File #: 2001-0403, **Version:** 1

Clerk 07/30/2001

AN ORDINANCE relating to comprehensive planning and zoning, amending policies and regulations relating to active recreation facilities in the agricultural production district to comply with the order of the Central Puget Sound Growth Management Hearings Board in Green Valley et al. v. King County, CPSGMHB Case No. 98-3-0008c, Final Decision and Order (1998) and the order of the Washington state supreme court in King County v. Central Puget Sound Growth Management Hearings Board, 142 Wn.2d 543, 14 P.3d 133 (2000); amending Ordinance 10870, Section 331, as amended, and K.C.C. 21A.08.040, Ordinance 263, Art. 2, Section 1, as amended, and K.C.C. 20.12.010, and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. **Findings:**

A. In 1997, King County adopted Ordinances 12927 and 12930, which among other things allowed active recreational uses on agricultural lands under limited circumstances. The provisions of these ordinances that allowed active recreational uses on agricultural lands (the “agricultural lands amendments”) were challenged to the Central Puget Sound Growth Management Hearings Board ("board").

B. On July 29, 1998, the board found that the agricultural lands amendments failed to comply with the Growth Management Act, invalidated the agricultural lands amendments, and ordered the county to repeal the agricultural lands amendments.

C. King County successfully appealed the board's decision to King County superior court. On June 17, 1999, King County superior court entered an order reversing the board's decision.

D. The King County superior court decision was in turn appealed to the Washington state supreme court. On December 14, 2000, the Washington state supreme court issued its decision reversing the superior court decision and reinstating the board's decision.

E. In the summer of 2001, the state of Washington has, on two separate occasions, ruled King County ineligible for state monies on the grounds that the county is allegedly out of compliance with the Growth Management Act, based on the county's failure to legislatively repeal the agricultural lands amendments. Currently twenty-seven million dollars in loan funds are at risk comprised of seventeen million dollars from the Public Works Trust Fund, administered by the Washington state Public Works Board, for the "Denny Way/Lake Union CSO Project Final Design and Program Consultant Refinance" and ten million dollars from the Washington state Water Pollution Control Revolving Fund, administered by the Washington state Department of Ecology, for the "North Creek Storage Facility Project." Additionally, a one-hundred-twenty-thousand-dollar grant for the county's Dockton Boat Launch Improvements from the Interagency Committee for Outdoor Recreation may be in jeopardy.

F. Immediate action to legislatively repeal the 1997 agricultural lands amendments is necessary in order to maintain county eligibility for significant state moneys.

G. The amendments in this ordinance are adopted on an interim basis. A public hearing will be held within sixty days of adoption in accordance RCW 35.70A.390.

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

Recreational/cultural land uses. A. Recreational/cultural land uses.

K E Y		RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIA				
P-Perm		A	F	M	R	U R	U R		N B	C B	R B	O	I

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C-Cond Use			G	O	I	U	R	E	R	E	t x 1 5 5 5E	U	O	U	E	U	F	N
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SIC#	**SPECIF LAND U**		**A**	**F**	**M**	**RA**	**U R**		**R 1-8**	**R1 2-48**	**N B**		**C B**		**RB**		**O**	**I**
	PARK/R REATIO																	
*	Park		P1	P1	P 1	P1	P 1		P 1	P1	P		P		P		P	P13
*	Trails		P	P	P	P	P		P	P	P		P		P		P	P
*	Campgrc ds			P16 C16 a		P16 C16	P 1 6 C 1 6 a											P16 C
*	Destina Resorts			S		S18	C								C			
*	Marina			C 3		C4	C 4		C 4	C4	P 5		P		P		P	P
*	Recreati Vehicle F					C2, 18	C 2											
*	Sports ((17)					C4, 18	C 4		C 4	C4	C		P		P			
*	Ski Are			S		S18												
	AMUSEI NT/ENTE AINMEN																	
*	Adult Entertain nt Busine												P 6		P6		P6	
*	Theater												P		P		P	
7833	Theater Drive-in														C			
793	Bowling center												P		P			P

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*	Golf fac				C7,18	P7	P7	P7					
7999 (14	Amusem and recreatio Services				P8 C18	P8 C15	P8 C15	P8 C15		P	P		
*	Shootin range		C9		C9,18						C10		P10
*	Amusem arcades									P	P		
7996	Amusem park										C		
*	Outdoo performa center		S		C12 S18						S		
	CULTUR												
823	Library				P11	P11C	P11C	P11 C	P	P	P	P	
841	Museur				P11	P11C	P11C	P11 C	P	P	P	P	P
842	Arboret	P	P		P	P	P	P	P	P	P	P	
*	Conferer Center				P11 C12	P11C12	P11C	P11 C	P		P	P	

GENERAL CROSS REFERENCES: Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Stan

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 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;

