures that are being modified or
3178 replaced pursuant to the provisions of K.C.C. 21A.27.090 or replace an existing
3179 transmission support structure.

3180 **MINOR COMMUNICATION FACILITIES - DEVELOPMENT**
3181 **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
------	---------------	---------------

3182 ¹Setbacks may be modified to achieve additional screening, see K.C.C. ~~((21A.26.330C))~~
3183 21A.27.040.C. or as provided in K.C.C. 21A.26.050.

3184 SECTION 47. Ordinance 13129, Section 9, as amended, and K.C.C. 21A.27.090
3185 are each hereby amended to read as follows:

3186 A. Antenna modifications consistent with ~~((the provisions of))~~ K.C.C.
3187 21A.27.100 are permitted outright. Antenna modifications consistent with K.C.C.
3188 21A.27.100 that are proposed for a transmission support structure that was approved by a
3189 conditional use permit are permitted outright, notwithstanding conditions in the
3190 conditional use permit that limit the number of antennae allowed on the transmission
3191 support structure.

3192 B.1. Except as otherwise provided in subsection B.2. of this section,
3193 ~~((M))~~modifications to transmission support structures are ~~((also))~~ permitted outright,
3194 ~~((provided))~~ if there is no increase in the height of the transmission support structure
3195 ~~((except when)).~~

3196 2. A modification to increase the height of a transmission support structure is
3197 permitted outright if the increase in height is:

3198 ~~((A.))~~ a. ~~((N))~~necessary to accommodate the actual collocation of the antenna
3199 of other service providers, or to accommodate the current providers antenna required to
3200 ~~((utilize))~~ use new technology, such as digital transmissions;

3201 ~~((B.))~~ b. ~~((L))~~limited to no more than forty feet above the height of the existing
3202 transmission support structure; ~~((and))~~ or

3203 ~~((C. Proposed))~~ c. the transmission support structure is located in a rural area or

3204 residential zone, ~~((and))~~ the proposed height exceeds sixty feet and ~~((is demonstrated by))~~
3205 the applicant ~~((to be))~~ demonstrates the proposed height is required to meet the proposed
3206 area of coverage.

3207 3. If modification to increase the height of a transmission support structure is
3208 proposed in a rural area or residential zone~~((;))~~:

3209 a. ~~((n))~~Notice and a comment period shall be provided consistent with ~~((the~~
3210 ~~provisions of))~~ K.C.C. 20.20.060~~((;))~~;

3211 b. If the need for additional height is challenged within the comment period
3212 specified, a technical evaluation ~~((as provided for in))~~ under K.C.C. 21A.27.160 shall be
3213 conducted~~((;))~~; and

3214 c. The department may approve, require additional mitigation, or deny the
3215 proposed height increase on the basis of this technical evaluation.

3216 SECTION 48. Ordinance 10870, Section 530, as amended, and K.C.C.
3217 21A.30.020 are each hereby amended to read as follows:

3218 The raising, keeping, breeding or ~~((fee))~~ boarding of small animals are subject to
3219 K.C.C. chapter 11.04, ~~((Animal Control Regulations,))~~ King County Board of Health
3220 Code chapter 8.03 and the following requirements:

3221 A.1. Small animals that are kept ~~((indoors))~~ as household pets in a dwelling unit
3222 in aquariums, terrariums, cages or similar containers shall not be limited in number,
3223 except as ~~((may be))~~ otherwise provided in King County Board of Health
3224 Code chapter 8.03 or K.C.C. Title 11.

3225 2. Except as otherwise allowed for a facility licensed under King County Board
3226 of Health Code chapter 8.03 or K.C.C. chapter 11.04, ~~((Θ))~~other small animals,

3227 excluding altered cats, kept ~~((indoors))~~ as household pets in a dwelling unit shall be
3228 limited to five~~((, of which not more than three may be unaltered cats or dogs. C))~~.

3229 3. Altered cats kept ~~((indoors))~~ as household pets in a dwelling unit shall not be
3230 limited in numbers.

