

KING COUNTY

1200 King County Courthouse 516 Third Avenue Seattle, WA 98104

Signature Report

March 6, 2018

Ordinance 18671

	Proposed No. 2018-0037.3 Sponsors Dembowski
1	AN ORDINANCE relating to permitting and zoning;
2	amending Ordinance 10870, Section 337, as amended, and
3	K.C.C. 21A.08.100 and Ordinance 10870, Section 340, as
4	amended, and K.C.C. 21A.12.030 and adding a new section
5	to K.C.C. chapter 21A.06.
6	BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:
7	SECTION 1. Findings:
8	A. The Central Puget Sound Regional Transit Authority ("Sound Transit") is
9	currently in the design phase to expand Link light rail to downtown Redmond.
10	B. The Sound Transit 3 Plan, approved by voters in 2016, includes funding to
11	construct the Downtown Redmond Link Extension. Following design, permitting and
12	construction, revenue service is expected to begin by 2024.
13	C. A portion of the light rail alignment and supporting infrastructure are
L4	anticipated to be located on property currently owned by King County, some of which is
15	within the railbanked corridor supporting the East Lake Sammamish Trail.
16	D. King County and Sound Transit anticipate that a long-sought trail connection
L 7	between the East Lake Sammamish Trail and the Redmond Central Connector Trail will
18	be constructed as a collaborative effort between these entities.
19	E. A portion of the light rail alignment is expected to run just within the north

20	property line of King County's Marymoor park. Marymoor park is located within
21	unincorporated King County. A new station is expected to be located just outside of the
22	park boundaries to the east, within the city limits of the city of Redmond.

- F. Marymoor park is King County's most popular park, with more than three million people visiting annually to explore six hundred forty acres of recreational activities, amenities, and events.
- G. At the north end of Marymoor park, in close proximity to the planned light rail alignment, are baseball fields, soccer fields, cricket fields, a recreation and event area and the velodrome.
 - H. As part of the implementation of the light rail alignment, Sound Transit is required to obtain permits from the county's department of permitting and environmental review.
 - I. The property is owned by King County parks and recreation division in fee ownership, and is subject to the county's zoning regulations. If the property is acquired in the future by Sound Transit and converted to right-of-way, the zoning regulations would no longer apply.
 - J. The county's zoning code, adopted in K.C.C. Title 21A, does not currently permit light rail facilities within residential zones in unincorporated King County.
 - K. The proposed ordinance would allow a "regional transit authority facility" within the residential, one dwelling unit per acre (R-1) to residential, eight dwelling units per acre (R-8) zones. A development condition would exempt these facilities from height and setback requirements.
 - L. This proposed ordinance would allow Sound Transit to apply for and obtain

permits from the department of permitting and environmental review before any property acquisition and conversion to right-of-way is complete. Permits required include a shoreline substantial development permit, a shoreline conditional use permit and a critical area exception. Those permits may contain conditions that ensure compliance with King County regulations and protect the county's long-term interest in protecting public use and enjoyment of Marymoor park.

M. Sound Transit and King County parks and recreation division continue to collaboratively negotiate a property acquisition, including the appraised value and the terms of all property acquisitions from King County supporting this project. That includes, but is not limited to, minimizing impacts to park facilities and mitigating any such impacts, temporary construction impacts and access, access between Marymoor park and the future Southeast Redmond Station, and potential improvements to Marymoor park and other nearby King County-owned park and trail facilities.

N. The planned implementation of the light rail alignment and facilities will also impact facilities and programs operated and implemented by the King County wastewater treatment division and transit division, and King County and Sound Transit are actively addressing these impacts in the development of the project design and plans for facility construction and operation.

O. Any purchase and sale agreement or other agreement executing a property transfer to Sound Transit, should be authorized only after issuance of the required land use permits or with adequate assurances within the property transfer agreement, that the public interest in use and enjoyment of Marymoor park and other King County park facilities affected by this project will be protected.

