11621

ATTACHMENT B

AMENDMENTS PASSED BY THE KING COUNTY COUNCIL

DECEMBER 19, 1994

e moved Amendment No. 21A.1. A motion was made by Mr. Derdowski
e on line 26, after 'Title 21A;' and before 'Notwithstanding'
when a conditional use permit applications has
nitted for a use that under Title 21A no longer requires a
nal use permit, that conditional use permit shall not be requirement
vested development proposal."

21A.1

December 12, 1994

Introduced By: Vance

Proposed By: Development Reg. Team

Executive Proposed Ordinance 94-780 -
to Adopt the 1993 Zoning Code

11621

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 TO ADOPT the 1993 ZONING CODE (TITLE 21A) - AS PRESENTED IN LEGISLATIVE FORMAT

Page 3, Lines 28-44, delete existing language and insert the following as shown:

C. ((~~Properties with active permit application(s) submitted prior to October 1, 1994, being reviewed for compliance with Resolution No. 25789 as amended shall continue to have Resolution 25789 remain in full force and effect with regard to the specific piece of property until the expiration of the following types of permits: conditional use permit, planned unit development (PUD), building site plan, right-of-way use permit, commercial site development permit, unclassified use permit, or public agency utility exception. A variance application submitted prior to the effective date of this ordinance, shall be reviewed against the regulations in effect at the time of complete application. If an approval is granted to vary a standard of Resolution No. 25789 as amended, the approval to vary that standard shall remain in effect for subsequent permits until the expiration of the variance as stated in the decision even after the effective date of this ordinance. All other standards shall be consistent with the code in effect at the time of the subsequent permit applications.~~)) Complete applications for conditional use permits, planned unit developments, binding site plans, right-of-way use permits, commercial site development permits, variances, unclassified use permits, or public agency and utility exceptions which are filed prior to October 1, 1994 and which are pending at the time Title 21A takes effect shall continue to be processed under those applicable zoning regulations governing review prior to implementation of Title 21A; *except when a conditional use permit applications has been submitted for a use that under Title 21A no longer requires a conditional use permit, that conditional use permit shall not be requirement for the vested development proposal.* Notwithstanding any contrary provisions in this title, where approved, these permits shall continue to establish allowable uses on the property until permit expiration. A variance to Title 21A standards which has been approved and has not expired shall be deemed to also vary like standards set forth in Title 21A relating to the same subject matter and development proposal. Planned unit development applications pending on October 1, 1994 shall be deemed to have vested at the time a complete application was filed.

ir directed the clerk to correct the spelling on line 26, after
' and before 'has' delete "applications" and insert "application"; and

Rationale

The Prosecuting Attorney's Office recommends the amendment as a technical change.

28, after 'be' and before 'requirement' insert "a". Voting on Mr.
ki's motion to amend, the motion FAILED 1 to 12, Mr. Derdowski voting
A motion was made by Mr. Derdowski on lines 33-34, after
l.' to delete "Planned unit development applications pending on
1, 1994 shall be deemed to have vested at the time complete application
ed." Mr. Derdowski withdrew the amendment. Voting on Mr. Vance's
the motion passed 12 to 1, Mr. Derdowski voting "no", as corrected.

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moved Amendment No. 21A.2. The motion passed 11 to 0, Mr. Laing
ims excused.

21A.2

11621

December 12, 1994

Introduced By: Vance

Proposed By: Development Reg. Team

Executive Proposed Ordinance 94-780 -
to Adopt the 1993 Zoning Code

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 TO ADOPT the 1993 ZONING CODE (TITLE 21A) - AS PRESENTED IN LEGISLATIVE FORMAT

Page 14, Lines 3-17, insert additional language shown in bold:

Map designation - Property-specific development **or P-suffix** standards. The purpose of the property-specific development standards designation (-P suffix to zone's map symbol) is to indicate that conditions beyond the minimum requirements of this title have been applied to development on the property, including but not limited to increased development standards, limits on permitted uses or special conditions of approval. **Property-specific development standards are adopted in either a reclassification or area zoning ordinance and are shown in the SITUS file for an individual property maintained by the department.** Regardless of the form in which a property-specific development standard is adopted, the P-suffix shall be shown on the official zoning map maintained by the department, which map shall be updated as soon as possible after the effective date of the adopting ordinance adopting a P-suffix standard.

Rationale:

The Prosecuting Attorney's Office recommends the amendment as a technical change.

g:\94devreg\amendmen\t21sec17.doc

moved Amendment No. 21A.3. The motion passed
Mr. Laing and Mr. Sims excused.

(21A.3) 11621

December 12, 1994

Introduced By: Vance

Proposed By: Development Reg. Team

Executive Proposed Ordinance 94-780 -
to Adopt the 1993 Zoning Code

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 TO ADOPT the 1993 ZONING CODE (TITLE 21A) - AS PRESENTED IN LEGISLATIVE FORMAT

Page 17, Lines 34-46, insert additional language shown in bold:

A. Class 1 wetlands, only including wetlands assigned the Unique/Outstanding #1 rating in the 1983 King County Wetlands Inventory or which meet any of the following criteria:

1. are wetlands which have present species listed by the federal or state government as endangered or threatened or outstanding actual habitat for those species;

2. are wetlands which have 40% to 60% permanent open water in dispersed patches with two or more classes of vegetation;

3. are wetlands equal to or greater than ten acres in size and have three or more ((~~wetland~~)) classes of vegetation, one of which is **submerged vegetation in permanent** open water; or

4. are wetlands which have present plant associations of infrequent occurrence;

Rationale

The amendment clarifies that three or more vegetation classes are needed under this definition of Class 1 wetlands. Open water contains submerged vegetation and must be one of these three classes present.

g 94devregamendmen\21sec34.doc

moved. Amendment No. 21A. 4. The motion passed
Mr. Laing and Mr. Sims excused.

(21A.4)

11621

December 12, 1994

Introduced By: Vance

Proposed By: Development Reg. Team

Executive Proposed Ordinance 94-780 -
to Adopt the 1993 Zoning Code

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 TO ADOPT the 1993 ZONING CODE (TITLE 21A) - AS PRESENTED IN LEGISLATIVE FORMAT

Page 18, Line 6, after 'more' insert "((~~wetland~~))" and after 'classes' and before ';' insert "of vegetation".

Rationale:

The amendment clarifies language consistent with class 1 and class 3 wetlands definitions.

c:\94devreg\amendment\21sc34d.doc

moved Amendment No. 21A. 5. The motion passed
Mr. Laing and Mr. Sims excused.

(21A.5)
11621

December 12, 1994

Introduced By: Vance

Proposed By: Development Reg. Team

Executive Proposed Ordinance 94-780 -
to Adopt the 1993 Zoning Code

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 TO ADOPT the 1993 ZONING CODE (TITLE 21A) - AS PRESENTED IN LEGISLATIVE FORMAT

Page 18, Line 25, after 'less' and before 'than' insert "than one acre but larger" and on line 26, after 'or' and before 'classes' delete "more" and insert "fewer" as shown below:

Rationale:

The amendment clarifies that in the Urban Growth Area, wetland less than one arce but greater than 2,500 square feet are classified as a class 3 wetland if they have two of fewer vegetation classes.

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moved Amendment No. 21A.6. The motion passed 11 to 0, Mr. Laing
ims excused.