3231 B.1. ~~((Other))~~ Except as otherwise provided in subsection E. of this section, the
3232 number of small animals kept outside a dwelling unit~~((, including adult cats and dogs,))~~
3233 as household pets shall be limited ~~((to))~~ as follows:

3234 a. on sites of less than twenty thousand square feet, three per ~~((household on~~
3235 lots of less than 20,000 square feet,)) dwelling unit;

3236 b. on sites of between twenty thousand and thirty-five thousand square feet,
3237 five per ~~((household on lots of 20,000 to 35,000 square feet, with an))~~ dwelling unit; and

3238 c. on sites greater than thirty-five thousand square feet, one additional ~~((2))~~
3239 small animal per dwelling unit for each one-half acre of site area over 35,000 square feet
3240 up to a maximum of ~~((20, unless more are allowed as an accessory use pursuant to~~
3241 paragraph E., provided that all)) twenty.

3242 2. ~~((a))~~ Unaltered animals kept outdoors must be kept on a leash or in a confined
3243 area, except as ~~((authorized))~~ otherwise allowed under K.C.C. chapter 11.04 for a hobby
3244 kennel, ~~((or))~~ hobby cattery or under King County Board of Health Code chapter 8.03 for
3245 a commercial kennel or commercial cattery ~~((pursuant to K.C.C. 11.04)).~~

3246 C. ~~((Excluding kennels and catteries))~~ Unless otherwise allowed for a facility
3247 licensed under King County Board of Health Code chapter 8.03 or K.C.C. chapter 11.04,
3248 the total number of unaltered adult cats and~~((/or))~~ dogs per ~~((household))~~ dwelling unit
3249 shall not exceed three.

3250 D. ~~((A))~~ Small animals considered to be household pets shall be treated as other
3251 small animals ~~((pursuant to K.C.C. 21A.30.020E))~~ under subsection E. of this section
3252 when they are kept for ~~((commercial))~~ breeding, boarding or training.

3253 E. Small animals ~~((and household pets))~~ kept outside the dwelling unit for
3254 breeding, boarding or training as an accessory use ~~((outside the dwelling shall be raised,~~
3255 ~~kept or bred only as an accessory use on the premises of the owner or in a kennel or~~
3256 ~~eattery,))~~ of a resident of the dwelling unit are allowed, subject to the following
3257 limitations:

3258 1. Birds shall be kept in an aviary or loft that meets the following standards:

3259 a. The aviary or loft shall provide ~~((1/2))~~ one-half square foot for each
3260 parakeet, canary or similarly sized birds, ~~((1))~~ one square foot for each pigeon, small
3261 parrot or similarly sized bird~~((;))~~ and ~~((2))~~ two square feet for each large parrot, macaw or
3262 similarly sized bird~~((;))~~;

3263 b. ~~Aviaries or lofts shall not exceed ((2000))~~ two thousand square feet,
3264 provided this limit shall not apply in rural, forestry~~((;))~~ or agricultural zones~~((;))~~; and

3265 c. The aviary is set back at least ~~((10))~~ ten feet from any property line, and
3266 ~~((20))~~ twenty feet from any dwelling unit.

3267 2. Small animals other than birds shall be kept according to the following
3268 standards:

3269 a. The minimum site area shall be one-half acre if more than ~~((3))~~ three small
3270 animals are being kept~~((;))~~;

3271 b. All animals shall be confined within a building, pen, aviary or similar
3272 structure~~((;))~~;

3273 c. Any covered structure used to house or contain such animals shall maintain
3274 a distance of not less than ~~((10))~~ ten feet to any property line, except structures used to
3275 house mink and fox shall be a distance of not less than ~~((150))~~ one-hundred fifty feet.

3276 d. Poultry, chicken, squab, and rabbits are limited to a maximum of one animal
3277 per one square foot of structure used to house such animals, up to a maximum of ~~((2000))~~
3278 two thousand square feet~~((; provided that))~~. ~~((t))~~ This maximum structure size limit shall
3279 not apply in rural area, forestry, or agricultural zones.

3280 e. Hamsters, nutria and chinchilla are limited to a maximum of one animal per
3281 square foot of structure used to house such animals, up to a maximum of ~~((2000))~~ two
3282 thousand square feet~~((; provided that))~~. ~~((t))~~ This maximum structure size limit shall not
3283 apply in rural area, forestry~~((;))~~ or agricultural zones.