- NEW SECTION. SECTION 2. A new section is hereby added to K.C.C. chapter
- 67 21A.06 to read as follows:
- Regional transit authority facility: a light rail facility serving more than one
- 69 jurisdiction.
- 70 SECTION 3. Ordinance 10870, Section 337, as amended, and K.C.C.
- 71 21A.08.100 are each hereby amended to read as follows:
- A. Regional land uses.

P = Perm	nitted Use C =	RESOU	RCE		RU	RESII	ENTIA	L	COMMERCIAL/INDUSTRIAL						
Condition	nal Use S =				RA										
Special U	Jse				L					,					
SIC#	SPECIFIC LAND	A	F	M	RA	UR	R1-	R12	NB	СВ	RB	0	I		
	USE						8	-48					(15)		
*	Jail						S	S	S	S	S	S	S		
*	Jail Farm/Camp	S	S		S	S									
*	Work Release Facility				S19	S19	S	S	S	S	S	S			
*	Public Agency Animal Control Facility		S		S	S					S		P		
*	Public Agency Training Facility		S		S3					S3	S3	S3	C4		
*	Hydroelectric		C14 S		C14 S	C14	C14								
	Generation Facility		810.0	G10.0	C12	C12	C12	C12	C12	C12	C12 S	C12	P12		
*	Non-hydroelectric Generation Facility	C12 S	C12 S	C12 S	S	S	S	S	S	S	C12 5	S	S		
*	Communication Facility (17)	C6c S	P		C6c S	C6c S	C6c S	C6c S	C6c S	P	P	P	P		
*	Earth Station	P6b C	P		C6a	C6a	C6a	C6a	P6b	P	P	P	P		
					S	s	S	s	С						
13	Oil and Gas Extraction	S	С	P	S	S	S	S	S	S	S	S	С		
*	Energy Resource Recovery Facility		S	S	S	S	S	S	S	S	S	S	S		

*	Soil Recycling Facility		S	S	S								С
*	Landfill		S	S	S	S	S	S	S	S	S	S	S
*	Transfer Station			S	S	S	S	S	S	S	S		P
*	Wastewater Treatment Facility				S	S	S	S	S	S	S	S	С
*	Municipal Water Production	S	P13 S	S	S	S	S	S	S	S	S	S	S
*	Airport/Heliport	S7	S7		S	S	S	S	S	S	S	S	S
*	Regional Transit Authority Facility						P 25						
*	Rural Public Infrastructure Maintenance Facility				C23								
*	Transit Bus Base						S	S	S	S	S	S	P
*	School Bus Base				C5 S20	C5 S	C5 S	C5 S	S	S	S	S	P
7948	Racetrack				S8	S8	S8	S8	S8	S8	S8	S8	S24
*	Regional Motor Sports Facility												Р
*	County Fairgrounds Facility				P21 S22								
*	Fairground									S	S		S
8422	Zoo/Wildlife Exhibit(2)		S9		\$9	S	S	S		S	S		
7941	Stadium/Arena				1						S		S
8221- 8222	College/University(1)	P10	P10		P10 C11 S18	P10 C11 S18	P10 C11 S	P10 C11 S	P10 C11 S	P	P	P	P
*	Zoo Animal Breeding Facility	P16	P16		P16								

B. Development conditions.

1. Except technical institutions. See vocational schools on general services land

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75	use table, K.C.C. 21A.08.050.
76	2. Except arboretum. See K.C.C. 21A.08.040, recreation/cultural land use table.
77	3. Except weapons armories and outdoor shooting ranges.
78	4. Except outdoor shooting range.
79	5. Only in conjunction with an existing or proposed school.
80	6.a. Limited to no more than three satellite dish antennae.
81	b. Limited to one satellite dish antenna.
82	c. Limited to tower consolidations.
83	7. Limited to landing field for aircraft involved in forestry or agricultural
84	practices or for emergency landing sites.
85	8. Except racing of motorized vehicles.
86	9. Limited to wildlife exhibit.
87	10. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32
88	11. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter
89	21A.32.
90	12. Limited to cogeneration facilities for on-site use only.
91	13. Excluding impoundment of water using a dam.
92	14. Limited to facilities that comply with the following:
93	a. Any new diversion structure shall not:
94	(1) exceed a height of eight feet as measured from the streambed; or
95	(2) impound more than three surface acres of water at the normal maximum
96	surface level;
97	b. There shall be no active storage;

