



Legislation Text

File #: 2011-0328, **Version:** 3

AN ORDINANCE relating to development regulations; amending Ordinance 14111, Section 4, as amended, and K.C.C. 16.02.110, Ordinance 10608, Section 314111, as amended, and K.C.C. 16.02.130, Ordinance 12560, Section 10, as amended, and K.C.C. 16.02.240, Ordinance 14111, Section 118, as amended, and K.C.C. 16.12.010, Ordinance 14111, Section 129, as amended, and K.C.C. 16.14.010, Ordinance 6746, Section 5, as amended, and K.C.C. 16.32.030, Ordinance 15053, Section 3, as amended, and K.C.C. 16.82.051, Ordinance 13964, Section 4, and K.C.C. 19A.04.020, Ordinance 13694, Section, and K.C.C. 19A.04.210, Ordinance 13694, Section 28, and K.C.C. 19A.04.270, Ordinance 13694, Section 42, as amended, and K.C.C. 19A.08.070, Ordinance 13694, Section 56, as amended, and K.C.C. 19A.12.020, Ordinance 13694, Section 57, and K.C.C. 19A.12.030, Ordinance 13694, Section 58, as amended, and K.C.C. 19A.12.040, Ordinance 13694, Section 80, and K.C.C. 19A.28.020, Ordinance 12196, Section 13, as amended, and K.C.C. 20.20.060, Ordinance 12196, Section 15, and K.C.C. 20.20.080, Ordinance 15051, Section 7, and K.C.C. 21A.06.072C , Ordinance 10870, Section 130, and K.C.C. 21A.06.450, Ordinance 10870, Section 82, and K.C.C. 21A.06.210, Ordinance 10870, Section 83, and K.C.C. 21A.06.215, Ordinance 10870, Section 247, and K.C.C. 21A.06.1035 , Ordinance 10870, Section 248, and K.C.C. 21A.06.1040, Ordinance 16950, Section 13, and K.C.C. 21A.06.1263, Ordinance 10870,

Section 294, as amended, and K.C.C. 21A.06.1270, 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 334, as amended, and K.C.C. 21A.08.070, Ordinance 10870, Section 336, as amended, and K.C.C. 21A.08.090, Ordinance 10870, Section 337, as amended, and K.C.C. 21A.08.100, Ordinance 10870, Section 351, as amended, and K.C.C. 21A.12.140, Ordinance 10870, Section 354, as amended, and K.C.C. 21A.12.170, Ordinance 11210, Section 17, and K.C.C. 21A.16.330, Ordinance 10870, Section 415, as amended, and K.C.C. 21A.18.110, Ordinance 15051, Section 137, as amended, and K.C.C. 21A.24.045, Ordinance 10870, Section 454, as amended, and K.C.C. 21A.24.070, Ordinance 10870, Section 491, and K.C.C. 21A.26.020, Ordinance 10870, Section 492, as amended, and K.C.C. 21A.26.030, Ordinance 10870, Section 494, as amended, and K.C.C. 21A.26.050, Ordinance 10870, Section 503, as amended, and K.C.C. 21A.26.140, Ordinance 10870, Section 505, as amended, and K.C.C. 21A.26.160, Ordinance 10870, Section 536, as amended, and K.C.C. 21A.30.080, Ordinance 15606, Section 20, as amended, and K.C.C. 21A.30.085, Ordinance 10870, Section 537, as amended, and K.C.C. 21A.30.090, Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120, Ordinance 11567, Section 1, as amended, and K.C.C. 21A.38.100, Ordinance 11621, Section 130, and K.C.C. 21A.41.110, Ordinance 13130, Section 10, and K.C.C. 21A.42.180, Ordinance 13130, Section 11, as amended, and K.C.C. 21A.42.190, Ordinance 12020, Section 14, and K.C.C. 27A.30.030

and Ordinance 12020, Section 27, and K.C.C. 27A.40.070, adding a new section to K.C.C. chapter 21A.04, adding new sections to K.C.C. chapter 21A.06, adding new sections to K.C.C. chapter 23.32, adding a new chapter to K.C.C. Title 21A, recodifying K.C.C. 21A.26.300, K.C.C. 21A.26.310, K.C.C. 21A.26.320, K.C.C. 21A.26.330, K.C.C. 21A.26.340, K.C.C. 21A.26.350, K.C.C. 21A.26.360, K.C.C. 21A.26.370, K.C.C. 21A.26.380, K.C.C. 21A.26.390, K.C.C. 21A.26.400, K.C.C. 21A.26.410, K.C.C. 21A.26.420, K.C.C. 21A.26.430, K.C.C. 21A.26.440, K.C.C. 21A.26.450 and K.C.C. 21A.26.451 and repealing Ordinance 13694, Section 60, and K.C.C. 19A.12.060, Ordinance 11210, Section 14, and K.C.C. 21A.16.300, Ordinance 11210, Section 15, and K.C.C. 21A.16.310, Ordinance 11210, Section 16, and K.C.C. 21A.16.320 and Ordinance 11210, Section 20, and K.C.C. 21A.16.360.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 14111, Section 4, as amended, and K.C.C. 16.02.110 are each hereby amended to read as follows:

The International Building Code, ((2006)) 2009 Edition, with Appendix C, E and M, as amended in chapter 51-50 WAC, Appendix Z, as adopted by this title, and the International Residential Code for One- and Two Family Dwellings ((2006)) 2009 Edition, with Appendix F, G, H and K, ((2006)) 2009 Edition, as amended in chapter 51-51 WAC, as published by or jointly with the International Code Council, Inc., together with amendments, additions and deletions adopted in this chapter by reference, together with the State Building Code Act, chapter 19.27 RCW, and with King County modifications that are adopted and codified in this chapter are adopted as the King County building codes and may be cited as such and are referred to in this chapter as “this code.”

This code also may be further clarified and implemented with administrative rules adopted in accordance with K.C.C. chapter 2.98.

SECTION 2. Ordinance 10608, Section 314111, as amended, and K.C.C. 16.02.130 are each hereby amended to read as follows:

~~((Chapter 51-11 WAC, the Washington State Energy Code, ((2006)) 2009 Edition, effective July 1, 2007, and chapter 51-13 WAC, the Washington State Ventilation and Indoor Air Quality Code, 2006 Edition, effective July 1, 2007, and t))~~ The King County modifications to the ~~((2003))~~ 2006 editions of the International Building Code, International Residential Code for One- and Two-Family Dwellings, International Mechanical Code, International Property Maintenance Code, and the Security Code are adopted as part of the code.

SECTION 3. Ordinance 12560, Section 10, as amended, and K.C.C. 16.02.240 are each hereby amended to read as follows:

Section 105.2 of the International Building Code is not adopted and the following is substituted:

Work exempt from permit (IBC 105.2). A building permit shall not be required for the following:

Building:

1. One-story detached one and two family residential accessory buildings used as tool and storage sheds, playhouses, tree supported structures used for play and similar uses, not including garages or other buildings used for vehicular storage, provided the floor area does not exceed 200 square feet (11.15 m²) provided that the roof overhang does not exceed twenty-four inches measured horizontally from the exterior wall.
2. One-story detached agricultural accessory buildings used as tool and storage sheds, not including garages or other buildings used for vehicle storage, provided the floor area does not exceed 200 square feet (11.15 m²) provided that the roof overhang does not exceed twenty-four inches measured horizontally from the exterior wall.
3. Fences not over 6 feet (1.829 m) high.

~~((3-))~~ 4. Oil derricks.

~~((4-))~~ 5. Retaining walls which are not over 4 feet (1.219 m) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

~~((5-))~~ 6. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 l) and the ratio of height to diameter or width does not exceed 2 to 1.

~~((6-))~~ 7. Platforms, sidewalks and driveways not more than 30 inches (.762 m) above grade and not over any basement or story below and which are not part of an accessible route.

~~((7-))~~ 8. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

~~((8-))~~ 9. Temporary motion picture, television and theater stage sets and scenery.

~~((9-))~~ 10. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy as applicable in Section 101.2, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18,925 l) and are installed entirely above ground.

~~((10-))~~ 11. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.

~~((11-))~~ 12. Swings and other playground equipment.

~~((12-))~~ 13. Window awnings supported by an exterior wall which do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support of Group R3, as applicable in Section 101.2, and Group U Occupancies.

~~((13-))~~ 14. Moveable cases, counters and partitions not over 5 feet 9 inches (228.6 m) high.

~~((14-))~~ 15. Re-roofing of existing buildings.

EXCEPTION: When replacement roofing adds more than 5 pounds per square foot cumulative dead load to the weight of the original roofing a permit shall be required.

~~((15-))~~ 16. Submerged, freestanding mechanical boat lifts associated with single-family residential piers and recreational watercraft not exceeding 25 feet in length or 15 feet in width with no portion exceeding a

height of 10 feet above the ordinary high water mark as defined in K.C.C. ((25.08.350)) 21A.06.825.

((16-)) 17. Work located primarily in a public way, public utility towers and poles.

((17-)) 18. Mechanical equipment not specifically regulated in this code.

((18-)) 19. Hydraulic flood control structures.

((19-)) 20. Antenna and dishes that fall under FCC Antenna Rule 47 C.F.R including masts under twelve feet above the roof line and dishes up to one meter in diameter.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation appliances and equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part which does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.
8. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above-exempted items.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

SECTION 4. Ordinance 14111, Section 118, as amended, and K.C.C. 16.12.010 are each hereby amended to read as follows:

The ((2006)) 2009 International Mechanical Code, with Appendix A, as amended in chapter 51-52 WAC effective July 1, ((2007)) 2010, as published by or jointly with the International Code Council, Inc, together with amendments, additions and deletions hereinafter adopted by reference, together with the state building code and with King County modifications which shall be adopted and codified in this chapter are adopted as the King County mechanical code and hereinafter referred to as “IMC.”

SECTION 5. Ordinance 14111, Section 129, as amended, and K.C.C. 16.14.010 are each hereby amended to read as follows:

The International Property Maintenance Code, ((2006)) 2009 Edition, as published by the International Code Council, together with amendments, additions and deletions hereinafter adopted by reference, together with King County modifications which shall be adopted and codified in this chapter are adopted as the King County property maintenance code and hereinafter referred to as “IPMC.” Chapter 8, Referenced Standards, is not adopted.

SECTION 6. Ordinance 6746, Section 5, as amended, and K.C.C. 16.32.030 are each hereby amended to read as follows:

A. Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, and 16 and Appendix A, B, and I of the Uniform Plumbing Code, ((2006)) 2009 Edition, as published by or jointly with the International Association of Plumbing and Mechanical Officials and as amended in chapters 51-56 WAC and 51-57 WAC, and the gas piping provisions of the International Fuel Gas Code, ((2006)) 2009 Edition, the National Fuel Gas Code, ((2006)) 2009 Edition (((2002)) 2009 ANSI Z223.1/ NFPA 54), the Liquefied Petroleum Gas Code, ((2004))

2008 Edition (((2004)) 2008 NFPA 58) as amended in chapter 51-52 WAC, and the International Residential Code, ((2006)) 2009 Edition, as amended in chapter 51-51 WAC, are hereby adopted and together with King County amendments, additions and deletions adopted in this chapter are adopted as the King County Plumbing Code and may be cited as such and referred to in this chapter as "this code." This code shall have precedence over documents adopted by reference.

B. This code also may be further clarified and implemented by administrative rules adopted in accordance with K.C.C. chapter 2.98.

SECTION 7. Ordinance 15053, Section 3, as amended, and K.C.C. 16.82.051 are each hereby amended to read as follows:

A. For the purposes of this section, the definitions in K.C.C. chapter 21A.06 apply to the activities described in this section.

B. The following activities are excepted from the requirement of obtaining a clearing or grading permit before undertaking forest practices or clearing or grading activities, as long as those activities conducted in critical areas are in compliance with the standards in this chapter and in K.C.C. chapter 21A.24. In cases where an activity may be included in more than one activity category, the most-specific description of the activity shall govern whether a permit is required. For activities involving more than one critical area, compliance with the conditions applicable to each critical area is required. Clearing and grading permits are required when a cell in this table is empty and for activities not listed on the table.

KEY													
"NP" in a cell means	O A U R T E O A F A C N R I D T I B C U A F F L E R	C O E R O L M S I O N N E H A Z A Z A R D	F L O O D H A Z A R D	C H A N N E L M I G R A T I O N	L A A N N D D S L B I D U E F F H E A R Z A R D	S E I V O M I C C A H A C H P A R Z A I D P E R	S T H E E A P S Z L O A P E R D D N D B U F F E R	C R R I T E I C C A L H A Q A U I R A F E G R E D B U F F E R	W E A L A Q D S U N D A U F I C U E R A F F R E R E R A A	A A Q N U D B L I N C U F E E T F A W R O R K	W A L N D D L I N F E E T A K		

no permit required if conditions are met. A number in a cell means the Numbered condition in subsection C. applies. "Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network												
ACTIVITY												
Grading and Clearing												
Grading	NP 1, NP 2	NP 1, NP 2	NP 1, NP 2				NP 1, NP 2		NP 1, 2			
Clearing	NP 3 NP 24	NP 3 NP 3	NP 3	NP 3			NP 3 NP 3		NP 3	NP 4 NP 2	NP 4 NP 23	
Covering of garbage	NP 5 NP 5	NP 5 NP 5	NP 5	NP 5	NP 5	NP 5	NP 5 NP 5	NP 5	NP 5	NP 5 NP 5	NP 5 NP 5	
Emergency tree removal	NP ((NP 6))	NP 6 NP 6	NP 6	NP 6	NP 6	NP 6	NP 6 NP 6	NP 6	NP 6	NP 6 NP 6	NP 6 NP 6	
<u>Hazard tree removal</u>	NP											
Removal of noxious weeds	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Removal of invasive vegetation	NP 7 NP 7	NP 7 NP 7	NP 7	NP 7			NP 7 NP 7		NP 7	NP 8 NP 8	NP 8 NP 8	
Non conversion Class I, II, III practice	NP 9 NP 9	NP 9 NP 9	NP 9	NP 9	NP 9	NP 9	NP 9 NP 9	NP 9	NP 9	NP 9 NP 9	NP 9 NP 9	
Emergency action	NP 10 NP 10	NP 10 NP 10	NP 10	NP 10	NP 10	NP 10	NP 10 NP 10	NP 10	NP 10	NP 10 NP 10	NP 10 NP 10	
Roads												
Grading within the roadway	NP 11 NP 11	NP 11 NP 11	NP 11	NP 11	NP 11	NP 11	NP 11 NP 11	NP 11	NP 11			NP 11
Clearing within the roadway	NP	NP 12 NP 12	NP 12	NP 12	NP 12	NP 12	NP 12 NP 12	NP 12	NP	NP 12 NP 12	NP 12 NP 12	
Maintenance of driveway or road	NP 13 NP 13	NP 13 NP 13	NP 13	NP 13	NP 13	NP 13	NP 13 NP 13	NP 13	NP 13	NP 13 NP 13	NP 13 NP 13	
Maintenance of bridge or culvert	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	
Construction of farm field access	NP 16 NP 16	NP 16 NP 16	NP 16	NP 16	NP 16	NP 16	NP 16 NP 16	NP 16	NP 16	NP 16 NP 16	NP 16 NP 16	

