

1 ..title

2 AN ORDINANCE relating to zoning and development
3 regulations; amending Ordinance 1488, Section 2, as
4 amended, and K.C.C. 16.82.010, Ordinance 1488, Section
5 5, as amended, and K.C.C. 16.82.020, Ordinance 15053,
6 Section 3 and K.C.C. 16.82.051, Ordinance 14259, Section
7 4 and K.C.C. 16.82.052, Ordinance 1488, Section 11, as
8 amended, and K.C.C. 16.82.100, Ordinance 9614, Section
9 103, as amended, and K.C.C. 16.82.150, Ordinance 15053,
10 Section 15 and K.C.C. 16.82.152, Ordinance 13694,
11 Section 51 and K.C.C. 19A.08.160, 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 335, as amended, and K.C.C.

24 21A.08.080, Ordinance 10870, Section 336, as amended,
25 and K.C.C. 21A.08.090, Ordinance 10870, Section 337, as
26 amended, and K.C.C. 21A.08.100, Ordinance 10870,
27 Section 340, as amended, and K.C.C. 21A.12.030,
28 Ordinance 10870, Section 341, as amended, and K.C.C.
29 21A.12.040, Ordinance 10870, Section 354, as amended,
30 and K.C.C. 21A.12.170, Ordinance 10870, Section 358 and
31 K.C.C. 21A.12.210, Ordinance 10870, Section 364, as
32 amended, and K.C.C. 21A.14.040, Ordinance 10870,
33 Section 382, as amended, and K.C.C. 21A.14.220,
34 Ordinance 10870, Section 390, as amended, and K.C.C.
35 21A.16.050, Ordinance 10870, Section 407, as amended,
36 and K.C.C. 21A.18.030, Ordinance 10870, Section 422 and
37 K.C.C. 21A.20.040, Ordinance 10870, Section 424, as
38 amended, and K.C.C. 21A.20.060, Ordinance 10870,
39 Section 427, as amended, and K.C.C. 21A.20.080,
40 Ordinance 10870, Section 432, as amended, and K.C.C.
41 21A.20.120, Ordinance 13022, Section 26 and K.C.C.
42 21A.20.190, Ordinance 15051, Section 137 and K.C.C.
43 21A.24.045, Ordinance 15051, Section 139 and K.C.C.
44 21A.24.055, Ordinance 10870, Section 454, as amended,
45 and K.C.C. 21A.24.070, Ordinance 10870, Section 464, as
46 amended, and K.C.C. 21A.24.170, Ordinance 10870,

47 Section 471, as amended, and K.C.C. 21A.24.240,
48 Ordinance 10870, Section 472, as amended, and K.C.C.
49 21A.24.250, Ordinance 10870, Section 473, as amended
50 and K.C.C. 21A.24.260, Ordinance 10870, Section 476, as
51 amended, and K.C.C. 21A.24.290, Ordinance 11481,
52 Section 2, as amended, and K.C.C. 21A.24.311, Ordinance
53 15051, Section 173 and K.C.C. 21A.24.312, Ordinance
54 15051, Section 174 and K.C.C. 21A.24.313, Ordinance
55 15051, Section 179 and K.C.C. 21A.24.316, Ordinance
56 15051, Section 185 and K.C.C. 21A.24.325, Ordinance
57 15051, Section 187 and K.C.C. 21A.24.335, Ordinance
58 10870, Section 481, as amended, and K.C.C. 21A.24.340,
59 Ordinance 15051, Section 192 and K.C.C. 21A.24.355,
60 Ordinance 15051, Section 193 and K.C.C. 21A.24.358,
61 Ordinance 15051, Section 195 and K.C.C. 21A.24.365,
62 Ordinance 10870, Section 485, as amended, and K.C.C.
63 21A.24.380, Ordinance 14187, Section 1, as amended, and
64 K.C.C. 21A.24.500, Ordinance 15051, Section 230 and
65 K.C.C. 21A.24.515, Ordinance 11621, Section 90 and
66 K.C.C. 21A.28.154, Ordinance 10870, Section 563, as
67 amended, and K.C.C. 21A.34.040, Ordinance 13274,
68 Section 1, as amended, and K.C.C. 21A.37.010, Ordinance
69 13274, Section 4, as amended, and K.C.C. 21A.37.020,

70 Ordinance 13274, Section 5, as amended, and K.C.C.
71 21A.37.030, Ordinance 13274, Section 6, as amended, and
72 K.C.C. 21A.37.040, Ordinance 14190, Section 8, as
73 amended, and K.C.C. 21A.37.060, Ordinance 13274,
74 Section 8, as amended, and K.C.C. 21A.37.080, Ordinance
75 13733, Section 8, as amended, and K.C.C. 21A.37.100,
76 Ordinance 13733, Section 10, as amended, and K.C.C.
77 21A.37.110, Ordinance 10870, Section 581 and K.C.C.
78 21A.38.080, Ordinance 11351, Section 1, as amended, and
79 K.C.C. 21A.38.090, adding a new section to K.C.C. chapter
80 16.82, adding a new section K.C.C. chapter 19A.08, adding
81 a new sections to K.C.C. chapter 21A.06, adding new
82 sections to K.C.C. chapter 21A.12, adding a new section to
83 K.C.C. Chapter 21A.24 and adding a new section to K.C.C.
84 Chapter 21A.37

85 ..body

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

158 S. "Site" means a single lot or parcel of land two or more contiguous lots that are
159 under common ownership or documented legal control, used as a single parcel for a

160 development proposal in order to calculate compliance with the standards and regulations
161 of this chapter. For purposes of this definition:

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

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

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

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

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

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

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

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

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

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

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

KEY "NP" in a cell means no permit required if conditions are met. A number in a cell means the Numbered condition in subsection C. applies. "Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network	O U T A O F C R I T I F A L	A R E L M N D E H T U H F E R D	C O S I O N N H A Z A R D	E O O D N H A Z A R D	F L O O D N E L M I G R A T I O N	C H A N D S B M L U I C E E H Z A R D	L A N D S U I C E R A R D	A N D S B M L U I C E E H Z A R D	V O L U N T A R Y C L E A R I N G	S H O R T C U R S E P R O P O S E D B U I L I N G	C R E C I T I O N A L A R E A B U F F E R	W E E T H L A N D S A N D S A N D S A N D S	A Q U I T I C E R E A S A N D S A N D S	A N D S B M L U I C E E H Z A R D	W I L D N E T W O R K		
ACTIVITY																	
Grading and Clearing																	
Grading	NP 1, 2	NP 1, 2	NP 1, 2				NP 1, 2	NP 1, 2			NP 1, 2						

Habitat and science projects													
Habitat restoration or enhancement project	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
		21	21	21	21	21	21	21	21		21	21	21
Drilling and testing for critical areas report	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
	1, 2	1, 2	1, 2	22	22	22	1, 2	1, 2	22	1, 2	22	22	22
Agriculture													
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Grazing livestock	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Construction and maintenance of livestock manure storage facility	NP	NP	NP	NP	NP		NP	NP		NP	NP	NP	
	16	16	16	16	16		16	16		16	16	16	
Maintenance of agricultural drainage	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
	15	15	15	15	15	15	15	15	15	15	15	15	15
Maintenance of farm pond, fish pond, livestock watering pond	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
	15	15	15	15	15	15	15	15	15	15	15	15	15
Other													
Excavation of cemetery grave in established and approved cemetery	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Maintenance of cemetery grave	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
		13	13		13	13			13		13	13	13

Maintenance of lawn, landscaping and gardening for personal consumption	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	NP	NP 13	NP	NP 13	NP 13	NP 13
Maintenance of golf course	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP	NP	NP 13	NP 13	NP 13	NP 13	NP 13

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C. The following conditions apply:

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1. Excavation less than five feet in vertical depth, or fill less than three feet in

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vertical depth that, cumulatively over time, does not involve more than one hundred

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cubic yards on a single site.

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2. Grading that produces less than two thousand square feet of new impervious

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surface on a single site added after January 1, 2005 or that produces less than two

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thousand square feet of replaced impervious surface or less than two thousand square feet

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of new plus replaced impervious surface after the effective date of this ordinance. For

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purposes of this subsection C.2., "new impervious surface" (~~is~~) and "replaced

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impervious surface" are defined in K.C.C. 9.04.020.

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3. Cumulative clearing of less than seven thousand square feet including, but

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not limited to, collection of firewood and removal of vegetation for fire safety. This

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exception shall not apply to development proposals:

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

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

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c. subject to clearing limits included in property-specific development

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standards and special district overlays under K.C.C. chapter 21A.38; or

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d. subject to urban growth area significant tree retention standards under

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K.C.C. 16.82.156 and 21A.38.230.

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

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

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

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

221 8. Cumulative clearing of less than seven thousand square feet and either:

222 a. conducted in accordance with a farm management plan, forest management
223 plan or a rural stewardship plan; or

224 b. limited to removal with hand labor.

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

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

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

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

- 236 a. slope stabilization or vegetation removal on slopes; or
- 237 b. ditches that are used by salmonids.
- 238 13. In conjunction with normal and routine maintenance activities, if:
- 239 a. there is no alteration of a ditch or aquatic area that is used by salmonids:
- 240 b. the structure, condition or site maintained was constructed or created in
- 241 accordance with law; and
- 242 c. the maintenance does not expand the roadway, lawn, landscaping, ditch,
- 243 culvert or other improved area being maintained.
- 244 14. If a culvert is used by salmonids or conveys water used by salmonids and
- 245 there is no adopted farm management plan, the maintenance is limited to removal of
- 246 sediment and debris from the culvert and its inlet, invert and outlet and the stabilization
- 247 of the area within three feet of the culvert where the maintenance disturbed or damaged
- 248 the bank or bed and does not involve the excavation of a new sediment trap adjacent to
- 249 the inlet.
- 250 15. If used by salmonids, only in compliance with an adopted farm plan in
- 251 accordance with K.C.C. Title 21A and only if the maintenance activity is inspected by:
- 252 a. The King Conservation District;
- 253 b. King County department of natural resources and parks;
- 254 c. King County department of development and environmental services; or
- 255 d. Washington state Department of Fish and Wildlife.
- 256 16. Only if consistent with an adopted farm plan in accordance with K.C.C.
- 257 Title 21A.
- 258 17. Only if:

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

262 18. In accordance with a franchise permit.

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

264 20. ~~((Allowed if))~~ When:

265 a. conducted by a public agency;

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

267 c. ~~((there is no linear extension))~~ the linear length of the facility ~~((from the~~
268 ~~existing conditions))~~ is not increased;

269 ~~((e. there is no))~~ d. the footprint of the facility is not expanded waterward
270 ~~((extension of the facility from the existing conditions));~~

271 ~~((e.))~~ e. done in accordance with the Regional Road Maintenance Guidelines;

272 ~~((e.))~~ f. done in accordance with the adopted King County Flood Hazard
273 ~~((Reduction))~~ Management Plan and ~~((Washington state))~~ the Integrated Stream
274 Protection Guidelines ~~(Washington State Aquatic Habitat Guidelines Program, 2002);~~

275 and

276 f. monitoring is conducted for three years following maintenance or repair and
277 an annual report is submitted to the department.

278 21. Only if:

279 a. the activity is not part of a mitigation plan associated with another
280 development proposal or is not corrective action associated with a violation; and

281 b. the activity is sponsored or co-sponsored by a public agency that has natural
282 resource management as its primary function or a federally-recognized tribe, and the
283 activity is limited to:

284 (1) revegetation of the critical area and its buffer with native vegetation or the
285 removal of noxious weeds or invasive vegetation;

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

288 (3) hand labor except:

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

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

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

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

297 24. Limited to the removal of downed trees.

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

300 A. The director shall have the authority to issue temporary permits for
301 excavations, processing, quarrying and mining, and removal of sand, gravel, rock and
302 other natural deposits, together with the necessary buildings, apparatus or appurtenances
303 incident thereto for specific jobs on application for highway, road, street, airport

304 construction, flood control and other public works projects. In conjunction with such
305 operations, allied uses such as, but not limited to, rock crushers, concrete-batching plants
306 and asphalt-batching plants may be authorized by this temporary permit. The director
307 shall also have the authority to issue temporary permits for the removal of existing
308 stockpiles of previously mined materials for the reclamation of land to its best use,
309 consistent with the underlying zoning.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

353 5. Provisions shall be made to:

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

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

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

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

363 a. for the safety of the adjacent properties;

364 b. for adequacy of foundation support;

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

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

367 8. All fill shall meet the following:

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

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

377 B. Access roads to grading sites shall be:

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

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

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

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

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

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

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

397 G.1. Except as otherwise provided in subsection G.2. of this section, areas that
398 have been cleared and graded shall have the soil moisture holding capacity restored to
399 that of the original undisturbed soil native to the site to the maximum extent practicable.
400 The soil in any area that has been compacted or that has had some or all of the duff layer
401 or underlying topsoil removed shall be amended to mitigate for lost moisture-holding
402 capacity. The amendment shall take place between May 1 and October 1. ~~((Replaced))~~
403 The topsoil layer shall be a minimum of eight inches thick, unless the applicant
404 demonstrates that a different thickness will provide conditions equivalent to the soil
405 moisture-holding capacity native to the site. ~~((Replaced))~~ The topsoil layer shall have an
406 organic matter content of between ~~((eight to thirteen))~~ five to ten percent dry weight and
407 a pH suitable for the proposed landscape plants. When feasible, subsoils below the
408 topsoil layer should be scarified at least four inches with some incorporation of the upper
409 material to avoid stratified layers. Compost used to achieve the required soil organic
410 matter content must meet the definition of “composted materials” in WAC 173-350-220.

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

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

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

421 A. The total area subject to clearing limits shall not be decreased;

422 B. Areas within critical areas and critical area buffers cannot be relocated;

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

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

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

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

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

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

436 a. clearing shall not exceed the greater of:

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

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

441 (3) seven thousand square feet.

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

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

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

450 b. fifty percent of lot area;

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

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

455 b. two and one-half acres, or

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

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

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

463 b. thirty-five percent of lot area;

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

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

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

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

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

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

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

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

480 3. On a lot within a subdivision or short subdivision that is not covered by
481 subsection C.2. of this section, any land located in an open space tract created as part of
482 the subdivision or short subdivision shall be credited to the individual lots in the

483 subdivision or short subdivision on a prorated basis according to the size of each lot in
484 relation the entire area of the subdivision or short subdivision;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

541 6. Removal of noxious or invasive vegetation.

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

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

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

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

556 2. The area remaining uncleared shall be:

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

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

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

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

564 or

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

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

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

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

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

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

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

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

582 3. Complies with either of the following:

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

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

587 (1) cave;

588 (2) old-growth forest;

589 (3) mature forest;

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

591 (5) talus slope;

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

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

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

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

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

610 NEW SECTION. SECTION 9. A new section is hereby added to K.C.C. chapter
611 19A.08 to read as follows:

612 A. The segregation of land in accordance with chapter 58.17 RCW and this title
613 shall be required prior to the sale or transfer of nine or fewer lots, tracts or parcels of land
614 inside the Urban Growth Area and the sale or transfer of four or fewer lots, tracts or
615 parcels of land outside the Urban Growth Area.

616 B. This provision shall not apply to lots where:

617 1. The department has issued a determination pursuant to KCC 19A.08.070 that
618 the lot was legally segregated;

619 2. The department has issued a determination that the lot is exempt pursuant to
620 KCC 19A.08.040 and RCW 58.17.040; or

621 3. The department has issued a determination of innocent purchaser status
622 pursuant to 19A.08.090.

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

625 A. Prior to final recording of a plat or short plat, the following minimum
626 improvements shall be constructed consistent with the approved plans, except that the
627 director may allow posting of a financial guarantee in the event that expiration of the plat
628 or short plat is imminent or other extraordinary circumstances prevent the construction of
629 such improvements.

630 1. Drainage facilities and erosion control measures consistent with K.C.C.
631 9.04.090;

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

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

635 4. Specific site improvements required by the preliminary plat approval
636 ordinance or preliminary short plat approval decision, if the decision requires completion
637 prior to plat recording;

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

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

643 7. Improvements without which the director determines a safety hazard would
644 exist; and

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

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

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

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

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

- 654 A. Bird blinds;
- 655 B. Observation decks;
- 656 C. Boardwalks; and
- 657 D. Signs or kiosks

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

659 21A.06.490 are each hereby amended to read as follows:

660 Flood protection elevation: an elevation that is (~~one-foot~~) three-feet above the
661 base flood elevation.

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

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

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

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

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

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

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

681 Public road right-of-way structure: the existing, maintained, improved road right-
682 of-way or railroad or light rail transit prism and the roadway drainage features including
683 ditches and the associated surface water conveyance system, flow control and water

684 quality treatment facilities and other structures that are ancillary to those facilities
 685 including catch-basins, access holes and culverts.

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

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

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

692 Trails: man-made pathways designed and intended for use by pedestrians,
 693 bicyclists, equestrians, and~~((/or))~~ other non-motorized recreational users.

694 SECTION 19. Ordinance 10870, Section 330, as amended, and K.C.C.
 695 21A.08.030 are each hereby amended to read as follows:

696 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	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							

*	Residential Accessory Uses	P7 P18	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.											

697

B. Development conditions.

698

1. Except bed and breakfast guesthouses.

699

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

700

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

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

702

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

703

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

704

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

705

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

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

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

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

713 3. Only as part of a mixed use development subject to the conditions of K.C.C.
714 chapter 21A.14, except that in the NB zone on properties with a land use designation of
715 commercial outside of center (CO) in the urban areas, stand-alone townhouse
716 developments are permitted subject to K.C.C. 21A.12.040, 21A.14.030, 21A.14.060 and
717 21A.14.180.

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

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

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

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

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

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

732 5. Apartment units are permitted outright as follows:

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

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

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

741 7.a. Accessory dwelling units:

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

743 (2) Only in the same building as the primary dwelling unit on an urban lot
744 that is less than ~~((ten))~~ five thousand square feet in area, on a rural lot that is less than the
745 minimum lot size, or on a lot containing more than one primary dwelling;

746 (3) The primary dwelling unit or the accessory dwelling unit shall be owner
747 occupied;

748 (4)(a) Except as otherwise provided in this subsection B.7.a(4)(b) of this
749 section, ~~((Θ))~~ one of the dwelling units shall not exceed a floor area of one thousand

750 square feet except when one of the dwelling units is wholly contained within a basement
751 or attic(~~and~~);

752 (b) On a site zoned RA, if a transferable development right is purchased
753 under K.C.C. Chapter 21A.27, the maximum floor area of the smaller of the dwelling
754 units shall not exceed a floor area of one thousand five hundred square feet; and

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

757 (5) One additional off-street parking space shall be provided;

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

760 (7) An applicant seeking to build an accessory dwelling unit shall file a notice
761 approved by the department of executive services, records, elections and licensing
762 services division, which identifies the dwelling unit as accessory. The notice shall run
763 with the land. The applicant shall submit proof that the notice was filed before the
764 department shall approve any permit for the construction of the accessory dwelling unit.
765 The required contents and form of the notice shall be set forth in administrative rules. If
766 an accessory dwelling unit in a detached building in the rural zone is subsequently
767 converted to a primary unit on a separate lot, neither the original lot or the new lot may
768 have an additional detached accessory dwelling unit constructed unless the lot is at least
769 twice the minimum lot area required in the zone; and

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

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

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

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

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

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

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

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

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

785 10. 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. The number of persons accommodated per night shall not exceed five,

788 except that a structure that satisfies the standards of the Uniform Building Code as
789 adopted by King County for R-1 occupancies may accommodate up to ten persons per
790 night.

791 11. Only if part of a mixed use development, and subject to the conditions of
792 K.C.C. 21A.08.030B.10.

793 12. Townhouses are permitted, but shall be subject to a conditional use permit if
794 exceeding base density.

795 13. Required before approving more than one dwelling on individual lots,
796 except on lots in subdivisions, short subdivisions or binding site plans approved for
797 multiple unit lots, and except as provided for accessory dwelling units in K.C.C.
798 21A.08.030B.7.

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

800 15. Limited to domestic violence shelter facilities.

