

November 23, 1994

Introduced BY: ~~CHRISTOPHER VANCE~~

Proposed No. 94 - 780

ORDINANCE NO. **11621**

AN ORDINANCE 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; amending Ordinance 10870 sections 2 through 4, and K.C.C. 21A.01.020 through K.C.C. 21A.01.040; section 5, and K.C.C. 21A.01.070; section 14, and K.C.C. 21A.02.040; section 17, and K.C.C. 21A.02.070; section 22, and K.C.C. 21A.04.010; sections 27 through 32, and K.C.C. 21A.04.060 through 21A.04.110; section 34, and K.C.C. 21A.04.130; sections 36 through 37, and K.C.C. 21A.04.150 through 21A.04.160; section 44, and K.C.C. 21A.06.020; section 130, and K.C.C. 21A.06.450; section 135, and K.C.C. 21A.06.475; section 158, and K.C.C. 21A.06.590; section 322, and K.C.C. 21A.06.1410; section 323, and K.C.C. 21A.06.1415; sections 331 through 333, and K.C.C. 21A.08.040 through 21A.08.060; sections 335 through 337, and K.C.C. 21A.08.080 through 21A.08.100; sections 340 through 341, and K.C.C. 21A.12.030 through 21A.12.040; section 345, and K.C.C. 21A.12.080; section 359, and K.C.C. 21A.12.220; section 361, and K.C.C. 21A.14.010; section 364, and K.C.C. 21A.14.040; section 378, and K.C.C. 21A.14.180; section 382, and K.C.C. 21A.14.220; section 384, and K.C.C. 21A.14.240; sections 388 through 390, and K.C.C. 21A.16.030 through 21A.16.050; sections 394 through 395, and K.C.C. 21A.16.090 through 21A.16.100; section 406, and K.C.C. 21A.18.020; section 408, and 21A.18.040; section 410, and K.C.C. 21A.18.060; sections 412 through 415, and K.C.C. 21A.18.080 through 21A.18.110; section 432, and K.C.C. 21A.20.120; sections 444 through 445, and K.C.C. 21A.22.060 through 21A.22.070; section 448, and K.C.C. 21A.24.010; section 452, and K.C.C. 21A.24.050; section 454, and K.C.C. 21A.24.070; section 455, and K.C.C. 21A.24.080; section 471, and K.C.C. 21A.24.240; section 478, and K.C.C. 21A.24.310; section 480, and K.C.C. 21A.24.330; section 481, and K.C.C. 21A.24.340; section 484, and K.C.C. 21A.24.370; sections 493 through 494, and K.C.C. 21A.26.040 through 21A.26.050; sections 512 through 513, and K.C.C. 21A.28.020 through 21A.28.030; section 516, and K.C.C. 21A.28.060; sections 524 through 525, and K.C.C. 21A.28.140 through 21A.28.150; section 536, and K.C.C. 21A.30.080; section 544, and K.C.C. 21A.32.070; section 557, and K.C.C. 21A.32.200; section 571, and K.C.C. 21A.36.040; sections 576 through 577, and K.C.C. 21A.38.030 through 21A.38.040; section 579, and K.C.C. 21A.38.060; section 583, and K.C.C. 21A.39.020; section 586, and K.C.C. 21A.39.050; section 598, and K.C.C. 21A.40.035; section 604, and K.C.C. 21A.40.090; section 612, and K.C.C. 21A.42.040; section 618, and K.C.C. 21A.42.100; sections 624 through 625, and K.C.C. 21A.44.030 through 21A.44.040; adding new

11621

1 sections to K.C.C. 21A.06, 21A.14, 21A.24,
2 21A.28, and 21A.38; adding new chapters to
3 K.C.C. 21A; repealing section 634(part), and
4 K.C.C. 21A.01.060 and K.C.C. 21A.01.110;
5 sections 517 through 521, and K.C.C.
6 21A.28.070 through 21A.28.110; and section
7 527, and K.C.C. 21A.28.170.

8
9 PREAMBLE:

10
11 For the purpose of effective land use planning and
12 regulation, the King County Council makes the
13 following legislative findings:

- 14
15 1. King County has adopted the 1994 King County
16 Comprehensive Plan, to meet the requirements of the
17 Washington State Growth Management Act (GMA).
18
19 2. The GMA requires that King County adopt
20 development regulations, which include zoning, to be
21 consistent with and implement the Comprehensive Plan
22 by December 31, 1994.
23
24 3. The changes to the King County Zoning Code (Title
25 21A of the King County Code) contained in this
26 Ordinance are needed to bring Title 21A into
27 conformance with the 1994 King County Comprehensive
28 Plan, as required by the GMA. As such they bear a
29 substantial relationship to, and are necessary for,
30 the public health, safety and general welfare of King
31 County and its residents.
32

33 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

34
35 SECTION 1. Ordinance 10870, Section 2, and K.C.C. 21A.01.020
36 are hereby amended to read as follows:

37 Zoning code adopted. Under the provisions of Article XI,
38 Section 11 of the Washington State Constitution and Article 2,
39 Section 220.20 of the King County Charter, the zoning code attached
40 to this ordinance, which is referred to hereinafter as the 1993
41 Zoning Code, is adopted and declared to be the zoning code for King
42 County until amended, repealed or superseded, subject to the
43 provisions of (~~Section 3~~) K.C.C. 21A.01.030. This code also is
44 hereby enacted to be consistent with and implement the
45 comprehensive plan in accordance with RCW 36.70A. This code shall
46 be compiled in Title 21A.

47 SECTION 2. Ordinance 10870, Section 3, and K.C.C. 21A.01.030
48 are hereby amended to read as follows:

49 Application of the 1993 Zoning Code.

50 A. Except as provided in subsection C below, ((F)) the 1993
51 Zoning Code shall apply to a specific property when, after the
52 effective date of this ordinance, the zoning map with respect to
53 such property is amended pursuant to:

- 54 1. an individual quasi-judicial zone reclassification;
55 2. countywide zoning conversion process set out in Section 5;

56 or

57 3. community planning area zoning proposals accompanying plan
58 updates or amendment studies.

11621

1 B. Any reclassification requests or proposals for application
2 of area or countywide zoning initiated after the effective date of
3 this ordinance shall use the new zone classifications adopted in
4 the 1993 Zoning Code.

5 C. The provisions of King County Code Chapter 21A.24, together
6 with the relevant provisions of Chapters 21A.06 and 21A.12, shall
7 apply to all properties as of the effective date of this Ordinance.

8 SECTION 3. Ordinance 10870, Section 4, and K.C.C. 21A.01.040
9 are hereby amended to read as follows:

10 Transition to new code.

11 A. During the time that a zoning map or parts thereof are being
12 developed and adopted pursuant to this section, Resolution No.
13 25789 as amended shall remain in full force and effect with regard
14 to a specific piece of property until such time as a zoning map or
15 parts thereof applying the zone designations established in the
16 1993 Zoning Code to the property in question are adopted.

17 B. Upon the adoption of a zoning map or parts thereof pursuant
18 to the 1993 Zoning Code, Resolution 25789 and all other zoning
19 resolutions, amendments and zoning maps adopted pursuant thereto
20 are deemed to be no longer in effect for the subject property,
21 except as specified in K.C.C. 21A.01.060(F)&(G), and with the
22 exception listed in part C of this section; provided, however, that
23 the repeal shall be limited to the area within the boundaries of
24 the map or parts thereof adopted pursuant to this title, and
25 provided further that project approval conditions applied through
26 administrative or quasi-judicial development review processes under
27 Resolution 25789 shall continue in effect.

28 C. Properties with active permit application(s) submitted prior
29 to October 1, 1994, being reviewed for compliance with Resolution
30 No. 25789 as amended shall continue to have Resolution 25789 remain
31 in full force and effect with regard to the specific piece of
32 property until the expiration of the following types of permits:
33 conditional use permit, planned unit development (PUD), building
34 site plan, right-of-way use permit, commercial site development
35 permit, unclassified use permit, or public agency utility
36 exception. A variance application submitted prior to the effective
37 date of this ordinance, shall be reviewed against the regulations
38 in effect at the time of complete application. If an approval is
39 granted to vary a standard of Resolution No. 25789 as amended, the
40 approval to vary that standard shall remain in effect for
41 subsequent permits until the expiration of the variance as stated
42 in the decision even after the effective date of this ordinance.
43 All other standards shall be consistent with the code in effect at
44 the time of the subsequent permit applications.

45 SECTION 4. Ordinance 10870, Section 634(part), and K.C.C.
46 21A.01.060 are hereby repealed.

47 SECTION 5. Ordinance 10870, Section 5, and K.C.C. 21A.01.070
48 are hereby amended to read as follows:

1 A. The council directs the department to prepare proposed new
2 zoning maps applying the 1993 King County Zoning Code and transmit
3 within ten months of the effective date of this ordinance for
4 council review and adoption.

5 B. The department shall use the table set forth in subsection C
6 and the guidelines of this section in preparing an ordinance or
7 ordinances to convert each area zoning document to the 1993 Zoning
8 Code, with modifications appropriate to be consistent with the
9 comprehensive plan land use map and policies, so as to ((continue
10 implementation of adopted community plans)) implement the
11 comprehensive plan and convert old outright and potential zone
12 designations to new ones in a consistent manner. The provisions of
13 this section also shall apply to conversion of the resource lands
14 area zoning adopted pursuant to K.C.C. 20.12.390.

15 C. Conversion table. The following conversion table and
16 criteria contained therein shall be used by the department in
17 converting the zoning maps adopted pursuant to Resolution 25789 to
18 the 1993 Zoning Code:
19
20
21
22
23
24
25
26
27
28
29
30
31

RESOLUTION 25789 ZONING MAP SYMBOLS	1993 ZONING CODE MAP SYMBOLS	ADDITIONAL CRITERIA
F	F	<u>In Forest Production or Rural Areas</u>
FR	F or RA	Use zone most consistent with the comprehensive plan
A, A-10 A-35	A-10 A-35 or A-60	<u>In Agricultural or Rural Areas</u> Use zone most consistent with the comprehensive plan
Q-M	M	<u>Designated Mining Sites</u>
AR-2.5 AR-5 AR-10	RA-2.5 RA-5 RA-10 or RA-20	<u>In Rural Areas</u> Use zone most consistent with the comprehensive plan
GR-5, GR-2.5, G-5	UR RA	Only in designated urban areas In areas not designated urban
G	R-1 RA	Only in designated urban areas In areas not designated urban
SE, S-C	R-1	<u>Only in designated urban areas or Rural Towns</u>
SR/RS15000, SR/RS 9600	R-4	<u>Only in designated urban areas or Rural Towns</u>
SR7200, RS7200	R-6	<u>Only in designated urban areas or Rural Towns</u>
SR5000, RS5000	R-8	<u>Only in designated urban areas or Rural Towns</u>
RMHP	R-4 through R-48	Use zone closest to zoning on adjacent property or midrange if adjacent zones vary
RD3600, RT3600	R-12	
RM2400, RT2400	R-18	
RT, RM1800, RT1800	R-24	
RM900	O or R-48	Apply zoning closest to ((community)) <u>comprehensive plan</u> land use designations
RM 900 P	O or R-48	According to P-suffix limitations allowing only office or residential uses
B-N, BR-N B-C, BR-C C-G	NB or RB CB or RB RB	For all business zones, use zone most consistent with the comprehensive plan ((and community plan)) designation and actual scale of business area
M-L, M-P, M-H	I	

1 D. Unclassified Use Permit Mining Operations. In addition to
2 the conversions set out in the table in subsection C, all sites
3 legally operating pursuant to an unclassified use permit for mining
4 operations shall be zoned M (Mineral).

5 E. Resolution of map conflicts. In cases of ambiguity or
6 conflict between a community or comprehensive plan map designation
7 and the zone classification applied under the old code, the
8 department shall use the following guidelines and procedures in
9 recommending new zones:

10 1. As a general rule, the outright or potential zoning
11 designation applied shall be that which is (~~most likely to have~~
12 ~~been applied to implement the community plan if the 1993 zoning~~
13 ~~code designations had been available~~) consistent with the 1994
14 King County Comprehensive Plan; adopted community plans, where they
15 do not conflict, may be used to provide additional guidance;

16 2. If the application of the guidelines in this subsection
17 leads the department to propose applying ((a)) an outright or
18 potential zone classification from the 1993 Zoning Code that is not
19 functionally equivalent to a classification from the old code as
20 defined in the table in subsection C, the department shall notify
21 the owner of the property proposed for reclassification no later
22 than the council introduction date of the ordinance amending said
23 property, and the property owner may request a change in the area
24 zoning in a manner consistent with the procedures used for council
25 review of a community plan and area zoning.

26 F. Area-wide P-suffix development conditions. The department
27 shall review all area-wide P-suffix conditions applied through
28 zoning adopted pursuant to Resolution 25789, and recommend
29 legislation removing all such conditions which conflict with the
30 comprehensive plan or have been replaced adequately by standards
31 adopted in the 1993 zoning code ((from the area zoning documents)).
32 If P-suffix conditions implement policies in the comprehensive
33 plan, then regulations shall be developed by the end of 1995 and
34 the P-suffix conditions shall be removed. Any ((such)) P-suffix
35 conditions which ((establish standards that)) implement policies in
36 community plans which are not in conflict with the comprehensive
37 plan but are not adequately addressed by this code ((shall be
38 recommended to be included directly in the 1993 zoning code)) shall
39 be carried forward intact until they are evaluated for replacement
40 by general code revisions in 1995.

41 G. Site-specific development conditions. Approval conditions
42 for previous zone reclassifications, planned unit developments,
43 unclassified permits, and P-suffix conditions applied to individual
44 properties in land use actions pursuant to Resolution 25789, should
45 be recommended for retention wherever they address conditions
46 unique to a particular property and not addressed by the standards
47 in the ((1993)) Zoning Code.

1 H. For area zoning documents being converted to the 1993 Zoning
 2 Code without amendments to their respective community plan maps and
 3 policies, only requests for zone changes which meet one of the
 4 following criteria shall be considered during either the department
 5 or council review process:

6 1. as provided in subsection E;

7 2. when an applicant can demonstrate that the department's
 8 proposal incorrectly implements an adopted ((community))
 9 comprehensive plan map designation or policy in converting existing
 10 zoning to a new zone classification; or

11 3. the site is the subject of an application for a Master
 12 Planned Development or Urban Planned Development, and conversion to
 13 the 1993 Zoning Code is requested as part of such application.
 14 Rezoning of such sites (~~shall conform as closely as possible to~~
 15 ~~the table set out in subsection C~~) during the conversion, area
 16 zoning otherwise shall be to Urban Reserve with the urban planned
 17 development overlay district as provided in Chapter 21A.38.

18 I. Requests which do not meet one of the criteria of subsection
 19 H shall be treated as quasi-judicial reclassification requests
 20 which must be formally applied for according to the process
 21 provided for such requests and shall be subject to the criteria in
 22 K.C.C. 20.24.190.

23 J: Requests for quasi-judicial reclassification that are
 24 consistent with the conversion table illustrated in subsection C
 25 and requests for quasi-judicial reclassification to the M zone,
 26 shall not be subject to the criteria in K.C.C. 20.24.190.

27 K. Bear Creek MPD's. The following transition provisions shall
 28 apply to the Master Plan Development applications in the Bear Creek
 29 Community Plan (BCCP).

30 1. An applicant may either continue to utilize the procedural
 31 provisions of the BCCP or may utilize the procedural provisions of
 32 K.C.C. 21A.39.

33 2. If an applicant utilizes the procedural provisions of
 34 K.C.C. 21A.39, the Pre-Development Applications previously
 35 submitted for the Blakely Ridge MPD and the Northridge MPD are
 36 deemed the equivalent of and accepted as complete applications for
 37 "UPD Permits" under Chapter 21A.39 of the 1993 zoning code.

38 3. The substantive provisions of the BCCP Area Zoning MPD P-
 39 Suffix conditions and conditions precedent to rezoning set forth in
 40 Section 1C of the BCCP Area Zoning (page 140) shall remain in
 41 effect for purposes of considering the UPD applications, under
 42 either the BCCP or K.C.C. 21A.39.

43 4. The applicants may elect either one base zone pursuant to
 44 K.C.C. 21A.39, or multiple zones pursuant to the Bear Creek
 45 Community Plan, applying the equivalent zone and potential zone
 46 designations of the 1993 zoning code. (~~The zoning and potential~~
 47 ~~zoning adopted in the BCCP shall remain in effect until rezones~~
 48 ~~applying the 1993 zoning code designations are approved.~~)

1 5. The Novelty Hill Master Plan sites and urban designation
2 adopted and delineated in the Bear Creek Community Plan and Bear
3 Creek Area zoning shall be considered "UPD Special District
4 Overlays" and "UPD boundary delineations" for purposes of applying
5 K.C.C. 21A.38.020, .070(B)(1), (2) and K.C.C. 21A.39.020.

6 SECTION 6. Ordinance 10870, Section 634(part), and K.C.C.
7 21A.01.110 are hereby repealed.

8 SECTION 7. Ordinance 10870, Section 17, and K.C.C. 21A.02.070
9 are hereby amended to read as follows:

10 Interpretation: Standard industrial classification.

11 A. All references to the Standard Industrial Classification
12 (SIC) are to the titles and descriptions found in the Standard
13 Industrial Classification Manual, 1987 edition, prepared by United
14 States Office of Management and Budget which is hereby adopted by
15 reference. The (SIC) is used, with modifications to suit the
16 purposes of this title, to list and define land uses authorized to
17 be located in the various zones consistent with the comprehensive
18 plan land use map.

19 B. The SIC categorizes each land use under a general two-digit
20 major group number, or under a more specific three- or four-digit
21 industry group or industry number. A use shown on a land use table
22 with a two-digit number includes all uses listed in the SIC for
23 that major group. A use shown with a three-digit or four-digit
24 number includes only the uses listed in the SIC for that industry
25 group or industry.

26 C. An asterisk (*) in the SIC number column of a land use table
27 means that the SIC definition for the specific land use identified
28 has been modified by this title. The definition may include one
29 or more SIC subclassification numbers, or may define the use
30 without reference to the SIC.

31 D. The Director shall determine whether a proposed land use not
32 specifically listed in a land use table or specifically included
33 within a SIC classification is allowed in a zone. The director's
34 determination shall be based on whether or not permitting the
35 proposed use in a particular zone is consistent with the purposes
36 of this title and the zone's purpose as set forth in K.C.C. 21A.04,
37 by considering the following factors:

38 1. The physical characteristics of the use and its supporting
39 structures, including but not limited to scale, traffic and other
40 impacts, and hours of operation;

41 2. Whether or not the use complements or is compatible with
42 other uses permitted in the zone; and

43 3. The SIC classification, if any, assigned to the business
44 or other entity that will carry on the primary activities of the
45 proposed use.

46 SECTION 8. Ordinance 10870, Section 14, and K.C.C. 21A.02.040
47 are hereby amended to read as follows:

48 Conformity with this title required.

11621

1 A. No use or structure shall be established, substituted,
2 expanded, constructed, altered, moved, maintained, or otherwise
3 changed except in conformance with this title.

4 B. Creation of or changes to lot lines shall conform with the
5 use provisions, dimensional and other standards, and procedures of
6 this title and Title 19, Subdivisions.

7 C. All land uses and development authorized by this title shall
8 comply with all other regulations and or requirements of this title
9 as well as any other applicable local, state or federal law . Where
10 a difference exists between this title and other county
11 regulations, the more restrictive requirements shall apply.

12 D. Where more than one part of this title applies to the same
13 aspect of a proposed use or development, the more restrictive
14 requirement shall apply.

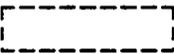
15 E. Temporary uses or activities, conducted during an emergency
16 event, or training exercises conducted at emergency sites,
17 designated pursuant to an emergency management plan, shall not be
18 subject to the provisions of this title.

19 SECTION 9. Ordinance 10870, Section 22, and K.C.C. 21A.04.010
20 are hereby amended to read as follows:

21 Zones and map designations established. In order to accomplish
22 the purposes of this title the following zoning designations and
23 zoning map symbols are established:

24 ZONING DESIGNATIONS

MAP SYMBOL

27 Agricultural	A (10(or)), 35 <u>or</u> 60 acre 28 minimum lot size)
29 Forest	F
30 Mineral	M
31 Rural Area	RA (2.5-acre, 5-acre(or)), 32 10-acre <u>or</u> 20-acre minimum lot 33 size)
34 Urban Reserve	UR
35 Residential	R (base density in dwellings 36 per acre)
37 Neighborhood Business	NB
38 Community Business	B
39 Regional Business	RB
40 Office	O
41 Industrial	I
42 Regional Use	Case file number following 43 zone's map symbol
44 Property-specific development 45 standards	-P(suffix to zone's map symbol)
46 Special District Overlay	-SO(suffix to zone's map symbol)
47 Potential Zone	 48 (dashed box surrounding zone's map 49 symbol)
50 Interim Zone	* (asterisk adjacent to zone's 51 map symbol)
52	
53	

1 SECTION 10. Ordinance 10870, Section 27, and K.C.C. 21A.04.060

2 are hereby amended to read as follows:

3 Rural area zone.

4 A. The purpose of the rural zone (RA) is to provide for an
5 area-wide long-term rural character and to minimize land use
6 conflicts with nearby agricultural, forest or mineral extraction
7 production districts. These purposes are accomplished by:

8 1. Limiting residential densities and permitted uses to those
9 that are compatible with rural character and nearby resource
10 production districts and are able to be adequately supported by
11 rural service levels;

12 2. Allowing small scale farming and forestry activities and
13 tourism and recreation uses which can be supported by rural service
14 levels and which are compatible with rural character; and

15 3. Increasing required setbacks to minimize conflicts with
16 adjacent agriculture, forest or mineral zones.

17 B. Use of this zone is appropriate in rural areas designated by
18 the Comprehensive Plan as follows:

19 1. RA-2.5 in rural areas where predominant densities already
20 exceed one dwelling per five acres and the soils can support on-
21 site sewage disposal without damage to water resources;

22 2. RA-5 in rural areas without established subdivision
23 patterns and predominantly environmentally unconstrained
24 lands; (~~and~~)

25 3. RA-10 in rural areas next to designated resource
26 production areas where additional buffering is required, or where
27 area-wide environmental features constrain development. RA-10 is
28 also applied to Rural Farm Districts designated by the King County
29 Comprehensive Plan; and

30 4. RA-20 in Rural Forest Districts designated by the King
31 County Comprehensive Plan.

32 SECTION 11. Ordinance 10870, Section 28, and K.C.C. 21A.04.070

33 are hereby amended to read as follows:

34 Urban reserve zone.

35 A. The purposes of the urban reserve zone (UR) (~~is~~) are to
36 phase growth and demand for urban services, and to reserve large
37 tracts of land for possible future growth in portions of King
38 County designated by the Comprehensive Plan for future urban growth
39 while allowing reasonable interim uses of property; or to reflect
40 designation by the comprehensive plan of a property or area as part
41 of the urban growth area when a detailed plan for urban uses and
42 densities has not been completed; or when the area has been
43 designated as a site for a potential urban planned development, as
44 provided in K.C.C. 21A.38.070. These purposes are accomplished by:

45 1. Allowing for rural, agricultural and other low-intensity
46 uses;

1 2. Allowing for limited residential growth, either contiguous
2 to existing urban public facilities, or at a density supportable by
3 existing rural public service levels; and

4 3. Requiring clustered residential developments where
5 feasible, to prevent establishment of uses and lot patterns which
6 may foreclose future alternatives and impede efficient later
7 development at urban densities.

8 B. Use of this zone is appropriate in urban areas or in rural
9 (~~(activity center)~~) city expansion areas designated by the
10 Comprehensive Plan (~~(or community plans)~~), when such areas do not
11 have adequate public facilities and services or are not yet needed
12 to accommodate planned growth, do not yet have detailed land use
13 plans for urban uses and densities, or are designated as sites for
14 a potential urban planned development.

15 SECTION 12. Ordinance 10870, Section 29, and K.C.C. 21A.04.080
16 are hereby amended to read as follows:

17 Residential zone.

18 A. The purpose of the urban residential zone (R) is to imple-
19 ment Comprehensive Plan goals and policies for housing quality,
20 diversity and affordability, and to efficiently use residential
21 land, public services and energy. These purposes are accomplished
22 by:

23 1. Providing, in the R-1 through R-8 zones, for a mix of
24 predominantly single detached dwelling units and other development
25 types, with a variety of densities and sizes in locations
26 appropriate for urban densities;

27 2. Providing, in the R-12 through R-48 zones, for a mix of
28 predominantly apartment and townhouse dwelling units and other
29 development types, with a variety of densities and sizes in
30 locations appropriate for urban densities;

31 3. Allowing only those accessory and complementary
32 nonresidential uses that are compatible with residential
33 communities; and

34 4. Establishing density designations to facilitate advanced
35 area-wide planning for public facilities and services, and to
36 protect environmentally sensitive sites from overdevelopment.

37 B. Use of this zone is appropriate in urban areas, activity
38 centers, or rural (~~(activity centers)~~) towns designated by the
39 Comprehensive Plan or community plans as follows:

40 1. The R-1 zone on or adjacent to lands with area-wide
41 environmental constraints where development is required to cluster
42 away from sensitive areas, or in well-established subdivisions of
43 the same density, which are served at the time of development by
44 public or private facilities and services adequate to support
45 planned densities;

46 2. The R-4 through R-8 zones on urban lands that are
47 predominantly environmentally unconstrained and are served at the

11621

1 time of development, by adequate public sewers, water supply, roads
2 and other needed public facilities and services; and

3 3. The R-12 through R-48 zones in urban areas, urban or
4 community activity centers, urban neighborhood centers, or rural
5 (~~activity centers~~) towns, that are served at the time of
6 development by adequate public sewers, water supply, roads and
7 other needed public facilities and services.

8 SECTION 13. Ordinance 10870, Section 30, and K.C.C. 21A.04.090
9 are hereby amended to read as follows:

10 Neighborhood business zone.

11 A. The purpose of the neighborhood business zone (NB) is to
12 provide convenient daily retail and personal services for a limited
13 service area and to minimize impacts of commercial activities on
14 nearby properties. These purposes are accomplished by:

15 1. Limiting nonresidential uses to those retail or personal
16 services which can serve the everyday needs of a surrounding urban
17 or rural residential area;

18 2. Allowing for mixed use (housing and retail/service)
19 developments; and

20 3. Excluding industrial and community/regional business-
21 scaled uses.

22 B. Use of this zone is appropriate in urban neighborhood
23 business centers, rural (~~activity~~) towns, or rural neighborhood
24 centers designated by (~~community~~) the comprehensive plan(~~s~~), on
25 sites which are served at the time of development by adequate
26 public sewers when located in urban areas or adequate on-site
27 sewage disposal when located in rural areas, water supply, roads
28 and other needed public facilities and services.

29 SECTION 14. Ordinance 10870, Section 31, and K.C.C. 21A.04.100
30 are hereby amended to read as follows:

31 Community business zone.

32 A. The purpose of the community business zone (CB) is to
33 provide convenience and comparison retail and personal services for
34 local service areas which exceed the daily convenience needs of
35 adjacent neighborhoods but which cannot be served conveniently by
36 larger activity centers, and to provide retail and personal
37 services in locations within activity centers that are not
38 appropriate for extensive outdoor storage or auto related and
39 industrial uses. These purposes are accomplished by:

40 1. Providing for limited small-scale offices as well as a
41 wider range of the retail, professional, governmental and personal
42 services than are found in neighborhood business areas;

43 2. Allowing for mixed use (housing and retail/service)
44 developments; and

45 3. Excluding commercial uses with extensive outdoor storage
46 or auto related and industrial uses.

47 B. Use of this zone is appropriate in urban and community
48 centers or rural (~~activity centers~~) towns that are designated by

1 the Comprehensive Plan and community plans and that are served at
2 the time of development by adequate public sewers, water supply,
3 roads and other needed public facilities and services.

4 SECTION 15. Ordinance 10870, Section 32, and K.C.C. 21A.04.110
5 are hereby amended to read as follows:

6 Regional business zone.

7 A. The purpose of the regional business zone (RB) is to provide
8 for the broadest mix of comparison retail, wholesale, service and
9 recreation/cultural uses with compatible storage and fabrication
10 uses, serving regional market areas and offering significant
11 employment opportunities. These purposes are accomplished by:

12 1. Encouraging compact development that is supportive of
13 transit and pedestrian travel, through higher nonresidential
14 building heights and floor area ratios than those found in
15 community centers;

16 2. Allowing for outdoor sales and storage, regional shopping
17 areas and limited fabrication uses; and

18 3. Concentrating large scale commercial and office uses to
19 facilitate the efficient provision of public facilities and
20 services.

21 B. Use of this zone is appropriate in urban (~~or rural~~)
22 activity centers or rural towns that are designated by the
23 Comprehensive Plan and community plans that are served at the time
24 of development by adequate public sewers, water supply, roads and
25 other needed public facilities and services.

26 SECTION 16. Ordinance 10870, Section 34, and K.C.C. 21A.04.130
27 are hereby amended to read as follows:

28 Industrial zone.

29 A. The purpose of the industrial zone (I) is to provide for the
30 location and grouping of industrial enterprises and activities
31 involving manufacturing, assembly, fabrication, processing, bulk
32 handling and storage, research facilities, warehousing and heavy
33 trucking. It is also a purpose of this zone to protect the
34 industrial land base for industrial economic development and
35 employment opportunities. These purposes are accomplished by:

36 1. Allowing for a wide range of industrial and manufacturing
37 uses;

38 2. Establishing appropriate development standards and public
39 review procedures for industrial activities with the greatest
40 potential for adverse impacts; and

41 3. Limiting residential, institutional, commercial, office
42 and other non-industrial uses to those necessary for the
43 convenience of industrial activities.

44 B. Use of this zone is appropriate in urban (~~or rural~~)
45 activity centers or rural towns designated by the Comprehensive
46 Plan and community plans which are served at the time of
47 development by adequate public sewers, water supply, roads and
48 other needed public facilities and services.

11621

1 SECTION 17. Ordinance 10870, Section 36, and K.C.C. 21A.04.150
2 are hereby amended to read as follows:

3 Map designation - Property-specific development standards. The
4 purpose of the property-specific development standards designation
5 (-P suffix to zone's map symbol which shall be shown on an official
6 zoning map, area zoning document or zoning and subdivision
7 examiner's report, or as a notation on the SITUS file for an
8 individual property maintained by the department) is to indicate
9 that conditions beyond the minimum requirements of this title have
10 been applied to development on the property, including but not
11 limited to increased development standards, limits on permitted
12 uses or special conditions of approval. Regardless of the form in
13 which a property-specific development standard is adopted, the P-
14 suffix shall be shown on the official zoning map maintained by the
15 department, which map shall be updated as soon as possible after
16 the effective date of the adopting ordinance adopting a P-suffix
17 standard.

