KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

September 28, 2004

Ordinance 15032

Proposed No. 2004-0118.3 **Sponsors** Constantine, Edmonds and Phillips

AN ORDINANCE relating to zoning; amending Ordinance 10870, Section 48, and K.C.C. 21A.06.040, Ordinance 10870, Section 168, and K.C.C. 21A.06.640, Ordinance 10870, Section 280, and K.C.C. 21A.06.1200, Ordinance 10870, Section 330, as amended, and K.C.C. 21A.08.030, Ordinance 10870, Section 331, as amended, and K.C.C. 21A.08.040, Ordinance 10870, Section 332, as amended, and K.C.C. 21A.08.050, Ordinance 10870, Section 333, as amended, and K.C.C. 21A.08.060, Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070, Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080, Ordinance 10870, Section 336, as amended, and K.C.C. 21A.08.090, Ordinance 10870, Section 340, as amended, and K.C.C. 21A.12.030, Ordinance 10870, Section 364, as amended, and K.C.C. 21A.14.040, Ordinance 10870, Section 365, and K.C.C. 21A.14.050, Ordinance 10870, Section 388, as amended, and K.C.C.

21A.16.030, Ordinance 10870, Section 406, as amended, and K.C.C. 21A.18.020, Ordinance 10870, Section 439, as amended, and K.C.C. 21A.22.010, Ordinance 10870, Section 440, and K.C.C. 21A.22.020, Ordinance 10870, Section 441, and K.C.C. 21A.22.030, Ordinance 10870, Section 442, and K.C.C. 21A.22.040, Ordinance 10870, Section 443, and K.C.C. 21A.22.050, Ordinance 10870, Section 444, as amended, and K.C.C. 21A.22.060, Ordinance 10870, Section 445, as amended, and K.C.C. 21A.22.070, Ordinance 1488, Section 12, as amended, and K.C.C. 16.82.110, Ordinance 10870, Section 447, as amended, and K.C.C. 21A.22.090, Ordinance 10870, Section 514, and K.C.C. 21A.28.040, Ordinance 10870, Section 536, as amended, and K.C.C. 21A.30.080, Ordinance 10870, Section 563, as amended, and K.C.C. 21A.34.040, Ordinance 13724, Section 1, as amended, and K.C.C. 21A.37.010, Ordinance 13724, Section 4, as amended, and K.C.C. 21A.37.020, Ordinance 13724, Section 5, as amended, and K.C.C. 21A.37.030, Ordinance 13724, Section 6, as amended, and K.C.C. 21A.37.040, Ordinance 14190, Section 7, and K.C.C. 21A.37.050, Ordinance 14190, Section 8, and K.C.C. 21A.37.060, Ordinance 13274, Section 7, as amended, and K.C.C.

21A.37.070, Ordinance 13274, Section 8, as amended, and K.C.C. 21A.37.080, Ordinance 13733, Section 10, as amended, and K.C.C. 21A.37.110, Ordinance 13733, Section 12, as amended, and K.C.C. 21A.37.130, Ordinance 13733, Section 15, as amended, and K.C.C. 21A.37.160 and Ordinance 12823, Section 8, and K.C.C. 21A.38.130, and Ordinance 10870, Section 625, as amended, and K.C.C. 21A.44.040, adding new sections to K.C.C. chapter 21.06, adding a new section to K.C.C. chapter 21A.14, adding new sections to K.C.C. chapter 21A.22, recodifying K.C.C.16.82.110 and repealing Ordinance 14807, Section 2, and K.C.C. 21A.06.041 and Ordinance 10870, Section 446, as amended, and K.C.C. 21A.22.080.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 10870, Section 48, and K.C.C. 21A.06.040 are each hereby amended to read as follows:

Agricultural product sales. Agricultural product sales: the retail sale of items resulting ((~~form~~)) from the practice of agriculture, including ((~~crops~~)) primary horticulture products such as fruits, vegetables, grains, seed, feed((~~,~~)) and plants, ((~~or~~)) primary animal products such as eggs, milk((~~,~~)) and meat, or secondary and value added

products resulting from processing, sorting or packaging of primary agricultural products such as jams, cheeses, dried herbs or similar items.

SECTION 2. Ordinance 14807, Section 2, and K.C.C. 21A.06.041 are each hereby repealed.

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

Dog training facility. Dog training facility: a place for the training of dogs for discipline, agility, and other purposes.

NEW SECTION. SECTION 4. There is hereby added to K.C.C. 21.06 a new section to read as follows:

Dwelling unit, cottage housing. Dwelling unit, cottage housing: a detached single-family dwelling unit located on a commonly owned parcel with common open space.

SECTION 5. Ordinance 10870, Section 168, and K.C.C. 21A.06.640 are each hereby amended to read as follows:

Interim recycling facility. Interim recycling facility: a site or establishment engaged in collection or treatment of recyclable materials, which is not the final disposal site, and including:

A. Drop boxes; and

B. ((~~Source separated, organic waste processing facilities; and~~

~~C.~~)) Collection, separation and shipment of glass, metal, paper or other recyclables.

86 NEW SECTION. SECTION 6. There is hereby added to K.C.C. 21A.06 a new
87 section to read as follows:
88 **Materials processing facility.** Materials processing facility: a site or
89 establishment, not accessory to a mineral extraction or sawmill use, that is primarily
90 engaged in crushing, grinding, pulverizing or otherwise preparing earth materials,
91 vegetation, organic waste, construction and demolition materials or source separated
92 organic materials and that is not the final disposal site.
93 NEW SECTION. SECTION 7. There is hereby added to K.C.C. 21A.06 a new
94 section to read as follows:
95 **Processing operation, waste materials.** Processing operation waste materials: a
96 site or establishment, accessory to mineral extraction or sawmill use, that is primarily
97 engaged in crushing, grinding, pulverizing or otherwise preparing earth materials,
98 vegetation, organic waste, construction and demolition materials or recycled and source
99 separated nonhazardous waste materials and that is not the final disposal site.
100 NEW SECTION. SECTION 8. There is hereby added to K.C.C. 21A.06 a new
101 section to read as follows:
102 **Puget Sound counties.** Puget Sound counties: the twelve counties that border
103 the waters of Puget Sound.
104 SECTION 9. Ordinance 10870, Section 280, and K.C.C. 21A.06.1200 are each
105 hereby amended to read as follows:
106 **Specialized instruction school.** Specialized instruction school: establishments
107 engaged in providing specialized instruction in a designated field of study, rather than a full
108 range of courses in unrelated areas; including, but not limited to:

A. Art;

B. Dance;

C. Music;

D. Cooking; and

E. Driving((~~; and~~

~~F. Pet obedience training~~)).

SECTION 10. Ordinance 10870, Section 330, as amended, and K.C.C. 21A.08.030 are each hereby amended to read as follows:

Residential land uses.

A. Residential land uses.

119

KEY		RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL				
P – Permitted Use C – Conditional Use S – Special Use	ZONE	AGRICULTURE	FOREST	MINERAL	RURAL	URBAN RESERVE	URBAN	RESIDENTIAL	NEIGHBORHOOD BUSINESS	COMMERCIAL BUSINESS	REGIONAL BUSINESS	OFFICE	INDUSTRIAL
SIC #	**SPECIFIC LAND USE**	**A**	**F**	**M**	**RA**	**UR**	**R1-8**	**R1-48**	**NB**	**CB**	**RB**	**O**	**I**
	DWELLING UNITS, TYPES:												
*	Single Detached	P C13	P2		P C13	P C13	P C13	P C13					
*	Townhouse				C4	C4	P C12	P	P3	P3	P3	P3	
*	Apartment				C4	C4	P5 C4	P	P3	P3	P3	P3	
*	Mobile Home Park				S14		C8	P					
*	Cottage Housing						C16						
	GROUP RESIDENCES												
*	Community Residential Facility-I				C	C	P15 C	P	P3	P3	P3	P3	

*	Community Residential Facility-II							P	P3	P3	P3	P3	
*	Dormitory				C6	C6	C6	P					
*	Senior Citizen Assisted Housing					P4	P4	P	P3	P3	P3	P3	
	ACCESSORY USES:												
*	Residential Accessory Uses	P7	P7		P7	P7	P7	P7	P7	P7	P7	P7	
*	Home Occupation	P	P		P	P	P	P	P	P	P	P	
*	Home Industry	C			C	C	C						
	TEMPORARY LODGING:												
7011	Hotel/Motel (1)									P	P	P	
*	Bed and Breakfast Guesthouse	P9 C10			P10	P10	P10	P10	P10	P11	P11		
7041	Organization Hotel/Lodging Houses										P		
GENERAL CROSS REFERENCES:	Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*) Definition of this specific land use, see K.C.C. chapter 21A.06.												

B. Development conditions.

1. Except bed and breakfast guesthouses.

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

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

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

c. A fire protection plan for the subject property is required and shall be reviewed and approved by the Washington state department of natural resources with the concurrence of the fire marshal for each residential use. This plan shall be developed in such a manner as to protect the adjoining forestry uses from a fire that might originate from the residential use. This plan shall provide for setbacks from existing forestry uses and maintenance of approved fire trails or other effective fire line buffers on perimeters with forest land.

3. Only as part of a mixed use development subject to the conditions of K.C.C. chapter 21A.14, except that in the NB zone on properties with a land use designation of commercial outside of center (CO) in the urban areas, stand-alone townhouse developments are permitted subject to K.C.C. 21A.12.040, 21A.030, 21A.14.060 and 21A.14.180.

146 4.a. Only in a building listed on the National Register as an historic site or
147 designated as a King County landmark subject to the provisions of K.C. C. 21A.32.
148 b. In the R-1 zone, apartment units are permitted, provided that:
149 (1) ((t))The proposal shall be subject to a conditional use permit when
150 exceeding base density,
151 (2) ((a))At least fifty percent of the site is constrained by unbuildable
152 sensitive areas. For purposes of this section, unbuildable sensitive areas shall include
153 wetlands, streams and slopes forty percent or steeper and associated buffers; and
154 (3) ((t))The density does not exceed a density of eighteen units per acre of net
155 buildable area as defined in K.C.C. 21A.06.797; or
156 c. In the R-4 through R-8 zones, apartment units are permitted, provided that
157 the proposal shall be subject to a conditional use permit when exceeding base density,
158 and provided that density does not exceed a density of eighteen units per acre of net
159 buildable area defined in K.C.C. 21A.06.797.
160 5. Apartment units are permitted outright as follows:
161 a. In the R-1 zone when at least fifty percent of the site is constrained by
162 unbuildable sensitive areas which for purposes of this section, includes wetlands, streams
163 and slopes forty percent or steeper and associated buffers, and provided that the density
164 does not exceed a density of eighteen units per acre of net buildable area as defined in
165 K.C.C. 21A.06.797; or
166 b. In the R-4 through R-8 zones, provided that the density does not exceed
167 eighteen units per acre of net buildable areas as defined in K.C.C. 21A.06.797.
168 6. Only as an accessory to a school, college, university or church.

169 7.a. Accessory dwelling units:

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

171 (2) only in the same building as the primary dwelling unit on an urban lot that
172 is less than ten thousand square feet in area, on a rural lot that is less than the minimum
173 lot size, or on a lot containing more than one primary dwelling;

174 (3) ((~~t~~))The primary dwelling unit or the accessory dwelling unit shall be
175 owner occupied;

176 (4)(a) ((~~e~~))One of the dwelling units shall not exceed a floor area of one
177 thousand square feet except when one of the dwelling units is wholly contained within a
178 basement or attic, and

179 (b) ((~~w~~))When the primary and accessory dwelling units are located in the
180 same building, only one entrance may be located on each street side of the building;

181 (5) ((~~e~~))One additional off-street parking space shall be provided;

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

184 (7) ((~~a~~))An applicant seeking to build an accessory dwelling unit shall file a
185 notice approved by the department of executive services, records, elections and licensing
186 services division, which identifies the dwelling unit as accessory. The notice shall run
187 with the land. The applicant shall submit proof that the notice was filed before the
188 department shall approve any permit for the construction of the accessory dwelling unit.
189 The required contents and form of the notice shall be set forth in administrative rules. If
190 an accessory dwelling unit in a detached building in the ((~~R~~))rural zone is subsequently
191 converted to a primary unit on a separate lot, neither the original lot or the new lot may

have an additional detached accessory dwelling unit constructed unless the lot is at least twice the minimum lot area required in the zone.

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

(9) ((i))In the A zone, one accessory dwelling unit is allowed on any lot under twenty acres in size, and two accessory dwelling units are allowed on lots that are twenty acres or more, provided that the accessory dwelling units are occupied only by farm workers and the units are constructed in conformance with the state Building Code.

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

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

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

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

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

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

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

b. There shall be no more than five guests per night.

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

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

215 b. The number of persons accommodated per night shall not exceed five,
216 except that a structure that satisfies the standards of the Uniform Building Code as
217 adopted by King County for R-1 occupancies may accommodate up to ten persons per
218 night.
219 11. Only if part of a mixed use development, and subject to the conditions of
220 K.C.C. 21A.08.030B.10.
221 12. Townhouses are permitted, but shall be subject to a conditional use permit if
222 exceeding base density.
223 13. Required before approving more than one dwelling on individual lots,
224 except on lots in subdivisions, short subdivisions or binding site plans approved for
225 multiple unit lots, and except as provided for accessory dwelling units in K.C.C.
226 21A.08.030B.7.
227 14. No new mobile home parks are allowed in a rural zone.
228 15. Limited to domestic violence shelter facilities.
229 16. Only in the R4-R8 zones limited to:
230 a. developments no larger than one acre;
231 b. not adjacent to another cottage housing development such that the total
232 combined land area of the cottage housing developments exceeds one acre; and
233 c. All units must be cottage housing units with no less than three units and no
234 more than sixteen units, provided that if the site contains an existing home that is not
235 being demolished, the existing house is not required to comply with the height limitation
236 in subsection B.25. of this section or the floor area and footprint limits in section 18.B. of
237 this ordinance.

238 SECTION 11. Ordinance 10870, Section 331, as amended, and K.C.C.

239 21A.08.040 are each hereby amended to read as follows:

240 **Recreational/cultural land uses.**

241 A. Recreational/cultural land uses.

KEY		RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL				
P – Permitted Use C – Conditional Use S – Special Use	ZONE	AGRICULTURE	FORREST	MINERAL	RURAL	URBAN RESERVE	URBAN	RESIDENTIAL	NEIGHBORHOOD BUSINESS	COMMERCIAL BUSINESS	REGIONAL BUSINESS	OFFICE	INDUSTRIAL
SIC #	**SPECIFIC LAND USE**	**A**	**F**	**M**	**RA**	**UR**	**R1-8**	**R1-48**	**NB**	**CB**	**RB**	**O**	**I**
	PARK/ RECREATION:												
*	Park	P1	P1	P1	P1	P1	P1	P1	P	P	P	P	P13
	Large Active Recreation and Multiuse Park		P1	P1	P1	P1	P1	P1	P	P	P	P	P13
*	Trails	P	P	P	P	P	P	P	P	P	P	P	P
*	Campgrounds		P16 C16 a	P16	P16 C16 a	P16 C16 a							P16 C16

*	Destination Resorts		S		S18	C					C		
*	Marina		C3		C4	C4	C4	C4	P5	P	P	P	P
*	Recreational Vehicle Park		P19	P19	C2, 18 P19	C2 P19							
*	Sports Club (17)				C4, 18	C4	C4	C4	C	P	P		
*	Ski Area		S		S18								
	AMUSEMENT/ ENTERTAINMENT												
*	Adult Entertainment Business									P6	P6	P6	
*	Theater									P	P	P	
7833	Theater, Drive-in										C		
793	Bowling Center									P	P		P
*	Golf Facility				C7, 18	P7	P7	P7					
7999 (14)	Amusement and Recreation Services		P21	P21	P8, 21, C15, 18	P8, 21, 22 C15	P8, 21, 22 C15	P8, 21, 22 C15	P21, 22	P	P	P21	P21
*	Shooting Range		C9		C9, 18						C10		P10
*	Amusement Arcades									P	P		
7996	Amusement Park										C		
*	Outdoor Performance Center		S		C12 S18		P20	P20			S		
	CULTURAL:												
823	Library				P11	P11 C	P11 C	P11 C	P	P	P	P	

841	Museum	C2 3	C23		P11	P11 C	P11 C	P11 C	P	P	P	P	P
842	Arboretum	P	P		P	P	P	P	P	P	P	P	
*	Conference Center				P11 C12	P11 C12	P11 C	P11 C	P		P	P	
GENERAL CROSS REFERENCES:	Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*) Definition of this specific land use, see K.C.C. chapter 21A.06.												

B. Development conditions.

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

a. ((~~N~~))no stadiums on sites less than ten acres;

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

c. Structures or service yards shall maintain a minimum distance of fifty feet from property lines adjoining residential zones, except for structures in on-site recreation areas required in K.C.C. 21A.14.180 and 21A.14.190. Setback requirements for structures in these on-site required recreation areas shall be maintained in accordance with K.C.C. 21A.12.030;

d. Facilities in the A zone shall be limited to trails and trailheads, including related accessory uses such as parking and sanitary facilities; and

e. Overnight camping is allowed only in an approved campground.

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

257 a. The maximum length of stay of any vehicle shall not exceed one hundred
258 eighty days during a three-hundred-sixty-five-day period;
259 b. The minimum distance between recreational vehicle pads shall be no less
260 than ten feet; and
261 c. Sewage shall be disposed in a system approved by the Seattle-King County
262 health department.
263 3. Limited to day moorage. The marina shall not create a need for off-site
264 public services beyond those already available before the date of application.
265 4. Not permitted in the RA-10 or RA-20 zones. Limited to recreation facilities
266 subject to the following conditions and limitations:
267 a. The bulk and scale shall be compatible with residential or rural character of
268 the area;
269 b. For sports clubs, the gross floor area shall not exceed ten thousand square
270 feet unless the building is on the same site or adjacent to a site where a public facility is
271 located or unless the building is a nonprofit facility located in the urban area; and
272 c. Use is limited to residents of a specified residential development or to sports
273 clubs providing supervised instructional or athletic programs.
274 5. Limited to day moorage.
275 6.a. Adult entertainment businesses shall be prohibited within three hundred
276 thirty feet of any property zoned RA, UR or R or containing schools, licensed daycare
277 centers, public parks or trails, community centers, public libraries or churches. In
278 addition, adult entertainment businesses shall not be located closer than three thousand
279 feet to any other adult entertainment business. These distances shall be measured from

280 the property line of the parcel or parcels proposed to contain the adult entertainment
281 business to the property line of the parcels zoned RA, UR or R or that contain the uses
282 identified in this subsection B.6.a.

283 b. Adult entertainment businesses shall not be permitted within an area likely
284 to be annexed to a city subject to an executed interlocal agreement between King County
285 and a city declaring that the city will provide opportunities for the location of adult
286 businesses to serve the area. The areas include those identified in the maps attached to
287 Ordinance 13546.

288 7. Clubhouses, maintenance buildings, equipment storage areas and driving
289 range tees shall be at least fifty feet from residential property lines. Lighting for practice
290 greens and driving range ball impact areas shall be directed away from adjoining
291 residential zones. Applications shall comply with adopted best management practices for
292 golf course development. Within the RA zone, those facilities shall be permitted only in
293 the RA-5 and RA-2.5 zones. Not permitted in designated rural forest focus area,
294 regionally significant resource areas or locally significant resource areas. Ancillary
295 facilities associated with a golf course are limited to practice putting greens, maintenance
296 buildings and other structures housing administrative offices or activities that provide
297 convenience services to players. These convenience services are limited to a pro shop,
298 food services and dressing facilities and shall occupy a total of no more than ten thousand
299 square feet. Furthermore, the residential density that is otherwise permitted by the zone
300 shall not be used on other portions of the site through clustering or on other sites through
301 the transfer of density provision. This residential density clustering or transfer limitation

shall be reflected in a deed restriction that is recorded at the time applicable permits for the development of the golf course are issued.