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

802 a. developments no larger than one acre;

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

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

809 21A.14.025.B.

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

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

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

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

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

818 a. Not more than:

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

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

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

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

826 b. The primary use of the site shall be agricultural in SIC Industry Group No.
827 01-Growing and Harvesting Crops or SIC Industry Group No. 02-Raising Livestock and
828 Small Animals. If the primary use of the site changes to a non-agricultural use, all
829 agricultural employee dwelling units shall be removed;

830 c. The applicant shall file with the department of executive services, records,
831 elections and licensing services division, a notice approved by the department that
832 identifies the agricultural employee dwelling units as accessory and that the dwelling
833 units shall only be occupied by agricultural employees who are employed by the owner or
834 operator year-round. The notice shall run with the land. The applicant shall submit to the
835 department proof that the notice was filed with the department of executive services,
836 records, elections and licensing services division before the department approves any
837 permit for the construction of agricultural employee dwelling units;

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

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

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

845 SECTION 20. Ordinance 10870, Section 331, as amended, and K.C.C.
 846 21A.08.040 are each hereby amended to read as follows:

847 A. Recreational/cultural land uses.

KEY		RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL				
P-Permitted Use	Z O N E	A	F	M	R	U R	U	R	N B	C B	R B	O	I
C-Conditional Use		G	O	I	U	R E	R	E	E U	O U	E U	F	N
S-Special Use		R	R	N	R	B S	B	S	I S	M S	G S	F	D
		I	E	E	A	A E	A	I	G I	M I	I I	I	U
		C	S	R	L	N R	N	D	H N	U N	O N	C	S
		U	T	A		R V		E	B E	N E	N E	E	T
		L		L		E			O S	I S	A S		R
		T						N	R S	T S	L S		I
		U						A	H	Y			A
		R						L	O				L
		E							D				
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I
	PARK/RECREATION:												
*	Park	P1	P1	P1	P1	P1	P1	P1	P	P	P	P	P13
	Large Active Recreation and Multiuse Park		P1	P1	P1	P1	P1	P1	P	P	P	P	P13
*	Trails	P	P	P	P	P	P	P	P	P	P	P	P
*	Campgrounds		P16 C16 a	P16	P16 C16 a	P16 C16 a							P16 C16 a
*	Destination Resorts		S		S18	C					C		
*	Marina		C 3		C4	C4	C4	C4	P5	P	P	P	P
*	Recreational Vehicle Park		P19	P19	C2 and 18 P19	C2 P19							

*	Outdoor Performance Center		S		C12 S18		P20	P20			S		
	CULTURAL:												
823	Library				P11 C	P11 C	P11 C	P11 C	P	P	P	P	
841	Museum	C2 3	C23		P11 C	P11 C	P11 C	P11 C	P	P	P	P	P
842	Arboretum	P	P		P	P	P	P	P	P	P	P	
*	Conference Center				P11 C12	P11 C12	P11 C	P11 C	P		P	P	
GENERAL CROSS		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070;											
REFERENCES:		Development Standards see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*Definition of this specific Land Use, see K.C.C. chapter 21A.06.											

848

B. Development conditions.

849

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

850

a. No stadiums on sites less than ten acres;

851

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

852

areas;

853

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

854

from property lines adjoining residential zones, except for structures in on-site recreation

855

areas required in K.C.C. 21A.14.180 and 21A.14.190. Setback requirements for

856

structures in these on-site required recreation areas shall be maintained in accordance

857

with K.C.C. 21A.12.030;

858

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

859

related accessory uses such as parking and sanitary facilities; and

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

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

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

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

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

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

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

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

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

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

880 5. Limited to day moorage.

881 6.a. Adult entertainment businesses shall be prohibited within three hundred
882 thirty feet of any property zoned RA, UR or R or containing schools, licensed daycare

883 centers, public parks or trails, community centers, public libraries or churches. In
884 addition, adult entertainment businesses shall not be located closer than three thousand
885 feet to any other adult entertainment business. These distances shall be measured from
886 the property line of the parcel or parcels proposed to contain the adult entertainment
887 business to the property line of the parcels zoned RA, UR or R or that contain the uses
888 identified in this subsection B.6.a.

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

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

906 shall not be used on other portions of the site through clustering or on other sites through
907 the transfer of density provision. This residential density clustering or transfer limitation
908 shall be reflected in a deed restriction that is recorded at the time applicable permits for
909 the development of the golf course are issued.

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

911 a. an accessory to golf courses; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

966 a. rentals of sports and recreation equipment; and

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

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

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

971 b. rentals of sports and recreation equipment.

972 23. Limited to natural resource and heritage museums and only allowed in a farm or
973 forestry structure, including but not limited to barns or sawmills, existing as of December
974 31, 2003.

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

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

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

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

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

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

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

993 (a) For a camp established prior to August 11, 2005, with a conditional use
994 permit and is forty acres or larger, but less than one hundred and sixty acres, the number

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

997 (b) For a camp established prior to August 11, 2005, with a conditional use
998 permit and is one hundred and sixty acres or larger, but less than two hundred acres, the
999 number of overnight campers, not including camp personnel, may be up to three hundred
1000 and fifty campers over the limit established by subsection B.24.c.(1)(b) of this section.

1001 The camp may terminate operations at its existing site and establish a new camp if the
1002 area of the camp is greater than two hundred and fifty acres and the number of overnight
1003 campers, not including camp personnel, shall not exceed seven hundred.

1004 d. The length of stay for any individual overnight camper, not including camp
1005 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

1006 e. The camp facilities, such as a medical station, food service hall, and activity
1007 rooms, shall be of a scale to serve overnight camp users;

1008 f. The minimum size of parcel for such use shall be twenty acres;

1009 g. Except for any permanent caretaker residence, all new structures where
1010 camp users will be housed, fed or assembled shall be no less than fifty feet from
1011 properties not related to the camp;

1012 h. In order to reduce the visual impacts of parking areas, sports and activity
1013 fields or new structures where campers will be housed, fed or assembled, the applicant
1014 shall provide a Type 3 landscape buffer no less than twenty feet wide between the nearest
1015 property line and such parking area, field, or structures, by retaining existing vegetation
1016 or augmenting as necessary to achieve the required level of screening;

1017 i. If the site is adjacent to an arterial roadway, access to the site shall be
1018 directly onto said arterial unless direct access is unsafe due inadequate sight distance or
1019 extreme grade separation between the roadway and the site;

1020 j. If direct access to the site is via local access streets, transportation demand
1021 management measures, such as use of carpools, buses or vans to bring in campers, shall
1022 be used to minimize traffic impacts;

1023 k. Any lights provided to illuminate any building or recreational area shall be
1024 so arranged as to reflect the light away from any adjacent property; and

1025 l. A community meeting shall be convened by the applicant prior to submittal
1026 of an application for permits to establish a camp, or to expand the number of camp users
1027 on an existing camp site as provided in subsection B.24.c.(2)(b) of this section. Notice of
1028 the meeting shall be provided at least two weeks in advance to all property owners within
1029 five hundred feet (or at least twenty of the nearest property owners, whichever is greater).
1030 The notice shall at a minimum contain a brief description of the project and the location,
1031 as well as, contact persons and numbers.

1032 25. Limited to theaters primarily for live productions located within a Rural
1033 Town designated by the King County Comprehensive Plan.

1034 26.a. Only in an enclosed building; and

1035 b. A copy of the current liability policy of not less than one million dollars for
1036 bodily injury or death shall be maintained in the department.

1037 27. Minimum standards for outdoor paintball recreation fields:

1038 a. The minimum site area is twenty-five acres;

1039 b. Structures shall be no closer than one hundred feet from any lot line adjacent
1040 to a residential zoned property;

1041 c. The area where paintballs are discharged shall be located more than three
1042 hundred feet of any lot line and more than five hundred feet from the lot line of any
1043 adjoining residential property. The department may allow for a lesser setback if it
1044 determines through the conditional use permit review that the lesser setback in
1045 combination with other elements of the site design provides adequate protection to
1046 adjoining properties and rights-of-ways;

1047 d. A twenty-foot high nylon mesh screen shall be installed around all play areas
1048 and shall be removed at the end of each day when the play area is not being used. The
1049 department may allow for the height of the screen to be lowered to no less than ten feet if
1050 it determines through the conditional use permit review that the lower screen in
1051 combination with other elements of the site design provides adequate protection from
1052 discharged paintballs;

1053 e. All parking and spectator areas, structures and play areas shall be screened
1054 from adjoining residential zoned property and public rights of way with Type 1
1055 landscaping at least ten feet wide;

1056 f. Any retail sales conducted on the property shall be accessory and incidental
1057 to the permitted activity and conducted only for the participants of the site;

1058 g. A plan of operations specifying days and hours of operation, number of
1059 participants and employees, types of equipment to be used by users of the site, safety
1060 procedures, type of compressed air fuel to be used on the site and storage and
1061 maintenance procedures for the compressed air fuel shall be provided for review in

1062 conjunction with the conditional use permit application. All safety procedures shall be
1063 reviewed and approved by department of public safety prior to submittal of the
1064 conditional use permit application. All activities shall be in compliance with National
1065 Paintball League standards;

1066 h. The hours of operation shall be limited to Saturdays and Sundays and
1067 statutory holidays from 8:30 A.M. to 8:30 P.M., and further restricted as applicable to
1068 daylight hours;

1069 i. No more than one hundred paintball players shall be allowed on the site at
1070 any one time;

1071 j. No outdoor lights or amplified sounds shall be permitted;

1072 k. The facility shall have direct access to a road designated as a major collector
1073 (or higher) in the Comprehensive Plan unless the department determines through the
1074 conditional use permit review that the type and amount of traffic generated by the facility
1075 is such that it will not cause an undue impact on the neighbors or adversely affect safety
1076 of road usage;

1077 l. The facility shall be secured at the close of business each day;

1078 m. All equipment and objects used in the paintball activities shall be removed
1079 from the site within ninety days of the discontinuance of the paintball use; and

1080 6. A copy of the current liability policy of not less than one million dollars for
1081 bodily injury or death shall be submitted with the conditional use permit application and
1082 shall be maintained in the department.

1083 SECTION 21. Ordinance 10870, Section 332, as amended, and K.C.C.

1084 21A.08.050 are each hereby amended to read as follows:

A. General services 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
	PERSONAL SERVICES:												
72	General Personal Service						C25 C37	C25 C37	P	P	P	P3	P3
7216	Drycleaning Plants												P
7218	Industrial Launderers												P
7261	Funeral Home/Crematory					C4	C4	C4		P	P		
*	Cemetery, Columbarium or Mausoleum				P24 C5 and 31	P24 C5	P24 C5	P24 C5	P24	P24	P24 C5	P24	
*	Day Care I	P6			P6	P6	P6	P	P	P	P	P7	P7
*	Day Care II				P8 C	P8 C	P8 C	P8 C	P	P	P	P7	P7
074	Veterinary Clinic	P9			P9 C10 and 31	P9 C10			P10	P10	P10		P
753	Automotive Repair (1)								P11	P	P		P
754	Automotive Service								P11	P	P		P

*	Elementary School				P15 and 31	P	P	P		P16c	P16c	P16c	
*	Middle/Junior High School				P16 C15 and 31	P	P	P		P16c	P16c	P16c	
*	Secondary or High School				P16 C15 and 26 and 31	P26	P26	P26		P16c C	C	P16c	
*	Vocational School				P13 C31	P13 C	P13 C	P13 C			P	P17	P
*	Specialized Instruction School		P18		P19 C20 and 31	P19 C20	P19 C20	P19 C20	P	P	P	P17	P
*	School District Support Facility				P16 C15 and 23 and 31	P23 C	P23 C	P23 C	C	P	P	P	P
<p>GENERAL CROSS Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070;</p> <p>REFERENCES: Development Standards, see K.C.C. chapters 21A.12 through 21A.30;</p> <p>General Provisions, see K.C.C. chapters 21A.32 through 21A.38;</p> <p>Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44;</p> <p>(*)Definition of this specific Land Use, see K.C.C. chapter 21A.06.</p>													

1086

B. Development conditions.

1087

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

1088

use table.

1089

2. Except SIC Industry Group Nos.:

1090

a. 835-Day Care Services, and

1091

b. 836-Residential Care, which is otherwise provided for on the residential

1092

permitted land use table.

1093

3. Limited to SIC Industry Group and Industry Nos.:

1094

a. 723-Beauty Shops;

1095

b. 724-Barber Shops;

1096

c. 725-Shoe Repair Shops and Shoeshine Parlors;

1097 d. 7212-Garment Pressing and Agents for Laundries and Drycleaners; and
1098 e. 217-Carpet and Upholstery Cleaning.

1099 4. Only as an accessory to a cemetery, and prohibited from the UR zone only if
1100 the property is located within a designated unincorporated Rural Town.

1101 5. Structures shall maintain a minimum distance of one hundred feet from
1102 property lines adjoining residential zones.

1103 6. Only as an accessory to residential use, and:

1104 a. Outdoor play areas shall be completely enclosed by a solid wall or fence,
1105 with no openings except for gates, and have a minimum height of six feet; and

1106 b. Outdoor play equipment shall maintain a minimum distance of twenty feet
1107 from property lines adjoining residential zones.

1108 7. Permitted as an accessory use. See commercial/industrial accessory, K.C.C.
1109 21A.08.060.A.

1110 8. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32,
1111 or an accessory use to a school, church, park, sport club or public housing administered
1112 by a public agency, and:

1113 a. Outdoor play areas shall be completely enclosed by a solid wall or fence,
1114 with no openings except for gates and have a minimum height of six feet;

1115 b. Outdoor play equipment shall maintain a minimum distance of twenty feet
1116 from property lines adjoining residential zones;

1117 c. Direct access to a developed arterial street shall be required in any
1118 residential zone; and

1119 d. Hours of operation may be restricted to assure compatibility with
1120 surrounding development.

1121 9.a. As a home occupation only, but the square footage limitations in K.C.C.
1122 chapter 21A.30 for home occupations apply only to the office space for the veterinary
1123 clinic, office space for the kennel or office space for the cattery, and:

1124 (1) Boarding or overnight stay of animals is allowed only on sites of five
1125 acres or more;

1126 (2) No burning of refuse or dead animals is allowed;

1127 (3) The portion of the building or structure in which animals are kept or
1128 treated shall be soundproofed. All run areas, excluding confinement areas for livestock,
1129 shall be surrounded by an eight-foot-high solid wall and the floor area shall be surfaced
1130 with concrete or other impervious material; and

1131 (4) The provisions of K.C.C. chapter 21A.30 relative to animal keeping are
1132 met.

1133 b. The following additional provisions apply to kennels or catteries in the A
1134 zone:

1135 (1) Impervious surface for the kennel or cattery shall not exceed twelve
1136 thousand square feet;

1137 (2) Obedience training classes are not allowed except as provided in
1138 subsection B.34. of this section; and

1139 (3) Any buildings or structures used for housing animals and any outdoor
1140 runs shall be set back one hundred and fifty feet from property lines.

1141 10.a. No burning of refuse or dead animals is allowed;

1142 b. The portion of the building or structure in which animals are kept or treated
1143 shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be
1144 surrounded by an eight-foot-high solid wall and the floor area shall be surfaced with
1145 concrete or other impervious material; and

1146 c. The provisions of K.C.C. chapter 21A.30 relative to animal keeping are met.

1147 11. The repair work or service shall only be performed in an enclosed building,
1148 and no outdoor storage of materials. SIC Industry No. 7532-Top, Body, and Upholstery
1149 Repair Shops and Paint Shops is not allowed.

1150 12. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.

1151 13. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter
1152 21A.32.

1153 14. Covered riding arenas are subject to K.C.C. 21A.30.030 and shall not
1154 exceed twenty thousand square feet, but stabling areas, whether attached or detached,
1155 shall not be counted in this calculation.

1156 15. Limited to projects which do not require or result in an expansion of sewer
1157 service outside the urban growth area, unless a finding is made that no cost-effective
1158 alternative technologies are feasible, in which case a tightline sewer sized only to meet
1159 the needs of the public school, as defined in RCW 28A.150.010, or the school facility and
1160 serving only the public school or the school facility may be used. New public high
1161 schools shall be permitted subject to the review process set forth in K.C.C. 21A.42.140.

1162 16.a. For middle or junior high schools and secondary or high schools or school
1163 facilities, only as a reuse of a public school facility or school facility subject to K.C.C.
1164 chapter 21A.32. An expansion of such a school or a school facility shall be subject to

1165 approval of a conditional use permit and the expansion shall not require or result in an
1166 extension of sewer service outside the urban growth area, unless a finding is made that no
1167 cost-effective alternative technologies are feasible, in which case a tightline sewer sized
1168 only to meet the needs of the public school, as defined in RCW 28A.150.010, or the
1169 school facility may be used.

1170 b. Renovation, expansion, modernization or reconstruction of a school, a
1171 school facility, or the addition of relocatable facilities, is permitted but shall not require
1172 or result in an expansion of sewer service outside the urban growth area, unless a finding
1173 is made that no cost-effective alternative technologies are feasible, in which case a
1174 tightline sewer sized only to meet the needs of the public school, as defined in RCW
1175 28A.150.010, or the school facility may be used.

1176 c. In CB, RB and O, for K-12 schools with no more than one hundred students.

1177 17. All instruction must be within an enclosed structure.

1178 18. Limited to resource management education programs.

1179 19. Only as an accessory to residential use, and:

1180 a. Students shall be limited to twelve per one-hour session;

1181 b. All instruction must be within an enclosed structure; and

1182 c. Structures used for the school shall maintain a distance of twenty-five feet
1183 from property lines adjoining residential zones.

1184 20. Subject to the following:

1185 a. Structures used for the school and accessory uses shall maintain a minimum
1186 distance of twenty-five feet from property lines adjoining residential zones;

1187 b. On lots over two and one-half acres:

1188 (1) Retail sale of items related to the instructional courses is permitted, if total
1189 floor area for retail sales is limited to two thousand square feet;

1190 (2) Sale of food prepared in the instructional courses is permitted with
1191 Seattle-King County department of public health approval, if total floor area for food
1192 sales is limited to one thousand square feet and is located in the same structure as the
1193 school; and

1194 (3) Other incidental student-supporting uses are allowed, if such uses are
1195 found to be both compatible with and incidental to the principal use; and

1196 c. On sites over ten acres, located in a designated Rural Town and zoned any
1197 one or more of UR, R-1 and R-4:

1198 (1) Retail sale of items related to the instructional courses is permitted,
1199 provided total floor area for retail sales is limited to two thousand square feet;

1200 (2) Sale of food prepared in the instructional courses is permitted with
1201 Seattle-King County department of public health approval, if total floor area for food
1202 sales is limited to one thousand seven hundred fifty square feet and is located in the same
1203 structure as the school;

1204 (3) Other incidental student-supporting uses are allowed, if the uses are found
1205 to be functionally related, subordinate, compatible with and incidental to the principal
1206 use;

1207 (4) The use shall be integrated with allowable agricultural uses on the site;

1208 (5) Advertised special events shall comply with the temporary use

1209 requirements of this chapter; and

1210 (6) Existing structures that are damaged or destroyed by fire or natural event,
1211 if damaged by more than fifty percent of their prior value, may reconstruct and expand an
1212 additional sixty-five percent of the original floor area but need not be approved as a
1213 conditional use if their use otherwise complies with development condition B.20.c. of this
1214 section and this title.

1215 21. Limited to drop box facilities accessory to a public or community use such
1216 as a school, fire station or community center.

1217 22. With the exception of drop box facilities for the collection and temporary
1218 storage of recyclable materials, all processing and storage of material shall be within
1219 enclosed buildings. Yard waste processing is not permitted.

1220 23. Only if adjacent to an existing or proposed school.

1221 24. Limited to columbariums accessory to a church, but required landscaping
1222 and parking shall not be reduced.

1223 25. Not permitted in R-1 and limited to a maximum of five thousand square feet
1224 per establishment and subject to the additional requirements in K.C.C. 21A.12.230.

1225 26.a. New high schools shall be permitted in the rural and the urban residential
1226 and urban reserve zones subject to the review process in K.C.C. 21A.42.140.