18 SECTION 18. Ordinance 10870, Section 37, and K.C.C. 21A.04.160
19 are hereby amended to read as follows:

20 Map designation - Special district overlay. The purpose of the
21 special district overlay designation (-SO suffix to zone's map
22 symbol which shall be shown on an official zoning map, area zoning
23 document or zoning and subdivision examiner's report, or as a
24 notation on the SITUS file for an individual property maintained by
25 the department) is to carry out Comprehensive Plan and community
26 plan policies that identify special opportunities for achieving
27 public benefits by allowing or requiring alternative uses and
28 development standards that differ from the general provisions of
29 this title. Special district overlays are generally applied to a
30 group of individual properties or entire community planning
31 subareas and are designated primarily through the area zoning
32 process. Regardless of the form in which a special district overlay
33 is adopted, the -SO suffix shall be shown on the official zoning
34 map maintained by the department, which map shall be updated as
35 soon as possible after the effective date of the adopting ordinance
36 adopting an overlay.

37 NEW SECTION. SECTION 19. There is hereby added to K.C.C. 21A.06
38 a new section to read as follows:

39 Accessory use. Accessory use: a use which is subordinate and
40 incidental to that of an established use on the same lot.

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

43 Channel Relocation and Stream Meander Areas. Channel
44 relocation and stream meander area: those areas subject to risk due
45 to stream bank destabilization, rapid stream incision, stream bank
46 erosion, and shifts in the location of stream channels.

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

11621

1 Emergency. Emergency: an occurrence during which there is
2 imminent danger to the public health, safety and welfare, or which
3 poses an imminent risk to property, as a result of a natural or
4 man-made catastrophe as so declared by the director of DDES.

5 NEW SECTION. SECTION 22. There is hereby added to K.C.C. 21A.06
6 a new section to read as follows:

7 Historic resource. Historic resource: a district, site,
8 building, structure or object significant in national, state or
9 local history, architecture, archaeology, and culture.

10 NEW SECTION. SECTION 23. There is hereby added to K.C.C. 21A.06
11 a new section to read as follows:

12 Historic resource inventory. Historic resource inventory: An
13 organized compilation of information on historic resources
14 considered to be potentially significant according to the criteria
15 listed in K.C.C. 20.62.040.A. The historic resource inventory is
16 kept on file by the historic preservation officer and is updated
17 from time to time to include newly eligible resources and to
18 reflect changes to resources.

19 NEW SECTION. SECTION 24. There is hereby added to K.C.C. 21A.06
20 a new section to read as follows:

21 Interlocal agreement. Interlocal agreement: for purposes of
22 K.C.C. 21A.28, interlocal agreement means any agreement between the
23 county, the district, and any city setting forth certain terms
24 relating to the collection of impact fees by the county and
25 distribution of those fees to the district. An interlocal
26 agreement shall not be required where the county is the sole
27 jurisdiction within the boundaries of the district that is
28 assessing impact fees.

29 NEW SECTION. SECTION 25. There is hereby added to K.C.C. 21A.06
30 a new section to read as follows:

31 Joint use driveway. Joint use driveway: A jointly owned and/or
32 maintained vehicular access to two residential properties.

33 NEW SECTION. SECTION 26. There is hereby added to K.C.C.
34 21A.06 a new section to read as follows:

35 Mitigation bank. Mitigation bank: a property that has been
36 protected in perpetuity, and approved by appropriate county, state
37 and federal agencies expressly for the purpose of providing
38 compensatory mitigation in advance of authorized impacts through
39 restoration, creation, and/or enhancement of wetlands, and in
40 exceptional circumstances, preservation of adjacent wetlands,
41 wetland buffers, and/or other aquatic resources.

42 NEW SECTION. SECTION 27. There is hereby added to K.C.C.
43 21A.06 a new section to read as follows:

44 Mitigation banking. Mitigation banking: a system for providing
45 compensatory mitigation in advance of authorized wetland impacts of
46 development in King County in which credits are generated through
47 restoration, creation, and/or enhancement of wetlands, and in

11621.

1 exceptional circumstances, preservation of adjacent wetlands,
2 wetland buffers, and/or other aquatic resources.

3 NEW SECTION. SECTION 28. There is hereby added to K.C.C. 21A.06
4 a new section to read as follows:

5 SITUS File. SITUS File: information on an individual parcel of
6 land, including its size, known extent of existing development,
7 known environmental constraints, approval conditions and other
8 site-specific information, contained in the computerized permitting
9 and land parcel data base of the department of development and
10 environmental services or its successor agencies.

11 SECTION 29. Ordinance 10870, Section 44, and K.C.C. 21A.06.020
12 are hereby amended to read as follows:

13 Accessory use, residential. Accessory use, residential:

14 A. A use, structure, or activity which is subordinate and
15 incidental to a residence including, but not limited to the
16 following uses:

- 17 1. Accessory living quarters and dwellings;
- 18 2. Fallout/bomb shelters;
- 19 3. Keeping household pets;
- 20 4. On-site rental office;
- 21 5. Pools, private docks, piers;
- 22 6. Antennae for private telecommunication services;
- 23 7. Storage of yard maintenance equipment; or
- 24 8. Storage of private vehicles, e.g. motor vehicles, boats,
25 trailers or planes((-));

26 9. Greenhouses.

27 B. Some accessory uses within the scope of this section may
28 be defined separately to enable the code to apply different
29 conditions of approval.

30 SECTION 30. Ordinance 10870, Section 130, and K.C.C. 21A.06.450
31 are hereby amended to read as follows:

32 Family. Family: an individual; two or more persons related by
33 blood or marriage; a group of two or more disabled residents
34 protected under the Federal Housing Act Amendments, who are not
35 related by blood or marriage, living together as a single
36 housekeeping unit; a group of eight or fewer residents, who are not
37 related by blood or marriage, living together as a single
38 housekeeping unit; or a group living arrangement where eight or
39 fewer residents receive supportive services such as counseling,
40 foster care, or medical supervision at the dwelling unit by resi-
41 dent or non-resident staff. For purposes of this definition, minors
42 living with parent shall not be counted as part of the maximum
43 number of residents.

44 SECTION 31. Ordinance 10870, Section 135, and K.C.C. 21A.06.475
45 are hereby amended to read as follows:

46 Flood hazard areas. Flood hazard areas: those areas in King
47 County subject to inundation by the base flood and those areas
48 subject to risk from channel relocation or stream meander

11621

1 including, but not limited to, streams, lakes, wetlands and closed
2 depressions.

3 SECTION 32. Ordinance 10870, Section 158, and K.C.C. 21A.06.590
4 are hereby amended to read as follows:

5 Heavy equipment and truck repair. Heavy equipment and truck
6 repair: the repair and maintenance of self-powered, self-propelled
7 or towed mechanical devices, equipment and vehicles used for
8 commercial purposes, such as tandem axle trucks, graders, backhoes,
9 tractor trailers, cranes, lifts, but excluding automobiles and
10 pick-up trucks under 10,000 pounds, recreational vehicles, boats
11 and their trailers.

12 SECTION 33. Ordinance 10870, Section 322, and K.C.C.
13 21A.06.1410 are hereby amended to read as follows:

14 Wetland, isolated. Wetland, isolated: a wetland which has a
15 total size less than 2500 square feet excluding buffers or, if
16 within the Urban Area is less than 5000 square feet excluding
17 buffers, which is hydrologically isolated from other wetlands or
18 streams and which does not have permanent open water.

19 SECTION 34. Ordinance 10870, Section 323, and K.C.C.
20 21A.06.1415 are hereby amended to read as follows:

21 Wetlands. Wetlands: those areas in King County which are
22 inundated or saturated by ground or surface water at a frequency
23 and duration sufficient to support, and under normal circumstances
24 do support, a prevalence of vegetation typically adapted for life
25 in saturated soil conditions. Wetlands generally include swamps,
26 marshes, bogs and similar areas. Where the vegetation has been
27 removed or substantially altered, a wetland shall be determined by
28 the presence or evidence of hydric or organic soil, as well as by
29 other documentation, such as aerial photographs, of the previous
30 existence of wetland vegetation. When the areas of any wetlands
31 are hydrologically connected to each other, they shall be added
32 together to determine which of the following categories of wetlands
33 apply:

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

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

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

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

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

1 B. Class 2 wetlands, only including wetlands assigned the
2 Significant #2 rating in the 1983 King County Wetlands Inventory or
3 which meet any of the following criteria:

- 4 1. are wetlands greater than one acre in size;
- 5 2. are wetlands equal to or less than one acre in size and
6 have three or more wetland classes;

7 3. are wetlands which:

8 a. are located within an area designated "urban" in the
9 King County Comprehensive Plan;

10 b. are equal to or less than one acre but larger than
11 2,500 square feet; and

12 c. have three or more classes of vegetation;

13 ((3))4. are forested wetlands equal to or less than one acre
14 but larger than 2500 square feet; or

15 ((4))5. are wetlands which have present heron rookeries or
16 raptor nesting trees; and

17 C. Class 3 wetlands, only including wetlands assigned the
18 Lesser Concern #3 rating in the 1983 King County Wetlands Inventory
19 or which meet any of the following criteria:

20 1. are wetlands equal to or less than one acre in size and
21 have two or fewer ((wetland)) classes of vegetation((-)); or

22 2. are wetlands which:

23 a. are located within an area designated "urban" in the
24 King County Comprehensive Plan;

25 b. are equal to or less than 2,500 square feet; and

26 c. have two or more classes of vegetation.

27 SECTION 35. Ordinance 10870, Section 331, and K.C.C. 21A.08.040
28 are hereby amended to read as follows:

11621

K.C. 21A.08.040
RECREATION/CULTURAL
LAND USES

KEY
d Use
nal Use
Use

SPECIFIC LAND USE	ZONE	RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
		AGRICULTURE	FOREST	MINERAL	RURAL	URBSERVE	URBAN	RESIDENTIAL	NB	CB	RB	O	I
		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
Trails		P	P	P	P	P	P	P	P	P	P	P	P
Campgrounds			P		P	P							P
Destination Resorts			S		S	C					C		
Marina			C3		C4	C4	C4	C4	P5	P	P	P	P
Recreational Vehicle Park					C2	C							
Ski Area			S		S								
AMUSEMENT/ENTERTAINMENT:													
Theater										P6	P6	P6	
Theater, Drive-in										C6			
Plays/Theatrical production										P6	P6		P
Bowling center										P	P		P
Sports club					C4	C4	C4	C4	C	P	P		
Golf facility					C7	P7	P7	P7					
Golf driving range					C8	P8	P8	P8		P7	P7		
Shooting range			C9		C9						C10		P10
Amusement arcades										P	P		
Amusement park											C		
Outdoor performance center			((C12)) S		C12	S					S		
CULTURAL:													
Library					P11 (C)	P11 C	P11 C	P11 C	P	P	P	P	
Museum					P11 (C)	P11 C	P11 C	P11 C	P	P	P	P	P
Arboretum		P	P		P	P	P	P	P	P	P	P	
Conference Center					P11 C12	P11 C	P11 C	P11 C	P		P	P	

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.38
 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

11621

1 Recreation/Cultural land uses.

2 B. Development Conditions.

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

5 a. No stadiums on sites less than ten acres;

6 b. Lighting for structures and fields shall be directed
7 away from residential areas;

8 c. Structures or service yards shall maintain a minimum
9 distance of 50 feet from property lines adjoining residential
10 zones; and

11 d. Facilities in the F, A, or M zones, or in a designated
12 Rural Farm or Forest District, shall be limited to trails and
13 trailheads, including related accessory uses such as parking and
14 sanitary facilities.

15 2. Recreational vehicle parks are subject to the following
16 conditions and limitations:

17 a. The maximum length of stay of any unit shall not exceed
18 180 days;

19 b. The minimum distance between recreational vehicle pads
20 shall be no less than ten feet; and

21 c. Sewage shall be disposed in a system approved by the
22 Seattle-King County health department.

23 3. Limited to day moorage. The marina shall not create a
24 need for off-site public services beyond those already available
25 prior to date of application.

26 4. Not permitted in the RA-20 zone, or in the RA-10 zone when
27 located in a designated Rural Farm District. Limited to recreation
28 facilities ((for residents of a specified residential
29 development-))subject to the following conditions and limitations:

30 a. The bulk and scale shall be compatible with residential
31 character of the area; and

32 b. Use is limited to residents of a specified residential
33 development or to neighborhood-based after school/latchkey
34 programs.

35 5. Limited to day moorage.

36 6. Adult use facilities shall be prohibited within 660 feet
37 of any residential zones, any other adult use facility, or school
38 licensed daycare centers, public parks, community centers, public
39 libraries or churches which conduct religious or educational
40 classes for minors.

41 7. Permitted only in the RA-5 and RA-2.5 zones. Structures,
42 driving ranges and lighted areas shall maintain a minimum distance
43 of 50 feet from property lines adjoining residential zones.

44 8. Only as an accessory to golf courses.

45 9.a. New structures and outdoor ranges shall maintain a
46 minimum distance of 50 feet from property lines adjoining
47 residential zones; provided that existing facilities shall be
48 exempt;

11621

1 b. Ranges shall be designed to prevent stray or ricocheting
2 projectiles, pellets, or arrows from leaving the property;

3 c. Site plans shall include safety features of the range;
4 provisions for reducing sound produced on the firing line;
5 elevations of the range showing target area, backdrops or butts;
6 and approximate locations of buildings on adjoining properties; and

7 d. Subject to the licensing provisions of K.C.C. Title 6.

8 10.a. Only in an enclosed building, and subject to the
9 licensing provisions of K.C.C.6;

10 b. Indoor ranges shall be designated and operated so as to
11 provide a healthful environment for user's and operators by:

12 (1) installing ventilation systems which provide
13 sufficient clean air in the user's breathing zone, and

14 (2) adopting appropriate procedures and policies which
15 monitor and control exposure time to airborne lead for individual
16 users.

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

20 12. Only as accessory to a nonresidential use established
21 through a discretionary permit process, and provided further that
22 the scale is limited to ensure compatibility with surrounding
23 neighborhoods.

24 13. Limited to publically owned and operated park, subject to
25 the following:

26 a. The park shall abut intervening roads notwithstanding,
27 an existing park on one or more sides.

28 b. No bleachers or stadiums are permitted if the site is
29 less than ten acres, and no public amusement devices for hire are
30 permitted.

31 c. Any lights provided to illuminate any building or
32 recreational area shall be so arranges as to reflect the light away
33 from any premises upon which a dwelling unit is located.

34 d. All buildings or structures or service yards on the
35 site shall maintain a distance not less than fifty feet from any
36 property line and from any public street.

37 SECTION 36. Ordinance 10870, Section 332, and K.C.C. 21A.08.050
38 are hereby amended to read as follows:

11621

K.C. 21A.08.060
GENERAL SERVICES
LAND USES

KEY
Use

SPECIFIC LAND USE

ZONE	RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
	AGRICULTURE	FOREST	MINERAL	RURAL	URBAN RESERVE	URBAN	RESIDENTIAL	NEIGHBORHOOD	COMMUNIS	BUSINESS	OFFICE	INDUSTRIAL
	A	F	M	RA	UR	R1-B	R12-48	NB	CB	RB	O	I
PERSONAL SERVICES:												
General Personal Service						C 26	C 26	P	P	P	P3	P3
Cyclecleaning plants												P
Industrial Launderers					C4	C4	C4		P	P		
General Home/Crematory												
Cemetery, Columbarium or Mausoleum				P25 C5	P25 C5	P25 C5	P25 C5	P25	P25	P25 C5	P25	
Nursing care I	P6			P6	P6	P6	P6	P	P	P	P7	P7
Nursing care II				P8 C	P8 C	P8 C	P8 C	P	P	P	P7	P7
Veterinary Clinic	P9			P9 C10	P9 C10			P10	P10	P10		P
Automotive repair (1)									P	P		P
Automotive service								P11	P	P		P
Miscellaneous repair									P	P		P
Churches, synagogue, temple				P12 C15	P12 C	P12 C	P12 C	P	P	P	P	
Social Services (2)				P12 C13	P12 C13	P12 C13	P12 C13	P13	P	P	P	
Stable	P14 C			P14 C	P14 C	P14 C						
kennel or Cattery				C	C				C	P		
HEALTH SERVICES:												
Office/Outpatient Clinic				P12 C13	P12 C13	P12 C13	P12 C13	P	P	P	P	P
Nursing and personal care facilities							C					
Hospital						C13	C13		P	P	C	
Medical/Dental Lab									P	P	P	P
Miscellaneous Health									P	P	P	
EDUCATION SERVICES:												
Elementary School				P16, 15	P	P	P					
Middle/Junior High School				P16 C15	P	P	P					
Secondary or High School				P16 C15	P27	P27	P27		C	C		
Vocational School				P13 C	P13 C	P13 C	P13 C			P	P17	P
Specialized Instruction School		P18		P19 C20	P19 C20	P19 C20	P19 C20	P	P	P	P17	P
School District Support Facility				C 24	P 24 C	P 24 C	P 24 C	C	P	P	P	P
Interim Recycling Facility	P 21	P21	P21	P 22		P 22	P 22	P 23	P 23	P		P

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.38
 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

1 General Services land uses.

2 B. Development Conditions.

3 1. Except SIC Industry No. 7534-Tire Retreading, see
4 manufacturing permitted use table.

5 2. Except SIC Industry Group Nos.:

6 a. 835-Day Care Services, and

7 b. 836-Residential Care, which is otherwise provided for on
8 the residential permitted land use table.

9 3. Limited to SIC Industry Group and Industry Nos.:

10 a. 723-Beauty Shops;

11 b. 724-Barber Shops;

12 c. 725-Shoe Repair Shops and Shoeshine Parlors;

13 d. 7212-Garment Pressing and Agents for Laundries and
14 Drycleaners;

15 e. 7217-Carpet and Upholstery Cleaning.

16 4. Only as an accessory to a cemetery.

17 5. Structures shall maintain a minimum distance of 100 feet
18 from property lines adjoining residential zones.

19 6. Only as an accessory to residential use, provided:

20 a. Outdoor play areas shall be completely enclosed by a
21 solid wall or fence, with no openings except for gates, and have a
22 minimum height of six feet; and

23 b. Outdoor play equipment shall maintain a minimum distance
24 of 20 feet from property lines adjoining residential zones.

25 7. Permitted as an accessory use, see commercial/industrial
26 accessory, K.C.C. 21A.08.060A.

27 8. Only as a re-use of a public school facility subject to
28 the provisions of K.C.C. 21A.32, or an accessory use to a school,
29 ((~~e~~)) church, or public housing administered by a public agency,
30 provided:

31 a. Outdoor play areas shall be completely enclosed by a
32 solid wall or fence, with no openings except for gates and have a
33 minimum height of six feet;

34 b. Outdoor play equipment shall maintain a minimum distance
35 of 20 feet from property lines adjoining residential zones;

36 c. Direct access to a developed arterial street shall be
37 required in any residential zone; and

38 d. Hours of operation may be restricted to assure
39 compatibility with surrounding development.

40 9. As a home occupation only, provided that the square
41 footage limitations in K.C.C. 21A.30 for home occupations applies
42 only to the office space for the clinic, and provided further that:

43 a. Boarding or overnight stay of animals is allowed only on
44 sites of 5 acres or more;

45 b. No burning of refuse or dead animals is allowed;

46 c. The portion of the building or structure in which
47 animals are kept or treated shall be soundproofed. All run areas,
48 excluding confinement areas for livestock, shall be surrounded by

1 an eight-foot solid wall and surfaced with concrete or other
2 impervious material; and

3 d. The provisions of 21A.30 relative to animal keeping are
4 met.

5 10.a. No burning of refuse or dead animals is allowed;

6 b. The portion of the building or structure in which
7 animals are kept or treated shall be soundproofed. All run areas,
8 excluding confinement areas for livestock, shall be surrounded by
9 an eight-foot solid wall and surface with concrete or other
10 impervious material; and

11 c. The provisions of 21A.30 relative to animal keeping are
12 met.

13 11. Only as an accessory to a gasoline service station, see
14 retail and wholesale permitted use table.

15 12. Only as a re-use of a public school facility subject to
16 the provisions of K.C.C. 21A.32.

17 13. Only as a re-use of a surplus non-residential facility
18 subject to K.C.C. 21A.32.

19 14. Covered riding arenas are subject to the provisions of
20 21A.30.030 and shall not exceed 20,000 square feet provided that;
21 stabling areas, whether attached or detached, shall not be counted
22 in this calculation.

23 15. Limited to projects which do not require or result in an
24 expansion of the sewer (~~local service area (LSA)~~) outside the
25 Urban Growth Area, unless a finding is made that no cost effective
26 alternative technologies are feasible, in which case a tightline to
27 a sewer sized only to meet the needs of the school may be used. In
28 addition, churches are not permitted in the RA-10 and RA-20 zones.

29 16a. For middle/junior high schools and secondary or high
30 schools, only as a re-use of a public school facility subject to
31 the provisions of K.C.C. 21A.32. An expansion of such school
32 facility shall be subject to approval of a conditional use permit
33 and the expansion shall not require or result in an extension of
34 the sewer (~~local service area (LSA)~~) outside the Urban Growth
35 Area, unless a finding is made that no cost effective alternative
36 technologies are feasible, in which case a tightline to a sewer
37 sized only to meet the needs of the school may be used.

38 b. Renovation, expansion, modernization, or reconstruction
39 of a school, or the addition of relocatable facilities, is
40 permitted but shall not require or result in an expansion of the
41 sewer (~~local service area (LSA)~~) outside the Urban Growth Area,
42 unless a finding is made that no cost effective alternative
43 technologies are feasible, in which case a tightline to a sewer
44 sized only to meet the needs of the school may be used.

45 17. All instruction must be within an enclosed structure.

46 18. Limited to resource management education programs.

47 19. Only as an accessory to residential use, provided:

48 a. Students are limited to twelve per one hour session,

1 b. All instruction must be within an enclosed structure,
2 and

3 c. Structures used for the school shall maintain a distance
4 of 25 feet from property lines adjoining residential zones.

5 20. Subject to the following:

6 a. Structures used for the school and accessory uses shall
7 maintain a minimum distance of 25 feet from property lines
8 adjoining residential zones; and

9 b. On lots over 2.5 acres:

10 (1) Retail sales of items related to the instructional
11 courses is permitted, provided total floor area for retail sales is
12 limited to 2,000 square feet;

13 (2) Sales of food prepared in the instructional courses
14 is permitted, provided total floor area for food sales is limited
15 to 1,000 square feet and is located in the same structure as the
16 school.

17 (3) Other incidental student-supporting uses are
18 allowed, provided such uses are found to be both compatible with
19 and incidental to the principal use.

20 21. Limited to source-separated yard or organic waste
21 processing facilities.

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

24 23. With the exception of drop box facilities for the
25 collection and temporary storage of recyclable materials, all
26 processing and storage of material shall be within enclosed
27 buildings. Yard waste processing is not permitted.

28 24. Only when adjacent to an existing or proposed school.

29 25. Limited to columbariums accessory to a church provided
30 that required landscaping and parking are not reduced.

31 26. Not permitted in R-1 and limited to a maximum of 5,000
32 square feet per establishment and subject to the additional
33 requirements in K.C.C. 21A.12 .230.

34 27a. New high schools shall be permitted in urban residential
35 and urban reserve zones subject to the review process set forth in
36 Section 21A.42.140.

37 b. Renovation, expansion, modernization, or reconstruction
38 of a school, or the addition of relocatable facilities, is
39 permitted.

40 SECTION 37. Ordinance 10870, Section 333, and K.C.C. 21A.08.060
41 are hereby amended to read as follows:

11621

C.C. 21A.08.060
 GOVERNMENT/
 BUSINESS SERVICE
 LAND USES

KEY
 Use
 al Use
 se

Z O N E	RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
	A G R I C U L T U R E	F O R E S T	M I N E R A L	R U R A L	U R B A N R E S E R V E	U R B A N	R E S I D E N T I A L	N E U B I S M H O O D	C B O U S I N E S S Y	R B U S I N E S S A L S	O F F I C E	I N D U S T R I A L
SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (30)
GOVERNMENT SERVICES:												
Public agency or utility office				P3 C5	P3 C	P3 C	P3 C	P4	P	P	P	P16
Public agency or utility yard				P 27	P 27	P27	P27			P		P
Public agency archives										P	P	P
Court									P4	P	P	P
Police Facility									P	P	P	P
Fire Facility				C 6	C 6	C 6	C 6	P	P	P	P	P
Utility Facility	P 7 C	P 7 C	P 7	P 7 C28	P29 C28	P29 C28	P29 C28	P	P	P	P	P
((Minor Communication Facility (18)))	((C))	((R))		((C))	((C))	((C))	((C))	((C))	((R))	((R))	((R))	((R))
Private Stormwater Management Facility	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8
BUSINESS SERVICES:												
Construction and Trade										P 9	P	P
Individual Transportation and Taxi									P 25	P	P 10	P
Trucking and Courier Service									P 11	P 12	P 13	P
Warehousing, (1) and Wholesale Trade												P
Self-service Storage							C 14		P	P	P	P
Farm Product Warehousing, Refrigeration and Storage	P 15 C			C 15	C 15							P
Log Storage	P15	P		P26								P
Transportation Service												P
Freight and Cargo Service										P	P	P
Passenger Transportation Service										P	P	P
Communication Offices										P	P	P
Telegraph and other Communications										P	P	P
General Business Service									P	P	P	P16
Professional Office									P	P	P	P16
Outdoor Advertising Service										P	P17	P
Miscellaneous Equipment Rental									P17	P	P17	P
Automotive Rental and Leasing									P	P		P
Automotive Parking				P19	P19	P19	P19	P 20	P 20	P 21	P 20	P
Professional Sport Teams/Promoters										P	P	P
Research, Development and Testing										P2	P2	P2
Heavy Equipment and Truck Repair												P
Commercial/Industrial Accessory Uses			P	P 22				P22	P22	P	P	P
Helistop					C 23	C 23	C 23	C 23	C 23	C 24	C 23	C 24

CROSS REFERENCES: Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070
 Development Standards, see 21A.12 through 21A.30
 General Provisions, see K.C.C. 21A.32 through 21A.38
 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

11621 .

1 Government/Business Service land uses.

2 B. Development Conditions.

3 1. Except self-service storage.

4 2. Except SIC Industry No. 8732-Commercial Economic,
5 Sociological, and Educational Research, see general business
6 service/office.

7 3.a. Only as a re-use of a public school facility or a
8 surplus non-residential facility subject to the provisions of
9 K.C.C. 21A.32; or

10 b. Only when accessory to a fire facility and the office is
11 no greater than 1500 square feet of floor area.

12 4. Only as a re-use of a surplus non-residential facility
13 subject to K.C.C. 21A.32.

14 5. New utility office locations only if there is no
15 commercial/industrial zoning in the utility district, and not in
16 the RA-10 or RA-20 zones unless it is demonstrated that no feasible
17 alternative location is possible.

18 6.a. All buildings and structures shall maintain a minimum
19 distance of 20 feet from property lines adjoining residential
20 zones;

21 b. Any buildings from which fire-fighting equipment emerges
22 onto a street shall maintain a distance of 35 feet from such
23 street; ~~((and))~~

24 c. No outdoor storage-; and

25 d. Excluded from the RA-10 and RA-20 zones unless it is
26 demonstrated that no feasible alternative location is possible.

27 7. Limited to utility transmission, distribution, and service
28 lines and associated switching stations, transmission line booster
29 stations, electrical substations, water tanks, natural gas gate
30 stations and limiting stations.

31 8. Except in commercial/industrial zones or when
32 participating in an approved shared facility drainage plan, such
33 facilities shall be located on the same lot that they are designed
34 to serve except in subdivisions that set aside a separate tract for
35 such facilities. In commercial/industrial zones or shared
36 facilities, such facilities which are not located on the lot they
37 are designed to serve shall be located on a lot with the same or
38 more intensive zoning designation.

39 9. No outdoor storage of materials.

40 10. Limited to office uses.

41 11. Limited to self-service household moving truck or trailer
42 rental accessory to a gasoline service station.

43 12. Limited to self-service household moving truck or trailer
44 rental accessory to a gasoline service station and SIC Industry No.
45 4215-Courier Services, except by air.

46 13. Limited to SIC Industry No. 4215-Courier Services, except
47 by air.

11621

1 14. Accessory to an apartment development of at least 12 units
2 provided:

3 a. The gross floor area in self service storage shall not
4 exceed the total gross floor area of the apartment dwellings on the
5 site;

6 b. All outdoor lights shall be deflected, shaded and
7 focused away from all adjoining property;

8 c. The use of the facility shall be limited to dead storage
9 of household goods;

10 d. No servicing or repair of motor vehicles, boats,
11 trailers, lawn mowers or similar equipment;

12 e. No outdoor storage or storage of flammable liquids,
13 highly combustible or explosive materials or hazardous chemicals;

14 f. No residential occupancy of the storage units;

15 g. No business activity other than the rental of storage
16 units; and

17 h. A resident director shall be required on the site and
18 shall be responsible for maintaining the operation of the facility
19 in conformance with the conditions of approval.

20 15. Limited to products produced on-site.

21 16. Only as an accessory use to another permitted use.

22 17. No outdoor storage.

23 ~~((18. Minor communication facilities shall be regulated relative
24 to setback, height and review process pursuant to K.C.C. 21A.26.))~~

25 18. Reserved.

26 19. Limited to commuter parking facilities for users of
27 transit, carpools or ride-share programs, provided:

28 a. They are located on existing parking lots for churches,
29 schools, or other permitted nonresidential uses which have excess
30 capacity available during commuting hours ; and

31 b. The site is adjacent to a designated arterial that has
32 been improved to a standard acceptable to the department of public
33 works.

34 20. No tow-in lots for damaged, abandoned or otherwise
35 impounded vehicles.

36 21. No dismantling or salvage of damaged, abandoned or
37 otherwise impounded vehicles.

38 22. Storage limited to accessory storage of commodities sold
39 at retail on the premises or materials used in the fabrication of
40 commodities sold on the premises.

