Legislation Details (With Text)

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File created:	12/2/2013	**In control:**	Transportation, Economy, and Environment Committee
On agenda:	5/19/2014	**Final action:**	6/23/2014
Enactment date:	7/7/2014	**Enactment #:**	17841

Title: AN ORDINANCE relating to permitting and zoning; amending Ordinance 13694, Section 10, as amended, and K.C.C. 19A.08.040, Ordinance 13694, Section 79, and K.C.C. 19A.28.010, Ordinance 13694, Section 80, as amended, and K.C.C. 19A.28.020, Ordinance 12196, Section 10, as amended, and K.C.C. 20.20.030, Ordinance 10870, Section 43, and K.C.C. 21A.06.015, Ordinance 10870, Section 44, as amended, and K.C.C. 21A.06.020, Ordinance 10870, Section 45, and K.C.C. 21A.06.025, Ordinance 10870, Section 75, and K.C.C. 21A.06.175, Ordinance 10870, Section 135, as amended, and K.C.C. 21A.06.475, Ordinance 10870, Section 137, as amended, and K.C.C. 21A.06.485, Ordinance 10870, Section 172, and K.C.C. 21A.06.660, Ordinance 10870, Section 200, and K.C.C. 21A.06.800, Ordinance 10870, Section 207, as amended, and K.C.C. 21A.06.835, Ordinance 14045, Section 7, and K.C.C. 21A.06.1013, Ordinance 10870, Section 309, and K.C.C. 21A.06.1345, Ordinance 10870, Section 328, and K.C.C. 21A.08.010, Ordinance 10870, Section 330, as amended, and K.C.C. 21A.08.030, Ordinance 10870, Section 331, as amended, and K.C.C. 21A.08.040, Ordinance 10870, Section 332, as amended, and K.C.C. 21A.08.050, Ordinance 10870, Section 333, as amended, and K.C.C. 21A.08.060, Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070, Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080, Ordinance 10870, Section 336, as amended, and K.C.C. 21A.08.090, Ordinance 10870, Section 340, as amended, and K.C.C. 21A.12.030, Ordinance 10870, Section 378, as amended, and K.C.C. 21A.14.180, Ordinance 11621, Section 49, as amended, and K.C.C. 21A.14.185, Ordinance 10870, Section 380, as amended, and K.C.C. 21A.14.200, Ordinance 14045, Section 37, as amended, and K.C.C. 21A.14.360, Ordinance 14045, Section 38, as amended, and K.C.C. 21A.14.370, Ordinance 14045, Section 39, as amended, and K.C.C. 21A.14.380, Ordinance 17539, Section 44, as amended, and K.C.C. 21A.24.045, Ordinance 10870, Section 470, as amended, and K.C.C. 21A.24.230, Ordinance 10870, Section 471, as amended, and K.C.C. 21A.24.240, Ordinance 17485, Section 17, and K.C.C. 21A.24.274, Ordinance 14187, Section 1, as amended, and K.C.C. 21A.24.500, Ordinance 10870, Section 492, as amended, and K.C.C. 21A.26.030, Ordinance 10870, Section 503, as amended, and K.C.C. 21A.26.140, Ordinance 13129, Section 4, and K.C.C. 21A.27.030, Ordinance 13129, Section 9, as amended, and K.C.C. 21A.27.090, Ordinance 10870, Section 530, as amended, and K.C.C. 21A.30.020, Ordinance 13130, Section § 2, and K.C.C. 21A.32.025, Ordinance 13130, Section 12, and K.C.C. 21A.32.085, Ordinance 10870, Section 547, and K.C.C. 21A.32.100, Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120, Ordinance 17710, Section 13, and K.C.C. 21A.32.250, Ordinance 10870, Section 575, as amended, and K.C.C. 21A.38.020, Ordinance 10870, Section 577, as amended, and K.C.C. 21A.38.040, Ordinance 10870, Section 617, as amended, and K.C.C. 21A.42.090, Ordinance 13130, Section 11, as amended, and K.C.C. 21A.42.190 and Ordinance 11621, Section 118, and K.C.C. 21A.43.190, adding a new section to K.C.C. chapter 19A.04, adding new sections to K.C.C. chapters 21A.06, adding a new section to K.C.C. chapter 21A.08, adding a new section to K.C.C. chapter 21A.24 and repealing Ordinance 14807, Section 3, and K.C.C.21A.06.682.

Sponsors: Larry Phillips

Indexes: Permits, Zoning

Code sections: 20.20.030 -, 21A.06 -, 21A.06.015 - ., 21A.06.020 - ., 21A.06.025 - ., 21A.06.1013 - ., 21A.06.1345 - ., 21A.06.175 - ., 21A.06.475 -, 21A.06.660 - ., 21A.06.682 - ., 21A.06.800 - ., 21A.06.835 -, 21A.08 - ., 21A.08.010 - ., 21A.08.030 -, 21A.08.040 -, 21A.08.050 -, 21A.08.080 -, 21A.08.090 -, 21A.12.020.B.25 - ., 21A.14.025.B - ., 21A.14.180 -, 21A.14.185 -, 21A.14.200 -, 21A.14.360 -,

21A.14.370 -, 21A.14.380 -, 21A.24 -, 21A.24.045 -, 21A.24.230 -, 21A.24.274 - ., 21A.24.500 -, 21A.26.030 - ., 21A.26.140 - ., 21A.27.030 - ., 21A.27.090 - ., 21A.30.020 -, 21A.32.025 - ., 21A.32.085 - ., 21A.32.100 - ., 21A.32.120 -, 21A.38.020 - ., 21A.38.040 -, 21A.42.090 -, 21A.43.190 - .

Attachments: 1. Ordinance 17841.pdf, 2. 2013-0479 Legislative Review Form.pdf, 3. A. 2013 Zoning Code Update - Amendment Summary Table, 4. 2013-0479 Fiscal Note_2013 Zoning Code Update Fiscal Note .xls, 5. 2013-0479 Transmittal letter_2013 zoning code update_130823.doc, 6. 2013-0479 legislation review form memo 11-4-13.pdf, 7. 2013-0479 - Attachment 3 - Amend 1 (Vashon Towing).docx, 8. 2013-0479 Attachment 4 - Amend 2 (MJ fixes).docx, 9. 2013-0479 Attachment 5 - Proposed Ordinance Amend 3 (MJ fix reference).docx, 10. 2013-0479 Attachment 6 - Amend T1 (Vashon towing).docx, 11. 2013-0479 Attachment 6 - Amend T2 (MJ fixes).docx, 12. 2013-0479 Attachment 6 - Amend T3 (MJ fix reference).docx, 13. 2013-0479 Attachment 6 - Amend T4 (farm worker housing).docx, 14. 2013-0479 - Amend T5 (repealer).docx, 15. 2013-0479 Staff Repor -t Proposed Ordinance 2013-00479.docx, 16. 2013-0479 Staff Report .docx, 17. 2013-0479 S1.docx, 18. 2013-0479 Amend 1 (MJ cup threshold in A and I) McDermott-Upthegrove .docx, 19. 2013-0479 (DPER omnibus) council notice - Seattle Times.doc, 20. Affidavit of Publishing Seattle Times 4-16-14.pdf, 21. 2013-0479 Revised Staff Report.docx, 22. 17841 Amendment Package 6-23-14.pdf, 23. Affidavit of Publication on Adoption notice 7-23-14.pdf

Date	Ver.	Action By	Action	Result
6/23/2014	2	Metropolitan King County Council	Hearing Held	
6/23/2014	2	Metropolitan King County Council	Passed as Amended	Pass
5/19/2014	2	Metropolitan King County Council	Hearing Held	
5/19/2014	2	Metropolitan King County Council	Deferred	
4/1/2014	1	Transportation, Economy, and Environment Committee	Recommended Do Pass Substitute	Pass
2/18/2014	1	Transportation, Economy, and Environment Committee	Deferred	
1/27/2014	1	Metropolitan King County Council	Reintroduced	
1/21/2014	1	Transportation, Economy, and Environment Committee	Deferred	
12/2/2013	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE relating to permitting and zoning; amending Ordinance 13694, Section 10, as amended, and K.C.C. 19A.08.040, Ordinance 13694, Section 79, and K.C.C. 19A.28.010, Ordinance 13694, Section 80, as amended, and K.C.C. 19A.28.020, Ordinance 12196, Section 10, as amended, and K.C.C. 20.20.030, Ordinance 10870, Section 43, and K.C.C. 21A.06.015, Ordinance 10870, Section 44, as amended, and K.C.C. 21A.06.020, Ordinance 10870, Section 45, and K.C.C. 21A.06.025, Ordinance 10870, Section 75, and K.C.C. 21A.06.175, Ordinance 10870, Section 135, as amended, and K.C.C. 21A.06.475, Ordinance 10870, Section 137, as amended, and K.C.C. 21A.06.485, Ordinance

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10870, Section 172, and K.C.C. 21A.06.660, Ordinance 10870, Section 200, and K.C.C. 21A.06.800, Ordinance 10870, Section 207, as amended, and K.C.C. 21A.06.835, Ordinance 14045, Section 7, and K.C.C. 21A.06.1013, Ordinance 10870, Section 309, and K.C.C. 21A.06.1345, Ordinance 10870, Section 328, and K.C.C. 21A.08.010, Ordinance 10870, Section 330, as amended, and K.C.C. 21A.08.030, Ordinance 10870, Section 331, as amended, and K.C.C. 21A.08.040, Ordinance 10870, Section 332, as amended, and K.C.C. 21A.08.050, Ordinance 10870, Section 333, as amended, and K.C.C. 21A.08.060, Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070, Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080, Ordinance 10870, Section 336, as amended, and K.C.C. 21A.08.090, Ordinance 10870, Section 340, as amended, and K.C.C. 21A.12.030, Ordinance 10870, Section 378, as amended, and K.C.C. 21A.14.180, Ordinance 11621, Section 49, as amended, and K.C.C. 21A.14.185, Ordinance 10870, Section 380, as amended, and K.C.C. 21A.14.200, Ordinance 14045, Section 37, as amended, and K.C.C. 21A.14.360, Ordinance 14045, Section 38, as amended, and K.C.C. 21A.14.370, Ordinance 14045, Section 39, as amended, and K.C.C. 21A.14.380, Ordinance 17539, Section 44, as amended, and K.C.C. 21A.24.045, Ordinance 10870, Section 470, as amended, and K.C.C. 21A.24.230, Ordinance 10870, Section 471, as amended, and K.C.C. 21A.24.240,Ordinance 17485, Sect

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY

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

"Large lot segregation" means the division of land into lots or tracts each one of which is one-sixteenth of a section of land or larger, or forty acres or larger if the land is not capable of description as a fraction of a

section of land. However, for purposes of computing the size of a lot that borders on a street or road, the lot size shall be expanded to include that area that would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line. Also, within the resource zones, each lot or tract shall be of a size that meets the minimum lot size requirements of K.C.C. 21A.12.040.A. for the respective zone.

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Result in the creation of an additional lot or the creation of more than one additional building site;
2. Result in a lot that does not qualify as a building site pursuant to this title;
3. Relocate an entire lot from one parent parcel into another parent parcel;
4. Reduce the overall area in a plat or short plat devoted to open space;
5. Be inconsistent with any restrictions or conditions of approval for a recorded plat or short plat;

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

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

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

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

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

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

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

the development proposal. The department shall credit any fees charged for the presubmittal project review towards the permit application fees provided for in K.C.C. Title 27.

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

((~~2.~~)) B. ((~~Except as otherwise provided in this section, b~~))Before filing a permit application requiring a Type 2, 3 or 4 decision, the applicant shall contact the department to schedule a preapplication conference, which shall be held before filing the application. ((~~B.~~)) The purpose of the preapplication conference is to review and discuss the application requirements with the applicant and provide comments on the development proposal. The preapplication conference shall be scheduled by the department, at the request of an applicant, and shall be held ((~~in a timely manner,~~)) within approximately thirty days from the date of the applicant's request. The department shall assign a project manager following the preapplication conference. The director may waive the requirement for a preapplication conference if the director determines the preapplication conference is unnecessary for review of an application. Nothing in this section shall be interpreted to require more than one preapplication conference or to prohibit the applicant from filing an application if the department is unable to schedule a preapplication conference within thirty days following the applicant's request.

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

D. At or subsequent to a preapplication conference, the department may issue a preliminary determination that a proposed development is not permissible under applicable county policies or regulatory enactments. In that event, the applicant shall have the option to appeal the preliminary determination to the

hearing examiner in the manner provided for a Type 2 permit, as an alternative to proceeding with a complete application. Mailed and published notice of the appeal shall be provided for as in K.C.C. 20.20.060.H. and I.

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

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

A. Customarily associated with a principal use;

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

C. Subordinate and incidental to the principal use.

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

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

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

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

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

((~~4.~~)) D. Incidental storage of raw materials and finished products sold or manufactured on-site;

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

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

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

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

SECTION 8. Ordinance 10870, Section 44, as amended, and K.C.C. 21A.06.020 are each hereby amended to read as follows:

Accessory use, residential: ((~~A. A~~)) an accessory use((~~, structure, or activity which is subordinate and~~

~~incidental~~)) to a ((~~residence~~)) residential use, including, but not limited to ((~~the following uses~~)):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

as follows:

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

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

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

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

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

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

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

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

A. Floodplain;

B. Zero-rise flood fringe;

C. Zero-rise floodway;

D. FEMA floodway; and

E. Channel migration zones.

SECTION 13. Ordinance 10870, Section 137, as amended, and K.C.C. 21A.06.485 are each hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

Nonconformance: ((~~any~~)) a use, improvement or structure established in conformance with King County's rules and regulations and other applicable local and state rules and regulations in effect at the time ((~~of establishment~~)) the use, improvement or structure was established that no longer conforms to ((~~the range of uses permitted in the site's current zone or to the current development standards of the code~~)) King County's rules and regulations or other applicable local and state rules and regulations due to changes in the ((~~code~~))

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rules and regulations or ((~~its~~)) their application to the subject property.