Maintenance of farm field access	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17
Utilities												
Construction or maintenance of corridors or facility within the way	NP 18	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 18	NP 19	NP 19	NP 19
Construction or maintenance of corridors or facility outside of the way	NP 1, 2, 3		NP 1, 2, 3				NP 1, 2, 3		NP 1, 2, 3			
Maintenance of existing surface conveyance system	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance of existing surface control and surface water quality facility	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance or repair of flood facility	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20
Maintenance or repair of existing structure	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Recreation areas												
Maintenance of outdoor public trail or publicly improved recreation	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13
Habitat and science project												
Habitat restoration or enhancement	NP	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP	NP 21	NP 21	NP 21
Drilling and testing for critical	NP 1, 2	NP 1, 2	NP 1, 2	NP 22	NP 22	NP 22	NP 1, 2	NP 22	NP 1, 2	NP 22	NP 22	NP 22
Agriculture												
Horticulture activity including planting, seeding, harvesting, rotating crops and related activities	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Grazing livestock	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Construction and maintenance of manure storage facility	NP 16	NP 16	NP 16	NP 16	NP 16		NP 16		NP 16	NP 16	NP 16	
Maintenance of agricultural drainage	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15
Maintenance of farm pond, fish pond, livestock watering pond	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15
Other												
Excavation of cemetery graves and approved cemetery	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Maintenance of cemetery graves	NP 13	NP 13	NP 13	NP	NP 13	NP 13	NP	NP	NP 13	NP	NP 13	NP 13
Maintenance of lawn, landscape gardening for personal consumption	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	NP	NP 13	NP	NP 13	NP 13
Maintenance of golf course	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP	NP	NP 13	NP 13	NP 13	NP 13

C. The following conditions apply:

1. Excavation less than five feet in vertical depth, or fill less than three feet in vertical depth that, cumulatively over time, does not involve more than one hundred cubic yards on a single site.
2. Grading that produces less than two thousand square feet of new impervious surface on a single site added after January 1, 2005, or that produces less than two thousand square feet of replaced impervious surface or less than two thousand square feet of new plus replaced impervious surface after October 30, 2008. For purposes of this subsection C.2., "new impervious surface" and "replaced impervious surface" are defined in K.C.C. 9.04.020.
3. Cumulative clearing of less than seven thousand square feet including, but not limited to, collection of firewood and removal of vegetation for fire safety. This exception shall not apply to development proposals:
 - a. regulated as a Class IV forest practice under chapter 76.09 RCW;
 - b. in a critical drainage areas established by administrative rules;
 - c. subject to clearing limits included in property-specific development standards and special district overlays under K.C.C. chapter 21A.38; or
 - d. subject to urban growth area significant tree retention standards under K.C.C. 16.82.156 and 21A.38.230.
4. Cutting firewood for personal use in accordance with a forest management plan or rural stewardship plan approved under K.C.C. Title 21A. For the purpose of this condition, personal use shall not include the sale or other commercial use of the firewood.
5. Limited to material at any solid waste facility operated by King County.
6. Allowed to prevent imminent danger to persons or structures.
7. Cumulative clearing of less than seven thousand square feet annually or conducted in accordance with an approved farm management plan, forest management plan or rural stewardship plan.
8. Cumulative clearing of less than seven thousand square feet and either:
 - a. conducted in accordance with a farm management plan, forest management plan or a rural

stewardship plan; or

b. limited to removal with hand labor.

9. Class I, II, III or IV forest practices as defined in chapter 76.09 RCW and Title 222 WAC.

10. If done in compliance with K.C.C. 16.82.065.

11. Only when conducted by or at the direction of a government agency in accordance with the regional road maintenance guidelines and K.C.C. 9.04.050, creates less than two thousand square feet of new impervious surface on a single site added after January 1, 2005, and is not within or does not directly discharge to an aquatic area or wetland. For purposes of this subsection C.11., "new impervious surface" is defined in K.C.C. 9.04.020.

12. Limited to clearing conducted by or at the direction of a government agency or by a private utility that does not involve:

a. slope stabilization or vegetation removal on slopes; or

b. ditches that are used by salmonids.

13. In conjunction with normal and routine maintenance activities, if:

a. there is no alteration of a ditch or aquatic area that is used by salmonids:

b. the structure, condition or site maintained was constructed or created in accordance with law; and

c. the maintenance does not expand the roadway, lawn, landscaping, ditch, culvert or other improved area being maintained.

14. If a culvert is used by salmonids or conveys water used by salmonids and there is no adopted farm management plan, the maintenance is limited to removal of sediment and debris from the culvert and its inlet, invert and outlet and the stabilization of the area within three feet of the culvert where the maintenance disturbed or damaged the bank or bed and does not involve the excavation of a new sediment trap adjacent to the inlet.

15. If used by salmonids, only in compliance with an adopted farm plan in accordance with K.C.C.

Title 21A and only if the maintenance activity is inspected by:

- a. The King Conservation District;
- b. King County department of natural resources and parks;
- c. King County department of development and environmental services; or
- d. Washington state Department of Fish and Wildlife.

16. Only if consistent with an adopted farm plan in accordance with K.C.C. Title 21A.

17. Only if:

- a. consistent with a farm plan in accordance with K.C.C. Title 21A; or
- b. conducted in accordance with best management practices in the Natural Resource Conservation

Service Field Office Technical Guide.

18. In accordance with a franchise permit.

19. Only within the roadway in accordance with a franchise permit.

20. When:

- a. conducted by a public agency;
- b. the height of the facility is not increased;
- c. the linear length of the facility is not increased;
- d. the footprint of the facility is not expanded waterward;
- e. done in accordance with the Regional Road Maintenance Guidelines;
- f. done in accordance with the adopted King County Flood Hazard Management Plan and the

Integrated Streambank Protection Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002);

and

f. monitoring is conducted for three years following maintenance or repair and an annual report is submitted to the department.

21. Only if:

- a. the activity is not part of a mitigation plan associated with another development proposal or is not corrective action associated with a violation; and
- b. the activity is sponsored or co-sponsored by a public agency that has natural resource management as its primary function or a federally-recognized tribe, and the activity is limited to:
 - (1) revegetation of the critical area and its buffer with native vegetation or the removal of noxious weeds or invasive vegetation;
 - (2) placement of weirs, log controls, spawning gravel, woody debris and other specific salmonid habitat improvements;
 - (3) hand labor except:
 - (a) the use of riding mower or light mechanical cultivating equipment and herbicides or biological control methods when prescribed by the King County noxious weed control board for the removal of noxious weeds or invasive vegetation; or
 - (b) the use of helicopters or cranes if they have no contact with or otherwise disturb the critical area or its buffer.

22. If done with hand equipment and does not involve any clearing.

23. Limited to removal of vegetation for forest fire prevention purposes in accordance with best management practices approved by the King County fire marshal.

24. Limited to the removal of downed trees.

SECTION 8. Ordinance 13964, Section 4, and K.C.C. 19A.04.020 are each hereby amended to read as follows:

Alteration: the modification of a previously recorded plat, short plat, binding site plan, or any portion thereof, that results in ~~((modifications))~~ changes to conditions of approval, the addition of new lots or more land, or the deletion of existing lots or the removal of plat or lot restrictions or dedications that are shown on the recorded plat.

SECTION 9. Ordinance 13694, Section, and K.C.C. 19A.04.210 are each hereby amended to read as follows:

Lot: a physically separate and distinct parcel of property that has been created pursuant to the provisions of this title, or pursuant to any previous state or local laws governing the subdivision, short subdivision or segregation of land.

SECTION 10. Ordinance 13694, Section 28, and K.C.C. 19A.04.270 are each hereby amended to read as follows:

Revisions: a change prior to final approval or recording of a previously approved preliminary plat, preliminary short plat or binding site plan that includes, but is not limited to, the addition of new lots, tracts or parcels.

SECTION 11. Ordinance 13694, Section 42, as amended, and K.C.C. 19A.08.070 are each hereby amended to read as follows:

A. A property owner may request that the department determine whether a lot was legally segregated. The property owner shall demonstrate to the satisfaction of the department that((;)) a lot was created((;)) in compliance with applicable state and local land segregation statutes or codes in effect at the time the lot was created((,- including, but not limited to, demonstrating that the lot was created)) and that it meets following requirements:

1. The lot was created ((B))before June 9, 1937, and:

a. Before October 1, 1972 the lot was:

(1) conveyed as an individually described parcel to separate, noncontiguous ownerships through a fee simple transfer or purchase; or

(2) recognized as a separate tax lot by the county assessor; and

b. not later than January 1, 2000, the lot was provided with:

(1) approved sewage disposal;

(2) an approved water system; or

(3) a road, not including a forest road as defined in WAC 222-16-010 or in an easement for commercial road use for managing or hauling timber, that was:

(A) accepted for maintenance by the King County department of transportation; or

(B) located within an access easement for residential use or in a road right-of-way and consists of a smooth driving surface, including, but not limited to, asphalt, concrete, or compact gravel, that complied with the King County road standards in effect at the time the road was constructed; ~~((and~~

~~b.(1) was conveyed as an individually described parcel to separate, noncontiguous ownerships through a fee simple transfer or purchase before October 1, 1972; or~~

~~(2) was recognized before October 1, 1972, as a separate tax lot by the county assessor;))~~

2. The lot was created between June 9, 1937 and October 1, 1972 through a review and approval process recognized by the county for the creation of four lots or less ~~((from June 9, 1937, to October 1, 1972, or))~~;

3. The lot was created on or after June 9, 1937 through the subdivision process ~~((on or after June 9, 1937))~~;

~~((3-))~~ 4. The lot was created on or after October 1, 1972 through the short subdivision process ~~((on or after October 1, 1972))~~; or

4. The lot was created through the following alternative means of lot segregation provided for by state statute or county code:

a. for the raising of agricultural crops or livestock, in parcels greater than ten acres, between September 3, 1948, and August 11, 1969;

b. for cemeteries or other burial plots, while used for that purpose, on or after August 11, 1969;

c. at a size five acres or greater, recorded between August 11, 1969, and October 1, 1972, and did not contain a dedication;

d. at a size twenty acres or greater, created after June 9, 1937, not subsequently merged into a larger lot and recognized by ((King County)) the department or the department's predecessors before January 1, 2000 ~~((, and not subsequently merged into a larger lot))~~;

e. upon a court order entered between August 11, 1969, to July 1, 1974;

f. through testamentary provisions or the laws of descent after August 10, 1969;

g. through an assessor's plat made in accordance with RCW 58.18.010 after August 10, 1969 and not subsequently merged into a larger lot;

h. as a result of deeding land to a public body after April 3, 1977, and that is consistent with King County zoning code, access and board of health requirements so as to qualify as a building site pursuant to K.C.C. 19A.04.050; or

i. by a partial fulfillment deed pursuant to a real estate contract recorded before October 1, 1972, and no more than four lots were created per the deed.

B. In requesting a determination, the property owner shall submit evidence, deemed acceptable to the department, such as:

1. Recorded subdivisions or division of land into four lots or less;

2. King County documents indicating approval of a short subdivision;

3. Recorded deeds or contracts describing the lot or lots either individually or as part of a conjunctive legal description (e.g. Lot 1 and Lot 2); or

4. Historic tax records or other similar evidence, describing the lot as an individual parcel. The department shall give great weight to the existence of historic tax records or tax parcels in making its determination.

C. Once the department has determined that the lot was legally created, the department shall continue to acknowledge the lot as such, unless the property owner reaggregates or merges the lot with another lot or lots in order to:

1. Create a parcel of land that would qualify as a building site, or
2. Implement a deed restriction or condition, a covenant or court decision.

D. The department's determination shall not be construed as a guarantee that the lot constitutes a building site as defined in K.C.C. 19A.04.050.

E. Reaggregation of lots after January 1, 2000, shall only be the result of a deliberate action by a property owner expressly requesting the department for a permanent merger of two or more lots through a boundary line adjustment under K.C.C. chapter 19A.28.

SECTION 12. Ordinance 13694, Section 56, as amended, and K.C.C. 19A.12.020 are each hereby amended to read as follows:

A. Preliminary subdivision approval shall be effective for a period of sixty months.

B. Preliminary subdivision approval shall be considered the basis upon which the applicant may proceed toward development of the subdivision and preparation of the final plat subject to all the conditions of the preliminary approval.

C. If the final plat is being developed in divisions, and final plats for all of the divisions have not been recorded within the time limits provided in this section, preliminary subdivision approval for all unrecorded divisions shall become void. The preliminary subdivision for any unrecorded divisions must again be submitted to the department with a new application, subject to the fees and regulations applicable at the time of submittal.

D. An urban planned development permit, fully contained community permit, or development agreement approved pursuant to K.C.C. chapter 21A.39 may extend the preliminary approval period beyond sixty months for any preliminary subdivision approved simultaneous or subsequent to the urban planned development permit or fully contained community permit. Such extensions may be made contingent upon satisfying conditions set forth in the urban planned development permit, fully contained community permit or development agreement. In no case shall the extended preliminary approval period exceed the expected

buildout time period of the urban planned development or fully contained community as provided in the urban planned development permit, fully contained community permit or development agreement. This section shall apply to any approved urban planned development permit, fully contained community permit or development agreement in existence on January 1, 2000, or approved subsequent to January 1, 2000.

E. For any plat with more than four hundred lots that is also part of the county's four to one program, the preliminary subdivision approval shall be effective for eighty-four months. This subsection applies to any preliminary plat approved by either the council or the hearing examiner, or both, on or after January 1, 1998, that relates to a four to one program with proposed plats containing more than four hundred lots.

F. For any plat with more than fifty lots where fifty percent or more of those lots will constitute affordable housing which is housing for those that have incomes of less than eighty percent of median income for King County as periodically published by the United States Department of Housing and Urban Development, or its successor agency, and at least a portion of the funding for the project has been provided by federal, state or county housing funds, the preliminary subdivision shall be effective for seventy-two months. This subsection applies to any plat that has received preliminary approval on or after January 1, 1998.

G.1. For any plat that has received preliminary approval on or after December 1, 2003, the preliminary subdivision approval shall be valid for a period of eight-four months(~~(, if the applicant:~~

- ~~a. makes a written request to the department to extend the period of validity;~~
- ~~b. is current on all invoices for work performed by the department on the subdivision review; and~~
- ~~c. agrees in writing that t)).~~

The department may make revisions to the fee estimate issued by the department under K.C.C. 27.02.065.

2. For any plat that received preliminary approval on or after December 1, 2003, pursuant to K.C.C. 21A.55.060, the preliminary subdivision approval shall be valid for a period of one hundred and eight months(~~(, if the applicant:~~

- ~~a. makes a written request to the department to extend the period of validity;~~

~~b. is current on all invoices for work performed by the department on the subdivision review; and~~
~~e. agrees in writing that t)).~~ The department may make revisions to the fee estimate issued by the department under K.C.C. 27.02.065.

3. This subsection shall retroactively apply to any plat that has received preliminary approval on or after December 1, 2003. This subsection expires December 31, ~~((2014))~~ 2014.

SECTION 13 Ordinance 13694, Section 57, and K.C.C. 19A.12.030 are each hereby amended to read as follows:

~~((Applications to revise subdivisions that have;))~~ A. A request to revise a plat, short plat or binding site plan that has received preliminary approval shall ~~((comply with the following))~~ be submitted to the department.

~~((A-))~~ B. ((R))Proposed revisions to a preliminary subdivision that would result in a ~~((ny))~~ substantial change ~~((s)),~~ as determined by the department, shall be treated as a new application for purposes of vesting and transportation concurrency and shall be reviewed as Type 3 land use decision ~~((pursuant to))~~ under K.C.C. 20.20.020.

C. Proposed revisions to a preliminary short subdivision or binding site plan that would result in a substantial change, as determined by the department, shall be treated as a new application for purposes of vesting and, where applicable, transportation concurrency, and shall be reviewed as Type 2 land use decision pursuant to K.C.C. 20.20.020.

D. For the purpose of this section, a substantial change includes, but is not limited to:

1. the creation of additional lots ~~((;))~~;
2. the reduction or elimination of open space;
3. a change in use;
4. a change in points of ingress or egress: ~~((or changes))~~; and

4. a change to conditions of approval ((~~en~~)) of an approved preliminary subdivision, preliminary short subdivision or binding site plan that leads to environmental impacts that were not addressed in the original approval.

~~((B. Approval of the following modifications by the department shall not be considered revisions))~~ E. Proposed changes to a subdivision, short subdivision or binding site plan that do not result in a substantial change, as determined by the department, shall be treated as a minor change and may be approved administratively by the department.