41 23. Limited to emergency medical evacuation sites in
42 conjunction with police, fire or health service facility.

43 24. Allowed as accessory to an allowed use.

44 25. Limited to private road ambulance services with no outside
45 storage of vehicles.

46 26. Limited to 2 acres or less.

47 27 a. Utility yards only on sites with utility district
48 offices; or

11621

1 b. Public agency yards are limited to material storage
2 for road maintenance facilities.

3 28. Limited to bulk gas storage tanks which pipe to
4 individual residences but excluding liquified natural gas storage
5 tanks.

6 29. Excluding bulk gas storage tanks.

7 30. For I-zoned sites located outside the Urban Growth Area
8 designated by the King County Comprehensive Plan, uses shall be
9 subject to the provisions of the rural industrial district overlay
10 set forth in K.C.C. Chapter 21A.38.

11 SECTION 38. Ordinance 10870, Section 335, and K.C.C. 21A.08.080
12 are hereby amended to read as follows:

11621

K.C. 21A.08.080
MANUFACTURING
LAND USES

KEY
d Use
nal Use
Jee

ZONE	RESOURCE			RURAL	RESIDENTIAL		COMMERCIAL/INDUSTRIAL					
	AGRICULTURE	FOREST	MINERAL	RURAL	URBAN RESERVE	URBAN RESIDENTIAL	NEIGHBORHOODS	COMMUNIS	BUSINESS	OFFICE	INDUSTRIAL	
SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	(11)
Food and Kindred Products	P1	P1		((R1))	P1					C		P2 C
Winery/Brewery	P1			((R2)) ((C))	P3					C		P
Textile Mill Products										C		C
Apparel and other Textile Products										C6		P
Wood Products, except furniture	P4	P4 C5		((P4))	P4					C		P
Furniture and Fixtures												C
Paper and Allied Products								P7	P7	P7C	P7C	P
Printing and Publishing												C
Chemicals and Allied Products												C
Petroleum Refining and related industries												C
Rubber and Misc. Plastics Products										C		P
Leather and Leather Goods									P8	P9		P
Stone, Clay, Glass and Concrete Products												C
Primary Metal Industries												P
Fabricated Metal Products												P
Industrial and Commercial Machinery												P
Heavy Machinery and Equipment												C
Computer and Office Equipment										C	C	P
Electronic and other Electric Equipment										C		P
Railroad Equipment												C
Guided Missile and Space Vehicle Parts												C
Miscellaneous Transportation Vehicles												C
Measuring and Controlling Instruments										C	C	P
Miscellaneous Light Manufacturing										C		P
Motor Vehicle and Bicycle Manufacturing												C
Aircraft, Ship and Boat Building												P10 C
Tire Retreading										C		P
Movie Production/Distribution										P		P

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.38
 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

11621

1 Manufacturing land uses.

2 B. Development Conditions.

3 1. Limited to agricultural products produced on-site,
4 provided structures and areas used for processing shall maintain a
5 minimum distance of 75 feet from property lines adjoining
6 residential zones.

7 2. Except slaughterhouses.

8 3. Only as a home industry, subject to K.C.C. 21A.30.

9 4. Limited to rough milling and planing of products grown on-
10 site with portable equipment.

11 5. Limited to SIC Industry Group No. 242-Sawmills.

12 6. Limited to uses found in SIC Industry No. 2434-Wood
13 Kitchen Cabinets and No. 2431-Millwork (excluding planing mills).

14 7. Limited to photocopying and printing services offered to
15 the general public.

16 8. Only within enclosed buildings, and as an accessory use to
17 retail sales.

18 9. Only within enclosed buildings.

19 10. Limited to boat building of craft not exceeding 48 feet in
20 length.

21 11. For I-zoned sites located outside the Urban Growth Area
22 designated by the King County Comprehensive Plan, uses shown as a
23 conditional use in the table in Section 21A.08.080(A) shall be
24 prohibited, and all other uses shall be subject to the provisions
25 of the rural industrial district overlay set forth in K.C.C.
26 21A.38.

27 SECTION 39. Ordinance 10870, Section 336, and K.C.C. 21A.08.090
28 are hereby amended to read as follows:

K.C.C. 21A.08.090
A. RESOURCE
LAND USES

KEY
ted Use
ional Use
l Use

Z O N E	RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
	A G R I C U L T U R E	F O R E S T	M I N E R A L	R U R A L	U R B A N R E S E R V E	U R B A N	R E S I D E N T I A L	N B E U I S G I H B E O S R S H O O D	C B O U M S M I N E N E I S T S Y	R B E U G S I O N E A S L S	O F F I C E	I N D U S T R I A L
SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I
AGRICULTURE:												
Growing and Harvesting Crops	P	P		P	P	P						P
Raising Livestock and Small Animals	P	P		P	P	P6						P
FORESTRY:												
Growing and Harvesting Forest Product	P	P	P7	P	P	P						P
Forest Research		P		P	P						P2	P
Fish and Wildlife Management:												
Hatchery/Fish Preserve (1)	P	P		P	P	C						P
Aquaculture (1)	P	P		P	P	C						P
Wildlife Shelters	P	P		P	P							
MINERAL:												
Mineral Extraction and Processing		P10 C11	P									
Asphalt/Concrete Mixtures and Block			P8 C9									P
RESOURCE ACCESSORY USES:												
Resource Accessory Uses	P3	P4	P5	P3	P3							P4

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.38
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

11621

1 Resource land uses.

2 B. Development Conditions.

3 1. May be further subject to the provisions of K.C.C. Title
4 25, Shoreline Management Program.

5 2. Only Forest Research conducted within an enclosed
6 building.

7 3. Housing for agricultural workers and their families
8 employed on the premises only as an accessory to a permanent
9 residence, provided:

10 a. Sites are limited to those with ten acres or more;

11 b. Accessory housing is limited to one unit on less than 20
12 acres, or two on 20 acres or more; and

13 c. Accessory housing shall not be rented to the public at
14 large.

15 4. Excluding housing for agricultural workers.

16 5. Limited to maintenance and/or storage facilities in
17 conjunction with mineral extraction or processing operation.

18 6. Large livestock allowed only in the R-1 zone.

19 7. Only in conjunction with a mineral extraction site plan
20 approved pursuant to 21A.22.

21 8. Only as accessory to a primary mineral extraction use.

22 9. Only as a continuation of an existing mineral processing
23 use and subject to the periodic review requirements in Section
24 21A.22.050.

25 10. Subject to the periodic review requirements in Section
26 21A.22.050, and a minimum distance of 1/4 mile between the site
27 boundary and any zone other than F.

28 11. If within 1/4 mile of a zone other than F, and the site is
29 subject to the periodic review requirements of Section 21A.22.050.

30 SECTION 40. Ordinance 10870, Section 337, and K.C.C. 21A.08.100
31 are hereby amended to read as follows:

11621

K.C. 21A.08.100
A. REGIONAL
LAND USES

KEY
Use
al Use
se

SPECIFIC LAND USE

Z O N E	RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
	A G R I C U L T U R E	F O R E S T	M I N E R A L	R U R A L	U R B A N R E S E R V E	U R B A N	R E S I D E N T I A L	N B E U I S I N G H O U S E S	C B O U N D A R Y	R E U S I O N A S	O F F I C E	I N D U S T R I A L
	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I(15)
Jail		S		S	S	S	S	S	S	S	S	S
(Work) Jail Farm/Camp	S	S		S	S							
Work Release Facility				S	S	S	S	S	S	S	S	
Public Agency Animal Control Facility		S		S	S					S		P
Public Agency Training Facility		S		S3					S3	S3	S3	C4
Hydroelectric Generation Facility		C14 S		C14 S	C14 S	C14 S						
Non-hydroelectric Generation Facility	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	P12 S
Major Communication Facility	C6c S	P		C6c S	C6c S	C6c S	C6c S	C6c S	P	P	P	P
Earth Station	P6b C	P		C6a S	C6a S	C6a S	C6a S	P6b C	P	P	P	P
Oil and Gas Extraction	S	C	P	S	S	S	S	S	S	S	S	C
Energy Resource Recovery Facility		S	S	S	S	S	S	S	S	S	S	S
Soil Recycling Facility		S	S	S								C
Landfill		S	S	S	S	S	S	S	S	S	S	S
Transfer Station			S	S	S	S	S	S	S	S		P
Wastewater Treatment Facility				S	S	S	S	S	S	S	S	C
Municipal Water Production	S	P13 S	S	S	S	S	S	S	S	S	S	S
Airport/Heliport	S7	S7		S	S	S	S	S	S	S	S	S
Transit Bus Base				S	S	S	S	S	S	S	S	P
Transit Park and Ride Lot				S	S	S	S	P	P	P	P	P
School Bus Base				C5 S	C5 S	C5 S	C5 S	S	S	S	S	P
Secetrack				S	S	S8	S8	S8	S8	S8	S8	S
Airground									S	S		S
Zoo/Wildlife Exhibit (2)		S9		S9	S	S	S		S	S		
Stadium/Arena										S		S
College/University (1)	P10	P10		P10 C11 S	P10 C11 S	P10 C11 S	P10 C11 S	P10 C11 S	P	P	P	P

CROSS REFERENCES:

Permitted Use Chart 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 KC 21A.32 through 21A.38
 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

11621

1 Regional land uses.

2 B. Development Conditions.

3 1. Except technical institutions. See vocational schools on
4 General Services land use table, K.C.C. 21A.08.050.

5 2. Except arboretum. See K.C.C. 21A.08.040,
6 Recreation/Cultural land use table.

7 3. Except weapons armories and outdoor shooting ranges.

8 4. Except outdoor shooting range.

9 5. Only in conjunction with an existing or proposed school.

10 6.a. Limited to no more than three satellite dish antenna.

11 b. Limited to one satellite dish antenna.

12 c. Limited to tower consolidations.

13 7. Limited to landing field for aircraft involved in forestry
14 or agricultural practices or for emergency landing sites.

15 8. Except racing of motorized vehicles.

16 9. Limited to wildlife exhibit.

17 10. Only as a re-use of a public school facility subject to
18 the provisions of K.C.C. 21A.32.

19 11. Only as a re-use of surplus non-residential facility
20 subject to the provisions of K.C.C. 21A.32.

21 12. Limited to cogeneration facilities for on-site use only.

22 13. Excluding impoundment of water using a dam.

23 14. Limited to facilities that comply with the following
24 provisions:

25 a. Any new diversion structure shall not:

26 (1) exceed a height of eight feet as measured from the
27 streambed, or

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

30 b. There shall be no active storage.

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

33 d. An exceedance flow of no greater than 50 percent in
34 mainstream reach shall be maintained.

35 e. Any transmission line shall be limited to a:

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

37 (2) capacity of 230 KV or less.

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

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

42 15. For I-zoned sites located outside the Urban Growth Area
43 designated by the King County Comprehensive Plan, uses shown as a
44 conditional or special use in Section 21A.08.100(A), except for
45 waste water treatment facilities, shall be prohibited. All other
46 uses, including waste water treatment facilities, shall be subject
47 to the provisions of the rural industrial district overlay set
48 forth in K.C.C. Chapter 21A.38.

11621

1 SECTION 41. Ordinance 10870, Section 340, and K.C.C. 21A.12.030
2 are hereby amended to read as follows:

11621

30 A. Densities and dimensions - residential zones

Z O N E S	RESIDENTIAL												
	RURAL				URBAN RESERVE	URBAN RESIDENTIAL							
	RA-2.5	RA-5	RA-10	RA-20	UR	R-1(17)	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Acres	0.4 du/ac	0.2 du/ac	0.1 du/ac	<u>0.05</u> du/ac	0.2 du/ac	1 du/ac	4 du/ac (6)	6 du/ac	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac
Density: Acres							6 du/ac	9 du/ac	12 du/ac	18 du/ac	27 du/ac	36 du/ac	72 du/ac
	SEE	K.C.	C.21		A.12.	085	85%	85%	85%	80%	75%	70%	65%
	135 ft	135 ft	135 ft	<u>135 ft</u>	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft
Set	30 ft	30 ft	30 ft	<u>30 ft</u>	30 ft (7)	30 ft (7)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 FT (8)	10 FT (8)
Front (6)	35 ft (9)	35 ft (9)	35 ft (9)	<u>35 ft</u> (9)	10 ft (7)	10 ft (7)	5 ft	5 ft	5 ft	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10)
	40 ft	40 ft	40 ft	<u>40 ft</u>	35 ft	35 ft	35 ft	35 ft	35 ft	60 ft	60 ft	60 ft	80 ft 80 ft (14)
Building	4% (11) (12)	2% (11) (12)	1% (11) (12)	<u>0.5%</u> (11) (12)	10 % (11) (12)	15% (11) (12)	35%	50%	55%	60%	60%	70%	70%
	15% (13)	10% (13)	(15%) 5% (13)	<u>2.5%</u> (13)	20% (13)	20%	45%	70%	75%	85%	85%	85%	90%

11621

B. Development Conditions.

1 1. The maximum density may be achieved only through the
2 application of residential density incentives or transfers of
3 density credits pursuant to Chapters 21A.34 or 21A.36. Maximum
4 density may only be exceeded pursuant to Section 21A.34.040 F. 1.
5 f.

6 2. Also see Section 21A.12.060.

7 3. These standards may be modified under the provisions for
8 zero-lot-line and townhouse developments.

9 4. Height limits may be increased when portions of the
10 structure which exceed the base height limit provide one additional
11 foot of street and interior setback for each foot above the base
12 height limit, provided that the maximum height may not exceed 75
13 feet.

14 5. Applies to each individual lot. Building coverage and
15 impervious surface area standards for:

16 a. regional uses shall be established at the time of permit
17 review; or

18 b. nonresidential uses in residential zones shall comply
19 with K.C.C. 21A.12.120 and .220.

20 c. individual lots in the R-4 through R-8 zones which are
21 less than 6500 square feet in area shall be subject to the
22 applicable provisions of the R-8 zone.

23 6. Mobile home parks shall be allowed a base density of six
24 dwelling units per acre.

25 7. The standards of the R-4 zone shall apply if a lot is less
26 than 15,000 square feet in area.

27 8. At least 20 linear feet of driveway shall be provided
28 between any garage, carport, or other fenced parking area and the
29 street property line. The linear distance shall be measured along
30 the centerline of the driveway from the access point to such
31 garage, carport or fenced area to the street property line.

32 9.a. Residences shall have a setback of at least 100 feet
33 from any property line adjoining A, M or F zones or existing
34 extractive operations.

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

38 10.a. For developments consisting of three or more single-
39 detached dwellings located on a single parcel, the setback shall be
40 10 feet along any property line abutting R-1 through R-8, RA and UR
41 zones.

42 b. For townhouse and apartment development, the setback
43 shall be 20 feet along any property line abutting R-1 through R-8,
44 RA and UR zones.

45 11. On any lot over 1 acre in area, an additional 5 percent
46 may be used for buildings related to agricultural or forestry
47 practices.
48

11621

1 12. (~~The maximum building coverage shall be 10 percent where~~
2 ~~the lot is between 1.0 and 1.25 acres in area.~~) The maximum
3 building coverage (~~shall be 15 percent where the lot is less than~~
4 ~~1 acre in area.~~) on lots smaller than 15,000 square feet, shall
5 comply with the standards of the nearest comparable R-4 through R-8
6 zone. In the RA zone, the maximum building coverage allowed shall
7 be at least 2,500 square feet.

8 13. The maximum impervious surface area allowed shall be at
9 least 10,000 square feet when the lot is greater than 1 acre, and
10 be twenty percent when the lot is (~~between 1.0 and 1.25 acres, and~~
11 ~~thirty five percent when the lot is~~) less than 1 acre (~~in area~~).
12 Lots smaller than .5 acre in area shall comply with standards of
13 the nearest comparable R-4 through R-8 zone.

14 14. The base height for projects using residential density
15 incentives and transfer of density credits pursuant to this title
16 is 80 feet. In all other cases, the base height is 60 feet.

17 15. Density applies only to dwelling units and not to sleeping
18 units.

19 16. Vehicle access points from garages, carports or fenced
20 parking areas shall be set back from the property line upon which a
21 joint use driveway is located to provide a straight line length of
22 at least 26 feet from the access point to the opposite side of the
23 joint use driveway.

24 17. All subdivisions and short subdivisions in the R-1 zone
25 shall be required to be clustered away from sensitive areas to the
26 extent possible and a permanent open space tract that includes at
27 least 50 percent of the site shall be created.

28 SECTION 42. Ordinance 10870, Section 341, and K.C.C. 21A.12.040
29 are hereby amended to read as follows:

11621

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

Z O N E S	RESOURCE					COMMERCIAL/INDUSTRIAL				
	AGRICULTURE			FOREST	MINERAL	NEIGHBORHOOD BUSINESS	COMMUNITY BUSINESS	REGIONAL BUSINESS	OFFICE	INDUSTRIAL
	A-10	A-35	A-80	F	M	NB	CB	RB	O	I
Density: du/Acre	0.1 du/ac	.0286 du/ac	<u>.0167</u> du/ac	.0125 du/ac		8 du/ac (2)	18 du/ac (2)	36 du/ac (2)	36 du/ac (2)	
Density: du/Acre						12 du/ac (3)	24 du/ac (3)	48 du/ac (3)	48 du/ac (3)	
Lot Area	10 acres	35 acres	<u>60</u> acres	80 acres	10 acres					
Lot Ratio ((4:1))	4 to 1	4 to 1	<u>4 to 1</u>							
Street	30 ft	30 ft	<u>30 ft</u>	100 ft (4)	(12)	10 ft (5)	10 ft (5)	10 ft (5)	10 ft	25 ft
Interior	10 ft	10 ft	<u>10 ft</u>	100 ft (4)	(12)	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7) 50 ft (8)
Front (10)	35 ft	35 Ft	<u>35 ft</u>			35 ft 45 ft (6)	35 ft 60 ft (6)	35 ft 65 ft (6)	45 ft 60 ft (6)	45 ft
Building	5% 15%(11)	5% 15%(11)	<u>5%</u> <u>15%(11)</u>	5% 15%(11)						
Door/Lot						1/1 (8)	1.5/1 (8)	2.5/1 (8)	2.5/1 (8)	2.5/1
Surface:	15% 35%(11)	10% 35%(11)	<u>10%</u> <u>35%(11)</u>	10% 35%(11)		85%	85%	90%	75%	90%

1 B. Development Conditions.

2 1. ~~((The depth to width ratio shall be no greater than the~~
3 ~~ratio indicated))~~. Reserved.

4 2. These densities are allowed only through the application
5 of mixed use development standards.

6 3. These densities may only be achieved through the
7 application of residential density incentives or transfer of
8 density credits in mixed use developments, see K.C.C. 21A.34 and
9 21A.36.

10 4. Scaling stations may be located 35 feet from property
11 lines. Residences shall have a setback of at least 30 from all
12 property lines.

13 5. Gas station pump islands shall be placed no closer than 25
14 feet to street front lines.

15 6. This base height allowed only for mixed use developments.

16 7. Required on property lines adjoining residential zones.

17 8. Required on property lines adjoining residential zones for
18 industrial uses established by conditional use permits.

19 9. The floor/lot ratio for mixed use developments shall
20 conform to K.C.C. 21A.14.

21 10. Height limits may be increased when portions of the
22 structure building which exceed the base height limit provide one
23 additional foot of street and interior setback for each foot above
24 the base height limit, provided the maximum height may exceed 75
25 feet only in mixed use developments.

26 11. Applicable only to lots containing less than one acre of
27 lot area.

28 12. See Section 21A.22.060 for setback requirements in the
29 mineral zone.

30 SECTION 43. Ordinance 10870, Section 345, and K.C.C. 21A.12.080
31 are hereby amended to read as follows:

32 Calculations - site area used for base density and maximum
33 density floor area calculations.

34 A. All site areas may be used in the calculation of base and
35 maximum allowed residential density or project floor area except as
36 outlined under the provisions of subsection B. ~~((and C.))~~

37 B. Submerged lands shall not be credited toward base and
38 maximum density or floor area calculations.

39 ~~((C. Sites containing sensitive areas shall be further subject to~~
40 ~~the following provisions when calculating base and maximum density~~
41 ~~or floor area:~~

42 1. ~~Portions of a site in the following hazard areas shall be~~
43 ~~included in the site area:~~

44 a. ~~coal mine,~~

45 b. ~~erosion,~~

46 c. ~~seismic,~~

47 d. ~~volcanic, and~~

48 e. ~~flood.~~

1 ~~2. Portions of a site in the following sensitive areas shall~~
 2 ~~be excluded from the site area:~~

- 3 ~~a. streams, and~~
- 4 ~~b. wetlands.~~

5 ~~3. Partial credit pursuant to K.C.C. 21A.12.080C.4. shall be~~
 6 ~~given to areas of the site in:~~

- 7 ~~a. any sensitive area buffers required pursuant to K.C.C.~~
 8 ~~21A.24,~~
- 9 ~~b. steep slope hazard areas, and~~
- 10 ~~c. landslide hazard areas.~~

11 ~~4. The areas outlined in K.C.C. 21A.12.080.C.3 shall be given~~
 12 ~~partial credit as follows:~~

<u>Percentage of site in steep</u>	<u>Amount of density credit</u>
<u>slopes or landslide area or any</u>	
<u>sensitive area buffers</u>	
0-10%	100%
For sites containing between	1% reduction of density credit for
11 and 100% sensitive areas	every percentage of area within a
and/or buffers:	sensitive area and buffer over the
	initial 10% applied to the area
	within a sensitive area and buffer.

25
 26 ~~Example: For a site containing 15% of its sensitive areas and~~
 27 ~~buffers, a 5% reduction shall be applied to the base and maximum~~
 28 ~~density for the area within sensitive areas and/or buffers (95%~~
 29 ~~density applied to the area within sensitive areas and/or~~
 30 ~~buffers).))~~

31 ~~5. For the purpose of determining maximum densities, where~~
 32 ~~a portion of a site is classified as sensitive for more than one~~
 33 ~~reason, credit pursuant to K.C.C. 21A.12.080.C shall be given based~~
 34 ~~upon the classification which would create the higher maximum~~
 35 ~~permitted residential density.~~

36 SECTION 44. Ordinance 10870, Section 359, and K.C.C. 21A.12.220
 37 are hereby amended to read as follows:

38 Nonresidential land uses in residential zones. Except for
 39 utility facilities, uses listed in K.C.C. 21A.08.100, and
 40 nonresidential uses regulated by 21A.12.230, all nonresidential
 41 uses located in the RA, UR, or R zones shall be subject to the
 42 following requirements:

43 A. Building coverage shall not exceed:

- 44 1. Twenty percent of the site in the RA zone.
- 45 2. Forty percent of the site in the UR and the R-1 through R-
- 46 8 zones.
- 47 3. Sixty percent of the site in the R-12 through R-48 zones.

48 B. Impervious surface coverage shall not exceed:

11621

1 1. Forty percent of the site in the RA zone.

2 2. Seventy percent of the site in the UR and the R-1 through
3 R-8 zones.

4 3. Eighty percent of the site in the R-12 through R-48 zones.

5 C. Buildings and structures, except fences and wire or mesh
6 backstops, shall not be closer than 30 feet to any property line,
7 except as provided in subsection D.

8 D. Single detached dwelling allowed as accessory to a church
9 or school shall conform to the setback requirements of the zone.

10 E. Parking areas are permitted within the required setback area
11 from property lines, provided such parking areas are located
12 outside of the required landscape area.

13 F. Sites shall abut or be accessible from at least one public
14 street functioning at a level consistent with King County Road
15 Design Standards. New high school sites shall abut or be
16 accessible from a public street functioning as an arterial per the
17 King County Design Standards.

18 G. The base height shall conform to the zone in which the use
19 is located.

20 H. Building illumination and lighted signs shall be designed
21 so that no direct rays of light are projected into neighboring
22 residences or onto any street right-of-way.

23 SECTION 45. Ordinance 10870, Section 361, and K.C.C. 21A.14.010
24 are hereby amended to read as follows:

25 Purpose. The purpose of this chapter is to improve the quality
26 of ((urban)) development by providing building and site design
27 standards that:

28 A. Reduce the visual impact of large residential buildings
29 from adjacent streets and properties;

30 B. Enhance the aesthetic character of large residential
31 buildings;

32 C. Contain sufficient flexibility of standards to encourage
33 creative and innovative site and building design; ((and))

34 D. Meet the on-site recreation needs of project residents((-));

35 E. Enhance aesthetics and environmental protection through site
36 design; and

37 F. Allow for continued or adaptive reuse of historic resources
38 while preserving their historic and architectural integrity.

39 NEW SECTION. SECTION 46. A new section is added to K.C.C.
40 21A.14 to read as follows:

41 Historic Resources - Applicability. King County shall not
42 approve any development proposal or otherwise issue any
43 authorization to alter, demolish, or relocate any historic resource
44 identified in the King County Historic Resource Inventory without
45 first assuring compliance with the requirements of K.C.C. 20.62,
46 Protection and Preservation of Landmark Sites and Districts. The
47 standards contained in K.C.C. 21A.12, Development Standards -
48 Density and Dimensions, and K.C.C. 21A.16, Development Standards -

11621

1 Landscaping and Water Use shall be expanded, when necessary, to
2 preserve the aesthetic, visual and historic integrity of the
3 historic resource from the impacts of development on adjacent
4 properties.

5 SECTION 47. Ordinance 10870, Section 364, and K.C.C. 21A.14.040
6 are hereby amended to read as follows:

7 Lot segregations - Clustered development. When residential lot
8 clustering is proposed, the following provisions shall be met:

9 A. Any open space resulting from lot clustering shall not be
10 altered or disturbed except as specified on recorded documents
11 creating the open space. Such open spaces may be retained under
12 ownership by the subdivider, conveyed to residents of the
13 development, or conveyed to a third party;

14 B. In the RA zone:

15 1. No more than eight lots of less than 2.5 acres shall be
16 allowed in a cluster;

17 2. No more than eight lots of less than 2.5 acres shall be
18 served by a single cul-de-sac street;

19 3. Clusters containing two or more lots of less than 2.5
20 acres, whether in the same or adjacent developments, shall be
21 separated from similar clusters by at least 120 feet (~~7~~ and);

22 4. The overall amount, and the individual degree of
23 clustering shall be limited to a level that can be adequately
24 served by rural facilities and services, including, but not limited
25 to on-site sewage disposal systems and rural roadways, and

26 C. In the R-1 zone, open space tracts created by clustering
27 required by section 21A.12.030 shall be located and configured to
28 create urban separators and greenbelts as required by the
29 comprehensive plan, community plans, or local or subarea plans or
30 open space functional plans, to connect and increase protective
31 buffers for environmentally sensitive areas as defined in section
32 21A.06.1065, to connect and protect wildlife habitat corridors
33 designated by the comprehensive plan, and to connect existing or
34 planned public parks or trails. King County may require open space
35 tracts created under this subsection to be dedicated to an
36 appropriate managing public agency or qualifying private entity
37 such as a nature conservancy.

38 SECTION 48. Ordinance 10870, Section 378, and K.C.C. 21A.14.180
39 are hereby amended to read as follows:

40 On-site recreation - Space required.

41 A. Residential developments if more than four units in the UR
42 and R zones, and mixed use developments if more than four units,
43 shall provide recreation space for leisure, play and sport
44 activities as follows:

45 1. Residential subdivision and townhouses developed at a
46 density of eight units or less per acre - 390 square feet per unit;

47 2. Mobile home park - 260 square feet per unit; and

1 3. Apartment, townhouses developed at a density of greater
2 than eight units per acre, and mixed use:

- 3 a. Studio and one bedroom - 90 square feet per unit;
- 4 b. Two bedroom - 130 square feet per unit; and
- 5 c. Three or more bedroom - 170 square feet per unit;

6 B. Any recreation space located outdoors shall:

- 7 1. Be of a grade and surface suitable for recreation;
- 8 2. Be on the site of the proposed development;
- 9 3. Have no dimensions less than 20 feet (except trail

10 segments);

11 4. In single detached or townhouse subdivision development
12 with at least 5000 square feet of required outdoor recreation
13 space, have a street roadway or parking area frontage along 10 to
14 50 percent of the recreation space perimeter (except trail
15 segments);

16 5. Be centrally located and accessible and convenient to all
17 residents within the development; and

18 6. Be connected by trail or walkway to any existing or
19 planned community park, public open space or trail system, which
20 may be located on adjoining property.

21 C. Indoor recreation areas may be credited towards the total
22 recreation space requirement, when the county determines that such
23 areas are located, designed and improved in a manner which provides
24 recreational opportunities functionally equivalent to those
25 recreational opportunities available outdoors. For senior citizen
26 assisted housing, indoor recreation areas need not be functionally
27 equivalent but may include social areas, game and craft rooms, and
28 other multi-purpose entertainment and education areas.

29 D. Stormwater runoff tracts may be credited for up to 50% of
30 the on-site recreation space requirement, subject to the following
31 criteria;

32 1. The stormwater runoff tract is dedicated or reserved as a
33 part of a recreation space tract;

34 2. The detention pond shall be constructed to meet the
35 following conditions:

36 a. The side slope of the stormwater facilities shall not
37 exceed 33% unless slopes are existing, natural and covered with
38 vegetation;

39 b. A bypass system or an emergency overflow pathway shall
40 be designed to handle flow exceeding the facility design and
41 located so that it does not pass through active recreation areas or
42 present a safety hazard;

43 c. The stormwater facilities shall be landscaped in a
44 manner to enhance passive recreation opportunities such as trails
45 and aesthetic viewing; and

46 d. The stormwater facilities shall be designed so they do
47 not require fencing pursuant to the Surface Water Design Manual.

1 3. In the case of joint use of the tract for stormwater
2 facilities and recreation space, the King County department of
3 public works shall be responsible for maintenance of the stormwater
4 facilities only and will require an access easement for that
5 purpose.

6 NEW SECTION. SECTION 49. There is hereby added to K.C.C. 21A.14
7 a new section to read as follows:

8 Recreation space - Fees in lieu of. If on-site recreation space
9 is not provided, the applicant shall pay a fee-in-lieu of actual
10 recreation space. King County acceptance of this payment is
11 discretionary, and may be permitted if the proposed on-site
12 recreation space does not meet the criteria of this chapter, or the
13 recreation space provided within a county park in the vicinity will
14 be of greater benefit to the prospective residents of the
15 development. Fees provided in-lieu of on-site recreation space
16 shall be determined annually by the Parks Division on the basis of
17 the typical market value of the required recreation space land area
18 prior to the development. Any recreational space provided by the
19 applicant shall be credited toward the required fees.

