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Sponsors:	
Attachments:	None

1 ..Title

2 AN ORDINANCE relating to the department of planning  
3 and permitting; and amending Ordinance 9163, Section 2,  
4 as amended, and K.C.C. 9.04.020, Ordinance 2281, Section  
5 5, as amended, and K.C.C. 9.04.050, Ordinance 7590,  
6 Section 7, as amended, and K.C.C. 9.08.060, Ordinance  
7 12560, Section 10, as amended, and K.C.C. 16.02.240,  
8 Ordinance 1488, Section 5, as amended, and K.C.C.  
9 16.82.020, Ordinance 15053, Section 3, as amended, and  
10 K.C.C. 16.82.051, Ordinance 3108, Section 10, and K.C.C.  
11 16.82.120, Ordinance 9614, Section 102, as amended, and  
12 K.C.C. 16.82.140, Ordinance 13694, Section 39, and  
13 K.C.C. 19A.08.040, Ordinance 13694, Section 41, and  
14 K.C.C. 19A.08.060, Ordinance 13694, Section 42, as  
15 amended, and K.C.C. 19A.08.070, Ordinance 13694,  
16 Section 51, as amended, and K.C.C. 19A.08.160,  
17 Ordinance 12196, Section 10, as amended, and K.C.C.  
18 20.20.030, Ordinance 12196, Section 11, as amended, and  
19 K.C.C. 20.20.040, Ordinance 12196, Section 13, as  
20 amended, and K.C.C. 20.20.060, Ordinance 15032, Section  
21 6, and K.C.C. 21A.06.742, Ordinance 12024, Section 14, as

22 amended, and K.C.C. 21A.06.1432, Ordinance 10870,  
23 Section 330, as amended, and K.C.C. 21A.08.030,  
24 Ordinance 10870, Section 331, as amended, and K.C.C.  
25 21A.08.040, Ordinance 10870, Section 332, as amended,  
26 and K.C.C. 21A.08.050, Ordinance 10870, Section 333, as  
27 amended, and K.C.C. 21A.08.060, Ordinance 10870,  
28 Section 334, as amended, and K.C.C. 21A.08.070,  
29 Ordinance 10870, Section 335, as amended, and K.C.C.  
30 21A.08.080, Ordinance 10870, Section 336, as amended,  
31 and K.C.C. 21A.08.090, Ordinance 10870, Section 340, as  
32 amended, and K.C.C. 21A.12.030, Ordinance 10870,  
33 Section 341, as amended, and K.C.C. 21A.12.040,  
34 Ordinance 10870, Section 357, as amended, and K.C.C.  
35 21A.12.200, Ordinance 10870, Section 364, as amended,  
36 and K.C.C. 21A.14.040, Ordinance 11621, Section 99, and  
37 K.C.C. 21A.14.280, Ordinance 10870, Section 386, as  
38 amended, and K.C.C. 21A.16.010, Ordinance 11210,  
39 Section 12, as amended, and K.C.C. 21A.16.115,  
40 Ordinance 10870, Section 415, as amended, and K.C.C.  
41 21A.18.110, Ordinance 10870, Section 474, as amended,  
42 and K.C.C. 21A.20.060, Ordinance 10870, Section 433,  
43 and K.C.C. 21A.20.130, Ordinance 11210, Section 12, as  
44 amended, and K.C.C. 21A.22.050, Ordinance 15051,

45 Section 137, as amended, and K.C.C. 21A.24.045,  
46 Ordinance 15051, Section 138, and K.C.C. 21A.24.051,  
47 Ordinance 10870, Section 454, as amended, and K.C.C.  
48 21A.24.070, Ordinance 10870, Section 458, as amended,  
49 and K.C.C. 21A.24.110, Ordinance 15051, Section 152,  
50 and K.C.C. 21A.24.137, Ordinance 10870, Section 465, as  
51 amended, and K.C.C. 21A.24.180, Ordinance 10870,  
52 Section 471, as amended, and K.C.C. 21A.24.240,  
53 Ordinance 10870, Section 473, as amended, and K.C.C.  
54 21A.24.260, Ordinance 10870, Section 477, as amended,  
55 and K.C.C. 21A.24.300, Ordinance 15606, Section 20, as  
56 amended, and K.C.C. 21A.30.085, Ordinance 8867, Section  
57 1, as amended, and K.C.C. 26.12.010, Ordinance 15051,  
58 Section 231, and K.C.C. 21A.24.520, Ordinance 13129,  
59 Section 9, as amended, and K.C.C. 21A.27.090, Ordinance  
60 10870, Section 530, as amended, and K.C.C. 21A.30.020,  
61 Ordinance 11168, Section 5, as amended, and K.C.C.  
62 21A.30.062, Ordinance 10870, Section 557, as amended,  
63 and K.C.C. 21A.32.200, Ordinance 10870, Section 579, as  
64 amended, and K.C.C. 21A.38.060, adding new sections to  
65 K.C.C. chapter 21A.06, 21A.24, and 21A. , repealing  
66 Ordinance 15051, Section 59, and K.C.C. 21A.06.522, and  
67 establishing effective dates.

68 ..Body

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

71 The definitions in this section apply throughout this chapter unless the context  
72 clearly requires otherwise.

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

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

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

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

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

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

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

106 H. "Department" means the department of natural resources and parks or its  
107 successor.

108 I. "Development" means any activity that requires a permit or approval,  
109 including, but not limited to, a building permit, grading permit, shoreline substantial  
110 development permit, conditional use permit, special use permit, zoning variance or  
111 reclassification, subdivision, short subdivision, urban planned development, binding site  
112 plan, site development permit or right-of-way use permit. "Development" does not  
113 include ((a Class I, II, III or IV S forest practice conducted in accordance with chapter

114 ~~76.09 RCW and Title 222 WAC or a class IV-G nonconversion forest practice, as defined~~  
115 ~~in K.C.C. chapter 21A.06, conducted in accordance with chapter 76.09 RCW and Title~~  
116 ~~222 WAC and a county approved forest management plan))~~ forest management  
117 activities, as defined in K.C.C. chapter 21A.06.

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

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

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

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

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

134 O. "Financial guarantee" means a form of financial security posted to do one or  
135 more of the following: ensure timely and proper completion of improvements; ensure  
136 compliance with the King County Code; or provide secured warranty of materials,

137 workmanship of improvements and design. “Financial guarantees” include assignments  
138 of funds, cash deposit, surety bonds or other forms of financial security acceptable to the  
139 director of the department of development and environmental services. “Performance  
140 guarantee,” “maintenance guarantee” and “defect guarantee” are considered sub  
141 categories of financial guarantee.

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

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

152 R. "Flow control facility" means a drainage facility designed to mitigate the  
153 impacts of increased surface and storm water runoff generated by site development in  
154 accordance with the drainage requirements in this chapter. A “flow control facility” is  
155 designed either to hold water for a considerable length of time and then release it by  
156 evaporation, plant transpiration or infiltration into the ground or to hold runoff for a short  
157 period of time and then release it to the conveyance system.

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

161 1. Would result in two thousand square feet or more of new impervious surface;

162 2. Would result in thirty-five thousand square feet or more of new pervious  
163 surface: or

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

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

172 1. A commercial or industrial site subject to:

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

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

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



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

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

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

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

197           X. "Land disturbing activity" means an activity that results in a change in the  
198 existing soil cover, both vegetative and nonvegetative, or to the existing soil topography.  
199 "Land disturbing activity" includes, but is not limited to, demolition, construction,  
200 clearing, grading, filling, excavation and compaction. "Land disturbing activity" does

201 not include tilling conducted as part of agricultural practices, landscape maintenance or  
202 gardening.

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

206 Z. "Large project drainage review" means the evaluation required by K.C.C.  
207 9.04.030 for any proposed project that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

298 1. Would result in:

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

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

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

306 3. Limits new pervious surface as specified in the Surface Water Design  
307 Manual.

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

426 and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

500 B. It is the finding of the county that many of the difficulties found in the  
501 management of surface and storm water problems are contributed to by the general lack  
502 of public knowledge about the relationship between human actions and surface and storm  
503 water management. In order to achieve a comprehensive approach to surface and storm  
504 water management the county should provide general information to the public about  
505 land use and human activities which impact surface and storm water management.

506 Pursuant to RCW 36.89.085, it is the finding of the county that public school districts can  
507 provide significant benefits to the county regarding surface and storm water management  
508 through educational programs and community activities related to protection and  
509 enhancement of the surface and storm water management system. These programs and  
510 activities can provide students with an understanding of human activities and land use  
511 practices that create surface and storm water problems and involve students by learning  
512 from first hand exposure, the difficulties of resolving surface and storm water  
513 management problems after they occur.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

658 S. It is a finding of the county that Chinook salmon were listed as a threatened  
659 species in March 1999, and bull trout were listed as a threatened species in November  
660 1999, under the federal Endangered Species Act. These listings focus the need for higher  
661 standards in managing surface water including new, expanded and more intensive  
662 programs to control the quantity of runoff as well as its quality. Programs responding to  
663 these imperatives have included the design, permitting and construction of facilities,  
664 facility retrofitting and maintenance, habitat acquisition and restoration, monitoring,  
665 regulation development and coordination with other agencies on transboundary issues.

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

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

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

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

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

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

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

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



724            SECTION 4. Ordinance 12560, Section 10, as amended, and K.C.C. 16.02.240

725 are each hereby amended to read as follows:

726            Section 105.2 of the International Building Code is not adopted and the following  
727 is substituted:

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

730            Building:

731            1. One-story detached one and two family residential accessory buildings used as  
732 tool and storage sheds, playhouses, tree supported structures used for play and similar  
733 uses, not including garages or other buildings used for vehicular storage, provided the  
734 floor area does not exceed 200 square feet (11.15 m<sup>2</sup>) provided that the roof overhang  
735 does not exceed twenty-four inches measured horizontally from the exterior wall.

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

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

744            4. Oil derricks.

- 745           5. Retaining walls which are not over 4 feet (1.219 m) in height measured from  
746 the bottom of the footing to the top of the wall, unless supporting a surcharge or  
747 impounding Class I, II or III-A liquids.
- 748           6. Water tanks supported directly upon grade if the capacity does not exceed  
749 5,000 gallons (18,927 l) and the ratio of height to diameter or width does not exceed 2 to  
750 1.
- 751           7. Platforms, sidewalks and driveways not more than 30 inches (.762 m) above  
752 grade and not over any basement or story below and which are not part of an accessible  
753 route.
- 754           8. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish  
755 work.
- 756           9. Temporary motion picture, television and theater stage sets and scenery.
- 757           10. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy  
758 as applicable in Section 101.2, which are less than 24 inches (610 mm) deep, do not  
759 exceed 5,000 gallons (18,925 l) and are installed entirely above ground.
- 760           11. Shade cloth structures constructed for nursery or agricultural purposes and  
761 not including service systems.
- 762           12. Swings and other playground equipment.
- 763           13. Window awnings supported by an exterior wall which do not project more  
764 than 54 inches (1,372 mm) from the exterior wall and do not require additional support of  
765 Group R3, as applicable in Section 101.2, and Group U Occupancies.
- 766           14. Moveable cases, counters and partitions not over 5 feet 9 inches (228.6 m)  
767 high.

768 15. Re-roofing of existing buildings.

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

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

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

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

777 19. Hydraulic flood control structures.

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

780 Gas:

781 1. Portable heating appliance.

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

784 Mechanical:

785 1. Portable heating appliance.

786 2. Portable ventilation appliances and equipment.

787 3. Portable cooling unit.

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

- 790                   5. Replacement of any part which does not alter its approval or make it  
791 unsafe.
- 792                   6. Portable evaporative cooler.
- 793                   7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less  
794 of refrigerant and actuated by motors of one horsepower (746 W) or less.
- 795                   8. Portable fuel cell appliances that are not connected to a fixed piping  
796 system and are not interconnected to a power grid.

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

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

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

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

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

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

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

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

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

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

820 G. "Department" means the department of development and environmental  
821 services.

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

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

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

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

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

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

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

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

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

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

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

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

844           Q. "Land disturbing activity" means an activity that results in a change in the  
845 existing soil cover or to the existing soil topography.

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

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

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

855           1. "Documented legal control" includes fee simple or leasehold rights, or an  
856 easement, or any combination thereof, which allows uses associated with the overall  
857 development proposal; and

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

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

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

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

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

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

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

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

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

877           B. The following activities are excepted from the requirement of obtaining a  
878 clearing or grading permit before undertaking forest practices or clearing or grading  
879 activities, as long as those activities conducted in critical areas are in compliance with the  
880 standards in this chapter and in K.C.C. chapter 21A.24. In cases where an activity may

881 be included in more than one activity category, the most-specific description of the  
882 activity shall govern whether a permit is required. For activities involving more than one  
883 critical area, compliance with the conditions applicable to each critical area is required.  
884 Clearing and grading permits are required when a cell in this table is empty and for  
885 activities not listed on the table. Activities not requiring a clearing and grading permit  
886 may require other permits, including, but not limited to, a floodplain development permit.

<b>KEY</b>	O	A	C	E	F	C	L	A	S	V	S	H	C	R	W	A	A	W	A
"NP" in a cell means	U	R	O	R	L	H	A	N	E	O	T	A	R	E	E	Q	N	I	N
no <u>clearing or grading</u>	T	E	A	O	O	A	N	D	I	L	E	Z	I	C	T	U	D	L	D
permit required	A	L	S	O	N	D	S	C	E	A	T	H	L	A	D				
if conditions are met.	O		I	D	N	S	B	M	A	P	R	I	A	A	T	B	L	N	
A number in a cell	F	A	M	O		E	L	U	I	N		D	C	R	N	I	U	I	E
means the	N	I	N	H	L	I	F	C	I	S	A	G	D	C	F	F	T		
Numbered condition	C	D	N		A		D	F		C	L	A	L	E	S		F	E	W
in subsection C.	R	E	H	Z	M	E	E	H		O	N					A	E	O	
applies.	I	B		A	A	I		R	A	H	P	D	A	A	A	R	R	A	R
"Wildlife area	T	U	H	Z	R	G	H	Z	A	E	Q	R	N			E		R	K
and network" column	I	F	A	A	D	R	A	A	Z		B	U	E	D	A		E		
applies to both Wildlife	C	F	Z	R		A	Z	R	A		U	I	A					A	
Habitat Conservation	A	E	A	D		T	A	D	R		F	F		B					
Area and Wildlife	L	R	R			I	R		D		F	E		U					
Habitat Network			D			O	D				E	R		F					
						N					R			F					
														R					
<b>ACTIVITY</b>																			
<b>Grading and Clearing</b>																			
Grading	NP	NP	NP					NP	NP			NP							
	1, 2	1, 2	1, 2					1, 2	1, 2			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
(( <del>Non conversion Class I, II, III, IV S forest practice</del> )) <u>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
Emergency action	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10
<b>Roads</b>													
Grading within the roadway	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11			NP 11
Clearing within the roadway	NP	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12		NP 12	NP 12
Maintenance of driveway or private access road	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
Maintenance of bridge or culvert	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15
Construction of farm field access drive	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16
Maintenance of farm field access drive	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17
<b>Utilities</b>													

Construction or maintenance of utility corridors or facility within the right-of-way	NP 18	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	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	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance of existing surface water flow control and surface water quality treatment facility	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance or repair of flood protection facility	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20
Maintenance or repair of existing instream structure	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP 11	NP 11	NP
<b>Recreation areas</b>														
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	NP 13
<b>Habitat and science projects</b>														
Habitat restoration or enhancement project	NP	NP 21	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	NP 22
<b>Agriculture</b>														

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 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 farm pond, fish pond, livestock watering pond	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
<b>Other</b>													
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 13		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 13		NP 13	NP 13	NP 13
Maintenance of golf course	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13			NP 13	NP 13	NP 13	NP 13	NP 13

887 C. The following conditions apply:

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

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

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

- 900           a. regulated as a Class IV forest practice under chapter 76.09 RCW;
- 901           b. in a critical drainage areas established by administrative rules;
- 902           c. subject to clearing limits included in property-specific development  
903 standards and special district overlays under K.C.C. chapter 21A.38; or
- 904           d. subject to urban growth area significant tree retention standards under  
905 K.C.C. 16.82.156 and 21A.38.230.

906           4. Cutting firewood for personal use in accordance with a forest management  
907 plan or rural stewardship plan approved under K.C.C. Title 21A. For the purpose of this  
908 condition, personal use shall not include the sale or other commercial use of the firewood.

909           5. Limited to material at any solid waste facility operated by King County.

910           6. Allowed to prevent imminent danger to persons or structures.

911           7. Cumulative clearing of less than seven thousand square feet annually or  
912 conducted in accordance with an approved farm management plan, forest management  
913 plan or rural stewardship plan.

- 914 8. Cumulative clearing of less than seven thousand square feet and either:
- 915 a. conducted in accordance with a farm management plan, forest management
- 916 plan or a rural stewardship plan; or
- 917 b. limited to removal with hand labor.
- 918 9. When conducted as a Class I, II, III or IV-S forest practice((s)) as defined in
- 919 chapter 76.09 RCW and Title 222WAC.
- 920 10. If done in compliance with K.C.C. 16.82.065.
- 921 11. Only when conducted by or at the direction of a government agency in
- 922 accordance with the regional road maintenance guidelines and K.C.C. 9.04.050, creates
- 923 less than two thousand square feet of new impervious surface on a single site added after
- 924 January 1, 2005, and is not within or does not directly discharge to an aquatic area or
- 925 wetland. For purposes of this subsection C.11., "new impervious surface" is defined in
- 926 K.C.C. 9.04.020.
- 927 12. Limited to clearing conducted by or at the direction of a government agency
- 928 or by a private utility that does not involve:
- 929 a. slope stabilization or vegetation removal on slopes; or
- 930 b. ditches that are used by salmonids.
- 931 13. In conjunction with normal and routine maintenance activities, if:
- 932 a. there is no alteration of a ditch or aquatic area that is used by salmonids:
- 933 b. the structure, condition or site maintained was constructed or created in
- 934 accordance with law; and
- 935 c. the maintenance does not expand the roadway, lawn, landscaping, ditch,
- 936 culvert or other improved area being maintained.

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

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

- 945           a. The King Conservation District;
- 946           b. King County department of natural resources and parks;
- 947           c. King County department of development and environmental services; or
- 948           d. Washington state Department of Fish and Wildlife.

949           16. Only if consistent with an adopted farm plan in accordance with K.C.C.  
950 Title 21A.

951           17. Only if(~~;~~  
952           a. ~~consistent with a farm plan in accordance with K.C.C. Title 21A; or~~  
953           b.)) conducted in accordance with ~~((best management practices in the Natural~~  
954 ~~Resource Conservation Service Field Office Technical Guide))~~ public rules adopted by  
955 the department and the department of natural resources and parks.

956           18. In accordance with a franchise permit.

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

958           20. When:

- 959           a. conducted by a public agency;

- 960           b. the height of the facility is not increased;
- 961           c. the linear length of the facility is not increased;
- 962           d. the footprint of the facility is not expanded waterward;
- 963           e. done in accordance with the Regional Road Maintenance Guidelines;
- 964           f. done in accordance with the adopted King County Flood Hazard
- 965 Management Plan and the Integrated Streambank Protection Guidelines (Washington
- 966 State Aquatic Habitat Guidelines Program, 2002); and
- 967           f. monitoring is conducted for three years following maintenance or repair and
- 968 an annual report is submitted to the department.
- 969           21. Only if:
- 970           a. the activity is not part of a mitigation plan associated with another
- 971 development proposal or is not corrective action associated with a violation; and
- 972           b. the activity is sponsored or co-sponsored by a public agency that has natural
- 973 resource management as its primary function or a federally-recognized tribe, and the
- 974 activity is limited to:
- 975           (1) revegetation of the critical area and its buffer with native vegetation or the
- 976 removal of noxious weeds or invasive vegetation;
- 977           (2) placement of weirs, log controls, spawning gravel, woody debris and
- 978 other specific salmonid habitat improvements;
- 979           (3) hand labor except:
- 980           (a) the use of riding mower or light mechanical cultivating equipment and
- 981 herbicides or biological control methods when prescribed by the King County noxious
- 982 weed control board for the removal of noxious weeds or invasive vegetation; or

983 (b) the use of helicopters or cranes if they have no contact with or otherwise  
984 disturb the critical area or its buffer.

985 22. If done with hand equipment and does not involve any clearing.

986 23. Limited to removal of vegetation for forest fire prevention purposes in  
987 accordance with best management practices approved by the King County fire marshal.

988 24. Limited to the removal of downed trees.

989 25. Except on properties that are:

990 a. subject to clearing limits included in property-specific development  
991 standards and special district overlays under K.C.C. chapter 21A.38; or

992 b. subject to urban growth area significant tree retention standards under  
993 K.C.C. 16.82.156 and 21A.38.230.

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

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

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

1000 ~~€))~~ For grading ~~((which))~~ that requires a shoreline management substantial  
1001 development permit, the conditions of the shoreline management substantial development  
1002 permit shall be incorporated into the conditions of any permit issued pursuant to this  
1003 chapter and shall be subject to the inspection and enforcement procedures authorized by  
1004 this chapter.



1005            SECTION 8. Ordinance 9614, Section 102, as amended, and K.C.C. 16.82.140  
1006 are each hereby amended to read as follows:

1007            A. ~~((Under a Class IV-G forest practice, all clearing not otherwise exempted~~  
1008 ~~under this chapter shall be subject to this chapter. All such clearing subject to the state~~  
1009 ~~Environmental Policy Act, chapter 43.21C RCW, and King County shall accept or~~  
1010 ~~assume lead agency status. The department shall consolidate its review of the Class IV-G~~  
1011 ~~application with its SEPA review and its review of associated King County development~~  
1012 ~~permits or approvals.~~

1013            B. ~~Except as otherwise provided in subsections D. and E. of this section, f))~~For  
1014 six years after ~~((the))~~ a Class II, III or IV-S forest practice, as defined in chapter 76.09  
1015 RCW, has commenced on a tax parcel, either with or without a permit under chapter  
1016 76.09 RCW, the department shall deny a development proposal on ~~((a site))~~ that tax  
1017 parcel when the proposed activity ~~((was:~~

1018            1. ~~A Class II, III or IV special forest practice, as defined in chapter 76.09 RCW;~~

1019            2. ~~A nonconversion Class IV-G forest practice, as defined in K.C.C. chapter~~  
1020 ~~21A.06: or~~

1021            3. ~~Undertaken without forest practices or county authorization))~~ is not related to  
1022 ongoing forestry, agriculture or other resource management activities.

1023            ~~((C. Subsection B. of this section applies to a development proposal for:~~

1024            1. ~~The subdivision of land;~~

1025            2. ~~The preparation or construction of a new residential or commercial structure;~~

1026 and

1027            3. ~~Any other development proposal that is not related to ongoing forestry.))~~

1028           ~~((D-))~~ B. The department may only approve a development proposal not related  
1029 to ongoing forestry, agriculture or other resource management activities on a ~~((site))~~ tax  
1030 parcel subject to subsection ~~((B-))~~ A. of this section if:

1031           1. The forest practice is conducted as a Class II, III or IV-S forest practice  
1032 pursuant to a Washington State Department of Natural Resources forest practice permit,  
1033 and

1034           a. The applicant demonstrates that the forest practice or clearing on the  
1035 harvested portion of the ~~((site))~~ tax parcel was consistent with the Conversion Option  
1036 ~~((h))~~Harvest Plan reviewed and approved by King County;

1037           b. Forest management activities conducted within aquatic areas, wetlands,  
1038 steep slopes and wildlife habitat areas are limited to specific silvicultural prescriptions to  
1039 improve forest health identified in a forest management plan approved by King County;  
1040 ~~((and))~~ or

1041           c. ~~((The forest practice is conducted as a:~~  
1042           (1) ~~Class IV-G nonconversion forest practice, as defined in K.C.C. chapter~~  
1043 ~~21A.06, that has been approved by the county;~~  
1044           (2) ~~Class II, III or IV-S forest practice pursuant to a Washington State~~  
1045 ~~Department of Natural resources forest practices permit~~  
1046           (3) ~~Class I forest practice, as defined in chapter 76.09 RCW, only for purposes~~  
1047 ~~of precommercial thinning and pruning))~~ The applicant demonstrates that the clearing on  
1048 the harvested portion of the tax parcel was conducted consistent with a forest  
1049 management plan approved by King County and the forest management plan excluded  
1050 the area proposed for development; or

1051           2. The director determines that:

1052           a. the applicant was the unknowing subject of criminal trespass, timber theft or

1053 fraud; and

1054           b. ~~((the applicant has demonstrated to the satisfaction of the department that:~~

1055           (1) ~~those portions of the clearing not in compliance with the applicable King~~

1056 ~~County regulations can be fully restored to the extent that functions shall be improved~~

1057 ~~over those existing before the clearing; and~~

1058           (2) ~~the unharvested portion of the property is not required to satisfy tree~~

1059 ~~retention or other mitigation requirements; and~~

1060           e.)) the applicant has an approved mitigation plan to restore the areas cleared

1061 ~~((without complying))~~ to comply with applicable King County regulations.

1062           ~~((E. The department may approve a development proposal on the unharvested~~

1063 ~~portion of a ((site)) tax parcel subject to subsection B. of this section if:~~

1064           1. ~~The applicant demonstrates that the clearing on the harvested portion of the~~

1065 ~~site was conducted consistent with a forest management plan approved by King County~~

1066 ~~and the forest management plan excluded the area proposed for development; and~~

1067           2. The forest practice is conducted as a:

1068           a. ~~Class IV G nonconversion forest practice, as defined in K.C.C. chapter~~

1069 ~~21A.06, that has been approved by the county;~~

1070           b. ~~Class II, III or IV S forest practice pursuant to a Washington state~~

1071 ~~Department of Natural resources forest practices permit; or~~

1072           c. ~~Class I forest practice, as defined in chapter 76.09 RCW, only for purposes~~

1073 ~~of precommercial thinning and pruning.~~

1074 F. ~~In all cases, lifting or waiving of the six-year moratorium is subject to~~  
1075 ~~compliance with all county ordinances.))~~

1076 C.1. Except as otherwise provided in subsection C.2. of this section, the  
1077 moratorium is applied to the entire tax parcel on which the forest practice has occurred.

1078 2. A development moratorium is applied only to the area affected by the forest  
1079 practice if the tax parcel:

1080 a. is located in the forest production district and is enrolled in current use  
1081 taxation under chapter 84.34 RCW; or

1082 b. has an approved forest management plan.

1083 SECTION 9. Ordinance 13694, Section 39, and K.C.C. 19A.08.040 are each  
1084 hereby amended to read as follows:

1085 A. The subdivision and short subdivision provisions of this title shall not apply  
1086 to((:

1087 ~~A. Divisions of lands for cemeteries and other burial plots while used for that~~  
1088 ~~purpose.~~

1089 ~~B. D))~~divisions of land into lots or tracts each one of which is one-sixteenth of a  
1090 section of land or larger, or forty acres or larger if the land is not capable of description as  
1091 a fraction of a section of land; provided, that for purposes of computing the size of a lot  
1092 that borders on a street or road, the lot size shall be expanded to include that area that  
1093 would be bounded by the center line of the road or street and the side lot lines of the lot  
1094 running perpendicular to such center line and further provided that within the resource  
1095 zones, each lot or tract shall be of a size that meets the minimum lot size requirements of  
1096 K.C.C. 21A.12.040.A for the respective zone.

1097           ~~((C.))~~ B. The short subdivision provisions of this title shall not apply to:  
1098            1. Divisions of land into lots or tracts ~~((that are one one hundred twenty eighth~~  
1099 ~~of a section, or five acres or larger))~~ only for the purpose of allowing fee simple purchase  
1100 or deeding of such lots or tracts to public agencies~~((-));~~ and  
1101           ~~((D. Divisions of land made by testamentary provisions or laws of descent.~~  
1102            ~~E. Divisions of land into lots or tracts consistent with RCW 58.17.040(7), for~~  
1103 ~~which a condominium binding site plan has been recorded in accordance with the binding~~  
1104 ~~site plan provisions set forth in this title.~~  
1105           ~~F. An adjustment of boundary lines in accordance with the provisions of this title.~~  
1106            ~~G. Divisions of land for the purpose of lease when no residential structures other~~  
1107 ~~than mobile homes are permitted to be placed upon the land and for which a binding site~~  
1108 ~~plan for the use of the land as a mobile home park has been approved by the director.~~  
1109            ~~H. Divisions of land by binding site plan into lots or tracts classified for industrial~~  
1110 ~~or commercial use consistent with the binding site plan provisions of this title.~~  
1111            ~~I.))~~ 2. Divisions of land by a public roadway or freeway, as defined by the King  
1112 County Roadway Functional Classification System, that is planned, established, financed  
1113 and constructed by a state or county agency after January 1, 2000.

1114            SECTION 10. Ordinance 13694, Section 41, and K.C.C. 19A.08.060 are each  
1115 hereby amended to read as follows:

1116            Applications for approvals pursuant to this title shall be reviewed in accordance  
1117 with the applicable procedures of any combination of this title and K.C.C. chapters 20.20  
1118 and 20.24. Furthermore, applications for subdivisions, short subdivisions and binding  
1119 site plans may be approved, approved with conditions or denied in accordance with the

1120 following adopted county and state rules, regulations, plans and policies including, but  
1121 not limited to:

1122 A. Chapter 43.21C RCW (SEPA);

1123 B. Chapter 58.17 RCW (Subdivisions);

1124 C. Chapters 36.70A and 36.70B RCW (Growth Management and Project  
1125 Review);

1126 D. K.C.C. Title 9 (Surface Water Management);

1127 E. K.C.C. Title 13 (Sewer and Water);

1128 F. K.C.C. Title 14 ( Roads and Bridges);

1129 G. K.C.C. Title 17 (Fire Code);

1130 H. K.C.C. chapter 20.44 (SEPA);

1131 I. K.C.C. Title 21A (Zoning);

1132 J. K.C.C. Title 23 (Code Enforcement);

1133 K. ~~((K.C.C. Title 25 (Shoreline Master Program);~~

1134 ~~L.))~~ Administrative rules adopted pursuant to K.C.C. chapter 2.98;

1135 ~~((M.))~~ L. King County board of public health rules and regulations;

1136 ~~((N.))~~ M. King County approved utility comprehensive plans;

1137 ~~((O.))~~ N. King County Comprehensive Plan;

1138 ~~((P.))~~ O. County wide Planning Policies; and

1139 ~~((Q.))~~ P. This title.

1140 SECTION 11. Ordinance 13694, Section 42, as amended, and K.C.C.

1141 19A.08.070 are each hereby amended to read as follows:

1142 A. A property owner may request that the department determine whether a lot  
1143 was legally ~~((segregated))~~ created. The property owner shall demonstrate to the  
1144 satisfaction of the department that a lot was created in compliance with applicable state  
1145 and local land segregation statutes or codes in effect at the time the lot was created ~~((and~~  
1146 ~~that it meets the following requirements:))~~.

1147 B.1. ((The)) ) A lot ((was)) created before ((June 9, 1937, and:

1148 a. ~~Before~~) October 1, 1972((, the lot)) will be recognized as a legal lot if it  
1149 was:

1150 ~~((1))~~ a. before October 1, 1972, it was conveyed as an individually described  
1151 parcel to separate, noncontiguous ownerships through a fee simple transfer or  
1152 purchase~~((;))~~ or

1153 ~~((2))~~ recognized as a separate tax lot by the county assessor; and

1154 b. ~~((not later than January 1, 2000,))~~ if created before June 9, 1937, the lot was  
1155 ~~((provided with))~~ also served by one of the following prior to January 1, 2000:

1156 (1) approved sewage disposal;

1157 (2) an approved water system; or

1158 (3) a road~~((, not including a forest road as defined in WAC 222-16-010 or in~~

1159 ~~an easement for commercial road use for managing or hauling timber,))~~ that was:

1160 (A) accepted for maintenance by the King County department of

1161 transportation; or

1162 (B) located within an access easement for residential use or in a road right-

1163 of-way and consists of a smooth driving surface, including, but not limited to, asphalt,

1164 concrete, or compact gravel, that complied with the King County road standards in effect  
1165 at the time the road was constructed;

1166 2. ~~((The lot was created between June 9, 1937, and October 1, 1972, through a~~  
1167 ~~review and approval process recognized by the county for the creation of four lots or less;~~

1168 3. ~~The lot was created on or after June 9, 1937, through the subdivision process;~~

1169 4.)) ~~((The))~~ A lot ~~((was))~~ created on or after October 1, 1972, will be recognized  
1170 as a legal lot if it was created:

1171 a. ~~((t))~~ Through the subdivision or short subdivision process; or

1172 ~~((s-))~~ b. Through the following alternative means of lot segregation provided for  
1173 by state statute or county code:

1174 ~~((a-))~~ i. ((for the raising of agricultural crops or livestock, in parcels greater  
1175 than ten acres, between September 3, 1948, and August 11, 1969;

1176 b. for cemeteries or other burial plots, while used for that purpose, on or after  
1177 August 11, 1969;

1178 e-)) at a size five acres or greater, created by a record of survey recorded

1179 between August 11, 1969, and October 1, 1972, and that did not contain a dedication;

1180 ~~((d-))~~ ii. at a size twenty acres or greater, created ((after June 9, 1937,)) by a  
1181 record of survey recorded before January 1, 2000 and not subsequently merged into a  
1182 larger lot ((and recognized by the department or the department's predecessors before  
1183 January 1, 2000));

1184 ~~((e. upon a court order entered between August 11, 1969, to July 1, 1974;~~

1185 ~~f. through testamentary provisions or the laws of descent after August 10,~~  
1186 ~~1969;~~



1187 ~~g-))~~ iii. at a size forty acres or greater created through ((an assessor's plat)) a  
1188 large lot segregation made in accordance with RCW 58.18.010 ~~((after August 10, 1969)),~~  
1189 approved by King County and not subsequently merged into a larger lot. Within the F  
1190 zone, each lot or tract shall be of a size that meets the minimum lot size requirements of  
1191 K.C.C. 21A.12.040A;

1192 iv. through testamentary provisions or the laws of descent after August 10,  
1193 1969; or

1194 ~~((h-))~~ v. as a result of deeding land to a public body after April 3, 1977~~((, and~~  
1195 ~~that is consistent with King County zoning code, access and board of health requirements~~  
1196 ~~so as to qualify as a building site pursuant to K.C.C. 19A.04.050; or~~

1197 ~~i. by a partial fulfillment deed pursuant to a real estate contract recorded before~~  
1198 ~~October 1, 1972, and no more than four lots were created per the deed)).~~

1199 B. In requesting a determination, the property owner shall submit evidence,  
1200 deemed acceptable to the department, such as:

- 1201 1. Recorded subdivisions or division of land into four lots or less;
- 1202 2. King County documents indicating approval of a short subdivision;
- 1203 3. Recorded deeds or contracts describing the lot or lots either individually or as  
1204 part of a conjunctive legal description (e.g. Lot 1 and Lot 2); or
- 1205 4. Historic tax records or other similar evidence, describing the lot as an  
1206 individual parcel. The department shall give great weight to the existence of historic tax  
1207 records or tax parcels in making its determination.

1208 C. Once the department has determined that the lot was legally created, the  
1209 department shall continue to acknowledge the lot as such, unless the property owner  
1210 reaggregates or merges the lot with another lot or lots in order to:

- 1211 1. Create a parcel of land that would qualify as a building site, or
- 1212 2. Implement a deed restriction or condition, a covenant or court decision.

1213 D. The department's determination shall not be construed as a guarantee that the  
1214 lot constitutes a building site as defined in K.C.C. 19A.04.050.

1215 E. Reaggregation of lots after January 1, 2000, shall only be the result of a  
1216 deliberate action by a property owner expressly requesting the department for a  
1217 permanent merger of two or more lots through a boundary line adjustment under K.C.C.  
1218 chapter 19A.28.