1227 b. Renovation, expansion, modernization, or reconstruction of a school, or the
1228 addition of relocatable facilities, is permitted.

1229 27. Limited to projects that do not require or result in an expansion of sewer
1230 service outside the urban growth area. In addition, such use shall not be permitted in the
1231 RA-20 zone.

1232 28. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter
1233 21A.32 or as a joint use of an existing public school facility.

1234 29. All studio use must be within an enclosed structure.

1235 30. Adult use facilities shall be prohibited within six hundred sixty feet of any
1236 residential zones, any other adult use facility, school, licensed daycare centers, parks,
1237 community centers, public libraries or churches that conduct religious or educational
1238 classes for minors.

1239 31. Subject to review and approval of conditions to comply with trail corridor
1240 provisions of K.C.C. chapter 21A.14 when located in an RA zone and in an equestrian
1241 community designated by the Comprehensive Plan.

1242 32. Limited to repair of sports and recreation equipment:

1243 a. as an accessory to a large active recreation and multiuse park in the urban
1244 growth area; or

1245 b. as an accessory to a park, or a large active recreation and multiuse park in
1246 the RA zones, and limited to a total floor area of seven hundred fifty square feet.

1247 33. Accessory to agricultural or forestry uses provided:

1248 a. the repair of tools and machinery is limited to those necessary for the
1249 operation of a farm or forest.

1250 b. the lot is at least five acres.

1251 c. the size of the total repair use is limited to one percent of the lot size up to a
1252 maximum of five thousand square feet unless located in a farm structure, including but
1253 not limited to barns, existing as of December 31, 2003.

1254 34. Subject to the following:

- 1255 a. the lot is at least five acres.
- 1256 b. in the A zones, area used for dog training shall be located on portions of
1257 agricultural lands that are unsuitable for other agricultural purposes, such as areas within
1258 the already developed portion of such agricultural lands that are not available for direct
1259 agricultural production or areas without prime agricultural soils.
- 1260 c. structures and areas used for dog training shall maintain a minimum distance
1261 of seventy-five feet from property lines.
- 1262 d. all training activities shall be conducted within fenced areas or in indoor
1263 facilities. Fences must be sufficient to contain the dogs.
- 1264 35. Limited to animal rescue shelters and provided that:
- 1265 a. the property shall be at least four acres;
- 1266 b. buildings used to house rescued animals shall be no less than fifty feet from
1267 property lines;
- 1268 c. outdoor animal enclosure areas shall be located no less than thirty feet from
1269 property lines and shall be fenced in a manner sufficient to contain the animals;
- 1270 d. the facility shall be operated by a nonprofit organization registered under the
1271 Internal Revenue Code as a 501(c)(3) organization; and
- 1272 e. the facility shall maintain normal hours of operation no earlier than 7 a.m.
1273 and no later than 7 p.m.
- 1274 36. Limited to kennel-free dog boarding and daycare facilities, and:
- 1275 a. the property shall be at least five acres;
- 1276 b. buildings housing dogs shall be no less than seventy-five feet from property
1277 lines;

1278 c. outdoor exercise areas shall be located no less than thirty feet from property
 1279 lines and shall be fenced in a manner sufficient to contain the dogs;
 1280 d. the number of dogs allowed shall be limited to twenty-five, consistent with
 1281 the provisions for hobby kennels as outline in K.C.C. 11.04.060.B;
 1282 e. training and grooming are ancillary services which may be provided only to
 1283 dogs staying at the facility;
 1284 f. the facility shall maintain normal hours of operation no earlier than 7 a.m.
 1285 and no later than 7 p.m.; and
 1286 g . no new facility shall be permitted to be established after one year from the
 1287 effective date of this ordinance.

1288 37. Not permitted in R-1 and subject to the additional requirements in section 31
 1289 of this ordinance.

1290 SECTION 22. Ordinance 10870, Section 334, as amended, and K.C.C.
 1291 21A.08.070 are each hereby amended to read as follows:

1292 A. Retail 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 (30)
*	Building Materials and Hardware Stores		<u>P23</u>						P2	P	P		
*	Nursery, Garden Center and Farm Supply Stores	P1 C1			P1 C1				P	P	P		
*	Forest Products Sales	P3,4	P4		P3,4						P		
*	Department and Variety Stores						C14	C14	P5	P	P		
54	Food Stores						C15	C15	P	P	P	C	P6
*	Agricultural Product Sales	P7 C7	P4		P7 C7	P3	P3						
*	Motor Vehicle and Boat Dealers										P8		P
553	Auto Supply Stores									P9	P9		P
554	Gasoline Service Stations								P	P	P		P
56	Apparel and Accessory Stores									P	P		
*	Furniture and Home Furnishings Stores									P	P		

58	Eating and Drinking Places				P21 C19		P20 C16	P20 C16	P10	P	P	P	P
*	Drug Stores						C15	C15	P	P	P	C	
592	Liquor Stores	P13			P13	P13				P	P		
593	Used Goods: Antiques/ Secondhand Shops									P	P		
*	Sporting Goods and Related Stores			P22	P22	P22	P22	P22	P22	P	P	P22	P22
*	Book, Stationery, Video and Art Supply Stores						C15	C15	P	P	P		
*	Jewelry Stores									P	P		
*	Monuments, Tombstones, and Gravestones										P		
*	Hobby, Toy, Game Shops								P	P	P		
*	Photographic and Electronic Shops								P	P	P		
*	Fabric Shops									P	P		
598	Fuel Dealers									C11	P		P
*	Florist Shops						C15	C15	P	P	P	P	
*	Personal Medical Supply Stores									P	P		
*	Pet Shops								P	P	P		

*	Bulk Retail							P	P	
*	Auction Houses								P12	P
*	Livestock Sales	P17	P17		P17	P17	P17 and 18			P
GENERAL CROSS Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; REFERENCES: Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06.										

1293

B. Development conditions.

1294

1.a. As a permitted use, covered sales areas, including greenhouses, shall not

1295

exceed a total area of two thousand square feet, unless located in a building designated as

1296

historic resource under K.C.C. chapter 20.62. With a conditional uses permit, covered

1297

sales areas, including greenhouses, of up to three thousand five hundred square feet may

1298

be allowed. Uncovered outdoor areas used to grow or display trees, shrubs, or other

1299

plants are not considered part of the covered sales area;

1300

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

1301

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

1302

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

1303

2. Only hardware stores.

1304

3.a. Limited to products grown on site.

1305

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

1306

4. No permanent structures or signs.

1307

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

1308

maximum of two thousand square feet of gross floor area.

1309

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

1310 7.a. As a permitted use, the covered sales area shall not exceed two thousand
1311 square feet, unless located in building designated as historic resource under K.C.C.
1312 chapter 20.62. As a conditional use, up to three thousand five hundred square feet of
1313 covered sales area may be allowed;

1314 b. The site area shall be at least four and one-half acres;

1315 c. Forty percent or more of the gross sales of agricultural product sold through
1316 the store must be sold by the producers of primary agricultural products;

1317 d. Sixty percent or more of the gross sales of agricultural products sold through
1318 the store shall be derived from products grown or produced in the Puget Sound counties.

1319 At the time of the initial application, the applicant shall submit a reasonable projection of
1320 the source of product sales;

1321 e. Sales shall be limited to agricultural products and locally made arts and
1322 crafts((-));

1323 f. Storage areas for agricultural products may be included in a farm store
1324 structure or in any accessory building; and

1325 g. Outside lighting is permitted if no off-site glare is allowed.

1326 8. Excluding retail sale of trucks exceeding one-ton capacity.

1327 9. Only the sale of new or reconditioned automobile supplies is permitted.

1328 10. Excluding SIC Industry No. 5813-Drinking Places.

1329 11. No outside storage of fuel trucks and equipment.

1330 12. Excluding vehicle and livestock auctions.

1331 13. Only as accessory to a winery or SIC Industry No. 2082-Malt Beverages,
1332 and limited to sales of products produced on site and incidental items where the majority
1333 of sales are generated from products produced on site.

1334 14. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to a
1335 maximum of five thousand square feet of gross floor area, and subject to K.C.C.
1336 21A.12.330.

1337 15. Not permitted in R-1 and limited to a maximum of five thousand square feet
1338 of gross floor area and subject to K.C.C. 21A.12.230.

1339 16. Not permitted in R-1 and excluding SIC Industry No. 5813-Drinking Places,
1340 and limited to a maximum of five thousand square feet of gross floor area and subject to
1341 K.C.C. 21A.12.230, except as provided in subsection B.20. of this section.

1342 17. Retail sale of livestock is permitted only as accessory to raising livestock.

1343 18. Limited to the R-1 zone.

1344 19. Only as:

1345 a. an accessory use to a permitted manufacturing or retail land use, limited to
1346 espresso stands to include sales of beverages and incidental food items, and not to include
1347 drive-through sales; or

1348 b. an accessory use to a large active recreation and multiuse park, limited to a
1349 total floor area of three thousand five hundred square feet.

1350 20. Only as:

1351 a. an accessory to a large active recreation and multiuse park; or

1352 b. an accessory to a park and limited to a total floor area of one thousand five
1353 hundred square feet.

1354 21. Accessory to a park, limited to a total floor area of seven hundred fifty
 1355 square feet.

1356 22. Only as an accessory to:

1357 a. a large active recreation and multiuse park in the urban growth area; or

1358 b. a park, or a large active recreation and multiuse park in the RA zones, and

1359 limited to a total floor area of seven hundred and fifty square feet.

1360 23. Only as accessory to SIC Industry Group No. 242-Sawmills and:

1361 a. limited to lumber milled on site; and

1362 b. the covered sales area is limited to two thousand square feet. The covered

1363 sales area does not include covered areas used to display only milled lumber.

1364 SECTION 23. Ordinance 10870, Section 335, as amended, and K.C.C.

1365 21A.08.080 are each hereby amended to read as follows:

1366 A. Manufacturing 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 (11)
20	Food and Kindred Products	P1 C1	P1		P1 C1	P1					C		P2 C

38	Measuring and Controlling Instruments									C	C	P
39	Miscellaneous Light Manufacturing									C		P
*	Motor Vehicle and Bicycle Manufacturing											C
*	Aircraft, Ship and Boat Building											P10C
7534	Tire Retreading									C		P
781-82	Movie Production/Distribution									P		P
<p>GENERAL CROSS Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070;</p> <p>REFERENCES: Development Standards, see K.C.C. chapters 21A.12 through 21A.30;</p> <p>General Provisions, see K.C.C. chapters 21A.32 through 21A.38</p> <p>Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44;</p> <p>(*)Definition of this specific land use, see K.C.C. chapter 21A.06</p>												

- 1367 B. Development conditions.
- 1368 1.a. Excluding wineries and SIC Industry No. 2082-Malt Beverages;
- 1369 b. In the A zone, only allowed on sites where the primary use is SIC Industry
- 1370 Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small
- 1371 Animals.
- 1372 c. In the RA and UR zones, only allowed on lots of at least four and one-half
- 1373 acres and only when accessory to an agricultural use;
- 1374 d.(1) Except as provided in subsection B.1.d.(2) and B.1.d.(3) of this section,
- 1375 the floor area devoted to all processing shall not exceed three thousand five hundred
- 1376 square feet, unless located in a building designated as historic resource under K.C.C.
- 1377 chapter 20.62;
- 1378 (2) With a conditional use permit, up to five thousand square feet of floor
- 1379 area may be devoted to all processing; and

1380 (3) In the A zone, on lots thirty-five acres or greater, the floor area devoted to
1381 all processing shall not exceed seven thousand square feet, unless located in a building
1382 designated as historic resource under K.C.C. chapter 20.62;

1383 e. Structures and areas used for processing shall maintain a minimum distance
1384 of seventy-five feet from property lines adjoining residential zones, unless located in a
1385 building designated as historic resource under K.C.C. chapter 20.62;

1386 f. Processing is limited to agricultural products and sixty percent or more of
1387 the products processed must be grown in the Puget Sound counties. At the time of initial
1388 application, the applicant shall submit a projection of the source of products to be
1389 produced;

1390 g. In the A zone, structures used for processing shall be located on portions of
1391 agricultural lands that are unsuitable for other agricultural purposes, such as areas within
1392 the already developed portion of such agricultural lands that are not available for direct
1393 agricultural production, or areas without prime agricultural soils; and

1394 h. Tasting of products produced on site may be provided. The area devoted to
1395 tasting shall be included in the floor area limitation in subsection B.1.d. of this section.

1396 2. Except slaughterhouses.

1397 3.a. Limited to wineries and SIC Industry No. 2082-Malt Beverages;

1398 b. In the A zone, only allowed on sites where the primary use is SIC Industry
1399 Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small
1400 Animals;

1401 c. In the RA and UR zones, only allowed on lots of at least four and one-half
1402 acres;

1403 d. The floor area devoted to all processing shall not exceed three thousand five
1404 hundred square feet, unless located in a building designated as historic resource under
1405 K.C.C. chapter 20.62.

1406 e. Structures and areas used for processing shall maintain a minimum distance
1407 of seventy-five feet from property lines adjoining residential zones, unless located in a
1408 building designated as historic resource under K.C.C. chapter 20.62;

1409 f. Sixty percent or more of the products processed must be grown in the Puget
1410 Sound counties. At the time of initial application, the applicant shall submit a projection
1411 of the source of products to be produced; and

1412 g. Tasting of products produced on site may be provided. The area devoted to
1413 tasting shall be included in the floor area limitation in subsection B.3.c. of this section.

1414 4. Limited to rough milling and planing of products grown on-site with portable
1415 equipment.

1416 5. Limited to SIC Industry Group No. 242-Sawmills. For RA zoned sites,
1417 limited to RA-10 on lots at least ten acres in size and only as accessory to forestry uses.

1418 6. Limited to uses found in SIC Industry No. 2434-Wood Kitchen Cabinets and
1419 No. 2431-Millwork, (excluding planing mills).

1420 7. Limited to photocopying and printing services offered to the general public.

1421 8. Only within enclosed buildings, and as an accessory use to retail sales.

1422 9. Only within enclosed buildings.

1423 10. Limited to boat building of craft not exceeding forty-eight feet in length.

1424 11. For I-zoned sites located outside the urban growth area designated by the
1425 King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.

1426 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for
1427 rural industrial uses as set forth in K.C.C. chapter 21A.12.

1428 12. Limited to wineries and SIC Industry No. 2082-Malt Beverages;

1429 b.(1) Except as provided in subsection B.12.b.(2) of this section, the floor area
1430 of structures for wineries and breweries and any accessory uses shall not exceed a total of
1431 eight thousand square feet. The floor area may be increased by up to an additional eight
1432 thousand square feet of underground storage that is constructed completely below natural
1433 grade, not including required exits and access points, if the underground storage is at least
1434 one foot below the surface and is not visible above ground; and

1435 (2) On Vashon-Maury Island, the total floor area of structures for wineries
1436 and breweries and any accessory uses may not exceed six thousand square feet, including
1437 underground storage;

1438 c. Wineries and breweries shall comply with Washington state Department of
1439 Ecology and King County board of health regulations for water usage and wastewater
1440 disposal. Wineries and breweries using water from exempt wells shall install a water
1441 meter;

1442 d. Off-street parking is limited to one hundred and fifty percent of the
1443 minimum requirement for wineries or breweries specified in K.C.C. 21A.18.030;

1444 e. Structures and areas used for processing shall be set back a minimum
1445 distance of seventy-five feet from property lines adjacent to residential zones, unless the
1446 processing is located in a building designated as historic resource under K.C.C. chapter
1447 20.62;

1448 f. The minimum site area is four and one-half acres. If the total floor area of
1449 structures for wineries and breweries and any accessory uses exceed six thousand square
1450 feet, including underground storage must:

1451 (1) the minimum site area is ten acres; and

1452 (2) a minimum of two and one-half acres of the site shall be used for the
1453 growing of agricultural products;

1454 g. The facility shall be limited to processing agricultural products and sixty
1455 percent or more of the products processed must be grown in the Puget Sound counties.

1456 At the time of initial application, the applicant shall submit a projection of the source of
1457 products to be processed; and

1458 h. Tasting of products produced on site may be provided. The area devoted to
1459 tasting shall be included in the floor area limitation in subsection B.12.b of this section.

1460 13. Limited to source separated organic waste processing facilities at a scale
1461 appropriate to process the organic waste generated in the agricultural zone.

1462 14. Only on the same lot or same group of lots under common ownership or
1463 documented legal control, which includes, but is not limited to, fee simple ownership, a
1464 long-term lease or an easement:

1465 a. as accessory to a primary forestry use and at a scale appropriate to process
1466 the organic waste generated on the site; or

1467 b. as a continuation of a sawmill or lumber manufacturing use only for that
1468 period to complete delivery of products or projects under contract at the end of the
1469 sawmill or lumber manufacturing activity.

	Harvesting Crops												
02	Raising Livestock and Small Animals	P	P		P	P	P6						P
*	Agriculture Training Facility	C10											
*	Agriculture-related special needs camp	P12											
*	<u>Agricultural Anaerobic Digester</u>	<u>P13</u>											
	FORESTRY:												
08	Growing & Harvesting Forest Production	P	P	P7	P	P	P						P
*	Forest Research		P		P	P						P2	P
	FISH AND WILDLIFE MANAGEMENT:												
0921	Hatchery/Fish Preserve (1)	P	P		P	P	C						P
0273	Aquaculture (1)	P	P		P	P	C						P
*	Wildlife Shelters	P	P		P	P							
	MINERAL:												
10,12,14	Mineral Extraction and Processing		P9 C	P C11									
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block		P8 C11	P8 C11									P
	ACCESSORY USES:												
*	Resource Accessory Uses	P3	P4	P5	P3	P3							P4
GENERAL CROSS		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070;											
REFERENCES:		Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06.											

- 1484 1. May be further subject to K.C.C. Title 25, Shoreline Management.
- 1485 2. Only forest research conducted within an enclosed building.
- 1486 3. Accessory dwelling units in accordance with K.C.C. 21A.08.030.
- 1487 4. Excluding housing for agricultural workers.
- 1488 5. Limited to either maintenance or storage facilities, or both, in conjunction
- 1489 with mineral extraction or processing operation.
- 1490 6. Large livestock allowed in accordance with K.C.C. chapter 21A.30.
- 1491 7. Only in conjunction with a mineral extraction site plan approved in
- 1492 accordance with K.C.C. chapter 21A.22.
- 1493 8. Only on the same lot or same group of lots under common ownership or
- 1494 documented legal control, which includes, but is not limited to, fee simple ownership, a
- 1495 long-term lease or an easement:
- 1496 a. as accessory to a primary mineral extraction use;
- 1497 b. as a continuation of a mineral processing only for that period to complete
- 1498 delivery of products or projects under contract at the end of a mineral extraction; or
- 1499 c. for a public works project under a temporary grading permit issued in
- 1500 accordance with K.C.C. 16.82.152.
- 1501 9. Limited to mineral extraction and processing:
- 1502 a. on a lot or group of lots under common ownership or documented legal control,
- 1503 which includes but is not limited to, fee simple ownership, a long-term lease or an
- 1504 easement;
- 1505 b. that are located greater than one-quarter mile from an established residence;
- 1506 and

1507 c. that do not use local access streets that abut lots developed for residential
1508 use.

