

November 23, 1994

Introduced BY: ~~CHRISTOPHER VANCE~~

Proposed No. 94 - 780

ORDINANCE NO. **11621**

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

11621

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

8
9 PREAMBLE:

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

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

33 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

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

49 Application of the 1993 Zoning Code.

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

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

56 or

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

11621

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

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

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

10 Transition to new code.

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

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

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

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

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

11621

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

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

15 C. Conversion table. The following conversion table and
16 criteria contained therein shall be used by the department in
17 converting the zoning maps adopted pursuant to Resolution 25789 to
18 the 1993 Zoning Code:
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11621

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

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

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

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

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

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

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

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

6 1. as provided in subsection E;

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

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

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

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

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

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

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

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

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

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

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

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

10 Interpretation: Standard industrial classification.

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

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

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

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

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

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

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

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

48 Conformity with this title required.