98	c. The maximum water surface area at any existing dam or diversion shall not
99	be increased;
100	d. An exceedance flow of no greater than fifty percent in mainstream reach
101	shall be maintained;
102	e. Any transmission line shall be limited to a:
103	(1) right-of-way of five miles or less; and
104	(2) capacity of two hundred thirty KV or less;
105	f. Any new, permanent access road shall be limited to five miles or less; and
106	g. The facility shall only be located above any portion of the stream used by
107	anadromous fish.
108	15. For I-zoned sites located outside the urban growth area designated by the
109	King County Comprehensive Plan, uses shown as a conditional or special use in K.C.C.
110	21A.08.100.A, except for waste water treatment facilities and racetracks, shall be
111	prohibited. All other uses, including waste water treatment facilities, shall be subject to
112	the provisions for rural industrial uses in K.C.C. chapter 21A.12.
113	16. The operator of such a facility shall provide verification to the department of
114	natural resources and parks or its successor organization that the facility meets or exceeds
115	the standards of the Animal and Plant Health Inspection Service of the United States
116	Department of Agriculture and the accreditation guidelines of the American Zoo and
117	Aquarium Association.
118	17. The following provisions of the table apply only to major communication
119	facilities. Minor communication facilities shall be reviewed in accordance with the
120	processes and standard outlined in K.C.C. chapter 21A.27.

121	18. Only for facilities related to resource-based research.
122	19. Limited to work release facilities associated with natural resource-based
123	activities.
124	20. Limited to projects which do not require or result in an expansion of sewer
125	scrvice outside the urban growth area, unless a finding is made that no cost-effective
126	alternative technologies are feasible, in which case a tightline sewer sized only to meet
127	the needs of the school bus base and serving only the school bus base may be used.
128	Renovation, expansion, modernization or reconstruction of a school bus base is permitted
129	but shall not require or result in an expansion of sewer service outside the urban growth
130	area, unless a finding is made that no cost-effective alternative technologies are feasible,
131	in which case a tightline sewer sized only to meet the needs of the school bus base.
132	21. Only in conformance with the King County Site Development Plan Report,
133	through modifications to the plan of up to ten percent are allowed for the following:
134	a. building square footage;
135	b. landscaping;
136	c. parking;
137	d. building height; or
138	e. impervious surface.
139	22. A special use permit shall be required for any modification or expansion of
140	the King County fairgrounds facility that is not in conformance with the King County
141	Site Development Plan Report or that exceeds the allowed modifications to the plan
142	identified in subsection B.21 of this section.
143	23. The facility shall be primarily devoted to rural public infrastructure

144	maintenance and is subject to the following conditions:
145	a. The minimum site area shall be ten acres, unless:
146	(1) the facility is a reuse of a public agency yard; or
147	(2) the site is separated from a county park by a street or utility right-of-way;
148	b. Type 1 landscaping as provided in K.C.C. chapter 21A.16 shall be provided
149	between any stockpiling or grinding operations and adjacent residential zoned property;
150	c. Type 2 landscaping as provided in K.C.C. chapter 21A.16 shall be provided
151	between any office and parking lots and adjacent residential zoned property;
152	d. Access to the site does not use local access streets that abut residential zoned
153	property, unless the facility is a reuse of a public agency yard;
154	e. Structural setbacks from property lines shall be as follows:
155	(1) Buildings, structures and stockpiles used in the processing of materials
156	shall be no closer than:
157	(a) one hundred feet from any residential zoned properties, except that the
158	setback may be reduced to fifty feet when the grade where the building or structures are
159	proposed is fifty feet or greater below the grade of the residential zoned property;
160	(b) fifty feet from any other zoned property, except when adjacent to a
161	mineral extraction or materials processing site;
162	(c) the greater of fifty feet from the edge of any public street or the setback
163	from residential zoned property on the far side of the street; and
164	(2) Offices, scale facilities, equipment storage buildings and stockpiles shall
165	not be closer than fifty feet from any property line except when adjacent to M or F zoned
166	property or when a reuse of an existing building. Facilities necessary to control access to