1509 10. Agriculture training facilities are allowed only as an accessory to existing
1510 agricultural uses and are subject to the following conditions:

1511 a. The impervious surface associated with the agriculture training facilities
1512 shall comprise not more than ten percent of the allowable impervious surface permitted
1513 under K.C.C. 21A.12.040;

1514 b. New or the expansion of existing structures, or other site improvements,
1515 shall not be located on class 1, 2 or 3 soils;

1516 c. The director may require reuse of surplus structures to the maximum extent
1517 practical;

1518 d. The director may require the clustering of new structures with existing
1519 structures;

1520 e. New structures or other site improvements shall be set back a minimum
1521 distance of seventy-five feet from property lines adjoining residential zones;

1522 f. Bulk and design of structures shall be compatible with the architectural style
1523 of the surrounding agricultural community;

1524 g. New sewers shall not be extended to the site;

1525 h. Traffic generated shall not impede the safe and efficient movement of
1526 agricultural vehicles, nor shall it require capacity improvements to rural roads;

1527 i. Agriculture training facilities may be used to provide educational services to
1528 the surrounding rural/agricultural community or for community events. Property owners

1529 may be required to obtain a temporary use permit for community events in accordance
1530 with K.C.C. chapter 21A.32;

1531 j. Use of lodging and food service facilities shall be limited only to activities
1532 conducted in conjunction with training and education programs or community events
1533 held on site;

1534 k. Incidental uses, such as office and storage, shall be limited to those that
1535 directly support education and training activities or farm operations; and

1536 l. The King County agriculture commission shall be notified of and have an
1537 opportunity to comment upon all proposed agriculture training facilities during the permit
1538 process in accordance with K.C.C. chapter 21A.40.

1539 11. Continuation of mineral processing and asphalt/concrete mixtures and block
1540 uses after reclamation in accordance with an approved reclamation plan.

1541 12.a. Activities at the camp shall be limited to agriculture and agriculture-
1542 oriented activities. In addition, activities that place minimal stress on the site's
1543 agricultural resources or activities that are compatible with agriculture are permitted.

1544 (1) passive recreation;

1545 (2) training of individuals who will work at the camp;

1546 (3) special events for families of the campers; and

1547 (4) agriculture education for youth.

1548 b. Outside the camp center, as provided for in subsection B.12.e of this section,
1549 camp activities shall not preclude the use of the site for agriculture and agricultural
1550 related activities, such as the processing of local food to create value-added products and
1551 the refrigeration and storage of local agricultural products. The camp shall be managed

1552 to coexist with agriculture and agricultural activities both onsite and in the surrounding
1553 area.

1554 c. A farm plan shall be required for commercial agricultural production to
1555 ensure adherence to best management practices and soil conservation.

1556 d.(1) The minimum site area shall be five hundred acres. Unless the property
1557 owner has sold or transferred the development rights as provided in subsection B.12.c.(3)
1558 of this section, a minimum of five hundred acres of the site must be owned by a single
1559 individual, corporation, partnership or other legal entity and must remain under the
1560 ownership of a single individual, corporation, partnership or other legal entity for the
1561 duration of the operation of the camp.

1562 (2) Nothing in subsection B.12.d.(1) of this section prohibits the property
1563 owner from selling or transferring the development rights for a portion or all of the site to
1564 the King County farmland preservation program or, if the development rights are
1565 extinguished as part of the sale or transfer, to a nonprofit entity approved by the director;

1566 e. The impervious surface associated with the camp shall comprise not more
1567 than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;

1568 f. Structures for living quarters, dining facilities, medical facilities and other
1569 nonagricultural camp activities shall be located in a camp center. The camp center shall
1570 be no more than fifty acres and shall be depicted on a site plan. New structures for
1571 nonagricultural camp activities shall be clustered with existing structures;

1572 g. To the extent practicable, existing structures shall be reused. The applicant
1573 shall demonstrate to the director that a new structure for nonagricultural camp activities

1574 cannot be practicably accommodated within an existing structure on the site, though
1575 cabins for campers shall be permitted only if they do not already exist on site;

1576 h. Camp facilities may be used to provide agricultural educational services to
1577 the surrounding rural and agricultural community or for community events. If required
1578 by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for
1579 community events;

1580 i. Lodging and food service facilities shall only be used for activities related to
1581 the camp or for agricultural education programs or community events held on site;

1582 j. Incidental uses, such as office and storage, shall be limited to those that
1583 directly support camp activities, farm operations or agricultural education programs;

1584 k. New nonagricultural camp structures and site improvements shall maintain a
1585 minimum set-back of seventy-five feet from property lines adjoining residential zones;

1586 l. Except for legal nonconforming structures existing as of January 1, 2007,
1587 camp facilities, such as a medical station, food service hall and activity rooms, shall be of
1588 a scale to serve overnight camp users;

1589 m. Landscaping equivalent to a type III landscaping screen, as provided for in
1590 K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures
1591 and site improvements located within two hundred feet of an adjacent residential zoned
1592 property not associated with the camp;

1593 n. New sewers shall not be extended to the site;

1594 o. The total number of persons staying overnight shall not exceed three
1595 hundred;

1596 p. The length of stay for any individual overnight camper, not including camp
1597 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

1598 q. Traffic generated by camp activities shall not impede the safe and efficient
1599 movement of agricultural vehicles nor shall it require capacity improvements to rural
1600 roads;

1601 r. If the site is adjacent to an arterial roadway, access to the site shall be
1602 directly onto the arterial unless the county road engineer determines that direct access is
1603 unsafe;

1604 s. If direct access to the site is via local access streets, transportation
1605 management measures shall be used to minimize adverse traffic impacts;

1606 t. Camp recreational activities shall not involve the use of motor vehicles
1607 unless the motor vehicles are part of an agricultural activity or are being used for the
1608 transportation of campers, camp personnel or the families of campers. Camp personnel
1609 may use motor vehicles for the operation and maintenance of the facility. Client-specific
1610 motorized personal mobility devices are allowed; and

1611 u. Lights to illuminate the camp or its structures shall be arranged to reflect the
1612 light away from any adjacent property.

1613 13. Limited digester receiving plant and animal waste from agricultural activities
1614 and subject as follows:

1615 b. the digester must be included as part of an Washington state department of
1616 agriculture approved dairy nutrient plan; and

1617 c. the use must be accessory to an operating dairy or livestock operation.

*	Landfill		S	S	S	S	S	S	S	S	S	S	S
*	Transfer Station			S	S	S	S	S	S	S	S		P
*	Wastewater Treatment Facility				S	S	S	S	S	S	S	S	C
*	Municipal Water Production	S	P13 S	S	S	S	S	S	S	S	S	S	S
*	Airport/Heliport	S7	S7		S	S	S	S	S	S	S	S	S
*	Transit Bus Base						S	S	S	S	S	S	P
*	School Bus Base				C5 S20	C5 S	C5 S	C5 S	S	S	S	S	P
7948	Racetrack				S8	S8	S8	S8	S8	S8	S8	S8	<u>S23</u>
*	County Fairgrounds Facility				P21 S22								
*	Fairground									S	S		S
8422	Zoo/Wildlife Exhibit(2)		S9		S9	S	S	S		S	S		
7941	Stadium/Arena										S		S
8221- 8222	College/University(1)	P10	P10		P10 C11 S18	P10 C11 S18	P10 C11 S	P10 C11 S	P10 C11 S	P	P	P	P
*	Zoo Animal Breeding Facility	P16	P16		P16								
GENERAL CROSS		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070;											
REFERENCES:		Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*Definition of this specific land use, see K.C.C. chapter 21A.06.											

1621

B. Development conditions.

1622

1. Except technical institutions. See vocational schools on general services land

1623

use table, K.C.C. 21A.08.050.

1624

2. Except arboretum. See K.C.C. 21A.08.040, recreation/cultural land use table.

1625

3. Except weapons armories and outdoor shooting ranges.

1626

4. Except outdoor shooting range.

1627

5. Only in conjunction with an existing or proposed school.

1628

6.a. Limited to no more than three satellite dish antennae.

- 1629 b. Limited to one satellite dish antenna.
- 1630 c. Limited to tower consolidations.
- 1631 7. Limited to landing field for aircraft involved in forestry or agricultural
1632 practices or for emergency landing sites.
- 1633 8. Except racing of motorized vehicles.
- 1634 9. Limited to wildlife exhibit.
- 1635 10. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.
- 1636 11. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter
1637 21A.32.
- 1638 12. Limited to cogeneration facilities for on-site use only.
- 1639 13. Excluding impoundment of water using a dam.
- 1640 14. Limited to facilities that comply with the following:
- 1641 a. Any new diversion structure shall not:
- 1642 (1) exceed a height of eight feet as measured from the streambed; or
- 1643 (2) impound more than three surface acres of water at the normal maximum
1644 surface level;
- 1645 b. There shall be no active storage;
- 1646 c. The maximum water surface area at any existing dam or diversion shall not
1647 be increased;
- 1648 d. An exceedance flow of no greater than fifty percent in mainstream reach
1649 shall be maintained;
- 1650 e. Any transmission line shall be limited to a:
- 1651 (1) right-of-way of five miles or less; and

1652 (2) capacity of two hundred thirty KV or less;
1653 f. Any new, permanent access road shall be limited to five miles or less; and
1654 g. The facility shall only be located above any portion of the stream used by
1655 anadromous fish.

1656 15. For I-zoned sites located outside the urban growth area designated by the
1657 King County Comprehensive Plan, uses shown as a conditional or special use in K.C.C.
1658 21A.08.100A, except for waste water treatment facilities and racetracks, shall be
1659 prohibited. All other uses, including waste water treatment facilities, shall be subject to
1660 the provisions for rural industrial uses in K.C.C. chapter 21A.12.

1661 16. The operator of such a facility shall provide verification to the department of
1662 natural resources and parks or its successor organization that the facility meets or exceeds
1663 the standards of the Animal and Plant Health Inspection Service of the United States
1664 Department of Agriculture and the accreditation guidelines of the American Zoo and
1665 Aquarium Association.

1666 17. The following provisions of the table apply only to major communication
1667 facilities minor communication facilities shall be reviewed in accordance with the
1668 processes and standard outlined in K.C.C. chapter 21A.26.

1669 18. Only for facilities related to resource-based research.

1670 19. Limited to work release facilities associated with natural resource-based
1671 activities.

1672 20. Limited to projects which do not require or result in an expansion of sewer
1673 service outside the urban growth area, unless a finding is made that no cost-effective
1674 alternative technologies are feasible, in which case a tightline sewer sized only to meet

1675 the needs of the school bus base and serving only the school bus base may be used.
1676 Renovation, expansion, modernization or reconstruction of a school bus base is permitted
1677 but shall not require or result in an expansion of sewer service outside the urban growth
1678 area, unless a finding is made that no cost-effective alternative technologies are feasible,
1679 in which case a tightline sewer sized only to meet the needs of the school bus base.

1680 21. Only in conformance with the King County Site Development Plan Report,
1681 through modifications to the plan of up to ten percent are allowed for the following:

- 1682 a. building square footage;
- 1683 b. landscaping;
- 1684 c. parking;
- 1685 d. building height; or
- 1686 e. impervious surface.

1687 22. A special use permit shall be required for any modification or expansion of
1688 the King County fairgrounds facility that is not in conformance with the King County
1689 Site Development Plan Report or that exceeds the allowed modifications to the plan
1690 identified in subsection B.21 of this section.

1691 23. The following accessory uses to a motor race track operation are allowed if
1692 approved as part of the special use permit:

- 1693 a. motocross;
- 1694 b. autocross;
- 1695 c. skidpad;
- 1696 d. garage;
- 1697 e. driving school; and

1698

f. fire station.

1699

SECTION 26. Ordinance 10870, Section 340, as amended, and K.C.C.

1700

21A.12.030 are each hereby amended to read as follows:

1701

A. Densities and dimensions - residential zones.

STANDARDS	RESIDENTIAL												
	ZONES	RURAL				URBAN RESERVE	URBAN RESIDENTIAL						
	RA-2.5	RA-5	RA-10	RA-20	UR	R-1 (17)	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density: Dwelling Unit/Acre (15)	0.2 du/a c	0.2 du/a c	0.1 du/ac	0.05 du/ac	0.2 du/ac (21)	1 du/ac	4 du/ac (6)	6 du/ac	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac
Maximum Density: Dwelling Unit/Acre (1)	0.4 du/a c (20)						6 du/ac (22) 8 du/ac (27)	9 du/ac <u>12</u> du/ac (27)	12 du/ac <u>16</u> du/ac (27)	18 du/ac <u>24</u> du/ac (27)	27 du/ac <u>36</u> du/ac (27)	36 du/ac <u>48</u> du/ac (27)	72 du/ac <u>96</u> du/ac (27)
Minimum Density: (2)							85% (12) (18) (23)	85% (12) (18)	85% (12) (18)	80% (18)	75% (18)	70% (18)	65% (18)
Minimum Lot Area (13)	1.87 5 ac	3.75 ac	7.5 ac	15 ac									
Minimum Lot Width (3)	135 ft	135 ft	135 ft	135 ft	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30ft	30 ft	30 ft
Minimum Street Setback (3)	30 ft (9)	30 ft (9)	30ft (9)	30 ft (9)	30 ft (7)	20 ft (7)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10ft (8)	10 ft (8)

	RESIDENTIAL													
	Z O N E S	RURAL				UR B A N R E S E R V E	URBAN RESIDENTIAL							
STANDARDS	RA- 2.5	RA- 5	RA- 10	RA- 20	UR	R-1 (17)	R-4	R-6	R-8	R-12	R-18	R-24	R-48	
Minimum Interior Setback (3) (16)	5 ft (9)	10ft (9)	10 ft (9)	10 ft (9)	5 ft (7)	5 ft (7)	5 ft	5 ft	5 ft	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10)	
Base Height (4)	40 ft	40 ft	40 ft	40 ft	35 ft	35 ft	35 ft (25)	35 ft 45 ft (14) (25)	35 ft 45 ft (14) (25)	60 ft	60 ft 80 ft (14)	60 ft 80 ft (14)	60 ft 80 ft (14)	
Maximum Impervious Surface: Percentage (5)	25% (11) (19) (25)	20% (11) (19) (25)	15% (11) (19) (24) (25)	12.5 % (11) (19) (25)	30% (11) (25)	30% (11) (25)	55% (25)	70% (25)	75% (25)	85% (25)	85% (25)	85% (25)	90% (25)	

1702

B. Development conditions.

1703

1. This maximum density may be achieved only through the application of

1704

residential density incentives in accordance with K.C.C. chapter 21A.34 or transfers of

1705

development rights in accordance with K.C.C. chapter 21A.37, or any combination of

1706

density incentive or density transfer. (~~Maximum density may only be exceeded in~~

1707

~~accordance with K.C.C. 21A.34.040.F.1.g. and F.6.))~~

1708

2. Also see K.C.C. 21A.12.060.

1709

3. These standards may be modified under the provisions for zero-lot-line and

1710

townhouse developments.

1711

4. Height limits may be increased if portions of the structure that exceed the

1712

base height limit provide one additional foot of street and interior setback for each foot

1713

above the base height limit, but the maximum height may not exceed seventy-five feet.

1714 Netting or fencing and support structures for the netting or fencing used to contain golf
1715 balls in the operation of golf courses or golf driving ranges are exempt from the
1716 additional interior setback requirements but the maximum height shall not exceed
1717 seventy-five feet, except for large active recreation and multiuse parks, where the
1718 maximum height shall not exceed one hundred twenty-five feet, unless a golf ball
1719 trajectory study requires a higher fence.

1720 5. Applies to each individual lot. Impervious surface area standards for:

1721 a. Regional uses shall be established at the time of permit review;

1722 b. Nonresidential uses in residential zones shall comply with K.C.C.

1723 21A.12.120 and 21A.12.220;

1724 c. Individual lots in the R-4 through R-6 zones that are less than nine thousand
1725 seventy-six square feet in area shall be subject to the applicable provisions of the nearest
1726 comparable R-6 or R-8 zone; and

1727 d. A lot may be increased beyond the total amount permitted in this chapter
1728 subject to approval of a conditional use permit.

1729 6. Mobile home parks shall be allowed a base density of six dwelling units per
1730 acre.

1731 7. The standards of the R-4 zone apply if a lot is less than fifteen thousand
1732 square feet in area.

1733 8. At least twenty linear feet of driveway shall be provided between any garage,
1734 carport or other fenced parking area and the street property line. The linear distance shall
1735 be measured along the center line of the driveway from the access point to such garage,
1736 carport or fenced area to the street property line.

1737 9.a. Residences shall have a setback of at least one hundred feet from any
1738 property line adjoining A, M or F zones or existing extractive operations. However,
1739 residences on lots less than one hundred fifty feet in width adjoining A, M or F zones or
1740 existing extractive operations shall have a setback from the rear property line equal to
1741 fifty percent of the lot width and a setback from the side property equal to twenty-five
1742 percent of the lot width.

1743 b. Except for residences along a property line adjoining A, M or F zones or
1744 existing extractive operations, lots between one acre and two and one-half acres in size
1745 shall conform to the requirements of the R-1 zone and lots under one acre shall conform
1746 to the requirements of the R-4 zone.

1747 10.a. For developments consisting of three or more single-detached dwellings
1748 located on a single parcel, the setback shall be ten feet along any property line abutting
1749 R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in
1750 K.C.C. 21A.14.190, which shall have a setback of five feet.

1751 b. For townhouse and apartment development, the setback shall be twenty feet
1752 along any property line abutting R-1 through R-8, RA and UR zones, except for
1753 structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback
1754 of five feet, unless the townhouse or apartment development is adjacent to property upon
1755 which an existing townhouse or apartment development is located.

1756 11. Lots smaller than one-half acre in area shall comply with standards of the
1757 nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or
1758 larger, the maximum impervious surface area allowed shall be at least ten thousand
1759 square feet. On any lot over one acre in area, an additional five percent of the lot area

1760 may be used for buildings related to agricultural or forestry practices. For lots smaller
1761 than two acres but larger than one-half acre, an additional ten percent of the lot area may
1762 be used for structures that are determined to be medically necessary, if the applicant
1763 submits with the permit application a notarized affidavit, conforming with K.C.C.
1764 21A.32.170A.2.

1765 12. For purposes of calculating minimum density, the applicant may request that
1766 the minimum density factor be modified based upon the weighted average slope of the
1767 net buildable area of the site in accordance with K.C.C. 21A.12.087.

1768 13. The minimum lot area does not apply to lot clustering proposals as provided
1769 in K.C.C. chapter 21A.14.

1770 14. The base height to be used only for projects as follows:

1771 a. in R-6 and R-8 zones, a building with a footprint built on slopes exceeding a
1772 fifteen percent finished grade; and

1773 b. in R-18, R-24 and R-48 zones using residential density incentives and
1774 transfer of density credits in accordance with this title.

1775 15. Density applies only to dwelling units and not to sleeping units.

1776 16. Vehicle access points from garages, carports or fenced parking areas shall
1777 be set back from the property line on which a joint use driveway is located to provide a
1778 straight line length of at least twenty-six feet as measured from the center line of the
1779 garage, carport or fenced parking area, from the access point to the opposite side of the
1780 joint use driveway.

1781 17.a. All subdivisions and short subdivisions in the R-1 zone shall be required to
1782 be clustered if the property is located within or contains:

- 1783 (1) a floodplain;
- 1784 (2) a critical aquifer recharge area;
- 1785 (3) a regionally or locally significant resource area;
- 1786 (4) existing or planned public parks or trails, or connections to such facilities;
- 1787 (5) a category type S or F aquatic area or category I or II wetland;
- 1788 (6) a steep slope; or
- 1789 (7) an urban separator or wildlife habitat network designated by the
- 1790 Comprehensive Plan or a community plan.

1791 b. The development shall be clustered away from critical areas or the axis of

1792 designated corridors such as urban separators or the wildlife habitat network to the extent

1793 possible and the open space shall be placed in a separate tract that includes at least fifty

1794 percent of the site. Open space tracts shall be permanent and shall be dedicated to a

1795 homeowner's association or other suitable organization, as determined by the director,

1796 and meet the requirements in K.C.C. 21A.14.040. On-site critical area and buffers and

1797 designated urban separators shall be placed within the open space tract to the extent

1798 possible. Passive recreation, with no development of recreational facilities, and natural-

1799 surface pedestrian and equestrian trails are acceptable uses within the open space tract.

1800 18. See K.C.C. 21A.12.085.

1801 19. All subdivisions and short subdivisions in R-1 and RA zones within the

1802 North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North

1803 Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and

1804 Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East

1805 Sammamish Community Planning Area that drains to Patterson Creek shall have a

1806 maximum impervious surface area of eight percent of the gross acreage of the plat.
1807 Distribution of the allowable impervious area among the platted lots shall be recorded on
1808 the face of the plat. Impervious surface of roads need not be counted towards the
1809 allowable impervious area. Where both lot- and plat-specific impervious limits apply, the
1810 more restrictive shall be required.