3284 f. Mink and fox are permitted only on sites having a minimum area of five
3285 acres.

3286 g. Beekeeping is limited as follows:

3287 (1) Beehives are limited to ~~((50))~~ fifty on sites less than five acres;

3288 (2) The number of beehives shall not be limited on sites of five acres or
3289 greater;

3290 (3) Colonies shall be maintained in movable-frame hives at all times;

3291 (4) Adequate space shall be provided in each hive to prevent overcrowding
3292 and swarming;

3293 (5) Colonies shall be requeened following any swarming or aggressive
3294 behavior;

3295 (6) All colonies shall be registered with the ~~((C))~~ county ~~((E))~~ extension agent

3296 before April 1 of each year, on a state registration form acceptable to the county; and

3297 (7) Abandoned colonies, diseased bees, or bees living in trees, buildings, or
3298 any other space except in movable-frame hives shall constitute a public nuisance, and
3299 shall be abated as set forth in K.C.C. chapter 21A.50(~~(, Enforcement)~~);

3300 3. ~~((K))~~Hobby kennels and hobby catteries are subject to the following
3301 requirements:

3302 a. For hobby kennels located on resource, rural area or residential zoned sites:

3303 (1) The minimum site area shall be five acres; and

3304 (2) Structures housing animals and outdoor animal runs shall be a minimum
3305 distance of one hundred feet from property lines abutting the resource, rural area ((zone))
3306 or residential zones;

3307 b. For hobby kennels located on nonresidential zoned sites, run areas shall be
3308 completely surrounded by an eight foot solid wall or fence, and be subject to the

3309 requirements in K.C.C. 11.04.060; and

3310 c. Hobby ~~((C))~~catteries shall be on sites of thirty-five thousand square feet or
3311 more, and buildings used to house cats shall be a minimum distance of fifty feet from
3312 property lines abutting the rural area zone or residential zones.

3313 F. Commercial kennels and commercial catteries are subject to the following
3314 requirements:

3315 1. For commercial kennels located on resource, rural area, or residential zoned
3316 sites:

3317 a. The minimum site area shall be five acres; and

3318 b. Structures housing animals and outdoor animal runs shall be a minimum

3319 distance of one hundred feet from property lines abutting the resource, rural area or
3320 residential zones;

3321 2. For commercial kennels located on nonresidential zoned sites, run areas shall
3322 be completely surrounded by an eight foot solid wall or fence, and be subject to the
3323 requirements in King County Board of Health Code chapter 8.03; and

3324 3. Commercial catteries shall be on sites of thirty-five thousand square feet or
3325 more, and buildings used to house cats shall be a minimum distance of fifty feet from
3326 property lines abutting the rural area or residential zones.

3327 SECTION 49. Ordinance 13130, Section § 2, and K.C.C. 21A.32.025 are each
3328 hereby amended to read as follows:

3329 ~~((Once created pursuant to K.C.C. 21A.06.800, a nonconformance))~~ A
3330 nonconforming use, structure or improvement may be continued in a manner consistent
3331 with ~~((the provisions of))~~ this chapter. However, nonconformance status is forfeited if
3332 the ~~((nonconformance))~~ nonconforming use, structure or improvement is discontinued
3333 beyond the provisions of K.C.C. 21A.32.045. Once nonconformance status is forfeited,
3334 the ~~((nonconformance))~~ nonconforming use, structure or improvement shall not be ~~((re-~~
3335 ~~established))~~ reestablished.

3336 SECTION 50. Ordinance 13130, Section 12, and K.C.C. 21A.32.085 are each
3337 hereby amended to read as follows:

3338 Any residence nonconforming relative to use may be expanded, after review and
3339 approval through the code compliance process ~~((set forth))~~ in K.C.C. ~~((21A.42.010))~~
3340 chapter 21A.42, subject to all other applicable codes besides those set forth in this chapter
3341 for nonconformances.