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

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

A. Indoor facilities, such as:

1. Gymnasiums

2. Swimming pools; or

3. Activity centers;

B. Outdoor facilities, such as:

1. Playfields;

2. Fishing areas;

3. Picnic and related outdoor activity areas; or

4. Approved campgrounds;

C. Areas and trails for:

1. Hikers;

2. Equestrians;

3. Bicyclists; or

4. Off-road recreational vehicle users; and

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

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

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

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

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

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

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

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

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

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

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

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

((~~The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied, or maintained. The use is considered permanently established when that use will or has been in continuous operation for a period exceeding sixty days. A use which will operate for less than sixty days is considered a temporary use, and subject to the requirements of K.C.C. 21A.32 of this title.~~)) Uses

permitted under this chapter are subject to ((~~A~~))all applicable ((~~requirements of this code, or~~)) King County rules and regulations and other applicable local, state or federal ((~~requirements, shall govern a use located in unincorporated King County~~)) rules and regulations.

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

Any accessory use not expressly permitted by this chapter or by the director shall be prohibited. The director may determine whether any accessory use on a site is incidental or subordinate to a principal use on the same site and whether uses not listed as accessory uses are customarily associated with a principal use. The director shall consider the purpose of the zone in K.C.C. chapter 21A.04 in making these determinations.

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

A. Residential land uses.

KEY			**RESOUR**			**R U R A L**	**RESIDENTI L**			**COMMERCIAL/INDUSTR**					
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	M I N E R A L	R U R A L A R E A	* R E S U R B E A N	R E S E R V E	U R B A N	R E S I D E N T I A L	N E I G H B O R H O O D	B U S I N E S S	C O M M U N I T Y	B O U N E S S	R E G I O N A L	B U S I N E S S	O F F I C E	I N D U S T R I A L
SIC #	**SPECI FIC LAND USE**		**A**	**F**	**M**	**RA**	**UR**	**R 1-8**	**R12-48**		**NB**	**CB**	**RB**			**O**		**I**

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	DWELLING UNITS, TYPES:												
*	Single Detached	P ((~~C11~~)) C12	P2		P ((~~C11~~)) C12	P ((~~C11~~)) C12	P ((~~C11~~)) C12	P ((~~C11~~	P15				
*	Townhouse				C4	C4	((~~P 10 C 10~~)) P 11 C 12	P	P3	P3	P3	P3	
*	Apartment				C4	C4	P 5 C 5	P	P3	P3	P3	P3	
*	Mobile Home Park				((~~S 12~~)) S13		((~~C 7~~)) C 8	P					
*	Cottage Housing						((~~P 14~~)) P 15						
	GROUP RESIDENCES:												

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*	Community Residential Facility-I				C	C	((~~P 13.a~~)) P 14.a C	P	P3	P3	P3	P3	
*	Community Residential Facility-II						((~~P 13.b~~)) P 14.b	P	P3	P3	P3	P3	
*	Dormitory				((~~C5~~)) C6	((~~C5~~)) C6	((~~C 5~~)) C 6	P					
*	Senior Citizen Assisted Housing					P4	P 4	P	P3	P3	P3	P3	
	ACCESSORY USES:												
*	Residential Accessory Uses	((~~P6 P16~~)) P P17	((~~P6~~)) P		((~~P6~~)) P7	((~~P6~~)) P7	((~~P 6~~)) P 7	((~~P6~~)) P	((~~P6~~)) P	((~~P6~~)) P7	((~~P6~~)) P	((~~P6~~)) P7	

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*	Home Occupation	((~~P17~~)) P18	((~~P17~~)) P18		((~~P17~~)) P18	((~~P17~~)) P18	((~~P17~~)) P18	((~~P17~~))	((~~P17~~)) P18	((~~P17~~)) P18	((~~P17~~))	((~~P17~~)) P18	
*	Home Industry	C			C	C	C						
	TEMPORARY LODGING:												
7011	Hotel/ Motel (1)									P	P	P	
*	Bed and Breakfast Guesthouse	((~~P8~~)) P			((~~P8~~)) P9	((~~P8~~)) P9	((~~P8~~)) P9	((~~P8~~)) P	((~~P8~~))	((~~P9~~)) P10	((~~P9~~))		
7041	Organization Hotel/Lodging Houses										P		
GENERAL CROSS REFERE		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.(see K.C.C. chapters 21A.12 through 21A.30; General Provisions, through 21A.38; Application and Review Procedures, see K.C.C. 21A.44; (*)Definition of this specific land use, see K.C.C. chapter											

B. Development conditions.

1. Except bed and breakfast guesthouses.

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

a. Site disturbance associated with development of any new residence shall be limited to three acres.

Site disturbance shall mean all land alterations including, but not limited to, grading, utility installation,

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landscaping, clearing for crops, on-site sewage disposal systems and driveways. Additional site disturbance for agriculture, including raising livestock, up to the smaller of thirty-five percent of the lot or seven aces, may be approved only if a farm management (((~~conservation~~))) plan is prepared in accordance with K.C.C. chapter 21A.30. Animal densities shall be based on the area devoted to animal care and not the total area of the lot;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) except as otherwise provided in subsection ((~~B.6.a.(5)~~)) B.7.a.(5) of this section, a rural lot that is less than the minimum lot size; or

c. a lot containing more than one primary dwelling;

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

(4)(a) Except as otherwise provided in subsection ((~~B.6.a.(5)~~)) B.7.a.(5) of this section, one of the dwelling units shall not exceed one thousand square feet of heated floor area except when one of the dwelling units is wholly contained within a basement or attic; and

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

(5) On a site zoned RA:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

base density.

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

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

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

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

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

a. developments no larger than one acre;

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

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

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

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

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

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

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

((~~16.~~)) 17. Housing for agricultural employees who are employed by the owner or operator of the site

year-round as follows:

a. Not more than:

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

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

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

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

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

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

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

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

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

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

SECTION 25. Ordinance 10870, Section 331, as amended, and K.C.C. 21A.08.040 are each hereby

amended to read as follows:

A. Recreational/cultural land uses.

KEY		ZONE	RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL					
P-Permitted Use **C**-Conditional Use **S**-Special Use			AGRICULTURE	FOREST	MINERAL	RURAL AREA	URBAN RESERVE	URBAN RESIDENTIAL		NEIGHBORHOOD	COMMUNITY	BUSINESS	REGIONAL	BUSINESS	OFFICE	INDUSTRIAL
SIC#	**SPECIFIC LAND USE**		**A**	**F**	**M**	**RA**	**UR**	**R 1-8**	**R12-48**	**NB**	**CB**	**RB**			**O**	**I**
	PARK/RECREATION:															
*	Park		P1	P1	P1	P1	P1	P 1	P1	P	P	P			P	P13
	((~~Large Active Recreation and Multiuse Park~~			~~P1~~	~~P1~~	~~P1~~	~~P1~~	~~P 1~~	~~P1~~	~~P~~	~~P~~	~~P~~			~~P~~	~~P13~~
*	Trails		P	P	P	P	P	P	P	P	P	P			P	P
*	Campgrounds			P16 C16a	P16	P16 C16a	P16 C16a									P16 C16a
*	Destination Resorts			S		S18	C					C				
*	Marina			C 3		C4	C4	C 4	C4	P5	P	P			P	P
*	Recreational Vehicle Park			P19	P19	C2 and 18 P19	C2 P19									
*	Sports Club (17)					C4 and18	C4	C 4	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

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7833	Theater, Drive-in										C		
793	Bowling Center									P	P		P
*	Golf Facility				C7 and 18	P7	P 7	P7					
7999 (14)	Amusement and Recreation Services		P21	P21	P8 P21 C15 and 18	P8 P21 P22 C15	P 8 P 21 P 22 C 15	P8 P21 P22 C15	P21 P2	P	P	P2 1	P2 1
*	Indoor Paintball Range									P26	P26		P2 6
*	Outdoor Paintball Range				C27	C27							
*	Shooting Range		C9		C9 and18						C10		P1 0
*	Amusement Arcades									P	P		
7996	Amusement Park										C		
*	Outdoor Performance Center		S		C12 S18		P 20	P20			S		
	CULTURAL:												
823	Library				P11	P11 C	P1 1 C	P28	P	P	P	P	
841	Museum	C23	C23		P11	P11 C	P1 1 C	P28	P	P	P	P	P
842	Arboretum	P	P		P	P	P	P	P	P	P	P	
*	Conference Center				((~~P11~~)) P29 C12	((~~P11~~)) P29 C12	((~~P1 1~~)) P2 9 C	((~~P11~~ P29	P	P	P	P	
GENERAL CROSS REFERENCES:		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development St through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 throu											

B. Development conditions.

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

a. No stadiums on sites less than ten acres;

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

c. Structures or service yards shall maintain a minimum distance of fifty feet from property lines adjoining rural area and residential zones, except for fences((~~, wire~~)) and mesh backstops ((~~and structures in on-~~

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~~site recreation areas required in K.C.C. 21A.14.180 and 21A.14.190. Setback requirements for structures in these on-site required recreation areas shall be maintained in accordance with K.C.C. 21A.12.030~~));

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

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

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

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

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

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

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

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

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

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

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

5. Limited to day moorage.

6.a. Adult entertainment businesses shall be prohibited within three hundred thirty feet of any property zoned RA, UR or R or containing schools, licensed daycare centers, public parks or trails, community centers, public libraries or churches. In addition, adult entertainment businesses shall not be located closer than three

thousand feet to any other adult entertainment business. These distances shall be measured from the property line of the parcel or parcels proposed to contain the adult entertainment business to the property line of the parcels zoned RA, UR or R or that contain the uses identified in this subsection B.6.a.

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

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

8. Limited to golf driving ranges, only as:

a. accessory to golf courses; or

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

9.a. New structures and outdoor ranges shall maintain a minimum distance of fifty feet from property

lines adjoining rural area and residential zones, but existing facilities shall be exempt.

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

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

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

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

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

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

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

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

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

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

13. Subject to the following:

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

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

c. Any lights provided to illuminate any building or recreational area shall be so arranged as to

reflect the light away from any premises upon which a dwelling unit is located; and

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

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

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

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

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

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

16. Subject to the following conditions:

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

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

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

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

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

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

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

~~and~~)) or multiuse park.

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

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

b. rentals of sports and recreation equipment.

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

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

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

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

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

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

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

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

(a) For a camp established before August 11, 2005, with a conditional use permit and that is forty acres or larger, but less than one hundred and sixty acres, the number of overnight campers, not including camp

personnel, may be up to one hundred and fifty campers over the limit established by subsection B.24.c.(1)(b) of this section.

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

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

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

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

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

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

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

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

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

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

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

26.a. Only in an enclosed building; and

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

27. Minimum standards for outdoor paintball recreation fields:

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

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

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

d. A twenty-foot high nylon mesh screen shall be installed around all play areas and shall be removed at the end of each day when the play area is not being used. The department may allow for the height of the

screen to be lowered to no less than ten feet if it determines through the conditional use permit review that the lower screen in combination with other elements of the site design provides adequate protection from discharged paintballs;

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

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

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

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

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

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

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

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

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

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

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

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

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

A. General services land uses.

KEY **P**-Permitted Use **C**-Conditional Use **S**-Special Use		ZONE	**RESOURCE** AGRICULTURE	FOREST	MINERAL	**RURAL** RURAL AREA	URBAN	**RESIDENTIAL** RESERVE	URBAN	RESIDENTIAL	**COMMERCIAL/INDUSTRIAL** NEIGHBORHOOD	BUSINESS	COMMUNITY	BUSINESS	REGIONAL	BUSINESS	OFFICE	INDUSTRIAL
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			

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*	Cemetery, Columbarium or Mausoleum				P24 C 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 C and 31	P9 C10			P10	P10	P10		P
753	Automotive Repair (1)								P11	P	P		P
754	Automotive Service								P11	P	P		P
76	Miscellaneous Repair	P33			P32 P	P32	P32	P32	P32	P	P		P
866	Church, Synagogue, Temple				P12 C and 31	P12 C	P12 C	P12	P	P	P	P	
83	Social Services (2)				P12 P C31	P12 P13 C	P12 P13 C	P12 P13	P	P	P	P	
0752	Animal specialty services				C P35 P36	C			P	P	P	P	P
*	Stable	P14 C			P14 C	P14 C	P14 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 C13a C37	P12 C13 C37	P	P	P	P	P

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805	Nursing and Personal Care Facilities							C		P	P		
806	Hospital						C13a	C13		P	P	C	
807	Medical/Dental Lab									P	P	P	P
808-09	Miscellaneous Health									P	P	P	
	EDUCATION SERVICES:												
*	Elementary School				P39 P	P	P	P		P16 P40	P16 P40	P16 P40	
*	Middle/Junior High School				P40 C and 31	P	P	P		P16 C40	P16 C40	P16 C40	
*	Secondary or High School				C39 a 31 C41a 31	P26	P26	P26		P16 C15	P16 C15	P16	
*	Vocational School					P13a C	P13a C	P13a C			P15	P17	P
*	Specialized Instruction School		P18		P19 C and 31	P19 C20	P19 C20	P19 C20	P	P	P	P17	P38
*	School District Support Facility					P23 C	P23 C	P23	C15	P15	P15	P15	P15
GENERAL CROSS REFERENCES:		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Sta through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Appl K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific Land Use, see K.											

B. Development conditions.

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

2. Except SIC Industry Group Nos.:

   a. 835-Day Care Services, and

   b. Community residential facilities.

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

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a. 723-Beauty Shops;

b. 724-Barber Shops;

c. 725-Shoe Repair Shops and Shoeshine Parlors;

d. 7212-Garment Pressing and Agents for Laundries and Drycleaners; and

e. 217-Carpet and Upholstery Cleaning.

4. Only as accessory to a cemetery, and prohibited from the UR zone only if the property is located within a designated unincorporated Rural Town.

5. Structures shall maintain a minimum distance of one hundred feet from property lines adjoining rural area and residential zones.

6. Only as accessory to residential use, and:

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

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

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

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

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

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

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

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

9.((~~a.~~)) As a home occupation only, but the square footage limitations in K.C.C. chapter 21A.30 for

home occupations apply only to the office space for the veterinary clinic((~~, office space for the kennel or office space for the cattery~~)), and:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17. All instruction must be within an enclosed structure.

18. Limited to resource management education programs.

19. Only as accessory to residential use, and:

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

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

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

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

20. Subject to the following:

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

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

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

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

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

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

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

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

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

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

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

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

development condition B.20.c. of this section and this title.

21. Limited to:

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

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

(1) the site is five acres or greater;

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

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

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

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

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

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

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

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

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

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

26.a. New high schools permitted in the rural and the urban residential and urban reserve zones shall

be subject to the review process in K.C.C. 21A.42.140.