1219 SECTION 12. Ordinance 13694, Section 51, as amended, and K.C.C.  
1220 19A.08.160 are each hereby amended to read as follows:

1221 A. Except as otherwise provided in subsection B. of this section, ((P))prior to  
1222 final recording of a plat or short plat, the following minimum improvements shall be  
1223 constructed consistent with the approved plans(~~((, except that the director may allow~~  
1224 ~~posting of a financial guarantee in the event that expiration of the plat or short plat is~~  
1225 ~~imminent or other extraordinary circumstances prevent the construction of such~~  
1226 ~~improvements.))~~);

1227 1. Drainage facilities and erosion control measures consistent with K.C.C.  
1228 9.04.090;

1229 2. Water mains and hydrant installed and fire flow available, sewer mains,  
1230 laterals and sewer manholes installed, if required;

1231           3. Roadways (~~graded to all lots within the subdivision or short subdivision and~~  
1232 ~~capable of providing access by passenger vehicle~~) meeting the approved engineering  
1233 plans layout drainage, geometric and road width requirements and finished with an  
1234 asphalt treated base. The final surfacing on the roadways may be bonded;

1235           4. Pedestrian facilities complying with the Americans with Disabilities Act;  
1236 including, but not limited to, curb ramps, sidewalks and shoulders, where required;

1237           5. Specific site improvements required by the preliminary plat approval  
1238 ordinance or preliminary short plat approval decision, if the decision requires completion  
1239 prior to plat recording;

1240           ~~((5.))~~ 6. Delineation of sensitive areas that are to remain undeveloped;

1241           ~~((6.))~~ 7. Temporary control monuments set by a land surveyor, located in  
1242 conformance with this title, and in place at final inspection. Permanent monuments and  
1243 control points shall be set and verified by a land surveyor within ninety days of the final  
1244 lift of asphalt;

1245           ~~((7.))~~ 8. Improvements without which the director determines a safety hazard  
1246 would exist; and

1247           ~~((8.))~~ 9. All private improvements outside of the right-of-way or road easement  
1248 and access tracts.

1249           B. The director, in consultation with the department of natural resources and  
1250 parks, department of transportation, the prosecuting attorney, and other affected agencies,  
1251 may allow the applicant to post a financial guarantee for any identified non-critical  
1252 required improvements, as determined on a project by project basis, if:

- 1253           1. The expiration of the plat or short plat is imminent or other extraordinary  
1254 circumstances prevent the construction of the improvements prior to final recording;
- 1255           2. The inability to construct the improvements is due to unavoidable  
1256 circumstances that in no way resulted from the actions or inaction of the applicant;
- 1257           3. The applicant submits a detailed construction completion timeline and the  
1258 department determines the applicant will be able to complete the work or improvements  
1259 to be covered by the financial guarantee within a reasonable amount of time; and
- 1260           4. Approval of the final plat or short plat prior to completion of the work or  
1261 improvements will not be materially detrimental to existing county infrastructure or  
1262 private properties in the vicinity of the subject property.

1263           C. The director shall have right of entry onto any lot, tract, easement or parcel  
1264 that is part of the final plat or short plat to ensure compliance with the minimum  
1265 subdivision improvements required in subsection A of this section.

1266           SECTION 13. Ordinance 12196, Section 10, as amended, and K.C.C. 20.20.030  
1267 are each hereby amended to read as follows:

1268           A.1.~~((a.))~~ Except as otherwise provided in subsection ~~((A.1.b.))~~ A.2. of this  
1269 section, before filing a permit application ~~((for a Type 1 decision,))~~ the applicant shall  
1270 contact the department to schedule a ~~((preapplication conference, which shall be held~~  
1271 ~~before filing the application, if the property will have five thousand square feet of~~  
1272 ~~development site or right-of-way improvements, the property is in a critical drainage~~  
1273 ~~basin, or the property has a wetland, steep slope, landslide hazard, erosion hazard, or coal~~  
1274 ~~mine on site))~~ pre-submittal screening to review and discuss the application requirements  
1275 with the applicant and provide comments on the development proposal. The department

1276 shall credit any fees for charged for the pre-submittal screening towards the permit  
1277 application fees provided for in K.C.C. Title 27.

1278 ~~((b.))~~ 2. A ~~((preapplication conference))~~ pre-submittal screening is not required  
1279 for ~~((a Type 1 decision for a single family residence and its accessory buildings or for~~  
1280 ~~other structures where all work is in an existing building and no parking is required or~~  
1281 ~~added))~~ over the counter permits or for proposals that require a mandatory preapplication  
1282 conference under subsection B. of this section.

1283 ~~((2.))~~ B. ~~((Except as otherwise provided in this section, b))~~ Before filing a permit  
1284 application requiring a Type 1 decision for which the department would likely issue a  
1285 threshold determination of significance or a Type 2, 3 or 4 decision, the applicant shall  
1286 contact the department to schedule a preapplication conference, which shall be held  
1287 before filing the application. ~~((B.))~~ The purpose of the preapplication conference is to  
1288 review and discuss the application requirements with the applicant and provide comments  
1289 on the development proposal. The preapplication conference shall be scheduled by the  
1290 department, at the request of an applicant, and shall be held ~~((in a timely manner,))~~ within  
1291 approximately thirty days from the date of the applicant's request. The department shall  
1292 assign a project manager following the preapplication conference. The director may  
1293 waive the requirement for a preapplication conference if the director determines the  
1294 preapplication conference is unnecessary for review of an application. Nothing in this  
1295 section shall be interpreted to require more than one preapplication conference or to  
1296 prohibit the applicant from filing an application if the department is unable to schedule a  
1297 preapplication conference within thirty days following the applicant's request.

1298 C. Information presented at or required as a result of the preapplication  
1299 conference shall be valid for a period of one year following the preapplication  
1300 conference. An applicant wishing to submit a permit application more than one year  
1301 following a preapplication for the same permit application shall be required to schedule  
1302 another preapplication conference.

1303 D. At or subsequent to a preapplication conference, the department may issue a  
1304 preliminary determination that a proposed development is not permissible under  
1305 applicable county policies or regulatory enactments. In that event, the applicant shall  
1306 have the option to appeal the preliminary determination to the hearing examiner in the  
1307 manner provided for a Type 2 permit, as an alternative to proceeding with a complete  
1308 application. Mailed and published notice of the appeal shall be provided for as in K.C.C.  
1309 20.20.060 H. and I.

1310 SECTION 14. Ordinance 12196, Section 11, as amended, and K.C.C. 20.20.040  
1311 are each hereby amended to read as follows:

1312 A. The department shall not commence review of any application as provided in  
1313 this chapter until the applicant has submitted the materials and fees specified for  
1314 complete applications. Applications for land use permits requiring Type 1, 2, 3 or 4  
1315 decisions shall be considered complete as of the date of submittal upon determination by  
1316 the department that the materials submitted meet the requirements of this section. Except  
1317 as provided in K.C.C. 20.20.040.B, all land use permit applications described in K.C.C.  
1318 20.20.020 Exhibit A shall include the following:

1319 1. An application form provided by the department and completed by the  
1320 applicant that allows the applicant to file a single application form for all land use permits

1321 requested by the applicant for the development proposal at the time the application is  
1322 filed;

1323           2. Designation of who the applicant is, except that this designation shall not be  
1324 required as part of a complete application for purposes of this section when a public  
1325 agency or public or private utility is applying for a permit for property on which the  
1326 agency or utility does not own an easement or right-of-way and the following three  
1327 requirements are met:

1328           a. the name of the agency or private or public utility is shown on the  
1329 application as the applicant;

1330           b. the agency or private or public utility includes in the complete application  
1331 an affidavit declaring that notice of the pending application has been given to all owners  
1332 of property to which the application applies, on a form provided by the department; and

1333           c. the form designating who the applicant is submitted to the department before  
1334 permit approval;

1335           3.a. A certificate of sewer availability or site design approval for an on-site  
1336 sewage system by the Seattle-King County department of public health, as required by  
1337 the King County board of health code title 13: or

1338           b. for public schools and public schools facilities located in rural areas, a finding  
1339 by King County that no cost-effective alternative technologies are feasible, a certificate  
1340 of sewer availability, and a letter from the sewer utility indicating compliance with the  
1341 tightline sewer provisions in the zoning code, as required by K.C.C. chapter 13.24;

- 1342           4. If the development proposal requires a source of potable water, a current  
1343 certificate of water availability consistent with K.C.C. chapter 13.24 or documentation of  
1344 an approved well by the Seattle-King County department of public health;
- 1345           5. A fire district receipt pursuant to K.C.C. Title 17, if required by K.C.C.  
1346 chapter 21A.40;
- 1347           6. A site plan, prepared in a form prescribed by the director;
- 1348           7. Proof that the lot or lots to be developed are recognized as a lot under K.C.C.  
1349 Title 19A;
- 1350           8. A critical areas affidavit, if required by K.C.C. chapter 21A.24;
- 1351           9. A completed environmental checklist, if required by K.C.C. chapter 20.44;
- 1352           10. Payment of any development permit review fees, excluding impact fees  
1353 collectible pursuant to K.C.C. Title 27;
- 1354           11. A list of any permits or decisions applicable to the development proposal  
1355 that have been obtained before filing the application or that are pending before the county  
1356 or any other governmental entity;
- 1357           12. Certificate of transportation concurrency from the department of  
1358 transportation if required by K.C.C. chapter 14.70. The certificate of transportation  
1359 concurrency may be for less than the total number of lots proposed by a preliminary plat  
1360 application only if:
- 1361           a. at least seventy-five percent of the lots proposed have a certificate of  
1362 transportation concurrency at the time of application for the preliminary plat;



1363           b. a certificate of transportation concurrency is provided for any remaining lots  
1364 proposed for the preliminary plat application before the expiration of the preliminary plat  
1365 and final recording of the additional lots; and

1366           c. the applicant signs a statement that the applicant assumes the risk that the  
1367 remaining lots proposed might not be granted.

1368           13. Certificate of future connection from the appropriate purveyor for lots  
1369 located within the urban growth area that are proposed to be served by on-site or  
1370 community sewage system and group B water systems or private well, if required by  
1371 K.C.C. 13.24.136 through 13.24.140;

1372           14. A determination if drainage review applies to the project pursuant to K.C.C.  
1373 chapter 9.04 and, if applicable, all drainage plans and documentation required by the  
1374 Surface Water Design Manual adopted pursuant to K.C.C. chapter 9.04 and, to the extent  
1375 known at the time of application and when determined necessary by the director, copies  
1376 of any required storm water adjustments;

1377           15. Current assessor's maps and a list of tax parcels to which public notice must  
1378 be given as provided in this chapter, for land use permits requiring a Type 2, 3 or 4  
1379 decision;

1380           16. Legal description of the site;

1381           17. Variances obtained or required under K.C.C. Titles 14 or 21A, to the extent  
1382 known at the date of application or when deemed necessary by the director; and

1383           18. For site development permits only, a phasing plan and a time schedule, if the  
1384 site is intended to be developed in phases or if all building permits will not be submitted  
1385 within three years.     B. A permit application is complete for purposes of this section

1386 when it meets the procedural submission requirements of the department and is sufficient  
1387 for continued processing even though additional information may be required or project  
1388 modifications may be undertaken subsequently. The determination of completeness shall  
1389 not preclude the department from requesting additional information or studies either at  
1390 the time of notice of completeness or subsequently if new or additional information is  
1391 required or substantial changes in the proposed action occur, as determined by the  
1392 department.

1393 C. Additional complete application requirements for the following land use  
1394 permits are in the following sections of the King County Code:

- 1395 1. Clearing and grading permits, K.C.C. 16.82.060.
- 1396 2. Construction permits, K.C.C. 16.04.052.
- 1397 3. Mobile home permits, K.C.C. 16.04.093.
- 1398 4. Subdivision applications, short subdivision applications and binding site plan  
1399 applications, K.C.C. 19A.08.150.

1400 D. The director may:

1401 1. specify the requirements of the site plan required to be submitted for various  
1402 permits;

1403 2. require additional materials not listed in this section when determined to be  
1404 necessary for review of the project; and

1405 3. ~~((may))~~ waive any of the specific submittal requirements listed ~~((herein))~~ in  
1406 this section that are determined to be unnecessary for review of an application.

1407 E. The applicant shall attest by written oath to the accuracy of all information  
1408 submitted for an application.

1409 F. Applications shall be accompanied by the payment of the applicable filing  
1410 fees, if any, as established by K.C.C. Title 27.

1411 SECTION 15. Ordinance 12196, Section 13, as amended, and K.C.C. 20.20.060  
1412 are each hereby amended to read as follows:

1413 A. A notice of application shall be provided to the public for land use permit  
1414 applications as follows:

- 1415 1. Type 2, 3 or 4 decisions;
- 1416 2. Type 1 decisions subject to SEPA;
- 1417 3. As provided in subsection K. and L. of this section; and
- 1418 4. Type 1 decisions requiring a community meeting under K.C.C. 20.20.035.

1419 B. Notice of the application shall be provided by the department within fourteen  
1420 days following the department's determination that the application is complete. A public  
1421 comment period on a notice of application of at least twenty-one days shall be provided,  
1422 except as otherwise provided in chapter 90.58 RCW and RCW 58.17.215 with regards to  
1423 subdivision alterations. The public comment period shall commence on the third day  
1424 following the department's mailing of the notice of application as provided for in  
1425 subsection H. of this section.

1426 C. If the county has made a determination of significance ("DS") under chapter  
1427 43.21C RCW before the issuance of the notice of application, the notice of the DS shall  
1428 be combined with the notice of application and the scoping notice.

1429 D. Unless the mailed notice of application is by a post card as provided in  
1430 subsection E. of this section, the notice of application shall contain the following  
1431 information:

- 1432           1. The file number;
- 1433           2. The name of the applicant;
- 1434           3. The date of application, the date of the notice of completeness and the date of  
1435 the notice of application;
- 1436           4. A description of the project, the location, a list of the permits included in the  
1437 application and the location where the application and any environmental documents or  
1438 studies can be reviewed;
- 1439           5. A site plan on eight and one-half by fourteen inch paper, if applicable;
- 1440           6. The procedures and deadline for filing comments, requesting notice of any  
1441 required hearings and any appeal procedure;
- 1442           7. The date, time, place and type of hearing, if applicable and scheduled at the  
1443 time of notice;
- 1444           8. The identification of other permits not included in the application to the  
1445 extent known;
- 1446           9. The identification of existing environmental documents that evaluate the  
1447 proposed project; and
- 1448           10. A statement of the preliminary determination, if one has been made, of those  
1449 development regulations that will be used for project mitigation and of consistency with  
1450 applicable county plans and regulations.
- 1451           E. If mailed notice of application is made by a post card, the notice of application  
1452 shall contain the following information:
- 1453           1. A description of the project, the location, a list of the permits included in the  
1454 application and any environmental documents or studies can be reviewed;

- 1455           2. The name of the applicant;
- 1456           3. The date of application, the date of the notice of completeness and the date of  
1457 the notice of application;
- 1458           4. If the department has made a decision or recommendation on the application,  
1459 the decision or recommendation made;
- 1460           5. The applicable comment and appeal dates and the date, time, place and type  
1461 of hearing, if applicable;
- 1462           6. A web site address that provides access to project information, including a  
1463 site map and application page; and
- 1464           7. The department contact name, telephone number and email address;
- 1465           F. Notice shall be provided in the following manner:
- 1466           1. Posted at the project site as provided in subsections G. and J. of this section;
- 1467           2. Mailed by first class mail as provided in subsection H. of this section; and
- 1468           3. Published as provided in subsection I. of this section.
- 1469           G. Posted notice for a proposal shall consist of one or more notice boards posted  
1470 by the applicant within fourteen days following the department's determination of  
1471 completeness as follows:
- 1472           1. A single notice board shall be posted for a project. This notice board may also  
1473 be used for the posting of the notice of decision and notice of hearing and shall be placed  
1474 by the applicant:
- 1475           a. at the midpoint of the site street frontage or as otherwise directed by the  
1476 department for maximum visibility;

1477           b. five feet inside the street property line except when the board is structurally  
1478 attached to an existing building, but a notice board shall not be placed more than five feet  
1479 from the street property without approval of the department;

1480           c. so that the top of the notice board is between seven to nine feet above grade;

1481           d. where it is completely visible to pedestrians; and

1482           e. comply with site distance requirements of K.C.C. 21A.12.210 and the King  
1483 County road standards adopted under K.C.C. chapter 14.42.

1484           2. Additional notice boards may be required when:

1485           a. the site does not abut a public road;

1486           b. a large site abuts more than one public road; or

1487           c. the department determines that additional notice boards are necessary to  
1488 provide adequate public notice;

1489           3. Notice boards shall be:

1490           a. maintained in good condition by the applicant during the notice period  
1491 through the time of the final county decision on the proposal, including the expiration of  
1492 any applicable appeal periods, and for decisions which are appealed, through the time of  
1493 the final resolution of any appeal;

1494           b. in place at least twenty-eight days before the date of any required hearing  
1495 for a Type 3 or 4 decision, or at least fourteen days following the department's  
1496 determination of completeness for any Type 2 decision; and

1497           c. removed within fourteen days after the end of the notice period;

1498           4. Removal of the notice board before the end of the notice period may be cause  
1499 for discontinuance of county review until the notice board is replaced and remains in  
1500 place for the specified time period;

1501           5. An affidavit of posting shall be submitted to the department by the applicant  
1502 within fourteen days following the department's determination of completeness to allow  
1503 continued processing of the application by the department; (~~and~~)

1504           6. Notice boards shall be constructed and installed in accordance with  
1505 subsection G. of this section and any additional specifications promulgated by the  
1506 department under K.C.C. chapter 2.98, rules of county agencies; and

1507           7. The director may waive the notice board requirement for a development  
1508 proposal located in an area with restricted access, that is not served by public roads or in  
1509 other circumstances the director determines make the notice board requirement  
1510 ineffective in providing notice to those likely to be affected by the development proposal.  
1511 In such cases, the director shall require alternative forms of notice under subsection M. of  
1512 this section.

1513           H. Mailed notice for a proposal shall be sent by the department within fourteen  
1514 days after the department's determination of completeness:

1515           1. By first class mail to owners of record of property in an area within five  
1516 hundred feet of the site. The area shall be expanded when the department determines it is  
1517 necessary to send mailed notices to at least twenty different property owners;

1518           2. To any city with a utility which is intended to serve the site;

1519           3. To the state Department of Transportation, if the site adjoins a state highway;

1520           4. To the affected tribes;

1521           5. To any agency or community group which the department may identify as  
1522 having an interest in the proposal;

1523           6. Be considered supplementary to posted notice and be deemed satisfactory  
1524 despite the failure of one or more owners to receive mailed notice;

1525           7. For preliminary plats only, to all cities within one mile of the proposed  
1526 preliminary plat, and to all airports within two miles of the proposed preliminary plat;

1527           8. In those parts of the urban growth area designated by the King County  
1528 Comprehensive Plan where King County and a city have adopted either a memorandum  
1529 of understanding or a potential annexation boundary agreement, or both, the director shall  
1530 ensure that the city receives notice of all applications for development subject to this  
1531 chapter and shall respond specifically in writing to any comments on proposed  
1532 developments subject to this title.

1533           I. The notice of application shall be published by the department within fourteen  
1534 days after the department's determination of completeness in the official county  
1535 newspaper and another newspaper of general circulation in the affected area.

1536           J. Unless waived under subsection G.7. of this section, ((P))posted notice for  
1537 approved formal subdivision engineering plans, clearing or grading permits subject to  
1538 SEPA or building permits subject to SEPA shall be a condition of the plan or permit  
1539 approval and shall consist of a single notice board posted by the applicant at the project  
1540 site, before construction as follows:

1541           1. Notice boards shall comport with the size and placement provisions identified  
1542 for construction signs in K.C.C. 21A.20.120B;

1543           2. Notice boards shall include the following information:



- 1544 a. permit number and description of the project;
- 1545 b. projected completion date of the project;
- 1546 c. a contact name and phone number for both the department and the applicant;
- 1547 d. a department contact number for complaints after business hours; and
- 1548 e. hours of construction, if limited as a condition of the permit;

1549 3. Notice boards shall be maintained in the same manner as identified above, in  
1550 subsection F of this section; and

1551 4. Notice boards shall remain in place until final construction approval is  
1552 granted. Early removal of the notice board may preclude authorization of final  
1553 construction approval.

1554 K. Posted and mailed notice consistent with this section shall be provided to  
1555 property owners of record and to the council district representative in which it is located,  
1556 for any proposed single-family residence in a higher density urban single family  
1557 residential zone (R-4 through R-8) exceeding a size of ten thousand square feet of floor  
1558 area as defined in the Washington State Uniform Building Code.

1559 L. Posted and mailed notice consistent with this section shall be provided to any  
1560 property owner of record and to the council district representative in which is locating  
1561 any application for building permits or other necessary land use approvals for the  
1562 establishment of the social service facilities classified by SIC 8322 and 8361 and listed  
1563 below, unless the proposed use is protected under the Fair Housing Act:

- 1564 1. Offender self-help agencies;
- 1565 2. Parole offices;
- 1566 3. Settlement houses;

1567 4. Halfway home for delinquents and offenders; and

1568 5. Homes for destitute men and women.

1569 M. In addition to notice required by subsection F. of this section, the department  
1570 may provide additional notice by any other means determined by the department as  
1571 necessary to provide notice to persons or entity who may be affected by a proposal.

1572 NEW SECTION. SECTION 16. There is hereby added to K.C.C. chapter 21A.06  
1573 a new section to read as follows:

1574 A. Floodplain development: any man-made change to improved or unimproved  
1575 real estate in the floodplain, including but not limited to buildings or other structures,  
1576 mining, dredging, filling, grading, paving, excavation or drilling operations, storage of  
1577 equipment or materials, subdivision of land, removal of more than five percent of the  
1578 native vegetation on the site.

1579 B. Floodplain development does not include:

1580 1. Routine maintenance of landscaping that does not involve grading,  
1581 excavation, or filling;

1582 2. Removal of noxious weeds or invasive vegetation and replacement of non-  
1583 native vegetation with native vegetation;

1584 3. Removal of hazard trees;

1585 4. Maintenance and repair of existing structures;

1586 5. Maintenance and repair of above-ground utilities;

1587 6. Maintenance of public road right-of-way structure;

1588 7. Maintenance, repair or replacement of flood protection facility; and

1589           8. Horticulture activity including tilling, discing, planting, seeding, harvesting,  
1590 preparing soil, rotating crops and related activity that does not include fill.

1591           NEW SECTION. SECTION 17. A new section is hereby added to K.C.C.  
1592 chapter 21A.06 to read as follows:

1593           Forest management activity: a forest practice regulated as a Class I, II, III or  
1594 ~~((IV(G or S)))~~ IV-S forest practice under chapter 76.09 RCW and WAC Title 222 or that  
1595 is conducted in accordance with a forest management plan approved by the department of  
1596 natural resources and parks.

1597           NEW SECTION. SECTION 18. There is hereby added to K.C.C. chapter 21A.06  
1598 a new section to read as follows:

1599           Forestry: the science and practice of planting, cultivating, managing, using and  
1600 conserving trees, forests and associated resources. “Forestry” includes, but is not limited  
1601 to: scientific research related to forests and forest management for the harvesting of  
1602 timber, production of forest products, recreation, aesthetics and ecological enhancement.

1603           NEW SECTION. SECTION 19. There is hereby added to K.C.C. chapter 21A.06  
1604 a new section to read as follows:

1605           Livestock heavy use area: an enclosure, typically constructed with footing  
1606 material, such as gravel, used to keep grazing livestock off pasture from late fall through  
1607 early spring or when pastures are grazed down to reduce soil erosion, protect water  
1608 quality, and improve pasture productivity, aesthetics and livestock health.

1609           NEW SECTION. SECTION 20. There is hereby added to K.C.C. chapter 21A.06  
1610 a new section to read as follows:

1611 Livestock manure storage facility: an impoundment made by constructing an  
1612 embankment, pit or structure for the purpose of temporarily storing manure, liquid or  
1613 slurry manure, agricultural wastewater or other organic agricultural waste prior to  
1614 agronomic use to facilitate nutrient management and protect water quality.

1615 SECTION 21. Ordinance 15032, Section 6, and K.C.C. 21A.06.742 are each  
1616 hereby amended to read as follows:

1617 Materials processing facility:

1618 A. ((a)) A site or establishment, not accessory to a mineral extraction or sawmill  
1619 use, that is primarily engaged in crushing, grinding, pulverizing or otherwise preparing  
1620 earth materials, vegetation, organic waste, construction and demolition materials or  
1621 source separated organic materials and that is not the final disposal site; and

1622 B. A site or establishment lawfully established before October XX, 2004 as an  
1623 interim recycling facility for processing source separated, organic materials.

1624 NEW SECTION. SECTION 22. There is hereby added to K.C.C. chapter 21A.06  
1625 a new section to read as follows:

1626 Surface water flow control or water quality treatment facility: a flow control  
1627 facility or a water quality treatment facility, as defined in K.C.C. 9.04.020.

1628 NEW SECTION. SECTION 23. There is hereby added to K.C.C. chapter 21A.06  
1629 a new section to read as follows:

1630 Temporary farm worker housing: a place, area, or piece of land where sleeping  
1631 places or housing sites are provided for temporary, seasonal occupancy by an agricultural  
1632 employer for his or her agricultural employees or by another person who is providing  
1633 such accommodations for agricultural employees.

1634 SECTION 24. Ordinance 12024, Section 14, as amended, and K.C.C.

1635 21A.06.1432 are each hereby amended to read as follows:

1636 (~~"~~)Wrecked, dismantled or inoperative vehicle(~~" means~~); a motor vehicle, as  
 1637 defined in RCW 46.04.134, (~~or the remains or remnant parts of a motor vehicle, or an~~  
 1638 ~~extensively damaged recreational vehicle~~) or boat(~~(, that is clearly inoperative and either~~  
 1639 ~~cannot be made operative without the addition of vital parts or mechanisms or is damaged~~  
 1640 ~~to the extent that it prevents normal operation of the vehicle, or both~~) that meets at least  
 1641 three of the following:

1642 A. Is three years old or older;

1643 2. Is extensively damaged, such damage including but not limited to any of the  
 1644 following: A broken window or windshield, or missing wheels, tires, motor, or  
 1645 transmission;

1646 3. Is apparently inoperable; and

1647 4. Has an approximate fair market value equal only to the approximate value of  
 1648 the scrap in it.

1649 SECTION 25. Ordinance 10870, Section 330, as amended, and K.C.C.

1650 21A.08.030 are each hereby amended to read as follows:

1651 A. Residential land uses.

KEY	RESOURCE			R U R A L	<u>URBAN</u> RESIDENTIAL				COMMERCIAL/INDUSTRIAL							
	A	F	M		* R	U	R	N	B	C	B	R	B	O	I	
P-Permitted Use				R												
C-Conditional Use	G	O	I	U	U	E	R	E	E	U	O	U	E	U	F	N
S-Special Use	Z	R	R	N	R	S	B	S	I	S	M	S	G	S	F	D

		O N E	I C U L T U R E	E S T	E R L A R E A	B E A R N V E N E	A R N D E N T I A L	G I H N B E N O S T R I H O O D	M I U N E N E S T S Y	I I O N E N E S L S	I O N C E	U S T R I A L	
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I
	<b>DWELLING UNITS, TYPES:</b>												
*	Single Detached	P  (C12)  ) C  11	P2		P  (C4  2))  C  11	P  (C12)  ) C  11	P  (C12)  ) C  11	P  (C12)  ) C  11	((P17))  P15				
*	Townhouse				C4	C4	((P14 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						
	<b>GROUP RESIDENCES:</b>												
*	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
	<b>ACCESSORY USES:</b>											
*	Residential Accessory Uses	P6 ((P47 ) 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					
	<b>TEMPORARY LODGING:</b>											
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	
<b>GENERAL CROSS</b>		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070;										
<b>REFERENCES:</b>		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.										

1652

B. Development conditions.

1653

1. Except bed and breakfast guesthouses.

1654

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

1655

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

1656

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

1657

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

1658

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

1659

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

1660

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

1661 K.C.C. chapter 21A.30. Animal densities shall be based on the area devoted to animal  
1662 care and not the total area of the lot;

1663           b. A forest management plan shall be required for any new residence in the  
1664 forest production district, that shall be reviewed and approved by the King County  
1665 department of natural resources and parks before building permit issuance; and

1666           c. The forest management plan shall incorporate a fire protection element that  
1667 includes fire safety best management practices developed by the department.

1668           3. Only as part of a mixed use development subject to the conditions of K.C.C.  
1669 chapter 21A.14, except that in the NB zone on properties with a land use designation of  
1670 commercial outside of center (CO) in the urban areas, stand-alone townhouse  
1671 developments are permitted subject to K.C.C. 21A.12.040, 21A.14.030, 21A.14.060 and  
1672 21A.14.180.

1673           4. Only in a building listed on the National Register as an historic site or  
1674 designated as a King County landmark subject to the provisions of K.C.C. 21A.32.

1675           5.a. In the R-1 zone, apartment units are permitted, if:

1676               (1) At least fifty percent of the site is constrained by unbuildable critical  
1677 areas. For purposes of this subsection, unbuildable critical areas includes wetlands,  
1678 aquatic areas and slopes forty percent or steeper and associated buffers; and

1679               (2) The density does not exceed a density of eighteen units per acre of net  
1680 buildable area.

1681           b. In the R-4 through R-8 zones, apartment units are permitted if the density  
1682 does not exceed a density of eighteen units per acre of net buildable area.



1683 c. If the proposal will exceed base density for the zone in which it is proposed,  
1684 a conditional use permit is required.

1685 5. Only as accessory to a school, college, university or church.

1686 6.a. Accessory dwelling units:

1687 (1) Only one accessory dwelling per primary single detached dwelling unit;  
1688 (2) Only in the same building as the primary dwelling unit on:  
1689 (a) an urban lot that is less than five thousand square feet in area;  
1690 (b) except as otherwise provided in subsection B.6.a.(5) of this section, a  
1691 rural lot that is less than the minimum lot size; or  
1692 c. a lot containing more than one primary dwelling;

1693 (3) The primary dwelling unit or the accessory dwelling unit shall be owner  
1694 occupied;

1695 (4)(a) Except as otherwise provided in subsection B.6.a(5) of this section, one  
1696 of the dwelling units shall not exceed one thousand square feet of heated floor area  
1697 except when one of the dwelling units is wholly contained within a basement or attic; and  
1698 (b) When the primary and accessory dwelling units are located in the same  
1699 building, or in multiple buildings connected by a breezeway or other structure, only one  
1700 entrance may be located on each street;

1701 (5) On a site zoned RA:  
1702 (a) If one transferable development right is purchased from the rural area  
1703 under K.C.C. chapter 21A.37, the smaller of the dwelling units is permitted a maximum  
1704 floor area up to one thousand five hundred square feet; and

1705 (b) If one transferable development right is purchased from the rural area  
1706 under K.C.C. chapter 21A.37, a detached accessory dwelling unit is allowed on an RA-5  
1707 zoned lot that is at least two and one-half acres and less than three and three-quarters  
1708 acres;

1709 (6) One additional off-street parking space shall be provided;

1710 (7) The accessory dwelling unit shall be converted to another permitted use or  
1711 shall be removed if one of the dwelling units ceases to be owner occupied; and

1712 (8) An applicant seeking to build an accessory dwelling unit shall file a notice  
1713 approved by the department of executive services, records and licensing services  
1714 division, that identifies the dwelling unit as accessory. The notice shall run with the land.  
1715 The applicant shall submit proof that the notice was filed before the department shall  
1716 approve any permit for the construction of the accessory dwelling unit. The required  
1717 contents and form of the notice shall be set forth in administrative rules. If an accessory  
1718 dwelling unit in a detached building in the rural zone is subsequently converted to a  
1719 primary unit on a separate lot, neither the original lot nor the new lot may have an  
1720 additional detached accessory dwelling unit constructed unless the lot is at least twice the  
1721 minimum lot area required in the zone; and

1722 (9) Accessory dwelling units and accessory living quarters are not allowed in  
1723 the F zone.

1724 b. One single or twin engine, noncommercial aircraft shall be permitted only  
1725 on lots that abut, or have a legal access that is not a county right-of-way, to a waterbody  
1726 or landing field, but only if there are:

1727 (1) no aircraft sales, service, repair, charter or rental; and

1728 (2) no storage of aviation fuel except that contained in the tank or tanks of the  
1729 aircraft.

1730 c. Buildings for residential accessory uses in the RA and A zone shall not  
1731 exceed five thousand square feet of gross floor area, except for buildings related to  
1732 agriculture or forestry.

1733 7. Mobile home parks shall not be permitted in the R-1 zones.

1734 8. Only as accessory to the permanent residence of the operator, and:

1735 a. Serving meals shall be limited to paying guests; and

1736 b. The number of persons accommodated per night shall not exceed five,  
1737 except that a structure that satisfies the standards of the International Building Code as  
1738 adopted by King County for R-1 occupancies may accommodate up to ten persons per  
1739 night.

1740 9. Only if part of a mixed use development, and subject to the conditions of  
1741 ~~((K.C.C. 21A.08.030.B.10))~~ subsection B.8 of this section.

1742 10. Townhouses are permitted, but shall be subject to a conditional use permit if  
1743 exceeding base density.

1744 11. Required before approving more than one dwelling on individual lots,  
1745 except on lots in subdivisions, short subdivisions or binding site plans approved for  
1746 multiple unit lots, and except as provided for accessory dwelling units in ~~((K.C.C.~~  
1747 ~~21A.08.030.B.7))~~ subsection B.6 of this section.

1748 12. No new mobile home parks are allowed in a rural zone.

1749 13.a. Limited to domestic violence shelter facilities.

- 1750                    b. Limited to domestic violence shelter facilities with no more than eighteen  
1751 residents or staff.
- 1752                    14. Only in the R4-R8 zones limited to:
- 1753                    a. developments no larger than one acre;
- 1754                    b. not adjacent to another cottage housing development such that the total  
1755 combined land area of the cottage housing developments exceeds one acre;
- 1756                    c. All units must be cottage housing units with no less than three units and no  
1757 more than sixteen units, provided that if the site contains an existing home that is not  
1758 being demolished, the existing house is not required to comply with the height limitation  
1759 in K.C.C. 21A.12.020.B.25. or the floor area and footprint limits in K.C.C.  
1760 21A.14.025.B; and
- 1761                    d. Before filing an application with the department, the applicant shall hold a  
1762 community meeting in accordance with K.C.C. 20.20.035.
- 1763                    15. The development for a detached single-family residence shall be consistent  
1764 with the following:
- 1765                    a. The lot must have legally existed before March 1, 2005;
- 1766                    b. The lot has a comprehensive plan land use designation of Rural  
1767 Neighborhood Commercial Center or Rural (~~Residential~~) Area; and
- 1768                    c. The standards of this title for the RA-5 zone shall apply.
- 1769                    16. Housing for agricultural employees who are employed by the owner or  
1770 operator of the site year-round as follows:
- 1771                    a. Not more than:
- 1772                    (1) One agricultural employee dwelling unit on a site under twenty acres;

1773 (2) Two agricultural employee dwelling units on a site between twenty acres  
1774 and fifty acres;

1775 (3) Three agricultural employee dwelling units on a site greater than fifty  
1776 acres and less than one-hundred acres; and

1777 (4) On sites one-hundred acres and larger one additional agricultural  
1778 employee dwelling unit for each additional one hundred acres;

1779 b. The primary use of the site shall be agricultural in SIC Industry Group No.  
1780 01-Growing and Harvesting Crops or SIC Industry Group No. 02-Raising Livestock and  
1781 Small Animals. If the primary use of the site changes to a nonagricultural use, all  
1782 agricultural employee dwelling units shall be removed;

1783 c. The applicant shall file with the department of executive services, records  
1784 and licensing services division, a notice approved by the department that identifies the  
1785 agricultural employee dwelling units as accessory and that the dwelling units shall only  
1786 be occupied by agricultural employees who are employed by the owner or operator year-  
1787 round. The notice shall run with the land. The applicant shall submit to the department  
1788 proof that the notice was filed with the department of executive services, records and  
1789 licensing services division, before the department approves any permit for the  
1790 construction of agricultural employee dwelling units;

1791 d. An agricultural employee dwelling unit shall not exceed a floor area of one  
1792 thousand square feet and may be occupied by no more than eight unrelated agricultural  
1793 employees;

1794 e. One off-street parking space shall be provided for each agricultural  
1795 employee dwelling unit; and

1796 f. The agricultural employee dwelling units shall be constructed in compliance  
 1797 with K.C.C. Title 16.

1798 17. Allowed if consistent with K.C.C. chapter 21A.30.

1799 SECTION 26. Ordinance 10870, Section 331, as amended, and K.C.C.

1800 21A.08.040 are each hereby amended to read as follows:

1801 A. Recreational/cultural 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				
	<b>PARK/RECREATION:</b>																
*	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	P16	P16	P16							P16				

			C16 a		C16 a	C16 a							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 and 18	C4	C4	C4	C	P	P		
*	Ski Area		S		S18								
*	Recreational Camp		C		P24 C								
	<b>AMUSEMENT/ENTERTAINMENT:</b>												
*	Adult Entertainment Business									P6	P6	P6	
*	Theater									P	P	P	P25
783 3	Theater, Drive-in										C		
793	Bowling Center									P	P		P
*	Golf Facility				C7 and 18	P7	P7	P7					
799 9 (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						C10		P10

					18								
*	Amusement Arcades									P	P		
799 6	Amusement Park										C		
*	Outdoor Performance Center		S		C12 S18		P20 P20				S		
	<b>CULTURAL:</b>												
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	
<b>GENERAL CROSS</b>		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070;											
<b>REFERENCES:</b>		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.											