11621 21A.6

December 12, 1994

Introduced By: Louise Miller

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 AS PRESENTED IN LEGISLATIVE FORMAT, DATED 12/7/94

Page 20, lines 32-34, strike existing language and insert

"b. Use is limited to residents of a specified residential development or to neighborhood-based supervised after school non-profit instructional or athletic programs for children."

Rationale: Consistent with Comprehensive Plan policies U-510, U512.c, F-101 and F-103.

moved Amendment No. 21A.8. The motion passed 11 to 0, Mr. Laing
ims excused.

11621 21A.8

December 12, 1994

Introduced By: Louise Miller

1 AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 AS PRESENTED
2 IN LEGISLATIVE FORMAT, DATED 12/7/94
3

4 Page 23 Line 29 After 'church,' and before 'or' insert "public park, sport club"

5 Rationale: Consistent with King County Comprehensive Plan Policies

moved Amendment No. 21A.9. The motion passed
Mr. Laing and Mr. Sims excused.

11621

21A.9

December 12, 1994

Introduced By: Vance

Proposed By: Development Reg. Team

Executive Proposed Ordinance 94-780 -
to Adopt the 1993 Zoning Code

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 TO ADOPT the 1993 ZONING CODE (TITLE 21A) - AS PRESENTED IN LEGISLATIVE FORMAT

Page 29, Lines 7-10: Delete and replace as follows:

30. For I-zoned sites located outside the Urban Growth Area designated by the King County Comprehensive Plan, uses shall be subject to the provisions for rural industrial uses as set forth in K.C.C. 21A. 12.

Rationale:

The intent of the rural industrial policies was that they be applied to all industrial zoned development in rural areas, not just to those identified in a special district overlay. These changes are required to allow broader application of the standards as intended by the policy.

G :T21sec37 doc

moved Amendment No. 21A.10. The motion passed
Mr. Laing and Mr. Sims excused.

11621

21A.10

December 12, 1994

Introduced By: Vance

Proposed By: Development Reg. Team

**Executive Proposed Ordinance 94-780 -
to Adopt the 1993 Zoning Code**

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 TO ADOPT the 1993 ZONING CODE (TITLE 21A) - AS PRESENTED IN LEGISLATIVE FORMAT

Page 31, Lines 21-26: Delete and replace as follows:

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

Rationale:

The intent of the rural industrial policies was that they be applied to all industrial zoned development in rural areas, not just to those identified in a special district overlay. These changes are required to allow broader application of the standards as intended by the policy.

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moved Amendment No. 21A.7. The motion passed
Ms. Miller excused.

(21A.7)
H621

December 12, 1994

Introduced By: Vance

Proposed By: Development Reg. Team

Executive Proposed Ordinance 94-780 -
to Adopt the 1993 Zoning Code

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 TO ADOPT the 1993 ZONING CODE (TITLE 21A) - AS PRESENTED IN LEGISLATIVE FORMAT

Page 20, Line 41, after '7.' and before 'Structures,' delete **"Permitted only in the RA-5 and RA-2.5 zones."**; on line 43, after '.' and before '8.' insert **"Within the RA zone, such facilities shall be permitted only in the RA-5 and RA-2.5 zones."**

Rationale:

Policy R-209 concludes with the following statement " the Zoning Code should not permit primary non-residential uses such as golf courses and churches on land in the Rural Area designated for residential density of one home per 10 acres or lower". The change clarifies the intent of this policy to still allow these facilities in the RA-5 and 2.5 zones. The amended lead-in is to clarify that the first sentence is applicable only to the RA zone..

G: T21sec35.doc

(21A.11) 11621.

moved Amendment No. 21A.11. The motion passed
Mr. Laing and Mr. Sims excused.

December 12, 1994

Introduced By: Vance

Proposed By: Developemnt Reg. Team

Executive Proposed Ordinance 94-780 -
to Adopt the 1993 Zoning Code

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 TO ADOPT the 1993 ZONING CODE (TITLE 21A) - AS PRESENTED IN LEGISLATIVE FORMAT

Page 35, Lines 42-48, delete and replace as follows:

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 Section 21A.08.100(A), except for waste water treatment facilities, shall be prohibited. All other uses, including waste water treatment facilities, shall be subject to the provisions for rural industrial uses as set forth in K.C.C. 21A.12.

Rationale:

The intent of the rural industrial policies was that they be applied to all industrial zoned development in rural areas, not just to those identified in a special district overlay These changes are required to allow broader application of the standards as intended by the policy.

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moved Amendment No. 21A. 12. The motion passed 11 to 0, Mr. Mr. Sims excused.

21A 12 621

December 12, 1994

Introduced By: Vance

Proposed By: Development Reg. Team

Executive Proposed Ordinance 94-780 -
to Adopt the 1993 Zoning Code

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 TO ADOPT the 1993 ZONING CODE (TITLE 21A) - AS PRESENTED IN LEGISLATIVE FORMAT

Page 41, lines 10-12, insert additional language shown in bold

4. **a. In the F zone.** ((S))scaling stations may be located 35 feet from property lines. Residences shall have a setback of at least 30 feet from all property lines.

b. For lots between one acre and 2.5 acres in size, the setback requirements of the R-1 zone shall apply. For lots under one acre, the setback requirements of the R-4 zone shall apply.

c. For developments consisting of three or more single-detached dwellings located on a single parcel, the setback shall be 10 feet along any property line abutting R-1 through R-8, RA and UR zones.

Page 41, after line 27, insert additional language shown in bold:

11. Applicable only to lots containing less than one acre of lot area. **Development on lots containing less than 15,000 square feet of lot area shall be governed by the lot coverage and impervious surface standards of the nearest comparable R-4 through R-8 zone.**

(Densities and Dimensions Table): Amend the table per attachment (adds footnote (4) to setback cells for Agriculture zone).

Rationale:

Inadvertently omitted from Executive Proposal; parallel to language proposed in 21A 12.030 for setbacks in Rural (RA), this revision to the Forest (F) and Agriculture (A) zones adjusts setback requirements for substandard lots (e.g. an existing 15,000 square-foot lot in a Rural or Resource area). Will eliminate the need for setback variances for most legal nonconforming lots.

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21A-12

11621

0 A. Densities and dimensions - resource and commercial/industrial zones

ZONES	RESOURCE					COMMERCIAL/INDUSTRIAL				
	AGRICULTURE			FOREST	MINERAL	NEIGHBOR-HOOD BUSINESS	COMMUNITY BUSINESS	REGIONAL BUSINESS	OFFICE	INDUSTRIAL (13)
	A-10	A-35	A-60	F	M	NB	CB	RB	O	I
ty: /Acre	0.1 du/ac	.0286 du/ac	.0167 du/ac	.0125 du/ac		6 du/ac (2)	18 du/ac (2)	36 du/ac (2)	36 du/ac (2)	
nsity: /Acre						12 du/ac (3)	24 du/ac (3)	48 du/ac (3)	48 du/ac (3)	
t Area	10 acres	35 acres	60 acres	80 acres	10 acres					
n)) Lot (((4)-))	4 to 1	4 to 1	4 to 1							
street k	30 ft (4)	30 ft (4)	30 ft (4)	100 ft (4)	(12)	10 ft (5)	10 ft (5)	10 ft (5)	10 ft	25 ft
nterior k	10 ft (4)	10 ft (4)	10 ft (4)	100 ft (4)	(12)	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7) 50 ft (8)
nt (10)	35 ft	35 Ft	35 ft			35 ft 45 ft (6)	35 ft 60 ft (6)	35 ft 65 ft (6)	45 ft 60 ft (6)	45 ft
uilding ge age	5% 15%(11)	5% 15%(11)	5% 15%(11)	5% 15%(11)						
oor/Lot o Feet						1/1 (9)	1.5/1 (9)	2.5/1 (9)	2.5/1 (9)	2.5/1
num Surface age	15% 35%(11)	10% 35%(11)	10% 35%(11)	10% 35%(11)		85%	85%	90%	75%	90%

ATTACHMENT

moved Amendment No. 21A. 13. The motion passed
Mr. Laing and Mr. Sims excused.