F. For purposes of this section, minor changes include, but are not limited to:

1. ~~((E))Changes to engineering design((, unless the proposed design alters or eliminates features specifically required as a condition of preliminary subdivision approval))~~ standards necessitated by changed circumstances, such as reconfiguration or reduction of lots;
2. Changes in lot dimensions that are consistent with ((K.C.C. Title 21A)) the underlying zone;
3. A decrease in the number of lots to be created so long as the ((~~decrease allows for future compliance with the minimum density provisions of K.C.C. Title 21A, if applicable~~)) minimum lot size and minimum density of the underlying zone is maintained;
4. Changes in timing of phased plans; and
5. Changes to engineering design that reduce construction related impacts and do not eliminate off-site improvements specifically required as a condition of preliminary approval.

SECTION 14 Ordinance 13694, Section 58, as amended, and K.C.C. 19A.12.040 are each hereby amended to read as follows:

Preliminary approval of a short subdivision shall be effective for a period of sixty months, except:

A. The approval period shall be eighty-four months for any short plat that was part of a development agreement or interlocal agreement entered into after January 1, 1996, that included at least four hundred acres of open space dedications and urban land designations at a four-to-one ratio; and

B.1. For any short plat that has received preliminary approval on or after December 1, 2003, the preliminary short subdivision approval shall be valid for a period of eighty-four months(~~(, if the applicant:~~

- ~~a. makes a written request to the department to extend the period of validity;~~
- ~~b. is current on all invoices for work performed by the department on the short subdivision review;~~

and

- ~~c. agrees in writing that t)).~~ The department may make revisions to the fee estimate issued by the department under K.C.C. 27.02.065.

2. This subsection shall retroactively apply to any short plat that has received preliminary approval on or after December 1, 2003. This subsection expires December 31, ~~((2014))~~ 2014.

SECTION 15. Ordinance 13694, Section 80, 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. ~~((Title 25))~~ chapter 21A.25, applicable board of health regulations and, for developed lots, ~~((uniform))~~ fire and building codes;

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

C. 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. The elimination of lines between two or more lots for the purpose of creating a single lot that meets requirements as a building site 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; and

E. 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.

F. 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 16. Ordinance 12196, Section 13, as amended, and K.C.C. 20.20.060 are each hereby amended to read as follows:

A. A notice of application shall be provided to the public for land use permit applications as follows:

1. Type 2, 3 or 4 decisions;
2. Type 1 decisions subject to SEPA;
3. As provided in subsections K. and L. of this section; and
4. Type 1 decisions requiring a community meeting under section 10 of this ordinance.

B. Notice of the application shall be provided by the department within fourteen days following the

department's determination that the application is complete. A public comment period on a notice of application of at least twenty-one days shall be provided, except as otherwise provided in chapter 90.58 RCW and RCW 58.17.215 with regards to subdivision alterations. The public comment period shall commence on the third day following the department's mailing of the notice of application as provided for in subsection H. of this section.

C. If the county has made a determination of significance ("DS") under chapter 43.21 RCW before the issuance of the notice of application, the notice of the DS shall be combined with the notice of application and the scoping notice.

D. Unless the mailed notice of application is by a post card as provided in subsection E. of this section, the notice of application shall contain the following information:

1. The file number;
2. The name of the applicant;
3. The date of application, the date of the notice of completeness and the date of the notice of application;
4. A description of the project, the location, a list of the permits included in the application and the location where the application and any environmental documents or studies can be reviewed;
5. A site plan on eight and one-half by fourteen inch paper, if applicable;
6. The procedures and deadline for filing comments, requesting notice of any required hearings and any appeal procedure;
7. The date, time, place and type of hearing, if applicable and scheduled at the time of notice;
8. The identification of other permits not included in the application to the extent known;
9. The identification of existing environmental documents that evaluate the proposed project; and
10. A statement of the preliminary determination, if one has been made, of those development regulations that will be used for project mitigation and of consistency with applicable county plans and

regulations.

E. If mailed notice of application is made by a post card, the notice of application shall contain the following information:

1. A description of the project, the location, a list of the permits included in the application and any environmental documents or studies can be reviewed;
2. The name of the applicant;
3. The date of application, the date of the notice of completeness and the date of the notice of application;
4. If the department has made a decision or recommendation on the application, the decision or recommendation made;
5. The applicable comment and appeal dates and the date, time, place and type of hearing, if applicable;
6. A web site address that provides access to project information, including a site map and application page; and
7. The department contact name, telephone number and e-mail address;

F. Notice shall be provided in the following manner:

1. Posted at the project site as provided in subsections G. and J. of this section;
2. Mailed by first class mail as provided in subsection H. of this section; and
3. Published as provided in subsection I. of this section.

G. Posted notice for a proposal shall consist of one or more notice boards posted by the applicant within fourteen days following the department's determination of completeness as follows:

1. A single notice board shall be posted for a project. This notice board may also be used for the posting of the notice of decision and notice of hearing and shall be placed by the applicant:
 - a. at the midpoint of the site street frontage or as otherwise directed by the department for maximum

visibility;

b. five feet inside the street property line except when the board is structurally attached to an existing building, but a notice board shall not be placed more than five feet from the street property without approval of the department;

c. so that the top of the notice board is between seven to nine feet above grade;

d. where it is completely visible to pedestrians; and

e. comply with site distance requirements of K.C.C. 21A.12.210 and the King county road standards adopted under K.C.C. chapter 14.42.

2. Additional notice boards may be required when:

a. the site does not abut a public road;

b. a large site abuts more than one public road; or

c. the department determines that additional notice boards are necessary to provide adequate public notice;

3. Notice boards shall be:

a. maintained in good condition by the applicant during the notice period through the time of the final county decision on the proposal, including the expiration of any applicable appeal periods, and for decisions which are appealed, through the time of the final resolution of any appeal;

b. in place at least twenty-eight days before the date of any required hearing for a Type 3 or 4 decision, or at least fourteen days following the department's determination of completeness for any Type 2 decision; and

c. removed within fourteen days after the end of the notice period;

4. Removal of the notice board before the end of the notice period may be cause for discontinuance of county review until the notice board is replaced and remains in place for the specified time period;

5. An affidavit of posting shall be submitted to the department by the applicant within fourteen days

following the department's determination of completeness to allow continued processing of the application by the department; and

6. Notice boards shall be constructed and installed in accordance with subsection G. of this section and any additional specifications promulgated by the department under K.C.C. chapter 2.98, rules of county agencies.

H. Mailed notice for a proposal shall be sent by the department within fourteen days after the department's determination of completeness:

1. By first class mail to owners of record of property in an area within five hundred feet of the site(~~(;~~ but ~~t~~)). The area shall be expanded ((as)) when the department determines it is necessary to send mailed notices to at least twenty different property owners;

2. To any city with a utility which is intended to serve the site;

3. To the state Department of Transportation, if the site adjoins a state highway;

4. To the affected tribes;

5. To any agency or community group which the department may identify as having an interest in the proposal;

6. Be considered supplementary to posted notice and be deemed satisfactory despite the failure of one or more owners to receive mailed notice;

7. For preliminary plats only, to all cities within one mile of the proposed preliminary plat, and to all airports within two miles of the proposed preliminary plat; (~~and~~)

8. In those parts of the urban growth area designated by the King County Comprehensive Plan where King County and a city have adopted either a memorandum of understanding or a potential annexation boundary agreement, or both, the director shall ensure that the city receives notice of all applications for development subject to this chapter and shall respond specifically in writing to any comments on proposed developments subject to this title.

I. The notice of application shall be published by the department within fourteen days after the department's determination of completeness in the official county newspaper and another newspaper of general circulation in the affected area.

J. Posted notice for approved formal subdivision engineering plans, clearing or grading permits subject to SEPA or building permits subject to SEPA shall be a condition of the plan or permit approval and shall consist of a single notice board posted by the applicant at the project site, before construction as follows:

1. Notice boards shall comport with the size and placement provisions identified for construction signs in K.C.C. 21A.20.120.B;

2. Notice boards shall include the following information:

- a. permit number and description of the project;
- b. projected completion date of the project;
- c. a contact name and phone number for both the department and the applicant;
- d. a department contact number for complaints after business hours; and
- e. hours of construction, if limited as a condition of the permit;

3. Notice boards shall be maintained in the same manner as identified above, in subsection F of this section; and

4. Notice boards shall remain in place until final construction approval is granted. Early removal of the notice board may preclude authorization of final construction approval.

K. Posted and mailed notice consistent with this section shall be provided, to property owners of record and to the council district representative in which it is located, for any proposed single-family residence in a higher density urban single family residential zone (R-4 through R-8) exceeding a size of ten thousand square feet of floor area as defined in the Washington State Uniform Building Code.

L. Posted and mailed notice consistent with this section shall be provided to any property owner of record and to the council district representative in which is locating any application for building permits or

other necessary land use approvals for the establishment of the social service facilities classified by SIC 8322 and 8361 and listed below, unless the proposed use is protected under the Fair Housing Act:

1. Offender self-help agencies;
2. Parole offices;
3. Settlement houses;
4. Halfway home for delinquents and offenders; and
5. Homes for destitute men and women.

M. In addition to notice required by subsection F of this section, the department may provide additional notice by any other means determined by the department as necessary to provide notice to persons or entity who may be affected by a proposal.

SECTION 17. Ordinance 12196, Section 15, and K.C.C. 20.20.080 are each hereby amended to read as follows:

A. ~~((Modifications))~~ Department initiated changes ~~((required by the county))~~ to a pending application shall not ~~((be deemed))~~ require filing of a new application.

B. If the department determines the requested modification or revision would result in a substantial change in a development proposal's review requirements, ~~((A))an applicant((-)) requested revision or~~ modification occurring either before or after issuance of the permit shall ~~((be deemed))~~ require filing of a new application ~~((when such modification would result in a substantial change in a project's review requirements, as determined by the department))~~.

C. For the purpose of this section, a "substantial change" includes, but is not limited to, locating buildings closer to the nearest property line, increasing the proposed square footage of any buildings or changes that will lead to significant built or natural environmental impacts that were not addressed in the original development proposal.

NEW SECTION. SECTION 18. A new section is hereby added to chapter 21A.02 to read as follows:

If a development proposal depends on two or more lots to be considered as a site for purposes of complying with the provisions of this Title or any other provision of the King County Code, the department may require the applicant to record a covenant to the benefit of the county that requires the retention of the lots under common ownership and control for the duration that the use is maintained on the site.

SECTION 19. Ordinance 15051, Section 7, and K.C.C. 21A.06.072C are each hereby amended to read as follows:

Aquatic area:

A. ~~((a))~~ Any nonwetland water feature including:

1. all shorelines of the state, rivers, streams, marine waters~~((, inland))~~ and bodies of open water, ~~((including))~~ such as lakes, ~~((and))~~ ponds~~((,))~~ and reservoirs; ~~((and))~~
2. conveyance systems ~~((and impoundments of these features))~~, such as a ditch, if any portion of the ~~((feature is formed))~~ contributing water is from ~~((a stream or wetland and if any stream or wetland contributing flows is not created solely as a consequence of stormwater pond construction))~~ an aquatic area listed in subsection A.1 of this section; and
3. impoundments, such as a reservoir or pond, if any portion of the contributing water is from an aquatic area listed in subsection A.1 of this section.

B. "Aquatic area" does not include water features ~~((that are))~~ where the source of contributing water is entirely artificial~~((ly collected or conveyed storm or wastewater systems or entirely artificial channels, ponds, pools or other similar constructed water features))~~, including, but not limited to, a ground water well.

NEW SECTION. SECTION 20. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Digester, agricultural anaerobic: an air tight, oxygen-free container that is fed animal manure and other agricultural waste that uses a biological process to stabilize organic matter and produce methane gas for onsite energy generation or other beneficial use.

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

Farmers market: a regular assembly of vendors at a defined location for the purpose of promoting the sale of agricultural products grown or produced in Washington state.

SECTION 22. Ordinance 10870, Section 130, and K.C.C. 21A.06.450 are each hereby amended to read as follows:

Family: an individual; two or more persons related by blood, ~~((or))~~ marriage or state registered domestic partnership under chapter 26.60 RCW; a group of two or more disabled residents protected under the Federal Housing Act Amendments, who are not related by blood, ~~((or))~~ marriage or state registered domestic partnership under chapter 26.60 RCW, living together as a single housekeeping unit; a group of eight or fewer residents, who are not related by blood, ~~((or))~~ marriage or state registered domestic partnership under chapter 26.60 RCW, living together as a single housekeeping unit; or a group living arrangement where eight or fewer residents receive supportive services such as counseling, foster care, or medical supervision at the dwelling unit by resident or non-resident staff. For purposes of this definition, minors living with parent shall not be counted as part of the maximum number of residents.

SECTION 23. Ordinance 10870, Section 82, and K.C.C. 21A.06.210 are each hereby amended to read as follows:

Major communication facility: a communication facility, not classified as a minor communication facility, for transmission ~~((and reception))~~ of:

- A. ~~((UHF and VHF T))~~ Television signals; or
- B. FM or AM radio signals.

SECTION 24. Ordinance 10870, Section 83, and K.C.C. 21A.06.215 are each hereby amended to read as follows:

Minor communication facility: a communication facility for the:

A. ((†))Transmission and reception of:

~~((A.))~~ 1. Two-way ~~((and/))~~ or citizen band ("CB") radio signals; or

~~((B.))~~ 2. Point-to-point microwave signals;

~~((C. Cellular radio signals;))~~

~~((D.))~~ 3. Signals through FM radio translators; or

~~((E.))~~ 4. Signals through FM radio boosters under ten watts effective radiated power ("ERP"); and

B. Provision of personal wireless services.

NEW SECTION. SECTION 25. A new section is hereby added to K.C.C. chapter 21A.06 to read as follows:

Personal wireless services: commercial mobile radio services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.

SECTION 26. Ordinance 10870, Section 247, and K.C.C. 21A.06.1035 are each hereby amended to read as follows:

Schools, elementary, and middle/junior high: public or private institutions of learning offering instruction in the several branches of learning and study required by the Education Code of the State of Washington in grades kindergarten through nine, including associated meeting rooms, auditoriums and athletic facilities.

SECTION 27. Ordinance 10870, Section 248, and K.C.C. 21A.06.1040 are each hereby amended to read as follows:

Schools, secondary or high school: public or private institutions of learning offering instruction in the several branches of learning and study required by the Education Code of the State of Washington in grades nine through twelve, including associated meeting rooms, auditoriums and athletic facilities.

SECTION 28. Ordinance 16950, Section 13, and K.C.C. 21A.06.1263 are each hereby amended to read as follows:

Subdivision or residential subdivision(~~(, residential)~~): Unless the context clearly indicates otherwise, includes a subdivision as defined in K.C.C. 19A.04.320 and a short subdivision as defined K.C.C. 19A.04.310.

SECTION 29. Ordinance 10870, Section 294, as amended, and K.C.C. 21A.06.1270 are each hereby amended to read as follows:

Substantial improvement:

A.1. Any maintenance, repair, structural modification, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

- a. before the improvement or repair is started; or
- b. if the structure has been damaged and is being restored, before the damage occurred.

2. For purposes of this definition, the cost of any improvement is considered to begin when the first alteration of any wall, ceiling, floor or other structural part of the building begins, whether or not that alteration affects the external dimensions of the structure; and

B. Does not include either:

1. Any projects for improvement of a structure for purposes of flood mitigation, including but not limited to elevating a structure to the base flood elevation, or to correct existing violations of state or local health, sanitary or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to ensure safe living conditions; or

2. any alteration of a structure listed on the national Register of Historic Places or a state or local inventory of historic resources.