1802

B. Development conditions.

1803

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

1804

a. No stadiums on sites less than ten acres;

1805

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

1806

residential ((~~areas~~)) zones;

1807

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

1808

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

1809

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

1810

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

1811

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



1812                   d. Facilities in the A zone shall be limited to trails and trailheads, including  
1813 related accessory uses such as parking and sanitary facilities; and

1814                   e. Overnight camping is allowed only in an approved campground.

1815                   2. Recreational vehicle parks are subject to the following conditions and  
1816 limitations:

1817                   a. The maximum length of stay of any vehicle shall not exceed one hundred  
1818 eighty days during a three-hundred-sixty-five-day period;

1819                   b. The minimum distance between recreational vehicle pads shall be no less  
1820 than ten feet; and

1821                   c. Sewage shall be disposed in a system approved by the Seattle-King County  
1822 health department.

1823                   3. Limited to day moorage. The marina shall not create a need for off-site  
1824 public services beyond those already available before the date of application.

1825                   4. Not permitted in the RA-10 or RA-20 zones. Limited to recreation facilities  
1826 subject to the following conditions and limitations:

1827                   a. The bulk and scale shall be compatible with residential or rural character of  
1828 the area;

1829                   b. For sports clubs, the gross floor area shall not exceed ten thousand square  
1830 feet unless the building is on the same site or adjacent to a site where a public facility is  
1831 located or unless the building is a nonprofit facility located in the urban area; and

1832                   c. Use is limited to residents of a specified residential development or to sports  
1833 clubs providing supervised instructional or athletic programs.

1834                   5. Limited to day moorage.

1835           6.a. Adult entertainment businesses shall be prohibited within three hundred  
1836 thirty feet of any property zoned RA, UR or R or containing schools, licensed daycare  
1837 centers, public parks or trails, community centers, public libraries or churches. In  
1838 addition, adult entertainment businesses shall not be located closer than three thousand  
1839 feet to any other adult entertainment business. These distances shall be measured from  
1840 the property line of the parcel or parcels proposed to contain the adult entertainment  
1841 business to the property line of the parcels zoned RA, UR or R or that contain the uses  
1842 identified in this subsection B.6.a.

1843           b. Adult entertainment businesses shall not be permitted within an area likely  
1844 to be annexed to a city subject to an executed interlocal agreement between King County  
1845 and a city declaring that the city will provide opportunities for the location of adult  
1846 businesses to serve the area. The areas include those identified in the maps attached to  
1847 Ordinance 13546.

1848           7. Clubhouses, maintenance buildings, equipment storage areas and driving  
1849 range tees shall be at least fifty feet from rural area and residential zoned property lines.  
1850 Lighting for practice greens and driving range ball impact areas shall be directed away  
1851 from adjoining rural area and residential zones. Applications shall comply with adopted  
1852 best management practices for golf course development. Within the RA zone, those  
1853 facilities shall be permitted only in the RA-5 and RA-2.5 zones. Not permitted in  
1854 designated rural forest focus area, regionally significant resource areas or locally  
1855 significant resource areas. Ancillary facilities associated with a golf course are limited to  
1856 practice putting greens, maintenance buildings and other structures housing  
1857 administrative offices or activities that provide convenience services to players. These

1858 convenience services are limited to a pro shop, food services and dressing facilities and  
1859 shall occupy a total of no more than ten thousand square feet. Furthermore, the residential  
1860 density that is otherwise permitted by the zone shall not be used on other portions of the  
1861 site through clustering or on other sites through the transfer of density provision. This  
1862 residential density clustering or transfer limitation shall be reflected in a deed restriction  
1863 that is recorded at the time applicable permits for the development of the golf course are  
1864 issued.

1865 8. Limited to golf driving range[s,]\* only as:

1866 a. accessory to golf courses; or

1867 b. accessory to a large active recreation and multiuse park.

1868 9.a. New structures and outdoor ranges shall maintain a minimum distance of  
1869 fifty feet from property lines adjoining rural area and residential zones, but existing  
1870 facilities shall be exempt.

1871 b. Ranges shall be designed to prevent stray or ricocheting projectiles, pellets  
1872 or arrows from leaving the property.

1873 c. Site plans shall include: safety features of the range; provisions for reducing  
1874 sound produced on the firing line; elevations of the range showing target area, backdrops  
1875 or butts; and approximate locations of buildings on adjoining properties.

1876 d. Subject to the licensing provisions of K.C.C. Title 6.

1877 10.a. Only in an enclosed building, and subject to the licensing provisions of  
1878 K.C.C. Title 6;

1879 b. Indoor ranges shall be designed and operated so as to provide a healthful  
1880 environment for users and operators by:

1881 (1) installing ventilation systems that provide sufficient clean air in the user's  
1882 breathing zone, and

1883 (2) adopting appropriate procedures and policies that monitor and control  
1884 exposure time to airborne lead for individual users.

1885 11. Only as accessory to a park or in a building listed on the National Register  
1886 as an historic site or designated as a King County landmark subject to K.C.C. chapter  
1887 21A.32.

1888 12. Only as accessory to a nonresidential use established through a discretionary  
1889 permit process, if the scale is limited to ensure compatibility with surrounding  
1890 neighborhoods. This condition applies to the UR zone only if the property is located  
1891 within a designated unincorporated rural town.

1892 13. Subject to the following:

1893 a. The park shall abut an existing park on one or more sides, intervening roads  
1894 notwithstanding;

1895 b. No bleachers or stadiums are permitted if the site is less than ten acres, and  
1896 no public amusement devices for hire are permitted;

1897 c. Any lights provided to illuminate any building or recreational area shall be  
1898 so arranged as to reflect the light away from any premises upon which a dwelling unit is  
1899 located; and

1900 d. All buildings or structures or service yards on the site shall maintain a  
1901 distance not less than fifty feet from any property line and from any public street.

1902 14. Excluding amusement and recreational uses classified elsewhere in this  
1903 chapter.

- 1904            15. For amusement and recreation services not otherwise provided for in this  
1905 chapter:
- 1906            a. In the RA zones, not subject to regulation under K.C.C. Title 6 and only on  
1907 sites at least five acres or larger;
- 1908            b. Retail sales are limited to incidental sales to patrons of the amusement or  
1909 recreation service; and
- 1910            c, Does not involve the operation of motor vehicles or off-road vehicles,  
1911 including, but not limited to, motorcycles and gocarts.
- 1912            16. Subject to the following conditions:
- 1913            a. The length of stay per party in campgrounds shall not exceed one hundred  
1914 eighty days during a three-hundred-sixty-five-day period; and
- 1915            b. Only for campgrounds that are part of a proposed or existing county park,  
1916 that are subject to review and public meetings through the department of natural  
1917 resources and parks.
- 1918            17. Only for stand-alone sports clubs that are not part of a park.
- 1919            18. Subject to review and approval of conditions to comply with trail corridor  
1920 provisions of K.C.C. chapter 21A.14 when located in an RA zone.
- 1921            19. Only as an accessory to a large active recreation and multiuse park.
- 1922            20. Only as an accessory to a large active recreation and multiuse park with the  
1923 floor area of an individual outdoor performance center stage limited to three thousand  
1924 square feet.

1925           21. Limited to rentals of sports and recreation equipment with a total floor area  
1926 of no more than seven hundred fifty square feet and only as accessory to a park, or in the  
1927 RA zones, to a large active recreation and multiuse park.

1928           22. Only as accessory to a large active recreation and multiuse park and limited  
1929 to:

1930           a. water slides, wave pools and associated water recreation facilities; and

1931           b. rentals of sports and recreation equipment.

1932           23. Limited to natural resource and heritage museums and only allowed in a farm or  
1933 forestry structure, including but not limited to barns or sawmills, existing as of December  
1934 31, 2003.

1935           24. Use is permitted without a conditional use permit only when in compliance  
1936 with all of the following conditions:

1937           a. The use is limited to camps for youths or for persons with special needs due  
1938 to a disability, as defined by the American With Disabilities Act of 1990, or due to a  
1939 medical condition and including training for leaders for those who use the camp;

1940           b. Active recreational activities shall not involve the use of motorized vehicles  
1941 such as cross-country motorcycles or all-terrain vehicles or the use of firearms. The  
1942 prohibition on motorized vehicles does not apply to such vehicles that may be necessary  
1943 for operation and maintenance of the facility or to a client-specific vehicle used as a  
1944 personal mobility device;

1945           c.(1) Except as provided in subsection B.24.c.(2)(b) of this section, the number  
1946 of overnight campers, not including camp personnel, in a new camp shall not exceed:

1947           (a) one hundred and fifty for a camp between twenty and forty acres; or

1948 (b) for a camp greater than forty acres, but less than two hundred and fifty  
1949 acres, the number of users allowed by the design capacity of a water system and on-site  
1950 sewage disposal system approved by the department of health, Seattle/King County, up to  
1951 a maximum of three hundred and fifty; and

1952 (2) Existing camps shall be subject to the following:

1953 (a) For a camp established before August 11, 2005, with a conditional use  
1954 permit and is forty acres or larger, but less than one hundred and sixty acres, the number  
1955 of overnight campers, not including camp personnel, may be up to one hundred and fifty  
1956 campers over the limit established by subsection B.24.c.(1)(b) of this section.

1957 (b) For a camp established before August 11, 2005, with a conditional use  
1958 permit and is one hundred and sixty acres or larger, but less than two hundred acres, the  
1959 number of overnight campers, not including camp personnel, may be up to three hundred  
1960 and fifty campers over the limit established by subsection B.24.c.(1)(b) of this section.

1961 The camp may terminate operations at its existing site and establish a new camp if the  
1962 area of the camp is greater than two hundred and fifty acres and the number of overnight  
1963 campers, not including camp personnel, shall not exceed seven hundred.

1964 d. The length of stay for any individual overnight camper, not including camp  
1965 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

1966 e. The camp facilities, such as a medical station, food service hall, and activity  
1967 rooms, shall be of a scale to serve overnight camp users;

1968 f. The minimum size of parcel for such use shall be twenty acres;

1969                   g. Except for any permanent caretaker residence, all new structures where  
1970 camp users will be housed, fed or assembled shall be no less than fifty feet from  
1971 properties not related to the camp;

1972                   h. In order to reduce the visual impacts of parking areas, sports and activity  
1973 fields or new structures where campers will be housed, fed or assembled, the applicant  
1974 shall provide a Type 3 landscape buffer no less than twenty feet wide between the nearest  
1975 property line and such parking area, field, or structures, by retaining existing vegetation  
1976 or augmenting as necessary to achieve the required level of screening;

1977                   i. If the site is adjacent to an arterial roadway, access to the site shall be  
1978 directly onto said arterial unless direct access is unsafe due inadequate sight distance or  
1979 extreme grade separation between the roadway and the site;

1980                   j. If direct access to the site is via local access streets, transportation demand  
1981 management measures, such as use of carpools, buses or vans to bring in campers, shall  
1982 be used to minimize traffic impacts;

1983                   k. Any lights provided to illuminate any building or recreational area shall be  
1984 so arranged as to reflect the light away from any adjacent property; and

1985                   l. A community meeting shall be convened by the applicant (~~((before))~~) before  
1986 submittal of an application for permits to establish a camp, or to expand the number of  
1987 camp users on an existing camp site as provided in subsection B.24.c.(2)(b) of this  
1988 section. Notice of the meeting shall be provided at least two weeks in advance to all  
1989 property owners within five hundred feet, or at least twenty of the nearest property  
1990 owners, whichever is greater. The notice shall at a minimum contain a brief description  
1991 of the project and the location, as well as, contact persons and numbers.



1992                    25. Limited to theaters primarily for live productions located within a Rural  
1993 Town designated by the King County Comprehensive Plan.

1994                    26.a. Only in an enclosed building; and  
1995                    b. A copy of the current liability policy of not less than one million dollars for  
1996 bodily injury or death shall be maintained in the department.

1997                    27. Minimum standards for outdoor paintball recreation fields:  
1998                    a. The minimum site area is twenty-five acres;  
1999                    b. Structure shall be no closer than one hundred feet from any lot line adjacent  
2000 to a rural area or residential zoned property;  
2001                    c. The area where paintballs are discharged shall be located more than three  
2002 hundred feet of any lot line and more than five hundred feet from the lot line of any  
2003 adjoining rural area or residential zoned property. The department may allow for a lesser  
2004 setback if it determines through the conditional use permit review that the lesser setback  
2005 in combination with other elements of the site design provides adequate protection to  
2006 adjoining properties and rights-of-ways;  
2007                    d. A twenty-foot high nylon mesh screen shall be installed around all play areas  
2008 and shall be removed at the end of each day when the play area is not being used. The  
2009 department may allow for the height of the screen to be lowered to no less than ten feet if  
2010 it determines through the conditional use permit review that the lower screen in  
2011 combination with other elements of the site design provides adequate protection from  
2012 discharged paintballs;

2013 e. All parking and spectator areas, structures and play areas shall be screened  
2014 from adjoining rural area or residential zoned property and public rights of way with  
2015 Type 1 landscaping at least ten feet wide;

2016 f. Any retail sales conducted on the property shall be accessory and incidental  
2017 to the permitted activity and conducted only for the participants of the site;

2018 g. A plan of operations specifying days and hours of operation, number of  
2019 participants and employees, types of equipment to be used by users of the site, safety  
2020 procedures, type of compressed air fuel to be used on the site and storage and  
2021 maintenance procedures for the compressed air fuel shall be provided for review in  
2022 conjunction with the conditional use permit application. All safety procedures shall be  
2023 reviewed and approved by department of public safety before submittal of the conditional  
2024 use permit application. All activities shall be in compliance with National Paintball  
2025 League standards;

2026 h. The hours of operation shall be limited to Saturdays and Sundays and  
2027 statutory holidays from 8:30 A.M. to 8:30 P.M., and further restricted as applicable to  
2028 daylight hours;

2029 i. No more than one hundred paintball players shall be allowed on the site at  
2030 any one time;

2031 j. No outdoor lights or amplified sounds shall be permitted;

2032 k. The facility shall have direct access to a road designated as a major collector  
2033 (or higher) in the Comprehensive Plan unless the department determines through the  
2034 conditional use permit review that the type and amount of traffic generated by the facility

2035 is such that it will not cause an undue impact on the neighbors or adversely affect safety  
 2036 of road usage;

2037 l. The facility shall be secured at the close of business each day;

2038 m. All equipment and objects used in the paintball activities shall be removed  
 2039 from the site within ninety days of the discontinuance of the paintball use; and

2040 n. A copy of the current liability policy of not less than one million dollars for  
 2041 bodily injury or death shall be submitted with the conditional use permit application and  
 2042 shall be maintained in the department.

2043 28. Before filing an application with the department, the applicant shall hold a  
 2044 community meeting in accordance with K.C.C. 20.20.035.

2045 SECTION 27. Ordinance 10870, Section 332, as amended, and K.C.C.

2046 21A.08.050 are each hereby amended to read as follows:

2047 A. General services land uses.

KEY		RESOURCE			R U R A L	RESIDENTIAL				COMMERCIAL/INDUSTRIAL							
		A	F	M		R	U	R	U	R	N	B	C	B	R	B	O
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	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				
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 Launderers												P
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	C34			C34	C34			P	P	P		P
	<b>HEALTH SERVICES:</b>												
801- 04	Office/Outpatient Clinic				P12 C 13a	P12 C13a	P12 C13a C37	P12 C13a C37	P	P	P	P	P
805	Nursing and Personal Care Facilities						C			P	P		
806	Hospital						C13a	C13a		P	P	C	
807	Medical/Dental Lab									P	P	P	P
808- 09	Miscellaneous Health									P	P	P	
	<b>EDUCATION SERVICES:</b>												

*	Elementary School				P15 and 31	P	P	P		P16c	P16c	P16c	
*	Middle/Junior High School				P16 C15 and 31	P	P	P		P16c	P16c	P16c	
*	Secondary or High School				P16 C15 and 26 and 31	P26	P26	P26		P16c C	P16c C	P16c	
*	Vocational School				P13a C31	P13a C	P13a C	P13a C			P	P17	P
*	Specialized Instruction School		P18		P19 C20 and 31	P19 C20	P19 C20	P19 C20	P	P	P	P17	P 38
*	School District Support Facility				P16 C15 and 23 and 31	P23 C	P23 C	P23 C	C	P	P	P	P
<p><b>GENERAL CROSS</b> Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070;</p> <p><b>REFERENCES:</b> Development Standards, see K.C.C. chapters 21A.12 through 21A.30;</p> <p>General Provisions, see K.C.C. chapters 21A.32 through 21A.38;</p> <p>Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44;</p> <p>(*)Definition of this specific Land Use, see K.C.C. chapter 21A.06.</p>													

2048

B. Development conditions.

2049

1. Except SIC Industry No. 7534-Tire Retreading, see manufacturing permitted

2050

use table.

- 2051           2. Except SIC Industry Group Nos.:
- 2052           a. 835-Day Care Services, and
- 2053           b. 836-Residential Care, which is otherwise provided for on the residential
- 2054 permitted land use table.
- 2055           3. Limited to SIC Industry Group and Industry Nos.:
- 2056           a. 723-Beauty Shops;
- 2057           b. 724-Barber Shops;
- 2058           c. 725-Shoe Repair Shops and Shoeshine Parlors;
- 2059           d. 7212-Garment Pressing and Agents for Laundries and Drycleaners; and
- 2060           e. 217-Carpet and Upholstery Cleaning.
- 2061           4. Only as accessory to a cemetery, and prohibited from the UR zone only if the
- 2062 property is located within a designated unincorporated Rural Town.
- 2063           5. Structures shall maintain a minimum distance of one hundred feet from
- 2064 property lines adjoining rural area and residential zones.
- 2065           6. Only as accessory to residential use, and:
- 2066           a. Outdoor play areas shall be completely enclosed by a solid wall or fence,
- 2067 with no openings except for gates, and have a minimum height of six feet; and
- 2068           b. Outdoor play equipment shall maintain a minimum distance of twenty feet
- 2069 from property lines adjoining rural area and residential zones.
- 2070           7. Permitted as an accessory use. See commercial/industrial accessory, K.C.C.
- 2071 21A.08.060.A.

2072 8. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32,  
2073 or an accessory use to a school, church, park, sport club or public housing administered  
2074 by a public agency, and:

2075 a. Outdoor play areas shall be completely enclosed by a solid wall or fence,  
2076 with no openings except for gates and have a minimum height of six feet;

2077 b. Outdoor play equipment shall maintain a minimum distance of twenty feet  
2078 from property lines adjoining rural area and residential zones;

2079 c. Direct access to a developed arterial street shall be required in ~~((any))~~ the  
2080 rural area and residential zones; and

2081 d. Hours of operation may be restricted to assure compatibility with  
2082 surrounding development.

2083 9.a. As a home occupation only, but the square footage limitations in K.C.C.  
2084 chapter 21A.30 for home occupations apply only to the office space for the veterinary  
2085 clinic, office space for the kennel or office space for the cattery, and:

2086 (1) Boarding or overnight stay of animals is allowed only on sites of five  
2087 acres or more;

2088 (2) No burning of refuse or dead animals is allowed;

2089 (3) The portion of the building or structure in which animals are kept or  
2090 treated shall be soundproofed. All run areas, excluding confinement areas for livestock,  
2091 shall be surrounded by an eight-foot-high solid wall and the floor area shall be surfaced  
2092 with concrete or other impervious material; and

2093 (4) The provisions of K.C.C. chapter 21A.30 relative to animal keeping are  
2094 met.



2095                    b. The following additional provisions apply to kennels or catteries in the A  
2096 zone:

2097                    (1) Impervious surface for the kennel or cattery shall not exceed twelve  
2098 thousand square feet;

2099                    (2) Obedience training classes are not allowed except as provided in  
2100 subsection B.34. of this section; and

2101                    (3) Any buildings or structures used for housing animals and any outdoor  
2102 runs shall be set back one hundred and fifty feet from property lines.

2103                    10.a. No burning of refuse or dead animals is allowed;

2104                    b. The portion of the building or structure in which animals are kept or treated  
2105 shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be  
2106 surrounded by an eight-foot-high solid wall and the floor area shall be surfaced with  
2107 concrete or other impervious material; and

2108                    c. The provisions of K.C.C. chapter 21A.30 relative to animal keeping are met.

2109                    11. The repair work or service shall only be performed in an enclosed building,  
2110 and no outdoor storage of materials. SIC Industry No. 7532-Top, Body, and Upholstery  
2111 Repair Shops and Paint Shops is not allowed.

2112                    12. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.  
2113 Before filing an application with the department, the applicant shall hold a community  
2114 meeting in accordance with K.C.C. 20.20.035.

2115                    13.a. Except as otherwise provided in 13.b of this subsection, only as a reuse of  
2116 a surplus nonresidential facility subject to K.C.C. chapter 21A.32.

2117                   b. Allowed for a social service agency on a site in the NB zone that serves  
2118 transitional or low-income housing located within three hundred feet of the site on which  
2119 the social service agency is located.

2120                   c. Before filing an application with the department, the applicant shall hold a  
2121 community meeting in accordance with K.C.C. 20.20.035.

2122                   14. Covered riding arenas are subject to K.C.C. 21A.30.030 and shall not  
2123 exceed twenty thousand square feet, but stabling areas, whether attached or detached,  
2124 shall not be counted in this calculation.

2125                   15. Limited to projects that do not require or result in an expansion of sewer  
2126 service outside the urban growth area, unless a finding is made that no cost-effective  
2127 alternative technologies are feasible, in which case a tightline sewer sized only to meet  
2128 the needs of the public school, as defined in RCW 28A.150.010, or the school district  
2129 support facility and serving only the public school or the school district support facility  
2130 may be used. New public high schools shall be permitted subject to the review process in  
2131 K.C.C. 21A.42.140.

2132                   16.a. For middle or junior high schools and secondary or high schools or school  
2133 district support facilities, only as a reuse of a public school or school district support  
2134 facility subject to K.C.C. chapter 21A.32. An expansion of such a school or a school  
2135 district support facility shall be subject to approval of a conditional use permit and the  
2136 expansion shall not require or result in an extension of sewer service outside the urban  
2137 growth area, unless a finding is made that no cost-effective alternative technologies are  
2138 feasible, in which case a tightline sewer sized only to meet the needs of the public school,  
2139 as defined in RCW 28A.150.010, or the school district support facility may be used.

2140           b. Renovation, expansion, modernization or reconstruction of a school, a  
2141 school district support facility, or the addition of relocatable facilities, is permitted but  
2142 shall not require or result in an expansion of sewer service outside the urban growth area,  
2143 unless a finding is made that no cost-effective alternative technologies are feasible, in  
2144 which case a tightline sewer sized only to meet the needs of the public school, as defined  
2145 in RCW 28A.150.010, or the school district support facility may be used.

2146           c. In CB, RB and O, for K-12 schools with no more than one hundred students.

2147           17. All instruction must be within an enclosed structure.

2148           18. Limited to resource management education programs.

2149           19. Only as accessory to residential use, and:

2150           a. Students shall be limited to twelve per one-hour session;

2151           b. Except as provided in subsection c. of this subsection, all instruction must  
2152 be within an enclosed structure;

2153           c. Outdoor instruction may be allowed on properties at least two and one-half  
2154 acres in size. Any outdoor activity must comply with the requirements for setbacks in  
2155 K.C.C. chapter 21A.12; and

2156           d. Structures used for the school shall maintain a distance of twenty-five feet  
2157 from property lines adjoining rural area and residential zones.

2158           20. Subject to the following:

2159           a. Structures used for the school and accessory uses shall maintain a minimum  
2160 distance of twenty-five feet from property lines adjoining rural area and residential zones;

2161           b. On lots over two and one-half acres:

2162 (1) Retail sale of items related to the instructional courses is permitted, if total  
2163 floor area for retail sales is limited to two thousand square feet;

2164 (2) Sale of food prepared in the instructional courses is permitted with  
2165 Seattle-King County department of public health approval, if total floor area for food  
2166 sales is limited to one thousand square feet and is located in the same structure as the  
2167 school; and

2168 (3) Other incidental student-supporting uses are allowed, if such uses are  
2169 found to be both compatible with and incidental to the principal use; and

2170 c. On sites over ten acres, located in a designated Rural Town and zoned any  
2171 one or more of UR, R-1 and R-4:

2172 (1) Retail sale of items related to the instructional courses is permitted,  
2173 provided total floor area for retail sales is limited to two thousand square feet;

2174 (2) Sale of food prepared in the instructional courses is permitted with  
2175 Seattle-King County department of public health approval, if total floor area for food  
2176 sales is limited to one thousand seven hundred fifty square feet and is located in the same  
2177 structure as the school;

2178 (3) Other incidental student-supporting uses are allowed, if the uses are found  
2179 to be functionally related, subordinate, compatible with and incidental to the principal  
2180 use;

2181 (4) The use shall be integrated with allowable agricultural uses on the site;

2182 (5) Advertised special events shall comply with the temporary use

2183 requirements of this chapter; and

2184 (6) Existing structures that are damaged or destroyed by fire or natural event,  
2185 if damaged by more than fifty percent of their prior value, may reconstruct and expand an  
2186 additional sixty-five percent of the original floor area but need not be approved as a  
2187 conditional use if their use otherwise complies with development condition B.20.c. of this  
2188 section and this title.

2189 21. Limited to:

2190 a. drop box facilities accessory to a public or community use such as a school,  
2191 fire station or community center; or

2192 b. in the RA zone, a facility accessory to a retail nursery, garden center and  
2193 farm supply store that accepts earth materials, vegetation, organic waste, construction and  
2194 demolition materials or source separated organic materials, if:

2195 i. the site is five acres or greater;

2196 ii. all material is deposited into covered containers or onto covered  
2197 impervious areas;

2198 iii. the facility and any driveways or other access to the facility maintain a  
2199 setback of at least twenty five feet from adjacent properties;

2200 iv. the total area of the containers and covered impervious area is ten  
2201 thousand square feet or less;

2202 v. ten feet of type II landscaping is provided between the facility and  
2203 adjacent properties;

2204 vi. no processing of the material is conducted on site; and

2205 vii. access to the facility is not from a local access street.

2206           22. With the exception of drop box facilities for the collection and temporary  
2207 storage of recyclable materials, all processing and storage of material shall be within  
2208 enclosed buildings. Yard waste processing is not permitted.

2209           23. Only if adjacent to an existing or proposed school.

2210           24. Limited to columbariums accessory to a church, but required landscaping  
2211 and parking shall not be reduced.

2212           25. Not permitted in R-1 and limited to a maximum of five thousand square feet  
2213 per establishment and subject to the additional requirements in K.C.C. 21A.12.230.

2214           26.a. New high schools shall be permitted in the rural and the urban residential  
2215 and urban reserve zones subject to the review process in K.C.C. 21A.42.140.

2216           b. Renovation, expansion, modernization, or reconstruction of a school, or the  
2217 addition of relocatable facilities, is permitted.

2218           27. Limited to projects that do not require or result in an expansion of sewer  
2219 service outside the urban growth area. In addition, such use shall not be permitted in the  
2220 RA-20 zone.

2221           28. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter  
2222 21A.32 or as a joint use of an existing public school facility.

2223           29. All studio use must be within an enclosed structure.

2224           30. Adult use facilities shall be prohibited within six hundred sixty feet of  
2225 ~~((any))~~ the rural area and residential zones, any other adult use facility, school, licensed  
2226 daycare centers, parks, community centers, public libraries or churches that conduct  
2227 religious or educational classes for minors.

2228           31. Subject to review and approval of conditions to comply with trail corridor  
2229 provisions of K.C.C. chapter 21A.14 when located in an RA zone.

2230           32. Limited to repair of sports and recreation equipment:  
2231           a. as accessory to a large active recreation and multiuse park in the urban  
2232 growth area; or  
2233           b. as accessory to a park, or a large active recreation and multiuse park in the  
2234 RA zones, and limited to a total floor area of seven hundred fifty square feet.

2235           33. Accessory to agricultural or forestry uses provided:  
2236           a. the repair of tools and machinery is limited to those necessary for the  
2237 operation of a farm or forest.  
2238           b. the lot is at least five acres.  
2239           c. the size of the total repair use is limited to one percent of the lot size up to a  
2240 maximum of five thousand square feet unless located in a farm structure, including but  
2241 not limited to barns, existing as of December 31, 2003.

2242           34. Subject to the following:  
2243           a. the lot is at least five acres;  
2244           b. in the A zones, area used for dog training shall be located on portions of  
2245 agricultural lands that are unsuitable for other agricultural purposes, such as areas within  
2246 the already developed portion of such agricultural lands that are not available for direct  
2247 agricultural production or areas without prime agricultural soils;  
2248           c. structures and areas used for dog training shall maintain a minimum distance  
2249 of seventy-five feet from property lines; [and]\*\*

2250 d. all training activities shall be conducted within fenced areas or in indoor  
2251 facilities. Fences must be sufficient to contain the dogs.

2252 35. Limited to animal rescue shelters and provided that:

2253 a. the property shall be at least four acres;

2254 b. buildings used to house rescued animals shall be no less than fifty feet from  
2255 property lines;

2256 c. outdoor animal enclosure areas shall be located no less than thirty feet from  
2257 property lines and shall be fenced in a manner sufficient to contain the animals;

2258 d. the facility shall be operated by a nonprofit organization registered under the  
2259 Internal Revenue Code as a 501(c)(3) organization; and

2260 e. the facility shall maintain normal hours of operation no earlier than 7 a.m.  
2261 and no later than 7 p.m.

2262 36. Limited to kennel-free dog boarding and daycare facilities, and:

2263 a. the property shall be at least four and one-half acres;

2264 b. buildings housing dogs shall be no less than seventy-five feet from property  
2265 lines;

2266 c. outdoor exercise areas shall be located no less than thirty feet from property  
2267 lines and shall be fenced in a manner sufficient to contain the dogs;

2268 d. the number of dogs allowed on the property at any one time shall be limited  
2269 to the number allowed for hobby kennels, as provided in K.C.C. 11.04.060.B; and

2270 e. training and grooming are ancillary services that may be provided only to  
2271 dogs staying at the facility; and



2272 f. the facility shall maintain normal hours of operation no earlier than 7 a.m.

2273 and no later than 7 p.m.

2274 37. Not permitted in R-1 and subject to the additional requirements in K.C.C.

2275 21A.12.250.

2276 38. Driver training is limited to driver training schools licensed under chapter

2277 46.82 RCW.

2278 SECTION 28. Ordinance 10870, Section 333, as amended, and K.C.C.

2279 21A.08.060 are each hereby amended to read as follows:

2280 A. Government/business services land uses.

KEY		RESOURCE			<u>R</u> <u>U</u> <u>R</u> <u>A</u> <u>L</u>	URBAN 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	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		D				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (30)
	<b>GOVERNMENT SERVICES:</b>												
*	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 and3 3	C6	C6	C6	C6	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
*	<del>((Private Stormwater Management)) Surface Water Flow Control or Water Quality Treatment Facility</del>	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
	<b>BUSINESS SERVICES:</b>												
*	Construction and Trade				P34						P	P9	P
*	Individual Transportation and Taxi									P25	P	P10	P
421	Trucking and Courier Service									P11	P12	P13	P
*	Warehousing, (1) and Wholesale Trade												P
*	Self-service Storage							P14	P37	P	P	P	P
4221 4222	Farm Product Warehousing, Refrigeration and Storage	P15 C36			P15 and 33 C36	P15, C36							P
*	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
	<b>ACCESSORY USES:</b>												
*	Commercial/Industrial Accessory Uses			P	P22				P22	P22	P	P	P
*	Helistop					C23	C23	C23	C23	C23	C24	C23	C24
<b>GENERAL</b>		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070;											
<b>CROSS</b>		Development Standards, see chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through											
<b>REFERENCES:</b>		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.											

2281

B. Development conditions.

2282

1. Except self-service storage.

2283

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

2284

Educational Research, see general business service/office.

2285

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

2286

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

2287           b. only when accessory to a fire facility and the office is no greater than one  
2288 thousand five hundred square feet of floor area.

2289           4. Only as a re-use of a surplus nonresidential facility subject to K.C.C. chapter  
2290 21A.32.

2291           5. New utility office locations only if there is no commercial/industrial zoning  
2292 in the utility district, and not in the RA-10 or RA-20 zones unless it is demonstrated that  
2293 no feasible alternative location is possible, and provided further that this condition  
2294 applies to the UR zone only if the property is located within a designated unincorporated  
2295 Rural Town.

2296           6.a. All buildings and structures shall maintain a minimum distance of twenty  
2297 feet from property lines adjoining rural area and residential zones;

2298           b. Any buildings from which fire-fighting equipment emerges onto a street  
2299 shall maintain a distance of thirty-five feet from such street;

2300           c. No outdoor storage; and

2301           d. Excluded from the RA-10 and RA-20 zones unless it is demonstrated that no  
2302 feasible alternative location is possible.

2303           7. Limited to storefront police offices. Such offices shall not have:

2304           a. holding cells;

2305           b. suspect interview rooms (except in the NB zone); or

2306           c. long-term storage of stolen properties.

2307           8. (~~(Private stormwater management)~~) Surface water flow control or water  
2308 quality treatment facilities serving development proposals located on  
2309 commercial/industrial zoned lands shall also be located on commercial/industrial zoned

2310 lands, unless participating in an approved shared facility drainage plan. (~~Such~~) Surface  
2311 water flow control or water quality treatment facilities serving development within an  
2312 area designated urban in the King County Comprehensive Plan shall only be located in  
2313 the urban area.

2314 9. No outdoor storage of materials.

2315 10. Limited to office uses.

2316 11. Limited to self-service household moving truck or trailer rental accessory to  
2317 a gasoline service station.

2318 12. Limited to self-service household moving truck or trailer rental accessory to  
2319 a gasoline service station and SIC Industry No. 4215-Courier Services, except by air.

2320 13. Limited to SIC Industry No. 4215-Courier Services, except by air.

2321 14. Accessory to an apartment development of at least twelve units provided:

2322 a. The gross floor area in self service storage shall not exceed the total gross  
2323 floor area of the apartment dwellings on the site;

2324 b. All outdoor lights shall be deflected, shaded and focused away from all  
2325 adjoining property;

2326 c. The use of the facility shall be limited to dead storage of household goods;

2327 d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or  
2328 similar equipment;

2329 e. No outdoor storage or storage of flammable liquids, highly combustible or  
2330 explosive materials or hazardous chemicals;

2331 f. No residential occupancy of the storage units;

2332 g. No business activity other than the rental of storage units; and

2333 h. A resident director shall be required on the site and shall be responsible for  
2334 maintaining the operation of the facility in conformance with the conditions of approval.

2335 i. Before filing an application with the department, the applicant shall hold a  
2336 community meeting in accordance with K.C.C. 20.20.035.

2337 15.a. The floor area devoted to warehousing, refrigeration or storage shall not  
2338 exceed two thousand square feet;

2339 b. Structures and areas used for warehousing, refrigeration and storage shall  
2340 maintain a minimum distance of seventy-five feet from property lines adjoining rural area  
2341 and residential zones; and

2342 c. Warehousing, refrigeration and storage is limited to agricultural products  
2343 and sixty percent or more of the products must be grown or processed in the Puget Sound  
2344 counties. At the time of the initial application, the applicant shall submit a projection of  
2345 the source of products to be included in the warehousing, refrigeration or storage.

2346 16. Only as an accessory use to another permitted use.

2347 17. No outdoor storage.

2348 18. Only as an accessory use to a public agency or utility yard, or to a transfer  
2349 station.

2350 19. Limited to new commuter parking lots designed for thirty or fewer parking  
2351 spaces or commuter parking lots located on existing parking lots for churches, schools, or  
2352 other permitted nonresidential uses that have excess capacity available during  
2353 commuting; provided that the new or existing lot is adjacent to a designated arterial that  
2354 has been improved to a standard acceptable to the department of transportation;

2355 20. No tow-in lots for damaged, abandoned or otherwise impounded vehicles.

- 2356            21. No dismantling or salvage of damaged, abandoned or otherwise impounded  
2357 vehicles.
- 2358            22. Storage limited to accessory storage of commodities sold at retail on the  
2359 premises or materials used in the fabrication of commodities sold on the premises.
- 2360            23. Limited to emergency medical evacuation sites in conjunction with police,  
2361 fire or health service facility. Helistops are prohibited from the UR zone only if the  
2362 property is located within a designated unincorporated Rural Town.
- 2363            24. Allowed as accessory to an allowed use.
- 2364            25. Limited to private road ambulance services with no outside storage of  
2365 vehicles.
- 2366            26. Limited to two acres or less.
- 2367            27a. Utility yards only on sites with utility district offices; or  
2368            b. Public agency yards are limited to material storage for road maintenance  
2369 facilities.
- 2370            28. Limited to bulk gas storage tanks that pipe to individual residences but  
2371 excluding liquefied natural gas storage tanks.
- 2372            29. Excluding bulk gas storage tanks.
- 2373            30. For I-zoned sites located outside the urban growth area designated by the  
2374 King County Comprehensive Plan, uses shall be subject to the provisions for rural  
2375 industrial uses in K.C.C. chapter 21A.12.
- 2376            31. Vactor waste treatment, storage and disposal shall be limited to liquid  
2377 materials. Materials shall be disposed of directly into a sewer system, or shall be stored  
2378 in tanks (or other covered structures), as well as enclosed buildings.