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

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

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

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

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

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

32. Limited to repair of sports and recreation equipment:

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

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

33. Accessory to agricultural or forestry uses provided:

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

b. the lot is at least five acres.

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

34. Subject to the following:

a. the lot is at least five acres;

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

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

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

35. Limited to animal rescue shelters and provided that:

a. the property shall be at least four acres;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. Government/business services land uses.

KEY		**RESOURCE**			**R U R A L**		**RESIDENTIAL**			**COMMERCIAL/INDUSTRI**				
P-Permitted Use		A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I

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C-Conditional Use
S-Special Use

ZONE	GRICULTURE	OREST	INERAL	URAL AREA	RBAN	ESERVE	RBAN	ESIDENTIAL	EIGHBORHOOD	USINESS	OMMUNITY	USINESS	EGIONAL	USINESS	FFICE	NDUSTRIAL
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 and33	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
*	Vactor Waste Receiving Facility	P	P	P	P18	P18	P18	P18	P31		P31		P31		P31	P
	BUSINESS SERVICES:															

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*	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 4222	Farm Product Warehousing, Refrigeration and Storage	P15 C36			P15 and 33 C36	P15, C36							P
*	Log Storage	P15	P		P26 and 33								P
47	Transportation Service												P
473	Freight and Cargo Service										P	P	P
472	Passenger Transportation Service									P	P	P	
48	Communication Offices										P	P	P
482	Telegraph and other Communications									P	P	P	P
*	General Business Service								P	P	P	P	P16
*	Professional Office								P	P	P	P	P16
7312	Outdoor Advertising Service										P	P17	P
735	Miscellaneous Equipment Rental									P17	P	P17	P

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751	Automotive Rental and Leasing									P	P		P
752	Automotive Parking								P20a	P20b	P21	P20a	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 CROSS REFER	Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see 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. Except self-service storage.

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

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

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

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

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

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

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

c. No outdoor storage; and

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

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

a. holding cells;

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

c. long-term storage of stolen properties.

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

9. No outdoor storage of materials.

10. Limited to office uses.

11. Limited to self-service household moving truck or trailer rental accessory to a gasoline service station.

12. Limited to self-service household moving truck or trailer rental accessory to a gasoline service

station and SIC Industry No. 4215-Courier Services, except by air.

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

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

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

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

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

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

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

f. No residential occupancy of the storage units;

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

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

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

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

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

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

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

17. No outdoor storage.

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

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

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

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

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

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

(3) limited to no more than ten vehicles.

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

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

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

24. Allowed as accessory to an allowed use.

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

26. Limited to two acres or less.

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

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

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

gas storage tanks.

29. Excluding bulk gas storage tanks.

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

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

32. Provided:

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

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

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

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

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

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

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

36. Accessory to agricultural uses provided:

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

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

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

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

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

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

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

A. Retail land uses.

KEY		**RESO**			**R U R A L**	**RES**		**COMM**			
P-Permitted Use		A	F	M	R	R	UR	R	E	E	C I

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C-Conditional Use
S-Special Use

ZONE: AGRICULTURE | FOREST | MINERAL | RURAL AREA | RESIDENTIAL | COMMERCIAL/INDUSTRIAL

SIC#	SPECIFIC LAND USE	A	F	M	RA	U		F	N	C	R	C	I
*	Building Materials and Hardware Stores		P2						P	P	P		
*	Retail Nursery, Garden Center and Farm Supply Stores	P1			P1 C1				P	P	P		
*	Forest Products Sales	P3 4	P4		P3 and 4						P		
*	Department and Variety Stores						C	P	P	P	P		
54	Food Stores						C	P	P	P	P	C	P
*	Agricultural Product Sales	P7	P4		P7 C7	P	P	P	P	P	P	P	P
*	Farmers Market	P2	P2		P24	P	P	P	P	P	P	P	P
*	Motor Vehicle and Boat Dealers										P		P
553	Auto Supply Stores									P	P		P
554	Gasoline Service Stations								P	P	P		P
56	Apparel and Accessory Stores									P	P		
*	Furniture and Home Furnishings Stores									P	P		

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58	Eating and Drinking Places				P21 C19		P	P	P	P	P	P	P
*	Drug Stores						C	P	P	P	P	P	C
*	Recreational marijuana retailer									P	P		
592	Liquor Stores	P1			P13	P			P	P	P		
593	Used Goods: Antiques/ Secondhand Shops									P	P		
*	Sporting Goods and Related Stores			P2	P22	P	P	P	P	P	P	P	P
*	Book, Stationery, Video and Art Supply Stores						C	P	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									C	P		P
*	Florist Shops						C	P	P	P	P	P	P
*	Personal Medical Supply Stores									P	P		
*	Pet Shops								P	P	P		
*	Bulk Retail									P	P		
*	Auction Houses										P		P
*	Livestock Sales	P	P1		P17	P	P						P
GENERAL CROSS R	Land Use Table Instructions through 21A.30; General Pr K.C.C. chapters 21A.40 thr												

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B. Development conditions.

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

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

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

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

2. Only hardware stores.

3.a. Limited to products grown on site.

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

4. No permanent structures or signs.

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

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

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

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

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

d. Sixty percent or more of the gross sales of agricultural products sold through the store shall be

derived from products grown or produced in the Puget Sound counties. At the time of the initial application, the applicant shall submit a reasonable projection of the source of product sales;

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

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

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

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

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

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

11. No outside storage of fuel trucks and equipment.

12. Excluding vehicle and livestock auctions.

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

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

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

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

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

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

in subsection B.20. of this section; and

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

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

18. Limited to the R-1 zone.

19. Only as:

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

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

20. Only as:

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

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

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

22. Only as an accessory use to:

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

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

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

a. limited to lumber milled on site; and

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

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

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

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

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

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

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

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

SECTION 29. Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080 are each hereby amended to read as follows:

A. Manufacturing land uses.

KEY			**RESOURCE**			**RURAL**	**RESIDENTIAL**			**COMMERCIAL/INDUSTRIAL**					
P-Permitted Use **C**-Conditional Use **S**-Special Use		ZONE	AGRICULTURE	FOREST	MINERAL	RURAL AREA	URBAN RESERVE	URBAN	RESIDENTIAL	NEIGHBORHOOD BUSINESS	COMMUNITY BUSINESS	REGIONAL BUSINESS	OFFICE	INDUSTRIAL
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

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*/2082 /2085	Winery/Brewery /Distillery	P3 C12			P3 C12	P3			P((~~18~~))17	P((~~18~~)) 17	P		P
*	Materials Processing Facility	((~~P13~~))	P(~~14~~))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~~))24	P((~~24~~)) 23 C((~~25~~))24		P25 C26
28	Chemicals and Allied Products												C
2911	Petroleum Refining and Related Industries												C
30	Rubber and Misc. Plastics Products												C
31	Leather and Leather Goods										C		P

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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

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*	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 REFER	Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Sta see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21 through 21A.38 Application and Review Procedures, see K.C.C. chapters 21A.40 throug 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06												

B. Development conditions.

1.a. Excluding wineries and SIC Industry No. 2082-Malt Beverages;

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

c. In the RA and UR zones, only allowed on lots of at least four and one-half acres and only when accessory to an agricultural use;

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

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

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

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

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

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

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

2. Except slaughterhouses.

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

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

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

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

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

f. Sixty percent or more of the products processed must be grown in the Puget Sound counties. At

the time of the initial application, the applicant shall submit a projection of the source of products to be produced; and

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

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

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

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

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

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

9. Only within enclosed buildings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~14.~~))Only on the same lot or same group of lots under common ownership or documented legal

control, which includes, but is not limited to, fee simple ownership, a long-term lease or an easement:

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

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

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

a. as accessory to a primary mineral use; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b. SIC Industry No. 2411-Logging.

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

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

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

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

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

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

c. If the two thousand square foot per parcel threshold is exceeded, each and every marijuana-related

entity occupying space in addition to the two thousand square foot threshold area on that parcel shall obtain a conditional use permit as set forth in subsection B.23. of this section.

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

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

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

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

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

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

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

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

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

SECTION 30. Ordinance 10870, Section 336, as amended, and K.C.C. 21A.08.090 are each hereby

amended to read as follows:

A. Resource land uses.

KEY		RESO			RURAL	RESI			COM			
P-Permitted Use **C**-Conditional Use **S**-Special Use	ZONE	AGRICULTURE	FOREST	MINERAL	RURAL AREA	URE ESÆNRVE	URE ESÆNDENTIAL	NEIGHBORS HOOD	CUSTOMERS	CUSTOMERS	CUSTOMERS	
SIC#	**SPECIFIC LAND USE**	**A**	**F**	**M**	**RA**	**U**	**R1**	**R48**	**N**	**C**	**R**	**C**	**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((						P
*	Recreational marijuana producer	P1 C2			P16 C17					P C	P		P20 C21
*	Agriculture Training Facility	C											
*	Agriculture-related special needs camp	P1											
*	Agricultural Anaerobic Digester	P1											
	FORESTRY:												
08	Growing & Harvesting Forest Production	P	P	P7	P	P	P						P
*	Forest Research		P		P	P						P	P

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	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	P									
2951, 3271	Asphalt/Concrete Mixtures and Block		P8 C	P8 C									P
	ACCESSORY USES:												
*	Resource Accessory Uses	P3 P2	P4	P3	P3	P							P4
*	Temporary Farm Worker Housing	P1	P1		P14								
GENERAL CROSS REFE	Land Use Table Instructions Provisions, see K.C.C. chap specific land use, see K.C.C												

B. Development conditions.

1. May be further subject to K.C.C. ((~~Title 25, Shoreline Management~~)) chapter 21A.25.

2. Only forest research conducted within an enclosed building.

3. Accessory dwelling units in accordance with K.C.C. 21A.08.030.

4. Excluding housing for agricultural workers.

5. Limited to either maintenance or storage facilities, or both, in conjunction with mineral extraction or processing operation.

6. ((~~Large livestock a~~))Allowed in accordance with K.C.C. chapter 21A.30.

7. Only in conjunction with a mineral extraction site plan approved in accordance with K.C.C. chapter 21A.22.

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

a. as accessory to a primary mineral extraction use;

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

c. for a public works project under a temporary grading permit issued in accordance with K.C.C. 16.82.152.

9. Limited to mineral extraction and processing:

a. on a lot or group of lots under common ownership or documented legal control, which includes but is not limited to, fee simple ownership, a long-term lease or an easement;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) passive recreation;

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

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

(4) agriculture education for youth.

b. Outside the camp center, as provided for in subsection B.12.e. of this section, camp activities shall not preclude the use of the site for agriculture and agricultural related activities, such as the processing of local

food to create value-added products and the refrigeration and storage of local agricultural products. The camp shall be managed to coexist with agriculture and agricultural activities both onsite and in the surrounding area.

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

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

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

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

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

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

h. Camp facilities may be used to provide agricultural educational services to the surrounding rural

and agricultural community or for community events. If required by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for community events;

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

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

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

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

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

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

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

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

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

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

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

t. Camp recreational activities shall not involve the use of motor vehicles unless the motor vehicles

are part of an agricultural activity or are being used for the transportation of campers, camp personnel or the families of campers. Camp personnel may use motor vehicles for the operation and maintenance of the facility. Client-specific motorized personal mobility devices are allowed; and

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

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

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

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

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

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

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

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

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

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

d. The property owner shall file with the department of executive services, records and licensing services division, a notice approved by the department identifying the temporary farm worker housing as

accessory and that the housing shall only be occupied by agricultural employees and their families while employed by the owner or operator. The notice shall run with the land.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20.a. Production is limited to indoor only;

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

21.a. Production is limited to indoor only;

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

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

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

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

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

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

a. agricultural is the primary use of the site;

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

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

SECTION 31. Ordinance 10870, Section 340, as amended, and K.C.C. 21A.12.030 are each hereby amended to read as follows:

A. Densities and dimensions - residential and rural zones.

	RURAL				RESIDENTIAL								
	ZONES	RURAL AREA				URBAN RESERV	RESIDENTIAL						
STANDARDS		RA-2.5	RA-5	RA-10	RA-20	UR	R-1 (17)	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density: Dwelling Unit/Ac (15) (28)		0.2 du/ac	0.2 du/ac	0.1 du/ac	0.05 du/ac	0.2 du/ac (21)	1 du/a	4 du/a (6)	6 du/ac	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac
Maximum Density: Dwelling Unit/Acre (1)		0.4 du/ac (20)						6 du/a (22) 8 du/ac (27)	9 du/ac 12 du/ac (27)	12 du/ac 16 du/ac (27)	18 du/ac 24 du/ac (27)	27 du/ac 36 du/ac (27)	36 du/ac 48 du/ac (27)	72 du/ac 96 du/ac (27)
Minimum Density: (2)								85% (12) (18) (23)	85% (12) (18)	85% (12) (18)	80% (18)	75% (18)	70% (18)	65% (18)
Minimum Lot Area (13)		1.875 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 (	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 (	20 ft (	10 ft (	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10ft (8)	10 ft (8)

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Minimum Interior Setback (3)	**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 45 ft (14) (25)**	**35 ft 45 ft (14) (25)**	**60 ft**	**60 ft 80 ft (14)**	**60 ft 80 ft (14)**	**60 ft 80 ft (14)**
Maximum Impervious Surface Percentage (5)	**25% (11) (19) (26)**	**20% (11) (19) (26)**	**15% (11) (19) (24) (26)**	**12.5% (11) (1 (26)**	**30% (11) (2**	**30% (11) (26)**	**55% (26)**	**70% (26)**	**75% (26)**	**85% (26)**	**85% (26)**	**85% (26)**	**90% (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 ((~~large active~~)) recreation ((~~and~~)) or multiuse parks, where the maximum height shall not exceed one hundred twenty-five feet, unless a golf ball trajectory study requires a higher fence.

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

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

b. Nonresidential uses in rural area and residential zones shall comply with K.C.C. 21A.12.120 and 21A.12.220;

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

feet in area shall be subject to the applicable provisions of the nearest comparable R-6 or R-8 zone; and

d. A lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.

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

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

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

9.a. Residences shall have a setback of at least one hundred feet from any property line adjoining A, M or F zones or existing extractive operations. However, residences on lots less than one hundred fifty feet in width adjoining A, M or F zones or existing extractive operations shall have a setback from the rear property line equal to fifty percent of the lot width and a setback from the side property equal to twenty-five 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. 21A.32.170A.2.