8. Limited to a golf driving range only as:

a. ((~~A~~))an accessory to golf courses; or

b. ((~~A~~))an accessory to a large active recreation and multiuse park.

9.a. New structures and outdoor ranges shall maintain a minimum distance of fifty feet from property lines adjoining residential zones, but existing facilities shall be exempt.

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

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

d. ((~~S~~))subject to the licensing provisions of K.C.C. Title 6.

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

b. Indoor ranges shall be designed and operated so as to provide a healthful environment for users and operators by:

(1) installing ventilation systems that provide sufficient clean air in the users breathing zone, and

(2) adopting appropriate procedures and policies that monitor and control exposure time to airborne lead for individual users.

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

12. Only as accessory to a nonresidential use established through a discretionary permit process, if the scale is limited to ensure compatibility with surrounding neighborhoods. This condition applies to the UR zone only if the property is located within a designated unincorporated ((~~R~~))rural ((~~T~~))town.

13. Subject to the following:

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

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

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

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

14. Excluding amusement and recreational uses classified elsewhere in this chapter.

15. Limited to golf driving ranges and subject to subsection B.7. of this section.

16. Subject to the following conditions:

a. The length of stay per party in campgrounds shall not exceed one hundred eighty days during a three hundred sixty-five day period; and

347 b. ((~~O~~))only for campgrounds that are part of a proposed or existing county
348 park, which are subject to review and public meetings through the department of natural
349 resources and parks.
350 17. Only for stand-alone sports clubs that are not part of a park.
351 18. Subject to review and approval of conditions to comply with trail corridor
352 provisions of K.C.C. chapter 21A.14 when located in an RA zone and in an equestrian
353 community designated by the Comprehensive Plan.
354 19. Only as an accessory to a large active recreation and multiuse park.
355 20. Only as an accessory to a large active recreation and multiuse park with the
356 floor area of an individual outdoor performance center stage limited to three thousand
357 square feet.
358 21. Only as an accessory to a park, or a large active recreation and multiuse park
359 in the RA zones, and limited to:
360 a. ((~~R~~))rentals of sports and recreation equipment; and
361 b. ((~~A~~))a total floor area of seven hundred and fifty square feet.
362 22. Only as an accessory to a large active recreation and multiuse park and
363 limited to:
364 a. ((~~W~~))waterslides, wave pools and associated water recreation facilities; and
365 b. ((~~R~~))rentals of sports and recreation equipment.
366 23. Limited to natural resource and heritage museums and only allowed in a
367 farm or forestry structure, including but not limited to barns or sawmills, existing as of
368 December 31, 2003.

SECTION 12. Ordinance 10870, Section 332, as amended, and K.C.C. 21A.08.050 are each hereby amended to read as follows:

General services land uses.

A. General services land uses.

KEY		RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL				
P – Permitted Use C – Conditional Use S – Special Use		AGRICULTURE	FOREST	MINERAL	RURAL	URBAN RESERVE	URBAN	RESIDENTIAL	NEIGHBORHOOD BUSINESS	COMMUNITY BUSINESS	REGIONAL BUSINESS	OFFICE	INDUSTRIAL
	ZONE												
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R1-48	NB	CB	RB	O	I
	PERSONAL SERVICES												
72	General Personal Service						C((~~26~~)) 25	C((~~26~~)) 25	P	P	P	P3	P3
7216	Drycleaning Plants												P
7218	Industrial Launderers												P
7261	Funeral Home/ Crematory					C4	C4	C4		P	P		

*	Cemetery/ Columbarium or Mausoleum				P((~~25~~)) 24 C5, ((~~32~~)) 31	P((~~25~~)) 24 C5	P((~~25~~)) 24 C5	P((~~25~~)) 24 C5	P((~~25~~)) 24	P((~~25~~)) 24	P((~~25~~)) 24 C5	P((~~25~~)) 24	
*	Day Care I	P6			P6	P6	P6	P	P	P	P	P7	P7
*	Day Care II				P8 C	P8 C	P8 C	P8 C	P	P	P	P7	P7
074	Veterinary Clinic	P9			P9 C10 ((~~32~~) 31	P9 C10			P10	P10	P10		P
753	Automotive Repair (1)								P11	P	P		P
754	Automotive Service								P11	P	P		P
76	Miscellaneous Repair	C33	((~~P3 3~~))	((~~P3 3~~))	P((~~33~~)) 32 C33	P((~~33~~)) 32	P((~~33~~)) 32	P((~~33~~)) 32	P((~~33~~) 32	P	P		P
866	Church, Synagogue, Temple				P12 C28 ((~~32~~)) 31	P12 C	P12 C	P12 C	P	P	P	P	
83	Social Services (2)				P12 C13, ((~~32~~)) 31	P12 C13	P12 C13	P12 C13	P13	P	P	P	
*	Stable	P14 C			P14C ((~~32~~)) 31	P14 C	P14 C						
*	Kennel or Cattery	P9			C	C				C	P		

*	Theatrical Production Services									P((~~31~~)) 30	P((~~29~~)) 28		
*	Artist Studios				P((~~29~~)) 28	P((~~29~~)) 28	P((~~29~~)) 28	P((~~29~~)) 28	P	P	P	P((~~30~~)) 29	P
*	Interim Recycling Facility	P21	P21	P21	P22	P21	P22	P22	P23	P23	P		P
*	Dog training facility	C34			C34	C34			P	P	P		P
	HEALTH SERVICES												
801-04	Office/ Outpatient Clinic				P12 C13	P12 C13	P12 C13	P12 C13	P	P	P	P	P
805	Nursing and Personal Care Facilities							C		P	P		
806	Hospital						C13	C13		P	P	C	
807	Medical/Dental Lab									P	P	P	P
808-09	Miscellaneous Health									P	P	P	
	EDUCATION SERVICES:												
*	Elementary School				P16, 15, ((~~32~~)) 31	P	P	P		P16c	P16c	P16c	
*	Middle/Junior High School				P16 C15, ((~~32~~))	P	P	P		P16c	P16c	P16c	

					31								
*	Secondary or High School				P16 C15, 27, ((~~32~~)) 31	P((~~27~~)) 26	P((~~27~~)) 28	P((~~27~~)) 28		P16c C	P16c C	P16c	
*	Vocational School				P13 C, ((~~32~~)) 31	P13 C	P13 C	P13 C			P	P17	P
*	Specialized Instruction School		P18		P19 C20, ((~~32~~)) 31	P19 C20	P19 C20	P19 C20	P	P	P	P17	P
8.5	School District Support Facility				C ((~~24~~)) 23, ((~~32~~)) 31 P16, C15	P((~~24~~)) 23 C	P((~~24~~)) 23 C	P((~~24~~)) 23 C	C	P	P	P	

GENERAL CROSS REFERENCES: Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070;
Development Standards, see K.C.C. chapters 21A.12 through 21A.30;
General Provisions, see K.C.C. chapters 21A.32 through 21A.38;
Application and Review Procedures, see chapters K.C.C. 21A.40 through 21A.44;
(*) Definition of this specific land use, see chapter K.C.C. 21A.06.

B. Development conditions.

1. Except SIC Industry No. ((~~7534~~)) 7534-Tire Retreading, see manufacturing permitted use table.

2. Except SIC Industry Group Nos.:

a. 835-Day Care Services, and

378 b. 836-Residential Care, which is otherwise provided for on the residential
379 permitted land use table.
380 3. Limited to SIC Industry Group and Industry Nos.:
381 a. 723-Beauty Shops;
382 b. 724-Barber Shops;
383 c. 725-Shoe Repair Shops and Shoeshine Parlors;
384 d. 7212-Garment Pressing and Agents for Laundries and Drycleaners; and
385 e. 217-Carpet and Upholstery Cleaning.
386 4. Only as an accessory to a cemetery and prohibited from the UR zone only if
387 the property is located within a designated unincorporated Rural Town.
388 5. Structures shall maintain a minimum distance of one hundred feet from
389 property lines adjoining residential zones.
390 6. Only as an accessory to residential use, and:
391 a. Outdoor play areas shall be completely enclosed by a solid wall or fence,
392 with no openings except for gates, and have a minimum height of six feet; and
393 b. Outdoor play equipment shall maintain a minimum distance of twenty feet
394 from property lines adjoining residential zones.
395 7. Permitted as an accessory use. See commercial/industrial accessory, K.C.C.
396 21A.08.060A.
397 8. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32,
398 or an accessory use to a school, church, park, sport club or public housing administered
399 by a public agency, and:

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

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

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

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

9.a. As a home occupation only, but the square footage limitations in K.C.C. chapter 21A.30 for home occupations apply only to the office space for the veterinary clinic, office space for the kennel or office space for the cattery, and:

(1) ((~~b~~))Boarding or overnight stay of animals is allowed only on sites of five acres or more;

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

(3) ((~~t~~))The portion of the building or structure in which animals are kept or treated shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be surrounded by an eight-foot high solid wall and the floor area shall be surfaced with concrete or other impervious material; and

(4) ((~~t~~))The provisions of K.C.C. chapter 21A.30 relative to animal keeping are met.

b. The following additional provisions apply to kennels or catteries in the A zone:

422 (1) ((i))Impervious surface for the kennel or cattery shall not exceed twelve
423 thousand square feet;
424 (2) ((e))Obedience training classes are not allowed except as provided in
425 subsection B.34 of this section; and
426 (3) ((a))Any buildings or structures used for housing animals and any outdoor
427 runs shall be set back one hundred and fifty feet from property lines,
428 10.a. No burning of refuse or dead animals is allowed;
429 b. The portion of the building or structure in which animals are kept or treated
430 shall be soundproofed. All run areas, excluding confinement areas for livestock shall be
431 surrounded by an eight-foot-high solid wall and the floor area shall be surfaced with
432 concrete or other impervious material; and
433 c. The provisions of K.C.C. chapter 21A.30 relative to animal keeping are met.
434 11. The repair work or service shall only be performed in an enclosed building,
435 and no outdoor storage of materials. SIC Industry No. ((~~7532—~~)) 7532-Top, Body, and
436 Upholstery Repair Shops and Paint Shops is not allowed.
437 12. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.
438 13. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter
439 21A.32.
440 14. Covered riding arenas are subject to K.C.C. 21A.30.030 and shall not
441 exceed twenty thousand square feet, but stabling areas, whether attached or detached,
442 shall not be counted in this calculation.
443 15. Limited to projects which do not require or result in an expansion of sewer
444 service outside the urban growth area, unless a finding is made that no cost-effective

445 alternative technologies are feasible, in which case a tightline sewer sized only to meet
446 the needs of the public school, as defined in RCW 28A.150.010, or the school facility and
447 serving only the public school or the school facility may be used. New public high
448 schools shall be permitted subject to the review process set forth in K.C.C. 21A.42.140.

449 16.a. For middle or junior high schools and secondary or high schools or school
450 facilities, only as a reuse of a public school facility or school facility subject to K.C.C.
451 chapter 21A.32. An expansion of such a school or a school facility shall be subject to
452 approval of a conditional use permit and the expansion shall not require or result in an
453 extension of sewer service outside the urban growth area, unless a finding is made that no
454 cost-effective alternative technologies are feasible, in which case a tightline sewer sized
455 only to meet the needs of the public school, as defined in RCW 28A.150.010, or the
456 school facility may be used.

457 b. Renovation, expansion, modernization or reconstruction of a school, a
458 school facility, or the addition of relocatable facilities, is permitted but shall not require
459 or result in an expansion of sewer service outside the urban growth area, unless a finding
460 is made that no cost effective alternative technologies are feasible, in which case a
461 tightline sewer sized only to meet the needs of the public school, as defined in RCW
462 28A.150.010, or that school facility may be used.

463 c. ((~~I~~))in CB, RB and O, for K-12 schools with no more than one hundred
464 students.

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

466 18. Limited to resource management education programs.

467 19. Only as an accessory to residential use, and:

468 a. Students shall be limited to twelve per one-hour session;

469 b. All instruction must be within an enclosed structure; and

470 c. Structures used for the school shall maintain a distance of twenty-five feet

471 from property lines adjoining residential zones.

472 20. Subject to the following:

473 a. Structures used for the school and accessory uses shall maintain a minimum

474 distance of twenty-five feet from property lines adjoining residential zones;

475 b. ((~~O~~)on lots over two and one-half acres:

476 (1) ((~~r~~))Retail sale((~~s~~)) of items related to the instructional courses is

477 permitted, if total floor area for retail sales is limited to two thousand square feet;

478 (2) ((~~s~~))Sale((~~s~~)) of food prepared in the instructional courses is permitted

479 with department of public health-Seattle and King County approval, if total floor area for

480 food sales is limited to one thousand square feet and is located in the same structure as

481 the school; and

482 (3) ((~~o~~))Other incidental student supporting uses are allowed, if such uses are

483 found to be both compatible with and incidental to the principal use; and

484 c. ((~~O~~))on sites over ten acres, located in a designated Rural Town and zoned

485 any one or more of UR, R-1 and R-4:

486 (1) ((~~r~~))Retail sale((~~s~~)) of items related to the instructional courses is

487 permitted, provided total floor area for retail sales is limited to two thousand square feet;

488 (2) ((~~s~~))Sale((~~s~~)) of food prepared in the instructional courses is permitted

489 with department of public health-Seattle and King County approval, if total floor area for

food sales is limited to one thousand seven hundred fifty square feet and is located in the same structure as the school;

(3) ((~~o~~))Other incidental student supporting uses are allowed, if the uses are found to be functionally related, subordinate, compatible with and incidental to the principal use;

(4) ((~~t~~))The use shall be integrated with allowable agricultural uses on the site;

(5) ((~~a~~))Advertised special events shall comply with the temporary use requirements of this chapter; and

(6) ((~~e~~))Existing structures that are damaged or destroyed by fire or natural event, if damaged by more than fifty percent of their prior value, may reconstruct and expand an additional sixty-five percent of the original floor area but need not be approved as a conditional use if their use otherwise complies with development condition B.20.c. of this section and this title.

((~~21. Limited to source separated yard or organic waste processing facilities.~~

~~22.~~)) 21. Limited to drop box facilities accessory to a public or community use such as a school, fire station or community center.

((~~23.~~)) 22. With the exception of drop box facilities for the collection and temporary storage of recyclable materials, all processing and storage of material shall be within enclosed buildings. Yard waste processing is not permitted.

((~~24.~~)) 23. Only if adjacent to an existing or proposed school.

((~~25.~~)) 24 Limited to columbariums accessory to a church, but required landscaping and parking shall not be reduced.

((~~26.~~)) 25. Not permitted in R-1 and limited to a maximum of five thousand square feet per establishment and subject to the additional requirements in K.C.C. 21A.21.230.

((~~27.~~)) 26.a. New high schools shall be permitted in the rural and the urban residential and urban reserve zones subject to the review process in K.C.C. 21A.42.140.

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

((~~28.~~)) 27. Limited to projects that do not require or result in an expansion of sewer service outside the urban growth area. In addition, such use shall not be permitted in the RA-20 zone.

((~~29.~~)) 28. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter 21A.32 or as a joint use of an existing public school facility.

((~~30~~)) 29. All studio use must be within an enclosed structure.

((~~31.~~)) 30. Adult use facilities shall be prohibited within six hundred sixty feet of any residential zones, any other adult use facility, school licensed daycare centers, parks, community centers, public libraries or churches that conduct religious or educational classes for minors.

((~~32.~~)) 31. Subject to review and approval of conditions to comply with trail corridor provisions of K.C.C. chapter 21A.14 when located in an RA zone and in an equestrian community designated by the Comprehensive Plan.

((~~33.~~)) 32. Limited to repair of sports and recreation equipment:

a. ((~~A~~))as an accessory to a large active recreation and multiuse park in the urban growth area; or

536 b. ((A))as an accessory to a park, or a large active recreation and multiuse park
537 in the RA zones, and limited to a total floor area of seven hundred fifty square feet.
538 33. Accessory to agricultural or forestry uses provided:
539 a. the repair of tools and machinery is limited to those necessary for the
540 operation of a farm or forest.
541 b. the lot is at least five acres.
542 c. the size of the total repair use is limited to one percent of the lot size up to a
543 maximum of five thousand square feet unless located in a farm structure, including but
544 not limited to barns, existing as of December 31, 2003.
545 34. Subject to the following:
546 a. the lot is at least five acres.
547 b. in the A zones, area used for dog training shall be located on portions of
548 agricultural lands that are unsuitable for other agricultural purposes, such as areas within
549 the already developed portion of such agricultural lands that are not available for direct
550 agricultural production or areas without prime agricultural soils.
551 c. structures and areas used for dog training shall maintain a minimum distance
552 of seventy-five feet from property lines.
553 d. all training activities shall be conducted within fenced areas or in indoor
554 facilities. Fences must be sufficient to contain the dogs.
555 SECTION 13. Ordinance 10870, Section 333, as amended, and K.C.C.
556 21A.08.060 are each hereby amended to read as follows:
557 **Government/business services land uses.**
558 A. Government/business services land uses.

559

KEY		ZONE	RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL				
P – Permitted Use C – Conditional Use S – Special Use			AGRICULTURE	FORESTRY	MINERAL	RURAL	URBAN RESERVE	URBAN	RESIDENTIAL	NB NEIGHBORHOOD	CB COMMERCIAL	RB REGIONAL	OFFICE	INDUSTRIAL
SIC #	SPECIFIC LAND USE		A	F	M	RA	UR	R1-8	R1-48	NB	CB	RB	O	I (30)
	GOVERNMENT SERVICES													
*	Public agency or utility office					P3 C5	P3 C5	P3 C	P3 C	P	P	P	P	P16
*	Public agency or utility yard					P27	P27	P27	P27			P		P
*	Public agency archives											P	P	P
921	Court										P4	P	P	
9221	Police Facility					P7	P7	P7	P7	P7	P	P	P	P
9224	Fire Facility					C6, 33	C6	C6	C6	P	P	P	P	P
*	Utility Facility		P29 C28	P29 C28	P29 C28	P29 C28, 33	P29 C28	P29 C28	P29 C28	P	P	P	P	P
*	Commuter Parking Lot					C33	C	C	C	P	P	P	P	P35

					P19	P19	P19	P19					
*	Private Stormwater Management Facility	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8
*	Vactor Waste Receiving Facility	P	P	P	P18	P18	P18	P18	P31	P31	P31	P31	P
	BUSINESS SERVICES:												
*	Construction and Trade				P34						P	P9	P
*	Individual Transportation and Taxi									P25	P	P10	P
421	Trucking and Courier Service									P11	P12	P13	P
*	Warehousing, (1) and Wholesale Trade												P
*	Self-service Storage							C14		P	P	P	P
4221 4222	Farm Product Warehousing, Refrigeration and Storage	P15 C36			((~~C~~)) P15, C36	((~~C~~)) P15, C36							P
*	Log Storage	P15	P		P26, 33								P
47	Transportation Service												P
473	Freight and Cargo Service										P	P	P
472	Passenger Transportation Service									P	P	P	
48	Communication Offices										P	P	P
482	Telegraph and other Communications									P	P	P	P
*	General Business Service								P	P	P	P	P16
*	Professional Office								P	P	P	P	P16

7312	Outdoor Advertising Service										P	P17	P
735	Miscellaneous Equipment Rental									P17	P	P17	P
751	Automotive Rental and Leasing									P	P		P
752	Automotive Parking								P20	P20	P21	P20	P
*	Off-Street Required Parking Lot				P32	P32	P32	P32	P32	P32	P32	P32	P32
7941	Professional Sport Teams/Promoters										P	P	
873	Research, Development and Testing										P2	P2	P2
*	Heavy Equipment and Truck Repair												P
	ACCESSORY USES:												
*	Commercial/Industrial Accessory Uses			P	P22				P22	P22	P	P	P
*	Helistop					C23	C23	C23	C23	C23	C24	C23	C24
GENERAL CROSS REFERENCES:	Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see chapters K.C.C. 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*) Definition of this specific land use, see K.C.C. chapter 21A.06.												