2379           32. Provided:

2380           a. Off-street required parking for a land use located in the urban area must be  
2381 located in the urban area;

2382           b. Off-street required parking for a land use located in the rural area must be  
2383 located in the rural area; and

2384           c.(1) Except as provided in 32.c.(2) of this subsection, off-street required  
2385 parking must be located on a lot that would permit, either outright or through a land use  
2386 permit approval process, the land use the off-street parking will serve.

2387           (2) For a social service agency allowed under K.C.C. 21A.08.050B.13.b. to  
2388 be located on a site in the NB zone, off-street required parking may be located on a site  
2389 within three hundred feet of the social service agency, regardless of zoning classification  
2390 of the site on which the parking is located.

2391           33. Subject to review and approval of conditions to comply with trail corridor  
2392 provisions of K.C.C. chapter 21A.14 when located in an RA zone.

2393           34. Limited to landscape and horticultural services (SIC 078) that are accessory  
2394 to a retail nursery, garden center and farm supply store. Construction equipment for the  
2395 accessory use shall not be stored on the premises.

2396           35. Allowed as a primary or accessory use to an allowed industrial-zoned land  
2397 use.

2398           36. Accessory to agricultural uses provided:

2399           a. In the RA zones and on lots less than thirty-five acres in the A zone, the  
2400 floor area devoted to warehousing, refrigeration or storage shall not exceed three



2401 thousand five hundred square feet unless located in a building designated as historic  
2402 resource under K.C.C. chapter 20.62;

2403           b. On lots at least thirty-five acres in the A zones, the floor area devoted to  
2404 warehousing, refrigeration or storage shall not exceed seven thousand square feet unless  
2405 located in a building designated as historic resource under K.C.C. chapter 20.62.

2406           c. In the A zones, structures and areas used for warehousing, refrigeration and  
2407 storage shall be located on portions of agricultural lands that are unsuitable for other  
2408 agricultural purposes, such as areas within the already developed portion of such  
2409 agricultural lands that are not available for direct agricultural production, or areas without  
2410 prime agricultural soils;

2411           d. Structures and areas used for warehousing, refrigeration or storage shall  
2412 maintain a minimum distance of seventy-five feet from property lines adjoining rural area  
2413 and residential zones; and

2414           e. Warehousing, refrigeration and storage is limited to agricultural products  
2415 and sixty percent or more of the products must be grown or processed in the Puget Sound  
2416 counties. At the time of the initial application, the applicant shall submit a projection of  
2417 the source of products to be included in the warehousing, refrigeration or storage.

2418           37. Use shall be limited to the NB zone on parcels outside of the Urban Growth  
2419 Area, Rural Towns and Rural Neighborhoods and the building floor area devoted to such  
2420 use shall not exceed ten thousand square feet.

2421           SECTION 29. Ordinance 10870, Section 334, as amended, and K.C.C.

2422 21A.08.070 are each hereby amended to read as follows:

2423           A. Retail land uses.

KEY		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL									
P-Permitted Use	C-Conditional Use S-Special 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	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	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 Sales	P3 and 4	P4		P3 and 4						P							

*	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 Electronic Shops								P	P	P		
*	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						P

							18						
<b>GENERAL CROSS</b>		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070;											
<b>REFERENCES:</b>		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.											

2424

B. Development conditions.

2425

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

2426

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

2427

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

2429

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

2430

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

2431

considered part of the covered sales area;

2432

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

2433

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

2434

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

2435

2. Only hardware stores.

2436

3.a. Limited to products grown on site.

2437

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

2438

4. No permanent structures or signs.

2439

5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a

2440

maximum of two thousand square feet of gross floor area.

2441

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

2442           7.a. As a permitted use, the covered sales area shall not exceed two thousand  
2443 square feet, unless located in a building designated as a historic resource under K.C.C.  
2444 chapter 20.62. As a conditional use, up to three thousand five hundred square feet of  
2445 covered sales area may be allowed;

2446           b. The site area shall be at least four and one-half acres;

2447           c. Forty percent or more of the gross sales of agricultural product sold through  
2448 the store must be sold by the producers of primary agricultural products;

2449           d. Sixty percent or more of the gross sales of agricultural products sold through  
2450 the store shall be derived from products grown or produced in the Puget Sound counties.  
2451 At the time of the initial application, the applicant shall submit a reasonable projection of  
2452 the source of product sales;

2453           e. Sales shall be limited to agricultural products and locally made arts and  
2454 crafts;

2455           f. Storage areas for agricultural products may be included in a farm store  
2456 structure or in any accessory building; and

2457           g. Outside lighting is permitted if no off-site glare is allowed.

2458           8. Excluding retail sale of trucks exceeding one-ton capacity.

2459           9. Only the sale of new or reconditioned automobile supplies is permitted.

2460           10. Excluding SIC Industry No. 5813-Drinking Places.

2461           11. No outside storage of fuel trucks and equipment.

2462           12. Excluding vehicle and livestock auctions.

2463 13. Only as accessory to a winery or SIC Industry No. 2082-Malt Beverages,  
2464 and limited to sales of products produced on site and incidental items where the majority  
2465 of sales are generated from products produced on site.

2466 14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to  
2467 a maximum of five thousand square feet of gross floor area, and subject to K.C.C.  
2468 21A.12.230; and

2469 b. Before filing an application with the department, the applicant shall hold a  
2470 community meeting in accordance with K.C.C. 20.20.035.

2471 15.a. Not permitted in R-1 and limited to a maximum of five thousand square  
2472 feet of gross floor area and subject to K.C.C. 21A.12.230; and

2473 b. Before filing an application with the department, the applicant shall hold a  
2474 community meeting in accordance with K.C.C. 20.20.035.

2475 16.a. Not permitted in R-1 and excluding SIC Industry No. 5813-Drinking  
2476 Places, and limited to a maximum of five thousand square feet of gross floor area and  
2477 subject to K.C.C. 21A.12.230, except as provided in subsection B.20. of this section; and

2478 b. Before filing an application with the department, the applicant shall hold a  
2479 community meeting in accordance with K.C.C. 20.20.035.

2480 17. Retail sale of livestock is permitted only as accessory to raising livestock.

2481 18. Limited to the R-1 zone.

2482 19. Only as:

2483 a. an accessory use to a permitted manufacturing or retail land use, limited to  
2484 espresso stands to include sales of beverages and incidental food items, and not to include  
2485 drive-through sales; or

2486            b. an accessory use to a large active recreation and multiuse park, limited to a  
2487 total floor area of three thousand five hundred square feet.

2488            20. Only as:

2489            a. an accessory use to a large active recreation and multiuse park; or

2490            b. an accessory use to a park and limited to a total floor area of one thousand  
2491 five hundred square feet.

2492            21. Accessory to a park, limited to a total floor area of seven hundred fifty  
2493 square feet.

2494            22. Only as an accessory use to:

2495            a. a large active recreation and multiuse park in the urban growth area; or

2496            b. a park, or a large active recreation and multiuse park in the RA zones, and  
2497 limited to a total floor area of seven hundred and fifty square feet.

2498            23. Only as accessory to SIC Industry Group No. 242-Sawmills and SIC  
2499 Industry No. 2431 – Millwork and;

2500            a. limited to lumber milled on site; and

2501            b. the covered sales area is limited to two thousand square feet. The covered  
2502 sales area does not include covered areas used to display only milled lumber.

2503            24. Requires at least five farmers selling their own products at each market and  
2504 the annual value of sales by farmers should exceed the annual sales value of non-farmer  
2505 vendors.

2506            25. Limited to sites located within the urban growth area and:

2507            a. The sales area shall be limited to three hundred square feet and must be  
2508 removed each evening;



2509 b. There must be legal parking that is easily available for customers; and

2510 d. The site must be in an area that is easily accessible to the public, will

2511 accommodate multiple shoppers at one time and does not infringe on neighboring

2512 properties.

2513 SECTION 30. Ordinance 10870, Section 335, as amended, and K.C.C.

2514 21A.08.080 are each hereby amended to read as follows:

2515 A. Manufacturing land uses.

KEY		RESOURCE			R U R A L	URBAN 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	N	R	B	S	B	S	I	S	M	S	G	S	F	D
		O	I	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								
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						P2 C	
*/2082 /2085	Winery/Brewery /Distillery	P3 C12			P3 C12	P3			P18	P18	P						P	

*	Materials Processing Facility	P13	P14 C	P15 C16	P17 C								P
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>π</u> )) <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 Controlling Instruments										C	C	P
39	Miscellaneous Light Manufacturing										C		P
*	Motor Vehicle and Bicycle Manufacturing												C
*	Aircraft, Ship and Boat Building												P10 C
7534	Tire Retreading										C		P
781-82	Movie Production/Distribution										P		P
<b>GENERAL CROSS</b> Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; <b>REFERENCES:</b> 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													

2516

B. Development conditions.

2517

1.a. Excluding wineries and SIC Industry No. 2082-Malt Beverages;

2518                    b. In the A zone, only allowed on sites where the primary use is SIC industry  
2519 Group No. 01-Growing Harvesting Crops or No. 02-Raising Livestock and Small  
2520 Animals;

2521                    c. In the RA and UR zones, only allowed on lots of at least four and one-half  
2522 acres and only when accessory to an agricultural use;

2523                    d.(1) Except as provided in subsection B.1.d.(2) and B.1.d.(3) of this section,  
2524 the floor area devoted to all processing shall not exceed three thousand five hundred  
2525 square feet, unless located in a building designated as historic resource under K.C.C.  
2526 chapter 20.62;

2527                    (2) With a conditional use permit, up to five thousand square feet of floor  
2528 area may be devoted to all processing; and

2529                    (3) In the A zone, on lots thirty-five acres or greater, the floor area devoted to  
2530 all processing shall not exceed seven thousand square feet, unless located in a building  
2531 designated as historic resource under K.C.C. chapter 20.62;

2532                    e. Structures and areas used for processing shall maintain a minimum distance  
2533 of seventy-five feet from property lines adjoining rural area and residential zones, unless  
2534 located in a building designated as historic resource under K.C.C. chapter 20.62;

2535                    f. Processing is limited to agricultural products and sixty percent or more of  
2536 the products processed must be grown in the Puget Sound counties. At the time of initial  
2537 application, the applicant shall submit a projection of the source of products to be  
2538 produced;

2539                    g. In the A zone, structures used for processing shall be located on portions of  
2540 agricultural lands that are unsuitable for other agricultural purposes, such as areas within

2541 the already developed portion of such agricultural lands that are not available for direct  
2542 agricultural production, or areas without prime agricultural soils; and

2543 h. Tasting of products produced on site may be provided. The area devoted to  
2544 tasting shall be included in the floor area limitation in subsection B.1.d. of this section.

2545 2. Except slaughterhouses.

2546 3.a. Limited to wineries, ~~((and))~~ SIC Industry No. 2082-Malt Beverages and  
2547 SIC Industry No. 2085-Distilled and Blended Liquors;

2548 b. In the A zone, only allowed on sites where the primary use is SIC Industry  
2549 Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small  
2550 Animals;

2551 c. In the RA and UR zones, only allowed on lots of at least four and one-half  
2552 acres;

2553 d. The floor area devoted to all processing shall not exceed three thousand five  
2554 hundred square feet, unless located in a building designated as historic resource under  
2555 K.C.C. chapter 20.62;

2556 e. Structures and areas used for processing shall maintain a minimum distance  
2557 of seventy-five feet from property lines adjoining rural area and residential zones, unless  
2558 located in a building designated as historic resource under K.C.C. chapter 20.62;

2559 f. Sixty percent or more of the products processed must be grown in the Puget  
2560 Sound counties. At the time of the initial application, the applicant shall submit a  
2561 projection of the source of products to be produced; and

2562 g. Tasting of products produced on site may be provided. The area devoted to  
2563 tasting shall be included in the floor area limitation in subsection B.3.c. of this section.

2564 4. Limited to rough milling and planing of products grown on-site with portable  
2565 equipment.

2566 5. Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431  
2567 - Millwork. For RA zoned sites, (~~limited to RA-10 on lots at least ten acres in size and~~  
2568 ~~only as accessory to forestry uses~~) if using lumber or timber grown off-site, the  
2569 minimum site area is four and one-half acres.

2570 6. Limited to uses found in SIC Industry No. 2434-Wood Kitchen Cabinets and  
2571 No. 2431-Millwork, (excluding planing mills).

2572 7. Limited to photocopying and printing services offered to the general public.

2573 8. Only within enclosed buildings, and as an accessory use to retail sales.

2574 9. Only within enclosed buildings.

2575 10. Limited to boat building of craft not exceeding forty-eight feet in length.

2576 11. For I-zoned sites located outside the urban growth area designated by the  
2577 King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.  
2578 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for  
2579 rural industrial uses as set forth in K.C.C. chapter 21A.12.

2580 12.a. Limited to wineries, (~~and~~) SIC Industry No. 2082-Malt Beverages and  
2581 SIC Industry No. 2085-Distilled and Blended Liquors;

2582 b.(1) Except as provided in subsection B.12.b.(2) of this section, the floor area  
2583 of structures for wineries, (~~and~~) breweries and distilleries and any accessory uses shall  
2584 not exceed a total of eight thousand square feet. The floor area may be increased by up to  
2585 an additional eight thousand square feet of underground storage that is constructed  
2586 completely below natural grade, not including required exits and access points, if the

2587 underground storage is at least one foot below the surface and is not visible above  
2588 ground; and

2589 (2) On Vashon-Maury Island, the total floor area of structures for wineries,  
2590 ~~((and))~~ breweries and distilleries and any accessory uses may not exceed six thousand  
2591 square feet, including underground storage;

2592 c. Wineries , ~~((and))~~ breweries and distilleries shall comply with Washington  
2593 state Department of Ecology and King County board of health regulations for water  
2594 usage and wastewater disposal. Wineries , ~~((and))~~ breweries and distilleries using water  
2595 from exempt wells shall install a water meter;

2596 d. Off-street parking is limited to one hundred and fifty percent of the  
2597 minimum requirement for wineries , ~~((and))~~ breweries or distilleries specified in K.C.C.  
2598 21A.18.030;

2599 e. Structures and areas used for processing shall be set back a minimum  
2600 distance of seventy-five feet from property lines adjacent to rural area and residential  
2601 zones, unless the processing is located in a building designated as historic resource under  
2602 K.C.C. chapter 20.62;

2603 f. The minimum site area is four and one-half acres. If the total floor area of  
2604 structures for wineries , ~~((and))~~ breweries and distilleries and any accessory uses exceed  
2605 six thousand square feet, including underground storage:

2606 (1) the minimum site area is ten acres; and

2607 (2) a minimum of two and one-half acres of the site shall be used for the  
2608 growing of agricultural products;

2609 g. The facility shall be limited to processing agricultural products and sixty  
2610 percent or more of the products processed must be grown in the Puget Sound counties.  
2611 At the time of the initial application, the applicant shall submit a projection of the source  
2612 of products to be processed; and

2613 h. Tasting of products produced on site may be provided. The area devoted to  
2614 tasting shall be included in the floor area limitation in subsection B.12.b of this section.

2615 13. Limited to source separated organic waste processing facilities at a scale  
2616 appropriate to process the organic waste generated in the agricultural zone.

2617 14. Only on the same lot or same group of lots under common ownership or  
2618 documented legal control, which includes, but is not limited to, fee simple ownership, a  
2619 long-term lease or an easement:

2620 a. as accessory to a primary forestry use and at a scale appropriate to process  
2621 the organic waste generated on the site; or

2622 b. as a continuation of a sawmill or lumber manufacturing use only for that  
2623 period to complete delivery of products or projects under contract at the end of the  
2624 sawmill or lumber manufacturing activity.

2625 15. Only on the same lot or same group of lots under common ownership or  
2626 documented legal control, which includes, but is not limited to, fee simple ownership, a  
2627 long-term lease or an easement:

2628 a. as accessory to a primary mineral use; or

2629 b. as a continuation of a mineral processing use only for that period to  
2630 complete delivery of products or projects under contract at the end of mineral extraction.



2631 16. Continuation of a materials processing facility after reclamation in  
2632 accordance with an approved reclamation plan.

2633 17. Only a site that is ten acres or greater and that does not use local access  
2634 streets that abut lots developed for residential use.

2635 18.a. Limited to wineries, ~~((and))~~ SIC Industry No. 2082-Malt Beverages and  
2636 SIC Industry No. 2085-Distilled and Blended Liquors;

2637 b. The floor area devoted to all processing shall not exceed three thousand five  
2638 hundred square feet, unless located in a building designated as historic resource under  
2639 K.C.C. chapter 20.62;

2640 c. Structures and areas used for processing shall maintain a minimum distance  
2641 of seventy-five feet from property lines adjoining rural area and residential zones, unless  
2642 located in a building designated as historic resource under K.C.C. chapter 20.62; and

2643 d. Tasting of products produced on site may be provided. The area devoted to  
2644 tasting shall be included in the floor area limitation in subsection B.18.b. of this section.

2645 19. Limited to:

2646 a. SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431 -  
2647 Millwork, as follows:

2648 i. If using lumber or timber grown off-site, the minimum site area is four and  
2649 one-half acres;

2650 ii. The facility shall be limited to an annual production of no more than one  
2651 hundred fifty thousand board feet;

2652 iii. Structures housing equipment used in the operation shall be located at  
2653 least one-hundred feet from adjacent properties with residential or rural area zoning;

2654 iv. Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to  
 2655 7:00 p.m. on weekdays, and 9:00 a.m. to 5 p.m. on weekends;

2656 vi. In the RA zone, the facility's driveway shall have adequate stopping  
 2657 distance and, if the facility accesses an arterial or neighborhood collector roadway,  
 2658 adequate entering sight distance required by the 2007 King County Road Design and  
 2659 Construction Standards. An adequate turn around shall be provided on-site to prevent  
 2660 vehicles from backing out on to the roadway that the driveway accesses; and

2661 vii. Outside lighting is limited to avoid off-site glare; and

2662 c. SIC Industry No. 2411 - Logging.

2663 20. Limited to manufacture of custom made wood furniture or cabinets.

2664 SECTION 31. Ordinance 10870, Section 336, as amended, and K.C.C.

2665 21A.08.090 are each hereby amended to read as follows:

2666 A. Resource land uses.

KEY		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL								
		A	F	M		U	R	U	R	N	B	C	B	R	B	O	I
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	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					
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1 -8	R12 -48	NB	CB	RB	O	I
	<b>AGRICULTURE:</b>												
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											
	<b>FORESTRY:</b>												
08	Growing & Harvesting Forest Production	P	P	P7	P	P	P						P
*	Forest Research		P		P	P						P2	P
	<b>FISH AND WILDLIFE MANAGEMENT:</b>												
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							
	<b>MINERAL:</b>												
10,12,14	Mineral Extraction and Processing		P9 C	P C11									
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block		P8 C11	P8 C11									P
	<b>ACCESSORY USES:</b>												
*	Resource Accessory Uses	P3	P4	P5	P3	P3							P4

*	-	<u>Temporary Farm</u>	<u>P14</u>	<u>P14</u>		<u>P14</u>													
		<u>Worker Housing</u>																	
<b>GENERAL CROSS</b>		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070;																	
<b>REFERENCES:</b>		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.																	

- 2667                    B. Development conditions.
- 2668                    1. May be further subject to K.C.C. Title 25, Shoreline Management.
- 2669                    2. Only forest research conducted within an enclosed building.
- 2670                    3. Accessory dwelling units in accordance with K.C.C. 21A.08.030.
- 2671                    4. Excluding housing for agricultural workers.
- 2672                    5. Limited to either maintenance or storage facilities, or both, in
- 2673 conjunction with mineral extraction or processing operation.
- 2674                    6. Large livestock allowed in accordance with K.C.C. chapter 21A.30.
- 2675                    7. Only in conjunction with a mineral extraction site plan approved in
- 2676 accordance with K.C.C. chapter 21A.22.
- 2677                    8. Only on the same lot or same group of lots under common ownership or
- 2678 documented legal control, which includes, but is not limited to, fee simple ownership, a
- 2679 long-term lease or an easement:
- 2680                    a. as accessory to a primary mineral extraction use;
- 2681                    b. as a continuation of a mineral processing only for that period to
- 2682 complete delivery of products or projects under contract at the end of a mineral
- 2683 extraction; or

2684 c. for a public works project under a temporary grading permit issued in  
2685 accordance with K.C.C. 16.82.152.

2686 9. Limited to mineral extraction and processing:

2687 a. on a lot or group of lots under common ownership or documented legal control,  
2688 which includes but is not limited to, fee simple ownership, a long-term lease or an  
2689 easement;

2690 b. that are located greater than one-quarter mile from an established  
2691 residence; and

2692 c. that do not use local access streets that abut lots developed for  
2693 residential use.

2694 10. Agriculture training facilities are allowed only as an accessory to  
2695 existing agricultural uses and are subject to the following conditions:

2696 a. The impervious surface associated with the agriculture training facilities  
2697 shall comprise not more than ten percent of the allowable impervious surface permitted  
2698 under K.C.C. 21A.12.040;

2699 b. New or the expansion of existing structures, or other site improvements,  
2700 shall not be located on class 1, 2 or 3 soils;

2701 c. The director may require reuse of surplus structures to the maximum  
2702 extent practical;

2703 d. The director may require the clustering of new structures with existing  
2704 structures;

2705 e. New structures or other site improvements shall be set back a minimum  
2706 distance of seventy-five feet from property lines adjoining rural area and residential  
2707 zones;

2708 f. Bulk and design of structures shall be compatible with the architectural  
2709 style of the surrounding agricultural community;

2710 g. New sewers shall not be extended to the site;

2711 h. Traffic generated shall not impede the safe and efficient movement of  
2712 agricultural vehicles, nor shall it require capacity improvements to rural roads;

2713 i. Agriculture training facilities may be used to provide educational  
2714 services to the surrounding rural/agricultural community or for community events.

2715 Property owners may be required to obtain a temporary use permit for community events  
2716 in accordance with K.C.C. chapter 21A.32;

2717 j. Use of lodging and food service facilities shall be limited only to  
2718 activities conducted in conjunction with training and education programs or community  
2719 events held on site;

2720 k. Incidental uses, such as office and storage, shall be limited to those that  
2721 directly support education and training activities or farm operations; and

2722 l. The King County agriculture commission shall be notified of and have  
2723 an opportunity to comment upon all proposed agriculture training facilities during the  
2724 permit process in accordance with K.C.C. chapter 21A.40.

2725 11. Continuation of mineral processing and asphalt/concrete mixtures and  
2726 block uses after reclamation in accordance with an approved reclamation plan.

2727                   12.a. Activities at the camp shall be limited to agriculture and agriculture-  
2728 oriented activities. In addition, activities that place minimal stress on the site's  
2729 agricultural resources or activities that are compatible with agriculture are permitted.

- 2730                   (1) passive recreation;
- 2731                   (2) training of individuals who will work at the camp;
- 2732                   (3) special events for families of the campers; and
- 2733                   (4) agriculture education for youth.

2734                   b. Outside the camp center, as provided for in subsection B.12.e of this  
2735 section, camp activities shall not preclude the use of the site for agriculture and  
2736 agricultural related activities, such as the processing of local food to create value-added  
2737 products and the refrigeration and storage of local agricultural products. The camp shall  
2738 be managed to coexist with agriculture and agricultural activities both onsite and in the  
2739 surrounding area.

2740                   c. A farm plan shall be required for commercial agricultural production to  
2741 ensure adherence to best management practices and soil conservation.

2742                   d.(1) The minimum site area shall be five hundred acres. Unless the  
2743 property owner has sold or transferred the development rights as provided in subsection  
2744 B.12.c.(3) of this section, a minimum of five hundred acres of the site must be owned by  
2745 a single individual, corporation, partnership or other legal entity and must remain under  
2746 the ownership of a single individual, corporation, partnership or other legal entity for the  
2747 duration of the operation of the camp.

2748                   (2) Nothing in subsection B.12.d.(1) of this section prohibits the property  
2749 owner from selling or transferring the development rights for a portion or all of the site to

2750 the King County farmland preservation program or, if the development rights are  
2751 extinguished as part of the sale or transfer, to a nonprofit entity approved by the director;

2752 e. The impervious surface associated with the camp shall comprise not  
2753 more than ten percent of the allowable impervious surface permitted under K.C.C.  
2754 21A.12.040;

2755 f. Structures for living quarters, dining facilities, medical facilities and  
2756 other nonagricultural camp activities shall be located in a camp center. The camp center  
2757 shall be no more than fifty acres and shall be depicted on a site plan. New structures for  
2758 nonagricultural camp activities shall be clustered with existing structures;

2759 g. To the extent practicable, existing structures shall be reused. The  
2760 applicant shall demonstrate to the director that a new structure for nonagricultural camp  
2761 activities cannot be practicably accommodated within an existing structure on the site,  
2762 though cabins for campers shall be permitted only if they do not already exist on site;

2763 h. Camp facilities may be used to provide agricultural educational services  
2764 to the surrounding rural and agricultural community or for community events. If required  
2765 by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for  
2766 community events;

2767 i. Lodging and food service facilities shall only be used for activities  
2768 related to the camp or for agricultural education programs or community events held on  
2769 site;

2770 j. Incidental uses, such as office and storage, shall be limited to those that  
2771 directly support camp activities, farm operations or agricultural education programs;



2772 k. New nonagricultural camp structures and site improvements shall  
2773 maintain a minimum set-back of seventy-five feet from property lines adjoining rural area  
2774 and residential zones;

2775 l. Except for legal nonconforming structures existing as of January 1,  
2776 2007, camp facilities, such as a medical station, food service hall and activity rooms,  
2777 shall be of a scale to serve overnight camp users;

2778 m. Landscaping equivalent to a type III landscaping screen, as provided  
2779 for in K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural  
2780 structures and site improvements located within two hundred feet of an adjacent rural  
2781 area and residential zoned property not associated with the camp;

2782 n. New sewers shall not be extended to the site;

2783 o. The total number of persons staying overnight shall not exceed three  
2784 hundred;

2785 p. The length of stay for any individual overnight camper, not including  
2786 camp personnel, shall not exceed ninety days during a three-hundred-sixty-five-day  
2787 period;

2788 q. Traffic generated by camp activities shall not impede the safe and  
2789 efficient movement of agricultural vehicles nor shall it require capacity improvements to  
2790 rural roads;

2791 r. If the site is adjacent to an arterial roadway, access to the site shall be  
2792 directly onto the arterial unless the county road engineer determines that direct access is  
2793 unsafe;

2794 s. If direct access to the site is via local access streets, transportation  
2795 management measures shall be used to minimize adverse traffic impacts;

2796 t. Camp recreational activities shall not involve the use of motor vehicles  
2797 unless the motor vehicles are part of an agricultural activity or are being used for the  
2798 transportation of campers, camp personnel or the families of campers. Camp personnel  
2799 may use motor vehicles for the operation and maintenance of the facility. Client-specific  
2800 motorized personal mobility devices are allowed; and

2801 u. Lights to illuminate the camp or its structures shall be arranged to  
2802 reflect the light away from any adjacent property.

2803 13. Limited to digester receiving plant and animal and other organic waste  
2804 from agricultural activities, as follows:

2805 a. the digester must be included as part of a Washington state Department  
2806 of Agriculture approved dairy nutrient plan;

2807 b. the digester must process at least seventy percent livestock manure or  
2808 other agricultural organic material from farms in the vicinity, by volume;

2809 c. imported organic waste-derived material, such as food processing waste,  
2810 may be processed in the digester for the purpose of increasing methane gas production for  
2811 beneficial use, but not shall exceed thirty percent of volume processed by the digester;  
2812 and

2813 d. the use must be accessory to an operating dairy or livestock operation.

2814 14. Temporary farm worker housing subject to the following conditions:

2815 a. The housing must be licensed by the Washington state department of  
2816 health under chapter 70.114A RCW and WAC chapter 246-358;

2817 b. Water supply and sewage disposal systems must be approved by the  
 2818 Seattle King County department of health;  
 2819 c. To the maximum extent practical, the housing should be located on non-  
 2820 farmable areas that are already disturbed and should not be located in the floodplain or in  
 2821 a critical area or critical area buffer; and  
 2822 d. The property owner shall file with the department of executive services,  
 2823 records and licensing services division, a notice approved by the department that  
 2824 identifies the temporary farm worker housing as accessory and that the housing shall only  
 2825 be occupied by agricultural employees while employed by the owner or operator and by  
 2826 the employees' families. The notice shall run with the land.

2827 SECTION 32. Ordinance 10870, Section 340, as amended, and K.C.C.  
 2828 21A.12.030 are each hereby amended to read as follows:

2829 A. Densities and dimensions – rural area and residential zones.

ZONES	RURAL				URBAN 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	0.2	0.1	0.05	0.2	1	4	6	8	12	18	24	48
Dwelling Unit/Acre (15) (28)	du/ac	du/ac	du/ac	du/ac	du/ac (21)	du/ac (6)	du/ac	du/ac	du/ac	du/ac	du/ac	du/ac	du/ac
Maximum Density: Dwelling	0.4 du/ac						6 du/ac	9 du/ac	12 du/ac	18 du/ac	27 du/ac	36 du/ac	72 du/ac

Unit/Acre (1)	(20)						(22) 8 du/a c (27)	12 du/ ac (27)	16 du/ ac (27)	24 du/ ac (27)	36 du/ ac (27)	48 du/ ac (27)	96 du/ ac (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)	1.8 75 ac	3.7 5 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	30ft	30 ft	30 ft
Minimum Street Setback (3)	30 ft (9)	30 ft (9)	30ft (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)	10ft (8)	10 ft (8)
Minimum Interior Setback (3) (16)	5 ft (9)	10ft (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 (14) (25)	35 ft (14) (25)	60 ft	60 ft (14)	60 ft (14)	60 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)

2830

B. Development conditions.

2831           1. This maximum density may be achieved only through the application of  
2832 residential density incentives in accordance with K.C.C. chapter 21A.34 or transfers of  
2833 development rights in accordance with K.C.C. chapter 21A.37, or any combination of  
2834 density incentive or density transfer.

2835           2. Also see K.C.C. 21A.12.060.

2836           3. These standards may be modified under the provisions for zero-lot-line and  
2837 townhouse developments.

2838           4. Height limits may be increased if portions of the structure that exceed the  
2839 base height limit provide one additional foot of street and interior setback for each foot  
2840 above the base height limit, but the maximum height may not exceed seventy-five feet.

2841 Netting or fencing and support structures for the netting or fencing used to contain golf  
2842 balls in the operation of golf courses or golf driving ranges are exempt from the  
2843 additional interior setback requirements but the maximum height shall not exceed  
2844 seventy-five feet, except for large active recreation and multiuse parks, where the  
2845 maximum height shall not exceed one hundred twenty-five feet, unless a golf ball  
2846 trajectory study requires a higher fence.

2847           5. Applies to each individual lot. Impervious surface area standards for:

2848           a. Regional uses shall be established at the time of permit review;

2849           b. Nonresidential uses in rural area and residential zones shall comply with  
2850 K.C.C. 21A.12.120 and 21A.12.220;

2851           c. Individual lots in the R-4 through R-6 zones that are less than nine thousand  
2852 seventy-six square feet in area shall be subject to the applicable provisions of the nearest  
2853 comparable R-6 or R-8 zone; and

2854           d. A lot may be increased beyond the total amount permitted in this chapter  
2855 subject to approval of a conditional use permit.

2856           6. Mobile home parks shall be allowed a base density of six dwelling units per  
2857 acre.

2858           7. The standards of the R-4 zone apply if a lot is less than fifteen thousand  
2859 square feet in area.

2860           8. At least twenty linear feet of driveway shall be provided between any garage,  
2861 carport or other fenced parking area and the street property line. The linear distance shall  
2862 be measured along the center line of the driveway from the access point to such garage,  
2863 carport or fenced area to the street property line.

2864           9.a. Residences shall have a setback of at least one hundred feet from any  
2865 property line adjoining A, M or F zones or existing extractive operations. However,  
2866 residences on lots less than one hundred fifty feet in width adjoining A, M or F zones or  
2867 existing extractive operations shall have a setback from the rear property line equal to  
2868 fifty percent of the lot width and a setback from the side property equal to twenty-five  
2869 percent of the lot width.

2870           b. Except for residences along a property line adjoining A, M or F zones or  
2871 existing extractive operations, lots between one acre and two and one-half acres in size  
2872 shall conform to the requirements of the R-1 zone and lots under one acre shall conform  
2873 to the requirements of the R-4 zone.

2874           10.a. For developments consisting of three or more single-detached dwellings  
2875 located on a single parcel, the setback shall be ten feet along any property line abutting

2876 R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in  
2877 K.C.C. 21A.14.190, which shall have a setback of five feet.

2878           b. For townhouse and apartment development, the setback shall be twenty feet  
2879 along any property line abutting R-1 through R-8, RA and UR zones, except for  
2880 structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback  
2881 of five feet, unless the townhouse or apartment development is adjacent to property upon  
2882 which an existing townhouse or apartment development is located.

2883           11. Lots smaller than one-half acre in area shall comply with standards of the  
2884 nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or  
2885 larger, the maximum impervious surface area allowed shall be at least ten thousand  
2886 square feet. On any lot over one acre in area, an additional five percent of the lot area  
2887 may be used for buildings related to agricultural or forestry practices. For lots smaller  
2888 than two acres but larger than one-half acre, an additional ten percent of the lot area may  
2889 be used for structures that are determined to be medically necessary, if the applicant  
2890 submits with the permit application a notarized affidavit, conforming with K.C.C.  
2891 21A.32.170A.2.

2892           12. For purposes of calculating minimum density, the applicant may request that  
2893 the minimum density factor be modified based upon the weighted average slope of the  
2894 net buildable area of the site in accordance with K.C.C. 21A.12.087.

2895           13. The minimum lot area does not apply to lot clustering proposals as provided  
2896 in K.C.C. chapter 21A.14.

2897           14. The base height to be used only for projects as follows:

2898           a. in R-6 and R-8 zones, a building with a footprint built on slopes exceeding a  
2899 fifteen percent finished grade; and

2900           b. in R-18, R-24 and R-48 zones using residential density incentives and  
2901 transfer of density credits in accordance with this title.

2902           15. Density applies only to dwelling units and not to sleeping units.

2903           16. Vehicle access points from garages, carports or fenced parking areas shall  
2904 be set back from the property line on which a joint use driveway is located to provide a  
2905 straight line length of at least twenty-six feet as measured from the center line of the  
2906 garage, carport or fenced parking area, from the access point to the opposite side of the  
2907 joint use driveway.

2908           17.a. All subdivisions and short subdivisions in the R-1 zone shall be required to  
2909 be clustered if the property is located within or contains:

2910           (1) a floodplain;

2911           (2) a critical aquifer recharge area;

2912           (3) a regionally or locally significant resource area;

2913           (4) existing or planned public parks or trails, or connections to such facilities;

2914           (5) a category type S or F aquatic area or category I or II wetland;

2915           (6) a steep slope; or

2916           (7) an urban separator or wildlife habitat network designated by the

2917 Comprehensive Plan or a community plan.

2918           b. The development shall be clustered away from critical areas or the axis of  
2919 designated corridors such as urban separators or the wildlife habitat network to the extent  
2920 possible and the open space shall be placed in a separate tract that includes at least fifty



2921 percent of the site. Open space tracts shall be permanent and shall be dedicated to a  
2922 homeowner's association or other suitable organization, as determined by the director,  
2923 and meet the requirements in K.C.C. 21A.14.040. On-site critical area and buffers and  
2924 designated urban separators shall be placed within the open space tract to the extent  
2925 possible. Passive recreation, with no development of recreational facilities, and natural-  
2926 surface pedestrian and equestrian trails are acceptable uses within the open space tract.

2927 18. See K.C.C. 21A.12.085.

2928 19. All subdivisions and short subdivisions in R-1 and RA zones within the  
2929 North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North  
2930 Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and  
2931 Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East  
2932 Sammamish Community Planning Area that drains to Patterson Creek shall have a  
2933 maximum impervious surface area of eight percent of the gross acreage of the plat.  
2934 Distribution of the allowable impervious area among the platted lots shall be recorded on  
2935 the face of the plat. Impervious surface of roads need not be counted towards the  
2936 allowable impervious area. Where both lot- and plat-specific impervious limits apply, the  
2937 more restrictive shall be required.

2938 20. This density may only be achieved on RA 2.5 zoned parcels receiving  
2939 density from rural forest focus areas through a transfer of density credit pursuant to  
2940 K.C.C. chapter 21A.37.

