



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

March 19, 2013

Ordinance 17539

Proposed No. 2012-0441.3

Sponsors Phillips

1 AN ORDINANCE relating to development regulations;
2 amending Ordinance 9163, Section 2, as amended, and
3 K.C.C. 9.04.020, Ordinance 2281, Section 5, as amended,
4 and K.C.C. 9.04.050, Ordinance 7590, Section 7, as
5 amended, and K.C.C. 9.08.060, Ordinance 12560, Section
6 10, as amended, and K.C.C. 16.02.240, Ordinance 1488,
7 Section 5, as amended, and K.C.C. 16.82.020, Ordinance
8 15053, Section 3, as amended, and K.C.C. 16.82.051,
9 Ordinance 3108, Section 10, and K.C.C. 16.82.120,
10 Ordinance 9614, Section 102, as amended, and K.C.C.
11 16.82.140, Ordinance 13694, Section 39, and K.C.C.
12 19A.08.040, Ordinance 13694, Section 41, and K.C.C.
13 19A.08.060, Ordinance 13694, Section 42, as amended,
14 and K.C.C. 19A.08.070, Ordinance 13694, Section 51, as
15 amended, and K.C.C. 19A.08.160, Ordinance 16985,
16 Section 4, as amended, and K.C.C. 20.12.205, Ordinance
17 12196, Section 10, as amended, and K.C.C. 20.20.030,
18 Ordinance 12196, Section 11, as amended, and K.C.C.
19 20.20.040, Ordinance 12196, Section 13, as amended, and

20 K.C.C. 20.20.060, Ordinance 15051, Section 3, and K.C.C.
21 21A.06.037, Ordinance 15032, Section 6, and K.C.C.
22 21A.06.742, Ordinance 12024, Section 14, as amended,
23 and K.C.C. 21A.06.1432, Ordinance 10870, Section 330, as
24 amended, and K.C.C. 21A.08.030, Ordinance 10870,
25 Section 331, as amended, and K.C.C. 21A.08.040,
26 Ordinance 10870, Section 332, as amended, and K.C.C.
27 21A.08.050, Ordinance 10870, Section 333, as amended,
28 and K.C.C. 21A.08.060, Ordinance 10870, Section 334, as
29 amended, and K.C.C. 21A.08.070, Ordinance 10870,
30 Section 335, as amended, and K.C.C. 21A.08.080,
31 Ordinance 10870, Section 336, as amended, and K.C.C.
32 21A.08.090, Ordinance 10870, Section 340, as amended,
33 and K.C.C. 21A.12.030, Ordinance 10870, Section 341, as
34 amended, and K.C.C. 21A.12.040, Ordinance 10870,
35 Section 357, as amended, and K.C.C. 21A.12.200,
36 Ordinance 10870, Section 364, as amended, and K.C.C.
37 21A.14.040, Ordinance 11621, Section 99, and K.C.C.
38 21A.14.280, Ordinance 10870, Section 386, as amended,
39 and K.C.C. 21A.16.010, Ordinance 11210, Section 12, as
40 amended, and K.C.C. 21A.16.115, Ordinance 10870,
41 Section 415, as amended, and K.C.C. 21A.18.110,
42 Ordinance 10870, Section 424, as amended, and K.C.C.

43 21A.20.060, Ordinance 10870, Section 433, and K.C.C.
44 21A.20.130, Ordinance 15051, Section 137, as amended,
45 and K.C.C. 21A.24.045, Ordinance 15051, Section 138,
46 and K.C.C. 21A.24.051, Ordinance 10870, Section 454, as
47 amended, and K.C.C. 21A.24.070, Ordinance 10870,
48 Section 458, as amended, and K.C.C. 21A.24.110,
49 Ordinance 15051, Section 152, and K.C.C. 21A.24.137,
50 Ordinance 10870, Section 465, as amended, and K.C.C.
51 21A.24.180, Ordinance 10870, Section 471, as amended,
52 and K.C.C. 21A.24.240, Ordinance 10870, Section 473, as
53 amended, and K.C.C. 21A.24.260, Ordinance 10870,
54 Section 477, as amended, and K.C.C. 21A.24.300,
55 Ordinance 15606, Section 20, as amended, and K.C.C.
56 21A.30.085, Ordinance 8867, Section 1, as amended, and
57 K.C.C. 26.12.010, Ordinance 15051, Section 231, and
58 K.C.C. 21A.24.520, Ordinance 3688, Section 801, as
59 amended, and K.C.C. 21A.25.290, Ordinance 13129,
60 Section 9, as amended, and K.C.C. 21A.27.090, Ordinance
61 10870, Section 530, as amended, and K.C.C. 21A.30.020,
62 Ordinance 11168, Section 5, as amended, and K.C.C.
63 21A.30.062, Ordinance 10870, Section 557, as amended,
64 and K.C.C. 21A.32.200, Ordinance 10870, Section 579, as
65 amended, and K.C.C. 21A.38.060, adding new sections to

66 K.C.C. chapter 21A.06, adding a new section to K.C.C.
67 chapter 21A.12, adding new sections to K.C.C. chapter
68 21A.24 and repealing Ordinance 15051, Section 59, and
69 K.C.C. 21A.06.522.

70 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

71 SECTION 1. Ordinance 9163, Section 2, as amended, and K.C.C. 9.04.020 are
72 each hereby amended to read as follows:

73 The definitions in this section apply throughout this chapter unless the context
74 clearly requires otherwise.

75 A. "Adjustment" means a department-approved variation in the application of the
76 requirements of K.C.C. 9.04.050 and the Surface Water Design Manual to a particular
77 project in accordance with K.C.C. 9.04.050C. "Adjustment" replaces "variance," which
78 was used in prior editions of the Surface Water Design Manual.

79 B. "Applicant" means a property owner or a public agency or public or private
80 utility that owns a right-of-way or other easement or has been adjudicated the right to
81 such an easement under RCW 8.12.090, or any person or entity designated or named in
82 writing by the property or easement owner to be the applicant, in an application for a
83 development proposal, permit or approval.

84 C. "Basin" means a geographic area that contains and drains to a stream or river
85 named and noted on common maps, such as the Cedar river, Sammamish river, Green
86 river, Snoqualmie river, Skykomish river or White river, or a geographic area that drains
87 to a nonflowing water body named and noted on common maps, such as Lake
88 Washington or Puget Sound.

89 D. "Basin plan" means a plan and all implementing regulations and procedures
90 including, but not limited to, capital projects, public education activities and land use
91 management adopted by ordinance for managing surface and storm water within the
92 basin.

93 E. "Closed depression" means an area greater than five thousand square feet at
94 overflow elevation that is low-lying and that has no or such a limited surface water outlet
95 that the area acts as a stormwater retention facility.

96 F. "Construct or modify" means to install a new drainage pipe or ditch or make
97 improvements to an existing drainage pipe or ditch, for purposes other than maintenance,
98 that either serves to concentrate previously unconcentrated surface and storm water
99 runoff or serves to increase, decrease or redirect the conveyance of surface and storm
100 water runoff. "Construct or modify" does not include installation or maintenance of a
101 driveway culvert installed as part of a single-family residential building permit.

102 G. "Conveyance system" means the drainage facilities and features, both natural
103 and constructed, that collect, contain and provide for the flow of surface and storm water
104 from the highest points on the land down to a receiving water. The natural elements of
105 the conveyance system include swales and small drainage courses, streams, rivers, lakes
106 and wetlands. The constructed elements of the conveyance system include gutters,
107 ditches, pipes, channels and most flow control and water quality treatment facilities.

108 H. "Department" means the department of natural resources and parks or its
109 successor.

110 I. "Development" means any activity that requires a permit or approval,
111 including, but not limited to, a building permit, grading permit, shoreline substantial

112 development permit, conditional use permit, special use permit, zoning variance or
113 reclassification, subdivision, short subdivision, urban planned development, binding site
114 plan, site development permit or right-of-way use permit. "Development" does not
115 include ((~~a Class I, II, III or IV-S forest practice conducted in accordance with chapter~~
116 ~~76.09 RCW and Title 222 WAC or a class IV-G nonconversion forest practice, as defined~~
117 ~~in K.C.C. chapter 21A.06, conducted in accordance with chapter 76.09 RCW and Title~~
118 ~~222 WAC and a county-approved forest management plan~~)) forest management
119 activities, as defined in K.C.C. chapter 21A.06.

120 J. "Director" means the director of the department of natural resources and parks,
121 or any duly authorized representative of the director.

122 K. "Drainage" means the collection, conveyance, containment or discharge, or
123 any combination thereof, of surface and storm water runoff.

124 L. "Drainage facility" means a constructed or engineered feature that collects,
125 conveys, stores or treats surface and storm water runoff. "Drainage facility" includes, but
126 is not limited to, a constructed or engineered stream, pipeline, channel, ditch, gutter, lake,
127 wetland, closed depression, flow control or water quality treatment facility, erosion and
128 sediment control facility and other structure and appurtenance that provides for drainage.

129 M. "Drainage review" means an evaluation by King County staff of a proposed
130 project's compliance with the drainage requirements in the Surface Water Design Manual.
131 The types of drainage review include: Small project drainage review, targeted drainage
132 review, full drainage review and large project drainage review.

133 N. "Erosion and sediment control" means any temporary or permanent measures
134 taken to reduce erosion, control siltation and sedimentation and ensure that sediment-
135 laden water does not leave the site or enter into wetlands or aquatic areas.

136 O. "Financial guarantee" means a form of financial security posted to do one or
137 more of the following: ensure timely and proper completion of improvements; ensure
138 compliance with the King County Code; or provide secured warranty of materials,
139 workmanship of improvements and design. "Financial guarantees" include assignments
140 of funds, cash deposit, surety bonds or other forms of financial security acceptable to the
141 director of the department of development and environmental services. "Performance
142 guarantee," "maintenance guarantee" and "defect guarantee" are considered sub
143 categories of financial guarantee.

144 P. "Flood hazard (~~reduction~~) management plan" means a plan and all
145 implementing goals, objectives, guiding principles, policies and programs, (~~regulations~~
146 and procedures)) including, but not limited to, capital projects, public outreach and
147 education activities and enforcement programs for reduction of flood (~~hazards~~) risks
148 and prepared in accordance with RCW 86.12.200.

149 Q "Flow control best management practice" means a method or design for
150 dispersing, infiltrating or otherwise reducing or preventing development-related increases
151 in surface and storm water runoff at, or near, the sources of those increases. "Flow
152 control best management practice" includes the methods and designs specified in the
153 Surface Water Design Manual.

154 R. "Flow control facility" means a drainage facility designed to mitigate the
155 impacts of increased surface and storm water runoff generated by site development in

156 accordance with the drainage requirements in this chapter. A "flow control facility" is
157 designed either to hold water for a considerable length of time and then release it by
158 evaporation, plant transpiration or infiltration into the ground or to hold runoff for a short
159 period of time and then release it to the conveyance system.

160 S. "Full drainage review" means the evaluation required by K.C.C. 9.04.030 for
161 any proposed project, unless the project is subject to small project drainage review,
162 targeted drainage review or large project drainage review, that:

163 1. Would result in two thousand square feet or more of new impervious surface;
164 2. Would result in thirty-five thousand square feet or more of new pervious
165 surface: or

166 3. Is a redevelopment project on one or more parcels where the total of new and
167 replaced impervious surface is five thousand square feet or more and when the valuation
168 of proposed improvements exceeds fifty percent of the assessed value of the existing site
169 improvements, including interior improvements and excluding required mitigation and
170 frontage improvements.

171 T. "High-use site" means a commercial, industrial or road intersection site that
172 generates a higher than average number of vehicle turnovers or has other characteristics
173 that generate the potential for chronic oil accumulation. "High use site" includes:

174 1. A commercial or industrial site subject to:

175 a. an expected daily traffic count greater than one hundred vehicles per one
176 thousand square feet of gross building area;

177 b. petroleum storage or transfer in excess of one thousand gallons per year, not
178 including routine fuel oil storage or transfer; or

179 c. use, storage or maintenance of a fleet of twenty-five or more diesel vehicles
180 each weighing over ten tons; or

181 2. A road intersection with average daily traffic counts of twenty-five thousand
182 vehicles or more on the main roadway and fifteen thousand or more vehicles on any
183 intersecting roadway, excluding pedestrian or bicycle use improvement projects.

184 U. "Hydraulically connected" means connected through surface flow or water
185 features such as wetlands or lakes.

186 V. "Impervious surface" means a hard surface area that either prevents or retards
187 the entry of water into the soil mantle as under natural conditions before development or
188 that causes water to run off the surface in greater quantities or at an increased rate of flow
189 from the flow present under natural conditions (~~(prior to))~~ before development. Common
190 impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways,
191 parking lots, storage areas, areas that are paved, graveled or made of packed or oiled
192 earthen materials or other surfaces that similarly impede the natural infiltration of surface
193 and storm water. An open uncovered flow control or water quality treatment facility is
194 not an "impervious surface."~~((τ))~~

195 W. "Improvement" means a permanent, human-made, physical change to land or
196 real property including, but not limited to, buildings, streets, driveways, sidewalks,
197 crosswalks, parking lots, water mains, sanitary and storm sewers, drainage facilities and
198 landscaping.

199 X. "Land disturbing activity" means an activity that results in a change in the
200 existing soil cover, both vegetative and nonvegetative, or to the existing soil topography.

201 "Land disturbing activity" includes, but is not limited to, demolition, construction,

202 clearing, grading, filling, excavation and compaction. "Land disturbing activity" does not
203 include tilling conducted as part of agricultural practices, landscape maintenance or
204 gardening.

205 Y. "Lake management plan" means a plan describing the lake management
206 recommendations and requirements adopted by public rule for managing water quality
207 within individual lake basins.

208 Z. "Large project drainage review" means the evaluation required by K.C.C.
209 9.04.030 for any proposed project that:

210 1. Has an urban plan development land use designation in the King County
211 Comprehensive Plan land use map;

212 2. Would, at full buildout of the project site, result in fifty acres or more of new
213 impervious surface within a drainage subbasin or a number of subbasins hydraulically
214 connected across subbasin boundaries; or

215 3. Has a project site of fifty acres or more within a critical aquifer recharge area,
216 as defined in K.C.C. Title 21A.

217 AA. "Licensed civil engineer" means a person registered with the State of
218 Washington as a professional engineer in civil engineering.

219 BB. "Maintenance" means those usual activities taken to prevent a decline, lapse
220 or cessation in the use of currently serviceable structures, facilities, equipment or
221 systems, if there is no expansion of the structure, facilities, equipment or system and
222 there are no significant hydrologic impacts. "Maintenance" includes the repair or
223 replacement of nonfunctional facilities or the replacement of existing structures with
224 different types of structures, if the repair or replacement is required by one or more

225 environmental permits or to meet current engineering standards and the functioning
226 characteristics of the original facility or structure are not changed.

227 CC. "Master drainage plan" means a comprehensive drainage control plan
228 intended to prevent significant adverse impacts to the natural and constructed drainage
229 system, both on- and off-site.

230 DD. "Native vegetated surface" means a surface in which the soil conditions,
231 ground cover and species of vegetation are like those of the original native condition for
232 the site, as more specifically set forth in the Surface Water Design Manual.

233 EE. "Natural discharge location" means the location where runoff leaves the
234 project site under existing site conditions as defined in the Surface Water Design Manual.

235 FF. "New impervious surface" means the creation of a hard or compacted surface
236 such as roofs, pavement, gravel or dirt or the addition of a more compacted surface such
237 as the paving of existing dirt or gravel.

238 GG. "New pervious surface" means the conversion of a native vegetated surface
239 or other native surface to a nonnative pervious surface, including, but not limited to,
240 pasture land, grassland, cultivated land, lawn, landscaping or bare soil or any alteration of
241 existing nonnative pervious surface that results in increased surface and storm water
242 runoff as defined in the Surface Water Design Manual.

243 HH. "Pollution-generating impervious surface" means an impervious surface
244 considered to be a significant source of pollutants in surface and storm water runoff.
245 "Pollution-generating impervious surface includes those surfaces subject to vehicular use
246 or storage of erodible or leachable materials, wastes or chemicals and that receive direct
247 rainfall or the run-on or blow-in of rainfall. A covered parking area would be included if

248 runoff from uphill could regularly run through it or if rainfall could regularly blow in and
249 wet the pavement surface. Metal roofs are also considered pollution-generating
250 impervious surface unless they are treated to prevent leaching.

251 II. "Pollution-generating pervious surface" means a nonimpervious surface
252 considered to be a significant source of pollutants in surface and storm water runoff.
253 "Pollution-generating pervious surfaces" include surfaces subject to the use of pesticides
254 and fertilizers, to the use or storage of erodible or leachable materials, wastes or
255 chemicals or to the loss of soil. "Pollution-generating pervious surface" includes, but is
256 not limited to, the lawn and landscaped areas of a residential or commercial site, golf
257 course, park sports field and county-standard grassed modular grid pavement.

258 JJ. "Project" means any proposed action to alter or develop a site that may also
259 require drainage review.

260 KK. "Project site" means the portion of a site and any offsite areas subject to
261 proposed project activities, alterations and improvements including those required by this
262 chapter.

263 LL. "Redevelopment project" means a project that proposes to add, replace or
264 modify impervious surface for purposes other than a residential subdivision or
265 maintenance on a site that:

- 266 1. Is already substantially developed in a manner that is consistent with its
267 current zoning or with a legal nonconforming use; or
- 268 2. Has an existing impervious surface coverage of thirty-five percent or more.

269 MM. "Replaced impervious surface" means an existing impervious surface
270 proposed to be removed and reestablished as impervious surface, excluding impervious

271 surface removed for the sole purpose of installing utilities or performing maintenance.
272 For purposes of this definition, "removed" includes the removal of buildings down to
273 bare soil or the removal of Portland cement concrete slabs or pavement or asphaltic
274 concrete pavement.

275 NN. "Runoff" means that portion of water originating from rainfall and other
276 precipitation that flows over the surface or just below the surface from where it fell and is
277 found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes, wetlands and
278 shallow groundwater as well as on ground surfaces. For the purpose of this definition,
279 groundwater means all waters that exist beneath the land surface or beneath the bed of
280 any stream, lake or reservoir, or other body surface water, whatever may be the
281 geological formation or structure in which such water stands or flows, percolates or
282 otherwise moves.

283 OO. "Salmon conservation plan" means a plan and all implementing regulations
284 and procedures including, but not limited to, land use management adopted by ordinance,
285 capital projects, public education activities and enforcement programs for conservation
286 and recovery of salmon within a water resource inventory area designated by the state
287 under WAC 173-500-040.

288 PP. "Shared facility" means a drainage facility designed to meet one or more of
289 the requirements of K.C.C. 9.04.050 for two or more separate projects contained within a
290 basin. Shared facilities usually include shared financial commitments for those drainage
291 facilities.

292 QQ. "Site" means a single parcel, or two or more contiguous parcels that are
293 under common ownership or documented legal control, used as a single parcel for a

294 proposed project for purposes of applying for authority from King County to carry out a
295 proposed project. For projects located primarily within dedicated rights-of-way, "site"
296 includes the entire width of right-of-way subject to improvements proposed by the
297 project.

298 RR. "Small project drainage review" means the drainage review for a proposed
299 single-family residential project or agricultural project that:

300 1. Would result in:

301 a. ten thousand square feet or less of total impervious surface added on or after
302 January 8, 2001; or

303 b. four percent or less of total impervious surface on a site as specified in the
304 Surface Water Design Manual; and

305 2. Meets the small project drainage requirements specified in the Surface Water
306 Design Manual, including flow control best management practices, erosion and sediment
307 control measures and drainage plan submittal requirement; and

308 3. Limits new pervious surface as specified in the Surface Water Design
309 Manual.

310 SS. "Stormwater compliance plan" means a plan or study and all regulations and
311 procedures that have been adopted by the county to implement the plan or study,
312 including, but not limited to, capital projects, public education activities and enforcement
313 programs for managing stormwater quantity and quality discharged from the county's
314 municipal separate storm sewer system in compliance with the National Pollutant
315 Discharge Elimination System permit program under the Clean Water Act.

316 TT. "Subbasin" means a geographic area that:

- 317 1. Drains to a stream or water body named and noted on common maps; and
318 2. Is contained within the basin of the stream or water body.

319 UU. "Surface and storm water" means water originating from rainfall and other
320 precipitation that is found on ground surfaces and in drainage facilities, rivers, streams,
321 springs, seeps, ponds, lakes, wetlands as well as and shallow ground water.

322 VV. "Surface Water Design Manual" means the manual, and supporting
323 documentation referenced or incorporated in the manual, describing surface and storm
324 water design and analysis requirements, procedures and guidance that has been formally
325 adopted by rule under the procedures in K.C.C. chapter 2.98. The Surface Water Design
326 Manual is available from the department of development and environmental services or
327 the department of natural resources and parks, water and land resources division or their
328 successor agencies.

329 WW. "Targeted drainage review" means an abbreviated evaluation required by
330 K.C.C. 9.04.030 for certain types of proposed projects that are not subject to full or large
331 project drainage review. Targeted drainage review may be required for some projects in
332 small project drainage review.

333 XX. "Water quality treatment facility" means a drainage facility designed to
334 reduce pollutants once they are already contained in surface and storm water runoff. A
335 water quality treatment facility is the structural component of best management practices.
336 When used singly or in combination, a water quality treatment facility reduces the
337 potential for contamination of both surface and ground waters.

338 SECTION 2. Ordinance 2281, Section 5, as amended, and K.C.C. 9.04.050 are
339 each hereby amended to read as follows:

340 A. A proposed project required to have drainage review by K.C.C. 9.04.030 must
341 meet each of the following core requirements, which are described in detail in the Surface
342 Water Design Manual. Projects subject only to small project drainage review that meet
343 the small project drainage requirements specified in the Surface Water Design Manual,
344 including flow control best management practices, erosion and sediment control
345 measures and drainage plan submittal requirements are deemed to comply with the
346 following core requirements:

347 1. Core requirement 1: Discharge at the natural location. All surface and storm
348 water runoff from a project shall be discharged at the natural location so as not to be
349 diverted onto, or away from, downstream properties. The manner in which runoff is
350 discharged from the project site shall not create a significant adverse impact or
351 significantly aggravate an existing adverse impact to downhill properties or drainage
352 systems as specified in the discharge requirements of the Surface Water Design Manual;

353 2. Core requirement 2: Offsite analysis. The initial application submittal for
354 proposed projects shall include an offsite analysis report that assesses potential offsite
355 drainage and water quality impacts associated with development of the proposed site and
356 proposes appropriate mitigations to those impacts. This initial submittal shall include, at
357 minimum, a Level One downstream analysis as described in the Surface Water Design
358 Manual. If impacts are identified, the proposed projects shall meet any applicable
359 problem-specific requirements as specified in the Surface Water Design Manual;

360 3. Core Requirement 3: Flow control. Proposed projects that would result in
361 two thousand square feet or more of new impervious surface or thirty-five thousand
362 square feet or more of new pervious surface, or that are redevelopment projects that

363 would result in a total of five thousand square feet or more of new and replaced
364 impervious surface, shall provide flow control facilities or flow control BMPs, or both, to
365 control surface and storm water runoff generated by new impervious surface, new
366 pervious surface, replaced impervious surface and any existing impervious surface added
367 on or after January 8, 2001, as specified in the Surface Water Design Manual. Flow
368 control facilities shall meet the area-specific flow control facility requirements and the
369 flow control facility implementation requirements applicable to the project site as
370 specified in the Surface Water Design Manual. Flow control BMPs shall also be applied
371 as specified in the Surface Water Design Manual. Projects subject to area-specific flow
372 control facility requirements shall meet one of the flow control facility performance
373 criteria listed in a. through c. of this subsection A.3., as directed by the Surface Water
374 Design Manual:

375 a. Level One shall match the predeveloped site's peak discharge rates for the
376 two-year and ten-year return periods;

377 b. Level Two shall meet Level One criteria and also match the predeveloped
378 site's discharge durations for the predeveloped peak discharge rates between the fifty
379 percent of the two-year peak flow through the fifty-year peak flow; or

380 c. Level Three shall meet Level Two criteria and also match the predeveloped
381 site's peak discharge rate for the one hundred-year return period;

382 4. Core requirement 4: Conveyance system. All engineered conveyance system
383 elements for proposed projects shall be analyzed, designed and constructed to provide the
384 minimum level of protection against overtopping, flooding, erosion and structural failure

385 as specified by the conveyance requirements for new and existing systems and
386 conveyance implementation requirements described in the Surface Water Design Manual;

387 5. Core requirement 5: Erosion and sediment control. All proposed projects
388 that will clear, grade or otherwise disturb the site shall provide erosion and sediment
389 control that prevents, to the maximum extent practicable, the transport of sediment from
390 the site to drainage facilities, water resources and adjacent properties. Erosion and
391 sediment controls shall be applied in accordance with K.C.C. chapter 16.82 as specified
392 by the temporary erosion and sediment control measures and performance criteria and
393 implementation requirements in the King County Surface Water Design Manual;

394 6. Core requirement 6: Maintenance and operation. Maintenance of all
395 drainage facilities in compliance with King County maintenance standards is the
396 responsibility of the applicant or property owner as described in the Surface Water
397 Design Manual, except those facilities for which King County assumes maintenance and
398 operation as described in K.C.C. 9.04.115 and 9.04.120 and the Surface Water Design
399 Manual;

400 7. Core requirement 7: Financial guarantees and liability. All drainage
401 facilities constructed or modified for projects, except downspout infiltration and
402 dispersion systems for single family residential lots, must comply with the liability
403 requirements of K.C.C. 9.04.100 and the financial guarantee requirements of K.C.C. Title
404 27A;

405 8. Core requirement 8: Water quality. Proposed projects that would result in
406 five thousand square feet or more of new pollution generating impervious surface or
407 thirty-five thousand square feet or more of new pollution-generating pervious surface, or

408 that are redevelopment projects that would result in a total of five thousand square feet or
409 more of new and replaced pollution-generating impervious surface, shall provide water
410 quality treatment facilities to treat polluted surface and storm water runoff generated by
411 new or replaced pollution-generating impervious surface, new pollution-generating
412 pervious surface and any existing pollution-generating impervious surface added on or
413 after January 8, 2001, as specified in the Surface Water Design Manual. However,
414 pervious surfaces are specifically excluded if there is a good faith agreement with the
415 King Conservation District to implement a farm management plan for agricultural uses,
416 and pervious areas for other uses are specifically excluded if King County department of
417 development and environmental services approves a landscape management plan that
418 controls pesticides and fertilizers leaving the site. Water quality treatment facilities shall
419 meet the area-specific water quality treatment requirements and the water quality
420 implementation requirements applicable to the project site as specified in the Surface
421 Water Design Manual. The facilities specified by these requirements are designed to
422 reduce pollutant loads according to the applicable annual average performance goals
423 listed in a. through d. of this subsection A.8. for ninety-five percent of the annual average
424 runoff volume:

425 a. for basic water quality: remove eighty percent of the total suspended solids;

426 b. for enhanced basic water quality: remove fifty percent of the total zinc;

427 c. for sensitive lake protection: remove fifty percent of the total phosphorus;

428 and

429 d. for sphagnum bog protection: remove fifty percent of the total phosphorus
430 and forty percent of the total nitrate plus nitrite. The discharge shall maintain a pH of
431 less than 6.5 and an alkalinity of less than ten milligrams per liter.

432 B. A proposed project required by K.C.C. 9.04.030 to have drainage review shall
433 meet any of the following special requirements (~~(which)~~) that apply to the site and
434 (~~(which)~~) that are described in detail in the Surface Water Design Manual. The
435 department of development and environmental services shall verify if a proposed project
436 is subject to and must meet any of the following special requirements.

437 1. Special Requirement 1: Other adopted area-specific requirements. If a
438 proposed project is in a designated critical drainage area, or is in an area included in an
439 adopted master drainage plan, basin plan, salmon conservation plan, stormwater
440 compliance plan, flood hazard (~~(reduction)~~) management plan, lake management plan or
441 shared facility plan, then the proposed project shall meet the applicable drainage
442 requirements of the critical drainage area, master drainage plan, basin plan, salmon
443 conservation plan, stormwater compliance plan, flood hazard (~~(reduction)~~) management
444 plan, lake management plan or shared facility plan;

445 2. Special Requirement 2: Floodplain/floodway delineation. If a proposed
446 project contains or is adjacent to a stream, lake, wetland or closed depression, or if other
447 King County regulations require study of flood hazards relating to the proposed project,
448 the one hundred year floodplain boundaries and floodway shall be determined and
449 delineated on the site improvement plans and profiles and any final maps prepared for the
450 proposed project. The flood hazard study shall be prepared for as specified in the Surface
451 Water Design Manual;

452 3. Special Requirement 3: Flood protection facilities. If a proposed project
453 contains or is adjacent to a stream that has an existing flood protection facility, such as a
454 levee, revetment or berm, or proposes to either construct a new or modify an existing
455 flood protection facility, then the flood protection facilities shall be analyzed and
456 designed as specified in the Surface Water Design Manual to conform with the Federal
457 Emergency Management Agency regulations as found in 44 C.F.R;

458 4. Special Requirement 4: Source Control. If a proposed project requires a
459 commercial building or commercial site development permit, then water quality source
460 controls shall be applied to prevent rainfall and runoff from coming into contact with
461 pollutants to the maximum extent practicable. Water quality source controls shall be
462 applied in accordance with K.C.C. chapter 9.12, the King County stormwater pollution
463 prevention manual and the Surface Water Design Manual. All structural source controls
464 shall be identified on the site improvement plans and profiles or final maps prepared for
465 the proposed project; and

466 5. Special Requirement 5: Oil control. If a proposed project is a high-use site or
467 is a redevelopment project proposing one hundred thousand dollars or more of
468 improvements to an existing high-use site, then oil control shall be applied to all runoff
469 from the high-use portion of the site as specified in the Surface Water Design Manual.

470 C.1. An adjustment to the requirements contained in this section or other
471 requirements in the Surface Water Design Manual may be proposed. The resulting
472 development shall be subject to all of the remaining terms and conditions of this chapter
473 and the adjustment shall:

474 a. produce a compensating or comparable result in the public interest; and

475 b. meet this chapter's objectives of safety, function, appearance, environmental
476 protection and maintainability based upon sound engineering judgment.

477 2. If complying with subsection C.1.a. of this section will deny all reasonable
478 use of a property, the best practicable alternative shall be obtained as determined by the
479 director of the department of development and environmental services according to the
480 adjustment process defined in the Surface Water Design Manual.

481 3. Requests for adjustments that may conflict with the requirements of any other
482 King County division shall require review and concurrence with that division.

483 4. A request for an adjustment is a Type 1 land use decision as provided for in
484 K.C.C. 20.20.020 and shall be processed in accordance with the procedures specified in
485 the Surface Water Design Manual.

486 5. The county may require monitoring of experimental designs and technology
487 or untested applications proposed by the applicant in order to determine compliance with
488 subsection C.1. of this section and the approved plans and conditions.

489 6. The applicant may appeal an adjustment decision by following the appeal
490 procedures as specified in the Surface Water Design Manual.

491 D. The drainage review requirements in this section and in the Surface Water
492 Design Manual may be modified or waived under the procedures in K.C.C. 21A.55.060.

493 SECTION 3. Ordinance 7590, Section 7, as amended, and K.C.C. 9.08.060 are
494 each hereby amended to read as follows:

495 A. It is the finding of the county that the majority of the basins in the service area
496 are shared with incorporated cities and towns. In order to achieve a comprehensive
497 approach to surface and storm water management the county and incorporated

498 jurisdictions within a specific basin (~~(should)~~) shall coordinate surface and storm water,
499 management services. In addition, the program may contract for services with interested
500 municipalities or special districts including but not limited to sewer and water districts,
501 school districts, port districts or other governmental agencies.

502 B. It is the finding of the county that many of the difficulties found in the
503 management of surface and storm water problems are contributed to by the general lack
504 of public knowledge about the relationship between human actions and surface and storm
505 water management. In order to achieve a comprehensive approach to surface and storm
506 water management the county should provide general information to the public about
507 land use and human activities (~~(which)~~) that impact surface and storm water
508 management. Pursuant to RCW 36.89.085, it is the finding of the county that public
509 school districts can provide significant benefits to the county regarding surface and storm
510 water management through educational programs and community activities related to
511 protection and enhancement of the surface and storm water management system. These
512 programs and activities can provide students with an understanding of human activities
513 and land use practices that create surface and storm water problems and involve students
514 by learning from first hand exposure, the difficulties of resolving surface and storm water
515 management problems after they occur.

516 C. It is the finding of the county that technical assistance and community
517 education have been shown to be a cost-effective means of improving the management of
518 the impacts of surface and storm water runoff. Technical assistance and community
519 education regarding stewardship enables King County, its residents and businesses to
520 comply with federal, state and local mandates and enables the county to protect its quality

521 of life and its natural resources. The promotion of stewardship is an integral part of a
522 comprehensive surface and storm water management program.

523 D. It is the finding of the county that developed parcels contribute to an increase
524 in surface and storm water runoff to the surface and storm water management system.
525 This increase in surface and storm water runoff results in the need to establish rates and
526 charges to finance the county's activities in surface and storm water management.
527 Developed parcels shall be subject to the rates and charges of the surface water
528 management program based on their contribution to increased runoff. The factors to be
529 used to determine the degree of increased surface and storm water runoff to the surface
530 and storm water management system from a particular parcel shall be the percentage of
531 impervious surface coverage on the parcel, the total acreage of the parcel and any
532 mitigating factors as determined by King County.

533 E. It is the finding of the county that undeveloped parcels do not contribute as
534 much as developed parcels to an increase in surface and storm water runoff into the
535 surface and storm water management system. Undeveloped properties shall be exempt
536 from the rates and charges of the surface water management program.

537 F. It is the finding of the county that maintained drainage facilities mitigate the
538 increased runoff contribution of developed parcels by providing on-site drainage control.
539 Parcels served by flow control facilities (~~which~~) that were required for development of
540 the parcel pursuant to K.C.C. chapter 9.04 and approved by King County or can be
541 demonstrated as required in K.C.C. 9.08.080 by the property owner to provide flow
542 control of surface and storm water to the standards in K.C.C. chapter 9.04 shall receive a
543 discount as provided in the rates and charges of the surface water management program,

544 if the facility is maintained at the parcel owner's expense to the standard established by
545 the department.

546 G. It is the finding of the county that improvements to the quality of storm water
547 runoff can decrease the impact of that runoff on the environment. Parcels served by
548 water quality treatment facilities that were required for development of the parcel
549 pursuant to K.C.C. chapter 9.04 and approved by King County or that can be
550 demonstrated as required in K.C.C. 9.08.080 by the property owner to provide treatment
551 of surface and storm water to the standards in K.C.C. chapter 9.04 shall receive a
552 discount as provided in the rates and charges of the surface water management program,
553 if the facility is maintained at the parcel owner's expense to the standard established by
554 the department.

555 H. It is the finding of the county that parcels with at least sixty-five percent of
556 their land in forest, no more than twenty percent in impervious surface, and dispersed
557 runoff from the impervious surface through the forested land resulting in an effective
558 impervious area of ten percent or less for the entire parcel, do not contribute as much to
559 an increase in surface and storm water runoff as properties with less forest that do not
560 disperse. These properties shall be eligible to receive a discount as provided in the rates
561 and charges of the surface water management program if the runoff from the impervious
562 surface is dispersed in accordance with the standards established by the department.

563 I. It is the finding of the county that parcels (~~which~~) that make use of their
564 pervious surface area to absorb storm water runoff from the impervious surfaces do not
565 contribute as much to an increase in surface and storm water runoff as properties that do
566 not use their pervious area to absorb runoff. These properties shall be eligible to receive

567 a discount as provided in the rates and charges of the surface water management program
568 if the runoff from the impervious surface is dispersed in accordance with the standards
569 established by the department.

570 J. It is a finding of the county that open space properties provide a benefit to the
571 surface and storm water management system by the retention of property in an
572 undeveloped state. Open space properties shall receive a discount from the rates and
573 charges to encourage the retention of property as open space.

574 K. It is a finding of the county that current scientific studies demonstrate that
575 conservation and maintenance of forestland and open space contribute to the proper
576 management of surface water quality and quantity. The scientific analysis performed in
577 connection with the Cedar river, Issaquah creek and Bear creek basin plans have
578 demonstrated that forests intercept and evaporate more rainfall, provide more soil
579 storage, retain and trap more sediments and purify contaminated water better than any
580 other land use. Conservation and maintenance of public forests, the provision of
581 technical assistance and encouragement to private landowners to retain forests are
582 effective ways to prevent disruption of natural hydrology. Open Space lands, to the
583 extent that they retain their natural condition and do not contain impervious surface, also
584 perform an important surface water function by not detracting from the functioning of
585 natural hydrology systems. Conservation and maintenance of publicly owned open space
586 and forestland is often more cost-effective than building and maintain artificial or
587 engineered surface and storm water management facilities. Additional financial
588 resources are required to conserve and maintain those natural resource lands that serve
589 important surface and storm water management functions.

590 L. It is a finding of the county that the majority of the parcels in the service area
591 are residential. The variance between residential parcels in impervious surface coverage
592 is found to be minor and to reflect only minor differences in increased runoff
593 contributions. The administrative cost of calculating the service charge individually for
594 each residential parcel and maintaining accurate information would be very high. A flat
595 charge for residential parcels is less costly to administer than calculating a separate
596 charge for each parcel and is equitable because of the similarities in impervious surface
597 coverage between residential parcels. Therefore, residential parcels shall be charged a
598 flat charge based upon an average amount of impervious surface.

599 M. It is a finding of the county that very lightly developed nonresidential parcels
600 ~~((which))~~ that have an impervious surface coverage of ten percent or less of the total
601 parcel acreage are characterized by a very low intensity of development and generally a
602 large number of acres. A greater number of acres of undeveloped land associated with an
603 impervious surface results in significantly less impact to the surface and storm water
604 management system. Many of the very lightly developed properties are recreational,
605 agricultural and timber lands identified in the King County ~~((e))~~ Comprehensive ~~((p))~~ Plan
606 and should be encouraged to retain their low intensity of development. These parcels
607 shall be charged a flat rate ~~((which will))~~ to encourage the retention of large areas of very
608 lightly developed land.

609 N. It is the finding of the county that lightly to very heavily developed
610 nonresidential parcels ~~((which))~~ that have an impervious surface coverage of more than
611 ten percent have a substantial impact on the surface and storm water management system.
612 The impact of these parcels on the surface and storm water management system increases

613 with the size of the parcels. Therefore, lightly to very heavily developed properties shall
614 be charged a rate determined by the percent of impervious surface coverage multiplied by
615 the parcel acreage.

616 O. It is a finding of the county that county and state roads contribute a significant
617 amount of increased runoff to the surface and storm water management system, which
618 contributes to the need for basin planning, drainage facilities and other related services.
619 However, both the county roads and state highway programs provide substantial annual
620 programs for the construction and maintenance of drainage facilities, and the roads
621 systems and their associated drainage facilities serve as an integral part of the surface and
622 storm water management system. The rate charged county roads and state highways shall
623 reflect the benefit ((which)) that county roads and state highway facilities provide to the
624 surface and storm water management system. County and state road drainage systems
625 unlike the drainage systems on other properties are continually being upgraded to
626 increase both conveyance capacity and control. It is envisioned that the roads program
627 will work cooperatively with the surface water management program to improve regional
628 surface and storm water management services as new information is available from basin
629 plans and other sources. The percentage of impervious surface coverage for county roads
630 and state highways shall be calculated by dividing average width of roadway and
631 shoulder by the average width of the right of way. The service charge shall be calculated
632 in accordance with RCW 90.03.525.

633 P. It is the finding of the county that comprehensive management of surface and
634 storm water runoff must include anticipation of future growth and development in the
635 design and improvement of the surface and storm water management system. Service

636 charge revenue needs shall be based upon the present and future requirements of the
637 surface and storm water management system, and these needs shall be considered when
638 determining the rates and charges of the program.

639 Q. It is the finding of the county that basin plans are essential to establishing a
640 comprehensive approach to a capital improvement program, maintenance of facilities and
641 regulation of new developments. A plan should analyze the measures needed to control
642 surface and storm water runoff (~~which~~) that results from existing and anticipated
643 development within the basin. The measures investigated to control runoff should
644 include land use regulation such as setback requirements or community plan revisions
645 (~~which~~) that revise land use densities as well as the use of drainage facilities. A plan
646 also should recommend the quantity and water quality runoff control measures required
647 to further the purposes set forth in K.C.C. 9.08.040, and community goals. The
648 institutional requirements and regulations, including but not limited to land use
649 management, funding needs, and incentives for preserving the natural surface water
650 drainage system should be identified in the plan. The proposed ordinances and
651 regulations necessary to implement the plan shall be transmitted to the council
652 simultaneously with the plan.

653 R. It is a finding of the county that the federal government has increased
654 requirements concerning surface water quantity and control. The federal Clean Water
655 Act, implemented through municipal storm water NPDES permits, mandates a wide
656 variety of local programs to manage surface water and improve water quality.
657 Compliance will increasingly be measured by the effectiveness of King County's surface
658 water and water quality programs. The NPDES permit impacts operations in the roads,

659 solid waste, transit and parks divisions, the airport and the department of development
660 and environmental services, and most activities in the water and land resources division.

661 S. It is a finding of the county that Chinook salmon were listed as a threatened
662 species in March 1999, and bull trout were listed as a threatened species in November
663 1999, under the federal Endangered Species Act. These listings focus the need for higher
664 standards in managing surface water including new, expanded and more intensive
665 programs to control the quantity of runoff as well as its quality. Programs responding to
666 these imperatives have included the design, permitting and construction of facilities,
667 facility retrofitting and maintenance, habitat acquisition and restoration, monitoring,
668 regulation development and coordination with other agencies on transboundary issues.

669 T. It is the finding of the county that areas with development related surface and
670 storm water problems require comprehensive management of surface and storm water.

671 U. It is the finding of the county that additional surface and storm water runoff
672 problems may be caused by new land use development if not properly mitigated both
673 through protection of natural systems and through constructed improvements. The
674 Surface Water Design Manual and K.C.C Titles 9, 16, 20 and 21A have been adopted by
675 King County to mitigate the impact of land use development. Further mitigation of these
676 impacts is based on expertise (~~which~~) that continues to evolve as new information on
677 our natural systems is obtained and new techniques are discovered. The surface water
678 management program, through reconnaissance studies, basin plans, and other special
679 studies, will continuously provide valuable information on the existing problems and
680 areas of the natural drainage system that need special protection. The county is
681 researching and developing methods to protect the natural drainage system through

682 zoning, buffering and setbacks to alleviate existing problems. Setback and buffering
683 measures allow natural preservation of wetlands and stream corridors to occur, alleviate
684 erosion and water pollution and provide a safe environment for the small mammals and
685 fish ((which)) that inhabit sensitive areas. Based upon the findings in this subsection, and
686 as information and methods become available, the executive, as appropriate shall draft
687 and submit to the council, regulations and development standards to allow protection of
688 the surface and storm water management system including natural drainage systems.

689 V. It is the finding of the county that the unique stormwater needs of the
690 unincorporated rural area of the county require that the county's surface water
691 management program established under chapter 36.89 RCW develop a rural drainage
692 program. The intent of this rural drainage program is to provide a means through which
693 existing and emerging surface water problems in the rural areas can be addressed in a
694 manner that preserves both rural resources and rural activities including agriculture and
695 forestry. Rural drainage services provided by the division shall support a rural level of
696 development and not facilitate urbanization. This rural drainage program shall result in a
697 program consistent with Countywide Planning Policies and King County Comprehensive
698 Plan policies.

699 W. The program will maintain long term fiscal viability and fund solvency for all
700 of its related funds. All required capital and operating expenditures will be covered by
701 service charges and other revenues generated or garnered by the program. The program
702 will pay all current operating expenses from current revenues and will maintain an
703 operating reserve to minimize service impacts due to revenue or expenditure variances
704 from plan during a fiscal year. This reserve will be calculated based on the historic

705 variability of revenue and expenditures. The program will adopt a strategic financial
706 planning approach (~~(which)~~) that recognizes the dynamic nature of the program's fiscal
707 operating environment. Long-term projections will be updated in the program's adopted
708 strategic plan. One-time revenues will be dedicated to one-time-only expenditures and
709 will not be used to support ongoing requirements. The program's approach to financial
710 reporting and disclosure will be comprehensive, open and accessible.