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

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

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

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

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

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

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

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

(1) a floodplain;

(2) a critical aquifer recharge area;

(3) a regionally or locally significant resource area;

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

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

(6) a steep slope; or

(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.

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

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

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

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

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

25. For cottage housing developments only:

a. The base height is eighteen feet.

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

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

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

28. On a site zoned RA with a building listed on the national register of historic places, additional

dwelling units in excess of the maximum density may be allowed under K.C.C. 21A.12.042.

SECTION 32. Ordinance 10870, Section 378, as amended, and K.C.C. 21A.14.180 are each hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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2. Be on the site of the proposed development;

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

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

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

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

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

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

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

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

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

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

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

a. playground equipment;

b. sport court;

c. sport field;

d. tennis court; or

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

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

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

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

b. Fractions below 0.50 shall be rounded down.

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

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

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

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

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

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

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

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

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

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

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

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

A. The creation of on-site recreation space shall be the preferred method of providing new development with opportunities for leisure, play and sports activities. Applicants shall to the best of their ability endeavor to

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

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

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

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

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

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

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

a. shoreline access;

b. regional trail linkages;

c. habitat linkages;

d. recreation facilities; or

e. heritage sites; and

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

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

SECTION 35. Ordinance 14045, Section 37, as amended, and K.C.C. 21A.14.360 are each hereby amended to read as follows:

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

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

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

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

The ((~~county shall~~)) department of natural resources and parks may accept a ((~~voluntary~~)) grant of

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easement for the preservation or relocation of a rural equestrian community trail ((~~in the RA, A or F zone whenever~~)) as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Critical aquifer recharge area;

2. Coal mine hazard area;

3. Erosion hazard area;

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

5. Landslide hazard area under forty percent slope;

6. Seismic hazard area; and

7. Volcanic hazard areas.

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

1. Severe channel migration hazard area;

2. Landslide hazard area over forty percent slope;

3. Steep slope hazard area;

4. Wetland;

5. Aquatic area;

6. Wildlife habitat conservation area; and

7. Wildlife habitat network.

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

KEY	LA OV ND ER SLI40% DE AN HA D B ZA UFF RD ER	ST A EE ND PS BU LO FF PE ER HA ZA RD	WE BU TLAFFE ND R AND	A BU C QUFFEH ATRAA N IC ND NE ARSE L EAVE MI ANRE GRA D TI O N	WILAN DLI D N FE AET REAWO RK
Letter "A" in a cell means alteration is allowed					
A number in a cell means the corresponding numbered condition in subsection D. of this section applies					
"Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network					
ACTIVITY					
Structures					
Construction of new single detach			A 1	A 2	
Construction of a new tree-suppor			A 64	A 64	A 64
Construction of nonresidential stru			A 3	A 3	A 3, 4
Maintenance or repair of existing s	A 5	A	A	A	A 4
Expansion or replacement of exist	A 5, 7	A 5, 7	A 7, 8	A 6, 7, 8	A 4, 7

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Interior remodeling	A	A	A	A	A
Construction of new dock or pier			A 9	A 9, 10, 11	
Maintenance, repair or replacemer			A 12	A 10, 11	A 4
Grading					
Grading		A 13		A 14	A 4, 14
Construction of new slope stabiliz	A 15	A 15	A 15	A 15	A 4, 15
Maintenance of existing slope stab	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 saf	A 22	A 22	A 22	A 22	A 4, 22
Removal of noxious weeds or inva	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 ri structure on unimproved right-of-v			A 26	A 26	
Construction of new road in a plat			A 26	A 26	
Maintenance of public road right-c	A 16	A 16	A 16	A 16	A 16, 27
Expansion beyond public road rigl	A	A	A 26	A 26	
Repair, replacement or modificatic roadway	A 16	A 16	A 16	A 16	A 16, 27
Construction of driveway or privat	A 28	A 28	A 28	A 28	A 28
Construction of farm field access c	A 29	A 29	A 29	A 29	A 29
Maintenance of driveway, private field access drive or parking lot	A	A	A 17	A 17	A 17, 27
Construction of a bridge or culvert driveway or private access road	A 39	A 39	A 39	A 39	A 39
Bridges or culverts					
Maintenance or repair of bridge or	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	A16, 39	A 4, 16, 39
Replacement of bridge or culvert	A 16	A 16	A 16	A 16, 30	A 16, 27

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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 corrido	A 32, 33	A 32, 33	A 32, 34	A 32, 34	A 27, 32, 35
Construction or maintenance of a l generating facility	A 67	A 67	A 66	A 66	A 4, 66
Construction of a new residential u distribution line	A 32, 33	A 32, 33	A 32, 60	A 32, 60	A 27, 32, 60
Maintenance, repair or replacemer 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 sew system or well	A 24	A 24	A 63	A 63	
Maintenance or repair of existing v	A 37	A 37	A 37	A 37	A 4, 37
Maintenance or repair of on-site se system	A	A	A	A 37	A 4
Construction of new surface water system	A 32, 33	A 32, 33	A 32, 38	A 32, 38	A 4
Construction, maintenance or repa exchanger			A 68	A 68	
Maintenance, repair or replacemer surface water conveyance system	A 33	A 33	A 16, 32, 38	A 16, 40, 41	A 4, 37
Construction of new surface water surface water quality treatment fac			A 32	A 32	A 4, 32
Maintenance or repair of existing s control or surface water quality tre	A 16	A 16	A 16	A 16	A 4
Construction of new flood protecti			A 42	A 42	A 27, 42
Maintenance, repair or replacemer protection facility	A 33, 43	A 33, 43	A 43	A 43	A 27, 43
Flood risk reduction gravel remov	A 61	A 61	A 61	A 61	A 61
Construction of new instream stru work	A 16	A 16	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing i	A 16	A	A	A	A 4
Recreation					
Construction of new trail	A 46	A 46	A 47	A 47	A 4, 47
Maintenance of outdoor public par publicly improved recreation area	A 48	A 48	A 48	A 48	A 4, 48
Habitat, education and science p					

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Habitat restoration or enhancemen	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 are	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 tilli planting, seeding, harvesting, prep 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 farm			A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of liv storage facility			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction of a livestock heavy			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction or maintenance of a			A 56	A 56	
Construction of agricultural draina			A 57	A 57	A 4, 57
Maintenance or replacement of ag	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 water			A 69	A 69	
Construction or maintenance of fa or livestock watering pond	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Other					
Shoreline water dependent or shor oriented use				A 65	
Excavation of cemetery graves in approved cemetery	A	A	A	A	A
Maintenance of cemetery graves	A	A	A	A	A
Maintenance of lawn, landscaping 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

D. The following alteration conditions apply:

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

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

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

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

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

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

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

f. the alteration is no closer than:

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

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

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

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

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

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

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

c. the structure is either:

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

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

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

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

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

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

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

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

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

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

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

5. Allowed for structures when:

a. the landslide hazard poses little or no risk of injury;

b. the risk of landsliding is low; and

c. there is not an expansion of the structure.

6. Within a severe channel migration hazard area allowed for:

a. existing legally established primary structures if:

(1) there is not an increase of the footprint of any existing structure; and

(2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270; and

b. existing legally established accessory structures if:

(1) additions to the footprint will not make the total footprint of all existing structures more than one-thousand square feet; and

(2) there is not an expansion of the footprint towards any source of channel migration hazard, unless the applicant demonstrates that the location is less subject to risk and has less impact on the critical area.

7. Allowed only in grazed wet meadows or the buffer or building setback outside a severe channel migration hazard area if:

a. the expansion or replacement does not increase the footprint of a nonresidential structure;

b.(1) for a legally established dwelling unit, the expansion or replacement, including any expansion of a legally established accessory structure allowed under this subsection B.7.b., does not increase the footprint of the dwelling unit and all other structures by more than one thousand square feet, not including any expansion of a drainfield made necessary by the expansion of the dwelling unit. To the maximum extent practical, the replacement or expansion of a drainfield in the buffer should be located within areas of existing lawn or landscaping, unless another location will have a lesser impact on the critical area and its buffer;

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

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

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

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

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

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

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

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

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

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

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

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

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

lake shoreline or its buffer where:

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

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

c. hazardous substances or toxic materials are not used; and

d. if located in a freshwater lake, the pier or dock conforms to the standards for docks under K.C.C. 21A.25.180.

10. Allowed on type N or O aquatic areas if hazardous substances or toxic materials are not used.

11. Allowed on type S or F aquatic areas outside of the severe channel migration hazard area if in compliance with K.C.C. 21A.25.180.

12. When located on a lake, must be in compliance with K.C.C. 21A.25.180.

13. Limited to regrading and stabilizing of a slope formed as a result of a legal grading activity.

14. The following are allowed in the severe channel migration hazard area if conducted more than one hundred sixty-five feet from the ordinary high water mark in the rural area and one-hundred fifteen feet from the ordinary high water mark in the urban area:

a. grading of up to fifty cubic yards on lot less than five acres; and

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

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

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

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

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

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

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

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

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

19. The limited trimming, pruning or removal of vegetation under a vegetation management plan approved by the department:

a. in steep slope and landslide hazard areas, for the making and maintenance of view corridors; and

b. in all critical areas for habitat enhancement, invasive species control or forest management activities.

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

21. Cutting of firewood is subject to the following:

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

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

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

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

23. Allowed as follows:

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

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

(1) removal is undertaken with hand labor, including hand-held mechanical tools, unless the King County noxious weed control board otherwise prescribes the use of riding mowers, light mechanical cultivating equipment or herbicides or biological control methods;

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

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

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

24. Allowed to repair or replace existing on site wastewater disposal systems in accordance with the applicable public health standards within Marine Recovery Areas adopted by the Seattle King County board of health and:

a. there is no alternative location available with less impact on the critical area;

b. impacts to the critical area are minimized to the maximum extent practicable;

c. the alterations will not subject the critical area to increased risk of landslide or erosion;

d. vegetation removal is the minimum necessary to accommodate the septic system; and

e. significant risk of personal injury is eliminated or minimized in the landslide hazard area.

25. Only if in compliance with published Washington state Department of Fish and Wildlife and Washington state Department of Natural Resources Management standards for the species. If there are no published Washington state standards, only if in compliance with management standards determined by the

county to be consistent with best available science.

26. Allowed only if:

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

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

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

d. the construction occurs during approved periods for instream work;

e. the corridor will not change or diminish the overall aquatic area flow peaks, duration or volume or the flood storage capacity; and

f. no new public right-of-way is established within a severe channel migration hazard area.

27. To the maximum extent practical, during breeding season established under K.C.C. 21A.24.382, land clearing machinery such as bulldozers, graders or other heavy equipment are not operated within a wildlife habitat conservation area.

28. Allowed only if:

a. an alternative access is not available;

b. impact to the critical area is minimized to the maximum extent practical including the use of walls to limit the amount of cut and fill necessary;

c. the risk associated with landslide and erosion is minimized;

d. access is located where it is least subject to risk from channel migration; and

e. construction occurs during approved periods for instream work.

29. Only if in compliance with a farm management plan in accordance with K.C.C. 21A.24.051.

30. Allowed only if:

a. the new construction or replacement is made fish passable in accordance with the most recent

Washington state Department of Fish and Wildlife manuals or with the National Marine and Fisheries Services guidelines for federally listed salmonid species; and

b. the site is restored with appropriate native vegetation.

31. Allowed if necessary to bring the bridge or culvert up to current standards and if:

a. there is not another feasible alternative available with less impact on the aquatic area and its buffer; and

b. to the maximum extent practical, the bridge or culvert is located to minimize impacts to the aquatic area and its buffer's.

32. Allowed in an existing roadway if conducted consistent with the regional road maintenance guidelines.

33. Allowed outside the roadway if:

a. the alterations will not subject the critical area to an increased risk of landslide or erosion;

b. vegetation removal is the minimum necessary to locate the utility or construct the corridor; and

c. significant risk of personal injury is eliminated or minimized in the landslide hazard area.

34. Limited to the pipelines, cables, wires and support structures of utility facilities within utility corridors if:

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

b. new utility corridors meet the all of the following to the maximum extent practical:

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

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

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

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

(1) the width is the minimized;

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

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

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

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

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

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

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

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

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

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

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

k. open trenching is only used during low flow periods or only within aquatic areas when they are dry. The department may approve open trenching of type S or F aquatic areas only if there is not a feasible

alternative and equivalent or greater environmental protection can be achieved; and

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

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

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

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

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

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

38. Allowed if:

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

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

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

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

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

39. Allowed only if:

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

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

c. the bridge or culvert is not located over habitat used for salmonid rearing or spawning unless there

is no other feasible crossing site;

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

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

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

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

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

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

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

a. necessary to avoid erosion of slopes; and

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

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

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

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

c. to prevent bank erosion for the protection of:

(1) public roadways;

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

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

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

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

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

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

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

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

(d) nonstructural measures are not feasible.

43. Applies to lawfully established existing structures if:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) limited to fifty square feet in size;

(4) constructed of materials that are nontoxic; and

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

48. Only if the maintenance:

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

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

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

49. Limited to alterations to restore habitat forming processes or directly restore habitat function and

value, including access for construction, as follows:

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

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

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

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

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

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

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

b. survey monument placement;

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

53. Limited to activities in continuous existence since January 1, 2005, with no expansion within the critical area or critical area buffer. "Continuous existence" includes cyclical operations and managed periods of soil restoration, enhancement or other fallow states associated with these horticultural and agricultural activities.

54. Allowed for expansion of existing or new agricultural activities where:

a. the site is predominantly involved in the practice of agriculture;

b. there is no expansion into an area that:

(1) has been cleared under a class I, II, III, IV-S or nonconversion IV-G forest practice permit; or

(2) is more than ten thousand square feet with tree cover at a uniform density more than ninety trees per acre and with the predominant mainstream diameter of the trees at least four inches diameter at breast height, not including areas that are actively managed as agricultural crops for pulpwood, Christmas trees or ornamental nursery stock;

c. the activities are in compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051; and

d. all best management practices associated with the activities specified in the farm management plan are installed and maintained.