SECTION 30. 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	RESOURCE			RURAL		RESIDENTIAL			COMMERCIAL/INDUSTRIAL							
P-Permitted Use	A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use	G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N

S-Special Use		Z	R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
		O N E	I C U L T U R E	E S T A L	E R A <u>A</u> <u>R</u> <u>E</u> <u>A</u>	A N	A R V E	E R E	A N	I D E N T I F I C A T I O N S	I N D U S T R I A L	S H E E T S	I N S T R U C T I O N S	S T R U C T U R E S	I N S T R U C T I O N S	I N S T R U C T I O N S	I N S T R U C T I O N S	I N S T R U C T I O N S
SIC #	SPECIFIC LAND USE		A	F	M	RA	UR		R1-8	R12	NB	CB	RB	O	I			
	DWELLING UNITS, TYPES:																	
*	Single Detached		P C12	P2		P C12	P C12		P C12	P C1	P17							
*	Townhouse					C4	C4		P11 C11	P	P3	P3	P3	P3			P3	
*	Apartment					C4	C4		P5 C((4)) <u>5</u>	P	P3	P3	P3	P3			P3	
*	Mobile Home Park					S((13))			C((8)) <u>7</u>	P								
*	Cottage Housing								P((15)) <u>14</u>									
	GROUP RESIDENCE S:																	
*	Community Residential Facility-I					C	C		P((14)) <u>13.a</u> C	P	P3	P3	P3	P3			P3	
*	Community Residential Facility-II								P((14)) <u>13.b</u>	P	P3	P3	P3	P3			P3	
*	Dormitory					C((6))	C((6)) <u>5</u>		C((6)) <u>5</u>	P								
*	Senior Citizen Assisted Housing						P4		P4	P	P3	P3	P3	P3			P3	
	ACCESSORY USES:																	
*	Residential Accessory Uses		P((7)) P((18)) <u>17</u>	P((7))		P((7))	P((7)) <u>6</u>		P((7)) <u>6</u>	P((7))	P((7)) <u>6</u>	P((7)) <u>6</u>	P((7)) <u>6</u>	P((7)) <u>6</u>			P((7)) <u>6</u>	
*	Home Occupation		P17	P17		P17	P17		P17	P17	P17	P17	P17	P17			P17	
*	Home Industry		C			C	C		C									
	TEMPORAR Y LODGING:																	
7011	Hotel/Motel (1)												P	P			P	
*	Bed and Breakfast Guesthouse		P((9))			P((9))	P((9)) <u>8</u>		P((9)) <u>8</u>	P((9))	P((9)) <u>8</u>	P((10)) <u>9</u>	P((10)) <u>9</u>					

~~(1) ((The proposal shall be subject to a conditional use permit when exceeding base density,~~

~~(2)))~~ At least fifty percent of the site is constrained by unbuildable critical areas. For purposes of this subsection, unbuildable critical areas ~~((shall))~~ includes wetlands, ~~((streams))~~ aquatic areas and slopes forty percent or steeper and associated buffers; and

~~((3)))~~ (2) The density does not exceed a density of eighteen units per acre of net buildable area ~~((as defined in K.C.C. 21A.06.797))~~~~((; or))~~.

~~((e.))~~ b. In the R-4 through R-8 zones, apartment units are permitted~~((, provided that the proposal shall be subject to a conditional use permit when exceeding base density, and provided that))~~ if the density does not exceed a density of eighteen units per acre of net buildable area ~~((as defined in K.C.C. 21A.06.797))~~.

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

5. ~~((Apartment units are permitted outright as follows:~~

~~a.~~ ~~In the R-1 zone when at least fifty percent of the site is constrained by unbuildable critical areas ((that for purposes of this section, includes wetlands, streams and slopes forty percent or steeper and associated buffers, and provided that the density does not exceed a density of eighteen units per acre of net buildable area as defined in K.C.C. 21A.06.797; or~~

~~b.~~ ~~In the R-4 through R-8 zones, provided that the density does not exceed eighteen units per acre of net buildable area as defined in K.C.C. 21A.06.797.~~

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

~~((7.))~~ 6.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))~~6.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))~~6.a(5) of this section, one of the dwelling units shall not exceed ~~((a floor area of))~~ 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 ~~((side of the building))~~;

(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.

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

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

a. Serving meals shall be limited to paying guests (~~((shall be limited to breakfast))~~); 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-))~~ 9. Only if part of a mixed use development, and subject to the conditions of K.C.C.

21A.08.030.B.10.

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

~~((12-))~~ 11. 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 K.C.C. 21A.08.030.B.7.

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

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

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

~~((15.))~~ 14. 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 ~~((subsection))~~ K.C.C. 21A.12.020B.25. ~~((of this section))~~ 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.____ (section 10 of ordinance 16950).

~~((16.))~~ 15. 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 or Rural Residential; and

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

~~((17.))~~ 16. 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. Allowed if consistent with K.C.C. chapter 21A.30.

SECTION 31. 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		RESOURCE			RURAL		RESIDENTIAL			COMMERCIAL/INDUSTRIAL							
P-Permitted Use		A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S-Special Use	Z	R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
	O	I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U

		N E	C U L T U R E	S T A L A	R A L A	N R V E	N D E N T I A L	H N B E O S R S H O D	U N E N E S Y	O N E S L	N E S	C E S	S T R I A L
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I
	PARK/RECREATION:												
*	Park	P1	P1	P1	P1	P1	P1	P1	P	P	P	P	P13
	Large Active Recreation and Multiuse Park		P1	P1	P1	P1	P1	P1	P	P	P	P	P13
*	Trails	P	P	P	P	P	P	P	P	P	P	P	P
*	Campgrounds		P16 C16a	P16	P16 C16a	P16 C16a							P16 C16a
*	Destination Resorts		S		S18	C					C		
*	Marina		C 3		C4	C4	C4	C4	P5	P	P	P	P
*	Recreational Vehicle Park		P19	P19	C2 and P19	C2 P19							
*	Sports Club (17)				C4 and	C4	C4	C4	C	P	P		
*	Ski Area		S		S18								
*	Recreational Camp		C		P24	C							
	AMUSEMENT/ENTERTAINMENT:												
*	Adult Entertainment Business									P6	P6	P6	
*	Theater									P	P	P	P25
7833	Theater, Drive-in										C		
793	Bowling Center									P	P		P
*	Golf Facility				C7 and	P7	P7	P7					
7999 (14)	Amusement and Recreation Services		P21	P21	P8 P21 and 18	P8 P21 P22 C15	P8 P21 P22 C15	P8 P21 P22 C15	P21 P22	P	P	P21	P21
*	Indoor Paintball Range									P26	P26		P26
*	Outdoor Paintball Range				C27	C27							
*	Shooting Range		C9		C9 and						C10		P10
*	Amusement Arcades									P	P		
7996	Amusement Park										C		
*	Outdoor Performance Center		S		C12 S		P20	P20			S		
	CULTURAL:												
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	Arboretum	P	P		P	P		P	P	P	P	P	P	
*	Conference Center				P11 C	P11 C12		P11 C	P11 C	P	P	P	P	
GENERAL CROSS REFERENCES: Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards see K.C.C. see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific Land Use, see K.C.C. chapter 2														

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 residential areas;
- c. Structures or service yards shall maintain a minimum distance of fifty feet from property lines

adjoining residential zones, except for fences, wire mesh backstops and structures in on-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 residential property lines. Lighting for practice greens and driving range ball impact areas shall be directed away from adjoining 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 large active recreation and multiuse parks.

9.a. New structures and outdoor ranges shall maintain a minimum distance of fifty feet from property lines adjoining 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. 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 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 go-carts.

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 accessory to a large active recreation and multiuse park.
20. Only as accessory to a large active recreation and multiuse park 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 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 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 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 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 residential 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 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 section 10 of this ordinance.

SECTION 32. 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		RESOU	RUR	RES	COMMER				
			AL						
P-Permitted Use		A	F	M	R	U	U	N	C
C-Conditional Use		G	O	I	U	H	H	E	C
S-Special Use		R	R	N	R	I	S	I	S
	Z								
	O	I	E	E	A	A	A	C	I
	N	C	S	R	L	M	M	H	N
	E	U	T	A		V	E	B	E
	L	L	A			E	N	C	S
	T		R			T	R	S	T
	U		E			I	H	Y	
	R		A			A	C		L
	E					I	C		
						E			
SIC#	SPECIFIC LAND USE	A	F	M	R	U	U	N	C
	PERSONAL SERVICES:								
72	General Personal Service								

7216	Drycleaning Plants								P
7218	Industrial Launderers								P
7261	Funeral Home/Crematory				C00		P	P	
*	Cemetery, Columbarium or Mausoleum			P24	C P C00 an 3	P2	P2	P2	P
*	Day Care I	P6		P6	P	P	P	P	PP7
*	Day Care II			P8	C P C	P	P	P	PP7
074	Veterinary Clinic	P9		P9	C1 P C	P1	P1	P1	P
753	Automotive Repair (1)					P1	P	P	P
754	Automotive Service					P1	P	P	P
76	Miscellaneous Repair	P3		P32	P3 P P	P3	P	P	P
866	Church, Synagogue, Temple			P12	C2 P C	P	P	P	P
83	Social Services (2)			P12	P P P C	P	P	P	P
0752	Animal specialty services			C	P35 C P	P	P	P	PP
*	Stable	P1		P14	C3 P C				
*	Kennel or Cattery	P9		C	C		C	P	
*	Theatrical Production Services						P3	P2	
*	Artist Studios			P28	P	P	P	P	PP
*	Interim Recycling Facility			P21	P	P2	P2	P	PP
*	Dog training facility	C3		C34	C	P	P	P	P
	HEALTH SERVICES:								
801-04	Office/Outpatient Clinic			P12	C1 P C00 00	P	P	P	PP
805	Nursing and Personal Care Facilities					C	P	P	
806	Hospital					C	P	P	C
807	Medical/Dental Lab						P	P	PP
808-09	Miscellaneous Health						P	P	P
	EDUCATION SERVICES:								

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. 836-Residential Care, which is otherwise provided for on the residential permitted land use table.
3. Limited to SIC Industry Group and Industry Nos.:
 - 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 designated unincorporated Rural Town.
5. Structures shall maintain a minimum distance of one hundred feet from property lines adjoining 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 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 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) Boarding or overnight stay of animals is allowed only on sites of five acres or more;

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

(3) 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) 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 section 10 of this ordinance.

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 section 10 of this ordinance.

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. Limited to projects that 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 public school, as defined in RCW 28A.150.010, or the school district support facility and serving only the public school or the school district support facility may be used. New public high schools shall be permitted subject to the review process in K.C.C. 21A.42.140.

16.a. For middle or junior high schools and secondary or high schools or school district support facilities, only as a reuse of a public school ((~~facility~~)) or school district support facility subject to K.C.C. chapter 21A.32. An expansion of such a school or a school district support facility shall be subject to approval of a conditional use permit and the expansion shall not require or result in an extension 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 public school, as defined in RCW 28A.150.010, or the school district support facility may be used.

b. Renovation, expansion, modernization or reconstruction of a school, a school district support facility, or the addition of relocatable facilities, 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 public school, as defined in RCW 28A.150.010, or the school district support facility may be used.

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

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 shall be permitted in the rural and the urban residential and urban reserve zones 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 any 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 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 ~~((twenty-five, consistent with the provisions))~~ the number allowed for hobby kennels, as provided in K.C.C. 11.04.060.B;

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.

SECTION 33. 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		Z
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*	Book, Stationery, Video and Art Supply Stores						C15	C15	P	P	P		
*	Jewelry Stores									P	P		
*	Monuments, Tombstones, and Gravestones										P		
*	Hobby, Toy, Game Shops								P	P	P		
*	Photographic and Electronic Shops								P	P	P		
*	Fabric Shops									P	P		
598	Fuel Dealers									C11	P		P
*	Florist Shops						C15	C15	P	P	P	P	
*	Personal Medical Supply Stores									P	P		
*	Pet Shops								P	P	P		
*	Bulk Retail									P	P		
*	Auction Houses										P12		P
*	Livestock Sales	P17	P17		P17	P17	P17 and 18						P
GENERAL CROSS REFERENCES: Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06.													

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 two 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])) a building designated as (([a])) 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. 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.12.330.

15. 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.

16. 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.

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 multiuse park, limited to a total floor area of three thousand five hundred square feet.

20. Only as:

a. an accessory to a large active recreation and multiuse park; or

b. an accessory 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 to:

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

b. a park, or a large active recreation and 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;

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 non-farmer 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. 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.

SECTION 34. 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		Z O N E	RESOURCE			<u>RUR</u> <u>AL</u>	RESIDENTIAL			COMMERCIAL/INDUSTRIAL									
P-Permitted Use			A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I	
C-Conditional Use			G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N	
S-Special Use			R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D	
			I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U	
			C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S	
			U	T	A			V		E	B	E	N	E	N	E	E	T	
			L		L	<u>A</u>		E		N	O	S	I	S	A	S		R	
			T			<u>R</u>				T	R	S	T	S	L	S		I	
			U			<u>E</u>				I	H		Y					A	
			R			<u>A</u>				A	O								L
			E							L	O		D						
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I						
	AGRICULTURE:																		

01	Growing and Harvesting Crops	P	P		P	P	P						P
02	Raising Livestock and Small Animals	P	P		P	P	P6						P
*	Agriculture Training Facility	C10											
*	Agriculture-related special needs camp	P12											
*	Agricultural Anaerobic Digester	P13											
	FORESTRY:												
08	Growing & Harvesting Forest Production	P	P	P7	P	P	P						P
*	Forest Research		P		P	P						P2	P
	FISH AND WILDLIFE MANAGEMENT:												
0921	Hatchery/Fish Preserve (1)	P	P		P	P	C						P
0273	Aquaculture (1)	P	P		P	P	C						P
*	Wildlife Shelters	P	P		P	P							
	MINERAL:												
10,12,14	Mineral Extraction and Processing		P9 C	P C11									
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block		P8 C11	P8 C11									P
	ACCESSORY USES:												
*	Resource Accessory Uses	P3	P4	P5	P3	P3							P4
GENERAL CROSS REFERENCES: Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. 21A.06.													

B. Development conditions.

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

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 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.
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 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 be 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 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 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, ~~((and subject))~~ as follows:

~~((b-))~~ 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

~~((e-))~~ d. the use must be accessory to an operating dairy or livestock operation.

SECTION 35. 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.

KEY		Z O N E	RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL									
P-Permitted Use	A		F	M	R	U	R	U	R	N	B	C	B	R	B	O	I		
C-Conditional Use	G		O	I	U		R	E	R	E	E	U	O	U	E	U	F	N	
S-Special Use	R		R	N	R		B	S	B	S	I	S	M	S	G	S	F	D	
	I		E	E	A		A	E	A	I	G	I	M	I	I	I	I	U	
		C	S	R	L		N	R	N	D	H	N	U	N	O	N	C	S	
		U	T	A			V		E	B	E	N	E	N	E	E	T		
		L		L			E		N	O	S	I	S	A	S		R		
		T							T	R	S	T	S	L	S		I		
		U							I	H		Y					A		
		R							A	O							L		
		E					L			O	D								
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (1-5)						
*	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											
*	Non-hydroelectric Generation Facility	P25 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	P		P		P	P		
*	Earth Station	P6b	C	P		C6a	S	C6a	S	C6a	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
*	Airport/Heliport	S7	S7		S	S	S	S	S	S	S	S	S
*	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	C5 S	S	S	S	P
7948	Racetrack				S8	S8	S8	S8	S8	S8	S8	S8	S24
*	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	P10 C11	SP	P	P	P
*	Zoo Animal Breeding Facility	P16	P16		P16								
GENERAL CROSS REFERENCES: Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06.													

B. Development conditions.

1. 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. ~~((m))~~Minor communication facilities shall be reviewed in accordance with the processes and standard outlined in K.C.C. chapter ~~((21A.26))~~ 21A. ____ (the new chapter created by section 60 of this ordinance).