(21A.13)

December 12, 1994

Introduced By: Vance

Proposed By: Development Reg. Team

Executive Proposed Ordinance 94-780 -
to Adopt the 1993 Zoning Code

11621

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 TO ADOPT the 1993 ZONING CODE (TITLE 21A) - AS PRESENTED IN LEGISLATIVE FORMAT

Page 48, Line 5, after 'network' and before 'shall' insert "width" as shown below:

A. The wildlife habitat corridor shall be sited on the property in order to meet the following conditions:

1. Forms one contiguous tract that enters and exits the property at the points the designated wildlife habitat network crosses the property boundary;

2. Maintains a width, wherever possible, of 300 feet. The network width shall not be less than a minimum of 150 feet at any point;

3. Be contiguous with and may include sensitive area tracts and their buffers, and

Rationale

The amendment clarifies the requirement.

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e moved Amendment No. 21A.14. The motion passed
Mr. Laing and Mr. Sims excused.

21A.14

December 12, 1994

Introduced By: Vance

Proposed By: Development Reg. team

Executive Proposed Ordinance 94-780 - to Adopt the 1993 Zoning Code

11621

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 TO ADOPT the 1993 ZONING CODE (TITLE 21A) - AS PRESENTED IN LEGISLATIVE FORMAT

Page 58, Line 11, after 'vehicles; and before '((5.' insert "and" as shown below:

C. Pedestrian access and walkways shall meet the following minimum design standards:

1. Access and walkways shall be well lit and physically separated from driveways and parking spaces by landscaping, berms, barriers, grade separation or other means to protect pedestrians from vehicular traffic;

2. Access and walkways shall be a minimum of 60 inches of unobstructed width and meet the surfacing standards of the King County Road Standards for walkways or sidewalks;

3. Access shall be usable by mobility impaired persons and shall be designed and constructed to be easily located by the sight impaired pedestrian by either grade change, texture or other equivalent means;

4. A crosswalk shall be required when a walkway crosses a driveway or a paved area accessible to vehicles; and

((~~5. Wherever walkways are provided, raised crosswalks or speed bumps shall be located at all points where a walkway crosses the lane of vehicle travel; and~~))

D. Blocks in excess of ((~~900~~)) 660 feet shall be provided with a crosswalk at the approximate midpoint of the block.

Rationale

The amendment is a technical correction.

moved Amendment No. 21A.15. The motion passed 11 to 0, Mr. Laing ims excused.

21A.15

December 15, 1994

Introduced By: Vance

Proposed By: Development reg. Team

11621

Executive Proposed Ordinance 94-780 -
to Adopt the 1993 Zoning Code

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 TO ADOPT the 1993 ZONING CODE (TITLE 21A) - AS PRESENTED IN LEGISLATIVE FORMAT

Page 65, Line 32, after 'development' and before 'The' insert as shown below in bold and on line 34, after 'this' and before 'including' delete "chapter" and insert "title: as shown below:

Modification or Waiver of Sensitive Area Requirements– Urban Lots. The purpose of this section is to provide an alternative to the variance, and exception processes for minor development. **A further purpose of this section is to minimize impacts to sensitive areas by allowing minor modifications of the zoning code which allow single family residences on existing, legal urban lots without requiring a variance or exception.** The director shall have the discretion to modify or waive some or all of the requirements of this **((~~chapter~~))** **title**, including mitigation requirements, pertaining to class 3 wetlands, Class 3 streams, steep slope hazard areas, and their associated buffers or building setback areas in accordance with the provisions of this section.

Note Entire Section is new.

Rationale

The amendment clarifies that the Director of the Department of Development and Environmental Services can modify or waive all zoning code requirements, including lot standards and sensitive areas requirements, to allow existing urban lots to develop.

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11621

No 21A.16

Staff acknowledged Amendment No. 21A.16

did not exist.

moved. Amendment No. 21A.17. The motion passed
Mr. Laing and Mr. Sims excused.

(21A.17)

11621

December 12, 1994

Introduced By: Vance

Proposed By: Development Reg. Team

Executive Proposed Ordinance 94-780 -
to Adopt the 1993 Zoning Code

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 TO ADOPT the 1993 ZONING CODE (TITLE 21A) - AS PRESENTED IN LEGISLATIVE FORMAT

Page 68, Lines 15-27: Amend language as shown in bold:

F. Public agency development proposals only to the extent of any construction contract awarded before November 27, 1990, provided that any law or regulation in effect at the time of such award shall apply to the proposal; **and**

G. All clearing and grading activities which are exempt from the requirement for a clearing and grading permit as specified in K.C.C. 16.82.050, unless these activities require other permits or authorizations as specified in K.C.C. 21A.24.020.((~~; and~~))

((~~H. Enhancement or restoration of degraded wetlands may be allowed to maintain or improve wetland functions provided that all wetland functions are evaluated in a wetland management plan. Restoration or enhancement must result in a net improvement to the functions of wetland systems.~~))

Rationale:

The amendment removes the "complete" exemption for enhancement and restoration projects. Instead, these activities are proposed as "permitted alterations" to wetlands under K.C.C. 21A.24.330(A)2 and proposed sections K.C.C. 21A.24.330(P) and (Q). This amendment retains County review of such activities even though they remain exempt from SAO provisions.

g:\94devreg\amendment\21sc71c.doc

(21A.18)

moved Amendment No. 21A.18. The motion passed 12 ~~to 1,~~ Mr. Derdowski
o".

December 12, 1994

Introduced By: Vance

Proposed By: Development Reg. Team

11621

Executive Proposed Ordinance 94-780 -
to Adopt the 1993 Zoning Code

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 TO ADOPT the 1993 ZONING CODE (TITLE 21A) - AS PRESENTED IN LEGISLATIVE FORMAT

Page 68, Line 33, after 'activities' and before 'through' delete "of public agencies or utility facilities "as shown below:

Wetlands: Mitigation Banking.

King county may consider and approve replacement or enhancement of unavoidable adverse impacts to wetlands caused by the development activities ((~~of public agencies or utility facilities~~)) through an approved wetland mitigation bank. Compensatory mitigation in advance of authorized impacts must be provided through an approved mitigation bank. Criteria governing the creation and use of a mitigation bank shall be established in administrative rules.

Note Entire Section is new

Rationale

The amendment reflects the policy direction of NE-328 to allow mitigation banking as a mitigation alternative for all development

g /docs/amendments\21sec72 doc

moved Amendment No. 21A.19. The motion passed 11 to 0, Mr. [illegible] Mr. Sims excused.

