



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

October 9, 2008

Ordinance 16267

Proposed No. 2008-0128.2

Sponsors Gossett

1 AN ORDINANCE relating to zoning and development .
2 regulations; amending Ordinance 1488, Section 2, as
3 amended, and K.C.C. 16.82.010, Ordinance 1488, Section
4 5, as amended, and K.C.C. 16.82.020, Ordinance 15053,
5 Section 3, and K.C.C. 16.82.051, Ordinance 14259, Section
6 4, and K.C.C. 16.82.052, Ordinance 1488, Section 11, as
7 amended, and K.C.C. 16.82.100, Ordinance 9614, Section
8 103, as amended, and K.C.C. 16.82.150, Ordinance 15053,
9 Section 15, and K.C.C. 16.82.152, Ordinance 13694,
10 Section 51, and K.C.C. 19A.08.160, Ordinance 13694,
11 Section 52, and K.C.C. 19A.08.170, Ordinance 10870,
12 Section 138, as amended, and K.C.C. 21A.06.490,
13 Ordinance 15051, Section 64, and K.C.C. 21A.06.578,
14 Ordinance 10870, Section 259, and K.C.C. 21A.06.1095,
15 Ordinance 15051, Section 86, and K.C.C. 21A.06.942,
16 Ordinance 15051, Section 100, and K.C.C. 21A.06.1182,
17 Ordinance 10870, Section 297, and K.C.C. 21A.06.1285,

18 Ordinance 10870, Section 330, as amended, and K.C.C.
19 21A.08.030, Ordinance 10870, Section 331, as amended,
20 and K.C.C. 21A.08.040, Ordinance 10870, Section 332, as
21 amended, and K.C.C. 21A.08.050, Ordinance 10870,
22 Section 334, as amended, and K.C.C. 21A.08.070,
23 Ordinance 10870, Section 336, as amended, and K.C.C.
24 21A.08.090, Ordinance 10870, Section 337, as amended,
25 and K.C.C. 21A.08.100, Ordinance 10870, Section 340, as
26 amended, and K.C.C. 21A.12.030, Ordinance 10870,
27 Section 341, as amended, and K.C.C. 21A.12.040,
28 Ordinance 10870, Section 354, as amended, and K.C.C.
29 21A.12.170, Ordinance 10870, Section 358, and K.C.C.
30 21A.12.210, Ordinance 10870, Section 364, as amended,
31 and K.C.C. 21A.14.040, Ordinance 10870, Section 382, as
32 amended, and K.C.C. 21A.14.220, Ordinance 10870,
33 Section 390, as amended, and K.C.C. 21A.16.050,
34 Ordinance 10870, Section 407, as amended, and K.C.C.
35 21A.18.030, Ordinance 10870, Section 422, and K.C.C.
36 21A.20.040, Ordinance 10870, Section 424, as amended,
37 and K.C.C. 21A.20.060, Ordinance 10870, Section 427, as
38 amended, and K.C.C. 21A.20.080, Ordinance 10870,
39 Section 432, as amended, and K.C.C. 21A.20.120,
40 Ordinance 13022, Section 26, and K.C.C. 21A.20.190,

41 Ordinance 15051, Section 137, and K.C.C. 21A.24.045,
42 Ordinance 15051, Section 139, and K.C.C. 21A.24.055,
43 Ordinance 10870, Section 454, as amended, and K.C.C.
44 21A.24.070, Ordinance 10870, Section 464, as amended,
45 and K.C.C. 21A.24.170, Ordinance 10870, Section 471, as
46 amended, and K.C.C. 21A.24.240, Ordinance 10870,
47 Section 472, as amended, and K.C.C. 21A.24.250,
48 Ordinance 10870, Section 473, as amended, and K.C.C.
49 21A.24.260, Ordinance 10870, Section 476, as amended,
50 and K.C.C. 21A.24.290, Ordinance 11481, Section 2, as
51 amended, and K.C.C. 21A.24.311, Ordinance 15051,
52 Section 173, and K.C.C. 21A.24.312, Ordinance 15051,
53 Section 174, and K.C.C. 21A.24.313, Ordinance 15051,
54 Section 179, and K.C.C. 21A.24.316, Ordinance 15051,
55 Section 185, and K.C.C. 21A.24.325, Ordinance 15051,
56 Section 187, and K.C.C. 21A.24.335, Ordinance 10870,
57 Section 481, as amended, and K.C.C. 21A.24.340,
58 Ordinance 15051, Section 192, and K.C.C. 21A.24.355,
59 Ordinance 15051, Section 193, and K.C.C. 21A.24.358,
60 Ordinance 15051, Section 195, and K.C.C. 21A.24.365,
61 Ordinance 10870, Section 485, as amended, and K.C.C.
62 21A.24.380, Ordinance 14187, Section 1, as amended, and
63 K.C.C. 21A.24.500, Ordinance 15051, Section 230, and

64 K.C.C. 21A.24.515, Ordinance 11621, Section 90, and
65 K.C.C. 21A.28.154, Ordinance 10870, Section 563, as
66 amended, and K.C.C. 21A.34.040, Ordinance 13274,
67 Section 1, as amended, and K.C.C. 21A.37.010, Ordinance
68 13274, Section 4, as amended, and K.C.C. 21A.37.020,
69 Ordinance 13274, Section 5, as amended, and K.C.C.
70 21A.37.030, Ordinance 13274, Section 6, as amended, and
71 K.C.C. 21A.37.040, Ordinance 14190, Section 8, as
72 amended, and K.C.C. 21A.37.060, Ordinance 13274,
73 Section 8, as amended, and K.C.C. 21A.37.080, Ordinance
74 13733, Section 8, as amended, and K.C.C. 21A.37.100,
75 Ordinance 13733, Section 10, as amended, and K.C.C.
76 21A.37.110, Ordinance 10870, Section 581, and K.C.C.
77 21A.38.080, Ordinance 11351, Section 1, as amended, and
78 K.C.C. 21A.38.090 and Ordinance 10870, Section 335, as
79 amended, and K.C.C. 21A.08.080, adding a new section to
80 K.C.C. chapter 16.82, adding a new section K.C.C. chapter
81 19A.08, adding a new sections to K.C.C. chapter 21A.06,
82 adding new sections to K.C.C. chapter 21A.12, adding a
83 new section to K.C.C. chapter 21A.24 and adding a new
84 section to K.C.C. chapter 21A.37.