711 X. The program shall prepare an annual, multiyear capital improvement program
712 (~~(which)~~) that encompasses all of the program's activities related to the acquisition,
713 construction, replacement, or renovation of capital facilities or equipment. All proposed
714 new facilities will be subject to a consistent and rigorous needs analysis. The program's
715 capital facilities will be planned and financed to ensure that the benefits of the facilities
716 and the costs for them are balanced over time.

717 Y. The program will manage its debt to ensure continued high credit quality,
718 access to credit markets, and financial flexibility. All of the program's debt management
719 activities will be conducted to maintain at least the current credit ratings assigned to the
720 county's debt by the major credit rating agencies and to maintain an adequate debt service
721 coverage ratio. Long term debt will not be used to support operating expenses. The
722 program will develop and maintain a central system for all debt-related records (~~(which)~~)
723 that will include all official statements, bid documents, ordinances indentures, leases,
724 etc., for all of the program's debt and will accurately account for all interested earnings in
725 debt-related funds. These records will be designed to ensure that the program is in
726 compliance with all debt covenants and with state and federal laws.

727 SECTION 4. Ordinance 12560, Section 10, as amended, and K.C.C. 16.02.240
728 are each hereby amended to read as follows:

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

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

733 Building:

734 1. One-story detached one and two family residential accessory buildings used as
735 tool and storage sheds, playhouses, tree supported structures used for play and similar
736 uses, not including garages or other buildings used for vehicular storage, provided the
737 floor area does not exceed 200 square feet (11.15 m²) provided that the roof overhang
738 does not exceed twenty-four inches measured horizontally from the exterior wall.

739 2. One-story detached agricultural and forestry accessory buildings used as ~~((tool~~
740 ~~and storage sheds))~~ animal shelters or sheds for the storage of tools, animal feed, animal
741 bedding, seeds, seedlings or similar materials or products, not including offices, sleeping
742 or resting quarters, garages or ~~((other))~~ buildings used for vehicle storage, provided the
743 floor area does not exceed 200 square feet (11.15 m²) provided that the roof overhang
744 does not exceed twenty-four inches measured horizontally from the exterior wall.

745 3. Fences not over 6 feet (1.829 m) high.

746 4. Oil derricks.

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

750 6. Water tanks supported directly upon grade if the capacity does not exceed
751 5,000 gallons (18,927 l) and the ratio of height to diameter or width does not exceed 2 to
752 1.

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

756 8. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish
757 work.

758 9. Temporary motion picture, television and theater stage sets and scenery.

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

762 11. Shade cloth structures constructed for nursery or agricultural purposes and
763 not including service systems.

764 12. Swings and other playground equipment.

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

768 14. Moveable cases, counters and partitions not over 5 feet 9 inches (228.6 m)
769 high.

770 15. Re-roofing of existing buildings.

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

773 16. Submerged, freestanding mechanical boat lifts associated with single-family
774 residential piers and recreational watercraft not exceeding 25 feet in length or 15 feet in
775 width with no portion exceeding a height of 10 feet above the ordinary high water mark
776 as defined in K.C.C. 21A.06.825.

777 17. Work located primarily in a public way, public utility towers and poles.

778 18. Mechanical equipment not specifically regulated in this code.

779 19. Hydraulic flood control structures.

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

782 Gas:

783 1. Portable heating appliance.

784 2. Replacement of any minor part that does not alter approval of equipment
785 or make such equipment unsafe.

786 Mechanical:

787 1. Portable heating appliance.

788 2. Portable ventilation appliances and equipment.

789 3. Portable cooling unit.

790 4. Steam, hot or chilled water piping within any heating or cooling
791 equipment regulated by this code.

792 5. Replacement of any part (~~which~~) that does not alter its approval or make
793 it unsafe.

794 6. Portable evaporative cooler.

795 7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less
796 of refrigerant and actuated by motors of one horsepower (746 W) or less.

797 8. Portable fuel cell appliances that are not connected to a fixed piping
798 system and are not interconnected to a power grid.

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

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

804 SECTION 5. Ordinance 1488, Section 5, as amended, and K.C.C. 16.82.020 are
805 each hereby amended to read as follows:

806 Certain words and phrases used in this chapter, unless otherwise clearly indicated
807 by their context, mean as follows:

808 A. "Applicant" means a property owner or a public agency or public or private
809 utility that owns a right-of-way or other easement or has been adjudicated the right to
810 such an easement in accordance with RCW 8.12.090, or any person or entity designated
811 or named in writing by the property or easement owner to be the applicant, in an
812 application for a development proposal, permit or approval.

813 B. "Bench" means a relatively level step excavated or constructed on the face of a
814 graded slope surface for drainage and maintenance purposes.

815 C. "Civil engineer" means an engineer who is licensed as a professional engineer
816 in the branch of civil engineering by the state of Washington.

817 D. "Clearing" means the cutting, killing, grubbing or removing of vegetation or
818 other organic material by physical, mechanical, chemical or any other similar means.

819 E. "Compaction" means the densification of a fill by mechanical means.

820 F. "Cutting" means the severing of the main trunk or stem of woody vegetation at
821 any point.

822 G. "Department" means the department of development and environmental
823 services.

824 H. "Director" means the director of the department of development and
825 environmental services or the director's designee.

826 I. "Earth material" means any rock, natural soil or any combination thereof.

827 J. "Erosion" means the wearing away of the ground surface as the result of the
828 movement of wind, water or ice.

829 K. "Excavation" means the removal of earth material.

830 L. "Fill" means a deposit of earth material or recycled or reprocessed waste
831 material consisting primarily of organic or earthen materials, or any combination thereof,
832 placed by mechanical means.

833 M. "Geotechnical engineer" means an engineer who is licensed as a professional
834 engineer by the state of Washington and who has at least four years of relevant
835 professional employment.

836 N. "Grade" means the elevation of the ground surface.

837 1. "Existing grade" means the grade before grading.

838 2. "Finish grade" means the final grade of the site that conforms to the approved
839 plan as required in K.C.C. 16.82.060.

840 3. "Rough grade" means the stage at which the grade approximately conforms to
841 the approved plan as required in K.C.C. 16.82.060.

842 O. "Grading" means any excavating, filling(~~(-)~~) or (~~(removing of the duff layer)~~)
843 land-disturbing activity, or combination thereof.

844 P. "Grading and clearing permit" means the permit required by this chapter for
845 grading and clearing activities, including temporary permits.

846 Q. "Land disturbing activity" means an activity that results in a change in the
847 existing soil cover, both vegetative and nonvegetative, or to the existing soil topography.

848 R. "Reclamation" means the final grading and restoration of a site to establish the
849 vegetative cover, soil surface water and groundwater conditions appropriate to
850 accommodate and sustain all permitted uses of the proposed zone appropriate for the site.

851 ~~((R-))~~ S. "Shorelines" means those lands defined as shorelines in the state
852 Shorelines Management Act of 1971.

853 ~~((S-))~~ T. "Site" means a single lot or parcel of land two or more contiguous lots
854 that are under common ownership or documented legal control, used as a single parcel
855 for a development proposal in order to calculate compliance with the standards and
856 regulations of this chapter. For purposes of this definition:

857 1. "Documented legal control" includes fee simple or leasehold rights, or an
858 easement, or any combination thereof, (~~(which)~~) that allows uses associated with the
859 overall development proposal; and

860 2. Lots that are separated only by a public road right-of-way shall be considered
861 to be contiguous.

862 ~~((T.))~~ U. "Slope" means inclined ground surface, the inclination of which is
863 expressed as a ratio of horizontal distance to vertical distance.

864 ~~((U.))~~ V. "Structural engineer" means an engineer who is licensed as a
865 professional engineer in the branch of structural engineering by the state of Washington.

866 ~~((V.))~~ W. "Structure" means that which is built or constructed, an edifice or
867 building of any kind or any piece of work artificially built up or composed of parts
868 jointed together in some definite manner.

869 ~~((W.))~~ X. "Tree" means a large woody perennial plant usually with a single main
870 stem or trunk and generally over twelve feet tall at maturity.

871 ~~((X.))~~ Y. "Understory" means the vegetation layer of a forest that includes
872 shrubs, herbs, grasses and grass-like plants, but excludes native trees.

873 ~~((Y.))~~ Z. "Vegetation" means any organic plant life growing at, below or above
874 the soil surface.

875 SECTION 6. Ordinance 15053, Section 3, as amended, and K.C.C. 16.82.051 are
876 each hereby amended to read as follows:

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

879 B. The following activities are excepted from the requirement of obtaining a
880 clearing or grading permit before undertaking forest practices or clearing or grading
881 activities, as long as those activities conducted in critical areas are in compliance with the
882 standards in this chapter and in K.C.C. chapter 21A.24. In cases where an activity may
883 be included in more than one activity category, the most-specific description of the
884 activity shall govern whether a permit is required. For activities involving more than one

						D				R			
ACTIVITY													
Grading and Clearing													
Grading	NP 1, 2	NP 1, 2	NP 1, 2				NP 1, 2	NP 1, 2		NP 1, 2			
Clearing	NP 3 NP 24	NP 3	NP 3	NP 3			NP 3	NP 3		NP 3	NP 4 NP 23	NP 4 NP 23	
Covering of garbage	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5
Emergency tree removal	NP	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6
Hazard tree removal	NP <u>25</u>	<u>NP</u> <u>25</u>	<u>NP</u> <u>25</u>	<u>NP</u> <u>25</u>			<u>NP</u> <u>25</u>	<u>NP</u> <u>25</u>		<u>NP</u> <u>25</u>			
Removal of noxious weeds	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Removal of invasive vegetation	NP 7	NP 7	NP 7	NP 7	NP 7		NP 7	NP 7		NP 7	NP 8	NP 8	NP 8
<u>((Non-conversion Class I, II, III, IV-S forest practice)) Forest management activity</u>	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9

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Emergency action	NP 10												
Roads													
Grading within the roadway	NP 11			NP 11									
Clearing within the roadway	NP	NP 12											
Maintenance of driveway or private access road	NP 13												
Maintenance of bridge or culvert	NP 13, 14, 15												
Construction of farm field access drive	NP 16												
Maintenance of farm field access drive	NP 17												
Utilities													
Construction or maintenance of utility corridors or facility within the right-of-way	NP 18	NP 19	NP 18	NP 19	NP 19	NP 19							
Construction or maintenance of utility corridors or facility outside of the right-of-way	NP 1, 2, 3		NP 1, 2, 3				NP 1, 2, 3	NP 1, 2, 3		NP 1, 2, 3			
Maintenance of existing surface water conveyance system	NP 11												
Maintenance of existing surface water flow control and surface water quality treatment facility	NP 11												
Maintenance or repair of	NP												

flood protection facility	20	20	20	20	20	20	20	20	20	20	20	20	20
Maintenance or repair of existing instream structure	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
												11	11
Recreation areas													
Maintenance of outdoor public park facility, trail or publicly improved recreation area	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13
Habitat and science projects													
Habitat restoration or enhancement project	NP	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP	NP 21	NP 21	NP 21
Drilling and testing for critical areas report	NP 1, 2	NP 1, 2	NP 1, 2	NP 22	NP 22	NP 22	NP 1, 2	NP 1, 2	NP 22	NP 1, 2	NP 22	NP 22	NP 22
Agriculture													
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Grazing livestock	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Construction and maintenance of livestock manure storage facility	NP 16	NP 16	NP 16	NP 16	NP 16		NP 16	NP 16		NP 16	NP 16	NP 16	
Maintenance or replacement of agricultural drainage	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15
Maintenance of agricultural waterway	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26	NP 26
Maintenance of farm pond,	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP

fish pond, livestock watering pond	15	15	15	15	15	15	15	15	15	15	15	15	15
Other													
Excavation of cemetery grave in established and approved cemetery	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Maintenance of cemetery grave	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	NP	NP 13	NP	NP 13	NP 13	NP 13
Maintenance of lawn, landscaping and gardening for personal consumption	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	NP	NP 13	NP	NP 13	NP 13	NP 13
Maintenance of golf course	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP	NP	NP 13	NP 13	NP 13	NP 13	NP 13

889 C. The following conditions apply:

890 1. Excavation less than five feet in vertical depth, or fill less than three feet in
 891 vertical depth that, cumulatively over time, does not involve more than one hundred
 892 cubic yards on a single site.

893 2. Grading that produces less than two thousand square feet of new impervious
 894 surface on a single site added after January 1, 2005, or that produces less than two
 895 thousand square feet of replaced impervious surface or less than two thousand square feet
 896 of new plus replaced impervious surface after October 30, 2008. For purposes of this
 897 subsection C.2., "new impervious surface" and "replaced impervious surface" are defined
 898 in K.C.C. 9.04.020.

899 3. Cumulative clearing of less than seven thousand square feet including, but
 900 not limited to, collection of firewood and removal of vegetation for fire safety. This
 901 exception shall not apply to development proposals:

902 a. regulated as a Class IV forest practice under chapter 76.09 RCW;

- 903 b. in a critical drainage areas established by administrative rules;
- 904 c. subject to clearing limits included in property-specific development
- 905 standards and special district overlays under K.C.C. chapter 21A.38; or
- 906 d. subject to urban growth area significant tree retention standards under
- 907 K.C.C. 16.82.156 and 21A.38.230.
- 908 4. Cutting firewood for personal use in accordance with a forest management
- 909 plan or rural stewardship plan approved under K.C.C. Title 21A. For the purpose of this
- 910 condition, personal use shall not include the sale or other commercial use of the firewood.
- 911 5. Limited to material at any solid waste facility operated by King County.
- 912 6. Allowed to prevent imminent danger to persons or structures.
- 913 7. Cumulative clearing of less than seven thousand square feet annually or
- 914 conducted in accordance with an approved farm management plan, forest management
- 915 plan or rural stewardship plan.
- 916 8. Cumulative clearing of less than seven thousand square feet and either:
- 917 a. conducted in accordance with a farm management plan, forest management
- 918 plan or a rural stewardship plan; or
- 919 b. limited to removal with hand labor.
- 920 9. When conducted as a Class I, II, III or IV-S forest practice((s)) as defined in
- 921 chapter 76.09 RCW and Title 222WAC.
- 922 10. If done in compliance with K.C.C. 16.82.065.
- 923 11. Only when conducted by or at the direction of a government agency in
- 924 accordance with the regional road maintenance guidelines and K.C.C. 9.04.050, creates
- 925 less than two thousand square feet of new impervious surface on a single site added after

926 January 1, 2005, and is not within or does not directly discharge to an aquatic area or
927 wetland. For purposes of this subsection C.11., "new impervious surface" is defined in
928 K.C.C. 9.04.020.

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

- 931 a. slope stabilization or vegetation removal on slopes; or
- 932 b. ditches that are used by salmonids.

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

- 934 a. there is no alteration of a ditch or aquatic area that is used by salmonids:
- 935 b. the structure, condition or site maintained was constructed or created in
936 accordance with law; and
- 937 c. the maintenance does not expand the roadway, lawn, landscaping, ditch,
938 culvert or other improved area being maintained.

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

945 15. If used by salmonids, only in compliance with an adopted farm plan in
946 accordance with K.C.C. Title 21A and only if the maintenance activity is inspected by:

- 947 a. The King Conservation District;
- 948 b. King County department of natural resources and parks;

949 c. King County department of development and environmental services; or

950 d. Washington state Department of Fish and Wildlife.

951 16. Only if consistent with an adopted farm plan in accordance with K.C.C.

952 Title 21A.

953 17. Only if(

954 a-)) consistent with a farm plan ((~~in accordance with K.C.C. Title 21A; or~~

955 ~~b. conducted in accordance with best management practices in the Natural~~

956 ~~Resource Conservation Service Field Office Technical Guide)).~~

957 18. In accordance with a franchise permit.

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

959 20. When:

960 a. conducted by a public agency;

961 b. the height of the facility is not increased;

962 c. the linear length of the facility is not increased;

963 d. the footprint of the facility is not expanded waterward;

964 e. done in accordance with the Regional Road Maintenance Guidelines;

965 f. done in accordance with the adopted King County Flood Hazard

966 Management Plan and the Integrated Streambank Protection Guidelines (Washington

967 State Aquatic Habitat Guidelines Program, 2002); and

968 f. monitoring is conducted for three years following maintenance or repair and

969 an annual report is submitted to the department.

970 21. Only if:

- 971 a. the activity is not part of a mitigation plan associated with another
972 development proposal or is not corrective action associated with a violation; and
- 973 b. the activity is sponsored or co-sponsored by a public agency that has natural
974 resource management as its primary function or a federally-recognized tribe, and the
975 activity is limited to:
- 976 (1) revegetation of the critical area and its buffer with native vegetation or the
977 removal of noxious weeds or invasive vegetation;
- 978 (2) placement of weirs, log controls, spawning gravel, woody debris and
979 other specific salmonid habitat improvements;
- 980 (3) hand labor except:
- 981 (a) the use of riding mower or light mechanical cultivating equipment and
982 herbicides or biological control methods when prescribed by the King County noxious
983 weed control board for the removal of noxious weeds or invasive vegetation; or
- 984 (b) the use of helicopters or cranes if they have no contact with or otherwise
985 disturb the critical area or its buffer.
- 986 22. If done with hand equipment and does not involve any clearing.
- 987 23. Limited to removal of vegetation for forest fire prevention purposes in
988 accordance with best management practices approved by the King County fire marshal.
- 989 24. Limited to the removal of downed trees.
- 990 25. Except on properties that are:
- 991 a. subject to clearing limits included in property-specific development
992 standards and special district overlays under K.C.C. chapter 21A.38; or

993 b. subject to urban growth area significant tree retention standards under
994 K.C.C. 16.82.156.

995 26. Only if allowed under K.C.C. 21A.24.045.D.69. and if the maintenance
996 activity is inspected by the:

997 a. King Conservation District;

998 b. department of natural resources and parks;

999 c. department of permitting and environmental review; or

1000 d. Washington state Department of Fish and Wildlife.

1001 SECTION 7. Ordinance 3108, Section 10, and K.C.C. 16.82.120 are each hereby
1002 amended to read as follows:

1003 A. Any fill placed upon land adjacent to or beneath any stream or water body
1004 shall be contained and placed so as to prevent adverse effect upon other lands.

1005 B. ~~((No permit required by this chapter shall be issued for grading upon the~~
1006 ~~shorelines until approved by the appropriate federal, state and local authority.~~

1007 C.)) For grading ~~((which))~~ that requires a shoreline management substantial
1008 development permit, the conditions of the shoreline management substantial development
1009 permit shall be incorporated into the conditions of any permit issued pursuant to this
1010 chapter and shall be subject to the inspection and enforcement procedures authorized by
1011 this chapter.

1012 SECTION 8. Ordinance 9614, Section 102, as amended, and K.C.C. 16.82.140
1013 are each hereby amended to read as follows:

1014 A. ~~((Under a Class IV-G forest practice, all clearing not otherwise exempted~~
1015 ~~under this chapter shall be subject to this chapter. All such clearing subject to the state~~

1016 ~~Environmental Policy Act, chapter 43.21C RCW, and King County shall accept or~~
1017 ~~assume lead agency status. The department shall consolidate its review of the Class IV-G~~
1018 ~~application with its SEPA review and its review of associated King County development~~
1019 ~~permits or approvals.~~

1020 ~~B. Except as otherwise provided in subsections D. and E. of this section, f))~~For
1021 ~~six years after ((the)) a Class II, III or IV-S forest practice, as defined in chapter 76.09~~
1022 ~~RCW, has commenced on a tax parcel, either with or without a permit under chapter~~
1023 ~~76.09 RCW, the department shall deny a development proposal on ((a site)) that tax~~
1024 ~~parcel when the proposed activity ((was:~~

1025 ~~1. A Class II, III or IV special forest practice, as defined in chapter 76.09 RCW;~~

1026 ~~2. A nonconversion Class IV-G forest practice, as defined in K.C.C. chapter~~

1027 ~~21A.06: or~~

1028 ~~3. Undertaken without forest practices or county authorization)) is not related to~~
1029 ~~ongoing forestry, agriculture or other resource management activities.~~

1030 ~~((C. Subsection B. of this section applies to a development proposal for:~~

1031 ~~1. The subdivision of land;~~

1032 ~~2. The preparation or construction of a new residential or commercial structure;~~

1033 ~~and~~

1034 ~~3. Any other development proposal that is not related to ongoing forestry.~~

1035 ~~D.))~~ B. The department may only approve a development proposal not related to
1036 ongoing forestry, agriculture or other resource management activities on a ((site)) tax
1037 parcel subject to subsection ((B.)) A. of this section if:

1038 1. The forest practice is conducted as a Class II, III or IV-S forest practice
1039 pursuant to a Washington state Department of Natural Resources forest practice permit,

1040 and

1041 a. ~~((F))~~the applicant demonstrates that the forest practice or clearing on the
1042 harvested portion of the ~~((site))~~ tax parcel was consistent with the Conversion Option
1043 ~~((h))~~Harvest Plan reviewed and approved by King County;

1044 b. ~~((F))~~forest management activities conducted within aquatic areas, wetlands,
1045 steep slopes and wildlife habitat areas are limited to specific silvicultural prescriptions to
1046 improve forest health identified in a forest management plan approved by King County;

1047 ~~((and))~~ or

1048 c. ~~((The forest practice is conducted as a:~~

1049 ~~(1) Class IV-G nonconversion forest practice, as defined in K.C.C. chapter~~
1050 ~~21A.06, that has been approved by the county;~~

1051 ~~(2) Class II, III or IV-S forest practice pursuant to a Washington State~~
1052 ~~Department of Natural resources forest practices permit~~

1053 ~~(3) Class I forest practice, as defined in chapter 76.09 RCW, only for purposes~~
1054 ~~of precommercial thinning and pruning))~~ the applicant demonstrates that the clearing on
1055 the harvested portion of the tax parcel was conducted consistently with a forest
1056 management plan for the parcel approved by King County and the forest management
1057 plan excluded the area proposed for development; or

1058 2. The director determines that:

1059 a. the applicant was the unknowing subject of criminal trespass, timber theft or
1060 fraud; and

1061 b. ~~((the applicant has demonstrated to the satisfaction of the department that:~~
1062 ~~(1) those portions of the clearing not in compliance with the applicable King~~
1063 ~~County regulations can be fully restored to the extent that functions shall be improved~~
1064 ~~over those existing before the clearing; and~~
1065 ~~(2) the unharvested portion of the property is not required to satisfy tree~~
1066 ~~retention or other mitigation requirements; and~~
1067 ~~e.)) the applicant has an approved mitigation plan to restore the areas cleared~~
1068 ~~((without complying)) to comply with applicable King County regulations.~~
1069 ~~((E. The department may approve a development proposal on the unharvested~~
1070 ~~portion of a site subject to subsection B. of this section if:~~
1071 ~~1. The applicant demonstrates that the clearing on the harvested portion of the~~
1072 ~~site was conducted consistent with a forest management plan approved by King County~~
1073 ~~and the forest management plan excluded the area proposed for development; and~~
1074 ~~2. The forest practice is conducted as a:~~
1075 ~~a. Class IV-G nonconversion forest practice, as defined in K.C.C. chapter~~
1076 ~~21A.06, that has been approved by the county;~~
1077 ~~b. Class II, III or IV-S forest practice pursuant to a Washington state~~
1078 ~~Department of Natural resources forest practices permit; or~~
1079 ~~c. Class I forest practice, as defined in chapter 76.09 RCW, only for purposes~~
1080 ~~of precommercial thinning and pruning.~~
1081 ~~F. In all cases, lifting or waiving of the six-year moratorium is subject to~~
1082 ~~compliance with all county ordinances.))~~

1083 C.1. Except as otherwise provided in subsection C.2. of this section, the
1084 moratorium is applied to the entire tax parcel on which the forest practice has occurred.

1085 2. A development moratorium is applied only to the area affected by the forest
1086 practice if the tax parcel:

1087 a. is located in the forest production district and is enrolled in current use
1088 taxation under chapter 84.34 RCW; or

1089 b. has an approved forest management plan.

1090 SECTION 9. Ordinance 13694, Section 39, and K.C.C. 19A.08.040 are each
1091 hereby amended to read as follows:

1092 A. The subdivision and short subdivision provisions of this title shall not apply
1093 to((:

1094 ~~A. Divisions of lands for cemeteries and other burial plots while used for that~~
1095 ~~purpose.~~

1096 ~~B. D))~~divisions of land into lots or tracts each one of which is one-sixteenth of a
1097 section of land or larger, or forty acres or larger if the land is not capable of description as
1098 a fraction of a section of land; provided, that for purposes of computing the size of a lot
1099 that borders on a street or road, the lot size shall be expanded to include that area that
1100 would be bounded by the center line of the road or street and the side lot lines of the lot
1101 running perpendicular to such center line and further provided that within the resource
1102 zones, each lot or tract shall be of a size that meets the minimum lot size requirements of
1103 K.C.C. 21A.12.040.A, for the respective zone.

1104 ~~((C-))~~ B. The short subdivision provisions of this title shall not apply to:

1105 1. Divisions of land into lots or tracts (~~(that are one one hundred twenty eighth~~
1106 ~~of a section, or five acres or larger))~~ only for the purpose of allowing fee simple purchase
1107 or deeding of such lots or tracts to public agencies(~~(-)~~); and

1108 ~~(D. Divisions of land made by testamentary provisions or laws of descent.~~

1109 ~~E. Divisions of land into lots or tracts consistent with RCW 58.17.040(7), for~~
1110 ~~which a condominium binding site plan has been recorded in accordance with the binding~~
1111 ~~site plan provisions set forth in this title.~~

1112 ~~F. An adjustment of boundary lines in accordance with the provisions of this title.~~

1113 ~~G. Divisions of land for the purpose of lease when no residential structures other~~
1114 ~~than mobile homes are permitted to be placed upon the land and for which a binding site~~
1115 ~~plan for the use of the land as a mobile home park has been approved by the director.~~

1116 ~~H. Divisions of land by binding site plan into lots or tracts classified for industrial~~
1117 ~~or commercial use consistent with the binding site plan provisions of this title.~~

1118 ~~I.)~~ 2. Divisions of land by a public roadway or freeway, as defined by the King
1119 County Roadway Functional Classification System, that is planned, established, financed
1120 and constructed by a state or county agency after January 1, 2000.

1121 SECTION 10. Ordinance 13694, Section 41, and K.C.C. 19A.08.060 are each
1122 hereby amended to read as follows:

1123 Applications for approvals pursuant to this title shall be reviewed in accordance
1124 with the applicable procedures of any combination of this title and K.C.C. chapters 20.20
1125 and 20.24. Furthermore, applications for subdivisions, short subdivisions and binding
1126 site plans may be approved, approved with conditions or denied in accordance with the

1127 following adopted county and state rules, regulations, plans and policies including, but
1128 not limited to:

1129 A. Chapter 43.21C RCW (SEPA);

1130 B. Chapter 58.17 RCW (Subdivisions);

1131 C. Chapters 36.70A and 36.70B RCW (Growth Management and Project
1132 Review);

1133 D. K.C.C. Title 9 (Surface Water Management);

1134 E. K.C.C. Title 13 (Sewer and Water);

1135 F. K.C.C. Title 14 (Roads and Bridges);

1136 G. K.C.C. Title 17 (Fire Code);

1137 H. K.C.C. chapter 20.44 (SEPA);

1138 I. K.C.C. Title 21A (Zoning);

1139 J. K.C.C. Title 23 (Code Enforcement);

1140 K. ~~((K.C.C. Title 25 (Shoreline Master Program);~~

1141 ~~L.))~~ Administrative rules adopted pursuant to K.C.C. chapter 2.98;

1142 ~~((M.))~~ L. King County board of public health rules and regulations;

1143 ~~((N.))~~ M. King County approved utility comprehensive plans;

1144 ~~((O.))~~ N. King County Comprehensive Plan;

1145 ~~((P.))~~ O. County wide Planning Policies; and

1146 ~~((Q.))~~ P. This title.

1147 SECTION 11. Ordinance 13694, Section 42, as amended, and K.C.C.

1148 19A.08.070 are each hereby amended to read as follows:

1149 A. A property owner may request that the department determine whether a lot
1150 was legally ~~((segregated))~~ created. The property owner shall demonstrate to the
1151 satisfaction of the department that a lot was created in compliance with applicable state
1152 and local land segregation statutes or codes in effect at the time the lot was created ~~((and~~
1153 ~~that it meets the following requirements:))~~.

1154 B.1. ((The))) A lot ((was)) created before ((June 9, 1937, and:

1155 a. ~~Before~~) October 1, 1972, ((the lot was)) shall be recognized as a legal lot:

1156 ~~((1))~~ a. if before October 1, 1972, it was:

1157 (1) conveyed as an individually described parcel to separate, noncontiguous
1158 ownerships through a fee simple transfer or purchase; or

1159 (2) recognized as a separate tax lot by the county assessor; and

1160 b. ((not later than January 1, 2000;)) if the lot was ((provided with)) created
1161 before June 9, 1937, it was served by one of the following before January 1, 2000:

1162 (1) approved sewage disposal;

1163 (2) an approved water system; or

1164 (3) a road~~((, not including a forest road as defined in WAC 222-16-010 or in~~
1165 an easement for commercial road use for managing or hauling timber;)) that was:

1166 (A) accepted for maintenance by the King County department of
1167 transportation; or

1168 (B) located within an access easement for residential use or in a road right-
1169 of-way and consists of a smooth driving surface, including, but not limited to, asphalt,
1170 concrete, or compact gravel, that complied with the King County road standards in effect
1171 at the time the road was constructed;

1172 2. ~~((The lot was created between June 9, 1937, and October 1, 1972, through a~~
1173 ~~review and approval process recognized by the county for the creation of four lots or less;~~
1174 3. ~~The lot was created on or after June 9, 1937, through the subdivision process;~~
1175 4. ~~The))~~ A lot ((was)) created on or after October 1, 1972, shall be recognized as
1176 a legal lot if it was created:
1177 a. through the subdivision or short subdivision process; or
1178 ~~((5.))~~ b. ((F))through the following alternative means of lot segregation
1179 provided for by state statute or county code:
1180 ~~((a. for the raising of agricultural crops or livestock, in parcels greater than~~
1181 ~~ten acres, between September 3, 1948, and August 11, 1969;~~
1182 b. ~~for cemeteries or other burial plots, while used for that purpose, on or after~~
1183 ~~August 11, 1969;~~
1184 e.)) (1) at a size five acres or greater, created by a record of survey recorded
1185 between August 11, 1969, and October 1, 1972, and that did not contain a dedication;
1186 ~~((d.))~~ (2) at a size twenty acres or greater, created ((after June 9, 1937,)) by a
1187 record of survey recorded before January 1, 2000, and not subsequently merged into a
1188 larger lot ~~((and recognized by the department or the department's predecessors before~~
1189 ~~January 1, 2000));~~
1190 ~~((e. upon a court order entered between August 11, 1969, to July 1, 1974;~~
1191 f. ~~through testamentary provisions or the laws of descent after August 10,~~
1192 ~~1969;~~
1193 g.)) (3) at a size forty acres or greater created through ((an assessor's plat)) a
1194 large lot segregation made in accordance with RCW 58.18.010 ~~((after August 10, 1969)),~~

1195 approved by King County and not subsequently merged into a larger lot. Within the F
1196 zone, each lot or tract shall be of a size that meets the minimum lot size requirements of
1197 K.C.C. 21A.12.040.A;

1198 (4) through testamentary provisions or the laws of descent after August 10,
1199 1969; or

1200 ~~((H.))~~ (5) as a result of deeding land to a public body after April 3, 1977~~((, and~~
1201 ~~that is consistent with King County zoning code, access and board of health requirements~~
1202 ~~so as to qualify as a building site pursuant to K.C.C. 19A.04.050; or~~

1203 ~~i. by a partial fulfillment deed pursuant to a real estate contract recorded before~~
1204 ~~October 1, 1972, and no more than four lots were created per the deed)).~~

1205 ~~((B.))~~ C. In requesting a determination, the property owner shall submit evidence,
1206 deemed acceptable to the department, such as:

- 1207 1. Recorded subdivisions or division of land into four lots or less;
1208 2. King County documents indicating approval of a short subdivision;
1209 3. Recorded deeds or contracts describing the lot or lots either individually or as
1210 part of a conjunctive legal description (e.g. Lot 1 and Lot 2); or
1211 4. Historic tax records or other similar evidence, describing the lot as an
1212 individual parcel. The department shall give great weight to the existence of historic tax
1213 records or tax parcels in making its determination.

1214 ~~((C.))~~ D. Once the department has determined that the lot was legally created, the
1215 department shall continue to acknowledge the lot as such, unless the property owner
1216 reagggregates or merges the lot with another lot or lots in order to:

- 1217 1. Create a parcel of land that would qualify as a building site, or

1218 2. Implement a deed restriction or condition, a covenant or court decision.

1219 ~~((D.))~~ E. The department's determination shall not be construed as a guarantee
1220 that the lot constitutes a building site as defined in K.C.C. 19A.04.050.

1221 ~~((E.))~~ F. Reaggregation of lots after January 1, 2000, shall only be the result of a
1222 deliberate action by a property owner expressly requesting the department for a
1223 permanent merger of two or more lots through a boundary line adjustment under K.C.C.
1224 chapter 19A.28.

1225 SECTION 12. Ordinance 13694, Section 51, as amended, and K.C.C.
1226 19A.08.160 are each hereby amended to read as follows:

1227 A. ~~((Prior to))~~ Except as otherwise provided in subsection B. of this section,
1228 before final recording of a plat or short plat, the following minimum improvements shall
1229 be constructed consistent with the approved plans~~((, except that the director may allow~~
1230 ~~posting of a financial guarantee in the event that expiration of the plat or short plat is~~
1231 ~~imminent or other extraordinary circumstances prevent the construction of such~~
1232 ~~improvements.))~~);

1233 1. Drainage facilities and erosion control measures consistent with K.C.C.
1234 9.04.090;

1235 2. Water mains and hydrant installed and fire flow available, sewer mains,
1236 laterals and sewer manholes installed, if required;

1237 3. Roadways ~~((graded to all lots within the subdivision or short subdivision and~~
1238 ~~capable of providing access by passenger vehicle)) meeting the approved engineering
1239 plan's layout drainage, geometric and road width requirements and finished with an
1240 asphalt treated base. The final surfacing on the roadways may be bonded;~~

1241 4. Pedestrian facilities complying with the Americans with Disabilities Act;
1242 including, but not limited to, curb ramps, sidewalks and shoulders, where required;

1243 5. Specific site improvements required by the preliminary plat approval
1244 ordinance or preliminary short plat approval decision, if the decision requires completion
1245 ~~((prior to))~~ before plat recording;

1246 ~~((5-))~~ 6. Delineation of sensitive areas that are to remain undeveloped;

1247 ~~((6-))~~ 7. Temporary control monuments set by a land surveyor, located in
1248 conformance with this title, and in place at final inspection. Permanent monuments and
1249 control points shall be set and verified by a land surveyor within ninety days of the final
1250 lift of asphalt;

1251 ~~((7-))~~ 8. Improvements without which the director determines a safety hazard
1252 would exist; and

1253 ~~((8-))~~ 9. All private improvements outside of the right-of-way or road easement
1254 and access tracts.

1255 B. The director, in consultation with the department of natural resources and
1256 parcs, department of transportation, the prosecuting attorney, and other affected agencies,
1257 may allow the applicant to post a financial guarantee for any identified noncritical
1258 required improvements, as determined on a project by project basis, if:

1259 1. The expiration of the plat or short plat is imminent or other extraordinary
1260 circumstances prevent the construction of the improvements before final recording;

1261 2. The inability to construct the improvements is due to unavoidable
1262 circumstances that in no way resulted from the actions or inaction of the applicant;

1263 3. The applicant submits a detailed construction completion timeline and the
1264 department determines the applicant will be able to complete the work or improvements
1265 to be covered by the financial guarantee within a reasonable amount of time; and

1266 4. Approval of the final plat or short plat before completion of the work or
1267 improvements will not be materially detrimental to existing county infrastructure or
1268 private properties in the vicinity of the subject property.

1269 C. The director shall have right of entry onto any lot, tract, easement or parcel
1270 that is part of the final plat or short plat to ensure compliance with the minimum
1271 subdivision improvements required in subsection A₂ of this section.

1272 SECTION 13. Ordinance 16985, Section 4, as amended, and K.C.C. 20.12.205
1273 are each hereby amended to read as follows:

1274 The following King County Code sections ~~((in effect as of December 23, 2012,))~~
1275 that are in effect on the effective date of this section are adopted as land use and
1276 development regulations within the shoreline jurisdiction. Amendments to those sections
1277 that take effect on or after the effective date of this section do not apply to the shoreline
1278 jurisdiction until approved by the Washington state Department of Ecology as provided
1279 in RCW 90.58.090. The department of permitting and environmental review shall, within
1280 ten days after the date of Washington state Department of Ecology's approval, file a copy
1281 of the state Department of Ecology's approval, in the form of a paper copy and an
1282 electronic copy, with the clerk of the council, who shall retain the paper copy and
1283 forward electronic copies to all councilmembers and the lead staff of the transportation,
1284 economy and environment committee, or its successor:

1285 A. The following sections within K.C.C. Title 20:

- 1286 1. K.C.C. 20.18.040;
- 1287 2. K.C.C. 20.18.050;
- 1288 3. K.C.C. 20.18.056;
- 1289 4. K.C.C. 20.18.057;
- 1290 5. K.C.C. 20.18.058; and
- 1291 6. K.C.C. 20.24.510((-)); and

1292 B. The following sections within K.C.C. Title 21A:

- 1293 1. K.C.C. 21A.06.118;
- 1294 2. K.C.C. 21A.06.156;
- 1295 3. K.C.C. 21A.06.181;
- 1296 4. K.C.C. 21A.06.181.E;
- 1297 5. K.C.C. 21A.06.181.G;
- 1298 6. K.C.C. 21A.06.182;
- 1299 7. K.C.C. 21A.06.333.A;
- 1300 8. K.C.C. 21A.06.401;
- 1301 9. K.C.C. 21A.06.469;
- 1302 10. K.C.C. 21A.06.573;
- 1303 11. K.C.C. 21A.06.653;
- 1304 12. K.C.C. 21A.06.738;
- 1305 13. K.C.C. 21A.06.796;
- 1306 14. K.C.C. 21A.06.796.A;
- 1307 15. K.C.C. 21A.06.825
- 1308 16. K.C.C. 21A.06.892;

- 1309 17. K.C.C. 21A.06.913;
- 1310 18. K.C.C. 21A.06.971;
- 1311 19. K.C.C. 21A.06.1081;
- 1312 20. K.C.C. 21A.06.1082.A;
- 1313 21. K.C.C. 21A.06.1082.B;
- 1314 22. K.C.C. 21A.06.1082.C;
- 1315 23. K.C.C. 21A.06.1082.D;
- 1316 24. K.C.C. 21A.06.1083;
- 1317 25. K.C.C. 21A.06.1083.A;
- 1318 26. K.C.C. 21A.06.1268;
- 1319 27. K.C.C. 21A.06.1385;
- 1320 28. K.C.C. 21A.06.1386;
- 1321 29. K.C.C. 21A.06.1388;
- 1322 30. K.C.C. 21A.06.1389;
- 1323 31. K.C.C. 21A.24.045;
- 1324 32. K.C.C. 21A.24.051;
- 1325 33. K.C.C. 21A.24.055;
- 1326 34. K.C.C. 21A.24.070.A., D. and E.;
- 1327 35. K.C.C. 21A.24.125;
- 1328 36. K.C.C. 21A.24.130;
- 1329 37. K.C.C. 21A.24.133;
- 1330 38. K.C.C. 21A.24.200;
- 1331 39. K.C.C. 21A.24.210;

- 1332 40. K.C.C. 21A.24.220;
- 1333 41. K.C.C. 21A.24.230;
- 1334 42. K.C.C. 21A.24.240;
- 1335 43. K.C.C. 21A.24.250;
- 1336 44. K.C.C. 21A.24.260;
- 1337 45. K.C.C. 21A.24.275;
- 1338 46. K.C.C. 21A.24.280;
- 1339 47. K.C.C. 21A.24.290;
- 1340 48. K.C.C. 21A.24.300;
- 1341 49. K.C.C. 21A.24.310;
- 1342 50. K.C.C. 21A.24.316;
- 1343 51. K.C.C. 21A.24.325;
- 1344 52. K.C.C. 21A.24.335;
- 1345 53. K.C.C. 21A.24.340;
- 1346 54. K.C.C. 21A.24.358;
- 1347 55. K.C.C. 21A.24.365;
- 1348 56. K.C.C. 21A.24.380;
- 1349 57. K.C.C. 21A.24.382;
- 1350 58. K.C.C. 21A.24.386;
- 1351 59. K.C.C. 21A.24.388;
- 1352 60. K.C.C. 21A.32.045;
- 1353 61. K.C.C. 21A.50.030; and
- 1354 62. K.C.C. chapter 21A.25.

1355 ~~((C. Amendments to the land use and development regulations included in~~
1356 ~~subsections A. and B. of this section must be approved by the Washington state~~
1357 ~~Department of Ecology before they become land use and development regulations within~~
1358 ~~the shoreline jurisdiction.))~~

1359 SECTION 14. Ordinance 12196, Section 11, as amended, and K.C.C. 20.20.040
1360 are each hereby amended to read as follows:

1361 A. The department shall not commence review of any application as provided in
1362 this chapter until the applicant has submitted the materials and fees specified for
1363 complete applications. Applications for land use permits requiring Type 1, 2, 3 or 4
1364 decisions shall be considered complete as of the date of submittal upon determination by
1365 the department that the materials submitted meet the requirements of this section. Except
1366 as provided in ~~((K.C.C. 20.20.040.B))~~ subsection B. of this section, all land use permit
1367 applications described in K.C.C. 20.20.020E ~~((Exhibit A))~~ shall include the following:

1368 1. An application form provided by the department and completed by the
1369 applicant that allows the applicant to file a single application form for all land use permits
1370 requested by the applicant for the development proposal at the time the application is
1371 filed;

1372 2. Designation of who the applicant is, except that this designation shall not be
1373 required as part of a complete application for purposes of this section when a public
1374 agency or public or private utility is applying for a permit for property on which the
1375 agency or utility does not own an easement or right-of-way and the following three
1376 requirements are met:

- 1377 a. the name of the agency or private or public utility is shown on the
1378 application as the applicant;
- 1379 b. the agency or private or public utility includes in the complete application
1380 an affidavit declaring that notice of the pending application has been given to all owners
1381 of property to which the application applies, on a form provided by the department; and
- 1382 c. the form designating who the applicant is submitted to the department before
1383 permit approval;
- 1384 3.a. A certificate of sewer availability or site design approval for an on-site
1385 sewage system by the Seattle-King County department of public health, as required by
1386 ~~((the King County Board of Health Code))~~ K.C.C. Title 13: or
- 1387 b. If allowed under K.C.C. 13.24.134.B. and the King County Comprehensive
1388 Plan policies for a public school located on a RA zoned site, a certificate of sewer
1389 availability and a letter from the sewer utility indicating compliance with the tightline
1390 sewer provisions in the zoning code, as required by K.C.C. chapter 13.24;
- 1391 4. If the development proposal requires a source of potable water, a current
1392 certificate of water availability consistent with K.C.C. chapter 13.24 or documentation of
1393 an approved well by the Seattle-King County department of public health;
- 1394 5. A fire district receipt pursuant to K.C.C. Title 17, if required by K.C.C.
1395 chapter 21A.40;
- 1396 6. A site plan, prepared in a form prescribed by the director;
- 1397 7. Proof that the lot or lots to be developed are recognized as a lot under K.C.C.
1398 Title 19A;
- 1399 8. A critical areas affidavit, if required by K.C.C. chapter 21A.24;

1400 9. A completed environmental checklist, if required by K.C.C. chapter 20.44;

1401 10. Payment of any development permit review fees, excluding impact fees
1402 collectible pursuant to K.C.C. Title 27;

1403 11. A list of any permits or decisions applicable to the development proposal
1404 that have been obtained before filing the application or that are pending before the county
1405 or any other governmental entity;

1406 12. Certificate of transportation concurrency from the department of
1407 transportation if required by K.C.C. chapter 14.70. The certificate of transportation
1408 concurrency may be for less than the total number of lots proposed by a preliminary plat
1409 application only if:

1410 a. at least seventy-five percent of the lots proposed have a certificate of
1411 transportation concurrency at the time of application for the preliminary plat;

1412 b. a certificate of transportation concurrency is provided for any remaining lots
1413 proposed for the preliminary plat application before the expiration of the preliminary plat
1414 and final recording of the additional lots; and

1415 c. the applicant signs a statement that the applicant assumes the risk that the
1416 remaining lots proposed might not be granted.