55. Only allowed in grazed or tilled wet meadows or their buffers if:

a. the facilities are designed to the standards of an approved farm management plan in accordance K.C.C. 21A.24.051 or an approved livestock management plan in accordance with K.C.C. chapter 21A.30;

b. there is not a feasible alternative location available on the site; and

c. the facilities are located close to the outside edge of the buffer to the maximum extent practical.

56. Only allowed in a severe channel migration hazard area <u>located outside of the shorelines jurisdiction area</u>, grazed or tilled wet meadow or wet meadow buffer or aquatic area buffer and only if:

((~~a. located outside the shoreline jurisdiction;~~))

((~~b.~~)) <u>a.</u> the applicant demonstrates that adverse impacts to the critical area and critical area buffers have been minimized;

((~~c.~~)) <u>b.</u> there is not another feasible location available on the site that is located outside of the critical area or critical area buffer; and

((~~d.~~)) <u>c.</u> for proposals located in the severe channel migration hazard area, the farm pad or livestock manure storage facility is located where it is least subject to risk from channel migration.

57. Allowed for new agricultural drainage in compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051 and all best management practices associated with the activities specified in the farm management plan are installed and maintained.

58. If the agricultural drainage is used by salmonids, maintenance shall be in compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051.

59. Allowed within existing landscaped areas or other previously disturbed areas.

60. Allowed for residential utility service distribution lines to residential dwellings, including, but not limited to, well water conveyance, septic system conveyance, water service, sewer service, natural gas, electrical, cable and telephone, if:

a. there is no alternative location with less adverse impact on the critical area or the critical area buffer;

b. the residential utility service distribution lines meet the all of the following, to the maximum extent practical:

(1) are not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible crossing site;

(2) not located over a type S aquatic area;

(3) paralleling the channel or following a down-valley route near the channel is avoided;

(4) the width of clearing is minimized;

(5) the removal of trees greater than twelve inches diameter at breast height is minimized;

(6) an additional, contiguous and undisturbed critical area buffer, equal in area to the disturbed critical area buffer area is provided to protect the critical area;

(7) access for maintenance is at limited access points into the critical area buffer.

(8) the construction occurs during approved periods for instream work;

(9) bored, drilled or other trenchless crossing is encouraged, and shall be laterally constructed at least four feet below the maximum depth of scour for the base flood; and

(10) open trenching across Type O or Type N aquatic areas is only used during low flow periods or only within aquatic areas when they are dry.

61. Allowed if sponsored or cosponsored by the countywide flood control zone district and the department determines that the project and its location:

a. is the best flood risk reduction alternative practicable;

b. is part of a comprehensive, long-term flood management strategy;

c. is consistent with the King County Flood Hazard Management Plan policies;

d. will have the least adverse impact on the ecological functions of the critical area or its buffer, including habitat for fish and wildlife that are identified for protection in the King County Comprehensive Plan; and

e. has been subject to public notice in accordance with K.C.C. 20.44.060.

62.a. Not allowed in wildlife habitat conservation areas;

b. Only allowed if:

(1) the project is sponsored or cosponsored by a public agency whose primary function deals with natural resources management;

(2) the project is located on public land or on land that is owned by a nonprofit agency whose primary function deals with natural resources management;

(3) there is not a feasible alternative location available on the site with less impact to the critical area or its associated buffer;

(4) the aquatic area or wetland is not for salmonid rearing or spawning;

(5) the project minimizes the footprint of structures and the number of access points to any critical areas; and

(6) the project meets the following design criteria:

(a) to the maximum extent practical size of platform shall not exceed one hundred square feet;

(b) all construction materials for any structures, including the platform, pilings, exterior and interior walls and roof, are constructed of nontoxic material, such as nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood, fiberglass or cured concrete that the department determines will not have an adverse impact on water quality;

(c) the exterior of any structures are sufficiently camouflaged using netting or equivalent to avoid any visual deterrent for wildlife species to the maximum extent practical. The camouflage shall be maintained to retain concealment effectiveness;

(d) structures shall be located outside of the wetland or aquatic area landward of the Ordinary High Water Mark or open water component (if applicable) to the maximum extent practical on the site;

(e) construction occurs during approved periods for work inside the Ordinary High Water Mark;

(f) construction associated with bird blinds shall not occur from March 1 through August 31, in order to avoid disturbance to birds during the breeding, nesting and rearing seasons;

(g) to the maximum extent practical, provide accessibility for persons with physical disabilities in accordance with the International Building Code;

(h) trail access is designed in accordance with public rules adopted by the department;

(i) existing native vegetation within the critical area will remain undisturbed except as necessary to accommodate the proposal. Only minimal hand clearing of vegetation is allowed; and

(j) disturbed bare ground areas around the structure must be replanted with native vegetation approved by the department.

63. Not allowed in the severe channel migration zone, there is no alternative location with less adverse impact on the critical area and buffer and clearing is minimized to the maximum extent practical.

64. Only structures wholly or partially supported by a tree and used as accessory living quarters or for

play and similar uses described in K.C.C. 16.02.240.1, subject to the following:

a. not allowed in wildlife habitat conservation areas or severe channel migration hazard areas;

b. the structure's floor area shall not exceed two hundred square feet, excluding a narrow access stairway or landing leading to the structure;

c. the structure shall be located as far from the critical area as practical, but in no case closer than seventy-five feet from the critical area;

d. only one tree-supported structure within a critical area buffer is allowed on a lot;

e. all construction materials for the structure, including the platform, pilings, exterior and interior walls and roof, shall be constructed of nontoxic material, such as nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood, fiberglass or cured concrete that the department determines will not have an adverse impact on water quality;

f. to the maximum extent practical, the exterior of the structure shall be camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife and visibility from the critical area. The camouflage shall be maintained to retain concealment effectiveness;

g. the structure must not adversely impact the long-term health and viability of the tree. The evaluation shall include, but not be limited to, the following:

(1) the quantity of supporting anchors and connection points to attach the tree house to the tree shall be the minimum necessary to adequately support the structure;

(2) the attachments shall be constructed using the best available tree anchor bolt technology; and

(3) an ISA Certified Arborist shall evaluate the tree proposed for placement of the tree house and shall submit a report discussing how the tree's long-term health and viability will not be negatively impacted by the tree house or associated infrastructure;

h. exterior lighting shall meet the following criteria:

(1) limited to the minimum quantity of lights necessary to meet the building code requirements to

allow for safe exiting of the structure and stairway; and

(2) exterior lights shall be fully shielded and shall direct light downward, in an attempt to minimize impacts to the nighttime environment;

i. unless otherwise approved by the department, all external construction shall be limited to September 1 through March 1 in order to avoid disturbance to wildlife species during typical breeding, nesting and rearing seasons;

j. trail access to the structure shall be designed in accordance with trail standards under subsection D.47. of this section;

k. to the maximum extent practical, existing native vegetation shall be left undisturbed. Only minimal hand clearing of vegetation is allowed; and

l. vegetated areas within the critical area buffer that are temporarily impacted by construction of the structure shall be restored by planting native vegetation according to a vegetation management plan approved by the department.

65. Shoreline water dependent and shoreline water oriented uses are allowed in the aquatic area and aquatic area buffer of a Type S aquatic area if consistent with K.C.C. chapter 21A.25, chapter 90.58 RCW and the King County Comprehensive Plan.

66. Only hydroelectric generating facilities meeting the requirements of K.C.C. 21A.08.100B.14., and only as follows:

a. there is not another feasible location within the aquatic area with less adverse impact on the critical area and its buffer;

b. the facility and corridor is not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible location;

c. the facility is not located in Category I wetlands or Category II wetlands with a habitat score 30

points or greater

d. the corridor width is minimized to the maximum extent practical;

e. paralleling the channel or following a down-valley route within an aquatic area buffer is avoided to the maximum extent practical;

f. the construction occurs during approved periods for instream work;

g. the facility and corridor will not change or adversely impact the overall aquatic area flow peaks, duration or volume or the flood storage capacity;

h. The facility and corridor is not located within a severe channel migration hazard area;

((~~h.~~)) i. To the maximum extent practical, buildings will be located outside the buffer and away from the aquatic area or wetland;

((~~i.~~)) j. To the maximum extent practical, access for maintenance is at limited access points into the critical area buffer rather than by a parallel maintenance road. If a parallel maintenance road is necessary the following standards are met:

(1) to the maximum extent practical the width of the maintenance road is minimized and in no event greater than fifteen feet; and

(2) the location of the maintenance road is contiguous to the utility corridor on the side of the utility corridor farthest from the critical area;

((~~j.~~)) k. the facility does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest; and

((~~k.~~)) l. the facility connects to or is an alteration to a public roadway, public trail, a utility corridor or utility facility or other infrastructure owned or operated by a public utility((~~; and~~)).

67. Only hydroelectric generating facilities meeting the requirements of K.C.C. 21A.08.100.B.14, and only as follows:

a. there is not another feasible location with less adverse impact on the critical area and its buffer;

b. the alterations will not subject the critical area to an increased risk of landslide or erosion;

c. the corridor width is minimized to the maximum extent practical;

d. vegetation removal is the minimum necessary to locate the utility or construct the corridor;

e. the facility and corridor do not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter, and the public interest and significant risk of personal injury is eliminated or minimized in the landslide hazard area; and

f. the facility connects to or is an alteration to a public roadway, public trail, a utility corridor or utility facility or other infrastructure owned or operated by a public utility.

68. Only for a single detached dwelling unit on a lake twenty acres or larger and only as follows:

a. the heat exchanger must be a closed loop system that does not draw water from or discharge to the lake;

b. the lake bed shall not be disturbed, except as required by the county or a state or federal agency to mitigate for impacts of the heat exchanger;

c. the in-water portion of system is only allowed where water depth exceeds six feet; and

d. system structural support for the heat exchanger piping shall be attached to an existing dock or pier or be attached to a new structure that meets the requirements of K.C.C. 21A.25.180.

69. Only for maintenance of agricultural waterways if:

a. the purpose of the maintenance project is to improve agricultural production on a site predominately engaged in the practice of agriculture;

b. the maintenance project is conducted in compliance with a hydraulic project approval issued by the Washington state Department of Fish and Wildlife pursuant to chapter 77.55 RCW;

c. the maintenance project complies with the King County agricultural drainage assistance program

as agreed to by the Washington state Department of Fish and Wildlife, the department of permitting and environmental review and the department of natural resources and parks, and as reviewed by the Washington state Department of Ecology;

d. the person performing the maintenance and the land owner have attended training provided by King County on the King County agricultural drainage assistance program and the best management practices required under that program; and

e. the maintenance project complies with K.C.C. chapter 16.82.

SECTION 39. Ordinance 10870, Section 470, as amended, and K.C.C. 21A.24.230 are each hereby amended to read as follows:

A. A flood hazard area consists of the following components:

1. Floodplain;

2. Zero-rise flood fringe;

3. Zero-rise floodway;

4. FEMA floodway; and

5. Channel migration zones.

B. The department ((~~shall~~)) may delineate a flood hazard area after reviewing base flood elevations and flood hazard data for a flood having a one percent chance of being equaled or exceeded in any given year, often referred to as the "one-hundred-year flood." The department shall determine the base flood for existing conditions. If a basin plan or hydrologic study including projected flows under future developed conditions has been completed and is currently approved by King County, the department ((~~shall~~)) may use these future flow projections. Many flood hazard areas are mapped by FEMA in a scientific and engineering report entitled "The Flood Insurance Study for King County and Incorporated Areas." Proof that a land use or development activity is occurring within the area mapped on the Flood Hazard Area Study for King County and Incorporated Areas shall be sufficient, but not required, to prove that the area of concern is subject to inundation by the base flood

in any action to enforce code compliance under K.C.C. Title 23. When there are multiple sources of flood hazard data for flood plain boundaries, regulatory floodway boundaries, base flood elevations, or flood cross sections, the department may determine which data most accurately classifies and delineates the flood hazard area. The department may utilize the following sources of flood hazard data for floodplain boundaries, regulatory floodway boundaries, base flood elevations or cross sections when determining a flood hazard area:

1. Flood Insurance Rate Maps;

2. Flood Insurance Studies;

3. Preliminary Flood Insurance Rate Maps;

4. Preliminary Flood Insurance Studies;

5. Draft flood boundary work maps and associated technical reports;

6. Critical area reports prepared in accordance with FEMA standards contained in 44 C.F.R. Part 65 and consistent with the King County Surface Water Design Manual provisions for floodplain analysis;

7. Letter of map amendments;

8. Letter of map revisions;

9. Channel migration zone maps and studies;

10. Historical flood hazard information;

11. Wind and wave data provided by the United States Army Corps of Engineers; and

12. Any other available data that accurately classifies and delineates the flood hazard area or base flood elevation.

C. A number of channel migration zones are mapped by the county for portions of river systems. These channel migration zones and the criteria and process used to designate and classify channel migration zones are specified by public rule adopted by the department. An applicant for a development proposal may submit a critical area report to the department to determine channel migration zone boundaries or classify channel migration hazard areas on a specific property if there is an apparent discrepancy between the site-specific

conditions or data and the adopted channel migration zone maps.