B. Development conditions.

1. Except self-service storage.

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

3.a. Only as a re-use of a public school facility or a surplus nonresidential facility subject to the provisions of K.C.C. chapter 21A.32; or

566 b. only when accessory to a fire facility and the office is no greater than one
567 thousand five hundred square feet of floor area.
568 4. Only as a re-use of a surplus nonresidential facility subject to K.C.C. chapter
569 21A.32.
570 5. New utility office locations only if there is no commercial/industrial zoning
571 in the utility district, and not in the RA-10 or RA-20 zones unless it is demonstrated that
572 no feasible alternative location is possible, and provided further that this condition
573 applies to the UR zone only if the property is located within a designated unincorporated
574 Rural Town.
575 6.a. All buildings and structures shall maintain a minimum distance of twenty
576 feet from property lines adjoining residential zones;
577 b. ((a))Any buildings from which fire-fighting equipment emerges onto a street
578 shall maintain a distance of thirty-five feet from such street;
579 c. no outdoor storage; and
580 d. excluded from the RA-10 and RA-20 zones unless it is demonstrated that no
581 feasible alternative location is possible.
582 7. Limited to ((")storefront((")) police offices. Such offices shall not have:
583 a. holding cells,
584 b. suspect interview rooms (except in the NB zone), or
585 c. long-term storage of stolen properties.
586 8. Private storm_water management facilities serving development proposals
587 located on commercial/industrial zoned lands shall also be located on
588 commercial/industrial lands, unless participating in an approved shared facility drainage

plan. Such facilities serving development within an area designated ((")urban(")) in the King County Comprehensive Plan shall only be located in the urban area.

9. No outdoor storage of materials.

10. Limited to office uses.

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

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

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

14. Accessory to an apartment development of at least twelve units provided:

a. ((t))The gross floor area in self-service storage shall not exceed the total gross floor area of the apartment dwellings on the site;

b. ((a))All outdoor lights shall be deflected, shaded and focused away from all adjoining property;

c. ((t))The use of the facility shall be limited to dead storage of household goods;

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

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

f. no residential occupancy of the storage units;

g. no business activity other than the rental of storage units; and

611 h. ((a)) A resident director shall be required on the site and shall be responsible
612 for maintaining the operation of the facility in conformance with the conditions of
613 approval.
614 15. ((~~Limited to products produced on site.~~)) a. The floor area devoted to
615 warehousing, refrigeration or storage shall not exceed two thousand square feet;
616 b. Structures and areas used for warehousing, refrigeration and storage shall
617 maintain a minimum distance of seventy-five feet from property lines adjoining
618 residential zones; and
619 c. Warehousing, refrigeration and storage is limited to agricultural products
620 and sixty percent or more of the products must be grown or processed in the Puget Sound
621 counties. At the time of the initial application, the applicant shall submit a projection of
622 the source of products to be included in the warehousing, refrigeration or storage.
623 16. Only as an accessory use to another permitted use.
624 17. No outdoor storage.
625 18. Only as an accessory use to a public agency or utility yard, or to a transfer
626 station.
627 19. Limited to new commuter parking lots designed for thirty or fewer parking
628 spaces or commuter parking lots located on existing parking lots for churches, schools, or
629 other permitted nonresidential uses which have excess capacity available during
630 commuting; provided that the new or existing lot is adjacent to a designated arterial that
631 has been improved to a standard acceptable to the department of transportation;
632 20. No tow-in lots for damaged, abandoned or otherwise impounded vehicles.

633 21. No dismantling or salvage of damaged, abandoned or otherwise impounded
634 vehicles.
635 22. Storage limited to accessory storage of commodities sold at retail on the
636 premises or materials used in the fabrication of commodities sold on the premises.
637 23. Limited to emergency medical evacuation sites in conjunction with police,
638 fire or health service facility. Helistops are prohibited from the UR zone only if the
639 property is located within a designated unincorporated Rural Town.
640 24. Allowed as accessory to an allowed use.
641 25. Limited to private road ambulance services with no outside storage of
642 vehicles.
643 26. Limited to two acres or less.
644 27.a. Utility yards only on sites with utility district office; or
645 b. Public agency yards are limited to material storage for road maintenance
646 facilities.
647 28. Limited to bulk gas storage tanks which pipe to individual residences but
648 excluding liquefied natural gas storage tanks.
649 29. Excluding bulk gas storage tanks.
650 30. For I-zoned sites located outside the urban growth area designated by the
651 King County Comprehensive Plan, uses shall be subject to the provisions for rural
652 industrial uses as set forth in K.C.C. chapter 21A.12.
653 31. Vactor waste treatment, storage and disposal shall be limited to liquid
654 materials. Materials shall be disposed of directly into a sewer system, or shall be stored
655 in tanks (or other covered structures), as well as enclosed buildings.

656 32. Provided:

657 a. ((e))Off-street required parking for a land use located in the urban area must
658 be located in the urban area;

659 b. ((e))Off-street required parking for a land use located in the rural area must
660 be located in the rural area; and

661 c. ((e))Off-street required parking must be located on a lot which would
662 permit, either outright or through a land use permit approval process, the land use the off-
663 street parking will serve.

664 33. Subject to review and approval of conditions to comply with trail corridor
665 provisions of K.C.C. chapter 21A.14 when located in an RA zone and in an equestrian
666 community designated by the Comprehensive Plan.

667 34. Limited to landscape and horticultural services (SIC 078) that are accessory
668 to a use classified as retail nurseries, lawn and garden supply store (SIC 5261) and
669 provided that construction equipment for the accessory use shall not be stored on the
670 premises.

671 35. Allowed as a primary or accessory use to an allowed industrial-zoned land
672 use.

673 36. Accessory to agricultural uses provided:

674 a. In the RA zones and on lots less than thirty-five acres in the A zone, the floor
675 area devoted to warehousing, refrigeration or storage shall not exceed three thousand five
676 hundred square feet unless located in a farm structure, including but not limited to barns,
677 existing as of December 31, 2003;

678 b. On lots at least thirty-five acres in the A zones, the floor area devoted to
679 warehousing, refrigeration or storage shall not exceed seven thousand square feet unless
680 located in a farm structure, including but not limited to barns, existing as of December
681 31, 2003;
682 c. In the A zones, structures and areas used for warehousing, refrigeration and
683 storage shall be located on portions of agricultural lands that are unsuitable for other
684 agricultural purposes, such as areas within the already developed portion of such
685 agricultural lands that are not available for direct agricultural production, or areas without
686 prime agricultural soils;
687 d. Structures and areas used for warehousing, refrigeration or storage shall
688 maintain a minimum distance of seventy-five feet from property lines adjoining
689 residential zones; and
690 e. Warehousing, refrigeration and storage is limited to agricultural products
691 and sixty percent or more of the products must be grown or processed in the Puget Sound
692 counties. At the time of the initial application, the applicant shall submit a projection of
693 the source of products to be included in the warehousing, refrigeration or storage.
694 SECTION 14. Ordinance 10870, Section 334, as amended and K.C.C.
695 21A.08.070 are each hereby amended to read as follows:
696 **Retail land uses.**
697 A. Retail land uses.

698

KEY		RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL				
P – Permitted Use C – Conditional Use S – Special Use	ZONE	AGRICULTURE	FOREST	MINERAL	RURAL	URBAN RESERVE	URBAN	RESIDENTIAL	NEIGHBORHOOD	BUSINESS	COMMERCIAL	BUSINESS	REGIONAL	BUSINESS	OFFICE	INDUSTRIAL
SIC #	**SPECIFIC LAND USE**	**A**	**F**	**M**	**RA**	**UR**	**R1-8**	**R1-48**	**NB**	**CB**	**RB**	**O**	**I (30)**
*	Building, Hardware and Garden Materials	P19			P21 C1				P2	P	P		
*	Forest Products Sales	P3, 4	P4		P3, 4						P		
*	Department and Variety Stores						C14	C14	P5	P	P		
54	Food Stores				C13		C15	C15	P	P	P	C	P6
*	Agricultural Product Sales	P20 C7	P4		P20 C7	P3	P3						
*	Motor Vehicle and Boat Dealers										P8		P
553	Auto Supply Stores									P9	P9		P
554	Gasoline Service Stations								P	P	P		P
56	Apparel and Accessory Stores									P	P		

*	Furniture and Home Furnishings Stores									P	P		
58	Eating and Drinking Places				C22 P24		C16 P23	C16 P23	P10	P	P	P	P
*	Drug Stores						C15	C15	P	P	P	C	
592	Liquor Stores									P	P		
593	((~~Uses [Used]~~)) Used Goods: Antiques/Secondhand Shops									P	P		
*	Sporting Goods and Related Stores			P25	P25	P25	P25	P25	P25	P	P	P25	P25
*	Book, Stationery, Video and Art Supply Stores						C15	C15	P	P	P		
*	Jewelry Stores									P	P		
*	Monuments, Tombstones and Gravestones										P		
*	Hobby, Toy, Game Shops								P	P	P		
*	Photographic and Electronic Shops								P	P	P		
*	Fabric Shops									P	P		
598	Fuel Dealers									C11	P		P
*	Florist Shops						C15	C15	P	P	P	P	
*	Personal Medical Supply Stores									P	P		
*	Pet Shops								P	P	P		
*	Bulk Retail									P	P		
*	Auction Houses										P12		P

*	Livestock Sales	P17	P17		P17	P17	P17 18						P
GENERAL CROSS REFERENCES:		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see chapters K.C.C. 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*) Definition of this specific land use, see K.C.C. chapter 21A.06.											

B. Development conditions.

1. Only feed stores and garden supply stores.

2. Only hardware and garden materials stores shall be permitted.

3.a. Limited to products grown on((-))site.

b. Covered sales areas shall not exceed a total area of five hundred square feet.

4. No permanent structures or signs.

5. Limited to SIC Industry No. 5331((,))-Variety Stores, and further limited to a maximum of two thousand square feet of gross floor area.

6. Limited to a maximum of two thousand square feet of gross floor area.

7.a. The floor area devoted to retail sales shall not exceed three((-))thousand five hundred square feet unless it is located in an agricultural structure, such as a barn, existing as of December 31, 2003.

b. Forty percent or more of the gross sales of agricultural products sold through the store must be sold by the producers of primary agricultural products.

c. Sixty percent or more of the ((~~average annual~~)) gross sales of agricultural products sold through the store ((~~over a five year period~~)) shall be derived from products grown or produced in ((~~King County~~)) the Puget Sound counties. At the time of the

initial application, the applicant shall submit a reasonable projection of the source of product sales.

((~~c.~~)) d. Sales shall be limited to agricultural products((~~, value added agricultural products, such as jams or cheeses, and plants~~)) and locally-made arts and crafts.

((~~d.~~)) e. Storage areas for ((~~produce~~)) agricultural products may be included in a farm store structure or in any accessory building.

((~~e. Hours of operation shall be limited to 7:00 a.m. to 9:00 p.m.~~)) f. Outside lighting is permitted if no off-site glare is allowed.

8. Excluding retail sale of trucks exceeding one-ton capacity.

9. Only the sale of new or reconditioned automobile supplies is permitted.

10. Excluding SIC Industry. No. 5813-Drinking Places.

11. No outside storage of fuel trucks and equipment.

12. Excluding vehicle and livestock auctions.

13. Only as accessory to a winery or brewery, and limited to sales of products produced on site and incidental items where the majority of sales are generated from products produced on site.

14. Not in R-1 and limited to SIC Industry No. ((~~5331—~~)) 5331-Variety Stores, limited to a maximum of five thousand square feet of gross floor area, and subject to K.C.C. 21A. 12.330.

15. Not permitted in R-1 and limited to a maximum of five thousand square feet of gross floor area and subject to K.C.C. 21A.12.230.

16. Not permitted in R-1 and excluding SIC Industry No. 5813- Drinking Places, and limited to a maximum of five thousand square feet of gross floor area and subject to K.C.C. 21A.12.230 except as provided in subsection B.23. of this section.

17. Retail sale of livestock is permitted only as accessory to raising livestock.

18. Limited to the R-1 zone.

19. Limited to the sale of livestock feed, hay and livestock veterinary supplies with a covered sales area of not more than ((~~five hundred~~)) two thousand square feet. The five hundred square foot limitation does not include areas for storing livestock feed, hay or veterinary supplies or covered parking areas for trucks engaged in direct sale of these products from the truck.

20.a. The floor area devoted to retail sales shall not exceed two thousand square feet unless it is located in an agricultural structure, such as a barn, existing as of December 31, 2003.

b. ((~~The floor area devoted to retail sales may be covered but it cannot be enclosed unless it is located in an agricultural structure, such as a barn, existing as of December 31, 2003.~~)) Forty percent or more of the gross sales of agricultural products sold through the store must be sold by the producers of primary agricultural products.

c. Sixty percent or more of the ((~~average annual~~)) gross sales of agricultural products sold through the store ((~~over a five-year period~~)) shall be derived from products grown or produced in ((~~King County~~)) the Puget Sound counties. At the time of the initial application, the applicant shall submit a reasonable projection of the source of product sales.

d. Sales shall be limited to agricultural ((~~produce, value added agricultural products such as jams or cheeses, and plants~~)) products and locally-made arts and crafts.

e. Storage areas for ((~~produce~~)) agricultural products may be included in a farm store structure or in any accessory building.

f. ((~~Hours of operation shall be limited to 7:00 a.m. to 9:00 p.m.~~)) Outside lighting is permitted if no off-site glare is allowed.

21. Limited to hay sales.

22. Only as:

a. an accessory use to a winery or brewery, limited to the tasting of products produced on site;

b. an accessory use to a permitted manufacturing or retail land use, limited to espresso stands to include sales of beverages and incidental food items, and not to include drive-through sales; or

c. an accessory use to a large active recreation and multiuse park, limited to a total floor area of three thousand five hundred square feet.

23. Only as:

a. ((~~A~~))an accessory to a large active recreation and multiuse park; or

b. ((~~A~~))an accessory to a park and limited to a total floor area of one thousand five hundred square feet.

24. Accessory to a park, limited to a total floor area of seven hundred fifty square feet.

25. Only as an accessory to:

a. ((~~A~~))a large active recreation and multiuse park in the urban growth area; or

783 b. ((~~A~~))a park, or a large active recreation and multiuse park in the RA zones,

784 and limited to a total floor area of seven hundred fifty square feet.

785 SECTION 15. Ordinance 10870, Section 335, as amended, and K.C.C.

786 21A.08.080 are each hereby amended to read as follows:

787 **Manufacturing land uses.**

788

A. Manufacturing land uses.KEY	ZONE	RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL				
P – Permitted Use C – Conditional Use S – Special Use		AGRICULTURE	FOREST	MINERAL	RURAL	URBAN RESERVE	URBAN	RESIDENTIAL	NEIGHBORHOOD BUSINESS	COMMERCIAL BUSINESS	REGIONAL BUSINESS	OFFICE	INDUSTRIAL
SIC #	**SPECIFIC LAND USE**	**A**	**F**	**M**	**RA**	**UR**	**R1-8**	**R12-48**	**NB**	**CB**	**RB**	**O**	**I (11)**
20	Food and Kindred Products	P1, C14	P1		P1, C14						C		P2 C
2082/2084	Winery/Brewery	P3 C12			P3 C13	P3					C		P
*	Materials Processing Facility	P15	P16 C	P17 C18									P
22	Textile Mill Products												C
23	Apparel and other Textile Products										C		P
24	Wood Products, except furniture	P4	P4 C5		P4, C5	P4					C6		P
25	Furniture and										C		P

	Fixtures												
26	Paper and Allied Products												C
27	Printing and Publishing								P7	P7	P7 C	P7 C	P
28	Chemicals and Allied Products												C
2911	Petroleum Refining and Related Industries												C
30	Rubber and Misc. Plastics Products												C
31	Primary Metal Industries										C		P
32	Fabricated Metal Products									P8	P9		P
33	Industrial and Commercial Machinery												C
34	Heavy Machinery and Equipment												P
35	Industrial and Commercial Machinery												P
351-55	Heavy Machinery and Equipment												C
357	Computer and Office Equipment										C		P
36	Electronic and other Electric Equipment										C		P
374	Railroad Equipment												C
376	Guided Missile and												C

	Space Vehicle Parts												
379	Miscellaneous Transportation Vehicles												C
38	Measuring and Controlling Instruments										C		P
8.5	Miscellaneous Light Manufacturing										C		P
*	Motor Vehicle and Bicycle Manufacturing												C
*	Aircraft, Ship and Boat Building												P10 C
7534	Tire Retreading										C		P
781-82	Movie Production/Distribution										P		P
GENERAL CROSS REFERENCES:		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see chapters K.C.C. 21A.40 through 21A.44; (*) Definition of this specific land use, see K.C.C. chapter 21A.06.											

B. Development conditions.

1. ((~~Limited to agricultural products grown on site, provided~~)) a. The floor area devoted to processing shall not exceed two thousand square feet.

b. ((s))Structures and areas used for processing shall maintain a minimum distance of seventy-five feet from property lines adjoining residential zones.

c. Processing is limited to agricultural products and sixty percent or more of the products processed must be grown in the Puget Sound counties. At the time of initial

application, the applicant shall submit a projection of the source of products to be produced.

2. Except slaughterhouses.

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

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

5. Limited to SIC Industry Group No. 242-Sawmills. For RA zoned sites, limited to RA-10 on lots at least ten acres in size and only as accessory to forestry uses.

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

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

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

9. Only within enclosed buildings.

10. Limited to boat building of craft not exceeding forty-eight feet in length.

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

12. Limited to wineries subject to the following:

a. the total floor area of structures for wineries and any accessory uses not to exceed three thousand five hundred square feet, including underground storage, unless located in existing agricultural structures, including, but not limited to, barns.