1417 13. Certificate of future connection from the appropriate purveyor for lots
1418 located within the urban growth area that are proposed to be served by on-site or
1419 community sewage system and group B water systems or private well, if required by
1420 K.C.C. 13.24.136 through 13.24.140;

1421 14. A determination if drainage review applies to the project pursuant to K.C.C.
1422 chapter 9.04 and, if applicable, all drainage plans and documentation required by the

1423 Surface Water Design Manual adopted pursuant to K.C.C. chapter 9.04 and, to the extent
1424 known at the time of application and when determined necessary by the director, copies
1425 of any required storm water adjustments;

1426 15. Current assessor's maps and a list of tax parcels to which public notice must
1427 be given as provided in this chapter, for land use permits requiring a Type 2, 3 or 4
1428 decision;

1429 16. Legal description of the site;

1430 17. Variances obtained or required under K.C.C. Title 14 or 21A to the extent
1431 known at the date of application or when deemed necessary by the director; and

1432 18. For site development permits only, a phasing plan and a time schedule, if the
1433 site is intended to be developed in phases or if all building permits will not be submitted
1434 within three years.

1435 B. A permit application is complete for purposes of this section when it meets the
1436 procedural submission requirements of the department and is sufficient for continued
1437 processing even though additional information may be required or project modifications
1438 may be undertaken subsequently. The determination of completeness shall not preclude
1439 the department from requesting additional information or studies either at the time of
1440 notice of completeness or subsequently if new or additional information is required or
1441 substantial changes in the proposed action occur, as determined by the department.

1442 C. Additional complete application requirements for the following land use
1443 permits are in the following sections of the King County Code:

1444 1. Clearing and grading permits, K.C.C. 16.82.060.

1445 2. Construction permits, K.C.C. 16.04.052.

1446 3. Mobile home permits, K.C.C. 16.04.093.

1447 4. Subdivision applications, short subdivision applications and binding site plan
1448 applications, K.C.C. 19A.08.150.

1449 D. The director may:

1450 1. ~~((s))~~Specify the requirements of the site plan required to be submitted for
1451 various permits;

1452 2. Require additional materials not listed in this section when determined to be
1453 necessary for review of the project; and ~~((may))~~

1454 3. ~~((w))~~Waive any of the specific submittal requirements listed herein that are
1455 determined to be unnecessary for review of an application.

1456 E. The applicant shall attest by written oath to the accuracy of all information
1457 submitted for an application.

1458 F. Applications shall be accompanied by the payment of the applicable filing
1459 fees, if any, as established by K.C.C. Title 27.

1460 SECTION 15. Ordinance 12196, Section 13, as amended, and K.C.C. 20.20.060
1461 are each hereby amended to read as follows:

1462 A. A notice of application shall be provided to the public for land use permit
1463 applications as follows:

1464 1. Type 2, 3 or 4 decisions;

1465 2. Type 1 decisions subject to SEPA;

1466 3. As provided in subsections K. and L. of this section; and

1467 4. Type 1 decisions requiring a community meeting under K.C.C. 20.20.035.

1468 B. Notice of the application shall be provided by the department within fourteen
1469 days following the department's determination that the application is complete. A public
1470 comment period on a notice of application of at least twenty-one days shall be provided,
1471 except as otherwise provided in chapter 90.58 RCW and RCW 58.17.215 with regards to
1472 subdivision alterations. The public comment period shall commence on the third day
1473 following the department's mailing of the notice of application as provided for in
1474 subsection H. of this section.

1475 C. If the county has made a determination of significance ("DS") under chapter
1476 43.21C RCW before the issuance of the notice of application, the notice of the DS shall
1477 be combined with the notice of application and the scoping notice.

1478 D. Unless the mailed notice of application is by a post card as provided in
1479 subsection E. of this section, the notice of application shall contain the following
1480 information:

- 1481 1. The file number;
- 1482 2. The name of the applicant;
- 1483 3. The date of application, the date of the notice of completeness and the date of
1484 the notice of application;
- 1485 4. A description of the project, the location, a list of the permits included in the
1486 application and the location where the application and any environmental documents or
1487 studies can be reviewed;
- 1488 5. A site plan on eight and one-half by fourteen inch paper, if applicable;
- 1489 6. The procedures and deadline for filing comments, requesting notice of any
1490 required hearings and any appeal procedure;

1491 7. The date, time, place and type of hearing, if applicable and scheduled at the
1492 time of notice;

1493 8. The identification of other permits not included in the application to the
1494 extent known;

1495 9. The identification of existing environmental documents that evaluate the
1496 proposed project; and

1497 10. A statement of the preliminary determination, if one has been made, of those
1498 development regulations that will be used for project mitigation and of consistency with
1499 applicable county plans and regulations.

1500 E. If mailed notice of application is made by a post card, the notice of application
1501 shall contain the following information:

1502 1. A description of the project, the location, a list of the permits included in the
1503 application and any environmental documents or studies can be reviewed;

1504 2. The name of the applicant;

1505 3. The date of application, the date of the notice of completeness and the date of
1506 the notice of application;

1507 4. If the department has made a decision or recommendation on the application,
1508 the decision or recommendation made;

1509 5. The applicable comment and appeal dates and the date, time, place and type
1510 of hearing, if applicable;

1511 6. A web site address that provides access to project information, including a
1512 site map and application page; and

1513 7. The department contact name, telephone number and email address;

1514 F. Notice shall be provided in the following manner:

- 1515 1. Posted at the project site as provided in subsections G. and J. of this section;
- 1516 2. Mailed by first class mail as provided in subsection H. of this section; and
- 1517 3. Published as provided in subsection I. of this section.

1518 G. Posted notice for a proposal shall consist of one or more notice boards posted
1519 by the applicant within fourteen days following the department's determination of
1520 completeness as follows:

1521 1. A single notice board shall be posted for a project. This notice board may also
1522 be used for the posting of the notice of decision and notice of hearing and shall be placed
1523 by the applicant:

1524 a. at the midpoint of the site street frontage or as otherwise directed by the
1525 department for maximum visibility;

1526 b. five feet inside the street property line except when the board is structurally
1527 attached to an existing building, but a notice board shall not be placed more than five feet
1528 from the street property without approval of the department;

1529 c. so that the top of the notice board is between seven to nine feet above grade;

1530 d. where it is completely visible to pedestrians; and

1531 e. comply with site distance requirements of K.C.C. 21A.12.210 and the King
1532 County road standards adopted under K.C.C. chapter 14.42.

1533 2. Additional notice boards may be required when:

1534 a. the site does not abut a public road;

1535 b. a large site abuts more than one public road; or

1536 c. the department determines that additional notice boards are necessary to
1537 provide adequate public notice;

1538 3. Notice boards shall be:

1539 a. maintained in good condition by the applicant during the notice period
1540 through the time of the final county decision on the proposal, including the expiration of
1541 any applicable appeal periods, and for decisions (~~which~~) that are appealed, through the
1542 time of the final resolution of any appeal;

1543 b. in place at least twenty-eight days before the date of any required hearing
1544 for a Type 3 or 4 decision, or at least fourteen days following the department's
1545 determination of completeness for any Type 2 decision; and

1546 c. removed within fourteen days after the end of the notice period;

1547 4. Removal of the notice board before the end of the notice period may be cause
1548 for discontinuance of county review until the notice board is replaced and remains in
1549 place for the specified time period;

1550 5. An affidavit of posting shall be submitted to the department by the applicant
1551 within fourteen days following the department's determination of completeness to allow
1552 continued processing of the application by the department; (~~and~~)

1553 6. Notice boards shall be constructed and installed in accordance with
1554 subsection G. of this section and any additional specifications promulgated by the
1555 department under K.C.C. chapter 2.98, rules of county agencies; and

1556 7. The director may waive the notice board requirement for a development
1557 proposal located in an area with restricted access, an area that is not served by public
1558 roads, or in other circumstances the director determines make the notice board

1559 requirement ineffective in providing notice to those likely to be affected by the
1560 development proposal. In such cases, the director shall require alternative forms of
1561 notice under subsection M. of this section.

1562 H. Mailed notice for a proposal shall be sent by the department within fourteen
1563 days after the department's determination of completeness:

1564 1. By first class mail to owners of record of property in an area within five
1565 hundred feet of the site. The area shall be expanded when the department determines it is
1566 necessary to send mailed notices to at least twenty different property owners;

1567 2. To any city with a utility (~~which~~) that is intended to serve the site;

1568 3. To the Washington state Department of Transportation, if the site adjoins a
1569 state highway;

1570 4. To the affected tribes;

1571 5. To any agency or community group (~~which~~) that the department may
1572 identify as having an interest in the proposal;

1573 6. Be considered supplementary to posted notice and be deemed satisfactory
1574 despite the failure of one or more owners to receive mailed notice;

1575 7. For preliminary plats only, to all cities within one mile of the proposed
1576 preliminary plat, and to all airports within two miles of the proposed preliminary plat;

1577 8. In those parts of the urban growth area designated by the King County
1578 Comprehensive Plan where King County and a city have adopted either a memorandum
1579 of understanding or a potential annexation boundary agreement, or both, the director shall
1580 ensure that the city receives notice of all applications for development subject to this

1581 chapter and shall respond specifically in writing to any comments on proposed
1582 developments subject to this title.

1583 I. The notice of application shall be published by the department within fourteen
1584 days after the department's determination of completeness in the official county
1585 newspaper and another newspaper of general circulation in the affected area.

1586 J. Unless waived under subsection G.7. of this section, ((P))posted notice for
1587 approved formal subdivision engineering plans, clearing or grading permits subject to
1588 SEPA or building permits subject to SEPA shall be a condition of the plan or permit
1589 approval and shall consist of a single notice board posted by the applicant at the project
1590 site, before construction as follows:

1591 1. Notice boards shall comport with the size and placement provisions identified
1592 for construction signs in K.C.C. 21A.20.120.B;

1593 2. Notice boards shall include the following information:

- 1594 a. permit number and description of the project;
- 1595 b. projected completion date of the project;
- 1596 c. a contact name and phone number for both the department and the applicant;
- 1597 d. a department contact number for complaints after business hours; and
- 1598 e. hours of construction, if limited as a condition of the permit;

1599 3. Notice boards shall be maintained in the same manner as identified above, in
1600 subsection F₂ of this section; and

1601 4. Notice boards shall remain in place until final construction approval is
1602 granted. Early removal of the notice board may preclude authorization of final
1603 construction approval.

1604 K. Posted and mailed notice consistent with this section shall be provided to
1605 property owners of record and to the council district representative in which it is located,
1606 for any proposed single-family residence in a higher density urban single family
1607 residential zone (R-4 through R-8) exceeding a size of ten thousand square feet of floor
1608 area as defined in the Washington State Uniform Building Code.

1609 L. Posted and mailed notice consistent with this section shall be provided to any
1610 property owner of record and to the council district representative in which is locating
1611 any application for building permits or other necessary land use approvals for the
1612 establishment of the social service facilities classified by SIC 8322 and 8361 and listed
1613 below, unless the proposed use is protected under the Fair Housing Act:

- 1614 1. Offender self-help agencies;
- 1615 2. Parole offices;
- 1616 3. Settlement houses;
- 1617 4. Halfway home for delinquents and offenders; and
- 1618 5. Homes for destitute men and women.

1619 M. In addition to notice required by subsection F. of this section, the department
1620 may provide additional notice by any other means determined by the department as
1621 necessary to provide notice to persons or entity who may be affected by a proposal.

1622 SECTION 16. Ordinance 15051, Section 3, and K.C.C. 21A.06.037 are each
1623 hereby amended to read as follows:

1624 Agricultural drainage: any (~~stream~~) ditch, tile system, pipe or culvert primarily
1625 used to drain fields for horticultural or livestock activities.

1626 NEW SECTION. SECTION 17. A new section is hereby added to K.C.C.
1627 chapter 21A.06 to read as follows:

1628 Agricultural waterway: A segment of a modified type F, N or O aquatic area that
1629 drains land defined in RCW 84.34.020 as farm and agricultural land or as farm and
1630 agricultural conservation land.

1631 NEW SECTION. SECTION 18. There is hereby added to K.C.C. chapter 21A.06
1632 a new section to read as follows:

1633 A. Floodplain development: any human-made change to improved or
1634 unimproved real estate in the floodplain, including, but not limited to, buildings or other
1635 structures, mining, dredging, filling, grading, paving, excavation or drilling operations,
1636 storage of equipment or materials, subdivision of land and removal of more than five
1637 percent of the native vegetation on the site.

1638 B. "Floodplain development" does not include:

1639 1. Routine maintenance of landscaping that does not involve grading,
1640 excavation or filling;

1641 2. Removal of noxious weeds or invasive vegetation and replacement of
1642 nonnative vegetation with native vegetation;

1643 3. Removal of a hazard tree;

1644 4. Maintenance and repair of an existing structure;

1645 5. Maintenance and repair of an above-ground utility;

1646 6. Maintenance of the public road right-of-way structure;

1647 7. Maintenance, repair or replacement of a flood protection facility; and

1648 8. Agricultural activity, including tilling, discing, planting, seeding, harvesting,
1649 preparing soil, rotating crops and related activity that does not include fill.

1650 NEW SECTION. SECTION 19. A new section is hereby added to K.C.C.
1651 chapter 21A.06 to read as follows:

1652 Forest management activity: a forest practice regulated as a Class I, II, III or IV-S
1653 forest practice under chapter 76.09 RCW and Title 222 WAC or that is conducted in
1654 accordance with a forest management plan approved by the department of natural
1655 resources and parks.

1656 NEW SECTION. SECTION 20. There is hereby added to K.C.C. chapter 21A.06
1657 a new section to read as follows:

1658 Forestry: the science and practice of planting, cultivating, managing, using and
1659 conserving trees, forests and associated resources. "Forestry" includes, but is not limited
1660 to, scientific research related to forests and forest management for the harvesting of
1661 timber, production of forest products, recreation, aesthetics and ecological enhancement.

1662 NEW SECTION. SECTION 21. There is hereby added to K.C.C. chapter 21A.06
1663 a new section to read as follows:

1664 Livestock heavy use area: an enclosure, typically constructed with footing
1665 material, such as gravel, used to keep grazing livestock off pasture from late fall through
1666 early spring or when pastures are grazed down to reduce soil erosion, protect water
1667 quality and improve pasture productivity, aesthetics and livestock health.

1668 NEW SECTION. SECTION 22. There is hereby added to K.C.C. chapter 21A.06
1669 a new section to read as follows:

1670 Livestock manure storage facility: an impoundment made by constructing an
1671 embankment, pit or structure for the purpose of temporarily storing manure, liquid or
1672 slurry manure, agricultural wastewater or other organic agricultural waste before
1673 agronomic use to facilitate nutrient management and protect water quality.

1674 SECTION 23. Ordinance 15032, Section 6, and K.C.C. 21A.06.742 are each
1675 hereby amended to read as follows:

1676 Materials processing facility:

1677 A. ((a)) A site or establishment, not accessory to a mineral extraction or sawmill
1678 use, that is primarily engaged in crushing, grinding, pulverizing or otherwise preparing
1679 earth materials, vegetation, organic waste, construction and demolition materials or
1680 source separated organic materials and that is not the final disposal site; and

1681 B. A site or establishment lawfully established before October 10, 2004, as an
1682 interim recycling facility for processing source separated, organic materials.

1683 NEW SECTION. SECTION 24. There is hereby added to K.C.C. chapter
1684 21A.06 a new section to read as follows:

1685 Temporary farm worker housing: a place, area or piece of land, where sleeping
1686 places or housing sites are provided for temporary, seasonal occupancy by an agricultural
1687 employer for the employer's agricultural employees or by another person who is
1688 providing such accommodations for agricultural employees.

1689 SECTION 25. Ordinance 12024, Section 11, as amended, and K.C.C.
1690 21A.06.1432 are each hereby amended to read as follows:

1691 ~~(("))~~Wrecked, dismantled or inoperative vehicle~~(((" means))~~): a motor vehicle ~~((or~~
1692 ~~the remains or remnant parts of a motor vehicle, or an extensively damaged recreational~~

1693 ~~vehicle)) as defined in RCW 46.04.320 or a boat((, that is clearly inoperative and either~~
 1694 ~~cannot be made operative without the addition of vital parts or mechanisms or is damaged~~
 1695 ~~to the extent that it prevents normal operation of the vehicle, or both)) that meets at least~~
 1696 three of the following:

- 1697 A. Is three years old or older;
 1698 B. Is extensively damaged, with the damage including, but not limited, to:
 1699 1. A broken window or windshield; or
 1700 2. Missing wheels, tires, motor or transmission;
 1701 C. Is apparently inoperable; and
 1702 D. Has an approximate fair market value equal only to the approximate value of
 1703 the scrap in it.

1704 SECTION 26. Ordinance 10870, Section 330, as amended, and K.C.C.
 1705 21A.08.030 are each hereby amended to read as follows:

1706 A. Residential land uses.

KEY		RESOURCE			R U	RESIDENTIAL				COMMERCIAL/INDUSTRIAL							
		A	F	M	R A	*	R	U	R	N	B	C	B	R	B	O	I
P-Permitted Use		G	O	I	U	U	E	R	E	E	U	O	U	E	U	F	N
C-Conditional Use	Z	R	R	N	R	R	S	B	S	I	S	M	S	G	S	F	D
S-Special Use	O	I	E	E	A	B	E	A	I	G	I	M	I	I	I	I	U
	N	C	S	R	L	A	R	N	D	H	N	U	N	O	N	C	S
	E	U	T	A		N	V		E	B	E	N	E	N	E	E	T
	L			L	A				N	O	S	I	S	A	S		R
	T				R				T	R	S	T	S	L	S		I
	U				E				I	H		Y					A
	R				A				A	O							L

SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I
	DWELLING UNITS, TYPES:												
*	Single Detached	P (C12)) C 11	P2		P (C12)) C 11	P (C12)) C 11	P (C12)) C 11	P (C12)) C 11	((P17)) P15				
*	Townhouse				C4	C4	((P11 C14)) P10 C10	P	P3	P3	P3	P3	
*	Apartment				C4	C4	P5 C5	P	P3	P3	P3	P3	
*	Mobile Home Park				S 12		C7	P					
*	Cottage Housing						P14						
	GROUP RESIDENCES:												
*	Community Residential Facility-I				C	C	P 13.a C	P	P3	P3	P3	P3	
*	Community Residential Facility-II						P 13.b	P	P3	P3	P3	P3	
*	Dormitory				C5	C5	C5	P					
*	Senior Citizen Assisted Housing					P4	P4	P	P3	P3	P3	P3	
	ACCESSORY USES:												
*	Residential Accessory Uses	P6 (P17)) P16	P6		P6	P6	P6	P6	P6	P6	P6	P6	
*	Home Occupation	P17	P17		P17	P17	P17	P17	P17	P17	P17	P17	
*	Home Industry	C			C	C	C						
	TEMPORARY												

	LODGING:											
7011	Hotel/Motel (1)								P	P	P	
*	Bed and Breakfast Guesthouse	P8			P8	P8	P8	P8	P8	P9	P9	
7041	Organization Hotel/Lodging Houses										P	
GENERAL CROSS		Land Use Table Instructions, see K.C.C. 21A,08.020 and 21A.02.070; Development Standards, see K.C.C.										
REFERENCES:		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.										

1707

B. Development conditions.

1708

1. Except bed and breakfast guesthouses.

1709

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

1710

a. Site disturbance associated with development of any new residence shall be

1711

limited to three acres. Site disturbance shall mean all land alterations including, but not

1712

limited to, grading, utility installation, landscaping, clearing for crops, on-site sewage

1713

disposal systems and driveways. Additional site disturbance for agriculture, including

1714

raising livestock, up to the smaller of thirty-five percent of the lot or seven acres, may be

1715

approved only if a farm management (conservation) plan is prepared in accordance with

1716

K.C.C. chapter 21A.30. Animal densities shall be based on the area devoted to animal

1717

care and not the total area of the lot;

1718

b. A forest management plan shall be required for any new residence in the

1719

forest production district, that shall be reviewed and approved by the King County

1720

department of natural resources and parks before building permit issuance; and

1721

c. The forest management plan shall incorporate a fire protection element that

1722

includes fire safety best management practices developed by the department.

1723 3. Only as part of a mixed use development subject to the conditions of K.C.C.
1724 chapter 21A.14, except that in the NB zone on properties with a land use designation of
1725 commercial outside of center (CO) in the urban areas, stand-alone townhouse
1726 developments are permitted subject to K.C.C. 21A.12.040, 21A.14.030, 21A.14.060 and
1727 21A.14.180.

1728 4. Only in a building listed on the National Register as an historic site or
1729 designated as a King County landmark subject to the provisions of K.C.C. 21A.32.

1730 5.a. In the R-1 zone, apartment units are permitted, if:

1731 (1) At least fifty percent of the site is constrained by unbuildable critical
1732 areas. For purposes of this subsection, unbuildable critical areas includes wetlands,
1733 aquatic areas and slopes forty percent or steeper and associated buffers; and

1734 (2) The density does not exceed a density of eighteen units per acre of net
1735 buildable area.

1736 b. In the R-4 through R-8 zones, apartment units are permitted if the density
1737 does not exceed a density of eighteen units per acre of net buildable area.

1738 c. If the proposal will exceed base density for the zone in which it is proposed,
1739 a conditional use permit is required.

1740 5. Only as accessory to a school, college, university or church.

1741 6.a. Accessory dwelling units:

1742 (1) Only one accessory dwelling per primary single detached dwelling unit;

1743 (2) Only in the same building as the primary dwelling unit on:

1744 (a) an urban lot that is less than five thousand square feet in area;

1745 (b) except as otherwise provided in subsection B.6.a.(5) of this section, a
1746 rural lot that is less than the minimum lot size; or

1747 c. a lot containing more than one primary dwelling;

1748 (3) The primary dwelling unit or the accessory dwelling unit shall be owner
1749 occupied;

1750 (4)(a) Except as otherwise provided in subsection B.6.a(5) of this section, one
1751 of the dwelling units shall not exceed one thousand square feet of heated floor area
1752 except when one of the dwelling units is wholly contained within a basement or attic; and

1753 (b) When the primary and accessory dwelling units are located in the same
1754 building, or in multiple buildings connected by a breezeway or other structure, only one
1755 entrance may be located on each street;

1756 (5) On a site zoned RA:

1757 (a) If one transferable development right is purchased from the rural area
1758 under K.C.C. chapter 21A.37, the smaller of the dwelling units is permitted a maximum
1759 floor area up to one thousand five hundred square feet; and

1760 (b) If one transferable development right is purchased from the rural area
1761 under K.C.C. chapter 21A.37, a detached accessory dwelling unit is allowed on an RA-5
1762 zoned lot that is at least two and one-half acres and less than three and three-quarters
1763 acres;

1764 (6) One additional off-street parking space shall be provided;

1765 (7) The accessory dwelling unit shall be converted to another permitted use or
1766 shall be removed if one of the dwelling units ceases to be owner occupied; and

1767 (8) An applicant seeking to build an accessory dwelling unit shall file a notice
1768 approved by the department of executive services, records and licensing services
1769 division, that identifies the dwelling unit as accessory. The notice shall run with the land.
1770 The applicant shall submit proof that the notice was filed before the department shall
1771 approve any permit for the construction of the accessory dwelling unit. The required
1772 contents and form of the notice shall be set forth in administrative rules. If an accessory
1773 dwelling unit in a detached building in the rural zone is subsequently converted to a
1774 primary unit on a separate lot, neither the original lot nor the new lot may have an
1775 additional detached accessory dwelling unit constructed unless the lot is at least twice the
1776 minimum lot area required in the zone; and

1777 (9) Accessory dwelling units and accessory living quarters are not allowed in
1778 the F zone.

1779 b. One single or twin engine, noncommercial aircraft shall be permitted only
1780 on lots that abut, or have a legal access that is not a county right-of-way, to a waterbody
1781 or landing field, but only if there are:

1782 (1) no aircraft sales, service, repair, charter or rental; and

1783 (2) no storage of aviation fuel except that contained in the tank or tanks of the
1784 aircraft.

1785 c. Buildings for residential accessory uses in the RA and A zone shall not
1786 exceed five thousand square feet of gross floor area, except for buildings related to
1787 agriculture or forestry.

1788 7. Mobile home parks shall not be permitted in the R-1 zones.

1789 8. Only as accessory to the permanent residence of the operator, and:

1790 a. Serving meals shall be limited to paying guests; and

1791 b. The number of persons accommodated per night shall not exceed five,
1792 except that a structure that satisfies the standards of the International Building Code as
1793 adopted by King County for R-1 occupancies may accommodate up to ten persons per
1794 night.

1795 9. Only if part of a mixed use development, and subject to the conditions of
1796 ~~((K.C.C. 21A.08.030.B.10))~~ subsection B.8. of this section.

1797 10. Townhouses are permitted, but shall be subject to a conditional use permit if
1798 exceeding base density.

1799 11. Required before approving more than one dwelling on individual lots,
1800 except on lots in subdivisions, short subdivisions or binding site plans approved for
1801 multiple unit lots, and except as provided for accessory dwelling units in ~~((K.C.C.~~
1802 ~~21A.08.030.B.7))~~ subsection B.6. of this section.

1803 12. No new mobile home parks are allowed in a rural zone.

1804 13.a. Limited to domestic violence shelter facilities.

1805 b. Limited to domestic violence shelter facilities with no more than eighteen
1806 residents or staff.

1807 14. Only in the R4-R8 zones limited to:

1808 a. developments no larger than one acre;

1809 b. not adjacent to another cottage housing development such that the total
1810 combined land area of the cottage housing developments exceeds one acre;

1811 c. All units must be cottage housing units with no less than three units and no
1812 more than sixteen units, provided that if the site contains an existing home that is not

1813 being demolished, the existing house is not required to comply with the height limitation
1814 in K.C.C. 21A.12.020.B.25. or the floor area and footprint limits in K.C.C.
1815 21A.14.025.B; and

1816 d. Before filing an application with the department, the applicant shall hold a
1817 community meeting in accordance with K.C.C. 20.20.035.

1818 15. The development for a detached single-family residence shall be consistent
1819 with the following:

1820 a. The lot must have legally existed before March 1, 2005;

1821 b. The lot has a ~~((e))~~Comprehensive ~~((p))~~Plan land use designation of Rural
1822 Neighborhood Commercial Center or Rural ~~((Residential))~~ Area; and

1823 c. The standards of this title for the RA-5 zone shall apply.

1824 16. Housing for agricultural employees who are employed by the owner or
1825 operator of the site year-round as follows:

1826 a. Not more than:

1827 (1) One agricultural employee dwelling unit on a site under twenty acres;

1828 (2) Two agricultural employee dwelling units on a site between twenty acres
1829 and fifty acres;

1830 (3) Three agricultural employee dwelling units on a site greater than fifty
1831 acres and less than one-hundred acres; and

1832 (4) On sites one-hundred acres and larger one additional agricultural
1833 employee dwelling unit for each additional one hundred acres;

1834 b. The primary use of the site shall be agricultural in SIC Industry Group No.
1835 01-Growing and Harvesting Crops or SIC Industry Group No. 02-Raising Livestock and

1836 Small Animals. If the primary use of the site changes to a nonagricultural use, all
 1837 agricultural employee dwelling units shall be removed;

1838 c. The applicant shall file with the department of executive services, records
 1839 and licensing services division, a notice approved by the department that identifies the
 1840 agricultural employee dwelling units as accessory and that the dwelling units shall only
 1841 be occupied by agricultural employees who are employed by the owner or operator year-
 1842 round. The notice shall run with the land. The applicant shall submit to the department
 1843 proof that the notice was filed with the department of executive services, records and
 1844 licensing services division, before the department approves any permit for the
 1845 construction of agricultural employee dwelling units;

1846 d. An agricultural employee dwelling unit shall not exceed a floor area of one
 1847 thousand square feet and may be occupied by no more than eight unrelated agricultural
 1848 employees;

1849 e. One off-street parking space shall be provided for each agricultural
 1850 employee dwelling unit; and

1851 f. The agricultural employee dwelling units shall be constructed in compliance
 1852 with K.C.C. Title 16.

1853 17. Allowed if consistent with K.C.C. chapter 21A.30.

1854 SECTION 27. Ordinance 10870, Section 331, as amended, and K.C.C.
 1855 21A.08.040 are each hereby amended to read as follows:

1856 A. Recreational/cultural land uses.

KEY		RESOURCE	R U R A	RESIDENTIAL	COMMERCIAL/INDUSTRIAL
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					L												
P-Permitted Use	Z O N E	A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S-Special Use		R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
		I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U
		C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
		U	T	A			V		E	B	E	N	E	N	E	E	T
		L		L	A		E		N	O	S	I	S	A	S		R
		T			R				T	R	S	T	S	L	S		I
		U			E				I	H	Y						A
		R			A				A	O							L
		E							L	O							
										D							
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12	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							P16 C16 a				
*	Destination Resorts		S		S18	C					C						
*	Marina		C 3		C4	C4	C4	C4	P5	P	P	P	P				
*	Recreational Vehicle Park		P19	P19	C2 and 18 P19	C2 P19											
*	Sports Club (17)				C4 and1 8	C4	C4	C4	C	P	P						
*	Ski Area		S		S18												

*	Recreational Camp		C		P24 C								
	AMUSEMENT/ENTERTAINMENT:												
*	Adult Entertainment Business									P6	P6	P6	
*	Theater									P	P	P	P25
7833	Theater, Drive-in										C		
793	Bowling Center									P	P		P
*	Golf Facility				C7 and 18	P7	P7	P7					
7999 (14)	Amusement and Recreation Services		P21	P21	P8 P21 C15 and 18	P8 P21 P22 C15	P8 P21 P22 C15	P8 P21 P22 C15	P21 P22	P	P	P21	P21
*	Indoor Paintball Range									P26	P26		P26
*	Outdoor Paintball Range				C27	C27							
*	Shooting Range		C9		C9 and 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	P28	P	P	P	P	
841	Museum	C2 3	C23		P11	P11 C	P11 C	P28	P	P	P	P	P
842	Arboretum	P	P		P	P	P	P	P	P	P	P	
*	Conference Center				P11 C12	P11 C12	P11 C	P11 C	P	P	P	P	

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

1857

B. Development conditions.

1858

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

1859

a. No stadiums on sites less than ten acres;

1860

b. Lighting for structures and fields shall be directed away from rural area and

1861

residential (~~areas~~) zones;

1862

c. Structures or service yards shall maintain a minimum distance of fifty feet

1863

from property lines adjoining rural area and residential zones, except for fences, wire

1864

mesh backstops and structures in on-site recreation areas required in K.C.C. 21A.14.180

1865

and 21A.14.190. Setback requirements for structures in these on-site required recreation

1866

areas shall be maintained in accordance with K.C.C. 21A.12.030;

1867

d. Facilities in the A zone shall be limited to trails and trailheads, including

1868

related accessory uses such as parking and sanitary facilities; and

1869

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

1870

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

1871

limitations:

1872

a. The maximum length of stay of any vehicle shall not exceed one hundred

1873

eighty days during a three-hundred-sixty-five-day period;

1874

b. The minimum distance between recreational vehicle pads shall be no less

1875

than ten feet; and

1876 c. Sewage shall be disposed in a system approved by the Seattle-King County
1877 health department.

1878 3. Limited to day moorage. The marina shall not create a need for off-site
1879 public services beyond those already available before the date of application.

1880 4. Not permitted in the RA-10 or RA-20 zones. Limited to recreation facilities
1881 subject to the following conditions and limitations:

1882 a. The bulk and scale shall be compatible with residential or rural character of
1883 the area;

1884 b. For sports clubs, the gross floor area shall not exceed ten thousand square
1885 feet unless the building is on the same site or adjacent to a site where a public facility is
1886 located or unless the building is a nonprofit facility located in the urban area; and

1887 c. Use is limited to residents of a specified residential development or to sports
1888 clubs providing supervised instructional or athletic programs.

1889 5. Limited to day moorage.

1890 6.a. Adult entertainment businesses shall be prohibited within three hundred
1891 thirty feet of any property zoned RA, UR or R or containing schools, licensed daycare
1892 centers, public parks or trails, community centers, public libraries or churches. In
1893 addition, adult entertainment businesses shall not be located closer than three thousand
1894 feet to any other adult entertainment business. These distances shall be measured from
1895 the property line of the parcel or parcels proposed to contain the adult entertainment
1896 business to the property line of the parcels zoned RA, UR or R or that contain the uses
1897 identified in this subsection B.6.a.

1898 b. Adult entertainment businesses shall not be permitted within an area likely
1899 to be annexed to a city subject to an executed interlocal agreement between King County
1900 and a city declaring that the city will provide opportunities for the location of adult
1901 businesses to serve the area. The areas include those identified in the maps attached to
1902 Ordinance 13546.

1903 7. Clubhouses, maintenance buildings, equipment storage areas and driving
1904 range tees shall be at least fifty feet from rural area and residential zoned property lines.
1905 Lighting for practice greens and driving range ball impact areas shall be directed away
1906 from adjoining rural area and residential zones. Applications shall comply with adopted
1907 best management practices for golf course development. Within the RA zone, those
1908 facilities shall be permitted only in the RA-5 and RA-2.5 zones. Not permitted in
1909 designated rural forest focus area, regionally significant resource areas or locally
1910 significant resource areas. Ancillary facilities associated with a golf course are limited to
1911 practice putting greens, maintenance buildings and other structures housing
1912 administrative offices or activities that provide convenience services to players. These
1913 convenience services are limited to a pro shop, food services and dressing facilities and
1914 shall occupy a total of no more than ten thousand square feet. Furthermore, the residential
1915 density that is otherwise permitted by the zone shall not be used on other portions of the
1916 site through clustering or on other sites through the transfer of density provision. This
1917 residential density clustering or transfer limitation shall be reflected in a deed restriction
1918 that is recorded at the time applicable permits for the development of the golf course are
1919 issued.

1920 8. Limited to golf driving range(~~(s,))s~~, only as:

- 1921 a. accessory to golf courses; or
- 1922 b. accessory to a large active recreation and multiuse park.
- 1923 9.a. New structures and outdoor ranges shall maintain a minimum distance of
- 1924 fifty feet from property lines adjoining rural area and residential zones, but existing
- 1925 facilities shall be exempt.
- 1926 b. Ranges shall be designed to prevent stray or ricocheting projectiles, pellets
- 1927 or arrows from leaving the property.
- 1928 c. Site plans shall include: safety features of the range; provisions for reducing
- 1929 sound produced on the firing line; elevations of the range showing target area, backdrops
- 1930 or butts; and approximate locations of buildings on adjoining properties.
- 1931 d. Subject to the licensing provisions of K.C.C. Title 6.
- 1932 10.a. Only in an enclosed building, and subject to the licensing provisions of
- 1933 K.C.C. Title 6;
- 1934 b. Indoor ranges shall be designed and operated so as to provide a healthful
- 1935 environment for users and operators by:
- 1936 (1) installing ventilation systems that provide sufficient clean air in the user's
- 1937 breathing zone, and
- 1938 (2) adopting appropriate procedures and policies that monitor and control
- 1939 exposure time to airborne lead for individual users.
- 1940 11. Only as accessory to a park or in a building listed on the National Register
- 1941 as an historic site or designated as a King County landmark subject to K.C.C. chapter
- 1942 21A.32.

1943 12. Only as accessory to a nonresidential use established through a discretionary
1944 permit process, if the scale is limited to ensure compatibility with surrounding
1945 neighborhoods. This condition applies to the UR zone only if the property is located
1946 within a designated unincorporated rural town.

1947 13. Subject to the following:

1948 a. The park shall abut an existing park on one or more sides, intervening roads
1949 notwithstanding;

1950 b. No bleachers or stadiums are permitted if the site is less than ten acres, and
1951 no public amusement devices for hire are permitted;

1952 c. Any lights provided to illuminate any building or recreational area shall be
1953 so arranged as to reflect the light away from any premises upon which a dwelling unit is
1954 located; and

1955 d. All buildings or structures or service yards on the site shall maintain a
1956 distance not less than fifty feet from any property line and from any public street.

1957 14. Excluding amusement and recreational uses classified elsewhere in this
1958 chapter.

1959 15. For amusement and recreation services not otherwise provided for in this
1960 chapter:

1961 a. In the RA zones, not subject to regulation under K.C.C. Title 6 and only on
1962 sites at least five acres or larger;

1963 b. Retail sales are limited to incidental sales to patrons of the amusement or
1964 recreation service; and

1965 c, Does not involve the operation of motor vehicles or off-road vehicles,
1966 including, but not limited to, motorcycles and gocarts.

1967 16. Subject to the following conditions:

1968 a. The length of stay per party in campgrounds shall not exceed one hundred
1969 eighty days during a three-hundred-sixty-five-day period; and

1970 b. Only for campgrounds that are part of a proposed or existing county park,
1971 that are subject to review and public meetings through the department of natural
1972 resources and parks.

1973 17. Only for stand-alone sports clubs that are not part of a park.

1974 18. Subject to review and approval of conditions to comply with trail corridor
1975 provisions of K.C.C. chapter 21A.14 when located in an RA zone.

1976 19. Only as an accessory to a large active recreation and multiuse park.

1977 20. Only as an accessory to a large active recreation and multiuse park with the
1978 floor area of an individual outdoor performance center stage limited to three thousand
1979 square feet.

1980 21. Limited to rentals of sports and recreation equipment with a total floor area
1981 of no more than seven hundred fifty square feet and only as accessory to a park, or in the
1982 RA zones, to a large active recreation and multiuse park.

1983 22. Only as accessory to a large active recreation and multiuse park and limited
1984 to:

1985 a. water slides, wave pools and associated water recreation facilities; and

1986 b. rentals of sports and recreation equipment.

1987 23. Limited to natural resource and heritage museums and only allowed in a
1988 farm or forestry structure, including but not limited to barns or sawmills, existing as of
1989 December 31, 2003.

1990 24. Use is permitted without a conditional use permit only when in compliance
1991 with all of the following conditions:

1992 a. The use is limited to camps for youths or for persons with special needs due
1993 to a disability, as defined by the American With Disabilities Act of 1990, or due to a
1994 medical condition and including training for leaders for those who use the camp;

1995 b. Active recreational activities shall not involve the use of motorized vehicles
1996 such as cross-country motorcycles or all-terrain vehicles or the use of firearms. The
1997 prohibition on motorized vehicles does not apply to such vehicles that may be necessary
1998 for operation and maintenance of the facility or to a client-specific vehicle used as a
1999 personal mobility device;

2000 c.(1) Except as provided in subsection B.24.c.(2)(b) of this section, the number
2001 of overnight campers, not including camp personnel, in a new camp shall not exceed:

2002 (a) one hundred and fifty for a camp between twenty and forty acres; or

2003 (b) for a camp greater than forty acres, but less than two hundred and fifty
2004 acres, the number of users allowed by the design capacity of a water system and on-site
2005 sewage disposal system approved by the department of health, Seattle/King County, up to
2006 a maximum of three hundred and fifty; and

2007 (2) Existing camps shall be subject to the following:

2008 (a) For a camp established before August 11, 2005, with a conditional use
2009 permit and that is forty acres or larger, but less than one hundred and sixty acres, the

2010 number of overnight campers, not including camp personnel, may be up to one hundred
2011 and fifty campers over the limit established by subsection B.24.c.(1)(b) of this section.

2012 (b) For a camp established before August 11, 2005, with a conditional use
2013 permit and that is one hundred and sixty acres or larger, but less than two hundred acres,
2014 the number of overnight campers, not including camp personnel, may be up to three
2015 hundred and fifty campers over the limit established by subsection B.24.c.(1)(b) of this
2016 section. The camp may terminate operations at its existing site and establish a new camp
2017 if the area of the camp is greater than two hundred and fifty acres and the number of
2018 overnight campers, not including camp personnel, shall not exceed seven hundred.

2019 d. The length of stay for any individual overnight camper, not including camp
2020 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

2021 e. The camp facilities, such as a medical station, food service hall, and activity
2022 rooms, shall be of a scale to serve overnight camp users;

2023 f. The minimum size of parcel for such use shall be twenty acres;

2024 g. Except for any permanent caretaker residence, all new structures where
2025 camp users will be housed, fed or assembled shall be no less than fifty feet from
2026 properties not related to the camp;

2027 h. In order to reduce the visual impacts of parking areas, sports and activity
2028 fields or new structures where campers will be housed, fed or assembled, the applicant
2029 shall provide a Type 3 landscape buffer no less than twenty feet wide between the nearest
2030 property line and such parking area, field, or structures, by retaining existing vegetation
2031 or augmenting as necessary to achieve the required level of screening;

2032 i. If the site is adjacent to an arterial roadway, access to the site shall be
2033 directly onto said arterial unless direct access is unsafe due inadequate sight distance or
2034 extreme grade separation between the roadway and the site;

2035 j. If direct access to the site is via local access streets, transportation demand
2036 management measures, such as use of carpools, buses or vans to bring in campers, shall
2037 be used to minimize traffic impacts;

2038 k. Any lights provided to illuminate any building or recreational area shall be
2039 so arranged as to reflect the light away from any adjacent property; and

2040 l. A community meeting shall be convened by the applicant (~~(before))~~ before
2041 submittal of an application for permits to establish a camp, or to expand the number of
2042 camp users on an existing camp site as provided in subsection B.24.c.(2)(b) of this
2043 section. Notice of the meeting shall be provided at least two weeks in advance to all
2044 property owners within five hundred feet, or at least twenty of the nearest property
2045 owners, whichever is greater. The notice shall at a minimum contain a brief description
2046 of the project and the location, as well as, contact persons and numbers.

2047 25. Limited to theaters primarily for live productions located within a Rural
2048 Town designated by the King County Comprehensive Plan.

2049 26.a. Only in an enclosed building; and

2050 b. A copy of the current liability policy of not less than one million dollars for
2051 bodily injury or death shall be maintained in the department.

2052 27. Minimum standards for outdoor paintball recreation fields:

2053 a. The minimum site area is twenty-five acres;

2054 b. Structure shall be no closer than one hundred feet from any lot line adjacent
2055 to a rural area or residential zoned property;

2056 c. The area where paintballs are discharged shall be located more than three
2057 hundred feet of any lot line and more than five hundred feet from the lot line of any
2058 adjoining rural area or residential zoned property. The department may allow for a lesser
2059 setback if it determines through the conditional use permit review that the lesser setback
2060 in combination with other elements of the site design provides adequate protection to
2061 adjoining properties and rights-of-ways;

2062 d. A twenty-foot high nylon mesh screen shall be installed around all play areas
2063 and shall be removed at the end of each day when the play area is not being used. The
2064 department may allow for the height of the screen to be lowered to no less than ten feet if
2065 it determines through the conditional use permit review that the lower screen in
2066 combination with other elements of the site design provides adequate protection from
2067 discharged paintballs;

2068 e. All parking and spectator areas, structures and play areas shall be screened
2069 from adjoining rural area or residential zoned property and public rights of way with
2070 Type 1 landscaping at least ten feet wide;

2071 f. Any retail sales conducted on the property shall be accessory and incidental
2072 to the permitted activity and conducted only for the participants of the site;

2073 g. A plan of operations specifying days and hours of operation, number of
2074 participants and employees, types of equipment to be used by users of the site, safety
2075 procedures, type of compressed air fuel to be used on the site and storage and
2076 maintenance procedures for the compressed air fuel shall be provided for review in

2077 conjunction with the conditional use permit application. All safety procedures shall be
2078 reviewed and approved by department of public safety before submittal of the conditional
2079 use permit application. All activities shall be in compliance with National Paintball
2080 League standards;

2081 h. The hours of operation shall be limited to Saturdays and Sundays and
2082 statutory holidays from 8:30 A.M. to 8:30 P.M., and further restricted as applicable to
2083 daylight hours;

2084 i. No more than one hundred paintball players shall be allowed on the site at
2085 any one time;

2086 j. No outdoor lights or amplified sounds shall be permitted;

2087 k. The facility shall have direct access to a road designated as a major collector
2088 (or higher) in the Comprehensive Plan unless the department determines through the
2089 conditional use permit review that the type and amount of traffic generated by the facility
2090 is such that it will not cause an undue impact on the neighbors or adversely affect safety
2091 of road usage;

2092 l. The facility shall be secured at the close of business each day;

2093 m. All equipment and objects used in the paintball activities shall be removed
2094 from the site within ninety days of the discontinuance of the paintball use; and

2095 n. A copy of the current liability policy of not less than one million dollars for
2096 bodily injury or death shall be submitted with the conditional use permit application and
2097 shall be maintained in the department.