20 SECTION 50. Ordinance 10870, Section 382, and K.C.C. 21A.14.220
21 are hereby amended to read as follows:

22 Fences. Fences are permitted as follows:

23 A. Fences exceeding a height of six feet are subject to the
24 requirements in the building code for a building permit and shall
25 comply with the applicable street and interior setbacks of the zone
26 in which the property is located;

27 B. The height of a fence located on a rockery, retaining wall,
28 or berm shall be measured from the top of the fence to the ground
29 on the low side of the rockery, retaining wall, or berm;

30 C. When a protective fence is located on top of a rockery
31 within the required setback area, any portion of the fence above a
32 height of six feet shall be an open-work fence;

33 D. Electric fences shall:

34 1. Be permitted in all zones, provided that when placed
35 within R-4 through R-48 zones, additional fencing or other barriers
36 shall be constructed to prevent inadvertent contact with the
37 electric fence from abutting property;

38 2. Comply with the following requirements:

39 a. An electric fence using an interrupted flow of current
40 at intervals of about one second on and two seconds off shall be
41 limited to 2,000 volts at 17 milliamp;

42 b. An electric fence using continuous current shall be
43 limited to 1,500 volts at seven milliamp;

44 c. All electric fences in the R-4 through R-48 zones shall
45 be posted with permanent signs a minimum of 36 square inches in
46 area at 50 foot intervals stating that the fence is electrified;
47 and

1 d. Electric fences sold as a complete and assembled unit
2 can be installed by an owner if the controlling elements of the
3 installation are certified by an A.N.S.I. approved testing agency;
4 and

5 E. Except as specifically required for the necessary security
6 related to a nonresidential use, no barbed or razor-wire fence
7 shall be located in any R-4 through R-48 zone.

8 SECTION 51. Ordinance 10870, Section 384, and K.C.C. 21A.14.240
9 are hereby amended to read as follows:

10 Trail Corridors - Design standards. Trail design shall be
11 reviewed by the ((parks)) department of development and
12 environmental services for consistency with adopted standards for:

- 13 A. Width of the trail corridor;
- 14 B. Location of the trail corridor on the site;
- 15 C. Surfacing improvements; and
- 16 D. Use(s) permitted within the corridor.

17 NEW SECTION. SECTION 52. There is hereby added to K.C.C. 21A.14
18 a new section to read as follows:

19 Wildlife habitat corridors - Applicability.

20 Habitat corridors shall be set aside and protected along the
21 designated wildlife habitat network adopted by the King County
22 comprehensive plan as follows:

23 A. Wildlife habitat corridors shall apply to the following
24 development activities on parcels which include a portion of a
25 designated wildlife habitat corridor:

- 26 1. All urban planned developments, subdivisions and short
27 subdivisions;
- 28 2. All building permits on individual lots created prior to
29 January 1, 1995.

30 B. Habitat corridors shall be identified and protected in one
31 of the following ways:

32 1. Urban planned developments, subdivisions and short
33 subdivisions shall either place the corridor in a contiguous
34 permanent open-space tract with all developable lots sited on the
35 remaining portion of the project site, or shall design the lots so
36 that conservation easements on individual lots can form a
37 contiguous easement covering the corridor.

38 2. Individual lots shall place the corridor in a
39 conservation easement.

40 C. All tracts or conservation easements shall be configured to
41 meet the design standards in section 53 of this ordinance.

42 NEW SECTION. SECTION 53. There is hereby added to K.C.C. 21A.14
43 a new section to read as follows:

44 Wildlife habitat corridors - Design standards.

45 Corridor design shall be reviewed by the department for
46 consistency with the following standards:

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

11621

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

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

6 3. Be contiguous with and may include sensitive area tracts
7 and their buffers; and

8 B. When feasible, the wildlife habitat corridor shall be sited
9 on the property in order to meet the following conditions:

10 1. Connect isolated sensitive areas or habitat; and

11 2. Connect with wildlife habitat corridors, open space
12 tracts or wooded areas on adjacent properties, if present.

13 C. The wildlife corridor tract shall be permanently marked
14 consistent with the methods contained in K.C.C. 21A.24.160.
15 Conservation easements are exempt from the permanent parking
16 requirement.

17 D. A management plan for the wildlife corridor contained within
18 a tract or tracts shall be prepared which specifies the permissible
19 extent of recreation, forestry or other uses compatible with
20 preserving and enhancing the wildlife habitat value of the tract or
21 tracts. The management plan shall be reviewed and approved by the
22 department. The approved management plan for an urban planned
23 development or subdivision shall be contained within and recorded
24 with the covenants, conditions and restrictions (CCRs). If the
25 wildlife corridor is contained in a conservation easement, a
26 management plan is not required, but may be submitted to the
27 department for review and approval, and recorded with the
28 conservation easement.

29 E. Clearing within the wildlife corridor contained in a tract
30 or tracts shall be limited to that allowed by the management plan.
31 No clearing shall be allowed within a wildlife corridor contained
32 within a conservation easement on individual lots, unless the
33 property owner has an approved management plan.

34 F. A homeowners association or other entity capable of long
35 term maintenance and operation shall be established to monitor and
36 assure compliance with the management plan.

37 G. Wildlife corridors set aside in tracts or conservation
38 easements shall meet the provisions in 16.82.150.

39 H. The permanent open space tract containing the wildlife
40 corridor may be credited toward the other applicable requirements
41 such as surface water management and the recreation space
42 requirement of K.C.C. 21A.14.180, provided the proposed uses within
43 the tract are compatible with preserving and enhancing the wildlife
44 habitat value. Restrictions on other uses within the wildlife
45 corridor tract shall be clearly identified in the management plan.

46 I. At the discretion of the director, these standards may be
47 waived or reduced for public facilities such as schools, fire
48 stations, parks, and public road projects.

1 SECTION 54. Ordinance 10870, Section 388, as amended, and
2 K.C.C. 21A.16.030 are hereby amended to read as follows:

3 Land use grouping. In order to facilitate the application of
4 this chapter, the land uses of K.C.C. 21A.08 have been grouped in
5 the following manner.

6 A. Residential development shall refer to those uses listed in
7 K.C.C. 21A.08.030, except those uses listed under Accessory uses,
8 provided:

9 1. Attached/group residences shall refer to:

10 a. townhouses, except as provided in Subsection 2a;

11 b. apartments, and detached dwelling units developed on
12 common property at a density of 12 or more units per acre;

13 c. senior citizen assisted;

14 d. temporary lodging;

15 e. group residences other than Type I community residential
16 facilities;

17 f. mobile home parks; and

18 2. Single family development shall refer to:

19 a. residential subdivisions, including attached and
20 detached dwelling units on individually platted lots; and

21 b. any detached dwelling units located on a lot; and

22 c. ((~~the~~)) Type I community residential facilities.

23 B. Commercial development shall refer to those uses in:

24 1. K.C.C. 21A.08.040 as amusement/entertainment uses, except
25 golf facilities;

26 2. K.C.C. 21A.08.050 except recycling centers, health and
27 educational services, daycare I, churches, synagogues, and temples;
28 and

29 3. K.C.C. 21A.08.070, except forest product sales and
30 agricultural crop sales.

31 C. Industrial development shall refer to those uses listed in:

32 1. K.C.C. 21A.08.050 as recycling center;

33 2. K.C.C. 21A.08.060 except government services;

34 3. K.C.C. 21A.08.080; and

35 4. K.C.C. 21A.08.090 as mineral extraction and processing.

36 D. Institutional development shall refer to those uses listed
37 in:

38 1. K.C.C. 21A.08.040 as cultural uses, except arboretums;

39 2. K.C.C. 21A.08.050 as churches, synagogues and temples,
40 health services, and education services except specialized
41 instruction schools permitted as an accessory use; and

42 3. K.C.C. 21A.08.060 as government services.

43 E. Utility development shall refer to those listed in K.C.C.
44 21A.08.060 as utility facilities.

45 F. Uses contained in K.C.C. 21A.08 that are not listed in
46 subsections A-E of this section shall not be subject to landscaping
47 and tree retention requirements except as specified in any
48 applicable review of a conditional use or special use permits.

11621

1 SECTION 55. Ordinance 10870, Section 389, as amended, and
2 K.C.C. 21A.16.040 are hereby amended to read as follows:

3 Landscaping - screen types and description. The three types of
4 landscaping screens are described and applied as follows:

5 A. Type I landscaping screen:

6 1. Type I landscaping is a "full screen" that functions as a
7 visual barrier. This landscaping is typically found adjacent to
8 freeways and between residential and non-residential areas.

9 2. Type I landscaping shall minimally consist of:

10 a. A mix of primarily evergreen trees and shrubs generally
11 interspersed throughout the landscape strip and spaced to form a
12 continuous screen;

13 b. Between 70 and 90 percent evergreen trees;

14 c. Trees provided at the rate of one per 10 linear feet of
15 landscape strip and spaced no more than 30 feet apart on center;

16 d. Evergreen shrubs provided at the rate of one per linear
17 four feet; of landscape strip and spaced no more than 8 feet apart
18 on center; and

19 e. Ground cover pursuant to K.C.C. 21A.16.090;

20 B. Type II landscaping screen:

21 1. Type II landscaping is a "filtered screen" that functions
22 as a visual separator. This landscaping is typically found between
23 commercial and industrial uses; between differing types of
24 residential development; and to screen industrial uses from the
25 street;

26 2. Type II landscaping shall minimally consist of:

27 a. A mix of evergreen and deciduous trees and shrubs
28 generally interspersed throughout the landscape strip spaced to
29 create a filtered screen;

30 b. At least 50 percent deciduous trees and at least 30
31 percent evergreen trees;

32 c. Trees provided at the rate of one per 20 linear feet of
33 landscape strip and spaced no more than 30 feet apart on center;

34 d. Shrubs provided at the rate of one per four linear feet
35 of landscape strip and spaced no more than eight feet apart on
36 center; and

37 e. Ground cover pursuant to K.C.C. 21A.16.090;

38 C. Type III landscaping screen:

39 1. Type III landscaping is a "see-through screen" that
40 functions as a partial visual separator to soften the appearance of
41 parking areas and building elevations. This landscaping is
42 typically found along street frontage or between apartment
43 developments;

44 2. Type III landscaping shall minimally consist of:

45 a. A mix of evergreen and deciduous trees generally
46 interspersed throughout the landscape strip and spaced to create a
47 continuous canopy;

48 b. At least 70 percent deciduous trees;

11621

1 c. Trees provided at the rate of one per linear 25 feet of
2 landscape strip and spaced no more than 30 feet apart on center;

3 d. Shrubs provided at the rate of one per four linear feet
4 of landscape strip and spaced no more than 8 feet apart on center;
5 and

6 e. Ground cover pursuant to K.C.C. 21A.16.090.

7 SECTION 56. Ordinance 10870, Section 390, and K.C.C. 21A.16.050
8 are hereby amended to read as follows:

9 Landscaping - street frontages. The average width of
10 perimeter landscaping along street frontages shall be provided as
11 follows:

12 A. Twenty feet of Type II landscaping shall be provided for an
13 institutional use, excluding playgrounds and playfields;

14 B. Ten feet of Type II landscaping shall be provided for an
15 industrial development;

16 C. Ten feet of Type II landscaping shall be provided for an
17 above ground utility facilities development, excluding distribution
18 and transmission corridors, located outside a public right-of-way;

19 D. Ten feet of Type III landscaping shall be provided for a
20 commercial or attached/group residence development; and

21 E. For single family subdivisions:

22 1. Trees shall be planted at the rate of one tree for every
23 40 feet of frontage along a neighborhood collector street or
24 arterial street.

25 2. The trees shall be:

26 a. Located within the street right-of-way if permitted by
27 the custodial state or local agency;

28 b. No more than 20 feet from the street right-of-way line
29 when located within a lot;

30 c. Maintained by the adjacent landowner unless part of a
31 county maintenance program; and

32 d. A species approved by the county if located within the
33 street right-of way.

34 3. The trees may be spaced at irregular intervals in order to
35 accommodate sight distance requirements for driveways and
36 intersections.

37 SECTION 57. Ordinance 10870, Section 394, as amended, and
38 K.C.C. 21A.16.090 are hereby amended to read as follows:

39 Landscaping - additional standards for required landscape
40 areas. In addition to the general standards of K.C.C. 21A.16.085,
41 landscape areas required pursuant to K.C.C. 21A.16.050 through .080
42 shall conform to the following standards:

43 A. All plants shall conform to American Association of
44 Nurserymen (AAN) grades and standards as published in the "American
45 Standard for Nursery Stock" manual, provided that existing healthy
46 vegetation used to augment new plantings shall not be required to
47 meet the standards of this manual;

1 B. Single-stemmed trees required pursuant to this chapter shall
 2 at the time of planting conform to the following standards:

3 1. In parking area landscaping and in street rights-of-way:

4 a. Deciduous trees shall have a minimum caliper of 1.75
 5 inches and a height of 10 feet, and

6 b. Coniferous and broadleaf evergreens shall be at least
 7 five feet in height;

8 2. In all other required landscape areas:

9 a. Deciduous trees shall have a minimum caliper of 1.5
 10 inches and a height of ten feet, and

11 b. Coniferous and broadleaf evergreen trees shall be at
 12 least five feet in height.

13 C. Multiple-stemmed trees shall be permitted as an option to
 14 single-stemmed trees provided that such multiple-stemmed trees are:

15 1. At least six feet in height, and

16 2. Not allowed within street rights-of-way;

17 D. When the width of any landscape strip is 20 feet or greater,
 18 the required trees shall be staggered in two or more rows;

19 E. Shrubs shall be:

20 1. At least an AAN container class #2 size at time of
 21 planting in Type II, III and parking area landscaping,

22 2. At least 24 inches in height at the time of planting for
 23 Type I landscaping, and

24 3. Maintained at a height not exceeding 42 inches when
 25 located in Type III or parking area landscaping;

26 F. Ground covers shall be planted and spaced to result in total
 27 coverage of the majority of the required landscape area within
 28 three years.

29 G. All fences shall be placed on the inward side of any
 30 required perimeter landscaping along the street frontage.

31 H. Required street landscaping may be placed within King County
 32 street rights-of-way subject to the County Road Design Standards ((
 33 ~~with the permission of the King County department of public~~
 34 ~~works~~)), provided adequate space is maintained along the street
 35 line to replant the required landscaping should subsequent street
 36 improvements require the removal of landscaping within the rights-
 37 of-way;

38 I. Required street landscaping may be placed within Washington
 39 ((s))State rights-of-way subject to permission of the Washington
 40 ((s))State ((d))Department of ((t))Transportation.

41 J. New landscape material provided within areas of undisturbed
 42 vegetation or within the protected area of significant trees shall
 43 give preference to utilizing indigenous plant species.

44 SECTION 58. Ordinance 10870, Section 395, and K.C.C. 21A.16.100
 45 are hereby amended to read as follows:

46 Landscaping - alternative options. The following alternative
 47 landscape options may be allowed, subject to county approval, only
 48 if they accomplish equal or better levels of screening, or when

11621

1 existing conditions on or adjacent to the site, such as significant
2 topographic differences, vegetation, structures or utilities would
3 render application of this chapter ineffective or result in scenic
4 view obstruction:

5 A. The amount of required landscape area may be reduced to
6 ensure that the total area for required landscaping, and/or the
7 area remaining undisturbed for the purpose of wildlife habitat or
8 corridors does not exceed 15 percent of the net developable area of
9 the site. For the purpose of this subsection, the net developable
10 area of the site shall not include areas deemed unbuildable due to
11 their location within sensitive areas and any associated buffers.

12 B. The average width of the perimeter landscape strip may be
13 reduced up to 25 percent along any portion where:

14 1. Berms at least three feet in height or architectural
15 barriers at least six feet in height are incorporated into the
16 landscape design; or

17 2. The landscape materials are incorporated elsewhere on-
18 site;

19 C. In pedestrian district overlays, street perimeter
20 landscaping may be waived provided a site plan, consistent with the
21 applicable adopted area zoning document, is approved that provides
22 street trees and other pedestrian-related amenities; and

23 D. Landscaping standards for uses located in a rural town or
24 rural business centers designated by the comprehensive plan may be
25 waived or modified by the director if deemed necessary to maintain
26 the historic character of the area. Where a local or subarea plan
27 with design guidelines has been adopted, the director shall base
28 the landscaping modifications on the policies and guidelines of
29 such plan.

30 ~~((D-))~~ E. When an existing structure precludes installation of
31 the total amount of required site perimeter landscaping, such
32 landscaping material shall be incorporated on another portion of
33 the site.

34 ~~((E-))~~ F. Single-stemmed deciduous tree species that cannot
35 generally be planted and established in larger sizes may have a
36 caliper of less than 1.5 inches; and

37 ~~((F-))~~ G. The number of trees and shrubs to be provided in
38 required perimeter and parking area landscaping may be reduced up
39 to 25 percent when a development uses landscaping materials
40 consisting of species typically associated with the Puget Sound
41 Basin in the following proportions:

- 42 1. Seventy-five percent of groundcover and shrubs, and
- 43 2. Fifty percent of trees.

44 ~~((G-))~~ H. The department shall, pursuant to K.C.C. 2.98, develop
45 and maintain an advisory listing of trees recommended for new
46 plantings. Such list shall describe their general characteristics
47 and suitability, and provide guidelines for their inclusion within
48 required landscape areas.

11621

1 SECTION 59. Ordinance 10870, Section 406, and K.C.C. 21A.18.020
2 are hereby amended to read as follows:

3 Authority and application.

4 A. Before an occupancy permit may be granted for any new or
5 enlarged building or for a change of use in any existing building,
6 the use shall be required to meet the provisions of this chapter.

7 B. If this chapter does not specify a parking requirement for a
8 land use, the director shall establish the minimum requirement
9 based on a study of anticipated parking demand. Transportation
10 demand management actions taken at the site shall be considered in
11 determining anticipated demand. If the site is located in an
12 activity center or community business center, the minimum
13 requirement shall be set at a level less than the anticipated
14 demand, but at no less than 75 percent of the anticipated demand.

15 In the study the applicant shall provide sufficient information to
16 demonstrate that the parking demand for a specific land use will be
17 satisfied. Parking studies shall be prepared by a professional
18 engineer with expertise in traffic and parking analyses, ((unless))
19 or an equally qualified individual ((is)) as authorized by the
20 director.

21 C. If the required amount of off-street parking has been
22 proposed to be provided off-site, the applicant shall provide
23 written contracts with affected landowners showing that required
24 off-street parking shall be provided in a manner consistent with
25 the provisions of this chapter. The contracts shall be reviewed by
26 the director for compliance with this chapter, and if approved, the
27 contracts shall be recorded with the county records and elections
28 division as a deed restriction on the title to all applicable
29 properties. These deed restrictions may not be revoked or modified
30 without authorization by the director.

31 D. Upon request from the proponent of any use subject to the
32 provisions of this chapter located in a rural town, rural
33 neighborhood center, or any commercial zone located in a rural area
34 or natural resource production district designated by the
35 comprehensive plan, the director may waive or modify the
36 requirements of this chapter in order to protect or enhance the
37 historic character of the area, and to reduce the need for pavement
38 or other impervious surfaces. Where a neighborhood or subarea plan
39 with design guidelines that includes the subject property has been
40 adopted, the director shall base allowable waivers or modifications
41 on the policies and guidelines in such plan.

42 SECTION 60. Ordinance 10870, Section 408, and K.C.C. 21A.18.040
43 are hereby amended to read as follows:

44 Shared parking requirements. The amount of off-street parking
45 required by K.C.C. 21A.18.030 may be reduced by an amount
46 determined by the director when shared parking facilities for two
47 or more uses are proposed, provided:

48 A. The total parking area exceeds 5,000 square feet;

11621

1 B. The parking facilities are designed and developed as a
2 single on-site common parking facility, or as a system of on-site
3 and off-site facilities, if all facilities are connected with
4 improved pedestrian facilities and no building or use involved is
5 more than eight hundred feet from the most remote shared facility;

6 C. The amount of the reduction shall not exceed ten percent for
7 each use, unless:

8 1. The normal hours of operation for each use are separated
9 by at least one hour; or

10 2. A parking demand study is prepared by a professional
11 traffic engineer and submitted by the applicant documenting that
12 the hours of actual parking demand for the proposed uses will not
13 conflict and (~~that~~) those uses will be served by adequate parking
14 if shared parking reductions are authorized;

15 3. The director will determine the amount of reduction
16 (~~but~~) subject to paragraph D of this section.

17 D. The total number of parking spaces in the common parking
18 facility is not less than the minimum required spaces for any
19 single use;

20 E. A covenant or other contract for shared parking between the
21 cooperating property owners is approved by the director. This
22 covenant or contract must be recorded with King County records and
23 elections division as a deed restriction on both properties and
24 cannot be modified or revoked without the consent of the director;
25 and

26 F. If any requirements for shared parking are violated, the
27 affected property owners must provide a remedy satisfactory to the
28 director or provide the full amount of required off-street parking
29 for each use, in accordance with the requirements of this chapter,
30 unless a satisfactory alternative remedy is approved by the
31 director.

32 SECTION 61. Ordinance 10870, Section 410, and K.C.C. 21A.18.060
33 are hereby amended to read as follows:

34 (~~Handicapped parking requirements~~) Parking for the disabled. Off-
35 street parking and access for physically handicapped persons shall
36 be provided in accordance with Section 7503 of the regulations
37 adopted pursuant to RCW 19.27, State Building Code, and RCW 70.92,
38 Public Buildings-Provisions for Aged and (~~Handicapped~~) Disabled.

39 SECTION 62. Ordinance 10870, Section 412, and K.C.C. 21A.18.080
40 are hereby amended to read as follows:

41 Stacking spaces for drive-through facilities.

42 A. A stacking space shall be an area measuring eight feet by 20
43 feet with direct forward access to a service window of a drive-
44 through facility. A stacking space shall be located to prevent any
45 vehicles from extending onto the public right-of-way, or
46 interfering with any pedestrian circulation, traffic maneuvering,
47 or other parking space areas. Stacking spaces for drive-through or
48 drive-in uses may not be counted as required parking spaces.

11621

1 B. Uses providing drive-up or drive-through services shall
2 provide vehicle stacking spaces as follows:

3 1. For each drive-~~((up window))~~ through lane of a
4 bank/financial institution, business service, or other drive-
5 through use not listed, a minimum of five stacking spaces shall be
6 provided; and

7 2. For each ~~((service window of a))~~ drive-through lane of a
8 restaurant, a minimum of seven stacking spaces shall be provided.

9 SECTION 63. Ordinance 10870, Section 413, and K.C.C. 21A.18.090
10 are hereby amended to read as follows:

11 Transit and rideshare provisions.

12 A. All land uses listed in K.C.C. 21A.08.060 A
13 (Government/Business Services), and in K.C.C. 21A.08.080 A
14 (Manufacturing), hospitals, high schools, vocational schools,
15 universities and specialized instruction schools shall be required
16 to reserve one parking space of every 25 required spaces for
17 rideshare parking as follows:

18 1. The parking spaces shall be located closer to the primary
19 employee entrance than any other employee parking except

20 ~~((handicapped))~~ disabled;

21 2. Reserved areas shall have markings and signs indicating
22 that the space is reserved; and

23 3. Parking in reserved areas shall be limited to vanpools and
24 carpools established through ride share programs by public agencies
25 and to vehicles meeting minimum rideshare qualifications set by the
26 employer;

27 B. The director may reduce the number of required off-street
28 parking spaces when one or more scheduled transit routes provide
29 service within 660 feet of the site. The amount of reduction shall
30 be based on the number of scheduled transit runs between 7:00 -
31 9:00AM and 4:00 - 6:00PM each business day up to a maximum
32 reduction as follows:

33 1. Four percent for each run serving land uses in K.C.C.
34 21A.08.060 A (Government/Business Services) and K.C.C. 21A.08.080 A
35 (Manufacturing) up to a maximum of forty percent; and

36 2. Two percent for each run serving land uses in K.C.C.
37 21A.08.040 A (Recreation/Culture), 21A.08.050 A (General Services)
38 and 21A.08.060 A (Retail/Wholesale) up to a maximum of twenty
39 percent; and

40 C. All uses which are located on an existing transit route and
41 are required under the computation for required off-street parking
42 spaces in K.C.C. 21A.18.030 A. to provide more than 200 parking
43 spaces may be required to provide transit shelters, bus turnout
44 lanes or other transit improvements as a condition of permit
45 approval. Uses which reduce required parking under subsection B of
46 this section shall provide transit shelters if transit routes
47 adjoin the site.

11621

1 SECTION 64. Ordinance 10870, Section 414, and K.C.C. 21A.18.100
2 are hereby amended to read as follows:

3 Pedestrian and bicycle circulation and access.

4 A. All uses, in designated activity, community business and
5 neighborhood business centers, except single detached residential
6 building permits, shall provide pedestrian and bicycle access
7 within and onto the site. Pedestrian access points shall be
8 provided at all pedestrian arrival points to the development
9 including the property edges, adjacent lots, abutting street
10 intersections, crosswalks, and at transit stops. Pedestrian
11 access shall be located as follows:

12 1. Access points at property edges and to adjacent lots shall
13 be coordinated with existing and potential development of the
14 adjacent parcels, to provide circulation patterns between
15 developments;

16 2. Residential developments shall provide non-motorized links
17 between cul-de-sacs or groups of buildings to allow pedestrian
18 access from within the development and from adjacent developments
19 to activity centers, parks, common tracts, open spaces, schools or
20 other public facilities, transit stops and public streets.

21 B. Pedestrian walkways shall form an on-site circulation system
22 that minimizes the conflict between pedestrians and traffic at all
23 points of pedestrian access to on-site parking and building
24 entrances. Pedestrian walkways shall be provided when the
25 pedestrian access point or any parking space is more than 75 feet
26 from the building entrance or principal on-site destination and as
27 follows:

28 1. All developments which contain more than one building
29 shall provide walkways between the principal entrances of the
30 buildings;

31 2. All non-residential buildings set back more than 100 feet
32 from the public right-of-way shall provide for direct pedestrian
33 access from the building to buildings on adjacent lots; and

34 3. Pedestrian walkways across parking areas shall be located
35 as follows:

36 a. Walkways running parallel to the parking rows shall be
37 provided for every four rows. Rows without walkways shall be
38 landscaped or contain barriers or other means to encourage
39 pedestrians to use the walkways; and

40 b. Walkways running perpendicular to the parking rows
41 shall be no further than twenty parking spaces. Landscaping,
42 barriers or other means shall be provided between the parking rows
43 to encourage pedestrians to use the walkways;

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

46 1. Access and walkways shall be well lit and physically
47 separated from driveways and parking spaces by landscaping, berms,

1 barriers, grade separation or other means to protect pedestrians
2 from vehicular traffic;

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

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

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

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

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

17 SECTION 65. Ordinance 10870, Section 415, and K.C.C. 21A.18.110
18 are hereby amended to read as follows:

19 Off-street parking plan design standards.

20 A. Off-street parking areas shall not be located more than 500
21 feet from the building they are required to serve for all uses
22 except those specified below; where the off-street parking areas do
23 not abut the buildings they serve, the required maximum distance
24 shall be measured from the nearest building entrance that the
25 parking area serves:

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

28 2. For all other residential dwellings at least a portion of
29 parking areas shall be located within 100 feet from the building(s)
30 they are required to serve; and

31 3. For all non-residential uses permitted in residential
32 zones, the parking spaces shall be located on the same lot they are
33 required to serve and at least a portion of parking areas shall be
34 located within 150 feet from the nearest building entrance they are
35 required to serve.

36 4. In designated activity, community business, and
37 neighborhood business centers, parking lots should be located to
38 the rear or sides of buildings, when feasible.

39 B. The minimum parking space and aisle dimensions for the most
40 common parking angles are shown on chart below. For parking angles
41 other than those shown on the chart, the minimum parking space and
42 aisle dimensions shall be determined by the director. Regardless
43 of the parking angle, one-way aisles shall be at least 10 feet
44 wide, and two-way aisles shall be at least 20 feet wide. Parking
45 plans for angle parking shall use space widths no less than eight
46 feet six inches for a standard parking space design and eight feet
47 for a compact car parking space design.
48

MINIMUM PARKING STALL AND AISLE DIMENSIONS.

	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	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	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	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	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* 20.0 20.0	23.0 23.0 23.0 23.0 23.0 23.0	** ** 63.0 63.0 63.0 63.0

* for compact stalls only

** variable with compact and standard combinations

C. Any parking spaces abutting a landscaped area on the driver or passenger side of the vehicle shall provide an additional 18 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. The parking space depth may be reduced when vehicles overhang a walkway under the following conditions:

1. Wheelstops or curbs are installed; and
2. The remaining walkway provides a minimum of 60 inches of unimpeded passageway for pedestrians.

D. The amount of space depth reduction is limited to a maximum of 18 inches.

E. Driveways providing ingress and egress between off-street parking areas and abutting streets shall be designed, located and constructed in accordance with the provisions of K.C.C. 14.42, Road Standards. Driveways for single detached dwellings, no more than 20 feet in width, may cross required setbacks or landscaped areas in order to provide access between the off-street parking areas and the street, provided no more than 15 percent of the required landscaping or setback area is ~~((displaced))~~ eliminated by the driveway. Driveways for all other developments may cross required setbacks or landscaped areas in order to provide access between the off-street parking areas and the street, provided no more than 10

1 percent of the required landscaping or setback area is displaced by
2 the driveway.

3 F. (~~Required~~) Parking spaces required per this title shall be
4 located outside of any required setbacks, provided driveways
5 located in setbacks may be used for parking. However, if the
6 driveway is a joint use driveway, no vehicle parked on the driveway
7 shall obstruct any joint users' access to the driveway or parking
8 spaces.

9 G. Lighting shall be provided for safety of traffic and
10 pedestrian circulation on the site (~~as required by K.C.C. 16.04,~~
11 ~~the Uniform Building Code~~). It shall be designed to minimize
12 direct illumination of abutting properties and adjacent streets.
13 The director shall have the authority to waive the requirement to
14 provide lighting.

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

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

23 J. The total number of vehicles parked or stored outside of a
24 building on a single family lot in the R-4 through R-8 zones,
25 excluding recreational vehicles and trailers, shall not exceed six
26 vehicles on lots 12,500 square feet or less and eight vehicles on
27 lots greater than 12,500 square feet.