85

86 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

87 SECTION 1. Ordinance 1488, Section 2, as amended, and K.C.C. 16.82.010 are
88 each hereby amended to read as follows:

89 A. This chapter is intended to regulate clearing and removal of vegetation,
90 excavation, grading and earthwork construction including cuts and fills, gravel pits,
91 dumping, quarrying and mining operations within King County in order to protect public
92 health, safety and welfare by:

- 93 1. Minimizing adverse stormwater impacts generated by the removal of
94 vegetation and alteration of landforms;
- 95 2. Protecting water quality from the adverse impacts associated with erosion and
96 sedimentation;
- 97 3. Minimizing aquatic and terrestrial wildlife habitat loss caused by the removal
98 of vegetation;
- 99 4. Protecting sensitive areas from adverse clearing and grading activities;
- 100 5. Facilitating and encouraging long term forest practice and agricultural
101 production operations where appropriate;
- 102 6. Minimizing the adverse impacts associated with materials processing,
103 quarrying and mining operations;
- 104 7. Preventing damage to property and harm to persons caused by excavations
105 and fills;
- 106 8. Establishing administrative procedures for the issuance of permits, approval
107 of plans, and inspection of clearing and grading operations; and
- 108 9. Providing penalties for the violation of this chapter.

109 B. This chapter establishes the administrative procedure for issuance of permits,
110 provides for approval of plans and inspection of clearing and grading operations, and
111 provides for penalties for the violation of this chapter.

112 SECTION 2. Ordinance 1488, Section 5, as amended, and K.C.C. 16.82.020 are
113 each hereby amended to read as follows:

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

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

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

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

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

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

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

130 G. "Department" means the department of development and environmental
131 services.

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

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

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

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

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

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

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

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

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

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

150 O. "Grading" means any excavating, filling, or removing of the duff layer, or
151 combination thereof.

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

154 Q. "Reclamation" means the final grading and restoration of a site to establish the
155 vegetative cover, soil surface water and groundwater conditions appropriate to
156 accommodate and sustain all permitted uses of the proposed zone appropriate for the site.

157 R. "Shorelines" means those lands defined as shorelines in the state Shorelines
158 Management Act of 1971.

159 S. "Site" means a single lot or parcel of land two or more contiguous lots that are
160 under common ownership or documented legal control, used as a single parcel for a
161 development proposal in order to calculate compliance with the standards and regulations
162 of this chapter. For purposes of this definition:

163 1. "Documented legal control" includes fee simple or leasehold rights, or an
164 easement (~~((retained at the time of transfer over lands previously owned by the holder of~~
165 ~~the easement))), or any combination thereof, which allows uses associated with the overall
166 development proposal; and~~

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

169 T. "Slope" means inclined ground surface, the inclination of which is expressed
170 as a ratio of horizontal distance to vertical distance.

171 U. "Structural engineer" means an engineer who is licensed as a professional
172 engineer in the branch of structural engineering by the state of Washington.

173 V. "Structure" means that which is built or constructed, an edifice or building of
174 any kind or any piece of work artificially built up or composed of parts jointed together in
175 some definite manner.

176 W. "Tree" means a large woody perennial plant usually with a single main stem
177 or trunk and generally over twelve feet tall at maturity.

178 X. "Understory" means the vegetation layer of a forest that includes shrubs,
179 herbs, grasses and grass-like plants, but excludes native trees.

180 Y. "Vegetation" means any organic plant life growing at, below or above the soil
181 surface.

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

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

186 B. The following activities are excepted from the requirement of obtaining a
187 clearing or grading permit before undertaking forest practices or clearing or grading
188 activities, as long as those activities conducted in critical areas are in compliance with the
189 standards in this ~~((section))~~ chapter and in K.C.C. ~~((21A.24.045))~~ chapter 21A.24. In
190 cases where an activity may be included in more than one activity category, the most-
191 specific description of the activity shall govern whether a permit is required. For
192 activities involving more than one critical area, compliance with the conditions applicable
193 to each critical area is required. Clearing and grading permits are required when a cell in
194 this table is empty and for activities not listed on the table.

Ordinance 16267

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
Non conversion Class I, II, III, IV-S forest practice	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
Roads													
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	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
Utilities													
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 18	NP 19	NP 19	NP 19

Ordinance 16267

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
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
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
Maintenance or repair of existing instream structure	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP 11	NP 11
Recreation areas													
Maintenance of outdoor public park facility, trail or publicly improved recreation area	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13
Habitat and science projects													
Habitat restoration or enhancement project	NP	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP	NP 21	NP 21	NP 21
Drilling and testing for critical areas report	NP 1, 2	NP 1, 2	NP 1, 2	NP 22	NP 22	NP 22	NP 1, 2	NP 1, 2	NP 22	NP 1, 2	NP 22	NP 22	NP 22

Ordinance 16267

Agriculture													
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Grazing livestock	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Construction and maintenance of livestock manure storage facility	NP 16	NP 16	NP 16	NP 16	NP 16		NP 16	NP 16		NP 16	NP 16	NP 16	
Maintenance 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
Other													
Excavation of cemetery grave in established and approved cemetery	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Maintenance of cemetery grave	NP	NP 13	NP 13	NP	NP 13	NP 13			NP 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

195

C. The following conditions apply:

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

199 2. Grading that produces less than two thousand square feet of new impervious
200 surface on a single site added after January 1, 2005, or that produces less than two
201 thousand square feet of replaced impervious surface or less than two thousand square feet
202 of new plus replaced impervious surface after the effective date of this ordinance. For
203 purposes of this subsection C.2., "new impervious surface" ((is)) and "replaced
204 impervious surface" are defined in K.C.C. 9.04.020.

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

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

209 b. in a critical drainage areas established by administrative rules;

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

212 d. subject to urban growth area significant tree retention standards under
213 K.C.C. 16.82.156 and 21A.38.230.

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

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

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

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

222 8. Cumulative clearing of less than seven thousand square feet and either:
223 a. conducted in accordance with a farm management plan, forest management
224 plan or a rural stewardship plan; or
225 b. limited to removal with hand labor.

226 9. Class I, II, III or IV forest practices as defined in chapter 76.09 RCW and
227 Title 222 WAC.

228 10. If done in compliance with K.C.C. 16.82.065.

229 11. Only when conducted by or at the direction of a government agency in
230 accordance with the regional road maintenance guidelines and K.C.C. 9.04.050, creates
231 less than two thousand square feet of new impervious surface on a single site added after
232 January 1, 2005, and is not within or does not directly discharge to an aquatic area or
233 wetland. For purposes of this subsection C.11., "new impervious surface" is defined in
234 K.C.C. 9.04.020.

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

237 a. slope stabilization or vegetation removal on slopes; or
238 b. ditches that are used by salmonids.

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

240 a. there is no alteration of a ditch or aquatic area that is used by salmonids:

241 b. the structure, condition or site maintained was constructed or created in
242 accordance with law; and

243 c. the maintenance does not expand the roadway, lawn, landscaping, ditch,
244 culvert or other improved area being maintained.