2098 28. Before filing an application with the department, the applicant shall hold a
2099 community meeting in accordance with K.C.C. 20.20.035.

2100 SECTION 28. Ordinance 10870, Section 332, as amended, and K.C.C.

2101 21A.08.050 as each hereby amended to read as follows:

2102 A. General services land uses.

KEY		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL								
P-Permitted Use	Z	A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S-Special Use		R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
	O	I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U
	N	C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
	E	U	T	A			V		E	B	E	N	E	N	E	E	T
	L			L	A		E		N	O	S	I	S	A	S		R
	T				R				T	R	S	T	S	L	S		I
	U				E				I	H		Y					A
	R				A				A	O							L
	E								L	O							
										D							
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I				
	PERSONAL SERVICES:																
72	General Personal Service						C25 C37	C25 C37	P	P	P	P3	P3				
7216	Drycleaning Plants												P				
7218	Industrial												P				

	Launderers												
7261	Funeral Home/Crematory				C4	C4	C4		P	P			
*	Cemetery, Columbarium or Mausoleum			P24 C5 and 31	P24 C5	P24 C5	P24 C5	P24	P24	P24 C5	P24		
*	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 and 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	P33		P32 P33	P32	P32	P32	P32	P	P		P	
866	Church, Synagogue, Temple			P12 C27 and 31	P12 C	P12 C	P12 C	P	P	P	P		
83	Social Services (2)			P12 P13 C31	P12 P13 C	P12 P13 C	P12 P13 C	P	P	P	P		

0752	Animal specialty services				C P35 P36	C			P	P	P	P	P
*	Stable	P14 C			P14 C31	P14 C	P 14 C						
*	Kennel or Cattery	P9			C	C				C	P		
*	Theatrical Production Services									P30	P28		
*	Artist Studios				P28	P28	P28 P28	P	P	P	P29	P	
*	Interim Recycling Facility				P21	P21	P21 P21	P22	P22	P	P21	P	
*	Dog training facility	C3 4			C34	C34		P	P	P		P	
	HEALTH SERVICES:												
801-04	Office/Outpatient Clinic				P12 C 13a	P12 C13a	P12 C13 a C37	P C13a C37	P	P	P	P	P
805	Nursing and Personal Care Facilities						C		P	P			
806	Hospital						C13 a	C13a		P	P	C	
807	Medical/Dental Lab								P	P	P	P	

808-09	Miscellaneous Health								P	P	P	
	EDUCATION SERVICES:											
*	Elementary School			P39P 40	P	P	P		P16 P40	P16 P40	P16 P40	
*	Middle/Junior High School			P40 C39 and31	P	P	P		P16 C40	P16 C40	P16 C4 0	
*	Secondary or High School			C39 and 31 C41a nd 31	P26	P26	P26		P16 C15	P16 C15	P16	
*	Vocational School				P13a C	P13 a C	P13a C			P15	P17	P
*	Specialized Instruction School		P1 8	P19 C20 and 31	P19 C20	P19 C20	P19 C20	P	P	P	P17	P 38
*	School District Support Facility				P23 C	P23 C	P23 C	C15	P15	P15	P15	P15

GENERAL CROSS 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.

- 2103 B. Development conditions.
- 2104 1. Except SIC Industry No. 7534-Tire Retreading, see manufacturing permitted
- 2105 use table.
- 2106 2. Except SIC Industry Group Nos.:
- 2107 a. 835-Day Care Services, and
- 2108 b. (~~836-Residential Care, which is otherwise provided for on the residential~~
- 2109 ~~permitted land use table~~) Community residential facilities.
- 2110 3. Limited to SIC Industry Group and Industry Nos.:
- 2111 a. 723-Beauty Shops;
- 2112 b. 724-Barber Shops;
- 2113 c. 725-Shoe Repair Shops and Shoeshine Parlors;
- 2114 d. 7212-Garment Pressing and Agents for Laundries and Drycleaners; and
- 2115 e. 217-Carpet and Upholstery Cleaning.
- 2116 4. Only as accessory to a cemetery, and prohibited from the UR zone only if the
- 2117 property is located within a designated unincorporated Rural Town.
- 2118 5. Structures shall maintain a minimum distance of one hundred feet from
- 2119 property lines adjoining rural area and residential zones.
- 2120 6. Only as accessory to residential use, and:
- 2121 a. Outdoor play areas shall be completely enclosed by a solid wall or fence,
- 2122 with no openings except for gates, and have a minimum height of six feet; and
- 2123 b. Outdoor play equipment shall maintain a minimum distance of twenty feet
- 2124 from property lines adjoining rural area and residential zones.

2125 7. Permitted as an accessory use. See commercial/industrial accessory, K.C.C.
2126 21A.08.060.A.

2127 8. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32,
2128 or an accessory use to a school, church, park, sport club or public housing administered
2129 by a public agency, and:

2130 a. Outdoor play areas shall be completely enclosed by a solid wall or fence,
2131 with no openings except for gates and have a minimum height of six feet;

2132 b. Outdoor play equipment shall maintain a minimum distance of twenty feet
2133 from property lines adjoining rural area and residential zones;

2134 c. Direct access to a developed arterial street shall be required in any
2135 residential zone; and

2136 d. Hours of operation may be restricted to assure compatibility with
2137 surrounding development.

2138 9.a. As a home occupation only, but the square footage limitations in K.C.C.
2139 chapter 21A.30 for home occupations apply only to the office space for the veterinary
2140 clinic, office space for the kennel or office space for the cattery, and:

2141 (1) Boarding or overnight stay of animals is allowed only on sites of five
2142 acres or more;

2143 (2) No burning of refuse or dead animals is allowed;

2144 (3) The portion of the building or structure in which animals are kept or
2145 treated shall be soundproofed. All run areas, excluding confinement areas for livestock,
2146 shall be surrounded by an eight-foot-high solid wall and the floor area shall be surfaced
2147 with concrete or other impervious material; and

2148 (4) The provisions of K.C.C. chapter 21A.30 relative to animal keeping are
2149 met.

2150 b. The following additional provisions apply to kennels or catteries in the A
2151 zone:

2152 (1) Impervious surface for the kennel or cattery shall not exceed twelve
2153 thousand square feet;

2154 (2) Obedience training classes are not allowed except as provided in
2155 subsection B.34. of this section; and

2156 (3) Any buildings or structures used for housing animals and any outdoor
2157 runs shall be set back one hundred and fifty feet from property lines.

2158 10.a. No burning of refuse or dead animals is allowed;

2159 b. The portion of the building or structure in which animals are kept or treated
2160 shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be
2161 surrounded by an eight-foot-high solid wall and the floor area shall be surfaced with
2162 concrete or other impervious material; and

2163 c. The provisions of K.C.C. chapter 21A.30 relative to animal keeping are met.

2164 11. The repair work or service shall only be performed in an enclosed building,
2165 and no outdoor storage of materials. SIC Industry No. 7532-Top, Body, and Upholstery
2166 Repair Shops and Paint Shops is not allowed.

2167 12. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.
2168 Before filing an application with the department, the applicant shall hold a community
2169 meeting in accordance with K.C.C. 20.20.035.

2170 13.a. Except as otherwise provided in 13.b of this subsection, only as a reuse of
2171 a surplus nonresidential facility subject to K.C.C. chapter 21A.32.

2172 b. Allowed for a social service agency on a site in the NB zone that serves
2173 transitional or low-income housing located within three hundred feet of the site on which
2174 the social service agency is located.

2175 c. Before filing an application with the department, the applicant shall hold a
2176 community meeting in accordance with K.C.C. 20.20.035.

2177 14. Covered riding arenas are subject to K.C.C. 21A.30.030 and shall not
2178 exceed twenty thousand square feet, but stabling areas, whether attached or detached,
2179 shall not be counted in this calculation.

2180 15. If located outside of the urban growth area, limited to projects that are of a
2181 size and scale designed to primarily serve the rural area and shall be located within a rural
2182 town.

2183 16. If located outside of the urban growth area, shall be designed to primarily
2184 serve the rural area and shall be located within a rural town. In CB, RB and O, for K-12
2185 schools with no more than one hundred students.

2186 17. All instruction must be within an enclosed structure.

2187 18. Limited to resource management education programs.

2188 19. Only as accessory to residential use, and:

2189 a. Students shall be limited to twelve per one-hour session;

2190 b. Except as provided in subsection c. of this subsection, all instruction must
2191 be within an enclosed structure;

2192 c. Outdoor instruction may be allowed on properties at least two and one-half
2193 acres in size. Any outdoor activity must comply with the requirements for setbacks in
2194 K.C.C. chapter 21A.12; and

2195 d. Structures used for the school shall maintain a distance of twenty-five feet
2196 from property lines adjoining rural area and residential zones.

2197 20. Subject to the following:

2198 a. Structures used for the school and accessory uses shall maintain a minimum
2199 distance of twenty-five feet from property lines adjoining residential zones;

2200 b. On lots over two and one-half acres:

2201 (1) Retail sale of items related to the instructional courses is permitted, if total
2202 floor area for retail sales is limited to two thousand square feet;

2203 (2) Sale of food prepared in the instructional courses is permitted with
2204 Seattle-King County department of public health approval, if total floor area for food
2205 sales is limited to one thousand square feet and is located in the same structure as the
2206 school; and

2207 (3) Other incidental student-supporting uses are allowed, if such uses are
2208 found to be both compatible with and incidental to the principal use; and

2209 c. On sites over ten acres, located in a designated Rural Town and zoned any
2210 one or more of UR, R-1 and R-4:

2211 (1) Retail sale of items related to the instructional courses is permitted,
2212 provided total floor area for retail sales is limited to two thousand square feet;

2213 (2) Sale of food prepared in the instructional courses is permitted with
2214 Seattle-King County department of public health approval, if total floor area for food

2215 sales is limited to one thousand seven hundred fifty square feet and is located in the same
2216 structure as the school;

2217 (3) Other incidental student-supporting uses are allowed, if the uses are found
2218 to be functionally related, subordinate, compatible with and incidental to the principal
2219 use;

2220 (4) The use shall be integrated with allowable agricultural uses on the site;

2221 (5) Advertised special events shall comply with the temporary use
2222 requirements of this chapter; and

2223 (6) Existing structures that are damaged or destroyed by fire or natural event,
2224 if damaged by more than fifty percent of their prior value, may reconstruct and expand an
2225 additional sixty-five percent of the original floor area but need not be approved as a
2226 conditional use if their use otherwise complies with development condition B.20.c. of this
2227 section and this title.

2228 21. Limited to:

2229 a. drop box facilities accessory to a public or community use such as a school,
2230 fire station or community center; or

2231 b. in the RA zone, a facility accessory to a retail nursery, garden center and
2232 farm supply store that accepts earth materials, vegetation, organic waste, construction and
2233 demolition materials or source separated organic materials, if:

2234 (1) the site is five acres or greater;

2235 (2) all material is deposited into covered containers or onto covered
2236 impervious areas;

2237 (3) the facility and any driveways or other access to the facility maintain a
2238 setback of at least twenty five feet from adjacent properties;

2239 (4) the total area of the containers and covered impervious area is ten
2240 thousand square feet or less;

2241 (5) ten feet of type II landscaping is provided between the facility and
2242 adjacent properties;

2243 (6) no processing of the material is conducted on site; and

2244 (7) access to the facility is not from a local access street.

2245 22. With the exception of drop box facilities for the collection and temporary
2246 storage of recyclable materials, all processing and storage of material shall be within
2247 enclosed buildings. Yard waste processing is not permitted.

2248 23. Only if adjacent to an existing or proposed school.

2249 24. Limited to columbariums accessory to a church, but required landscaping
2250 and parking shall not be reduced.

2251 25. Not permitted in R-1 and limited to a maximum of five thousand square feet
2252 per establishment and subject to the additional requirements in K.C.C. 21A.12.230.

2253 26.a. New high schools permitted in the rural and the urban residential and
2254 urban reserve zones shall be subject to the review process in K.C.C. 21A.42.140.

2255 b. Renovation, expansion, modernization, or reconstruction of a school, or the
2256 addition of relocatable facilities, is permitted.

2257 27. Limited to projects that do not require or result in an expansion of sewer
2258 service outside the urban growth area. In addition, such use shall not be permitted in the
2259 RA-20 zone.

2260 28. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter
2261 21A.32 or as a joint use of an existing public school facility.

2262 29. All studio use must be within an enclosed structure.

2263 30. Adult use facilities shall be prohibited within six hundred sixty feet of
2264 ~~((any))~~ the rural area and residential zones, any other adult use facility, school, licensed
2265 daycare centers, parks, community centers, public libraries or churches that conduct
2266 religious or educational classes for minors.

2267 31. Subject to review and approval of conditions to comply with trail corridor
2268 provisions of K.C.C. chapter 21A.14 when located in an RA zone.

2269 32. Limited to repair of sports and recreation equipment:

2270 a. as accessory to a large active recreation and multiuse park in the urban
2271 growth area; or

2272 b. as accessory to a park, or a large active recreation and multiuse park in the
2273 RA zones, and limited to a total floor area of seven hundred fifty square feet.

2274 33. Accessory to agricultural or forestry uses provided:

2275 a. the repair of tools and machinery is limited to those necessary for the
2276 operation of a farm or forest.

2277 b. the lot is at least five acres.

2278 c. the size of the total repair use is limited to one percent of the lot size up to a
2279 maximum of five thousand square feet unless located in a farm structure, including but
2280 not limited to barns, existing as of December 31, 2003.

2281 34. Subject to the following:

2282 a. the lot is at least five acres;

2283 b. in the A zones, area used for dog training shall be located on portions of
2284 agricultural lands that are unsuitable for other agricultural purposes, such as areas within
2285 the already developed portion of such agricultural lands that are not available for direct
2286 agricultural production or areas without prime agricultural soils;

2287 c. structures and areas used for dog training shall maintain a minimum distance
2288 of seventy-five feet from property lines; and

2289 d. all training activities shall be conducted within fenced areas or in indoor
2290 facilities. Fences must be sufficient to contain the dogs.

2291 35. Limited to animal rescue shelters and provided that:

2292 a. the property shall be at least four acres;

2293 b. buildings used to house rescued animals shall be no less than fifty feet from
2294 property lines;

2295 c. outdoor animal enclosure areas shall be located no less than thirty feet from
2296 property lines and shall be fenced in a manner sufficient to contain the animals;

2297 d. the facility shall be operated by a nonprofit organization registered under the
2298 Internal Revenue Code as a 501(c)(3) organization; and

2299 e. the facility shall maintain normal hours of operation no earlier than 7 a.m.
2300 and no later than 7 p.m.

2301 36. Limited to kennel-free dog boarding and daycare facilities, and:

2302 a. the property shall be at least four and one-half acres;

2303 b. buildings housing dogs shall be no less than seventy-five feet from property
2304 lines;

2305 c. outdoor exercise areas shall be located no less than thirty feet from property
 2306 lines and shall be fenced in a manner sufficient to contain the dogs;

2307 d. the number of dogs allowed on the property at any one time shall be limited
 2308 to the number allowed for hobby kennels, as provided in K.C.C. 11.04.060.B; and

2309 e. training and grooming are ancillary services that may be provided only to
 2310 dogs staying at the facility; and

2311 f. the facility shall maintain normal hours of operation no earlier than 7 a.m.
 2312 and no later than 7 p.m.

2313 37. Not permitted in R-1 and subject to the additional requirements in K.C.C.
 2314 21A.12.250.

2315 38. Driver training is limited to driver training schools licensed under chapter
 2316 46.82 RCW.

2317 39. A school may be located outside of the urban growth area only if allowed
 2318 under King County Comprehensive Plan policies.

2319 40. Only as a reuse of an existing public school.

2320 41. A high school may be allowed as a reuse of an existing public school if
 2321 allowed under King County Comprehensive Plan policies.

2322 SECTION 29. Ordinance 10870, Section 333, as amended, and K.C.C.
 2323 21A.08.060 are each hereby amended to read as follows:

2324 A. Government/business services land uses.

KEY	RESOURCE			RU	RESIDENTIAL				COMMERCIAL/INDUSTRIAL								
				RA													
P-Permitted Use	A	F	M	L	R	U	R	U	R	N	B	C	B	R	B	O	I

C-Conditional Use		Z	G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S-Special Use		R	R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
		O	I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U
		N	C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
		E	U	T	A			V		E	B	E	N	E	N	E	E	T
		L			L	A		E		N	O	S	I	S	A	S		R
		T				R				T	R	S	T	S	L	S		I
		U				E				I	H		Y					A
		R				A				A	O							L
		E								L	O							
											D							
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (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 and 33	C6	C6	C6	P	P	P	P	P					
*	Utility Facility	P29 C28	P29 C28	P29 C28	P29 C28 and 33	P29 C28	P29 C28	P29 C28	P	P	P	P	P					
*	Commuter Parking Lot				C 33 P19	C P19	C P19	C 19	P	P	P	P	P35					
*	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					

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421	Trucking and Courier Service									P11	P12	P13	P
*	Warehousing, (1) and Wholesale Trade												P
*	Self-service Storage							P14	P37	P	P	P	P
4221	Farm Product Warehousing,	P15			P15	P15,							P
4222	Refrigeration and Storage	C36			and 33 C36	C36							
*	Log Storage	P15	P		P26 and 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	Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see chapters 21A.12 through 21A.30;
CROSS	General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40
REFERENCES:	through 21A.44; (*) Definition of this specific land use, see K.C.C. chapter 21A.06.

2325 B. Development conditions.

2326 1. Except self-service storage.

2327 2. Except SIC Industry No. 8732-Commercial Economic, Sociological, and

2328 Educational Research, see general business service/office.

2329 3.a. Only as a re-use of a public school facility or a surplus nonresidential

2330 facility subject to the provisions of K.C.C. chapter 21A.32; or

2331 b. only when accessory to a fire facility and the office is no greater than one

2332 thousand five hundred square feet of floor area.

2333 4. Only as a re-use of a surplus nonresidential facility subject to K.C.C. chapter

2334 21A.32.

2335 5. New utility office locations only if there is no commercial/industrial zoning

2336 in the utility district, and not in the RA-10 or RA-20 zones unless it is demonstrated that

2337 no feasible alternative location is possible, and provided further that this condition

2338 applies to the UR zone only if the property is located within a designated unincorporated

2339 Rural Town.

2340 6.a. All buildings and structures shall maintain a minimum distance of twenty

2341 feet from property lines adjoining rural area and residential zones;

2342 b. Any buildings from which fire-fighting equipment emerges onto a street

2343 shall maintain a distance of thirty-five feet from such street;

2344 c. No outdoor storage; and

2345 d. Excluded from the RA-10 and RA-20 zones unless it is demonstrated that no
2346 feasible alternative location is possible.

2347 7. Limited to storefront police offices. Such offices shall not have:

2348 a. holding cells;

2349 b. suspect interview rooms (except in the NB zone); or

2350 c. long-term storage of stolen properties.

2351 8. Private stormwater management facilities serving development proposals

2352 located on commercial/industrial zoned lands shall also be located on

2353 commercial/industrial lands, unless participating in an approved shared facility drainage

2354 plan. Such facilities serving development within an area designated urban in the King

2355 County Comprehensive Plan shall only be located in the urban area.

2356 9. No outdoor storage of materials.

2357 10. Limited to office uses.

2358 11. Limited to self-service household moving truck or trailer rental accessory to

2359 a gasoline service station.

2360 12. Limited to self-service household moving truck or trailer rental accessory to

2361 a gasoline service station and SIC Industry No. 4215-Courier Services, except by air.

2362 13. Limited to SIC Industry No. 4215-Courier Services, except by air.

2363 14. Accessory to an apartment development of at least twelve units provided:

2364 a. The gross floor area in self service storage shall not exceed the total gross

2365 floor area of the apartment dwellings on the site;

2366 b. All outdoor lights shall be deflected, shaded and focused away from all

2367 adjoining property;

- 2368 c. The use of the facility shall be limited to dead storage of household goods;
- 2369 d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or
- 2370 similar equipment;
- 2371 e. No outdoor storage or storage of flammable liquids, highly combustible or
- 2372 explosive materials or hazardous chemicals;
- 2373 f. No residential occupancy of the storage units;
- 2374 g. No business activity other than the rental of storage units; and
- 2375 h. A resident director shall be required on the site and shall be responsible for
- 2376 maintaining the operation of the facility in conformance with the conditions of approval.
- 2377 i. Before filing an application with the department, the applicant shall hold a
- 2378 community meeting in accordance with K.C.C. 20.20.035.
- 2379 15.a. The floor area devoted to warehousing, refrigeration or storage shall not
- 2380 exceed two thousand square feet;
- 2381 b. Structures and areas used for warehousing, refrigeration and storage shall
- 2382 maintain a minimum distance of seventy-five feet from property lines adjoining rural area
- 2383 and residential zones; and
- 2384 c. Warehousing, refrigeration and storage is limited to agricultural products
- 2385 and sixty percent or more of the products must be grown or processed in the Puget Sound
- 2386 counties. At the time of the initial application, the applicant shall submit a projection of
- 2387 the source of products to be included in the warehousing, refrigeration or storage.
- 2388 16. Only as an accessory use to another permitted use.
- 2389 17. No outdoor storage.

2390 18. Only as an accessory use to a public agency or utility yard, or to a transfer
2391 station.

2392 19. Limited to new commuter parking lots designed for thirty or fewer parking
2393 spaces or commuter parking lots located on existing parking lots for churches, schools, or
2394 other permitted nonresidential uses that have excess capacity available during
2395 commuting; provided that the new or existing lot is adjacent to a designated arterial that
2396 has been improved to a standard acceptable to the department of transportation;

2397 20. No tow-in lots for damaged, abandoned or otherwise impounded vehicles.

2398 21. No dismantling or salvage of damaged, abandoned or otherwise impounded
2399 vehicles.

2400 22. Storage limited to accessory storage of commodities sold at retail on the
2401 premises or materials used in the fabrication of commodities sold on the premises.

2402 23. Limited to emergency medical evacuation sites in conjunction with police,
2403 fire or health service facility. Helistops are prohibited from the UR zone only if the
2404 property is located within a designated unincorporated Rural Town.

2405 24. Allowed as accessory to an allowed use.

2406 25. Limited to private road ambulance services with no outside storage of
2407 vehicles.

2408 26. Limited to two acres or less.

2409 27a. Utility yards only on sites with utility district offices; or

2410 b. Public agency yards are limited to material storage for road maintenance
2411 facilities.

2412 28. Limited to bulk gas storage tanks that pipe to individual residences but
2413 excluding liquefied natural gas storage tanks.

2414 29. Excluding bulk gas storage tanks.

2415 30. For I-zoned sites located outside the urban growth area designated by the
2416 King County Comprehensive Plan, uses shall be subject to the provisions for rural
2417 industrial uses in K.C.C. chapter 21A.12.

2418 31. Vector waste treatment, storage and disposal shall be limited to liquid
2419 materials. Materials shall be disposed of directly into a sewer system, or shall be stored
2420 in tanks (or other covered structures), as well as enclosed buildings.

2421 32. Provided:

2422 a. Off-street required parking for a land use located in the urban area must be
2423 located in the urban area;

2424 b. Off-street required parking for a land use located in the rural area must be
2425 located in the rural area; and

2426 c.(1) Except as provided in 32.c.(2) of this subsection, off-street required
2427 parking must be located on a lot that would permit, either outright or through a land use
2428 permit approval process, the land use the off-street parking will serve.

2429 (2) For a social service agency allowed under K.C.C. 21A.08.050B.13.b. to
2430 be located on a site in the NB zone, off-street required parking may be located on a site
2431 within three hundred feet of the social service agency, regardless of zoning classification
2432 of the site on which the parking is located.

2433 33. Subject to review and approval of conditions to comply with trail corridor
2434 provisions of K.C.C. chapter 21A.14 when located in an RA zone.

2435 34. Limited to landscape and horticultural services (SIC 078) that are accessory
2436 to a retail nursery, garden center and farm supply store. Construction equipment for the
2437 accessory use shall not be stored on the premises.

2438 35. Allowed as a primary or accessory use to an allowed industrial-zoned land
2439 use.

2440 36. Accessory to agricultural uses provided:

2441 a. In the RA zones and on lots less than thirty-five acres in the A zone, the
2442 floor area devoted to warehousing, refrigeration or storage shall not exceed three
2443 thousand five hundred square feet unless located in a building designated as historic
2444 resource under K.C.C. chapter 20.62;

2445 b. On lots at least thirty-five acres in the A zones, the floor area devoted to
2446 warehousing, refrigeration or storage shall not exceed seven thousand square feet unless
2447 located in a building designated as historic resource under K.C.C. chapter 20.62.

2448 c. In the A zones, structures and areas used for warehousing, refrigeration and
2449 storage shall be located on portions of agricultural lands that are unsuitable for other
2450 agricultural purposes, such as areas within the already developed portion of such
2451 agricultural lands that are not available for direct agricultural production, or areas without
2452 prime agricultural soils;

2453 d. Structures and areas used for warehousing, refrigeration or storage shall
2454 maintain a minimum distance of seventy-five feet from property lines adjoining rural area
2455 and residential zones; and

2456 e. Warehousing, refrigeration and storage is limited to agricultural products
2457 and sixty percent or more of the products must be grown or processed in the Puget Sound

2458 counties. At the time of the initial application, the applicant shall submit a projection of
 2459 the source of products to be included in the warehousing, refrigeration or storage.

2460 37. Use shall be limited to the NB zone on parcels outside of the Urban Growth
 2461 Area, Rural Towns and Rural Neighborhoods and the building floor area devoted to such
 2462 use shall not exceed ten thousand square feet.

2463 SECTION 30. Ordinance 10870, Section 334, as amended, and K.C.C.
 2464 21A.08.070 are each hereby amended to read as follows:

2465 A. Retail land uses.

KEY		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
P-Permitted Use	Z O N E	A	F	M	R	U R	U R	N B	C B	R B	O I		
C-Conditional Use		G	O	I	U	R E	R E	E U	O U	E U	F N		
S-Special Use		R	R	N	R	B S	B S	I S	M S	G S	F D		
		I	E	E	A	A E	A I	G I	M I	I I	I U		
		C	S	R	L	N R	N D	H N	U N	O N	C S		
		U	T	A		V	E	B E	N E	N E	E T		
		L		L	A	E	N	O S	I S	A S	R		
		T			R		T	R S	T S	L S	I		
		U			E		I	H	Y		A		
		R			A		A	O			L		
		E					L	O					
								D					
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (30)
*	Building Materials and Hardware Stores		P23						P2	P	P		
*	Retail Nursery, Garden Center and Farm Supply Stores	P1 C1			P1 C1				P	P	P		
*	Forest Products	P3	P4		P3						P		

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	Sales	and 4			and 4								
*	Department and Variety Stores						C14a	P14	P5	P	P		
54	Food Stores						C15a	P15	P	P	P	C	P6
*	Agricultural Product Sales	P7 C7	P4		P7 C7	P3	P3	P25	P25	P25	P25	P25	P25
*	Farmers Market	P24	P24		P24	P24	P24	P24	P24	P24	P24	P24	P24
*	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				P21 C19		P20 C16	P20 P16	P10	P	P	P	P
*	Drug Stores						C15	P15	P	P	P	C	
592	Liquor Stores	P13			P13	P13			P13	P	P		
593	Used Goods: Antiques/ Secondhand Shops									P	P		
*	Sporting Goods and Related Stores			P22	P22	P22	P22	P22	P22	P	P	P22	P22
*	Book, Stationery, Video and Art Supply Stores						C15a	P15	P	P	P		
*	Jewelry Stores									P	P		
*	Monuments, Tombstones, and Gravestones										P		
*	Hobby, Toy, Game Shops								P	P	P		
*	Photographic and								P	P	P		

	Electronic Shops												
*	Fabric Shops								P	P			
598	Fuel Dealers								C11	P			P
*	Florist Shops						C15a	P15	P	P	P	P	
*	Personal Medical Supply Stores								P	P			
*	Pet Shops								P	P	P		
*	Bulk Retail								P	P			
*	Auction Houses										P12		P
*	Livestock Sales	P17	P17		P17	P17	P17 and 18						P
GENERAL CROSS		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C.											
REFERENCES:		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.											

2466

B. Development conditions.

2467

1.a. As a permitted use, covered sales areas shall not exceed a total area of two

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thousand square feet, unless located in a building designated as historic resource under

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K.C.C. chapter 20.62. With a conditional uses permit, covered sales areas of up to three

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thousand five hundred square feet may be allowed. Greenhouses used for the display of

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merchandise other than plants shall be considered part of the covered sales area.

2472

Uncovered outdoor areas used to grow or display trees, shrubs, or other plants are not

2473

considered part of the covered sales area;

2474

b. The site area shall be at least four and one-half acres;

2475

c. Sales may include locally made arts and crafts; and

2476

d. Outside lighting is permitted if no off-site glare is allowed.

2477

2. Only hardware stores.

2478

3.a. Limited to products grown on site.

2479 b. Covered sales areas shall not exceed a total area of five hundred square feet.

2480 4. No permanent structures or signs.

2481 5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a
2482 maximum of two thousand square feet of gross floor area.

2483 6. Limited to a maximum of five thousand square feet of gross floor area.

2484 7.a. As a permitted use, the covered sales area shall not exceed two thousand
2485 square feet, unless located in a building designated as a historic resource under K.C.C.
2486 chapter 20.62. As a conditional use, up to three thousand five hundred square feet of
2487 covered sales area may be allowed;

2488 b. The site area shall be at least four and one-half acres;

2489 c. Forty percent or more of the gross sales of agricultural product sold through
2490 the store must be sold by the producers of primary agricultural products;

2491 d. Sixty percent or more of the gross sales of agricultural products sold through
2492 the store shall be derived from products grown or produced in the Puget Sound counties.
2493 At the time of the initial application, the applicant shall submit a reasonable projection of
2494 the source of product sales;

2495 e. Sales shall be limited to agricultural products and locally made arts and
2496 crafts;

2497 f. Storage areas for agricultural products may be included in a farm store
2498 structure or in any accessory building; and

2499 g. Outside lighting is permitted if no off-site glare is allowed.

2500 8. Excluding retail sale of trucks exceeding one-ton capacity.

2501 9. Only the sale of new or reconditioned automobile supplies is permitted.

- 2502 10. Excluding SIC Industry No. 5813-Drinking Places.
- 2503 11. No outside storage of fuel trucks and equipment.
- 2504 12. Excluding vehicle and livestock auctions.
- 2505 13. Only as accessory to a winery or SIC Industry No. 2082-Malt Beverages,
2506 and limited to sales of products produced on site and incidental items where the majority
2507 of sales are generated from products produced on site.
- 2508 14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to
2509 a maximum of five thousand square feet of gross floor area, and subject to K.C.C.
2510 21A.12.230; and
- 2511 b. Before filing an application with the department, the applicant shall hold a
2512 community meeting in accordance with K.C.C. 20.20.035.
- 2513 15.a. Not permitted in R-1 and limited to a maximum of five thousand square
2514 feet of gross floor area and subject to K.C.C. 21A.12.230; and
- 2515 b. Before filing an application with the department, the applicant shall hold a
2516 community meeting in accordance with K.C.C. 20.20.035.
- 2517 16.a. Not permitted in R-1 and excluding SIC Industry No. 5813-Drinking
2518 Places, and limited to a maximum of five thousand square feet of gross floor area and
2519 subject to K.C.C. 21A.12.230, except as provided in subsection B.20. of this section; and
- 2520 b. Before filing an application with the department, the applicant shall hold a
2521 community meeting in accordance with K.C.C. 20.20.035.
- 2522 17. Retail sale of livestock is permitted only as accessory to raising livestock.
- 2523 18. Limited to the R-1 zone.
- 2524 19. Only as:

2525 a. an accessory use to a permitted manufacturing or retail land use, limited to
2526 espresso stands to include sales of beverages and incidental food items, and not to include
2527 drive-through sales; or

2528 b. an accessory use to a large active recreation and multiuse park, limited to a
2529 total floor area of three thousand five hundred square feet.

2530 20. Only as:

2531 a. an accessory use to a large active recreation and multiuse park; or

2532 b. an accessory use to a park and limited to a total floor area of one thousand
2533 five hundred square feet.

2534 21. Accessory to a park, limited to a total floor area of seven hundred fifty
2535 square feet.

2536 22. Only as an accessory use to:

2537 a. a large active recreation and multiuse park in the urban growth area; or

2538 b. a park, or a large active recreation and multiuse park in the RA zones, and
2539 limited to a total floor area of seven hundred and fifty square feet.

2540 23. Only as accessory to SIC Industry Group No. 242-Sawmills and SIC

2541 Industry No. 2431 - Millwork and;

2542 a. limited to lumber milled on site; and

2543 b. the covered sales area is limited to two thousand square feet. The covered
2544 sales area does not include covered areas used to display only milled lumber.

2545 24. Requires at least five farmers selling their own products at each market and
2546 the annual value of sales by farmers should exceed the annual sales value of (~~non-~~
2547 ~~farmer~~) nonfarmer vendors.

- 2548 25. Limited to sites located within the urban growth area and:
- 2549 a. The sales area shall be limited to three hundred square feet and must be
- 2550 removed each evening;
- 2551 b. There must be legal parking that is easily available for customers; and
- 2552 d. The site must be in an area that is easily accessible to the public, will
- 2553 accommodate multiple shoppers at one time and does not infringe on neighboring
- 2554 properties.

2555 SECTION 31. Ordinance 10870, Section 335, as amended, and K.C.C.

2556 21A.08.080 are each hereby amended to read as follows:

2557 A. Manufacturing land uses.

KEY		RESOURCE			<u>RUR</u>	RESIDENTIAL			COMMERCIAL/INDUSTRIAL									
P-Permitted Use		A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I	
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N	
S-Special Use		Z	R	R	R	B	S	B	S	I	S	M	S	G	S	F	D	
		O	I	E	E	A	A	E	A	I	G	I	M	I	I	I	U	
		N	C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
		E	U	T	A		V		E	B	E	N	E	N	E	E	T	
		L		L	<u>A</u>		E		N	O	S	I	S	A	S		R	
		T			<u>R</u>				T	R	S	T	S	L	S		I	
		U			<u>E</u>				I	H		Y					A	
		R			<u>A</u>				A	O							L	
		E							L	O								
									D									
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I(11)					
20	Food and Kindred Products	P1 C1	P1		P1 C1	P1			P2	P2	P2 C		P2 C					
*/2082	Winery/Brewery	P3			P3 C12	P3			P18	P18	P		P					
/2085	/Distillery	C12																
*	Materials Processing	P13	P14	P15	P17 C								P					

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	Facility		C	C16										
22	Textile Mill Products											C		
23	Apparel and other Textile Products											C	P	
24	Wood Products, except furniture	P4 <u>P19</u>	P4 <u>P19</u> C5		P4((;)) <u>P19</u> C5	P4						C6	P	
25	Furniture and Fixtures		<u>P20</u>		<u>P20</u>							C	P	
26	Paper and Allied Products												C	
27	Printing and Publishing								P7	P7	P7C	P7 C	P	
28	Chemicals and Allied Products												C	
2911	Petroleum Refining and Related Industries												C	
30	Rubber and Misc. Plastics Products												C	
31	Leather and Leather Goods											C	P	
32	Stone, Clay, Glass and Concrete Products								P6	P9			P	
33	Primary Metal Industries												C	
34	Fabricated Metal Products												P	
35	Industrial and Commercial Machinery												P	
351-55	Heavy Machinery and Equipment												C	
357	Computer and Office Equipment											C	C	P
36	Electronic and other Electric Equipment											C	P	
374	Railroad Equipment												C	
376	Guided Missile and Space Vehicle Parts												C	
379	Miscellaneous Transportation Vehicles												C	
38	Measuring and											C	C	P

	Controlling Instruments												
39	Miscellaneous Light Manufacturing											C	P
*	Motor Vehicle and Bicycle Manufacturing												C
*	Aircraft, Ship and Boat Building												P10C
7534	Tire Retreading											C	P
781-82	Movie Production/Distribution											P	P
GENERAL CROSS		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters											
REFERENCES:		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											

2558 B. Development conditions.

2559 1.a. Excluding wineries and SIC Industry No. 2082-Malt Beverages;

2560 b. In the A zone, only allowed on sites where the primary use is SIC industry

2561 Group No. 01-Growing Harvesting Crops or No. 02-Raising Livestock and Small

2562 Animals;

2563 c. In the RA and UR zones, only allowed on lots of at least four and one-half

2564 acres and only when accessory to an agricultural use;

2565 d.(1) Except as provided in subsection B.1.d.(2) and B.1.d.(3) of this section,

2566 the floor area devoted to all processing shall not exceed three thousand five hundred

2567 square feet, unless located in a building designated as historic resource under K.C.C.

2568 chapter 20.62;

2569 (2) With a conditional use permit, up to five thousand square feet of floor

2570 area may be devoted to all processing; and

2571 (3) In the A zone, on lots thirty-five acres or greater, the floor area devoted to
2572 all processing shall not exceed seven thousand square feet, unless located in a building
2573 designated as historic resource under K.C.C. chapter 20.62;

2574 e. Structures and areas used for processing shall maintain a minimum distance
2575 of seventy-five feet from property lines adjoining rural area and residential zones, unless
2576 located in a building designated as historic resource under K.C.C. chapter 20.62;

2577 f. Processing is limited to agricultural products and sixty percent or more of
2578 the products processed must be grown in the Puget Sound counties. At the time of initial
2579 application, the applicant shall submit a projection of the source of products to be
2580 produced;

2581 g. In the A zone, structures used for processing shall be located on portions of
2582 agricultural lands that are unsuitable for other agricultural purposes, such as areas within
2583 the already developed portion of such agricultural lands that are not available for direct
2584 agricultural production, or areas without prime agricultural soils; and

2585 h. Tasting of products produced on site may be provided. The area devoted to
2586 tasting shall be included in the floor area limitation in subsection B.1.d. of this section.

2587 2. Except slaughterhouses.

2588 3.a. Limited to wineries, ~~((and))~~ SIC Industry No. 2082-Malt Beverages and
2589 SIC Industry No. 2085-Distilled and Blended Liquors;

2590 b. In the A zone, only allowed on sites where the primary use is SIC Industry
2591 Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small
2592 Animals;

- 2593 c. In the RA and UR zones, only allowed on lots of at least four and one-half
2594 acres;
- 2595 d. The floor area devoted to all processing shall not exceed three thousand five
2596 hundred square feet, unless located in a building designated as historic resource under
2597 K.C.C. chapter 20.62;
- 2598 e. Structures and areas used for processing shall maintain a minimum distance
2599 of seventy-five feet from property lines adjoining rural area and residential zones, unless
2600 located in a building designated as historic resource under K.C.C. chapter 20.62;
- 2601 f. Sixty percent or more of the products processed must be grown in the Puget
2602 Sound counties. At the time of the initial application, the applicant shall submit a
2603 projection of the source of products to be produced; and
- 2604 g. Tasting of products produced on site may be provided. The area devoted to
2605 tasting shall be included in the floor area limitation in subsection B.3.c. of this section.
- 2606 4. Limited to rough milling and planing of products grown on-site with portable
2607 equipment.
- 2608 5. Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431
2609 - Millwork. For RA zoned sites, (~~limited to RA-10 on lots at least ten acres in size and~~
2610 ~~only as accessory to forestry uses~~) if using lumber or timber grown off-site, the
2611 minimum site area is four and one-half acres.
- 2612 6. Limited to uses found in SIC Industry No. 2434-Wood Kitchen Cabinets and
2613 No. 2431-Millwork, (excluding planing mills).
- 2614 7. Limited to photocopying and printing services offered to the general public.
- 2615 8. Only within enclosed buildings, and as an accessory use to retail sales.

2616 9. Only within enclosed buildings.

2617 10. Limited to boat building of craft not exceeding forty-eight feet in length.

2618 11. For I-zoned sites located outside the urban growth area designated by the
2619 King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.
2620 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for
2621 rural industrial uses as set forth in K.C.C. chapter 21A.12.

2622 12.a. Limited to wineries, ~~((and))~~ SIC Industry No. 2082-Malt Beverages and
2623 SIC Industry No. 2085-Distilled and Blended Liquors;

2624 b.(1) Except as provided in subsection B.12.b.(2) of this section, the floor area
2625 of structures for wineries, ~~((and))~~ breweries and distilleries and any accessory uses shall
2626 not exceed a total of eight thousand square feet. The floor area may be increased by up to
2627 an additional eight thousand square feet of underground storage that is constructed
2628 completely below natural grade, not including required exits and access points, if the
2629 underground storage is at least one foot below the surface and is not visible above
2630 ground; and

2631 (2) On Vashon-Maury Island, the total floor area of structures for wineries,
2632 ~~((and))~~ breweries and distilleries and any accessory uses may not exceed six thousand
2633 square feet, including underground storage;

2634 c. Wineries, ~~((and))~~ breweries and distilleries shall comply with Washington
2635 state Department of Ecology and King County board of health regulations for water
2636 usage and wastewater disposal. Wineries, ~~((and))~~ breweries and distilleries using water
2637 from exempt wells shall install a water meter;

2638 d. Off-street parking is limited to one hundred and fifty percent of the
2639 minimum requirement for wineries, ~~((and))~~ breweries or distilleries specified in K.C.C.
2640 21A.18.030;

2641 e. Structures and areas used for processing shall be set back a minimum
2642 distance of seventy-five feet from property lines adjacent to rural area and residential
2643 zones, unless the processing is located in a building designated as historic resource under
2644 K.C.C. chapter 20.62;

2645 f. The minimum site area is four and one-half acres. If the total floor area of
2646 structures for wineries, ~~((and))~~ breweries and distilleries and any accessory uses exceed
2647 six thousand square feet, including underground storage:

2648 (1) the minimum site area is ten acres; and

2649 (2) a minimum of two and one-half acres of the site shall be used for the
2650 growing of agricultural products;

2651 g. The facility shall be limited to processing agricultural products and sixty
2652 percent or more of the products processed must be grown in the Puget Sound counties.
2653 At the time of the initial application, the applicant shall submit a projection of the source
2654 of products to be processed; and

2655 h. Tasting of products produced on site may be provided. The area devoted to
2656 tasting shall be included in the floor area limitation in subsection B.12.b of this section.

2657 13. Limited to source separated organic waste processing facilities at a scale
2658 appropriate to process the organic waste generated in the agricultural zone.

2659 14. Only on the same lot or same group of lots under common ownership or
2660 documented legal control, which includes, but is not limited to, fee simple ownership, a
2661 long-term lease or an easement:

2662 a. as accessory to a primary forestry use and at a scale appropriate to process
2663 the organic waste generated on the site; or

2664 b. as a continuation of a sawmill or lumber manufacturing use only for that
2665 period to complete delivery of products or projects under contract at the end of the
2666 sawmill or lumber manufacturing activity.

2667 15. Only on the same lot or same group of lots under common ownership or
2668 documented legal control, which includes, but is not limited to, fee simple ownership, a
2669 long-term lease or an easement:

2670 a. as accessory to a primary mineral use; or

2671 b. as a continuation of a mineral processing use only for that period to
2672 complete delivery of products or projects under contract at the end of mineral extraction.

2673 16. Continuation of a materials processing facility after reclamation in
2674 accordance with an approved reclamation plan.

2675 17. Only a site that is ten acres or greater and that does not use local access
2676 streets that abut lots developed for residential use.

2677 18.a. Limited to wineries, ~~((and))~~ SIC Industry No. 2082-Malt Beverages and
2678 SIC Industry No. 2085-Distilled and Blended Liquors;

2679 b. The floor area devoted to all processing shall not exceed three thousand five
2680 hundred square feet, unless located in a building designated as historic resource under
2681 K.C.C. chapter 20.62;

2682 c. Structures and areas used for processing shall maintain a minimum distance
2683 of seventy-five feet from property lines adjoining rural area and residential zones, unless
2684 located in a building designated as historic resource under K.C.C. chapter 20.62; and

2685 d. Tasting of products produced on site may be provided. The area devoted to
2686 tasting shall be included in the floor area limitation in subsection B.18.b. of this section.