28 K. Vanpool/carpool parking areas shall meet the following
29 minimum design standards:

30 1. A minimum vertical clearance of 7 feet 3 inches shall be
31 provided to accommodate van vehicles if designated vanpool/carpool
32 parking spaces are located in a parking structure; and

33 2. A minimum turning radius of 26 feet 4 inches with a
34 minimum turning diameter (curb to curb) of 52 feet 5 inches shall
35 be provided from parking aisles to adjacent carpool/vanpool parking
36 spaces.

37 L. Direct access from the street right-of-way to off-street
38 parking areas shall be subject to the requirements of K.C.C.
39 21A.28.120.

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

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

44 SECTION 66. Ordinance 10870, Section 432, and K.C.C. 21A.20.120
45 are hereby amended to read as follows:

46 Signs or displays of limited duration. The following
47 temporary signs or displays are permitted and except as required by

11621

1 the Uniform Building Code, or as otherwise permitted in this
2 chapter, do not require building permits:

3 A. Grand opening displays:

4 1. Signs, posters, pennants, strings of lights, blinking
5 lights, balloons and searchlights are permitted for a period of up
6 to one month to announce the opening of a new enterprise or the
7 opening of an enterprise under new management; and

8 2. All grand opening displays shall be removed upon the
9 expiration of 30 consecutive days;

10 B. Construction signs:

11 1. Construction signs identifying architects, engineers,
12 planners, contractors or other individuals or firms involved with
13 the construction of a building and announcing the character of the
14 building or the purpose for which the building is intended may be
15 displayed;

16 2. One nonilluminated, double-faced sign is permitted for
17 each public street upon which the project fronts;

18 3. No sign shall exceed 32 square feet in surface area or ten
19 feet in height, or be located closer than 30 feet from the property
20 line of the adjoining property; and

21 4. Construction signs must be removed by the date of first
22 occupancy of the premises or one year after placement of the sign,
23 whichever occurs first;

24 C. Political Signs:

25 1. Signs, posters or bills promoting or publicizing
26 candidates for public office or issues that are to be voted upon in
27 a general or special election may be displayed on private property
28 with the consent of the property owner. Any such sign, poster or
29 bill shall be removed within ten days following the election; and

30 2. No sign, poster, bill or other advertising device shall be
31 located on public property or within public easements or street
32 right-of-way;

33 D. Real estate signs. All temporary real estate signs may be
34 single or double-faced signs.:

35 1. Signs advertising an individual residential unit for sale
36 or rent shall be limited to one sign per street frontage. The sign
37 may not exceed eight square feet in area, and shall not exceed six
38 feet in height. The sign shall be removed within five days after
39 closing of the sale, lease or rental of the property.

40 2. Portable off-premise residential directional signs
41 announcing directions to an open house at a specified residence
42 which is offered for sale or rent shall not exceed six square feet
43 in area for each sign, and shall not exceed 42 inches in height.
44 Such signs shall be permitted only when the agent or seller is in
45 attendance at the property for sale or rent and may be located on
46 the right-of-way outside of vehicular and bicycle lanes.

47 3. On-site commercial or industrial property for sale or rent
48 signs shall be limited to one sign per street frontage, and shall

11621

1 not exceed 32 square feet in area. The sign shall not exceed 12
2 feet in height. The sign shall be removed within 30 days after
3 closing of the sale, lease or rental of the property. A building
4 permit is required and shall be issued for a one year period. The
5 permit is renewable for one year increments up to a maximum of
6 three years.

7 4. On-site residential development for sale or rent signs
8 shall be limited to one sign per development. The sign shall not
9 exceed 32 square feet in area, and shall not exceed 12 feet in
10 height. A building permit is required and shall be issued for a
11 one year period. The permit is renewable annually for up to a
12 maximum of three years.

13 5. Off-site directional signs for residential developments
14 shall be limited to six signs. Each sign shall not exceed 16
15 square feet in area, and shall include only the name of and
16 directions to the residential development. The sign(s) shall be
17 placed a maximum of two road miles from the nearest residential
18 development entrance. No two signs for one residential development
19 shall be located closer than 500 feet from one another on the same
20 street. A single building permit is required for all signs and
21 shall be issued for a one year period. The permit number and the
22 permit expiration date must be clearly displayed on the face of
23 each sign. The permit is renewable for one year increments up to a
24 maximum of three years, provided that extensions will only be
25 granted if the sign permit applicant has complied with the
26 applicable regulations.

27 6. Residential on-premise informational signs shall be
28 limited to one sign per feature , including but not limited to
29 signs for information centers, model homes, parking areas or
30 announcing features such as parks, playgrounds, or trails. Each
31 sign shall not exceed 16 square feet in area, and shall not exceed
32 six feet in height.

33 E. Community event signs:

34 1. Community event signs shall be limited to announcing or
35 promoting a non-profit sponsored community fair, festival or event;

36 2. Community event signs may be displayed no more than the
37 time period specified in the temporary use permit issued pursuant
38 to K.C.C. 21A.44; and

39 3. Community event signs shall be removed by the event
40 sponsor within two weeks following the end of the community fair,
41 festival or event.

11621

1 SECTION 67. Ordinance 10870, Section 444, and K.C.C. 21A.22.060
2 are hereby amended to read as follows:

3 Site design standards. Except as provided for nonconforming
4 extractive operations in K.C.C. 21A.22.040, all extractive and
5 processing operations shall at minimum comply with the following
6 standards:

7 A. The minimum site area of an extractive operation shall be 10
8 acres.

9 B. Extractive operations on sites larger than 20 acres shall
10 occur in phases to minimize environmental impacts. The size of
11 each phase shall be determined during the review process;

12 C. Fences shall be:

13 1. Provided in a manner which discourages access to safety
14 hazards which may arise on areas of the site where:

15 a. active extracting, processing, stockpiling and loading
16 of materials is occurring;

17 b. any unstable slope or any slope exceeding a grade of 40
18 percent is present; or

19 c. any settling pond or other stormwater facility is
20 present;

21 2. At least six feet in height above the grade measured at a
22 point five feet from the outside of the fence;

23 3. Installed with lockable gates at all openings or
24 entrances;

25 4. No more than four inches from the ground to fence bottom;
26 and

27 5. Maintained in good repair;

28 D. Warning and trespass signs advising of the extractive
29 operation shall be placed on the perimeter of the site adjacent to
30 RA, UR or R zones at intervals no greater than 200 feet along any
31 unfenced portion of the site where the items noted in subsection
32 C.1.a-c are present;

33 E. Structural setbacks from property lines shall be as follows:

34 1. Buildings or structures used in the processing of
35 materials shall be no closer than:

36 a. One hundred feet from any UR or R zoned properties
37 except that the setback may be reduced to 50 feet when the grade
38 where such building or structures are proposed is 50 feet or
39 greater below the grade of said UR or R zoned property, or

40 b. Twenty feet from any other zoned property, except when
41 adjacent to another extractive site, or (~~from any public street.~~)

42 c. Twenty feet from any public street.

43 2. Offices, scale facilities, equipment storage buildings and
44 stockpiles shall not be closer than 20 feet from any property line
45 except when adjacent to another extractive site;

46 F. No clearing, grading or excavation, excluding that necessary
47 for roadway or storm drainage facility construction, shall be
48 permitted within 20 feet of any property line except along any

1 portion of the perimeter adjacent to another extractive operation
2 provided that such activities may be pursuant to an approved
3 reclamation plan;

4 G. Landscaping as required pursuant to K.C.C. 21A.16 shall be
5 provided along any portion of the site perimeter where disturbances
6 such as site clearing and grading, or mineral extraction or
7 processing is performed, except where adjacent to another
8 extractive operation; and

9 H. Lighting shall:

0 1. Be limited to that required for security, lighting of
1 structures and equipment, and vehicle operations; and

2 2. Not direct glare onto surrounding properties.

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

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

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

11 B. Blasting shall be conducted:

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

14 2. During daylight hours; and

15 3. According to a time schedule that:

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

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

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

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

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

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

32 SECTION 69. Ordinance 10870, Section 448, and K.C.C. 21A.24.010
33 are each hereby amended as follows:

34 Purpose. The purpose of this chapter is to implement the goals
35 and policies of the Washington State Environmental Policy Act, RCW
36 43.21C, and the King County Comprehensive Plan which call for
37 protection of the natural environment and the public health and
38 safety by:
39
40
41
42
43
44
45
46
47
48

1 A. Establishing development standards to protect defined
2 sensitive areas;

3 B. Protecting members of the public and public resources and
4 facilities from injury, loss of life, property damage or financial
5 loss due to flooding, erosion, avalanche, landslides, seismic and
6 volcanic events, soil subsidence or steep slope failures;

7 C. Protecting unique, fragile and valuable elements of the
8 environment including, but not limited to, wildlife and its
9 habitat;

10 D. Requiring mitigation of unavoidable impacts on
11 environmentally sensitive areas by regulating alterations in or
12 near sensitive areas;

13 E. Preventing cumulative adverse environmental impacts on water
14 availability, water quality, ground water, wetlands and streams;

15 F. Measuring the quantity and quality of wetland and stream
16 resources and preventing overall net loss of wetland and stream
17 functions;

18 G. Protecting the public trust as to navigable waters and
19 aquatic resources;

20 H. Meeting the requirements of the National Flood Insurance
21 Program and maintaining King County as an eligible community for
22 federal flood insurance benefits;

23 I. Alerting members of the public including, but not limited
24 to, appraisers, owners, potential buyers or lessees to the
25 development limitations of sensitive areas; and

26 J. Providing county officials with sufficient information to
27 protect sensitive areas.

28 NEW SECTION. SECTION 70. There is hereby added to K.C.C.
29 21A.24 a new section to read as follows: Modification or Waiver of
30 Sensitive Area Requirements-- Urban Lots. The purpose of this
31 section is to provide an alternative to the variance, and exception
32 processes for minor development. The director shall have the
33 discretion to modify or waive some or all of the requirements of
34 this chapter, including mitigation requirements, pertaining to
35 class 3 wetlands, Class 3 streams, steep slope hazard areas, and
36 their associated buffers or building setback areas in accordance
37 with the provisions of this section.

38 A. An applicant may request a modification or waiver of
39 sensitive area requirements pursuant to this section provided the
40 lot or lots are located in an Urban Area designated in the King
41 County comprehensive plan; and

42 B. The applicant for the modification or waiver of sensitive
43 area requirements shall submit any sensitive area special studies
44 following a pre-application review meeting as required under K.C.C.
45 21A.24.110 as well as such other documents, studies, as requested
46 by the director.

47 C. The director may grant a modification or waiver of sensitive
48 area requirements provided:

11621

1 1. The proposal is the minimum necessary to accommodate the
2 building footprint and access. In no case, however, shall the
3 building footprint exceed 5000 square feet, including access,

4 2. Access is located so as to have the least impact on the
5 sensitive area and its buffer,

6 3. The proposal preserves the functions and values of
7 wetlands and streams to the maximum extent possible,

8 4. Adverse impacts resulting from alterations of steep slopes
9 are minimized,

10 5. The proposal includes on-site mitigation to the maximum
11 extent possible,

12 6. The proposal will not significantly affect drainage
13 capabilities, flood potential, and steep slopes and landslide
14 hazards on neighboring properties; and

15 7. The proposal first develops non-sensitive area land, then
16 the sensitive area buffer before the sensitive area itself is
17 developed.

18 The director may require on-site or off-site mitigation
19 measures to compensate for the loss of the functions and values of
20 the sensitive areas and may impose mitigating conditions to the
21 modification or waiver in order to meet the standards of this
22 subsection C.

23 D. Where a modification or waiver of sensitive area
24 requirements under this section is proposed, the director shall
25 give written mailed notice of the proposed modification or waiver
26 to all owners of property located within three hundred feet of any
27 boundary of the subject property and shall allow fifteen calendar
28 days for comment before making a decision. The decision of the
29 director regarding the modification or waiver shall be mailed to
30 the applicant and to any other person who requests a copy. The
31 decision shall state the reasons for denial or any required
32 mitigation or other conditions imposed. The decision of the
33 director regarding the modification or waiver may be appealed per
34 K.C.C. 21A.24.030.

35 E. This section shall not apply to the following steep slope
36 hazard areas:

37 1. Steep slope hazard areas that are unmitigatable landslide
38 hazard areas; and

39 2. Steep slope hazard areas of slope greater than 70% where
40 either the lot or slope are abutting and above a class 1 or 2
41 wetland stream, and associated buffer, or an open stormwater
42 conveyance system.

43 SECTION 71. Ordinance 10870, Section 452, and K.C.C. 21A.24.050
44 are hereby amended as follows:

45 Complete exemptions. The following are exempt from the
46 provisions of this chapter and any administrative rules promulgated
47 thereunder:

11621

1 A. Alterations in response to emergencies which threaten the
2 public health, safety and welfare or which pose an imminent risk of
3 damage to private property as long as any alteration undertaken
4 pursuant to this subsection is reported to the department
5 immediately. The director shall confirm that an emergency exists
6 and determine what, if any, mitigation shall be required to
7 protect the health, safety, welfare and environment and to repair
8 any resource damage;

9 B. Agricultural activities in continuous existence (~~before~~)
10 since at least November 27, 1990, as follows:

11 1. mowing of hay, grass or grain crops;

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

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

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

19 5. For the purpose of this section, continuous existence
20 means those cyclical operations normally associated with
21 agricultural activities including tilling, discing, planting,
22 seeding, harvesting, soil preparation, crop rotation, providing
23 fields which have not been used for grazing by livestock or have
24 been fallow for more than five continuous growing seasons shall not
25 be considered to be in continuous existence;

26 C. Public water, electric and natural gas distribution, public
27 sewer collection, cable communications, telephone utility and
28 related activities undertaken pursuant to county-approved best
29 management practices, as follows:

30 1. normal and routine maintenance or repair of existing
31 utility structures or rights-of-way;

32 2. relocation of electric facilities, lines, equipment or
33 appurtenances, not including substations, with an associated
34 voltage of 55,000 volts or less, only when required by a local
35 governmental agency which approves the new location of the
36 facilities;

37 3. replacement, operation, repair, modification or
38 installation or construction in existing, developed utility
39 corridors, an improved county road right-of-way or county
40 authorized private roadway of all electric facilities, lines,
41 equipment or appurtenances, not including substations (~~(, with an~~
42 ~~associated voltage of 55,000 volts or less)~~);

43 4. relocation of public sewer local collection, public water
44 local distribution, natural gas, cable communication or telephone
45 facilities, lines, pipes, mains, equipment or appurtenances, only
46 when required by a local governmental agency which approves the new
47 location of the facilities; (~~and~~)

1 5. replacement, operation, repair, modification, installation
 2 or construction of public sewer local collection, public water
 3 local distribution, natural gas, cable communication or telephone
 4 facilities, lines, pipes, mains, equipment or appurtenances when
 5 such facilities are located within an improved public right-of-way
 6 or county authorized private roadway;

7 D. Maintenance, operation, repair, modification or replacement
 8 of publicly improved roadways as long as any such alteration does
 9 not involve the expansion of roadways or related improvements into
 10 previously unimproved rights-of-way or portions of rights-of-way;

11 E. Maintenance, operation or repair of publicly improved
 12 recreation areas as long as any such alteration does not involve
 13 the expansion of improvements into previously unimproved recreation
 14 areas;

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

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

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

28 NEW SECTION. SECTION 72. There is added to K.C.C. 21A.24 a new
 29 section to read as follows:

30 Wetlands: Mitigation Banking.

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

39 SECTION 73. Ordinance 10870, Section 454, and K.C.C. 21A.24.070
 40 are hereby amended as follows:

41 Exceptions.

42 A. If the application of this chapter would prohibit a
 43 development proposal by a public agency or public utility, the
 44 agency or utility may apply for an exception pursuant to this
 45 subsection:

46 1. the public agency or utility shall apply to the department
 47 and shall make available to the department other related project
 48 documents such as permit applications to other agencies, special

1 studies and SEPA documents. (~~The department shall prepare a~~
 2 ~~recommendation to the zoning and subdivision examiner.~~)

3 2. the (~~examiner~~) department shall review the application
 4 (~~and conduct a public hearing pursuant to the provisions of K.C.C.~~
 5 ~~20.24.070. The examiner shall make a recommendation to the~~
 6 ~~council~~) based on the following criteria:

7 a. there is no other practical alternative to the proposed
 8 development with less impact on the sensitive area; and

9 b. the proposal minimizes the impact on sensitive areas.
 10 The mitigation standards may be modified pursuant to the exception
 11 to account for health and safety, operational and maintenance
 12 considerations relevant to the development proposal under
 13 consideration;

14 3. The department shall process exceptions, provide public
 15 notice, and provide opportunity for the public to request a public
 16 hearing, and provide an appeal process consistent with the
 17 provisions of K.C.C. 21A.42.040 through K.C.C. 21A.42.090.

18 ((3))4. this exception shall not allow the use of the following
 19 sensitive areas for regional retention/detention facilities except
 20 where there is a clear showing that the facility will protect
 21 public health and safety or repair damaged natural resources:

22 a. class 1 streams or buffers;

23 b. class 1 wetlands or buffers with plant associations of
 24 infrequent occurrence; or

25 c. class 1 or 2 wetlands or buffers which provide critical
 26 or outstanding habitat for herons, raptors or state or federal
 27 designated endangered or threatened species unless clearly
 28 demonstrated by the applicant that there will be no impact on such
 29 habitat.

30 B. If the application of this chapter would deny all reasonable
 31 use of the property, the applicant may apply for an exception
 32 pursuant to this subsection:

33 1. the applicant shall apply to the department, and the
 34 department shall prepare a recommendation to the zoning and
 35 subdivision examiner. The applicant may apply for a reasonable use
 36 exception without first having applied for a variance if the
 37 requested exception includes relief from standards for which a
 38 variance cannot be granted pursuant to the provisions of
 39 K.C.C. 21A.44;

40 2. the examiner shall review the application in consultation
 41 with the prosecuting attorney and shall conduct a public hearing
 42 pursuant to the provisions of K.C.C. 20.24.080. The examiner shall
 43 make a final decision based on the following criteria:

44 a. the application of this chapter would deny all
 45 reasonable use of the property;

46 b. there is no other reasonable use with less impact on the
 47 sensitive area;

1 c. the proposed development does not pose an unreasonable
 2 threat to the public health, safety or welfare on or off the
 3 development proposal site and is consistent with the general
 4 purposes of this chapter and the public interest; and

5 d. any alterations permitted to the sensitive area shall
 6 be the minimum necessary to allow for reasonable use of the
 7 property; and

8 3. any authorized alteration of a sensitive area under this
 9 subsection shall be subject to conditions established by the
 10 examiner including, but not limited to, mitigation under an
 11 approved mitigation plan.

12 SECTION 74. Ordinance 10870, Section 455 and K.C.C. 21A.24.080
 13 are each hereby amended as follows:

14 Sensitive area maps and inventories.

15 A. The distribution of many environmentally sensitive areas in
 16 western King County is displayed on maps in the Sensitive Areas Map
 17 Folio. Many of the wetlands are inventoried and rated and that
 18 information is published in the King County Wetlands Inventory
 19 Notebooks. Many flood hazard areas are mapped by the Federal
 20 Insurance Administration in a scientific and engineering report
 21 entitled "The Flood Insurance Study for King county." If there is a
 22 conflict among the maps, inventory and site-specific features, the
 23 department of development and environmental services shall verify
 24 the actual presence or absence of the features defined in this
 25 title as sensitive areas ((shall govern)). The determination may be
 26 challenged by the property owner through an inspection and report
 27 conducted/prepared by a professional wetlands or stream ecologist,
 28 geologist, or geotechnical engineer as appropriate, at the owner's
 29 expense and appeal to the Hearing Examiner.

30 NEW SECTION. SECTION 75. There is hereby added to K.C.C. 21A.24
 31 a new section to read as follows:

32 Channel Relocation and Stream Meander Areas. No structure shall
 33 be allowed which would be at risk due to channel relocation or
 34 stream meander until the promulgation of a public rule.

35 SECTION 76. Ordinance 10870, Section 471, and K.C.C. 21A.24.240
 36 are hereby amended to read as follows:

37 Flood fringe: development standards and permitted alterations.
 38 Development proposals on sites within the flood fringe area shall
 39 meet the following requirements:

40 A. Development proposals shall not reduce the effective base
 41 flood storage volume of the floodplain. Grading or other activity
 42 which would reduce the effective storage volume shall be mitigated
 43 by creating compensatory storage on the site or off the site if
 44 legal arrangements can be made to assure that the effective
 45 compensatory storage volume will be preserved over time. Grading
 46 for construction of livestock manure storage facilities to control
 47 non-point source water pollution designed to the standards of and

1 approved by the King County Conservation District is exempt from
2 this compensatory storage requirement.

3 ~~B. No structure shall be allowed which would be at risk due to~~
4 ~~stream bank destabilization including, but not limited to, that~~
5 ~~associated with channel relocation or meandering.~~

6 ((G-)) B. All elevated construction shall be designed and
7 certified by a professional structural engineer licensed by the
8 State of Washington and shall be approved by King County prior to
9 construction.

10 ((D-)) C. Subdivisions, short subdivisions and binding site plans
11 shall meet the following requirements:

12 1. new building lots shall contain 5,000 square feet or more
13 of buildable land outside the zero-rise floodway, and building
14 setback areas shall be shown on the face of the plat to restrict
15 permanent structures to this buildable area;

16 2. all utilities and facilities such as sewer, gas,
17 electrical and water systems shall be located and constructed
18 consistent with subsections ~~((E., F. and I.))~~ D., E. and H;

19 3. base flood data and flood hazard notes shall be shown on
20 the face of the recorded subdivision, short subdivision or binding
21 site plan including, but not limited to, the base flood elevation,
22 required flood protection elevations and the boundaries of the
23 floodplain and the zero-rise floodway, if determined; and

24 4. the following notice shall also be shown on the face of
25 the recorded subdivision, short subdivision or binding site plan
26 for all affected lots:

27
28 "NOTICE"

29
30 "Lots and structures located within flood hazard areas may be
31 inaccessible by emergency vehicles during flood events. Residents
32 and property owners should take appropriate advance precautions."

33 ((E-)) D. New residential structures and substantial improvements
34 of existing residential structures shall meet the following
35 requirements:

36 1. the lowest floor shall be elevated to the flood protection
37 elevation;

38 2. portions of a structure which are below the lowest floor
39 area shall not be fully enclosed. The areas and rooms below the
40 lowest floor shall be designed to automatically equalize
41 hydrostatic and hydrodynamic flood forces on exterior walls by
42 allowing for the entry and exit of floodwaters. Designs for
43 satisfying this requirement shall meet or exceed the following
44 requirements:

45 a. a minimum of two openings on opposite walls having a
46 total open area of not less than one square inch for every square
47 foot of enclosed area subject to flooding shall be provided;

11621

1 b. the bottom of all openings shall be no higher than one
2 foot above grade; and

3 c. openings may be equipped with screens, louvers or other
4 coverings or devices if they permit the unrestricted entry and exit
5 of floodwaters;

6 3. materials and methods which are resistant to and minimize
7 flood damage shall be used; and

8 4. all electrical, heating, ventilation, plumbing, air
9 conditioning equipment and other utility and service facilities
10 shall be flood-proofed to or elevated above the flood protection
11 elevation.

12 ((F-)) E. New nonresidential structures and substantial
13 improvements of existing nonresidential structures shall meet the
14 following requirements:

15 1. the elevation requirement for residential structures
16 contained in subsection ((E-)) D.1. shall be met; or

17 2. the structure shall be flood-proofed to the flood
18 protection elevation and shall meet the following requirements:

19 a. the applicant shall provide certification by a
20 professional civil or structural engineer licensed by the State of
21 Washington that the flood-proofing methods are adequate to
22 withstand the flood-depths, pressures, velocities, impacts, uplift
23 forces and other factors associated with the base flood. After
24 construction, the engineer shall certify that the permitted work
25 conforms with the approved plans and specifications; and

26 b. approved building permits for flood-proofed
27 nonresidential structures shall contain a statement notifying
28 applicants that flood insurance premiums shall be based upon rates
29 for structures which are one foot below the flood-proofed level;

30 3. materials and methods which are resistant to and minimize
31 flood damage shall be used; and

32 4. all electrical, heating, ventilation, plumbing, air
33 conditioning equipment and other utility and service facilities
34 shall be flood-proofed to or elevated above the flood protection
35 elevation.

36 ((G-)) F. All new construction shall be anchored to prevent
37 flotation, collapse or lateral movement of the structure.

38 ((H-)) G. Mobile homes and mobile home parks shall meet the
39 following requirements:

40 1. mobile homes shall meet all requirements for flood hazard
41 protection for residential structures, shall be anchored and shall
42 be installed using methods and practices which minimize flood
43 damage; and

44 2. no permit or approval for the following shall be granted
45 unless all mobile homes within the mobile home park meet the
46 requirements for flood hazard protection for residential
47 structures:

48 a. a new mobile home park;

1 b. an expansion of an existing mobile home park; or

2 c. any repair or reconstruction of streets, utilities or
3 pads in an existing mobile home park which equals or exceeds 50
4 percent of the value of such streets, utilities or pads.

5 ~~((F-))~~ H. Utilities shall meet the following requirements.

6 1. new and replacement utilities including, but not limited
7 to, sewage treatment facilities shall be flood-proofed to or
8 elevated above the flood protection elevation;

9 2. new on-site sewage disposal systems shall be, to the
10 extent possible, located outside the limits of the base flood
11 elevation. The installation of new on-site sewage disposal systems
12 in the flood fringe may be allowed if no feasible alternative site
13 is available;

14 3. sewage and agricultural waste storage facilities shall be
15 flood-proofed to the flood protection elevation;

16 4. above-ground utility transmission lines, other than
17 electric transmission lines, shall only be allowed for the
18 transport of non-hazardous substances; and

19 5. buried utility transmission lines transporting hazardous
20 substances shall be buried at a minimum depth of four feet below
21 the maximum depth of scour for the base flood, as predicted by a
22 professional civil engineer licensed by the State of Washington,
23 and shall achieve sufficient negative buoyancy so that any
24 potential for flotation or upward migration is eliminated.

25 ~~((J-))~~ I. Critical facilities may be allowed within the flood
26 fringe of the floodplain, but only when no feasible alternative
27 site is available. Critical facilities shall be evaluated through
28 the conditional or special use permit process. Critical facilities
29 constructed within the flood fringe shall have the lowest floor
30 elevated to three or more feet above the base flood elevation.
31 Flood-proofing and sealing measures shall be taken to ensure that
32 hazardous substances will not be displaced by or released into
33 floodwaters. Access routes elevated to or above the base flood
34 elevation shall be provided to all critical facilities from the
35 nearest maintained public street or roadway.

36 ~~((K-))~~ J. Prior to approving any permit for alterations in the
37 flood fringe, King County shall determine that all permits required
38 by state or federal law have been obtained.

39 SECTION 77. Ordinance 10870, Section 478 and K.C.C.
40 21A.24.310 are each hereby amended as follows:

41 Steep slope hazard areas: Development standards and permitted
42 alterations. A development proposal on a site containing a steep
43 slope hazard area shall meet the following requirements:

44 A. A minimum buffer of 50 feet shall be established from the
45 top, toe and along all sides of any slope 40% or steeper. The
46 buffer shall be extended as required to mitigate a landslide or
47 erosion hazard or as otherwise necessary to protect the public
48 health, safety and welfare. The buffer may be reduced to a minimum

11621

1 of ten feet if, based on a special study, King County determines
2 that the reduction will adequately protect the proposed development
3 and the sensitive area. For single family residential building
4 permits only, King County may waive the special study requirement
5 and authorize buffer reductions, pursuant to section 70 of this
6 ordinance or if King County determines that the reduction will
7 adequately protect the proposed development and the sensitive area;

8 B. Unless otherwise provided herein or as part of an approved
9 alteration, removal of any vegetation from a steep slope hazard
10 area or buffer shall be prohibited, except for limited removal of
11 vegetation necessary for surveying purposes and for the removal of
12 hazard trees determined to be unsafe according to tree selection
13 rules promulgated pursuant to this chapter. Notice to King County
14 shall be provided prior to any vegetation removal permitted by this
15 subsection;

16 C. Vegetation on steep slopes within steep slope hazard areas
17 or their buffers which has been damaged by human activity or
18 infested by noxious weeds may be replaced with vegetation native to
19 King County pursuant to a vegetation management plan approved by
20 King County. The use of hazardous substances, pesticides and
21 fertilizers in steep slope hazard areas and their buffers may be
22 prohibited by King County;

23 D. Alterations to steep slope hazard areas and buffers may be
24 allowed only as follows:

25 1. approved surface water conveyances, as specified in the
26 Surface Water Design Manual, may be allowed on steep slopes if they
27 are installed in a manner to minimize disturbance to the slope and
28 vegetation;

29 2. public and private trails may be allowed on steep slopes
30 as approved by the county. Under no circumstances shall trails be
31 constructed of concrete, asphalt or other impervious surfaces which
32 will contribute to surface water run-off, unless such construction
33 is necessary for soil stabilization or soil erosion prevention or
34 unless the trail system is specifically designed and intended to be
35 accessible to handicapped persons. Additional requirements for
36 trail construction may be set forth in administrative rules;

37 3. utility corridors may be allowed on steep slopes if a
38 special study shows that such alteration will not subject the area
39 to the risk of landslide or erosion;

40 4. limited trimming and pruning of vegetation may be allowed
41 on steep slopes pursuant to an approved vegetation management plan
42 for the creation and maintenance of views if the soils are not
43 disturbed and the activity is subject to administrative rules;

44 5. approved mining and quarrying activities may be allowed;
45 and

46 6. stabilization of sites where erosion or landsliding
47 threaten public or private structures, utilities, roads, driveways
48 or trails, or where erosion and landsliding threatens any lake,

11621

1 stream, wetland or shoreline. Stabilization work shall be
2 performed in a manner which causes the least possible disturbance
3 to the slope and its vegetative cover; and

4 7. Reconstruction, remodeling, or replacement of existing
5 structures.

6 Reconstruction, remodeling, or replacement of an existing
7 structure upon another portion of an existing impervious surface
8 which was established pursuant to King County laws and regulations
9 may be allowed provided:

10 a. if within the buffer, the structure is located no
11 closer to the steep slope than the existing structure,

12 b. the existing impervious surface within the buffer or
13 steep slope is not expanded as a result of the reconstruction or
14 replacement.