818 b. ((e))Expansions of existing agricultural structures used for wineries are not
819 to exceed three thousand five hundred square feet.
820 c. ((a))At least sixty percent of the grapes or other agricultural products used to
821 produce the wine must be grown in King County.
822 d. ((s))Structures and areas used for processing are set back a minimum
823 distance of seventy-five feet from property lines adjacent to residential zones.
824 e. ((w))Wineries must comply with Washington state Department of Ecology
825 and King County board of health regulations for water usage and wastewater disposal.
826 Wineries using water from exempt wells must install a water meter.
827 13. Limited to wineries subject to the following:
828 a. The floor area of structures for wineries and any accessory uses are limited
829 to a total of eight thousand square feet, except that underground storage that is
830 constructed completely below natural grade, not including required exits and access
831 points, may add an additional eight thousand square feet provided that the underground
832 storage is at least one foot below the surface and is not visible above ground and must
833 meet the following:
834 (1) ((w))Wineries must comply with Washington state Department of
835 Ecology and King County board of health regulations for water usage and wastewater
836 disposal. Wineries using water from exempt wells are to install a water meter.
837 (2) ((e))Clearing on the site is limited to a maximum of thirty-five percent of
838 the lot area or the amount previously legally cleared, whichever is greater. Removal of
839 noxious weeds and invasive vegetation is exempt from this clearing limitation. The

840 remainder of the site is to be managed under a forest management plan approved by the
841 King County department of natural resources and parks.
842 (3) ((e))Off-street parking is limited to one hundred and fifty percent of the
843 minimum requirement for wineries specified in K.C.C. 21A.18.030.
844 (4) ((s))Structures and areas used for processing are set back a minimum
845 distance of seventy-five feet from property lines adjacent to residential zones.
846 b. Structures for wineries and any accessory uses that exceed six thousand
847 square feet of total floor area including underground storage must:
848 (1) have a minimum lot size of ten acres; and
849 (2) use a minimum of two and one-half acres of the site for the growing of
850 agricultural products.
851 c. Structures for wineries and any accessory uses that do not exceed a six
852 thousand square feet of total floor area including underground storage must have a
853 minimum lot size of five acres.
854 d. On Vashon-Maury Island, the total floor area of structures for wineries and
855 any accessory uses located may not exceed six thousand square feet including
856 underground storage and must have a minimum lot size of five acres.
857 14. Accessory to agriculture uses provided:
858 a. In the RA zones and on lots less than thirty-five acres in the A zones, the
859 floor area devoted to processing shall not exceed three thousand five hundred square feet
860 unless located in a farm structure, including but not limited to barns, existing as of
861 December 31, 2003.

862 b. On lots at least thirty-five acres in the A zones, the floor area devoted to
863 processing shall not exceed seven thousand square feet unless located in a farm structure,
864 including but not limited to barns, existing as of December 31, 2003.
865 c. In the A zones, structures used for processing shall be located on portions of
866 agricultural lands that are unsuitable for other agricultural purposes, such as areas within
867 the already developed portion of such agricultural lands that are not available for direct
868 agricultural production, or areas without prime agricultural soils.
869 d. Structures and areas used for processing shall maintain a minimum distance
870 of seventy-five feet from property lines adjoining residential zones.
871 e. Processing is limited to agricultural products and sixty percent or more of
872 the products processed must be grown in the Puget Sound counties. At the time of initial
873 application, the applicant shall submit a projection of the source of products to be
874 processed.
875 15. Limited to source separated organic waste processing facilities at a scale
876 appropriate to process the organic waste generated in the agricultural zone.
877 16. Only on the same lot or same group of lots under common ownership or
878 documented legal control, which includes but is not limited to, fee simple ownership, a
879 long-term lease or an easement:
880 a. as accessory to a primary forestry use and at a scale appropriate to process
881 the organic waste generated on the site; or
882 b. as a continuation of a sawmill or lumber manufacturing use only for that
883 period to complete delivery of products or projects under contract at the end of the
884 sawmill or lumber manufacturing activity.

885 17. Only on the same lot or same group of lots under common ownership or
886 documented legal control, which includes but is not limited to, fee simple ownership, a
887 long-term lease or an easement:
888 a. as accessory to a primary mineral use; or
889 b. as a continuation of a mineral processing use only for that period to
890 complete delivery of products or projects under contract at the end of mineral extraction.
891 18. Continuation of a materials processing facility after reclamation in
892 accordance with an approved reclamation plan.
893 SECTION 16. Ordinance 10870, Section 336, as amended, and K.C.C.
894 21A.08.090 are each hereby amended to read as follows:
895 **Resource land uses.**
896 A. Resource land uses.

897

KEY	ZONE	RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL				
P – Permitted Use C – Conditional Use S – Special Use		AGRICULTURE	FORESTS	MINERAL	RURAL	URBAN RESERVE	URBAN	RESIDENTIAL	NEIGHBORHOOD	BUSINESS	COMMERCIAL	BUSINESS	REGIONAL	BUSINESS	OFFICE	INDUSTRIAL
SIC #	**SPECIFIC LAND USE**	**A**	**F**	**M**	**RA**	**UR**	**R1-8**	**R12-48**	**NB**		**CB**		**RB**		**O**	**I**
	AGRICULTURE:															
01	Growing and Harvesting Crops	P	P		P	P	P									P
02	Raising Livestock and Small Animals	P	P		P	P	P6									P
*	Agriculture Training Facility	C10														
	FORESTRY:															
08	Growing & Harvesting Forest Production	P	P	P7	P	P	P									P
*	Forest Research		P		P	P									P2	P
	FISH AND WILDLIFE MANAGEMENT:															
0921	Hatchery/Fish	P	P		P	P	C									P

	Preserve (1)												
0273	Aquaculture (1)	P	P		P	P	C						P
*	Wildlife Shelters	P	P		P	P							P
	MINERAL:												
10, 12, 14	Mineral Extraction and Processing		P9 C	P C11									
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block		P8 C11	P8 C11									P
	ACCESSORY USES:												
*	Resource Accessory Uses	P3	P4	P5	P3	P3							P4

GENERAL CROSS REFERENCES:	Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*) Definition of this specific land use, see K.C.C. chapter 21A.06.

B. Development conditions.

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

2. Only forest research conducted within an enclosed building.

3. Accessory dwelling units in accordance with K.C.C. 21A.08.030.

4. Excluding housing for agricultural workers.

5. Limited to either maintenance or storage facilities, or both, in conjunction with mineral extraction or processing operation.

6. Large livestock allowed in accordance with K.C.C. chapter 21A.30.

7. Only in conjunction with a mineral extraction site plan approved in accordance with K.C.C. chapter 21A.22.

908 8. Only on the same lot or same group of lots under common ownership or
909 documented legal control, which includes, but is not limited to, fee simple ownership, a
910 long-term lease or an easement:
911 a. as accessory to a primary mineral use((,~~or~~));
912 b. as a continuation of a mineral processing use ((~~established prior to the~~
913 ~~effective date of consistent with this title~~)) only for that period to complete delivery of
914 products or projects under contract at the end of mineral extraction; or
915 c. for a public works project under a temporary grading permit issued in
916 accordance with K.C.C. 16.82.152.
917 9. Limited to ((~~mining activities~~)) mineral extraction and processing:
918 a. on a lot or group of lots under common ownership or documented legal
919 control, which includes but is not limited to, fee simple ownership, a long-term lease or
920 an easement;
921 b. that are located greater than one-quarter mile from an established residence;
922 and
923 c. that do not use local access streets that abut lots developed for residential
924 use.
925 10. Agriculture training facilities are allowed only as an accessory to existing
926 agricultural uses and are subject to the following conditions:
927 a. The impervious surface associated with the agriculture training facilities
928 shall comprise not more than ten percent of the allowable impervious surface permitted
929 under K.C.C. 21A.12.040;

930 b. New or the expansion of existing structures, or other site improvements,
931 shall not be located on class 1, 2 or 3 soils;
932 c. The director may require reuse of surplus structures to the maximum extent
933 practical;
934 d. The director may require the clustering of new structures with existing
935 structures;
936 e. New structures or other site improvements shall be set back a minimum
937 distance of seventy-five feet from property lines adjoining residential zones;
938 f. Bulk and design of structures shall be compatible with the architectural style
939 of the surrounding agricultural community;
940 g. New sewers shall not be extended to the site;
941 h. Traffic generated shall not impede the safe and efficient movement of
942 agricultural vehicles, nor shall it require capacity improvements to rural roads;
943 i. Agriculture training facilities may be used to provide educational services to
944 the surrounding rural/agricultural community or for community events. Property owners
945 may be required to obtain a temporary use permit for community events in accordance
946 with K.C.C. chapter 21A.32;
947 j. Use of lodging and food service facilities shall be limited only to activities
948 conducted in conjunction with training and education programs or community events
949 held on site;
950 k. Incidental uses, such as office and storage, shall be limited to those that
951 directly support education and training activities or farm operations; and

952 l. The King County agriculture commission shall be notified of and have an
953 opportunity to comment upon all proposed agriculture training facilities during the permit
954 process in accordance with K.C.C. chapter 21A.40.
955 11. Continuation of mineral processing and asphalt/concrete mixtures and block
956 uses after reclamation in accordance with an approved reclamation plan.
957 SECTION 17. Ordinance 10870, Section 340, as amended, and K.C.C.
958 21A.12.030 are each hereby amended to read as follows:
959 **Densities and dimensions – residential zones.**
960 A. Densities and dimensions – residential zones.

961

RESIDENTIAL													
	ZONES	RURAL				URBAN RESERVE	URBAN RESIDENTIAL						
STANDARDS		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
Base Density: Dwelling Unit/Acre (15)		0.2 du/ac	0.2 du/ac	0.1 du/ac	0.05 du/ac	0.2 du/ac (21)	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
Maximum Density: Dwelling Unit/Acre (1)		0.4 du/ac (20)	0.4 du/ac (20)					6 du/ac (22)	9 du/ac	12 du/ac	18 du/ac	27 du/ac	36 du/ac	72 du/ac
Minimum Density: (2)								85% (12) (18) (23)	85% (12) (18)	85% (12) (18)	80% (18)	75% (18)	70% (18)	65% (18)
Minimum Lot Area (13)		1.875 ac	3.75 ac	7.5 ac	15 ac									
Minimum Lot Width (3)		135 ft	135 ft	135 ft	135 ft	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft
Minimum Street Setback (3)		30 ft (9)	30 ft (9)	30 ft (9)	30 ft (9)	30 ft (7)	20 ft (7)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)
Minimum Interior Setback (3) (16)		5 ft (9)	10 ft (9)	10 ft (9)	10 ft (9)	5 ft (7)	5 ft (7)	5 ft	5 ft	5 ft	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10
Base Height (4)		40 ft	40 ft	40 ft	40 ft	35 ft	35 ft	35 ft (25)	35 ft 45 ft (14) (25)	35 ft 45 ft (14) (25)	60 ft	60 ft 80 ft (14)	60 ft 80 ft (14)	60 ft 80 ft (14)
Maximum Impervious Surface: Percentage (5)		25% (11) (19)	20% (11) (19)	15% (11) (19) (24)	12.5 % (11) (19)	30% (11)	30% 11	55%	70%	75%	85%	85%	85%	90%

962 B. Development conditions.

963 1. This maximum density may be achieved only through the application of
964 residential density incentives in accordance with K.C.C. chapter 21A.34 or transfers of
965 development rights in accordance with K.C.C. chapter 21A.37, or any combination of
966 density incentive or density transfer. Maximum density may only be exceeded in
967 accordance with K.C.C. 21A.34.040.F.1.g. and F.6.
968 2. Also see K.C.C. 21A.12.060.
969 3. These standards may be modified under the provisions for zero lot-line and
970 townhouse developments.
971 4. Height limits may be increased if portions of the structure that exceed the
972 base height limit provide one additional foot of street and interior setback for each foot
973 above the base height limit, but the maximum height may not exceed seventy-five feet.
974 Netting or fencing and support structures for the netting or fencing used to contain golf
975 balls in the operation of golf courses or golf driving ranges are exempt from the
976 additional interior setback requirements but the maximum height shall not exceed
977 seventy-five feet, except for large active recreation and multiuse parks, where the
978 maximum height shall not exceed one hundred and twenty-five feet, unless a golf ball
979 trajectory study requires a higher fence.
980 5. Applies to each individual lot. Impervious surface area standards for:
981 a. ((~~r~~))Regional uses shall be established at the time of permit review;
982 b. ((~~n~~))Nonresidential uses in residential zones shall comply with K.C.C.
983 21A.12.120 and 21A.12.220;

c. ((i))Individual lots in the R-4 through R-6 zones that are less than nine thousand seventy-six square feet in area shall be subject to the applicable provisions of the nearest comparable R-6 or R-8 zone; and

d. ((a))A lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.

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

7. The standards of the R-4 zone shall apply if a lot is less than fifteen thousand square feet in area.

8. At least twenty linear feet of driveway shall be provided between any garage, carport or other fenced parking area and the street property line. The linear distance shall be measured along the center line of the driveway from the access point to such garage, carport or fenced area to the street property line.

9.a. Residences shall have a setback of at least one hundred feet from any property line adjoining A, M or F zones or existing extractive operations. However, residences on lots less than one hundred fifty feet in width adjoining A, M or F zones or existing extractive operations shall have a setback from the rear property line equal to fifty percent of the lot width and a setback from the side property equal to twenty-five percent of the lot width.

b. Except for residences along a property line adjoining A, M or F zones or existing extractive operations, lots between one acre and two and one-half acres in size shall conform to the requirements of the R-1 zone and lots under one acre shall conform to the requirements of the R-4 zone.

1007 10.a. For developments consisting of three or more single-detached dwellings
1008 located on a single parcel, the setback shall be ten feet along any property line abutting
1009 R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in
1010 K.C.C. 21A.14.190, which shall have a setback of five feet.

1011 b. For townhouse and apartment development, the setback shall be twenty feet
1012 along any property line abutting R-1 through R-8, RA and UR zones, except for
1013 structures in on-site play areas required in K.C.C. 21.14.190, which shall have a setback
1014 of five feet, unless the townhouse or apartment development is adjacent to property upon
1015 which an existing townhouse or apartment development is located.

1016 11. Lots smaller than one-half acre in area shall comply with standards of the
1017 nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or
1018 larger, the maximum impervious surface area allowed shall be at least ten thousand
1019 square feet. On any lot over one acre in area, an additional five percent of the lot area
1020 may be used for buildings related to agricultural or forestry practices. For lots smaller
1021 than two acres but larger than one-half acre, an additional ten percent of the lot area may
1022 be used for structures that are determined to be medically necessary, if the applicant
1023 submits with the permit application a notarized affidavit, conforming with K.C.C.
1024 21A.32.170A.2.

1025 12. For purposes of calculating minimum density, the applicant may request that
1026 the minimum density factor be modified based upon the weighted average slope of the
1027 net buildable area of the site in accordance with K.C.C. 21A.12.087.

1028 13. The minimum lot area does not apply to lot clustering proposals <u>as provided</u>
1029 <u>in K.C.C. chapter 21A.14</u>.

14. The base height to be used only for projects as follows:

a. in R-6 and R-8 zones, a building with a footprint built on slopes exceeding a fifteen percent finished grade; and

b. in R-18, R-24 and R-48 zones using residential density incentives and transfer of density credits in accordance with this title.

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

16. Vehicle access points from garages, carports or fenced parking areas shall be set back from the property line on which a joint use driveway is located to provide a straight line length of at least twenty-six feet as measured from the center line of the garage, carport or fenced parking area, from the access point to the opposite side of the joint use driveway.

17.a. All subdivisions and short subdivisions in the R-1 zone shall be required to be clustered if the property is located within or contains:

(1) a floodplain;

(2) a critical aquifer recharge area;

(3) a ((~~R~~))regionally or ((~~L~~))locally ((~~S~~)) significant ((~~R~~))resource ((~~A~~))area;

(4) existing or planned public parks or trails, or connections to such facilities;

(5) a ((~~Class I or II stream~~)) category S or F aquatic area or category I or II wetland;

(6) a steep slope; or

(7) a ((~~"~~))greenbelt/urban separator((~~"~~)) or ((~~"~~))wildlife corridor((~~"~~)) area designated by the Comprehensive Plan or a community plan.

1052 b. The development shall be clustered away from ((~~sensitive~~)) critical areas or
1053 the axis of designated corridors such as urban separators or the wildlife habitat network to
1054 the extent possible and the open space shall be placed in a separate tract that includes at
1055 least fifty percent of the site. Open space tracts shall be permanent and shall be dedicated
1056 to a homeowner's association or other suitable organization, as determined by the
1057 director, and meet the requirements in K.C.C. 21A.14.040. On-site ((~~sensitive~~)) critical
1058 area and buffers, wildlife habitat networks, required habitat and buffers for protected
1059 species and designated urban separators shall be placed within the open space tract to the
1060 extent possible. Passive recreation (with no development of recreational facilities) and
1061 natural surface pedestrian and equestrian trails are acceptable uses within the open space
1062 tract.

1063 18. See K.C.C. 21A.12.085.

1064 19. All subdivisions and short subdivisions in R-1 and RA zones within the
1065 North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North
1066 Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and
1067 Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East
1068 Sammamish Community Planning Area that drains to Patterson Creek shall have a
1069 maximum impervious surface area of eight percent of the gross acreage of the plat.
1070 Distribution of the allowable impervious area among the platted lots shall be recorded on
1071 the face of the plat. Impervious surface of roads need not be counted towards the
1072 allowable impervious area. Where both lot- and plat-specific impervious limits apply, the
1073 more restrictive shall be required.

1074 20. This density may only be achieved on RA 2.5 and RA 5 zoned parcels
1075 receiving density from rural forest focus areas through the transfer of density credit pilot
1076 program outlined in K.C.C. chapter 21A.55.
1077 21. Base density may be exceeded, if the property is located in a designated
1078 rural city urban growth area and each proposed lot contains an occupied legal residence
1079 that predates 1959.
1080 22. The maximum density is four dwelling units per acre for properties zoned
1081 R-4 when located in the Rural Town of Fall City.
1082 23. The minimum density requirement does not apply to properties located
1083 within the Rural Town of Fall City.
1084 24. The impervious surface standards for the county fairground facility are
1085 established in the King County Fairgrounds Site Development Plan, Attachment A to
1086 Ordinance 14808 on file at the department of natural resources and parks and the
1087 department of development and environmental services. Modifications to that standard
1088 may be allowed provided the square footage does not exceed the approved impervious
1089 surface square footage established in the King County Fairgrounds Site Development
1090 Plan Environmental Checklist, dated September 21, 1999, Attachment B to Ordinance
1091 14808, by more than ten percent.
1092 25. For cottage housing developments only:
1093 a. The base height is eighteen feet.
1094 b. Buildings having pitched roofs with a minimum slope of six and twelve may
1095 extend up to twenty-five feet at the ridge of the roof.