2687 19. Limited to:

2688 a. SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431 -
2689 Millwork, as follows:

2690 (1) If using lumber or timber grown off-site, the minimum site area is four
2691 and one-half acres;

2692 (2) The facility shall be limited to an annual production of no more than one
2693 hundred fifty thousand board feet;

2694 (3) Structures housing equipment used in the operation shall be located at
2695 least one-hundred feet from adjacent properties with residential or rural area zoning;

2696 (4) Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to
2697 7:00 p.m. on weekdays, and 9:00 a.m. to 5 p.m. on weekends;

2698 (6) In the RA zone, the facility's driveway shall have adequate entering sight
2699 distance required by the 2007 King County Road Design and Construction Standards. An
2700 adequate turn around shall be provided on-site to prevent vehicles from backing out on to
2701 the roadway that the driveway accesses; and

2702 (7) Outside lighting is limited to avoid off-site glare; and

2703 b. SIC Industry No. 2411 - Logging.

2704 20. Limited to manufacture of custom made wood furniture or cabinets.

2705 SECTION 32. Ordinance 10870, Section 336, as amended, and K.C.C.

2706 21A.08.090 are each hereby amended to read as follows:

2707 A. Resource land uses.

KEY		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL							
P-Permitted Use	Z O N E	A	F	M	R	U R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use		G	O	I	U	R E	R	E	E	U	O	U	E	U	F	N
S-Special Use		R	R	N	R	B S	B	S	I	S	M	S	G	S	F	D
		I	E	E	A	A E	A	I	G	I	M	I	I	I	I	U
		C	S	R	L	N R	N	D	H	N	U	N	O	N	C	S
		U	T	A		V		E	B	E	N	E	N	E	E	T
		L		L	A	E		N	O	S	I	S	A	S		R
		T			R			T	R	S	T	S	L	S		I
		U			E			I	H		Y				A	
		R			A			A	O						L	
		E						L	D							
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1- 8	R12- 48	NB	CB	RB	O	I			
	AGRICULTURE:															
01	Growing and Harvesting Crops	P	P		P	P	P						P			
02	Raising Livestock and Small Animals	P	P		P	P	P6						P			
*	Agriculture Training Facility	C10														
*	Agriculture-related special needs camp	P12														
*	Agricultural Anaerobic Digester	P13														
	FORESTRY:															
08	Growing & Harvesting Forest Production	P	P	P7	P	P	P						P			
*	Forest Research		P		P	P						P2	P			
	FISH AND WILDLIFE															

MANAGEMENT:												
0921	Hatchery/Fish Preserve (1)	P	P		P	P	C					P
0273	Aquaculture (1)	P	P		P	P	C					P
*	Wildlife Shelters	P	P		P	P						
MINERAL:												
10,12,14	Mineral Extraction and Processing		P9 C	P								
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block		P8 C11	P8 C11								P
ACCESSORY USES:												
*	Resource Accessory Uses	P3	P4	P5	P3	P3						P4
*	<u>Temporary Farm Worker Housing</u>	<u>P14</u>	<u>P14</u>		<u>P14</u>							
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.										

2708

B. Development conditions.

2709

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

2710

2. Only forest research conducted within an enclosed building.

2711

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

2712

4. Excluding housing for agricultural workers.

2713

5. Limited to either maintenance or storage facilities, or both, in conjunction

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with mineral extraction or processing operation.

2715

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

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7. Only in conjunction with a mineral extraction site plan approved in

2717

accordance with K.C.C. chapter 21A.22.

2718

8. Only on the same lot or same group of lots under common ownership or

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documented legal control, which includes, but is not limited to, fee simple ownership, a

2720

long-term lease or an easement:

- 2721 a. as accessory to a primary mineral extraction use;
- 2722 b. as a continuation of a mineral processing only for that period to complete
- 2723 delivery of products or projects under contract at the end of a mineral extraction; or
- 2724 c. for a public works project under a temporary grading permit issued in
- 2725 accordance with K.C.C. 16.82.152.
- 2726 9. Limited to mineral extraction and processing:
- 2727 a. on a lot or group of lots under common ownership or documented legal
- 2728 control, which includes, but is not limited to, fee simple ownership, a long-term lease or
- 2729 an easement;
- 2730 b. that are located greater than one-quarter mile from an established residence;
- 2731 and
- 2732 c. that do not use local access streets that abut lots developed for residential
- 2733 use.
- 2734 10. Agriculture training facilities are allowed only as an accessory to existing
- 2735 agricultural uses and are subject to the following conditions:
- 2736 a. The impervious surface associated with the agriculture training facilities
- 2737 shall comprise not more than ten percent of the allowable impervious surface permitted
- 2738 under K.C.C. 21A.12.040;
- 2739 b. New or the expansion of existing structures, or other site improvements,
- 2740 shall not be located on class 1, 2 or 3 soils;
- 2741 c. The director may require reuse of surplus structures to the maximum extent
- 2742 practical;

- 2743 d. The director may require the clustering of new structures with existing
2744 structures;
- 2745 e. New structures or other site improvements shall be set back a minimum
2746 distance of seventy-five feet from property lines adjoining rural area and residential
2747 zones;
- 2748 f. Bulk and design of structures shall be compatible with the architectural style
2749 of the surrounding agricultural community;
- 2750 g. New sewers shall not be extended to the site;
- 2751 h. Traffic generated shall not impede the safe and efficient movement of
2752 agricultural vehicles, nor shall it require capacity improvements to rural roads;
- 2753 i. Agriculture training facilities may be used to provide educational services to
2754 the surrounding rural/agricultural community or for community events. Property owners
2755 may be required to obtain a temporary use permit for community events in accordance
2756 with K.C.C. chapter 21A.32;
- 2757 j. Use of lodging and food service facilities shall be limited only to activities
2758 conducted in conjunction with training and education programs or community events
2759 held on site;
- 2760 k. Incidental uses, such as office and storage, shall be limited to those that
2761 directly support education and training activities or farm operations; and
- 2762 l. The King County agriculture commission shall be notified of and have an
2763 opportunity to comment upon all proposed agriculture training facilities during the permit
2764 process in accordance with K.C.C. chapter 21A.40.

2765 11. Continuation of mineral processing and asphalt/concrete mixtures and block
2766 uses after reclamation in accordance with an approved reclamation plan.

2767 12.a. Activities at the camp shall be limited to agriculture and agriculture-
2768 oriented activities. In addition, activities that place minimal stress on the site's
2769 agricultural resources or activities that are compatible with agriculture are permitted.

2770 (1) passive recreation;

2771 (2) training of individuals who will work at the camp;

2772 (3) special events for families of the campers; and

2773 (4) agriculture education for youth.

2774 b. Outside the camp center, as provided for in subsection B.12.e of this section,
2775 camp activities shall not preclude the use of the site for agriculture and agricultural
2776 related activities, such as the processing of local food to create value-added products and
2777 the refrigeration and storage of local agricultural products. The camp shall be managed
2778 to coexist with agriculture and agricultural activities both onsite and in the surrounding
2779 area.

2780 c. A farm plan shall be required for commercial agricultural production to
2781 ensure adherence to best management practices and soil conservation.

2782 d.(1) The minimum site area shall be five hundred acres. Unless the property
2783 owner has sold or transferred the development rights as provided in subsection B.12.c.(3)
2784 of this section, a minimum of five hundred acres of the site must be owned by a single
2785 individual, corporation, partnership or other legal entity and must remain under the
2786 ownership of a single individual, corporation, partnership or other legal entity for the
2787 duration of the operation of the camp.

2788 (2) Nothing in subsection B.12.d.(1) of this section prohibits the property
2789 owner from selling or transferring the development rights for a portion or all of the site to
2790 the King County farmland preservation program or, if the development rights are
2791 extinguished as part of the sale or transfer, to a nonprofit entity approved by the director;

2792 e. The impervious surface associated with the camp shall comprise not more
2793 than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;

2794 f. Structures for living quarters, dining facilities, medical facilities and other
2795 nonagricultural camp activities shall be located in a camp center. The camp center shall
2796 be no more than fifty acres and shall be depicted on a site plan. New structures for
2797 nonagricultural camp activities shall be clustered with existing structures;

2798 g. To the extent practicable, existing structures shall be reused. The applicant
2799 shall demonstrate to the director that a new structure for nonagricultural camp activities
2800 cannot be practicably accommodated within an existing structure on the site, though
2801 cabins for campers shall be permitted only if they do not already exist on site;

2802 h. Camp facilities may be used to provide agricultural educational services to
2803 the surrounding rural and agricultural community or for community events. If required
2804 by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for
2805 community events;

2806 i. Lodging and food service facilities shall only be used for activities related to
2807 the camp or for agricultural education programs or community events held on site;

2808 j. Incidental uses, such as office and storage, shall be limited to those that
2809 directly support camp activities, farm operations or agricultural education programs;

2810 k. New nonagricultural camp structures and site improvements shall maintain a
2811 minimum set-back of seventy-five feet from property lines adjoining rural area and
2812 residential zones;

2813 l. Except for legal nonconforming structures existing as of January 1, 2007,
2814 camp facilities, such as a medical station, food service hall and activity rooms, shall be of
2815 a scale to serve overnight camp users;

2816 m. Landscaping equivalent to a type III landscaping screen, as provided for in
2817 K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures
2818 and site improvements located within two hundred feet of an adjacent rural area and
2819 residential zoned property not associated with the camp;

2820 n. New sewers shall not be extended to the site;

2821 o. The total number of persons staying overnight shall not exceed three
2822 hundred;

2823 p. The length of stay for any individual overnight camper, not including camp
2824 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

2825 q. Traffic generated by camp activities shall not impede the safe and efficient
2826 movement of agricultural vehicles nor shall it require capacity improvements to rural
2827 roads;

2828 r. If the site is adjacent to an arterial roadway, access to the site shall be
2829 directly onto the arterial unless the county road engineer determines that direct access is
2830 unsafe;

2831 s. If direct access to the site is via local access streets, transportation
2832 management measures shall be used to minimize adverse traffic impacts;

2833 t. Camp recreational activities shall not involve the use of motor vehicles
2834 unless the motor vehicles are part of an agricultural activity or are being used for the
2835 transportation of campers, camp personnel or the families of campers. Camp personnel
2836 may use motor vehicles for the operation and maintenance of the facility. Client-specific
2837 motorized personal mobility devices are allowed; and

2838 u. Lights to illuminate the camp or its structures shall be arranged to reflect the
2839 light away from any adjacent property.

2840 13. Limited to digester receiving plant and animal and other organic waste from
2841 agricultural activities, as follows:

2842 a. the digester must be included as part of a Washington state Department of
2843 Agriculture approved dairy nutrient plan;

2844 b. the digester must process at least seventy percent livestock manure or other
2845 agricultural organic material from farms in the vicinity, by volume;

2846 c. imported organic waste-derived material, such as food processing waste,
2847 may be processed in the digester for the purpose of increasing methane gas production for
2848 beneficial use, but not shall exceed thirty percent of volume processed by the digester;
2849 and

2850 d. the use must be accessory to an operating dairy or livestock operation.

2851 14. Temporary farm worker housing subject to the following conditions:

2852 a. The housing must be licensed by the Washington state Department of Health
2853 under chapter 70.114A RCW and chapter 246-358 WAC;

2854 b. Water supply and sewage disposal systems must be approved by the Seattle
2855 King County department of health;

2856 c. To the maximum extent practical, the housing should be located on
 2857 nonfarmable areas that are already disturbed and should not be located in the floodplain
 2858 or in a critical area or critical area buffer; and

2859 d. The property owner shall file with the department of executive services,
 2860 records and licensing services division, a notice approved by the department identifying
 2861 the temporary farm worker housing as accessory and that the housing shall only be
 2862 occupied by agricultural employees and their families while employed by the owner or
 2863 operator. The notice shall run with the land.

2864 SECTION 33. Ordinance 10870, Section 340, as amended, and K.C.C.

2865 21A.12.030 are each hereby amended to read as follows:

2866 A. Densities and dimensions - rural area and residential zones.

	RURAL				RESIDENTIAL									
	RURAL AREA				URBAN RE-SERVE	((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:	0.2 du/a	0.2 du/a	0.1 du/ac	0.05 du/ac	0.2 du/ac	1 du/a	4 du/ac	6 du/a	8 du/a	12 du/a	18 du/a	24 du/a	48 du/a	
Dwelling Unit/Acre (15) (28)	c	c				c	(6)	c	c	c	c	c	c	
Maximum Density: Dwelling Unit/Acre (1)	0.4 du/a						6 du/ac	9 du/a	12 du/a	18 du/a	27 du/a	36 du/a	72 du/a	
							(22)	c 12	c 16	c 24	c 36	c 48	c 96	
							8 du/ac	du/a	du/a	du/a	du/a	du/a	du/a	
								c	c	c	c	c	c	

							(27)	(27)	(27)	(27)	(27)	(27)	(27)
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)	1.87 5 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) (26)	20% (11) (19) (26)	15% (11) (19) (24) (26)	12.5% (11) (19) (26)	30% (11) (26)	30% (11) (26)	55% (26)	70% (26)	75% (26)	85% (26)	85% (26)	85% (26)	90% (26)

2867

B. Development conditions.

2868

1. This maximum density may be achieved only through the application of

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residential density incentives in accordance with K.C.C. chapter 21A.34 or transfers of

2870

development rights in accordance with K.C.C. chapter 21A.37, or any combination of

2871

density incentive or density transfer.

2872

2. Also see K.C.C. 21A.12.060.

2873

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

2874

townhouse developments.

2875 4. Height limits may be increased if portions of the structure that exceed the
2876 base height limit provide one additional foot of street and interior setback for each foot
2877 above the base height limit, but the maximum height may not exceed seventy-five feet.
2878 Netting or fencing and support structures for the netting or fencing used to contain golf
2879 balls in the operation of golf courses or golf driving ranges are exempt from the
2880 additional interior setback requirements but the maximum height shall not exceed
2881 seventy-five feet, except for large active recreation and multiuse parks, where the
2882 maximum height shall not exceed one hundred twenty-five feet, unless a golf ball
2883 trajectory study requires a higher fence.

2884 5. Applies to each individual lot. Impervious surface area standards for:

2885 a. Regional uses shall be established at the time of permit review;

2886 b. Nonresidential uses in rural area and residential zones shall comply with
2887 K.C.C. 21A.12.120 and 21A.12.220;

2888 c. Individual lots in the R-4 through R-6 zones that are less than nine thousand
2889 seventy-six square feet in area shall be subject to the applicable provisions of the nearest
2890 comparable R-6 or R-8 zone; and

2891 d. A lot may be increased beyond the total amount permitted in this chapter
2892 subject to approval of a conditional use permit.

2893 6. Mobile home parks shall be allowed a base density of six dwelling units per
2894 acre.

2895 7. The standards of the R-4 zone apply if a lot is less than fifteen thousand
2896 square feet in area.

2897 8. At least twenty linear feet of driveway shall be provided between any garage,
2898 carport or other fenced parking area and the street property line. The linear distance shall
2899 be measured along the center line of the driveway from the access point to such garage,
2900 carport or fenced area to the street property line.

2901 9.a. Residences shall have a setback of at least one hundred feet from any
2902 property line adjoining A, M or F zones or existing extractive operations. However,
2903 residences on lots less than one hundred fifty feet in width adjoining A, M or F zones or
2904 existing extractive operations shall have a setback from the rear property line equal to
2905 fifty percent of the lot width and a setback from the side property equal to twenty-five
2906 percent of the lot width.

2907 b. Except for residences along a property line adjoining A, M or F zones or
2908 existing extractive operations, lots between one acre and two and one-half acres in size
2909 shall conform to the requirements of the R-1 zone and lots under one acre shall conform
2910 to the requirements of the R-4 zone.

2911 10.a. For developments consisting of three or more single-detached dwellings
2912 located on a single parcel, the setback shall be ten feet along any property line abutting
2913 R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in
2914 K.C.C. 21A.14.190, which shall have a setback of five feet.

2915 b. For townhouse and apartment development, the setback shall be twenty feet
2916 along any property line abutting R-1 through R-8, RA and UR zones, except for
2917 structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback
2918 of five feet, unless the townhouse or apartment development is adjacent to property upon
2919 which an existing townhouse or apartment development is located.

2920 11. Lots smaller than one-half acre in area shall comply with standards of the
2921 nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or
2922 larger, the maximum impervious surface area allowed shall be at least ten thousand
2923 square feet. On any lot over one acre in area, an additional five percent of the lot area
2924 may be used for buildings related to agricultural or forestry practices. For lots smaller
2925 than two acres but larger than one-half acre, an additional ten percent of the lot area may
2926 be used for structures that are determined to be medically necessary, if the applicant
2927 submits with the permit application a notarized affidavit, conforming with K.C.C.
2928 21A.32.170A.2.

2929 12. For purposes of calculating minimum density, the applicant may request that
2930 the minimum density factor be modified based upon the weighted average slope of the
2931 net buildable area of the site in accordance with K.C.C. 21A.12.087.

2932 13. The minimum lot area does not apply to lot clustering proposals as provided
2933 in K.C.C. chapter 21A.14.

2934 14. The base height to be used only for projects as follows:

2935 a. in R-6 and R-8 zones, a building with a footprint built on slopes exceeding a
2936 fifteen percent finished grade; and

2937 b. in R-18, R-24 and R-48 zones using residential density incentives and
2938 transfer of density credits in accordance with this title.

2939 15. Density applies only to dwelling units and not to sleeping units.

2940 16. Vehicle access points from garages, carports or fenced parking areas shall
2941 be set back from the property line on which a joint use driveway is located to provide a
2942 straight line length of at least twenty-six feet as measured from the center line of the

2943 garage, carport or fenced parking area, from the access point to the opposite side of the
2944 joint use driveway.

2945 17.a. All subdivisions and short subdivisions in the R-1 zone shall be required to
2946 be clustered if the property is located within or contains:

- 2947 (1) a floodplain;
- 2948 (2) a critical aquifer recharge area;
- 2949 (3) a regionally or locally significant resource area;
- 2950 (4) existing or planned public parks or trails, or connections to such facilities;
- 2951 (5) a category type S or F aquatic area or category I or II wetland;
- 2952 (6) a steep slope; or
- 2953 (7) an urban separator or wildlife habitat network designated by the
2954 Comprehensive Plan or a community plan.

2955 b. The development shall be clustered away from critical areas or the axis of
2956 designated corridors such as urban separators or the wildlife habitat network to the extent
2957 possible and the open space shall be placed in a separate tract that includes at least fifty
2958 percent of the site. Open space tracts shall be permanent and shall be dedicated to a
2959 homeowner's association or other suitable organization, as determined by the director,
2960 and meet the requirements in K.C.C. 21A.14.040. On-site critical area and buffers and
2961 designated urban separators shall be placed within the open space tract to the extent
2962 possible. Passive recreation, with no development of recreational facilities, and natural-
2963 surface pedestrian and equestrian trails are acceptable uses within the open space tract.

2964 18. See K.C.C. 21A.12.085.

2965 19. All subdivisions and short subdivisions in R-1 and RA zones within the
2966 North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North
2967 Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and
2968 Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East
2969 Sammamish Community Planning Area that drains to Patterson Creek shall have a
2970 maximum impervious surface area of eight percent of the gross acreage of the plat.
2971 Distribution of the allowable impervious area among the platted lots shall be recorded on
2972 the face of the plat. Impervious surface of roads need not be counted towards the
2973 allowable impervious area. Where both lot- and plat-specific impervious limits apply, the
2974 more restrictive shall be required.

2975 20. This density may only be achieved on RA 2.5 zoned parcels receiving
2976 density from rural forest focus areas through a transfer of density credit pursuant to
2977 K.C.C. chapter 21A.37.

2978 21. Base density may be exceeded, if the property is located in a designated
2979 rural city urban growth area and each proposed lot contains an occupied legal residence
2980 that predates 1959.

2981 22. The maximum density is four dwelling units per acre for properties zoned
2982 R-4 when located in the Rural Town of Fall City.

2983 23. The minimum density requirement does not apply to properties located
2984 within the Rural Town of Fall City.

2985 24. The impervious surface standards for the county fairground facility are
2986 established in the King County Fairgrounds Site Development Plan, Attachment A to
2987 Ordinance 14808 on file at the department of natural resources and parks and the

2988 department of development and environmental services. Modifications to that standard
 2989 may be allowed provided the square footage does not exceed the approved impervious
 2990 surface square footage established in the King County Fairgrounds Site Development
 2991 Plan Environmental Checklist, dated September 21, 1999, Attachment B to Ordinance
 2992 14808, by more than ten percent.

2993 25. For cottage housing developments only:

2994 a. The base height is eighteen feet.

2995 b. Buildings have pitched roofs with a minimum slope of six and twelve may
 2996 extend up to twenty-five feet at the ridge of the roof.

2997 26. Impervious surface does not include access easements serving neighboring
 2998 property and driveways to the extent that they extend beyond the street setback due to
 2999 location within an access panhandle or due to the application of King County Code
 3000 requirements to locate features over which the applicant does not have control.

3001 27. Only in accordance with K.C.C. 21A.34.040.F.1.g. and F.6.

3002 28. On a site zoned RA with a building listed on the national register of historic
 3003 places, additional dwelling units in excess of the maximum density may be allowed under
 3004 section 35 of this ordinance.

3005 SECTION 34. Ordinance 10870, Section 341, as amended, and K.C.C.

3006 21A.12.040 are each hereby amended to read as follows:

3007 A. Densities and dimensions - resource and commercial/industrial zones.

	Z O N E S	RESOURCE			COMMERCIAL/INDUSTRIAL				
		AGRICULTURE	FOR	MIN	NEIGHBO	COMMUNI	REGIONA	OFF	IND

			EST	ERA	R-HOOD	TY	L	ICE	UST
				L	BUSINESS	BUSINESS	BUSINESS		RIA
									L
STANDARD	A-10	A-35	F	M	NB	CB	RB	O	I
S									
Base Density: Dwelling Unit/Acre (19)	0.1 du/ac	.0286 du/ac	.0125 du/ac		8 du/ac (2)	48 du/ac (2)	36 du/ac (2) 48 du/ac (1)	48 du/ac (2)	
Maximum Density: Dwelling Unit/Acre					12 du/ac (3) 16 du/ac (15)	72 du/ac (16) 96 du/ac (17)	48 du/ac (3) 72 du/ac (16) 96 du/ac (17)	72 du/ac (16) 96 du/ac (17)	
Minimum Lot Area	10 acres	35 acres	80 acres	10 acres					
Maximum Lot Depth/ Width Ratio	4 to 1	4 to 1							
Minimum Street Setback	30 ft (4)	30 ft (4)	50 ft (4)	(12)	10 ft (5)	10 ft (5)	10 ft (5)	10 ft	25 ft
Minimum Interior Setback	10 ft (4)	10 ft (4)	100 ft (4)	(12)	10 ft (18) 20 ft (14)	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7) 50 ft (8)
Base Height (10)	35 ft	35 ft	35 ft	35 ft	35 ft 45 ft (6)	35 ft 60 ft (6) 65 ft (17)	35 ft 65 ft (6)	45 ft 65 ft (6)	45 ft
Maximum Floor/Lot Ratio: Square Feet					1/1 (9)	1.5/1 (9)	2.5/1 (9)	2.5/1 (9)	2.5/1
Maximum Impervious	15% 35%	10% 35%	10% 35%		85%	85%	90%	75%	90%

Surface:	(11)	(11)	(11)						
Percentage									
(13)									

3008

B. Development conditions.

3009

1. In the RB zone on property located within the Potential Annexation Area of a rural city, this density is not allowed.

3011

2. These densities are allowed only through the application of mixed-use development standards and, in the NB zone on property in the urban area designated commercial outside of center, for stand-alone townhouse development.

3014

3. These densities may only be achieved through the application of residential density incentives or transfer of development rights in mixed-use developments and, in the NB zone on property in the urban area designated commercial outside of center, for stand-alone townhouse development. See K.C.C. chapters 21A.34 and 21A.37.

3018

4.a. In the F zone, scaling stations may be located thirty-five feet from property lines. Residences shall have a setback of at least thirty feet from all property lines.

3020

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

3023

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

3026

5. Gas station pump islands shall be placed no closer than twenty-five feet to street front lines.

3027

3028 6. This base height allowed only for mixed-use developments and for stand-
3029 alone townhouse development in the NB zone on property designated commercial outside
3030 of center in the urban area.

3031 7. Required on property lines adjoining rural area and residential zones.

3032 8. Required on property lines adjoining rural area and residential zones for
3033 industrial uses established by conditional use permits.

3034 9. The floor-to-lot ratio for mixed use developments shall conform to K.C.C.
3035 chapter 21A.14.

3036 10. Height limits may be increased if portions of the structure building that
3037 exceed the base height limit provide one additional foot of street and interior setback for
3038 each foot above the base height limit, provided the maximum height may exceed seventy-
3039 five feet only in mixed use developments. Netting or fencing and support structures for
3040 the netting or fencing used to contain golf balls in the operation of golf courses or golf
3041 driving ranges are exempt from the additional interior setback requirement provided that
3042 the maximum height shall not exceed seventy-five feet.

3043 11. Applicable only to lots containing less than one acre of lot area.
3044 Development on lots containing less than fifteen thousand square feet of lot area shall be
3045 governed by impervious surface standards of the nearest comparable R-4 through R-8
3046 zone.

3047 12. See K.C.C. 21A.22.060 for setback requirements in the mineral zone.

3048 13. The impervious surface area for any lot may be increased beyond the total
3049 amount permitted in this chapter subject to approval of a conditional use permit.

3050 14. Required on property lines adjoining rural area and residential zones unless
3051 a stand-alone townhouse development on property designated commercial outside of
3052 center in the urban area is proposed to be located adjacent to property upon which an
3053 existing townhouse development is located.

3054 15. Only as provided for walkable communities under K.C.C. 21A.34.040.F.8.
3055 well-served by transit or for mixed-use development through the application of rural area
3056 and residential density incentives under K.C.C. 21A.34.040.F.1.g.

3057 16. Only for mixed-use development through the application of residential
3058 density incentives under K.C.C. chapter 21A.34 or the transfer of development rights
3059 under K.C.C. chapter 21A.37. In the RB zone on property located within the Potential
3060 Annexation Area of a rural city, this density is not allowed.

3061 17. Only for mixed-use development through the application of residential
3062 density incentives through the application of residential density incentives under K.C.C.
3063 chapter 21A.34 or the transfer of development rights under K.C.C. chapter 21A.37.
3064 Upper-level setbacks are required for any facade facing a pedestrian street for any portion
3065 of the structure greater than forty-five feet in height. The upper level setback shall be at
3066 least one foot for every two feet of height above forty-five feet, up to a maximum
3067 required setback of fifteen feet. The first four feet of horizontal projection of decks,
3068 balconies with open railings, eaves, cornices, and gutters shall be permitted in required
3069 setbacks. In the RB zone on property located within the Potential Annexation Area of a
3070 rural city, this density is not allowed.

3071 18. Required on property lines adjoining rural area and residential zones only
3072 for a social service agency office reusing a residential structure in existence on January 1,
3073 2010.

3074 19. On a site zoned A with a building designated as a county landmark in
3075 accordance with the procedures in K.C.C. 20.62.070, additional dwelling units in excess
3076 of the maximum density may be allowed under section 35 of this ordinance.

3077 NEW SECTION. SECTION 35. There is hereby added to K.C.C. chapter
3078 21A.12 a new section to read as follows:

3079 On a site zoned A or RA with a building designated as a county landmark in
3080 accordance with the procedures in K.C.C. 20.62.070, the number of dwelling units
3081 allowed may exceed what would otherwise be allowed under K.C.C. 21A.12.030 as
3082 follows:

3083 A. All dwelling units shall be located within the historic building; and

3084 B. No more than five dwelling units shall be allowed, subject to approval by the
3085 historic preservation officer and, where required, review and approval by the landmarks
3086 commission in accordance with the procedures in K.C.C. 20.62.080.

3087 SECTION 36. Ordinance 10870, Section 357, as amended, and K.C.C.
3088 21A.12.200 are each hereby amended to read as follows:

3089 When a lot or site is divided by a zone boundary, the following applies:

3090 A. If a lot or site contains both rural area or residential and (~~non-residential~~)
3091 nonresidential zoning, the zone boundary between the rural area or residential zone and
3092 the nonresidential zone((s)) shall be considered a lot line for determining permitted
3093 building height and required setbacks on the site.

- 3094 B. If a lot or site contains residential zones of varying density:
- 3095 1. Any residential density transfer within the lot or site shall be allowed if:
- 3096 a. the density, as a result of moving dwelling units from one lot to another lot
- 3097 within a site or across zone lines within a single lot, does not exceed one hundred fifty
- 3098 percent of the base density on any of the lots or portions of a lot to which the density is
- 3099 transferred;
- 3100 b. the transfer does not reduce the minimum density achievable on the lot or
- 3101 site;
- 3102 c. the transfer enhances the efficient use of needed infrastructure;
- 3103 d. the transfer does not result in significant adverse impacts to the low density
- 3104 portion of the lot or site;
- 3105 e. the transfer contributes to preservation of environmentally sensitive areas,
- 3106 wildlife corridors, or other natural features; and
- 3107 f. the transfer does not result in significant adverse impacts to adjoining lower
- 3108 density properties;
- 3109 2. Residential density transfers from one lot to another lot within a site or from
- 3110 one portion of a lot to another portion of a lot across a zone line shall not be allowed in
- 3111 the RA zone;
- 3112 3. Residential density transfers shall not be allowed to a lot or portion of a lot
- 3113 zoned R-1;
- 3114 4. Compliance with the criteria in this subsection B shall be evaluated during
- 3115 review of any development proposals in which such a transfer is proposed; and

3116 5. Residential density transfers from one lot to another lot within a site or from
3117 one portion of a lot to another portion of a lot across a zone line shall not, in of itself, be
3118 considered development above the base density for purposes of requiring a conditional
3119 use permit for apartments or townhouses in the R-1 through R-8 zones.

3120 C. Uses on each portion of the lot shall only be those permitted in each zone in
3121 accordance with K.C.C. chapter 21A.08.

3122 SECTION 37. Ordinance 10870, Section 364, as amended, and K.C.C.

3123 21A.14.040 are each hereby amended to read as follows:

3124 Residential lot clustering is allowed in the R, UR and RA zones. If residential lot
3125 clustering is proposed, the following requirements shall be met:

3126 A. In the R zones, any designated open space tract resulting from lot clustering
3127 shall not be altered or disturbed except as specified on recorded documents creating the
3128 open space. Open spaces may be retained under ownership by the subdivider, conveyed
3129 to residents of the development or conveyed to a third party. If access to the open space
3130 is provided, the access shall be located in a separate tract;

3131 B. In the RA zone:

3132 1. No more than eight lots of less than two and one-half acres shall be allowed
3133 in a cluster;

3134 2. No more than eight lots of less than two and one-half acres shall be served by
3135 a single cul-de-sac street;

3136 3. Clusters containing two or more lots of less than two and one-half acres,
3137 whether in the same or adjacent developments, shall be separated from similar clusters by
3138 at least one hundred twenty feet;

3139 4. The overall amount, and the individual degree of clustering shall be limited to
3140 a level that can be adequately served by rural facilities and services, including, but not
3141 limited to, on-site sewage disposal systems and rural roadways;

3142 5. A fifty-foot Type II landscaping screen, as defined in K.C.C. 21A.16.040,
3143 shall be provided along the frontage of all public roads when adjoining differing types of
3144 development such as commercial and industrial uses, between differing types of
3145 residential development and to screen industrial uses from the street. The planting
3146 materials shall consist of species that are native to the Puget Sound region. Preservation
3147 of existing healthy vegetation is encouraged and may be used to augment new plantings
3148 to meet the requirements of this section;

3149 6. Except as provided in subsection B.7. of this section, open space tracts
3150 created by clustering in the RA zone shall be designated as permanent open space.
3151 Acceptable uses within open space tracts are passive recreation, with no development of
3152 active recreational facilities, natural-surface pedestrian and equestrian foot trails and
3153 passive recreational facilities. A resource tract created under K.C.C. 16.82.152.E. may be
3154 considered an open space tract for purposes of this subsection B.6;

3155 7.a. In the RA zone a resource ((land)) tract may be created through a cluster
3156 development in lieu of an open space tract. A resource tract created under K.C.C.
3157 16.82.152.E. may be considered a resource tract for purposes of this subsection B.7. The
3158 resource ((land)) tract may be used as a working forest or farm if ((the following
3159 provisions are met)):

3160 ~~((a. Appropriateness of the))~~ (1) the department determines the resource
3161 ~~((land))~~ tract ~~((for))~~ is suitable for forestry or agriculture ~~((has been determined by the~~
3162 ~~county))~~; and

3163 ~~((b.))~~ (2) ~~((F))~~ the applicant submits a forest
3164 management plan ~~((;))~~ prepared by a professional forester that ~~((must be reviewed and))~~
3165 has been approved by the King County department of natural resources and parks, or a
3166 farm management plan ~~((, if a plan is required under K.C.C. chapter 21A.30, that must~~
3167 ~~be))~~ developed by the King Conservation District. The ~~((criteria for))~~ management ~~((of))~~
3168 plan ~~((a resource land tract established through a cluster development in the RA zone~~
3169 ~~shall be set forth in a public rule. The criteria))~~ must:

3170 ~~((assure))~~ (a) ensure that forestry or farming will remain as a sustainable use
3171 of the resource ~~((land))~~ tract ~~((and, except as otherwise provided for resource tracts~~
3172 ~~created pursuant to K.C.C. 16.82.152.E or G., that structures supportive of forestry and~~
3173 ~~agriculture may be allowed in the resource land tract. The criteria must also))~~;

3174 (b) set impervious surface and clearing limitations and identify the type of
3175 buildings or structures that will be allowed within the resource ~~((land))~~ tract; and

3176 (c) if critical areas are included in the resource tract, clearly distinguish
3177 between the primary purpose of the resource portion of the tract and the primary purpose
3178 of the critical area portion of the tract as required under K.C.C. 21A.24.180.

3179 ~~((e.))~~ b. The recorded plat or short plat shall designate the resource ~~((land))~~
3180 tract as a working forest or farm ~~((;))~~.

3181 ~~((d.))~~ c. If the applicant conveys the ~~((R))~~ resource ~~((land))~~ tract~~((s that are~~
3182 ~~conveyed))~~ to residents of the development, the resource tract shall be retained in
3183 undivided interest by the residents of the subdivision or short subdivision~~((;))~~.

3184 ~~((e.))~~ d. A homeowners association shall be established to ~~((assure))~~ ensure
3185 implementation of the forest management plan or farm management plan if the resource
3186 ~~((land))~~ tract is retained in undivided interest by the residents of the subdivision or short
3187 subdivision~~((;))~~.

3188 ~~((f.))~~ e. The~~((subdivider))~~ applicant shall file a notice with the King County
3189 department of executive services, records and licensing services division. The required
3190 contents and form of the notice shall be set forth in a public rule. The notice shall inform
3191 the property owner or owners that the resource ~~((land))~~ tract is designated as a working
3192 forest or farm, that must be managed in accordance with the provisions established in the
3193 approved forest management plan or farm management plan~~((;))~~.

3194 ~~((g.))~~ f. The ~~((subdivider))~~ applicant shall provide to the department proof of
3195 the approval of the forest management plan or farm management plan and the filing of
3196 the notice required in subsection ~~((B.7.f.))~~ B.7.g. of this section before recording of the
3197 final plat or short plat~~((;))~~.

3198 ~~((h.))~~ g. The notice shall run with the land~~((; and))~~.

3199 ~~((i.))~~ h. Natural-surface pedestrian and equestrian foot trails, passive
3200 recreation, and passive recreational facilities, with no development of active recreational
3201 facilities, are allowed uses in resource ~~((land))~~ tracts; and

3202 8. The requirements of subsection B.1., 2., or 3. of this subsection may be
3203 modified or waived by the director if the property is encumbered by critical areas

3204 containing habitat for, or there is the presence of, species listed as threatened or
3205 endangered under the Endangered Species Act when it is necessary to protect the habitat;
3206 and

3207 C. In the R-1 zone, open space tracts created by clustering required by K.C.C.
3208 21A.12.030 shall be located and configured to create urban separators and greenbelts as
3209 required by the ~~((e))~~Comprehensive ~~((p))~~Plan, or subarea plans or open space functional
3210 plans, to connect and increase protective buffers for critical areas, to connect and protect
3211 wildlife habitat corridors designated by the ~~((e))~~Comprehensive ~~((p))~~Plan and to connect
3212 existing or planned public parks or trails. The department may require open space tracts
3213 created under this subsection to be dedicated to an appropriate managing public agency
3214 or qualifying private entity such as a nature conservancy. In the absence of such a
3215 requirement, open space tracts shall be retained in undivided interest by the residents of
3216 the subdivision or short subdivision. A homeowners association shall be established for
3217 maintenance of the open space tract.

3218 SECTION 38. Ordinance 11621, Section 99, and K.C.C. 21A.14.280 are each
3219 hereby amended to read as follows:

3220 A. The purpose of the rural industries section is to establish standards for
3221 industrial (I) zoned development in rural areas. Site and building designs, buffering,
3222 compatible commercial and industrial uses are required to maintain rural character.

3223 B. The following development standards shall apply to uses locating in the
3224 industrial (I) zone within the rural area;

3225 1. All uses occurring outside an enclosed building shall be screened from
3226 adjoining rural residential uses;

3227 2. All buildings shall be set back ~~((50-foot))~~ fifty feet from perimeter streets and
3228 from rural area and residential ~~((zoned areas))~~ zones;

3229 3. The total permitted floor area\lot area ratio shall not exceed ~~((100))~~ one
3230 hundred percent for a development consisting of multiple lots and ~~((125))~~ one hundred
3231 twenty-five percent on any individual building lot;

3232 4. The total permitted impervious lot coverage shall not exceed ~~((70))~~ seventy
3233 percent for a development consisting of multiple lots and ~~((80))~~ eighty percent on any
3234 individual building lot;

3235 5. The landscaping standards ~~((set forth))~~ in K.C.C. chapter 21A.16 are
3236 modified as follows:

3237 a. ~~((20))~~ Twenty-foot-wide Type II landscaping shall be provided along
3238 exterior streets,

3239 b. ~~((20))~~ Twenty-foot-wide Type I landscaping shall be provided along
3240 property lines adjacent to rural residential zoned areas; and

3241 c. ~~((15))~~ Fifteen-foot-wide Type II landscaping shall be provided along lines
3242 adjacent to nonresidential zoned areas.

3243 6. Outdoor lighting shall be focused downward and configured to minimize
3244 intrusion of light into surrounding rural residential areas;

3245 7. Refuse collection/recycling areas and loading or delivery areas shall be
3246 located at least ~~((100))~~ one hundred feet from rural area and residential ~~((areas))~~ zones
3247 and screened with a solid view obscuring barrier;

3248 8. Off street parking standards shall be no less than one space for every ((1000))
3249 one thousand square feet of floor area and no greater than one space for every ((500)) five
3250 hundred square feet of floor area;

3251 9. Signs are allowed as follows:

3252 a. Signs shall not exceed an area of ((64)) sixty-four square feet per sign;

3253 b. Pole signs shall not be permitted; and

3254 c. Signs shall not be internally illuminated;

3255 10. The director shall approve building design, materials and color. Buildings
3256 shall be designed and use accent materials (e.g. wood and brick), ((non-reflective))
3257 nonreflective glass, and muted colors to be compatible with rural character; and

3258 11. Building height shall be limited to ((40)) forty feet.

3259 SECTION 39. Ordinance 10870, Section 386, as amended, and K.C.C.

3260 21A.16.010 are each hereby amended to read as follows:

3261 The purpose of this chapter is to preserve the aesthetic character of communities;
3262 to improve the aesthetic quality of the built environment; to promote retention and
3263 protection of existing vegetation; to promote water efficiency; to promote native wildlife;
3264 to reduce the impacts of development on drainage systems and natural habitats; and to
3265 increase privacy for rural area and residential zones by:

3266 A. Providing visual relief from large expanses of parking areas and reduction of
3267 perceived building scale;

3268 B. Providing physical separation between rural area or residential zones and
3269 ((non-residential areas)) nonresidential zones;

3270 C. Providing visual screens and barriers as a transition between differing land
3271 uses;

3272 D. Retaining existing vegetation and significant trees by incorporating them into
3273 the site design;

3274 E. Providing increased areas of permeable surfaces to allow for:

3275 1. Infiltration of surface water into groundwater resources;

3276 2. Reduction in the quantity of storm water discharge; and

3277 3. Improvement in the quality of storm water discharge;

3278 F. Encouraging the use of native plant species by their retention or use in the
3279 landscape design;

3280 G. Requiring water use efficiency through water budgeting and efficient
3281 irrigation design standards;

3282 H. Encouraging the use of a diversity of plant species (~~which~~) that promote
3283 native wildlife habitat.

3284 SECTION 40. Ordinance 11210, Section 12, as amended, and K.C.C.

3285 21A.16.115 are each hereby amended to read as follows:

3286 A. The landscape plan submitted to the department shall be drawn on the same
3287 base map as the development plans and shall identify the following:

3288 1. total landscape area and separate hydrozones((§));

3289 2. Landscape materials botanical/common name and applicable size((§));

3290 3. Property lines((§));

3291 4. Impervious surfaces((§));

3292 5. natural or man-made water features or bodies((§));

3293 6. Existing or proposed structures, fences, and retaining walls~~((5))~~;

3294 7. Natural features or vegetation left in natural state~~((5))~~; and

3295 8. Designated recreational open space areas.

3296 B. The proposed landscape plan shall be certified by a Washington ~~((S))~~state
3297 ~~((registered))~~ licensed landscape architect~~((, Washington State certified nurseryman, or~~
3298 ~~Washington State certified landscaper))~~.

3299 C. An affidavit signed by an individual specified in subsection B, certifying that
3300 the landscaping has been installed ~~((consistent))~~ in compliance with the approved
3301 landscaping plan, shall be submitted to the department within ~~((30))~~ thirty days of
3302 installation completion, unless the installed landscaping has been inspected and accepted
3303 by the department.

3304 D. The required landscaping shall be installed no later than three months after
3305 issuance of a certificate of occupancy for the project or project phase. However, the time
3306 limit for compliance may be extended to allow installation of such required landscaping
3307 during the next appropriate planting season. A financial guarantee shall be required
3308 ~~((prior to))~~ before issuance of the certificate of occupancy, if landscaping is not installed
3309 and inspected ~~((prior to))~~ before occupancy.

3310 SECTION 41. Ordinance 10870, Section 415, as amended, and K.C.C.
3311 21A.18.110 are each hereby amended to read as follows:

3312 A. Off-street parking areas shall not be located more than six hundred feet from
3313 the building they are required to serve for all uses except those specified as follows;
3314 where an off-street parking area does not abut the building it serves, the required

3315 maximum distance shall be measured from the nearest building entrance that the parking
3316 area serves;

3317 1. For all single detached dwellings the parking spaces shall be located on the
3318 same lot they are required to serve;

3319 2. For all other residential dwellings at least a portion of parking areas shall be
3320 located within one hundred fifty feet from the building or buildings they are required to
3321 serve;

3322 3. For all nonresidential uses permitted in rural area and residential zones, the
3323 parking spaces shall be located on the site they are required to serve and at least a portion
3324 of parking areas shall be located within one hundred fifty feet from the nearest building
3325 entrance they are required to serve;

3326 4. In designated activity, community business and neighborhood business
3327 centers, parking lots shall be located to the rear or sides of buildings. Relief from this
3328 subsection A.4, may be granted by the director only if the applicant can demonstrate that
3329 there is no practical site design to meet this requirement. The director may allow only the
3330 number of parking spaces that cannot be accommodated to the rear or sides of buildings
3331 to be located to the front of buildings;

3332 5. Parking lots shall be so arranged as to permit the internal circulation of
3333 vehicles between parking aisles without re-entering adjoining public streets; and

3334 6. Parking for the disabled shall be provided in accordance with K.C.C.
3335 21A.18.060.

