



Legislation Details (With Text)

**File #:** 2018-0037      **Version:** 3

**Type:** Ordinance      **Status:** Passed

**File created:** 1/8/2018      **In control:** Transportation, Economy, and Environment Committee

**On agenda:** 2/26/2018      **Final action:** 3/5/2018

**Enactment date:** 3/8/2018      **Enactment #:** 18671

**Title:** AN ORDINANCE relating to permitting and zoning; amending Ordinance 10870, Section 337, as amended, and K.C.C. 21A.08.100 and Ordinance 10870, Section 340, as amended, and K.C.C. 21A.12.030 and adding a new section to K.C.C. chapter 21A.06.

**Sponsors:** Rod Dembowski

**Indexes:** Permits, Regional Transit Authority, Zoning

**Code sections:** 21A.06 -, 21A.08.100 -

**Attachments:** 1. Ordinance 18671.pdf, 2. 2018-0037 transmittal letter, 3. 2018-0037 legislative review form.pdf, 4. 2018-0037 advertising, 5. 2018-0037 Fiscal Note, 6. 2018-0037--expedited Commerce notice request, 7. 2018-0037--Land Use and Zoning Summary 10-30-17, 8. 2018-0037--Regulatory Note checklist of criteria, 9. 2018-0037--ST plain language summary, 10. 2018-0037--DNS & SEPA cklist - ST code amend ord, 11. 2018-0037--AckLetterExp 10-17.pdf, 12. 2018-0037\_SR\_RegionalTransitZoning\_011618.docx, 13. ATT2\_AmdtS1.docx, 14. ATT3\_AmdtT1.docx, 15. ATT6\_EastLinkAlignment.pdf, 16. 2018-0037\_RevisedSR\_RegionalTransitZoning.docx, 17. 2018-0037 hearing notice re KC zoning code Seattle Times 1-24-18- doc, 18. 2018-0037 Affidavit of Pub Seattle Times 1-24-18.pdf, 19. 18671 Amendent Package 3-5-18.pdf, 20. 2018-0037 adoption notice.doc, 21. 2018-0037 - Adoption Notice Aff of publishing 3-21-18 Sea Times.pdf

Date	Ver.	Action By	Action	Result
3/5/2018	3	Metropolitan King County Council	Hearing Held	
3/5/2018	3	Metropolitan King County Council	Passed as Amended	Pass
2/26/2018	2	Metropolitan King County Council	Hearing Held	
2/26/2018	2	Metropolitan King County Council	Deferred	
1/16/2018	1	Transportation, Economy, and Environment Committee	Passed Out of Committee Without a Recommendation	Pass
1/8/2018	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE relating to permitting and zoning; amending Ordinance 10870, Section 337, as amended, and K.C.C. 21A.08.100 and Ordinance 10870, Section 340, as amended, and K.C.C. 21A.12.030 and adding a new section to K.C.C. chapter 21A.06.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

**SECTION 1. Findings:**

A. The Central Puget Sound Regional Transit Authority ("Sound Transit") is currently in the design phase to expand Link light rail to downtown Redmond.

B. The Sound Transit 3 Plan, approved by voters in 2016, includes funding to construct the Downtown Redmond Link Extension. Following design, permitting and construction, revenue service is expected to begin by 2024.

C. A portion of the light rail alignment and supporting infrastructure are anticipated to be located on property currently owned by King County, some of which is within the railbanked corridor supporting the East Lake Sammamish Trail.

D. King County and Sound Transit anticipate that a long-sought trail connection between the East Lake Sammamish Trail and the Redmond Central Connector Trail will be constructed as a collaborative effort between these entities.

E. A portion of the light rail alignment is expected to run just within the north property line of King County's Marymoor park. Marymoor park is located within unincorporated King County. A new station is expected to be located just outside of the park boundaries to the east, within the city limits of the city of Redmond.

F. Marymoor park is King County's most popular park, with more than three million people visiting annually to explore six hundred forty acres of recreational activities, amenities, and events.

G. At the north end of Marymoor park, in close proximity to the planned light rail alignment, are baseball fields, soccer fields, cricket fields, a recreation and event area and the velodrome.

H. As part of the implementation of the light rail alignment, Sound Transit is required to obtain permits from the county's department of permitting and environmental review.

I. The property is owned by King County parks and recreation division in fee ownership, and is subject to the county's zoning regulations. If the property is acquired in the future by Sound Transit and converted to right-of-way, the zoning regulations would no longer apply.

J. The county's zoning code, adopted in K.C.C. Title 21A, does not currently permit light rail facilities within residential zones in unincorporated King County.

K. The proposed ordinance would allow a "regional transit authority facility" within the residential, one dwelling unit per acre (R-1) to residential, eight dwelling units per acre (R-8) zones. A development condition would exempt these facilities from height and setback requirements.

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

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

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

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

County park facilities affected by this project will be protected.