1811 20. This density may only be achieved on RA 2.5 zoned parcels receiving
1812 density from rural forest focus areas through a transfer of density credit pursuant to
1813 K.C.C. chapter 21A.37.

1814 21. Base density may be exceeded, if the property is located in a designated
1815 rural city urban growth area and each proposed lot contains an occupied legal residence
1816 that predates 1959.

1817 22. The maximum density is four dwelling units per acre for properties zoned
1818 R-4 when located in the Rural Town of Fall City.

1819 23. The minimum density requirement does not apply to properties located
1820 within the Rural Town of Fall City.

1821 24. The impervious surface standards for the county fairground facility are
1822 established in the King County Fairgrounds Site Development Plan, Attachment A to
1823 Ordinance 14808 on file at the department of natural resources and parks and the
1824 department of development and environmental services. Modifications to that standard
1825 may be allowed provided the square footage does not exceed the approved impervious
1826 surface square footage established in the King County Fairgrounds Site Development
1827 Plan Environmental Checklist, dated September 21, 1999, Attachment B to Ordinance
1828 14808, by more than ten percent.

1829 25. For cottage housing developments only:

1830 a. The base height is eighteen feet.

1831 b. Buildings have pitched roofs with a minimum slope of six and twelve may

1832 extend up to twenty-five feet at the ridge of the roof.

1833 26. Impervious surface does not include access easements serving neighboring

1834 property and driveways to the extent that they extend beyond the street setback due to

1835 location within an access panhandle or due to the application of King County Code

1836 requirements to locate features over which the applicant does not have control.

1837 27. Only in accordance with K.C.C. 21A.34.040.F.1.g. and F.6.

1838 SECTION 27. Ordinance 10870, Section 341, as amended, and K.C.C.

1839 21A.12.040 are each hereby amended to read as follows:

1840 A. Densities and dimensions - resource and commercial/industrial zones.

STANDARDS	ZONES	RESOURCE				COMMERCIAL/INDUSTRIAL				
		AGRICULTURE	F O R E S T	M I N I M A L		NEIGHBOR- HOOD BUSINESS	COMMUNITY BUSINESS	REGIONAL BUSINESS	O F F I C E	I N D U S T R I A L
		A-10	A-35	F	M	NB	CB	RB	O	I
Base Density:		0.1	.0286	.0125		8 du/ac	((48)) 48 du/ac	36 du/ac (2)	((36)) 48	
Dwelling Unit/Acre		du/ac	du/ac	du/ac		(2)	(2)	48 du/ac (18)	du/ac (2)	
Maximum Density:						12 du/ac	((24)) 72 du/ac	48 du/ac (3)	((48)) 72	
Dwelling Unit/Acre						(3)	((3)) (16)	72 du/ac (16)	du/ac	
						16 du/ac (15)	96 du/ac (15)	96 du/ac (15)	((33)) (16)	
									96 du/ac (15)	
Minimum Lot Area		10 acres	35 acres	80 acres	10 acres					

	Z O N E S	RESOURCE				COMMERCIAL/INDUSTRIAL				
		AGRICULTURE		F O R E S T	M I N E R A L	NEIGHBOR- HOOD BUSINESS	COMMUNITY BUSINESS	REGIONAL BUSINESS	O F F I C E	I N D U S T R I A L
STANDARDS		A-10	A-35	F	M	NB	CB	RB	O	I
Maximum Lot		4 to 1	4 to 1							
Depth/ Width Ratio										
Minimum Street Setback		30 ft (4)	30 ft (4)	50 ft (4)	(12)	10 ft (5)	10 ft (5)	10 ft (5)	10 ft	25 ft
Minimum Interior Setback		10 ft (4)	10 ft (4)	100 ft (4)	(12)	20 ft (7) (14)	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7) 50 ft (8)
Base Height (10)		35 ft	35 ft	35 ft	35 ft	35 ft 45 ft (6)	35 ft 60 ft (6) 65 ft (17)	35 ft 65 ft (6)	45 ft ((60)) 65 ft (6)	45 ft
Maximum Floor/Lot Ratio: Square Feet						1/1 (9)	1.5/1 (9)	2.5/1 (9)	2.5/1 (9)	2.5/1
Maximum Impervious Surface: Percentage (13)		15% 35% (11)	10% 35% (11)	10% 35% (11)		85%	85%	90%	75%	90%

1841

B. Development conditions.

1842

1. Reserved.

1843

2. These densities are allowed only through the application of mixed-use

1844

development standards and, in the NB zone on property in the urban area designated

1845 commercial outside of center, for stand-alone townhouse development (~~(in the NB zone~~
1846 ~~on property designated commercial outside of center in the urban area))~~).

1847 3. These densities may only be achieved through the application of residential
1848 density incentives or transfer of development rights in mixed-use developments and for
1849 stand-alone townhouse development in the NB zone on property designated commercial
1850 outside of center in the urban area. See K.C.C. chapters 21A.34 and 21A.37.

1851 4.a. in the F zone, scaling stations may be located thirty-five feet from property
1852 lines. Residences shall have a setback of at least thirty feet from all property lines.

1853 b. for lots between one acre and two and one half acres in size, the setback
1854 requirements of the R-1 zone shall apply. For lots under one acre, the setback
1855 requirements of the R-4 zone shall apply.

1856 c. for developments consisting of three or more single-detached dwellings
1857 located on a single parcel, the setback shall be ten feet along any property line abutting
1858 R-1 through R-8, RA and UR zones.

1859 5. Gas station pump islands shall be placed no closer than twenty-five feet to
1860 street front lines.

1861 6. This base height allowed only for mixed-use developments and for stand-
1862 alone townhouse development in the NB zone on property designated commercial outside
1863 of center in the urban area.

1864 7. Required on property lines adjoining residential zones.

1865 8. Required on property lines adjoining residential zones for industrial uses
1866 established by conditional use permits.

1867 9. The floor-to-lot ratio for mixed use developments shall conform to K.C.C.
1868 chapter 21A.14.

1869 10. Height limits may be increased if portions of the structure building that
1870 exceed the base height limit provide one additional foot of street and interior setback for
1871 each foot above the base height limit, provided the maximum height may exceed seventy-
1872 five feet only in mixed use developments. Netting or fencing and support structures for
1873 the netting or fencing used to contain golf balls in the operation of golf courses or golf
1874 driving ranges are exempt from the additional interior setback requirement provided that
1875 the maximum height shall not exceed seventy-five feet.

1876 11. Applicable only to lots containing less than one acre of lot area.
1877 Development on lots containing less than fifteen thousand square feet of lot area shall be
1878 governed by impervious surface standards of the nearest comparable R-4 through R-8
1879 zone.

1880 12. See K.C.C. 21A.22.060 for setback requirements in the mineral zone.

1881 13. The impervious surface area for any lot may be increased beyond the total
1882 amount permitted in this chapter subject to approval of a conditional use permit.

1883 14. Required on property lines adjoining residential zones unless a stand-alone
1884 townhouse development on property designated commercial outside of center in the
1885 urban area is proposed to be located adjacent to property upon which an existing
1886 townhouse development is located.

1887 15. Only as provided for walkable communities under K.C.C. 21A.34.040F.8 or
1888 for mixed-use development through the application of residential density incentives under

1889 K.C.C. 21A.34.040.F.1.g. In the RB zone on property located within urban growth area
1890 of a rural city, this density is not allowed.

1891 16. Only for mixed-use development through the application of residential
1892 density incentives under K.C.C. chapter 21A.34 or the transfer of development rights
1893 under K.C.C. chapter 21A.37. In the RB zone on property located within urban growth
1894 area of a rural city, this density is not allowed.

1895 17. Only for mixed-use development through the application of residential
1896 density incentives through the application of residential density incentives under K.C.C.
1897 chapter 21A.34 or the transfer of development rights under K.C.C. chapter 21A.37.

1898 Upper-level setbacks are required for any facade facing a pedestrian street for any portion
1899 of the structure greater than forty-five feet in height. The upper level setback shall be at
1900 least one foot for every two feet of height above forty-five feet, up to a maximum
1901 required setback of fifteen feet. The first four feet of horizontal projection of decks,
1902 balconies with open railings, eaves, cornices, and gutters shall be permitted in required
1903 setbacks.

1904 SECTION 28. Ordinance 10870, Section 354, as amended, and K.C.C.
1905 21A.12.170 are each hereby amended to read as follows:

1906 Provided that the required setbacks from regional utility corridors of K.C.C.
1907 21A.12.140, the adjoining half-street or designated arterial setbacks of K.C.C.
1908 21A.12.160 and the sight distance requirements of K.C.C. 21A.12.210 are maintained,
1909 structures may extend into or be located in required setbacks, including setbacks as
1910 required by K.C.C. 21A.12.220.B, as follows:

1911 A. Fireplace structures, bay or garden windows, enclosed stair landings, closets,
1912 or similar structures may project into any setback, provided such projections are:
1913 1. Limited to two per facade;
1914 2. Not wider than ten feet; and
1915 3. Not more than twenty-four inches into an interior setback or thirty inches into
1916 a street setback;

1917 B. Uncovered porches and decks that exceed eighteen inches above the finished
1918 grade may project:
1919 1. Eighteen inches into interior setbacks; and
1920 2. Five feet into the street setback;

1921 C. Uncovered porches and decks not exceeding eighteen inches above the
1922 finished grade may project to the property line;

1923 D. Eaves may not project more than:
1924 1. Eighteen inches into an interior setback;
1925 2. Twenty-four inches into a street setback; or
1926 3. Eighteen inches across a lot line in a zero-lot-line development;

1927 E. Fences with a height of six feet or less may project into or be located in any
1928 setback;

1929 F. Rockeries, retaining walls and curbs may project into or be located in any
1930 setback. ~~((provided))~~ Except for structures that cross the setback perpendicularly to
1931 property lines or that abut a critical area, these structures:

1932 1. ~~((Do not))~~ Shall not exceed a height of six feet in the R-1 through R-18, UR,
1933 RA and resource zones;

1934 2. (~~Do~~) Shall not exceed a height of eight feet in the R-24 and R-48 zones;
1935 and

1936 3. (~~Do~~) Shall not exceed the building height for the zone in
1937 commercial/industrial zones, measured in accordance with the standards established in
1938 the King County Building Code, Title 16;

1939 G. Fences located on top of rockeries, retaining walls or berms are subject to the
1940 requirements of K.C.C. 21A.14.220;

1941 H. Telephone, power, light and flag poles;

1942 I. The following may project into or be located within a setback, but may only
1943 project into or be located within a five foot interior setback area if an agreement
1944 documenting consent between the owners of record of the abutting properties is recorded
1945 with the King County department of records and elections prior to the installment or
1946 construction of the structure:

1947 1. Sprinkler systems, electrical and cellular equipment cabinets and other
1948 similar utility boxes and vaults;

1949 2. security system access controls;

1950 3. structures, except for buildings, associated with trails and on-site recreation
1951 spaces and play areas required in K.C.C.21A.14.180 and K.C.C. 21A.14.190 such as
1952 benches, picnic tables and drinking fountains; and

1953 4. Surface water management facilities as required by K.C.C. 9.04;

1954 J. Mailboxes and newspaper boxes may project into or be located within street
1955 setbacks;

1956 K. Fire hydrants and associated appendages;

1957 L. Metro bus shelters may be located within street setbacks;

1958 M. Unless otherwise allowed in K.C.C. 21A.20.080, free standing and monument
1959 signs four feet or less in height, with a maximum sign area of twenty square feet may
1960 project into or be located within street setbacks;

1961 N. On a parcel in the RA zone, in the interior setback that adjoins a property
1962 zoned NB or CB, structures housing refrigeration equipment that extends no more than
1963 ten feet into the setback and is no more than sixty feet in length; and

1964 O. Stormwater conveyance and control facilities, both above and below ground,
1965 provided such projections are:

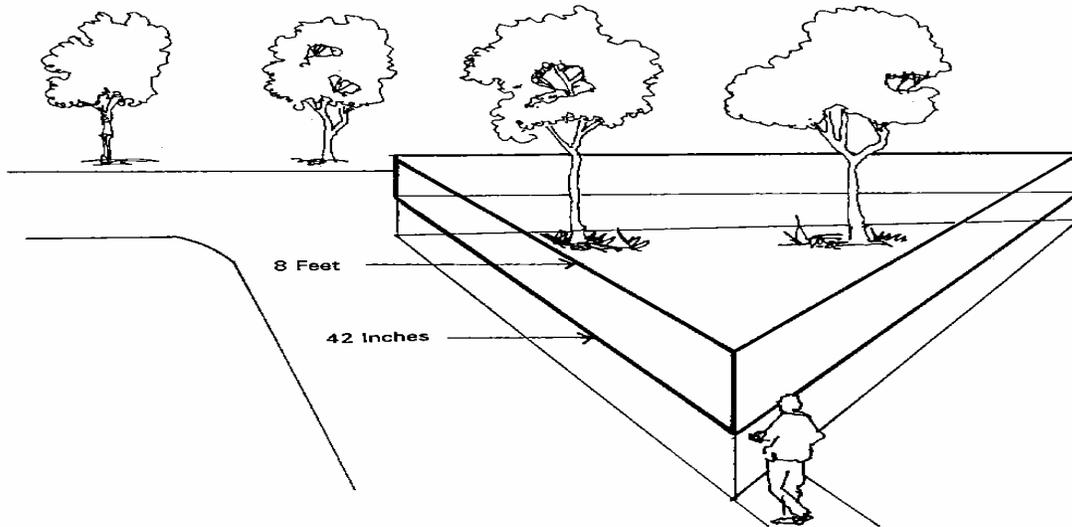
1966 1. Consistent with setback, easement and access requirements specified in the
1967 Surface Water Design Manual; or

1968 2. In the absence of said specifications, not within five feet of the property line.

1969 SECTION 29. Ordinance 10870, Section 358 and K.C.C. 21A.12.210 are each
1970 hereby amended to read as follows:

1971 Except for utility poles and traffic control signs, the following sight distance
1972 provisions shall apply to ~~((all))~~ new or reconstructed intersections and ((site)) driveway
1973 access points on local access streets. Sight distance requirements for arterial and
1974 neighborhood collector intersections are specified in the King County road standards:

1975 A. A sight distance triangle area as determined by Section 21A.12.210B shall
1976 contain no fence, berm, vegetation other than narrow tree trunks, on-site vehicle parking
1977 area, signs or other physical obstruction between 42 inches and eight feet above the
1978 existing street grade;



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NOTE: The area of a sight distance triangle between 42 inches and eight feet above the existing street grade shall remain open.

B. The sight distance triangle ((~~at~~)) requirements for new or reconstructed intersections and driveway connections to local access streets are defined as follows:

1. ((A)) Except where a twenty-five foot property line radius exists at an intersection, a sight distance triangle at a street intersection shall be determined by measuring ((~~15~~)) fifteen feet along both street property lines beginning at their point of intersection. The third side of the triangle shall be a line connecting the endpoints of the first two sides of the triangle. Where a twenty-five foot property line radius or larger radius is present at an intersection, the King County road standards shall govern the placement of objects that may obscure sight distance; or

2. A ((site)) driveway access point shall be determined by measuring ((~~15~~)) fifteen feet along the street lines and ((~~15~~)) fifteen feet along the edges of the driveway

1994 beginning at the respective points of intersection. The third side of each triangle shall be
1995 a line connecting the endpoints of the first two sides of each triangle; and

1996 C. The (~~director~~) development engineer may require modification or removal of
1997 structures or landscaping located in required street setbacks or relocate the driveway
1998 connection, if:

1999 1. Such improvements prevent adequate sight distance to drivers entering or
2000 leaving a driveway, and,

2001 2. No reasonable driveway relocation alternative for an adjoining lot is feasible.

2002 NEW SECTION. SECTION 30. A new section is hereby added to K.C.C. chapter
2003 21A.12 to read as follows:

2004 The minimum width for a joint use driveway and easement on private property
2005 shall be sixteen feet, except as otherwise provided in the King County road standards.

2006 NEW SECTION. SECTION 31. A new section is hereby added to K.C.C. chapter
2007 21A.12 to read as follows:

2008 The general personal service use (SIC # 72 except 7216, 7218 and 7261) and the
2009 office/outpatient clinic use (SIC # 801 - 04) listed in K.C.C. 21A.08.050 are allowed as a
2010 conditional use, subject to the following requirements:

2011 A. The site shall be zoned R-4 through R-48;

2012 B. The establishment shall be located within one-quarter mile of a rural town,
2013 unincorporated activity center, community business center or neighborhood business
2014 center and less than one mile from another commercial establishment;

2015 C. The establishment shall be located in a legally established single family
2016 dwelling in existence on or before January 1, 2008. The structure may not be expanded

2017 by more than ten percent as provided in K.C.C. 21A.30.xxx for the expansion of legally
2018 established nonconforming uses;

2019 D. The maximum on-site parking ratio for establishments and sites shall be 2 per
2020 1000 square feet and required parking shall not be located between the building and the
2021 street; and

2022 E. Sign and landscaping standards for the use apply.

2023 SECTION 32. Ordinance 10870, Section 364, as amended, and K.C.C.
2024 21A.14.040 are each hereby amended to read as follows:

2025 Residential lot clustering is allowed in the R, UR and RA zones. If residential lot
2026 clustering is proposed, the following requirements shall be met:

2027 A. In the R zones, any designated open space tract resulting from lot clustering
2028 shall not be altered or disturbed except as specified on recorded documents creating the
2029 open space. Open spaces may be retained under ownership by the subdivider, conveyed
2030 to residents of the development or conveyed to a third party. If access to the open space
2031 is provided, the access shall be located in a separate tract;

2032 B. In the RA zone:

2033 1. No more than eight lots of less than two and one-half acres shall be allowed
2034 in a cluster;

2035 2. No more than eight lots of less than two and one-half acres shall be served by
2036 a single cul-de-sac street;

2037 3. Clusters containing two or more lots of less than two and one-half acres,
2038 whether in the same or adjacent developments, shall be separated from similar clusters by
2039 at least one hundred twenty feet;

2040 4. The overall amount, and the individual degree of clustering shall be limited to
2041 a level that can be adequately served by rural facilities and services, including, but not
2042 limited to, on-site sewage disposal systems and rural roadways;

2043 5. A fifty-foot Type II landscaping screen, as defined in K.C.C. 21A.16.040,
2044 shall be provided along the frontage of all public roads. The planting materials shall
2045 consist of species that are native to the Puget Sound region. Preservation of existing
2046 healthy vegetation is encouraged and may be used to augment new plantings to meet the
2047 requirements of this section;

2048 6. Except as provided in subsection B.7. of this section, open space tracts
2049 created by clustering in the RA zone shall be designated as permanent open space.
2050 Acceptable uses within open space tracts are passive recreation, with no development of
2051 active recreational facilities, natural-surface pedestrian and equestrian foot trails and
2052 passive recreational facilities. A resource tract created under K.C.C. 16.82.152.E. may be
2053 considered an open space tract for purposes of this subsection B.6;

2054 7. In the RA zone a resource land tract may be created through a cluster
2055 development in lieu of an open space tract. A resource tract created under K.C.C.
2056 16.82.152.E. may be considered a resource tract for purposes of this subsection B.7. The
2057 resource land tract may be used as a working forest or farm if the following provisions
2058 are met:

2059 a. Appropriateness of the resource land tract for forestry or agriculture has
2060 been determined by the county;

2061 b. The subdivider shall prepare a forest management plan, that must be
2062 reviewed and approved by the King County department of natural resources and parks, or

2063 a farm management plan, if a plan is required under K.C.C. chapter 21A.30, that must be
2064 developed by the King Conservation District. The criteria for management of a resource
2065 land tract established through a cluster development in the RA zone shall be set forth in a
2066 public rule. The criteria must assure that forestry or farming will remain as a sustainable
2067 use of the resource land tract and, except as otherwise provided for resource tracts created
2068 pursuant to K.C.C. 16.82.152.E or G., that structures supportive of forestry and
2069 agriculture may be allowed in the resource land tract. The criteria must also set
2070 impervious surface and clearing limitations and identify the type of buildings or
2071 structures that will be allowed within the resource land tract;

2072 c. The recorded plat or short plat shall designate the resource land tract as a
2073 working forest or farm;

2074 d. Resource land tracts that are conveyed to residents of the development shall
2075 be retained in undivided interest by the residents of the subdivision or short subdivision;

2076 e. A homeowners association shall be established to assure implementation of
2077 the forest management plan or farm management plan if the resource land tract is retained
2078 in undivided interest by the residents of the subdivision or short subdivision;

2079 f. The subdivider shall file a notice with the King County department of
2080 executive services, records, elections and licensing services division. The required
2081 contents and form of the notice shall be set forth in a public rule. The notice shall inform
2082 the property owner or owners that the resource land tract is designated as a working
2083 forest or farm, that must be managed in accordance with the provisions established in the
2084 approved forest management plan or farm management plan;

2085 g. The subdivider shall provide to the department proof of the approval of the
2086 forest management plan or farm management plan and the filing of the notice required in
2087 subsection B.7.f. of this section before recording of the final plat or short plat;

2088 h. The notice shall run with the land; and

2089 i. Natural-surface pedestrian and equestrian foot trails, passive recreation, and
2090 passive recreational facilities, with no development of active recreational facilities, are
2091 allowed uses in resource land tracts; and

2092 8. The requirements of subsection B.1., 2., or 3. of this subsection may be
2093 modified or waived by the director if the property is encumbered by critical areas
2094 containing habitat for, or there is the presence of, species listed as threatened or
2095 endangered under the Endangered Species Act when it is necessary to protect the habitat;
2096 and

2097 C. In the R-1 zone, open space tracts created by clustering required by K.C.C.
2098 21A.12.030 shall be located and configured to create urban separators and greenbelts as
2099 required by the comprehensive plan, or subarea plans or open space functional plans, to
2100 connect and increase protective buffers for critical areas, to connect and protect wildlife
2101 habitat corridors designated by the comprehensive plan and to connect existing or
2102 planned public parks or trails. The department may require open space tracts created
2103 under this subsection to be dedicated to an appropriate managing public agency or
2104 qualifying private entity such as a nature conservancy. In the absence of such a
2105 requirement, open space tracts shall be retained in undivided interest by the residents of
2106 the subdivision or short subdivision. A homeowners association shall be established for
2107 maintenance of the open space tract.