3336 B. The minimum parking space and aisle dimensions for the most common
3337 parking angles are shown on the table in this subsection. For parking angles other than

3338 those shown on the chart, the minimum parking space and aisle dimensions shall be
 3339 determined by the director. Regardless of the parking angle, one-way aisles shall be at
 3340 least ten feet wide, and two-way aisles shall be at least twenty feet wide. If dead-end
 3341 aisles are used in the parking layout, they shall be constructed as two-way aisles. Parking
 3342 plans for angle parking shall use space widths no less than eight feet six inches for a
 3343 standard parking space design and eight feet for a compact car parking space design.

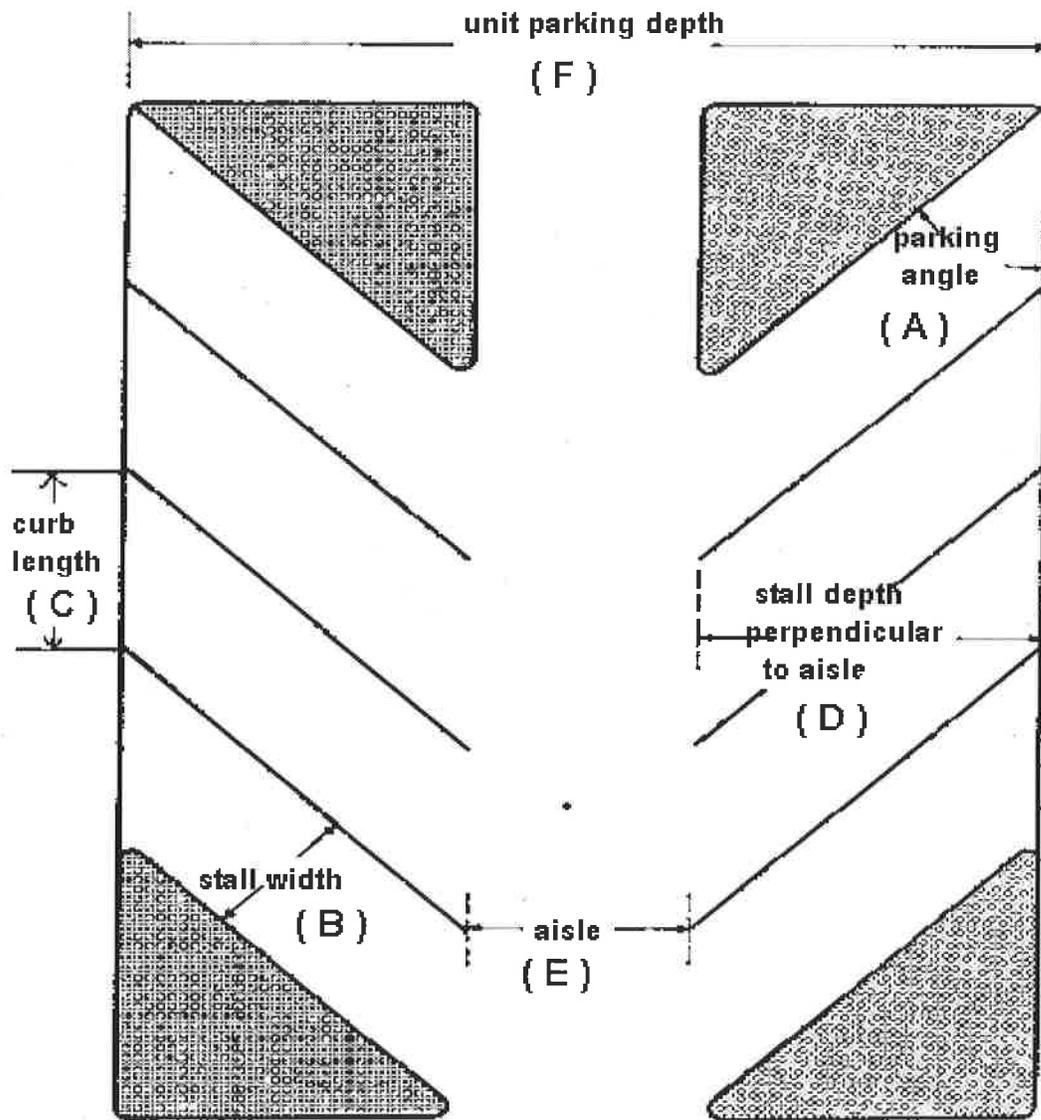
3344 MINIMUM PARKING STALL AND AISLE DIMENSIONS

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

3345 * for compact stalls only

3346 ** variable with compact and standard combinations

NOMENCLATURE OF OFF-STREET PARKING AREA



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

3353 D. The parking ((space)) stall depth may be reduced if vehicles overhang a
3354 walkway or landscaping under the following conditions:

3355 1. Wheelstops or curbs are installed;

3356 2. The remaining walkway provides a minimum of forty-eight inches of
3357 unimpeded passageway for pedestrians;

3358 3. The amount of space depth reduction is limited to a maximum of eighteen
3359 inches; and

3360 4. Landscaping is designed in accordance with K.C.C. 21A.16.070.E.

3361 E. Driveways providing ingress and egress between off-street parking areas and
3362 abutting streets shall be designed, located and constructed in accordance with K.C.C.
3363 chapter 14.42, Road Standards. Driveways for single detached dwellings, no more than
3364 twenty feet in width, may cross required setbacks or landscaped areas to provide access
3365 between the off-street parking areas and the street, provided no more than fifteen percent
3366 of the required landscaping or setback area is eliminated by the driveway. Joint use
3367 driveways may be located within required landscaping or setback areas. Driveways for
3368 all other developments may cross or be located within required setbacks or landscaped
3369 areas to provide access between the off-street parking areas and the street, if no more than
3370 ten percent of the required landscaping is displaced by the driveway and the driveway is
3371 located no closer than five feet from any property line except where intersecting the
3372 street.

3373 F. Parking spaces required under this title shall be located as follows:

3374 1. For single detached dwelling units the required parking spaces shall be
3375 outside of any required setbacks or landscaping, but driveways crossing setbacks and

3376 required landscaping may be used for parking. However, if the driveway is a joint use
3377 driveway, no vehicle parked on the driveway shall obstruct any joint user's access to the
3378 driveway or parking spaces;

3379 2. For all other developments parking spaces may be permitted by the director
3380 in setback areas in accordance with an approved landscape plan; and

3381 3. For nonresidential uses in rural area and residential zones, parking is
3382 permitted in setback areas in accordance with K.C.C. 21A.12.220.

3383 G. Lighting shall be provided for safety of traffic and pedestrian circulation on
3384 the site. It shall be designed to minimize direct illumination of abutting properties and
3385 adjacent streets. The director shall have the authority to waive the requirement to provide
3386 lighting.

3387 H. Tandem or end-to-end parking is allowed in residential developments.
3388 Apartment or townhouse developments may have tandem parking areas for each dwelling
3389 unit but shall not combine parking for separate dwelling units in tandem parking areas.

3390 I. All vehicle parking and storage for single detached dwellings must be in a
3391 garage, carport or on an approved impervious surface. Any impervious surface used for
3392 vehicle parking or storage must have direct and unobstructed driveway access.

3393 J. The total number of vehicles parked or stored outside of a building on a single
3394 family lot in the R-1 through R-8 zones, excluding recreational vehicles and trailers, shall
3395 not exceed six vehicles on lots that are twelve thousand five hundred square feet or less
3396 and eight vehicles on lots that are greater than twelve thousand five hundred square feet.

3397 K. Vanpool and carpool parking areas shall meet the following minimum design
3398 standards:

3399 1. A minimum vertical clearance of seven feet three inches shall be provided to
3400 accommodate van vehicles if designated vanpool and carpool parking spaces are located
3401 in a parking structure; and

3402 2. A minimum turning radius of twenty-six feet four inches with a minimum
3403 turning diameter, curb to curb, of fifty-two feet five inches shall be provided from
3404 parking aisles to adjacent vanpool and carpool parking spaces.

3405 L. Direct access from the street right-of-way to off-street parking areas shall be
3406 subject to K.C.C. 21A.28.120.

3407 M. No dead-end alley may provide access to more than eight off-street parking
3408 spaces.

3409 N. Any parking stalls located in enclosed buildings must be totally within the
3410 enclosed building.

3411 SECTION 42. Ordinance 10870, Section 424, as amended, and K.C.C.
3412 21A.20.060 are each hereby amended to read as follows:

3413 A. All signs, except billboards, community bulletin boards, community
3414 identification signs, political signs, real estate signs and special event signs, shall be on-
3415 premise signs, except that uses located on lots without public street frontage in business,
3416 office and industrial zones may have one off-premise directional sign of no more than
3417 sixteen square feet.

3418 B. Fuel price signs shall not be included in sign area or number limitations of
3419 K.C.C. 21A.20.090, 21A.20.095, 21A.20.100 and 21A.20.110, but only if the signs do
3420 not exceed twenty square feet per street frontage.

3421 C. Except as otherwise provided in K.C.C. 21A.20.115 and 21A.20.080.A.3,
3422 projecting and awning signs and signs mounted on the sloping portion of roofs shall not
3423 be permitted for uses in the ~~((R))~~resource, rural area, and ~~((R))~~residential zones. In other
3424 zones, projecting and awning signs and signs mounted on the sloping portion of roofs
3425 may be used in lieu of wall signs, but only if:

- 3426 1. They maintain a minimum clearance of eight feet above finished grade;
- 3427 2. They do not project more than six feet perpendicular from the supporting
3428 building facade;
- 3429 3. They meet the standards of ~~((K.C.C. 21A.20.060.))~~ subsection J. of this
3430 section if mounted on the roof of a building; and
- 3431 4. They shall not exceed the number or size permitted for wall signs in a zone.

3432 D. Changing message center signs, and time and temperature signs, which can be
3433 a wall or freestanding sign, shall not exceed the size permitted for a wall or freestanding
3434 sign. Changing message center signs shall be permitted for all uses only in the NB, CB,
3435 RB, O and I zones and only for elementary, middle, junior, secondary and high schools
3436 and colleges and universities in the RA zone. Changing message center signs and time
3437 and temperature signs shall not exceed the maximum sign height permitted in the zone.

3438 E. Directional signs shall not be included in the sign area or number limitation of
3439 K.C.C. 21A.20.070, 21A.20.095, 21A.20.100 and 21A.20.110, but only if the signs do
3440 not exceed six square feet in surface area and are limited to one for each entrance or exit
3441 to surface parking areas or parking structure.

3442 F. Regarding sign illumination and glare:

- 3443 1. Except as otherwise provided in this chapter, all signs may be illuminated;

3444 2. The light source for indirectly illuminated signs shall be no farther away from
3445 the sign than the height of the sign;

3446 3. Indirectly and directly illuminated signs shall be arranged so that no direct
3447 rays of light are projected from such artificial source into residences or any street right-
3448 of-way;

3449 4. Electrical requirements for signs shall be governed by chapter 19.28 RCW
3450 and WAC 296-46-910; and

3451 5. Signs with an on/off operation shall be permitted only in the CB, RB and I
3452 zones.

3453 G. Maximum height for wall signs shall not extend above the highest exterior
3454 wall or structure upon which the sign is located.

3455 H. Maximum height for projecting signs shall not extend above the highest
3456 exterior wall upon which the projecting sign is located.

3457 I. Maximum height for awning signs shall not extend above the height of the
3458 awning upon which the awning sign is located.

3459 J. Any sign attached to the sloping surface of a roof shall be installed or erected
3460 in such a manner that there are no visible support structures, shall appear to be part of the
3461 building itself, and shall not extend above the roof ridge line of the portion of the roof
3462 upon which the sign is attached.

3463 K. Except as otherwise permitted by this chapter, off-premise directional signs
3464 shall not exceed four square feet in sign area.

3465 L. Mixed use developments in the NB, CB, RB or O zones are permitted one
3466 permanent residential identification sign not exceeding thirty-two square feet in addition

3467 to the maximum sign area requirements in the zone where the mixed use development is
3468 located.

3469 SECTION 43. Ordinance 10870, Section 433, and K.C.C. 21A.20.130 are each
3470 hereby amended to read as follows:

3471 A. All billboard alterations or relocations shall comply with the following
3472 location and design standards:

3473 1. Billboards shall only be located on sites zoned CB, RB((;)) or I;

3474 2. No more than five billboard faces shall be oriented toward and visible from
3475 the same direction of travel within one mile of the proposed relocation site as measured
3476 along the adjacent roadway;

3477 3. Billboards shall be located at least 100 feet from any other billboard,
3478 provided side-by-side, v-type and back-to-back billboard faces shall be considered one
3479 billboard for purposes of this subsection only;

3480 4. The zoning on the opposite side of the street from a proposed relocation site
3481 must also permit billboards;

3482 5. Type II billboards shall be at least 100 feet from ((~~any~~)) rural area and
3483 residential zones. Type I billboards shall be at least 330 feet from ((~~any~~)) rural area and
3484 residential zones;

3485 6. No billboard shall extend beyond the property line of the billboard site;

3486 7. No billboard shall be located more than 100 feet from any adjacent arterial;

3487 8. Billboards shall observe the same street setback as all buildings within 50 feet
3488 of the proposed billboard location;

3489 9. Type I billboard faces shall only be located adjacent to arterials developed
3490 with at least two primary travel lanes in each direction. In all other locations, billboards
3491 shall be limited to Type II billboard faces; and

3492 10. No single billboard structure shall support a total of more than two Type I
3493 billboard faces or the equivalent, and no single billboard structure shall orient more than
3494 one Type I billboard face or the equivalent in any single direction.

3495 B. Height:

3496 1. Billboards located in the CB or RB zone shall not exceed ~~((15))~~ fifteen feet
3497 above the average height of all buildings within ~~((330))~~ three hundred thirty feet of the
3498 billboard or ~~((35))~~ thirty-five feet, whichever is less; and

3499 2. Billboards located in the I zone shall not exceed ~~((15))~~ fifteen feet above the
3500 average height of all buildings within ~~((330))~~ three hundred thirty feet of the billboard or
3501 ~~((45))~~ forty-five feet, whichever is less.

3502 SECTION 44. Ordinance 15051, Section 137, as amended, and K.C.C.

3503 21A.24.045 are each hereby amended to read as follows:

3504 A. Within the following seven critical areas and their buffers all alterations are
3505 allowed if the alteration complies with the development standards, impact avoidance and
3506 mitigation requirements and other applicable requirements established in this chapter:

3507 1. Critical aquifer recharge area;

3508 2. Coal mine hazard area;

3509 3. Erosion hazard area;

3510 4. Flood hazard area except in the severe channel migration hazard area;

3511 5. Landslide hazard area under forty percent slope;

3512 6. Seismic hazard area; and

3513 7. Volcanic hazard areas.

3514 B. Within the following seven critical areas and their buffers, unless allowed as
 3515 an alteration exception under K.C.C. 21A.24.070, only the alterations on the table in
 3516 subsection C. of this section are allowed if the alteration complies with conditions in
 3517 subsection D. of this section and the development standards, impact avoidance and
 3518 mitigation requirements and other applicable requirements established in this chapter:

3519 1. Severe channel migration hazard area;

3520 2. Landslide hazard area over forty percent slope;

3521 3. Steep slope hazard area;

3522 4. Wetland;

3523 5. Aquatic area;

3524 6. Wildlife habitat conservation area; and

3525 7. Wildlife habitat network.

3526 C. In the following table where an activity is included in more than one activity
 3527 category, the numbered conditions applicable to the most specific description of the
 3528 activity governs. Where more than one numbered condition appears for a listed activity,
 3529 each of the relevant conditions specified for that activity within the given critical area
 3530 applies. For alterations involving more than one critical area, compliance with the
 3531 conditions applicable to each critical area is required.

KEY	L	O	S	W	B	B	W	A
	A	V	T	E	U	A	L	N

	N	R	E	N	L	A	F	E	Q	F	F	H	L	I	F	D
	D	40	E	D	N	R			U	E	A		E	A	N	
	S	%	P	B	D				A	R	N		R	E	E	
	L	A	S	U	A				T	A	N		A	T		
	D	N	L	F	N				I	N	E				W	
	E	D	O	F	D				C	D	L				O	
	H	B	U	P	E				A	S	M				R	
	A	F	F	E	R				R	E	I				K	
	Z	E	R	H					E	V	G					
	A			A					A	E	R					
R			Z					A	R	A						
D			A					N	E	T						
			R					D		I						
			D							O						
										N						
Letter "A" in a cell means alteration is allowed																
A number in a cell means the corresponding																

numbered condition in subsection D. applies "Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network					
ACTIVITY					
Structures					
Construction of new single detached dwelling unit			A 1	A 2	
Construction of a new tree-			A 64	A 64	A 64

supported structure					
Construction of nonresidential structure			A 3	A 3	A 3, 4
Maintenance or repair of existing structure	A 5	A	A	A	A 4
Expansion or replacement of existing structure	A 5, 7	A 5, 7	A 7, 8	A 6, 7, 8	A 4, 7
Interior remodeling	A	A	A	A	A
Construction of new dock or pier			A 9	A 9, 10, 11	
Maintenance, repair or replacement of dock or pier			A 12	A 10, 11	A 4
Grading					
Grading		A 13		A 14	A 4, 14
Construction of new slope stabilization	A 15	A 15	A 15	A 15	A 4, 15
Maintenance of existing slope stabilization	A 16	A 13	A 17	A 16, 17	A 4
Mineral extraction	A	A			
Clearing					
Clearing	A 18	A 18((, 19))	A 18, 20	A 14, 18, 20	A 4, 14, 18, 20

Cutting firewood		A 21	A 21	A 21	A 4, 21
<u>Vegetation management</u>	<u>A 19</u>	<u>A 19</u>	<u>A 19</u>	<u>A 19</u>	<u>A 4, 19</u>
Removal of vegetation for fire safety	A22	A22	A 22	A 22	A 4, 22
Removal of noxious weeds or invasive vegetation	A 23	A 23	A 23	A 23	A 4, 23
Forest Practices					
((Nonconversion Class IV-G forest practice)) <u>Forest management activity</u>	A ((24))	A ((24))	A ((24))	A ((24))	A ((24,)) 25
((Class I, II, III, IV-S forest practice	A	A	A	A	A))
Roads					
Construction of new public road right-of-way structure on unimproved right-of-way			A 26	A 26	
Construction of new road in a plat			A 26	A 26	
Maintenance of public road right-of-way structure	A 16	A 16	A 16	A 16	A 16, 27
Expansion beyond public road right-of way structure	A	A	A 26	A 26	

Repair, replacement or modification within the roadway	A 16	A 16	A 16	A 16	A 16, 27
Construction of driveway or private access road	A 28				
Construction of farm field access drive	A 29				
Maintenance of driveway, private access road, farm field access drive or parking lot	A	A	A 17	A 17	A 17, 27
Construction of a bridge or culvert as part of a driveway or private access road	A 39				
Bridges or culverts					
Maintenance or repair of bridge or culvert	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17, 27
<u>Construction of a new bridge</u>	<u>A 16, 39</u>	<u>A 16, 39</u>	<u>A 16, 39</u>	<u>A 16, 39</u>	<u>A 4, 16, 39</u>
Replacement of bridge or culvert	A 16	A 16	A 16	A 16, 30	A 16, 27
Expansion of bridge or culvert	A 16, 17	A 16, 17	A 16, 17, 31	A 17, 31	A 4

Utilities and other infrastructure					
Construction of new utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34	A 32, 34	A 27, 32, 35
Construction or maintenance of a hydroelectric generating facility	A 67	A 67	A 66	A 66	A 4, 66
Construction of a new residential utility service distribution line	A 32, 33	A 32, 33	A 32, 60	A 32, 60	A 27, 32, 60
Maintenance, repair or replacement of utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34, 36	A 32, 34, 36	A 4, 32, 37
Construction of a new on-site sewage disposal system or well	<u>A 24</u>	<u>A 24</u>	A 63	A 63	
Maintenance or repair of existing well	A 37	A 37	A 37	A 37	A 4, 37
Maintenance or repair of on-site sewage disposal system	A	A	A	A 37	A 4
Construction of new surface water conveyance system	A 32, 33	A 32, 33	A 32, 38	A 32, 38	A 4
<u>Construction, maintenance or</u>			<u>A 68</u>	<u>A 68</u>	

<u>repair of in-water heat exchanger</u>					
Maintenance, repair or replacement of existing surface water conveyance system			A 16, 32, 38	A 16, 40, 41	A 4, 37
Construction of new surface water flow control or surface water quality treatment facility			A 32	A 32	A 4, 32
Maintenance or repair of existing surface water flow control or surface water quality treatment facility	A 16	A 16	A 16	A 16	A 4
Construction of new flood protection facility			A 42	A 42	A 27, 42
Maintenance, repair or replacement of flood protection facility	A 33, 43	A 33, 43	A 43	A 43	A 27, 43
Flood risk reduction gravel removal	A 61	A 61	A 61	A 61	A 61
Construction of new instream structure or instream work	A 16	A 16	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of	A 16	A	A	A	A 4

existing instream structure					
Recreation					
Construction of new trail	A 46	A 46	A 47	A 47	A 4, 47
Maintenance of outdoor public park facility, trail or publicly improved recreation area	A 48	A 48	A 48	A 48	A 4, 48
Habitat, education and science projects					
Habitat restoration or enhancement project	A 49	A 49	A 49	A 49	A 4, 49
Scientific sampling for salmonids			A 50	A 50	A 50
Drilling and testing for critical areas report	A 51	A 51	A 51, 52	A 51, 52	A 4
Environmental education project	A 62	A 62	A 62	A 62	A 62
Agriculture					
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	A 53	A 53	A 53, 54	A 53, 54	A 53, 54

Grazing livestock	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of a commercial fish farm			A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of livestock manure storage facility			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
<u>Construction of a livestock heavy use area</u>			<u>A 53, 54, 55</u>	<u>A 53, 54, 55, 56</u>	<u>A 53, 54</u>
Construction or maintenance of ((livestock flood sanctuary)) a farm pad			A <u>56</u>	A 56	
Construction of agricultural drainage			A 57	A 57	A 4, 57
Maintenance or replacement of agricultural drainage	A 23, 58	A 23, 58	A 23, 53, 54, 58	A 23, 53, 54, 58	A 4, 23, 53, 54, 58
<u>Maintenance of agricultural waterway</u>			<u>A 69</u>	<u>A 69</u>	
Construction or maintenance of farm pond, fish pond or livestock watering pond	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Other					
Shoreline water dependent or				A 65	

shoreline water oriented use					
Excavation of cemetery graves in established and approved cemetery	A	A	A	A	A
Maintenance of cemetery graves	A	A	A	A	A
Maintenance of lawn, landscaping or garden for personal consumption	A 59				
Maintenance of golf course	A 17	A 17	A 17	A 17	A 4, 17

3532 D. The following alteration conditions apply:

3533 1. Limited to farm residences in grazed or tilled wet meadows and subject to the
 3534 limitations of subsection D.3. of this section.

3535 2. Only allowed in a buffer of a lake that is twenty acres or larger on a lot that
 3536 was created before January 1, 2005, if:

3537 a. at least seventy-five percent of the lots abutting the shoreline of the lake or
 3538 seventy-five percent of the lake frontage, whichever constitutes the most developable
 3539 lake frontage, has existing density of four dwelling units per acre or more;

3540 b. the development proposal, including mitigation required by this chapter, will
 3541 have the least adverse impact on the critical area;

3542 c. existing native vegetation within the critical area buffer will remain
 3543 undisturbed except as necessary to accommodate the development proposal and required
 3544 building setbacks;

3545 d. access is located to have the least adverse impact on the critical area and
3546 critical area buffer;

3547 e. the alteration is the minimum necessary to accommodate the development
3548 proposal and in no case in excess of a development footprint of five thousand square feet;

3549 f. the alteration is no closer than:

3550 (1) on site with a shoreline environment designation of high intensity or
3551 residential, the greater of twenty-five feet or the average of the setbacks on adjacent lots
3552 on either side of the subject property, as measured from the ordinary high water mark of
3553 the lake shoreline;

3554 (2) on a site with a shoreline environment designation of rural, conservancy,
3555 resource or forestry, the greater of fifty feet or the average of the setbacks on adjacent
3556 lots on either side of the subject property, as measured from the ordinary high water mark
3557 the lake shoreline; and

3558 (3) on a site with a shoreline environment designation of natural, the greater
3559 of one hundred feet or the average of the setbacks on adjacent lots on either side of the
3560 subject property, as measured from the ordinary high water mark; and

3561 g. to the maximum extent practical, alterations are mitigated on the
3562 development proposal site by enhancing or restoring remaining critical area buffers.

3563 3. Limited to nonresidential farm-structures in grazed or tilled wet meadows or
3564 buffers of wetlands or aquatic areas where:

3565 a. the site is predominantly used for the practice of agriculture;

3566 b. the structure is in compliance with an approved farm management plan in
3567 accordance with K.C.C. 21A.24.051;

3568 c. the structure is either:

3569 (1) on or adjacent to existing nonresidential impervious surface areas,
3570 additional impervious surface area is not created waterward of any existing impervious
3571 surface areas and the area was not used for crop production;

3572 (2) higher in elevation and no closer to the critical area than its existing
3573 position; or

3574 (3) at a location away from existing impervious surface areas that is
3575 determined to be the optimum site in the farm management plan;

3576 d. all best management practices associated with the structure specified in the
3577 farm management plan are installed and maintained;

3578 e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not
3579 require the development of a farm management plan if required best management
3580 practices are followed and the installation does not require clearing of critical areas or
3581 their buffers; and

3582 f. in a severe channel migration hazard area portion of an aquatic buffer only
3583 if:

3584 (1) there is no feasible alternative location on-site;

3585 (2) the structure is located where it is least subject to risk from channel
3586 migration;

3587 (3) the structure is not used to house animals or store hazardous substances;

3588 and

3589 (4) the total footprint of all accessory structures within the severe channel
3590 migration hazard area will not exceed the greater of one thousand square feet or two
3591 percent of the severe channel migration hazard area on the site.

3592 4. ~~((Allowed if n))~~ No clearing, external construction or other disturbance in a
3593 wildlife habitat conservation area ~~((œœœœœœ))~~ is allowed during breeding seasons
3594 established under K.C.C. 21A.24.382.

3595 5. Allowed for structures when:

- 3596 a. the landslide hazard poses little or no risk of injury;
- 3597 b. the risk of landsliding is low; and
- 3598 c. there is not an expansion of the structure.

3599 6. Within a severe channel migration hazard area allowed for:

3600 a. existing legally established primary structures if:

- 3601 (1) there is not an increase of the footprint of any existing structure; and
- 3602 (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270;

3603 and

3604 b. existing legally established accessory structures if:

3605 (1) additions to the footprint will not make the total footprint of all existing
3606 structures more than one-thousand square feet; and

3607 (2) there is not an expansion of the footprint towards any source of channel
3608 migration hazard, unless the applicant demonstrates that the location is less subject to risk
3609 and has less impact on the critical area.

3610 7. Allowed only in grazed wet meadows or the buffer or building setback
3611 outside a severe channel migration hazard area if:

3612 a. the expansion or replacement does not increase the footprint of a
3613 nonresidential structure;

3614 b.(1) for a legally established dwelling unit, the expansion or replacement,
3615 including any expansion of a legally established accessory structure allowed under this
3616 subsection B.7.b., does not increase the footprint of the dwelling unit and all other
3617 structures by more than one thousand square feet, not including any expansion of a
3618 drainfield made necessary by the expansion of the dwelling unit. To the maximum extent
3619 practical, the replacement or expansion of a drainfield in the buffer should be located
3620 within areas of existing lawn or landscaping, unless another location will have a lesser
3621 impact on the critical area and its buffer;

3622 (2) for a structure accessory to a dwelling unit, the expansion or replacement
3623 is located on or adjacent to existing impervious surface areas and does not result in a
3624 cumulative increase in the footprint of the accessory structure and the dwelling unit by
3625 more than one thousand square feet;

3626 (3) the location of the expansion has the least adverse impact on the critical
3627 area; and

3628 (4) a comparable area of degraded buffer area shall be enhanced through
3629 removal of nonnative plants and replacement with native vegetation in accordance with
3630 an approved landscaping plan;

3631 c. the structure was not established as the result of an alteration exception,
3632 variance, buffer averaging or reasonable use exception;

3633 d. to the maximum extent practical, the expansion or replacement is not
3634 located closer to the critical area or within the relic of a channel that can be connected to
3635 an aquatic area; and

3636 e. The expansion of a residential structure in the buffer of a Type S aquatic
3637 area that extends towards the ordinary high water mark requires a shoreline variance if:

3638 (1) the expansion is within thirty-five feet of the ordinary high water mark; or

3639 (2) the expansion is between thirty-five and fifty feet of the ordinary high
3640 water mark and the area of the expansion extending towards the ordinary high water mark
3641 is greater than three hundred square feet.

3642 8. Allowed upon another portion of an existing impervious surface outside a
3643 severe channel migration hazard area if:

3644 a. except as otherwise allowed under subsection D.7. of this section, the
3645 structure is not located closer to the critical area;

3646 b. except as otherwise allowed under subsection D.7. of this section, the
3647 existing impervious surface within the critical area or buffer is not expanded; and

3648 c. the degraded buffer area is enhanced through removal of nonnative plants
3649 and replacement with native vegetation in accordance with an approved landscaping plan.

3650 9. Limited to piers or seasonal floating docks in a category II, III or IV wetland
3651 or its buffer or along a lake shoreline or its buffer where:

3652 a. the vegetation where the alteration is proposed does not consist of dominant
3653 native wetland herbaceous or woody vegetation six feet in width or greater and the lack
3654 of this vegetation is not the result of any violation of law;

3655 b. the wetland or lake shoreline is not a salmonid spawning area;

3656 c. hazardous substances or toxic materials are not used; and
3657 d. if located in a freshwater lake, the pier or dock conforms to the standards for
3658 docks under K.C.C. 21A.25.180.

3659 10. Allowed on type N or O aquatic areas if hazardous substances or toxic
3660 materials are not used.

3661 11. Allowed on type S or F aquatic areas outside of the severe channel
3662 migration hazard area if in compliance with K.C.C. 21A.25.180.

3663 12. When located on a lake, must be in compliance with K.C.C. 21A.25.180.

3664 13. Limited to regrading and stabilizing of a slope formed as a result of a legal
3665 grading activity.

3666 14. The following are allowed in the severe channel migration hazard area if
3667 conducted more than one hundred sixty-five feet from the ordinary high water mark in
3668 the rural area and one-hundred fifteen feet from the ordinary high water mark in the
3669 urban area:

3670 a. grading of up to fifty cubic yards on lot less than five acres; and

3671 b. clearing of up to one-thousand square feet or up to a cumulative thirty-five
3672 percent of the severe channel migration hazard area.

3673 15. Only where erosion or landsliding threatens a structure, utility facility,
3674 roadway, driveway, public trails, aquatic area or wetland if, to the maximum extent
3675 practical, stabilization work does not disturb the slope and its vegetative cover and any
3676 associated critical areas.

3677 16. Allowed when performed by, at the direction of or authorized by a
3678 government agency in accordance with regional road maintenance guidelines.

3679 17. Allowed when not performed under the direction of a government agency
3680 only if:

3681 a. the maintenance or expansion does not involve the use of herbicides,
3682 hazardous substances, sealants or other liquid oily substances in aquatic areas, wetlands
3683 or their buffers; and

3684 b. when maintenance, expansion or replacement of bridges or culverts involves
3685 water used by salmonids:

3686 (1) the work is in compliance with ditch standards in public rule; and

3687 (2) the maintenance of culverts is limited to removal of sediment and debris
3688 from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or
3689 damaged bank or channel immediately adjacent to the culvert and shall not involve the
3690 excavation of a new sediment trap adjacent to the inlet.

3691 18. Allowed for the removal of hazard trees and vegetation as necessary for
3692 surveying or testing purposes.

3693 19. The limited trimming, ~~((and))~~ pruning or removal of vegetation under a
3694 vegetation management plan approved by the department:

3695 a. in steep slope and landslide hazard areas, for the making and maintenance of
3696 view corridors ~~((or))~~; and

3697 b. in all critical areas, for habitat enhancement ~~((under a vegetation~~
3698 ~~management plan approved by the department, if the soils are not disturbed and the~~
3699 ~~activity will not adversely affect the long term slope stability or water quality or cause~~
3700 ~~erosion. The vegetation management plan shall use native species with adequate root~~

3701 ~~strength to add stability to a steep slope)),~~ invasive species control or forest management
3702 activities.

3703 20. Harvesting of plants and plant materials, such as plugs, stakes, seeds or
3704 fruits, for restoration and enhancement projects is allowed.

3705 21. Cutting of firewood is subject to the following:

3706 a. within a wildlife habitat conservation area, cutting firewood is not allowed;

3707 b. within a wildlife network, cutting shall be in accordance with a management
3708 plan approved under K.C.C. 21A.24.386; and

3709 c. within a critical area buffer, cutting shall be for personal use and in
3710 accordance with an approved forest management plan or rural stewardship plan.

3711 22. Allowed only in buffers if in accordance with best management practices
3712 approved by the King County fire marshal.

3713 23. Allowed as follows:

3714 a. if conducted in accordance with an approved forest management plan, farm
3715 management plan or rural stewardship plan; or

3716 b. without an approved forest management plan, farm management plan or
3717 rural stewardship plan, only if:

3718 (1) removal is undertaken with hand labor, including hand-held mechanical
3719 tools, unless the King County noxious weed control board otherwise prescribes the use of
3720 riding mowers, light mechanical cultivating equipment or herbicides or biological control
3721 methods;

3722 (2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;

3723 (3) the cleared area is revegetated with native vegetation and stabilized
3724 against erosion; and

3725 (4) herbicide use is in accordance with federal and state law;

3726 24. ~~((Only if in accordance with chapter 76.09 RCW and Title 222 WAC and:~~

3727 ~~a. a forest management plan is approved for the site by the King County~~

3728 ~~department of natural resources and parks; and~~

3729 ~~b. the property owner provides a notice of intent in accordance with RCW~~

3730 ~~76.09.060 that the site will not be converted to nonforestry uses within six years))~~

3731 Allowed to repair or replace existing on site wastewater disposal systems in accordance

3732 with the applicable public health standards within Marine Recovery Areas adopted by the

3733 Seattle King County Board of Health and:

3734 a. there is no alternative location available with less impact on the critical area;

3735 b. impacts to the critical area are minimized to the maximum extent

3736 practicable;

3737 c. the alterations will not subject the critical area to increased risk of landslide

3738 or erosion;

3739 d. vegetation removal is the minimum necessary to accommodate the septic

3740 system; and

3741 e. significant risk of personal injury is eliminated or minimized in the landslide

3742 hazard area.

3743 25. Only if in compliance with published Washington state Department of Fish

3744 and Wildlife and Washington state Department of Natural Resources Management

3745 standards for the species. If there are no published Washington state standards, only if in

3746 compliance with management standards determined by the county to be consistent with
3747 best available science.

3748 26. Allowed only if:

3749 a. there is not another feasible location with less adverse impact on the critical
3750 area and its buffer;

3751 b. the corridor is not located over habitat used for salmonid rearing or
3752 spawning or by a species listed as endangered or threatened by the state or federal
3753 government unless the department determines that there is no other feasible crossing site.

3754 c. the corridor width is minimized to the maximum extent practical;

3755 d. the construction occurs during approved periods for instream work;

3756 e. the corridor will not change or diminish the overall aquatic area flow peaks,
3757 duration or volume or the flood storage capacity; and

3758 f. no new public right-of-way is established within a severe channel migration
3759 hazard area.

3760 27. To the maximum extent practical, during breeding season established under
3761 K.C.C. 21A.24.382, land clearing machinery such as bulldozers, graders or other heavy
3762 equipment are not operated within a wildlife habitat conservation area.

3763 28. Allowed only if:

3764 a. an alternative access is not available;

3765 b. impact to the critical area is minimized to the maximum extent practical
3766 including the use of walls to limit the amount of cut and fill necessary;

3767 c. the risk associated with landslide and erosion is minimized;

3768 d. access is located where it is least subject to risk from channel migration; and

- 3769 e. construction occurs during approved periods for instream work.
- 3770 29. Only if in compliance with a farm management plan in accordance with
- 3771 K.C.C. 21A.24.051.
- 3772 30. Allowed only if:
- 3773 a. the new construction or replacement is made fish passable in accordance
- 3774 with the most recent Washington state Department of Fish and Wildlife manuals or with
- 3775 the National Marine and Fisheries Services guidelines for federally listed salmonid
- 3776 species; and
- 3777 b. the site is restored with appropriate native vegetation.
- 3778 31. Allowed if necessary to bring the bridge or culvert up to current standards
- 3779 and if:
- 3780 a. there is not another feasible alternative available with less impact on the
- 3781 aquatic area and its buffer; and
- 3782 b. to the maximum extent practical, the bridge or culvert is located to minimize
- 3783 impacts to the aquatic area and its buffer's.
- 3784 32. Allowed in an existing roadway if conducted consistent with the regional
- 3785 road maintenance guidelines.
- 3786 33. Allowed outside the roadway if:
- 3787 a. the alterations will not subject the critical area to an increased risk of
- 3788 landslide or erosion;
- 3789 b. vegetation removal is the minimum necessary to locate the utility or
- 3790 construct the corridor; and

3791 c. significant risk of personal injury is eliminated or minimized in the landslide
3792 hazard area.

3793 34. Limited to the pipelines, cables, wires and support structures of utility
3794 facilities within utility corridors if:

3795 a. there is no alternative location with less adverse impact on the critical area
3796 and critical area buffer;

3797 b. new utility corridors meet the all of the following to the maximum extent
3798 practical:

3799 (1) are not located over habitat used for salmonid rearing or spawning or by a
3800 species listed as endangered or threatened by the state or federal government unless the
3801 department determines that there is no other feasible crossing site;

3802 (2) the mean annual flow rate is less than twenty cubic feet per second; and

3803 (3) paralleling the channel or following a down-valley route near the channel
3804 is avoided;

3805 c. to the maximum extent practical utility corridors are located so that:

3806 (1) the width is the minimized;

3807 (2) the removal of trees greater than twelve inches diameter at breast height is
3808 minimized;

3809 (3) an additional, contiguous and undisturbed critical area buffer, equal in
3810 area to the disturbed critical area buffer area including any allowed maintenance roads, is
3811 provided to protect the critical area;

3812 d. to the maximum extent practical, access for maintenance is at limited access
3813 points into the critical area buffer rather than by a parallel maintenance road. If a parallel
3814 maintenance road is necessary the following standards are met:

3815 (1) to the maximum extent practical the width of the maintenance road is
3816 minimized and in no event greater than fifteen feet; and

3817 (2) the location of the maintenance road is contiguous to the utility corridor
3818 on the side of the utility corridor farthest from the critical area;

3819 e. the utility corridor or facility will not adversely impact the overall critical
3820 area hydrology or diminish flood storage capacity;

3821 f. the construction occurs during approved periods for instream work;

3822 g. the utility corridor serves multiple purposes and properties to the maximum
3823 extent practical;

3824 h. bridges or other construction techniques that do not disturb the critical areas
3825 are used to the maximum extent practical;

3826 i. bored, drilled or other trenchless crossing is laterally constructed at least four
3827 feet below the maximum depth of scour for the base flood;

3828 j. bridge piers or abutments for bridge crossing are not placed within the
3829 FEMA floodway or the ordinary high water mark;

3830 k. open trenching is only used during low flow periods or only within aquatic
3831 areas when they are dry. The department may approve open trenching of type S or F
3832 aquatic areas only if there is not a feasible alternative and equivalent or greater
3833 environmental protection can be achieved; and

3834 l. minor communication facilities may collocate on existing utility facilities if:

- 3835 (1) no new transmission support structure is required; and
- 3836 (2) equipment cabinets are located on the transmission support structure.
- 3837 35. Allowed only for new utility facilities in existing utility corridors.
- 3838 36. Allowed for onsite private individual utility service connections (~~(on-site)~~)
- 3839 or (~~(to)~~) private or public utilities if the disturbed area is not expanded and no hazardous
- 3840 substances, pesticides or fertilizers are applied.
- 3841 37. Allowed if the disturbed area is not expanded, clearing is limited to the
- 3842 maximum extent practical and no hazardous substances, pesticides or fertilizers are
- 3843 applied.
- 3844 38. Allowed if:
- 3845 a. conveying the surface water into the wetland or aquatic area buffer and
- 3846 discharging into the wetland or aquatic area buffer or at the wetland or aquatic area edge
- 3847 has less adverse impact upon the wetland or aquatic area or wetland or aquatic area buffer
- 3848 than if the surface water were discharged at the buffer's edge and allowed to naturally
- 3849 drain through the buffer;
- 3850 b. the volume of discharge is minimized through application of low impact
- 3851 development and water quality measures identified in the King County Surface Water
- 3852 Design Manual;
- 3853 c. the conveyance and outfall are installed with hand equipment where
- 3854 feasible;
- 3855 d. the outfall shall include bioengineering techniques where feasible; and
- 3856 e. the outfall is designed to minimize adverse impacts to critical areas.
- 3857 39. Allowed only if:

- 3858 a. there is no feasible alternative with less impact on the critical area and its
3859 buffer;
- 3860 b. to the maximum extent practical, the bridge or culvert is located to minimize
3861 impacts to the critical area and its buffer;
- 3862 c. the bridge or culvert is not located over habitat used for salmonid rearing or
3863 spawning unless there is no other feasible crossing site;
- 3864 d. construction occurs during approved periods for in-stream work; and
- 3865 e. bridge piers or abutments for bridge crossings are not placed within the
3866 FEMA floodway, severe channel migration hazard area or waterward of the ordinary high
3867 water mark.
- 3868 40. Allowed for an open, vegetated stormwater management conveyance system
3869 and outfall structure that simulates natural conditions if:
- 3870 a. fish habitat features necessary for feeding, cover and reproduction are
3871 included when appropriate;
- 3872 b. vegetation is maintained and added adjacent to all open channels and ponds,
3873 if necessary to prevent erosion, filter out sediments or shade the water; and
- 3874 c. bioengineering techniques are used to the maximum extent practical.
- 3875 41. Allowed for a closed, tightlined conveyance system and outfall structure if:
- 3876 a. necessary to avoid erosion of slopes; and
- 3877 b. bioengineering techniques are used to the maximum extent practical.
- 3878 42. Allowed in a severe channel migration hazard area or an aquatic area buffer
3879 to prevent bank erosion only;

3880 a. if consistent with the Integrated Streambank Protection Guidelines
3881 (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering
3882 techniques are used to the maximum extent practical, unless the applicant demonstrates
3883 that other methods provide equivalent structural stabilization and environmental function;

3884 b. based on a critical areas report, the department determines that the new
3885 flood protection facility will not cause significant impacts to upstream or downstream
3886 properties; and

3887 c. to prevent bank erosion for the protection of:

3888 (1) public roadways;

3889 (2) sole access routes in existence before February 16, 1995;

3890 (3) new primary dwelling units, accessory dwelling units or accessory living
3891 quarters and residential accessory structures located outside the severe channel migration
3892 hazard area if:

3893 (a) the site is adjacent to or abutted by properties on both sides containing
3894 buildings or sole access routes protected by legal bank stabilization in existence before
3895 February 16, 1995. The buildings, sole access routes or bank stabilization must be
3896 located no more than six hundred feet apart as measured parallel to the migrating
3897 channel; and

3898 (b) the new primary dwelling units, accessory dwelling units, accessory
3899 living quarters or residential accessory structures are located no closer to the aquatic area
3900 than existing primary dwelling units, accessory dwelling units, accessory living quarters
3901 or residential accessory structures on abutting or adjacent properties; or

3902 (4) existing primary dwelling units, accessory dwelling units, accessory living
3903 quarters or residential accessory structures if:

3904 (a) the structure was in existence before the adoption date of a King County
3905 Channel Migration Zone hazard map that applies to that channel, if such a map exists;

3906 (b) the structure is in imminent danger, as determined by a geologist,
3907 engineering geologist or geotechnical engineer;

3908 (c) the applicant has demonstrated that the existing structure is at risk, and
3909 the structure and supporting infrastructure cannot be relocated on the lot further from the
3910 source of channel migration; and

3911 (d) nonstructural measures are not feasible.