SECTION 40. Ordinance 10870, Section 471, as amended, and K.C.C. 21A.24.240 are each hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites within the zero-rise flood fringe:

A. Development proposals and alterations shall not reduce the effective base flood storage volume of the floodplain. A development proposal shall provide compensatory storage if grading or other activity displaces any effective flood storage volume. Compensatory storage is not required for grading or fill placed within the foundation of an existing residential structure to bring the interior foundation grade to the same level as the lowest adjacent exterior grade. Compensatory storage shall:

1. Provide equivalent volume at equivalent elevations to that being displaced. For this purpose, equivalent elevations means having similar relationship to ordinary high water and to the best available ten-year, fifty-year and one-hundred-year water surface profiles. If the difference between the fifty-year and the one-hundred-year surface profiles is less than one foot, equivalent elevations means having similar relationships to ordinary high water and to the best available ten-year and one-hundred-year water surface profiles;

2. Hydraulically connect to the source of flooding;

3. Provide compensatory storage in the same construction season as when the displacement of flood storage volume occurs and before the flood season begins on September 30 for that year;

4. Occur on the site. The director may approve equivalent compensatory storage off the site if legal arrangements, acceptable to the department, are made to ensure that the effective compensatory storage volume will be preserved over time; and

5. The director may approve of off site compensatory storage through a compensatory storage bank managed by the department of natural resources and parks or the director, in consultation with and agreement

from the department of natural resources and parks, may allow a reduction in flood storage if a cumulative effects analysis demonstrates that the loss of storage will not create a measurable increase in the base flood elevation anywhere off the site;

B. A structural engineer shall design and certify all elevated buildings and submit the design to the department;

C. A civil engineer shall prepare a base flood depth and base flood velocity analysis and submit the analysis to the department. A base flood depth and base flood velocity analysis is not required for agricultural structures that will not be used for human habitation. The director may waive the requirement for a base flood depth and base flood velocity analysis for agricultural structures that are not used for human habitation. Development proposals and alterations are not allowed if the base flood depth exceeds three feet and the base flood velocity exceeds three feet per second, except that the director may approve development proposals and alterations in areas where the base flood depth exceeds three feet and the base flood velocity exceeds three feet per second for the following projects;

1. Agricultural accessory structures;

2. Roads and bridges;

3. Utilities;

4. Surface water flow control or surface water conveyance systems;

5. Public park structures; and

6. Flood hazard mitigation projects, such as, but not limited to construction, repair or replacement of flood protection facilities or for building elevations or relocations;

D. Subdivisions, short subdivisions, urban planned developments and binding site plans shall meet the following requirements:

1. New building lots shall include five thousand square feet or more of buildable land outside the zero -rise floodway;

2. All utilities and facilities such as sewer, gas, electrical and water systems are consistent with subsections E., F. and I. of this section;

3. A civil engineer shall prepare detailed base flood elevations in accordance with FEMA guidelines for all new lots;

4. A development proposal shall provide adequate drainage in accordance with the King County Surface Water Design Manual to reduce exposure to flood damage; and

5. The face of the recorded subdivision, short subdivision, urban planned development or binding site plan shall include the following for all lots:

a. building setback areas restricting structures to designated buildable areas:

b. base flood data and sources and flood hazard notes including, but not limited to, base flood elevation, required flood protection elevations, the boundaries of the floodplain and the zero-rise floodway, if determined, and channel migration zone boundaries, if determined; and

c. include the following notice:

"Lots and structures located within flood hazard areas may be inaccessible by emergency vehicles during flood events. Residents and property owners should take appropriate advance precautions.";

E. New residential structures, substantial improvements of existing residential structures and flood mitigation home elevations shall meet the following standards:

1. Elevate the lowest floor, including basement, to the flood protection elevation;

2. Do not fully enclose portions of the structure that are below the lowest floor area;

3. Design and construct the areas and rooms below the lowest floor to automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by allowing for the entry and exit of floodwaters as follows:

a. provide a minimum of two openings on each of two opposite side walls in the direction of flow, with each of those walls having a total open area of not less than one square inch for every square foot of

enclosed area subject to flooding;

b. design and construct the bottom of all openings so they are no higher than one foot above grade; and

c. screens, louvers or other coverings or devices are allowed over the opening if they allow the unrestricted entry and exit of floodwaters;

4. Use materials and methods that are resistant to and minimize flood damage; and

5. Elevate above or dry-proof all electrical, heating, ventilation, plumbing, air conditioning equipment and other utilities that service the structure, such as duct-work to the flood protection elevation;

F. New nonresidential structures, substantial improvements and flood mitigation nonresidential elevations of existing nonresidential structures shall meet the following standards:

1.a. Except as provided in subsection F.1.b. of this section, elevate the lowest floor to the flood protection elevation;

b. Nonresidential agricultural accessory buildings elevate the lowest floor to one foot above the base flood elevation;

2. Dry flood-proof the structure to the flood protection elevation to meet the following standards:

a. the applicant shall provide certification by a civil or structural engineer that the dry flood-proofing methods are adequate to withstand the flood-depths, pressures, velocities, impacts, uplift forces and other factors associated with the base flood. After construction, the engineer shall certify that the permitted work conforms to the approved plans and specifications; and

b. approved building permits for dry flood-proofed nonresidential structures shall contain a statement notifying applicants that flood insurance premiums are based upon rates for structures that are one foot below the elevation to which the building is dry-floodproofed;

3. Nonresidential agricultural accessory buildings that do not equal or exceed a maximum assessed value of sixty-five thousand dollars may be designed and oriented to allow the free passage of floodwaters

through the building in a manner affording minimum flood damage provided they meet the standards in subsection F.4. through F.6. of this section. Nonresidential agricultural accessory buildings that equal or exceed sixty-five thousand dollars may apply for an alteration exception pursuant to K.C.C. 21A.24.070. Nonresidential agricultural accessory buildings that do not meet the elevation standard in subsection F. 1. of this section or the dry flood-proofing standard in subsection F.2. of this section will be assessed at the flood insurance rate based on the risk to which the building is exposed;

4. Use materials and methods that are resistant to and minimize flood damage;

5. Design and construct the areas and rooms below the lowest floor to automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by allowing for the entry and exit of floodwaters as follows:

a. provide a minimum of two openings on each of two opposite side walls in the direction of flow, with each of those walls having a total open area of not less than one square inch for every square foot of enclosed area subject to flooding;

b. design the bottom of all openings is no higher than one foot above grade; and

c. screens, louvers or other coverings or devices are allowed if they do not restrict entry and exit of floodwaters; and

6. Dry flood proof all electrical, heating, ventilation, plumbing, air conditioning equipment and other utility and service facilities to, or elevated above, the flood protection elevation;

G. Anchor all new construction and substantially improved structures to prevent flotation, collapse or lateral movement of the structure. The department shall approve the method used to anchor the new construction;

H. Newly sited manufactured homes and substantial improvements of existing manufactured homes shall meet the following standards:

1. Manufactured homes shall meet all the standards in this section for residential structures and the

following standards:

a. anchor all manufactured homes; and

b. install manufactured homes using methods and practices that minimize flood damage;

2. All manufactured homes within a new mobile home park or expansion of an existing mobile home park must meet the requirements for flood hazard protection for residential structures; and

3. Only manufactured homes are allowed in a new or existing mobile home park located in a flood hazard area;

I. Public and private utilities shall meet the following standards:

1. Dry flood-proof new and replacement utilities including, but not limited to, sewage treatment and storage facilities, to, or elevate above, the flood protection elevation;

2. Locate new on-site sewage disposal systems outside the floodplain. When there is insufficient area outside the floodplain, new on-site sewage disposal systems are allowed only in the zero-rise flood fringe. Locate on-site sewage disposal systems in the zero-rise flood fringe to avoid:

a. impairment to the system during flooding;

b. contamination from the system during flooding;

3. Design all new and replacement water supply systems to minimize or eliminate infiltration of floodwaters into the system;

4. Above-ground utility transmission lines, except for electric transmission lines, are allowed only for the transport of nonhazardous substances; and

5. Bury underground utility transmission lines transporting hazardous substances at a minimum depth of four feet below the maximum depth of scour for the base flood, as predicted by a civil engineer, and achieve sufficient negative buoyancy so that any potential for flotation or upward migration is eliminated;

J. Critical facilities are allowed within the zero-rise flood fringe only when a feasible alternative site is not available and the following standards are met:

1. Elevate the lowest floor to the five-hundred year floodplain elevation or three or more feet above the base flood elevation, whichever is higher;

2. Dry flood-proof and seal structures to ensure that hazardous substances are not displaced by or released into floodwaters; and

3. Elevate access routes to or above the base flood elevation from the critical facility to the nearest maintained public street or roadway;

K. New construction or expansion of existing farm pads is allowed only on a site with existing agriculture if emergency flood relief is required for the protection of livestock or assets or for operations that must continue during flood events as follows:

1. A farm pad is allowed only if there is no other suitable holding area on the site outside the floodplain;

2. Construct the farm pad to the standards in an approved farm management plan prepared in accordance with K.C.C. 21A.24.051 and K.C.C. chapter 21A.30.

3. The farm pad proposal shall demonstrate compliance with the following:

a. flood storage compensation consistent with subsection A. of this section;

b. siting and sizing that do not increase base flood elevations consistent with K.C.C. 21A.24.250.B.;

c. siting that is located in the area least subject to risk from floodwaters; and

d. an alternatives analysis demonstrating adverse impacts to wetlands, wetland buffers and aquatic area buffers have been minimized;

4. The farm pad is constructed to base flood elevation plus one-foot. An elevation report shall be completed after construction to demonstrate compliance with that elevation requirement;

5.a. The farm pad should be sized as is necessary for the protection of livestock and assets and operations that must continue during flood events;

b. for farm pads larger than two thousand square feet of finished usable surface, a site specific

evaluation of agricultural operations must demonstrate the need for the size of the pad; and

c. for farm pads larger than ten thousand square feet, an area-wide analysis must demonstrate that sufficient flood storage is available for reasonably foreseeable future land use needs in the vicinity;

6. Nonresidential agricultural buildings are allowed on a farm pad as shelter for livestock or other farm animals, greenhouses for plant starts to be used on the property, milking parlors, storage of farm vehicles and agricultural equipment and shelter for farm products including, but not limited to, feed, seeds, flower bulbs and hay and farm operations that must continue during a flood event. Nonresidential structures allowed on a farm pad shall not be used for retail operations or any residential or public use; and

7. The property owner shall file with the department of executive services, records and licensing services division, a notice approved by the department that restricts the use of the farm pad to nonresidential agricultural uses. The notice shall run with the land. The applicant shall submit to the department proof that the notice was filed before the department approves any permit for the construction of the farm pad;

L. New construction or expansion of existing livestock manure storage facilities is only allowed as follows:

1. The livestock manure storage facility is only allowed if there is not a feasible alternative area on the site outside the floodplain;

2. Construct the livestock manure storage facility to the standards in an approved farm management plan prepared in accordance with K.C.C. 21A.24.051 and K.C.C. chapter 21A.30. The farm management plan shall demonstrate compliance with the following:

a. flood storage compensation consistent with subsection A. of this section;

b. siting and sizing that do not increase base flood elevations consistent with K.C.C. 21A.24.250.B. and 21A.24.260.D;

c. dry flood-proofing liquid manure storage facility to one foot above the base flood elevation; and

d. siting that is located in the area least subject to risk from floodwaters; and

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M. Recreational vehicles must be on site for fewer than one hundred eighty days or be fully licensed and ready for highway use((~~; and~~

~~N. Temporary farm worker housing not meeting the requirements of subsection E. or subsection H. of this section is only allowed as follows:~~

~~1. The housing must be on site for fewer than one hundred eighty days;~~

~~2. The housing must not be placed in the floodplain before May 1 of any year;~~

~~3. Except as otherwise provided in subsection N.4. of this section, the housing must be removed from the floodplain no later than October 31 of each year;~~

~~4. Housing must be removed from a floodplain within twelve hours of King County issuing a phase 2 flood alert for the applicable river basin, unless the water and land resources division director or the director's designee determines flood conditions are not likely to threaten temporary farm worker housing; and~~

~~5. In the Snoqualmie floodplain, if the housing is not removed from the floodplain by September 30, the operator must have a plan approved by King County for the evacuation and removal of the housing as required by subsection N.4. of this section and for emergency communication to the housing's occupants.~~))

SECTION 41. Ordinance 17485, Section 17, and K.C.C. 21A.24.274 are each hereby amended to read as follows:

A. The department and the department of natural resources and parks, by public rule, shall adopt:

1. Criteria for channel migration designation, classification and mapping, taking into consideration, at a minimum, Washington state ((~~d~~))Department of ((~~e~~))Ecology channel migration zone mapping guidelines; and

2. Channel migration zone studies and channel migration zone maps.

B. The channel migration zone and its component channel migration hazard areas shall be delineated in a channel migration zone study that is the basis for each channel migration zone map.

C. The channel migration zone study:

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1. Shall evaluate evidence of historical channel locations and movement, basin-scale physical characteristics, current channel conditions and other relevant factors in order to delineate the channel migration zone;

2. Shall include the present channel within the channel migration zone;

3. Shall determine the extent of channel migration hazard areas within the channel migration zone; and

4. May exclude areas from the channel migration zone that lie behind a lawfully established flood protection structure that is maintained by existing programs for public maintenance, transportation infrastructure, or other constructed feature if it is built above the elevation of the one hundred-year flood or if scientific or technical information otherwise demonstrate that the flood protection structure is not within the channel migration zone.

D. An applicant for a development proposal may submit a critical area report to the department to determine channel migration zone boundaries or classify channel migration hazard areas on a specific property if there is an apparent discrepancy between the site-specific conditions or data and the adopted channel migration zone maps. If the department, in consultation with the department of natural resources and parks, based on the adopted criteria for channel migration designation, classification and mapping, determines that there is a discrepancy between the site conditions and the adopted channel migration zone maps, it shall make appropriate revisions to the maps.

NEW SECTION. SECTION 42. A new section is hereby added to K.C.C. chapter 21A.24 to read as follows:

In an appeal of a code enforcement action taken by the department under K.C.C. Title 23 that alleges an alteration within the flood hazard area without a required permit, proof by the department by a preponderance of the evidence that the alteration occurred within any one component of the flood hazard area shall be sufficient to sustain the allegation. A finding under this section that an alteration has occurred in the flood

hazard area shall not estop the department from delineating a different flood hazard area under K.C.C. 21A.24.230 during review of a development proposal.

SECTION 43. Ordinance 14187, Section 1, as amended, and K.C.C. 21A.24.500 are each hereby amended to read as follows:

A.1. A property owner or the property owner's agent may request a critical area designation for part or all of a site, without seeking a permit for a development proposal, by filing with the department a written application for a critical area designation on a form provided by the department. If the request is for review of a portion of a site, the application shall include a map identifying the portion of the site for which the designation is sought.

2. The designation may include an evaluation or interpretation of the applicability of critical area buffers and other critical area standards to a future development proposal.

B. In preparing the critical area designation, the department shall perform a critical area review to:

1. Determine whether any critical area exists on the site and confirm its type, location, boundaries and classification;

2. Determine whether a critical area report is required to identify and characterize the location, boundaries and classification of the critical area;

3. Evaluate the critical area report, if required; and

4. Document the existence, location and classification of any critical area.

C. If required by the department, the applicant for a critical area designation shall prepare and submit to the department the critical area report required by subsection B.2. of this section. For sites zoned for single detached dwelling units involving wetlands or aquatic areas, the applicant may elect to have the department conduct the special study in accordance with K.C.C. Title 27;

D. The department shall make the determination of a critical area designation in writing within one hundred twenty days after the application for a critical area designation is complete, as provided in K.C.C.