3342 SECTION 51. Ordinance 10870, Section 547, and K.C.C. 21A.32.100 are each
3343 hereby amended to read as follows:

3344 Except as provided by K.C.C. 21A.32.110, a temporary use permit shall be
3345 required for:

3346 A. ~~((Uses))~~ A use not otherwise permitted in the zone that can be made
3347 compatible for a period~~((s))~~ of ~~((limited duration and/or frequency))~~ of up to sixty days a
3348 year; or

3349 B. ~~((Limited))~~ The expansion of ~~((any))~~ an established use that:

3350 1. ~~((i))~~ Is otherwise allowed in the zone ~~((but which))~~;

3351 2. Is not inconsistent with the original land use approval;

3352 3. ~~((€))~~ Exceeds the ~~((intended))~~ scope of the original land use approval; and

3353 4. Can be made compatible with the zone for a period of up to sixty days a year.

3354 SECTION 52. Ordinance 10870, Section 549, as amended, and K.C.C.

3355 ~~21A.32.120~~ are each hereby amended to read as follows:

3356 Except as otherwise provided in this chapter or in K.C.C. chapter 21A.45,
3357 temporary use permits shall be limited in duration and frequency as follows:

3358 A. The temporary use permit shall be effective for one year from the date of
3359 issuance and may be renewed annually as provided in subsection D. of this section;

3360 B. The temporary use shall not exceed a total of sixty days in any three-hundred
3361 and sixty five day period. This requirement applies only to the days that the event or
3362 events actually take place. For a winery in the A or RA zones, the temporary use shall
3363 not exceed a total of two events per month and all parking for the events must be
3364 accommodated on site;

3365 C. The temporary use permit shall specify a date upon which the use shall be
3366 terminated and removed; and

3367 D. A temporary use permit may be renewed annually for up to a total of five
3368 consecutive years as follows:

3369 1. The applicant shall make a written request and pay the applicable permit
3370 extension fees for renewal of the temporary use permit at least seventy days before the
3371 ~~((earlier of the))~~ end of the permit period ~~((or the last of the events))~~;

3372 2. The department must determine that the temporary use is being conducted in
3373 compliance with the conditions of the temporary use permit;

3374 3. The department must determine that site conditions have not changed since
3375 the original temporary permit was issued; and

3376 4. At least forty-five days before the end of the permit period, the department
3377 shall notify property owners within five hundred feet of the property boundaries that a
3378 temporary use permit extension has been requested and contact information to request
3379 additional information or to provide comments on the proposed extension.

3380 SECTION 53. Ordinance 17710, Section 13, and K.C.C. 21A.32.250 are each
3381 hereby amended to read as follows:

3382 For those recreational marijuana production and processing facilities requiring a
3383 conditional use permit under ~~((the chapter))~~ this title, as part of the permit review process,
3384 the department may require the applicant to submit an odor management plan for any
3385 areas of indoor processing or ventilation of any structure used to produce or process
3386 marijuana. The purpose of such plan is to minimize odors and fumes from chemicals or
3387 products used in or resulting from either production ~~((and/))~~ or processing, or both, of

3388 marijuana.

3389 SECTION 54. Ordinance 10870, Section 575, as amended, and K.C.C.

3390 21A.38.020 are each hereby amended to read as follows:

3391 A. This chapter authorizes King County to increase development standards or
3392 limit uses on specific properties beyond the general requirements of this title through
3393 property-specific development standards, and to carry out comprehensive plan policies
3394 and map designations and community, subarea((s)) or neighborhood plan policies through
3395 special overlay districts ((which)) that supplement or modify standard zones through
3396 different uses, design or density standards or review processes;

3397 B. Property-specific development standards shall be applied to specific properties
3398 through either area zoning as provided in K.C.C. chapters 20.12 and ((20.16)) 20.18, or
3399 reclassifications of individual properties as provided in K.C.C. chapters 20.24 and
3400 21A.44; and

3401 C. ~~Special district overlays shall be applied to specific properties or areas~~
3402 containing several properties through the area zoning process as provided in K.C.C.
3403 chapters 20.12 and ((20.16)) 20.18.