15 E. The following are exempt from the provisions of this
16 section:

17 1. slopes which are 40% or steeper with a vertical elevation
18 change of up to 20 feet if no adverse impact will result from the
19 exemption based on King County's review of and concurrence with a
20 soils report prepared by a geologist or geotechnical engineer; and

21 2. The approved regrading of any slope which was created
22 through previous legal grading activities. Any slope which remains
23 40% or steeper following site development shall be subject to all
24 requirements for steep slopes.

25 SECTION 78. Ordinance 10870, Section 480, and K.C.C. 21A.24.330
26 are hereby amended to read as follows:

27 Wetlands: permitted alterations. Alterations to wetlands and
28 buffers may be allowed (~~only~~) pursuant to section 70 of this
29 ordinance or as follows:

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

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

36 2. the proposed development will protect or enhance the
37 wildlife habitat, natural drainage or other valuable functions of
38 the wetland and will be consistent with the purposes of this
39 chapter;

40 B. To establish the conditions in subsection A., detailed
41 studies may be required as part of the special study on habitat
42 value, hydrology, erosion and deposition and/or water quality.
43 Such detailed studies shall include specific recommendations for
44 mitigation which may be required as a condition of any development
45 proposal approval. The recommendations may include, but are not
46 limited to, construction techniques or design, drainage or density
47 specifications;

1 C. If a wetland is in a flood hazard area, the applicant shall
2 notify affected communities and native tribes of proposed
3 alterations prior to any alteration and submit evidence of such
4 notification to the Federal Insurance Administration;

5 D. There shall be no introduction of any plant or wildlife
6 which is not indigenous to King County into any wetland or buffer
7 unless authorized by a state or federal permit or approval;

8 E. Utilities may be allowed in wetland buffers if:

9 1. King County determines that no practical alternative
10 location is available; and

11 2. the utility corridor meets any additional requirements set
12 forth in administrative rules including, but not limited to,
13 requirements for installation, replacement of vegetation and
14 maintenance;

15 F. Sewer utility corridors may be allowed in wetland buffers
16 only if:

17 1. the applicant demonstrates that sewer lines are necessary
18 for gravity flow;

19 2. the corridor is not located in a wetland or buffer used by
20 species listed as endangered or threatened by the state or federal
21 government or containing critical or outstanding actual habitat for
22 those species or heron rookeries or raptor nesting trees;

23 3. the corridor alignment including, but not limited to, any
24 allowed maintenance roads follows a path beyond a distance equal to
25 75% of the buffer width from the wetland edge;

26 4. corridor construction and maintenance protects the wetland
27 and buffer and is aligned to avoid cutting trees greater than 12
28 inches in diameter at breast height, when possible, and pesticides,
29 herbicides and other hazardous substances are not used;

30 5. an additional, contiguous and undisturbed buffer, equal in
31 width to the proposed corridor including any allowed maintenance
32 roads, is provided to protect the wetland;

33 6. the corridor is revegetated with appropriate vegetation
34 native to King County at pre-construction densities or greater
35 immediately upon completion of construction or as soon thereafter
36 as possible, and the sewer utility ensures that such vegetation
37 survives;

38 7. any additional corridor access for maintenance is
39 provided, to the extent possible, at specific points rather than by
40 a parallel road; and

41 8. the width of any necessary parallel road providing access
42 for maintenance is as small as possible, but not greater than 15
43 feet, the road is maintained without the use of herbicides,
44 pesticides or other hazardous substances and the location of the
45 road is contiguous to the utility corridor on the side away from
46 the wetland;

47 G. Joint use of an approved sewer utility corridor by other
48 utilities may be allowed.

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

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

8 2. a class 1 or 2 wetland or buffer may be used for a
9 regional retention/detention facility if:

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

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

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

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

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

19 3. ((a)) isolated class 3 wetlands ((e)) and buffers which
20 ~~((has as its major function the storage of water))~~ are grazed wet
21 meadows may be used as a ((regional)) retention/detention facility
22 if a pre-settlement pond is required and all requirements of the
23 Surface Water Design Manual are met; and

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

29 a. no practicable alternative exists; and

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

32 ~~((I. Wetlands shall not be used for retention/detention
33 facilities other than for regional facilities as provided in this
34 section))~~

35 ((J)) I. Public and private trails may be allowed in wetland
36 buffers only upon adoption of administrative rules consistent with
37 the following:

38 1. the trail surface shall not be made of impervious
39 materials, except that public multi-purpose trails such as the
40 Burke-Gilman Trail may be made of impervious materials if they meet
41 all other requirements including water quality; and

42 2. buffers shall be expanded, where possible, equal to the
43 width of the trail corridor including disturbed areas;

44 ((K)) J. A dock, pier, moorage, float or launch facility may be
45 allowed, subject to the provisions of K.C.C. Title 25, if:

46 1. the existing and zoned density around the wetland is three
47 dwelling units per acre or more;

1 2. at least 75% of the lots around the wetland have been
2 built upon and no significant buffer or wetland vegetation remains
3 on these lots; and

4 3. open water is a significant component of the wetland;

5 ((H))K. Alterations to isolated wetlands may be allowed only as
6 follows:

7 1. on sites of less than 20 acres in size, one isolated
8 wetland may be altered by relocating its functions into a new
9 wetland on the site pursuant to an approved mitigation plan;

10 2. on sites 20 acres or greater in size, up to three
11 isolated wetlands may be altered by combining their functions into
12 one or more replacement wetlands on the site pursuant to an
13 approved mitigation plan; and

14 3. whenever an isolated wetland is altered pursuant to this
15 subsection, the replacement wetland shall include enhancement for
16 wildlife habitat;

17 ((M))L. One additional agricultural building or associated
18 residence may be allowed within the wetland buffer on a grazed wet
19 meadow if all hydrologic storage is replaced on the site;

20 ((N))M. Subject to a clearing and grading permit issued pursuant
21 to K.C.C. 16.82, the cutting of up to one cord of firewood may be
22 permitted in buffers of five acres or larger in any year if the
23 overall function of the buffer is not adversely affected. Removal
24 of brush may also be permitted for the purpose of enhancing tree
25 growth if the area of removal is limited to the diameter of the
26 tree canopy at the time of planting; and

27 ((O))N. Wetland road crossings may be allowed if:

28 1. King County determines that no alternative access is
29 practical;

30 2. all crossings minimize impact to the wetland and provide
31 mitigation for unavoidable impacts through restoration, enhancement
32 or replacement of disturbed areas;

33 3. crossings do not change the overall wetland hydrology;

34 4. crossings do not diminish the flood storage capacity of
35 the wetland; and

36 5. all crossings are constructed during summer low water
37 periods.

38 ((P))O. Reconstruction, remodeling, or replacement of existing
39 structures. Reconstruction, remodeling, or replacement of an
40 existing structure upon another portion of an existing impervious
41 surface which was established pursuant to King County laws and
42 regulations may be allowed provided:

43 1. if within the buffer, the structure is located no closer
44 to the wetland than the existing structure,

45 2. the existing impervious surface within the buffer or
46 wetland is not expanded as a result of the reconstruction or
47 replacement.

1 P. Wetland enhancement not associated with any other
 2 development proposal may be allowed if accomplished according to a
 3 plan for its design, implementation, maintenance and monitoring
 4 prepared by a civil engineer and a qualified biologist and carried
 5 out under the direction of a qualified biologist; and

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

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

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

2 3. the restoration is limited to revegetation of wetlands and
 3 their buffers and other specific fish and wildlife habitat
 4 improvements;

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

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

1 SECTION 79. Ordinance 10870, Section 481 and K.C.C. 21A.24.340
 2 are each hereby amended as follows:

3 Wetlands: Mitigation requirements.

4 A. Restoration shall be required when a wetland or its buffer
 5 is altered in violation of law or without any specific permission
 6 or approval by King County. The following minimum requirements
 7 shall be met for the restoration of a wetland:

8 1. the original wetland configuration shall be replicated
 9 including its depth, width, length and gradient at the original
 0 location;

1 2. the original soil type and configuration shall be
 2 replicated;

3 3. the wetland edge and buffer configuration shall be
 4 restored to its original condition;

5 4. the wetland, edge and buffer shall be replanted with
 6 vegetation native to King County which replicates the original
 7 vegetation in species, sizes and densities; and

8 5. the original wetland functions shall be restored
 9 including, but not limited to, hydrologic and biologic functions.

0 B. The requirements in subsection A. may be modified if the
 1 applicant demonstrates that greater wetland functions can otherwise
 2 be obtained.

3 C. Replacement shall be required when a buffer is altered
 4 pursuant to an approved development proposal or a wetland is used
 5 for a regional retention/detention facility or other approved use.

6 The requirements for the restoration of wetlands shall be met by
 7 replacement wetlands.

1 D. Enhancement may be allowed when a wetland or buffer will be
2 altered pursuant to a development proposal, but the wetland's
3 biologic and/or hydrologic functions will be improved. Minimum
4 requirements for enhancement shall be established in administrative
5 rules.

6 E. All alterations of wetlands shall be replaced or enhanced on
7 the site or within the same drainage basin using the following
8 formulas: class 1 and 2 wetlands on a 2:1 basis and class 3
9 wetlands on a 1:1 basis with equivalent or greater biologic
10 functions including, but not limited to, habitat functions and with
11 equivalent hydrologic functions including, but not limited to,
12 storage capacity.

13 F. Replacement or enhancement off the site may be allowed if
14 the applicant demonstrates to the satisfaction of King County that
15 the off-site location is in the same drainage sub-basin as the
16 original wetland and that greater biologic and hydrologic functions
17 will be achieved. The formulas in subsection E. shall apply to
18 replacement and enhancement off the site.

19 G. Surface water management or flood control alterations
20 including, but not limited to, wetponds shall not constitute
21 replacement or enhancement unless other functions are
22 simultaneously improved.

23 H. Mitigation sites should be located to alleviate wildlife
24 habitat fragmentation.

25 SECTION 80. Ordinance 10870, Section 484 and K.C.C. 21A.24.370
26 are each hereby amended as follows:

27 Streams: Permitted alterations. Alterations to streams and
28 buffers may be allowed (~~only~~) pursuant to Section 70 of this
29 ordinance or as follows:

30 A. Alterations may only be permitted if based upon a special
31 study;

32 B. The applicant shall notify affected communities and native
33 tribes of proposed alterations prior to any alteration if a stream
34 is in a flood hazard and shall submit evidence of such notification
35 to the Federal Insurance Administration;

36 C. There shall be no introduction of any plant or wildlife
37 which is not indigenous to King County into any stream or buffer
38 unless authorized by a state or federal permit or approval;

39 D. Utilities may be allowed in stream buffers if:

40 1. no practical alternative location is available;

41 2. the utility corridor meets any additional requirements
42 set forth in administrative rules including, but not limited to,
43 requirements for installation, replacement of vegetation and
44 maintenance;

45 3. the requirements for sewer utility corridors in K.C.C.
46 21A.24.320 shall also apply to streams; and

47 4. joint use of an approved sewer utility corridor by other
48 utilities may be allowed;

1 E. The following surface water management activities and
2 facilitates may be allowed in stream buffers as follows:

3 1. surface water discharge to a stream from a detention
4 facility, pre-settlement pond or other surface water management
5 activity or facility may be allowed if the discharge is in
6 compliance with the Surface Water Design Manual;

7 2. a class 2 stream or buffer may be used for a regional
8 retention/detention facility if:

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

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

13 c. the use will not alter the rating or the factors used
14 in rating the stream;

15 d. there are no significant adverse impacts to the stream;
16 and

17 3. a class 3 stream or buffer may be used as a regional
18 retention/detention facility if the alteration will have no lasting
19 adverse impact on any stream and all requirements of the Surface
20 Water Design Manual are met;

21 F. Public and private trails may be allowed in stream buffers
22 only upon adoption of administrative rules consistent with the
23 following:

24 1. the trail surface shall not be made of impervious
25 materials, except that public multi-purpose trails such as the
26 Burke-Gilman Trail may be made of impervious materials if they meet
27 all other requirements including water quality; and

28 2. buffers shall be expanded, where possible, equal to the
29 width of the trail corridor including disturbed areas;

30 G. Stream crossings may be allowed and may encroach on the
31 otherwise required stream buffer if:

32 1. all (~~read~~) crossings use bridges or other construction
33 techniques which do not disturb the stream bed or bank, except that
34 bottomless culverts or other appropriate methods demonstrated to
35 provide fisheries protection may be used for class 2 or 3 streams
36 if the applicant demonstrates that such methods and their
37 implementation will pose no harm to the stream or inhibit migration
38 of fish;

39 2. all crossing are constructed during the summer low flow
40 and are timed to avoid stream disturbance during periods when use
41 is critical to salmonids;

42 3. crossings do not occur over salmonid spawning areas unless
43 King County determines that no other possible crossing site exists;

44 4. bridge piers or abutments are not placed within the FEMA
45 floodway or the ordinary high water mark;

46 5. crossings do not diminish the flood-carrying capacity of
47 the stream;

1 6. underground utility crossings are laterally drilled and
2 located at a depth of four feet below the maximum depth of scour
3 for the base flood predicted by a civil engineer licensed by the
4 Station of Washington temporary bore pits to perform such crossings
5 may be permitted within the stream buffer established in Section
6 21A.24.360. Crossing of Class 3 streams when dry may be made with
7 open cuts; and

8 7. crossings are minimized and serve multiple purposes and
9 properties whenever possible;

10 H. Stream relocations may be allowed only for:

11 1. class 2 streams as part of a public road project for
12 which a public agency and utility exception is granted pursuant to
13 K.C.C. 21A.24.050; and

14 2. class 3 streams for the purpose of enhancing resources in
15 the stream if:

16 a. appropriate floodplain protection measures are used;
17 and

18 b. the relocation occurs on the site, except that the
19 relocate off the site may be allowed if the applicant demonstrates
20 that any on-site relocation is impracticable, the applicant
21 provides all necessary easements and waivers from affected property
22 owners and the off-site location is in the same drainage sub-basin
23 as the original stream;

24 I. For any relocation allowed by this section, the applicant
25 shall demonstrate, based on information provided by a civil
26 engineer and a qualified biologist, that:

27 1. the equivalent base flood storage volume and function will
28 be maintained;

29 2. there will be no adverse impact to local groundwater;

30 3. there will be no increase in velocity;

31 4. there will be no interbasin transfer of water;

32 5. there will be no increase in sediment load;

33 6. the relocation conforms to other applicable laws; and

34 7. all work will be carried out under the direct supervision
35 of a qualified biologist;

36 J. A stream channel may be stabilized if:

37 1. movement of the stream channel threatens existing
38 residential or commercial structures, public facilities or
39 improvements, unique natural resources or the only existing access
40 to property; and

41 2. the stabilization is done in compliance with the
42 requirements of K.C.C. 21A.24.230 - 21A.24.270 and administrative
43 rules promulgated pursuant to this chapter;

44 K. Stream enhancement not associated with any development
45 proposal may be allowed if accomplished according to a plan for its
46 design, implementation, maintenance and monitoring prepared by a
47 civil engineer and a qualified biologist and carried out under the

11621

1 ((~~direct supervision~~)) direction of a qualified biologist
2 ((~~pursuant to provisions contained in administrative rules~~));

3 L. A minor stream restoration project for fish habitat
4 enhancement may be allowed if:

5 1. the restoration is ((~~accomplished~~)) sponsored by a public
6 agency with a mandate to do such work;

7 2. the restoration is unassociated with mitigation of a
8 specific development proposal;

9 ((~~3. the restoration does not cost more than \$25,000;~~))

10 ((4))3. the restoration is limited to placement of rock wiers,
11 log controls, spawning gravel and other specific salmonid habitat
12 improvements;

13 ((5))4. the restoration only involves the use of hand labor and
14 light equipment; or the use of helicopters and cranes which deliver
15 supplies to the project site provided that they have no contact
16 with sensitive areas or their buffers; and

17 ((6))5. the restoration is performed under the ((~~direct~~
18 ~~supervision~~)) direction of a qualified biologist;

19 M. Roadside and agricultural drainage ditches which carry
20 streams with salmonids may be maintained through the use of best
21 management practices developed in consultation with relevant
22 county, state and federal agencies. These practices shall be
23 adopted as administrative rules; and

24 N. Subject to a clearing and grading permit issued pursuant to
25 K.C.C. 16.82, the cutting of up to one cord of firewood may be
26 permitted in buffers of five acres or larger in any year if the
27 overall function of the buffer is not adversely affected. Removal
28 of brush may also be permitted for the purpose of enhanced tree
29 growth if the area of removal is limited to the diameter of the
30 tree canopy at the time of planting.

31 O. Reconstruction, remodeling, or replacement of existing
32 structures..

33 Reconstruction, remodeling, or replacement of an existing
34 structure upon another portion of an existing impervious surface
35 which was established pursuant to King County laws and regulations
36 may be allowed provided:

37 a. if within the buffer, the structure is located no closer
38 to the steep slope than the existing structure,

39 b. the existing impervious surface within the buffer or steep
40 slope is not expanded as a result of the reconstruction or
41 replacement.

42 SECTION 81. Ordinance 10870, Section 493, and K.C.C. 21A.26.040
43 are hereby amended to read as follows:

11621

21A.26.040 Review process by zone. A. Except for ~~((cellular radio))~~ minor communication

ilities as regulated pursuant to subsection B, communication facilities shall be permitted and

reviewed pursuant to K.C.C. 21A.08.060 and 21A.08.100:

B. Minor communication facilities ~~((for the transmission or reception of cellular radio signals))~~

shall be permitted and reviewed as follows:

TYPE OF TRANSMISSION STRUCTURE

Structures no more than 100 feet tall

<u>ZONE</u>	<u>REVIEW PROCESS</u>	<u>SETBACKS³</u>
R-4 to R-48	C ²	Front: 35 feet Side: 20 feet Rear: 20 feet

R-1 UR RA	C	Front: 30 feet ⁶ Side: 10 feet Rear: 10 Feet
-----------------	---	---

Other Zones	P	10 feet ⁴
----------------	---	----------------------

Structures more than 100 feet tall

R-4 to R-48	C ²	One-half for one ⁵
-------------------	----------------	----------------------------------

R-1 UR RA	C	Front: 40 feet ⁶ Side: 30 feet Rear: 30 feet
-----------------	---	---

Other Zones	C	10 feet ⁴
----------------	---	----------------------

Transmission towers

R-4 to R-48	S ²	One for one ⁵
-------------------	----------------	--------------------------------

R-1 UR RA	C	One-half for one ⁵
-----------------	---	----------------------------------

Other Zones	C	20 feet ⁴
----------------	---	----------------------

KEY: P - Permitted Use, S - Special Use Permit, C - Conditional Use Permit

1 FOOTNOTES:

2 1. The department may decide whether a pole no more than 100
3 feet tall will be wood or steel based on a determination of which
4 material would be more appropriate at the proposed location;

5 2. The following special procedures and conditions shall apply
6 to the review and issuance of permits:

7 a. The applicant shall demonstrate that the proposed facility
8 complies with all applicable laws and that it requires placement at
9 a particular location to meet the needs of the cellular telephone
10 system;

11 b. The applicant shall arrange a public meeting with owners
12 of the property near the proposed facility for the purpose of
13 providing information and receiving comments about the proposed
14 facility;

15 c. The applicant shall provide notice of the public meeting
16 announcing time, date, location and purpose of the public meeting;
17 and

18 d. A department representative shall attend the public
19 meeting;

20 3. The setback requirements apply to the transmission pole or
21 tower and transmission equipment placed on the pole or tower. The
22 county may reduce the setback where the applicant demonstrates that
23 the facility will be adequately screened from public view;

24 4. Transmission structures shall be set back an additional 20
25 feet from any property line abutting any R, UR or RA zoned
26 properties; and

27 5. "One-half for one" and "one for one" means the transmission
28 structure shall be set back from the property lines one-half foot
29 or one foot, respectively, for every foot of pole or tower height.

30 6. In the RA zone, five additional feet is required in the
31 front setback.

32 SECTION 82. Ordinance 10870, Section 494 and K.C.C. 21A.26.050
33 are hereby amended to read as follows:

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

39 A. Transmission structures, which do not exceed the height
40 limit of the zone in which they are located, shall be set back from
41 the property line as required for other structures by the zone in
42 which such transmission structure is located;

43 B. Transmission structures, which exceed the height limit of
44 the zone in which they are located, shall be set back from property
45 lines either a minimum of 50 feet or one foot for every foot in
46 height, whichever results in the greater setback, except:

11621

1 1. Transmission structures located in the A, F, NB, CB, RB, O
2 or I zones shall be set back from the property line as required by
3 the zone in which they are located; and

4 2. Transmission structures for (~~the transmission or~~
5 ~~reception of cellular radio signals~~) minor communication facilities
6 shall be set back from the property line as provided in K.C.C.
7 21A.26.040.B.;

8 C. When two or more communication facilities share a common
9 boundary, the setback from such boundary shall comply with the
10 requirements of the zone in which the facilities are located, un-
11 less easements are provided:

12 1. On the adjoining sites which limit development to
13 communication facilities;

14 2. Of sufficient depth to provide the setbacks required in
15 subsections A and B; and

16 3. Which provide for King County as a third party signatory
17 to the agreement; and

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

20 SECTION 83. Ordinance 10870, Section 512, and K.C.C. 21A.28.020
21 are hereby amended to read as follows:

22 General Requirements.

23 A. All new development proposals including any use, activity,
24 or structure allowed by K.C.C. 21A.08 that requires King County
25 approval shall be adequately served by the following facilities and
26 services prior to the time of occupancy, (~~plat~~) recording, or
27 other land use approval, as further specified in this chapter:

- 28 1. sewage disposal;
- 29 2. water supply;
- 30 3. surface water management;
- 31 4. roads and access;
- 32 5. fire protection service; and
- 33 6. schools.

34 B. All new development proposals for building permits, plats,
35 short plats, urban planned developments and lot line adjustments,
36 which will be served by a sewer or water district, shall include a
37 certificate of water availability and/or certificate of sewer
38 availability to demonstrate compliance with this chapter and other
39 provisions of the King County Code, the King County Comprehensive
40 Plan and the Growth Management Act.

41 (~~B-~~)C. Regardless of the number of sequential permits required,
42 the provisions of this chapter shall be applied only once to any
43 single development proposal. If changes and modifications result
44 in impacts not considered when the proposal was first approved, the
45 county shall consider the revised proposal as a new development
46 proposal.

47 SECTION 84. Ordinance 10870, Section 513, and K.C.C. 21A.28.030
48 are hereby amended to read as follows:

1 Adequate sewage disposal. All new development shall be served
 2 by an adequate public or private sewage disposal system, including
 3 both collection and treatment facilities as follows:

4 A. A public sewage disposal system is adequate for a
 5 development proposal provided that:

6 1. For the issuance of a building permit, preliminary plat or
 7 short plat approval or other land use approval, the site of the
 8 proposed development is or can be served by an existing disposal
 9 system consistent with the Sewerage General Plan, and the disposal
 10 system has been approved by the department as being consistent with
 11 applicable state and local design and operating guidelines;

12 2. For the issuance of a certificate of occupancy for a
 13 building or change of use permit, the approved public sewage
 14 disposal system as set forth in subsection A.1 of this section is
 15 installed to serve each building or lot;

16 3. For recording a final plat, final short plat or binding
 17 site plan the approved public sewage disposal system set forth in
 18 subsection A.1 of this section shall be installed to serve each lot
 19 respectively; or a bond or similar security shall be deposited with
 20 King County for the future installation of an adequate sewage
 21 disposal system. The bond may be assigned to a purveyor to assure
 22 the construction of such facilities within two years of recording;
 23 and

24 4. For a zone reclassification or urban planned development
 25 permit, the timing of installation of required sewerage
 26 improvements shall be contained in the approving ordinance as
 27 specified in K.C.C. 20.24.230; and

28 B. A private individual sewage system is adequate, if an on-
 29 site sewage disposal system for each individual building or lot is
 30 installed to meet the requirements and standards of the department
 31 of public health as to lot size, soils, and system design prior to
 32 issuance of a certificate of occupancy for a building or change of
 33 use permit.

34 SECTION 85. Ordinance 10870, Section 516, and K.C.C. 21A.28.060
 35 are hereby amended to read as follows:

36 Adequate roads.

37 A. All new development shall be served by adequate roads.
 38 Roads are adequate if the development's traffic impacts on
 39 surrounding public roads are acceptable under the level-of-service
 40 standards (~~as stated in K.C.C. 21A.28.070~~) and the compliance
 41 procedures established in K.C.C. (~~21A.28.080 and K.C.C.~~
 42 ~~21A.28.090~~) Title 14.

43 B. The renewal of permits or the issuance of a new permit for
 44 existing uses constitutes a new development proposal only if it
 45 will generate additional traffic above that currently generated by
 46 the use.

47 C. A variance request from the road cross-section or
 48 construction standards established by K.C.C. Title 14, Roads and

1 Bridges, shall be reviewed as set forth in K.C.C. 14.42.060 and
 2 does not require a variance from this Title unless relief is
 3 requested from a building height, setback, landscaping or other
 4 development standard set forth in K.C.C. 21A.12 through K.C.C.
 5 21A.30.

6 SECTION 86. Ordinance 10870, Sections 517 through 521, and
 7 K.C.C. 21A.28.070 through 21A.28.110 are hereby repealed.

8 SECTION 87. Ordinance 10870, Section 524, as amended, and
 9 K.C.C. 21A.28.140 are hereby amended to read as follows:

10 School Concurrency - Applicability and Relationship with Fees.

11 A. The school concurrency standard set out in Section
 12 21A.28.160 shall apply to applications for preliminary plat or
 13 ((UPD)) Urban Planned Development (UPD) approval ((which would
 14 result in the creation of new residential building lots or)) and
 15 mobile home parks ((or the construction of new dwelling units)),
 16 requests for multifamily zoning, and building permits for
 17 multifamily housing projects which have not been previously
 18 evaluated for compliance with the concurrency standard.

19 B. The county's finding of concurrency shall be made at the
 20 time of preliminary plat or ((urban planned development)) UPD
 21 approval, at the time that a request to actualize potential
 22 multifamily zoning is approved, at the time a mobile home park site
 23 plan is approved, or prior to building permit issuance for
 24 multifamily housing projects which have not been previously
 25 established for compliance with the concurrency standard. Once
 26 such a finding has been made, the development shall be considered
 27 as vested for purposes of the concurrency determination.

28 C. Excluded from the application of the concurrency standard
 29 are:

30 1. building permits for individual single family
 31 dwellings((~~7~~)); ((and))

32 2. any form of housing exclusively for senior citizens,
 33 including nursing homes and retirement centers((~~7~~)); ((Also
 34 excluded from the application of the concurrency standard are))

35 3. shelters for temporary placement, relocation facilities
 36 and transitional housing facilities((~~7~~));

37 4 ((R))replacement, reconstruction or remodeling of existing
 38 dwelling units; ((is not subject to the provisions of K.C.C.
 39 21A.28.140 - 180-))

40 ((D. Also excluded from the application of the concurrency
 41 standard set out in this chapter are:))

42 ((~~1~~))5. short subdivisions;

43 ((~~2~~))6. building permits for residential units in
 44 preliminary planned unit developments which were under
 45 consideration by King County on January 22, 1991;

46 ((~~3~~))7. building permits for residential units in recorded
 47 planned unit developments approved pursuant to K.C.C. Title 21 that
 48 have not yet expired per K.C.C. 21((A)).56.060;

1 ((4-))8. building permits applied for by December 31, 1993,
2 related to rezone applications to actualize potential zoning which
3 were under consideration by King County on January 22, 1991;

4 ((5-))9. building permits applied for by December 31, 1993,
5 related to residential development proposals for site plan review
6 to fulfill P-Suffix requirements of multifamily zoning which were
7 under consideration by King County on January 22, 1991; and

8 ((6-))10. any residential building permit for any development
9 proposal for which a concurrency determination has already been
10 made pursuant to the terms of ((~~this chapter or~~)) K.C.C. Title 21A.

11 ((E-))D. All of the development activities which are excluded
12 from the application of the concurrency standard are subject to
13 school impact fees imposed pursuant to Title 27.

14 ((F-))E. The assessment and payment of impact fees are governed
15 by and shall be subject to the provisions in K.C.C. Title 27
16 addressing school impact fees.

17 ((G-))F. A certification of concurrency for a school district
18 shall not preclude the county from collecting impact fees for the
19 district. Impact fees may be assessed and collected as long as the
20 fees are used to fund capital and system improvements needed to
21 serve the new development, and as long as the use of such fees is
22 consistent with the requirements of Chapter 82.02 RCW and this
23 chapter. Pursuant to Chapter 82.02 RCW, impact fees may also be
24 used to recoup capital and system improvement costs previously
25 incurred by a school district to the extent that new growth and
26 development will be served by the previously constructed
27 improvements or incurred costs.

28 SECTION 88. Ordinance 10870, Section 525, as amended, and
29 K.C.C. 21A.28.150 are hereby amended to read as follows:

30 Findings, recommendations, and decisions regarding school
31 capacities.

32 A. In making a threshold determination pursuant to SEPA, the
33 director and/or the zoning and subdivision examiner, in the course
34 of reviewing proposals for residential development including
35 applications for plats or UPD's, mobile home parks, or multi-family
36 zoning, and multifamily building permits, shall consider the school
37 district's capital facilities plan as adopted by the council.

38 B. Documentation which the district is required to submit
39 pursuant to section ((~~21.61.060~~)) 89 of this ordinance or Title 20.
40 shall be incorporated into the record in every case without
41 requiring the district to offer such plans and data into the
42 record. The school district is also authorized to present
43 testimony and documents demonstrating a lack of concurrency in the
44 district and the inability of the district to accommodate the
45 students to be generated by a specific development.

46 C. Based upon a finding that the impacts generated by the plat,
47 the UPD, mobile home park or the multi-family development were
48 generally not anticipated at the time of the last council review.

1 and approval of a school district capital plan and were not
 2 included in the district's long-range forecast, the director may
 3 require or recommend phasing or provision of the needed facilities
 4 and/or sites as appropriate to address the deficiency or deny or
 5 condition approval, consistent with the provisions of this chapter,
 6 the State Subdivision Act, and the State Environmental Policy Act.

7 D. Determinations of the examiner or director regarding
 8 concurrency can be appealed only pursuant to the provisions for
 9 appeal of the development permit process for which the
 10 determination has been made. Where no other administrative appeal
 11 process is available, an appeal may be taken to the zoning examiner
 12 using the appeal procedures for variances. Any errors in the
 13 formula identified as a result of an appeal should be referred to
 14 the council for possible modifications.