2941 21. Base density may be exceeded, if the property is located in a designated  
2942 rural city urban growth area and each proposed lot contains an occupied legal residence  
2943 that predates 1959.

2944           22. The maximum density is four dwelling units per acre for properties zoned  
2945 R-4 when located in the Rural Town of Fall City.

2946           23. The minimum density requirement does not apply to properties located  
2947 within the Rural Town of Fall City.

2948           24. The impervious surface standards for the county fairground facility are  
2949 established in the King County Fairgrounds Site Development Plan, Attachment A to  
2950 Ordinance 14808 on file at the department of natural resources and parks and the  
2951 department of development and environmental services. Modifications to that standard  
2952 may be allowed provided the square footage does not exceed the approved impervious  
2953 surface square footage established in the King County Fairgrounds Site Development  
2954 Plan Environmental Checklist, dated September 21, 1999, Attachment B to Ordinance  
2955 14808, by more than ten percent.

2956           25. For cottage housing developments only:

2957           a. The base height is eighteen feet.

2958           b. Buildings have pitched roofs with a minimum slope of six and twelve may  
2959 extend up to twenty-five feet at the ridge of the roof.

2960           26. Impervious surface does not include access easements serving neighboring  
2961 property and driveways to the extent that they extend beyond the street setback due to  
2962 location within an access panhandle or due to the application of King County Code  
2963 requirements to locate features over which the applicant does not have control.

2964           27. Only in accordance with K.C.C. 21A.34.040.F.1.g. and F.6.

2965                    28. On a site zoned RA with a building listed on the national register of historic  
 2966 places, additional dwelling units in excess of the maximum density may be allowed under  
 2967 section 34 of this ordinance.

2968                    SECTION 33. Ordinance 10870, Section 341, as amended, and K.C.C.

2969 21A.12.040 are each hereby amended to read as follows:

2970                    A. Densities and dimensions - resource and commercial/industrial zones.

	ZONES	RESOURCE			COMMERCIAL/INDUSTRIAL					
		AGRICULTURE	F O R E S T	M I N E R A L	NEIGHBO RHOOD BUSINESS	COMMUNI TY BUSINESS	REGIONA L BUSINES S	O F F I C E	I N D U S T R I A L	
<b>STANDARD S</b>		<b>A-10</b>	<b>A-35</b>	<b>F</b>	<b>M</b>	<b>NB</b>	<b>CB</b>	<b>RB</b>	<b>O</b>	<b>I</b>
Base Density: Dwelling Unit/Acre <u>(19)</u>		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		10	35	80	10					

Area	acres	acres	acres	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 Surface: Percentage (13)	15% 35% (11)	10% 35% (11)	10% 35% (11)		85%	85%	90%	75%	90%

2971

B. Development conditions.

2972

1. In the RB zone on property located within the Potential Annexation Area of a

2973

rural city, this density is not allowed.

2974

2. These densities are allowed only through the application of mixed-use

2975

development standards and, in the NB zone on property in the urban area designated

2976

commercial outside of center, for stand-alone townhouse development.

2977           3. These densities may only be achieved through the application of residential  
2978 density incentives or transfer of development rights in mixed-use developments and, in  
2979 the NB zone on property in the urban area designated commercial outside of center, for  
2980 stand-alone townhouse development. See K.C.C. chapters 21A.34 and 21A.37.

2981           4.a. In the F zone, scaling stations may be located thirty-five feet from property  
2982 lines. Residences shall have a setback of at least thirty feet from all property lines.

2983           b. for lots between one acre and two and one half acres in size, the setback  
2984 requirements of the R-1 zone shall apply. For lots under one acre, the setback  
2985 requirements of the R-4 zone shall apply.

2986           c. for developments consisting of three or more single-detached dwellings  
2987 located on a single parcel, the setback shall be ten feet along any property line abutting  
2988 R-1 through R-8, RA and UR zones.

2989           5. Gas station pump islands shall be placed no closer than twenty-five feet to  
2990 street front lines.

2991           6. This base height allowed only for mixed-use developments and for stand-  
2992 alone townhouse development in the NB zone on property designated commercial outside  
2993 of center in the urban area.

2994           7. Required on property lines adjoining rural area and residential zones.

2995           8. Required on property lines adjoining rural area and residential zones for  
2996 industrial uses established by conditional use permits.

2997           9. The floor-to-lot ratio for mixed use developments shall conform to K.C.C.  
2998 chapter 21A.14.

2999           10. Height limits may be increased if portions of the structure building that  
3000 exceed the base height limit provide one additional foot of street and interior setback for  
3001 each foot above the base height limit, provided the maximum height may exceed seventy-  
3002 five feet only in mixed use developments. Netting or fencing and support structures for  
3003 the netting or fencing used to contain golf balls in the operation of golf courses or golf  
3004 driving ranges are exempt from the additional interior setback requirement provided that  
3005 the maximum height shall not exceed seventy-five feet.

3006           11. Applicable only to lots containing less than one acre of lot area.  
3007 Development on lots containing less than fifteen thousand square feet of lot area shall be  
3008 governed by impervious surface standards of the nearest comparable R-4 through R-8  
3009 zone.

3010           12. See K.C.C. 21A.22.060 for setback requirements in the mineral zone.

3011           13. The impervious surface area for any lot may be increased beyond the total  
3012 amount permitted in this chapter subject to approval of a conditional use permit.

3013           14. Required on property lines adjoining rural area and residential zones unless  
3014 a stand-alone townhouse development on property designated commercial outside of  
3015 center in the urban area is proposed to be located adjacent to property upon which an  
3016 existing townhouse development is located.

3017           15. Only as provided for walkable communities under K.C.C. 21A.34.040.F.8.  
3018 well-served by transit or for mixed-use development through the application of rural area  
3019 and residential density incentives under K.C.C. 21A.34.040.F.1.g.

3020           16. Only for mixed-use development through the application of residential  
3021 density incentives under K.C.C. chapter 21A.34 or the transfer of development rights

3022 under K.C.C. chapter 21A.37. In the RB zone on property located within the Potential  
3023 Annexation Area of a rural city, this density is not allowed.

3024 17. Only for mixed-use development through the application of residential  
3025 density incentives through the application of residential density incentives under K.C.C.  
3026 chapter 21A.34 or the transfer of development rights under K.C.C. chapter 21A.37.

3027 Upper-level setbacks are required for any facade facing a pedestrian street for any portion  
3028 of the structure greater than forty-five feet in height. The upper level setback shall be at  
3029 least one foot for every two feet of height above forty-five feet, up to a maximum  
3030 required setback of fifteen feet. The first four feet of horizontal projection of decks,  
3031 balconies with open railings, eaves, cornices, and gutters shall be permitted in required  
3032 setbacks. In the RB zone on property located within the Potential Annexation Area of a  
3033 rural city, this density is not allowed.

3034 18. Required on property lines adjoining rural area and residential zones only  
3035 for a social service agency office reusing a residential structure in existence on January 1,  
3036 2010.

3037 19. On a site zoned A with a building designated as a county landmark in  
3038 accordance with the procedures in K.C.C. 20.62.070, additional dwelling units in excess  
3039 of the maximum density may be allowed under section 34 of this ordinance.

3040 NEW SECTION. SECTION 34. There is hereby added to K.C.C. chapter  
3041 21A.12 a new section to read as follows:

3042 On a site zoned A or RA with a building designated as a county landmark in  
3043 accordance with the procedures in K.C.C. 20.62.070, the number of dwelling units

3044 allowed may exceed what would otherwise be allowed under K.C.C. 21A.12.030 as  
3045 follows:

3046 A. All dwelling units shall be located within the historic building; and

3047 B. No more than five dwelling units shall be allowed, subject to approval by the  
3048 historic preservation officer and, where required, review and approval by the landmarks  
3049 commission in accordance with the procedures in K.C.C. 20.62.080.

3050 SECTION 35. Ordinance 10870, Section 357, as amended, and K.C.C.  
3051 21A.12.200 are each hereby amended to read as follows:

3052 When a lot or site is divided by a zone boundary, the following applies:

3053 A. If a lot or site contains both rural area or residential and non-residential  
3054 zoning, the zone boundary between the rural area or residential zone and the non-  
3055 residential zone((s)) shall be considered a lot line for determining permitted building  
3056 height and required setbacks on the site.

3057 B. If a lot or site contains residential zones of varying density:

3058 1. Any residential density transfer within the lot or site shall be allowed if:

3059 a. the density, as a result of moving dwelling units from one lot to another lot  
3060 within a site or across zone lines within a single lot, does not exceed one hundred fifty  
3061 percent of the base density on any of the lots or portions of a lot to which the density is  
3062 transferred;

3063 b. the transfer does not reduce the minimum density achievable on the lot or  
3064 site;

3065 c. the transfer enhances the efficient use of needed infrastructure;



3066 d. the transfer does not result in significant adverse impacts to the low density  
3067 portion of the lot or site;

3068 e. the transfer contributes to preservation of environmentally sensitive areas,  
3069 wildlife corridors, or other natural features; and

3070 f. the transfer does not result in significant adverse impacts to adjoining lower  
3071 density properties;

3072 2. Residential density transfers from one lot to another lot within a site or from  
3073 one portion of a lot to another portion of a lot across a zone line shall not be allowed in  
3074 the RA zone;

3075 3. Residential density transfers shall not be allowed to a lot or portion of a lot  
3076 zone R-1;

3077 4. Compliance with the criteria in this subsection B shall be evaluated during  
3078 review of any development proposals in which such a transfer is proposed; and

3079 5. Residential density transfers from one lot to another lot within a site or from  
3080 one portion of a lot to another portion of a lot across a zone line shall not, in of itself, be  
3081 considered development above the base density for purposes of requiring a conditional  
3082 use permit for apartments or townhouses in the R-1 through R-8 zones.

3083 C. Uses on each portion of the lot shall only be those permitted in each zone in  
3084 accordance with K.C.C. chapter 21A.08.

3085 SECTION 36. Ordinance 10870, Section 364, as amended, and K.C.C.

3086 21A.14.040 are each hereby amended to read as follows:

3087 Residential lot clustering is allowed in the R, UR and RA zones. If residential lot  
3088 clustering is proposed, the following requirements shall be met:

3089           A. In the R zones, any designated open space tract resulting from lot clustering  
3090 shall not be altered or disturbed except as specified on recorded documents creating the  
3091 open space. Open spaces may be retained under ownership by the subdivider, conveyed  
3092 to residents of the development or conveyed to a third party. If access to the open space  
3093 is provided, the access shall be located in a separate tract;

3094           B. In the RA zone:

3095           1. No more than eight lots of less than two and one-half acres shall be allowed  
3096 in a cluster;

3097           2. No more than eight lots of less than two and one-half acres shall be served by  
3098 a single cul-de-sac street;

3099           3. Clusters containing two or more lots of less than two and one-half acres,  
3100 whether in the same or adjacent developments, shall be separated from similar clusters by  
3101 at least one hundred twenty feet;

3102           4. The overall amount, and the individual degree of clustering shall be limited to  
3103 a level that can be adequately served by rural facilities and services, including, but not  
3104 limited to, on-site sewage disposal systems and rural roadways;

3105           5. A fifty-foot Type II landscaping screen, as defined in K.C.C. 21A.16.040,  
3106 shall be provided along the frontage of all public roads when adjoining differing types of  
3107 development such as commercial and industrial uses, between differing types of  
3108 residential development and to screen industrial uses from the street. The planting  
3109 materials shall consist of species that are native to the Puget Sound region. Preservation  
3110 of existing healthy vegetation is encouraged and may be used to augment new plantings  
3111 to meet the requirements of this section;

3112 6. Except as provided in subsection B.7. of this section, open space tracts  
3113 created by clustering in the RA zone shall be designated as permanent open space.  
3114 Acceptable uses within open space tracts are passive recreation, with no development of  
3115 active recreational facilities, natural-surface pedestrian and equestrian foot trails and  
3116 passive recreational facilities(~~((A resource tract created under K.C.C. 16.82.152.E. may  
3117 be considered an open space tract for purposes of this subsection B.6)));~~

3118 7.a. In the RA zone a resource (~~(land)~~) tract may be created through a cluster  
3119 development in lieu of an open space tract. (~~((A resource tract created under K.C.C.  
3120 16.82.152.E. may be considered a resource tract for purposes of this subsection B.7.))~~)  
3121 The resource (~~(land)~~) tract may be used as a working forest or farm if (~~((the following  
3122 provisions are met))~~):

3123 (~~(a. Appropriateness of the)~~) i. The department determines the resource  
3124 (~~(land)~~) tract (~~(for)~~) is suitable for forestry or agriculture (~~((has been determined by the  
3125 county))~~);

3126 (~~(b.)~~) ii. The (~~(subdivider shall prepare)~~) applicant submits a forest  
3127 management plan(~~(;)~~) prepared by a professional forester that (~~((must be reviewed and))~~)  
3128 has been approved by the King County department of natural resources and parks, or a  
3129 farm management plan(~~(, if a plan is required under K.C.C. chapter 21A.30, that must  
3130 be))~~) developed by the King Conservation District. The (~~(criteria for)~~) management (~~((of))~~)  
3131 plan (~~((a resource land tract established through a cluster development in the RA zone  
3132 shall be set forth in a public rule. The criteria))~~) must:

3133 (A) (~~(assure)~~) ensure that forestry or farming will remain as a sustainable use  
3134 of the resource (~~(land)~~) tract and(~~((and, except as otherwise provided for resource tracts~~

3135 ~~created pursuant to K.C.C. 16.82.152.E or G., that structures supportive of forestry and~~  
3136 ~~agriculture may be allowed in the resource land tract. The criteria must also))~~

3137 (B) set impervious surface and clearing limitations and identify the type of  
3138 buildings or structures that will be allowed within the resource ~~((land))~~ tract; and

3139 (C) if critical areas are included in the resource tract, clearly distinguish  
3140 between the primary purpose of the resource portion of tract and the primary purpose of  
3141 the critical area portion of the tract as required under K.C.C. 21A.24.180;

3142 ~~((e-))~~ b. The recorded plat or short plat shall designate the resource ~~((land))~~  
3143 tract as a working forest or farm;

3144 ~~((d-))~~ c. If the applicant conveys the ~~((R))~~ resource ~~((land))~~ tract~~((s that are~~  
3145 ~~conveyed))~~ to residents of the development, the resource tract shall be retained in  
3146 undivided interest by the residents of the subdivision or short subdivision;

3147 ~~((e-))~~ d. A homeowners association shall be established to assure  
3148 implementation of the forest management plan or farm management plan if the resource  
3149 land tract is retained in undivided interest by the residents of the subdivision or short  
3150 subdivision;

3151 ~~((f-))~~ e. The~~((subdivider))~~ applicant shall file a notice with the King County  
3152 department of executive services, records and licensing services division. The required  
3153 contents and form of the notice shall be set forth in a public rule. The notice shall inform  
3154 the property owner or owners that the resource land tract is designated as a working  
3155 forest or farm, that must be managed in accordance with the provisions established in the  
3156 approved forest management plan or farm management plan;

3157            ~~((g.))~~ f. The ~~((subdivider))~~ applicant shall provide to the department proof of  
3158 the approval of the forest management plan or farm management plan and the filing of  
3159 the notice required in subsection ~~((B.7.f.))~~ B.7.g. of this section before recording of the  
3160 final plat or short plat;

3161            ~~((h.))~~ g. The notice shall run with the land; and

3162            ~~((i.))~~ h. Natural-surface pedestrian and equestrian foot trails, passive  
3163 recreation, and passive recreational facilities, with no development of active recreational  
3164 facilities, are allowed uses in resource ~~((land))~~ tracts; and

3165            8. The requirements of subsection B.1., 2., or 3. of this subsection may be  
3166 modified or waived by the director if the property is encumbered by critical areas  
3167 containing habitat for, or there is the presence of, species listed as threatened or  
3168 endangered under the Endangered Species Act when it is necessary to protect the habitat;  
3169 and

3170            C. In the R-1 zone, open space tracts created by clustering required by K.C.C.  
3171 21A.12.030 shall be located and configured to create urban separators and greenbelts as  
3172 required by the comprehensive plan, or subarea plans or open space functional plans, to  
3173 connect and increase protective buffers for critical areas, to connect and protect wildlife  
3174 habitat corridors designated by the comprehensive plan and to connect existing or  
3175 planned public parks or trails. The department may require open space tracts created  
3176 under this subsection to be dedicated to an appropriate managing public agency or  
3177 qualifying private entity such as a nature conservancy. In the absence of such a  
3178 requirement, open space tracts shall be retained in undivided interest by the residents of

3179 the subdivision or short subdivision. A homeowners association shall be established for  
3180 maintenance of the open space tract.

3181 SECTION 37. Ordinance 11621, Section 99, and K.C.C. 21A.14.280 are each  
3182 hereby amended to read as follows:

3183 A. The purpose of the rural industries section is to establish standards for  
3184 industrial (I) zoned development in rural areas. Site and building designs, buffering,  
3185 compatible commercial and industrial uses are required to maintain rural character.

3186 B. The following development standards shall apply to uses locating in the  
3187 industrial (I) zone within the rural area;

3188 1. All uses occurring outside an enclosed building shall be screened from  
3189 adjoining rural residential uses;

3190 2. All buildings shall be set back 50-foot from perimeter streets and from rural  
3191 area and residential ((zoned areas)) zones;

3192 3. The total permitted floor area\lot area ratio shall not exceed 100 percent for a  
3193 development consisting of multiple lots and 125 percent on any individual building lot;

3194 4. The total permitted impervious lot coverage shall not exceed 70 percent for a  
3195 development consisting of multiple lots and 80 percent on any individual building lot;

3196 5. The landscaping standards set forth in K.C.C. 21A.16 are modified as  
3197 follows:

3198 a. 20-foot wide Type II landscaping shall be provided along exterior streets,

3199 b. 20-foot wide Type I landscaping shall be provided along property lines

3200 adjacent to rural residential zoned areas; and

3201 c. 15-foot wide Type II landscaping shall be provided along lines adjacent to  
3202 nonresidential zoned areas.

3203 6. Outdoor lighting shall be focused downward and configured to minimize  
3204 intrusion of light into surrounding rural residential areas;

3205 7. Refuse collection/recycling areas and loading or delivery areas shall be  
3206 located at least 100 feet from rural area and residential ((areas)) zones and screened with  
3207 a solid view obscuring barrier;

3208 8. Off street parking standards shall be no less than one space for every 1000  
3209 square feet of floor area and no greater than one space for every 500 square feet of floor  
3210 area;

3211 9. Sign are allowed as follows:

3212 a. Signs shall not exceed an area of 64 square feet per sign;

3213 b. Pole signs shall not be permitted; and

3214 c. Signs shall not be internally illuminated;

3215 10. The director shall approve building design, materials and color. Buildings  
3216 shall be designed and use accent materials (e.g. wood and brick), non-reflective glass,  
3217 and muted colors to be compatible with rural character; and

3218 11. Building height shall be limited to 40 feet.

3219 SECTION 38. Ordinance 10870, Section 386, as amended, and K.C.C.

3220 21A.16.010 are each hereby amended to read as follows:

3221 The purpose of this chapter is to preserve the aesthetic character of communities;  
3222 to improve the aesthetic quality of the built environment; to promote retention and  
3223 protection of existing vegetation; to promote water efficiency; to promote native wildlife;

3224 to reduce the impacts of development on drainage systems and natural habitats; and to  
3225 increase privacy for rural area and residential zones by:

3226 A. Providing visual relief from large expanses of parking areas and reduction of  
3227 perceived building scale;

3228 B. Providing physical separation between rural area or residential zones and non-  
3229 residential ((~~areas~~) zones;

3230 C. Providing visual screens and barriers as a transition between differing land  
3231 uses;

3232 D. Retaining existing vegetation and significant trees by incorporating them into  
3233 the site design;

3234 E. Providing increased areas of permeable surfaces to allow for:

3235 1. Infiltration of surface water into groundwater resources;

3236 2. Reduction in the quantity of storm water discharge; and

3237 3. Improvement in the quality of storm water discharge;

3238 F. Encouraging the use of native plant species by their retention or use in the  
3239 landscape design;

3240 G. Requiring water use efficiency through water budgeting and efficient  
3241 irrigation design standards;

3242 H. Encouraging the use of a diversity of plant species which promote native  
3243 wildlife habitat.

3244 SECTION 39. Ordinance 11210, Section 12, as amended, and K.C.C.

3245 21A.16.115 are each hereby amended to read as follows:



3246 A. The landscape plan submitted to the department shall be drawn on the same  
3247 base map as the development plans and shall identify the following:

- 3248 1. total landscape area and separate hydrozones,
- 3249 2. Landscape materials botanical/common name and applicable size,
- 3250 3. Property lines,
- 3251 4. Impervious surfaces,
- 3252 5. natural or man-made water features or bodies,
- 3253 6. Existing or proposed structures, fences, and retaining walls,
- 3254 7. Natural features or vegetation left in natural state, and
- 3255 8. Designated recreational open space areas.

3256 B. The proposed landscape plan shall be certified by a Washington State  
3257 ~~((registered))~~ licensed landscape architect~~((, Washington State certified nurseryman, or~~  
3258 ~~Washington State certified landscaper))~~.

3259 C. An affidavit signed by an individual specified in subsection B, certifying that  
3260 the landscaping has been installed consistent with the approved landscaping plan, shall be  
3261 submitted to the department within 30 days of installation completion, unless the installed  
3262 landscaping has been inspected and accepted by the department.

3263 D. The required landscaping shall be installed no later than three months after  
3264 issuance of a certificate of occupancy for the project or project phase. However, the time  
3265 limit for compliance may be extended to allow installation of such required landscaping  
3266 during the next appropriate planting season. A financial guarantee shall be required prior  
3267 to issuance of the certificate of occupancy, if landscaping is not installed and inspected  
3268 prior to occupancy.

3269            SECTION 40. Ordinance 10870, Section 415, as amended, and K.C.C.

3270            21A.18.110 are each hereby amended to read as follows:

3271            A. Off-street parking areas shall not be located more than six hundred feet from  
3272            the building they are required to serve for all uses except those specified as follows;  
3273            where an off-street parking area does not abut the building it serves, the required  
3274            maximum distance shall be measured from the nearest building entrance that the parking  
3275            area serves:

3276            1. For all single detached dwellings the parking spaces shall be located on the  
3277            same lot they are required to serve;

3278            2. For all other residential dwellings at least a portion of parking areas shall be  
3279            located within one hundred fifty feet from the building or buildings they are required to  
3280            serve;

3281            3. For all nonresidential uses permitted in rural area and residential zones, the  
3282            parking spaces shall be located on the site they are required to serve and at least a portion  
3283            of parking areas shall be located within one hundred fifty feet from the nearest building  
3284            entrance they are required to serve;

3285            4. In designated activity, community business and neighborhood business  
3286            centers, parking lots shall be located to the rear or sides of buildings. Relief from this  
3287            subsection A.4 may be granted by the director only if the applicant can demonstrate that  
3288            there is no practical site design to meet this requirement. The director may allow only the  
3289            number of parking spaces that cannot be accommodated to the rear or sides of buildings  
3290            to be located to the front of buildings;

3291 5. Parking lots shall be so arranged as to permit the internal circulation of  
 3292 vehicles between parking aisles without re-entering adjoining public streets; and

3293 6. Parking for the disabled shall be provided in accordance with K.C.C.  
 3294 21A.18.060.

3295 B. The minimum parking space and aisle dimensions for the most common  
 3296 parking angles are shown on the table in this subsection. For parking angles other than  
 3297 those shown on the chart, the minimum parking space and aisle dimensions shall be  
 3298 determined by the director. Regardless of the parking angle, one-way aisles shall be at  
 3299 least ten feet wide, and two-way aisles shall be at least twenty feet wide. If dead-end  
 3300 aisles are used in the parking layout, they shall be constructed as two-way aisles. Parking  
 3301 plans for angle parking shall use space widths no less than eight feet six inches for a  
 3302 standard parking space design and eight feet for a compact car parking space design.

3303

3304 **MINIMUM PARKING STALL AND AISLE DIMENSIONS**

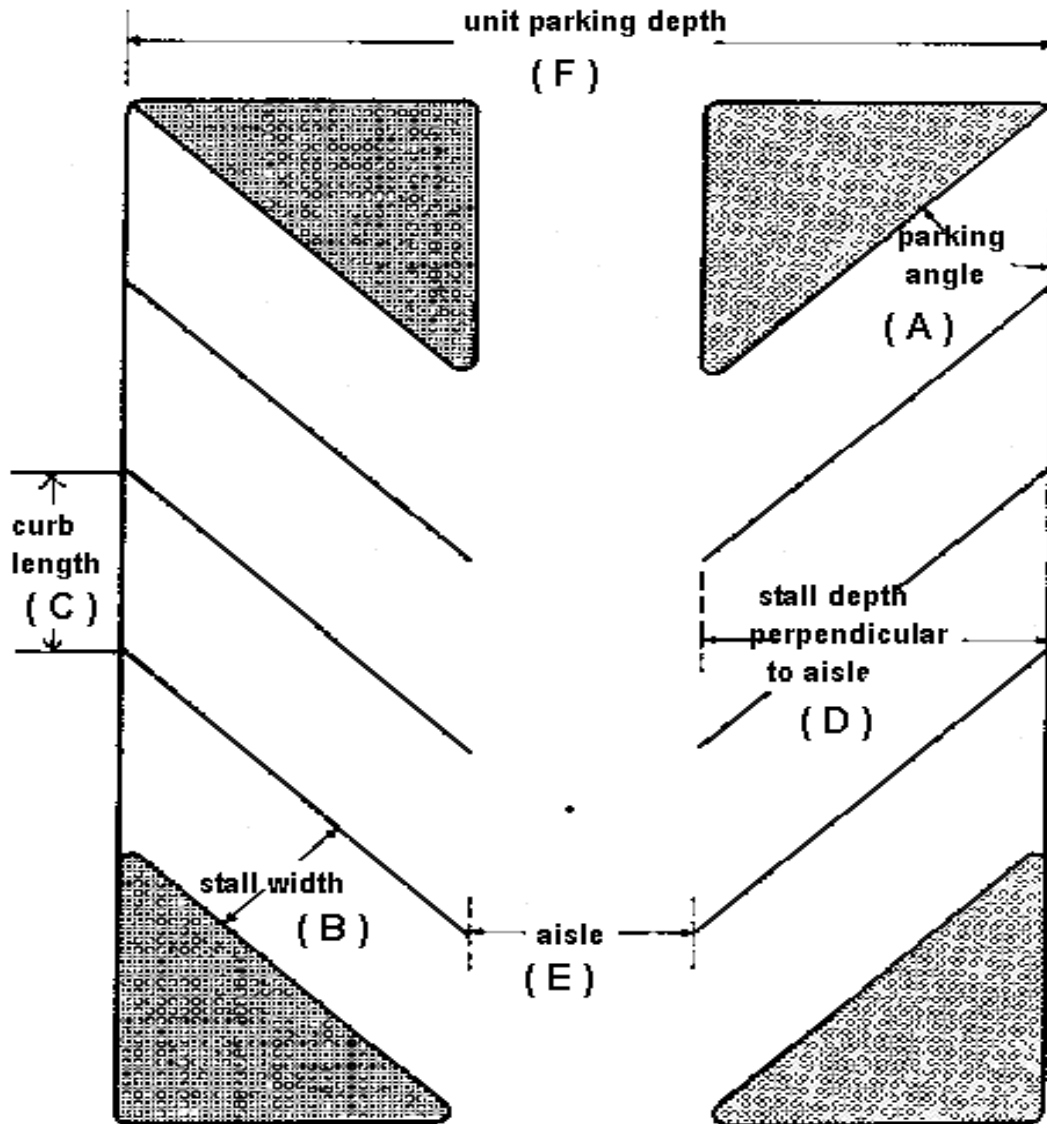
<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
PARKING ANGLE	STALL WIDTH	CURB LENGTH	STALL DEPTH	AISLE WIDTH 1-WAY 2-WAY	UNIT DEPTH 1-WAY 2-WAY
0 0	8.0* Min 8.5 Desired 9.0	20.0* 22.5 22.5	8.0 8.5 9.0	12.0 20.0 12.0 20.0 12.0 20.0	** ** 29.0 37.0 30.0 38.0
30 3 0	8.0* Min 8.5 Desired 9.0	16.0* 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
	8.0*	11.5*	17.0*	12.0 20.0	** **

45	4	Min 8.5	12.0		12.0 20.0	50.0 58.0
		Desired 9.0	12.5		12.0 20.0	51.0 59.0
60	6	8.0*	9.6*	18.0	18.0 20.0	** **
		Min 8.5	10.0	20.0	18.0 20.0	58.0 60.0
		Desired 9.0	10.5	21.0	18.0 20.0	60.0 62.0
90		8.0*	8.0*	16.0*	24.0 24.0	** **
		Min 8.5	8.5	18.0	24.0 24.0	60.0 60.0
		Desired 9.0	9.0	18.0	23.0 24.0	60.0 60.0

3305 \* for compact stalls only

3306 \*\* 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.

3313 D. The parking space depth may be reduced if vehicles overhang a walkway or  
3314 landscaping under the following conditions:

3315 1. Wheelstops or curbs are installed;

3316 2. The remaining walkway provides a minimum of forty-eight inches of  
3317 unimpeded passageway for pedestrians;

3318 3. The amount of space depth reduction is limited to a maximum of eighteen  
3319 inches; and

3320 4. Landscaping is designed in accordance with K.C.C. 21A.16.070.E.

3321 E. Driveways providing ingress and egress between off-street parking areas and  
3322 abutting streets shall be designed, located and constructed in accordance with K.C.C.

3323 chapter 14.42, Road Standards. Driveways for single detached dwellings, no more than  
3324 twenty feet in width, may cross required setbacks or landscaped areas to provide access

3325 between the off-street parking areas and the street, provided no more than fifteen percent  
3326 of the required landscaping or setback area is eliminated by the driveway. Joint use

3327 driveways may be located within required landscaping or setback areas. Driveways for  
3328 all other developments may cross or be located within required setbacks or landscaped

3329 areas to provide access between the off-street parking areas and the street, if no more than  
3330 ten percent of the required landscaping is displaced by the driveway and the driveway is

3331 located no closer than five feet from any property line except where intersecting the  
3332 street.

3333 F. Parking spaces required under this title shall be located as follows:

3334 1. For single detached dwelling units the required parking spaces shall be

3335 outside of any required setbacks or landscaping, but driveways crossing setbacks and

3336 required landscaping may be used for parking. However, if the driveway is a joint use  
3337 driveway, no vehicle parked on the driveway shall obstruct any joint user's access to the  
3338 driveway or parking spaces;

3339           2. For all other developments parking spaces may be permitted by the director  
3340 in setback areas in accordance with an approved landscape plan; and

3341           3. For nonresidential uses in rural area and residential zones, parking is  
3342 permitted in setback areas in accordance with K.C.C. 21A.12.220.

3343           G. Lighting shall be provided for safety of traffic and pedestrian circulation on  
3344 the site. It shall be designed to minimize direct illumination of abutting properties and  
3345 adjacent streets. The director shall have the authority to waive the requirement to provide  
3346 lighting.

3347           H. Tandem or end-to-end parking is allowed in residential developments.  
3348 Apartment or townhouse developments may have tandem parking areas for each dwelling  
3349 unit but shall not combine parking for separate dwelling units in tandem parking areas.

3350           I. All vehicle parking and storage for single detached dwellings must be in a  
3351 garage, carport or on an approved impervious surface. Any impervious surface used for  
3352 vehicle parking or storage must have direct and unobstructed driveway access.

3353           J. The total number of vehicles parked or stored outside of a building on a single  
3354 family lot in the R-1 through R-8 zones, excluding recreational vehicles and trailers, shall  
3355 not exceed six vehicles on lots that are twelve thousand five hundred square feet or less  
3356 and eight vehicles on lots that are greater than twelve thousand five hundred square feet.

3357           K. Vanpool and carpool parking areas shall meet the following minimum design  
3358 standards:

3359           1. A minimum vertical clearance of seven feet three inches shall be provided to  
3360 accommodate van vehicles if designated vanpool and carpool parking spaces are located  
3361 in a parking structure; and

3362           2. A minimum turning radius of twenty-six feet four inches with a minimum  
3363 turning diameter, curb to curb, of fifty-two feet five inches shall be provided from  
3364 parking aisles to adjacent vanpool and carpool parking spaces.

3365           L. Direct access from the street right-of-way to off-street parking areas shall be  
3366 subject to K.C.C. 21A.28.120.

3367           M. No dead-end alley may provide access to more than eight off-street parking  
3368 spaces.

3369           N. Any parking stalls located in enclosed buildings must be totally within the  
3370 enclosed building.

3371           SECTION 41. Ordinance 10870, Section 474, as amended, and K.C.C.  
3372 21A.20.060 are each hereby amended to read as follows:

3373           A. All signs, except billboards, community bulletin boards, community  
3374 identification signs, political signs, real estate signs and special event signs, shall be on-  
3375 premise signs, except that uses located on lots without public street frontage in business,  
3376 office and industrial zones may have one off-premise directional sign of no more than  
3377 sixteen square feet.

3378           B. Fuel price signs shall not be included in sign area or number limitations of  
3379 K.C.C. 21A.20.090, 21A.20.095, 21A.20.100 and 21A.20.110, but only if the signs do  
3380 not exceed twenty square feet per street frontage.



3381 C. Except as otherwise provided in K.C.C. 21A.20.115 and 21A.20.080.A.3,  
3382 projecting and awning signs and signs mounted on the sloping portion of roofs shall not  
3383 be permitted for uses in the Resource, Rural Area, and Residential zones. In other zones,  
3384 projecting and awning signs and signs mounted on the sloping portion of roofs may be  
3385 used in lieu of wall signs, but only if:

- 3386 1. They maintain a minimum clearance of eight feet above finished grade;
- 3387 2. They do not project more than six feet perpendicular from the supporting  
3388 building facade;
- 3389 3. They meet the standards of K.C.C. 21A.20.060.J. if mounted on the roof of a  
3390 building; and
- 3391 4. They shall not exceed the number or size permitted for wall signs in a zone.

3392 D. Changing message center signs, and time and temperature signs, which can be  
3393 a wall or freestanding sign, shall not exceed the size permitted for a wall or freestanding  
3394 sign. Changing message center signs shall be permitted for all uses only in the NB, CB,  
3395 RB, O and I zones and only for elementary, middle, junior, secondary and high schools  
3396 and colleges and universities in the RA zone. Changing message center signs and time  
3397 and temperature signs shall not exceed the maximum sign height permitted in the zone.

3398 E. Directional signs shall not be included in the sign area or number limitation of  
3399 K.C.C. 21A.20.070, 21A.20.095, 21A.20.100 and 21A.20.110, but only if the signs do  
3400 not exceed six square feet in surface area and are limited to one for each entrance or exit  
3401 to surface parking areas or parking structure.

3402 F. Regarding sign illumination and glare:

- 3403 1. Except as otherwise provided in this chapter, all signs may be illuminated;

3404           2. The light source for indirectly illuminated signs shall be no farther away from  
3405 the sign than the height of the sign;

3406           3. Indirectly and directly illuminated signs shall be arranged so that no direct  
3407 rays of light are projected from such artificial source into residences or any street right-  
3408 of-way;

3409           4. Electrical requirements for signs shall be governed by chapter 19.28 RCW  
3410 and WAC 296-46-910; and

3411           5. Signs with an on/off operation shall be permitted only in the CB, RB and I  
3412 zones.

3413           G. Maximum height for wall signs shall not extend above the highest exterior  
3414 wall or structure upon which the sign is located.

3415           H. Maximum height for projecting signs shall not extend above the highest  
3416 exterior wall upon which the projecting sign is located.

3417           I. Maximum height for awning signs shall not extend above the height of the  
3418 awning upon which the awning sign is located.

3419           J. Any sign attached to the sloping surface of a roof shall be installed or erected  
3420 in such a manner that there are no visible support structures, shall appear to be part of the  
3421 building itself, and shall not extend above the roof ridge line of the portion of the roof  
3422 upon which the sign is attached.

3423           K. Except as otherwise permitted by this chapter, off-premise directional signs  
3424 shall not exceed four square feet in sign area.

3425           L. Mixed use developments in the NB, CB, RB or O zones are permitted one  
3426 permanent residential identification sign not exceeding thirty-two square feet in addition

3427 to the maximum sign area requirements in the zone where the mixed use development is  
3428 located.