3404 SECTION 55. Ordinance 10870, Section 577, as amended, and K.C.C.

3405 21A.38.040 are each hereby amended to read as follows:

3406 Special district overlays shall be designated on official area zoning maps and as a
3407 notation in the department's electronic parcel record, as follows:

3408 A. A special district overlay shall be designated through the area zoning process
3409 as provided in K.C.C. chapters 20.12 and ((20.16)) 20.18. Designation of an overlay
3410 district shall include policies that prescribe the purposes and location of the overlay;

3411 B. A special district overlay shall be applied to land through an area zoning
3412 process as provided in K.C.C. chapters 20.12 and ((20.16)) 20.18 and shall be indicated
3413 on the zoning map and as a notation in the department's electronic parcel record and shall
3414 be designated in Appendix B of Ordinance 12824 as maintained by the department of
3415 permitting and environmental review, with the suffix "-SO" following the map symbol of
3416 the underlying zone or zones;

3417 C. The special district overlays in this chapter are the only overlays authorized by
3418 the code. New or amended overlays to carry out new or different goals or policies shall
3419 be adopted as part of this chapter and be available for use in all appropriate community,
3420 subarea or neighborhood planning areas;

3421 D. The special district overlays in this chapter may waive, modify and substitute
3422 for the range of permitted uses and development standards established by this title for any
3423 use or underlying zone;

3424 E. Unless they are specifically modified by this chapter, the standard
3425 requirements of this title and other county ordinances and regulations govern all
3426 development and land uses within special district overlays;

3427 F. A special district overlay on an individual site may be modified by property-
3428 specific development standards as provided in K.C.C. 21A.38.030;

3429 G. A special district overlay may not be deleted by a zone reclassification; and

3430 H. Special district overlay development standards may be modified or waived
3431 through the consideration of a variance, subject to the variance criteria in K.C.C.
3432 21A.44.030.

3433 SECTION 56. Ordinance 10870, Section 617, as amended, and K.C.C.

3434 21A.42.090 are each hereby amended to read as follows:

3435 A. The decision of the director shall be final unless the applicant or an aggrieved
3436 party files an appeal to the hearing examiner ~~((pursuant to))~~ under K.C.C. chapter 20.24.

3437 B. The examiner shall review and make decisions based upon information
3438 contained in the written appeal and the record.

3439 C. The examiner's decision may affirm, modify~~((;))~~ or reverse the decision of the
3440 director.

3441 D. As provided by K.C.C. 20.24.210, A. and C:

3442 1. The examiner shall render a decision within ten days of the closing of
3443 hearing; and

3444 2. The decision shall be final unless appealed under ~~((the provisions of))~~ K.C.C.
3445 20.24.240.B.

3446 E. Establishment of any use or activity authorized under K.C.C. 21A.24.070 or
3447 ~~((pursuant to))~~ under a conditional use permit or variance shall occur within four years of
3448 the effective date of the decision ~~((for such permit or variance, provided that F)).~~ For
3449 schools this period shall be five years. ~~((t))~~ This period may be extended for one
3450 additional year by the director if the applicant has submitted the applications necessary to
3451 establish the use or activity and has provided written justification for the extension.

3452 F. For the purpose of this section, "establishment" shall occur upon the issuance
3453 of all local ~~((permit(s)))~~ permits or approvals for on-site improvements needed to begin
3454 the authorized use or activity, ~~((provided that))~~ if the conditions or improvements
3455 required by ~~((such))~~ the permits are completed within the required timeframes ~~((of said~~
3456 permits)).

3457 G. Once a use, activity or improvement allowed under K.C.C. 21A.24.070 or by
3458 a conditional use permit or variance has been established, it may continue as long as all
3459 conditions of permit issuance are met.