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

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

- 253 a. The King Conservation District;
- 254 b. King County department of natural resources and parks;
- 255 c. King County department of development and environmental services; or
- 256 d. Washington state Department of Fish and Wildlife.

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

259 17. Only if:

- 260 a. consistent with a farm plan in accordance with K.C.C. Title 21A; or
- 261 b. conducted in accordance with best management practices in the Natural
262 Resource Conservation Service Field Office Technical Guide.

263 18. In accordance with a franchise permit.

- 264 19. Only within the roadway in accordance with a franchise permit.
- 265 20. ~~((Allowed if))~~ When:
- 266 a. conducted by a public agency;
- 267 b. the height of the facility is not increased;
- 268 ~~c. ((there is no linear extension))~~ the linear length of the facility ~~((from the~~
- 269 ~~existing conditions))~~ is not increased;
- 270 ~~((e. there is no))~~ d. the footprint of the facility is not expanded waterward
- 271 ~~((extension of the facility from the existing conditions));~~
- 272 ~~((d.))~~ e. done in accordance with the Regional Road Maintenance Guidelines;
- 273 ~~((e.))~~ f. done in accordance with the adopted King County Flood Hazard
- 274 ~~((Reduction))~~ Management Plan and ~~((Washington state))~~ the Integrated Streambank
- 275 Protection Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002);
- 276 and
- 277 f. monitoring is conducted for three years following maintenance or repair and
- 278 an annual report is submitted to the department.
- 279 21. Only if:
- 280 a. the activity is not part of a mitigation plan associated with another
- 281 development proposal or is not corrective action associated with a violation; and
- 282 b. the activity is sponsored or co-sponsored by a public agency that has natural
- 283 resource management as its primary function or a federally-recognized tribe, and the
- 284 activity is limited to:
- 285 (1) revegetation of the critical area and its buffer with native vegetation or the
- 286 removal of noxious weeds or invasive vegetation;

287 (2) placement of weirs, log controls, spawning gravel, woody debris and
288 other specific salmonid habitat improvements;

289 (3) hand labor except:

290 (a) the use of riding mower or light mechanical cultivating equipment and
291 herbicides or biological control methods when prescribed by the King County noxious
292 weed control board for the removal of noxious weeds or invasive vegetation; or

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

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

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

298 24. Limited to the removal of downed trees.

299 SECTION 4. Ordinance 14259, Section 4, and K.C.C. 16.82.052 are each hereby
300 amended to read as follows:

301 A. The director shall have the authority to issue temporary permits for
302 excavations, processing, quarrying and mining, and removal of sand, gravel, rock and
303 other natural deposits, together with the necessary buildings, apparatus or appurtenances
304 incident thereto for specific jobs on application for highway, road, street, airport
305 construction, flood control and other public works projects. In conjunction with such
306 operations, allied uses such as, but not limited to, rock crushers, concrete-batching plants
307 and asphalt-batching plants may be authorized by this temporary permit. The director
308 shall also have the authority to issue temporary permits for the removal of existing

309 stockpiles of previously mined materials for the reclamation of land to its best use,
310 consistent with the underlying zoning.

311 ((A.)) B. The department of development and environmental services shall
312 consider the effect of the proposed operation on the county road system and any effect it
313 may have on surface or groundwater drainage and flood control, and shall make such
314 recommendations as are necessary to protect the public interest in this regard.

315 ((B.)) C. The department of development and environmental services shall also
316 consider the effect of the proposed operation on the current and future land use in the area
317 affected by the proposed operation and shall condition permits as necessary to protect the
318 public interest in this regard. Temporary permits are good for the life of the contract of
319 the specific job but must be reviewed annually. Each temporary permit((s)) site shall be
320 fully restored during the term of the temporary permit, unless the site is subsequently
321 designated with an M zone classification((, or included in an unclassified use permit.

322 ~~C. Development proposals will be subject to two levels of review standards based~~
323 ~~on occupancy types, critical facilities and standard structures. The review standards for~~
324 ~~critical facilities will be based on larger earthquake reoccurrence intervals than the~~
325 ~~earthquakes considered for standard occupancy structures. The review standards will be~~
326 ~~set forth in the administrative rules)).~~

327 SECTION 5. Ordinance 1488, Section 11, as amended, and K.C.C. 16.82.100 are
328 each hereby amended to read as follows:

329 A person conducting a grading activity shall comply with the following standards:

330 A. Cuts and fills shall conform to the following provisions unless otherwise
331 approved by the department:

332 1. A slope of cut and fill surfaces shall not be steeper than is safe for both the
333 intended use and soil type and shall not exceed two horizontal to one vertical;

334 2. All disturbed areas including faces of cuts and fill slopes shall be prepared
335 and maintained to control erosion in compliance with K.C.C. 16.82.095;

336 3. The ground surface shall be prepared to receive fill by removing unsuitable
337 material such as concrete slabs, tree stumps, brush, car bodies and other materials as
338 determined by the department;

339 4. Except in an approved sanitary landfill or as part of engineered fill, fill
340 material shall meet the following standards:

341 a. Fill material shall consist of earthen material, organic material or recycled or
342 reprocessed materials that are not categorized as dangerous waste under Title 173 WAC
343 and that were produced originally from an earthen or organic material;

344 b. Fill material shall have a maximum dimension of less than twelve inches;

345 c. Recycled concrete shall be free of rebar and other materials that may pose a
346 safety or health hazard;

347 d. Recycled asphalt shall not be used in areas subject to exposure to seasonal
348 or continual perched ground water, in a critical aquifer recharge area or over a sole-
349 source aquifer; and

350 e. Recycled materials that have not been reprocessed to meet the definition of
351 common borrow shall be intermixed with well-graded, natural, earthen materials in
352 sufficient quantities and of a suitable size to assure filling of all voids and to assure that
353 the fill can be compacted to ninety percent of the maximum density;

354 5. Provisions shall be made to:

355 a. prevent any surface water or seepage from damaging the cut face of any
356 excavation or the sloping face of a fill; and

357 b. address any surface water that is or might be concentrated as a result of a fill
358 or excavation to a natural watercourse in accordance with K.C.C. chapter 9.04 and the
359 Surface Water Design Manual;

360 6. Benches and any swales or ditches on benches shall be designed in
361 accordance with the King County Surface Water Design Manual;

362 7. The tops and the toes of cut and fill slopes shall be set back from property
363 boundaries and structures as far as necessary:

364 a. for the safety of the adjacent properties;

365 b. for adequacy of foundation support;

366 c. to prevent damage resulting from water runoff or erosion of the slopes; and

367 d. to preserve the permitted uses on the adjacent properties; and

368 8. All fill shall meet the following:

369 a. Fill greater than three feet in depth shall be engineered and compacted to
370 accommodate the proposed use unless a notice on title documenting the location of the
371 fill is recorded and the fill is sufficiently stable to not pose a hazard; and

372 b. Any fill in the floodplain shall, from the face of the fill to a horizontal
373 distance of six feet back from the face, meet the compaction requirements for pond
374 embankments in the Surface Water Design Manual, unless determined by the department
375 that inundation is not a threat to fill integrity or that other requirements necessary for
376 compliance with the King County Guidelines for Bank Stabilization (Surface Water
377 Management 1993) are met.