1096 NEW SECTION. SECTION 18. There is hereby added to K.C.C. 21A.14 a new
1097 section to read as follows:
1098 **Cottage housing development.** For cottage housing developments in the R4-R8
1099 zones:
1100 A. The total area of the common open space must be at least two hundred and
1101 fifty square feet per unit and at least fifty percent of the units must be clustered around
1102 the common space.
1103 B. The total floor area of each unit, including any enclosed parking, is limited to
1104 one thousand two hundred square feet. The footprint of each unit, including any enclosed
1105 parking, is limited to nine hundred square feet.
1106 C. Fences within the cottage housing unit development are limited to three feet in
1107 height. Fences along the perimeter of the cottage housing development are limited to six
1108 feet.
1109 D. Individual cottage housing units must be at least ten feet apart.
1110 SECTION 19. Ordinance 10870, Section 364 and K.C.C. 21A.14.040 are each
1111 hereby amended to read as follows:
1112 **Lot segregations - clustered development.** ((~~If r~~))Residential lot clustering
1113 ((~~is~~)) may be proposed((~~,~~)) as part of a subdivision or short subdivision and shall comply
1114 with the following ((~~provisions shall be met~~)):
1115 A. In the R zones, any designated open space tract resulting from lot clustering
1116 shall not be altered or disturbed except as specified on recorded documents creating the
1117 open space. Open spaces may be retained under ownership by the subdivider, conveyed

1118 to residents of the development, or conveyed to a third party. If access to the open space
1119 is provided, the access shall be located in a separate tract;
1120 B. In the RA zone:
1121 1. No more than eight lots of less than two and one-half acres shall be allowed
1122 in a cluster;
1123 2. No more than eight lots of less than two and one-half acres shall be served by
1124 a single cul-de-sac street;
1125 3. Clusters containing two or more lots of less than two and one-half acres,
1126 whether in the same or adjacent developments, shall be separated from similar clusters by
1127 at least one hundred twenty feet;
1128 4. The overall amount, and the individual degree of clustering shall be limited to
1129 a level that can be adequately served by rural facilities and services, including, but not
1130 limited to, on-site sewage disposal systems and rural roadways;
1131 5. A fifty-foot Type II landscaping screen, as defined in K.C.C. 21A.16.040,
1132 shall be provided along the frontage of all public roads. The planting materials shall
1133 consist of species that are native to the Puget Sound region. Preservation of existing
1134 healthy vegetation is encouraged and may be used to augment new plantings to meet the
1135 requirements of this section;
1136 6. Except as provided in subsection B.7 of this section, open space tracts created
1137 by clustering in the RA zone shall be designated as permanent open space. Acceptable
1138 uses within open space tracts are passive recreation, with no development of active
1139 recreational facilities, natural-surface pedestrian and equestrian foot trails and passive
1140 recreational facilities;

1141 7. In the RA zone a resource land tract may be created through a cluster
1142 development in lieu of an open space tract. The resource land tract may be used as a
1143 working forest or farm if the following provisions are met:
1144 a. Appropriateness of the tract for forestry or agriculture has been determined
1145 by the King County department of natural resources and parks;
1146 b. The subdivider shall prepare a forest management plan, which must be
1147 reviewed and approved by the King County department of natural resources, or a farm
1148 management (conservation) plan, if such is required pursuant to K.C.C. chapter 21A.30,
1149 which must be developed by the King Conservation District. The criteria for
1150 management of a resource land tract established through a cluster development in the RA
1151 zone shall be set forth in a public rule. The criteria must assure that forestry or farming
1152 will remain as a sustainable use of the resource land tract and that structures supportive of
1153 forestry and agriculture may be allowed in the resource land tract. The criteria must also
1154 set impervious surface limitations and identify the type of buildings or structures that will
1155 be allowed within the resource land tract;
1156 c. The recorded plat or short plat shall designate the resource land tract as a
1157 working forest or farm;
1158 d. Resource land tracts that are conveyed to residents of the development shall
1159 be retained in undivided interest by the residents of the subdivision or short subdivision;
1160 e. A homeowners association shall be established to assure implementation of
1161 the forest management plan or farm management (conservation) plan if the resource land
1162 tract is retained in undivided interest by the residents of the subdivision or short
1163 subdivision;

1164 f. The subdivider shall file a notice with the King County department of
1165 executive services, records, elections and licensing services division. The required
1166 contents and form of the notice shall be set forth in a public rule. The notice shall inform
1167 the property owner or owners that the resource land tract is designated as a working
1168 forest or farm, which must be managed in accordance with the provisions established in
1169 the approved forest management plan or farm management (conservation) plan;
1170 g. The subdivider shall provide to the department proof of the approval of the
1171 forest management plan or farm management (conservation) plan and the filing of the
1172 notice required in subsection B.7.f. of this section before recording of the final plat or
1173 short plat;
1174 h. The notice shall run with the land; and
1175 i. Natural-surface pedestrian and equestrian foot trails, passive recreation, and
1176 passive recreational facilities, with no development of active recreational facilities, are
1177 allowed uses in resource tracts; and
1178 8. For purposes of this section, passive recreational facilities include trail access
1179 points, small-scale parking areas and restroom facilities.
1180 C. In the R-1 zone, open space tracts created by clustering required by K.C.C.
1181 21A.12.030 shall be located and configured to create urban separators and greenbelts as
1182 required by the Comprehensive Plan, or subarea plans or open space functional plans, to
1183 connect and increase protective buffers for environmentally sensitive areas as defined in
1184 K.C.C. 21A.06.1065, to connect and protect wildlife habitat corridors designated by the
1185 Comprehensive Plan and to connect existing or planned public parks or trails. King
1186 County may require open space tracts created under this subsection to be dedicated to an

appropriate managing public agency or qualifying private entity such as a nature conservancy. In the absence of such a requirement, open space tracts shall be retained in undivided interest by the residents of the subdivision or short subdivision. A homeowners association shall be established for maintenance of the open space tract.

SECTION 20. Ordinance 10870, Section 365 and K.C.C. 21A.14.050 are each hereby amended to read as follows:

UR zone reserve tract. Subdivision of UR zoned property of ((~~10~~)) ten or more acres shall be required to be clustered and a reserve tract shall be created for future development ((~~pursuant to~~)) in accordance with the following ((~~provisions~~)):

A. The reserve tract shall be no less than ((~~75~~)) seventy-five percent of the net developable area of the property to be subdivided.

B. The reserve tract shall be configured to contain lands with topography and natural features that allow future conversion of the reserve tract to residential development at urban densities.

C. The reserve tract may contain a single dwelling unit, ((~~provided~~)) only if:

1. The unit was included in the overall density calculations for the original subdivision creating the reserve tract((~~,~~)); and

2. The unit was noted on the face of the original subdivision (plat or short plat).

D. The reserve tract shall not be altered or disturbed except as specified on the face of the original subdivision (plat or short plat).

E. The reserve tract may be retained under the ownership of the subdivider, conveyed to residents of the subdivisions, or conveyed to a third party. Regardless of ownership of the reserve tract, all restrictions relative to the reserve tract shall apply.

1210 F. The reserve tract shall not be used to satisfy the recreation space requirement
1211 of the original subdivision.
1212 G. The layout of the lots and roadways created in the original subdivision shall
1213 facilitate future development of the reserve tract.
1214 H. ((~~The lots created in the original subdivision shall be of a sufficient area to~~
1215 ~~comply with on site sewage disposal requirements, if public sewers are not available.~~))
1216 The reserve tract shall not be eligible for further subdivision until such time that
1217 reclassification of the reserve tract occurs ((~~pursuant to~~)) in accordance with the
1218 community plan area zoning process outlined in K.C.C. 20.08.030.
1219 ((~~J.~~)) I. Any proposed subsequent development on the reserve tract shall be
1220 governed by the development standards in effect at the time of such development.
1221 SECTION 21. Ordinance 10870, Section 388, as amended, and K.C.C.
1222 21A.16.030 are each hereby amended to read as follows:
1223 **Land use grouping.** To facilitate the application of this chapter, the land uses of
1224 K.C.C. chapter 21A.08 have been grouped in the following manner:
1225 A. Residential(("")) development refers to those uses listed in K.C.C. 21A.08.030,
1226 except those uses listed under (("))Accessory(("")) uses, and:
1227 1. (("))Attached/group residences(("")) refers to:
1228 a. townhouses, except as provided in subsection A.2.a. of this section;
1229 b. apartments((,)) and detached dwelling units developed on common property
1230 at a density of twelve or more units per acre;
1231 c. senior citizen assisted housing;
1232 d. temporary lodging;

1233 e. group residences other than Type I community residential facilities;

1234 f. mobile home parks; and

1235 2. ((")))Single-family development((")) refers to:

1236 a. residential subdivisions and short subdivisions, including attached and

1237 detached dwelling units on individually platted or short platted lots;

1238 b. any detached dwelling units located on a lot including cottage housing units;

1239 and

1240 c. Type 1 community residential facilities;

1241 B. ((")))Commercial development((")) refers to those uses in:

1242 1. K.C.C. 21A.08.040 as amusement/entertainment uses, except golf facilities;

1243 2. K.C.C. 21A.08.050 except recycling centers, health and educational services,

1244 daycare I, churches, synagogues and temples, and miscellaneous repair as allowed in the

1245 A and RA zones; and

1246 3. K.C.C. 21A.08.070, except forest product sales and agricultural ((~~crop~~))

1247 product sales as allowed in the A, F, and RA zones and building, hardware and garden

1248 materials as allowed in the A zones.

1249 C. ((")))Industrial development((")) refers to those uses listed in:

1250 1. K.C.C. 21A.08.050 as recycling center;

1251 2. K.C.C. 21A.08.060, except government services and farm product

1252 warehousing, refrigeration and storage as allowed in the A zones;

1253 3. K.C.C. 21A.08.080, except food and kindred products as allowed in the A

1254 and F zones; and

1255 4. K.C.C. 21A.08.090 as mineral extraction and processing;

1256 D. ((")Institutional development((")) refers to those uses listed in:

1257 1. K.C.C. 21A.08.040 as cultural uses, except arboretums;

1258 2. K.C.C. 21A.08.050 as churches, synagogues and temples, health services((,))

1259 and education services except specialized instruction schools permitted as an accessory

1260 use; and

1261 3. K.C.C. 21A.08.060 as government services;

1262 E. ((")Utility development((")) refers to those uses listed in K.C.C. 21A.08.060

1263 as utility facilities; and

1264 F. Uses in K.C.C. chapter 21A.08 that are not listed in subsections A. through E.

1265 of this section shall not be subject to landscaping and tree retention requirements except

1266 as specified in any applicable review of a conditional use or special use permits.

1267 SECTION 22. Ordinance 10870, Section 406, as amended, and K.C.C.

1268 21A.18.020 are each hereby amended to read as follows:

1269 **Authority and application.**

1270 A. Before an occupancy permit may be granted for any new or enlarged building

1271 or for a change in use in any existing building, the use shall be required to meet the

1272 requirements of this chapter. In addition, K.C.C. 21A.18.110 I. and J. establish

1273 residential parking limitations applicable to existing, as well as new, residential uses.

1274 B. If this chapter does not specify a parking requirement for a land use, the

1275 director shall establish the minimum requirement based on a study of anticipated parking

1276 demand. Transportation demand management actions taken at the site shall be

1277 considered in determining anticipated demand. If the site is located in an activity center

1278 or community business center, the minimum requirement shall be set at a level less than

the anticipated demand, but at no less than seventy-five percent of the anticipated demand. In the study, the applicant shall provide sufficient information to demonstrate that the parking demand for a specific land use will be satisfied. Parking studies shall be prepared by a professional engineer with expertise in traffic and parking analyses, or an equally qualified individual as authorized by the director.

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

D. Upon request from the proponent of any use subject to the this chapter located in a rural town, rural neighborhood center, ((~~or~~)) any commercial zone located in a rural area or natural resource production district designated by the ((~~c~~))Comprehensive ((~~p~~))Plan, or any agricultural product production, processing or sales use allowed in the A or F zones the director may waive or modify this chapter in order to protect or enhance the historic character of the area, ((~~and~~)) to reduce the need for pavement or other impervious surfaces, to recognize the seasonal nature of any such activity, or to minimize the conversion of agriculturally productive soils. Where a neighborhood or subarea plan with design guidelines that includes the subject property has been adopted, the director

shall base allowable waivers or modifications on the policies and guidelines in such a plan.

SECTION 23. Ordinance 10870, Section 439, as amended, and K.C.C. 21A.22.010 are each hereby amended to read as follows:

Purpose. The purpose of this chapter is to establish standards ((~~which~~)) that minimize the impacts of ((~~extractive~~)) mineral extraction and materials processing operations upon surrounding parties by:

A. Ensuring adequate review of operating aspects of ((~~extractive~~)) mineral extraction and materials processing sites;

B. Requiring project phasing on large sites to minimize environmental impacts;

C. Requiring minimum site areas large enough to provide setbacks and mitigations necessary to protect environmental quality; and

D. Requiring period review of ((~~extractive and processing~~)) mineral extraction and materials processing operations to ensure compliance with the ((~~most current~~)) approved operating standards.

SECTION 24. Ordinance 10870, Section 440 and K.C.C. 21A.22.020 are each hereby amended to read as follows:

((~~**Exemptions**~~)) **Applicability of chapter.** ((~~The provisions of t~~))This chapter shall ((~~not~~)) only apply to uses or activities ((~~specifically exempted in K.C.C. 16.82.050~~)) that are mineral extraction or materials processing operations.

SECTION 25. Ordinance 10870, Section 441 and K.C.C. 21A.22.030 are each hereby amended to read as follows:

1323 **Grading permits required.** Extractive operations and materials processing
1324 operations shall commence only after issuance of a grading permit.
1325 NEW SECTION. SECTION 26. There is hereby added to K.C.C. 21A.22 a new
1326 section to read as follows:
1327 **Community meeting.**
1328 A. Not later than thirty days after the department provides the notice of
1329 application to the public required by K.C.C. 20.20.060 on a mineral extraction or
1330 materials processing site or for an expansion of an existing mineral extraction or
1331 materials processing site or operation beyond the scope of the prior environmental
1332 review, the applicant shall hold a community meeting. The notice of application shall
1333 include notification of the date, time and location of the community meeting. At the
1334 meeting, the applicant shall provide information relative the proposal, including
1335 information on existing residences and lot patterns within one-quarter mile of potential
1336 sites and on alternative haul routes. The applicant shall also provide a preliminary
1337 evaluation at the meeting of any alternative routes that have been provided to the
1338 applicant in writing at least five days in advance of the meeting. The applicant shall
1339 provide to the department within fourteen days after the community meeting a written list
1340 of meeting attendees and documentation of the meeting.
1341 B. Public notice of the community meeting required by this section shall be
1342 prepared, posted and distributed in accordance with KCC 20.20.060 at least two weeks
1343 before the community meeting. In addition, the department shall:
1344 1. Publish a notice of the meeting in a local newspaper of general circulation in
1345 the affected area;

1346 2. Mail the notice of the meeting to the unincorporated area council serving the
1347 area where the site is located; and
1348 3. Mail the notice of the meeting to all property owners within one-quarter mile
1349 of the proposed or expanded site or to at least twenty of the property owners nearest to
1350 the site, whichever is greater; and
1351 4. Mail the notice of the meeting to all property owners within five hundred feet
1352 of any proposed haul route from the site to the nearest arterial.
1353 SECTION 27. Ordinance 10870, Section 442 and K.C.C. 21A.22.040 are each
1354 hereby amended to read as follows:
1355 **Nonconforming ((~~extractive~~)) mineral extraction operations.** To the ((~~extent~~
1356 ~~determined feasible by the county~~)) maximum extent practicable, nonconforming
1357 ((~~extractive~~)) mineral extraction operations shall be brought into conformance with the
1358 operating conditions and performance standards of ((~~K.C.C. 21A.22.070~~)) this chapter
1359 during permit renewal. The department shall establish a schedule for conformance
1360 during the first periodic review of the nonconforming mineral extraction operation and
1361 incorporated into the permit conditions.
1362 SECTION 28. Ordinance 10870, Section 443 and K.C.C. 21A.22.050 are each
1363 hereby amended to read as follows:
1364 **Periodic review.** ((~~Unless a more frequent review is required by the county,~~
1365 ~~periodic review of extractive and processing operations shall be provided as follows:~~))
1366 A. In addition to the review conducted as part of the annual renewal of a mineral
1367 extraction operating permit or materials processing permit, the department shall ~~be~~
1368 ~~subject to~~)) conduct a periodic review of ((~~development~~)) mineral extraction and

materials processing operation site design and operating standards at five-year intervals((~~;~~)).

B. The periodic review ((~~shall be:~~

~~1. Conducted by the director or zoning adjustor pursuant to the review process outlined in K.C.C. 21A.42.040–090;~~)) is a Type 2 land use decision.

((~~2. Used to~~)) C. The periodic review shall determine ((~~that~~)):

1. Whether the site is operating consistent with all existing permit conditions; and

2. That the most current site design and operating standards ((~~and to establish other~~)) are applied to the site through additional or revised permit conditions as necessary to mitigate identifiable environmental impacts.

SECTION 29. Ordinance 10870, Section 444, as amended, and K.C.C. 21A.22.060 are each hereby amended to read as follows:

Site design standards. Except as otherwise provided for nonconforming ((~~extractive~~)) mineral extraction operations in K.C.C. 21A.22.040, in addition to requirements in this title, all ((~~extractive and processing~~)) mineral extraction and materials processing operations shall ((~~at minimum~~)) comply with the following standards:

A. The minimum site area of ((~~an extractive~~)) a mineral extraction or materials processing operation shall be ((~~10~~)) ten acres((~~.~~));

B. ((~~Extractive~~)) Mineral extraction or materials processing operations on sites larger than ((~~20~~)) twenty acres shall occur in phases to minimize environmental impacts. The size of each phase shall be determined during the review process;

C. If the department determines they are necessary to eliminate a safety hazard, ((~~F~~))fences or alternatives to fences approved by the department, shall be:

1. Provided in a manner ((~~which~~)) that discourages access to ((~~safety hazards which may arise on~~)) areas of the site where:

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

b. boundaries are in common with residential or commercial zoned property or public lands; or

c. any unstable slope or any slope exceeding a grade of ((~~40~~)) forty percent is present; ((~~or~~

~~c. any settling pond or other stormwater facility is present;~~))

2. At least six feet in height above the grade measured at a point five feet ((~~from the~~)) outside ((~~of~~)) the fence and the fence material shall have no opening larger than two inches;

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

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

5. Maintained in good repair;

D. Warning and trespass signs advising of the ((~~extractive~~)) mineral extraction or materials processing operation shall be placed on the perimeter of the site adjacent to RA, UR or R zones at intervals no greater than ((~~200~~)) two hundred feet along any unfenced portion of the site where the items noted in subsection C.1.a((-)).through c. of this section are present;

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

1. Buildings, ((~~or~~)) structures and stockpiles used in the processing of materials shall be no closer than:

a. ((~~O~~))one hundred feet from any ((~~UR or R~~)) residential zoned properties except that the setback may be reduced to ((~~50~~)) fifty feet when the grade where such building or structures are proposed is ((~~50~~)) fifty feet or greater below the grade of ((~~said UR or R~~)) the residential zoned property((~~, or~~));

b. ((~~Twenty~~)) fifty feet from any other zoned property, except when adjacent to another ((~~extractive~~)) mineral extraction or materials processing site; and

c. ((~~Twenty~~)) the greater of fifty feet from the edge of any public street((~~.~~)) or the setback from residential zoned property on the far side of the street; and

2. Offices, scale facilities, equipment storage buildings and stockpiles, including those for reclamation, shall not be closer than ((~~20~~)) fifty feet from any property line except when adjacent to another ((~~extractive~~)) mineral extraction or materials processing site((~~;~~)) or M or F zoned property. Facilities necessary to control access to the site, when demonstrated to have no practical alternative, may be located closer to the property line;

F. ((~~No~~)) On-site clearing, grading or excavation, excluding that necessary for required access, roadway or storm drainage facility construction or activities in accordance with an approved reclamation plan, shall not be permitted within ((~~20~~)) fifty feet of any property line except along any portion of the perimeter adjacent to another ((~~extractive~~)) mineral extraction or materials processing operation ((~~provided that such activities may be pursuant to an approved reclamation plan~~)) or M or F zoned property. If native vegetation is restored, temporary disturbance resulting from construction of noise attenuation features located closer than fifty feet shall be permitted;

1438 G. Landscaping ((~~as required pursuant to~~)) consistent with type 1 screening
1439 K.C.C. chapter 21A.16, except using only plantings native to the surrounding area, shall
1440 be provided along any portion of the site perimeter where disturbances such as site
1441 clearing and grading, or mineral extraction or materials processing is performed, except
1442 where adjacent to another ((~~extractive~~)) mineral extraction, materials processing or
1443 forestry operation or M or F-zoned property; ((~~and~~))
1444 H. Relevant clearing and grading operating standards from K.C.C. chapter 16.82
1445 shall be applied; and
1446 I. Lighting shall:
1447 1. Be limited to that required for security, lighting of structures and equipment,
1448 and vehicle operation; and
1449 2. Not ((~~direct~~)) directly glare onto surrounding properties.
1450 SECTION 30. Ordinance 10870, Section 445, as amended, and K.C.C.
1451 21A.22.070 are each hereby amended to read as follows:
1452 **Operating conditions and performance standards.** ((~~All o~~))Operating
1453 conditions and performance standards shall be as specified in K.C.C. chapter 16.82
1454 except:
1455 A. Noise levels produced by ((~~an extractive~~)) a mineral extraction or materials
1456 processing operation shall not exceed levels specified by ((~~the King County Noise~~
1457 ~~Ordinance~~)) K.C.C. chapters 12.86, 12.87, 12.88, 12.90, 12.91, 12.92, 12.94, 12.96,
1458 12.98, 12.99 and 12.100;
1459 B. Blasting shall be conducted under an approved blasting plan:

1. Consistent with the methods specified in the ((~~O~~))office of ((~~S~~))surface ((~~M~~))mining, 1987 Blasting Guidance Manual in a manner that protects from damage all structures, excluding those owned and directly used by the operator, and persons in the vicinity of the blasting area, including but not limited to adherence to the following:

a. Airblast levels shall not exceed one hundred thirty-three dBL measured by a two Hz or lower flat response system at the nearest residential property or place of public assembly;

b. Flyrock shall not be cast one-half the distance to the nearest residential property, place of public assembly or the property boundary, whichever is less; and

c. Ground motion shall not exceed ground vibration levels damaging to structures using one of the four accepted methods in the Blasting Guidance Manual;

2. During daylight hours; and

3. According to a time schedule, provided to residents within one-half mile of the site, that((~~:~~

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

~~b. is provided to residents within one-half mile of the site;~~)). If requested by a resident, the operator shall provide notice of changes in the time schedule at least twenty four hours before the changes take effect;

C.1. Dust and smoke produced by ((~~extractive~~)) mineral extraction and materials processing operations shall ((~~not substantially increase the existing levels of suspended particulates at the perimeter of the site and shall~~)) be controlled by ((~~watering of the site~~

~~and equipment or other methods specified by the county~~)) best management practices to comply with relevant regulations of the Puget Sound Clean Air Agency.