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. Only as an accessory use of an agricultural anaerobic digester.

SECTION 36. Ordinance 10870, Section 351, as amended, and K.C.C. 21A.12.140 are each hereby amended to read as follows:

A. Except as otherwise provided in subsection B. of this section, in subdivisions and short subdivisions, areas used as regional utility corridors shall be contained in separate tracts.

B. For a subdivision or short subdivision:

1. Upon mutual agreement of the utility and applicant for the subdivision or short subdivision submitted at the time of application for the preliminary plat, the area of the regional utility corridor placed in a separate tract may be less than the entire utility right-of-way or easement. The agreement may be evidenced by correspondence between the utility and the applicant;

2. If the utility and applicant enter into an agreement under subsection B.1. of this section:

a. The location of the easement or right-of-way shall be shown on the face of the plat;

b. The applicant shall record on the title of all lots that extend into the right-of-way or easement a notice approved by the department that there is an easement or right-of-way for a regional utility corridor that may subject use of that area of the property to conditions established by the utility; and

c. The department shall include as conditions of plat approval the conditions on use of the area within the regional utility corridor included in the agreement between the utility and the applicant.

C. In land development permits other than subdivisions or short subdivisions, easements shall be used to delineate regional utility corridors.

D. All structures shall maintain a minimum distance of five feet from property or easement lines delineating the boundary of regional utility corridors, except for utility structures necessary to the operation of the utility corridor or when structures are allowed by mutual agreement in the regional utility corridor.

E. Any structure designed for human occupancy, except for utility structures not normally occupied that are necessary for the operation of the pipeline or a minor communication facility, and any required parking or recreation space shall maintain a minimum distance of one hundred feet from a hazardous liquid or gas transmission pipeline located within a regional utility corridor. The setback distance may be modified if the applicant demonstrates the following:

1. A one-hundred-foot setback would deny all reasonable use of the property; or
 2. That the structure, parking or recreation space would be protected from radiant heat of an explosion by berming or other physical barriers; or
 3. That a one-hundred-foot setback would be impractical or unnecessary due to existing geographical features, streets, lot lines, or easements; or
 4. That no other practical alternative exists to meet the demand for service; and
 5. That the applicant will construct a hazardous liquid or gas transmission containment system or other mitigating actions if the county finds that leakage could accumulate within one hundred feet of the pipeline.
- Any containment system or other mitigating actions required by this section shall meet all applicable federal, state and local regulations.

SECTION 37. Ordinance 10870, Section 354, as amended, and K.C.C. 21A.12.170 are each hereby amended to read as follows:

Provided that the required setbacks from regional utility corridors of K.C.C. 21A.12.140, the adjoining half-street or designated arterial setbacks of K.C.C. 21A.12.160 and the sight distance requirements of K.C.C. 21A.12.210 are maintained, structures may extend into or be located in required setbacks, including setbacks as required by K.C.C. 21A.12.220.B, as follows:

A. Fireplace structures, bay or garden windows, enclosed stair landings, closets, or similar structures may project into any setback, provided such projections are:

1. Limited to two per facade;
 2. Not wider than ten feet; and
 3. Not more than twenty-four inches into an interior setback or thirty inches into a street setback;
- B. Uncovered porches and decks that exceed eighteen inches above the finished grade may project:
1. Eighteen inches into interior setbacks; and
 2. Five feet into the street setback;
- C. Uncovered porches and decks not exceeding eighteen inches above the finished grade may project to the property line;
- D. Eaves may not project more than:
1. Eighteen inches into an interior setback;
 2. Twenty-four inches into a street setback; or
 3. Eighteen inches across a lot line in a zero-lot-line development;
- E. Fences with a height of six feet or less may project into or be located in any setback;
- F. Rockeries, retaining walls and curbs may project into or be located in any setback. Except for structures that cross the setback perpendicularly to property lines or that abut a critical area, these structures:
1. Shall not exceed a height of six feet in the R-1 through R-18, UR, RA and resource zones;
 2. Shall not exceed a height of eight feet in the R-24 and R-48 zones; and
 3. Shall not exceed the building height for the zone in commercial/industrial zones, measured in accordance with the standards established in the King County Building Code, Title 16;
- G. Fences located on top of rockeries, retaining walls or berms are subject to the requirements of K.C.C. 21A.14.220;
- H. Telephone, power, light and flag poles;
- I. The following may project into or be located within a setback, but may only project into or be located within a five foot interior setback area if an agreement documenting consent between the owners of record of

the abutting properties is recorded with the records and licensing services division prior to the installment or construction of the structure:

1. Sprinkler systems, electrical and cellular equipment cabinets and other similar utility boxes and vaults;
2. Security system access controls;
3. Structures, except for buildings, associated with trails and on-site recreation spaces and play areas required in K.C.C.21A.14.180 and K.C.C. 21A.14.190 such as benches, picnic tables and drinking fountains; and
4. Surface water management facilities as required by K.C.C. 9.04;

J. Freestanding air conditioners and heat pumps may project into or be located within a setback abutting a residential property, but may only be located closer than five feet of an abutting residential property if an agreement documenting consent between the owners of record of the abutting properties is recorded with the records and licensing services division prior to permit issuance.

K. Mailboxes and newspaper boxes may project into or be located within street setbacks;

~~((K.))~~ L. Fire hydrants and associated appendages;

~~((L.))~~ M. Metro bus shelters may be located within street setbacks;

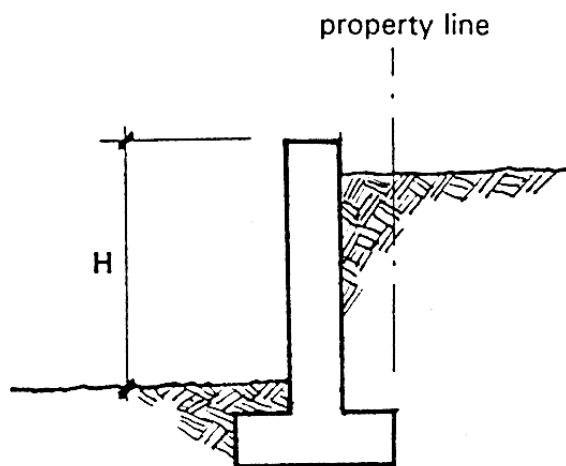
~~((M.))~~ N. Unless otherwise allowed in K.C.C. 21A.20.080, free standing and monument signs four feet or less in height, with a maximum sign area of twenty square feet may project into or be located within street setbacks;

~~((N.))~~ O. On a parcel in the RA zone, in the interior setback that adjoins a property zoned NB or CB, structures housing refrigeration equipment that extends no more than ten feet into the setback and is no more than sixty feet in length; and

~~((O.))~~ P. Stormwater conveyance and control facilities, both above and below ground, provided such projections are:

1. Consistent with setback, easement and access requirements specified in the Surface Water Design Manual; or
2. In the absence of said specifications, not within five feet of the property line.

RETAINING WALL IN SETBACK



**H max. 6' in R1 - R18, UR, RA
& Resource Zones**

**H max. 8' in R24 and R 48 Zones, and
not to exceed building height
requirement in Commerical/Industrial
Zones**

SECTION 38. Ordinance 11210, Section 17, and K.C.C. 21A.16.330 are each hereby amended to read as follows:

For purposes of this section, irrigation shall include any means of applying water to landscaped areas. All irrigation is at the applicant's option. Manually applied irrigation methods shall comply with subsections A ~~((and B))~~ through C. Irrigation applied through installed irrigation systems shall comply with subsections A through ~~((C))~~ D:

A. The applicant shall provide the following information:

1. Right-of-way use permit if required;
2. Identity of person or entity responsible for maintenance of the irrigation; and
3. Location of shut-off valves.

B. Irrigation water shall be applied with goals of avoiding runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, nonirrigated areas, and impervious surfaces by:

1. Considering soil type and infiltration rates,
2. Using proper irrigation equipment and schedules, including features such as repeat cycles, to closely match application rates with infiltration rates, and

3. Considering special problems posed by irrigation on slopes and in median strips.

((B-)) C. All irrigation water outlets, except those using alternative water sources, shall be downstream of the meter used to measure irrigation water use.

((C-)) D. Irrigation systems shall be subject to the following additional provisions:

1. Systems shall not be located on any:
 - a. turfgrass slopes exceeding a slope of three horizontal feet to one vertical foot (3:1), and
 - b. turfgrass portions of median strips.
2. Systems in landscape strips less than five feet in width shall be designed to ensure that overspray and/or runoff does not occur by use of system design options such as low volume emitters.
3. Systems shall be designed to be consistent with the requirements of the hydrozone in which they are located.
4. Systems shall be designed with the minimum average irrigation efficiency of 0.625.
5. The use of automatic shutoff or override capabilities using rain shutoffs or moisture sensors is encouraged.
6. Systems shall utilize a master control valve connected to an automatic controller.
7. Systems shall make provisions for winterization either by providing:
 - a. manual drains (automatic drain valves are not permitted at all low points), or
 - b. means to blow out lines with pressurized air.
8. Separate valves shall be used to irrigate plants with differing water needs.
9. Sprinkler heads with consistent application rates shall be selected for proper area coverage, operating pressure, and adjustment capability.

SECTION 39. Ordinance 10870, Section 415, as amended, and K.C.C. 21A.18.110 are each hereby amended to read as follows:

A. Off-street parking areas shall not be located more than six hundred feet from the building they are required to serve for all uses except those specified as follows; where an off-street parking area does not abut the building it serves, the required maximum distance shall be measured from the nearest building entrance that the parking area serves:

1. For all single detached dwellings the parking spaces shall be located on the same lot they are required to serve;

2. For all other residential dwellings at least a portion of parking areas shall be located within one hundred fifty feet from the building or buildings they are required to serve;

3. For all nonresidential uses permitted in residential zones, the parking spaces shall be located on the ~~((same lot))~~ site they are required to serve and at least a portion of parking areas shall be located within one hundred fifty feet from the nearest building entrance they are required to serve;

4. In designated activity, community business and neighborhood business centers, parking lots shall be located to the rear or sides of buildings. Relief from this subsection A.4 may be granted by the director only if the applicant can demonstrate that there is no practical site design to meet this requirement. The director may allow only the number of parking spaces that cannot be accommodated to the rear or sides of buildings to be located to the front of buildings;

5. Parking lots shall be so arranged as to permit the internal circulation of vehicles between parking aisles without re-entering adjoining public streets; and

6. Parking for the disabled shall be provided in accordance with K.C.C. 21A.18.060.

B. The minimum parking space and aisle dimensions for the most common parking angles are shown on the table in this subsection. For parking angles other than those shown on the chart, the minimum parking space and aisle dimensions shall be determined by the director. Regardless of the parking angle, one-way aisles

shall be at least ten feet wide, and two-way aisles shall be at least twenty feet wide. If dead-end aisles are used in the parking layout, they shall be constructed as two-way aisles. Parking plans for angle parking shall use space widths no less than eight feet six inches for a standard parking space design and eight feet for a compact car parking space design.

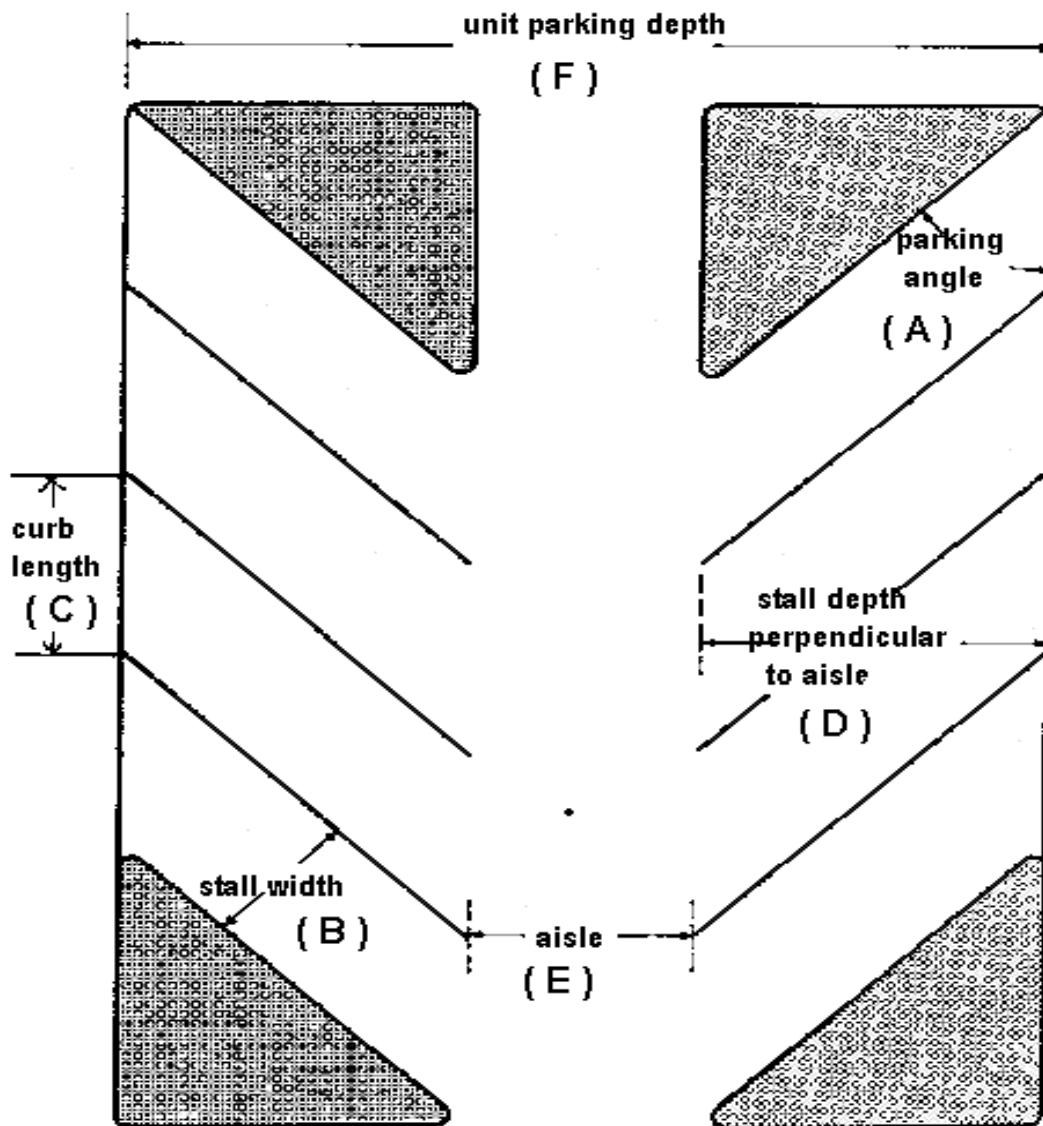
MINIMUM PARKING STALL AND AISLE DIMENSIONS

A	B	C	D	E	F
PARKING ANGLE	STALL WIDTH	CURB LENGTH	STALL DEPTH	AISLE WIDTH 1- WAY 2-WAY	UNIT DEPTH 1- WAY 2-WAY
0 0	8.0* Min 8.5 Desired 9.0	20.0* 22.5 22.5	8.0 8.5 9.0	12.0 20.0 12.0 20.0 12.0 20.0	** ** 29.0 37.0 30.0 38.0
30 30	8.0* Min 8.5 Desired 9.0	16.0* 17.0 18.0	15.0 16.5 17.0	10.0 20.0 10.0 20.0 10.0 20.0	** ** 42.0 53.0 44.0 54.0
45 45	8.0* Min 8.5 Desired 9.0	11.5* 12.0 12.5	17.0*	12.0 20.0 12.0 20.0 12.0 20.0	** ** 50.0 58.0 51.0 59.0
60 60	8.0* Min 8.5 Desired 9.0	9.6* 10.0 10.5	18.0 20.0 21.0	18.0 20.0 18.0 20.0 18.0 20.0	** ** 58.0 60.0 60.0 62.0
90	8.0* Min 8.5 Desired 9.0	8.0* 8.5 9.0	16.0* 18.0 18.0	24.0 24.0 24.0 24.0 23.0 24.0	** ** 60.0 60.0 60.0 60.0

* for compact stalls only

** variable with compact and standard combinations

NOMENCLATURE OF OFF-STREET PARKING AREA



C. Any parking spaces abutting a required landscaped area on the driver or passenger side of the vehicle shall provide an additional eighteen inches above the minimum space width requirement to provide a place to step other than in the landscaped area. The additional width shall be separated from the adjacent parking space by a parking space division stripe.