16/	the site, when demonstrated to have no practical alternative, may be located closer to the
168	property line;
169	f. On-site clearing, grading or excavation, excluding that necessary for
170	required access, roadway or storm drainage facility construction, shall not be permitted
171	within fifty feet of any property line except along any portion of the perimeter adjacent to
172	M or F zoned property. If native vegetation is restored, temporary disturbance resulting
173	from construction of noise attenuation features located closer than fifty feet shall be
174	permitted; and
175	g. Sand and gravel extraction shall be limited to forty thousand yards per year.
176	24. The following accessory uses to a motor race track operation are allowed if
177	approved as part of the special use permit:
178	a. motocross;
179	b. autocross;
180	c. skidpad;
181	d. garage;
182	e. driving school; and
183	f. fire station.
184	25. Regional transit authority facilities shall be exempt from setback and height
185	requirements.
186	SECTION 4. Ordinance 10870, Section 340, as amended, and K.C.C.
187	21A.12.030 are each hereby amended to read as follows:
188	A. Densities and dimensions - residential and rural zones.
	RURAL RESIDENTIAL

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STANDARDS		RA-	RA-	RA-	RA-20	UR	R-1	R-4	R-6	R-8	R-12	R-18	R-24	R-48
		2.5	5	10			(17)							
Base Density:		0.2	0.2	0.1	0.05	0.2	1 du/	4 du/	6	8	12	18	24	48
Dwelling		du/a	du/a	du/ac	du/ac	du/ac	ac	ac (6)	du/a	du/a	du/a	du/a	du/a	du/a
Unit/Acre (15)		С	С			(21)			С	С	С	С	С	С
(28)														
Maximum		0.4						6 du/	9	12	18	27	36	72
Density:		du/a						ac	du/a	du/a	du/a	du/a	du/a	du/a
Dwelling		С						(22) 8	c 12	c 16	c 24	c 36	c 48	c 96
Unit/Acre (1)		(20)				- 4		du/ac	du/a	du/a	du/a	du/a	du/a	du/a
								(27)	С	С	С	С	С	С
									(27)	(27)	(27)	(27)	(27)	(27)
Minimum				===				85%	85%	85%	80%	75%	70%	65%
Density: (2)								(12)	(12)	(12)	(18)	(18)	(18)	(18)
								(18)	(18)	(18)				
								(23)						
Minimum Lot		1.87	3.75	7.5 ac	15 ac									
Area (13)		5 ac	ac											
Minimum Lot		135	135	135 ft	135 ft	35 ft	35 ft	30 ft	30 ft	30 ft	30 ft	30ft	30 ft	30 ft
Width (3)		ft	ft			(7)	(7)							
Minimum Stree	t		30 ft	30ft	30 ft	30 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10ft	10 ft
Setback (3)			(9)	(9)	(9)	(7)	(7)	(8)	(8)	(8)	(8)	(8)	(8)	(8)
							(29)							
Minimum		5 ft	10ft	10 ft	10 ft	5 ft (7)	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Interior Setback	۲	(9)	(9)	(9)	(9)		(7)				(10)	(10)	(10)	(10)

(3) (16)						(29)							
Base Height (4)	40 ft	40 ft	40 ft	40 ft	35 ft	60 ft	60 ft	60 ft	60 ft				
						(29)	(25)	45 ft	45 ft		80 ft	80 ft	80 ft
								(14)	(14)		(14)	(14)	(14)
								(25)	(25)				
Maximum	25%	20%	15%	12.5%	30%	30%	55%	70%	75%	85%	85%	85%	90%
Impervious	(11)	(11)	(11)	(11)	(11)	(11)	(26)	(26)	(26)	(26)	(26)	(26)	(26)
Surface:	(19)	(19)	(19)	(19)	(26)	(26)							
Percentage (5)	(26)	(26)	(24)	(26)									
			(26)										