378 B. Access roads to grading sites shall be:

379 1. Maintained and located to the satisfaction of the King County department of
380 transportation to minimize problems of dust, mud and traffic circulation;

381 2. Located where the permanent access to the site is proposed in the permit
382 application to minimize site disturbance; and

383 3. Controlled by a gate when required by the department.

384 C. Signs warning of hazardous conditions, if determined by the department to
385 exist on a particular site, shall be affixed at locations as required by the department.

386 D. Where required by the department, to protect life, limb and property, fencing
387 shall be installed with lockable gates that must be closed and locked when not working
388 on the site. The fence shall be no less than six feet in height and the fence material shall
389 have no opening larger than two inches.

390 E. Rocks, dirt, mud, vegetation and any other materials used or produced on-site
391 in the course of permitted activities shall not be spilled onto or otherwise left on public
392 roadways or any off-site property not specifically authorized as a receiving site under a
393 valid permit.

394 F. The duff layer and native topsoil shall be retained in an undisturbed state to the
395 maximum extent practicable. Any duff layer or topsoil removed during grading shall be
396 stockpiled on-site in a designated, controlled area not adjacent to public resources and
397 critical areas. The material shall be reapplied to other portions of the site where feasible.

398 G.1. Except as otherwise provided in subsection G.2. of this section, areas that
399 have been cleared and graded shall have the soil moisture holding capacity restored to
400 that of the original undisturbed soil native to the site to the maximum extent practicable.

401 The soil in any area that has been compacted or that has had some or all of the duff layer
402 or underlying topsoil removed shall be amended to mitigate for lost moisture-holding
403 capacity. The amendment shall take place between May 1 and October 1. ((Replaced))
404 The topsoil layer shall be a minimum of eight inches thick, unless the applicant
405 demonstrates that a different thickness will provide conditions equivalent to the soil
406 moisture-holding capacity native to the site. ((Replaced)) The topsoil layer shall have an
407 organic matter content of between ((eight to thirteen)) five to ten percent dry weight and
408 a pH suitable for the proposed landscape plants. When feasible, subsoils below the
409 topsoil layer should be scarified at least four inches with some incorporation of the upper
410 material to avoid stratified layers. Compost used to achieve the required soil organic
411 matter content must meet the definition of "composted materials" in WAC 173-350-220.

- 412 2. This subsection does not apply to areas that:
- 413 a. Are subject to a state surface mine reclamation permit; or
- 414 b. At project completion are covered by an impervious surface, incorporated
415 into a drainage facility or engineered as structural fill or slope.

416 NEW SECTION. SECTION 6. There is hereby added to K.C.C. chapter 16.82 a
417 new section to read as follows:

418 A property owner who controls two or more adjacent lots subject to clearing
419 limits under K.C.C. 16.82.150 may relocate the area that is required to remain
420 undeveloped on each individual lot into a single location on one or more of the lots as
421 follows:

- 422 A. The total area subject to clearing limits shall not be decreased;
- 423 B. Areas within critical areas and critical area buffers cannot be relocated;

424 C. The relocated area shall be situated in a manner that minimizes fragmentation
425 of wildlife habitat and maximizes protection of critical areas and prevention of flooding,
426 erosion, and groundwater impacts based on site characteristics, including topography and
427 soils;

428 D. The relocated area is subject to the provisions of this chapter governing
429 allowable activities within areas subject to clearing limits; and

430 E. The property owner shall record a notice on title that identifies the relocated
431 area subject to the clearing limits.

432 SECTION 7. Ordinance 9614, Section 103, as amended, and K.C.C. 16.82.150
433 are each hereby amended to read as follows:

434 A. Except as otherwise provided in this section, in the RA zone the following
435 standards apply to clearing on individual lots:

436 1. For lots one and one-quarter acre or smaller:

437 a. clearing shall not exceed the greater of:

438 (1) the amount cleared before January 1, 2005, or cleared under a complete
439 clearing permit application filed before October 25, 2004, in accordance with previous
440 county regulations;

441 (2) fifty percent of the lot area; or

442 (3) seven thousand square feet.

443 b. any clearing required for the construction of access, utilities and septic
444 systems shall not be counted towards the amount of clearing allowed under this
445 subsection;

446 2. For lots greater than one and one-quarter acres and up to fives acres in area,
447 clearing shall not exceed the greater of:

448 a. the amount legally cleared before January 1, 2005, or cleared under a
449 complete clearing permit application filed before October 25, 2004, in accordance with
450 previous county regulations; or

451 b. fifty percent of lot area;

452 3. For lots greater than fives acres, clearing shall not exceed the greater of:

453 a. the amount legally cleared before January 1, 2005, or cleared under a
454 complete clearing permit application filed before October 25, 2004, in accordance with
455 previous county regulations;

456 b. two and one-half acres, or

457 c. thirty-five percent of lot area; and

458 4. For lots greater than one and one-quarter acre in either the Bear Creek basin,
459 the Issaquah Creek basin and the May Creek basin, clearing shall not exceed the greater
460 of:

461 a. the amount legally cleared before January 1, 2005, or cleared under a
462 complete clearing permit application filed before October 25, 2004, in accordance with
463 previous county regulations; or

464 b. thirty-five percent of lot area;

465 B. The standards in subsection A. of this section shall not apply if more
466 restrictive standards apply through:

467 1. The Critical Areas Code, K.C.C. chapter 21A.24, and its adopted public rules;

468 2. Property-specific development standards or special district overlays under
469 K.C.C. chapter 21A.38; or

470 3. Critical drainage area designations identified by adopted public rule.