D. The parking space depth may be reduced if vehicles overhang a walkway or landscaping under the following conditions:

1. Wheelstops or curbs are installed;
2. The remaining walkway provides a minimum of forty-eight inches of unimpeded passageway for pedestrians;
3. The amount of space depth reduction is limited to a maximum of eighteen inches; and
4. Landscaping is designed in accordance with K.C.C. 21A.16.070E.

E. Driveways providing ingress and egress between off-street parking areas and abutting streets shall be designed, located and constructed in accordance with K.C.C. chapter 14.42, Road Standards. Driveways for

single detached dwellings, no more than twenty feet in width, may cross required setbacks or landscaped areas to provide access between the off-street parking areas and the street, provided no more than fifteen percent of the required landscaping or setback area is eliminated by the driveway. Joint use driveways may be located within required landscaping or setback areas. Driveways for all other developments may cross or be located within required setbacks or landscaped areas to provide access between the off-street parking areas and the street, if no more than ten percent of the required landscaping is displaced by the driveway and the driveway is located no closer than five feet from any property line except where intersecting the street.

F. Parking spaces required under this title shall be located as follows:

1. For single detached dwelling units the required parking spaces shall be outside of any required setbacks or landscaping, but driveways crossing setbacks and required landscaping may be used for parking. However, if the driveway is a joint use driveway, no vehicle parked on the driveway shall obstruct any joint user's access to the driveway or parking spaces;

2. For all other developments parking spaces may be permitted by the director in setback areas in accordance with an approved landscape plan; and

3. For nonresidential uses in residential zones, parking is permitted in setback areas in accordance with K.C.C. 21A.12.220.

G. Lighting shall be provided for safety of traffic and pedestrian circulation on the site. It shall be designed to minimize direct illumination of abutting properties and adjacent streets. The director shall have the authority to waive the requirement to provide lighting.

H. Tandem or end-to-end parking is allowed in residential developments. Apartment or townhouse developments may have tandem parking areas for each dwelling unit but shall not combine parking for separate dwelling units in tandem parking areas.

I. All vehicle parking and storage for single detached dwellings must be in a garage, carport or on an approved impervious surface. Any impervious surface used for vehicle parking or storage must have direct and

unobstructed driveway access.

J. The total number of vehicles parked or stored outside of a building on a single family lot in the R-1 through R-8 zones, excluding recreational vehicles and trailers, shall not exceed six vehicles on lots that are twelve thousand five hundred square feet or less and eight vehicles on lots that are greater than twelve thousand five hundred square feet.

K. Vanpool and carpool parking areas shall meet the following minimum design standards:

1. A minimum vertical clearance of seven feet three inches shall be provided to accommodate van vehicles if designated vanpool and carpool parking spaces are located in a parking structure; and
2. A minimum turning radius of twenty-six feet four inches with a minimum turning diameter, curb to curb, of fifty-two feet five inches shall be provided from parking aisles to adjacent vanpool and carpool parking spaces.

L. Direct access from the street right-of-way to off-street parking areas shall be subject to K.C.C.

21A.28.120.

M. No dead-end alley may provide access to more than eight off-street parking spaces.

N. Any parking stalls located in enclosed buildings must be totally within the enclosed building.

SECTION 40. Ordinance 15051, Section 137, as amended, and K.C.C. 21A.24.045 are each 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 Letter "A" in a cell means alteration is allowed. A number in a cell means the corresponding numbered condition in subsection D. applies. "Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network.	LA OV	ST AN	WE BUF	AQ BU C	WIL AN
	ND SER	EE PD B	TLA FER	UA FFE HA	DL IF DN
	LID 40%	SLOUF	ND A	TICR ANNN	E AR ETW
	EH AND	PE FE	ND	AR D SEEL	EA ORK
	AZ ABUF	HAZR		EA VERMI	
	RD FER	AR		AN E GR	
		D		D AT	
				IO	
				N	

ACTIVITY					
Structures					
Construction of new single detached dwe			A 1	A 2	
Construction of a new tree-supported stru			A 63	A 63	A 63
Construction of nonresidential structure			A 3	A 3	A 3, 4
Maintenance or repair of existing structur	A 5	A	A	A	A 4
Expansion or replacement of existing stru	A 5, 7	A 5, 7	A 7, 8	A 6, 7, 8	A 4, 7
Interior remodeling	A	A	A	A	A
Construction of new dock or pier			A 9	A 9, 10, 11	
Maintenance, repair or replacement of do			A 12	A 10, 11	A 4
Grading					
Grading		A 13		A 14	A 4, 14
Construction of new slope stabilization	A 15	A 15	A 15	A 15	A 4, 15
Maintenance of existing slope stabilizati	A 16	A 13	A 17	A 16, 17	A 4
Mineral extraction	A	A			
Clearing					
Clearing	A 18	A 18, 19	A 18, 20	A 14, 18, 20	A 4, 14, 18, 20
Cutting firewood		A 21	A 21	A 21	A 4, 21
Removal of vegetation for fire safety	A 22	A 22	A 22	A 22	A 4, 22
Removal of noxious weeds or invasive ve	A 23	A 23	A 23	A 23	A 4, 23
Forest Practices					
Nonconversion Class IV-G forest practice	A 24	A 24	A 24	A 24	A 24, 25
Class I, II, III, IV-S forest practice	A	A	A	A	A
Roads					
Construction of new public road right-of-unimproved right-of-way			A 26	A 26	
Construction of new road in a plat			A 26	A 26	
Maintenance of public road right-of-way	A 16	A 16	A 16	A 16	A 16, 27
Expansion beyond public road right-of w	A	A	A 26	A 26	
Repair, replacement or modification with	A 16	A 16	A 16	A 16	A 16, 27
Construction of driveway or private acces	A 28	A 28	A 28	A 28	A 28
Construction of farm field access drive	A 29	A 29	A 29	A 29	A 29
Maintenance of driveway, private access drive or parking lot	A	A	A 17	A 17	A 17, 27
Construction of a bridge or culvert as par	A 39	A 39	A 39	A 39	A 39
private access road					
Bridges or culverts					
Maintenance or repair of bridge or culver	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17, 27

Replacement of bridge or culvert	A 16	A 16	A 16	A 16, 30	A 16, 27
Expansion of bridge or culvert	A 16, 17	A 16, 17	A 16, 17, 31	A 16, 17, 31	A 4
Utilities and other infrastructure					
Construction of new utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34	A 32, 34	A 27, 32, 35
Construction or maintenance of a hydroelectric facility	A 66	A 66	A 65	A 65	A 4, 65
Construction of a new residential utility service line	A 32, 33	A 32, 33	A 32, 60	A 32, 60	A 27, 32, 60
Maintenance, repair or replacement of utility facility	A 32, 33	A 32, 33	A 32, 34, 36	A 32, 34, 36	A 4, 32, 37
Maintenance or repair of existing well	A 37	A 37	A 37	A 37	A 4, 37
Maintenance or repair of on-site sewage disposal system	A 37	A 37	A 37	A 37	A 4
Construction of new surface water conveyance system	A 32, 33	A 32, 33	A 32, 38	A 32, 38	A 4
Maintenance, repair or replacement of existing surface water conveyance system	A 33	A 33	A 16, 32, 38	A 16, 40, 41	A 4, 37
Construction of new surface water flow control structure or quality treatment facility			A 32	A 32	A 4, 32
Maintenance or repair of existing surface water quality treatment facility	A 16	A 16	A 16	A 16	A 4
Construction of new flood protection facility			A 42	A 42	A 27, 42
Maintenance, repair or replacement of flood protection facility	A 33, 43	A 33, 43	A 43	A 43	A 27, 43
Flood risk reduction gravel removal	A 61	A 61	A 61	A 61	A 61
Construction of new instream structure or structure	A 16	A 16	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream structure	A 16	A 16	A 16	A 16	A 4
Recreation					
Construction of new trail	A 46	A 46	A 47	A 47	A 4, 47
Maintenance of outdoor public park facility or improved recreation area	A 48	A 48	A 48	A 48	A 4, 48
Habitat, education and science projects					
Habitat restoration or enhancement project	A 49	A 49	A 49	A 49	A 4, 49
Scientific sampling for salmonids			A 50	A 50	A 50
Drilling and testing for critical areas report	A 51	A 51	A 51, 52	A 51, 52	A 4
Environmental education project	A 62	A 62	A 62	A 62	A 62
Agriculture					
Horticulture activity including tilling, disking, harvesting, preparing soil, rotating crops	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Grazing livestock	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of a commercial structure			A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of livestock facility			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction or maintenance of livestock facility			A 56	A 56	

Construction of agricultural drainage			A 57	A 57	A 4, 57
Maintenance of agricultural drainage	A 23, 58	A 23, 58	A 23, 53, 54, 58	A 23, 53, 54, 58	A 4, 23, 53, 54, 58
Construction or maintenance of farm pond or livestock watering pond	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Other					
Shoreline water dependent or shoreline water dependent				A 64	
Excavation of cemetery graves in established cemetery	A	A	A	A	A
Maintenance of cemetery graves	A	A	A	A	A
Maintenance of lawn, landscaping or garden 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. 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 twenty-five feet of the ordinary high water mark of the lake

shoreline; 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. Allowed if no clearing, external construction or other disturbance in a wildlife habitat conservation area occurs 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;

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; and

c. in the shoreline jurisdiction, any structures will not interfere with the natural hydrologic and geomorphic processes of channel migration.

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 (~~((or impervious surfaces))~~) 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 (~~((structures))~~) 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; and

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.

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; ~~((and))~~
- c. hazardous substances or toxic materials are not used; and
- e. if located on a freshwater lake, the pier or dock conforms to the standards for docks under K.C.C.

21A.25.190.

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.25.190.

12. When located on a lake, must be in compliance with K.C.C. 21A.25.190.

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 and if in the shoreline jurisdiction, any clearing or grading will not interfere with the natural hydrologic and geomorphic processes of channel migration:

- 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 and pruning of vegetation for the making and maintenance of view corridors or habitat enhancement under a vegetation management plan approved by the department, if the soils are not disturbed and the activity will not adversely affect the long term slope stability or water quality or cause erosion. The vegetation management plan shall use native species with adequate root strength to add stability to a steep slope.

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 by this ordinance; 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. Only if in accordance with chapter 76.09 RCW and Title 222 WAC and:

a. a forest management plan is approved for the site by the King County department of natural resources and parks; and

b. the property owner provides a notice of intent in accordance with RCW 76.09.060 that the site will not be converted to nonforestry uses within six years.

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 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;

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

1. 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 private individual utility service connections on site or to 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. Allowed in a severe channel migration hazard area portion of an aquatic area buffer if:

a. the facilities are designed to the standards in an approved farm management plan in accordance with K.C.C. 21A.24.051;

b. there is not a feasible alternative location available on the site;

c. the structure is located where it is least subject to risk from channel migration; and

d. in the shoreline jurisdiction, any structures will not interfere with the natural hydrologic and geomorphic processes of 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. 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.

64. 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.

65. 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. To the maximum extent practical, buildings will be located outside the buffer and away from the aquatic area or wetland;

i. 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. 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. 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

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 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.

SECTION 41. Ordinance 10870, Section 454, as amended, and K.C.C. 21A.24.070 are each hereby amended to read as follows:

A. The director may approve alterations to critical areas, critical area buffers and critical area setbacks not otherwise allowed by this chapter as follows:

1. Except as otherwise provided in subsection A.2. of this section, for linear alterations, the director may approve alterations to critical areas, critical area buffers and critical area setbacks only when all of the following criteria are met:

a. there is no feasible alternative to the development proposal with less adverse impact on the critical area;

b. the proposal minimizes the adverse impact on critical areas to the maximum extent practical;

c. the approval does not require the modification of a critical area development standard established by this chapter;

d. the development proposal 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;

e. the linear alteration:

(1) connects to or is an alteration to a public roadway, regional light rail transit line, public trail, a utility corridor or utility facility or other public infrastructure owned or operated by a public utility; or

(2) is required to overcome limitations due to gravity;

2. In order to accommodate the siting of a regional light rail transit facility under RCW 36.70A.200, the director may approve alterations to critical areas, critical area buffers and critical area setbacks not otherwise allowed by this chapter and may impose reasonable conditions to minimize the impact of the light rail transit facility on the critical area and its buffer; and

3. For nonlinear alterations the director may approve alterations to critical areas except wetlands, unless otherwise allowed under subsection A.2.h. of this section, aquatic areas and wildlife habitat conservation areas, and alterations to critical area buffers and critical area setbacks, when all of the following criteria are met:

a. there is no feasible alternative to the development proposal with less adverse impact on the critical area;

b. the alteration is the minimum necessary to accommodate the development proposal;

c. the approval does not require the modification of a critical area development standard established by this chapter;

d. the development proposal 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;

e. for dwelling units, no more than five thousand square feet or ten percent of the site, whichever is greater, may be disturbed by structures, building setbacks or other land alteration, including grading, utility installations and landscaping, but not including the area used for a driveway or for an on-site sewage disposal system;

f. to the maximum extent practical, access is located to have the least adverse impact on the critical area and critical area buffer;

g. the critical area is not used as a salmonid spawning area; and

h. the director may approve an alteration in a category II, III and IV wetland for development of a public school facility.

B. The director may approve alterations to critical areas, critical area buffers and critical area setbacks if the application of this chapter would deny all reasonable use of the property as follows:

1. If the critical area, critical area buffer or critical area setback is outside of the shoreline jurisdiction, the applicant may apply for a reasonable use exception under this subsection without first having applied for an alteration exception under this section if the requested reasonable use exception includes relief from development standards for which an alteration exception cannot be granted under this section. The director shall determine that all of the following criteria are met:

- a. there is no other reasonable use with less adverse impact on the critical area;
- b. the development proposal 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;
- c. any authorized alteration to the critical area or critical area buffer is the minimum necessary to allow for reasonable use of the property; and
- d. for dwelling units, no more than five thousand square feet or ten percent of the site, whichever is greater, may be disturbed by structures, building setbacks or other land alteration, including grading, utility installations and landscaping but not including the area used for a driveway or for an on-site sewage disposal system; and

2. If the critical area, critical area buffer or critical area setback is located within the shoreline jurisdiction, the request for a reasonable use exception shall be considered a request for a shoreline variance under K.C.C. 25.32.040, as recodified by this ordinance.

C. For the purpose of this section, "linear" alteration means infrastructure that supports development, that is linear in nature and includes public and private roadways, public trails, private driveways, railroads,

regional light rail transit, hydroelectric generating facilities, utility corridors and utility facilities.