2108 SECTION 33. Ordinance 10870, Section 382, as amended, and K.C.C.

2109 21A.14.220 are each hereby amended to read as follows:

2110 Fences are permitted as follows:

2111 A. Fences exceeding a height of six feet shall comply with the applicable street
2112 and interior setbacks of the zone in which the property is located, except((;));

2113 1. Fences located on a rockery, retaining wall, or berm within a required setback
2114 area are permitted subject to the following requirements;

2115 a. In R-1 through R-18, UR, RA and the resource zones:

2116 (1) The total height of the fence and the rockery, retaining wall or berm upon
2117 which the fence is located shall not exceed a height of ten feet. This height shall be
2118 measured from the top of the fence to the ground on the low side of the rockery, retaining
2119 wall or berm; and

2120 (2) The total height of the fence itself, measured from the top of the fence to
2121 the top of the rockery, retaining wall or berm, shall not exceed six feet.

2122 b. In the R-24, R-48 and commercial/industrial zones, the height of the fence,
2123 measured from the top of the fence to the top of the rockery, retaining wall or berm, shall
2124 not exceed six feet.

2125 c. Any portion of the fence above a height of eight feet, measured to include
2126 both the fence and the rockery, retaining wall, or berm (as described in a1. above), shall
2127 be an open-work fence.

2128 d. The height limitation of this subsection may be exceeded where walls with
2129 fences cross a setback perpendicularly or abut a critical area tract established under
2130 K.C.C. chapter 21A.24.

2131 B. Fences located on a rockery, retaining wall or berm outside required setback
2132 areas shall not exceed the building height for the zone, measured in accordance with the
2133 standards established in the King County Building Code, Title 16.

2134 C. Electric fences shall:

2135 1. Be permitted in all zones, provided that when placed within R-4 through R-48
2136 zones, additional fencing or other barriers shall be constructed to prevent inadvertent
2137 contact with the electric fence from abutting property;

2138 2. Comply with the following requirements:

2139 a. An electric fence using an interrupted flow of current at intervals of about
2140 one second on and two seconds off shall be limited to 2,000 volts at 17 milliamp;

2141 b. An electric fence using continuous current shall be limited to 1,500 volts at
2142 seven milliamp;

2143 c. All electric fences in the R-4 through R-48 zones shall be posted with
2144 permanent signs a minimum of 36 square inches in area at 50 foot intervals stating that
2145 the fence is electrified; and

2146 d. Electric fences sold as a complete and assembled unit can be installed by an
2147 owner if the controlling elements of the installation are certified by an A.N.S.I. approved
2148 testing agency; and

2149 D. Except as specifically required for the necessary security related to a
2150 nonresidential use, no barbed or razor-wire fence shall be located in any R-4 through R-
2151 48 zone.

2152 SECTION 34. Ordinance 10870, Section 390, as amended, and K.C.C.

2153 21A.16.050 are each hereby amended to read as follows:

2154 The average width of perimeter landscaping along street frontages shall be
2155 provided as follows:

2156 A. Twenty feet of Type II landscaping shall be provided for an institutional use,
2157 excluding playgrounds and playfields;

2158 B. Ten feet of Type II landscaping shall be provided for an industrial
2159 development;

2160 C. Ten feet of Type II landscaping shall be provided for an above-ground utility
2161 facilities development, excluding distribution and transmission corridors, located outside
2162 a public right-of-way;

2163 D. Ten feet of Type III landscaping shall be provided for a commercial or
2164 attached/group residence development; and

2165 E. For single family subdivisions and short subdivisions in the urban growth area:

2166 1. Trees shall be planted at the rate of one tree for every forty feet of frontage
2167 along all public streets;

2168 2. The trees shall be:

2169 a. Located within the street right-of-way if permitted by the custodial state or
2170 local agency;

2171 b. No more than twenty feet from the street right-of-way line if located within
2172 a lot;

2173 c. Maintained by the adjacent landowner unless part of a county maintenance
2174 program; and

2175 d. A species approved by the county if located within the street right-of way
2176 and compatible with overhead utility lines.

2177 3. The trees may be spaced at irregular intervals to accommodate sight distance
2178 requirements for driveways and intersections.

2179 SECTION 35. Ordinance 10870, Section 407, as amended, and K.C.C.

2180 21A.18.030 are each hereby amended to read as follows:

2181 A. Except as modified in K.C.C. 21A.18.070B-D, off-street parking areas shall
2182 contain at a minimum the number of parking spaces as stipulated in the following table.
2183 Off-street parking ratios expressed as number of spaces per square feet means the usable
2184 or net square footage of floor area, exclusive of non-public areas. Non-public areas
2185 include but are not limited to building maintenance areas, storage areas, closets or
2186 restrooms. If the formula for determining the number of off-street parking spaces results
2187 in a fraction, the number of off-street parking spaces shall be rounded to the nearest
2188 whole number with fractions of .50 or greater rounding up and fractions below .50
2189 rounding down.

LAND USE	MINIMUM PARKING SPACES REQUIRED
RESIDENTIAL (K.C.C. 21A.08.030A):	
Single detached/Townhouse	2.0 per dwelling unit
Apartment:	
Studio units	1.2 per dwelling unit
One bedroom units	1.5 per dwelling unit
Two bedroom units	1.7 per dwelling unit
Three bedroom units or larger	2.0 per dwelling unit
Mobile home park	2.0 per dwelling unit

Senior citizen assisted	1 per 2 dwelling or sleeping units
Community residential facilities	1 per two bedrooms
Dormitory, including religious	1 per two bedrooms
Hotel/Motel including organizational hotel/lodging	1 per bedroom
Bed and breakfast guesthouse	1 per guest room, plus 2 per facility
RECREATION/CULTURAL (K.C.C. 21A.08.040A):	
Recreation/culture uses:	1 per 300 square feet
Exceptions:	
Bowling center	5 per lane
Golf course	3 per hole, plus 1 per 300 square feet of club house facilities
Tennis Club	4 per tennis court plus 1 per 300 square feet of clubhouse facility
Golf driving range	1 per tee
Park/playfield/ <u>paintball</u>	(director)
Theater	1 per 3 fixed seats
Conference center	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces.
GENERAL SERVICES (K.C.C. 21A.08.050A):	
General services uses:	1 per 300 square feet
Exceptions:	

Funeral home/Crematory	1 per 50 square feet of chapel area
Daycare I	2 per facility
Daycare II	2 per facility, plus 1 space for each 20 children
Churches, synagogue, temple	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Outpatient and Veterinary clinic offices	1 per 300 square feet of office, labs and examination rooms
Nursing and personal care Facilities	1 per 4 beds
Hospital	1 per bed
Elementary schools	1 per classroom, plus 1 per 50 students
Secondary schools	
Middle/junior high schools	1 per classroom, plus 1 per 50 students
High schools	1 per classroom, plus 1 per 10 students
High schools with stadiums	greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium
Vocational schools	1 per classroom, plus 1 per five students
Specialized instruction Schools	1 per classroom, plus 1 per two students
Artist Studios	.9 per 1,000 square feet of area used for studios
GOVERNMENT/BUSINESS SERVICES (K.C.C. 21A.08.060A):	
Government/business services uses:	1 per 300 square feet

Exceptions:	
Public agency yard	1 per 300 square feet of offices, plus .9 per 1,000 square feet of indoor storage or repair areas
Public agency archives	.9 per 1000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas
Courts	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas
Police facility	(director)
Fire facility	(director)
Construction and trade	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
Warehousing and storage	1 per 300 square feet of office, plus .9 per 1,000 square feet of storage area
Self-service storage	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit
Outdoor advertising services	1 per 300 square feet of office, plus .9 per 1,000 square feet of storage area
Heavy equipment repair	1 per 300 square feet of office, plus .9 per 1,000 square feet of indoor repair areas
Office	1 per 300 square feet
RETAIL/WHOLESALE (K.C.C. 21A.08.070A):	
Retail trade uses:	1 per 300 square feet
Exceptions:	
Food stores, less than	3 plus 1 per 350 square feet

15,000 square feet	
Gasoline service stations w/o grocery	3 per facility, plus 1 per service bay
Gasoline service stations w/grocery, no service bays	1 per facility, plus 1 per 300 square feet of store
Restaurants	1 per 75 square feet in dining or lounge areas
Wholesale trade uses	.9 per 1000 square feet
Retail and wholesale trade mixed use	1 per 300 square feet
MANUFACTURING (K.C.C. 21A.08.080A):	
Manufacturing uses	.9 per 1,000 square feet
Winery/Brewery	.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area
RESOURCES (K.C.C. 21A.08.090A):	
Resource uses	(director)
REGIONAL (K.C.C. 21A.08.100A):	
Regional uses	(director)

2190 B. An applicant may request a modification of the minimum required number of
2191 parking spaces by providing that parking demand can be met with a reduced parking

2192 requirement. In such cases, the director may approve a reduction of up to fifty percent of
2193 the minimum required number of spaces.

2194 C. When the county has received a shell building permit application, off-street
2195 parking requirements shall be based on the possible tenant improvements or uses
2196 authorized by the zone designation and compatible with the limitations of the shell
2197 permit. When the range of possible uses result in different parking requirements, the
2198 director will establish the amount of parking based on a likely range of uses.

2199 D. Where other provisions of this code stipulate maximum parking allowed or
2200 reduced minimum parking requirements, those provisions shall apply.

2201 E. In any development required to provide six or more parking spaces, bicycle
2202 parking shall be provided. Bicycle parking shall be bike rack or locker-type parking
2203 facilities unless otherwise specified.

2204 1. Off-street parking areas shall contain at least one bicycle parking space for
2205 every twelve spaces required for motor vehicles except as follows:

2206 a. The director may reduce bike rack parking facilities for patrons when it is
2207 demonstrated that bicycle activity will not occur at that location.

2208 b. The director may require additional spaces when it is determined that the
2209 use or its location will generate a high volume of bicycle activity. Such a determination
2210 will include but not be limited to the following uses:

2211 (1) Park/playfield,

2212 (2) Marina,

2213 (3) Library/museum/arboretum,

2214 (4) Elementary/secondary school,

2215 (5) Sports club, or

2216 (6) Retail business (when located along a developed bicycle trail or

2217 designated bicycle route).

2218 2. Bicycle facilities for patrons shall be located within 100 feet of the building
2219 entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a
2220 structure attached to the pavement.

2221 3. All bicycle parking and storage shall be located in safe, visible areas that do
2222 not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

2223 4. When more than ten people are employed on site, enclosed locker-type
2224 parking facilities for employees shall be provided. The director shall allocate the
2225 required number of parking spaces between bike rack parking and enclosed locker-type
2226 parking facilities.

2227 5. One indoor bicycle storage space shall be provided for every two dwelling
2228 units in townhouse and apartment residential uses, unless individual garages are provided
2229 for every unit. The director may reduce the number of bike rack parking spaces if indoor
2230 storage facilities are available to all residents.

2231 SECTION 36. Ordinance 10870, Section 422 and K.C.C. 21A.20.040 are each
2232 hereby amended to read as follows:

2233 Except as (~~indicated~~) otherwise specifically allowed by this chapter, the
2234 following signs or displays are prohibited:

2235 A. Portable signs including, but not limited to, sandwich/A-frame signs and
2236 mobile readerboard signs, and excluding signs permitted under K.C.C. 21A.20.120;

2237 B. Private signs on utility poles;

2238 C. Signs which, by reason of their size, location, movement, content, coloring or
2239 manner of illumination may be confused with traffic control signs or signals;

2240 D. Signs located in the public right-of-way(~~(, except where permitted in this~~
2241 ~~chapter~~)); and

2242 E. Posters, pennants, string of lights, blinking lights, balloons, searchlights and
2243 other displays of a carnival nature; except as architectural features, or on a limited basis
2244 as seasonal decorations or as provided for in Section 21A.20.120 as grand opening
2245 displays.

2246 F. Changing message center signs(~~(, where the message changes more frequently~~
2247 ~~then every three minutes)~~).

2248 SECTION 37. Ordinance 10870, Section 424, as amended, and K.C.C.

2249 21A.20.060 are each hereby amended to read as follows:

2250 A. All signs, except billboards, community bulletin boards, community
2251 identification signs, political signs, real estate signs and special event signs, shall be on-
2252 premise signs, except that uses located on lots without public street frontage in business,
2253 office and industrial zones may have one off-premise directional sign of no more than
2254 sixteen square feet.

2255 B. Fuel price signs shall not be included in sign area or number limitations of
2256 K.C.C. 21A.20.090, 21A.20.095, 21A.20.100 and 21A.20.110, but only if the signs do
2257 not exceed twenty square feet per street frontage.

2258 C. Except as otherwise provided in K.C.C. 21A.20.115, projecting and awning
2259 signs and signs mounted on the sloping portion of roofs shall not be permitted for uses in
2260 the Resource and Residential zones. In other zones, projecting and awning signs and

2261 signs mounted on the sloping portion of roofs may be used in lieu of wall signs, but only
2262 if:

2263 1. They maintain a minimum clearance of eight feet above finished grade;

2264 2. They do not project more than six feet perpendicular from the supporting
2265 building facade;

2266 3. They meet the standards of K.C.C. 21A.20.060J. if mounted on the roof of a
2267 building; and

2268 4. They shall not exceed the number or size permitted for wall signs in a zone.

2269 D. Changing message center signs, and time and temperature signs, which can be
2270 a wall or freestanding sign, shall not exceed the size permitted for a wall or freestanding
2271 sign, and shall be permitted only in the NB, CB, RB, O and I zones. Changing message
2272 center signs and time and temperature signs shall not exceed the maximum sign height
2273 permitted in the zone.

2274 E. Directional signs shall not be included in the sign area or number limitation of
2275 K.C.C. 21A.20.070, 21A.20.095, 21A.20.100 and 21A.20.110, but only if the signs do
2276 not exceed six square feet in surface area and are limited to one for each entrance or exit
2277 to surface parking areas or parking structure.

2278 F. Regarding sign illumination and glare:

2279 1. All signs (~~in the NB, CB, RB, O or I zone districts~~) may be illuminated;

2280 2. (~~Signs in all other zones may be indirectly illuminated, provided t~~)The light
2281 source for indirectly illuminated signs shall be no farther away from the sign than the
2282 height of the sign;

2283 (~~2.~~) Indirectly and directly illuminated signs shall be arranged so that no direct
2284 rays of light are projected from such artificial source into residences or any street right-
2285 of-way.

2286 3. Electrical requirements for signs shall be governed by chapter 19.28 RCW
2287 and WAC 296-46-910; and

2288 4. Signs with an on/off operation shall be permitted only in the CB, RB and I
2289 zones.

2290 G. Maximum height for wall signs shall not extend above the highest exterior
2291 wall or structure upon which the sign is located.

2292 H. Maximum height for projecting signs shall not extend above the highest
2293 exterior wall upon which the projecting sign is located.

2294 I. Maximum height for awning signs shall not extend above the height of the
2295 awning upon which the awning sign is located.

2296 J. Any sign attached to the sloping surface of a roof shall be installed or erected
2297 in such a manner that there are no visible support structures, shall appear to be part of the
2298 building itself, and shall not extend above the roof ridge line of the portion of the roof
2299 upon which the sign is attached.

2300 K. Except as otherwise permitted by this chapter, off-premise directional signs
2301 shall not exceed four square feet in sign area.

2302 L. Mixed use developments in the NB, CB, RB or O zones are permitted one
2303 permanent residential identification sign not exceeding thirty-two square feet in addition
2304 to the maximum sign area requirements in the zone where the mixed use development is
2305 located.

2306 SECTION 38. Ordinance 10870, Section 427, as amended, and K.C.C.

2307 21A.20.080 are each hereby amended to read as follows:

2308 Except as otherwise provided in K.C.C. 21A.20.115, signs in the R, UR and RA
2309 zones are limited as follows:

2310 A. Nonresidential use:

2311 1. One sign identifying nonresidential uses, not exceeding twenty-five square
2312 feet and not exceeding six feet in height is permitted;

2313 2. Schools are permitted one sign per school or school facility entrance, which
2314 may be located in the setback. Two additional wall signs attached directly to the school
2315 or school facility are permitted;

2316 3. Home occupation and home industry signs are limited to:

2317 a. wall signs not exceeding ~~((six square feet))~~ ten percent of the building façade
2318 on which they are located; and

2319 b. one freestanding sign not exceeding six square feet for each street frontage of
2320 at least one-hundred feet.

2321 B. Residential use:

2322 1. One residential identification sign not exceeding two square feet is permitted;

2323 and

2324 2. One permanent residential development identification sign not exceeding
2325 thirty-two square feet is permitted ~~((per))~~ for each entrance into a development. The
2326 maximum height for the sign shall be six feet. The sign may be freestanding or mounted
2327 on a wall, fence or other structure.