3429 SECTION 42. Ordinance 10870, Section 433, and K.C.C. 21A.20.130 are each  
3430 hereby amended to read as follows:

3431 A. All billboard alterations or relocations shall comply with the following  
3432 location and design standards:

- 3433 1. Billboards shall only be located on sites zoned CB, RB, or I;
- 3434 2. No more than five billboard faces shall be oriented toward and visible from  
3435 the same direction of travel within one mile of the proposed relocation site as measured  
3436 along the adjacent roadway;
- 3437 3. Billboards shall be located at least 100 feet from any other billboard,  
3438 provided side-by-side, v-type and back-to-back billboard faces shall be considered one  
3439 billboard for purposes of this subsection only;
- 3440 4. The zoning on the opposite side of the street from a proposed relocation site  
3441 must also permit billboards;
- 3442 5. Type II billboards shall be at least 100 feet from ~~((any))~~ rural area and  
3443 residential zones. Type I billboards shall be at least 330 feet from ~~((any))~~ rural area and  
3444 residential zones;
- 3445 6. No billboard shall extend beyond the property line of the billboard site;
- 3446 7. No billboard shall be located more than 100 feet from any adjacent arterial;
- 3447 8. Billboards shall observe the same street setback as all buildings within 50 feet  
3448 of the proposed billboard location;

3449           9. Type I billboard faces shall only be located adjacent to arterials developed  
3450 with at least two primary travel lanes in each direction. In all other locations, billboards  
3451 shall be limited to Type II billboard faces; and

3452           10. No single billboard structure shall support a total of more than two Type I  
3453 billboard faces or the equivalent, and no single billboard structure shall orient more than  
3454 one Type I billboard face or the equivalent in any single direction.

3455           B. Height:

3456           1. Billboards located in the CB or RB zone shall not exceed 15 feet above the  
3457 average height of all buildings within 330 feet of the billboard or 35 feet, whichever is  
3458 less; and

3459           2. Billboards located in the I zone shall not exceed 15 feet above the average  
3460 height of all buildings within 330 feet of the billboard or 45 feet, whichever is less.

3461           SECTION 43. Ordinance 11210, Section 12, as amended, and K.C.C.

3462 21A.22.050 are each hereby amended to read as follows:

3463           A. In addition to the review conducted as part of the annual renewal of a mineral  
3464 extraction operating permit or a materials processing permit, the department shall conduct  
3465 a periodic review of mineral extraction and materials processing operation site design and  
3466 operating standards at five-year intervals.

3467           B. The periodic review is a Type 2 land use decision.

3468           C. The periodic review shall determine:

3469           1. Whether the site is operating consistent with all existing permit conditions;

3470 and

3471 2. ~~((That))~~ Whether the operations are consistent with the scope of the originally  
3472 proposed and approved project.

3473 D. If it is determined that operations are inconsistent with existing permit  
3474 conditions, are outside the scope of the approved project or have created unanticipated  
3475 project generated impacts, the department may:

3476 1. Modify the permit conditions to apply the most current site design and  
3477 operating standards ((are applied to the site through additional or revised permit  
3478 conditions)) as necessary ((to mitigate identifiable environmental impacts));

3479 2. Modify the permit conditions to reflect current operations; or

3480 3. Enforce the original permit conditions under K.C.C. Title 23. (Ord 15032 §  
3481 28, 2004: Ord. 11157 § 21, 1993: Ord. 10870 § 443, 1993).

3482 SECTION 44. Ordinance 15051, Section 137, as amended, and K.C.C.  
3483 21A.24.045 are each hereby amended to read as follows:

3484 A. Within the following seven critical areas and their buffers all alterations are  
3485 allowed if the alteration complies with the development standards, impact avoidance and  
3486 mitigation requirements and other applicable requirements established in this chapter:

3487 1. Critical aquifer recharge area,

3488 2. Coal mine hazard area;

3489 3. Erosion hazard area;

3490 4. Flood hazard area except in the severe channel migration hazard area;

3491 5. Landslide hazard area under forty percent slope;

3492 6. Seismic hazard area; and

3493 7. Volcanic hazard areas.

3494 B. Within the following seven critical areas and their buffers, unless allowed as  
 3495 an alteration exception under K.C.C. 21A.24.070, only the alterations on the table in  
 3496 subsection C. of this section are allowed if the alteration complies with conditions in  
 3497 subsection D. of this section and the development standards, impact avoidance and  
 3498 mitigation requirements and other applicable requirements established in this chapter:

- 3499 1. Severe channel migration hazard area;
- 3500 2. Landslide hazard area over forty percent slope;
- 3501 3. Steep slope hazard area;
- 3502 4. Wetland;
- 3503 5. Aquatic area;
- 3504 6. Wildlife habitat conservation area; and
- 3505 7. Wildlife habitat network.

3506 C. In the following table where an activity is included in more than one activity  
 3507 category, the numbered conditions applicable to the most specific description of the  
 3508 activity governs. Where more than one numbered condition appears for a listed activity,  
 3509 each of the relevant conditions specified for that activity within the given critical area  
 3510 applies. For alterations involving more than one critical area, compliance with the  
 3511 conditions applicable to each critical area is required.

<b>KEY</b>
Letter "A" in a cell means alteration is allowed
A number in a cell means the corresponding numbered condition in subsection D. applies

L	O	S	A	W	B	A	B	C	W	A
A	V	T	N	E	U	Q	U	H	I	N
N	E	E	D	T	F	U	F	A	L	D
D	R	E		L	F	A	F	N	D	
S		P	B	A	E	T	E	N	L	N

"Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network	L	40%	U	N	R	I	R	E	I	E
	I		S	F	D	C		L	F	T
	D	A	L	F			A		E	W
	E	N	O	E	A	A	N	M		O
		D	P	R	N	R	D	I	A	R
	H		E		D	E		G	R	K
	A	B				A	S	R	E	
	Z	U	H				E	A	A	
	A	F	A			A	V	T		
	R	F	Z			N	E	I		
D	E	A			D	R	O			
	R	R				E	N			
		D								
<b>ACTIVITY</b>										
<b>Structures</b>										
Construction of new single detached dwelling unit				A 1	A 2					
Construction of a new tree-supported structure				A 64	A 64			A 64		
Construction of nonresidential structure				A 3	A 3			A 3, 4		
Maintenance or repair of existing structure	A 5	A	A	A	A			A 4		
Expansion or replacement of existing structure	A 5, 7	A 5, 7	A 7, 8	A 7, 8	A 6, 7, 8			A 4, 7		
Interior remodeling	A	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		
<b>Grading</b>										
Grading			A 13		A 14			A 4, 14		
Construction of new slope stabilization	A 15	A 15	A 15	A 15	A 15			A 4, 15		
Maintenance of existing slope stabilization	A 16	A 13	A 17	A 17	A 16, 17			A 4		
Mineral extraction	A	A								
<b>Clearing</b>										
Clearing	A 18	A 18((7 49))	A 18, 20	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
<b>Forest Practices</b>					
((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))
<b>Roads</b>					
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	A 28	A 28	A 28	A 28
Construction of farm field access drive	A 29	A 29	A 29	A 29	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	A 39	A 39	A 39	A 39
<b>Bridges or culverts</b>					
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
<b>Utilities and other infrastructure</b>					
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
Maintenance, repair or replacement of existing surface water conveyance system	A 33	A 33	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 existing instream structure	A 16	A	A	A	A 4
<b>Recreation</b>					
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
<b>Habitat, education and science projects</b>					

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
<b>Agriculture</b>					
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
Construction of a livestock heavy use area			<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)) <u>a farm pad</u>			A <u>56</u>	A 56	
Construction of agricultural drainage			A 57	A 57	A 4, 57
Maintenance 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
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
<b>Other</b>					
Shoreline water dependent or shoreline water oriented use				A 65	
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	A 59	A 59	A 59	A 59
Maintenance of golf course	A 17	A 17	A 17	A 17	A 4, 17

3512 D. The following alteration conditions apply:

3513 1. Limited to farm residences in grazed or tilled wet meadows and subject to the

3514 limitations of subsection D.3. of this section.

3515           2. Allowed in a buffer of a lake that is twenty acres or larger on a lot that was  
3516 created before January 1, 2005, if:

3517           a. at least seventy-five percent of the lots abutting the shoreline of the lake or  
3518 seventy-five percent of the lake frontage, whichever constitutes the most developable  
3519 lake frontage, has existing density of four dwelling units per acre or more;

3520           b. the development proposal, including mitigation required by this chapter, will  
3521 have the least adverse impact on the critical area;

3522           c. existing native vegetation within the critical area buffer will remain  
3523 undisturbed except as necessary to accommodate the development proposal and required  
3524 building setbacks;

3525           d. access is located to have the least adverse impact on the critical area and  
3526 critical area buffer;

3527           e. the alteration is the minimum necessary to accommodate the development  
3528 proposal and in no case in excess of a development footprint of five thousand square feet;

3529           f. the alteration is no closer than twenty-five feet of the ordinary high water  
3530 mark of the lake shoreline; and

3531           g. to the maximum extent practical, alterations are mitigated on the  
3532 development proposal site by enhancing or restoring remaining critical area buffers.

3533           3. Limited to nonresidential farm-structures in grazed or tilled wet meadows or  
3534 buffers of wetlands or aquatic areas where:

3535           a. the site is predominantly used for the practice of agriculture;

3536           b. the structure is in compliance with an approved farm management plan in  
3537 accordance with K.C.C. 21A.24.051;

3538 c. the structure is either:

3539 (1) on or adjacent to existing nonresidential impervious surface areas,

3540 additional impervious surface area is not created waterward of any existing impervious

3541 surface areas and the area was not used for crop production;

3542 (2) higher in elevation and no closer to the critical area than its existing

3543 position; or

3544 (3) at a location away from existing impervious surface areas that is

3545 determined to be the optimum site in the farm management plan;

3546 d. all best management practices associated with the structure specified in the

3547 farm management plan are installed and maintained;

3548 e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not

3549 require the development of a farm management plan if required best management

3550 practices are followed and the installation does not require clearing of critical areas or

3551 their buffers; and

3552 f. in a severe channel migration hazard area portion of an aquatic buffer only

3553 if:

3554 (1) there is no feasible alternative location on-site;

3555 (2) the structure is located where it is least subject to risk from channel

3556 migration;

3557 (3) the structure is not used to house animals or store hazardous substances;

3558 and

3559 (4) the total footprint of all accessory structures within the severe channel  
3560 migration hazard area will not exceed the greater of one thousand square feet or two  
3561 percent of the severe channel migration hazard area on the site.

3562 4. ~~((Allowed if n))~~ No clearing, external construction or other disturbance in a  
3563 wildlife habitat conservation area ~~((occurs))~~ is allowed during breeding seasons  
3564 established under K.C.C. 21A.24.382.

3565 5. Allowed for structures when:

- 3566 a. the landslide hazard poses little or no risk of injury;
- 3567 b. the risk of landsliding is low; and
- 3568 c. there is not an expansion of the structure.

3569 6. Within a severe channel migration hazard area allowed for:

3570 a. existing legally established primary structures if:

- 3571 (1) there is not an increase of the footprint of any existing structure; and
- 3572 (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270;

3573 and

3574 b. existing legally established accessory structures if:

- 3575 (1) additions to the footprint will not make the total footprint of all existing  
3576 structures more than one-thousand square feet; and
- 3577 (2) there is not an expansion of the footprint towards any source of channel

3578 migration hazard, unless the applicant demonstrates that the location is less subject to risk  
3579 and has less impact on the critical area.

3580 7. Allowed only in grazed wet meadows or the buffer or building setback  
3581 outside a severe channel migration hazard area if:

3582           a. the expansion or replacement does not increase the footprint of a  
3583 nonresidential structure;

3584           b.(1) for a legally established dwelling unit, the expansion or replacement,  
3585 including any expansion of a legally established accessory structure allowed under this  
3586 subsection B.7.b., does not increase the footprint of the dwelling unit and all other  
3587 structures by more than one thousand square feet, not including any expansion of a  
3588 drainfield made necessary by the expansion of the dwelling unit. To the maximum extent  
3589 practical, the replacement or expansion of a drainfield in the buffer should be located  
3590 within areas of existing lawn or landscaping, unless another location will have a lesser  
3591 impact on the critical area and its buffer;

3592           (2) for a structure accessory to a dwelling unit, the expansion or replacement  
3593 is located on or adjacent to existing impervious surface areas and does not result in a  
3594 cumulative increase in the footprint of the accessory structure and the dwelling unit by  
3595 more than one thousand square feet;

3596           (3) the location of the expansion has the least adverse impact on the critical  
3597 area; and

3598           (4) a comparable area of degraded buffer area shall be enhanced through  
3599 removal of nonnative plants and replacement with native vegetation in accordance with  
3600 an approved landscaping plan;

3601           c. the structure was not established as the result of an alteration exception,  
3602 variance, buffer averaging or reasonable use exception; and

3603 d. to the maximum extent practical, the expansion or replacement is not  
3604 located closer to the critical area or within the relic of a channel that can be connected to  
3605 an aquatic area.

3606 8. Allowed upon another portion of an existing impervious surface outside a  
3607 severe channel migration hazard area if:

3608 a. except as otherwise allowed under subsection D.7. of this section, the  
3609 structure is not located closer to the critical area;

3610 b. except as otherwise allowed under subsection D.7. of this section, the  
3611 existing impervious surface within the critical area or buffer is not expanded; and

3612 c. the degraded buffer area is enhanced through removal of nonnative plants  
3613 and replacement with native vegetation in accordance with an approved landscaping plan.

3614 9. Limited to piers or seasonal floating docks in a category II, III or IV wetland  
3615 or its buffer or along a lake shoreline or its buffer where:

3616 a. the vegetation where the alteration is proposed does not consist of dominant  
3617 native wetland herbaceous or woody vegetation six feet in width or greater and the lack  
3618 of this vegetation is not the result of any violation of law;

3619 b. the wetland or lake shoreline is not a salmonid spawning area;

3620 c. hazardous substances or toxic materials are not used; and

3621 d. if located in a freshwater lake, the pier or dock conforms to the standards for  
3622 docks under K.C.C. 21A.25.180.

3623 10. Allowed on type N or O aquatic areas if hazardous substances or toxic  
3624 materials are not used.

- 3625           11. Allowed on type S or F aquatic areas outside of the severe channel  
3626 migration hazard area if in compliance with K.C.C. 21A.25.180.
- 3627           12. When located on a lake, must be in compliance with K.C.C. 21A.25.180.
- 3628           13. Limited to regrading and stabilizing of a slope formed as a result of a legal  
3629 grading activity.
- 3630           14. The following are allowed in the severe channel migration hazard area if  
3631 conducted more than one hundred sixty-five feet from the ordinary high water mark in  
3632 the rural area and one-hundred fifteen feet from the ordinary high water mark in the  
3633 urban area:
- 3634           a. grading of up to fifty cubic yards on lot less than five acres; and  
3635           b. clearing of up to one-thousand square feet or up to a cumulative thirty-five  
3636 percent of the severe channel migration hazard area.
- 3637           15. Only where erosion or landsliding threatens a structure, utility facility,  
3638 roadway, driveway, public trails, aquatic area or wetland if, to the maximum extent  
3639 practical, stabilization work does not disturb the slope and its vegetative cover and any  
3640 associated critical areas.
- 3641           16. Allowed when performed by, at the direction of or authorized by a  
3642 government agency in accordance with regional road maintenance guidelines.
- 3643           17. Allowed when not performed under the direction of a government agency  
3644 only if:
- 3645           a. the new construction, maintenance or expansion does not involve the use of  
3646 herbicides, hazardous substances, sealants or other liquid oily substances in aquatic areas,  
3647 wetlands or their buffers; and



3648                   b. when maintenance, expansion or replacement of bridges or culverts involves  
3649 water used by salmonids:

3650                   (1) the work is in compliance with ditch standards in public rule; and

3651                   (2) the maintenance of culverts is limited to removal of sediment and debris  
3652 from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or  
3653 damaged bank or channel immediately adjacent to the culvert and shall not involve the  
3654 excavation of a new sediment trap adjacent to the inlet.

3655                   18. Allowed for the removal of hazard trees and vegetation as necessary for  
3656 surveying or testing purposes.

3657                   19. The limited trimming, ~~((and))~~ pruning or removal of vegetation under a  
3658 vegetation management plan approved by the department:

3659                   a. in steep slope and landslide hazard areas, for the making and maintenance of  
3660 view corridors; and ~~((or))~~

3661                   b. in all critical areas, for habitat enhancement, invasive species control or  
3662 forest management activities ~~((under a vegetation management plan approved by the~~  
3663 ~~department, if the soils are not disturbed and the activity will not adversely affect the long~~  
3664 ~~term slope stability or water quality or cause erosion. The vegetation management plan~~  
3665 ~~shall use native species with adequate root strength to add stability to a steep slope))~~.

3666                   20. Harvesting of plants and plant materials, such as plugs, stakes, seeds or  
3667 fruits, for restoration and enhancement projects is allowed.

3668                   21. Cutting of firewood is subject to the following:

3669                   a. within a wildlife habitat conservation area, cutting firewood is not allowed;

3670           b. within a wildlife network, cutting shall be in accordance with a management  
3671 plan approved under K.C.C. 21A.24.386; and

3672           c. within a critical area buffer, cutting shall be for personal use and in  
3673 accordance with an approved forest management plan or rural stewardship plan.

3674           22. Allowed only in buffers if in accordance with best management practices  
3675 approved by the King County fire marshal.

3676           23. Allowed as follows:

3677           a. if conducted in accordance with an approved forest management plan, farm  
3678 management plan or rural stewardship plan; or

3679           b. without an approved forest management plan, farm management plan or  
3680 rural stewardship plan, only if:

3681           (1) removal is undertaken with hand labor, including hand-held mechanical  
3682 tools, unless the King County noxious weed control board otherwise prescribes the use of  
3683 riding mowers, light mechanical cultivating equipment or herbicides or biological control  
3684 methods;

3685           (2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;

3686           (3) the cleared area is revegetated with native vegetation and stabilized  
3687 against erosion; and

3688           (4) herbicide use is in accordance with federal and state law;

3689           24. ~~((Only if in accordance with chapter 76.09 RCW and Title 222 WAC and:~~

3690           ~~a. a forest management plan is approved for the site by the King County~~

3691 ~~department of natural resources and parks; and~~

3692 ~~b. the property owner provides a notice of intent in accordance with RCW~~  
3693 ~~76.09.060 that the site will not be converted to nonforestry uses within six years))~~  
3694 Allowed to repair or replace existing on site wastewater disposal systems in accordance  
3695 with the applicable public health standards within Marine Recovery Areas adopted by the  
3696 Seattle King County Board of Health and:

3697 a. there is no alternative location available with less impact on the critical area;  
3698 b. impacts to the critical area are minimized to the maximum extent practicable;  
3699 c. the alterations will not subject the critical area to increased risk of landslide  
3700 or erosion;

3701 d. vegetation removal is the minimum necessary to accommodate the septic  
3702 system; and

3703 e. significant risk of personal injury is eliminated or minimized in the landslide  
3704 hazard area.

3705 25. Only if in compliance with published Washington state Department of Fish  
3706 and Wildlife and Washington state Department of Natural Resources Management  
3707 standards for the species. If there are no published Washington state standards, only if in  
3708 compliance with management standards determined by the county to be consistent with  
3709 best available science.

3710 26. Allowed only if:

3711 a. there is not another feasible location with less adverse impact on the critical  
3712 area and its buffer;

3713                   b. the corridor is not located over habitat used for salmonid rearing or  
3714 spawning or by a species listed as endangered or threatened by the state or federal  
3715 government unless the department determines that there is no other feasible crossing site.

3716                   c. the corridor width is minimized to the maximum extent practical;

3717                   d. the construction occurs during approved periods for instream work;

3718                   e. the corridor will not change or diminish the overall aquatic area flow peaks,  
3719 duration or volume or the flood storage capacity; and

3720                   f. no new public right-of-way is established within a severe channel migration  
3721 hazard area.

3722                   27. To the maximum extent practical, during breeding season established under  
3723 K.C.C. 21A.24.382, land clearing machinery such as bulldozers, graders or other heavy  
3724 equipment are not operated within a wildlife habitat conservation area.

3725                   28. Allowed only if:

3726                   a. an alternative access is not available;

3727                   b. impact to the critical area is minimized to the maximum extent practical  
3728 including the use of walls to limit the amount of cut and fill necessary;

3729                   c. the risk associated with landslide and erosion is minimized;

3730                   d. access is located where it is least subject to risk from channel migration; and

3731                   e. construction occurs during approved periods for instream work.

3732                   29. Only if in compliance with a farm management plan in accordance with  
3733 K.C.C. 21A.24.051.

3734                   30. Allowed only if:

3735 a. the new construction or replacement is made fish passable in accordance  
3736 with the most recent Washington state Department of Fish and Wildlife manuals or with  
3737 the National Marine and Fisheries Services guidelines for federally listed salmonid  
3738 species; and

3739 b. the site is restored with appropriate native vegetation.

3740 31. Allowed if necessary to bring the bridge or culvert up to current standards  
3741 and if:

3742 a. there is not another feasible alternative available with less impact on the  
3743 aquatic area and its buffer; and

3744 b. to the maximum extent practical, the bridge or culvert is located to minimize  
3745 impacts to the aquatic area and its buffer's.

3746 32. Allowed in an existing roadway if conducted consistent with the regional  
3747 road maintenance guidelines.

3748 33. Allowed outside the roadway if:

3749 a. the alterations will not subject the critical area to an increased risk of  
3750 landslide or erosion;

3751 b. vegetation removal is the minimum necessary to locate the utility or  
3752 construct the corridor; and

3753 c. significant risk of personal injury is eliminated or minimized in the landslide  
3754 hazard area.

3755 34. Limited to the pipelines, cables, wires and support structures of utility  
3756 facilities within utility corridors if:

3757 a. there is no alternative location with less adverse impact on the critical area  
3758 and critical area buffer;

3759 b. new utility corridors meet the all of the following to the maximum extent  
3760 practical:

3761 (1) are not located over habitat used for salmonid rearing or spawning or by a  
3762 species listed as endangered or threatened by the state or federal government unless the  
3763 department determines that there is no other feasible crossing site;

3764 (2) the mean annual flow rate is less than twenty cubic feet per second; and

3765 (3) paralleling the channel or following a down-valley route near the channel  
3766 is avoided;

3767 c. to the maximum extent practical utility corridors are located so that:

3768 (1) the width is the minimized;

3769 (2) the removal of trees greater than twelve inches diameter at breast height is  
3770 minimized;

3771 (3) an additional, contiguous and undisturbed critical area buffer, equal in  
3772 area to the disturbed critical area buffer area including any allowed maintenance roads, is  
3773 provided to protect the critical area;

3774 d. to the maximum extent practical, access for maintenance is at limited access  
3775 points into the critical area buffer rather than by a parallel maintenance road. If a parallel  
3776 maintenance road is necessary the following standards are met:

3777 (1) to the maximum extent practical the width of the maintenance road is  
3778 minimized and in no event greater than fifteen feet; and

3779                   (2) the location of the maintenance road is contiguous to the utility corridor  
3780 on the side of the utility corridor farthest from the critical area;

3781                   e. the utility corridor or facility will not adversely impact the overall critical  
3782 area hydrology or diminish flood storage capacity;

3783                   f. the construction occurs during approved periods for instream work;

3784                   g. the utility corridor serves multiple purposes and properties to the maximum  
3785 extent practical;

3786                   h. bridges or other construction techniques that do not disturb the critical areas  
3787 are used to the maximum extent practical;

3788                   i. bored, drilled or other trenchless crossing is laterally constructed at least four  
3789 feet below the maximum depth of scour for the base flood;

3790                   j. bridge piers or abutments for bridge crossing are not placed within the  
3791 FEMA floodway or the ordinary high water mark;

3792                   k. open trenching is only used during low flow periods or only within aquatic  
3793 areas when they are dry. The department may approve open trenching of type S or F  
3794 aquatic areas only if there is not a feasible alternative and equivalent or greater  
3795 environmental protection can be achieved; and

3796                   l. minor communication facilities may collocate on existing utility facilities if:  
3797                   (1) no new transmission support structure is required; and  
3798                   (2) equipment cabinets are located on the transmission support structure.

3799                   35. Allowed only for new utility facilities in existing utility corridors.

3800 36. Allowed for on site private individual utility service connections (~~(on site)~~)  
3801 or (~~(to)~~) private or public utilities if the disturbed area is not expanded and no hazardous  
3802 substances, pesticides or fertilizers are applied.

3803 37. Allowed if the disturbed area is not expanded, clearing is limited to the  
3804 maximum extent practical and no hazardous substances, pesticides or fertilizers are  
3805 applied.

3806 38. Allowed if:

3807 a. conveying the surface water into the wetland or aquatic area buffer and  
3808 discharging into the wetland or aquatic area buffer or at the wetland or aquatic area edge  
3809 has less adverse impact upon the wetland or aquatic area or wetland or aquatic area buffer  
3810 than if the surface water were discharged at the buffer's edge and allowed to naturally  
3811 drain through the buffer;

3812 b. the volume of discharge is minimized through application of low impact  
3813 development and water quality measures identified in the King County Surface Water  
3814 Design Manual;

3815 c. the conveyance and outfall are installed with hand equipment where  
3816 feasible;

3817 d. the outfall shall include bioengineering techniques where feasible; and

3818 e. the outfall is designed to minimize adverse impacts to critical areas.

3819 39. Allowed only if:

3820 a. there is no feasible alternative with less impact on the critical area and its  
3821 buffer;



3822           b. to the maximum extent practical, the bridge or culvert is located to minimize  
3823 impacts to the critical area and its buffer;

3824           c. the bridge or culvert is not located over habitat used for salmonid rearing or  
3825 spawning unless there is no other feasible crossing site;

3826           d. construction occurs during approved periods for in-stream work; and

3827           e. bridge piers or abutments for bridge crossings are not placed within the  
3828 FEMA floodway, severe channel migration hazard area or waterward of the ordinary high  
3829 water mark.

3830           40. Allowed for an open, vegetated stormwater management conveyance system  
3831 and outfall structure that simulates natural conditions if:

3832           a. fish habitat features necessary for feeding, cover and reproduction are  
3833 included when appropriate;

3834           b. vegetation is maintained and added adjacent to all open channels and ponds,  
3835 if necessary to prevent erosion, filter out sediments or shade the water; and

3836           c. bioengineering techniques are used to the maximum extent practical.

3837           41. Allowed for a closed, tightlined conveyance system and outfall structure if:

3838           a. necessary to avoid erosion of slopes; and

3839           b. bioengineering techniques are used to the maximum extent practical.

3840           42. Allowed in a severe channel migration hazard area or an aquatic area buffer  
3841 to prevent bank erosion only:

3842           a. if consistent with the Integrated Streambank Protection Guidelines

3843 (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering

3844 techniques are used to the maximum extent practical, unless the applicant demonstrates  
3845 that other methods provide equivalent structural stabilization and environmental function;

3846           b. based on a critical areas report, the department determines that the new  
3847 flood protection facility will not cause significant impacts to upstream or downstream  
3848 properties; and

3849           c. to prevent bank erosion for the protection of:

3850           (1) public roadways;

3851           (2) sole access routes in existence before February 16, 1995;

3852           (3) new primary dwelling units, accessory dwelling units or accessory living  
3853 quarters and residential accessory structures located outside the severe channel migration  
3854 hazard area if:

3855           (a) the site is adjacent to or abutted by properties on both sides containing  
3856 buildings or sole access routes protected by legal bank stabilization in existence before  
3857 February 16, 1995. The buildings, sole access routes or bank stabilization must be  
3858 located no more than six hundred feet apart as measured parallel to the migrating  
3859 channel; and

3860           (b) the new primary dwelling units, accessory dwelling units, accessory  
3861 living quarters or residential accessory structures are located no closer to the aquatic area  
3862 than existing primary dwelling units, accessory dwelling units, accessory living quarters  
3863 or residential accessory structures on abutting or adjacent properties; or

3864           (4) existing primary dwelling units, accessory dwelling units, accessory living  
3865 quarters or residential accessory structures if:

3866 (a) the structure was in existence before the adoption date of a King County  
3867 Channel Migration Zone hazard map that applies to that channel, if such a map exists;

3868 (b) the structure is in imminent danger, as determined by a geologist,  
3869 engineering geologist or geotechnical engineer;

3870 (c) the applicant has demonstrated that the existing structure is at risk, and  
3871 the structure and supporting infrastructure cannot be relocated on the lot further from the  
3872 source of channel migration; and

3873 (d) nonstructural measures are not feasible.

3874 43. Applies to lawfully established existing structures if:

3875 a. the height of the facility is not increased, unless the facility is being replaced  
3876 in a new alignment that is landward of the previous alignment and enhances aquatic area  
3877 habitat and process;

3878 b. the linear length of the facility is not increased, unless the facility is being  
3879 replaced in a new alignment that is landward of the previous alignment and enhances  
3880 aquatic area habitat and process;

3881 c. the footprint of the facility is not expanded waterward;

3882 d. consistent with the Integrated Streambank Protection Guidelines  
3883 (Washington State Aquatic Habitat Guidelines Program, 2002) and bioengineering  
3884 techniques are used to the maximum extent practical;

3885 e. the site is restored with appropriate native vegetation and erosion protection  
3886 materials; and

3887 f. based on a critical areas report, the department determines that the  
3888 maintenance, repair, replacement or construction will not cause significant impacts to  
3889 upstream or downstream properties.

3890 44. Allowed in type N and O aquatic areas if done in least impacting way at  
3891 least impacting time of year, in conformance with applicable best management practices,  
3892 and all affected instream and buffer features are restored.

3893 45. Allowed in a type S or F water when such work is:

3894 a. included as part of a project to evaluate, restore or improve habitat, and

3895 b. sponsored or cosponsored by a public agency that has natural resource  
3896 management as a function or by a federally recognized tribe.

3897 46. Allowed as long as the trail is not constructed of impervious surfaces that  
3898 will contribute to surface water run-off, unless the construction is necessary for soil  
3899 stabilization or soil erosion prevention or unless the trail system is specifically designed  
3900 and intended to be accessible to handicapped persons.

3901 47. Not allowed in a wildlife habitat conservation area. Otherwise, allowed in  
3902 the buffer or for crossing a category II, III or IV wetland or a type F, N or O aquatic area,  
3903 if:

3904 a. the trail surface is made of pervious materials, except that public  
3905 multipurpose trails may be made of impervious materials if they meet all the  
3906 requirements in K.C.C. chapter 9.12. A trail that crosses a wetland or aquatic area shall  
3907 be constructed as a raised boardwalk or bridge;

3908 b. to the maximum extent practical, buffers are expanded equal to the width of  
3909 the trail corridor including disturbed areas;

- 3910 c. there is not another feasible location with less adverse impact on the critical  
3911 area and its buffer;
- 3912 d. the trail is not located over habitat used for salmonid rearing or spawning or  
3913 by a species listed as endangered or threatened by the state or federal government unless  
3914 the department determines that there is no other feasible crossing site;
- 3915 e. the trail width is minimized to the maximum extent practical;
- 3916 f. the construction occurs during approved periods for instream work; and
- 3917 g. the trail corridor will not change or diminish the overall aquatic area flow  
3918 peaks, duration or volume or the flood storage capacity.
- 3919 h. the trail may be located across a critical area buffer for access to a viewing  
3920 platform or to a permitted dock or pier;
- 3921 i. A private viewing platform may be allowed if it is:
- 3922 (1) located upland from the wetland edge or the ordinary high water mark of  
3923 an aquatic area;
- 3924 (2) located where it will not be detrimental to the functions of the wetland or  
3925 aquatic area and will have the least adverse environmental impact on the critical area or  
3926 its buffer;
- 3927 (3) limited to fifty square feet in size;
- 3928 (4) constructed of materials that are nontoxic; and
- 3929 (5) on footings located outside of the wetland or aquatic area.
- 3930 48. Only if the maintenance:
- 3931 a. does not involve the use of herbicides or other hazardous substances except  
3932 for the removal of noxious weeds or invasive vegetation;

3933                   b. when salmonids are present, the maintenance is in compliance with ditch  
3934 standards in public rule; and

3935                   c. does not involve any expansion of the roadway, lawn, landscaping, ditch,  
3936 culvert, engineered slope or other improved area being maintained.

3937                   49. Limited to alterations to restore habitat forming processes or directly restore  
3938 habitat function and value, including access for construction, as follows:

3939                   a. projects sponsored or cosponsored by a public agency that has natural  
3940 resource management as a primary function or by a federally recognized tribe;

3941                   b. restoration and enhancement plans prepared by a qualified biologist; or

3942                   c. conducted in accordance with an approved forest management plan, farm  
3943 management plan or rural stewardship plan.

3944                   50. Allowed in accordance with a scientific sampling permit issued by  
3945 Washington state Department of Fish and Wildlife or an incidental take permit issued  
3946 under Section 10 of the Endangered Species Act.

3947                   51. Allowed for the minimal clearing and grading, including site access,  
3948 necessary to prepare critical area reports.

3949                   52. The following are allowed if associated spoils are contained:

3950                   a. data collection and research if carried out to the maximum extent practical  
3951 by nonmechanical or hand-held equipment;

3952                   b. survey monument placement;

3953                   c. site exploration and gage installation if performed in accordance with state-  
3954 approved sampling protocols and accomplished to the maximum extent practical by  
3955 hand-held equipment and; or similar work associated with an incidental take permit

3956 issued under Section 10 of the Endangered Species Act or consultation under Section 7 of  
3957 the Endangered Species Act.

3958           53. Limited to activities in continuous existence since January 1, 2005, with no  
3959 expansion within the critical area or critical area buffer. "Continuous existence" includes  
3960 cyclical operations and managed periods of soil restoration, enhancement or other fallow  
3961 states associated with these horticultural and agricultural activities.

3962           54. Allowed for expansion of existing or new agricultural activities where:

3963           a. the site is predominantly involved in the practice of agriculture;

3964           b. there is no expansion into an area that:

3965           (1) has been cleared under a class I, II, III(~~(;))~~ or IV-S (~~(or nonconversion IV-~~  
3966 ~~G))~~) forest practice permit; or

3967           (2) is more than ten thousand square feet with tree cover at a uniform density  
3968 more than ninety trees per acre and with the predominant mainstream diameter of the  
3969 trees at least four inches diameter at breast height, not including areas that are actively  
3970 managed as agricultural crops for pulpwood, Christmas trees or ornamental nursery  
3971 stock;

3972           c. the activities are in compliance with an approved farm management plan in  
3973 accordance with K.C.C. 21A.24.051; and

3974           d. all best management practices associated with the activities specified in the  
3975 farm management plan are installed and maintained.

3976           55. Only allowed in grazed or tilled wet meadows or their buffers if:

3977 a. the facilities are designed to the standards of an approved farm management  
3978 plan in accordance K.C.C. 21A.24.051 or an approved livestock management plan in  
3979 accordance with K.C.C. chapter 21A.30;

3980 b. there is not a feasible alternative location available on the site; and

3981 c. the facilities are located close to the outside edge of the buffer to the  
3982 maximum extent practical.

3983 56. Only ((A))allowed in a severe channel migration hazard area, ~~((portion of an~~  
3984 ~~aquatic area))~~ grazed or tilled wet meadow or wet meadow buffer or aquatic area buffer  
3985 and only if:

3986 a. ~~((the facilities are designed to the standards in an approved farm~~  
3987 ~~management plan in accordance with K.C.C. 21A.24.051))~~ the applicant demonstrates  
3988 that adverse impacts to the critical area and critical area buffers have been minimized;

3989 b. ~~((there is not a feasible alternative location available on the site))~~ there is not  
3990 another feasible location available on the site that is located outside of the critical area or  
3991 critical area buffer; and

3992 c. for proposals located in the severe channel migration hazard area, the  
3993 ~~((structure))~~ farm pad or livestock manure storage facility is located where it is least  
3994 subject to risk from channel migration.

3995 57. Allowed for new agricultural drainage in compliance with an approved farm  
3996 management plan in accordance with K.C.C. 21A.24.051 and all best management  
3997 practices associated with the activities specified in the farm management plan are  
3998 installed and maintained.



3999           58. If the agricultural drainage is used by salmonids, maintenance shall be in  
4000 compliance with an approved farm management plan in accordance with K.C.C.  
4001 21A.24.051.

4002           59. Allowed within existing landscaped areas or other previously disturbed  
4003 areas.

4004           60. Allowed for residential utility service distribution lines to residential  
4005 dwellings, including, but not limited to, well water conveyance, septic system  
4006 conveyance, water service, sewer service, natural gas, electrical, cable and telephone, if:

4007           a. there is no alternative location with less adverse impact on the critical area  
4008 or the critical area buffer;

4009           b. the residential utility service distribution lines meet the all of the following,  
4010 to the maximum extent practical:

4011           (1) are not located over habitat used for salmonid rearing or spawning or by a  
4012 species listed as endangered or threatened by the state or federal government unless the  
4013 department determines that there is no other feasible crossing site;

4014           (2) not located over a type S aquatic area;

4015           (3) paralleling the channel or following a down-valley route near the channel  
4016 is avoided;

4017           (4) the width of clearing is minimized;

4018           (5) the removal of trees greater than twelve inches diameter at breast height is  
4019 minimized;

4020           (6) an additional, contiguous and undisturbed critical area buffer, equal in  
4021 area to the disturbed critical area buffer area is provided to protect the critical area;

4022 (7) access for maintenance is at limited access points into the critical area  
4023 buffer.