11621 21A.19

December 12, 1994

Introduced By: Christopher Vance

1 AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 AS PRESENTED
2 IN LEGISLATIVE FORMAT, DATED 12/7/94
3

4 Page 68, line 43, after 'agency' and before 'utility' insert ((~~or public~~)) and".

5 Rationale: The suggested modification is consistent with King County Comprehensive
6 Plan and clearly show its the council intent to allow all utilities the same exemption

moved Amendment No. 21A.20. The motion passed 11 to 0, Mr. Laing
ms excused.

21A.20 11621

December 12, 1994

Introduced By: Vance

Proposed By: Development Reg. Team

Executive Proposed Ordinance 94-780 -
to Adopt the 1993 Zoning Code

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 TO ADOPT the 1993 ZONING CODE (TITLE 21A) - AS PRESENTED IN LEGISLATIVE FORMAT

Page 75, Lines 30-39, insert language as shown in bold:

A. Alterations may be permitted if King County determines, based upon its review of special studies completed by qualified professionals, that:

1. the wetland does not serve any of the valuable functions of wetlands identified in K.C.C. 21A.06.((~~730~~))1415 including, but not limited to, biologic and hydrologic functions; or

2. the proposed development will:

a. protect, **restore** or enhance the wildlife habitat, natural drainage or other valuable functions of the wetland **resulting in a net improvement to the functions of the wetland system;**

b. develop a plan for its design, implementation, maintenance and monitoring prepared by a civil engineer and a qualified biologist;

c. perform the restoration or enhancement under the direction of a qualified biologist; and

d. ((~~and~~)) will **otherwise** be consistent with the purposes of this chapter.

Rationale

The amendment reflects policy direction of NE-321 to ensure projects result in a net improvement of wetland functions and provide adequate monitoring, enforcement and evaluation.

g 94devregamendmen.121sc78c doc

moved Amendment No. 21A.21. The motion passed
Mr. Laing and Mr. Sims excused.

21A.21

December 12, 1994

Introduced By: Vance

Proposed By: Development Reg. Team

Executive Proposed Ordinance 94-780 - 11621
to Adopt the 1993 Zoning Code

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 TO ADOPT the 1993 ZONING CODE (TITLE 21A) - AS PRESENTED IN LEGISLATIVE FORMAT

Page 77, Lines 1-31, insert language as shown in bold:

H. The following surface water management activities and facilities may be allowed in wetland **or their** buffers only as follows:

1. surface water discharge to a wetland from a detention facility, pre-settlement pond or other surface water management activity or facility may be allowed if the discharge does not increase the rate of flow, change the plant composition in a forested wetland or decrease the water quality of the wetland;

2. a class 1, ((~~or~~)) 2 **or 3** wetland or buffer may be used for a regional retention/detention facility if:

a. a public agency and utility exception is granted pursuant to K.C.C. 21A.24.070;

b. all requirements of the Surface Water Design Manual are met;

c. the use will not alter the rating or the factors used in rating the wetland;

d. the proposal is in compliance with the latest adopted findings of the Puget Sound Wetlands Research Project; and

e. there are no significant adverse impacts to the wetland;

3. ((a)) **isolated** class 3 wetland**s** ((~~or~~)) **and** buffer**s** which ((~~has as its major function the storage of water~~)) **are grazed wet meadows** may be used as a ((~~regional~~)) retention/detention facility if a pre-settlement pond is required and all requirements of the Surface Water Design Manual are met; and

4. use of a wetland buffer for a surface water management activity or facility, other than a retention/detention facility, such as an energy dissipater and associated pipes, may be allowed only if the applicant demonstrates, to the satisfaction of King County, that:

a. no practicable alternative exists; and

b. the functions of the buffer or the wetland are not adversely affected;

Rationale:

The amendment corrects a contradiction between section H heading, which limits uses to buffers, and the existing subheadings, which allow uses in both wetlands and buffers. The amendment also restores ability to use class 3 wetlands for regional detention facilities

g \docs\amndmnts\21sec78 doc

moved Amendment No. 21A.22. The motion passed 11 to 0, Mr. Laing
ms excused.

21A.22

December 12, 1994

Introduced By: Vance

Proposed By: Development Reg. Team

Executive Proposed Ordinance 94-780 -
to Adopt the 1993 Zoning Code

11621

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 TO ADOPT the 1993 ZONING CODE (TITLE 21A) - AS PRESENTED IN LEGISLATIVE

Page 79, Lines 1-20, insert language as shown in bold:

P. Wetland enhancement **or restoration** not associated with any other development proposal may be allowed if accomplished according to a plan for its design, implementation, maintenance and monitoring prepared by a civil engineer and a qualified biologist and carried out under the direction of a qualified biologist. **Restoration or enhancement must result in a net improvement to the functions of the wetland system**; and

Q. A minor wetland restoration project for fish habitat enhancement may be allowed if:

1. the restoration is sponsored by a public agency with a mandate to do such work;

2. the restoration is not associated with mitigation of a specific development proposal;

3. the restoration is limited to revegetation of wetlands and their buffers and other specific fish and wildlife habitat improvements **that result in a net improvement to the functions of the wetland system**;

4. the restoration only involves the use of hand labor and light equipment, or the use of helicopters and cranes which deliver supplies to the project site provided that they have no contact with sensitive areas or their buffers; and

5. the restoration is performed under the direction of a qualified biologist.

Rationale.

The amendment reflects policy direction of NE-321 to ensure projects result in a net improvement of wetland functions. Allows restoration and/or enhancement projects to be carried out without the current requirement for a variance.

g 94devreg:amendmen.t21sc78b doc

ce moved Amendment No. 21A.23. The motion passed
Mr. Laing and Mr. Sims excused.

21A.23

December 12, 1994

Introduced By: Vance

Proposed By: Development Reg. Team

Executive Proposed Ordinance 94-780 -
to Adopt Zoning and Convert Zoning to Title 21A **11621**

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 TO ADOPT the 1993 ZONING CODE (TITLE 21A) - AS PRESENTED IN LEGISLATIVE FORMAT

Page 96, Lines 42-48, and pg. 97, lines 1-39, delete existing language and insert the following:

NEW SECTION. SECTION 99. There is hereby added to K.C.C. 21A. 14 a new section to read as follows:

Rural industry development standards.

A. The purpose of the rural industries section is to establish standards for industrial (I) zoned development in rural areas. Site and building designs, buffering, compatible commercial and industrial uses are required to maintain rural character.

B. The following development standards shall apply to uses locating ~~in~~ in the industrial (I) zone within the rural area :

1. All uses occuring outside an enclosed building shall be screened from adjoining rural residential uses;

2. All buildings shall be set back 50-foot from perimeter streets and from residential zoned areas;

3. The total permitted floor area \ lot area ratio shall not exceed 100 percent for a development consisting of multiple lots and 125 percent on any individual building lot;

4. The total permitted impervious lot coverage shall not exceed 70 percent for a development consisting of multiple lots and 80 percent on any individual building lot;

5. The landscaping standards set forth in K.C.C. 21A.16 are modified as follows:

a. 20-foot wide Type II landscaping shall be provided along exterior streets,

b. 20-foot wide Type I landscaping shall be provided along property lines adjacent to rural residential zoned areas; and

c 15-foot wide Type II landscaping shall be provided along lines adjacent to nonresidential zoned areas.