20.20.050. The periods in K.C.C. 20.20.100A.1. through 5. are excluded from the one-hundred-twenty-day period. ((~~The written determination made under this section as to the existence, location, classification of a critical area and critical area buffers is effective for five years from the date the determination is issued if there has been no change in site conditions. The department shall rely on the determination of the existence, location and classification of the critical area and the critical area buffer in its review of a complete application for a permit or approval filed within five years after the determination is issued. If the determination applies to less than an entire site, the determination shall clearly identify the portion of the site to which the determination applies.~~)) If the determination applies to less than an entire site, the determination shall clearly identify the portion of the site to which the determination applies.

E.1. The written determination made under this section is effective for five years as to the existence, location, classification of a critical area and critical area buffers on the site, unless:

a. there is a change in site conditions;

b. a state or federal agency adopts critical area maps that conflict with the department's written determination.

2. As part of its review of a complete application for a permit or approval, the department shall establish whether the written determination is still effective.

F. If the department designates critical areas on a site under this section, the applicant for a development proposal on that site shall submit proof that a critical area notice has been filed as required by K.C.C. 21A.24.170. Except as provided in this subsection, the department's determination under this section is final. If the department relies on a critical area designation made under this section during its review of an application for a permit or other approval of a development proposal and the permit or other approval is subject to an administrative appeal, any appeal of the designation shall be consolidated with and is subject to the same appeal process as the underlying development proposal. If the King County hearing examiner makes the county's final decision with regard to the permit or other approval type for the underlying development

proposal, the hearing examiner's decision constitutes the county's final decision on the designation. If the King County council, acting as a quasi-judicial body, makes the county's final decision with regard to the permit or other approval type for the underlying development proposal, the King County council's decision constitutes the county's final decision on the designation.

SECTION 44. Ordinance 10870, Section 492, as amended, and K.C.C. 21A.26.030 are each hereby amended to read as follows:

The standards and process requirements of this chapter supersede all other review process, setback or landscaping requirements of this title. All communication facilities that are not exempt ((~~pursuant to~~)) under K.C.C. 21A.26.020 shall comply with ((~~the provisions of~~)) this chapter as follows:

A. New communications facilities, with the exception of consolidations, shall comply with ((~~the provisions of~~)) K.C.C 21A.26.020 through 21A.26.130 and K.C.C. 21A.26.160 through 21A.26.190;

B. Modified communications facilities, with the exception of consolidations, shall comply with standards as provided in K.C.C. 21A.26.020, K.C.C. 21A.26.060 through 21A.26.140, and 21A.26.160 through 21A.26.190;

C. Consolidations shall comply with standards as provided in K.C.C. 21A.26.020, K.C.C. 21A.26.060 through 21A.26.130, and K.C.C. 21A.26.150 through 21A.26.190; and

D. New, modified or consolidated minor communication facilities shall comply with the standards of this chapter and K.C.C. chapter 21A.27. In the case of a conflict between ((~~the provisions of~~)) this chapter and ((~~the provisions of~~)) K.C.C. chapter 21A.27, ((~~the provisions of this~~)) K.C.C. chapter 21A.27 shall apply.

SECTION 45. Ordinance 10870, Section 503, as amended, and K.C.C. 21A.26.140 are each hereby amended to read as follows:

A. Cumulative modifications of conforming or nonconforming communication facilities, transmission structures or transmission equipment that do not increase the overall height of the transmission structure or transmission equipment by more than thirty percent shall be allowed ((~~provided~~)) subject to the following:

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1. A nonconformance with respect to the transmission structure shall not be created or increased, except as otherwise provided above as to height;

2. Existing perimeter vegetation or landscaping shall not be reduced;

3. The modification ((~~results in~~)) brings the facility, structure or equipment into compliance with K.C.C. 21A.26.100 and 21A.26.130. The applicant shall provide King County a detailed certification of compliance with these provisions that has been prepared by a licensed professional engineer; and

4. For minor communication facilities, the allowances for increased height established by ((~~this~~)) K.C.C. chapter 21A.27 shall be complied with.

B. Except for consolidations allowed by K.C.C. 21A.26.150, modifications which increase the overall height of the transmission structure or transmission equipment by more than ((~~30~~)) thirty percent shall be subject to the following ((~~provisions~~)):

1. Applications for such transmission structures shall be reviewed ((~~pursuant to~~)) in accordance with the applicable process specified in this chapter; and

2. Such transmission structures shall comply with ((~~the provisions of~~)) K.C.C. 21A.26.020, K.C.C. 21A.26.060 through 21A.26.140, K.C.C. 21A.26.160 through 21A.26.190 and, for minor communication facilities, with K.C.C. chapter 21A.27. ((~~For minor communication facilities, in case of conflict, the provisions of K.C.C. chapter 21A.27 shall control.~~))

SECTION 46. Ordinance 13129, Section 4, and K.C.C. 21A.27.030 are each hereby amended to read as follows:

A new transmission support structure exceeding the standards of this section are subject to the conditional use permit process as outlined in K.C.C. 21A.27.020. These provisions do not apply to transmission support structures that are being modified or replaced pursuant to the provisions of K.C.C. 21A.27.090 or replace an existing transmission support structure.

MINOR COMMUNICATION FACILITIES - DEVELOPMENT 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

[1]Setbacks may be modified to achieve additional screening, see K.C.C. ((~~21A.26.330C~~)) 21A.27.040.C. or as provided in K.C.C. 21A.26.050.

SECTION 47. Ordinance 13129, Section 9, as amended, and K.C.C. 21A.27.090 are each hereby amended to read as follows:

A. Antenna modifications consistent with ((~~the provisions of~~)) K.C.C. 21A.27.100 are permitted outright. Antenna modifications consistent with K.C.C. 21A.27.100 that are proposed for a transmission support structure that was approved by a conditional use permit are permitted outright, notwithstanding conditions in the conditional use permit that limit the number of antennae allowed on the transmission support structure.

B.1. Except as otherwise provided in subsection B.2. of this section, ((~~M~~))modifications to transmission support structures are ((~~also~~)) permitted outright, ((~~provided~~)) if there is no increase in the height of the transmission support structure ((~~except when~~)).

2. A modification to increase the height of a transmission support structure is permitted outright if the increase in height is:

((~~A.~~)) a. ((~~N~~))necessary to accommodate the actual collocation of the antenna of other service providers, or to accommodate the current providers antenna required to ((~~utilize~~)) use new technology, such as digital transmissions;

((~~B.~~)) b. ((~~L~~))limited to no more than forty feet above the height of the existing transmission support structure; ((~~and~~)) or

((~~C. Proposed~~)) c. the transmission support structure is located in a rural area or residential zone, ((~~and~~)) the proposed height exceeds sixty feet and ((~~is demonstrated by~~)) the applicant ((~~to be~~)) demonstrates the proposed height is required to meet the proposed area of coverage.

3. If modification to increase the height of a transmission support structure is proposed in a rural area or residential zone((~~,~~)):

a. ((~~n~~))Notice and a comment period shall be provided consistent with ((~~the provisions of~~)) K.C.C. 20.20.060((~~,~~));

b. If the need for additional height is challenged within the comment period specified, a technical evaluation ((~~as provided for in~~)) under K.C.C. 21A.27.160 shall be conducted((~~,~~)); and

c. The department may approve, require additional mitigation, or deny the proposed height increase on the basis of this technical evaluation.

SECTION 48. Ordinance 10870, Section 530, as amended, and K.C.C. 21A.30.020 are each hereby amended to read as follows:

The raising, keeping, breeding or ((~~fee~~)) boarding of small animals are subject to K.C.C. chapter 11.04, ((~~Animal Control Regulations,~~)) King County Board of Health Code chapter 8.03 and the following requirements:

A.1. Small animals that are kept ((~~indoors~~)) as household pets in a dwelling unit in aquariums, terrariums, cages or similar containers shall not be limited in number, except as ((~~may be~~)) otherwise provided in King County Board of Health Code chapter 8.03 or K.C.C. Title 11.

2. Except as otherwise allowed for a facility licensed under King County Board of Health Code chapter 8.03 or K.C.C. chapter 11.04, ((~~O~~))other small animals, excluding altered cats, kept ((~~indoors~~)) as

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household pets in a dwelling unit shall be limited to five((~~, of which not more than three may be unaltered cats or dogs. C~~)).

3. Altered cats kept ((~~indoors~~)) as household pets in a dwelling unit shall not be limited in numbers.

B.1. ((~~Other~~)) Except as otherwise provided in subsection E. of this section, the number of small animals kept outside a dwelling unit((~~, including adult cats and dogs,~~)) as household pets shall be limited ((~~to~~)) as follows:

a. on sites of less than twenty thousand square feet, three per ((~~household on lots of less than 20,000 square feet,~~)) dwelling unit;

b. on sites of between twenty thousand and thirty-five thousand square feet, five per ((~~household on lots of 20,000 to 35,000 square feet, with an~~)) dwelling unit; and

c. on sites greater than thirty-five thousand square feet, one additional ((~~2~~)) small animal per dwelling unit for each one-half acre of site area over 35,000 square feet up to a maximum of ((~~20, unless more are allowed as an accessory use pursuant to paragraph E., provided that all~~)) twenty.

2. ((~~u~~))Unaltered animals kept outdoors must be kept on a leash or in a confined area, except as ((~~authorized~~)) otherwise allowed under K.C.C. chapter 11.04 for a hobby kennel, ((~~or~~)) hobby cattery or under King County Board of Health Code chapter 8.03 for a commercial kennel or commercial cattery ((~~pursuant to K.C.C. 11.04~~)).

C. ((~~Excluding kennels and catteries~~)) Unless otherwise allowed for a facility licensed under King County Board of Health Code chapter 8.03 or K.C.C. chapter 11.04, the total number of unaltered adult cats and((~~/or~~)) dogs per ((~~household~~)) dwelling unit shall not exceed three.

D. ((~~A~~))Small animals considered to be household pets shall be treated as other small animals ((~~pursuant to K.C.C. 21A.30.020E~~)) under subsection E. of this section when they are kept for ((~~commercial~~)) breeding, boarding or training.

E. Small animals ((~~and household pets~~)) kept outside the dwelling unit for breeding, boarding or

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training as an accessory use ((~~outside the dwelling shall be raised, kept or bred only as an accessory use on the premises of the owner or in a kennel or cattery,~~)) of a resident of the dwelling unit are allowed, subject to the following limitations:

1. Birds shall be kept in an aviary or loft that meets the following standards:

a. The aviary or loft shall provide ((~~1/2~~)) one-half square foot for each parakeet, canary or similarly sized birds, ((~~1~~)) one square foot for each pigeon, small parrot or similarly sized bird((~~,~~)) and ((~~2~~)) two square feet for each large parrot, macaw or similarly sized bird((~~.~~));

b. Aviaries or lofts shall not exceed ((~~2000~~)) two thousand square feet, provided this limit shall not apply in rural, forestry((~~,~~)) or agricultural zones((~~.~~)); and

c. The aviary is set back at least ((~~10~~)) ten feet from any property line, and ((~~20~~)) twenty feet from any dwelling unit.

2. Small animals other than birds shall be kept according to the following standards:

a. The minimum site area shall be one-half acre if more than ((~~3~~)) three small animals are being kept ((~~.~~));

b. All animals shall be confined within a building, pen, aviary or similar structure((~~.~~));

c. Any covered structure used to house or contain such animals shall maintain a distance of not less than ((~~10~~)) ten feet to any property line, except structures used to house mink and fox shall be a distance of not less than ((~~150~~)) one-hundred fifty feet.

d. Poultry, chicken, squab, and rabbits are limited to a maximum of one animal per one square foot of structure used to house such animals, up to a maximum of ((~~2000~~)) two thousand square feet((~~; provided that~~)). ((~~t~~))This maximum structure size limit shall not apply in rural area, forestry, or agricultural zones.

e. Hamsters, nutria and chinchilla are limited to a maximum of one animal per square foot of structure used to house such animals, up to a maximum of ((~~2000~~)) two thousand square feet((~~; provided that~~)). ((~~t~~))This maximum structure size limit shall not apply in rural area, forestry((~~,~~)) or agricultural zones.

f. Mink and fox are permitted only on sites having a minimum area of five acres.

g. Beekeeping is limited as follows:

(1) Beehives are limited to ((~~50~~)) fifty on sites less than five acres;

(2) The number of beehives shall not be limited on sites of five acres or greater;

(3) Colonies shall be maintained in movable-frame hives at all times;

(4) Adequate space shall be provided in each hive to prevent overcrowding and swarming;

(5) Colonies shall be requeened following any swarming or aggressive behavior;

(6) All colonies shall be registered with the ((~~C~~))county ((~~E~~))extension agent before April 1 of each year, on a state registration form acceptable to the county; and

(7) Abandoned colonies, diseased bees, or bees living in trees, buildings, or any other space except in movable-frame hives shall constitute a public nuisance, and shall be abated as set forth in K.C.C. chapter 21A.50((~~, Enforcement~~));

3. ((~~K~~))Hobby kennels and hobby catteries are subject to the following requirements:

a. For hobby kennels located on resource, rural area or residential zoned sites:

(1) The minimum site area shall be five acres; and

(2) Structures housing animals and outdoor animal runs shall be a minimum distance of one hundred feet from property lines abutting the resource, rural area ((~~zone~~)) or residential zones;

b. For hobby kennels located on nonresidential zoned sites, run areas shall be completely surrounded by an eight foot solid wall or fence, and be subject to the requirements in K.C.C. 11.04.060; and

c. Hobby ((~~C~~))catteries shall be on sites of thirty-five thousand square feet or more, and buildings used to house cats shall be a minimum distance of fifty feet from property lines abutting the rural area zone or residential zones.

F. Commercial kennels and commercial catteries are subject to the following requirements:

1. For commercial kennels located on resource, rural area, or residential zoned sites:

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a. The minimum site area shall be five acres; and

b. Structures housing animals and outdoor animal runs shall be a minimum distance of one hundred feet from property lines abutting the resource, rural area or residential zones;

2. For commercial kennels located on nonresidential zoned sites, run areas shall be completely surrounded by an eight foot solid wall or fence, and be subject to the requirements in King County Board of Health Code chapter 8.03; and

3. Commercial catteries shall be on sites of thirty-five thousand square feet or more, and buildings used to house cats shall be a minimum distance of fifty feet from property lines abutting the rural area or residential zones.