2328 SECTION 39. Ordinance 10870, Section 432, as amended, and K.C.C.

2329 21A.20.120 are each hereby amended to read as follows:

2330 The following temporary signs or displays are permitted and except as required by
2331 the ((~~Uniform Building Code~~)) K.C.C. Title 16, or as otherwise permitted in this chapter,
2332 do not require building permits:

2333 A. Grand opening displays:

2334 1. Signs, posters, pennants, strings of lights, blinking lights, balloons and
2335 searchlights are permitted for a period of up to one month to announce the opening of a
2336 new enterprise or the opening of an enterprise under new management; and

2337 2. All grand opening displays shall be removed upon the expiration of 30
2338 consecutive days;

2339 B. Construction signs:

2340 1. Construction signs identifying architects, engineers, planners, contractors or
2341 other individuals or firms involved with the construction of a building and announcing
2342 the character of the building or the purpose for which the building is intended may be
2343 displayed;

2344 2. One nonilluminated, double-faced sign is permitted for each public street
2345 upon which the project fronts;

2346 3. No sign shall exceed 32 square feet in surface area or ten feet in height, or be
2347 located closer than 30 feet from the property line of the adjoining property; and

2348 4. Construction signs must be removed by the date of first occupancy of the
2349 premises or one year after placement of the sign, whichever occurs first;

2350 C. Political Signs:

2351 1. Signs, posters or bills promoting or publicizing candidates for public office or
2352 issues that are to be voted upon in a general or special election may be displayed on
2353 private property with the consent of the property owner. Any such sign, poster or bill
2354 shall be removed within ten days following the election; and

2355 2. No sign, poster, bill or other advertising device shall be located on public
2356 property or within public easements or street right-of-way;

2357 D. Real estate signs. All temporary real estate signs may be single or double-
2358 faced signs:

2359 1. Signs advertising an individual residential unit for sale or rent shall be limited
2360 to one sign per street frontage. The sign may not exceed eight square feet in area, and
2361 shall not exceed six feet in height. The sign shall be removed within five days after
2362 closing of the sale, lease or rental of the property.

2363 2. Portable off-premise residential directional signs announcing directions to an
2364 open house at a specified residence which is offered for sale or rent shall not exceed six
2365 square feet in area for each sign, and shall not exceed 42 inches in height. Such signs
2366 shall be permitted only when the agent or seller is in attendance at the property for sale or
2367 rent and may be located on the right-of-way outside of vehicular and bicycle lanes.

2368 3. On-site commercial or industrial property for sale or rent signs shall be
2369 limited to one sign per street frontage, and shall not exceed 32 square feet in area. The
2370 sign shall not exceed 12 feet in height. The sign shall be removed within 30 days after
2371 closing of the sale, lease or rental of the property. A building permit is required and shall
2372 be issued for a one year period. The permit is renewable for one year increments up to a
2373 maximum of three years.

2374 4. On-site residential development for sale or rent signs shall be limited to one
2375 sign per development. The sign shall not exceed 32 square feet in area, and shall not
2376 exceed 12 feet in height. A building permit is required and shall be issued for a one year
2377 period. The permit is renewable annually for up to a maximum of three years.

2378 5. Off-site directional signs for residential developments shall be limited to six
2379 signs. Each sign shall not exceed 16 square feet in area, and shall include only the name
2380 of and directions to the residential development. The sign(s) shall be placed a maximum
2381 of two road miles from the nearest residential development entrance. No two signs for
2382 one residential development shall be located closer than 500 feet from one another on the
2383 same street. A single building permit is required for all signs and shall be issued for a
2384 one year period. The permit number and the permit expiration date must be clearly
2385 displayed on the face of each sign. The permit is renewable for one year increments up to
2386 a maximum of three years, provided that extensions will only be granted if the sign
2387 permit applicant has complied with the applicable regulations.

2388 6. Residential on-premise informational signs shall be limited to one sign per
2389 feature, including but not limited to signs for information centers, model homes, parking
2390 areas or announcing features such as parks, playgrounds, or trails. Each sign shall not
2391 exceed 16 square feet in area, and shall not exceed six feet in height.

2392 E. Community event signs:

2393 1. Community event signs shall be limited to announcing or promoting a non-
2394 profit sponsored community fair, festival or event;

2395 2. Community event signs may be displayed no more than the time period
2396 specified in the temporary use permit issued pursuant to K.C.C. 21A.44. Community

2397 event signs that do not require a temporary use permit shall not be displayed earlier than
2398 one month before the event; and

2399 3. Community event signs shall be removed by the event sponsor within two
2400 weeks following the end of the community fair, festival or event.

2401 SECTION 40. Ordinance 13022, Section 26 and K.C.C. 21A.20.190 are each
2402 hereby amended to read as follows:

2403 Community identification signs are permitted subject to the following provisions:

2404 A. Only Unincorporated Activity Centers, urban planned developments or Rural
2405 Towns, designated and delineated by the comprehensive plan, or specific geographic
2406 areas (communities) recognized and delineated by a recognized unincorporated area
2407 council, are eligible to be identified with community identification signs. Identification
2408 signs for Unincorporated Activity Centers, urban planned developments or Rural Towns
2409 shall be placed along the boundaries identified by the comprehensive plan. Identification
2410 signs for specific geographic areas (communities) recognized and delineated by a
2411 recognized unincorporated area council shall be placed along the boundaries delineated
2412 by the unincorporated area council.

2413 B. Two types of community identification signs are permitted. Primary signs are
2414 intended to mark the main arterial street entrances to a designated community,
2415 Unincorporated Activity Center, urban planned development or Rural Town. Auxiliary
2416 signs are intended to mark entrances to a designated community, Unincorporated Activity
2417 Center, urban planned development or Rural Town along local access streets.

2418 C. Primary signs are subject to the following provisions:

2419 1. No more than four primary signs shall be allowed per Unincorporated Activity
2420 Center, urban planned development, Rural Town or designated community, unless a
2421 recognized unincorporated area council permits up to two additional primary signs.

2422 2. Each primary sign shall be no more than thirty-two square feet in area and no
2423 more than six feet in height, except that a recognized unincorporated area council may
2424 permit consolidation of two primary signs into one larger sign no more than sixty-four
2425 square feet in area and no more than fifteen feet in height, to be located only in
2426 commercial/industrial zones.

2427 3. Primary signs shall only be located along arterial streets, outside of the right-
2428 of-way.

2429 D. Auxiliary community identification signs are subject to the following
2430 provisions:

2431 1. There shall be no limits on the number of auxiliary community identification
2432 signs allowed per Unincorporated Activity Center, urban planned development, Rural
2433 Town, or designated community.

2434 2. Each auxiliary sign shall be no more than two (~~(2)~~) square feet, and shall be
2435 located only outside of the right-of-way.

2436 E. No commercial advertisement shall be permitted on either primary or auxiliary
2437 signs except as follows:

2438 1. When located on property within the RA, UR, R1-8 and R12-48 zones, signs
2439 may have a logo or other symbol of a community service or business group (e.g. Kiwanis,
2440 Chamber of Commerce, etc.) sponsoring construction of the signs(s). Any permitted logo

2441 or symbol shall be limited to an area of no more than two square feet on primary signs
2442 and no more than seventy-two square inches on auxiliary signs; or

2443 2. When located on properties within the NB, CB, RB, O and I zones, signs
2444 may have a logo or other symbol of the company, community service or business group
2445 sponsoring construction of the sign(s). Any permitted logo or symbol shall be limited to
2446 an area of no more than four square feet on primary signs and no more than seventy-two
2447 square inches on auxiliary signs.

2448 F. Community identification signs shall be exempt from the provisions of K.C.C.
2449 21A.20.060.A that require signs to be on-premise.

2450 SECTION 41 Ordinance 15051, Section 137 and K.C.C. 21A.24.045 are each
2451 hereby amended to read as follows:

2452 A. Within the following seven critical areas and their buffers all alterations are
2453 allowed if the alteration complies with the development standards, impact avoidance and
2454 mitigation requirements and other applicable requirements established in this chapter:

- 2455 1. Critical aquifer recharge area,
- 2456 2. Coal mine hazard area;
- 2457 3. Erosion hazard area;
- 2458 4. Flood hazard area except in the severe channel migration hazard area;
- 2459 5. Landslide hazard area under forty percent slope;
- 2460 6. Seismic hazard area; and
- 2461 7. Volcanic hazard areas.

2462 B. Within the following seven critical areas and their buffers, unless allowed as
2463 an alteration exception under K.C.C. 21A.24.070, only the alterations on the table in

		D			
Structures					
Construction of new single detached dwelling unit			A 1	A 2	
Construction of nonresidential structure			A 3	A 3	A 3, 4
Maintenance or repair of existing structure	A 5	A	A	A	A 4
Expansion or replacement of existing structure	A 5, 7	A 5, 7	A 7, 8	A 6, 7, 8	A 4, 7
Interior remodeling	A	A	A	A	A
Construction of new dock or pier			A 9	A 9, 10, 11	
Maintenance, repair or replacement of dock or pier			A 12	A 10, 11	A 4
Grading					
Grading		A 13		A 14	A 4, 14
Construction of new slope stabilization	A 15	A 15	A 15	A 15	A 4, 15
Maintenance of existing slope stabilization	A 16	A 13	A 17	A 16, 17	A 4
Mineral extraction	A	A			
Clearing					
Clearing	A 18	A 18, 19	A 18, 20	A 14, 18, 20	A 4, 14, 18, 20
Cutting firewood		A 21	A 21	A 21	A 4, 21
Removal of vegetation for fire safety	<u>A22</u>	<u>A22</u>	A 22	A 22	A 4, 22
Removal of noxious weeds or invasive vegetation	A 23	A 23	A 23	A 23	A 4, 23
Forest Practices					
Nonconversion Class IV-G forest practice	A 24	A 24	A 24	A 24	A 24, 25
Class I, II, III, IV-S forest practice	A	A	A	A	A
Roads					
Construction of new public road right-of-way structure on unimproved right-of-way			A 26	A 26	
Construction of new road in a plat			<u>A26</u>	<u>A26</u>	

Maintenance of public road right-of-way structure	A 16	A 16	A 16	A 16	A 16, 27
Expansion beyond public road right-of-way structure	A	A	A 26	A 26	
Repair, replacement or modification within the roadway	A 16	A 16	A 16	A 16	A 16, 27
Construction of driveway or private access road	A 28	A 28	A 28	A 28	A 28
Construction of farm field access drive	A 29	A 29	A 29	A 29	A 29
Maintenance of driveway, private access road, ((€)) farm field access drive or <u>parking lot</u>	A	A	A 17	A 17	A 17, 27
<u>Construction of a bridge or culvert as part of a driveway or private access road</u>	<u>A 39</u>	<u>A 39</u>	<u>A 39</u>	<u>A 39</u>	<u>A 39</u>
Bridges or culverts					
Maintenance or repair of bridge or culvert	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17, 27
Replacement of bridge or culvert	A 16	A 16	A 16	A 16, 30	A 16, 27
Expansion of bridge or culvert	A <u>16, 17</u>	A <u>16, 17</u>	A <u>16, 17, 31</u>	A <u>16, 17, 31</u>	A 4
Utilities and other infrastructure					
Construction of new utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34	A 32, 34	A 27, 32, 35
<u>Construction of a new residential utility service distribution line</u>	<u>A 32, 33</u>	<u>A 32, 33</u>	<u>A 32,</u>	<u>A 32, 60</u>	<u>A 27, 32, 60</u>
Maintenance, repair or replacement of utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34, 36	A 32, 34, 36	A 4, 32, 37
Maintenance or repair of existing well	A 37	A 37	A 37	A 37	A 4, 37
Maintenance or repair of on-site sewage disposal system	A	A	A	A 37	A 4
Construction of new surface water conveyance system	A <u>32, 33</u>	A <u>32, 33</u>	A <u>32, 38</u>	A 32, ((39)) <u>38</u>	A 4

Maintenance, repair or replacement of existing surface water conveyance system	A 33	A 33	A 16, 32, ((39)) 38	A 16, 40, 41	A 4, 37
Construction of new surface water flow control or surface water quality treatment facility			A 32	A 32	A 4, 32
Maintenance or repair of existing surface water flow control or surface water quality treatment facility	A 16	A 16	A 16	A 16	A 4
Construction of new flood protection facility			A 42	A 42	A 27, 42
Maintenance, repair or replacement of flood protection facility	A 33, 43	A 33, 43	A 43	A 43	A 27, 43
<u>Flood risk reduction gravel removal</u>	<u>A 61</u>	<u>A 61</u>	<u>A 61</u>	<u>A 61</u>	<u>A 61</u>
Construction of new instream structure or instream work	A 16	A 16	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream structure	A 16	A	A	A	A 4
<u>Construction of new stream bank or channel stabilization and maintenance of existing stream bank or channel stabilization</u>				<u>A 27, 42, 43</u>	<u>A 4, 27, 42, 43</u>
Recreation ((areas))					
Construction of new trail	A 46	A 46	A 47	A 47	A 4, 47
Maintenance of outdoor public park facility, trail or publicly improved recreation area	A 48	A 48	A 48	A 48	A 4, 48
Habitat, education and science projects					
Habitat restoration or enhancement project	A 49	A 49	A 49	A 49	A 4, 49
Scientific sampling for salmonids			A 50	A 50	A 50
Drilling and testing for critical areas report	A 51	A 51	A 51, 52	A 51, 52	A 4

<u>Environmental education project</u>	<u>A 62</u>	<u>A 62</u>	<u>A 62</u>	<u>A 62</u>	<u>A 62</u>
Agriculture					
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Grazing livestock	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of livestock manure storage facility			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction or maintenance of livestock flood sanctuary			A	A 56	
Construction of agricultural drainage			A 57	A 57	A 4, 57
Maintenance of agricultural drainage	A <u>23</u> , 58	A <u>23</u> , 58	A <u>23</u> , 53, 54, 58	A <u>23</u> , 53, 54, 58	A 4, <u>23</u> , 53, 54, 58
Construction or maintenance of farm pond, fish pond or livestock watering pond	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Other					
Excavation of cemetery graves in established and approved cemetery	A	A	A	A	A
Maintenance of cemetery graves	A	A	A	A	A
Maintenance of lawn, landscaping or garden((ing)) for personal consumption	A 59	A 59	A 59	A 59	A 59
Maintenance of golf course	A 17	A 17	A 17	A 17	A 4, 17

2480 D. The following alteration conditions apply:

2481 1. Limited to farm residences in grazed or tilled wet meadows and subject to the
2482 limitations of subsection D.3. of this section.

2483 2. Allowed in a buffer of a lake that is twenty acres or larger on a lot that was
2484 created before January 1, 2005, if:

2485 a. at least seventy-five percent of the lots abutting the shoreline of the lake or
2486 seventy-five percent of the lake frontage, whichever constitutes the most developable
2487 lake frontage, has existing density of four dwelling units per acre or more;

2488 b. the development proposal, including mitigation required by this chapter, will
2489 have the least adverse impact on the critical area;

2490 c. existing native vegetation within the critical area buffer will remain
2491 undisturbed except as necessary to accommodate the development proposal and required
2492 building setbacks;

2493 d. access is located to have the least adverse impact on the critical area and
2494 critical area buffer;

2495 e. the alteration is the minimum necessary to accommodate the development
2496 proposal and in no case in excess of a development footprint of five thousand square feet;

2497 f. the alteration does not exceed the residential development setbacks required
2498 under K.C.C. chapter 25.04 and in no circumstances shall the alteration be allowed closer
2499 than:

2500 (1) twenty-five feet of the ordinary high water mark of a lake shoreline
2501 designated urban under K.C.C. chapter 25.16;

2502 (2) fifty feet of the ordinary high water mark of a lake shoreline designated
2503 rural under K.C.C. chapter 25.20 or conservancy under K.C.C. chapter 25.24; or

2504 (3) one hundred feet of the ordinary high water mark of a lake shoreline
2505 designated natural under K.C.C. chapter 25.28; and

2506 g. to the maximum extent practical, alterations are mitigated on the
2507 development proposal site by enhancing or restoring remaining critical area buffers.

2508 3. Limited to nonresidential farm-structures in grazed or tilled wet meadows or
2509 buffers of wetlands or aquatic areas where:

2510 a. the site is predominantly used for the practice of agriculture;

2511 b. the structure is in compliance with an approved farm management plan in
2512 accordance with K.C.C. 21A.24.051;

2513 c. the structure is either:

2514 (1) on or adjacent to existing nonresidential impervious surface areas,
2515 additional impervious surface area is not created waterward of any existing impervious
2516 surface areas and the area was not used for crop production;

2517 (2) higher in elevation and no closer to the critical area than its existing
2518 position; or

2519 (3) at a location away from existing impervious surface areas that is
2520 determined to be the optimum site in the farm management plan;

2521 d. all best management practices associated with the structure specified in the
2522 farm management plan are installed and maintained;

2523 e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not
2524 require the development of a farm management plan if required best management
2525 practices are followed and the installation does not require clearing of critical areas or
2526 their buffers; and

2527 f. in a severe channel migration hazard area portion of an aquatic buffer only
2528 if:

2529 (1) there is no feasible alternative location on-site;

2530 (2) the structure is located where it is least subject to risk from channel
2531 migration;

2532 (3) the structure is not used to house animals or store hazardous substances;
2533 and

2534 (4) the total footprint of all accessory structures within the severe channel
2535 migration hazard area will not exceed the greater of one thousand square feet or two
2536 percent of the severe channel migration hazard area on the site.

2537 4. Allowed if no clearing, external construction or other disturbance in a
2538 wildlife habitat conservation area occurs during breeding seasons established under
2539 K.C.C. 21A.24.382.

2540 5. Allowed for structures when:

2541 a. the landslide hazard poses little or no risk of injury;

2542 b. the risk of landsliding is low; and

2543 c. there is not an expansion of the structure.

2544 6. Within a severe channel migration hazard area allowed for:

2545 a. existing legally established primary structures if:

2546 (1) there is not an increase of the footprint of any existing structure; and

2547 (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270;

2548 and

2549 b. existing legally established accessory structures if:

2550 (1) additions to the footprint will not make the total footprint of all existing

2551 structures more than one-thousand square feet; and

2552 (2) there is not an expansion of the footprint towards any source of channel
2553 migration hazard, unless the applicant demonstrates that the location is less subject to risk
2554 and has less impact on the critical area.

2555 7. Allowed only in grazed wet meadows or the buffer or building setback
2556 outside a severe channel migration hazard area if:

2557 a. the expansion or replacement does not increase the footprint of a
2558 nonresidential structure;

2559 b.(1) for a legally established dwelling unit, the expansion or replacement,
2560 including any expansion of a ~~((#))~~ legally established accessory structure or impervious
2561 surfaces allowed under this subsection B.7.b., does not increase the footprint of the
2562 dwelling unit and all other structures by more than one thousand square feet, not
2563 including any expansion of a drainfield made necessary by the expansion of structures.
2564 To the maximum extent practical, the replacement or expansion of a drainfield in the
2565 buffer should be located within areas of existing lawn or landscaping, unless another
2566 location will have a lesser impact on the critical area and its buffer;

2567 (2) for a structure accessory to a dwelling unit, the expansion or replacement
2568 is located on or adjacent to existing impervious surface areas and does not increase the
2569 footprint of the accessory structure and the dwelling unit by more than one thousand
2570 square feet; and

2571 (3) the location of the expansion has the ~~leas((e))~~ adverse impact on the
2572 critical area;

2573 c. the structure was not established as the result of an alteration exception,
2574 variance, buffer averaging or reasonable use exception; and

2575 d. to the maximum extent practical, the expansion or replacement is not
2576 located closer to the critical area or within the relic of a channel that can be connected to
2577 an aquatic area.

2578 8. Allowed upon another portion of an existing impervious surface outside a
2579 severe channel migration hazard area if:

2580 a. the structure is not located closer to the critical area; and

2581 b. the existing impervious surface within the critical area or buffer is not
2582 expanded.

2583 9. Limited to piers or seasonal floating docks (~~(or piers)~~) in a category II, III or
2584 IV wetland or its buffer or along a lake shoreline or its buffer where:

2585 a. the existing and zoned density of all properties abutting the entire lake
2586 shoreline averages three dwelling units per acre or more;

2587 b. at least seventy-five percent of the lots abutting the shoreline or seventy-five
2588 percent of the lake frontage, whichever constitutes the most lake frontage, has been
2589 developed with dwelling units;

2590 c. ~~(there is not any significant)~~ the vegetation where the alteration is proposed
2591 does not consist of dominant herbaceous or woody vegetation six feet in width or greater

2592 and the ~~((loss))~~ lack of this vegetation ~~((was))~~ is not the result of any violation of law;

2593 ~~((d-))~~ b. the wetland or lake shoreline is not a salmonid spawning area; and

2594 ~~((e-))~~ c. hazardous substances or toxic materials are not used.

2595 10. Allowed on type N or O aquatic areas if hazardous substances or toxic
2596 materials are not used.

2597 11. Allowed on type S or F aquatic areas outside of the severe channel
2598 migration hazard area if in compliance with K.C.C. Title 25.