6. Outdoor lighting shall be focused downward and configured to minimize intrusion of light into surrounding rural residential areas;

.7 Refuse collection/recycling areas and loading or delivery areas shall be located at least 100 feet from residential areas and screened with a solid view obscuring barrier;

8. Off street parking standards shall be no less than one space for every 1000 square feet of floor area and no greater than one space for every 500 square feet of floor area;

9. Sign are allowed as follows:

a. Signs shall not exceed an area of 64 square feet per sign;

b. Pole signs shall not be permitted; and

c. Signs shall not be internally illuminated;

10. The director shall approve building design, materials and color. Buildings shall be designed and use accent materials (e.g. wood and brick), non-reflective glass, and muted colors to be compatible with rural character; and

11. Building height shall be liminted to 40 feet.

Note: Entire Section is new

Rationale:

The intent of the rural industrial policies was that they be applied to all industrial zoned development in rural areas, not just to those identified in a special district overlay. These changes are required to allow broader application of the standards as intended by the policy.

21A.23

ce moved Amendment No. 21A.24. The motion passed (21A.24)
Mr. Laing and Mr. Sims excused.

December 12, 1994

Introduced By: Vance

Proposed By: Development Reg Team

Executive Proposed Ordinance 94-780 - to Adopt the 1993 Zoning Code

11621

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 TO ADOPT the 1993 ZONING CODE (TITLE 21A) - AS PRESENTED IN LEGISLATIVE FORMAT

Page 103, Line 28, after 'easements' and before 'or responsibilities' strike existing language and re-insert "or covenant rights" as shown in bold:

SECTION 107. Ordinance 10870, Section 624, and K.C.C. 21A.44.030 are hereby amended to read as follows:

Variance. A variance shall be granted by the county, only if the applicant demonstrates all of the following:

A. The strict enforcement of the provisions of this title creates an unnecessary hardship to the property owner;

B. The variance is necessary because of the unique size, shape, topography, or location of the subject property;

C. The subject property is deprived, by provisions of this title, of rights and privileges enjoyed by other properties in the vicinity and under an identical zone;

D. The need for the variance is not the result of deliberate actions of the applicant or property owner;

E. The variance does not create health and safety hazards;

F. The variance does not relieve an applicant from any of the procedural provisions of this title;

G. The variance does not relieve an applicant from any standard or provision that specifically states that no variance from such standard or provision is permitted;

H. The variance does not relieve an applicant from conditions established during prior permit review or from provisions enacted pursuant to K.C.C. 21A.38, Property-Specific Development Standards;

I. The variance does not allow establishment of a use that is not otherwise permitted in the zone in which the proposal is located;

J. The variance does not allow the creation of lots or densities that exceed the base residential density for the zone by more than 10 percent;

K. The variance is the minimum necessary to grant relief to the applicant;

L. The variance from setback or height requirements does not infringe upon or interfere with easements or covenant rights or responsibilities; and

M. The variance does not relieve an applicant from any provisions of K.C.C. 21A.24 Sensitive Areas, except for the required buffer widths set forth in K.C.C. 21A.24.((~~270~~))280, 21A.24.((~~300~~))310, 21A.24.((~~310~~))320, or 21A.24.((~~350~~))360.

Rationale:
The amendment clarifies current law. Variances cannot be granted to covenant rights.

NOTE
L. reads as follows:
The variance from setback or height requirements does not infringe upon or interfere with easements or covenant rights or responsibilities, and

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e moved Amendment No. 21A.25. The motion passed
Mr. Laing and Mr. Sims excused.

(21A.25)

11621

December 12, 1994

Introduced By: Vance

Proposed By: Development Reg. Team

Executive Proposed Ordinance 94-780 -
to Adopt the 1993 Zoning Code

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 TO ADOPT the 1993 ZONING CODE (TITLE 21A) - AS PRESENTED IN LEGISLATIVE FORMAT

Add a New Section. Section 132 - Ordinance 10870, Section 330, as amended on KCC 21A.08.030 (Residential Land UseTable and specific conditions) are hereby amended to read as follows :

Amend 21A.08.030.B

21A.08.030 B. Development conditions.

1. Except bed and breakfast guesthouses.
2. The use shall be limited as follows:

a. Prior to issuance of any residential building permit, the property owner shall sign an affidavit acknowledging the following declaratory statement and shall record it in the deed and mortgage records for the subject property: "The subject property is located in an area designated by King County for forestry and other compatible uses. Noise, dust, smoke and odors result from the harvesting, planting, fertilization and pest control associated with usual and normal forest or resource management practices, and, as such, these normal and usual forestry practices, when performed in accordance with county, state and federal law, shall not be subject to legal action as public nuisances"; and

b. A fire protection plan for the subject property shall be reviewed and approved by the Washington Department of Natural Resources with the concurrence of the fire marshal for each residential use This plan shall be developed in such a manner as to protect the adjoining forestry uses from a fire which may originate from the residential use This plan shall provide for setbacks from existing forestry uses and maintenance of approved fire trails or other effective fire line buffers on perimeters with forest land

3 Only as part of a mixed use development subject to the conditions of K.C.C. 21A 14

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

5 Only subject to the residential density incentive provisions of K.C.C. 21A.34.

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

7 a Accessory dwelling units

(1) Only one accessory dwelling per lot;

(2) Only in the same building as the principal residence unless the lot is at least 10,000 square feet in area and the allowable density of the zone is not exceeded;

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

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(4) The accessory dwelling unit shall not be larger than 50% of the living area of the primary residence;

(5) One additional off-street parking space is provided; and

(6) 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.

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

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

(2) No storage of aviation fuel except that contained in the tank or tanks of the aircraft; and

(3) Storage hangars shall not exceed 20 feet in height above average finished grade or have a gross area exceeding 3,000 square feet.

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

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

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

b. No more than 5 guests per night.

10. Only as an accessory to the permanent residence of the operator, provided:

a. Serving meals 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 which satisfies the standards of the Uniform Building Code as adapted by King County for R-1 occupancies may accommodate up to ten persons per night.

11. Only when part of a mixed use development, and subject to the conditions of 21A.08.030B(10).

12. A conditional use permit is not required for townhouse units on lots in a subdivision designed for townhouse units. (Ord. 10870 § 330, 1993).

13. Required prior to 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.

Amend table per attachment (adds footnote (C13) for single detached development in A, F, RA, UR and R zones).