3460 SECTION 57. Ordinance 13130, Section 11, as amended, and K.C.C.
3461 21A.42.190 are each hereby amended to read as follows:

3462 A. The department may review and approve, ~~((pursuant to))~~ in accordance with
3463 the code compliance process of this chapter, an expansion of a use or development
3464 authorized by an existing conditional use, special use or unclassified use permit as
3465 follows:

3466 1. The expansion shall conform to ~~((all provisions of))~~ this title and the original
3467 land use permit, except that the project-wide amount of each of the following may be
3468 increased up to ten percent:

- 3469 a. building square footage;
- 3470 b. impervious surface;
- 3471 c. parking; or
- 3472 d. building height;

3473 2. No subsequent expansions shall be approved under this subsection if the
3474 cumulative amount of such expansions exceeds the percentage prescribed in subsection
3475 A.1. of this section; and

3476 3. An expansion of a use or development authorized by an existing conditional
3477 use, special use or unclassified use permit that does not conform to ~~((the provisions of))~~
3478 subsection A.1. of this section may only be approved if:

- 3479 a. the expansion is within a use or development authorized by an existing

3480 conditional use permit and is reviewed and approved as a conditional use; ~~((and))~~ or

3481 b. the expansion is within a use or development authorized by an existing
3482 special use or unclassified use permit and is reviewed and approved as a special use.

3483 B. The department may review and approve, in accordance with the code
3484 compliance process of this chapter, a modification of a use or a development authorized
3485 by an existing conditional use, special use or unclassified use permit that does not make a
3486 substantial change, as determined by the department, to the conditional use, special use or
3487 unclassified use. For the purpose of this subsection, a "substantial change" includes, but
3488 is not limited to, a change to the conditions of approval that leads to significant built or
3489 natural environmental impacts that were not addressed in the original approval or the
3490 creation of a new use.

3491 C. This section shall not apply to modifications or expansions of:

3492 1. ~~((†))~~ Telecommunication facilities ~~((, the provision for which are in))~~ under
3493 K.C.C. 21A.26.140;

3494 2. Minor telecommunication facilities under K.C.C. 21A.27.090; or

3495 3. ~~((to modifications or expansions of n))~~ Nonconformances ~~((, the provisions for~~
3496 ~~which are in))~~ under K.C.C. 21A.32.065.

3497 SECTION 58. Ordinance 11621, Section 118, and K.C.C. 21A.43.190 are each
3498 hereby amended to read as follows:

3499 A. Impact fee receipts shall be earmarked specifically and retained in a special
3500 interest-bearing account established by the county solely for the district's school impact
3501 fees. All interest shall be retained in the account and expended for the purpose or
3502 purposes identified in subsection B of this section. Annually, the county, based in part on

3503 the report submitted by the district (~~(pursuant to Section)~~) under K.C.C. 21A.28.152 shall
3504 prepare a report on each impact fee account showing the source and amount of all
3505 moneys collected, earned or received, and capital or system improvements that were
3506 financed in whole or in part by impact fees.

3507 B. Impact fees for the district's system improvements shall be expended by the
3508 district for capital improvements including but not limited to school planning, land
3509 acquisition, site improvements, necessary off-site improvements, construction,
3510 engineering, architectural, permitting, financing, and administrative expenses, relocatable
3511 facilities, capital equipment pertaining to educational facilities, and any other expenses
3512 which could be capitalized, and which are consistent with the school district's capital
3513 facilities plan.

3514 C. In the event that bonds or similar debt instruments are issued for the advanced
3515 provision of capital facilities for which impact fees may be expended and where
3516 consistent with (~~the provisions of~~) the bond covenants, impact fees may be used to pay
3517 debt service on such bonds or similar debt instruments to the extent that the facilities or
3518 improvements provided are consistent with the requirements of this section.

3519 D. Impact fees shall be expended or encumbered, (~~(i.e.)~~) which means being
3520 committed as part of the funding for a facility for which the publicly funded share has
3521 been assured, (~~(or)~~) building permits applied for(~~(,)~~) or construction contracts let(~~(,)~~),₁ by
3522 the district for a permissible use within (~~(six (6))~~) ten years of receipt by the county,
3523 unless there exists an extraordinary and compelling reason for fees to be held longer than
3524 (~~(six (6))~~) ten years. Such extraordinary or compelling reasons shall be identified to the
3525 county by the district. The county must prepare written findings concurring with the

3526 district's reasons, and authorizing the later encumbrance or expenditure of the fees prior
3527 to the district so encumbering or expending the funds, or directing a refund of the fees.