SECTION 49. Ordinance 13130, Section § 2, and K.C.C. 21A.32.025 are each hereby amended to read as follows:

((~~Once created pursuant to K.C.C. 21A.06.800, a nonconformance~~)) A nonconforming use, structure or improvement may be continued in a manner consistent with ((~~the provisions of~~)) this chapter. However, nonconformance status is forfeited if the ((~~nonconformance~~)) nonconforming use, structure or improvement is discontinued beyond the provisions of K.C.C. 21A.32.045. Once nonconformance status is forfeited, the ((~~nonconformance~~)) nonconforming use, structure or improvement shall not be ((~~re-established~~)) reestablished.

SECTION 50. Ordinance 13130, Section 12, and K.C.C. 21A.32.085 are each hereby amended to read as follows:

Any residence nonconforming relative to use may be expanded, after review and approval through the code compliance process ((~~set forth~~)) in K.C.C. ((~~21A.42.010~~)) chapter 21A.42, subject to all other applicable codes besides those set forth in this chapter for nonconformances.

SECTION 51. Ordinance 10870, Section 547, and K.C.C. 21A.32.100 are each hereby amended to read as follows:

Except as provided by K.C.C. 21A.32.110, a temporary use permit shall be required for:

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A. ((~~Uses~~)) A use not otherwise permitted in the zone that can be made compatible for a period((~~s~~)) of ((~~limited duration and/or frequency~~)) of up to sixty days a year; or

B. ((~~Limited~~)) The expansion of ((~~any~~)) an established use that:

1. ((~~i~~))Is otherwise allowed in the zone ((~~but which~~));

2. Is not inconsistent with the original land use approval;

3. (~~C~~)Exceeds the ((~~intended~~)) scope of the original land use approval; and

4. Can be made compatible with the zone for a period of up to sixty days a year.

SECTION 52. Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120 are each hereby amended to read as follows:

Except as otherwise provided in this chapter or in K.C.C. chapter 21A.45, temporary use permits shall be limited in duration and frequency as follows:

A. The temporary use permit shall be effective for one year from the date of issuance and may be renewed annually as provided in subsection D. of this section;

B. The temporary use shall not exceed a total of sixty days in any three-hundred and sixty five day period. This requirement applies only to the days that the event or events actually take place. For a winery in the A or RA zones, the temporary use shall not exceed a total of two events per month and all parking for the events must be accommodated on site;

C. The temporary use permit shall specify a date upon which the use shall be terminated and removed; and

D. A temporary use permit may be renewed annually for up to a total of five consecutive years as follows:

1. The applicant shall make a written request and pay the applicable permit extension fees for renewal of the temporary use permit at least seventy days before the ((~~earlier of the~~)) end of the permit period ((~~or the last of the events~~));

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2. The department must determine that the temporary use is being conducted in compliance with the conditions of the temporary use permit;

3. The department must determine that site conditions have not changed since the original temporary permit was issued; and

4. At least forty-five days before the end of the permit period, the department shall notify property owners within five hundred feet of the property boundaries that a temporary use permit extension has been requested and contact information to request additional information or to provide comments on the proposed extension.

SECTION 53. Ordinance 17710, Section 13, and K.C.C. 21A.32.250 are each hereby amended to read as follows:

For those recreational marijuana production and processing facilities requiring a conditional use permit under ((~~the chapter~~)) this title, as part of the permit review process, the department may require the applicant to submit an odor management plan for any areas of indoor processing or ventilation of any structure used to produce or process marijuana. The purpose of such plan is to minimize odors and fumes from chemicals or products used in or resulting from either production ((~~and/~~))or processing, or both, of marijuana.

SECTION 54. Ordinance 10870, Section 575, as amended, and K.C.C. 21A.38.020 are each hereby amended to read as follows:

A. This chapter authorizes King County to increase development standards or limit uses on specific properties beyond the general requirements of this title through property-specific development standards, and to carry out comprehensive plan policies and map designations and community, subarea((~~,~~)) or neighborhood plan policies through special overlay districts ((~~which~~)) that supplement or modify standard zones through different uses, design or density standards or review processes;

B. Property-specific development standards shall be applied to specific properties through either area zoning as provided in K.C.C. chapters 20.12 and ((~~20.16~~)) 20.18, or reclassifications of individual properties as

provided in K.C.C. chapters 20.24 and 21A.44; and

C. Special district overlays shall be applied to specific properties or areas containing several properties through the area zoning process as provided in K.C.C. chapters 20.12 and ((~~20.16~~)) 20.18.

SECTION 55. Ordinance 10870, Section 577, as amended, and K.C.C. 21A.38.040 are each hereby amended to read as follows:

Special district overlays shall be designated on official area zoning maps and as a notation in the department's electronic parcel record, as follows:

A. A special district overlay shall be designated through the area zoning process as provided in K.C.C. chapters 20.12 and ((~~20.16~~)) 20.18. Designation of an overlay district shall include policies that prescribe the purposes and location of the overlay;

B. A special district overlay shall be applied to land through an area zoning process as provided in K.C.C. chapters 20.12 and ((~~20.16~~)) 20.18 and shall be indicated on the zoning map and as a notation in the department's electronic parcel record and shall be designated in Appendix B of Ordinance 12824 as maintained by the department of permitting and environmental review, with the suffix "-SO" following the map symbol of the underlying zone or zones;

C. The special district overlays in this chapter are the only overlays authorized by the code. New or amended overlays to carry out new or different goals or policies shall be adopted as part of this chapter and be available for use in all appropriate community, subarea or neighborhood planning areas;

D. The special district overlays in this chapter may waive, modify and substitute for the range of permitted uses and development standards established by this title for any use or underlying zone;

E. Unless they are specifically modified by this chapter, the standard requirements of this title and other county ordinances and regulations govern all development and land uses within special district overlays;

F. A special district overlay on an individual site may be modified by property-specific development standards as provided in K.C.C. 21A.38.030;

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G. A special district overlay may not be deleted by a zone reclassification; and

H. Special district overlay development standards may be modified or waived through the consideration of a variance, subject to the variance criteria in K.C.C. 21A.44.030.

SECTION 56. Ordinance 10870, Section 617, as amended, and K.C.C. 21A.42.090 are each hereby amended to read as follows:

A. The decision of the director shall be final unless the applicant or an aggrieved party files an appeal to the hearing examiner ((~~pursuant to~~)) under K.C.C. chapter 20.24.

B. The examiner shall review and make decisions based upon information contained in the written appeal and the record.

C. The examiner's decision may affirm, modify((~~,~~)) or reverse the decision of the director.

D. As provided by K.C.C. 20.24.210.A. and C:

1. The examiner shall render a decision within ten days of the closing of hearing; and

2. The decision shall be final unless appealed under ((~~the provisions of~~)) K.C.C. 20.24.240.B.

E. Establishment of any use or activity authorized under K.C.C. 21A.24.070 or ((~~pursuant to~~)) under a conditional use permit or variance shall occur within four years of the effective date of the decision ((~~for such permit or variance, provided that F~~)). For schools this period shall be five years. ((~~t~~))This period may be extended for one additional year by the director if the applicant has submitted the applications necessary to establish the use or activity and has provided written justification for the extension.

F. For the purpose of this section, "establishment" shall occur upon the issuance of all local ((~~permit(s)~~)) permits or approvals for on-site improvements needed to begin the authorized use or activity, ((~~provided that~~)) if the conditions or improvements required by ((~~such~~)) the permits are completed within the required timeframes ((~~of said permits~~)).

G. Once a use, activity or improvement allowed under K.C.C. 21A.24.070 or by a conditional use permit or variance has been established, it may continue as long as all conditions of permit issuance are met.

SECTION 57. Ordinance 13130, Section 11, as amended, and K.C.C. 21A.42.190 are each hereby amended to read as follows:

A. The department may review and approve, ((~~pursuant to~~)) in accordance with the code compliance process of this chapter, an expansion of a use or development authorized by an existing conditional use, special use or unclassified use permit as follows:

1. The expansion shall conform to ((~~all provisions of~~)) this title and the original land use permit, except that the project-wide amount of each of the following may be increased up to ten percent:

a. building square footage;

b. impervious surface;

c. parking; or

d. building height;

2. No subsequent expansions shall be approved under this subsection if the cumulative amount of such expansions exceeds the percentage prescribed in subsection A.1. of this section; and

3. An expansion of a use or development authorized by an existing conditional use, special use or unclassified use permit that does not conform to ((~~the provisions of~~)) subsection A.1. of this section may only be approved if:

a. the expansion is within a use or development authorized by an existing conditional use permit and is reviewed and approved as a conditional use; ((~~and~~)) or

b. the expansion is within a use or development authorized by an existing special use or unclassified use permit and is reviewed and approved as a special use.

B. The department may review and approve, in accordance with the code compliance process of this chapter, a modification of a use or a development authorized by an existing conditional use, special use or unclassified use permit that does not make a substantial change, as determined by the department, to the conditional use, special use or unclassified use. For the purpose of this subsection, a "substantial change"

includes, but is not limited to, a change to the conditions of approval that leads to significant built or natural environmental impacts that were not addressed in the original approval or the creation of a new use.

C. This section shall not apply to modifications or expansions of:

1. ((t))Telecommunication facilities((, the provision for which are in)) under K.C.C. 21A.26.140;

2. Minor telecommunication facilities under K.C.C. 21A.27.090; or

3. ((to modifications or expansions of n))Nonconformances((, the provisions for which are in)) under K.C.C. 21A.32.065.

SECTION 58. Ordinance 11621, Section 118, and K.C.C. 21A.43.190 are each hereby amended to read as follows:

A. Impact fee receipts shall be earmarked specifically and retained in a special interest-bearing account established by the county solely for the district's school impact fees. All interest shall be retained in the account and expended for the purpose or purposes identified in subsection B of this section. Annually, the county, based in part on the report submitted by the district ((pursuant to Section)) under K.C.C. 21A.28.152 shall prepare a report on each impact fee account showing the source and amount of all moneys collected, earned or received, and capital or system improvements that were financed in whole or in part by impact fees.

B. Impact fees for the district's system improvements shall be expended by the district for capital improvements including but not limited to school planning, land acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing, and administrative expenses, relocatable facilities, capital equipment pertaining to educational facilities, and any other expenses which could be capitalized, and which are consistent with the school district's capital facilities plan.

C. In the event that bonds or similar debt instruments are issued for the advanced provision of capital facilities for which impact fees may be expended and where consistent with ((the provisions of)) the bond covenants, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this section.

D. Impact fees shall be expended or encumbered, (((~~i.e.~~)) which means being committed as part of the funding for a facility for which the publicly funded share has been assured, ((~~or~~)) building permits applied for((~~,~~)) or construction contracts let((~~)~~)), by the district for a permissible use within ((~~six (6)~~)) ten years of receipt by the county, unless there exists an extraordinary and compelling reason for fees to be held longer than ((~~six (6)~~)) ten years. Such extraordinary or compelling reasons shall be identified to the county by the district. The county must prepare written findings concurring with the district's reasons, and authorizing the later encumbrance or expenditure of the fees prior to the district so encumbering or expending the funds, or directing a refund of the fees.

E. The current owner of property on which an impact fee has been paid may receive a refund of such fees if the impact fees have not been expended or encumbered within ((~~six (6)~~)) ten years of receipt of the funds by the county. In determining whether impact fees have been encumbered, impact fees shall be considered encumbered on a first in, first out basis. The county shall notify potential claimants by first-class mail deposited with the United States Postal Service addressed to the owner of the property as shown in the county tax records.

F. An owner's request for a refund must be submitted to the county council in writing within one (((~~1~~))) year of the date the right to claim the refund arises or the date that notice is given, whichever date is later. Any impact fees that are not expended or encumbered within these time limitations, and for which no application for a refund has been made within this one((~~(1)~~))-year period, shall be retained and expended consistent with ((~~the provisions of~~)) this section. Refunds of impact fees shall include any interest earned on the impact fees.

G. Should the county seek to terminate any or all school impact fee requirements, all unexpended or unencumbered funds, including interest earned, shall be refunded to the current owner of the property for which a school impact fee was paid. Upon the finding that any or all fee requirements are to be terminated, the county shall place notice of ((~~such~~)) the termination and the availability of refunds in a newspaper of general circulation at least two (((~~2~~))) times and shall notify all potential claimants by first-class mail addressed to the

owner of the property as shown in the county tax records. All funds available for refund shall be retained for a period of one (((~~(1)~~))) year. At the end of one (((~~(1)~~))) year, any remaining funds shall be retained by the county, but must be expended for the district, consistent with ((~~the provisions of~~)) this section. The notice requirement ((~~set forth above~~)) in this subsection shall not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.

H. A developer may request and shall receive a refund, including interest earned on the impact fees, when:

1. The developer does not proceed to finalize the development activity as required by statute or county code ((~~or the Uniform Building Code,~~));; and

2. No impact on the district has resulted. "Impact" shall be deemed to include cases where the district has expended or encumbered the impact fees in good faith prior to the application for a refund. In the event that the district has expended or encumbered the fees in good faith, no refund shall be forthcoming. However, if within a period of three (((~~(3)~~))) years, the same or subsequent owner of the property proceeds with the same or substantially similar development activity, the owner shall be eligible for a credit. The owner must petition the county and provide receipts of impact fees paid by the owner for a development of the same or substantially similar nature on the same property or some portion thereof. The county shall determine whether to grant a credit, and such determinations may be appealed by following the procedures ((~~set forth~~)) in ((~~Section~~)) K.C.C. 21A.43.070.

I. Interest due upon the refund of impact fees required by this section shall be calculated according to the average rate received by the county or the district on invested funds throughout the period during which the fees were retained.

SECTION 59. Ordinance 14807, Section 3, and K.C.C. 21A.06.682 are each hereby repealed.

SECTION 60. Pursuant to K.C.C. 20.44.080, the metropolitan King County council finds that the requirements for environmental analysis, protections and mitigation measures in the chapters of K.C.C. Title

21A amended by this ordinance, provide adequate analysis of and mitigation for the specific adverse environmental impacts to which the requirements apply.

SECTION 61. 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.

30 days prior, official paper

Newspaper: Seattle Times, publish on April 16, 2014

Public hearing: 5/19/14

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