4024 (8) the construction occurs during approved periods for instream work;

4025 (9) bored, drilled or other trenchless crossing is encouraged, and shall be  
4026 laterally constructed at least four feet below the maximum depth of scour for the base  
4027 flood; and

4028 (10) open trenching across Type O or Type N aquatic areas is only used  
4029 during low flow periods or only within aquatic areas when they are dry.

4030 61. Allowed if sponsored or cosponsored by the countywide flood control zone  
4031 district and the department determines that the project and its location:

4032 a. is the best flood risk reduction alternative practicable;

4033 b. is part of a comprehensive, long-term flood management strategy;

4034 c. is consistent with the King County Flood Hazard Management Plan policies;

4035 d. will have the least adverse impact on the ecological functions of the critical  
4036 area or its buffer, including habitat for fish and wildlife that are identified for protection  
4037 in the King County Comprehensive Plan; and

4038 e. has been subject to public notice in accordance with K.C.C. 20.44.060.

4039 62.a. Not allowed in wildlife habitat conservation areas;

4040 b. Only allowed if:

4041 (1) the project is sponsored or cosponsored by a public agency whose primary  
4042 function deals with natural resources management;

4043 (2) the project is located on public land or on land that is owned by a  
4044 nonprofit agency whose primary function deals with natural resources management;

4045 (3) there is not a feasible alternative location available on the site with less  
4046 impact to the critical area or its associated buffer;

4047 (4) the aquatic area or wetland is not for salmonid rearing or spawning;

4048 (5) the project minimizes the footprint of structures and the number of access  
4049 points to any critical areas; and

4050 (6) the project meets the following design criteria:

4051 (a) to the maximum extent practical size of platform shall not exceed one  
4052 hundred square feet;

4053 (b) all construction materials for any structures, including the platform,  
4054 pilings, exterior and interior walls and roof, are constructed of nontoxic material, such as  
4055 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,  
4056 fiberglass or cured concrete that the department determines will not have an adverse  
4057 impact on water quality;

4058 (c) the exterior of any structures are sufficiently camouflaged using netting  
4059 or equivalent to avoid any visual deterrent for wildlife species to the maximum extent  
4060 practical. The camouflage shall be maintained to retain concealment effectiveness;

4061 (d) structures shall be located outside of the wetland or aquatic area  
4062 landward of the Ordinary High Water Mark or open water component (if applicable) to  
4063 the maximum extent practical on the site;

4064 (e) construction occurs during approved periods for work inside the  
4065 Ordinary High Water Mark;

4066 (f) construction associated with bird blinds shall not occur from March 1  
4067 through August 31, in order to avoid disturbance to birds during the breeding, nesting and  
4068 rearing seasons;

4069 (g) to the maximum extent practical, provide accessibility for persons with  
4070 physical disabilities in accordance with the International Building Code;

4071 (h) trail access is designed in accordance with public rules adopted by the  
4072 department;

4073 (i) existing native vegetation within the critical area will remain undisturbed  
4074 except as necessary to accommodate the proposal. Only minimal hand clearing of  
4075 vegetation is allowed; and

4076 (j) disturbed bare ground areas around the structure must be replanted with  
4077 native vegetation approved by the department.

4078 63. Not allowed in the severe channel migration zone, there is no alternative  
4079 location with less adverse impact on the critical area and buffer and clearing is minimized  
4080 to the maximum extent practical.

4081 64. Only structures wholly or partially supported by a tree and used as accessory  
4082 living quarters or for play and similar uses described in K.C.C. 16.02.240.1, subject to the  
4083 following:

4084 a. not allowed in wildlife habitat conservation areas or severe channel  
4085 migration hazard areas;

4086 b. the structure's floor area shall not exceed two hundred square feet, excluding  
4087 a narrow access stairway or landing leading to the structure;

4088 c. the structure shall be located as far from the critical area as practical, but in  
4089 no case closer than seventy-five feet from the critical area;

4090 d. only one tree-supported structure within a critical area buffer is allowed on a  
4091 lot;

4092 e. all construction materials for the structure, including the platform, pilings,  
4093 exterior and interior walls and roof, shall be 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 f. to the maximum extent practical, the exterior of the structure shall be  
4098 camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife  
4099 and visibility from the critical area. The camouflage shall be maintained to retain  
4100 concealment effectiveness;

4101 g. the structure must not adversely impact the long-term health and viability of  
4102 the tree. The evaluation shall include, but not be limited to, the following:

4103 (1) the quantity of supporting anchors and connection points to attach the tree  
4104 house to the tree shall be the minimum necessary to adequately support the structure;

4105 (2) the attachments shall be constructed using the best available tree anchor  
4106 bolt technology; and

4107 (3) an ISA Certified Arborist shall evaluate the tree proposed for placement  
4108 of the tree house and shall submit a report discussing how the tree's long-term health and  
4109 viability will not be negatively impacted by the tree house or associated infrastructure;

4110 h. exterior lighting shall meet the following criteria:

4111 (1) limited to the minimum quantity of lights necessary to meet the building  
4112 code requirements to allow for safe exiting of the structure and stairway; and

4113 (2) exterior lights shall be fully shielded and shall direct light downward, in  
4114 an attempt to minimize impacts to the nighttime environment;

4115 i. unless otherwise approved by the department, all external construction shall  
4116 be limited to September 1 through March 1 in order to avoid disturbance to wildlife  
4117 species during typical breeding, nesting and rearing seasons;

4118 j. trail access to the structure shall be designed in accordance with trail  
4119 standards under subsection D.47. of this section;

4120 k. to the maximum extent practical, existing native vegetation shall be left  
4121 undisturbed. Only minimal hand clearing of vegetation is allowed; and

4122 l. vegetated areas within the critical area buffer that are temporarily impacted  
4123 by construction of the structure shall be restored by planting native vegetation according  
4124 to a vegetation management plan approved by the department.

4125 65. Shoreline water dependent and shoreline water oriented uses are allowed in  
4126 the aquatic area and aquatic area buffer of a Type S aquatic area if consistent with K.C.C.  
4127 chapter 21A.25, chapter 90.58 RCW and the King County Comprehensive Plan.

4128 66. Only hydroelectric generating facilities meeting the requirements of K.C.C.  
4129 21A.08.100B.14., and only as follows:

4130 a. there is not another feasible location within the aquatic area with less adverse  
4131 impact on the critical area and its buffer;

4132           b. the facility and corridor is not located over habitat used for salmonid rearing  
4133 or spawning or by a species listed as endangered or threatened by the state or federal  
4134 government unless the department determines that there is no other feasible location;

4135           c. the facility is not located in Category I wetlands or Category II wetlands with  
4136 a habitat score 30 points or greater;

4137           d. the corridor width is minimized to the maximum extent practical;

4138           e. paralleling the channel or following a down-valley route within an aquatic  
4139 area buffer is avoided to the maximum extent practical;

4140           f. the construction occurs during approved periods for instream work;

4141           g. the facility and corridor will not change or adversely impact the overall  
4142 aquatic area flow peaks, duration or volume or the flood storage capacity;

4143           h. The facility and corridor is not located within a severe channel migration  
4144 hazard area;

4145           h. To the maximum extent practical, buildings will be located outside the  
4146 buffer and away from the aquatic area or wetland;

4147           i. To the maximum extent practical, access for maintenance is at limited access  
4148 points into the critical area buffer rather than by a parallel maintenance road. If a parallel  
4149 maintenance road is necessary the following standards are met:

4150           1. to the maximum extent practical the width of the maintenance road is  
4151 minimized and in no event greater than fifteen feet; and

4152           2. the location of the maintenance road is contiguous to the utility corridor on  
4153 the side of the utility corridor farthest from the critical area;

4154 j. the facility does not pose an unreasonable threat to the public health, safety or  
4155 welfare on or off the development proposal site and is consistent with the general  
4156 purposes of this chapter and the public interest; and

4157 k. the facility connects to or is an alteration to a public roadway, public trail, a  
4158 utility corridor or utility facility or other infrastructure owned or operated by a public  
4159 utility; and

4160 67. Only hydroelectric generating facilities meeting the requirements of K.C.C.  
4161 21A.08.100.B.14, and only as follows:

4162 a. there is not another feasible location with less adverse impact on the critical  
4163 area and its buffer;

4164 b. the alterations will not subject the critical area to an increased risk of  
4165 landslide or erosion;

4166 c. the corridor width is minimized to the maximum extent practical;

4167 d. vegetation removal is the minimum necessary to locate the utility or  
4168 construct the corridor;

4169 e. the facility and corridor do not pose an unreasonable threat to the public  
4170 health, safety or welfare on or off the development proposal site and is consistent with the  
4171 general purposes of this chapter, and the public interest and significant risk of personal  
4172 injury is eliminated or minimized in the landslide hazard area; and

4173 f. the facility connects to or is an alteration to a public roadway, public trail, a  
4174 utility corridor or utility facility or other infrastructure owned or operated by a public  
4175 utility.



4176            SECTION 45. Ordinance 15051, Section 138, and K.C.C. 21A.24.051 are each  
4177 hereby amended to read as follows:

4178            A. The alterations identified in K.C.C. 21A.24.045 for agricultural activities are  
4179 allowed to expand within the buffers of wetlands, aquatic areas and wildlife habitat  
4180 conservation areas, when an agricultural activity is currently occurring on the site and the  
4181 alteration is in compliance with an approved farm management plan in accordance with  
4182 this section or, for livestock activities, a farm management plan in accordance with  
4183 K.C.C. chapter 21A.30.

4184            B. This section does not modify any requirement that the property owner obtain  
4185 permits for activities covered by the farm management plan.

4186            C. The department of natural resources and parks or its designee shall serve as  
4187 the single point of contact for King County in providing information on farm  
4188 management plans for purposes of this title. The department of natural resources and  
4189 parks shall adopt a public rule governing the development of farm management plans.  
4190 The rule may provide for different types of farms management plans related to different  
4191 kinds of agricultural activities, including, but not limited to the best management  
4192 practices for ((~~dairy nutrient management,~~) livestock management, livestock crossing,  
4193 livestock heavy use areas, horticulture management, site development, farm pads, farm  
4194 field access roads and agricultural drainage.

4195            D. A property owner or applicant seeking to use the process to allow alterations  
4196 in critical area buffers shall develop a farm management plan based on the following  
4197 goals, which are listed in order of priority:

- 4198           1. To maintain the productive agricultural land base and economic viability of  
4199 agriculture on the site;
- 4200           2. To maintain, restore or enhance critical areas to the maximum extent practical  
4201 in accordance with the site specific goals of the landowner;
- 4202           3. To the maximum extent practical in accordance with the site specific goals of  
4203 the landowner, maintain and enhance natural hydrologic systems on the site;
- 4204           4. To use federal, state and local best management practices and best available  
4205 science for farm management to achieve the goals of the farm management plan; and
- 4206           5. To monitor the effectiveness of best management practices and implement  
4207 additional practices through adaptive management to achieve the goals of the farm  
4208 management plan.

4209           E. The property owner or applicant may develop the farm management plan as  
4210 part of a program offered or approved by King County. The plan shall include(~~(, but is~~  
4211 ~~not limited to,)~~) the (~~(following)~~) elements(~~(:~~

- 4212           ~~1. A site inventory identifying critical areas, structures, cleared and forested~~  
4213 ~~areas, and other significant features on the site;~~
- 4214           ~~2. Site-specific performance standards and best management practices to~~  
4215 ~~maintain, restore or enhance critical areas and their buffers and maintain and enhance~~  
4216 ~~native vegetation on the site including the best management practices for the installation~~  
4217 ~~and maintenance of farm field access drives and agricultural drainages;~~
- 4218           ~~3. A plan for future changes to any existing structures or for any changes to the~~  
4219 ~~landscape that involve clearing or grading;~~

4220 ~~4. A plan for implementation of performance standards and best management~~  
4221 ~~practices;~~

4222 ~~5. A plan for monitoring the effectiveness of measures taken to protect critical~~  
4223 ~~areas and their buffers and to modify the farm management plan if adverse impacts occur;~~  
4224 ~~and)) required by public rule.~~

4225 ~~((6.-D))~~ F. If applicable, a farm management plan shall include documentation of  
4226 compliance with flood compensatory storage and flood conveyance in accordance with  
4227 K.C.C. 21A.24.240.

4228 ~~((F-))~~ G. A farm management plan is not effective until approved by the county.  
4229 Before approval, the county may conduct a site inspection, which may be through a  
4230 program offered or approved by King County, to verify that the plan is reasonably likely  
4231 to accomplish the goals in subsection D. of this section.

4232 ~~((G-))~~ H. Once approved, activities carried out in compliance with the approved  
4233 farm management plan shall be deemed in compliance with this chapter. In the event of a  
4234 potential code enforcement action, the department of development and environmental  
4235 services shall first inform the department of natural resources and parks of the activity.  
4236 Prior to taking code enforcement action, the department of development and  
4237 environmental services shall consult with the department of natural resources and parks  
4238 and the King Conservation District to determine whether the activity is consistent with  
4239 the farm management plan.

4240 SECTION 46. Ordinance 10870, Section 454, as amended, and K.C.C.  
4241 21A.24.070 are each hereby amended to read as follows:

4242           A. The director may approve alterations to critical areas, critical area buffers and  
4243 critical area setbacks not otherwise allowed by this chapter as follows:

4244           1. Except as otherwise provided in subsection A.2. of this section, for linear  
4245 alterations, the director may approve alterations to critical areas, critical area buffers and  
4246 critical area setbacks only when all of the following criteria are met:

4247           a. there is no feasible alternative to the development proposal with less adverse  
4248 impact on the critical area;

4249           b. the proposal minimizes the adverse impact on critical areas to the maximum  
4250 extent practical;

4251           c. the approval does not require the modification of a critical area development  
4252 standard established by this chapter;

4253           d. the development proposal does not pose an unreasonable threat to the public  
4254 health, safety or welfare on or off the development proposal site and is consistent with the  
4255 general purposes of this chapter and the public interest;

4256           e. the linear alteration:

4257           (1) connects to or is an alteration to a public roadway, regional light rail  
4258 transit line, public trail, a utility corridor or utility facility or other public infrastructure  
4259 owned or operated by a public utility; or

4260           (2) is required to overcome limitations due to gravity;

4261           2. In order to accommodate the siting of a regional light rail transit facility  
4262 under RCW 36.70A.200, the director may approve alterations to critical areas, critical  
4263 area buffers and critical area setbacks not otherwise allowed by this chapter and may

4264 impose reasonable conditions to minimize the impact of the light rail transit facility on  
4265 the critical area and its buffer; and

4266 3. For nonlinear alterations the director may approve alterations to critical areas  
4267 except wetlands, unless otherwise allowed under subsection A.2.h. of this section, aquatic  
4268 areas and wildlife habitat conservation areas, and alterations to critical area buffers and  
4269 critical area setbacks, when all of the following criteria are met:

4270 a. there is no feasible alternative to the development proposal with less adverse  
4271 impact on the critical area;

4272 b. the alteration is the minimum necessary to accommodate the development  
4273 proposal;

4274 c. the approval does not require the modification of a critical area development  
4275 standard established by this chapter, except as set forth in subsection A.2.i. of this  
4276 section;

4277 d. the development proposal does not pose an unreasonable threat to the public  
4278 health, safety or welfare on or off the development proposal site and is consistent with the  
4279 general purposes of this chapter and the public interest;

4280 e. for dwelling units, no more than five thousand square feet or ten percent of  
4281 the site, whichever is greater, may be disturbed by structures, building setbacks or other  
4282 land alteration, including grading, utility installations and landscaping, but not including  
4283 the area used for a driveway or for an on-site sewage disposal system;

4284 f. to the maximum extent practical, access is located to have the least adverse  
4285 impact on the critical area and critical area buffer;

4286 g. the critical area is not used as a salmonid spawning area;

4287 h. the director may approve an alteration in a category II, III and IV wetland  
4288 for development of a public school facility; and

4289 i. the director may approve an alteration to the elevation or dry flood proofing  
4290 standards in K.C.C. 21A.24.240.F.1. or 21A.24.240.F.2. for nonresidential agricultural  
4291 accessory buildings that equal or exceed a maximum assessed value of sixty-five  
4292 thousand dollars if the development proposal meets the criteria in subsection A.2. of this  
4293 section and the standards in K.C.C. 21A.24.240.F.4. through 21A.24.240.G.

4294 B. The director may approve alterations to critical areas, critical area buffers and  
4295 critical area setbacks if the application of this chapter would deny all reasonable use of  
4296 the property as follow:

4297 1. If the critical area, critical area buffer or critical area setback is outside of the  
4298 shoreline jurisdiction, the applicant may apply for a reasonable use exception under this  
4299 subsection without first having applied for an alteration exception under this section if the  
4300 requested reasonable use exception includes relief from development standards for which  
4301 an alteration exception cannot be granted under this section. The director shall determine  
4302 that all of the following criteria are met:

4303 a. there is no other reasonable use with less adverse impact on the critical area;

4304 b. development proposal does not pose an unreasonable threat to the public  
4305 health, safety or welfare on or off the development proposal site and is consistent with the  
4306 general purposes of this chapter and the public interest;

4307 c. any authorized alteration to the critical area or critical area buffer is the  
4308 minimum necessary to allow for reasonable use of the property; and

4309 d. for dwelling units, no more than five thousand square feet or ten percent of  
4310 the site, whichever is greater, may be disturbed by structures, building setbacks or other  
4311 land alteration, including grading, utility installations and landscaping but not including  
4312 the area used for a driveway or for an on-site sewage disposal system; and

4313 2. If the critical area, critical area buffer or critical area setback is located within  
4314 the shoreline jurisdiction, the request for a reasonable use exception shall be considered a  
4315 request for a shoreline variance under K.C.C. 21A.24.090.

4316 C. For the purpose of this section((~~7~~)):

4317 1. "~~((f))~~Linear" alteration means infrastructure that supports development that is  
4318 linear in nature and includes public and private roadways, public trails, private  
4319 driveways, railroads, regional light rail transit, hydroelectric generating facilities, utility  
4320 corridors and utility facilities; and

4321 2. For purposes of subsection A. and B. of this section, areas located within the  
4322 shoreline jurisdiction that are below the ordinary high water mark shall not be included in  
4323 calculating the site area.

4324 D. Alteration exceptions approved under this section shall meet the mitigation  
4325 requirements of this chapter.

4326 E. An applicant for an alteration exception shall submit a critical area report, as  
4327 required by K.C.C. 21A.24.110.

4328 NEW SECTION. SECTION 47. There is added to K.C.C. chapter 21A.24 a new  
4329 section to read as follows:

4330 A. As an alternative to an alteration exception under K.C.C. 21A.24.070, during  
4331 review of an application for a single detached dwelling unit, the director may approve an

4332 alteration to a wetland buffer, aquatic area buffer, steep slope hazard area and associated  
4333 buffer, landslide hazard area and associated buffer and critical area setback as follows:

4334 1. There is no feasible alternative to the development proposal with less adverse  
4335 impact on the critical area;

4336 2. The alteration is the minimum necessary to accommodate residential use of  
4337 the property;

4338 3. The approval does not require the modification of a critical area development  
4339 standard established by this chapter,

4340 4. The development proposal does not pose an unreasonable threat to the public  
4341 health, safety or welfare on or off the development proposal site and is consistent with the  
4342 general purposes of this chapter and the public interest;

4343 5. No more than five thousand square feet or ten percent of the site, whichever  
4344 is greater, are disturbed by structures, building setbacks or other land alteration, including  
4345 grading, utility installations and landscaping, but not including the area used for a  
4346 driveway or for an on-site sewage disposal system. For purposes of this section, areas  
4347 located within the shoreline jurisdiction that are below the ordinary high water mark shall  
4348 not be included in calculating the site area;

4349 6. The applicant submits an approved rural stewardship plan or forest  
4350 stewardship plan prepared in accordance with this chapter that addresses the development  
4351 proposal and the proposed use of the property; and

4352 7. The proposal complies with K.C.C. 21A.24.125 and K.C.C. 21A.24.130.



4353 B. The applicant for the waiver of the alteration exception process shall submit  
4354 any critical areas studies, alternatives analysis and other documents requested by DDES  
4355 following a preapplication review meeting.

4356 C. Within fourteen calendar days after the department determines the application  
4357 under this section is complete, it shall provide written mailed notice of the proposed  
4358 alteration as provided in K.C.C. 20.20.080H.

4359 D. The department shall allow twenty-one calendar days for comment before  
4360 making a decision on the request under this section. The department's decision shall be  
4361 mailed to the applicant and to any other person who requests a copy. The decision shall  
4362 state the reasons for the decision and, if approved, shall include any required mitigation  
4363 or conditions.

4364 SECTION 48. Ordinance 10870, Section 458, as amended, and K.C.C.  
4365 21A.24.110 are each hereby amended to read as follows:

4366 A. An applicant for a development proposal that requires critical area review  
4367 under K.C.C. 21A.24.100 shall submit a critical area report at a level determined by the  
4368 department to adequately evaluate the proposal and all probable impacts.

4369 B. The applicant may combine a critical area report with any studies required by  
4370 other laws and regulations.

4371 C. If the development proposal will affect only a part of the development  
4372 proposal site, the department may limit the scope of the required critical area report to  
4373 include only that part of the site that is affected by the development proposal.

4374 D.1. Floodplain development that was not assessed through the King County  
4375 Programmatic Habitat Assessment prepared for the National Flood Insurance program

4376 and the Endangered Species Act shall include an assessment of the impact of the  
4377 alteration on water quality and aquatic and riparian habitat. The assessment shall be:

4378           a. A Biological Evaluation or Biological Assessment that has received  
4379 concurrence from the United States Fish and Wildlife Service or the National Marine  
4380 Fisheries Service, pursuant to Section 7 of the Endangered Species Act;

4381           b. Documentation that the activity fits within a Habitat Conservation Plan  
4382 approved pursuant to Section 10 of the Endangered Species Act;

4383           c. Documentation that the activity fits within Section 4(d) of the Endangered  
4384 Species Act;

4385           d. An assessment prepared in accordance with Regional Guidance for  
4386 Floodplain Habitat Assessment and Mitigation, FEMA Region X, 2010. The assessment  
4387 shall determine if the project would adversely affect:

4388           i. The primary constituent elements identified when a species is listed as  
4389 threatened or endangered;

4390           ii. Essential Fish Habitat designated by the National Marine Fisheries  
4391 Service;

4392           iii. Fish and wildlife habitat conservation areas;

4393           iv. Vegetation communities and habitat structures;

4394           v. Water quality;

4395           vi. Water quantity, including flood and low flow depths, volumes and  
4396 velocities;

4397           vii. The river or stream channel's natural planform pattern and migration  
4398 process;

4399 viii. Spawning substrate, if applicable; and/or

4400 ix. Floodplain refugia, if applicable.

4401 2. The department must require a project with adverse effects comply with the  
4402 impact avoidance, minimization and mitigation requirements of K.C.C. 21A.24.125 and  
4403 21A.24.130.

4404 SECTION 49. Ordinance 15051, Section 152, and K.C.C. 21A.24.137 are each  
4405 hereby amended to read as follows:

4406 The department may approve mitigation to compensate for the adverse impacts of  
4407 a development proposal to critical areas through ~~((the creation and approval of a resource~~  
4408 ~~mitigation reserve. The use of a resource mitigation reserve to compensate for~~  
4409 ~~unavoidable impacts to a critical area is not allowed in the agricultural production~~  
4410 ~~districts if the purpose is to compensate for development outside of the agricultural~~  
4411 ~~production districts)) King County's mitigation reserves program.~~

4412 SECTION 50. Ordinance 10870, Section 465, as amended, and K.C.C.  
4413 21A.24.180 are each hereby amended to read as follows:

4414 A. The applicant shall ~~((use))~~ establish critical area tracts to delineate and protect  
4415 those critical areas and buffers listed below in development proposals for subdivisions,  
4416 short subdivisions or binding site plans and shall record the tracts on all documents of  
4417 title of record for all affected lots:

- 4418 1. All landslide hazard areas and buffers that are one acre or more in size;
- 4419 2. All steep slope hazard areas and buffers that are one acre or more in size;
- 4420 3. All wetlands and buffers; and
- 4421 4. All aquatic areas and buffers.

4422 B. ~~((Any required))~~ A critical area tract established under subsection A. of this  
4423 section shall be held in an undivided interest by each owner of a building lot within the  
4424 development with this ownership interest passing with the ownership of the lot, or shall  
4425 be held by an incorporated homeowner's association or other legal entity that ensures the  
4426 ownership, maintenance and protection of the tract.

4427 C. The long-term management goals for critical area tracts established under  
4428 subsection A. of this section are to protect and enhance critical area functions and values,  
4429 including, but not limited to, to provide fish and wildlife habitat and to protect the public  
4430 from geologic hazards and increased stormwater runoff. The specific management  
4431 strategy for each tract shall be clearly defined prior to preliminary approval of the  
4432 subdivision or binding site plan.

4433 D. In lieu of the requirements of subsection A. of this section, the director may  
4434 allow an applicant to include critical areas in resource tracts established under K.C.C.  
4435 21A.14.040B.7. The resource tract management plan shall clearly state that the purpose  
4436 of the resource portion is for resource management and the purpose of the designated  
4437 critical areas is for critical area protection and enhancement and protecting the public  
4438 from geologic hazards and increased stormwater runoff.

4439 ~~((C:))~~ E. Site plans submitted as part of building permits, clearing and grading  
4440 permits or other development permits shall include and delineate:

- 4441 1. All flood hazard areas, as determined by King County in accordance with  
4442 K.C.C. 21A.24.230;
- 4443 2. Landslide, volcanic, coal mine and steep slope hazard areas;
- 4444 3. Aquatic areas and wetlands;

- 4445 4. Wildlife habitat conservation areas and the wildlife habitat network;  
4446 5. Buffers; and  
4447 6. Building setbacks as required by K.C.C. 21A.24.200.

4448 ~~(D-)~~ F. If only a part of the development site has been mapped, the part of the  
4449 site that has not been mapped shall be clearly identified and labeled on the site plans.

4450 NEW SECTION. SECTION 51. There is added to K.C.C. chapter 21A.24 a new  
4451 section to read as follows:

4452 A. If future alterations are proposed to a critical area tract created under this  
4453 chapter or to an area where preservation of existing vegetation is required by the King  
4454 County Code, the applicant shall submit and have approved by the department a  
4455 vegetation management plan prior to establishment of the critical area tract or issuance of  
4456 the permit requiring preservation of existing vegetation.

4457 B. The vegetation management plan shall describe the long term management  
4458 goals for the critical area tract or protected area. The management goals include, but are  
4459 not limited to:

- 4460 1. Wildlife habitat protection and enhancement;  
4461 2. Water quality protection and enhancement;  
4462 3. Maintaining or improving hydrologic conditions; and  
4463 4. Protecting the public health and safety from geologic hazards and erosion.

4464 C. If the vegetation management includes harvesting of merchantable timber, as  
4465 defined in WAC 222-16-010, the vegetation management plan shall include a description  
4466 of the proposed harvest practices demonstrating how the critical area management goals  
4467 of this chapter will be met.

4468 D. Vegetation management practices shall avoid soil disturbance and shall be  
4469 conducted in a manner that will not adversely affect slope stability, cause erosion or  
4470 affect water quality. The management plan shall require the use of appropriate native  
4471 plants for replacement or enhancement.

4472 E. Vegetation management plans shall be prepared by an arborist, landscape  
4473 architect, forester or other qualified vegetation management specialist with technical  
4474 assistance from a geologist where geologic hazard areas are involved or ecologist or  
4475 wildlife biologist or other qualified specialists where resource protection areas are  
4476 involved.

4477 SECTION 52. Ordinance 10870, Section 471, as amended, and K.C.C.  
4478 21A.24.240 are each hereby amended to read as follows:

4479 The following development standards apply to development proposals and  
4480 alterations on sites within the zero-rise flood fringe:

4481 A. Development proposals and alterations shall not reduce the effective base  
4482 flood storage volume of the floodplain. A development proposal shall provide  
4483 compensatory storage if grading or other activity displaces any effective flood storage  
4484 volume. Compensatory storage is not required for grading or fill placed within the  
4485 foundation of an existing residential structure to bring the interior foundation grade to the  
4486 same level as the lowest adjacent exterior grade. Compensatory storage shall:

4487 1. Provide equivalent volume at equivalent elevations to that being displaced.  
4488 For this purpose, equivalent elevations means having similar relationship to ordinary high  
4489 water and to the best available ten-year, fifty-year and one-hundred-year water surface  
4490 profiles. If the difference between the fifty-year and the one-hundred-year surface

4491 profiles is less than one foot, equivalent elevations means having similar relationships to  
4492 ordinary high water and to the best available ten-year and one-hundred-year water surface  
4493 profiles;

4494 2. Hydraulically connect to the source of flooding;

4495 3. Provide compensatory storage in the same construction season as when the  
4496 displacement of flood storage volume occurs and before the flood season begins on  
4497 September 30 for that year; ~~((and))~~

4498 4. Occur on the site. The director may approve equivalent compensatory  
4499 storage off the site if legal arrangements, acceptable to the department, are made to assure  
4500 that the effective compensatory storage volume will be preserved over time~~((The~~  
4501 ~~director may approve of off site compensatory storage through a compensatory storage~~  
4502 ~~bank managed by the department of natural resources and parks)); and~~

4503 5. The director, in consultation with and agreement from the department of  
4504 natural resources and parks, may allow a reduction in flood storage if a cumulative  
4505 effects analysis demonstrates that the loss of storage will not create a measurable increase  
4506 in the base flood elevation anywhere off the site;

4507 B. A structural engineer shall design and certify all elevated buildings and submit  
4508 the design to the department;

4509 C. A civil engineer shall prepare a base flood depth and base flood velocity  
4510 analysis and submit the analysis to the department. A base flood depth and base flood  
4511 velocity analysis is not required for agricultural structures that will not be used for human  
4512 habitation. The director may waive the requirement for a base flood depth and base flood  
4513 velocity analysis for agricultural structures that are not used for human habitation.

4514 Development proposals and alterations are not allowed if the base flood depth exceeds  
4515 three feet and the base flood velocity exceeds three feet per second, except that the  
4516 director may approve development proposals and alterations in areas where the base  
4517 flood depth exceeds three feet and the base flood velocity exceeds three feet per second  
4518 for the following projects;

- 4519 1. Agricultural accessory structures;
- 4520 2. Roads and bridges;
- 4521 3. Utilities;
- 4522 4. Surface water flow control or surface water conveyance systems;
- 4523 5. Public park structures; and
- 4524 6. Flood hazard mitigation projects, such as, but not limited to construction,  
4525 repair or replacement of flood protection facilities or for building elevations or  
4526 relocations;

4527 D. Subdivisions, short subdivisions, urban planned developments and binding  
4528 site plans shall meet the following requirements:

- 4529 1. New building lots shall include five thousand square feet or more of buildable  
4530 land outside the zero-rise floodway;
- 4531 2. all utilities and facilities such as sewer, gas, electrical and water systems are  
4532 consistent with subsections E., F. and I. of this section;
- 4533 3. A civil engineer shall prepare detailed base flood elevations in accordance  
4534 with FEMA guidelines for all new lots;
- 4535 4. A development proposal shall provide adequate drainage in accordance with  
4536 the King County Surface Water Design Manual to reduce exposure to flood damage; and



4537           5. The face of the recorded subdivision, short subdivision, urban planned  
4538 development or binding site plan shall include the following for all lots:

4539           a. building setback areas restricting structures to designated buildable areas:  
4540           b. base flood data and sources and flood hazard notes including, but not limited  
4541 to, base flood elevation, required flood protection elevations, the boundaries of the  
4542 floodplain and the zero-rise floodway, if determined, and channel migration zone  
4543 boundaries, if determined; and

4544           c. include the following notice:  
4545                 "Lots and structures located within flood hazard areas may be inaccessible  
4546 by emergency vehicles during flood events. Residents and property owners should take  
4547 appropriate advance precautions.";

4548           E. New residential structures, ~~((and))~~ substantial improvements of existing  
4549 residential structures and flood mitigation home elevations shall meet the following  
4550 standards:

4551           1. Elevate the lowest floor, including basement, to the flood protection  
4552 elevation;

4553           2. Do not fully enclose portions of the structure that are below the lowest floor  
4554 area;

4555           3. Design and construct the areas and rooms below the lowest floor to  
4556 automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by  
4557 allowing for the entry and exit of floodwaters as follows:

4558 a. provide a minimum of two openings on each of two opposite side walls in  
4559 the direction of flow, with each of those walls having a total open area of not less than  
4560 one square inch for every square foot of enclosed area subject to flooding;

4561 b. design and construct the bottom of all openings so they are no higher than  
4562 one foot above grade; and

4563 c. screens, louvers or other coverings or devices are allowed over the opening  
4564 if they allow the unrestricted entry and exit of floodwaters;

4565 4. Use materials and methods that are resistant to and minimize flood damage;  
4566 and

4567 5. Elevate above or dry-proof all electrical, heating, ventilation, plumbing, air  
4568 conditioning equipment and other utilities that service the structure, such as duct-work to  
4569 the flood protection elevation;

4570 F. New nonresidential structures, ~~((and))~~ substantial improvements and flood  
4571 mitigation nonresidential elevations of existing nonresidential structures shall meet the  
4572 following standards:

4573 1.a. Except at provided in subsection F.1.b. of this section, ((E))elevate the  
4574 lowest floor to the flood protection elevation;

4575 b. Nonresidential agricultural accessory buildings elevate the lowest floor to  
4576 one foot above the base flood elevation;

4577 2. Dry flood-proof the structure to the flood protection elevation to meet the  
4578 following standards:

4579 a. the applicant shall provide certification by a civil or structural engineer that  
4580 the dry flood-proofing methods are adequate to withstand the flood-depths, pressures,

4581 velocities, impacts, uplift forces and other factors associated with the base flood. After  
4582 construction, the engineer shall certify that the permitted work conforms to the approved  
4583 plans and specifications; and

4584           b. approved building permits for dry flood-proofed nonresidential structures  
4585 shall contain a statement notifying applicants that flood insurance premiums are based  
4586 upon rates for structures that are one foot below the elevation to which the building is  
4587 dry-floodproofed;

4588           3. Nonresidential agricultural accessory buildings that do not equal or exceed a  
4589 maximum assessed value of sixty-five thousand dollars may be designed and oriented to  
4590 allow the free passage of floodwaters through the building in a manner affording  
4591 minimum flood damage provided they meet the standards in subsection F.4. through F.6.  
4592 of this section. Nonresidential agricultural accessory buildings that equal or exceed  
4593 sixty-five thousand dollars may apply for an alteration exception pursuant to K.C.C.  
4594 21A.24.070. Nonresidential agricultural accessory buildings that do not meet the  
4595 elevation standard in subsection F. 1. of this section or the dry flood-proofing standard in  
4596 subsection F.2. of this section will be assessed at the flood insurance rate based on the  
4597 risk to which the building is exposed;

4598           4. Use materials and methods that are resistant to and minimize flood damage;

4599           5. Design and construct the areas and rooms below the lowest floor to  
4600 automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by  
4601 allowing for the entry and exit of floodwaters as follows:

4602 a. provide a minimum of two openings on each of two opposite side walls in  
4603 the direction of flow, with each of those walls having a total open area of not less than  
4604 one square inch for every square foot of enclosed area subject to flooding;

4605 b. design the bottom of all openings is no higher than one foot above grade;  
4606 and

4607 c. screens, louvers or other coverings or devices are allowed if they do not  
4608 restrict entry and exit of floodwaters; and

4609 6. Dry flood proof all electrical, heating, ventilation, plumbing, air conditioning  
4610 equipment and other utility and service facilities to, or elevated above, the flood  
4611 protection elevation;

4612 G. Anchor all new construction and substantially improved structures to prevent  
4613 flotation, collapse or lateral movement of the structure. The department shall approve the  
4614 method used to anchor the new construction;

4615 H. Newly sited manufactured homes and substantial improvements of existing  
4616 manufactured homes shall meet the following standards:

4617 1. Manufactured homes shall meet all the standards in this section for residential  
4618 structures and the following standards:

4619 a. anchor all manufactured homes; and

4620 b. install manufactured homes using methods and practices that minimize flood  
4621 damage;

4622 2. All manufactured homes within a new mobile home park or expansion of an  
4623 existing mobile home park must meet the requirements for flood hazard protection for  
4624 residential structures; and

4625           3. Only manufactured homes are allowed in a new or existing mobile home park  
4626 located in a flood hazard area;

4627           I. Public and private utilities shall meet the following standards:

4628           1. Dry flood-proof new and replacement utilities including, but not limited to,  
4629 sewage treatment and storage facilities, to, or elevate above, the flood protection  
4630 elevation;

4631           2. Locate new on-site sewage disposal systems outside the floodplain. When  
4632 there is insufficient area outside the floodplain, new on-site sewage disposal systems are  
4633 allowed only in the zero-rise flood fringe. Locate on-site sewage disposal systems in the  
4634 zero-rise flood fringe to avoid:

4635           a. impairment to the system during flooding;

4636           b. contamination from the system during flooding;

4637           3. Design all new and replacement water supply systems to minimize or  
4638 eliminate infiltration of floodwaters into the system;

4639           4. above-ground utility transmission lines, except for electric transmission lines,  
4640 are allowed only for the transport of nonhazardous substances; and

4641           5. Bury underground utility transmission lines transporting hazardous  
4642 substances at a minimum depth of four feet below the maximum depth of scour for the  
4643 base flood, as predicted by a civil engineer, and achieve sufficient negative buoyancy so  
4644 that any potential for flotation or upward migration is eliminated;

4645           J. Critical facilities are allowed within the zero-rise flood fringe only when a  
4646 feasible alternative site is not available and the following standards are met:

4647           1. Elevate the lowest floor to the five-hundred year floodplain elevation or three  
4648 or more feet above the base flood elevation, whichever is higher;

4649           2. Dry flood-proof and seal structures to ensure that hazardous substances are  
4650 not displaced by or released into floodwaters; and

4651           3. Elevate access routes to or above the base flood elevation from the critical  
4652 facility to the nearest maintained public street or roadway;

4653           K. New construction or expansion of existing farm pads is allowed only on a site  
4654 with existing agriculture if emergency flood relief is required for the protection of  
4655 livestock and assets and operations that must continue during flood events as follows:

4656           1. A farm pad is allowed only if there is no other suitable holding area on the  
4657 site outside the floodplain;

4658           2. Construct the farm pad to the standards in an approved farm management  
4659 plan prepared in accordance with K.C.C. 21A.24.051 and K.C.C. chapter 21A.30.