2. Dust and smoke from process facilities shall be controlled in accordance with a valid operating permit from the Puget Sound Clean Air Agency. Copies of the permit shall be kept onsite and available for department and public inspection. Copies of the Puget Sound Clean Air Agency monitoring results shall be provided to the department on permit monitoring data submittal dates.

3. Dust and smoke from process facilities shall not significantly increase the existing levels of suspended particulates at the perimeter of the site;

D. The applicant shall ((~~provide for measures to~~)) prevent ((~~transport of~~)) rocks, dirt, ((~~and~~)) mud and any raw or processed material from spilling from or being tracked by trucks onto public roadways and shall be responsible for cleaning debris or repairing damage to roadways caused by the operation;

E. The applicant shall provide ((~~T~~))traffic control measures such as ((~~flagmen~~)) flaggers or warning signs as determined by the ((~~county shall be provided by the applicant~~)) department during all hours of operation; ((~~and~~))

F. ((~~The applicant shall be responsible for cleaning of debris or repairing of damage to roadways caused by the operation.~~)) The operator shall control surface water and site discharges to comply with K.C.C. chapter 9.04 and the surface water design manual and K.C.C. chapter 9.12 and the stormwater pollution prevention manual. For the life of the mineral resource operation and until site reclamation is complete, the operator shall maintain a valid Washington state department of ecology National Pollutant Discharge Elimination System individual permit or maintain coverage under the sand and

1505 gravel general permit. The operator shall keep onsite and available for department
1506 review copies of the erosion and sediment control plan, the applicable National Pollution
1507 Discharge Elimination System individual or general permit and the Stormwater Pollution
1508 Prevention Plan. The operator shall make the plans and permit available for public
1509 inspection upon request. The operator shall provide to the department copies of the
1510 monitoring results on permit monitoring data submittal dates. The department shall make
1511 the monitoring results available for public inspection. If the department determines that
1512 National Pollution Discharge Elimination System monitoring frequency or type is not
1513 adequate to meet the demands of the site and the requirements of this subsection, the
1514 department may require more frequent and detailed monitoring and may require a
1515 program designed to bring the site into compliance;
1516 G. The operator shall not excavate below the contours determined through
1517 hydrologic studies necessary to protect groundwater and the upper surface of the
1518 saturated groundwater that could be used for potable water supply;
1519 H. If contamination of surface or ground water by herbicides is possible, to the
1520 maximum extent practicable, mechanical means shall be used to control noxious weeds
1521 on the site;
1522 I. Upon depletion of mineral resources or abandonment of the site, the operator
1523 shall remove all structures, equipment and appurtenances accessory to operations; and
1524 J. If the operator fail to comply with this section, the department shall require
1525 modifications to operations, procedures or equipment until compliance is demonstrated to
1526 the satisfaction of the department. If the modifications are inconsistent with the approved
1527 permit conditions, the department shall revise the permit accordingly.

1528 SECTION 31. K.C.C.16.82.110, as amended by this ordinance, is hereby
1529 recodified as a new section in K.C.C. chapter 21A.22.
1530 SECTION 32. Ordinance 1488, Section 12, as amended and K.C.C. 16.82.110
1531 are each hereby amended to read as follows:
1532 **((~~Land restoration~~)) Reclamation.**
1533 A. A valid clearing and grading permit shall be maintained on a mineral
1534 extraction site until the reclamation of the site required under chapter 78.44 RCW is
1535 completed.
1536 B. A reclamation plan approved in accordance with chapter 78.44 RCW shall be
1537 submitted before the effective date of a zone reclassification in Mineral-zoned properties
1538 or the acceptance of any development proposal for a subsequent use in Forest-zoned
1539 properties. The zone reclassification shall grant potential zoning that is only to be
1540 actualized, under K.C.C. chapter 20.24, upon demonstration of successful completion of
1541 all requirements of the reclamation plan. Development proposals in the Forest zone for
1542 uses subsequent to mineral extraction operations shall not be approved until
1543 demonstration of successful completion of all requirements of the reclamation plan
1544 except that forestry activities may be permitted on portions of the site already fully
1545 reclaimed.
1546 C. Mineral extraction operations that are not required to have an approved
1547 reclamation plan under chapter 78.44 RCW shall meet the following requirements:
1548 1. Upon the exhaustion of minerals or materials or upon the permanent
1549 abandonment of the quarrying or mining operation, all nonconforming buildings,
1550 structures, apparatus or appurtenances accessory to the quarrying and mining operation

shall be removed or otherwise dismantled to the satisfaction of the director((~~. This requirement shall not require land restoration on projects completed prior to January 1, 1971, except those covered under previously existing zoning requirements.~~));

((~~B~~))2. Final grades shall:

a. be such so as to encourage the uses permitted within the primarily surrounding zone or, if applicable the underlying or potential zone classification((~~.~~)); and

b. result in drainage patterns that reestablish natural conditions of water velocity, volume, and turbidity within six months of reclamation and that precludes water from collecting or becoming stagnant. Suitable drainage systems approved by the department shall be constructed or installed where natural drainage conditions are not possible or where necessary to control erosion. All constructed drainage systems shall be designed consistent with the Surface Water Design Manual;

((~~C~~))3. All areas subject to ((~~G~~))grading or backfilling shall ((~~be made with~~)):

a. incorporate only nonnoxious, nonflammable, noncombustible and nunputrescible solids((~~.~~)); and

((~~D. Such graded or backfilled areas,~~)) b. except for roads and areas incorporated into drainage facilities, ((~~shall~~)) be ((~~sodded or~~)) surfaced with soil of a quality at least equal to the topsoil of the land areas immediately surrounding, and to a depth of ((~~at least four inches or a depth of that of~~)) the topsoil of land area immediately surrounding ((~~if less than four~~)) six inches, whichever is greater. The topsoil layer shall have an organic matter content of eight to thirteen percent and a pH of 6.0 to 8.0 or matching the pH of the original undisturbed soil layer. Compacted areas such as pit floors or compacted fill shall be tilled or scarified prior to topsoil placement;

4. All reclaimed slopes shall comprise an irregular sinuous appearance in both profile and plan view and blend with adjacent topography to a reasonable extent;

5. Where excavation has penetrated the seasonal or permanent water table creating a water body or wetland:

a. All side slopes below the permanent water table and banks shall be graded or shaped as to not constitute a safety hazard;

b. Natural features and plantings to provide beneficial wetland functions and promote wildlife habitat shall be provided; and

c. Appropriate drainage controls shall be provided to stabilize the water level and not create potential flooding hazards;

((~~E. Such~~)) 6. All cleared, graded or backfilled areas, including areas surfaced with topsoil ((~~as required by subdivision D~~)), shall be planted with a variety of trees, shrubs, legumes ((~~or~~)) and grasses((~~, and said flora shall be so selected as to be~~)) indigenous to the surrounding area((~~.~~)) and appropriate for the soil, moisture and exposure conditions;

((~~F. Graded or backfilled areas shall be reclaimed in a manner which will not allow water to collect and permit stagnant water to remain. Suitable drainage systems approved by the department of natural resources and parks shall be constructed or installed if natural drainage is not possible.~~

~~G~~)) 7. Waste or soil piles shall be ((~~leveled and the area treated as to sodding or surfacing~~)) used for grading, backfilling or surfacing if permissible under this section, then covered with topsoil and ((~~planting as required in~~)) planted in accordance with subsection((~~s D~~))C.3. and ((~~E~~)) 6. of this section. Waste or soil piles not acceptable to be

1597 used for fill in accordance with this chapter or as top soil in accordance with subsection
1598 C.3. of this section shall be removed from the site; and
1599 8. Where excavation has exposed natural materials that may create polluting
1600 conditions, including but not limited to acid-forming coals and metalliferous rock or soil,
1601 such conditions shall be addressed to the satisfaction of the department. The final ground
1602 surface shall be graded so that surface water drains away from any such materials
1603 remaining on the site.
1604 H. The department may modify any requirement of this section when not
1605 applicable or if it conflicts with an approved subsequent use for the site.
1606 SECTION 33. Ordinance 10870, Section 446, as amended, and K.C.C.
1607 21A.22.080 are each hereby repealed.
1608 NEW SECTION. SECTION 34. There is hereby added to K.C.C. 21A.22 a new
1609 section to read as follows:
1610 **Mitigation and monitoring.** The applicant shall mitigate adverse impacts
1611 resulting from the extraction or processing operations and monitor to demonstrate
1612 compliance with this chapter.
1613 SECTION 35. Ordinance 10870, Section 447, as amended, and K.C.C.
1614 21A.22.090 are each hereby amended to read as follows:
1615 **Financial guarantees.** Financial guarantees shall be required consistent with
1616 ((~~the provisions of~~)) K.C.C. Title 27A.
1617 SECTION 36. Ordinance 10870, Section 514 and K.C.C. 21A.28.040 are each
1618 hereby amended to read as follows:

1619 **Adequate water supply.** All new development shall be served by an adequate
1620 public or private water supply system as follows:
1621 A. A public water system is adequate for a development proposal ((~~provided~~
1622 ~~that~~)) only if:
1623 1. For the issuance of a building permit, preliminary plat approval or other land
1624 use approval, the applicant ((~~must~~)) demonstrates that the existing water supply system
1625 available to serve the site:
1626 a. complies with the applicable planning, operating and design requirements
1627 of:
1628 (1) chapters WAC 246((~~-~~))-290 and 246-291;
1629 (2) K.C.C. chapters 14.42 and ((~~K.C.C.~~)) 14.44 and K.C.C. Title 17;
1630 (3) ((~~C~~))coordinated ((~~W~~))water system plans;
1631 (4) K.C.C. Titles 12((~~, K.C.C. Title~~)) and 13 and other applicable ((~~provisions~~
1632 ~~of the~~)) rules ((~~and regulations~~)) of the King County board of health;
1633 (5) applicable rules of the Washington state Board of Health, Department of
1634 Health, Utilities and Transportation Commission and Department of Ecology;
1635 (6) applicable provisions of King County groundwater management plans and
1636 watershed plans;
1637 (7) applicable provisions of the King County Comprehensive Plan and
1638 development regulations; and
1639 (8) any limitation or condition imposed by the county-approved
1640 comprehensive plan of the water purveyor; ((~~and~~))

1641 b. ((t))The proposed improvements to an existing water system have been
1642 reviewed by the department and determined to comply with the design standards and
1643 conditions specified in ((~~paragraph a. of this~~)) subsection A.1.a of this section; ((~~or~~)) and
1644 c. ((~~a~~))A proposed new water supply system has been reviewed by the
1645 department and determined to comply with the design standards and conditions specified
1646 in ((~~paragraph a. of this~~)) subsection A.1.a. of this section;
1647 2. ((~~Prior to~~)) Before issuance of a certificate of occupancy for a building or
1648 change of use permit, the approved public water system and any system improvements
1649 ((~~set forth~~)) in subsection A.1. of this section ((~~shall be~~)) are installed to serve each
1650 building or lot respectively;
1651 3. For recording a final plat, final short plat or binding site plan, either the
1652 approved public water supply system or system improvements ((~~set forth~~)) in subsection
1653 A.1. of this section ((~~shall be~~)) are installed to serve each lot or a bond or similar security
1654 shall be deposited with King County and may be assigned to a purveyor to assure the
1655 construction of required water facilities in Group A systems as defined by board of health
1656 regulations, within two years of recording; and
1657 4. For a zone reclassification or urban planned development permit, the timing
1658 of installation of required water system improvements ((~~shall be~~)) is included in the
1659 approving ordinance as specified in K.C.C. 20.24.230.
1660 B. An on-site((~~,~~)) individual water system is adequate and the plat or short plat
1661 may receive preliminary and final approval, and a building or change of use permit may
1662 be issued((~~:~~
1663 ~~1. In an urban area if:~~

~~a. the buildings or lots to be served are located outside of a county approved water purveyor service area; or~~

~~b. The water purveyor has indicated that service cannot be provided in compliance with the purveyors approved comprehensive plan; and~~

~~c. The Seattle King County department of public health has approved the proposed method of water supply in accordance with the applicable King County board of health rules and regulations and this section. The applicant shall provide appropriate information to demonstrate to the department and the Seattle King County department of public health that a private individual water system will be adequate. The Seattle King County department of public health may require installation of private individual water systems prior to final approval of a plat or short plat where information is insufficient to show an adequate water supply can be made available.~~

~~2. In a rural area, if the Seattle King County department of public health has approved the proposed method of water supply in accordance with the applicable King County board of health rules and regulations and this section. The applicant shall provide appropriate information to demonstrate to the department and the Seattle King County department of public health that a private individual water system will be adequate. The Seattle King County department of public health may require installation of private individual water systems prior to final approval of a plat or short plat where information is insufficient to show an adequate water supply can be made available~~)) as provided in K.C.C. 13.24.138 and 13.24.140.

SECTION 37. Ordinance 10870, Section 536, as amended, and K.C.C. chapter 21A.30.080 are each hereby amended to read as follows:

1687 **Home occupation.** Residents of a dwelling unit may conduct one or more home
1688 occupations as accessory activities, ((~~provided~~)) only if:
1689 A. The total area devoted to all home occupation((~~(s)~~)) or occupations shall not
1690 exceed twenty percent of the floor area of the dwelling unit. Areas with attached garages
1691 and storage buildings shall not be considered part of the dwelling unit for purposes of
1692 calculating allowable home occupation area but may be used for storage of goods
1693 associated with the home occupation;
1694 B. In urban residential zones, all the activities of the home occupation((~~(s)~~)) or
1695 occupations shall be conducted indoors, except for those related to growing or storing of
1696 plants used by the home occupation((~~(s)~~)) or occupations;
1697 C. In A, F and RA zones:
1698 1. The total indoor area of a home occupation shall not exceed twenty percent of
1699 the floor area of the dwelling unit. Areas with attached garages and storage buildings
1700 shall not be considered part of the dwelling unit for purposes of calculating allowable
1701 home occupation area but may be used for storage of goods associated with the home
1702 occupation.
1703 2. Total outdoor area of a home occupation shall not exceed one percent of the
1704 size of the lot up to a maximum of five thousand square feet.
1705 3. Outdoor storage and parking shall have ten-foot wide Type II landscaping.
1706 D. No more than one nonresident shall be employed by the home
1707 occupation((~~(s)~~)) or occupations;
1708 E. The following activities ((~~shall be~~)) are prohibited in urban residential zones
1709 only:

1. Automobile, truck and heavy equipment repair;

2. Autobody work or painting;

3. Parking and storage of heavy equipment; and

4. Storage of building materials for use on other properties.

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

1. One stall for a non((-))resident employed by the home occupation((~~(s)~~)); and

2. One stall for patrons when services are rendered on-site((~~.~~));

G. Sales ((~~shall be~~)) are limited to:

1. Mail order sales; and

2. Telephone sales with off-site delivery((~~.~~));

H. Services to patrons ((~~shall be~~)) are arranged by appointment or provided off-site;

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

1. No more than one such a vehicle ((~~shall be~~)) is allowed;

2. ((~~Such~~)) The vehicle ((~~shall~~)) does not park within any required setback areas of the lot or on adjacent streets; and

3. ((~~Such~~)) The vehicle ((~~shall~~)) does not exceed a weight capacity of one ton, except in the A, F and RA zones on lots at least five acres in size, where it is only if the vehicle does not exceed a weight capacity of two and one-half tons ((~~,~~)); and

1732 J. The home occupation(((~~s) shall~~)) or occupations do not use electrical or
1733 mechanical equipment that results in:
1734 1. A change to the occupancy type of the structure(((~~s~~))) or structures used for
1735 the home occupation(((~~s~~))) or occupations;
1736 2. Visual or audible interference in radio or television receivers, or electronic
1737 equipment located off premises; or
1738 3. Fluctuations in line voltage off premises((~~.~~));
1739 K. Uses not allowed as home occupations may be allowed as a home industry
1740 ((~~pursuant to~~)) under K.C.C. chapter 21A.30.
1741 SECTION 38. Ordinance 10870, Section 563, as amended, and K.C.C.
1742 21A.34.040 are each hereby amended to read as follows:
1743 **Public benefits and density incentives.**
1744 A. The public benefits eligible to earn increased densities, and the maximum
1745 incentive to be earned by each benefit, are in subsection F of this section. The density
1746 incentive is expressed as additional bonus dwelling units, or fractions of dwelling units,
1747 earned per amount of public benefit provided.
1748 B. Bonus dwelling units may be earned through any combination of the listed
1749 public benefits.
1750 C. The guidelines for affordable housing bonuses including the establishment of
1751 rental levels, housing prices and asset limitations, will be updated and adopted annually
1752 by the council in the consolidated housing and community development plan.
1753 D. Bonus dwelling units may also be earned and transferred to the project site
1754 through the transfer of development rights (TDR) program established in K.C.C. chapter

1755 21A.37, by providing any of the open space, park site or historic preservation public
1756 benefits set forth in subsection((s)) F.2. or ((~~F.~~))3. of this subsection on sites other than
1757 that of the RDI development.

1758 E. Residential development in R-4 through R-48 zones with property specific
1759 development standards requiring any public benefit enumerated in this chapter, shall be
1760 eligible to earn bonus dwelling units in accordance with subsection F of this section of
1761 the public benefits provided exceed the basic development standards of this title. If a
1762 development is located in a special overlay district, bonus units may be earned if the
1763 development provides public benefits exceeding corresponding standards of the special
1764 district.