B. Development conditions.

- 1. This maximum density may be achieved only through the application of residential density incentives in accordance with K.C.C. chapter 21A.34 or transfers of development rights in accordance with K.C.C. chapter 21A.37, or any combination of density incentive or density transfer.
 - 2. Also see K.C.C. 21A.12.060.
- 3. These standards may be modified under the provisions for zero-lot-line and townhouse developments.
- 4. Height limits may be increased if portions of the structure that exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit, but the maximum height may not exceed seventy-five feet. Netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior setback requirements but the maximum height shall not exceed seventy-five feet, except for recreation or multiuse parks, where the maximum height shall not exceed one hundred twenty-five feet, unless a golf ball trajectory study requires

205	a higher fence.
206	5. Applies to each individual lot. Impervious surface area standards for:
207	a. Regional uses shall be established at the time of permit review;
208	b. Nonresidential uses in rural area and residential zones shall comply with
209	K.C.C. 21A.12.120 and 21A.12.220;
210	c. Individual lots in the R-4 through R-6 zones that are less than nine thousand
211	seventy-six square feet in area shall be subject to the applicable provisions of the nearest
212	comparable R-6 or R-8 zone; and
213	d. A lot may be increased beyond the total amount permitted in this chapter
214	subject to approval of a conditional use permit.
215	6. Mobile home parks shall be allowed a base density of six dwelling units per
216	acre.
217	7. The standards of the R-4 zone apply if a lot is less than fifteen thousand
218	square feet in area.
219	8. At least twenty linear feet of driveway shall be provided between any garage,
220	carport or other fenced parking area and the street property line. The linear distance shall
221	be measured along the center line of the driveway from the access point to such garage,
222	carport or fenced area to the street property line.
223	9.a. Residences shall have a setback of at least one hundred feet from any
224	property line adjoining A, M or F zones or existing extractive operations. However,
225	residences on lots less than one hundred fifty feet in width adjoining A, M or F zones or
226	existing extractive operations shall have a setback from the rear property line equal to
227	fifty percent of the lot width and a setback from the side property equal to twenty-five

228 percent of the lot width.

- b. Except for residences along a property line adjoining A, M or F zones or existing extractive operations, lots between one acre and two and one-half acres in size shall conform to the requirements of the R-1 zone and lots under one acre shall conform to the requirements of the R-4 zone.
- 10.a. For developments consisting of three or more single-detached dwellings located on a single parcel, the setback shall be ten feet along any property line abutting R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback of five feet.
- b. For townhouse and apartment development, the setback shall be twenty feet along any property line abutting R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback of five feet, unless the townhouse or apartment development is adjacent to property upon which an existing townhouse or apartment development is located.
- 11. Lots smaller than one-half acre in area shall comply with standards of the nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or larger, the maximum impervious surface area allowed shall be at least ten thousand square feet. On any lot over one acre in area, an additional five percent of the lot area may be used for buildings related to agricultural or forestry practices. For lots smaller than two acres but larger than one-half acre, an additional ten percent of the lot area may be used for structures that are determined to be medically necessary, if the applicant submits with the permit application a notarized affidavit, conforming with K.C.C.

251	12. For purposes of calculating minimum density, the applicant may request that
252	the minimum density factor be modified based upon the weighted average slope of the
253	net buildable area of the site in accordance with K.C.C. 21A.12.087.
254	13. The minimum lot area does not apply to lot clustering proposals as provided
255	in K.C.C. chapter 21A.14.
256	14. The base height to be used only for projects as follows:
257	a. in R-6 and R-8 zones, a building with a footprint built on slopes exceeding a
258	fifteen percent finished grade; and
259	b. in R-18, R-24 and R-48 zones using residential density incentives and
260	transfer of density credits in accordance with this title.
261	15. Density applies only to dwelling units and not to sleeping units.
262	16. Vehicle access points from garages, carports or fenced parking areas shall
263	be set back from the property line on which a joint use driveway is located to provide a
264	straight line length of at least twenty-six feet as measured from the center line of the
265	garage, carport or fenced parking area, from the access point to the opposite side of the
266	joint use driveway.
267	17.a. All subdivisions and short subdivisions in the R-1 zone shall be required to
268	be clustered if the property is located within or contains:
269	(1) a floodplain;
270	(2) a critical aquifer recharge area;
271	(3) a regionally or locally significant resource area;
272	(4) existing or planned public parks or trails, or connections to such facilities;
273	(5) a category type S or F aquatic area or category I or II wetland;