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d. Facilities in the RA-10, RA-20, F, A or M zones, or in a designated rural forest focus area, shall be limited to trails and trailheads ((~~and active recreation facilities~~)), including related accessory uses such as parking and sanitary facilities. ((~~Active recreation facilities shall be limited to those properties within the agricultural production district (APD) that are acquired before designation of the APD, using voter-approved recreation funds, state funds mandated for recreation funds or King County board of recreation funds. Active recreation uses allowed on parcels as noted in this ubsection B.1.d may be transferred to other parcels within the same APD. However, active recreation from lands outside of the APD shall not be relocated to any parcel within an APD. Where those facilities are permitted within an APD, the following deed restrictions shall be applied:~~

~~(1) active recreation uses shall be designed in a manner that visually screens adjacent agricultural uses from park users and that restricts physical trespass onto adjacent agricultural production district properties;~~

~~(2) buildings associated with recreational uses shall be limited to restroom facilities, picnic shelters and storage/maintenance facilities for equipment used on-site;~~

~~(3) no use that permanently compacts, removes, sterilizes, pollutes or otherwise materially impairs the future use of the soil for raising agricultural crops shall be allowed;~~

~~(4) any soil surfaces temporarily disturbed through construction activities shall be restored in a manner consistent with agricultural uses, including restoration of the original soil horizon sequence, as soon as practical following the disturbance;~~

~~(5) access to recreational uses shall be designed to minimize impact on the surrounding agricultural production district and should be limited to direct access along district boundaries whenever feasible; and~~

~~(6) although the recreational use of agricultural production district properties may be long term, the use shall be recognized as an interim use of the production district's prime agricultural soils. As such, any acquisition funding or policy restrictions for the recreational use of the property shall be viewed as subordinate to the county's prior commitment to the preservation of prime agricultural soils and the viability of local~~

~~agricultural production. If the county declares through action of the King County council a critical shortage of agricultural soils to accommodate an active soil-dependent agricultural proposal, the county shall initiate a process to relocate any recreational uses off the subject property and to make the property available for re-establishment of agricultural activities~~)); 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 a golf driving range as an accessory to golf courses.

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. Limited to golf driving ranges and subject to K.C.C. 21A.08.040B.7.

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, which are subject to review and public hearings through the department of parks and recreation's master plan process under K.C.C. 2.16.050.

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. 21A.14 when located in an RA zone and in an equestrian community designated by the Comprehensive Plan.

SECTION 3. Ordinance 263, Art. 2, Section 1, as amended, and K.C.C. 20.12.010 are each hereby amended to read as follows:

Comprehensive Plan adopted. A. Under the King County Charter, the state Constitution and the Washington State Growth Management Act, chapter 36.70A RCW, the 1994 King County Comprehensive Plan is adopted and declared to be the Comprehensive Plan for King County until amended, repealed or superseded. The Comprehensive Plan shall be the principal planning document for the orderly physical development of the county and shall be used to guide subarea plans, functional plans, provision of public facilities and services, review of proposed incorporations and annexations, development regulations and land development decisions.

B. The amendments to the 1994 King County Comprehensive Plan contained in Appendix A to Ordinance 12061 (King County Comprehensive Plan 1995 amendments) are hereby adopted.

C. The amendments to the 1994 King County Comprehensive Plan contained in Attachment A to Ordinance 12170 are hereby adopted to comply with the Central Puget Sound Growth Management Hearings Board Decision and Order in Vashon-Maury Island, et. al. v. King County, Case No. 95-3-0008.

D. The Vashon Town Plan contained in Attachment 1 to Ordinance 12395 is adopted as a subarea plan of the King County Comprehensive Plan and, as such, constitutes official county policy for the geographic area of unincorporated King County defined in the plan and amends the 1994 King County Comprehensive Plan Land Use Map.

E. The amendments to the 1994 King County Comprehensive Plan contained in Appendix A to Ordinance 12501 are hereby adopted to comply with the Order of the Central Puget Sound Growth Management Hearings Board in Copac-Preston Mill, Inc., et al, v. King County, Case No. 96-3-0013 as amendments to the King County Comprehensive Plan.

F. The amendments to the 1994 King County Comprehensive Plan contained in Appendix A to Ordinance 12531 (King County Comprehensive Plan 1996 amendments) are hereby adopted as amendments to the King County Comprehensive Plan.

G. The Black Diamond Urban Growth Area contained in Appendix A to Ordinance 12533 is hereby adopted as an amendment to the King County Comprehensive Plan.

H. The 1994 King County Comprehensive Plan and Comprehensive Plan Land Use Map are amended to include the area shown in Appendix A of Ordinance 12535 as Rural City Urban Growth Area. The language from Section 1D of Ordinance 12535 shall be placed on Comprehensive Plan Land Use Map page #32 with a reference marker on the area affected by Ordinance 12535.

I. The amendments to the 1994 King County Comprehensive Plan contained in Appendix A to Ordinance 12536 (1997 Transportation Need Report) are hereby adopted as amendments to the King County Comprehensive Plan.

J. The amendments to the 1994 King County Comprehensive Plan contained in Appendix A to Ordinance 12927 (King County Comprehensive Plan 1997 amendments) are hereby adopted as amendments to the King County Comprehensive Plan.

K. The amendments to the 1994 King County Comprehensive Plan contained in the 1998

Transportation Needs Report, contained in Appendices A and B to Ordinance 12931 and in the supporting text, are hereby adopted as amendments to the King County Comprehensive Plan.