NEW SECTION. SECTION 2. A new section is hereby added to K.C.C. chapter 21A.06 to read as follows:

Regional transit authority facility: a light rail facility serving more than one jurisdiction.

SECTION 3. Ordinance 10870, Section 337, as amended, and K.C.C. 21A.08.100 are each hereby amended to read as follows:

A. Regional land uses.

P = Permitted Use C = Conditional Use S = Special Use		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (15)
*	Jail						S	S	S	S	S	S	S
*	Jail Farm/Camp	S	S		S	S							
*	Work Release Facility				S19	S19	S	S	S	S	S	S	
*	Public Agency Animal Control Facility		S		S	S					S		P
*	Public Agency Training Facility		S		S3					S3	S3	S3	C4
*	Hydroelectric Generation Facility		C14 S		C14 S	C14 S	C14 S						
*	Non-hydroelectric Generation Facility	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	P12 S
*	Communication Facility (17)	C6c S	P		C6c S	C6c S	C6c S	C6c S	C6c S	P	P	P	P
*	Earth Station	P6b C	P		C6a S	C6a S	C6a S	C6a S	P6b C	P	P	P	P
13	Oil and Gas Extraction	S	C	P	S	S	S	S	S	S	S	S	C
*	Energy Resource Recovery Facility		S	S	S	S	S	S	S	S	S	S	S
*	Soil Recycling Facility		S	S	S								C
*	Landfill		S	S	S	S	S	S	S	S	S	S	S
*	Transfer Station			S	S	S	S	S	S	S	S		P
*	Wastewater Treatment Facility				S	S	S	S	S	S	S	S	C
*	Municipal Water Production	S	P13 S	S	S	S	S	S	S	S	S	S	S
*	Airport/Heliport	S7	S7		S	S	S	S	S	S	S	S	S
*	Regional Transit Authority Facility						P 25						
*	Rural Public Infrastructure Maintenance Facility				C23								
*	Transit Bus Base						S	S	S	S	S	S	P
*	School Bus Base				C5 S20	C5 S	C5 S	C5 S	S	S	S	S	P
7948	Racetrack				S8	S8	S8	S8	S8	S8	S8	S8	S24
*	Regional Motor Sports Facility												P
*	County Fairgrounds Facility				P21 S22								
*	Fairground									S	S		S

8422	Zoo/Wildlife Exhibit(2)		S9		S9	S	S	S		S	S		
7941	Stadium/Arena										S		S
8221-8222	College/University(1)	P10	P10		P10 C11 S18	P10 C11 S18	P10 C11 S	P10 C11 S	P10 C11 S	P	P	P	P
*	Zoo Animal Breeding Facility	P16	P16		P16								

B. Development conditions.

1. Except technical institutions. See vocational schools on general services land use table, K.C.C.

21A.08.050.

2. Except arboretum. See K.C.C. 21A.08.040, recreation/cultural land use table.
3. Except weapons armories and outdoor shooting ranges.
4. Except outdoor shooting range.
5. Only in conjunction with an existing or proposed school.
- 6.a. Limited to no more than three satellite dish antennae.
  - b. Limited to one satellite dish antenna.
  - c. Limited to tower consolidations.
7. Limited to landing field for aircraft involved in forestry or agricultural practices or for emergency landing sites.
8. Except racing of motorized vehicles.
9. Limited to wildlife exhibit.
10. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.
11. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter 21A.32.
12. Limited to cogeneration facilities for on-site use only.
13. Excluding impoundment of water using a dam.
14. Limited to facilities that comply with the following:
  - a. Any new diversion structure shall not:
    - (1) exceed a height of eight feet as measured from the streambed; or

(2) impound more than three surface acres of water at the normal maximum surface level;

b. There shall be no active storage;

c. The maximum water surface area at any existing dam or diversion shall not be increased;

d. An exceedance flow of no greater than fifty percent in mainstream reach shall be maintained;

e. Any transmission line shall be limited to a:

(1) right-of-way of five miles or less; and

(2) capacity of two hundred thirty KV or less;

f. Any new, permanent access road shall be limited to five miles or less; and

g. The facility shall only be located above any portion of the stream used by anadromous fish.

15. For I-zoned sites located outside the urban growth area designated by the King County Comprehensive Plan, uses shown as a conditional or special use in K.C.C. 21A.08.100.A, except for waste water treatment facilities and racetracks, shall be prohibited. All other uses, including waste water treatment facilities, shall be subject to the provisions for rural industrial uses in K.C.C. chapter 21A.12.

16. The operator of such a facility shall provide verification to the department of natural resources and parks or its successor organization that the facility meets or exceeds the standards of the Animal and Plant Health Inspection Service of the United States Department of Agriculture and the accreditation guidelines of the American Zoo and Aquarium Association.

17. The following provisions of the table apply only to major communication facilities. Minor communication facilities shall be reviewed in accordance with the processes and standard outlined in K.C.C. chapter 21A.27.