3912 43. Applies to lawfully established existing structures if:

3913 a. the height of the facility is not increased, unless the facility is being replaced
3914 in a new alignment that is landward of the previous alignment and enhances aquatic area
3915 habitat and process;

3916 b. the linear length of the facility is not increased, unless the facility is being
3917 replaced in a new alignment that is landward of the previous alignment and enhances
3918 aquatic area habitat and process;

3919 c. the footprint of the facility is not expanded waterward;

3920 d. consistent with the Integrated Streambank Protection Guidelines
3921 (Washington State Aquatic Habitat Guidelines Program, 2002) and bioengineering
3922 techniques are used to the maximum extent practical;

3923 e. the site is restored with appropriate native vegetation and erosion protection
3924 materials; and

3925 f. based on a critical areas report, the department determines that the
3926 maintenance, repair, replacement or construction will not cause significant impacts to
3927 upstream or downstream properties.

3928 44. Allowed in type N and O aquatic areas if done in least impacting way at
3929 least impacting time of year, in conformance with applicable best management practices,
3930 and all affected instream and buffer features are restored.

3931 45. Allowed in a type S or F water when such work is:

3932 a. included as part of a project to evaluate, restore or improve habitat, and

3933 b. sponsored or cosponsored by a public agency that has natural resource
3934 management as a function or by a federally recognized tribe.

3935 46. Allowed as long as the trail is not constructed of impervious surfaces that
3936 will contribute to surface water run-off, unless the construction is necessary for soil
3937 stabilization or soil erosion prevention or unless the trail system is specifically designed
3938 and intended to be accessible to handicapped persons.

3939 47. Not allowed in a wildlife habitat conservation area. Otherwise, allowed in
3940 the buffer or for crossing a category II, III or IV wetland or a type F, N or O aquatic area,
3941 if:

3942 a. the trail surface is made of pervious materials, except that public
3943 multipurpose trails may be made of impervious materials if they meet all the
3944 requirements in K.C.C. chapter 9.12. A trail that crosses a wetland or aquatic area shall
3945 be constructed as a raised boardwalk or bridge;

3946 b. to the maximum extent practical, buffers are expanded equal to the width of
3947 the trail corridor including disturbed areas;

3948 c. there is not another feasible location with less adverse impact on the critical
3949 area and its buffer;

3950 d. the trail is not located over habitat used for salmonid rearing or spawning or
3951 by a species listed as endangered or threatened by the state or federal government unless
3952 the department determines that there is no other feasible crossing site;

3953 e. the trail width is minimized to the maximum extent practical;

3954 f. the construction occurs during approved periods for instream work; and

3955 g. the trail corridor will not change or diminish the overall aquatic area flow
3956 peaks, duration or volume or the flood storage capacity.

3957 h. the trail may be located across a critical area buffer for access to a viewing
3958 platform or to a permitted dock or pier;

3959 i. A private viewing platform may be allowed if it is:

3960 (1) located upland from the wetland edge or the ordinary high water mark of
3961 an aquatic area;

3962 (2) located where it will not be detrimental to the functions of the wetland or
3963 aquatic area and will have the least adverse environmental impact on the critical area or
3964 its buffer;

3965 (3) limited to fifty square feet in size;

3966 (4) constructed of materials that are nontoxic; and

3967 (5) on footings located outside of the wetland or aquatic area.

3968 48. Only if the maintenance:

3969 a. does not involve the use of herbicides or other hazardous substances except
3970 for the removal of noxious weeds or invasive vegetation;

3971 b. when salmonids are present, the maintenance is in compliance with ditch
3972 standards in public rule; and

3973 c. does not involve any expansion of the roadway, lawn, landscaping, ditch,
3974 culvert, engineered slope or other improved area being maintained.

3975 49. Limited to alterations to restore habitat forming processes or directly restore
3976 habitat function and value, including access for construction, as follows:

3977 a. projects sponsored or cosponsored by a public agency that has natural
3978 resource management as a primary function or by a federally recognized tribe;

3979 b. restoration and enhancement plans prepared by a qualified biologist; or

3980 c. conducted in accordance with an approved forest management plan, farm
3981 management plan or rural stewardship plan.

3982 50. Allowed in accordance with a scientific sampling permit issued by
3983 Washington state Department of Fish and Wildlife or an incidental take permit issued
3984 under Section 10 of the Endangered Species Act.

3985 51. Allowed for the minimal clearing and grading, including site access,
3986 necessary to prepare critical area reports.

3987 52. The following are allowed if associated spoils are contained:

3988 a. data collection and research if carried out to the maximum extent practical
3989 by nonmechanical or hand-held equipment;

3990 b. survey monument placement;

3991 c. site exploration and gage installation if performed in accordance with state-
3992 approved sampling protocols and accomplished to the maximum extent practical by
3993 hand-held equipment and; or similar work associated with an incidental take permit

3994 issued under Section 10 of the Endangered Species Act or consultation under Section 7 of
3995 the Endangered Species Act.

3996 53. Limited to activities in continuous existence since January 1, 2005, with no
3997 expansion within the critical area or critical area buffer. "Continuous existence" includes
3998 cyclical operations and managed periods of soil restoration, enhancement or other fallow
3999 states associated with these horticultural and agricultural activities.

4000 54. Allowed for expansion of existing or new agricultural activities where:

4001 a. the site is predominantly involved in the practice of agriculture;

4002 b. there is no expansion into an area that:

4003 (1) has been cleared under a class I, II, III, IV-S or nonconversion IV-G forest
4004 practice permit; or

4005 (2) is more than ten thousand square feet with tree cover at a uniform density
4006 more than ninety trees per acre and with the predominant mainstream diameter of the
4007 trees at least four inches diameter at breast height, not including areas that are actively
4008 managed as agricultural crops for pulpwood, Christmas trees or ornamental nursery
4009 stock;

4010 c. the activities are in compliance with an approved farm management plan in
4011 accordance with K.C.C. 21A.24.051; and

4012 d. all best management practices associated with the activities specified in the
4013 farm management plan are installed and maintained.

4014 55. Only allowed in grazed or tilled wet meadows or their buffers if:

4015 a. the facilities are designed to the standards of an approved farm management
4016 plan in accordance K.C.C. 21A.24.051 or an approved livestock management plan in
4017 accordance with K.C.C. chapter 21A.30;

4018 b. there is not a feasible alternative location available on the site; and

4019 c. the facilities are located close to the outside edge of the buffer to the
4020 maximum extent practical.

4021 56. Only ((A))allowed in a severe channel migration hazard area, ~~((portion of an~~
4022 ~~aquatic area))~~ grazed or tilled wet meadow or wet meadow buffer or aquatic area buffer
4023 and only if:

4024 a. located outside the shoreline jurisdiction;

4025 b. ~~((the facilities are designed to the standards in an approved farm~~
4026 ~~management plan in accordance with K.C.C. 21A.24.051))~~ the applicant demonstrates
4027 that adverse impacts to the critical area and critical area buffers have been minimized;

4028 c. there is not ~~((a feasible alternative location available on the site))~~ another
4029 feasible location available on the site that is located outside of the critical area or critical
4030 area buffer; and

4031 d. for proposals located in the severe channel migration hazard area, the
4032 ~~((structure))~~ farm pad or livestock manure storage facility is located where it is least
4033 subject to risk from channel migration.

4034 57. Allowed for new agricultural drainage in compliance with an approved farm
4035 management plan in accordance with K.C.C. 21A.24.051 and all best management
4036 practices associated with the activities specified in the farm management plan are
4037 installed and maintained.

4038 58. If the agricultural drainage is used by salmonids, maintenance shall be in
4039 compliance with an approved farm management plan in accordance with K.C.C.
4040 21A.24.051.

4041 59. Allowed within existing landscaped areas or other previously disturbed
4042 areas.

4043 60. Allowed for residential utility service distribution lines to residential
4044 dwellings, including, but not limited to, well water conveyance, septic system
4045 conveyance, water service, sewer service, natural gas, electrical, cable and telephone, if:

4046 a. there is no alternative location with less adverse impact on the critical area
4047 or the critical area buffer;

4048 b. the residential utility service distribution lines meet the all of the following,
4049 to the maximum extent practical:

4050 (1) are not located over habitat used for salmonid rearing or spawning or by a
4051 species listed as endangered or threatened by the state or federal government unless the
4052 department determines that there is no other feasible crossing site;

4053 (2) not located over a type S aquatic area;

4054 (3) paralleling the channel or following a down-valley route near the channel
4055 is avoided;

4056 (4) the width of clearing is minimized;

4057 (5) the removal of trees greater than twelve inches diameter at breast height is
4058 minimized;

4059 (6) an additional, contiguous and undisturbed critical area buffer, equal in
4060 area to the disturbed critical area buffer area is provided to protect the critical area;

4061 (7) access for maintenance is at limited access points into the critical area
4062 buffer.

4063 (8) the construction occurs during approved periods for instream work;

4064 (9) bored, drilled or other trenchless crossing is encouraged, and shall be
4065 laterally constructed at least four feet below the maximum depth of scour for the base
4066 flood; and

4067 (10) open trenching across Type O or Type N aquatic areas is only used
4068 during low flow periods or only within aquatic areas when they are dry.

4069 61. Allowed if sponsored or cosponsored by the countywide flood control zone
4070 district and the department determines that the project and its location:

- 4071 a. is the best flood risk reduction alternative practicable;
- 4072 b. is part of a comprehensive, long-term flood management strategy;
- 4073 c. is consistent with the King County Flood Hazard Management Plan policies;
- 4074 d. will have the least adverse impact on the ecological functions of the critical
4075 area or its buffer, including habitat for fish and wildlife that are identified for protection
4076 in the King County Comprehensive Plan; and
- 4077 e. has been subject to public notice in accordance with K.C.C. 20.44.060.

4078 62.a. Not allowed in wildlife habitat conservation areas;

4079 b. Only allowed if:

4080 (1) the project is sponsored or cosponsored by a public agency whose primary
4081 function deals with natural resources management;

4082 (2) the project is located on public land or on land that is owned by a
4083 nonprofit agency whose primary function deals with natural resources management;

4084 (3) there is not a feasible alternative location available on the site with less
4085 impact to the critical area or its associated buffer;

4086 (4) the aquatic area or wetland is not for salmonid rearing or spawning;

4087 (5) the project minimizes the footprint of structures and the number of access
4088 points to any critical areas; and

4089 (6) the project meets the following design criteria:

4090 (a) to the maximum extent practical size of platform shall not exceed one
4091 hundred square feet;

4092 (b) all construction materials for any structures, including the platform,
4093 pilings, exterior and interior walls and roof, are constructed of nontoxic material, such as
4094 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,
4095 fiberglass or cured concrete that the department determines will not have an adverse
4096 impact on water quality;

4097 (c) the exterior of any structures are sufficiently camouflaged using netting
4098 or equivalent to avoid any visual deterrent for wildlife species to the maximum extent
4099 practical. The camouflage shall be maintained to retain concealment effectiveness;

4100 (d) structures shall be located outside of the wetland or aquatic area
4101 landward of the Ordinary High Water Mark or open water component (if applicable) to
4102 the maximum extent practical on the site;

4103 (e) construction occurs during approved periods for work inside the
4104 Ordinary High Water Mark;

4105 (f) construction associated with bird blinds shall not occur from March 1
4106 through August 31, in order to avoid disturbance to birds during the breeding, nesting and
4107 rearing seasons;

4108 (g) to the maximum extent practical, provide accessibility for persons with
4109 physical disabilities in accordance with the International Building Code;

4110 (h) trail access is designed in accordance with public rules adopted by the
4111 department;

4112 (i) existing native vegetation within the critical area will remain undisturbed
4113 except as necessary to accommodate the proposal. Only minimal hand clearing of
4114 vegetation is allowed; and

4115 (j) disturbed bare ground areas around the structure must be replanted with
4116 native vegetation approved by the department.

4117 63. Not allowed in the severe channel migration zone, there is no alternative
4118 location with less adverse impact on the critical area and buffer and clearing is minimized
4119 to the maximum extent practical.

4120 64. Only structures wholly or partially supported by a tree and used as accessory
4121 living quarters or for play and similar uses described in K.C.C. 16.02.240.1, subject to the
4122 following:

4123 a. not allowed in wildlife habitat conservation areas or severe channel
4124 migration hazard areas;

4125 b. the structure's floor area shall not exceed two hundred square feet, excluding
4126 a narrow access stairway or landing leading to the structure;

4127 c. the structure shall be located as far from the critical area as practical, but in
4128 no case closer than seventy-five feet from the critical area;

4129 d. only one tree-supported structure within a critical area buffer is allowed on a
4130 lot;

4131 e. all construction materials for the structure, including the platform, pilings,
4132 exterior and interior walls and roof, shall be constructed of nontoxic material, such as
4133 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,
4134 fiberglass or cured concrete that the department determines will not have an adverse
4135 impact on water quality;

4136 f. to the maximum extent practical, the exterior of the structure shall be
4137 camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife
4138 and visibility from the critical area. The camouflage shall be maintained to retain
4139 concealment effectiveness;

4140 g. the structure must not adversely impact the long-term health and viability of
4141 the tree. The evaluation shall include, but not be limited to, the following:

4142 (1) the quantity of supporting anchors and connection points to attach the tree
4143 house to the tree shall be the minimum necessary to adequately support the structure;

4144 (2) the attachments shall be constructed using the best available tree anchor
4145 bolt technology; and

4146 (3) an ISA Certified Arborist shall evaluate the tree proposed for placement
4147 of the tree house and shall submit a report discussing how the tree's long-term health and
4148 viability will not be negatively impacted by the tree house or associated infrastructure;

4149 h. exterior lighting shall meet the following criteria:

4150 (1) limited to the minimum quantity of lights necessary to meet the building
4151 code requirements to allow for safe exiting of the structure and stairway; and

4152 (2) exterior lights shall be fully shielded and shall direct light downward, in
4153 an attempt to minimize impacts to the nighttime environment;

4154 i. unless otherwise approved by the department, all external construction shall
4155 be limited to September 1 through March 1 in order to avoid disturbance to wildlife
4156 species during typical breeding, nesting and rearing seasons;

4157 j. trail access to the structure shall be designed in accordance with trail
4158 standards under subsection D.47. of this section;

4159 k. to the maximum extent practical, existing native vegetation shall be left
4160 undisturbed. Only minimal hand clearing of vegetation is allowed; and

4161 l. vegetated areas within the critical area buffer that are temporarily impacted
4162 by construction of the structure shall be restored by planting native vegetation according
4163 to a vegetation management plan approved by the department.

4164 65. Shoreline water dependent and shoreline water oriented uses are allowed in
4165 the aquatic area and aquatic area buffer of a Type S aquatic area if consistent with K.C.C.
4166 chapter 21A.25, chapter 90.58 RCW and the King County Comprehensive Plan.

4167 66. Only hydroelectric generating facilities meeting the requirements of K.C.C.
4168 21A.08.100B.14., and only as follows:

4169 a. there is not another feasible location within the aquatic area with less adverse
4170 impact on the critical area and its buffer;

4171 b. the facility and corridor is not located over habitat used for salmonid rearing
4172 or spawning or by a species listed as endangered or threatened by the state or federal
4173 government unless the department determines that there is no other feasible location;

4174 c. the facility is not located in Category I wetlands or Category II wetlands with
4175 a habitat score 30 points or greater

4176 d. the corridor width is minimized to the maximum extent practical;

4177 e. paralleling the channel or following a down-valley route within an aquatic
4178 area buffer is avoided to the maximum extent practical;

4179 f. the construction occurs during approved periods for instream work;

4180 g. the facility and corridor will not change or adversely impact the overall
4181 aquatic area flow peaks, duration or volume or the flood storage capacity;

4182 h. The facility and corridor is not located within a severe channel migration
4183 hazard area;

4184 h. To the maximum extent practical, buildings will be located outside the
4185 buffer and away from the aquatic area or wetland;

4186 i. To the maximum extent practical, access for maintenance is at limited access
4187 points into the critical area buffer rather than by a parallel maintenance road. If a parallel
4188 maintenance road is necessary the following standards are met:

4189 1. to the maximum extent practical the width of the maintenance road is
4190 minimized and in no event greater than fifteen feet; and

4191 2. the location of the maintenance road is contiguous to the utility corridor on
4192 the side of the utility corridor farthest from the critical area;

4193 j. the facility does not pose an unreasonable threat to the public health, safety or
4194 welfare on or off the development proposal site and is consistent with the general
4195 purposes of this chapter and the public interest; and

4196 k. the facility connects to or is an alteration to a public roadway, public trail, a
4197 utility corridor or utility facility or other infrastructure owned or operated by a public
4198 utility; and

4199 67. Only hydroelectric generating facilities meeting the requirements of K.C.C.
4200 21A.08.100.B.14, and only as follows:

4201 a. there is not another feasible location with less adverse impact on the critical
4202 area and its buffer;

4203 b. the alterations will not subject the critical area to an increased risk of
4204 landslide or erosion;

4205 c. the corridor width is minimized to the maximum extent practical;

4206 d. vegetation removal is the minimum necessary to locate the utility or
4207 construct the corridor;

4208 e. the facility and corridor do not pose an unreasonable threat to the public
4209 health, safety or welfare on or off the development proposal site and is consistent with the
4210 general purposes of this chapter, and the public interest and significant risk of personal
4211 injury is eliminated or minimized in the landslide hazard area; and

4212 f. the facility connects to or is an alteration to a public roadway, public trail, a
4213 utility corridor or utility facility or other infrastructure owned or operated by a public
4214 utility.

4215 68. Only for a single detached dwelling unit on a lake twenty acres or larger and
4216 only as follows:

4217 a. the heat exchanger must be a closed loop system that does not draw water
4218 from or discharge to the lake;

4219 b. the lake bed shall not be disturbed, except as required by the county or a
4220 state or federal agency to mitigate for impacts of the heat exchanger;

4221 c. the in-water portion of system is only allowed where water depth exceeds
4222 six feet; and

4223 d. system structural support for the heat exchanger piping shall be attached to
4224 an existing dock or pier or be attached to a new structure that meets the requirements of
4225 K.C.C. 21A.25.180.

4226 69. Only for maintenance of agricultural waterways if:

4227 a. the purpose of the maintenance project is to improve agricultural production
4228 on a site predominately engaged in the practice of agriculture;

4229 b. the maintenance project is conducted in compliance with a hydraulic project
4230 approval issued by the Washington state Department of Fish and Wildlife pursuant to
4231 chapter 77.55 RCW;

4232 c. the maintenance project complies with the King County agricultural
4233 drainage assistance program as agreed to by the Washington state Department of Fish and
4234 Wildlife, the department of permitting and environmental review and the department of
4235 natural resources and parks, and as reviewed by the Washington state Department of
4236 Ecology;

4237 d. the person performing the maintenance and the land owner have attended
4238 training provided by King County on the King County agricultural drainage assistance
4239 program and the best management practices required under that program; and

4240 e. the maintenance project complies with K.C.C. chapter 16.82.

4241 SECTION 45. Ordinance 15051, Section 138, and K.C.C. 21A.24.051 are each
4242 hereby amended to read as follows:

4243 A. The alterations identified in K.C.C. 21A.24.045 for agricultural activities are
4244 allowed to expand within the buffers of wetlands, aquatic areas and wildlife habitat
4245 conservation areas, when an agricultural activity is currently occurring on the site and the
4246 alteration is in compliance with an approved farm management plan in accordance with
4247 this section or, for livestock activities, a farm management plan in accordance with
4248 K.C.C. chapter 21A.30.

4249 B. This section does not modify any requirement that the property owner obtain
4250 permits for activities covered by the farm management plan.

4251 C. The department of natural resources and parks or its designee shall serve as
4252 the single point of contact for King County in providing information on farm
4253 management plans for purposes of this title. The department of natural resources and
4254 parks shall adopt a public rule governing the development of farm management plans.
4255 The rule may provide for different types of farms management plans related to different
4256 kinds of agricultural activities, including, but not limited to the best management
4257 practices for ~~((dairy nutrient management,))~~ livestock management, livestock crossing,
4258 livestock heavy use areas, horticulture management, site development, farm pads, farm
4259 field access roads and agricultural drainage.

4260 D. A property owner or applicant seeking to use the process to allow alterations
4261 in critical area buffers shall develop a farm management plan based on the following
4262 goals, which are listed in order of priority:

4263 1. To maintain the productive agricultural land base and economic viability of
4264 agriculture on the site;

4265 2. To maintain, restore or enhance critical areas to the maximum extent practical
4266 in accordance with the site specific goals of the landowner;

4267 3. To the maximum extent practical in accordance with the site specific goals of
4268 the landowner, maintain and enhance natural hydrologic systems on the site;

4269 4. To use federal, state and local best management practices and best available
4270 science for farm management to achieve the goals of the farm management plan; and

4271 5. To monitor the effectiveness of best management practices and implement
4272 additional practices through adaptive management to achieve the goals of the farm
4273 management plan.

4274 E. If a part or all of the site is located within the shoreline jurisdiction, the farm
4275 management plan shall:

4276 1. Consider and be consistent with the goals of the shoreline management act
4277 and the policies of the King County shoreline master program;

4278 2. Consider the priorities of the King County shoreline protection and
4279 restoration plan; and

4280 3. Ensure no net loss of shoreline ecological functions.

4281 F. The property owner or applicant may develop the farm management plan as
4282 part of a program offered or approved by King County. The plan shall include, but is not
4283 limited to, the following elements:

4284 1. A site inventory identifying critical areas, structures, cleared and forested
4285 areas, and other significant features on the site;

4286 2. Site-specific performance standards and best management practices to
4287 maintain, restore or enhance critical areas and their buffers and maintain and enhance
4288 native vegetation on the site including the best management practices for the installation
4289 and maintenance of farm field access drives and agricultural drainages;

4290 3. A plan for future changes to any existing structures or for any changes to the
4291 landscape that involve clearing or grading;

4292 4. A plan for implementation of performance standards and best management
4293 practices; and

4294 5. A plan for monitoring the effectiveness of measures taken to protect critical
4295 areas and their buffers and to modify the farm management plan if adverse impacts occur
4296 (~~(; and)~~).

4297 (~~(G-D)~~) G. If applicable, a farm management plan shall include documentation
4298 of compliance with flood compensatory storage and flood conveyance in accordance with
4299 K.C.C. 21A.24.240.

4300 (~~(G-)~~) H. A farm management plan is not effective until approved by the county.
4301 Before approval, the county may conduct a site inspection, which may be through a
4302 program offered or approved by King County, to verify that the plan is reasonably likely

4303 to accomplish the goals in subsection D. (~~(of this section)~~) of this section and consistent
4304 with subsection E. of this section.

4305 ~~((H.))~~ I. Once approved, activities carried out in compliance with the approved
4306 farm management plan shall be deemed in compliance with this chapter. In the event of a
4307 potential code enforcement action, the department of permitting and environmental
4308 review shall first inform the department of natural resources and parks of the activity.
4309 ~~((Prior to))~~ Before taking code enforcement action, the department of permitting and
4310 environmental review shall consult with the department of natural resources and parks
4311 and the King Conservation District to determine whether the activity is consistent with
4312 the farm management plan.

4313 SECTION 46. Ordinance 10870, Section 454, as amended, and K.C.C.
4314 21A.24.070 are each hereby amended to read as follows:

4315 A. The director may approve alterations to critical areas, critical area buffers and
4316 critical area setbacks not otherwise allowed by this chapter as follows:

4317 1. Except as otherwise provided in subsection A.2. of this section, for linear
4318 alterations, the director may approve alterations to critical areas, critical area buffers and
4319 critical area setbacks only when all of the following criteria are met:

4320 a. there is no feasible alternative to the development proposal with less adverse
4321 impact on the critical area;

4322 b. the proposal minimizes the adverse impact on critical areas to the maximum
4323 extent practical;

4324 c. the approval does not require the modification of a critical area development
4325 standard established by this chapter;

4326 d. the development proposal does not pose an unreasonable threat to the public
4327 health, safety or welfare on or off the development proposal site and is consistent with the
4328 general purposes of this chapter and the public interest;

4329 e. the linear alteration:

4330 (1) connects to or is an alteration to a public roadway, regional light rail
4331 transit line, public trail, a utility corridor or utility facility or other public infrastructure
4332 owned or operated by a public utility; or

4333 (2) is required to overcome limitations due to gravity;

4334 2. In order to accommodate the siting of a regional light rail transit facility
4335 under RCW 36.70A.200, the director may approve alterations to critical areas, critical
4336 area buffers and critical area setbacks not otherwise allowed by this chapter and may
4337 impose reasonable conditions to minimize the impact of the light rail transit facility on
4338 the critical area and its buffer; and

4339 3. For nonlinear alterations the director may approve alterations to critical areas
4340 except wetlands, unless otherwise allowed under subsection A.2.h. of this section, aquatic
4341 areas and wildlife habitat conservation areas, and alterations to critical area buffers and
4342 critical area setbacks, when all of the following criteria are met:

4343 a. there is no feasible alternative to the development proposal with less adverse
4344 impact on the critical area;

4345 b. the alteration is the minimum necessary to accommodate the development
4346 proposal;

4347 c. the approval does not require the modification of a critical area development
4348 standard established by this chapter, except as set forth in subsection A.2.i. of this
4349 section;

4350 d. the development proposal does not pose an unreasonable threat to the public
4351 health, safety or welfare on or off the development proposal site and is consistent with the
4352 general purposes of this chapter and the public interest;

4353 e. for dwelling units, no more than five thousand square feet or ten percent of
4354 the site, whichever is greater, may be disturbed by structures, building setbacks or other
4355 land alteration, including grading, utility installations and landscaping, but not including
4356 the area used for a driveway or for an on-site sewage disposal system;

4357 f. to the maximum extent practical, access is located to have the least adverse
4358 impact on the critical area and critical area buffer;

4359 g. the critical area is not used as a salmonid spawning area;

4360 h. the director may approve an alteration in a category II, III and IV wetland
4361 for development of a public school facility; and

4362 i. the director may approve an alteration to the elevation or dry flood proofing
4363 standards in K.C.C. 21A.24.240.F.1. or 21A.24.240.F.2. for nonresidential agricultural
4364 accessory buildings that equal or exceed a maximum assessed value of sixty-five
4365 thousand dollars if the development proposal meets the criteria in subsection A.2. of this
4366 section and the standards in K.C.C. 21A.24.240.F.4. through 21A.24.240.G.

4367 B. The director may approve alterations to critical areas, critical area buffers and
4368 critical area setbacks if the application of this chapter would deny all reasonable use of
4369 the property as follow:

4370 1. If the critical area, critical area buffer or critical area setback is outside of the
4371 shoreline jurisdiction, the applicant may apply for a reasonable use exception under this
4372 subsection without first having applied for an alteration exception under this section if the
4373 requested reasonable use exception includes relief from development standards for which
4374 an alteration exception cannot be granted under this section. The director shall determine
4375 that all of the following criteria are met:

4376 a. there is no other reasonable use with less adverse impact on the critical area;

4377 b. development proposal does not pose an unreasonable threat to the public
4378 health, safety or welfare on or off the development proposal site and is consistent with the
4379 general purposes of this chapter and the public interest;

4380 c. any authorized alteration to the critical area or critical area buffer is the
4381 minimum necessary to allow for reasonable use of the property; and

4382 d. for dwelling units, no more than five thousand square feet or ten percent of
4383 the site, whichever is greater, may be disturbed by structures, building setbacks or other
4384 land alteration, including grading, utility installations and landscaping but not including
4385 the area used for a driveway or for an on-site sewage disposal system; and

4386 2. If the critical area, critical area buffer or critical area setback is located within
4387 the shoreline jurisdiction, the request for a reasonable use exception shall be considered a
4388 request for a shoreline variance under K.C.C. 21A.24.090.

4389 C. For the purpose of this section((;)):

4390 1. "~~((f))~~Linear" alteration means infrastructure that supports development that is
4391 linear in nature and includes public and private roadways, public trails, private

4392 driveways, railroads, regional light rail transit, hydroelectric generating facilities, utility
4393 corridors and utility facilities; and

4394 2. For purposes of subsections A. and B. of this section, areas located within the
4395 shoreline jurisdiction that are below the ordinary high water mark shall not be included in
4396 calculating the site area.

4397 D. Alteration exceptions approved under this section shall meet the mitigation
4398 requirements of this chapter.

4399 E. An applicant for an alteration exception shall submit a critical area report, as
4400 required by K.C.C. 21A.24.110.

4401 NEW SECTION. SECTION 47. There is added to K.C.C. chapter 21A.24 a new
4402 section to read as follows:

4403 A. As an alternative to an alteration exception under K.C.C. 21A.24.070, during
4404 review of an application for a single detached dwelling unit, the director may approve an
4405 alteration to a wetland buffer, aquatic area buffer, steep slope hazard area and associated
4406 buffer, landslide hazard area and associated buffer and critical area setback as follows:

4407 1. There is no feasible alternative to the development proposal with less adverse
4408 impact on the critical area;

4409 2. The alteration is the minimum necessary to accommodate residential use of
4410 the property;

4411 3. The approval does not require the modification of a critical area development
4412 standard established by this chapter;

4413 4. The development proposal does not pose an unreasonable threat to the public
4414 health, safety or welfare on or off the development proposal site and is consistent with the
4415 general purposes of this chapter and the public interest;

4416 5. No more than five thousand square feet or ten percent of the site, whichever
4417 is greater, are disturbed by structures, building setbacks or other land alteration, including
4418 grading, utility installations and landscaping, but not including the area used for a
4419 driveway or for an on-site sewage disposal system. For purposes of this section, areas
4420 located within the shoreline jurisdiction that are below the ordinary high water mark shall
4421 not be included in calculating the site area;

4422 6. The applicant submits an approved rural stewardship plan or forest
4423 stewardship plan prepared in accordance with this chapter that addresses the development
4424 proposal and the proposed use of the property; and

4425 7. The proposal complies with K.C.C. 21A.24.125 and 21A.24.130.

4426 B. The applicant for the waiver of the alteration exception process shall submit
4427 any critical areas studies, alternatives analysis and other documents requested by the
4428 department following a preapplication review meeting.

4429 C. Within fourteen calendar days after the department determines the application
4430 under this section is complete, it shall provide written mailed notice of the proposed
4431 alteration as provided in K.C.C. 20.20.080.H.

4432 D. The department shall allow twenty-one calendar days for comment before
4433 making a decision on the request under this section. The department's decision shall be
4434 mailed to the applicant and to any other person who requests a copy. The decision shall

4435 state the reasons for the decision and, if approved, shall include any required mitigation
4436 or conditions.

4437 SECTION 48. Ordinance 10870, Section 458, as amended, and K.C.C.

4438 21A.24.110 are each hereby amended to read as follows:

4439 A. An applicant for a development proposal that requires critical area review
4440 under K.C.C. 21A.24.100 shall submit a critical area report at a level determined by the
4441 department to adequately evaluate the proposal and all probable impacts.

4442 B. The applicant may combine a critical area report with any studies required by
4443 other laws and regulations.

4444 C. If the development proposal will affect only a part of the development
4445 proposal site, the department may limit the scope of the required critical area report to
4446 include only that part of the site that is affected by the development proposal.

4447 D.1. Floodplain development that was not assessed through the King County
4448 Programmatic Habitat Assessment prepared for the National Flood Insurance program
4449 and the Endangered Species Act shall include an assessment of the impact of the
4450 alteration on water quality and aquatic and riparian habitat. The assessment shall be:

4451 a. A Biological Evaluation or Biological Assessment that has received
4452 concurrence from the United States Fish and Wildlife Service or the National Marine
4453 Fisheries Service, pursuant to Section 7 of the Endangered Species Act;

4454 b. Documentation that the activity fits within a Habitat Conservation Plan
4455 approved pursuant to Section 10 of the Endangered Species Act;

4456 c. Documentation that the activity fits within Section 4(d) of the Endangered
4457 Species Act;

4458 d. An assessment prepared in accordance with Regional Guidance for
4459 Floodplain Habitat Assessment and Mitigation, FEMA Region X, 2010. The assessment
4460 shall determine if the project would adversely affect any one or more of the following:

4461 (1) the primary constituent elements identified when a species is listed as
4462 threatened or endangered;

4463 (2) Essential Fish Habitat designated by the National Marine Fisheries
4464 Service;

4465 (3) fish and wildlife habitat conservation areas;

4466 (4) vegetation communities and habitat structures;

4467 (5) water quality;

4468 (6) water quantity, including flood and low flow depths, volumes and
4469 velocities;

4470 (7) the river or stream channel's natural planform pattern and migration
4471 process;

4472 (8) spawning substrate, if applicable; and

4473 (9) floodplain refugia, if applicable.

4474 2. The department must require a project with adverse effects to comply with
4475 the impact avoidance, minimization and mitigation requirements of K.C.C. 21A.24.125
4476 and 21A.24.130.

4477 SECTION 49. Ordinance 15051, Section 152, and K.C.C. 21A.24.137 are each
4478 hereby amended to read as follows:

4479 The department may approve mitigation to compensate for the adverse impacts of
4480 a development proposal to critical areas through ~~((the creation and approval of a resource~~

4481 mitigation reserve. ~~The use of a resource mitigation reserve to compensate for~~
4482 ~~unavoidable impacts to a critical area is not allowed in the agricultural production~~
4483 ~~districts if the purpose is to compensate for development outside of the agricultural~~
4484 ~~production districts)) the King County mitigation reserves program.~~

4485 SECTION 50. Ordinance 10870, Section 465, as amended, and K.C.C.

4486 21A.24.180 are each hereby amended to read as follows:

4487 A. The applicant shall ~~((use))~~ establish critical area tracts to delineate and protect
4488 those critical areas and buffers listed below in development proposals for subdivisions,
4489 short subdivisions or binding site plans and shall record the tracts on all documents of
4490 title of record for all affected lots:

- 4491 1. All landslide hazard areas and buffers that are one acre or more in size;
- 4492 2. All steep slope hazard areas and buffers that are one acre or more in size;
- 4493 3. All wetlands and buffers; and
- 4494 4. All aquatic areas and buffers.

4495 B. ~~((Any required))~~ A critical area tract established under subsection A. of this
4496 section shall be held in an undivided interest by each owner of a building lot within the
4497 development with this ownership interest passing with the ownership of the lot, or shall
4498 be held by an incorporated homeowner's association or other legal entity that ensures the
4499 ownership, maintenance and protection of the tract.

4500 C. The long-term management goals for critical area tracts established under
4501 subsection A. of this section are to protect and enhance critical area functions and values,
4502 including, but not limited to, providing fish and wildlife habitat and protecting the public
4503 from geologic hazards and increased stormwater runoff. The specific management

4504 strategy for each tract shall be clearly defined before preliminary approval of the
4505 subdivision or binding site plan.

4506 D. In lieu of the requirements of subsection A. of this section, the director may
4507 allow an applicant to include critical areas in resource tracts established under K.C.C.
4508 21A.14.040.B.7. The resource tract management plan shall clearly state that the purpose
4509 of the resource portion is for resource management and the purpose of the designated
4510 critical areas is for critical area protection and enhancement and protecting the public
4511 from geologic hazards and increased stormwater runoff.

4512 E. Site plans submitted as part of building permits, clearing and grading permits
4513 or other development permits shall include and delineate:

- 4514 1. All flood hazard areas, as determined by King County in accordance with
4515 K.C.C. 21A.24.230;
- 4516 2. Landslide, volcanic, coal mine and steep slope hazard areas;
- 4517 3. Aquatic areas and wetlands;
- 4518 4. Wildlife habitat conservation areas and the wildlife habitat network;
- 4519 5. Buffers; and
- 4520 6. Building setbacks as required by K.C.C. 21A.24.200.

4521 ~~((D-))~~ F. If only a part of the development site has been mapped, the part of the
4522 site that has not been mapped shall be clearly identified and labeled on the site plans.

4523 NEW SECTION. SECTION 51. There is added to K.C.C. chapter 21A.24 a new
4524 section to read as follows:

4525 A. If future alterations are proposed to a critical area tract created under this
4526 chapter or to an area where preservation of existing vegetation is required by ordinance,

4527 the applicant shall submit and have approved by the department a vegetation management
4528 plan before the establishment of the critical area tract or issuance of the permit requiring
4529 preservation of existing vegetation.

4530 B. The vegetation management plan shall describe the long-term management
4531 goals for the critical area tract or protected area. The management goals shall include,
4532 but are not limited to:

- 4533 1. Wildlife habitat protection and enhancement;
- 4534 2. Water quality protection and enhancement;
- 4535 3. Maintaining or improving hydrologic conditions; and
- 4536 4. Protecting the public health and safety from geologic hazards and erosion.

4537 C. If the vegetation management includes harvesting of merchantable timber, as
4538 defined in WAC 222-16-010, the vegetation management plan shall include a description
4539 of the proposed harvest practices demonstrating how the critical area management goals
4540 of this chapter will be met.

4541 D. Vegetation management practices shall avoid soil disturbance and shall be
4542 conducted in a manner that will not adversely affect slope stability, cause erosion or
4543 affect water quality. The management plan shall require the use of appropriate native
4544 plants for replacement or enhancement.

4545 E. Vegetation management plans shall be prepared by an arborist, landscape
4546 architect, forester or other qualified vegetation management specialist with technical
4547 assistance from a geologist where geologic hazard areas are involved or an ecologist or
4548 wildlife biologist or other qualified specialists where resource protection areas are
4549 involved.

4550 SECTION 52. Ordinance 10870, Section 471, as amended, and K.C.C.

4551 21A.24.240 are each hereby amended to read as follows:

4552 The following development standards apply to development proposals and
4553 alterations on sites within the zero-rise flood fringe:

4554 A. Development proposals and alterations shall not reduce the effective base
4555 flood storage volume of the floodplain. A development proposal shall provide
4556 compensatory storage if grading or other activity displaces any effective flood storage
4557 volume. Compensatory storage is not required for grading or fill placed within the
4558 foundation of an existing residential structure to bring the interior foundation grade to the
4559 same level as the lowest adjacent exterior grade. Compensatory storage shall:

4560 1. Provide equivalent volume at equivalent elevations to that being displaced.

4561 For this purpose, equivalent elevations means having a similar relationship to ordinary
4562 high water and to the best available ten-year, fifty-year and one-hundred-year water

4563 surface profiles. If the difference between the fifty-year and the one-hundred-year

4564 surface profiles is less than one foot, equivalent elevations means having similar

4565 relationships to ordinary high water and to the best available ten-year and one-hundred-
4566 year water surface profiles;

4567 2. Hydraulically connect to the source of flooding;

4568 3. Provide compensatory storage in the same construction season as when the
4569 displacement of flood storage volume occurs and before the flood season begins on
4570 September 30 for that year; ~~((and))~~

4571 4. Occur on the site. The director may approve equivalent compensatory
4572 storage off the site if legal arrangements, acceptable to the department, are made to

4573 ((assure)) ensure that the effective compensatory storage volume will be preserved over
4574 time((-)); and

4575 5. The director may approve of off site compensatory storage through a
4576 compensatory storage bank managed by the department of natural resources and parks or
4577 the director, in consultation with and agreement from the department of natural resources
4578 and parks, may allow a reduction in flood storage if a cumulative effects analysis
4579 demonstrates that the loss of storage will not create a measurable increase in the base
4580 flood elevation anywhere off the site;

4581 B. A structural engineer shall design and certify all elevated buildings and submit
4582 the design to the department;

4583 C. A civil engineer shall prepare a base flood depth and base flood velocity
4584 analysis and submit the analysis to the department. A base flood depth and base flood
4585 velocity analysis is not required for agricultural structures that will not be used for human
4586 habitation. The director may waive the requirement for a base flood depth and base flood
4587 velocity analysis for agricultural structures that are not used for human habitation.

4588 Development proposals and alterations are not allowed if the base flood depth exceeds
4589 three feet and the base flood velocity exceeds three feet per second, except that the
4590 director may approve development proposals and alterations in areas where the base
4591 flood depth exceeds three feet and the base flood velocity exceeds three feet per second
4592 for the following projects;

- 4593 1. Agricultural accessory structures;
4594 2. Roads and bridges;
4595 3. Utilities;

- 4596 4. Surface water flow control or surface water conveyance systems;
4597 5. Public park structures; and
4598 6. Flood hazard mitigation projects, such as, but not limited to construction,
4599 repair or replacement of flood protection facilities or for building elevations or
4600 relocations;

4601 D. Subdivisions, short subdivisions, urban planned developments and binding
4602 site plans shall meet the following requirements:

4603 1. New building lots shall include five thousand square feet or more of buildable
4604 land outside the zero-rise floodway;

4605 2. all utilities and facilities such as sewer, gas, electrical and water systems are
4606 consistent with subsections E., F. and I. of this section;

4607 3. A civil engineer shall prepare detailed base flood elevations in accordance
4608 with FEMA guidelines for all new lots;

4609 4. A development proposal shall provide adequate drainage in accordance with
4610 the King County Surface Water Design Manual to reduce exposure to flood damage; and

4611 5. The face of the recorded subdivision, short subdivision, urban planned
4612 development or binding site plan shall include the following for all lots:

4613 a. building setback areas restricting structures to designated buildable areas:

4614 b. base flood data and sources and flood hazard notes including, but not limited
4615 to, base flood elevation, required flood protection elevations, the boundaries of the
4616 floodplain and the zero-rise floodway, if determined, and channel migration zone
4617 boundaries, if determined; and

4618 c. include the following notice:

4619 "Lots and structures located within flood hazard areas may be inaccessible
4620 by emergency vehicles during flood events. Residents and property owners should take
4621 appropriate advance precautions.";

4622 E. New residential structures, ~~((and))~~ substantial improvements of existing
4623 residential structures and flood mitigation home elevations shall meet the following
4624 standards:

- 4625 1. Elevate the lowest floor, including basement, to the flood protection
4626 elevation;
- 4627 2. Do not fully enclose portions of the structure that are below the lowest floor
4628 area;
- 4629 3. Design and construct the areas and rooms below the lowest floor to
4630 automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by
4631 allowing for the entry and exit of floodwaters as follows:
 - 4632 a. provide a minimum of two openings on each of two opposite side walls in
4633 the direction of flow, with each of those walls having a total open area of not less than
4634 one square inch for every square foot of enclosed area subject to flooding;
 - 4635 b. design and construct the bottom of all openings so they are no higher than
4636 one foot above grade; and
 - 4637 c. screens, louvers or other coverings or devices are allowed over the opening
4638 if they allow the unrestricted entry and exit of floodwaters;
- 4639 4. Use materials and methods that are resistant to and minimize flood damage;
4640 and

4641 5. Elevate above or dry-proof all electrical, heating, ventilation, plumbing, air
4642 conditioning equipment and other utilities that service the structure, such as duct-work to
4643 the flood protection elevation;

4644 F. New nonresidential structures, ~~((and))~~ substantial improvements and flood
4645 mitigation nonresidential elevations of existing nonresidential structures shall meet the
4646 following standards:

4647 1.a. Except as provided in subsection F.1.b. of this section, ((E))elevate the
4648 lowest floor to the flood protection elevation;

4649 b. Nonresidential agricultural accessory buildings elevate the lowest floor to
4650 one foot above the base flood elevation;

4651 2. Dry flood-proof the structure to the flood protection elevation to meet the
4652 following standards:

4653 a. the applicant shall provide certification by a civil or structural engineer that
4654 the dry flood-proofing methods are adequate to withstand the flood-depths, pressures,
4655 velocities, impacts, uplift forces and other factors associated with the base flood. After
4656 construction, the engineer shall certify that the permitted work conforms to the approved
4657 plans and specifications; and

4658 b. approved building permits for dry flood-proofed nonresidential structures
4659 shall contain a statement notifying applicants that flood insurance premiums are based
4660 upon rates for structures that are one foot below the elevation to which the building is
4661 dry-floodproofed;

4662 3. Nonresidential agricultural accessory buildings that do not equal or exceed a
4663 maximum assessed value of sixty-five thousand dollars may be designed and oriented to

4664 allow the free passage of floodwaters through the building in a manner affording
4665 minimum flood damage provided they meet the standards in subsection F.4. through F.6.
4666 of this section. Nonresidential agricultural accessory buildings that equal or exceed
4667 sixty-five thousand dollars may apply for an alteration exception pursuant to K.C.C.
4668 21A.24.070. Nonresidential agricultural accessory buildings that do not meet the
4669 elevation standard in subsection F. 1. of this section or the dry flood-proofing standard in
4670 subsection F.2. of this section will be assessed at the flood insurance rate based on the
4671 risk to which the building is exposed;

4672 4. Use materials and methods that are resistant to and minimize flood damage;

4673 5. Design and construct the areas and rooms below the lowest floor to
4674 automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by
4675 allowing for the entry and exit of floodwaters as follows:

4676 a. provide a minimum of two openings on each of two opposite side walls in
4677 the direction of flow, with each of those walls having a total open area of not less than
4678 one square inch for every square foot of enclosed area subject to flooding;

4679 b. design the bottom of all openings is no higher than one foot above grade;
4680 and

4681 c. screens, louvers or other coverings or devices are allowed if they do not
4682 restrict entry and exit of floodwaters; and

4683 6. Dry flood proof all electrical, heating, ventilation, plumbing, air conditioning
4684 equipment and other utility and service facilities to, or elevated above, the flood
4685 protection elevation;

4686 G. Anchor all new construction and substantially improved structures to prevent
4687 flotation, collapse or lateral movement of the structure. The department shall approve the
4688 method used to anchor the new construction;

4689 H. Newly sited manufactured homes and substantial improvements of existing
4690 manufactured homes shall meet the following standards:

4691 1. Manufactured homes shall meet all the standards in this section for residential
4692 structures and the following standards:

4693 a. anchor all manufactured homes; and

4694 b. install manufactured homes using methods and practices that minimize flood
4695 damage;

4696 2. All manufactured homes within a new mobile home park or expansion of an
4697 existing mobile home park must meet the requirements for flood hazard protection for
4698 residential structures; and

4699 3. Only manufactured homes are allowed in a new or existing mobile home park
4700 located in a flood hazard area;

4701 I. Public and private utilities shall meet the following standards:

4702 1. Dry flood-proof new and replacement utilities including, but not limited to,
4703 sewage treatment and storage facilities, to, or elevate above, the flood protection
4704 elevation;

4705 2. Locate new on-site sewage disposal systems outside the floodplain. When
4706 there is insufficient area outside the floodplain, new on-site sewage disposal systems are
4707 allowed only in the zero-rise flood fringe. Locate on-site sewage disposal systems in the
4708 zero-rise flood fringe to avoid:

- 4709 a. impairment to the system during flooding;
- 4710 b. contamination from the system during flooding;
- 4711 3. Design all new and replacement water supply systems to minimize or
- 4712 eliminate infiltration of floodwaters into the system;
- 4713 4. above-ground utility transmission lines, except for electric transmission lines,
- 4714 are allowed only for the transport of nonhazardous substances; and
- 4715 5. Bury underground utility transmission lines transporting hazardous
- 4716 substances at a minimum depth of four feet below the maximum depth of scour for the
- 4717 base flood, as predicted by a civil engineer, and achieve sufficient negative buoyancy so
- 4718 that any potential for flotation or upward migration is eliminated;
- 4719 J. Critical facilities are allowed within the zero-rise flood fringe only when a
- 4720 feasible alternative site is not available and the following standards are met:
- 4721 1. Elevate the lowest floor to the five-hundred year floodplain elevation or three
- 4722 or more feet above the base flood elevation, whichever is higher;
- 4723 2. Dry flood-proof and seal structures to ensure that hazardous substances are
- 4724 not displaced by or released into floodwaters; and
- 4725 3. Elevate access routes to or above the base flood elevation from the critical
- 4726 facility to the nearest maintained public street or roadway;
- 4727 K. New construction or expansion of existing farm pads is allowed only on a site
- 4728 with existing agriculture if emergency flood relief is required for the protection of
- 4729 livestock or assets or for operations that must continue during flood events as follows:
- 4730 1. A farm pad is allowed only if there is no other suitable holding area on the
- 4731 site outside the floodplain;

4732 2. Construct the farm pad to the standards in an approved farm management
4733 plan prepared in accordance with K.C.C. 21A.24.051 and K.C.C. chapter 21A.30.