3528 E. The current owner of property on which an impact fee has been paid may
3529 receive a refund of such fees if the impact fees have not been expended or encumbered
3530 within ~~((six (6)))~~ ten years of receipt of the funds by the county. In determining whether
3531 impact fees have been encumbered, impact fees shall be considered encumbered on a first
3532 in, first out basis. The county shall notify potential claimants by first-class mail
3533 deposited with the United States Postal Service addressed to the owner of the property as
3534 shown in the county tax records.

3535 F. An owner's request for a refund must be submitted to the county council in
3536 writing within one ~~((1))~~ year of the date the right to claim the refund arises or the date
3537 that notice is given; whichever date is later. Any impact fees that are not expended or
3538 encumbered within these time limitations, and for which no application for a refund has
3539 ~~been made within this one((1))-year period, shall be retained and expended consistent~~
3540 with ~~((the provisions of))~~ this section. Refunds of impact fees shall include any interest
3541 earned on the impact fees.

3542 G. Should the county seek to terminate any or all school impact fee requirements,
3543 all unexpended or unencumbered funds, including interest earned, shall be refunded to
3544 the current owner of the property for which a school impact fee was paid. Upon the
3545 finding that any or all fee requirements are to be terminated, the county shall place notice
3546 of ~~((such))~~ the termination and the availability of refunds in a newspaper of general
3547 circulation at least two ~~((2))~~ times and shall notify all potential claimants by first-class
3548 mail addressed to the owner of the property as shown in the county tax records. All funds

3549 available for refund shall be retained for a period of one ~~((1))~~ year. At the end of one
3550 ~~((1))~~ year, any remaining funds shall be retained by the county, but must be expended
3551 for the district, consistent with ~~((the provisions of))~~ this section. The notice requirement
3552 ~~((set forth above))~~ in this subsection shall not apply if there are no unexpended or
3553 unencumbered balances within the account or accounts being terminated.

3554 H. A developer may request and shall receive a refund, including interest earned
3555 on the impact fees, when:

3556 1. The developer does not proceed to finalize the development activity as
3557 required by statute or county code ~~((or the Uniform Building Code,));~~ and

3558 2. No impact on the district has resulted. "Impact" shall be deemed to include
3559 cases where the district has expended or encumbered the impact fees in good faith prior
3560 to the application for a refund. In the event that the district has expended or encumbered
3561 the fees in good faith, no refund shall be forthcoming. However, if within a period of
3562 three ~~((3))~~ years, the same or subsequent owner of the property proceeds with the same
3563 or substantially similar development activity, the owner shall be eligible for a credit. The
3564 owner must petition the county and provide receipts of impact fees paid by the owner for
3565 a development of the same or substantially similar nature on the same property or some
3566 portion thereof. The county shall determine whether to grant a credit, and such
3567 determinations may be appealed by following the procedures ~~((set forth))~~ in ~~((Section))~~
3568 K.C.C. 21A.43.070.

3569 I. Interest due upon the refund of impact fees required by this section shall be
3570 calculated according to the average rate received by the county or the district on invested
3571 funds throughout the period during which the fees were retained.

3572 SECTION 59. Ordinance 14807, Section 3, and K.C.C. 21A.06.682 are each
3573 hereby repealed.

3574 SECTION 60. Pursuant to K.C.C. 20.44.080, the metropolitan King County
3575 council finds that the requirements for environmental analysis, protections and mitigation
3576 measures in the chapters of K.C.C. Title 21A amended by this ordinance, provide
3577 adequate analysis of and mitigation for the specific adverse environmental impacts to
3578 which the requirements apply.

3579 SECTION 61. If any provision of this ordinance or its application to any person
3580 or circumstance is held invalid, the remainder of the ordinance or the application of the
3581 provision to other persons or circumstances is not affected."

3582 **EFFECT:**

- 3583 • Makes technical and formatting corrections requested by the Code Reviser.
- 3584 • Avoids potential legal issues where federal law might call for something other
3585 than or be opposed to County regulations (such as with recreational marijuana
3586 uses).
- 3587 • Corrects three errors in the striking amendment that was adopted in committee
3588 regarding: 1) materials processing facilities located in the A zone, 2) flood hazard
3589 areas, and 3) an incorrect footnote reference related to cell towers.