471 C.1. If there is an approved and current rural stewardship plan or farm
472 management plan under K.C.C. chapter 21A.24, the maximum amount of clearing
473 allowed under this section is established by the rural stewardship plan or the farm
474 management plan;

475 2. Subsection A. of this section does not apply to a lot within a subdivision or
476 short subdivision:

477 a. Approved with clearing restrictions in accordance with K.C.C. 16.82.152; or

478 b. In the Bear Creek, Issaquah Creek or May Creek basins that was approved
479 with clearing restrictions in accordance with this section as it existed prior to January 1,
480 2005;

481 3. On a lot within a subdivision or short subdivision that is not covered by
482 subsection C.2. of this section, any land located in an open space tract created as part of
483 the subdivision or short subdivision shall be credited to the individual lots in the
484 subdivision or short subdivision on a prorated basis according to the size of each lot in
485 relation the entire area of the subdivision or short subdivision;

486 4. The area within (~~critical areas and critical area~~) landslide or steep slope
487 hazard areas, wetlands, aquatic areas and the buffers(~~(, except for critical aquifer recharge~~
488 ~~areas,)) for these critical areas may be counted towards meeting the requirements of
489 subsection A. of this section;~~

490 5. Clearing in areas encumbered by a utility corridor, or easement for a public
491 road or trail rights-of-way or an access easement shall not be counted toward the cleared
492 area limit;

493 6. Clearing standards for mining uses shall be determined through the clearing
494 and grading permit review process; and

495 7. Clearing that is the minimum necessary to provide for the relocation of
496 equestrian community trails shall not be counted towards the cleared area limit.

497 D. The director may modify or wave subsection of this section for a development
498 proposal that meets the following conditions:

499 1. The development proposal consists of one or more of the following uses:

500 a. government services listed in K.C.C. 21A.08.060;

501 b. educational services listed in K.C.C. 21A.08.050;

502 c. parks as listed in K.C.C. 21A.08.040 when located adjacent to an existing or
503 proposed school;

504 d. libraries listed in K.C.C. 21A.08.040; and

505 e. road projects that are not part of a larger development proposal;

506 2. The development proposal site is not located in a designated regionally
507 significant resource area, except for utility or road corridors for which the applicant
508 demonstrate that there is no feasible alternative or that the development proposal is
509 within an existing maintained corridor. If only a portion of the project is located within a
510 designated regionally significant resource area, this subsection applies to that portion of
511 the project located outside of the designated regionally significant resource area; and

512 3. To the maximum extent practical, the project locates structures in already
513 cleared areas of the site and clears the minimum necessary to accommodate the proposed
514 use which includes all the allowed ballfields, playfields, other facilities, and spaces
515 proposed by the public agency to carry out its public function.

516 E. The standards of this section shall be established at the time of permit
517 application. The area required to remain uncleared shall be designated on the site plan
518 approved by the department.

519 F. Areas that are required to remain uncleared under this section shall be
520 maintained by the property owner as a resource area. The uses permitted in the resource
521 area shall not prevent the long-term purpose of the resource area to promote forest cover
522 and shall include uses such as:

523 1. Except in areas regulated by a source described in subsection B.3. of this
524 section, forest practices in accordance with a county-approved forest management plan;

525 2. Passive recreation uses and related facilities, including pedestrian, equestrian
526 community and bicycle trails, nature viewing areas, fishing and camping areas, and other
527 similar uses that do not require permanent structures, if:

528 a. clearing and soil compaction associated with these uses and facilities does
529 not exceed eight percent of the area of the resource area; and

530 b. within wildlife habitat corridors, trail widths shall be the minimum allowed
531 under adopted trail standards and no other recreation uses shall be permitted in an area of
532 the corridor at least one hundred fifty feet in width;

533 3. Utilities and utility easements, including surface water facilities, if the
534 facilities are within or adjacent to existing road or utility easements to the maximum
535 extent practical;

536 4. Pruning or removing hazard trees or removing downed trees;

537 5. Reducing the danger from wildfire by following best management practices
538 approved by the King County fire marshal;

539 a. removal of limbs within ten feet of the ground to prevent movement of fire
540 from ground level to treetops; and

541 b. removal of dead trees or branches overhanging a residence; and

542 6. Removal of noxious or invasive vegetation.

543 G. Before approving a development permit application for a parcel that has been
544 cleared in violation of the clearing standards in effect at the time of the clearing, the
545 department shall require the applicant submit to the department and implement a
546 restoration plan to restore trees, understory vegetation and soil to support and maintain
547 the native vegetative cover on the percentage of the site that was to remain uncleared
548 under this section. If the clearing is in violation of the six-year moratorium on permitting
549 established in K.C.C. 16.82.140, the department may determine whether the restoration
550 plan is sufficient to mitigate for the impacts resulting from the clearing violation.

551 SECTION 8. Ordinance 15053, Section 15, and K.C.C. 16.82.152 are each
552 hereby amended to read as follows:

553 A. Except as otherwise provided in this section, the following standards apply to
554 clearing allowed in subdivisions and short subdivisions in the RA zone:

555 1. Clearing shall not exceed thirty-five percent of the area of the subdivision and
556 short subdivision; and

557 2. The area remaining uncleared shall be:

558 a. shown on the face of the recorded plat map to delineate where the uncleared
559 area is to remain on each lot; and

560 b. marked with at least one sign per buildable lot adjoining the area indicating
561 that the area is a permanent resource management area.

562 B. The standards in subsection A. of this section shall not apply if more
563 restrictive standards apply through:

564 1. Property-specific development standards pursuant to K.C.C. chapter 21A.38;
565 or

566 2. Critical drainage area designations identified by adopted administrative rule.

567 C. If sixty-five percent or more of the site is ~~((in critical areas and critical area~~
568 ~~buffers))~~ set aside in a critical area tract as required under K.C.C. chapter 21A.24, this
569 section does not apply.

570 D. Clearing to provide for the relocation of equestrian community trails shall not
571 be counted towards the cleared area limit.

572 E. The department may allow an increase in the amount of clearing up to fifty
573 percent of the site area of a subdivision or short subdivision if the area to remain
574 uncleared:

575 1. Is placed in a separate resource tract that is:

576 a. separately identified from critical area tracts on the face of the recorded plat
577 map; and

578 b. retained by the subdivider, conveyed to residents of the subdivision, or
579 conveyed to a third party;

580 2. Is situated in a manner that minimizes fragmentation of wildlife habitat or
581 that maximizes protection of critical areas and prevention of flooding, erosion, and
582 groundwater impacts based on site characteristics, including topography and soils; and

583 3. Complies with either of the following:

584 a. A reforestation plan for the tract is approved and implemented, if the tract
585 has been legally harvested, or

586 b. One or more of the following habitats is preserved that is not contained
587 within another critical area or critical area buffer:

588 (1) cave;

589 (2) old-growth forest;

590 (3) mature forest;

591 (4) area that has an abundance of snags;

592 (5) talus slope;

593 (6) breeding habitat for a species that the county should protect under the King
594 County Comprehensive Plan;

595 (7) foraging habitat for any species that the county shall protect or should
596 protect under the King County Comprehensive Plan; or

597 (8) a vegetated corridor that connects critical areas, priority habitat areas,
598 designated regionally or locally significant resource areas, and other areas of high
599 wildlife value.