18. Only for facilities related to resource-based research.

19. Limited to work release facilities associated with natural resource-based activities.

20. Limited to projects which do not require or result in an expansion of sewer service outside the urban growth area, unless a finding is made that no cost-effective alternative technologies are feasible, in which

case a tightline sewer sized only to meet the needs of the school bus base and serving only the school bus base may be used. Renovation, expansion, modernization or reconstruction of a school bus base is permitted but shall not require or result in an expansion of sewer service outside the urban growth area, unless a finding is made that no cost-effective alternative technologies are feasible, in which case a tightline sewer sized only to meet the needs of the school bus base.

21. Only in conformance with the King County Site Development Plan Report, through modifications to the plan of up to ten percent are allowed for the following:

- a. building square footage;
- b. landscaping;
- c. parking;
- d. building height; or
- e. impervious surface.

22. A special use permit shall be required for any modification or expansion of the King County fairgrounds facility that is not in conformance with the King County Site Development Plan Report or that exceeds the allowed modifications to the plan identified in subsection B.21 of this section.

23. The facility shall be primarily devoted to rural public infrastructure maintenance and is subject to the following conditions:

- a. The minimum site area shall be ten acres, unless:
  - (1) the facility is a reuse of a public agency yard; or
  - (2) the site is separated from a county park by a street or utility right-of-way;
- b. Type 1 landscaping as provided in K.C.C. chapter 21A.16 shall be provided between any stockpiling or grinding operations and adjacent residential zoned property;
- c. Type 2 landscaping as provided in K.C.C. chapter 21A.16 shall be provided between any office and parking lots and adjacent residential zoned property;

d. Access to the site does not use local access streets that abut residential zoned property, unless the facility is a reuse of a public agency yard;

e. Structural setbacks from property lines shall be as follows:

(1) Buildings, structures and stockpiles used in the processing of materials shall be no closer than:

(a) one hundred feet from any residential zoned properties, except that the setback may be reduced to fifty feet when the grade where the building or structures are proposed is fifty feet or greater below the grade of the residential zoned property;

(b) fifty feet from any other zoned property, except when adjacent to a mineral extraction or materials processing site;

(c) the greater of fifty feet from the edge of any public street or the setback from residential zoned property on the far side of the street; and

(2) Offices, scale facilities, equipment storage buildings and stockpiles shall not be closer than fifty feet from any property line except when adjacent to M or F zoned property or when a reuse of an existing building. Facilities necessary to control access to the site, when demonstrated to have no practical alternative, may be located closer to the property line;

f. On-site clearing, grading or excavation, excluding that necessary for required access, roadway or storm drainage facility construction, shall not be permitted within fifty feet of any property line except along any portion of the perimeter adjacent to M or F zoned property. If native vegetation is restored, temporary disturbance resulting from construction of noise attenuation features located closer than fifty feet shall be permitted; and

g. Sand and gravel extraction shall be limited to forty thousand yards per year.

24. The following accessory uses to a motor race track operation are allowed if approved as part of the special use permit:

a. motocross;



- b. autocross;
- c. skidpad;
- d. garage;
- e. driving school; and
- f. fire station.

25. Regional transit authority facilities shall be exempt from setback and height requirements.

SECTION 4. 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.

STANDARDS	RURAL ((RURAL AREA))				RESIDENTIAL ((URBAN RESERVES))								
	RA-2.5	RA-5	RA-10	RA-20	UR	R-1 (17)	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density: Dwelling Unit/Acre ( )	0.2 du/ac	0.2 du/ac	0.1 du/ac	0.05 du/ac	0.2 du/ac (21)	1 du/ac	4 du/ac (6)	6 du/ac	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac
Maximum Density: Dwelling Unit/Acre ( )	0.4 du/ac (20)						6 du/ac (22) 8 du/ac (27)	9 du/ac (27)	12 du/ac (27)	18 du/ac (27)	27 du/ac (27)	36 du/ac (27)	72 du/ac (27)
Minimum Density: (2)							85% (18) (2)	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	35 ft (7)	30 ft (8)	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft
Minimum Street Setback (3)	30 ft (9)	30 ft (9)	30 ft (9)	30 ft (9)	30 ft (7)	20 ft (29)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)
Minimum Interior Setback (3) (16)	5 ft (9)	10 ft (9)	10 ft (9)	10 ft (9)	5 ft (7)	5 ft (7)	5 ft (29)	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 (29)	35 ft (25)	35 ft 4 ft (14) (25)	35 ft 4 ft (14) (25)	60 ft	60 ft 8 ft (14)	60 ft 8 ft (14)	60 ft 8 ft (14)
Maximum Impervious Surface: Percent (5)	25% (11) (19) (26)	20% (11) (19) (26)	15% (11) (19) (26)	12.5% (11) (19) (26)	30% (11) (19) (26)	30% (11) (19) (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 recreation 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.

29. Height and setback requirements shall not apply to regional transit authority facilities.

**SECTION 5. Severability.** If any provision of this ordinance or its application

to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.