6/23/2014

RD → T1
7-02 JMCD
LH

17841

T1

Title for Chair's striking amendment

Sponsor: Rod Dembowski

Proposed No.: 2013-0479

1 **TITLE AMENDMENT TO PROPOSED ORDINANCE 2013-0479, VERSION 1**

2 Beginning on page 1, line 1, strike all language through page 3, line 52, and insert the
3 following:

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

20 Section 7, and K.C.C. 21A.06.1013, Ordinance 10870,
21 Section 309, and K.C.C. 21A.06.1345, Ordinance 10870,
22 Section 328, and K.C.C. 21A.08.010, Ordinance 10870,
23 Section 330, as amended, and K.C.C. 21A.08.030,
24 Ordinance 10870, Section 331, as amended, and K.C.C.
25 21A.08.040, Ordinance 10870, Section 332, as amended,
26 and K.C.C. 21A.08.050, Ordinance 10870, Section 333, as
27 amended, and K.C.C. 21A.08.060, Ordinance 10870,
28 Section 334, as amended, and K.C.C. 21A.08.070,
29 Ordinance 10870, Section 335, as amended, and K.C.C.
30 21A.08.080, Ordinance 10870, Section 336, as amended,
31 and K.C.C. 21A.08.090, Ordinance 10870, Section 340, as
32 amended, and K.C.C. 21A.12.030, Ordinance 10870,
33 Section 378, as amended, and K.C.C. 21A.14.180,
34 Ordinance 11621, Section 49, as amended, and K.C.C.
35 21A.14.185, Ordinance 10870, Section 380, as amended,
36 and K.C.C. 21A.14.200, Ordinance 14045, Section 37, as
37 amended, and K.C.C. 21A.14.360, Ordinance 14045,
38 Section 38, as amended, and K.C.C. 21A.14.370,
39 Ordinance 14045, Section 39, as amended, and K.C.C.
40 21A.14.380, Ordinance 17539, Section 44, as amended,
41 and K.C.C. 21A.24.045, Ordinance 10870, Section 470, as
42 amended, and K.C.C. 21A.24.230, Ordinance 10870,

10871

43 Section 471, as amended, and K.C.C. 21A.24.240,
44 Ordinance 17485, Section 17, and K.C.C. 21A.24.274,
45 Ordinance 14187, Section 1, as amended, and K.C.C.
46 21A.24.500, Ordinance 10870, Section 492, as amended,
47 and K.C.C. 21A.26.030, Ordinance 10870, Section 503, as
48 amended, and K.C.C. 21A.26.140, Ordinance 13129,
49 Section 4, and K.C.C. 21A.27.030, Ordinance 13129,
50 Section 9, as amended, and K.C.C. 21A.27.090, Ordinance
51 10870, Section 530, as amended, and K.C.C. 21A.30.020,
52 Ordinance 13130, Section § 2, and K.C.C. 21A.32.025,
53 Ordinance 13130, Section 12, and K.C.C. 21A.32.085,
54 Ordinance 10870, Section 547, and K.C.C. 21A.32.100,
55 Ordinance 10870, Section 549, as amended, and K.C.C.
56 21A.32.120, Ordinance 17710, Section 13, and K.C.C.
57 21A.32.250, Ordinance 10870, Section 575, as amended,
58 and K.C.C. 21A.38.020, Ordinance 10870, Section 577, as
59 amended, and K.C.C. 21A.38.040, Ordinance 10870,
60 Section 617, as amended, and K.C.C. 21A.42.090,
61 Ordinance 13130, Section 11, as amended, and K.C.C.
62 21A.42.190 and Ordinance 11621, Section 118, and K.C.C.
63 21A.43.190, adding a new section to K.C.C. chapter
64 19A.04, adding new sections to K.C.C. chapters 21A.06,
65 adding a new section to K.C.C. chapter 21A.08, adding a

66 new section to K.C.C. chapter 21A.24 and repealing

67 Ordinance 14807, Section 3, and K.C.C.21A.06.682."

68 **Effect: Reflects code sections added to ordinance by striking amendment**