600 F. The approval of a subdivision or short subdivision application for a parcel that
601 has been cleared in violation of the regulations in effect at the time of the clearing shall
602 require the restoration of trees, understory vegetation and soil to support and maintain
603 native vegetation cover on the percentage of the site that was to remain uncleared under
604 this section. The applicant shall submit to the department a restoration plan. If the
605 clearing is in violation of the six-year moratorium on permitting authorized in K.C.C.
606 16.82.140, the department may determine whether the restoration plan is sufficient to
607 mitigate for the impacts resulting from the clearing violation.

608 G. The ~~((uses permitted within a resource land tract))~~ area required to remain
609 uncleared under this section shall be ~~((limited))~~ maintained as a resource area as provided
610 in K.C.C. 16.82.150.F.

611 SECTION 9. Ordinance 13694, Section 52, and K.C.C. 19A.08.170 are each
612 hereby amended to read as follows:

613 Any person or entity who violates ~~((any provision of))~~ this title or who sells or
614 transfers a lot, tract or parcel that was not created consistent with this title or chapter 58.17
615 RCW or that has not been recognized by the department as a legal lot under this chapter
616 shall, in addition to any remedies and sanctions provided for under state law, be subject to
617 the enforcement provisions of K.C.C. Title 23.

618 SECTION 10. Ordinance 13694, Section 51, and K.C.C. 19A.08.160 are each
619 hereby amended to read as follows:

620 A. Prior to final recording of a plat or short plat, the following minimum
621 improvements shall be constructed consistent with the approved plans, except that the
622 director may allow posting of a financial guarantee in the event that expiration of the plat

623 or short plat is imminent or other extraordinary circumstances prevent the construction of
624 such improvements.

625 1. Drainage facilities and erosion control measures consistent with K.C.C.
626 9.04.090;

627 2. Water mains and hydrant installed and fire flow available, if required;

628 3. Roadways graded to all lots within the subdivision or short subdivision and
629 capable of providing access by passenger vehicle;

630 4. Specific site improvements required by the preliminary plat approval
631 ordinance or preliminary short plat approval decision, if the decision requires completion
632 prior to plat recording;

633 5. Delineation of sensitive areas that are to remain undeveloped;

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

638 7. Improvements without which the director determines a safety hazard would
639 exist; and

640 8. All private improvements outside of the right-of-way or road easement.

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

644 NEW SECTION. SECTION 11. A new section is hereby added to K.C.C.
645 chapter 21A.06 to read as follows:

646 Environmental education project: A project that facilitates learning where the
647 emphasis is placed on relationships between people and natural resources.

648 Environmental education projects include, but are not limited to:

- 649 A. Bird blinds;
- 650 B. Observation decks;
- 651 C. Boardwalks; and
- 652 D. Signs or kiosks

653 SECTION 12. Ordinance 10870, Section 138, as amended, and K.C.C.

654 21A.06.490 are each hereby amended to read as follows:

655 Flood protection elevation: an elevation that is ~~((one foot))~~ three-foot above the
656 base flood elevation.

657 SECTION 13. Ordinance 15051, Section 64, and K.C.C. 21A.06.578 are each
658 hereby amended to read as follows:

659 Habitat, fish: habitat that is used by ~~((fish))~~ anadromous or resident salmonids at
660 any life stage at any time of the year including potential habitat likely to be used by
661 ~~((fish))~~ anadromous or resident salmonids. "Fish habitat" includes habitat that is
662 upstream of, or landward of, human-made barriers that could be accessible to, and could
663 be used by, fish upon removal of the barriers. This includes off-channel habitat, flood
664 refuges, tidal flats, tidal channels, streams and wetlands.

665 NEW SECTION. SECTION 14. A new section is hereby added to K.C.C.
666 chapter 21A.06 to read as follows:

667 Paintball. A sport in which participants eliminate opponents from play by hitting
668 them with paintballs shot from a compressed-gas-powered paintball gun.

669 SECTION 15. Ordinance 10870, Section 259, and K.C.C. 21A.06.1095 are each
670 hereby amended to read as follows:

671 Sign, changing message center: an electrically controlled sign that contains
672 advertising messages ~~((which))~~ that changes ~~((at intervals of))~~ more frequently than once
673 every three minutes ~~((or greater))~~.

674 SECTION 16. Ordinance 15051, Section 86, and K.C.C. 21A06.942 are each
675 hereby amended to read as follows:

676 Public road right-of-way structure: the existing, maintained, improved road right-
677 of-way or railroad or light rail transit prism and the roadway drainage features including
678 ditches and the associated surface water conveyance system, flow control and water
679 quality treatment facilities and other structures that are ancillary to those facilities
680 including catch-basins, access holes and culverts.

681 SECTION 17. Ordinance 15051, Section 100, and K.C.C. 21A.06.1182 are each
682 hereby amended to read as follows:

683 Slope: an inclined ground surface, the inclination of which is expressed as a ratio
684 of ~~((vertical))~~ horizontal distance to ~~((horizontal))~~ vertical distance.

685 SECTION 18. Ordinance 10870, Section 297, and K.C.C. 21A.06.1285 are each
686 hereby amended to read as follows:

687 Trails: man-made pathways designed and intended for use by pedestrians,
688 bicyclists, equestrians, and ~~((/or))~~ other nonmotorized recreational users.

689 SECTION 19. Ordinance 10870, Section 330, as amended, and K.C.C.
690 21A.08.030 are each hereby amended to read as follows:

691 A. Residential land uses.

Ordinance 16267

KEY		RESOURCE			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			E		N	O	S	I	S	A	S		R
	T								T	R	S	T	S	L	S		I
	U								I	H		Y					A
	R								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				
	DWELLING UNITS, TYPES:																
*	Single Detached	P	P2		P	P C13	P C13	P	P17								
		C13			C13			C13									
*	Townhouse				C4	C4	P	P	P3	P3	P3	P3					
							C12										
*	Apartment				C4	C4	P5 C4	P	P3	P3	P3	P3					
*	Mobile Home				S14		C8	P									
	Park																
*	Cottage						C16										
	Housing																
	GROUP RESIDENCES:																

Ordinance 16267

*	Community Residential Facility-I				C	C	((P15))P15.a	P	P3	P3	P3	P3
*	Community Residential Facility-II						P15.b	P	P3	P3	P3	P3
*	Dormitory				C6	C6	C6	P				
*	Senior Citizen Assisted Housing					P4	P4	P	P3	P3	P3	P3
	ACCESSORY USES:											
*	Residential Accessory Uses	P7 P18	P7		P7	P7	P7	P7	P7	P7	P7	P7
*	Home Occupation	P	P		P	P	P	P	P	P	P	P
*	Home Industry	C			C	C	C					
	TEMPORARY LODGING:											
7011	Hotel/Motel (1)									P	P	P
*	Bed and Breakfast Guesthouse	P9 C10			P10	P10	P10	P10	P10	P11	P11	
7041	Organization Hotel/Lodging Houses										P	

GENERAL	Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070;
CROSS	Development Standards, see K.C.C. chapters 21A.12 through 21A.30;
REFERENCES:	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.