15 E. Where the council has not adopted an impact fee ordinance
 16 for a particular school district, the language of this section
 17 shall not affect the authority or duties of the examiner or the
 18 director pursuant to the State Environmental Policy Act or the
 19 State Subdivision Act.

20 NEW SECTION. SECTION 89. There is added to K.C.C. 21A.28 a new
 21 section to read as follows:

22 Submission of District Capital Facilities Plan and Data.

23 A. On an annual basis, each school district shall submit the
 24 following materials to the School Technical Review Committee
 25 created pursuant to section 90 of this ordinance herein:

26 1. The district's capital facilities plan adopted by the
 27 school board which is consistent with the Growth Management Act.

28 2. The district's enrollment projections over the next six
 29 (6) years, its current enrollment and the district's enrollment
 30 projections and actual enrollment from the previous year.

31 3. The district's standard of service.

32 4. An inventory and evaluation of district facilities which
 33 address the district's standard of service.

34 5. The district's overall capacity over the next six (6)
 35 years, which shall be a function of the district's standard of
 36 service as measured by the number of students which can be housed
 37 in district facilities.

38 B. To the extent that the district's standard of service
 39 reveals a deficiency in its current facilities, the district's
 40 capital facilities plan must demonstrate a plan for achieving the
 41 standard of service, and must identify the sources of funding for
 42 building or acquiring the necessary facilities to meet the standard
 43 of service.

44 C. Facilities to meet future demand shall be designed to meet
 45 the adopted standards of service. If sufficient funding is not
 46 projected to be available to fully fund a capital plan which meets
 47 the standard of service, the district's capital plan should
 48 document the reason for the funding gap.

1 D. If an impact fee ordinance has been adopted on behalf of a
2 school district, the district shall also submit an annual report to
3 the School Technical Review Committee showing the capital
4 improvements which were financed in whole or in part by the impact
5 fees.

6 NEW SECTION. SECTION 90. There is added to K.C.C. 21A.28 a new
7 section to read as follows:

8 School Technical Review Committee.

9 A. There is hereby created a School Technical Review Committee
10 (STRC) within King County. The Committee shall consist of 4 county
11 staff persons, one each from the department of development and
12 environmental services, the planning and community development
13 division, the office of financial management and the county
14 council.

15 B. The Committee shall be charged with reviewing each school
16 district's capital facilities plan, enrollment projections,
17 standard of service, the district's overall capacity for the next
18 six (6) years to ensure consistency with the Growth Management Act,
19 King County Comprehensive Plan, and adopted community plans, and
20 the district's calculation and rationale for proposed impact fees.

21 C. Notice of the time and place of the Committee meeting where
22 the district's documents will be considered shall be provided to
23 the district.

24 D. At the meeting where the Committee will review or act upon
25 the district's documents, the district shall have the right to
26 attend or to be represented, and shall be permitted to present
27 testimony to the Committee. Meetings shall also be open to the
28 public.

29 E. In its review, the Committee shall consider the following
30 factors:

31 1. Whether the district's forecasting system for enrollment
32 projections has been demonstrated to be reliable and reasonable.

33 2. The historic levels of funding and voter support for bond
34 issues in the district;

35 3. The inability of the district to obtain the anticipated
36 state funding or to receive voter approval for district bond
37 issues;

38 4. An emergency or emergencies in the district which required
39 the closing of a school facility or facilities resulting in a
40 sudden and unanticipated decline in districtwide capacity; and

41 5. The standards of service set by school districts in
42 similar types of communities. While community differences will be
43 permitted, the standard established by the district should be
44 reasonably consistent with the standards set by other school
45 districts in communities of similar socioeconomic profile.

46 6. The Committee shall consider the standards identified by
47 the state concerning the ratios of certificated instructional staff
48 to students.

11621

1 F. In the event that the district's standard of service reveals
2 a deficiency in its current facilities, the Committee shall review
3 the district's capital facilities plan to determine whether the
4 district has identified all sources of funding necessary to achieve
5 the standard of service.

6 G. The district in developing the Financing Plan Component of
7 the Capital Facilities Plan shall plan on a six-year horizon and
8 shall demonstrate its best efforts by taking the following steps:

9 1. Establish a six-year financing plan, and propose the
10 necessary bond issues and levies required by and consistent with
11 that plan and as approved by the school board and consistent with
12 RCW 28A.53.020 and RCW 84.52.052 and .056 as amended; and

13 2. Apply to the state for funding, and comply with the state
14 requirement for eligibility to the best of the district's ability.

15 H. The Committee is authorized to request the school district
16 to review and to resubmit its capital facilities plan, or to
17 establish a different standard of service, or to review its
18 capacity for accommodating new students, under the following
19 circumstances:

20 1. The standard of service established by the district is not
21 reasonable in light of the factors set forth in subsection E of
22 this section.

23 2. The Committee finds that the district's standard of
24 service cannot reasonably be achieved in light of the secured
25 financial commitments and the historic levels of support in the
26 district; or

27 3. Any other basis which is consistent with the provisions of
28 this section.

29 I. The Committee shall prepare and submit an annual report to
30 the King County council for each school district recommending a
31 certification of concurrency in the district, except as provided in
32 Subsection L of this section using the school concurrency standard
33 as set forth in K.C.C. 21A.28.160. If a school district fails to
34 submit its capital facilities plan for review by the STRC, King
35 County shall assume the district has adequate capacity to
36 accommodate growth for the following six years.

37 J. The Committee shall submit copies of its recommendation of
38 concurrency for each school district to the director of DDES, to
39 the zoning and subdivision examiner, and to the district.

40 K. The committee shall recommend to the council a comprehensive
41 plan amendment adopting the district's capital facilities plan as
42 part of the comprehensive plan, for any plan which the Committee
43 concludes accurately reflects the district's facilities status.

44 L. In the event that after reviewing the district's capital
45 facilities plan and other documents, the Committee is unable to
46 recommend certifying concurrency in a school district, the
47 Committee shall submit a statement to the council, the director and
48 the zoning and subdivision examiner stating that the Committee is

1 unable to recommend certifying concurrency in a specific school
 2 district. The Committee shall recommend to the executive that he
 3 propose to the council, amendments to the land use element of the
 4 King County Comprehensive Plan or amendments to the development
 5 regulations implementing the plan to more closely conform county
 6 land use plans and school facilities plans, including but not
 7 limited to requiring mandatory phasing of plats, UPDs or
 8 multifamily development located within the district's boundary. The
 9 necessary draft amendments shall accompany such recommendations.

10 NEW SECTION. SECTION 91. There is added to K.C.C. 21A.28 a new
 11 section to read as follows:

12 Annual Council Review.

13 A. On at least an annual basis, the King County council shall
 14 review the reports prepared by the Committee and certify the
 15 district's plans. The review may occur in conjunction with any
 16 update of the Facilities and Services chapter of the King County
 17 Comprehensive Plan proposed by the Committee.

18 B. The council shall review and consider any proposal(s)
 19 submitted by the Committee for amending the land use policies of
 20 the King County Comprehensive Plan, or the development regulations
 21 implementing the plan, including but not limited to requiring
 22 mandatory phasing of plats, UPDs or multifamily development when
 23 the Committee is unable to recommend a certification of concurrency
 24 in a specific school district. Any proposed amendments to the
 25 comprehensive plan or development regulations shall be subject to
 26 the public hearing and other procedural requirements set out in
 27 Title 20 or 21A, as applicable.

28 C. The council may require the committee to submit proposed
 29 amendments or may itself initiate amendments to the land use
 30 policies of the King County Comprehensive Plan, or amendments to
 31 the development regulations implementing the plan.

32 SECTION 92. Ordinance 10870, Section 527, and K.C.C. 21A.28.170
 33 are hereby repealed.

34 SECTION 93. Ordinance 10870, Section 536, and K.C.C. 21A.30.080
 35 are hereby amended to read as follows:

36 Home occupation. Residents of a dwelling unit may conduct one
 37 or more home occupations as accessory activities, provided:

38 A. The total area devoted to all home occupation(s) shall not
 39 exceed twenty percent of the floor area of the dwelling unit.
 40 Areas with attached garages and storage buildings shall not be con-
 41 sidered part of the dwelling unit for purposes of calculating
 42 allowable home occupation area but may be used for storage of goods
 43 associated with the home occupation;

44 B. In urban residential zones, all the activities of the home
 45 occupation(s) shall be conducted indoors, except for those related
 46 to growing or storing of plants used by the home occupation(s);

47 C. No more than one non-resident shall be employed by the home
 48 occupation(s);

1 D. The following activities shall be prohibited in urban
2 residential zones only::

- 3 1. Automobile, truck and heavy equipment repair;
- 4 2. Autobody work or painting;
- 5 3. Parking and storage of heavy equipment; and
- 6 4. Storage of building materials for use on other properties;

7 E. In addition to required parking for the dwelling unit, on-
8 site parking shall be provided as follows:

- 9 1. One stall for a non-resident employed by the home
10 occupation(s); and
- 11 2. One stall for patrons when services are rendered on-site;

12 F. Sales shall be limited to:

- 13 1. Mail order sales; and
- 14 2. Telephone sales with off-site delivery;

15 G. Services to patrons shall be arranged by appointment or
16 provided off-site;

17 H. The home occupation(s) may use or store a vehicle for pickup
18 of materials used by the home occupation(s) or the distribution of
19 products from the site, provided:

- 20 1. No more than one such vehicle shall be allowed;
- 21 2. Such vehicle shall not park within any required setback
22 areas of the lot or on adjacent streets; and
- 23 3. Such vehicle shall not exceed a weight capacity of one
24 ton; and

25 I. The home occupation(s) shall not use electrical or
26 mechanical equipment that results in:

- 27 1. A change to the ((~~fire-rating~~))occupancy type of the
28 structure(s) used for the home occupation(s);
- 29 2. Visual or audible interference in radio or television
30 receivers, or electronic equipment located off-premises; or
- 31 3. Fluctuations in line voltage off-premises.

32 J. Uses not allowed as home occupations may be allowed as a
33 home industry pursuant to K.C.C. 21A.30.

34 SECTION 94. Ordinance 10870, Section 557, and K.C.C. 21A.32.200
35 are hereby amended to read as follows:

36 Re-use of facilities - general standards. The interim or
37 permanent re-use of surplus nonresidential facilities in
38 residential zoned areas shall require that no more than 50 percent
39 of the original floor area ((~~may~~))be demolished for either
40 permanent or interim re-use of facilities.

41 SECTION 95. Ordinance 10870, Section 544, and K.C.C. 21A.32.070
42 are hereby amended to read as follows:

43 Nonconformance - repair or reconstruction of nonconforming
44 structure. Any structure nonconforming as to ((~~height~~))density or
45 dimension ((~~setback~~)) standards may be repaired or reconstructed
46 provided that:

47 A. The extent of the previously existing nonconformance is not
48 increased; and

11621

1 B. The building permit application for repair or reconstruction
2 is submitted within 12 months of the occurrence of damage or
3 destruction.

4 SECTION 96. Ordinance 10870, Section 571, and K.C.C. 21A.36.040
5 are hereby amended to read as follows:

6 A. Receiving sites shall be zoned R-4 through R-48, NB, CB, RB
7 or O, or any combination thereof, and (~~must~~) may be designated by
8 community, neighborhood or subarea plan policies as appropriate for
9 the transfer of residential density credits before being eligible
10 to participate in a TDC.

11 B. Except as provided in this chapter, development of a
12 receiving site shall remain subject to all use, lot coverage,
13 height, setback and other requirements of its zone.

14 C. A receiving site may accept density credits, up to the
15 maximum density permitted pursuant to K.C.C. 21A.12, from any
16 sending site or combination of sending sites unless a community,
17 neighborhood or subarea plan adopts specific policies to allow only
18 transfers from within the same community planning area or within a
19 distance outside of the planning area as specified by the community
20 plan.

21 SECTION 97. Ordinance 10870, Section 576, and K.C.C. 21A.38.030
22 are hereby amended to read as follows:

23 A. Property-specific development standards, denoted by the
24 zoning map symbol -P after the zone's map symbol or a notation in
25 the SITUS File, shall be established on individual properties
26 through either reclassifications or area zoning. Upon the effective
27 date of reclassification of a property to a zone with a -P suffix,
28 the property-specific development standards adopted thereby shall
29 apply to any development proposal on the subject property subject
30 to county review, including, but not limited to, a building permit,
31 grading permit, subdivision, short subdivision, subsequent
32 reclassification to a potential zone, urban planned development,
33 conditional use permit, variance, and special use permit.

34 B. Property-specific development standards shall address
35 problems unique to individual properties or specifically defined
36 geographic areas that are not addressed or anticipated by general
37 minimum requirements of this title or other regulations.

38 C. Property-specific development standards shall cite the
39 provisions of this title, if any, that are to be augmented,
40 limited, or increased, shall be supported by documentation that
41 addresses the need for such condition(s), and shall include street
42 addresses, tax lot numbers or other clear means of identifying the
43 properties subject to the additional standards. Property-specific
44 development standards are limited to:

- 45 1. Limiting the range of permitted land uses;
- 46 2. Requiring special development standards for property with
47 physical constraints (e.g. environmental hazards, view corridors);

1 3. Requiring specific site design features (e.g. building
2 orientation, lot layout, clustering, trails or access location);

3 4. Specifying the phasing of the development of a site;

4 5. Requiring public facility site dedications or improvements
5 (e.g. roads, utilities, parks, open space, trails, school sites);
6 or

7 6. Designating sending and receiving sites for transferring
8 density credits as provided in K.C.C. 21A.36.

9 D. Property-specific development standards shall not be used to
10 expand permitted uses or reduce minimum requirements of this title.

11 SECTION 98. Ordinance 10870, Section 577, and K.C.C. 21A.38.040
12 are hereby amended to read as follows:

13 Special district overlay - general provisions. Special
14 district overlays shall be designated on community plan maps and
15 indicated on area zoning maps or a notation in the SITUS File, as
16 follows:

17 A. A special district overlay shall be designated in a
18 community plan, plan update or plan amendment as provided in K.C.C.
19 20.12. Designation of an overlay district shall include policies
20 that prescribe the purposes and location of the overlay;

21 B. A special district overlay shall be applied to land through
22 the area zoning adopted in conjunction with the community plan and
23 shall be indicated on the zoning map or a notation in the SITUS
24 File, with the suffix "-SO" following the map symbol of the
25 underlying zone or zones;

26 C. The special district overlays set forth in this chapter are
27 the only overlays authorized by the code. New or amended overlays
28 to carry out new or different goals or policies shall be adopted as
29 part of this chapter and be available for use in all appropriate
30 community planning areas;

31 D. The special district overlays set forth in this chapter may
32 waive, modify and substitute for the range of permitted uses and
33 development standards established by this title for any use or
34 underlying zone;

35 E. Unless they are specifically modified by the provisions of
36 this chapter, the standard requirements of this title and other
37 county ordinances and regulations govern all development and land
38 uses within special district overlays; and

39 F. A special district overlay on an individual site may be
40 modified by property-specific development standards as provided in
41 K.C.C. 21A.38.030.

42 NEW SECTION. SECTION 99. There is hereby added to K.C.C. 21A.38
43 a new section to read as follows:

44 Special district overlay - rural industry development.

45 A. The purpose of the rural industries special district overlay
46 is to establish standards for industrial development in rural
47 areas. Site and building designs, buffering, compatible commercial
48 and industrial uses are required to maintain rural character.

1 B. The following development standards shall apply to uses
2 locating in in the rural industry overlay districts:

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

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

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

10 4. The total permitted impervious lot coverage shall not
11 exceed 70 percent for a development consisting of multiple lots and
12 80 percent on any individual building lot;

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

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

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

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

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

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

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

30 9. Sign are allowed as follows:

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

33 b. Pole signs shall not be permitted; and

34 c. Signs shall not be internally illuminated;

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

39 11. Building height shall be limited to 40 feet.

40 SECTION 100. Ordinance 10870, Section 579, and K.C.C.

41 21A.38.060 are hereby amended to read as follows:

42 Special district overlay - office/research park development.

43 A. The purpose of the office/research park special district
44 overlay is to establish an area for development to occur in a
45 campus setting with integrated building designs, flexible grouping
46 of commercial and industrial uses, generous landscaping and
47 buffering treatment, and coordinated auto and pedestrian
48 circulation plans. Office/research park districts shall only be

1 established in areas designated within a community plan and zoned
2 RB, O or I zones. Permitted uses shall include all uses permitted
3 in the RB, O and I zones, as set forth in K.C.C. 21A.08, regardless
4 of the classification used as the underlying zone on a particular
5 parcel of land.

6 B. The following development standards shall apply to uses
7 locating in office/research park overlay districts:

8 1. All uses shall be conducted inside an entirely enclosed
9 building;

10 2. An internal circulation plan shall be developed to
11 facilitate pedestrian and vehicular traffic flow between major
12 project phases and individual developments;

13 3. The standards set forth in this section shall be applied
14 to the development as a unified site, notwithstanding any division
15 of the development site under a binding site plan or subdivision;

16 4. All buildings shall maintain a 50-foot setback from
17 perimeter streets and from residential zoned areas;

18 5. The total permitted impervious lot coverage shall be 80
19 percent. The remaining 20 percent shall be devoted to open space.
20 Open space may include all required landscaping, and any
21 unbuildable environmentally sensitive areas and their associated
22 buffers;

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

25 a. 20-foot wide Type II landscaping shall be provided along
26 exterior streets, and 20-foot wide Type III landscaping shall be
27 provide along interior streets;

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

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

32 d. Type IV landscaping shall be provided within all surface
33 parking lots as follows:

34 (1) Fifteen percent of the parking area, excluding
35 required perimeter landscaping, shall be landscaped in parking lots
36 with more than 30 parking stalls;

37 (2) At least one tree for every four parking stalls shall
38 be provided, to be reasonably distributed throughout the parking
39 lot; and

40 (3) No parking stall shall be more than 40 feet from some
41 landscaping;

42 e. An inventory of existing site vegetation shall be
43 conducted pursuant to the procedures set forth in K.C.C. 21A.16.
44 (~~Significant trees identified in the inventory shall be retained~~
45 ~~as set forth in K.C.C. 21A.16 for commercial and industrial~~
46 ~~developments)), and~~

47 f. An overall landscaping plan which conforms to the
48 requirements of this subsection shall be submitted for the entire

11621

1 district or each major development phase prior to the issuance of
2 any site development, grading, or building permits;

3 7. Lighting within an office/industrial park shall shield the
4 light source from the direct view of surrounding residential areas;

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

8 9. Off street parking standards as set forth in Chapter
9 21A.18 are modified as follows:

10 a. one space for every 300 square feet of floor area shall
11 be provided for all uses, except on-site daycare, exercise
12 facilities, eating areas for employees, archive space for tenants,
13 retail/service uses;

14 b. parking for on-site daycare, exercise facilities, eating
15 areas for employees, archive space for tenants, and retail/service
16 uses shall be no less than one space for every 1000 square feet of
17 floor area and no greater than one space for every 500 square feet
18 of floor area; and

19 c. at least 25 percent of required parking shall be located
20 in a parking structure; and

21 10. Sign standards as set forth in Chapter 21A.20 are
22 modified as follows:

23 a. Signs visible from the exterior of the park shall be
24 limited to one monument office/research park identification sign at
25 each entrance. Such signs shall not exceed an area of 64 square
26 feet per sign;

27 b. no pole signs shall be permitted; and

28 c. all other signs shall be visible only from within the
29 park.

30 SECTION 101. Ordinance 10870, Section 583, and K.C.C.
31 21A.39.020 are hereby amended to read as follows:

32 UPD permit - application/review process.

33 A. King County shall accept an application for an UPD permit
34 only in areas designated urban by the comprehensive plan and
35 contained within the boundaries of UPD Special District Overlays
36 designated by a community plan or comprehensive plan, provided that
37 density transfer from adjacent rural lands is allowed as provided
38 for in Chapter 21A.((34))36.

39 B. A UPD permit application, or modifications of an approved
40 UPD permit which requires council review, shall be reviewed pur-
41 suant to the hearing examiner process outlined in K.C.C. 21A.42,
42 provided that:

43 1. the review of the UPD permit application shall not be
44 completed until applicable sewer and/or water comprehensive utility
45 plans or plan amendments are identified;

46 2. A UPD permit may be processed concurrently with any
47 application for a subsequent development approval implementing the
48 UPD permit.

1 C. (~~If requested by the applicant, a~~) A processing memorandum
 2 of understanding (MOU) shall be adopted containing any of the
 3 following elements:

4 1. Schedule for processing including timelines for EIS,
 5 drainage master plan, UPD permit hearings, plats or other permits
 6 or approvals;

7 2. Budget for permit processing and review;

8 3. Establishment of a core UPD review team with one
 9 representative from each county department having a principal UPD
 10 permit review role. The department responsible for coordinating
 11 review of the UPD shall enter into memorandums of understanding
 12 with other county departments specifying special tasks and
 13 timetables consistent with the schedule for performance by each
 14 department and/or independent consulting;

15 4. Retention of a third-party facilitator at the applicant's
 16 cost to assist the county's review;

17 5. Establishment of baseline monitoring requirements and
 18 design parameters which are to apply under existing law during the
 19 UPD application and review process;

20 6. Final scope for EIS, which shall be adjusted for adopted
 21 county substantive environmental or mitigation requirements which
 22 will apply to the UPD permit such as the sensitive area ordinance,
 23 the SWM Manual, road and school adequacy standards, impact fee or
 24 mitigation programs or other adopted standards.

25 D. The processing MOU shall be completed initially within 90
 26 days after the request by a UPD permit applicant, unless the county
 27 and applicant agree to a different time. If the county and
 28 applicant have not reached agreement within 90 days, then either
 29 may request final resolution of the processing MOU by a committee
 30 consisting of the directors of the departments of public works,
 31 development and environmental services, and parks planning and
 32 resources;

33 E. UPD Application Form. The County shall prepare an
 34 application form consistent with the information required under
 35 K.C.C. 21A.39.030, which shall take into account that detailed
 36 information which may not be available at the time of the
 37 application will be developed through the environmental impact
 38 statement and review process.

39 SECTION 102. Ordinance 10870, Section 586, and K.C.C.
 40 21A.39.050 are hereby amended to read as follows:

41 UPD standards - land uses.

42 A. Except as required by subsections B and C, a UPD may contain
 43 any non-residential use set out in the K.C.C. 21A.08 (Land Use
 44 Tables) when approved as part of the UPD permit. Any non-
 45 residential use shall be subject to any applicable UPD conditions
 46 contained in the development agreement that limits the scope or
 47 intensity of such use.

1 B. The primary land use shall be residential and shall be
2 provided as follows:

3 1. the base density of the UPD shall be that of the zone set
4 for the site were it to not develop with a UPD, applied to the
5 entire site including portions proposed for nonresidential uses.

6 2. the minimum density of the UPD shall be not less than the
7 minimum residential density of the underlying zoning calculated for
8 the portion of the site to be used for residential purposes,
9 pursuant to the methodology outlined in K.C.C. 21A.12, and

10 3. the maximum density of the UPD shall be determined by the
11 council in the UPD permit, subject to any maximum density set out
12 in the community plan or comprehensive plan which designated ~~((in))~~
13 the UPD special district overlay.

14 C. UPDs shall at a minimum:

15 1. provide retail/commercial areas at a rate of one acre per
16 2500 projected UPD residents, or

17 2. demonstrate that existing or potential commercial
18 development within one quarter mile of UPD boundaries will meet the
19 convenience shopping needs of UPD residents.

20 SECTION 103. Ordinance 10870, Section 598, and K.C.C.
21 21A.40.035 are hereby amended to read as follows:

22 Vesting.

23 A. ~~((Only a e))~~ Completed applications for ~~((a))~~ conditional use
24 permits and special use permits shall be considered under zoning
25 and other land use control ordinances in effect as of the date of
26 submittal.

27 B. Supplemental information required after acceptance and
28 vesting of a complete application shall not affect the validity of
29 the vesting for such application.

30 C. Vesting of an application does not vest any subsequently
31 required permits, nor does it affect the requirements for vesting
32 of subsequent permits or approvals.

33 D. This section vests only conditional use permits. Vesting
34 for other development permits shall be governed by other applicable
35 titles.

36 SECTION 104. Ordinance 10870, Section 604, and K.C.C.
37 21A.40.090 are hereby amended to read as follows:

38 Notice - Posted notice. Posted notice for a proposed action
39 shall consist of one or more notice boards as follows.

40 A. A single notice board shall be posted for a project and this
41 notice board may also be used for the posting of the SEPA threshold
42 determination, if same is required, and shall be placed by the
43 applicant:

44 1. At the midpoint of the site street frontage or as
45 otherwise directed by the department for maximum visibility;

46 2. Five feet inside the street property line except when the
47 board is structurally attached to an existing building, provided

1 that no notice board shall be placed more than five feet from the
2 street property without approval of the department;

3 3. So that the top of the notice board is between seven to
4 nine feet above grade; and

5 4. Where it is completely visible to pedestrians.

6 B. Additional notice boards may be required when:

7 1. The site does not abut a public road;

8 2. A large site abuts more than one public road; or

9 3. The department determines that additional notice boards
10 are necessary to provide adequate public notice.

11 C. Notice boards shall be:

12 1. maintained in good condition by the applicant during the
13 notice period;

14 2. in place at least 30 days prior to the date of hearing, or
15 at least 15 days prior to the end of any required comment period;
16 and

17 3. removed within 15 days after the end of the notice period.

18 D. Removal of the notice board prior to the end of the notice
19 period may be cause for discontinuance of the department review
20 until the notice board is replaced and remains in place for the
21 specified time period.

22 E. An affidavit of posting shall be submitted to the department
23 by the applicant prior to the hearing or final comment date.

24 F. Notice boards shall be constructed and installed in
25 accordance with specifications promulgated by the department
26 pursuant to K.C.C. 2.98, Rules of County Agencies.

27 SECTION 105. Ordinance 10870, Section 612, and K.C.C.

28 21A.42.040 are hereby amended to read as follows:

29 Director/adjustor review - Actions subject to review. The
30 following actions shall be subject to the director/adjustor review
31 procedures set forth in this chapter:

32 A. Applications for variances, exceptions under 21A.24 and
33 conditional uses; and

34 B. Periodic review of extractive operations.

35 SECTION 106. Ordinance 10870, Section 618, and K.C.C.

36 21A.42.100 are hereby amended to read as follows:

37 Examiner review - Zone reclassifications, urban plan
38 developments, and special use permits. Applications for zone
39 reclassifications, special use permits and urban plan developments
40 shall be reviewed by the department subject to the procedures and
41 criteria set forth in K.C.C. 20.24 for action subject to approval
42 by the council and notice shall be provided pursuant to K.C.C.

43 21A.40.080 through .130.

44 SECTION 107. Ordinance 10870, Section 624, and K.C.C.

45 21A.44.030 are hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

27 L. The variance from setback or height requirements does not
28 infringe upon or interfere with easements ~~((or covenant rights))~~ or
29 responsibilities; and

30 M. The variance does not relieve an applicant from any
31 provisions of K.C.C. 21A.24 Sensitive Areas, except for the
32 required buffer widths set forth in K.C.C. 21A.24. ~~((270))~~ 280,
33 21A.24. ~~((300))~~ 310, 21A.24. ~~((310))~~ 320, or 21A.24. ~~((350))~~ 360.

34 SECTION 108. Ordinance 10870, Section 625, and K.C.C.
35 21A.44.040 are hereby amended to read as follows:

36 Conditional use permit. A conditional use permit shall be
37 granted by the County, only if the applicant demonstrates that:

38 A. The conditional use is designed in a manner which is
39 compatible with the character and appearance ~~((with the))~~ of an
40 existing, or proposed development in the vicinity of the subject
41 property;

42 B. The location, size and height of buildings, structures,
43 walls and fences, and screening vegetation for the conditional use
44 shall not hinder neighborhood circulation or discourage the
45 permitted development or use of neighboring properties;

46 C. The conditional use is designed in a manner that is
47 compatible with the physical characteristics of the subject
48 property;

1 D. Requested modifications to standards are limited to those
2 which will mitigate impacts in a manner equal to or greater than
3 the standards of this title;

4 E. The conditional use is not in conflict with the health and
5 safety of the community;

6 F. The conditional use is such that pedestrian and vehicular
7 traffic associated with the use will not be hazardous or conflict
8 with existing and anticipated traffic in the neighborhood; and

9 G. The conditional use will be supported by adequate public
10 facilities or services and will not adversely affect public
11 services to the surrounding area or conditions can be established
12 to mitigate adverse impacts on such facilities.

13 NEW SECTION. SECTION 109. A new Chapter is added to K.C.C.
14 Title 21A. The sections contained in this chapter are sections 110
15 through 118 of this ordinance to read as follows:

16 Authority. The provisions of this chapter for the assessment
17 and collection of impact fees are adopted pursuant to Chapter 82.02
18 RCW.

19 NEW SECTION. SECTION 110. Purpose. The purpose of this chapter
20 is to implement the capital facilities element of the Comprehensive
21 Plan and the Growth Management Act by:

22 A. Ensuring that adequate public school facilities and
23 improvements are available to serve new development;

24 B. Establishing standards whereby new development pays a
25 proportionate share of the cost for public school facilities needed
26 to serve such new development;

27 C. Ensuring that school impact fees are imposed through
28 established procedures and criteria so that specific developments
29 do not pay arbitrary fees or duplicative fees for the same impact;
30 and

31 D. Providing needed funding for growth-related school
32 improvements to meet the future growth needs of King County.

33 NEW SECTION. SECTION 111. Impact fee program elements.

34 A. Impact fees will be assessed on every new dwelling unit in
35 the district for which a fee schedule has been established.

36 B. Impact fees will be imposed on a district-by-district basis,
37 on behalf of any school district which provides to the county, a
38 capital facilities plan, the district's standards of service for
39 the various grade spans, estimates of the cost of providing needed
40 facilities and other capital improvements, and the data from the
41 district called for by the formula in section 112 of this
42 ordinance. The actual fee schedule for the district will be
43 adopted by ordinance based on this information and the fee
44 calculation set out for section 112 of this ordinance. Any impact
45 fee imposed shall be reasonably related to the impact caused by the
46 development and shall not exceed a proportionate share of the cost
47 of system improvements that are reasonably related to the
48 development. The impact fee formula shall account in the fee

1 calculation for future revenues the district will receive from the
2 development. The ordinance adopting the fee schedule shall specify
3 under what circumstances the fee may be adjusted in the interests
4 of fairness.