Rationale:

Inadvertantly omitted from Executive Proposal; this ensures that such projects will receive adequate review of impacts. Without this provision, such projects could only be reviewed as individual building permits. This process does not allow for review of impacts such as areawide surface water management and traffic circulation

11621 21A.25

K.C.C. 21A.08.030

A. RESIDENTIAL LAND USES

KEY
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C#	SPECIFIC LAND USE	RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
	ZONE	AGRICULTURE	FOREST	MINERAL	RURAL	URBAN RESERVE	RESIDENTIAL		NEIGHBORHOOD BUSINESS	COMMUNITY BUSINESS	REGIONAL BUSINESS	OFFICE	INDUSTRIAL
		A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I
	DWELLING UNITS, TYPES:												
•	Single detached	P2 C13	P2 C13		P2 C13	P C13	P C13	P C13					
•	Townhouse						P 12 C	P	P3	P3	P3	P3	
•	Apartment				C4	C4	P5 C4	P	P3	P3	P3	P3	
•	Mobile home park						C8	P					
	GROUP RESIDENCES:												
•	Community residential facility-I				C	C	C	P	P3	P3	P3	P3	
•	Community residential facility-II							P	P3	P3	P3	P3	
•	Dormitory				C6	C6	C6	P					
•	Senior citizen assisted housing					P4	P4	P	P3	P3	P3	P3	
	ACCESSORY USES:												
•	Residential accessory uses	P7	P7		P7	P7	P7	P7	P7	P7	P7	P7	
•	Home occupation	P	P		P	P	P	P	P	P	P	P	
•	Home industry	C			C	C	C						
	TEMPORARY LODGING												
7011	Hotel/Motel (1)									P	P	P	
•	Bed and breakfast guesthouse	P9 C10			P10	P10	P10	P10	P10	P11	P11		
7041	Organization Hotel/Lodging houses										P		

NERAL 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. 21A.32 through 21A.3
Application and Review Procedures, see K.C.C. 21A.40 through 21A.44
(*)Definition of this specific Land Use, see K.C.C. 21A.06

ATTACHMENT

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moved Amendment No. 21A.26. The motion passed
Mr. Laing and Mr. Sims excused.

(21A.26)
11621

December 12, 1994

Introduced By: Vance

Proposed By: Development Reg Team

Executive Proposed Ordinance 94-780

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780- RELATING TO ZONING, ADOPTING AND AMENDING TITLE 21A OF THE KING COUNTY CODE TO BE CONSISTENT WITH AND IMPLEMENT THE COMPREHENSIVE PLAN AS REQUIRED BY THE WASHINGTON STATE GROWTH MANAGEMENT ACT- AS PRESENTED IN LEGISLATIVE FORMAT

Add a new section to read as follows:

SECTION 133. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or circumstance be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this ordinance or its application to other persons or circumstances.

Rationale:

Each ordinance needs to contain a severability clause for the ordinance.

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94-780 11621 21A.27 (SUBSTITUTE VERSION)

ips moved Amendment No. 21A.27. The motion passed 9 to 4, Mr. Vance, n, Mr. Nickels and Ms. Hague voting "no".

19 December , 1994

Introduced by: Phillips / Sims

EXECUTIVE PROPOSED KING COUNTY CODE
DEVELOPMENT REGULATIONS

AMENDMENT TO PROPOSED KING COUNTY CODE - **TITLE 21A, SECTION 1** (Zoning Code) AS PRESENTED IN LEGISLATIVE FORMAT

Section 1, page 2, line 46, add the following new language:

The County recognizes that many actions undertaken pursuant to Title 21A, as amended, may impact treaty fishing rights of federally-recognized tribes. In order to honor and prevent interference with these treaty fishing rights and to provide for water quality and habitat preservation, the County shall provide notice to any federally-recognized tribes whose treaty fishing rights would be affected by an action undertaken pursuant to this title, including but not limited to: development of wetlands, stream and river banks, lakeshore habitat of water bodies, or development directly or indirectly affecting anadromous bearing water bodies, including the promulgation of plans, rules, regulations or ordinances implementing the provisions of this title, whether or not review of such actions is required under the State Environmental Policy Act (SEPA) RCW 43.21C.

Rationale: Federally recognized tribes such as the Muckleshoot Indian Tribe fish extensively in streams, rivers and lakes within King County. County land use decisions such as those covered in Title 21A will directly impact the tribes' ability to exercise those federally protected treaty fishing rights. The tribes should be notified at the earliest possible opportunity to work out conflicts and potential problems in advance of any final decisions being made on project and non-project actions.

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moved Amendment No. 21A.28. The motion passed 11 to 0, Mr. Laing
ms excused.

11621

21A.28

December 15, 1994

Introduced By: Larry Phillips
Cynthia Sullivan

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 AS PRESENTED IN LEGISLATIVE FORMAT, DATED 12/7/94

Page 17, Line 18, after 'streams' and before 'does' delete "and which" and insert "((~~and which~~)) ,"

after 'water' and before '.' insert "<u>, and is determined to be of low function</u>"

<u>Rationale:</u>

The proposed amendment is consistent with adopted Comprehensive Plan policy NE-323 which suggests protection standards for <u>low function</u> isolated Class 3 wetlands may be lower in the Urban area than in the Rural area.

11621

eichbauer moved Amendment No. 21A. 30. The motion passed unanimous

21A.30

Kent Pullen
Cynthia Sullivan
Ron Sims
Introduced By: Pete von Reichbauer

December 19, 1994

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 AS PRESENTED IN LEGISLATIVE FORMAT, DATED 12/7/94

Page 43, lines 39-48 and Page 44, lines 1-4, strike existing language:

Rationale: Historic Resources are protected by K.C.C. 20.62. (See Policies I-201.e and I-207) Inventoried as distinguished from designated resources are reviewed under SEPA.

11621

moved Amendment No. 21A.31. The motion passed 11 to 0, Mr. Laing
ms excused.

21A.31

December 15, 1994

Introduced By: Larry Phillips
Cynthia Sullivan

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 AS PRESENTED IN LEGISLATIVE FORMAT, DATED 12/7/94

Page 48, Line5, after 'than' and before '150' delete "a minimum of"

after 'feet' and before 'at' insert "wide"

Rationale:

Clarifying language.

moved Amendment No. 21A.32. The motion passed 11 to 0, Mr. Laing Sims excused.

11621

21A.32

December 15, 1994

Introduced By: Larry Phillips
Cynthia Sullivan

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 AS PRESENTED IN LEGISLATIVE FORMAT, DATED 12/7/94

Page 51, Line33, after 'right-of way' and before '.' insert "and compatible with overhead utility lines"

Rationale:

Clarifying language specifying that trees located within the street right-of-way need to be compatible with overhead utility lines.

11621

moved Amendment No. 21A.33. The motion passed 11 to 0, Mr. Laing Sims excused.

21A.33

December 19, 1994 Introduced By: Louise Miller

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 TO ADOPT the 1993 ZONING CODE (TITLE 21A) AS PRESENTED IN LEGISLATIVE FORMAT, DATED 12/7/94

Page 64, line 18 re-insert "." and delete "or as required as SEPA mitigation through permit review, whichever is more stringent."

SECTION 68. Ordinance 10870, Section 445, and K.C.C. 21A.22.070 are hereby amended to read as follows:

Operating standards. All operating standards shall be as specified in K.C.C. 16.82 except:

A. Noise levels produced by an extractive operation shall not exceed levels specified by the King County Noise Ordinance.((;)) ~~or as required as SEPA mitigation through permit review, whichever is more stringent.~~

B. Blasting shall be conducted:

1. Consistent with the methods specified in the Office of Surface Mining, 1987 Blasting Guidance Manual;

2. During daylight hours; and

3. According to a time schedule that:

a. features regular or predictable times, except in the case of an emergency; and

b. is provided to residents within one-half mile of the site;

C. Dust and smoke produced by extractive operations shall not substantially increase the existing levels of suspended particulates at the perimeter of the site and shall be controlled by watering of the site and equipment or other methods specified by the county;

D. The applicant shall provide for measures to prevent transport of rocks, dirt and mud from trucks onto public roadways;

E. Traffic control measures such as flagmen or warning signs as determined by the county shall be provided by the applicant during all hours of operation; and

F. The applicant shall be responsible for cleaning of debris or repairing of damage to roadways caused by the operation.

moved Amendment No. 21A. 35. The motion passed 11 to 0, Mr. Laing
ms excused.