1765 F. The following are the public benefits eligible to earn density incentives
1766 through RDI review.

BENEFIT	DENSITY INCENTIVE
1. AFFORDABLE HOUSING	
a. Benefit units consisting of rental housing permanently prices to serve non((-))senior citizen low-income households (((~~i.e.~~)) <u>that is</u> no greater than 30 percent of gross income for households at or below 50 percent of King County median income, adjusted for household size).	1.5 bonus units per benefit unit, up to a maximum of 30 low-income units per five acres of site area; projects on sites of less than five acres shall be limited to 30 low-income units?

A covenant on the site that specifies the income level being served, rent levels and requirements for reporting to King County shall be recorded at final approval.	
Benefit units consisting of rental housing designed and permanently priced to serve low-income senior citizens (((~~i.e.~~)) that is no greater than 30 percent of gross income for 1- or 2-person households, 1 member of which is 62 years of age or older, with incomes at or below 50 percent of King County median income, adjusted for household size). A covenant on the site that specifies the income level being served, rent levels and requirements for reporting to King County shall be recorded at final approval.	1.5 bonus units per benefit unit, up to a maximum of 60 low-income units per five acres of site area, projects on sites of less than five acres shall be limited to 60 low-income units.
c. Benefit units consisting of senior citizen assisted housing units 600 square feet or less	1 bonus unit per benefit unit

d. Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing with prices restricted based on typical underwriting ratios and other lending standards, and with no restriction placed on resale. Final approval conditions shall specify requirements for reporting to King County on both buyer eligibility and housing prices.	0.75 bonus unit per benefit unit.
3. Benefit units consisting of moderate income housing reserved for income and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing with prices	1 bonus unit per benefit unit.

restricted based on typical underwriting ratios and other lending standards, and with a 15-year restriction binding prices and eligibility on resale to qualified moderate income purchasers. Final approval conditions shall specify requirements for reporting to King County on both buyer eligibility and housing prices.	
f. Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing, with prices restricted to same income group, based on current underwriting ratios and other lending standards for 30 years from date of first sale. A covenant on the site that specifies the	1.5 bonus units per benefit unit.

income level and other aspects of buyer eligibility, price levels and requirements for reporting to King County shall be recorded at final approval.	
g. Projects in which 100 percent of the units are reserved for moderate income- and asset-qualified buyers (total household income at or below 80 percent of the King County median, adjusted for household size). All units shall be limited to owner-occupied housing with prices restricted based on current underwriting ratios and other lending standards, and with prices restricted to same income group, for 15 years from date of first sale. Final approval conditions shall specify requirements for reporting to King County on both buyer eligibility and housing prices.	200 percent of the base density of the underlying zone. Limited to parcels 5 acres or less in size and located in the R-4 through R-8 zones. Housing types in the R-4 or R-6 zones shall be limited to structures containing four or less units, except for townhouses. Such RDI proposals shall not be eligible to utilize other RDI bonus incentives listed in this section.
h. Benefit units consisting of	1.0 bonus unit per benefit unit.

mobile home park space or pad reserved for the relocation of an insignia or non((-))insignia mobile home, that has been or will be displaced due to closure of a mobile home park located in incorporated or unincorporated King County.	
2. OPEN SPACE, TRAILS AND PARKS	
a. Dedication of park site or trail right-of-way meeting King County location and size standards for neighborhood, community or regional park or trail, and accepted by the parks division.	0.5 bonus unit per acre of park area or quarter-mile of trail exceeding the minimum requirement of K.C.C. 21A.14 for on-site recreation space or trail corridors, computed on the number of dwelling units permitted by the site's base density.
b. Improvement of dedicated park site to King County standards for developed parks.	0.75 bonus unit per acre of park improvement. If the applicant is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.
c. Improvement of dedicated trail	1.8 bonus units per quarter((-))

segment to King County standards.	mile of trail constructed to county standard for pedestrian trails; or 2.5 bonus units per quarter((-)) mile of constructed to county standard for multipurpose trails (pedestrian/bicycle/equestrian). Shorter segments shall be awarded bonus units on a ((~~pro rate~~)) pro-rata basis. If the applicant is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.
3. HISTORIC PRESERVATION	
a. Dedication of a site containing an historic landmark in accordance with K.C.C. chapter 20.62, to King County or a qualifying nonprofit organization capable of restoring and/or maintaining the premises to standards set by the King County ((~~L~~))landmarks ((~~C~~))commission.	0.5 bonus unit per acre of historic site.
b. Restoration of a site or	0.5 bonus unit per acre of site or

structure designated as an historic landmark in accordance with K.C.C. chapter 20.62 to a specific architectural or site plan approved by the King County ((~~L~~))landmarks ((~~C~~))commission.	one thousand square feet of floor area of building restored.
4. ENERGY CONSERVATION	
a. Benefit units that incorporate conservation features in the construction of all on-site dwelling units heated by electricity that save at least 20 percent of space heat energy use from the maximum permitted by the Northwest Energy Code, as amended. No more than 50 percent of the required savings may result from the installation of heat pumps. None of the required savings shall be achieved by reduction of glazing area below 15 percent of floor area. Energy use shall be expressed as allowable energy load per square foot or as total transmittance (UA).	0.15 bonus unit per benefit unit that achieves the required savings.

b. Benefit units that incorporate conservation features on the construction of an all on-site dwelling units heated by natural gas, or other non((-))electric heat source, that save at least 25 percent of space heat energy use from the maximum permitted by the Northwest Energy Code, as amended. None of the required savings shall be achieved by reduction of glazing area below 15 percent of floor area. Energy use shall be expressed as allowable energy load per square foot or as total transmittance (UA).	0.10 bonus unit per benefit unit that achieves the required savings.
c. Developments located within 1/4 mile of transit routes served on at least a half-hourly basis during the peak hours and hourly during the daytime non((-))peak hours.	10 percent increase above the base density of the zone.
5. PUBLIC ART	
a. Devoting 1% of the project budget to public art on site.	5 percent increase above the base density of the zone.

b. Contributing 1% of the project budget to the King County public art fund for development of art projects. The contribution shall be used for projects located within a one mile radius of the development project.	5 percent increase above the base density of the zone.
6. COTTAGE HOUSING	
Provision of three to sixteen detached cottage units clustered around at least one common open space.	Two hundred percent of the base density of the underlying zone. Limited to parcels in the R4-R8 zones. Such RDI proposals shall not be eligible to utilize other RDI bonus density incentives listed in this section.

((~~Note:~~)) If proposed energy conservation bonus units of this section are reviewed in conjunction with a subdivision of a short subdivision, the applicant shall provide data and calculations for a typical house of the type to be built in the development that demonstrates to the department's satisfaction how the required savings will be achieved. A condition of approval shall be recorded with the plat and shown on the title of each lot specifying the required energy savings that must be achieved in the construction of the dwelling unit. The plat notation shall also specify that the savings shall be based on the energy code in effect at the time of preliminary plat application.

1775 SECTION 39. Ordinance 13724, Section 1, as amended, and K.C.C. 21A.37.010
1776 are each hereby amended to read as follows:
1777 **Transfer of development rights (TDR) program - purpose.**
1778 A. The purpose of the transfer of development rights program is to ((~~provide a~~))
1779 transfer residential density from eligible sending sites to eligible receiving sites through a
1780 voluntary((~~, incentive based~~)) process for permanently preserving rural resource and
1781 ((~~U~~))urban ((~~S~~))separator lands that provide a public benefit. The TDR provisions are
1782 intended to supplement land use regulations, resource protection efforts and open space
1783 acquisition programs and to encourage increased residential development density or
1784 increased commercial square footage, especially inside cities, where it can best be
1785 accommodated with the least impacts on the natural environment and public services by:
1786 1. Providing an effective and predictable incentive process for property owners
1787 of rural, resource and ((~~U~~))urban ((~~S~~))separator land ((~~property owners~~)) to preserve
1788 lands with a public benefit as described in K.C.C. 21A.37.020; and
1789 2. Providing an efficient and streamlined administrative review system to ensure
1790 that transfers of development rights to receiving sites are evaluated in a timely way and
1791 balanced with other county goals and policies, and are adjusted to the specific conditions
1792 of each receiving site.
1793 B. The TDR provisions in this chapter shall only apply to TDR receiving site
1794 development proposals submitted on or after September 17, 2001, and applications for
1795 approval of TDR sending sites submitted on or after September 17, 2001.
1796 SECTION 40. Ordinance 13724, Section 4, as amended, and K.C.C. 21A.37.020
1797 are each hereby amended to read as follows:

Transfer of development rights (TDR) program - sending sites.

A. For the purpose of this chapter, ((")sending site(")) means ((~~the portion of the~~)) the entire tax lot or lots qualified under subsection B of this section. Sending sites may only be located within rural((~~,~~)) or resource lands or ((~~U~~))urban ((~~S~~))separator areas with R-1 zoning, as designated by the King County Comprehensive Plan and ((~~may~~)) cannot be in public ownership. If the sending site consists of more than one tax lot, the lots must be contiguous. For purposes of this section, lots divided by a street are considered contiguous if the lots would share a common lot line if the street was removed((~~.Sending sites shall be maintained in a natural state, except for lands zoned A or F, or lands zoned RA within the rural forest focus areas, or within proposed regional trail or open space sites suitable for passive recreation.~~)); this provision may be waived by the interagency committee if the total acreage of a rural or resource sending site application exceeds one hundred acres. A sending site shall be maintained in a condition that is consistent with the criteria in this section under which the sending was qualified.

B. Qualification of a sending site shall demonstrate that the site contains a public benefit such that preservation of that benefit by transferring residential development rights to another site is in the public interest. A sending site must meet at least one of the following criteria:

1. Designation in the King County Comprehensive Plan or a functional plan as an agricultural production district or zoned A;

2. Designation in the King County Comprehensive Plan or a functional plan as forest production district or zoned F;

1820 3. Designation in the King County Comprehensive Plan as rural residential,
1821 zoned RA-5 or RA-10, and meeting the definition in RCW 84.34.020 of open space, farm
1822 and agricultural land, or timber land;
1823 4. Designation in the King County Comprehensive Plan or a functional plan as
1824 within the rural forest focus area and zoned RA with a minimum of fifteen acres of
1825 forested land that is not encumbered through King County's development rights purchase
1826 program;
1827 ((4)) 5. Designation in the King County Comprehensive Plan, or a functional
1828 plan as a proposed rural or resource area regional trail or rural or resource area open
1829 space site, through either:
1830 a. designation of a specific site; or
1831 b. identification of proposed rural or resource area regional trails or rural or
1832 resource area open space sites which meet adopted standards and criteria, and for rural or
1833 resource area open space sites, meet the definition of open space land, as defined in RCW
1834 84.34.020;
1835 ((~~5~~)) 6. Identification as habitat for federal listed endangered or threatened
1836 species in a written determination by the King County department of natural resources
1837 and parks, Washington state Department of Fish and Wildlife, United States Fish and
1838 Wildlife Services or a federally recognized tribe that the sending site is appropriate for
1839 preservation or acquisition; or
1840 ((~~6~~)) 7. Designation in the King County Comprehensive Plan as ((~~U~~))urban
1841 ((~~S~~))separator and zoned R-1.

1842 C. For the purposes of the TDR program, ((")acquisition(")) means obtaining
1843 fee simple rights in real property, or a less than a fee simple right in a form that preserves
1844 in perpetuity the public benefit supporting the designation or qualification of the property
1845 as a sending site.

1846 D. If a sending site has any outstanding code violations, the person responsible
1847 for code compliance should resolve these violations, including any required abatement,
1848 restoration, or payment of civil penalties, before a TDR sending site may be qualified by
1849 the interagency review committee created under K.C.C. 21A.37.070. However, the
1850 interagency may qualify and certify a TDR sending site with outstanding code violations
1851 if the person responsible for code compliance has made a good faith effort to resolve the
1852 violations and the proposal is in the public interest.

1853 E. For lots on which the entire lot or a portion of the lot has been cleared or
1854 graded ((~~pursuant to~~)) in accordance with to a Class II, III or IV special forest practice as
1855 defined in chapter 76.09 RCW within the six years prior to application as a TDR sending
1856 site, the applicant must provide an affidavit of compliance with the reforestation
1857 requirements of the Forest Practices Act, and any additional reforestation conditions of
1858 their forest practice permit. Lots on which the entire lot or a portion of the lot has been
1859 cleared or graded without any required forest practices or county authorization, shall be
1860 not qualified or certified as a TDR sending site for six years unless the six-year
1861 moratorium on development applications has been lifted or waived or the landowner has
1862 a reforestation plan approved by the state Department of Natural Resources and King
1863 County.

1864 SECTION 41. Ordinance 13724, Section 5, as amended, and K.C.C. 21A.37.030
1865 are each hereby amended to read as follows:
1866 **Transfer of development rights (TDR) program - receiving sites.**
1867 A. Receiving sites shall be:
1868 1. King County unincorporated urban sites, except as limited in subsection ((~~of~~))
1869 of D. of this section, zoned R-4 through R-48, NB, CB, RB or O, or any combination
1870 thereof. The sites may also be within potential annexation areas established under the
1871 countywide planning policies; or
1872 2. Cities where new growth is or will be encouraged under the Growth
1873 Management Act and the countywide planning policies and where facilities and services
1874 exist or where public investments in facilities and services will be made, or
1875 3. RA-2.5 ((~~and RA-5~~)) zoned parcels, except as limited in subsection E. of this
1876 section, that meet the criteria listed in this subsection A.3. may receive development
1877 ((~~credits~~)) rights transferred from rural forest focus areas, and accordingly may be
1878 subdivided and developed at a maximum density of one dwelling per two and one-half
1879 acres. Increased density allowed through the designation of rural receiving areas:
1880 a. must be eligible to be served by domestic Group A public water service;
1881 b. must be located within one-quarter mile of an existing predominant pattern
1882 of rural lots smaller than five acres in size;
1883 c. must not adversely impact regionally or locally significant resource areas or
1884 environmentally sensitive areas;
1885 d. must not require public services and facilities to be extended to create or
1886 encourage a new pattern of smaller lots;

1887 e. must not be located within rural forest focus areas; and

1888 f. must not be located on Vashon Island or Maury Island((s)).

1889 B. Except as provided in this chapter development of an unincorporated King
1890 County receiving site shall remain subject to all zoning code provisions for the base zone,
1891 except TDR receiving site developments shall comply with dimensional standards of the
1892 zone with a base density most closely comparable to the total approved density of the
1893 TDR receiving site development.

1894 C. An unincorporated King County receiving site may accept development rights
1895 from one or more sending sites, up to the maximum density permitted under K.C.C.
1896 21A.12.030 and 21A.12.040.

1897 D. Property located within the outer boundaries of the Noise Remedy Areas as
1898 identified by the Seattle-Tacoma International Airport may not accept development
1899 rights.

1900 E. Property located on Vashon Island or Maury Island may not accept
1901 development rights.

1902 SECTION 42. Ordinance 13724, Section 6, as amended, and K.C.C. 21A.37.040
1903 are each hereby amended to read as follows:

1904 **Transfer of development rights (TDR) program - calculations.**

1905 A. The number of residential development rights that an unincorporated sending
1906 site is eligible to send to a receiving site shall be determined by applying the TDR
1907 sending site base density established in subsection D of this section to the area of the
1908 sending site after ((~~the following has been deducted:~~

1909 ~~1. A~~)) any portion of the sending site already in a conservation easement or
1910 other similar encumbrance((~~;~~)) has been deducted.
1911 ((~~2. The amount of land area equal to the base density in the density and~~
1912 ~~dimensions tables in K.C.C. 21A.12.030 and 21A.12.040 for the zone for each existing or~~
1913 ~~proposed residential development unit within the lot or lots;~~
1914 ~~3. Any submerged land; and~~
1915 ~~4. Other areas, excluding setbacks, required by King County to remain~~
1916 ~~undeveloped.~~))
1917 B. Any fractions of development rights that result from the calculations in
1918 subsection A. of this section shall not be included in the final determination of total
1919 development rights available for transfer.
1920 C. For purposes of calculating the amount of development rights a sending site
1921 can transfer, the amount of land contained within a sending site shall be determined as
1922 follows:
1923 1. If the sending site is an entire tax lot, the square footage or acreage shall be
1924 determined:
1925 a. by the King County department of assessments records; or
1926 b. by a survey funded by the applicant that has been prepared and stamped by a
1927 surveyor licensed in the state of Washington; and
1928 2. ((~~If the sending site is a portion of a tax lot, the square footage or acreage~~
1929 ~~shall be determined by a survey that has been prepared and stamped by a surveyor~~
1930 ~~licensed in the state of Washington; and~~

1931 ~~3.~~)) If the sending site consists of a lot that is divided by a zoning boundary, the
1932 square footage or acreage shall be calculated separately for each zoning classification.
1933 The square footage or acreage within each zoning classification shall be determined by
1934 the King County record of the action that established the zoning and property lines, such
1935 as an approved lot line adjustment. When such records are not available or are not
1936 adequate to determine the square footage or acreage within each zoning classification, the
1937 department of development and environmental services shall calculate the square footage
1938 or acreage through the geographic information system (GIS) mapping system.

1939 D. For the purposes of the transfer of development rights (TDR) program, the
1940 following TDR sending site base densities apply:

1941 1. Sending sites designated in the King County Comprehensive Plan as
1942 ((~~U~~))urban ((~~S~~))separator and zoned R-1 shall have a base density of four dwelling units
1943 per acre ((~~.~~)) for transfer purposes only;

1944 2. Sending sites zoned RA outside a rural forest focus area shall have a base
1945 density consistent with the base density established in the density and dimensions tables
1946 in K.C.C.21A.12.030;

1947 3. Sending sites zoned RA within rural forest focus areas shall have a base
1948 density of one dwelling unit per five acres for transfer purposes only;

1949 4. Sending sites zoned A-10 and A-35 within the agricultural production district
1950 shall have a base density of one dwelling unit per five acres for transfer purposes only;
1951 and

1952 5. Sending sites zoned F within the forest production district shall have a base
1953 density of one dwelling unit per eighty acres or one dwelling unit per each lot that is
1954 between fifteen and eighty acres in size for transfer purposes only.

1955 E. A sending site may send one development right for every legal lot created on
1956 or before September 17, 2001, if that number is greater than the number of development
1957 rights determined under subsection A. of this section.

1958 F. The number of development rights that a King County unincorporated rural or
1959 natural resources land sending site is eligible to send to a King County incorporated
1960 urban area receiving site shall be determined through the application of a conversion ratio
1961 established by King County and the incorporated municipal jurisdiction. The conversion
1962 ratio will be applied to the number of available sending site development rights
1963 determined under subsection A. or E. of this section.

1964 G. Development rights from one sending site may be allocated to more than one
1965 receiving site and one receiving site may accept development rights from more than one
1966 sending site.

1967 H. The determination of the number of residential development rights a sending
1968 site has available for transfer to a receiving site shall be valid for transfer purposes only,
1969 shall be documented in a TDR certificate letter of intent and shall be considered a final
1970 determination, not to be revised due to changes to the sending site's zoning.

1971 I. The number of residential development rights that a sending site with RA, A or
1972 F zoning is eligible to send to an <u>unincorporated</u> urban area receiving site shall be
1973 determined by applying twice the base density allowed for transfer purposes as specified
1974 in subsection D. of this section.