5 C. The impact fee shall be based on a capital facilities plan
6 developed by the district and approved by the school board, and
7 adopted by reference by the county as part of the capital
8 facilities element of the comprehensive plan for the purpose of
9 establishing the fee program.

10 NEW SECTION. SECTION 112. Fee calculations.

11 A. The fee for each district shall be calculated based on the
12 formula set out in Attachment A.

13 B. Separate fees shall be calculated for single family and
14 multifamily types of dwelling units, and separate student
15 generation rates must be determined by the district for each type
16 of dwelling unit. For purposes of this chapter mobile homes shall
17 be treated as single family dwellings, and duplexes and single
18 family attached dwellings shall be treated as multifamily
19 dwellings.

20 C. The fee shall be calculated on a district-by-district basis
21 using the appropriate factors and data to be supplied by the
22 district, as indicated in Attachment A. The fee calculations shall
23 be made on a district-wide basis to assure maximum utilization of
24 all school facilities in the district used currently or within the
25 last two years for instructional purposes.

26 D. The formula in Attachment A provides a credit for the
27 anticipated tax contributions that would be made by the development
28 based on historical levels of voter support for bond issue in the
29 school district.

30 E. The formula also provides for a credit for school facilities
31 or sites actually provided by a developer which the school district
32 finds to be acceptable.

33 NEW SECTION. SECTION 113. Fee collection. Fees shall be
34 collected by the department of development and environmental
35 services and maintained in a separate account for each school
36 district, pursuant to section 116 of this ordinance. Fees shall be
37 paid to the district pursuant to administrative rules of an
38 interlocal agreement between the county and the district.

39 NEW SECTION. SECTION 114. Assessment of impact fees.

40 A. In school districts where impact fees have been adopted by
41 county ordinance and except as provided in section 117 of this
42 ordinance, the county shall collect impact fees, based on the
43 schedules set forth in each ordinance establishing the fee to be
44 collected for the district, from any applicant seeking development
45 approval from the county where such development activity requires
46 final plat, PUD or UPD approval or the issuance of a residential
47 building permit or a mobile home permit and the fee for the lot or
48 unit has not been previously paid. No approval shall be granted

1 and no permit shall be issued until the required school impact fees
2 set forth in the district's impact fee schedule contained in Title
3 27 have been paid.

4 B. For a plat, PUD or UPD applied for on or after the effective
5 date of the ordinance adopting the fee for the district in question
6 receiving final approval, fifty percent (50%) of the impact fees
7 due on the plat, PUD or UPD shall be assessed and collected from
8 the applicant at the time of final approval, using the impact fee
9 schedules in effect when the plat, PUD or UPD was approved. The
10 balance of the assessed fee shall be allocated to the dwelling
11 units in the project, and shall be collected when the building
12 permits are issued. Residential developments proposed for short
13 plats shall be governed by subsection D of this section.

14 C. If on the effective date of an ordinance adopting an impact
15 fee for a district, a plat, PUD or UPD has already received
16 preliminary approval, such plat, PUD or UPD shall not be required
17 to pay fifty percent (50%) of the impact fees at the time of final
18 approval, but the impact fees shall be assessed and collected from
19 the lot owner at the time the building permits are issued, using
20 the impact fee schedules in effect at the time of building permit
21 application. If on the effective date of a district's ordinance,
22 an applicant has applied for preliminary plat, PUD or UPD approval,
23 but has not yet received such approval, the applicant shall follow
24 the procedures set forth in subsection B of this section.

25 D. For existing lots or lots not covered by subsection B of
26 this section, application for single family and multifamily
27 residential building permits, mobile home permits, and site plan
28 approval for mobile home parks, the total amount of the impact fees
29 shall be assessed and collected from the applicant when the
30 building permit is issued, using the impact fee schedules in effect
31 at the time of permit application.

32 E. Notwithstanding the provisions of this section, any
33 application for preliminary plat, PUD or UPD approval submitted
34 before January 22, 1991, shall not be required to pay school impact
35 fees at the time of final plat, PUD or UPD approval. However,
36 where the county has adopted a fee ordinance for the district, the
37 full impact fee in effect when the building permits were applied
38 for shall be paid by such developments at the time the building
39 permits are issued if the applications for the building permits are
40 submitted after January 22, 1991.

41 F. Any application for preliminary plat, PUD or UPD approval or
42 multifamily zoning which has been approved subject to conditions
43 requiring the payment of impact fees established pursuant to this
44 chapter, shall be required to pay the fee in accordance with the
45 condition of approval.

46 NEW SECTION. SECTION 115. Effective Date. As of September 10,
47 1993, no fee shall be assessed or collected on any pending building

1 permit which had been applied for prior to the effective date of
2 the impact fee.

3 NEW SECTION. SECTION 116. Adjustments, exceptions, and
4 appeals.

5 A. The following are excluded from the application of the
6 impact fees:

7 1. any form of housing exclusively for the senior citizen,
8 including nursing homes and retirement centers, so long as these
9 uses are maintained;

10 2. reconstruction, remodeling, or replacement of existing
11 dwelling units which does not result in additional new dwelling
12 units. In the case of replacement of a dwelling, a complete
13 application for a building permit must be submitted within three
14 years after it has been removed or destroyed;

15 3. shelters for temporary placement, relocation facilities
16 and transitional housing facilities;

17 4. any development activity that is exempt from the payment
18 of an impact fee pursuant to RCW 82.02.100, due to mitigation of
19 the same system improvement under the State Environmental Policy
20 Act;

21 5. any development activity for which school impacts have
22 been mitigated pursuant to a condition of plat, PUD or UPD approval
23 to pay fees, dedicate land or construct or improve school
24 facilities, unless the condition of the plat, PUD or UPD approval
25 provides otherwise; provided that the condition of the plat, PUD or
26 UPD approval predates the effective date of a school district's fee
27 implementing ordinance;

28 6. any development activity for which school impacts have
29 been mitigated pursuant to a voluntary agreement entered into with
30 a school district to pay fees, dedicate land or construct or
31 improve school facilities, unless the terms of the voluntary
32 agreement provide otherwise; provided that the agreement predates
33 the effective date of a school district's fee implementing
34 ordinance;

35 7. housing units which fully qualify as housing for persons
36 age 55 and over meeting the requirements of the Federal Housing
37 Amendments Act of 1988, 42 U.S.C. 3607(b)(2)(c) and (b)(3), as
38 subsequently amended, and which have recorded covenants or other
39 legal arrangements precluding school-aged children as residents in
40 those units.

41 B. Arrangement may be made for later payment with the approval
42 of the school district only if the district determines that it will
43 be unable to use or will not need the payment until a later time,
44 provided that sufficient security, as defined by the district, is
45 provided to assure payment. Security shall be made to and held by
46 the school district, which will be responsible for tracking and
47 documenting the security interest.

1 C. The fee amount established in the schedule shall be reduced
2 by the amount of any payment previously made for the lot or
3 development activity in question, either as a condition of approval
4 or pursuant to a voluntary agreement with a school district entered
5 into after the effective date of a school district's fee
6 implementing ordinance.

7 D. After the effective date of a school district's fee
8 implementing ordinance, whenever a development is granted approval
9 subject to a condition that the developer actually provide school
10 sites, school facilities, or improvements to school facilities
11 acceptable to the district, or whenever the developer has agreed,
12 pursuant to the terms of a voluntary agreement with the school
13 district, to provide land, provide school facilities, or make
14 improvements to existing facilities, the developer shall be
15 entitled to a credit for the value of the land or actual cost of
16 construction against the fee that would be chargeable under the
17 formula provided by this chapter. The land value or cost of
18 construction shall be estimated at the time of approval, but must
19 be documented. If construction costs are estimated, the
20 documentation shall be confirmed after the construction is
21 completed to assure that an accurate credit amount is provided. If
22 the land value or construction costs are less than the calculated
23 fee amount, the difference remaining shall be chargeable as a
24 school impact fee.

25 E. Impact fees may be adjusted by the county, at the county's
26 discretion, if one of the following circumstances exist, provided
27 that the discount set forth in the fee formula fails to adjust for
28 the error in the calculation or fails to ameliorate for the
29 unfairness of the fee:

30 1. The developer demonstrates that an impact fee assessment
31 was incorrectly calculated; or

32 2. Unusual circumstances identified by the developer
33 demonstrate that if the standard impact fee amount was applied to
34 the development, it would be unfair or unjust.

35 F. A developer may provide studies and data to demonstrate that
36 any particular factor used by the district may not be appropriately
37 applied to the development proposal, but the district's data shall
38 be presumed valid unless clearly demonstrated to be otherwise by
39 the proponent.

40 G. Any appeal of the decision of the director or the zoning and
41 subdivision examiner with regard to imposition of an impact fee or
42 fee amounts shall follow the appeal process for the underlying
43 permit and not be subject to a separate appeal process. Where no
44 other administrative appeal process is available, an appeal may be
45 taken to the zoning examiner using the appeal procedures for
46 variances. Any errors in the formula identified as a result of an
47 appeal should be referred to the council for possible modification.

1 H. Impact fees may be paid under protest in order to obtain a
2 building permit or other approval of development activity, when an
3 appeal is filed.

4 NEW SECTION. SECTION 117. Exemption or reduction for low or
5 moderate income housing.

6 A. Low or moderate income housing projects being developed by
7 public housing agencies or private non-profit housing developers
8 shall be exempt from the payment of school impact fees. The amount
9 of the school impact fees not collected from low or moderate income
10 household development shall be paid from public funds other than
11 impact fee accounts. The impact fees for these units shall be
12 considered paid for by the district through its other funding
13 sources, without the district actually transferring funds from its
14 other funding sources into the impact fee account. The planning
15 and community development division shall review proposed
16 developments of low or moderate income housing by such public or
17 non-profit developers pursuant to criteria and procedures adopted
18 by administrative rule, and shall advise the department of
19 development and environmental services as to whether the project
20 qualifies for the exemption.

21 B. Private developers who dedicate residential units for
22 occupancy by low or moderate income households may apply to the
23 division for reductions in school impact fees pursuant to the
24 criteria established for public housing agencies and private non-
25 profit housing developers pursuant to Subsection A, and subject to
26 the provisions of Subsection A. The division shall review proposed
27 developments of low or moderate income housing by such private
28 developers pursuant to criteria and procedures adopted by
29 administrative rule, and shall advise the department of development
30 and environmental services as to whether the project qualifies for
31 the exemption. If the division recommends the exemption, the
32 department of development and environmental services shall reduce
33 the calculated school impact fee for the development by an amount
34 that is proportionate to the number of units in the development
35 that satisfy the adopted criteria.

36 C. Individual low or moderate income home purchasers (as
37 defined pursuant to the King County Comprehensive Housing
38 Affordability Strategy (CHAS)) who are purchasing homes at prices
39 within their eligibility limits based on standard lending criteria
40 and meet other means tests established by rule by the division are
41 exempted from payment of the impact fee, provided that at such time
42 as the property in question is transferred to another owner who
43 does not qualify for the exemption, at which time the fee shall be
44 due and payable.

45 D. The division is hereby instructed and authorized to adopt,
46 pursuant to K.C.C. Chapter 2.98, administrative rules to implement
47 this section. Such rules shall provide for the administration of
48 this program and shall:

1 1. Encourage the construction of housing for low or moderate
2 income households by public housing agencies or private non-profit
3 housing developers participating in publicly sponsored or
4 subsidized housing programs;

5 2. Encourage the construction in private developments of
6 housing units for low or moderate income households that are in
7 addition to units required by another housing program or
8 development condition;

9 3. Ensure that housing that qualifies as low or moderate cost
10 meets appropriate standards regarding household income, rent levels
11 or sale prices, location, number of units and development size; and

12 4. Ensure that developers who obtain an exemption from or
13 reduction of school impact fees will in fact build the proposed low
14 or moderate cost housing and make it available to low or moderate
15 income households for a minimum of fifteen (15) years.

16 5. Ensure that individual low or moderate income purchasers
17 meet appropriate eligibility standards based on income and other
18 financial means tests.

19 E. As a condition of receiving an exemption under paragraph B
20 or C, the owner must execute and record a county-drafted lien,
21 covenant, and/or other contractual provision against the property
22 for a period of ten (10) years for individual owners, and fifteen
23 (15) years for private developers, guaranteeing that the proposed
24 development will continue to be used for low or moderate income
25 housing. In the event that the pattern of development or the use
26 of the development is no longer for low or moderate income housing,
27 then the owner shall pay the impact fee amount from which the owner
28 or any prior owner was exempt. The lien, covenant, or other
29 contractual provision shall run with the land and apply to
30 subsequent owners.

31 NEW SECTION. SECTION 118. Impact fee accounts and refunds.

32 A. Impact fee receipts shall be earmarked specifically and
33 retained in a special interest-bearing account established by the
34 county solely for the district's school impact fees. All interest
35 shall be retained in the account and expended for the purpose or
36 purposes identified in Subsection B. Annually, the county, based
37 in part on the report submitted by the district pursuant to section
38 89 of this ordinance shall prepare a report on each impact fee
39 account showing the source and amount of all moneys collected,
40 earned or received, and capital or system improvements that were
41 financed in whole or in part by impact fees.

42 B. Impact fees for the district's system improvements shall be
43 expended by the district for capital improvements including but not
44 limited to school planning, land acquisition, site improvements,
45 necessary off-site improvements, construction, engineering,
46 architectural, permitting, financing, and administrative expenses,
47 relocatable facilities, capital equipment pertaining to educational
48 facilities, and any other expenses which could be capitalized, and

1 which are consistent with the school district's capital facilities
2 plan.

3 C. In the event that bonds or similar debt instruments are
4 issued for the advanced provision of capital facilities for which
5 impact fees may be expended and where consistent with the
6 provisions of the bond covenants, impact fees may be used to pay
7 debt service on such bonds or similar debt instruments to the
8 extent that the facilities or improvements provided are consistent
9 with the requirements of this section.

10 D. Impact fees shall be expended or encumbered (i.e. committed
11 as part of the funding for a facility for which the publically
12 funded share has been assured, or building permits applied for, or
13 construction contracts let) by the district for a permissible use
14 within six (6) years of receipt by the county, unless there exists
15 an extraordinary and compelling reason for fees to be held longer
16 than six (6) years. Such extraordinary or compelling reasons shall
17 be identified to the county by the district. The county must
18 prepare written findings concurring with the district's reasons,
19 and authorizing the later encumbrance or expenditure of the fees
20 prior to the district so encumbering or expending the funds, or
21 directing a refund of the fees.

22 E. The current owner of property on which an impact fee has
23 been paid may receive a refund of such fees if the impact fees have
24 not been expended or encumbered within six (6) years of receipt of
25 the funds by the county. In determining whether impact fees have
26 been encumbered, impact fees shall be considered encumbered on a
27 first in, first out basis. The county shall notify potential
28 claimants by first-class mail deposited with the United States
29 Postal Service addressed to the owner of the property as shown in
30 the county tax records.

31 F. An owner's request for a refund must be submitted to the
32 county council in writing within one (1) year of the date the right
33 to claim the refund arises or the date that notice is given,
34 whichever date is later. Any impact fees that are not expended or
35 encumbered within these time limitations, and for which no
36 application for a refund has been made within this one (1) year
37 period, shall be retained and expended consistent with the
38 provisions of this section. Refunds of impact fees shall include
39 any interest earned on the impact fees.

40 G. Should the county seek to terminate any or all school impact
41 fee requirements, all unexpended or unencumbered funds, including
42 interest earned, shall be refunded to the current owner of the
43 property for which a school impact fee was paid. Upon the finding
44 that any or all fee requirements are to be terminated, the county
45 shall place notice of such termination and the availability of
46 refunds in a newspaper of general circulation at least two (2)
47 times and shall notify all potential claimants by first-class mail
48 addressed to the owner of the property as shown in the county tax

11621

1 records. All funds available for refund shall be retained for a
2 period of one (1) year. At the end of one (1) year, any remaining
3 funds shall be retained by the county, but must be expended for the
4 district, consistent with the provisions of this section. The
5 notice requirement set forth above shall not apply if there are no
6 unexpended or unencumbered balances within the account or accounts
7 being terminated.

8 H. A developer may request and shall receive a refund,
9 including interest earned on the impact fees, when:

10 1. The developer does not proceed to finalize the development
11 activity as required by statute or county code or the Uniform
12 Building Code, and

13 2. No impact on the district has resulted. "Impact" shall be
14 deemed to include cases where the district has expended or
15 encumbered the impact fees in good faith prior to the application
16 for a refund. In the event that the district has expended or
17 encumbered the fees in good faith, no refund shall be forthcoming.

18 However, if within a period of three (3) years, the same or
19 subsequent owner of the property proceeds with the same or
20 substantially similar development activity, the owner shall be
21 eligible for a credit. The owner must petition the county and
22 provide receipts of impact fees paid by the owner for a development
23 of the same or substantially similar nature on the same property or
24 some portion thereof. The county shall determine whether to grant
25 a credit, and such determinations may be appealed by following the
26 procedures set forth in section 116 of this ordinance.

27 I. Interest due upon the refund of impact fees required by this
28 Section shall be calculated according to the average rate received
29 by the county or the district on invested funds throughout the
30 period during which the fees were retained.

31 NEW SECTION. SECTION 119. A new chapter is added to K.C.C.
32 Title 21A. The sections contained in this chapter are sections 120
33 through 132 of this ordinance.

34 NEW SECTION. SECTION 120. Purpose. The purpose of this chapter
35 is to establish an optional comprehensive site review process of
36 proposed commercial development resulting in a permit which can
37 combine any or all of the following:

38 A. Site development requirements specified prior to building
39 and/or grading permit applications.

40 B. Site review and application of rules and regulations
41 generally applied to the whole site without regard to existing or
42 proposed internal lot lines.

43 C. Site development coordination and project phasing occurring
44 over a period of years.

45 D. Evaluation of commercially and industrially zoned property
46 for the creation or alteration of lots when reviewed concurrently
47 with a binding site plan application.

48 NEW SECTION. SECTION 121. Applicability.

1 A. An application for commercial site development permit may be
 2 submitted for commercial development projects on sites consisting
 3 of one (1) or more contiguous lots legally created and zoned to
 4 permit the proposed uses.

5 B. A commercial site development permit is separate from and
 6 does not replace other required permits such as conditional use
 7 permits or shoreline substantial development permits. A commercial
 8 site development permit may be combined and reviewed concurrently
 9 with other permits.

10 NEW SECTION. SECTION 122. Permit application.

11 A. Before submitting a commercial site development application,
 12 an applicant shall have a pre-application conference with King
 13 County department of development and environmental services staff.

14 B. An application for a commercial site development permit may
 15 be considered simultaneously with other applications. A commercial
 16 site development application which includes a proposal for dividing
 17 commercially or industrially zoned property as provided in RCW
 18 58.17.035 must be accompanied by an application for a binding site
 19 plan permit.

20 C. A commercial site development permit shall be considered
 21 under the zoning and other land use control ordinances in effect at
 22 the time a fully completed application is filed with the
 23 department. An application shall be considered complete once the
 24 department determines that the application contains the following
 25 materials and information:

26 1. A completed application form provided by the department,
 27 signed by all property owners or their agents, with supporting
 28 documents as required below and which contains sufficient
 29 information to determine compliance with adopted rules and
 30 regulations including, but not limited to RCW 43.21C, SEPA as
 31 implemented by WAC 197-11; K.C.C. 9.04, Surface Water Management;
 32 K.C.C. 14.42, Road Standards; K.C.C. Title 17, Fire Code; K.C.C.
 33 20.44, County Environmental Procedures; K.C.C. Title 21A, Zoning;
 34 Title 25, Shoreline Management; administrative rules adopted
 35 pursuant to K.C.C. 2.98 to implement any such code or ordinance
 36 provision; King county board of health rules and regulation; county
 37 approved utility comprehensive plans; conformity with applicable P-
 38 suffix conditions and private restrictions and covenants which are
 39 in effect at the time of application.

40 2. A proposed site plan prepared in a form prescribed by the
 41 director. At a minimum, the proposed site plan shall include:

42 a. the location and size of all proposed lots and
 43 structures including elevations, floor plans as known, and maximum
 44 square footage (plans which show building envelopes rather than
 45 footprints must include post-construction treatment of unoccupied
 46 areas of the building envelopes),
 47 b. all proposed uses,

1 c. the location of proposed open space including any
2 required landscaped areas,

3 d. the location and identification of critical areas;

4 e. the layout of an internal vehicular and pedestrian
5 circulation system, including proposed ingress and egress for
6 vehicles and required fire department access roadways (firelanes),

7 f. the number and location of proposed parking spaces on
8 and off the site,

9 g. a drainage plan which will accommodate the maximum
10 proposed square footage of impervious surface and the maximum
11 proposed square footage of impervious surface exposed to vehicular
12 use, subject to the requirements of the King County Surface Water
13 Design Manual, adopted by rule under the procedures specified in
14 K.C.C. 2.98.

15 h. the location and size of utility trunk lines serving
16 the site,

17 i. the location and size of water bodies and drainage
18 features, both natural and manmade.

19 j. a grading plan showing proposed clearing and tree
20 retention and the existing and proposed topography, detailed to
21 five-foot contours, unless smaller contour intervals are otherwise
22 required by the King County Code or rules and regulations
23 promulgated thereunder,

24 k. a layout of sewers and the proposed water distribution
25 system including fire hydrant locations, and

26 3. A completed environmental checklist, if required by K.C.C.
27 20.44;

28 4. A downstream drainage analysis or any other requirement
29 specified in the King County Surface Water Design Manual or K.C.C.
30 9.04;

31 5. All covenant, easements, maintenance agreements or other
32 documents regarding mutual use of parking and access;

33 6. A Certificate of Sewer Availability or site percolation
34 data approved by the Seattle-King County department of public
35 health; or for schools located in rural areas, a letter indicating
36 compliance with the tightline sewer provisions in the zoning code;

37 7. A current Certificate of Water Availability;

38 8. A fire district receipt, pursuant to K.C.C. 17.04.010;

39 9. Copies of all easements, deed restrictions or other
40 encumbrances restricting the use of the site;

41 10. A phasing plan and time schedule, if the site is intended
42 to be developed in phases or if all building permits will not be
43 submitted within three years;

44 11. Documentation of the date and method of segregation for
45 the subject property verifying that the lot or lots were not
46 created in violation of the short subdivision or subdivision laws
47 in effect at the time of creation;

11621

1 12. A list of other development permits or permit applications
2 filed for the same site; and

3 13. The payment of fees.

4 D. The department shall screen the commercial site development
5 permit application for completeness and shall notify the applicant
6 of any deficiencies or certify that the application is complete.

7 E. The applicant shall submit any additional information or
8 documents which may be required by the director for the purpose of
9 processing the commercial site development permit. Additional
10 information sought after the application has been certified as
11 complete will not affect the completeness of the application but
12 may affect the time required to process the application.

13 F. The director may waive specific submittal requirements
14 determined to be unnecessary for review of the application.

15 NEW SECTION. SECTION 123. Notice of application.

16 A. After a complete commercial site development permit
17 application is submitted to the department, the department shall
18 send written notice of the application by first class mail to the
19 following:

20 1. Owners of property located within 500 feet of the site,
21 provided such area shall be expanded as necessary to ensure that
22 notice be mailed to at least twenty (20) different property owners;

23 2. Any other person requesting notice;

24 3. Any city located within three (3) miles of any boundary of
25 the site;

26 4. Any city with a utility which is intended to serve the
27 site; and

28 5. The ((s))State ((d))Department of ((t))Transportation, if
29 any part of the site adjoins a ((s))State right-of-way.

30 6. Any agency or community group which the department may
31 identify as having an interest in the proposal.

32 B. The applicant shall post notice of the commercial site
33 development permit application on the subject property in a
34 conspicuous place likely to be seen by persons passing the
35 property. The department may require more than one (10) notice
36 board when a site does not abut a public road or in any other
37 instance when the department deems additional boards to be
38 necessary. Posting shall occur for at least fifteen days and meet
39 the dimensions and form prescribed in K.C.C. 19.26.070.

40 C. The department may also use any other method of notice
41 deemed appropriate for the purpose of informing interested parties
42 of a commercial site development permit, including but not limited
43 to publishing notification of the proposed action in local or
44 community newspapers.

45 D. The notice of application shall include, but not be limited
46 to the following:

47 1. The name and total area of the site;

48 2. A plot plan;

1 3. The proposed and/or existing use of the site;

2 4. The applicant's name;

3 5. A legal description of the site;

4 6. A general location description of the site in nonlegal
5 language; and

6 7. An invitation to submit written comments together with the
7 last date comments will be considered.

8 NEW SECTION. SECTION 124. Public comments. All public comments
9 shall be in writing and signed, shall reference the proposed
10 commercial site development permit application, and shall include
11 the full name, address and telephone number of the person
12 commenting. All comments shall be received within the designated
13 comment period. The designated comment period shall commence on
14 the day following publication or posting of the application notice
15 and shall terminate at 4:30 p.m. on the fifteenth (15th) day
16 thereafter. If the department determines that application notice
17 shall be published as well as posted, the department shall make
18 every attempt to have the comment periods run concurrently. If,
19 however, more than one method of notification is used, the
20 termination date shall be calculated from the last notification
21 date. If the fifteenth (15th) day is a non-work day for the
22 county, the designated comment period shall cease at 4:30 p.m. on
23 the next county work day immediately following the fifteenth (15th)
24 day.

25 NEW SECTION. SECTION 125. Application of development standards.

26 An application for commercial site development permit shall be
27 reviewed pursuant to RCW 43.21C, SEPA as implemented by WAC 197-11;
28 K.C.C. 9.04, Surface Water Management; K.C.C. 14.42, Road
29 Standards; K.C.C. Chapter 16.82, Grading; K.C.C. Title 17, Fire
30 Code; K.C.C. 20.44, County Environmental Procedures; K.C.C. Title
31 21, Zoning; Title 25, Shoreline Management; administrative rules
32 adopted pursuant to K.C.C. 2.98 to implement any such code or
33 ordinance provision; King County board of health rules and
34 regulations; county approved utility comprehensive plans;
35 conformity with applicable P-suffix conditions.

36 Lot-based standards, such as internal circulation, landscaping
37 signage and setback requirements, are typically applied to each
38 individual lot within the site. However, the director may approve
39 an application for commercial site development where such standards
40 have been applied to the site as if it consisted of one parcel.
41 Lot-based regulations shall not be waived altogether.

42 The director may modify lot-based or lot line requirements
43 contained within the building fire and other similar uniform codes
44 adopted by the county, provided the site is being reviewed
45 concurrently with a binding site plan application.

46 NEW SECTION. SECTION 126. Approval.

1 A. The director may approve, deny, or approve with conditions
2 an application for a commercial site development. The decision
3 shall be based on the following factors:

4 1. Conformity with adopted county and state rules and
5 regulations in effect on the date the complete application was
6 filed, including but not limited to those listed in section 125 of
7 this ordinance.

8 2. Consideration of the recommendations or comments of
9 interested parties and those agencies having pertinent expertise or
10 jurisdiction, consistent with the requirements of this title.

11 B. Subsequent permits for the subject site shall be issued only
12 in compliance with the approved commercial site development plan.
13 Additional site development conditions and site review will not be
14 required for subsequent permits provided the approved plan is not
15 altered.

16 C. Approval of the proposed commercial site development shall
17 not provide the applicant with a vested right to build without
18 regard to subsequent changes in the building and fire codes listed
19 in K.C.C. 16.04 and 17.04 regulating construction.

20 D. The director shall mail a copy of the decision to the
21 applicant and any other person who has presented written comment to
22 the department.

23 NEW SECTION. SECTION 127. Bonds and securities. Performance
24 bonds or other appropriate securities (including letters of credit
25 and set aside letters) may be required to assure that development
26 occurs according to the approved plan.

27 NEW SECTION. SECTION 128. Decision final unless appealed.

28 A. The decision of the director shall be final unless appealed
29 to the zoning and subdivision examiner within ten calendar days
30 from the date of issuance of decision pursuant to K.C.C. 20.24B.

31 NEW SECTION. SECTION 129. Limitation of permit approval.

32 A. A commercial site development permit approved without a
33 phasing plan shall be null and void if the applicant fails to file
34 a complete building permit application(s) for all buildings within
35 three years of the approval date, or by a date specified by the
36 director; and fails to have all valid building permits issued
37 within four years of the commercial site development permit
38 approval date; or

39 B. A commercial site development permit approved with a phasing
40 plan shall be null and void if the applicant fails to meet the
41 conditions and time schedules specified in the approved phasing
42 plan.

43 NEW SECTION. SECTION 130. Modification to an approved permit.

44 A subsequent building permit application may contain minor
45 modifications to an approved commercial site development plan
46 provided a modification: does not increase the building floor area
47 by more than 10%; does not increase the number of dwelling units;
48 does not increase the total impervious surface area, provided that,

11621 .

1
2 NEW SECTION. SECTION 131. Administrative rules. The director
3 may promulgate administrative rules and regulations pursuant to
4 K.C.C. 2.98, to implement the provisions and requirements of this
5 chapter.

6 NEW SECTION. SECTION 132. Amendments to this ordinance as
7 passed by the council on December 19, 1994 are set forth in
8 Attachment B to this ordinance and are incorporated by reference
9 herein. Due to the number and length of the ordinances required by
10 the Growth Management Act to be passed by the end of the year to
11 amend county development regulations and the unavailability of a
12 reliable electronic text version of the proposed ordinance as
13 introduced, it may not be possible to prepare an ordinance that
14 incorporates amendments within each section prior to the charter
15 deadline for transmitting the adopted ordinance to the executive.
16 The clerk is hereby authorized to transmit the ordinance with
17 amendments set forth in a attachment, or, if time allows, to
18 incorporate the amendments within each section.

19
20 INTRODUCED AND READ for the first time this 20th day of
21 November, 19 94.

22 PASSED by a vote of 13 to 0 this 19th day of
23 December, 1994.

24 KING COUNTY COUNCIL
25 KING COUNTY, WASHINGTON

26 Kent Pullen
27
28 Chair

29 ATTEST:

30 Gerald A. Peterson
31
32 Clerk of the Council

33 APPROVED this 30th day of December, 1994.

34
35 Ray Locke
36
37 King County Executive

38
39
40
41 ATTACHMENT: A. Formula for determining school impact fees.
42 B. Amendments adopted by Council on December 19, 1994.