11621

21A.35

December 13, 1994

Introduced By: Larry Phillips
Cynthia Sullivan

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 AS PRESENTED IN LEGISLATIVE FORMAT, DATED 12/7/94

Page 65 Line 35 after 'Class 3 streams,' and before 'and' delete as follows :

",steep slope hazard areas,"

Rationale:

The proposed amendment is not mandated by the adopted Comprehensive Plan policies. It is more appropriate to consider this language change as part of the Executive proposed regulatory reform proposals in 1995.

moved Amendment No. 21A.36. The motion passed 11 to 0, Mr. Laing
ms excused.

11621
21A.36

December 19, 1994 Introduced By: Louise Miller

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 TO ADOPT the 1993 ZONING CODE (TITLE 21A) AS PRESENTED IN LEGISLATIVE FORMAT, DATED 12/7/94

Page 67, lines 9-25 strike and replace as follow:

B. Agricultural activities in as described below, in existence before November 27, 1990, ~~as follows:~~ and performed not less often than once every five years thereafter:

1. mowing of hay, grass or grain crops;

2. tilling, discing, planting, seeding, harvesting, soil preparation, crop rotation and related activities for pasture, food crops, grass seed or sod if such activities do not take place on steep slopes;

3. normal and routine maintenance of existing irrigation and drainage ditches not used by salmonids; ((~~and~~))

4. normal and routine maintenance of farm ponds, fish ponds, manure lagoons and livestock watering ponds; and

5. grazing by livestock:

moved Amendment No. 21A.37. The motion passed 11 to 0, Mr. Laing
ms excused.

11621

21A.37

December 15, 1994

Introduced By: Larry Phillips
Cynthia Sullivan

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 AS PRESENTED IN LEGISLATIVE FORMAT, DATED 12/7/94

Page 68, Line38, after 'rules.' insert "A pilot project or projects, complete with evaluation should be initiated which would test the viability of the mitigation bank concept prior to its full implementation."

Rationale:

A pilot study on the mitigation banking program would be useful to determine the effectiveness of the banking concept and assist in the refinement of the program before full implementation.

moved Amendment No. 21A.38. The motion passed 11 to 0, Mr. Laing
ins excused.

11621

21A.38

December 19, 1994

Introduced By: Larry Phillips
Cynthia Sullivan

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 AS PRESENTED IN LEGISLATIVE FORMAT, DATED 12/7/94

Page 69, Lines 10 through 13, delete as follows :

". The mitigation standards may be modified pursuant to the exception to account for health and safety, operational and maintenance considerations relevant to the development proposal under consideration"

Rationale:

Mitigation standards for public agency development proposals should be the same as all other development proposals.

moved Amendment No. 21A.39. The motion passed 11 to 0, Mr. Laing
ms excused.

11621

21A.39

December 19, 1994

Introduced By: Larry Phillips
Cynthia Sullivan

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 AS PRESENTED IN LEGISLATIVE FORMAT, DATED 12/7/94

Page 70, Lines 26 through 29, delete as follows :

"through an inspection and report conducted/prepared by a professional wetlands or stream ecologist, geologist, or geotechnical engineer as appropriate, at the owner's expense and appeal to the Hearing Examiner"

Rationale:

If the county's information regarding the presence or absence of sensitive areas is in error, the owner of the land should not be required to fund the correction.

11621

ivan moved Amendment No. 21A.41 with the deletion on line 5, of ' and before 'an' "or immediately adjacent to,". The motion to 0, Ms. Hague excused.

21A.41

December 19, 1994

Introduced By: Larry Phillips
Cynthia Sullivan

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 AS PRESENTED IN LEGISLATIVE FORMAT, DATED 12/7/94

Page 77, Line 22, after 'required' and before 'and' insert as follows :

"providing that they are not part of, or immediately adjacent to, an LSRA, RSRA or a designated riparian corridor"

Rationale:

This language change provides greater consistency between the development regulation and the direction of Comprehensive Plan policy NE-306 which encourages a higher standard of protection for LSRAs and RSRAs. This amendment is also consistent with Comprehensive Plan policy NE-604 which says King County shall protect riparian corridors.

11621

moved Amendment No. 21A.44. The motion passed unanimously.

21A.44

December 19, 1994 Introduced By: Pete von Reichbauer

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780 TO ADOPT the 1993 ZONING CODE (TITLE 21A) AS PRESENTED IN LEGISLATIVE FORMAT, DATED 12/7/94

Add a New Section. Section ___ - Ordinance 10870, Section 330, as amended on KCC 21A.08.030 (Residential Land Use Table and specific conditions) are hereby amended to read as follows :

Amend 21A.08.030.B

21A.08.030 B. Development conditions.

1. Except bed and breakfast guesthouses.
2. The use shall be limited as follows:

a. Prior to issuance of any residential building permit, the property owner shall sign an affidavit acknowledging the following declaratory statement and shall record it in the deed and mortgage records for the subject property: "The subject property is located in an area designated by King County for forestry and other compatible uses. Noise, dust, smoke and odors result from the harvesting, planting, fertilization and pest control associated with usual and normal forest or resource management practices, and, as such, these normal and usual forestry practices, when performed in accordance with county, state and federal law, shall not be subject to legal action as public nuisances"; and

b. A fire protection plan for the subject property shall be reviewed and approved by the Washington Department of Natural Resources with the concurrence of the fire marshal for each residential use. This plan shall be developed in such a manner as to protect the adjoining forestry uses from a fire which may originate from the residential use. This plan shall provide for setbacks from existing forestry uses and maintenance of approved fire trails or other effective fire line buffers on perimeters with forest land.

3. Only as part of a mixed use development subject to the conditions of K.C.C. 21A.14.
4. Only in a building listed on the National Register as an historic site or designated as a King County landmark subject to the provisions of K.C.C. 21A.32.
5. Only subject to the residential density incentive provisions of K.C.C. 21A.34.
6. Only as an accessory to a school, college/university or church.

7.a. Accessory dwelling units:

(1) Only one accessory dwelling per lot;

(2) Only in the same building as the principal residence unless the lot is at least 10,000 square feet in area and the allowable density of the zone is not exceeded;

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

(4) The accessory dwelling unit shall not be larger than 50% of the living area of the primary residence;

(5) One additional off-street parking space is provided; and

(6) 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.

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

21A.44

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

(2) No storage of aviation fuel except that contained in the tank or tanks of the aircraft; and

(3) Storage hangars shall not exceed 20 feet in height above average finished grade or have a gross area exceeding 3,000 square feet.

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

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

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

b. No more than 5 guests per night.

10. Only as an accessory to the permanent residence of the operator, provided:

a. Serving meals 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 which satisfies the standards of the Uniform Building Code as adapted by King County for R-1 occupancies may accommodate up to ten persons per night.

11. Only when part of a mixed use development, and subject to the conditions of 21A.08.030B(10).

12. A conditional use permit is not required for townhouse units on lots in a subdivision designed for townhouse units. (Ord. 10870 § 330, 1993).

13. Required prior to 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.

14. No new mobile home parks are allowed in a Rural Zone.

Amend table per attachment (adds footnote (S14) for existing mobile home park development in R zones).