1975 SECTION 43. Ordinance 14190, Section 7 and K.C.C. 21A.37.050 are each
1976 hereby amended to read as follows:
1977 **Transfer of development rights (TDR) program - development limitations.**
1978 A. Following the transfer of residential development rights ((~~from~~)) a sending
1979 site((~~, the portion of the lot or lots not designated as a sending site~~)) may subsequently
1980 accommodate remaining residential dwelling units, if any, on the buildable portion of the
1981 parcel or parcels or be subdivided, consistent with the zoned base density provisions of
1982 the density and dimensions tables in K.C.C. 21A.12.030 and 21A.12.040, the allowable
1983 dwelling unit calculations in K.C.C. 21A.12.070 and other King County development
1984 regulations. For sending sites zoned RA, the subdivision potential remaining after a
1985 density transfer may only be actualized through a clustered subdivision, short subdivision
1986 or binding site plan that creates a permanent preservation tract as large or larger than the
1987 portion of the subdivision set aside as lots. Within rural forest focus areas, resource use
1988 tracts shall be at least fifteen acres of contiguous forest land.
1989 B. Residential and ((~~N~~))nonresidential uses on lots zoned R-1, RA, A and F shall
1990 be limited ((~~as follows:~~)) to a maximum of ten percent impacting impervious surface.
1991 ((~~1.~~)) C. Only those nonresidential uses directly related to, and supportive of the
1992 criteria under which the site qualified are allowed ((~~on the portion of the lot designated as~~
1993 ~~a sending site~~)) on a sending site.
1994 D. The applicable limitations in this section shall be included in the sending site
1995 conservation easement.
1996 ((~~2. The portion of the lot outside the sending site may develop nonresidential~~
1997 ~~uses consistent with the zone.~~))

1998 SECTION 44. Ordinance 14190, Section 8 and K.C.C. 21A.37.060 are each
1999 hereby amended to read as follows:
2000 **Transfer of development rights (TDR) program - documentation of**
2001 **restrictions.**
2002 A. Following the transfer of development rights from a sending site, deed
2003 restrictions documenting the development rights transfers shall be recorded by the
2004 department of natural resources and parks, or its successor, and notice placed on the title
2005 to the sending site parcel. The department of development and environmental services,
2006 or its successor, shall establish and maintain an internal tracking system that identifies all
2007 certified transfer of developments rights sending sites.
2008 B. A conservation easement granted to the county or other appropriate land
2009 management agency shall be required for land contained in the sending site. The
2010 conservation easement shall be documented by a map. The conservation easement
2011 ((~~may~~)) shall be placed on the entire lot or lots ((~~or only the portion of the lot or lots that~~
2012 ~~is qualified as the sending site~~)). The conservation easement shall ((~~indicate the portion~~
2013 ~~of the lot or lots restricted from future residential development, or~~)) identify limitations
2014 on future residential and nonresidential development ((~~within the conservation easement,~~
2015 ~~whether or not the land is dedicated,~~)) consistent with this chapter and as follows:
2016 1. A conservation easement, which contains the easement map, shall be
2017 recorded on the entire sending site to indicate development limitations on the sending
2018 site;
2019 2. For a sending site zoned A-10 or A-35, the conservation easement shall be
2020 consistent in form and substance with the purchase agreements used in the agricultural

land development rights purchase program. The conservation easement shall preclude subdivision of the subject property but may permit not more than one dwelling per sending site, and shall permit agricultural uses as provided in the A-10 or A-35 zone;

3. For a sending site located within a rural forest focus area, the sending site shall be a minimum of twenty acres. The conservation easement shall require that fifteen acres of contiguous forest land be restricted to forest management activities and shall include a forest stewardship plan approved by the county for ongoing forest management practices. The Forest Stewardship Plan shall ((~~include a description of the sites forest resources and the long term forest management objectives of the property owner,~~)) meet the requirements of King County administrative rules concerning forest stewardship plans and shall not impose standards that exceed Title 222 ((~~of the Washington Administrative Code~~)) WAC. No more than one dwelling unit is allowed for every twenty acres((~~. The dwelling unit is to remain with the unrestricted portion of the conservation easement or unencumbered portion of the sending site~~));

4. For a rural sending site located outside a rural forest focus area the conservation easement shall allow for restoration, maintenance or enhancement of native vegetation. A present conditions report shall be required to document the location of native vegetation. If residential development will be allowed on the site under the conservation easement, the present conditions report shall be used to guide the location of residential development;

5. For a sending site qualifying as habitat for federal listed endangered or threatened species, the conservation easement shall ((~~be placed on the portion of the lot or lots needed for habitat protection. The conservation easement shall~~)) protect habitat

2044 and allow for restoration, maintenance or enhancement of native vegetation. A present
2045 conditions report shall be required to document the location of ((~~native vegetation~~))
2046 existing structures. If existing or future residential development will be allowed on the
2047 site under the conservation easement, the present conditions report shall be used by the
2048 owner to guide the location of residential development; and

2049 6. For a sending site zoned F, the conservation easement shall encumber the
2050 entire sending site. Lots between fifteen acres and eighty acres in size are not eligible to
2051 participate in the TDR program if they include any existing dwelling units intended to be
2052 retained, or if a new dwelling unit is proposed. For eligible lots between fifteen acres and
2053 eighty acres in size, the sending site must include the entire lot. For lots greater than
2054 eighty acres in size, the sending site shall be a minimum of eighty acres. The
2055 conservation easement shall permit forestry uses subject to a forest stewardship plan
2056 prepared by the applicant and approved by the county for ongoing forest management
2057 practices. The Forest Stewardship Plan shall include a description of the site's forest
2058 resources and the long-term forest management objectives of the property owner, and
2059 shall not impose standards that exceed Title 222 ((~~of the Washington Administrative~~
2060 ~~Code~~)) WAC.

2061 SECTION 45. Ordinance 13274, Section 7, as amended, and K.C.C. 21A.37.070
2062 are each hereby amended to read as follows:

2063 **Transfer of development rights (TDR) program - sending site certification**
2064 **and interagency review committee process.**

2065 A. An interagency review committee, chaired by the directors of the department
2066 of development and environmental services and the department of natural resources and

parks, or their designees, shall be responsible for qualification of sending sites. Determinations on sending site certifications made by the committee are appealable to the examiner ((~~pursuant to~~)) under K.C.C. 20.24.080. The department of natural resources and parks shall be responsible for preparing a written report, which shall be signed by the director of the department of natural resources and parks or the director's designee, documenting the review and decision of the committee. The committee shall issue a TDR certification letter within sixty days of the date of submittal of a completed sending site certification application.

B. Responsibility for preparing a completed application rests exclusively with the applicant. Application for sending site certification shall include:

1. A legal description of the site;

2. A title report;

3. A brief description of the site resources and public benefit to be preserved;

4. A site plan showing the ((~~proposed conservation easement area,~~)) existing and proposed dwelling units, nonresidential structures, driveways, submerged lands((~~,~~)) and any area already ((~~in~~)) subject to a conservation easement or other similar encumbrance ((~~and any other area, except setbacks, required by King County to remain open~~));

5. Assessors map or maps of the lot or lots;

6. A statement of intent indicating whether the property ownership, after TDR certification, will be retained in private ownership or dedicated to King County or another public or private nonprofit agency;

2089 7. Any or all of the following written in conformance with criteria established
2090 through a public rule consistent with K.C.C. chapter 2.98, if the site is qualifying as
2091 habitat for a threatened or endangered species:
2092 a. a wildlife habitat conservation plan;
2093 b. a wildlife habitat restoration plan; or
2094 c. a wildlife present conditions report;
2095 8. A forest stewardship plan, written in conformance with criteria established
2096 through a public rule consistent with K.C.C. chapter 2.98, if required under K.C.C.
2097 21A.37.060B.3. and 6;
2098 9. An affidavit of compliance with the reforestation requirements of the Forest
2099 Practices Act and any additional reforestation conditions of the forest practices permit for
2100 the site, if required under K.C.C. 21A.37.020.E((.));
2101 10. A completed density calculation worksheet for estimating the number of
2102 available development rights((,)); and
2103 11. The application fee consistent with K.C.C. 27.36.020.
2104 SECTION 46. Ordinance 13274, Section 8, as amended, and K.C.C. 21A.37.080
2105 are each hereby amended to read as follows:
2106 **Transfer of development rights (TDR) program - transfer process.**
2107 A. TDR development rights where both the proposed sending and receiving sites
2108 would be within unincorporated King County shall be transferred using the following
2109 process:
2110 1. Following interagency review committee review and approval of the sending
2111 site application as described in K.C.C. 21A.37.070 the interagency review committee

2112 shall issue a TDR certificate letter of intent, agreeing to issue a TDR certificate in
2113 exchange for the proposed sending site conservation easement. The sending site owner
2114 may then market the TDR sending site development rights to potential purchasers. If a
2115 TDR sending site that has been reviewed and approved by the interagency review
2116 committee changes ownership, the TDR certificate letter of intent may be transferred to
2117 the new owner if requested in writing to the department of natural resources by the
2118 person or persons that owned the property when the TDR certificate letter of intent was
2119 issued, provided that the documents evidencing the transfer of ownership are also
2120 provided to the department of natural resources;

2121 2. In applying for receiving site approval, the applicant shall provide the
2122 department of development and environmental services with one of the following:

2123 a. a TDR certificate letter of intent issued in the name of the applicant,

2124 b. a TDR certificate letter of intent issued in the name of another person or
2125 persons and a copy of a signed option to purchase those TDR sending site development
2126 rights,

2127 c. a TDR certificate issued in the name of the applicant, or

2128 d. a TDR certificate issued in the name of another person or persons and a
2129 copy of a signed option to purchase those TDR sending site development rights;

2130 3. Following building permit approval, but before building permit issuance by
2131 the department of development and environmental services or following preliminary plat
2132 approval or preliminary short plat approval, but before final plat or short plat recording of
2133 a receiving site development proposal which includes the use of TDR development
2134 rights, the receiving site applicant shall deliver the TDR certificate issued in the

2135 applicant's name for the number of TDR development rights being used and the TDR
2136 extinguishment document to the county;
2137 4. When the receiving site development proposal requires a public hearing
2138 under this title or K.C.C. Title 19A or its successor, that public hearing shall also serve as
2139 the hearing on the TDR proposal. The reviewing authority shall make a consolidated
2140 decision on the proposed development and use of TDR development rights and consider
2141 any appeals of the TDR proposal under the same appeal procedures set forth for the
2142 development proposal; and
2143 5. When the development proposal does not require a public hearing under this
2144 title or K.C.C. Title 19A, the TDR proposal shall be considered along with the
2145 development proposal, and any appeals of the TDR proposal shall be considered under
2146 the same appeal procedures set forth for the development proposal.
2147 6. Development rights from a sending site shall be considered transferred to a
2148 receiving site when a final decision is made on the TDR receiving area development
2149 proposal, the sending site is permanently protected by a completed and recorded land
2150 dedication or conservation easement, notification has been provided to the King County
2151 assessor' office and a TDR extinguishment document has been provided to the
2152 department ((~~and the King County department~~)) of natural resources and parks, or
2153 ((~~their~~)) its successor ((~~agencies~~)) agency.
2154 B. TDR development rights where the proposed receiving site would be within an
2155 incorporated King County municipal jurisdiction shall be reviewed and transferred using
2156 that jurisdiction's development application review process.

2157 SECTION 47. Ordinance 13733, Section 10, as amended, and K.C.C.
2158 21A.37.110 are each hereby amended to read as follows:
2159 **Transfer of development rights (TDR) bank expenditure and purchase**
2160 **authorization.**
2161 A. The TDR bank may purchase development rights from qualified sending sites
2162 at prices not to exceed fair market value and to sell development rights at prices not less
2163 than fair market value. The TDR bank may accept donations of development rights from
2164 qualified TDR sending sites.
2165 B. The TDR bank may purchase a conservation easement only if the property
2166 subject to the conservation easement is qualified as a sending site as evidenced by a TDR
2167 certificate letter of intent, the conservation easement restricts development of the sending
2168 site in the manner required by K.C.C. 21A.37.060 and the development rights generated
2169 by encumbering the sending site with the conservation easement are issued to the TDR
2170 bank at no additional cost.
2171 C. If a conservation easement is acquired through a county park, open space,
2172 trail, agricultural, forestry((,)) or other natural resource acquisition program for a property
2173 that is qualified as a TDR sending site as evidenced by a TDR certificate letter of intent,
2174 any development rights generated by encumbering the sending site with the conservation
2175 easement may be issued to the TDR bank so long as there is no additional cost for the
2176 development rights.
2177 D. The TDR bank may use funds to facilitate development rights transfers.
2178 These expenditures may include, but are not limited to, establishing and maintaining
2179 internet web pages, marketing TDR receiving sites, procuring title reports and appraisals

2180 and reimbursing the costs incurred by the department of natural resources and parks,
2181 water and land resources division, or its successor, for administering the TDR bank fund
2182 and executing development rights purchases and sales.

2183 E. The TDR bank fund shall not be used to cover the cost of identifying and
2184 qualifying sending and receiving sites, or the costs of providing staff support for the TDR
2185 interagency review committee or the department of natural resources and parks.

2186 F. All proceeds from the sale of TDR bank development rights shall be available
2187 for acquisition of additional development rights upon approval of the TDR executive
2188 board.

2189 SECTION 48. Ordinance 13733, Section 12, as amended, and K.C.C.
2190 21A.37.130 are each hereby amended to read as follows:

2191 **Transfer of development rights (TDR) program - sale of TDR rights by TDR**
2192 **bank.**

2193 A. The sale of development rights by the TDR bank shall be at a price that equals
2194 or exceeds the fair market value of the development rights. The fair market value of the
2195 development rights shall be established by the department of natural resources and shall
2196 be based on the amount the county paid for the development rights and the prevailing
2197 market conditions.

2198 B. When selling development rights, the TDR bank may select prospective
2199 purchasers based on the price offered for the development rights, the number of
2200 development rights offered to be purchased, and the potential for the sale to achieve the
2201 purposes of the TDR program.

2202 C. The TDR bank may sell development rights only in whole or half increments
2203 to incorporated receiving sites through an interlocal agreement. The TDR bank may sell
2204 development rights only in whole increments to unincorporated King County receiving
2205 sites.

2206 D. All offers to purchase development rights from the TDR bank shall be in
2207 writing, shall include a certification that the development rights, if used, shall be used
2208 only inside an identified city or within the urban unincorporated area, include a minimum
2209 ten((-))percent down payment with purchase option, shall include the number of
2210 development rights to be purchased, location of the receiving site, proposed purchase
2211 price and the required date or dates for completion of the sale, not later than ((~~one~~
2212 ~~hundred twenty calendar days~~)) three years after the date of receipt by King County of
2213 the purchase offer.

2214 E. Payment for purchase of development rights from the TDR bank shall be in
2215 full at the time the development rights are transferred unless otherwise authorized by the
2216 department of natural resources and parks

2217 SECTION 49. Ordinance 13733, Section 15, as amended, and K.C.C.
2218 21A.37.160 are each hereby amended to read as follows:

2219 **Transfer of development rights (TDR) program - establishment and duties of**
2220 **the TDR executive board.**

2221 A. The TDR executive board is hereby established. The TDR executive board
2222 shall be composed of the director of the budget office, the director of the department of
2223 natural resources and parks, the director of the department of transportation and the
2224 director of finance, or their designees. A representative from the King County council

2225 staff, designated by the council chair, may participate as an ex officio, nonvoting member
2226 of the TDR executive board. The TDR executive board shall be chaired by the director
2227 of the department of natural resources and parks or that director's designee.

2228 B. The issues that may be addressed by the executive board include, but are not
2229 limited to, using site evaluation criteria established by administrative rules, ranking and
2230 selecting sending sites to be purchased by the TDR bank, recommending interlocal
2231 agreements and the provision of TDR amenities, if any, to be forwarded to the executive,
2232 identifying future funding for amenities in the annual budget process, enter into other
2233 written agreements necessary to facilitate density transfers by the TDR bank and
2234 otherwise oversee the operation of the TDR bank to measure the effectiveness in
2235 achieving the policy goals of the TDR program.

2236 C. The department of natural resources and parks shall provide lead staff support
2237 to the TDR executive board. Staff duties include, but are not limited to:

2238 1. Making recommendations to the TDR executive board on TDR program and
2239 TDR bank issues on which the TDR executive board must take action;

2240 2. Facilitating development rights transfers through marketing and outreach to
2241 the public, community organizations, developers and cities;

2242 3. Identifying potential receiving sites;

2243 4. Developing proposed interlocal agreements with cities;

2244 5. Assisting in the implementation of TDR executive board policy in
2245 cooperation with other departments;

2246 6. Ranking certified sending sites for consideration by the TDR executive
2247 board;

7. Negotiating with cities to establish city receiving areas with the provision of amenities;

8. Preparing agendas for TDR executive board meetings;

9. Recording TDR executive board meeting summaries;

10. Preparing administrative rules in accordance with K.C.C. chapter 2.98 to implement this chapter; and

11. Preparing ((~~annual~~)) periodic reports on the progress of the TDR program to the council with assistance from other departments.

NEW SECTION. SECTION 50. Ordinance 12823, Section 8 and K.C.C. 21A.38.130 are each hereby amended to read as follows:

Special district overlay – ((~~A~~))agricultural production buffer.

A. The purpose of the agricultural production buffer special district overlay is to provide a buffer between agricultural and upslope residential land uses. An agricultural production buffer special district overlay shall only be established in areas adjacent to an agricultural production district and zoned RA.

B. The following development standard shall apply to ((~~uses~~)) residential subdivisions locating in an agricultural production buffer special district overly: ((~~1.~~)) Lots shall be clustered ((~~pursuant to~~)) in accordance with K.C.C.21A.14.040 and at least ((~~75~~)) seventy-five percent of a site shall remain as open space, unless greater lot area is required by the Seattle-King County ((~~health~~)) department of public health.

SECTION 51. Ordinance 11621, Section 108 and K.C.C. 21A.44.040 are each hereby amended to read as follows:

2270 **Conditional use permit.** A conditional use permit shall be granted by the
2271 county, only if the applicant demonstrates that:
2272 A. The conditional use is designed in a manner which is compatible with the
2273 character and appearance of an existing, or proposed development in the vicinity of the
2274 subject property;
2275 B. The location, size and height of buildings, structures, walls and fences, and
2276 screening vegetation for the conditional use shall not hinder neighborhood circulation or
2277 discourage the permitted development or use of neighboring properties;
2278 C. The conditional use is designed in a manner that is compatible with the
2279 physical characteristics of the subject property;
2280 D. Requested modifications to standards are limited to those which will mitigate
2281 impacts in a manner equal to or greater than the standards of this title;
2282 E. The conditional use is not in conflict with the health and safety of the
2283 community;
2284 F. The conditional use is such that pedestrian and vehicular traffic associated
2285 with the use will not be hazardous or conflict with existing and anticipated traffic in the
2286 neighborhood; ((~~and~~))
2287 G. The conditional use will be supported by adequate public facilities or services
2288 and will not adversely affect public services to the surrounding area or conditions can be
2289 established to mitigate adverse impacts on such facilities; and

2290 H. The conditional use is not in conflict with the policies of the Comprehensive

2291 Plan or the basic purposes of this title.

2292

Ordinance 15032 was introduced on 3/8/2004 and passed as amended by the Metropolitan King County Council on 9/27/2004, by the following vote:

Yes: 8 - Mr. Phillips, Ms. Edmonds, Mr. Pelz, Mr. Ferguson, Mr. Gossett, Mr. Irons, Ms. Patterson and Mr. Constantine
No: 3 - Ms. Lambert, Mr. McKenna and Mr. Hammond
Excused: 2 - Mr. von Reichbauer and Ms. Hague

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Larry Phillips, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this 29 day of September, 2004.

Ron Sims, County Executive

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2004 SEP 29 PM 3: 12
CLERK
KING COUNTY COUNCIL

Attachments None