4660           3. The farm (~~(management plan)~~) pad proposal shall demonstrate compliance  
4661 with the following:

4662           a. flood storage compensation consistent with subsection A. of this section;

4663           b. siting and sizing that do not increase base flood elevations consistent with  
4664 K.C.C. 21A.24.250.B.; (~~and~~)

4665           c. siting that is located in the area least subject to risk from floodwaters;

4666           d. an alternatives analysis that demonstrates adverse impacts to wetlands,  
4667 wetland buffers, and aquatic area buffers have been minimized;

4668           4. The farm pad is constructed to base flood elevation plus one-foot. An  
4669 elevation report shall be completed after construction to demonstrate compliance with  
4670 that elevation requirement;

4671           6.a. The farm pad must be only as large as is necessary for the protection of  
4672 livestock and assets and operations that must continue during flood events;

4673           b. for farm pads larger than two thousand square feet of finished usable  
4674 surface, a site specific evaluation of agricultural operations must demonstrate the need for  
4675 the size of the pad; and

4676           c. for farm pads larger than ten thousand square feet, an area-wide analysis  
4677 must also demonstrate that sufficient flood storage is available for reasonably foreseeable  
4678 future land use needs in the vicinity;

4679           7. Non-residential agricultural buildings are allowed on a farm pad as shelter for  
4680 livestock or other farm animals, greenhouses for plant starts to be used on the property,  
4681 milking parlors, storage of farm vehicles and agricultural equipment and shelter for farm  
4682 products including, but not limited to, feed, seeds, flower bulbs and hay, and farm  
4683 operations that must continue during a flood event. Non-residential structures allowed on  
4684 a farm pad shall not be used for retail operations or any residential or public use; and

4685           8. The property owner shall file with the department of executive services,  
4686 records and licensing services division, a notice approved by the department that restricts  
4687 the use of the farm pad to non-residential agricultural uses. The notice shall run with the  
4688 land. The applicant shall submit to the department proof that the notice was filed before  
4689 the department approves any permit for the construction of the farm pad.

4690 L. New construction or expansion of existing livestock manure storage facilities  
4691 is only allowed as follows:

4692 1. The livestock manure storage facility is only allowed if there is not a feasible  
4693 alternative area on the site outside the floodplain;

4694 2. Construct the livestock manure storage facility to the standards in an  
4695 approved farm management plan prepared in accordance with K.C.C. 21A.24.051 and  
4696 K.C.C. chapter 21A.30. The farm management plan shall demonstrate compliance with  
4697 the following:

4698 a. flood storage compensation consistent with subsection A. of this section;

4699 b. siting and sizing that do not increase base flood elevations consistent with  
4700 K.C.C. 21A.24.250.B. and 21A.24.260.D;

4701 c. dry flood-proofing liquid manure storage facility to ~~((the flood protection))~~  
4702 one foot above the base flood elevation; and

4703 d. siting that is located in the area least subject to risk from floodwaters; and

4704 M. Recreational vehicles must be on site for fewer than one hundred eighty days  
4705 or be fully licensed and ready for highway use.

4706 N. Temporary farm worker housing is only allowed as follows:

4707 1. the housing must be on site for fewer than one hundred eighty days;

4708 2. the housing must not be placed in the floodplain before May 1;

4709 3. except as otherwise provided in subsection N.4 of this section, the housing  
4710 must be removed from the floodplain no later than October 31;

4711 4. housing must be removed from the floodplain within twelve hours of King  
4712 County issuing a phase 2 flood alert for that river basin, unless the flood emergency



4713 director determines flood conditions are not likely to threaten temporary farm worker  
4714 housing; and  
4715 5. in the Snoqualmie floodplain, if the housing is not removed from the  
4716 floodplain by September 30, the operator must have a plan approved by King County for  
4717 the evacuation and removal of the housing as required by subsection N.4 of this section  
4718 and for emergency communication to the housing's occupants.

4719 SECTION 53. Ordinance 10870, Section 473, as amended, and K.C.C.  
4720 21A.24.260 are each hereby amended to read as follows:

4721 A. The development standards that apply to the zero-rise floodway also apply to  
4722 the FEMA floodway. The more restrictive standards apply where there is a conflict.

4723 B. A development proposal shall not increase the base flood elevation. A civil  
4724 engineer shall certify, through hydrologic and hydraulic analyses performed in  
4725 accordance with standard engineering practice, that any proposed encroachment would  
4726 not result in any increase in flood levels during the occurrence of the base flood  
4727 discharge.

4728 C. New residential or nonresidential structures are prohibited within the mapped  
4729 FEMA floodway, except for farm pads and nonresidential agricultural accessory  
4730 buildings within an agricultural production district that meet applicable compensatory  
4731 storage and conveyance standards. (~~Until March 31, 2010, the size of a new~~  
4732 ~~nonresidential agriculture accessory building is limited to a footprint of five thousand~~  
4733 ~~square feet.)) A residential structure cannot be constructed on fill placed within the  
4734 mapped FEMA floodway.~~

4735 D. New livestock ((M))manure storage facilities for liquid and slurry manure are  
4736 prohibited in the FEMA floodway. Existing livestock manure storage facilities may be  
4737 repaired or enlarged as necessary to comply with the standards in the farm's nutrient  
4738 management plan;

4739 E. If the footprint of the existing residential structure is not increased, substantial  
4740 improvements of existing residential structures in the FEMA floodway, meeting the  
4741 requirements of WAC 173-158-070, as amended, are presumed to not increase the base  
4742 flood elevation and do not require a critical areas report to establish this fact.

4743 F. Maintenance, repair, replacement or improvement of an existing residential  
4744 structure located within the agricultural production district on property that is zoned  
4745 agriculture (A) is allowed in the FEMA floodway if the structure meets the standards for  
4746 residential structures and utilities in K.C.C. 21A.24.240 and also meets the following  
4747 requirements:

- 4748 1. The existing residential structure was legally established;
- 4749 2. The viability of the farm is dependent upon a residential structure within  
4750 close proximity to other agricultural structures; and
- 4751 3. Replacing an existing residential structure within the FEMA floodway is only  
4752 allowed if:
  - 4753 a. there is not sufficient buildable area on the site outside the FEMA floodway  
4754 for the replacement;
  - 4755 b. the replacement residential structure is not located in an area that increases  
4756 the flood hazard in water depth, velocity or erosion;

4757 c. the building footprint of the existing residential structure is not increased;

4758 and

4759 d. the existing structure, including the foundation, is completely removed

4760 within ninety days of receiving a certificate of occupancy, or temporary certificate of

4761 occupancy, whichever occurs first, for the replacement structure.

4762 G. Maintenance, repair or replacement of a substantially damaged existing

4763 residential structure, other than a residential structure located within the agricultural

4764 production district on property that is zoned agricultural (A), is allowed in the FEMA

4765 floodway if the structure meets the standards for existing residential structures and

4766 utilities in K.C.C. 21A.24.240 and also meets the following requirements:

4767 1. The Washington state Department of Ecology has assessed the flood

4768 characteristics of the site and determined:

4769 a. base flood depths will not exceed three feet;

4770 b. base flood velocities will not exceed three feet per second;

4771 c. there is no evidence of flood-related erosion, as determined by location of

4772 the project site in relationship to mapped channel migration zones or, if the site is not

4773 mapped, evidence of overflow channels and bank erosion; and

4774 d. a flood warning system or emergency plan is in operation;

4775 2. The Washington state Department of Ecology has prepared a report of

4776 findings and recommendations to the department that determines the repair or

4777 replacement will not result in an increased risk of harm to life based on the characteristics

4778 of the site;

4779           3. The department has reviewed the Washington state Department of Ecology  
4780 report and concurs that the development proposal is consistent with the findings and  
4781 recommendations in the report;

4782           4. The development proposal is consistent with the findings and  
4783 recommendations of the Washington state Department of Ecology report;

4784           5. The existing residential structure was legally established; and

4785           6. Replacing an existing residential structure within the FEMA floodway is only  
4786 allowed if:

4787           a. there is not sufficient buildable area on the site outside the FEMA floodway;

4788           b. the replacement structure is a residential structure built as a substitute for a  
4789 previously existing residential structure of equivalent use and size; and

4790           c. the existing residential structure, including the foundation, is removed  
4791 within ninety days of receiving a certificate of occupancy, or temporary certificate of  
4792 occupancy, whichever occurs first, for the replacement structure.

4793           H. Maintenance or repair of a structure, as defined in WAC 173-158-030, that is  
4794 identified as a historic resource, as defined in K.C.C. 21A.06.597, is allowed in the  
4795 FEMA floodway if the structure and utilities meet the standards of K.C.C. 21A.24.240  
4796 for residential structures or nonresidential structures, as appropriate.

4797           NEW SECTION. SECTION 54. There is hereby added to K.C.C. chapter 21A.24  
4798 a new section to read as follows:

4799           A floodplain development permit is required before any floodplain development  
4800 begins within the floodplain. The specific details on the floodplain permit process for  
4801 activities exempt from other King County permits as well as how to coordinate floodplain

4802 development review into other King County permit reviews will be established in a  
4803 public rule. Exceptions to other permit requirements do not apply to floodplain  
4804 development.

4805 SECTION 55. Ordinance 10870, Section 477, as amended, and K.C.C.  
4806 21A.24.300 are each hereby amended to read as follows:

4807 The following development standards apply to development proposal and  
4808 alterations on sites containing volcanic hazard areas:

4809 A. Within volcanic hazard areas located along the White river upstream from  
4810 Mud Mountain dam:

4811 1. Critical facilities, apartments, townhouses or commercial structures are not  
4812 allowed;

4813 2. all new lots created by subdivision, short subdivision or binding site plan  
4814 shall designate building areas and building setbacks outside of the volcanic hazard area;  
4815 and

4816 3. The notice of critical areas required under this chapter is required for new  
4817 single detached dwellings on existing lots;

4818 B. Within volcanic hazard areas located along the White river downstream from  
4819 Mud Mountain dam and the Green and Duwamish rivers, the department shall evaluate  
4820 development proposals for critical facilities for risk of inundation or flooding resulting  
4821 from mudflows originating on Mount Rainier. The applicant shall design critical  
4822 facilities to withstand, without damage, the effects of mudflows equal in magnitude to the  
4823 prehistoric Electron mudflow; and

4824 C. This section does not apply until King County has (~~completed the required~~  
4825 ~~modeling and~~) refined the mapping of volcanic hazard areas in cooperation with the  
4826 United States Geological Survey and adopted the volcanic hazard area maps by public  
4827 rule.

4828 SECTION 56. Ordinance 15606, Section 20, as amended, and K.C.C.  
4829 21A.30.085 are each hereby amended to read as follows:

4830 In the A, F and RA zones, residents of a dwelling unit may conduct one or more  
4831 home occupations as accessory activities, under the following provisions:

4832 A. The total floor area of the dwelling unit devoted to all home occupations shall  
4833 not exceed twenty percent of the dwelling unit.

4834 B. Areas within garages and storage buildings shall not be considered part of the  
4835 dwelling unit and may be used for activities associated with the home occupation;

4836 C. Total outdoor area of all home occupations shall be permitted as follows:

4837 1. For any lot less than one acre: Four hundred forty square feet; and

4838 2. For lots one acre or greater: One percent of the area of the lot, up to a  
4839 maximum of five thousand square feet.

4840 D. Outdoor storage areas and parking areas related to home occupations shall be:

4841 1. No less than twenty-five feet from any property line; and

4842 2. Screened along the portions of such areas that can be seen from an adjacent  
4843 parcel or roadway by the:

4844 a. planting of Type II landscape buffering; or

4845 b. use of existing vegetation which meets or can be augmented with additional  
4846 plantings to meet the intent of Type II landscaping.

4847 E. A home occupation or occupations is not limited in the number of employees  
4848 that remain off-site. Regardless of the number of home occupations, the number of  
4849 nonresident employees is limited to no more than three who work on-site at the same  
4850 time and no more than three who report to the site but primarily provide services off-site.

4851 F. In addition to required parking for the dwelling unit, on-site parking is  
4852 provided as follows:

- 4853 1. One stall for each nonresident employed on-site; and
- 4854 2. One stall for patrons when services are rendered on-site;

4855 G. Sales are limited to:

- 4856 1. Mail order sales;
- 4857 2. Telephone, Internet or other electronic commerce sales with off-site delivery;
- 4858 3. Items accessory to a service provided to patrons who receive services on the  
4859 premises;
- 4860 4. Items grown, produced or fabricated on-site; and
- 4861 5. On sites five acres or larger, items that support agriculture, equestrian or  
4862 forestry uses except for the following:

- 4863 a. motor vehicles and parts (North American Industrial Classification System  
4864 ("NAICS" Code 441);
- 4865 b. electronics and appliances (NAICS Code 443); and
- 4866 c. building material and garden equipments and supplies (NAICS Code 444);

4867 H. The home occupation or occupations do not:

- 4868           1. Use electrical or mechanical equipment that results in a change to the  
4869 occupancy type of the structure or structures used for the home occupation or  
4870 occupations;
- 4871           2. Cause visual or audible interference in radio or television receivers, or  
4872 electronic equipment located off-premises or fluctuations in line voltage off-premises; or
- 4873           3. Increase average vehicular traffic by more than four additional vehicles at any  
4874 given time;
- 4875           I. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00  
4876 p.m. on weekdays, and 9:00 a.m. to 5 p.m. on weekends;
- 4877           J. The following uses, by the nature of their operation or investment, tend to  
4878 increase beyond the limits permitted for home occupations. Therefore, the following  
4879 shall not be permitted as home occupations:
- 4880           1. Hotels, motels or organizational lodging;
- 4881           2. Dry cleaning; and
- 4882           3. ~~((F))~~Automotive towing services, automotive wrecking services, and tow-in  
4883 parking lots;
- 4884           K. Uses not allowed as home occupation may be allowed as a home industry  
4885 under K.C.C. chapter 21A.30; and
- 4886           L. The home occupation or occupations may use or store vehicles, as follows:
- 4887           1. The total number of vehicles for all home occupations shall be:
- 4888           a. for any lot five acres or less: two;
- 4889           b. for lots greater than five acres: three; and
- 4890           c. for lots greater than ten acres: four;



4891           2. The vehicles are not stored within any required setback areas of the lot or on  
4892 adjacent streets; and

4893           3. The parking area for the vehicles shall not be considered part of the outdoor  
4894 storage area provided for in subsection C. of this section.

4895           SECTION 57. Ordinance 8867, Section 1, as amended, and K.C.C. 26.12.010 are  
4896 each hereby amended to read as follows:

4897           A process is hereby established for the annual allocation of the conservation  
4898 futures tax levy funds, to acquire open space lands, including green spaces, greenbelts,  
4899 wildlife habitat and trail rights-of-way proposed for preservation for public use by either  
4900 the county or the cities within the county. King County, cities within the county, citizen  
4901 groups and citizens may make application for funds in this allocation process.

4902           A. The county executive shall determine a date, no later than April 1, as a  
4903 deadline for submission of applications for use of conservation futures tax levy funds. At  
4904 least one month before the application submission deadline date, the executive shall  
4905 provide all cities within the county notice of the opportunity to apply to the county for a  
4906 share of the annual allocation of the conservation futures tax levy funds available for that  
4907 year. Notice also shall be provided in the official county newspaper.

4908           B. No later than March 1, the county council may adopt a motion that provides  
4909 direction to the citizen oversight committee on priorities for evaluating the applications  
4910 within the open space criteria identified in K.C.C. 27.02.025.

4911           C.1. By July 15, the citizen oversight committee shall make project  
4912 recommendations and recommend funding allocations for each project to the executive,  
4913 including:

4914 a. a description of each project including project location and acreage;  
4915 b. a report on how each project meets the county open space selection criteria,  
4916 contained in K.C.C. 26.12.025; and  
4917 c. the amount of funding requested in each project application; and  
4918 d. any additional relevant criteria of the jurisdiction in which the potential  
4919 acquisition is located.

4920 2. The committee's recommendations are solely advisory and the executive  
4921 and/or the council may adopt, alter, add to or decline to adopt all or part of the  
4922 committee's recommendations in the budget process.

4923 D. The executive's project and funding recommendation shall be included in the  
4924 annual proposed appropriation ordinance for the ensuing budget year.

4925 E.1. Except as otherwise provided in subsection E. 2. and 3. of this section, any  
4926 application funded by this process shall be sponsored and forwarded by the jurisdiction in  
4927 which the project is located. The jurisdiction shall commit to providing a matching  
4928 contribution no less than the amount of conservation futures tax levy funds appropriated  
4929 for the project before conservation futures tax levy funds are reimbursed to that  
4930 jurisdiction. This contribution may consist of cash, land trades with a valuation verified  
4931 by an appraisal by a Member of the Appraisal Institute (MAI) certified appraiser or the  
4932 cash value, excluding King County conservation futures contributions, of other open  
4933 spaces acquired within the previous two years that is either directly adjacent to the project  
4934 or the county concludes to be directly linked to the property under application.

4935 2. A jurisdiction may make an application in partnership with one or more  
4936 jurisdictions if the proposed project lies wholly within the boundaries of those

4937 jurisdictions, or if another reason for such a partnership is articulated within the  
4938 application, such as a trail connection, a community separator or coordinated salmon  
4939 habitat preservation. In such a partnership application, the relationship, roles and  
4940 responsibilities for acquisition, ownership, matching contribution obligations and future  
4941 maintenance must be described. If a partnership application is funded by this process, the  
4942 jurisdictions shall be required to enter into an interlocal agreement with the county  
4943 formalizing the relationship, roles and responsibilities for acquisition, ownership,  
4944 matching contribution obligations and future maintenance.

4945           3. For an application by a citizen or citizen group for a project in the city of  
4946 Seattle, the citizen or citizen group shall commit to providing a matching contribution no  
4947 less than the amount of conservation futures tax levy funds appropriated for the project.  
4948 This contribution may consist of cash, in-kind voluntary contributions or land donations  
4949 with a valuation verified by an appraisal by a Member of the Appraisal Institute (MAI)  
4950 certified appraiser or the cash value, excluding King County conservation futures  
4951 contributions, of other open spaces acquired within the previous two years that is either  
4952 directly adjacent to the project or the county concludes to be directly linked to the  
4953 property under application. For a project based on an application by a citizen or citizen  
4954 group, the funds shall be reimbursed to the jurisdiction in which the project is located. If  
4955 a citizen or citizen group's application is funded by this process, the jurisdiction in which  
4956 the project is located shall be required to enter into an interlocal agreement with the  
4957 county formalizing the relationship, roles and responsibilities for acquisition, ownership,  
4958 matching contribution obligations and future maintenance.

4959           F. In the event that the King County transfer of development program bank  
4960 (Bank), as established by K.C.C. chapter 21A.37, is awarded conservation futures levy  
4961 funds in order to purchase development rights and thereby preserve open space in  
4962 accordance with purposes and provisions of this chapter, the Bank is authorized to sell  
4963 those development rights and to use the proceeds from that sale to acquire additional  
4964 development rights, thereby preserving additional open space lands in accordance with  
4965 the terms and provisions of this chapter. When transferrable development rights (TDRs)  
4966 are purchased by the Bank in accordance with K.C.C. chapter 21A.37 using conservation  
4967 futures tax levy funds allocated to a project under K.C.C. 26.12.003G., matching  
4968 conservation futures tax fund credit is allowed for funds generated from the subsequent  
4969 sales of the TDRs, if the funds from those sales are used to purchase additional open  
4970 space that is identified as being within the scope of the original conservation futures tax  
4971 project.

4972           G. Conservation futures tax levy funds shall be deposited in the conservation  
4973 futures fund for the purpose of administering, disbursing and accounting for conservation  
4974 futures tax levy funds authorized by King County. Conservation futures tax levy funds  
4975 shall be disbursed to projects previously approved by King County upon receipt and  
4976 verification by King County of properly completed requests for payment of the funds.  
4977 The office of performance, strategy and budget shall prescribe the form for the requests.  
4978 The disbursement requests shall be made only for capital project expenditures that  
4979 include all costs of acquiring real property, including interests in real property, and the  
4980 following costs, though it shall not include the cost of preparing applications for  
4981 conservation futures moneys: cost of related relocation of eligible occupants; cost of

4982 appraisal; cost of appraisal review; cost of title insurance; closing costs; pro rata real  
4983 estate taxes; recording fees; compensating tax; hazardous waste substances reports;  
4984 directly related staff costs; and related legal and administrative costs. The city shall  
4985 transmit payment to its payees for current capital project costs within five days of the  
4986 receipt by the city of its requested conservation futures tax levy funds. The city shall  
4987 provide a list of authorized individuals to certify requests to King County. The city is  
4988 responsible for the accuracy of the payment requests and the propriety and timeliness of  
4989 its disbursements following receipt of conservation futures tax levy funds. Conservation  
4990 futures tax levy funds may not be used to acquire any property or interest therein through  
4991 the exercise of the power of eminent domain.

4992           (~~G.~~) H. Projects carried out by a governmental agency in whole or part with  
4993 conservation futures tax levy funds shall not be transferred or conveyed except by  
4994 interlocal agreement providing that the land or interest in land shall be continued to be  
4995 used for the purposes of K.C.C. 26.12.005 through 26.12.025 and in strict conformance  
4996 with the uses authorized under RCW 84.34.230. Also, the land or interest in land shall  
4997 not be converted to a different use unless other equivalent lands within the geographic  
4998 jurisdiction of the governmental agency are received in exchange for the lands or interest  
4999 in lands. This section does not prevent the grant of easements or franchises or the making  
5000 of joint use agreements or other operations compatible with the use of a project as  
5001 provided for in this section and authorized under RCW 84.34.230.

5002           SECTION 58. Ordinance 15051, Section 231, and K.C.C. 21A.24.520 are each  
5003 hereby amended to read as follows:

5004 If a property owner is unable to subdivide a (~~rural residential~~) RA zoned parcel  
5005 twenty acres or smaller at the density allowed under K.C.C. 21A.12.030 after application  
5006 of the requirements of this chapter, the director may approve modifications to  
5007 requirements for critical area buffers if:

5008 A. The applicant demonstrates that after the use of all provisions of this title,  
5009 including but not limited to, clustering and buffer averaging, reduction in critical area  
5010 buffers required by this chapter is necessary to achieve the density allowed under K.C.C.  
5011 21A.12.030;

5012 B. To the maximum extent practical, the subdivision or short subdivision design  
5013 has the least adverse impact on the critical area and critical area buffer;

5014 C. The modification does not pose an unreasonable threat to the public health,  
5015 safety or welfare on or off the development proposal site and is consistent with the  
5016 general purposes of this chapter and the public interest; and

5017 D. The applicant provides mitigation to compensate for the adverse impacts to  
5018 critical areas and buffers resulting from any modification to critical area buffers approved  
5019 under this section.

5020 SECTION 59. Ordinance 13129, Section 9, as amended, and K.C.C. 21A.27.090  
5021 are each hereby amended to read as follows:

5022 Antenna modifications consistent with the provisions of K.C.C. 21A.27.100 are  
5023 permitted outright. Modifications to transmission support structures are also permitted  
5024 outright, provided there is no increase in the height of the transmission support structure  
5025 except when:

5026           A. Necessary to accommodate the actual collocation of the antenna of other  
5027 service providers, or to accommodate the current providers antenna required to utilize  
5028 new technology, such as digital transmissions;

5029           B. Limited to no more than forty feet above the height of the existing  
5030 transmission support structure; and

5031           C. Proposed in the rural area zone or a residential zone and the proposed height  
5032 exceeds sixty feet and is demonstrated by the applicant to be required to meet the  
5033 proposed area of coverage. If proposed in the rural area zone or a residential zone, notice  
5034 and a comment period shall be provided consistent with the provisions of K.C.C.  
5035 20.20.060. If the need for additional height is challenged within the comment period  
5036 specified, technical evaluation as provided for in K.C.C. 21A.27.160 shall be conducted.  
5037 The department may approve, require additional mitigation, or deny the proposed height  
5038 increase on the basis of this technical evaluation.

5039           SECTION 60. Ordinance 10870, Section 530, as amended, and K.C.C.  
5040 21A.30.020 are each hereby amended to read as follows:

5041           The raising, keeping, breeding or fee boarding of small animals are subject to  
5042 K.C.C. 11.04, Animal Control Regulations, and the following requirements:

5043           A. Small animals which are kept indoors as household pets in aquariums,  
5044 terrariums, cages or similar containers shall not be limited in number, except as may be  
5045 provided in Title 11. Other small animals excluding cats kept indoors as household pets  
5046 shall be limited to five, of which not more than three may be unaltered cats or dogs. Cats  
5047 kept indoors shall not be limited in numbers.

5048 B. Other small animals kept outside, including adult cats and dogs, shall be  
5049 limited to three per household on lots of less than 20,000 square feet, five per household  
5050 on lots of 20,000 to 35,000 square feet, with an additional 2 per acre of site area over  
5051 35,000 square feet up to a maximum of 20, unless more are allowed as an accessory use  
5052 pursuant to paragraph E., provided that all unaltered animals kept outdoors must be kept  
5053 on a leash or in a confined area, except as authorized for a hobby kennel or cattery or  
5054 commercial kennel or cattery pursuant to K.C.C. 11.04.

5055 C. Excluding kennels and catteries, the total number of unaltered adult cats  
5056 and/or dogs per household shall not exceed three.

5057 D. Animals considered to be household pets shall be treated as other small  
5058 animals pursuant to K.C.C. 21A.30.020E when they are kept for commercial breeding,  
5059 boarding or training.

5060 E. Small animals and household pets kept as an accessory use outside the  
5061 dwelling, shall be raised, kept or bred only as an accessory use on the premises of the  
5062 owner, or in a kennel or cattery, subject to the following limitations:

5063 1. Birds shall be kept in an aviary or loft that meets the following standards:

5064 a. The aviary or loft shall provide 1/2 square foot for each parakeet, canary or  
5065 similarly sized birds, 1 square foot for each pigeon, small parrot or similarly sized bird,  
5066 and 2 square feet for each large parrot, macaw or similarly sized bird.

5067 b. Aviaries or lofts shall not exceed 2,000 square feet, provided this limit shall  
5068 not apply in rural, forestry, or agricultural zones.

5069 c. The aviary is set back at least 10 feet from any property line, and 20 feet  
5070 from any dwelling unit.



5071           2. Small animals other than birds shall be kept according to the following  
5072 standards:

5073           a. The minimum site area shall be one-half acre if more than 3 small animals  
5074 are being kept.

5075           b. All animals shall be confined within a building, pen, aviary or similar  
5076 structure.

5077           c. Any covered structure used to house or contain such animals shall maintain  
5078 a distance of not less than 10 feet to any property line, except structures used to house  
5079 mink and fox shall be a distance of not less than 150 feet.

5080           d. Poultry, chicken, squab, and rabbits are limited to a maximum of one animal  
5081 per one square foot of structure used to house such animals, up to a maximum of 2000  
5082 square feet; provided that this maximum structure size limit shall not apply in rural,  
5083 forestry, or agricultural zones.

5084           e. Hamsters, nutria and chinchilla are limited to a maximum of one animal per  
5085 square foot of structure used to house such animals, up to a maximum of 2000 square  
5086 feet; provided that this maximum structure size limit shall not apply in rural, forestry, or  
5087 agricultural zones.

5088           f. Mink and fox are permitted only on sites having a minimum area of five  
5089 acres.

5090           g. Beekeeping is limited as follows:

5091           (1) Beehives are limited to 50 on sites less than five acres;

5092           (2) The number of beehives shall not be limited on sites of five acres or  
5093 greater;

5094 (3) Colonies shall be maintained in movable-frame hives at all times;

5095 (4) Adequate space shall be provided in each hive to prevent overcrowding

5096 and swarming;

5097 (5) Colonies shall be requeened following any swarming or aggressive

5098 behavior;

5099 (6) All colonies shall be registered with the County Extension agent prior to

5100 April 1st of each year, on a state registration form acceptable to the county; and

5101 (7) Abandoned colonies, diseased bees, or bees living in trees, buildings, or

5102 any other space except in movable-frame hives shall constitute a public nuisance, and

5103 shall be abated as set forth in K.C.C. 21A.50, Enforcement;

5104 3. Kennels and catteries are subject to the following requirements:

5105 a. For kennels located on rural area or residential zoned sites:

5106 (1) The minimum site area shall be five acres; and

5107 (2) Structures housing animals and outdoor animal runs shall be a minimum  
5108 distance of 100 feet from property lines abutting the rural area zone or residential zones;

5109 b. For kennels located on non-residential zoned sites, run areas shall be

5110 completely surrounded by an eight foot solid wall or fence, and be subject to the

5111 requirements in K.C.C. 11.04.060; and

5112 c. Catteries shall be on sites of 35,000 square feet or more, and buildings used

5113 to house cats shall be a minimum distance of 50 feet from property lines abutting the

5114 rural area zone or residential zones.

5115 SECTION 61. Ordinance 11168, Section 5, as amended, and K.C.C. 21A.30.062

5116 are each hereby amended to read as follows:

5117           A. In the rural area and residential zones, fee boarding of livestock other than in a  
5118 legally established stable shall only be as an accessory use to a resident on the subject  
5119 property.

5120           B. A barn or stable may contain a caretaker's accessory living quarters under the  
5121 following conditions:

5122           1. Only one accessory living quarter per primary detached dwelling unit, except  
5123 in the F zone which prohibits accessory living quarters;

5124           2. The accessory living quarter shall not exceed five hundred square feet, and

5125           3. The structure must be constructed in conformance with the State Building  
5126 Code; and

5127           C. A barn or stable may contain a caretaker's accessory dwelling unit as allowed  
5128 pursuant to this provisions of this Title relating to accessory dwelling units.

5129           SECTION 62. Ordinance 10870, Section 557, as amended, and K.C.C.

5130 21A.32.200 are each hereby amended to read as follows:

5131           The interim or permanent re-use of surplus nonresidential facilities in the rural  
5132 area and residential (~~((zoned areas))~~) zones shall require that no more than ~~((50))~~ fifty  
5133 percent of the original floor area be demolished for either permanent or interim re-use of  
5134 facilities.

5135           SECTION 63. Ordinance 10870, Section 579, as amended, and K.C.C.

5136 21A.38.060 are each hereby amended to read as follows:

5137           A. The purpose of the office/research park special district overlay is to establish  
5138 an area for development to occur in a campus setting with integrated building designs,  
5139 flexible grouping of commercial and industrial uses, generous landscaping and buffering

5140 treatment, and coordinated auto and pedestrian circulation plans. Office/research park  
5141 districts shall only be established in areas designated within a community plan and zoned  
5142 RB, O or I zones. Permitted uses shall include all uses permitted in the RB, O and I  
5143 zones, as set forth in K.C.C. chapter 21A.08, regardless of the classification used as the  
5144 underlying zone on a particular parcel of land.

5145 B. The following development standards shall apply to uses locating in  
5146 office/research park overlay districts:

- 5147 1. All uses shall be conducted inside an entirely enclosed building;
- 5148 2. An internal circulation plan shall be developed to facilitate pedestrian and  
5149 vehicular traffic flow between major project phases and individual developments;
- 5150 3. The standards in this section shall be applied to the development as a unified  
5151 site, notwithstanding any division of the  
5152 development site under a binding site plan or subdivision;
- 5153 4. All buildings shall maintain a fifty-foot setback from perimeter streets and  
5154 from rural area and residential ((zoned areas)) zones;
- 5155 5. The total permitted impervious lot coverage shall be eighty-percent. The  
5156 remaining twenty-percent shall be devoted to open space. Open space may include all  
5157 required landscaping, and any unbuildable critical areas and their associated buffers;
- 5158 6. The landscaping standards in K.C.C. chapter 21A.16 are modified as follows:
  - 5159 a. Twenty-foot wide Type II landscaping shall be provided along exterior  
5160 streets, and twenty-foot wide Type III landscaping shall be provided along interior  
5161 streets;

5162           b. Twenty-foot wide Type I landscaping shall be provided along property lines  
5163 adjacent to rural area and residential ((zoned areas)) zones;

5164           c. Fifteen-foot wide Type II landscaping shall be provided along lines adjacent  
5165 to nonresidential zoned areas; and

5166           d. Type IV landscaping shall be provided within all surface parking lots as  
5167 follows:

5168           (1) Fifteen percent of the parking area, excluding required perimeter  
5169 landscaping, shall be landscaped in parking lots with more than thirty-parking stalls;

5170           (2) At least one tree for every four parking stalls shall be provided, to be  
5171 reasonably distributed throughout the parking lot; and

5172           (3) No parking stall shall be more than forty-feet from some landscaping;

5173           e. An inventory of existing site vegetation shall be conducted pursuant to the  
5174 procedures in K.C.C. chapter 21A.16, and

5175           f. An overall landscaping plan that conforms to the requirements of this  
5176 subsection shall be submitted for the entire district or each major development phase  
5177 prior to the issuance of any site development, grading or building permits;

5178           7. Lighting within an office/industrial park shall shield the light source from the  
5179 direct view of surrounding residential areas;

5180           8. Refuse collection/recycling areas and loading or delivery areas shall be  
5181 located at least one hundred feet from residential areas and screened with a solid view  
5182 obscuring barrier;

5183           9. Off street parking standards as in K.C.C. chapter 21A.18 are modified as  
5184 follows:

5185 a. one space for every three hundred square feet of floor area shall be provided  
5186 for all uses, except on-site daycare, exercise facilities, eating areas for employees, archive  
5187 space for tenants and retail/service uses;

5188 b. parking for on-site daycare, exercise facilities, eating areas for employees,  
5189 archive space for tenants, and retail/service uses shall be no less than one space for every  
5190 one thousand square feet of floor area and no greater than one space for every five  
5191 hundred square feet of floor area; and

5192 c. at least twenty-five percent of required parking shall be located in a parking  
5193 structure; and

5194 10. Sign standards in K.C.C. chapter 21A.20 are modified as follows:

5195 a. Signs visible from the exterior of the park shall be limited to one monument  
5196 office/research park identification sign at each entrance. The signs shall not exceed an  
5197 area of sixty-four square feet per sign;

5198 b. no pole signs shall be permitted; and

5199 c. all other signs shall be visible only from within the park.

5200 SECTION 64. Ordinance 15051, Section 59, and K.C.C. 21A.06.522 are each  
5201 hereby repealed.

5202 SECTION 65. Pursuant to K.C.C. 20.44.080, the metropolitan King County  
5203 council finds that the requirements for environmental analysis, protections and mitigation  
5204 measures in the chapters of K.C.C. Title 21A amended by this ordinance, provide  
5205 adequate analysis of and mitigation for the specific adverse environmental impacts to  
5206 which the requirements apply.

5207 SECTION 66. If any provision of this ordinance or its application to any person

5208 or circumstance is held invalid, the remainder of the ordinance or the application of the  
5209 provision to other persons or circumstances is not affected.