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- (7) an urban separator or wildlife habitat network designated by the Comprehensive Plan or a community plan.
- b. The development shall be clustered away from critical areas or the axis of designated corridors such as urban separators or the wildlife habitat network to the extent possible and the open space shall be placed in a separate tract that includes at least fifty percent of the site. Open space tracts shall be permanent and shall be dedicated to a homeowner's association or other suitable organization, as determined by the director, and meet the requirements in K.C.C. 21A.14.040. On-site critical area and buffers and designated urban separators shall be placed within the open space tract to the extent possible. Passive recreation, with no development of recreational facilities, and natural-surface pedestrian and equestrian trails are acceptable uses within the open space tract.
 - 18. See K.C.C. 21A.12.085.
- 19. All subdivisions and short subdivisions in R-1 and RA zones within the North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East Sammamish Community Planning Area that drains to Patterson Creek shall have a maximum impervious surface area of eight percent of the gross acreage of the plat.

 Distribution of the allowable impervious area among the platted lots shall be recorded on the face of the plat. Impervious surface of roads need not be counted towards the allowable impervious area. Where both lot- and plat-specific impervious limits apply, the more restrictive shall be required.

297	20. This density may only be achieved on RA 2.5 zoned parcels receiving
298	density from rural forest focus areas through a transfer of density credit pursuant to
299	K.C.C. chapter 21A.37.
300	21. Base density may be exceeded, if the property is located in a designated
301	rural city urban growth area and each proposed lot contains an occupied legal residence
302	that predates 1959.
303	22. The maximum density is four dwelling units per acre for properties zoned
304	R-4 when located in the Rural Town of Fall City.
305	23. The minimum density requirement does not apply to properties located
306	within the Rural Town of Fall City.
307	24. The impervious surface standards for the county fairground facility are
308	established in the King County Fairgrounds Site Development Plan, Attachment A to
309	Ordinance 14808* on file at the department of natural resources and parks and the
310	department of permitting and environmental review. Modifications to that standard may
311	be allowed provided the square footage does not exceed the approved impervious surface
312	square footage established in the King County Fairgrounds Site Development Plan
313	Environmental Checklist, dated September 21, 1999, Attachment B to Ordinance 14808*
314	by more than ten percent.
315	25. For cottage housing developments only:
316	a. The base height is eighteen feet.
317	b. Buildings have pitched roofs with a minimum slope of six and twelve may
318	extend up to twenty-five feet at the ridge of the roof.
319	26. Impervious surface does not include access easements serving neighboring

320	property and driveways to the extent that they extend beyond the street setback due to
321	location within an access panhandle or due to the application of King County Code
322	requirements to locate features over which the applicant does not have control.
323	27. Only in accordance with K.C.C. 21A.34.040.F.1.g. and F.6.
324	28. On a site zoned RA with a building listed on the national register of historic
325	places, additional dwelling units in excess of the maximum density may be allowed unde
326	K.C.C. 21A.12.042.
327	29. Height and setback requirements shall not apply to regional transit authority
328	facilities.
329	SECTION 5. Severability. If any provision of this ordinance or its application

to any person or circumstance is held invalid, the remainder of the ordinance or the

application of the provision to other persons or circumstances is not affected.

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Ordinance 18671 was introduced on 1/8/2018 and passed as amended by the Metropolitan King County Council on 3/5/2018, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn, Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles and Ms. Balducci

J. Joseph Mc

No: 0 Excused: 0

> KING COUNTY COUNCIL KING COUNTY, WASHINGTON

ATTEST:

Melani Pedroza, Clerk of the Council

APPROVED this day of When , 2018

Dow Constantine, County Executive

Attachments: None