- 692 B. Development conditions.
- 693 1. Except bed and breakfast guesthouses.
- 694 2. In the forest production district, the following conditions apply:
- 695 a. Site disturbance associated with development of any new residence shall be
- 696 limited to three acres. Site disturbance shall mean all land alterations including, but not
- 697 limited to, grading, utility installation, landscaping, clearing for crops, on-site sewage
- 698 disposal systems and driveways. Additional site disturbance for agriculture, including
- 699 raising livestock, up to the smaller of thirty-five percent of the lot or seven acres, may be
- 700 approved only if a farm management (conservation) plan is prepared in accordance with
- 701 K.C.C. chapter 21A.30. Animal densities shall be based on the area devoted to animal
- 702 care and not the total area of the lot;
- 703 b. A forest management plan shall be required for any new residence in the
- 704 forest production district, which shall be reviewed and approved by the King County
- 705 department of natural resources and parks prior to building permit issuance; and
- 706 c. The forest management plan shall incorporate a fire protection element that
- 707 includes fire safety best management practices developed by the department.
- 708 3. Only as part of a mixed use development subject to the conditions of K.C.C.
- 709 chapter 21A.14, except that in the NB zone on properties with a land use designation of
- 710 commercial outside of center (CO) in the urban areas, stand-alone townhouse

711 developments are permitted subject to K.C.C. 21A.12.040, 21A.14.030, 21A.14.060 and
712 21A.14.180.

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

715 b. In the R-1 zone, apartment units are permitted, provided that:

716 (1) The proposal shall be subject to a conditional use permit when exceeding
717 base density,

718 (2) At least fifty percent of the site is constrained by unbuildable sensitive
719 areas. For purposes of this section, unbuildable sensitive areas shall include wetlands,
720 streams and slopes forty percent or steeper and associated buffers; and

721 (3) The density does not exceed a density of eighteen units per acre of net
722 buildable area as defined in K.C.C. 21A.06.797; or

723 c. In the R-4 through R-8 zones, apartment units are permitted, provided that
724 the proposal shall be subject to a conditional use permit when exceeding base density,
725 and provided that the density does not exceed a density of eighteen units per acre of net
726 buildable area as defined in K.C.C. 21A.06.797.

727 5. Apartment units are permitted outright as follows:

728 a. In the R-1 zone when at least fifty percent of the site is constrained by
729 unbuildable sensitive areas which for purposes of this section, includes wetlands, streams
730 and slopes forty percent or steeper and associated buffers, and provided that the density
731 does not exceed a density of eighteen units per acre of net buildable area as defined in
732 K.C.C. 21A.06.797; or

733 b. In the R-4 through R-8 zones, provided that the density does not exceed
734 eighteen units per acre of net buildable area as defined in K.C.C. 21A.06.797.

735 6. Only as an accessory to a school, college, university or church.

736 7.a. Accessory dwelling units:

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

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

739 (a) an urban lot that is less than ~~((ten))~~ five thousand square feet in area(~~((;~~
740 ~~en))~~);

741 (b) except as otherwise provided in subsection B.7.a.(5) of this section, a
742 rural lot that is less than the minimum lot size(~~((;))~~; or (~~((en))~~)

743 (c) a lot containing more than one primary dwelling;

744 (3) The primary dwelling unit or the accessory dwelling unit shall be owner
745 occupied;

746 (4)(a) Except as otherwise provided in subsection B.7.a.(5) of this section,
747 ~~((Θ))~~one of the dwelling units shall not exceed a floor area of one thousand square feet
748 except when one of the dwelling units is wholly contained within a basement or attic; and

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

751 (5) On a site zoned RA:

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

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

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

760 ~~((6))~~ (7) The accessory dwelling unit shall be converted to another
761 permitted use or shall be removed if one of the dwelling units ceases to be owner
762 occupied; and

763 ~~((7))~~ (8) An applicant seeking to build an accessory dwelling unit shall file a
764 notice approved by the department of executive services, records and licensing services
765 division, that identifies the dwelling unit as accessory. The notice shall run with the land.
766 The applicant shall submit proof that the notice was filed before the department shall
767 approve any permit for the construction of the accessory dwelling unit. The required
768 contents and form of the notice shall be set forth in administrative rules. If an accessory
769 dwelling unit in a detached building in the rural zone is subsequently converted to a
770 primary unit on a separate lot, neither the original lot nor the new lot may have an
771 additional detached accessory dwelling unit constructed unless the lot is at least twice the
772 minimum lot area required in the zone; and

773 ~~((8))~~ (9) Accessory dwelling units and accessory living quarters are not
774 allowed in the F zone.

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

- 778 (1) no aircraft sales, service, repair, charter or rental; and
- 779 (2) no storage of aviation fuel except that contained in the tank or tanks of the
- 780 aircraft.
- 781 c. Buildings for residential accessory uses in the RA and A zone shall not
- 782 exceed five thousand square feet of gross floor area, except for buildings related to
- 783 agriculture or forestry.
- 784 8. Mobile home parks shall not be permitted in the R-1 zones.
- 785 9. Only as an accessory to the permanent residence of the operator, and:
- 786 a. Serving meals to paying guests shall be limited to breakfast; and
- 787 b. There shall be no more than five guests per night.
- 788 10. Only as an accessory to the permanent residence of the operator, and:
- 789 a. Serving meals to paying guests shall be limited to breakfast; and
- 790 b. The number of persons accommodated per night shall not exceed five,
- 791 except that a structure that satisfies the standards of the Uniform Building Code as
- 792 adopted by King County for R-1 occupancies may accommodate up to ten persons per
- 793 night.
- 794 11. Only if part of a mixed use development, and subject to the conditions of
- 795 K.C.C. 21A.08.030B.10.
- 796 12. Townhouses are permitted, but shall be subject to a conditional use permit if
- 797 exceeding base density.
- 798 13. Required before approving more than one dwelling on individual lots,
- 799 except on lots in subdivisions, short subdivisions or binding site plans approved for

800 multiple unit lots, and except as provided for accessory dwelling units in K.C.C.