D. Alteration exceptions approved under this section shall meet the mitigation requirements of this chapter.

E. An applicant for an alteration exception shall submit a critical area report, as required by K.C.C. 21A.24.110.

SECTION 42. Ordinance 10870, Section 491, and K.C.C. 21A.26.020 are each hereby amended to read as follows:

The following are exempt from the provisions of this chapter and shall be permitted in all zones:

A. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the Federal Communications Commission (FCC);

B. Machines and equipment that are designed and marketed as consumer products, such as microwave ovens and remote control toys;

C. The storage, shipment or display for sale of transmission equipment;

D. Radar systems for military and civilian communication and navigation;

E. Hand-held, mobile, marine and portable radio transmitters and/or receivers;

F. Two-way radio utilized for temporary or emergency services communications;

G. Licensed amateur (Ham) radio stations and citizen band stations;

H. Earth station downlink using satellite dish antennas with a diameter of less than 12 feet provided that stations in excess of one dish antennas are subject to conditional use permits;

I. Receive-only satellite dish antennas as an accessory use; and

J. Two-way radio antennas, point-to-point microwave dishes, and ~~((cellular radio))~~ personal wireless service antennas ~~((which))~~ that are not located on a transmission structure (lattice towers and monopoles); and

K. Any maintenance, reconstruction, repair or replacement of a conforming or nonconforming

communication facility, transmission equipment, transmission structure or transmitter building; provided, that the transmission equipment does not result in noncompliance with K.C.C. 21A.26.100 and 21A.26.130.

L. In the event a building permit is required for any emergency maintenance, reconstruction, repair or replacement, filing of the building permit application shall not be required until 30 days after the completion of such emergency activities. In the event a building permit is required for nonemergency maintenance, reconstruction, repair or replacement, filing of the building permit application shall be required prior to the commencement of such nonemergency activities.

SECTION 43. 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 (~~((which))~~) that are not exempt pursuant to K.C.C. 21A.26.020 shall comply with the provisions of this chapter as follows:

A. New communication 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(~~(; new minor communication facilities shall also comply with applicable provisions of this chapter, and, in case of conflict, the provisions of this chapter shall apply))~~);

B. Modified communication 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 K.C.C. 21A.26.160 through 21A.26.190(~~(; modifications to minor communication facilities shall also comply with the applicable provisions of this chapter, and, in case of conflict, the provisions of this chapter shall apply))~~);

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(~~(; consolidations to minor communication facilities shall also comply with the applicable provisions of this chapter, and, in the case of conflict, the provisions of this chapter shall apply))~~); and

D. New, modified or consolidated minor communication facilities shall comply with the standards of this chapter and K.C.C. Chapter 21A. (the new chapter created by section 60 of this ordinance). In the case of a conflict between the provisions of this chapter and the provisions of K.C.C. Chapter 21A. (the new chapter created by section 60 of this ordinance), the provisions of this chapter shall apply.

SECTION 44. Ordinance 10870, Section 494, as amended, and K.C.C. 21A.26.050 are each hereby amended to read as follows:

Except as outlined for modifications and consolidations pursuant to K.C.C. 21A.26.140 and 21A.26.150 or when setbacks are increased to ensure compliance with NIER exposure limits, communication facilities shall comply with the following setbacks:

A. Transmission structures, other than those for minor communication facilities, ~~((which))~~ that do not exceed the height limit of the zone in which they are located~~((;))~~ shall be set back from the property line as required for other structures by the zone in which such transmission structure is located;

B. Transmission structures, other than those for minor communication facilities, ~~((which))~~ that exceed the height limit of the zone in which they are located~~((;))~~ shall be set back from property lines either a minimum of fifty feet or one foot for every foot in height, whichever results in the greater setback, except:

1. Transmission structures, other than those for minor communication facilities, located in the A, F, NB, CB, RB, O or I zones shall be set back from the property line as required by the zone in which they are located; and

2. Transmission structures for minor communication facilities shall be set back from the property line as provided in K.C.C. 21A.26.320, as recodified by this ordinance;

C. When two or more communication facilities share a common boundary, the setback from such boundary shall comply with the requirements of the zone in which the facilities are located, unless easements are provided:

1. On the adjoining sites ~~((which))~~ that limit development to communication facilities;

2. Of sufficient depth to provide the setbacks required in subsections A and B; and
3. ~~((Which))~~ That provide for King County as a third party signatory to the agreement; and

D. Transmitter buildings shall be subject to the setback requirements of the zone in which they are located.

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 ~~((which))~~ that do not increase the overall height of the transmission structure or transmission equipment by more than thirty percent shall be allowed provided:

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; ~~((and))~~
3. The modification results in 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 ~~((which))~~ that has been prepared by a licensed professional engineer~~((:)); and~~
4. For minor communication facilities, the allowances for increased height established by this chapter 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 percent shall be subject to the following provisions:

1. Applications for such transmission structures shall be reviewed pursuant to 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, ~~((Ordinance 13129, and))~~ for

minor communication facilities K.C.C. Chapter 21A. (the new chapter created by section 60 of this ordinance). For minor communication facilities, in case of conflict, the provisions of (~~(Ordinance 13129)~~) K.C.C. Chapter 21A. (the new chapter created by section 60 of this ordinance) shall control.

SECTION 46. Ordinance 10870, Section 505, as amended, and K.C.C. 21A.26.160 are each hereby amended to read as follows:

A. In addition to any required site plan, a permit application for (~~(any)~~) a communication facility shall also include:

1. A site plan (~~(which)~~) that shows existing and proposed transmission structures; guy wire anchors; warning signs; fencing and access restrictions;

2. A report by a licensed professional engineer demonstrating compliance with applicable structural standards of (~~(the UBC)~~) K.C.C. Title 16, and describing the general structural capacity of any proposed transmission structure(s), including:

a. The number and type of antennas that can be accommodated; and

b. The basis for the calculation of capacity;

3. A report by a state licensed professional engineer that includes the following:

a. A description of any proposed transmission tower(s) or structure(s), including height above grade, materials, color and lighting; and

b. Information related to interference required by K.C.C. 21A.26.090.

B. Where a permit for a non-exempt communication facility is required, the application shall also include the following information:

1. The name and address of the operator(s) of proposed and existing antennas on the site;

2. The height of any proposed antennas;

3. Manufacture, type, and model of such antennas;

4. Frequency, modulation and class or service;

5. Transmission and maximum effective radiated power;
6. Direction of maximum lobes and associated radiation;
7. The calculated NIER levels attributable to the proposed antennas at points along the property line and other areas off-site which are higher than the property line points, as well as calculated power density (NIER levels) in areas that are expected to be unfenced on-site;
8. For a major communication facility, if there is another major communication facility within one mile of the site of the proposed facility, the level of NIER at the points identified in subsection B.7. as measured within ~~((30))~~ thirty days prior to application; and
9. For a minor communication facility, if there is an existing major communication facility within one-half mile of the site of the proposed facility, the level of NIER at the points identified in subsection B.7. as measured within ~~((30))~~ thirty days prior to the application.

SECTION 47. Ordinance 10870, Section 536, as amended, and K.C.C. 21A.30.080 are each hereby amended to read as follows:

In the R, ~~((and))~~ UR, NB, CB and RB zones, residents of a dwelling unit may conduct one or more home occupations as accessory activities, only if:

A. The total floor area of the dwelling unit devoted to all home occupations shall not exceed twenty percent of the dwelling unit.

B. Areas within garages and storage buildings shall not be considered part of the dwelling unit and may be used for activities associated with the home occupation;

~~((B-))~~ C. All the activities of the home occupation or occupations shall be conducted indoors, except for those related to growing or storing of plants used by the home occupation or occupations;

~~((C-))~~ D. A home occupation or occupations is not limited in the number of employees that remain off-site. No more than one nonresident employee shall be permitted to work on-site for the home occupation or occupations;

~~((D-))~~ E. The following ~~((activities are prohibited))~~ uses, by the nature of their operation or investment, tend to increase beyond the limits permitted for home occupations. Therefore, the following shall not be permitted as home occupations:

1. Automobile, truck and heavy equipment repair;
2. Autobody work or painting;
3. Parking and storage of heavy equipment; ~~((and))~~
4. Storage of building materials for use on other properties;
5. Hotels, motels or organizational lodging;
6. Dry cleaning;
7. Towing services; and
8. Trucking, storage or self service, except for parking or storage of one commercial vehicle used in

one occupation; and

9. Veterinary clinic;

~~((E-))~~ F. In addition to required parking for the dwelling unit, on-site parking is provided as follows:

1. One stall for each nonresident employed by the home occupations; and
2. One stall for patrons when services are rendered on-site;

~~((F-))~~ G. Sales are limited to:

1. Mail order sales;
2. Telephone, Internet or other electronic commerce sales with off-site delivery; and
3. Items accessory to a service provided to patrons who receive services on the premises;

~~((G-))~~ H. On-site services to patrons are arranged by appointment;

~~((H-))~~ I. The home occupation or occupations use or store a vehicle for pickup of materials used by the home occupation or occupations or the distribution of products from the site, only if:

1. No more than one such a vehicle is allowed; and

2. The vehicle is not stored within any required setback areas of the lot or on adjacent streets; and
3. The vehicle does not exceed an equivalent licensed gross vehicle weight of one ton;

((F)) J. The home occupation or occupations do not ~~((use electrical or mechanical equipment that results in))~~:

1. ((A)) Use electrical or mechanical equipment that results in a change to the occupancy type of the structure or structures used for the home occupation or occupations; or

2. ((V)) Cause visual or audible interference in radio or television receivers, or electronic equipment located off-premises((;)) or ((3-F))fluctuations in line voltage off-premises;

K. There shall be no exterior evidence of a home occupation, other than growing or storing of plants under subsection C of this section or a permitted sign, that would cause the premises to differ from its residential character. Exterior evidence includes, but is not limited to, lighting, the generation or emission of noise, fumes or vibrations as determined by using normal senses from any lot line or on average increase vehicular traffic by more than four additional vehicles at any given time;

L. Customer visits and deliveries 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 p.m. on weekends; and

((F)) M. Uses not allowed as home occupations may be allowed as a home industry under K.C.C. ((chapter)) 21A.30.090.

SECTION 48. Ordinance 15606, Section 20, as amended, and K.C.C. 21A.30.085 are each hereby amended to read as follows:

In the A, F and RA zones, residents of a dwelling unit may conduct one or more home occupations as accessory activities, under the following provisions:

A. The total floor area of the dwelling unit devoted to all home occupations shall not exceed twenty percent of the dwelling unit.

B. Areas within garages and storage buildings shall not be considered part of the dwelling unit and may

be used for activities associated with the home occupation;

~~((B:))~~ C. Total outdoor area of all home occupations shall be permitted as follows:

1. For any lot less than one acre: Four hundred forty square feet; and
2. For lots one acre or greater: One percent of the area of the lot, up to a maximum of five thousand

square feet.

~~((C:))~~ D. Outdoor storage areas and parking areas related to home occupations shall be:

1. No less than twenty-five feet from any property line; and
2. Screened along the portions of such areas that can be seen from an adjacent parcel or roadway by

the:

- a. planting of Type II landscape buffering; or
- b. use of existing vegetation which meets or can be augmented with additional plantings to meet the

intent of Type II landscaping.

~~((D:))~~ E. A home occupation or occupations is not limited in the number of employees that remain off-site. Regardless of the number of home occupations, the number of nonresident employees is limited to no more than three who work on-site at the same time and no more than three who report to the site but primarily provide services off-site.

~~((E:))~~ F. In addition to required parking for the dwelling unit, on-site parking is provided as follows:

1. One stall for each nonresident employed on-site; and
2. One stall for patrons when services are rendered on-site;

~~((F:))~~ G. Sales are limited to:

1. Mail order sales;
2. Telephone, Internet or other electronic commerce sales with off-site delivery;
3. Items accessory to a service provided to patrons who receive services on the premises;
4. Items grown, produced or fabricated on-site; and

5. On sites five acres or larger, items that support agriculture, equestrian or forestry uses except for the following:

- a. motor vehicles and parts (North American Industrial Classification System ("NAICS" Code 441));
- b. electronics and appliances (NAICS Code 443); and
- c. building material and garden equipments and supplies (NAICS Code 444);

~~((G-))~~ H. The home occupation or occupations do not ~~((use electrical or mechanical equipment that results in))~~:

1. ~~((A))~~ Use electrical or mechanical equipment that results in a change to the occupancy type of the structure or structures used for the home occupation or occupations;

2. ~~((V))~~ Cause visual or audible interference in radio or television receivers, or electronic equipment located off-premises((;)) or ~~((3.-F))~~ fluctuations in line voltage off-premises; or

3. Increase average vehicular traffic by more than four additional vehicles at any given time;

~~((H-))~~ I. Customer visits and deliveries 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 p.m. on weekends;

J. The following uses, by the nature of their operation or investment, tend to increase beyond the limits permitted for home occupations. Therefore, the following shall not be permitted as home occupations:

1. Hotels, motels or organizational lodging;

2. Dry cleaning; and

3. Towing services;

K. Uses not allowed as home occupation may be allowed as a home industry under K.C.C. chapter 21A.30; and

~~((H-))~~ L. The home occupation or occupations may use or store vehicles, as follows:

1. The total number of vehicles for all home occupations shall be:

- a. for any lot five acres or less: two;

b. for lots greater than five acres: three; and

c. for lots greater than ten acres: four;

2. The vehicles are not stored within any required setback areas of the lot or on adjacent streets; and

3. The parking area for the vehicles shall not be considered part of the outdoor storage area provided

for in subsection C. of this section.

SECTION 49. Ordinance 10870, Section 537, as amended, and K.C.C. 21A.30.090 are each hereby amended to read as follows:

A resident may establish a home industry as an accessory activity, as follows:

A. The site area is one acre or greater;

B. The area of the dwelling unit used for the home industry does not exceed fifty percent of the floor area of the dwelling unit.

C. Areas within attached garages and storage buildings shall not be considered part of the dwelling unit for purposes of calculating allowable home industry area but may be used for storage of goods associated with the home industry;

C. No more than ~~((four))~~ six nonresidents who ~~((come to the))~~ work on-site ~~((of the home industry are employed in the home industry))~~ at the same time;

D. In addition to required parking for the dwelling unit, on-site parking is provided as follows:

1. One stall for each non-resident employee of the home industry; and

2. One stall for customer parking;

E. Additional customer parking shall be calculated for areas devoted to the home industry at the rate of one stall per:

1. One thousand square feet of building floor area; and

2. Two thousand square feet of outdoor work or storage area;

F. Sales are limited to items produced on-site, except for items collected, traded and occasionally sold

by hobbyists, such as coins, stamps, and antiques;

G. Ten feet of Type I landscaping are provided around portions of parking and outside storage areas that are otherwise visible from adjacent properties or public rights-of-way; and

H. The department ensures compatibility of the home industry by:

1. Limiting the type and size of equipment used by the home industry to those that are compatible with the surrounding neighborhood;
2. Providing for setbacks or screening as needed to protect adjacent residential properties;
3. Specifying hours of operation;
4. Determining acceptable levels of outdoor lighting; and
5. Requiring sound level tests for activities determined to produce sound levels that may be in excess of those in K.C.C. chapter 12.88.

SECTION 50. 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 ~~((E.))~~ D. of this section;

B. The temporary use shall not exceed a total of sixty days in any ~~((calendar year))~~ 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 ~~((calendar))~~

years as follows:

1. The applicant shall make a written request and pay((s)) the applicable permit extension fees for renewal of the temporary use permit at least ((~~sixty~~)) seventy days before the earlier of the end of the permit period or the last of the events;
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 51. Ordinance 11567, Section 1, as amended, and K.C.C. 21A.38.100 are each hereby amended to read as follows:

A. The purpose of the commercial/industrial special district overlay is to accommodate and support existing commercial/industrial areas outside of activity centers by providing incentives for the redevelopment of underutilized commercial or industrial lands and by permitting a range of appropriate uses consistent with maintaining the quality of nearby residential areas.

B. The commercial/industrial special district overlay shall be designated only through the area zoning process and applied to areas substantially developed with a mix of commercial and light industrial uses and zoned CB, RB, O, or I.

C. The standards of this title and other county codes shall be applicable to development within the commercial/industrial special district overlay except as follows:

1. Legally-established commercial or industrial uses that exist within an area as of the effective date of

legislation applying the commercial/industrial special district overlay, but that are not otherwise permitted by the zoning, shall be considered permitted uses upon only the lots that they occupied as of that date.

