Legislation Details (With Text)

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On agenda:		**Final action:**	12/11/2019
Enactment date:	12/19/2019	**Enactment #:**	19040
Title:	AN ORDINANCE relating to planning and permitting, and amending Ordinance 10870, Section 330, as amended, and K.C.C. 21A.08.030 and Ordinance 10870, Section 331, as amended, and K.C.C. 21A.08.040.		
Sponsors:	Pete von Reichbauer		
Indexes:	Permits, Planning		
Code sections:	21A.08.030 -, 21A.08.040 -		
Attachments:	1. Ordinance 19040, 2. Ord. 2019-0433 SEPA TD, 3. Acknowledge-Letter-2019-S-773, 4. 2019-0433 GolfCourseLodging SEPA checklist_10-10-19, 5. 2019-0433 hearing notice, 6. 2019-0433_SR_GolfFacilityLodging, 7. 2019-0433_SR_dated_11192019_GolfFacilityLodging, 8. Acknowledge-Letter-2019-S-1083, 9. 2019-0433 Affidavit of Publication 01-06-20 Seattle Times		

Date	Ver.	Action By	Action	Result
12/11/2019	1	Metropolitan King County Council	Passed	Pass
11/19/2019	1	Mobility and Environment Committee	Recommended Do Pass	Pass
11/5/2019	1	Mobility and Environment Committee	Deferred	
10/9/2019	1	Metropolitan King County Council	Introduced and Referred	

Clerk 10/08/2019

AN ORDINANCE relating to planning and permitting, and amending Ordinance 10870, Section 330, as amended, and K.C.C. 21A.08.030 and Ordinance 10870, Section 331, as amended, and K.C.C. 21A.08.040.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 10870, Section 330, as amended, and K.C.C. 21A.08.030 are hereby amended to read as follows:

A. Residential land uses.

P-Permitted Use C-Conditional Use S-Special Use	RESOURCE	R U R A L	RESIDENTIAL	COMMERCIAL/INDUSTRIAL

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SIC #	SPECIFIC USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I
	DWELLI UNITS, T												
*	Single De	P C12	P2		P C12	P C12	P C12	P C12	P15				
*	Townhou				C4	C4	P11 C1	P	P3	P3	P3	P3	
*	Apartmen				C4	C4	P5 C5	P	P3	P3	P3	P3	
*	Mobile H				S13		C8	P					
*	Cottage H						P15						
	GROUP RESIDE												
*	Communi Residenti				C	C	P14.a C	P	P3	P3	P3	P3	
*	Communi Residenti II						P14.b	P	P3	P3	P3	P3	
*	Dormitory				C6	C6	C6	P					
*	Senior Ci Assisted I					P4	P4	P	P3	P3	P3	P3	
	ACCESS USES:												
*	Residenti Accessory	P7	P7		P7	P7	P7	P7	P7	P7	P7	P7	
*	Home Oc	P18	P18		P18	P18	P18	P18	P18	P18	P18	P18	
*	Home Ind	C			C	C	C						
	TEMPOI LODGIN												
7011	Hotel/Mo									P	P	P	
*	Bed and E Guesthou	P9			P9	P9	P9	P9	P9	P10	P10		
7041	Organizat Hotel/Loc Houses						P17				P		

B. Development conditions.

1. Except bed and breakfast guesthouses.

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

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

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

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

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

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

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

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

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

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

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

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

7.a. Accessory dwelling units:

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

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

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

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

c. a lot containing more than one primary dwelling;

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

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

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

(5) On a site zoned RA:

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

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

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

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

(8) An applicant seeking to build an accessory dwelling unit shall file a notice approved by the department of executive services, records and licensing services division, that identifies the dwelling unit as accessory. The notice shall run with the land. The applicant shall submit proof that the notice was filed before the department shall approve any permit for the construction of the accessory dwelling unit. The required

contents and form of the notice shall be set forth in administrative rules. If an accessory dwelling unit in a detached building in the rural zone is subsequently converted to a primary unit on a separate lot, neither the original lot nor the new lot may have an additional detached accessory dwelling unit constructed unless the lot is at least twice the minimum lot area required in the zone; and

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

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

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

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

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

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

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

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

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

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

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

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

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

14.a. Limited to domestic violence shelter facilities.

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

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

a. developments no larger than one acre;

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

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

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

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

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

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

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

17. ((~~Repealed~~)) Only in the R-1 zone as an accessory to a golf facility and consistent with K.C.C. 21A.08.040.

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

SECTION 2. Ordinance 10870, Section 331, as amended, and K.C.C. 21A.08.040 are hereby amended to read as follows:

A. Recreational/cultural land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	**SPECIA**	**A**	**F**	**M**	**RA**	**UR**	**R1-8**	**R12-48**	**NB**	**CB**	**RB**	**O**	**I**
	PARK/												
*	Park	P1	P1	P1	P1	P1	P1	P1	P	P	P	P	P13
*	Trails	P	P	P	P	P	P	P	P	P	P	P	P
*	Campgr		P16 C16a	P16	P16 C16a	P16 C16a							P16 C16a
*	Destinat		S		S18	C					C		
*	Marina		C 3		C4	C4	C4	C4	P5	P	P	P	P
*	Recreati		P19	P19	C2 and 18 P19	C2 P19							
*	Sports C				C4 and18	C4	C4	C4	C	P	P		
*	Ski Area		S		S18								
*	Recreati		C		P24 C								
	AMUSI AINME												
*	Adult E Busines									P6	P6	P6	
*	Theater									P	P	P	P25
7833	Theater,										C		
793	Bowling									P	P		P
*	Golf Fa				C7 and 18	P7	P7	P7					
7999 (14)	Amusen Recreati		P21	P21	P8 P21 C15 and 18	P8 P21 P22 C15	P8 P21 P22 C1	P8 P21 P22 C15	P21 P1	P	P	P21	P21
*	Indoor F									P26	P26		P26
*	Outdoor				C27	C27							
*	Shootin		C9		C9 and 18						C10		P10
*	Amusen									P	P		
7996	Amusen										C		
*	Outdoor Center		S		C12 S18		P20	P20			S		
	CULTU												
823	Library				P11	P11 C	P11 C	P28	P	P	P	P	
841	Museum	C23	C23		P11	P11 C	P11 C	P28	P	P	P	P	P
842	Arboretu	P	P		P	P	P	P	P	P	P	P	
*	Confere				P29C12	P29C12	P29 C	P29 C	P	P	P	P	

B. Development conditions.

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

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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 and mesh backstops;

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.a. 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; and

b. In addition to ancillary facilities, an organizational hotel/lodging house shall be allowed as an accessory use, subject to the following:

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(1) only allowed in the R-1 zone;

(2) only allowed with a privately owned golf facility that legally existed as of January 1, 2019;

(3) only allowed as an incidental or subordinate use to a principal golf facility use;

(4) a maximum of twenty-four sleeping units is allowed; and

(5) shall be connected to and served by public sewer.

8. Limited to golf driving ranges, only as:

a. accessory to golf courses; or

b. accessory to a recreation 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.

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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; 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 recreation or multiuse park.

20. Only as an accessory to a recreation or multiuse park of at 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 recreation or multiuse park.

22. Only as accessory to a large active recreation and 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;

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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.

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