801 21A.08.030B.7.

802 14. No new mobile home parks are allowed in a rural zone.

803 15. a. Limited to domestic violence shelter facilities.

804 b. Limited to domestic violence shelter facilities with no more than eighteen
805 residents or staff."

806 16. Only in the R4-R8 zones limited to:

807 a. developments no larger than one acre;

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

810 c. All units must be cottage housing units with no less than three units and no
811 more than sixteen units, provided that if the site contains an existing home that is not
812 being demolished, the existing house is not required to comply with the height limitation
813 in subsection B.25. of this section or the floor area and footprint limits in K.C.C.

814 21A.14.025.B.

815 17. The development for a detached single-family residence shall be consistent
816 with the following:

817 a. The lot must have legally existed prior to March 1, 2005;

818 b. The lot has a comprehensive plan land use designation of Rural
819 Neighborhood or Rural Residential; and

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

821 18. Housing for agricultural employees who are employed by the owner or
822 operator of the site year-round as follows:

- 823 a. Not more than:
- 824 (1) One agricultural employee dwelling unit on a site under twenty acres;
- 825 (2) Two agricultural employee dwelling units on a site between twenty acres
826 and fifty acres;
- 827 (3) Three agricultural employee dwelling units on a site greater than fifty
828 acres and less than one-hundred acres; and
- 829 (4) On sites one-hundred acres and larger one additional agricultural
830 employee dwelling unit for each additional one hundred acres;
- 831 b. The primary use of the site shall be agricultural in SIC Industry Group No.
832 01-Growing and Harvesting Crops or SIC Industry Group No. 02-Raising Livestock and
833 Small Animals. If the primary use of the site changes to a non-agricultural use, all
834 agricultural employee dwelling units shall be removed;
- 835 c. The applicant shall file with the department of executive services, records,
836 elections and licensing services division, a notice approved by the department that
837 identifies the agricultural employee dwelling units as accessory and that the dwelling
838 units shall only be occupied by agricultural employees who are employed by the owner or
839 operator year-round. The notice shall run with the land. The applicant shall submit to the
840 department proof that the notice was filed with the department of executive services,
841 records, elections and licensing services division before the department approves any
842 permit for the construction of agricultural employee dwelling units;
- 843 d. An agricultural employee dwelling unit shall not exceed a floor area of one
844 thousand square feet and may be occupied by no more than eight unrelated agricultural
845 employees;

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

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

850 SECTION 20. Ordinance 10870, Section 331, as amended, and K.C.C.

851 21A.08.040 are each hereby amended to read as follows:

852 A. Residential land uses.

KEY		RESOURCE			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			E	N		O S	I S	A S	R	
	T						T		R S	T S	L S	I	
	U						I		H	Y		A	
	R						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	
	DWELLING UNITS, TYPES:												
*	Single Detached	P	P2		P	P C13	P	P	P17				
		C13			C13		C13	C13					

Ordinance 16267

*	Townhouse				C4	C4	P	P	P3	P3	P3	P3
							C12					
*	Apartment				C4	C4	P5	P	P3	P3	P3	P3
							C4					
*	Mobile Home Park				S14		C8	P				
*	Cottage Housing						C16					
GROUP RESIDENCES:												
*	Community Residential Facility-I				C	C	P15	P	P3	P3	P3	P3
							C					
*	Community Residential Facility-II							P	P3	P3	P3	P3
*	Dormitory				C6	C6	C6	P				
*	Senior Citizen Assisted Housing					P4	P4	P	P3	P3	P3	P3
ACCESSORY USES:												
*	Residential Accessory Uses	P7	P7		P7	P7	P7	P7	P7	P7	P7	P7
		P18										
*	Home Occupation	P	P		P	P	P	P	P	P	P	P
*	Home Industry	C			C	C	C					
TEMPORARY LODGING:												
7011	Hotel/Motel (1)									P	P	P

Ordinance 16267

*	Bed and Breakfast Guesthouse	P9 C10			P10	P10	P10	P10	P10	P11	P11	
7041	Organization Hotel/Lodging Houses										P	
GENERAL		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070;										
CROSS		Development Standards, see K.C.C. chapters 21A.12 through 21A.30;										
REFERENCES:		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.										

- 853 B. Development conditions.
- 854 1. The following conditions and limitations shall apply, where appropriate:
- 855 a. No stadiums on sites less than ten acres;
- 856 b. Lighting for structures and fields shall be directed away from residential
- 857 areas;
- 858 c. Structures or service yards shall maintain a minimum distance of fifty feet
- 859 from property lines adjoining residential zones, except for structures in on-site recreation
- 860 areas required in K.C.C. 21A.14.180 and 21A.14.190. Setback requirements for
- 861 structures in these on-site required recreation areas shall be maintained in accordance
- 862 with K.C.C. 21A.12.030;
- 863 d. Facilities in the A zone shall be limited to trails and trailheads, including
- 864 related accessory uses such as parking and sanitary facilities; and
- 865 e. Overnight camping is allowed only in an approved campground.
- 866 2. Recreational vehicle parks are subject to the following conditions and
- 867 limitations:

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

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

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

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

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

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

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

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

885 5. Limited to day moorage.

886 6.a. Adult entertainment businesses shall be prohibited within three hundred
887 thirty feet of any property zoned RA, UR or R or containing schools, licensed daycare
888 centers, public parks or trails, community centers, public libraries or churches. In
889 addition, adult entertainment businesses shall not be located closer than three thousand
890 feet to any other adult entertainment business. These distances shall be measured from

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

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

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

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

915 8. Limited to a golf driving range only as:

916 a. an accessory to golf courses; or

917 b. an accessory to a large active recreation and multiuse park.

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

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

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

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

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

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

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

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

935 11. Only as accessory to a park or in a building listed on the National Register
936 as an historic site or designated as a King County landmark subject to K.C.C. chapter
937 21A.32.

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

942 13. Subject to the following:

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

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

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

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

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

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

955 16. Subject to the following conditions:

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

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

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

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

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

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

969 21. Only as an accessory to a park, or a large active recreation and multiuse park
970 in the RA zones, and limited to:

971 a. rentals of sports and recreation equipment; and

972 b. a total floor area of seven hundred and fifty square feet.

973 22. Only as an accessory to a large active recreation and multiuse park and
974 limited to:

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

976 b. rentals of sports and recreation equipment.

977 23. Limited to natural resource and heritage museums and only allowed in a farm or
978 forestry structure, including but not limited to barns or sawmills, existing as of December
979 31, 2003.