2. Permitted uses within the area of a commercial/industrial special district overlay shall include those uses permitted in the base zone applied therein as well as permitted uses as set forth in the I zone with the exception of the following:

- a. any use permitted in the I zone requiring a conditional use permit;
- b. auction houses;
- c. livestock sales;
- d. SIC Industry Group 201 (meat products);
- e. SIC Industry Group 202 (dairy products);
- f. SIC Industry Group 204 (grain mill products);
- g. SIC Industry Group 207 (fats and oils);
- h. motor vehicle and boat dealers;
- i. SIC Major Group 24 (lumber and wood products, except furniture) except 2431 (millwork) and 2434 (wood kitchen cabinets);
- j. SIC Industry Group 311 (leather tanning and finishing);
- k. SIC Major Group 32 (stone, clay, glass and concrete products);
- l. SIC Industry 3999 (manufacturing industries, not elsewhere classified) dressing of furs, fur stripping and pelts only;
- m. SIC Industry 7534 (tire retreading);
- n. SIC Major Group 02 (agricultural production--livestock and animal specialties);
- o. SIC Industry 2951 (asphalt paving mixtures and blocks);
- p. resource accessory uses, and
- q. outdoor storage of equipment or materials occupying more than 25% of the site associated with:

SIC Major Group 15 (building construction--contractors and operative builders), SIC Major Group 16 (heavy construction other than building construction--contractors), SIC Major Group 17 (construction--special trade contractors) and, SIC Industry 7312 (outdoor advertising services); provided, that such outdoor storage be visually screened from surrounding properties.

4. Uses permitted both by the base zone applied to the property and through the application of the commercial/industrial special district overlay shall be subject to the limitations on use found in the base zone in K.C.C. 21A.08 except for commercial/industrial accessory uses to which the limitations on use in the base zone shall not apply.

5. The minimum parking requirements of this title shall be reduced as follows, provided that such reductions do not apply to new construction on vacant property or the vacant portions of partially-developed property where that construction is not an enlargement or replacement of an existing building:

a. the parking stall requirements are reduced (~~((400))~~) one hundred percent provided that:

(1) the square footage of any enlargement or replacement of an existing building does not in total exceed (~~((425))~~) one hundred twenty-five percent of the square footage of the existing building;

(2) the building fronts on an existing roadway improved to urban standards or a roadway programmed to be improved to urban standards as a capital improvement project, that accommodates on-street parking; and

(3) there is no net decrease in existing off-street parking space.

b. the parking stall requirements are reduced (~~((50))~~) fifty percent provided that:

(1) the square footage of any enlargement or replacement of an existing building in total exceeds (~~((425))~~) one hundred twenty-five percent of the square footage of the existing building;

(2) the height of the enlarged or replacement building does not exceed the base height of the zone in which it is located;

(3) the building fronts on an existing roadway improved to urban standards or a roadway

programmed to be improved to urban standards as a capital improvement project, that accommodates on-street parking; and

(4) there is no net decrease in existing off-street parking spaces, unless it exceeds the minimum requirements of this subsection C.5.b.

6. The landscaping requirements of this title shall be waived, provided that:

a. street trees, installed and maintained by the adjacent property owner, shall be substituted in lieu of landscaping; and

b. (1) except as otherwise provided in 6.b.(2) of this subsection, any portion of the overlay district that directly abuts properties outside of the district shall provide, along said portions, a landscape buffer area no less than ((50)) fifty percent of that required by this title; and

(2) if required parking for a development proposal is located on properties outside of the district that directly abut the site, the landscape buffer required by 6.b.(1) of this section may be placed on the perimeter of the properties on which the parking is located that abut other properties outside of the district.

7. The setback requirements of this title shall be waived, provided that:

a. setback widths along any street that is not an alley forming a boundary of the overlay district shall comply with this title; and

b. any portion of the overlay district that directly abuts properties outside of the district shall provide, along said portions, a setback no less than ((50)) fifty percent of that required by this title.

8. The building height limits of this title shall be waived, provided that the height limit within ((50)) fifty feet of the perimeter of the overlay district shall be ((30)) thirty feet.

9. Signage shall be limited to that allowed within the CB zone.

10. The roadway improvements of the King county code shall be waived, provided a no-protest agreement to participate in future road improvement districts (RID) is signed by an applicant and recorded with the county.

11. The pedestrian circulation requirements of this title shall be waived.

12. The impervious surface and lot coverage requirements of this title shall be waived.

D. The following standards shall be applicable to unincorporated activity centers as designated in the comprehensive plan and located within the commercial/industrial special district overlay:

1. For properties that have frontage on a pedestrian street(~~((s))~~) or route(~~((s))~~) as designated in an applicable plan or area zoning process, except for gasoline service stations (SIC 5541) and grocery stores (SIC 5411) that also sell gasoline, the following conditions shall apply:

a. main building entrances shall be oriented to the pedestrian street;

b. at the ground floor (at grade), buildings shall be located no more than (~~((5))~~) five feet from the sidewalk or sidewalk improvement, but in no instance shall encroach on the public right-of-way;

c. building facades shall comprise at least (~~((75%))~~) seventy-five percent of the total pedestrian street frontage for a property, and if applicable, at least (~~((75%))~~) seventy-five percent of the total pedestrian route frontage for a property;

d. minimum side setbacks of the underlying zoning are waived;

e. building facades of ground floor retail, general business service, and professional office land uses, that front onto a pedestrian street or route shall include windows and overhead protection;

f. building facades, along a pedestrian street or route, that are without ornamentation, or are comprised of uninterrupted glass curtain walls or mirrored glass are not permitted; and

g. vehicle access shall be limited to the rear access alley or rear access street where such an alley or street exists.

SECTION 52. Ordinance 11621, Section 130, and K.C.C. 21A.41.110 are each hereby amended to read as follows:

A. A subsequent building permit application may contain minor modifications to an approved commercial site development plan (~~((provided a))~~) if the modification does not:

1. ~~((does not))~~ increase the building floor area by more than 10%;
2. ~~((does not))~~ increase the number of dwelling units;
3. ~~((does not))~~ increase the total impervious surface area, provided that, relocatable facilities for schools shall be exempt from this restriction; does not result in an insufficient amount of parking and/or loading;
4. ~~((does not))~~ locate buildings outside an approved building envelope, provided that, relocatable facilities for schools shall be exempt from this restriction;
5. ~~((does not))~~ change the number of ingress and egress points to the site;
6. ~~((does not))~~ significantly increase the traffic impacts of peak hour trips to and from the site; or
7. ~~((does not))~~ significantly increase the quantity of imported or exported materials or increase the area of site disturbance.

B. Modifications ~~((which))~~ that exceed the conditions of approval as stated in this section and require a new review as determined by the director shall only be accomplished by applying for a new commercial site development permit for the entire site. The new application shall be reviewed according to the laws and rules in effect at the time of application.

SECTION 53. Ordinance 13130, Section 10, and K.C.C. 21A.42.180 are each hereby amended to read as follows:

Modifications and expansions of uses or developments authorized by an existing planned unit development approval shall be subject to the following provisions.

- A. Any approved modification or expansion shall be recorded.
- B. Modifications to building location ~~((and/))~~ or dimensions shall be reviewed pursuant to the code compliance process of ~~((K.C.C. 21A.42.010 only when))~~ this chapter unless:

1. ~~((No b))~~ Buildings are located closer to the nearest property line(s) ~~((, and))~~; or
2. ~~((No))~~ An increase in square footage of buildings is proposed.

C. Modifications ~~((beyond those permitted in))~~ not exempted from the code compliance process of this chapter by subsection B of this section and all expansions~~((;))~~ shall be subject to the approval of a conditional use permit.

SECTION 54. 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 the code compliance process of ~~((K.C.C. 21A.42.030))~~ 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. ~~((A conditional use permit shall be required for))~~ An expansion((s)) 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 ~~((if the expansions are not consistent with the provisions of this subsection))~~ and is reviewed and approved as a conditional use; and

~~((4. A special use permit shall be required for))~~ b. the expansion((s)) is within a use or development authorized by an existing special use or unclassified use permit ~~((, if the expansions to either permit are not~~

~~consistent with the provisions of this subsection))~~ and is reviewed and approved as a special use.

B. The department may review and approve, in accordance with the code compliance process of ((~~K.C.C. 21A.42.030~~)) 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 telecommunication facilities, the provision for which are in K.C.C. 21A.26.140 or to modifications or expansions of nonconformances, the provisions for which are in K.C.C. 21A.32.065.

NEW SECTION. SECTION 55. There is hereby added to K.C.C. chapter 23.32 a new section to read as follows:

A. The invoice for civil penalties imposed under this Title shall include a statement advising the person responsible for code compliance that there is a right to appeal any civil penalties assessed for any time period after achieving compliance with a notice and order, stop work order or voluntary compliance agreement.

B. The person billed in an invoice for civil penalties who believes that civil penalties were assessed for a time period after achieving compliance may file an appeal with the department. In order to be effective, a written notice and statement of appeal must be received by the department within fourteen days from the date of the invoice. The statement of appeal must include:

1. The identity of the person filing the appeal;
2. The address of the property where the violations were determined to exist;
3. A description of the violations for which civil penalties were assessed; and
4. A description of the actions taken to achieve compliance and the date of compliance.

C. Failure to effectively appeal the assessment of civil penalties within the applicable time limits renders the invoiced amount final.

NEW SECTION. SECTION 56. There is hereby added to K.C.C. chapter 23.32 a new section to read as follows:

The hearing examiner shall conduct a closed record hearing on the appeal of the assessment of civil penalties. The burden is on the appellant to demonstrate by a preponderance of the evidence that civil penalties were assessed after achieving compliance. If the hearing examiner grants the appeal, the examiner shall modify the assessment of civil penalties accordingly. If the hearing examiner denies the appeal, the assessed civil penalties shall be reinstated in full. The hearing examiner's decision is final.

NEW SECTION. SECTION 57. There is hereby added to K.C.C. chapter 23.32 a new section to read as follows:

A. In an appeal of the assessment of civil penalties, the appellant may only challenge whether civil penalties were assessed for any time period after achieving compliance. The hearing examiner's determination is limited to finding whether civil penalties were assessed for any time period after achieving compliance and to establishing the proper penalty dates if the appeal is granted.

B. The appeal of the assessment of civil penalties to the hearing examiner shall be governed by K.C.C. chapters 20.24 and 23.36, except that where specific provisions in this chapter conflict with KCC chapters 20.24 or 23.36, the provisions of this chapter shall govern.

C. Upon the timely receipt of a statement of appeal, the assessment of civil penalties shall be tolled pending the hearing examiner's decision. Should the hearing examiner deny or dismiss the appeal, the civil penalties shall be applied retroactively from the date that compliance was required in the notice and order, stop work order, voluntary compliance agreement or the compliance dates set in the hearing examiner's decision on an appeal of a notice and order.

SECTION 58. Ordinance 12020, Section 14, and K.C.C. 27A.30.030 are each hereby amended to read

as follows:

The director may allow up to two reductions in performance guarantee amounts that total no more than seventy percent of the initial guarantee value, including contingencies, in accordance with the county's cost estimate of the work remaining to be completed. No more than ~~((one))~~ two reductions will be allowed ~~((except that two reductions may be allowed at the director's discretion for phased subdivisions))~~. The total ~~((reduction))~~ performance guarantee amount shall not ~~((exceed 70% of the initial guarantee value including contingency))~~ be less than the department's estimate of the actual cost to complete the remaining work. The request for reduction shall be in writing, accompanied by a schedule for completion of remaining work.

SECTION 59. Ordinance 12020, Section 27, and K.C.C. 27A.40.070 are each hereby amended to read as follows:

A. Prior to receiving a temporary or permanent occupancy certificate for any building or structure for which Title 21A requires landscaping, an applicant shall provide the required performance guarantee to secure the completion and improvement of required landscaping, in accordance with approved site plan, within three months following issuance of the ~~((building or buildings))~~ temporary ~~((or permanent))~~ occupancy certificate~~((, whichever comes first))~~.

B. Performance guarantees for landscaping required pursuant to K.C.C. 21A.16 shall be sufficient to cover the cost of conformance with conditions of the permit, and shall be required for a period of two years after the planting or transplanting of vegetation to insure proper installation, establishment and maintenance. This time period may be extended by one year by the director, if necessary to cover a planting and growing season.

C. The director may extend the time limit for compliance with the above landscaping requirement up to one year after issuance of the occupancy certificate if circumstances beyond the control of the applicant warrant an extension. The request for an extension shall be in writing, accompanied by a schedule for completion of remaining work.

SECTION 60. There is hereby established a new chapter in K.C.C. Title 21A. This new chapter shall contain K.C.C. 21A.26.300, as recodified by this ordinance, 21A.26.310, as recodified by this ordinance, 21A.26.320, as recodified by this ordinance, 21A.26.330, as recodified by this ordinance, 21A.26.340, as recodified by this ordinance, 21A.26.350, as recodified by this ordinance, 21A.26.360, as recodified by this ordinance, 21A.26.370, as recodified by this ordinance, 21A.26.380, as recodified by this ordinance, 21A.26.390, as recodified by this ordinance, 21A.26.400, as recodified by this ordinance, 21A.26.410, as recodified by this ordinance, 21A.26.420, as recodified by this ordinance, 21A.26.430, as recodified by this ordinance, 21A.26.440, as recodified by this ordinance, 21A.26.450, as recodified by this ordinance and 21A.26.451, as recodified by this ordinance.

SECTION 61. A. K.C.C. 21A.26.300 is hereby recodified as a new section in the new chapter established in section 60 of this ordinance.

B. K.C.C. 21A.26.310 is hereby recodified as a new section in the new chapter established in section 60 of this ordinance.

C. K.C.C. 21A.26.320 is hereby recodified as a new section in the new chapter established in section 60 of this ordinance.

D. K.C.C. 21A.26.330 is hereby recodified as a new section in the new chapter established in section 60 of this ordinance.

E. K.C.C. 21A.26.340 is hereby recodified as a new section in the new chapter established in section 60 of this ordinance.

F. K.C.C. 21A.26.350 is hereby recodified as a new section in the new chapter established in section 60 of this ordinance.

G. K.C.C. 21A.26.360 is hereby recodified as a new section in the new chapter established in section 60 of this ordinance.

H. K.C.C. 21A.26.370 is hereby recodified as a new section in the new chapter established in section

60 of this ordinance.

I. K.C.C. 21A.26.380 is hereby recodified as a new section in the new chapter established in section 60 of this ordinance.

J. K.C.C. 21A.26.390 is hereby recodified as a new section in the new chapter established in section 60 of this ordinance.

K. K.C.C. 21A.26.400 is hereby recodified as a new section in the new chapter established in section 60 of this ordinance.

L. K.C.C. 21A.26.410 is hereby recodified as a new section in the new chapter established in section 60 of this ordinance.

M. K.C.C. 21A.26.420 is hereby recodified as a new section in the new chapter established in section 60 of this ordinance.

N. K.C.C. 21A.26.430 is hereby recodified as a new section in the new chapter established in section 60 of this ordinance.

O. K.C.C. 21A.26.440 is hereby recodified as a new section in the new chapter established in section 60 of this ordinance.

P. K.C.C. 21A.26.450 is hereby recodified as a new section in the new chapter established in section 60 of this ordinance.

Q. K.C.C. 21A.26.451 is hereby recodified as a new section in the new chapter established in section 60 of this ordinance.

SECTION 62. A. Ordinance 13694, Section 60, and K.C.C. 19A.12.060 are each hereby repealed.

B. Ordinance 11210, Section 14, and K.C.C. 21A.16.300 are each hereby repealed.

C. Ordinance 11210, Section 15, and K.C.C. 21A.16.310 are each hereby repealed.

D. Ordinance 11210, Section 16, and K.C.C. 21A.16.320 are each hereby repealed.

E. Ordinance 11210, Section 20, and K.C.C. 21A.16.360 are each hereby repealed.

SECTION 63. 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 64. 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

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