L. The amendments to the 1994 King County Comprehensive Plan contained in Appendix A to Ordinance 13273 (King County Comprehensive Plan 1998 amendments) are hereby adopted as amendments to the King County Comprehensive Plan.

M. The 1999 Transportation Needs Report contained in Attachment A to Ordinance 13339 is hereby adopted as an amendment to the 1994 King County Comprehensive Plan, Technical Appendix C, and the amendments to the 1994 King County Comprehensive Plan contained in Attachment B to Ordinance 13339 are hereby adopted as amendments to the King County Comprehensive Plan.

N. The amendments to the 1994 King County Comprehensive Plan contained in Attachment A to Ordinance 13672 (King County Comprehensive Plan 1999 amendments) are hereby adopted as amendments to the King County Comprehensive Plan.

O. The 2000 Transportation Needs Report contained in Attachment A to this Ordinance 13674 is hereby adopted as an amendment to the 1994 King County Comprehensive Plan, Technical Appendix C.

P. The Fall City Subarea Plan contained in Attachment A to Ordinance 13875 is adopted as a subarea plan of the King County Comprehensive Plan and, as such, constitutes official county policy for the geographic area of unincorporated King County defined in the plan. The Fall City Subarea Plan amends the 1994 King County Comprehensive Plan land use map by revising the Rural Town boundaries of Fall City.

Q. The amendments to the King County Comprehensive Plan contained in Attachment A to Ordinance 13875 are hereby adopted as amendments to the King County Comprehensive Plan.

R. The Fall City area zoning amendments contained in Attachment A to Ordinance 13875 are adopted as the zoning control for those portions of unincorporated King County defined in the attachment. Existing property-specific development standards (p-suffix conditions) on parcels affected by Attachment A to Ordinance 13875 do not change except as specifically provided in Attachment A to Ordinance 13875.

S. The amendments to the 1994 King County Comprehensive Plan Land Use Map contained in Attachment A to Ordinance 13987 are hereby adopted to comply with the Central Puget Sound Growth Management Hearings Board Decision and Order on Supreme Court Remand in Vashon-Maury Island, et. al. v. King County, Case No. 95-3-0008 (Bear Creek Portion).

T. The 2001 transportation needs report contained in Attachment A to Ordinance 14010 is hereby adopted as an amendment to the 1994 King County comprehensive plan, technical appendix C.

U. The amendments to the 1994 King County Comprehensive Plan contained in Attachments A, B and C to Ordinance 14044 (King County Comprehensive Plan 2000) are hereby adopted as amendments to the King County Comprehensive Plan. Attachment A amends the policies, text and maps of the Comprehensive Plan. Amendments to the policies are shown with deleted language struck out and new language underlined. The text and maps in Attachment A replace the previous text and maps in the Comprehensive Plan. Attachment B to Ordinance 14044 contains technical appendix A (capital facilities), which replaces technical appendix A to the King County Comprehensive Plan, technical appendix C (transportation), which replaces technical appendix C to the King County Comprehensive Plan, and technical appendix M (public participation), which is a new technical appendix that describes the public participation process for the King County Comprehensive Plan 2000. Attachment C includes amendments to the King County Comprehensive Plan Land Use Map. The land use amendments contained in Attachment C are adopted as the official land use designations for those portions of unincorporated King County defined in Attachment C to Ordinance 14044.

V. The Snoqualmie Urban Growth Area Subarea Plan contained in Attachment A to Ordinance 14117 is adopted as a subarea plan of the King County Comprehensive Plan and, as such, constitutes official county policy for the geographic area of unincorporated King County defined in the plan. Attachment B to Ordinance 14117 amends the 1994 King County Comprehensive Plan land use map by revising the Urban Growth Area for the City of Snoqualmie. Attachment C to Ordinance 14117 amends the policies of the Comprehensive Plan.

W. The Snoqualmie Urban Growth Area Subarea Plan area zoning amendments in Attachment D to

Ordinance 14117 are adopted as the zoning control for those portions of unincorporated King County defined in the attachment. Existing property-specific development standards (p-suffix conditions) on parcels affected by Attachment D to Ordinance 14117 do not change.

X. The amendments to the 1994 King County Comprehensive Plan contained in Attachment B to Ordinance 14156 are hereby adopted as amendments to the King County Comprehensive Plan

Y. The amendments to the King County Comprehensive Plan 2000 contained in Attachment A to this ordinance are hereby adopted as amendments to the King County Comprehensive Plan in order to comply with the order of the Central Puget Sound Growth Management Hearings Board in *Green Valley et al, v. King County*, CPSGMHB Case No. 98-3-0008c, Final Decision and Order (1998) and the order of the Washington Supreme Court in *King County v. Central Puget Sound Growth Management Hearings Board*, 142 Wn.2d 543, 14 P.3d 133 (2000).

SECTION 4. The provisions of this ordinance shall be effective for a period of six months from the effective date of this ordinance, unless extended by additional council action as provided for by statute.

SECTION 5. The county council finds as a fact and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of public peace, health or safety or for the support of county government and its existing public institutions.

after adoption

Seattle Times 8/8/01