4734 3. The farm ((management plan)) pad proposal shall demonstrate compliance
4735 with the following:

4736 a. flood storage compensation consistent with subsection A. of this section;

4737 b. siting and sizing that do not increase base flood elevations consistent with
4738 K.C.C. 21A.24.250.B.; ~~((and))~~

4739 c. siting that is located in the area least subject to risk from floodwaters; and

4740 d. an alternatives analysis demonstrating adverse impacts to wetlands, wetland
4741 buffers and aquatic area buffers have been minimized;

4742 4. The farm pad is constructed to base flood elevation plus one-foot. An
4743 elevation report shall be completed after construction to demonstrate compliance with
4744 that elevation requirement;

4745 5.a. The farm pad should be sized as is necessary for the protection of livestock
4746 and assets and operations that must continue during flood events;

4747 b. for farm pads larger than two thousand square feet of finished usable
4748 surface, a site specific evaluation of agricultural operations must demonstrate the need for
4749 the size of the pad; and

4750 c. for farm pads larger than ten thousand square feet, an area-wide analysis
4751 must demonstrate that sufficient flood storage is available for reasonably foreseeable
4752 future land use needs in the vicinity;

4753 6. Nonresidential agricultural buildings are allowed on a farm pad as shelter for
4754 livestock or other farm animals, greenhouses for plant starts to be used on the property.

4755 milking parlors, storage of farm vehicles and agricultural equipment and shelter for farm
4756 products including, but not limited to, feed, seeds, flower bulbs and hay and farm
4757 operations that must continue during a flood event. Nonresidential structures allowed on
4758 a farm pad shall not be used for retail operations or any residential or public use; and

4759 7. The property owner shall file with the department of executive services,
4760 records and licensing services division, a notice approved by the department that restricts
4761 the use of the farm pad to nonresidential agricultural uses. The notice shall run with the
4762 land. The applicant shall submit to the department proof that the notice was filed before
4763 the department approves any permit for the construction of the farm pad;

4764 L. New construction or expansion of existing livestock manure storage facilities
4765 is only allowed as follows:

4766 1. The livestock manure storage facility is only allowed if there is not a feasible
4767 alternative area on the site outside the floodplain;

4768 2. Construct the livestock manure storage facility to the standards in an
4769 approved farm management plan prepared in accordance with K.C.C. 21A.24.051 and
4770 K.C.C. chapter 21A.30. The farm management plan shall demonstrate compliance with
4771 the following:

4772 a. flood storage compensation consistent with subsection A. of this section;

4773 b. siting and sizing that do not increase base flood elevations consistent with
4774 K.C.C. 21A.24.250.B. and 21A.24.260.D;

4775 c. dry flood-proofing liquid manure storage facility to ~~((the flood protection))~~
4776 one foot above the base flood elevation; and

4777 d. siting that is located in the area least subject to risk from floodwaters;

4778 ((and))

4779 M. Recreational vehicles must be on site for fewer than one hundred eighty days
4780 or be fully licensed and ready for highway use; and

4781 N. Temporary farm worker housing not meeting the requirements of subsection
4782 E. or subsection H. of this section is only allowed as follows:

4783 1. The housing must be on site for fewer than one hundred eighty days;

4784 2. The housing must not be placed in the floodplain before May 1 of any year;

4785 3. Except as otherwise provided in subsection N.4. of this section, the housing
4786 must be removed from the floodplain no later than October 31 of each year;

4787 4. Housing must be removed from a floodplain within twelve hours of King
4788 County issuing a phase 2 flood alert for the applicable river basin, unless the water and
4789 land resources division director or the director's designee determines flood conditions are
4790 not likely to threaten temporary farm worker housing; and

4791 5. In the Snoqualmie floodplain, if the housing is not removed from the
4792 floodplain by September 30, the operator must have a plan approved by King County for
4793 the evacuation and removal of the housing as required by subsection N.4. of this section
4794 and for emergency communication to the housing's occupants.

4795 SECTION 53. Ordinance 10870, Section 473, as amended, and K.C.C.

4796 21A.24.260 are each hereby amended to read as follows:

4797 A. The development standards that apply to the zero-rise floodway also apply to
4798 the FEMA floodway. The more restrictive standards apply where there is a conflict.

4799 B. A development proposal shall not increase the base flood elevation. A civil
4800 engineer shall certify, through hydrologic and hydraulic analyses performed in
4801 accordance with standard engineering practice, that any proposed encroachment would
4802 not result in any increase in flood levels during the occurrence of the base flood
4803 discharge.

4804 C. New residential or nonresidential structures are prohibited within the mapped
4805 FEMA floodway, except for farm pads and nonresidential agricultural accessory
4806 buildings within an agricultural production district that meet applicable compensatory
4807 storage and conveyance standards. ~~((Until March 31, 2010, the size of a new
4808 nonresidential agriculture accessory building is limited to a footprint of five thousand
4809 square feet.))~~ A residential structure cannot be constructed on fill placed within the
4810 mapped FEMA floodway.

4811 D. New livestock ((M))manure storage facilities for liquid and slurry manure are
4812 prohibited in the FEMA floodway. Existing livestock manure storage facilities may be
4813 repaired or enlarged as necessary to comply with the standards in the farm's nutrient
4814 management plan;

4815 E. If the footprint of the existing residential structure is not increased, substantial
4816 improvements of existing residential structures in the FEMA floodway, meeting the
4817 requirements of WAC 173-158-070, as amended, are presumed to not increase the base
4818 flood elevation and do not require a critical areas report to establish this fact.

4819 F. Maintenance, repair, replacement or improvement of an existing residential
4820 structure located within the agricultural production district on property that is zoned
4821 agriculture (A) is allowed in the FEMA floodway if the structure meets the standards for

4822 residential structures and utilities in K.C.C. 21A.24.240 and also meets the following
4823 requirements:

- 4824 1. The existing residential structure was legally established;
- 4825 2. The viability of the farm is dependent upon a residential structure within
4826 close proximity to other agricultural structures; and
- 4827 3. Replacing an existing residential structure within the FEMA floodway is only
4828 allowed if:
 - 4829 a. there is not sufficient buildable area on the site outside the FEMA floodway
4830 for the replacement;
 - 4831 b. the replacement residential structure is not located in an area that increases
4832 the flood hazard in water depth, velocity or erosion;
 - 4833 c. the building footprint of the existing residential structure is not increased;
 - 4834 and
 - 4835 d. the existing structure, including the foundation, is completely removed
4836 within ninety days of receiving a certificate of occupancy, or temporary certificate of
4837 occupancy, whichever occurs first, for the replacement structure.

4838 G. Maintenance, repair or replacement of a substantially damaged existing
4839 residential structure, other than a residential structure located within the agricultural
4840 production district on property that is zoned agricultural (A), is allowed in the FEMA
4841 floodway if the structure meets the standards for existing residential structures and
4842 utilities in K.C.C. 21A.24.240 and also meets the following requirements:

- 4843 1. The Washington state Department of Ecology has assessed the flood
4844 characteristics of the site and determined:

- 4845 a. base flood depths will not exceed three feet;
- 4846 b. base flood velocities will not exceed three feet per second;
- 4847 c. there is no evidence of flood-related erosion, as determined by location of
- 4848 the project site in relationship to mapped channel migration zones or, if the site is not
- 4849 mapped, evidence of overflow channels and bank erosion; and
- 4850 d. a flood warning system or emergency plan is in operation;
- 4851 2. The Washington state Department of Ecology has prepared a report of
- 4852 findings and recommendations to the department that determines the repair or
- 4853 replacement will not result in an increased risk of harm to life based on the characteristics
- 4854 of the site;
- 4855 3. The department has reviewed the Washington state Department of Ecology
- 4856 report and concurs that the development proposal is consistent with the findings and
- 4857 recommendations in the report;
- 4858 4. The development proposal is consistent with the findings and
- 4859 recommendations of the Washington state Department of Ecology report;
- 4860 5. The existing residential structure was legally established; and
- 4861 6. Replacing an existing residential structure within the FEMA floodway is only
- 4862 allowed if:
- 4863 a. there is not sufficient buildable area on the site outside the FEMA floodway;
- 4864 b. the replacement structure is a residential structure built as a substitute for a
- 4865 previously existing residential structure of equivalent use and size; and

4866 c. the existing residential structure, including the foundation, is removed
4867 within ninety days of receiving a certificate of occupancy, or temporary certificate of
4868 occupancy, whichever occurs first, for the replacement structure.

4869 H. Maintenance or repair of a structure, as defined in WAC 173-158-030, that is
4870 identified as a historic resource, as defined in K.C.C. 21A.06.597, is allowed in the
4871 FEMA floodway if the structure and utilities meet the standards of K.C.C. 21A.24.240
4872 for residential structures or nonresidential structures, as appropriate.

4873 NEW SECTION. SECTION 54. There is hereby added to K.C.C. chapter 21A.24
4874 a new section to read as follows:

4875 Before initiating any new floodplain development, the person proposing the
4876 development shall obtain a floodplain development permit from King County. The
4877 specific details on the floodplain permit process for activities exempt from other King
4878 County permits as well as how to coordinate floodplain development review into other
4879 King County permit reviews will be established in a public rule. Exceptions to other
4880 permit requirements do not apply to floodplain development.

4881 SECTION 55. Ordinance 10870, Section 477, as amended, and K.C.C.
4882 21A.24.300 are each hereby amended to read as follows:

4883 The following development standards apply to development proposals and
4884 alterations on sites containing volcanic hazard areas:

4885 A. Within volcanic hazard areas located along the White river upstream from
4886 Mud Mountain dam:

4887 1. Critical facilities, apartments, townhouses or commercial structures are not
4888 allowed;

4889 2. all new lots created by subdivision, short subdivision or binding site plan
4890 shall designate building areas and building setbacks outside of the volcanic hazard area;
4891 and

4892 3. The notice of critical areas required under this chapter is required for new
4893 single detached dwellings on existing lots;

4894 B. Within volcanic hazard areas located along the White river downstream from
4895 Mud Mountain dam and the Green and Duwamish rivers, the department shall evaluate
4896 development proposals for critical facilities for risk of inundation or flooding resulting
4897 from mudflows originating on Mount Rainier. The applicant shall design critical
4898 facilities to withstand, without damage, the effects of mudflows equal in magnitude to the
4899 prehistoric Electron mudflow; and

4900 C. This section does not apply until King County has ~~((completed the required
4901 modeling and))~~ refined the mapping of volcanic hazard areas in cooperation with the
4902 United States Geological Survey and adopted volcanic hazard area maps by public rule.

4903 SECTION 56. Ordinance 15051, Section 231, and K.C.C. 21A.24.520 are each
4904 hereby amended to read as follows:

4905 If a property owner is unable to subdivide a ~~((rural residential))~~ RA zoned parcel
4906 twenty acres or smaller at the density allowed under K.C.C. 21A.12.030 after application
4907 of the requirements of this chapter, the director may approve modifications to
4908 requirements for critical area buffers if:

4909 A. The applicant demonstrates that after the use of all provisions of this title,
4910 including but not limited to, clustering and buffer averaging, reduction in critical area

4911 buffers required by this chapter is necessary to achieve the density allowed under K.C.C.
4912 21A.12.030;

4913 B. To the maximum extent practical, the subdivision or short subdivision design
4914 has the least adverse impact on the critical area and critical area buffer;

4915 C. The modification does not pose an unreasonable threat to the public health,
4916 safety or welfare on or off the development proposal site and is consistent with the
4917 general purposes of this chapter and the public interest; and

4918 D. The applicant provides mitigation to compensate for the adverse impacts to
4919 critical areas and buffers resulting from any modification to critical area buffers approved
4920 under this section.

4921 SECTION 57. Ordinance 3688, Section 801, as amended, and K.C.C.
4922 21A.25.290 are each hereby amended to read as follows:

4923 A. Development within the shoreline jurisdiction, including preferred uses and
4924 uses that are exempt from permit requirements, shall be undertaken only if that
4925 development is consistent with the policies of RCW 90.58.020, chapter 173-26 WAC the
4926 King County shoreline master program and will not result in a net loss of shoreline
4927 ecological functions or in a significant adverse impact to shoreline uses, resources and
4928 values, such as navigation, recreation and public access. The proponent of a shoreline
4929 development shall employ measures to mitigate adverse impacts on shoreline functions
4930 and processes following the sequencing requirements of K.C.C. 21A.25.080.

4931 B. A substantial development permit shall be required for all proposed uses and
4932 modifications within the shoreline jurisdiction unless the proposal is specifically exempt
4933 from the definition of substantial development in RCW 90.58.030 and WAC 173-27-040

4934 or is exempted by RCW 90.58.140. If a proposal is exempt from the definition of
4935 substantial development, a written statement of exemption is required for any proposed
4936 uses and modifications if:

4937 1. WAC 173-27-050 applies; or

4938 2. Except for the maintenance of agricultural drainage that is not used by
4939 salmonids or as otherwise provided in subsection F. of this section, the proposed use or
4940 modification will occur at or below the ordinary high water mark.

4941 C. Whether or not a written statement of exemption is required, all permits issued
4942 for development activities within the shoreline jurisdiction shall include a record of
4943 review indicating compliance with the shoreline master program and regulations.

4944 D. As necessary to ensure consistency of the project with the shoreline master
4945 program and this chapter, the department may attach conditions of approval to a
4946 substantial development permit or a statement of exemption or to the approval of a
4947 development proposal that does not require either.

4948 E. The department may issue a programmatic statement of exemption as follows:

4949 1. For an activity for which a statement of exemption is required, the activity
4950 shall:

4951 a. be repetitive and part of a maintenance program or other similar program;

4952 b. have the same or similar identifiable impacts, as determined by the
4953 department, each time the activity is repeated at all sites covered by the programmatic
4954 statement of exemption; and

4955 c. be suitable to having standard conditions that will apply to any and all sites;

4956 2. The department shall uniformly apply conditions to each activity authorized
4957 under the programmatic statement of exemption at all locations covered by the statement
4958 of exemption. The department may require that the applicant develop and propose the
4959 uniformly applicable conditions as part of the statement of exemption application and
4960 may approve, modify or reject any of the applicant's proposed conditions. The
4961 department shall not issue a programmatic statement of exemption until applicable
4962 conditions are developed and approved;

4963 3. Activities authorized under a programmatic statement of exemption shall be
4964 subject to inspection by the department. The applicant may be required to notify the
4965 department each time work subject to the programmatic statement of exemption is
4966 undertaken for the department to schedule inspections. In addition, the department may
4967 require the applicant to submit periodic status reports. The frequency, method and
4968 contents of the notifications and reports shall be specified as conditions in the
4969 programmatic statement of exemption;

4970 4. The department may require revisions, impose new conditions or otherwise
4971 modify the programmatic statement of exemption or withdraw the programmatic
4972 statement of exemption and require that the applicant apply for a standard statement of
4973 exemption, if the department determines that:

4974 a. The programmatic statement of exemption or activities authorized under the
4975 statement of exemption no longer comply with law;

4976 b. The programmatic statement of exemption does not provide adequate
4977 regulation of the activity;

4978 c. The programmatic statement of exemption conditions or the manner in
4979 which the conditions are implemented are not adequate to protect against the impacts
4980 resulting from the activity; or

4981 d. A site requires site-specific regulation; and

4982 5. If an activity covered by a programmatic statement of exemption also
4983 requires other county, state and federal approvals, to the extent feasible, the department
4984 shall attempt to incorporate conditions that comply with those other approvals into the
4985 programmatic statement of exemption.

4986 F. A statement of exemption is not required for maintenance of agricultural
4987 drainage or agricultural waterways used by salmonids if:

4988 1. (~~The agricultural drainage or is located within an agricultural production~~
4989 ~~district;~~

4990 2.) The maintenance project is conducted in compliance with a hydraulic
4991 project approval issued by the Washington Department of Fish and Wildlife pursuant to
4992 RCW 77.55;

4993 (~~3.~~) 2. The maintenance project complies with the King County agricultural
4994 drainage assistance program as agreed to by the Washington Department of Fish and
4995 Wildlife(~~, the Washington Department of Ecology~~), the department of permitting and
4996 environmental review and the department of natural resources and parks, and as reviewed
4997 by the Washington Department of Ecology;

4998 (~~4.~~) 3. The person performing the agricultural drainage maintenance and the
4999 land owner has attended training provided by King County on the King County

5000 agricultural drainage assistance program and the best management practices required
5001 under that program; and

5002 ~~((5-))~~ 4. The maintenance project complies with the requirements of K.C.C. chapter
5003 16.82.

5004 SECTION 58. Ordinance 13129, Section 9, as amended, and K.C.C. 21A.27.090
5005 are each hereby amended to read as follows:

5006 Antenna modifications consistent with the provisions of K.C.C. 21A.27.100 are
5007 permitted outright. Modifications to transmission support structures are also permitted
5008 outright, provided there is no increase in the height of the transmission support structure
5009 except when:

5010 A. Necessary to accommodate the actual collocation of the antenna of other
5011 service providers, or to accommodate the current providers antenna required to utilize
5012 new technology, such as digital transmissions;

5013 B. Limited to no more than forty feet above the height of the existing
5014 transmission support structure; and

5015 C. Proposed in the rural area zone or a residential zone and the proposed height
5016 exceeds sixty feet and is demonstrated by the applicant to be required to meet the
5017 proposed area of coverage. If proposed in the rural area zone or a residential zone, notice
5018 and a comment period shall be provided consistent with the provisions of K.C.C.
5019 20.20.060. If the need for additional height is challenged within the comment period
5020 specified, technical evaluation as provided for in K.C.C. 21A.27.160 shall be conducted.
5021 The department may approve, require additional mitigation, or deny the proposed height
5022 increase on the basis of this technical evaluation.

5023 SECTION 59. Ordinance 10870, Section 530, as amended, and K.C.C.

5024 21A.30.020 are each hereby amended to read as follows:

5025 The raising, keeping, breeding or fee boarding of small animals are subject to
5026 K.C.C. 11.04, Animal Control Regulations, and the following requirements:

5027 A. Small animals (~~which~~) that are kept indoors as household pets in aquariums,
5028 terrariums, cages or similar containers shall not be limited in number, except as may be
5029 provided in Title 11. Other small animals excluding cats kept indoors as household pets
5030 shall be limited to five, of which not more than three may be unaltered cats or dogs. Cats
5031 kept indoors shall not be limited in numbers.

5032 B. Other small animals kept outside, including adult cats and dogs, shall be
5033 limited to three per household on lots of less than 20,000 square feet, five per household
5034 on lots of 20,000 to 35,000 square feet, with an additional 2 per acre of site area over
5035 35,000 square feet up to a maximum of 20, unless more are allowed as an accessory use
5036 pursuant to paragraph E., provided that all unaltered animals kept outdoors must be kept
5037 on a leash or in a confined area, except as authorized for a hobby kennel or cattery or
5038 commercial kennel or cattery pursuant to K.C.C. 11.04.

5039 C. Excluding kennels and catteries, the total number of unaltered adult cats
5040 and/or dogs per household shall not exceed three.

5041 D. Animals considered to be household pets shall be treated as other small
5042 animals pursuant to K.C.C. 21A.30.020,E when they are kept for commercial breeding,
5043 boarding or training.

5044 E. Small animals and household pets kept as an accessory use outside the
5045 dwelling, shall be raised, kept or bred only as an accessory use on the premises of the
5046 owner, or in a kennel or cattery, subject to the following limitations:

5047 1. Birds shall be kept in an aviary or loft that meets the following standards:

5048 a. The aviary or loft shall provide 1/2 square foot for each parakeet, canary or
5049 similarly sized birds, 1 square foot for each pigeon, small parrot or similarly sized bird,
5050 and 2 square feet for each large parrot, macaw or similarly sized bird.

5051 b. Aviaries or lofts shall not exceed 2,000 square feet, provided this limit shall
5052 not apply in rural, forestry, or agricultural zones.

5053 c. The aviary is set back at least 10 feet from any property line, and 20 feet
5054 from any dwelling unit.

5055 2. Small animals other than birds shall be kept according to the following
5056 standards:

5057 a. The minimum site area shall be one-half acre if more than 3 small animals
5058 are being kept.

5059 b. All animals shall be confined within a building, pen, aviary or similar
5060 structure.

5061 c. Any covered structure used to house or contain such animals shall maintain
5062 a distance of not less than 10 feet to any property line, except structures used to house
5063 mink and fox shall be a distance of not less than 150 feet.

5064 d. Poultry, chicken, squab, and rabbits are limited to a maximum of one animal
5065 per one square foot of structure used to house such animals, up to a maximum of 2000

5066 square feet; provided that this maximum structure size limit shall not apply in rural,
5067 forestry, or agricultural zones.

5068 e. Hamsters, nutria and chinchilla are limited to a maximum of one animal per
5069 square foot of structure used to house such animals, up to a maximum of 2000 square
5070 feet; provided that this maximum structure size limit shall not apply in rural, forestry, or
5071 agricultural zones.

5072 f. Mink and fox are permitted only on sites having a minimum area of five
5073 acres.

5074 g. Beekeeping is limited as follows:

5075 (1) Beehives are limited to 50 on sites less than five acres;

5076 (2) The number of beehives shall not be limited on sites of five acres or
5077 greater;

5078 (3) Colonies shall be maintained in movable-frame hives at all times;

5079 (4) Adequate space shall be provided in each hive to prevent overcrowding
5080 and swarming;

5081 (5) Colonies shall be requeened following any swarming or aggressive
5082 behavior;

5083 (6) All colonies shall be registered with the County Extension agent (~~prior~~
5084 ~~to~~) before April 1(~~st~~) of each year, on a state registration form acceptable to the county;
5085 and

5086 (7) Abandoned colonies, diseased bees, or bees living in trees, buildings, or
5087 any other space except in movable-frame hives shall constitute a public nuisance, and
5088 shall be abated as set forth in K.C.C. chapter 21A.50, Enforcement;

- 5089 3. Kennels and catteries are subject to the following requirements:
- 5090 a. For kennels located on rural area or residential zoned sites:
- 5091 (1) The minimum site area shall be five acres; and
- 5092 (2) Structures housing animals and outdoor animal runs shall be a minimum
- 5093 distance of ~~((400))~~ one hundred feet from property lines abutting the rural area zone or
- 5094 residential zones;
- 5095 b. For kennels located on ~~((non-residential))~~ nonresidential zoned sites, run
- 5096 areas shall be completely surrounded by an eight foot solid wall or fence, and be subject
- 5097 to the requirements in K.C.C. 11.04.060; and
- 5098 c. Catteries shall be on sites of ~~((35,000))~~ thirty-five thousand square feet or
- 5099 more, and buildings used to house cats shall be a minimum distance of ~~((50))~~ fifty feet
- 5100 from property lines abutting the rural area zone or residential zones.

5101 SECTION 60. Ordinance 11168, Section 5, as amended, and K.C.C. 21A.30.062

5102 are each hereby amended to read as follows:

5103 A. In the rural area and residential zones, fee boarding of livestock other than in a

5104 legally established stable shall only be as an accessory use to a resident on the subject

5105 property.

5106 B. A barn or stable may contain a caretaker's accessory living quarters under the

5107 following conditions:

5108 1. Only one accessory living quarter per primary detached dwelling unit, except

5109 in the F zone, ~~((which prohibits))~~ where accessory living quarters are not permitted;

5110 2. The accessory living quarter shall not exceed five hundred square feet, and

5111 3. The structure must be constructed in conformance with the State Building
5112 Code; and

5113 C. A barn or stable may contain a caretaker's accessory dwelling unit as allowed
5114 pursuant to this provisions of this Title relating to accessory dwelling units.

5115 SECTION 61. Ordinance 15606, Section 20, as amended, and K.C.C.

5116 21A.30.085 are each hereby amended to read as follows:

5117 In the A, F and RA zones, residents of a dwelling unit may conduct one or more
5118 home occupations as accessory activities, under the following provisions:

5119 A. The total floor area of the dwelling unit devoted to all home occupations shall
5120 not exceed twenty percent of the dwelling unit.

5121 B. Areas within garages and storage buildings shall not be considered part of the
5122 dwelling unit and may be used for activities associated with the home occupation;

5123 C. Total outdoor area of all home occupations shall be permitted as follows:

5124 1. For any lot less than one acre: Four hundred forty square feet; and

5125 2. For lots one acre or greater: One percent of the area of the lot, up to a

5126 maximum of five thousand square feet.

5127 D. Outdoor storage areas and parking areas related to home occupations shall be:

5128 1. No less than twenty-five feet from any property line; and

5129 2. Screened along the portions of such areas that can be seen from an adjacent
5130 parcel or roadway by the:

5131 a. planting of Type II landscape buffering; or

5132 b. use of existing vegetation (~~which~~) that meets or can be augmented with
5133 additional plantings to meet the intent of Type II landscaping.

5134 E. A home occupation or occupations is not limited in the number of employees
5135 that remain off-site. Regardless of the number of home occupations, the number of
5136 nonresident employees is limited to no more than three who work on-site at the same
5137 time and no more than three who report to the site but primarily provide services off-site.

5138 F. In addition to required parking for the dwelling unit, on-site parking is
5139 provided as follows:

- 5140 1. One stall for each nonresident employed on-site; and
- 5141 2. One stall for patrons when services are rendered on-site;

5142 G. Sales are limited to:

- 5143 1. Mail order sales;
- 5144 2. Telephone, Internet or other electronic commerce sales with off-site delivery;
- 5145 3. Items accessory to a service provided to patrons who receive services on the
5146 premises;
- 5147 4. Items grown, produced or fabricated on-site; and
- 5148 5. On sites five acres or larger, items that support agriculture, equestrian or
5149 forestry uses except for the following:

- 5150 a. motor vehicles and parts (North American Industrial Classification System
5151 ("NAICS" Code 441);
- 5152 b. electronics and appliances (NAICS Code 443); and
- 5153 c. building material and garden equipments and supplies (NAICS Code 444);

5154 H. The home occupation or occupations do not:

- 5155 1. Use electrical or mechanical equipment that results in a change to the
5156 occupancy type of the structure or structures used for the home occupation or
5157 occupations;
- 5158 2. Cause visual or audible interference in radio or television receivers, or
5159 electronic equipment located off-premises or fluctuations in line voltage off-premises; or
- 5160 3. Increase average vehicular traffic by more than four additional vehicles at any
5161 given time;
- 5162 I. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00
5163 p.m. on weekdays, and 9:00 a.m. to 5 p.m. on weekends;
- 5164 J. The following uses, by the nature of their operation or investment, tend to
5165 increase beyond the limits permitted for home occupations. Therefore, the following
5166 shall not be permitted as home occupations:
- 5167 1. Hotels, motels or organizational lodging;
- 5168 2. Dry cleaning; and
- 5169 3. Automotive ((F))towing services, automotive wrecking services and tow-in
5170 parking lots;
- 5171 K. Uses not allowed as home occupation may be allowed as a home industry
5172 under K.C.C. chapter 21A.30; and
- 5173 L. The home occupation or occupations may use or store vehicles, as follows:
- 5174 1. The total number of vehicles for all home occupations shall be:
- 5175 a. for any lot five acres or less: two;
- 5176 b. for lots greater than five acres: three; and
- 5177 c. for lots greater than ten acres: four;

5178 2. The vehicles are not stored within any required setback areas of the lot or on
5179 adjacent streets; and

5180 3. The parking area for the vehicles shall not be considered part of the outdoor
5181 storage area provided for in subsection C. of this section.

5182 SECTION 62. Ordinance 10870, Section 557, as amended, and K.C.C.

5183 21A.32.200 are each hereby amended to read as follows:

5184 The interim or permanent re-use of surplus nonresidential facilities in the rural
5185 area and residential (~~zoned areas~~) zones shall require that no more than (~~50~~) fifty
5186 percent of the original floor area be demolished for either permanent or interim re-use of
5187 facilities.

5188 SECTION 63. Ordinance 10870, Section 579, as amended, and K.C.C.

5189 21A.38.060 are each hereby amended to read as follows:

5190 A. The purpose of the office/research park special district overlay is to establish
5191 an area for development to occur in a campus setting with integrated building designs,
5192 flexible grouping of commercial and industrial uses, generous landscaping and buffering
5193 treatment, and coordinated auto and pedestrian circulation plans. Office/research park
5194 districts shall only be established in areas designated within a community plan and zoned
5195 RB, O or I zones. Permitted uses shall include all uses permitted in the RB, O and I
5196 zones, as set forth in K.C.C. chapter 21A.08, regardless of the classification used as the
5197 underlying zone on a particular parcel of land.

5198 B. The following development standards shall apply to uses locating in
5199 office/research park overlay districts:

5200 1. All uses shall be conducted inside an entirely enclosed building;

5201 2. An internal circulation plan shall be developed to facilitate pedestrian and
5202 vehicular traffic flow between major project phases and individual developments;

5203 3. The standards in this section shall be applied to the development as a unified
5204 site, notwithstanding any division of the
5205 development site under a binding site plan or subdivision;

5206 4. All buildings shall maintain a fifty-foot setback from perimeter streets and
5207 from rural area and residential ((zoned-areas)) zones;

5208 5. The total permitted impervious lot coverage shall be eighty-percent. The
5209 remaining twenty-percent shall be devoted to open space. Open space may include all
5210 required landscaping, and any unbuildable critical areas and their associated buffers;

5211 6. The landscaping standards in K.C.C. chapter 21A.16 are modified as follows:

5212 a. Twenty-foot wide Type II landscaping shall be provided along exterior
5213 streets, and twenty-foot wide Type III landscaping shall be provided along interior
5214 streets;

5215 b. Twenty-foot wide Type I landscaping shall be provided along property lines
5216 adjacent to rural area and residential ((zoned-areas)) zones;

5217 c. Fifteen-foot wide Type II landscaping shall be provided along lines adjacent
5218 to nonresidential zoned areas; and

5219 d. Type IV landscaping shall be provided within all surface parking lots as
5220 follows:

5221 (1) Fifteen percent of the parking area, excluding required perimeter
5222 landscaping, shall be landscaped in parking lots with more than thirty-parking stalls;

5223 (2) At least one tree for every four parking stalls shall be provided, to be
5224 reasonably distributed throughout the parking lot; and

5225 (3) No parking stall shall be more than forty-feet from some landscaping;

5226 e. An inventory of existing site vegetation shall be conducted pursuant to the
5227 procedures in K.C.C. chapter 21A.16, and

5228 f. An overall landscaping plan that conforms to the requirements of this
5229 subsection shall be submitted for the entire district or each major development phase
5230 ~~((prior to))~~ before the issuance of any site development, grading or building permits;

5231 7. Lighting within an office/industrial park shall shield the light source from the
5232 direct view of surrounding residential areas;

5233 8. Refuse collection/recycling areas and loading or delivery areas shall be
5234 located at least one hundred feet from residential areas and screened with a solid view
5235 obscuring barrier;

5236 9. Off street parking standards as in K.C.C. chapter 21A.18 are modified as
5237 follows:

5238 a. one space for every three hundred square feet of floor area shall be provided
5239 for all uses, except on-site daycare, exercise facilities, eating areas for employees, archive
5240 space for tenants and retail/service uses;

5241 b. parking for on-site daycare, exercise facilities, eating areas for employees,
5242 archive space for tenants, and retail/service uses shall be no less than one space for every
5243 one thousand square feet of floor area and no greater than one space for every five
5244 hundred square feet of floor area; and

5245 c. at least twenty-five percent of required parking shall be located in a parking
5246 structure; and

5247 10. Sign standards in K.C.C. chapter 21A.20 are modified as follows:

5248 a. Signs visible from the exterior of the park shall be limited to one monument
5249 office/research park identification sign at each entrance. The signs shall not exceed an
5250 area of sixty-four square feet per sign;

5251 b. no pole signs shall be permitted; and

5252 c. all other signs shall be visible only from within the park.

5253 SECTION 64. Ordinance 8867, Section 1, as amended, and K.C.C. 26.12.010 are
5254 each hereby amended to read as follows:

5255 A process is hereby established for the annual allocation of the conservation
5256 futures tax levy funds, to acquire open space lands, including green spaces, greenbelts,
5257 wildlife habitat and trail rights-of-way proposed for preservation for public use by either
5258 the county or the cities within the county. King County, cities within the county, citizen
5259 groups and citizens may make application for funds in this allocation process.

5260 A. The county executive shall determine a date, no later than April 1, as a
5261 deadline for submission of applications for use of conservation futures tax levy funds. At
5262 least one month before the application submission deadline date, the executive shall
5263 provide all cities within the county notice of the opportunity to apply to the county for a
5264 share of the annual allocation of the conservation futures tax levy funds available for that
5265 year. Notice also shall be provided in the official county newspaper.

5266 B. No later than March 1, the county council may adopt a motion that provides
5267 direction to the citizen oversight committee on priorities for evaluating the applications
5268 within the open space criteria identified in K.C.C. 27.02.025.

5269 C.1. By July 15, the citizen oversight committee shall make project
5270 recommendations and recommend funding allocations for each project to the executive,
5271 including:

- 5272 a. a description of each project including project location and acreage;
- 5273 b. a report on how each project meets the county open space selection criteria,
5274 contained in K.C.C. 26.12.025; and
- 5275 c. the amount of funding requested in each project application; and
- 5276 d. any additional relevant criteria of the jurisdiction in which the potential
5277 acquisition is located.

5278 2. The committee's recommendations are solely advisory and the executive
5279 and/or the council may adopt, alter, add to or decline to adopt all or part of the
5280 committee's recommendations in the budget process.

5281 D. The executive's project and funding recommendation shall be included in the
5282 annual proposed appropriation ordinance for the ensuing budget year.

5283 E.1. Except as otherwise provided in subsection E. 2. and 3. of this section, any
5284 application funded by this process shall be sponsored and forwarded by the jurisdiction in
5285 which the project is located. The jurisdiction shall commit to providing a matching
5286 contribution no less than the amount of conservation futures tax levy funds appropriated
5287 for the project before conservation futures tax levy funds are reimbursed to that
5288 jurisdiction. This contribution may consist of cash, land trades with a valuation verified

5289 by an appraisal by a Member of the Appraisal Institute (MAI) certified appraiser or the
5290 cash value, excluding King County conservation futures contributions, of other open
5291 spaces acquired within the previous two years that is either directly adjacent to the project
5292 or the county concludes to be directly linked to the property under application.

5293 2. A jurisdiction may make an application in partnership with one or more
5294 jurisdictions if the proposed project lies wholly within the boundaries of those
5295 jurisdictions, or if another reason for such a partnership is articulated within the
5296 application, such as a trail connection, a community separator or coordinated salmon
5297 habitat preservation. In such a partnership application, the relationship, roles and
5298 responsibilities for acquisition, ownership, matching contribution obligations and future
5299 maintenance must be described. If a partnership application is funded by this process, the
5300 jurisdictions shall be required to enter into an interlocal agreement with the county
5301 formalizing the relationship, roles and responsibilities for acquisition, ownership,
5302 matching contribution obligations and future maintenance.

5303 3. For an application by a citizen or citizen group for a project in the city of
5304 Seattle, the citizen or citizen group shall commit to providing a matching contribution no
5305 less than the amount of conservation futures tax levy funds appropriated for the project.
5306 This contribution may consist of cash, in-kind voluntary contributions or land donations
5307 with a valuation verified by an appraisal by a Member of the Appraisal Institute (MAI)
5308 certified appraiser or the cash value, excluding King County conservation futures
5309 contributions, of other open spaces acquired within the previous two years that is either
5310 directly adjacent to the project or the county concludes to be directly linked to the
5311 property under application. For a project based on an application by a citizen or citizen

5312 group, the funds shall be reimbursed to the jurisdiction in which the project is located. If
5313 a citizen or citizen group's application is funded by this process, the jurisdiction in which
5314 the project is located shall be required to enter into an interlocal agreement with the
5315 county formalizing the relationship, roles and responsibilities for acquisition, ownership,
5316 matching contribution obligations and future maintenance.

5317 F. If the King County transfer of development program bank, as established by
5318 K.C.C. chapter 21A.37, is awarded conservation futures levy funds in order to purchase
5319 development rights and thereby preserve open space in accordance with purposes and
5320 provisions of this chapter, the bank is authorized to sell those development rights and to
5321 use the proceeds from that sale to acquire additional development rights, thereby
5322 preserving additional open space lands in accordance with the terms and provisions of
5323 this chapter. When transferrable development rights are purchased by the bank in
5324 accordance with K.C.C. chapter 21A.37 using conservation futures tax levy funds
5325 allocated to a project under K.C.C. 26.12.003.G., matching conservation futures tax fund
5326 credit is allowed for funds generated from the subsequent sales of the transferrable
5327 development rights, if the funds from those sales are used to purchase additional open
5328 space that is identified as being within the scope of the original conservation futures tax
5329 project.

5330 G. Conservation futures tax levy funds shall be deposited in the conservation
5331 futures fund for the purpose of administering, disbursing and accounting for conservation
5332 futures tax levy funds authorized by King County. Conservation futures tax levy funds
5333 shall be disbursed to projects previously approved by King County upon receipt and
5334 verification by King County of properly completed requests for payment of the funds.

5335 The office of performance, strategy and budget shall prescribe the form for the requests.
5336 The disbursement requests shall be made only for capital project expenditures that
5337 include all costs of acquiring real property, including interests in real property, and the
5338 following costs, though it shall not include the cost of preparing applications for
5339 conservation futures moneys: cost of related relocation of eligible occupants; cost of
5340 appraisal; cost of appraisal review; cost of title insurance; closing costs; pro rata real
5341 estate taxes; recording fees; compensating tax; hazardous waste substances reports;
5342 directly related staff costs; and related legal and administrative costs. The city shall
5343 transmit payment to its payees for current capital project costs within five days of the
5344 receipt by the city of its requested conservation futures tax levy funds. The city shall
5345 provide a list of authorized individuals to certify requests to King County. The city is
5346 responsible for the accuracy of the payment requests and the propriety and timeliness of
5347 its disbursements following receipt of conservation futures tax levy funds. Conservation
5348 futures tax levy funds may not be used to acquire any property or interest therein through
5349 the exercise of the power of eminent domain.

5350 ~~((G.))~~ H. Projects carried out by a governmental agency in whole or part with
5351 conservation futures tax levy funds shall not be transferred or conveyed except by
5352 interlocal agreement providing that the land or interest in land shall be continued to be
5353 used for the purposes of K.C.C. 26.12.005 through 26.12.025 and in strict conformance
5354 with the uses authorized under RCW 84.34.230. Also, the land or interest in land shall
5355 not be converted to a different use unless other equivalent lands within the geographic
5356 jurisdiction of the governmental agency are received in exchange for the lands or interest
5357 in lands. This section does not prevent the grant of easements or franchises or the

5358 making of joint use agreements or other operations compatible with the use of a project
5359 as provided for in this section and authorized under RCW 84.34.230.

5360 SECTION 65. Ordinance 15051, Section 59, and K.C.C. 21A.06.522 are each
5361 hereby repealed.

5362 SECTION 66. Pursuant to K.C.C. 20.44.080, the metropolitan King County
5363 council finds that the requirements for environmental analysis, protections and mitigation
5364 measures in the chapters of K.C.C. Title 21A amended by this ordinance, provide
5365 adequate analysis of and mitigation for the specific adverse environmental impacts to
5366 which the requirements apply.

5367 SECTION 67. Sections 44, 45, 46, 52, 53, 55 and 57 of this ordinance do not
5368 apply in the shoreline jurisdiction until the effective date of the Washington state
5369 Department of Ecology's approval of the amendments as provided in RCW 90.58.090 and
5370 K.C.C. 20.12.205.

5371 SECTION 68. If any provision of this ordinance or its application to any person

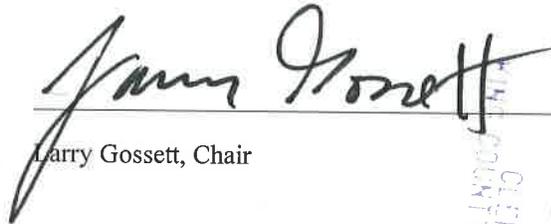
5372 or circumstance is held invalid, the remainder of the ordinance or the application of the
5373 provision to other persons or circumstances is not affected.

5374

Ordinance 17539 was introduced on 11/13/2012 and passed as amended by the Metropolitan King County Council on 3/18/2013, by the following vote:

Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,
Ms. Patterson, Ms. Lambert, Mr. Dunn, Mr. McDermott and Mr.
Dembowski
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the Council

RECEIVED
2013 MAR 29 PM 3:45
KING COUNTY CLERK
KING COUNTY COUNCIL

APPROVED this 28 day of MARCH, 2013.



Dow Constantine, County Executive

Attachments: None