Rationale:

Assure availability of an affordable housing type alternative. (See Policies HO-101 and R-101.g)

e moved Amendment No. 21A.45. The motion passed
Mr. Laing and Mr. Sims excused.

11621
21A.45

December 16, 1984 **Introduced by:** Cynthia Sullivan

AMENDMENT TO EXECUTIVE PROPOSED ORDINANCE 94-780, and KCC 21A.08.030B.7, dated November 23, 1993:

7.a. Accessory dwelling units:

(1) Only one accessory dwelling unit per lot;

(2) Only in the same building as the principal residence (~~unless~~) when the lot is (~~at least~~) less than 10,000 square feet in area (~~and the allowable density of the zone is not exceeded~~);

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

(4) The accessory dwelling unit shall not be larger than 50% of the living area of the primary residence;

(5) One additional off-street parking space is provided; and

(6) 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.

Rationale:

Implements Comprehensive Plan Policies relating to Housing and in particular HO-101 by allowing detached accessory dwelling units on larger lots.

11621
21A.44

.C.C. 21A.08.030

A. RESIDENTIAL

LAND USES

KEY
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Use

SPECIFIC LAND USE	RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
ZONE	AGRICULTURE	FOREST	MINERAL	RURAL	URBAN RESERVE	RESIDENTIAL		NEIGHBORHOOD BUSINESS	COMMUNITY BUSINESS	REGIONAL BUSINESS	OFFICE	INDUSTRIAL
	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I
DWELLING UNITS, TYPES:												
Single detached	P2 C13	P2 C13		P2 C13	P C13	P C13	P C13					
Townhouse						P 12 C	P	P3	P3	P3	P3	
Apartment				C4	C4	P5 C4	P	P3	P3	P3	P3	
Mobile home park				S14		C8	P					
GROUP RESIDENCES:												
Community residential facility-I				C	C	C	P	P3	P3	P3	P3	
Community residential facility-II							P	P3	P3	P3	P3	
Dormitory				C6	C6	C6	P					
Senior citizen assisted housing					P4	P4	P	P3	P3	P3	P3	
ACCESSORY USES:												
Residential accessory uses	P7	P7		P7	P7	P7	P7	P7	P7	P7	P7	
Home occupation	P	P		P	P	P	P	P	P	P	P	
Home industry	C			C	C	C						
TEMPORARY LODGING:												
1 Hotel/Motel (1)									P	P	P	
Bed and breakfast guesthouse	P9 C10			P10	P10	P10	P10	P10	P11	P11		
41 Organization Hotel/Lodging houses										P		

RAL 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. 21A.32 through 21A.3
Application and Review Procedures, see K.C.C. 21A.40 through 21A.44
(*)Definition of this specific Land Use, see K.C.C. 21A.06

ATTACHMENT

g:\docs\amndmnts\t21tbl4.pvr

moved Amendment No. 21A.Flex. The motion passed 11 to 0, Mr. Laing ims excused.

Amendment to Proposed Ordinance 94-780 Sponsored by: Vance

nsert just prior to the severability clause at the end of the ordinance the following new ection:

SECTION : Amendments to this ordinance as passed by the council on December 19, 1994 are set forth in Attachment B to this ordinance and are incorporated by reference herein. Due to the number and length of the ordinances required by the Growth Management Act to be passed by the end of the year to amend county development regulations and the unavailability of a reliable electronic text version of the proposed ordinance as introduced, it may not be possible to prepare an ordinance that incorporates amendments within each section prior to the charter deadline for transmitting the adopted ordinance to the executive. The clerk is hereby authorized to transmit the ordinance with amendments set forth in a attachment, or, if time allows, to incorporate the amendments within each section.

NOTE:
This amendment has been incorporated in the ordinance.

FORMULA FOR DETERMINING SCHOOL IMPACT FEES

= Student Factor for Dwelling Unit type and grade span X site cost per student for sites for facilities in that grade span = Full cost Fee for site acquisition cost

= Student factor for Dwelling Unit Type and grade span X school construction cost per student for facilities in that grade span X ratio of district's square footage of permanent facilities to total square footage of facilities = Full cost Fee for school construction

= Student Factor for Dwelling Unit Type and grade span X relocatable facilities cost per student for facilities in that grade span X ratio of district's square footage of relocatable facilities to total square footage of facilities = Full cost Fee for facilities construction

= Student Factor for Dwelling Unit Type and grade span "Boeckh Index" X SPI Square Ft per student factor X state match % = State Match Credit, and

, B1, C1, D1 = A, B, C, D for elementary grade spans

, B2, C2, D2 = A, B, C, D for middle/junior high grade spans

, B3, C3, D3 = A, B, C, D for high school grade spans

= Tax payment credit = The net present value of the Average Assessed Value in District for Unit Type X Current School District Capital Property Tax Levy Rate, using a 10-year discount period and current interest rate (based on the Bond Buyer Twenty Bond General Obligation Bond Index)

= Facilities Credit = The per-dwelling-unit value of any site or facilities provided directly by the development

IEN the unfunded need = UN=A1+...+C3 - (D1-D2-D3)-TC

ND the developer fee obligation = F = UN/2

ND the net fee obligation = NF = F-FC

otes:

Student factors are to be provided by the school district based on district records of average actual student generation rates for new developments constructed over a period of not more than five years prior to the date of the fee calculation; if such information is not available in the district, data from adjacent districts, districts with similar demographics, or county-wide averages must be used. Student factors must be separately determined for single family and multifamily dwelling units, and for grade spans.

The "Boeckh index" is a construction trade index of construction costs for various kinds of buildings; it is adjusted annually.

The district is to provide its own site and facilities standards and projected costs to be used in the formula, consistent with the requirements of this ordinance.

The formula can be applied by using the following table.]

Table for Calculating School Impact Fee Obligations for Residential Dwelling Units (to be separately calculated for single family and multifamily units)	
ementary school site cost per student X the student factor	=
ddle/Junior High School site cost per student X student factor	=
gh School site cost per student X student factor	=
+A2+A3	=
ementary school construction cost per student X the student factor	=
ddle/Junior High School construction cost per student X student factor	=
gh School construction cost per student X student factor	=
1+B2+B3) X square footage of permanent faciilities / total square footage of facilities	=
ementary school relocatable facility cost per student X the student factor	=
ddle/Junior High School relocatable facility cost per student X student ctor	=
gh School relocatable facility cost per student X student factor	=
1+C2+C3) X square footage of relocatable facilities / total square footage of facilities	=
eckh index X SPI Square footage per student for elementary school X ate match % X student factor	=
eckh index X SPI Square footage per student for middle/junior high hool X state match % X student factor	=
eckh index X SPI Square footage per student for high school X state atch % X student factor	=
1+D2+D3	=
$1+I)^{10})-1$ X average assessed value for the dwelling unit type in the school district. $1+i)^{10}$	
current school district capital property tax levy rate where i = the current interest rate as ated in the Bond Buyer Twenty Bond General Obligation Bond Index	

lue of site or facilities provided directly by the development
number of dwelling units in development

Unfunded Need = A+B+C-D-TC =

_____ A

+_____ B

+_____ C

Subtotal

- _____ D

- _____TC

UNFUNDED NEED UN = _____divided by 2 = _____ = DEVELOPER FEE OBLIGATION

- _____ Less FC (if applicable)

_____ NET FEE OBLIGATION