2599 12. When located on a lake, must be in compliance with K.C.C. Title 25.

2600 13. Limited to regrading and stabilizing of a slope formed as a result of a legal
2601 grading activity.

2602 14. The following are allowed in the severe channel migration hazard area if
2603 conducted more than one-hundred and sixty-five feet from the ordinary high water mark
2604 in the rural area and one-hundred and fifteen feet from the ordinary high water mark in
2605 the urban area:

2606 a. grading of up to fifty cubic yards on lot less than five acres; and
2607 b. clearing of up to one-thousand square feet or up to a cumulative thirty-five
2608 percent of the severe channel migration hazard area.

2609 15. Only where erosion or landsliding threatens a structure, utility facility,
2610 roadway, driveway, public trails, aquatic area or wetland if, to the maximum extent
2611 practical, stabilization work does not disturb the slope and its vegetative cover and any
2612 associated critical areas.

2613 16. Allowed when performed by, at the direction of or authorized by a
2614 government agency in accordance with regional road maintenance guidelines.

2615 17. Allowed when not performed under the direction of a government agency
2616 only if:

2617 a. the maintenance or expansion does not involve the use of herbicides,
2618 hazardous substances, sealants or other liquid oily substances in aquatic areas, wetlands
2619 or their buffers; and

2620 b. when maintenance, expansion or replacement of bridges or culverts involves
2621 water used by salmonids:

2622 (1) the work is in compliance with ditch standards in public rule; and

2623 (2) the maintenance of culverts is limited to removal of sediment and debris
2624 from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or
2625 damaged bank or channel immediately adjacent to the culvert and shall not involve the
2626 excavation of a new sediment trap adjacent to the inlet.

2627 18. Allowed for the removal of hazard trees and vegetation as necessary for
2628 surveying or testing purposes.

2629 19. The limited trimming and pruning of vegetation for the making and
2630 maintenance of view((s)) corridors or habitat enhancement under a vegetation
2631 management plan approved by the department, if the soils are not disturbed and the
2632 activity will not adversely affect the long term slope stability (~~((of the slope, erosion))~~) or
2633 water quality or cause erosion. The vegetation management plan shall use native species
2634 with adequate root strength to add stability to a steep slope.

2635 20. Harvesting of plants and plant materials, such as plugs, stakes, seeds or
2636 fruits, for restoration and enhancement projects is allowed.

2637 21. Cutting of firewood is subject to the following:

2638 a. within a wildlife habitat conservation area, cutting firewood is not allowed;

2639 b. within a wildlife network, cutting shall be in accordance with a management
2640 plan approved under K.C.C. 21A.14.270, as recodified by this ordinance; and

2641 c. within a critical area buffer, cutting shall be for personal use and in
2642 accordance with an approved forest management plan or rural stewardship plan.

2643 22. Allowed only in buffers if in accordance with best management practices
2644 approved by the King County fire marshal.

2645 23. Allowed as follows:

2646 a. if conducted in accordance with an approved forest management plan, farm
2647 management plan, or rural stewardship plan; or

2648 b. without an approved forest management plan, farm management plan or
2649 rural stewardship plan, only if:

2650 (1) removal is undertaken with hand labor, including hand-held mechanical
2651 tools, unless the King County noxious weed control board otherwise prescribes the use of
2652 riding mowers, light mechanical cultivating equipment or herbicides or biological control
2653 methods;

2654 (2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;

2655 (3) the cleared area is revegetated with native (~~or noninvasive~~) vegetation
2656 and stabilized against erosion; and

2657 (4) herbicide use is in accordance with federal and state law;

2658 24. Only if in accordance with chapter 76.09 RCW and Title 222 WAC and:

2659 a. a forest management plan is approved for the site by the King County
2660 department of natural resources and parks; and

2661 b. the property owner provides a notice of intent in accordance with RCW
2662 76.09.060 that the site will not be converted to nonforestry uses within six years.

2663 25. Only if in compliance with published Washington state Department of Fish
2664 and Wildlife and Washington state Department of Natural Resources Management
2665 standards for the species. If there are no published Washington state standards, only if in

2666 compliance with management standards determined by the county to be consistent with
2667 best available science.

2668 26. Allowed only if:

2669 a. there is not another feasible location with less adverse impact on the critical
2670 area and its buffer;

2671 b. the corridor is not located over habitat used for salmonid rearing or
2672 spawning or by a species listed as endangered or threatened by the state or federal
2673 government unless the department determines that there is no other feasible crossing site.

2674 c. the corridor width is minimized to the maximum extent practical;

2675 d. the construction occurs during approved periods for instream work; and

2676 e. the corridor will not change or diminish the overall aquatic area flow peaks,
2677 duration or volume or the flood storage capacity.

2678 27. To the maximum extent practical, during breeding season established under
2679 K.C.C. 21A.24.382, land clearing machinery such as bulldozers, graders or other heavy
2680 equipment are not operated within a wildlife habitat conservation area.

2681 28. Allowed only if:

2682 a. an alternative access is not available;

2683 b. impact to the critical area is minimized to the maximum extent practical
2684 including the use of walls to limit the amount of cut and fill necessary;

2685 c. the risk associated with landslide and erosion is minimized;

2686 d. access is located where it is least subject to risk from channel migration; and

2687 e. construction occurs during approved periods for instream work.

2688 29. Only if in compliance with a farm management plan in accordance with
2689 K.C.C. 21A.24.051.

2690 30. Allowed only if:

2691 a. the replacement is made fish passable in accordance with the most recent
2692 Washington state Department of Fish and Wildlife manuals or with the National Marine
2693 and Fisheries Services guidelines for federally listed salmonid species; and

2694 b. the site is restored with appropriate native vegetation.

2695 31. Allowed if necessary to bring the bridge or culvert up to current standards
2696 and if:

2697 a. there is not another feasible alternative available with less impact on the
2698 aquatic area and its buffer; and

2699 b. to the maximum extent practical, the bridge or culvert is located to minimize
2700 impacts to the aquatic area and its buffer's.

2701 32. Allowed in an existing roadway if conducted consistent with the regional
2702 road maintenance guidelines.

2703 33. Allowed outside the roadway if:

2704 a. the alterations will not subject the critical area to an increased risk of
2705 landslide or erosion;

2706 b. vegetation removal is the minimum necessary to locate the utility or
2707 construct the corridor; and

2708 c. significant risk of personal injury is eliminated or minimized in the landslide
2709 hazard area.

2710 34. Limited to the pipelines, cables, wires and support structures of utility
2711 facilities within utility corridors if:

2712 a. there is no alternative location with less adverse impact on the critical area
2713 and critical area buffer;

2714 b. new utility corridors meet the all of the following to the maximum extent
2715 practical:

2716 (1) are not located over habitat used for salmonid rearing or spawning or by a
2717 species listed as endangered or threatened by the state or federal government unless the
2718 department determines that there is no other feasible crossing site;

2719 (2) the mean annual flow rate is less than twenty cubic feet per second; and
2720 (3) paralleling the channel or following a down-valley route near the channel
2721 is avoided;

2722 c. to the maximum extent practical utility corridors are located so that:

2723 (1) the width is the minimized;

2724 (2) the removal of trees greater than twelve inches diameter at breast height is
2725 minimized;

2726 (3) an additional, contiguous and undisturbed critical area buffer, equal in
2727 area to the disturbed critical area buffer area including any allowed maintenance roads, is
2728 provided to protect the critical area;

2729 d. to the maximum extent practical, access for maintenance is at limited access
2730 points into the critical area buffer rather than by a parallel maintenance road. If a parallel
2731 maintenance road is necessary the following standards are met:

2732 (1) to the maximum extent practical the width of the maintenance road is
2733 minimized and in no event greater than fifteen feet; and

2734 (2) the location of the maintenance road is contiguous to the utility corridor
2735 on the side of the utility corridor farthest from the critical area;

2736 e. the utility corridor or facility will not adversely impact the overall critical
2737 area hydrology or diminish flood storage capacity;

2738 f. the construction occurs during approved periods for instream work;

2739 g. the utility corridor serves multiple purposes and properties to the maximum
2740 extent practical;

2741 h. bridges or other construction techniques that do not disturb the critical areas
2742 are used to the maximum extent practical;

2743 i. bored, drilled or other trenchless crossing is laterally constructed at least four
2744 feet below the maximum depth of scour for the base flood;

2745 j. bridge piers or abutments for bridge crossing are not placed within the
2746 FEMA floodway or the ordinary high water mark;

2747 k. open trenching is only used during low flow periods or only within aquatic
2748 areas when they are dry. The department may approve open trenching of type S or F
2749 aquatic areas only if there is not a feasible alternative and equivalent or greater
2750 environmental protection can be achieved; and

2751 l. minor communication facilities may collocate on existing utility facilities if:
2752 (1) no new transmission support structure is required; and
2753 (2) equipment cabinets are located on the transmission support structure.

2754 35. Allowed only for new utility facilities in existing utility corridors.

2755 36. Allowed for private individual utility service connections on site or to public
2756 utilities if the disturbed area is not expanded and no hazardous substances, pesticides or
2757 fertilizers are applied.

2758 37. Allowed if the disturbed area is not expanded, clearing is limited to the
2759 maximum extent practical and no hazardous substances, pesticides or fertilizers are
2760 applied.

2761 38. Allowed if:

2762 a. conveying the surface water into the wetland or aquatic area buffer and
2763 discharging into the wetland or aquatic area buffer or at the wetland or aquatic area edge
2764 has less adverse impact upon the wetland or aquatic area or wetland or aquatic area buffer
2765 than if the surface water were discharged at the buffer's edge and allowed to naturally
2766 drain through the buffer;

2767 b. the volume of discharge is minimized through application of low impact
2768 development and water quality measures identified in the King County Surface Water
2769 Design Manual;

2770 c. the conveyance and outfall are installed with hand equipment where
2771 feasible;

2772 d. the outfall shall include bioengineering techniques where feasible; and

2773 e. the outfall is designed to minimize adverse impacts to critical area.

2774 39. (~~Allowed if constructed only with vegetation~~) Allowed only if:

2775 a. there is no feasible alternative with less impact on the critical area and its
2776 buffer;

2777 b. to the maximum extent practical, the bridge or culvert is located to minimize
2778 to the critical area and its buffer;

2779 c. the bridge or culvert is not located over habitat used for salmonid rearing or
2780 spawning unless there is no other feasible crossing site;

2781 d. construction occurs during approved periods for in-stream work;

2782 e. bridge piers or abutments for bridge crossings are not placed within the
2783 FEMA floodway or waterward of the ordinary high water mark; and

2784 f. open trenching is used during low flow periods or within aquatic areas when
2785 they are dry.

2786 40. Allowed for an open, vegetated stormwater management conveyance system
2787 and outfall structure that simulates natural conditions if:

2788 a. fish habitat features necessary for feeding, cover and reproduction are
2789 included when appropriate;

2790 b. vegetation is maintained and added adjacent to all open channels and ponds,
2791 if necessary to prevent erosion, filter out sediments or shade the water; and

2792 c. bioengineering techniques are used to the maximum extent practical.

2793 41. Allowed for a closed, tightlined conveyance system and outfall structure if:

2794 a. necessary to avoid erosion of slopes; and

2795 b. bioengineering techniques are used to the maximum extent practical.

2796 42. Allowed in a severe channel migration hazard area portion of an aquatic
2797 area buffer to prevent bank erosion only:

2798 a. if consistent with the ((Washington state)) Integrated Stream Protection
2799 Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002) and if

2800 bioengineering techniques are used to the maximum extent practical, unless the applicant
2801 demonstrates that other methods provide equivalent structural stabilization and
2802 environmental function; and

2803 b. to prevent bank erosion for the protection of:

2804 (1) public roadways;

2805 (2) sole access routes in existence before February 16, 1995; or

2806 (3) new primary dwelling units, accessory dwelling units or accessory living
2807 quarters and residential accessory structures located outside the severe channel migration
2808 hazard area if:

2809 (a) the site is adjacent to or abutted by properties on both sides containing
2810 buildings or sole access routes protected by legal bank stabilization in existence before
2811 February 16, 1995. The buildings, sole access routes or bank stabilization must be
2812 located no more than six hundred feet apart as measured parallel to the migrating
2813 channel; and

2814 (b) the new primary dwelling units, accessory dwelling units, accessory
2815 living quarters or residential accessory structures are located no closer to the aquatic area
2816 than existing primary dwelling units, accessory dwelling units, accessory living quarters
2817 or residential accessory structures on abutting or adjacent properties.

2818 43. Applies to lawfully established existing structures if:

2819 a. maintained by a public agency;

2820 b. the height of the facility is not increased, unless the facility is being replaced
2821 in a new alignment that is landward of the previous alignment;

2822 c. the linear length of the (~~affected edge of the~~) facility is not increased,
2823 unless the facility is being replaced in a new alignment that is landward of the previous
2824 alignment;

2825 d. the footprint of the facility is not expanded waterward;

2826 e. consistent with (~~King County's Guidelines for Bank Stabilization Projects~~
2827 ~~(King County Surface Water Management 1993))~~) the Integrated Stream Protection
2828 Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002) and
2829 bioengineering techniques are used to the maximum extent practical; (~~and~~)

2830 f. the site is restored with appropriate native vegetation and erosion protection
2831 materials; and

2832 g. based on a critical areas report, the department determines that the
2833 maintenance, repair, replacement or construction will not cause significant impacts to
2834 upstream or downstream properties.

2835 44. Allowed in type N and O aquatic areas if done in least impacting way at
2836 least impacting time of year, in conformance with applicable best management practices,
2837 and all affected instream and buffer features are restored.

2838 45. Allowed in a type S or F water when such work is:

2839 a. included as part of a project to evaluate, restore or improve habitat, and
2840 b. sponsored or cosponsored by a public agency that has natural resource
2841 management as a function or by a federally recognized tribe.

2842 46. Allowed as long as the trail is not constructed of impervious surfaces that
2843 will contribute to surface water run-off, unless the construction is necessary for soil

2844 stabilization or soil erosion prevention or unless the trail system is specifically designed
2845 and intended to be accessible to handicapped persons.

2846 47. Not allowed in a wildlife habitat conservation area. Otherwise, allowed ((as
2847 ~~far landward as feasible~~)) in the buffer or for crossing a category II, III or IV wetland or a
2848 type F, N or O aquatic area, if:

2849 a. the trail surface is ~~((not))~~ made of ~~((im))~~pervious materials, except that
2850 public multipurpose trails may be made of impervious materials if they meet all the
2851 requirements in K.C.C. chapter 9.12. A trail that crosses a wetland or aquatic area shall
2852 be constructed as a raised boardwalk or bridge; ~~((and))~~

2853 b. to the maximum extent practical, buffers are expanded equal to the width of
2854 the trail corridor including disturbed areas;

2855 c. there is not another feasible location with less adverse impact on the critical
2856 area and its buffer;

2857 d. the trail is not located over habitat used for salmonid rearing or spawning or
2858 by a species listed as endangered or threatened by the state or federal government unless
2859 the department determines that there is no other feasible crossing site;

2860 e. the trail width is minimized to the maximum extent practical;

2861 f. the construction occurs during approved periods for instream work; and

2862 g. the trail corridor will not change or diminish the overall aquatic area flow

2863 peaks, duration or volume or the flood storage capacity.

2864 h. the trail may be located across a critical area buffer for access to a viewing
2865 platform or to a permitted dock or pier;

2866 i. A private viewing platform may be allowed if it is:

2867 (1) located upland from the wetland edge or the ordinary high water mark of
2868 an aquatic area;

2869 (2) located where it will not be detrimental to the functions of the wetland or
2870 aquatic area and will have the least adverse environmental impact on the critical area or
2871 its buffer;

2872 (3) limited to fifty square feet in size;

2873 (4) constructed of materials that are non-toxic; and

2874 (5) on footings located outside of the wetland or aquatic area.

2875 48. Only if the maintenance:

2876 a. does not involve the use of herbicides or other hazardous substances except
2877 for the removal of noxious weeds or invasive vegetation;

2878 b. when salmonids are present, the maintenance is in compliance with ditch
2879 standards in public rule; and

2880 c. does not involve any expansion of the roadway, lawn, landscaping, ditch,
2881 culvert, engineered slope or other improved area being maintained.

2882 49. Limited to alterations to restore habitat forming processes or directly restore
2883 habitat function and value, including access for construction, as follows:

2884 a. projects sponsored or cosponsored by a public agency that has natural
2885 resource management as a primary function or by a federally recognized tribe;

2886 b. restoration and enhancement plans prepared by a qualified biologist; or

2887 c. conducted in accordance with an approved forest management plan, farm
2888 management plan or rural stewardship plan.

2889 50. Allowed in accordance with a scientific sampling permit issued by
2890 Washington state Department of Fish and Wildlife or an incidental take permit issued
2891 under Section 10 of the Endangered Species Act.

2892 51. Allowed for the (~~limited~~) minimal clearing and grading, including site
2893 access, necessary (~~needed~~) to prepare critical area reports.

2894 52. The following are allowed if associated spoils are contained:

2895 a. data collection and research if carried out to the maximum extent practical
2896 by nonmechanical or hand-held equipment;

2897 b. survey monument placement;

2898 c. site exploration and gage installation if performed in accordance with state-

2899 approved sampling protocols and accomplished to the maximum extent practical by

2900 hand-held equipment and; or similar work associated with an incidental take permit

2901 issued under Section 10 or consultation under Section 7 of the Endangered Species Act.

2902 53. Limited to activities in continuous existence since January 1, 2005, with no
2903 expansion within the critical area or critical area buffer. "Continuous existence" includes
2904 cyclical operations and managed periods of soil restoration, enhancement or other fallow
2905 states associated with these horticultural and agricultural activities.

2906 54. Allowed for expansion of existing or new agricultural activities where:

2907 a. the site is predominantly involved in the practice of agriculture;

2908 b. there is no expansion into an area that:

2909 (1) has been cleared under a class I, II, III, IV-S or nonconversion IV-G forest

2910 practice permit; or

2911 (2) is more than ten thousand square feet with tree cover at a uniform density
2912 more than ninety trees per acre and with the predominant mainstream diameter of the
2913 trees at least four inches diameter at breast height, not including areas that are actively
2914 managed as agricultural crops for pulpwood, Christmas trees or ornamental nursery
2915 stock;

2916 c. the activities are in compliance with an approved farm management plan in
2917 accordance with K.C.C. 21A.24.051; and

2918 d. all best management practices associated with the activities specified in the
2919 farm management plan are installed and maintained.

2920 55. Only allowed in grazed or tilled wet meadows or their buffers if:

2921 a. the facilities are designed to the standards of an approved farm management
2922 plan in accordance K.C.C. 21A.24.051 or an approved livestock management plan in
2923 accordance with K.C.C. chapter 21A.30;

2924 b. there is not a feasible alternative location available on the site; and

2925 c. the facilities are located close to the outside edge of the buffer to the
2926 maximum extent practical.

2927 56. Allowed in a severe channel migration hazard area portion of an aquatic
2928 area buffer if:

2929 a. the facilities are designed to the standards in an approved farm management
2930 plan in accordance with K.C.C. 21A.24.051;

2931 b. there is not a feasible alternative location available on the site; and

2932 c. the structure is located where it is least subject to risk from channel
2933 migration.

2934 57. Allowed for new agricultural drainage in compliance with an approved farm
2935 management plan in accordance with K.C.C. 21A.24.051 and all best management
2936 practices associated with the activities specified in the farm management plan are
2937 installed and maintained.

2938 58. If the agricultural drainage is used by salmonids, maintenance shall be in
2939 compliance with an approved farm management plan in accordance with K.C.C.
2940 21A.24.051.

2941 59. Allowed within existing landscaped areas or other previously disturbed
2942 areas.

2943 60. Allowed for residential utility service distribution lines to residential
2944 dwelling, including, but not limited to, well water conveyance, septic system
2945 conveyance, water service, sewer service, natural gas, electrical, cable, and telephone, if:

2946 a. there is no alternative location with less adverse impact on the critical area
2947 or the critical area buffer;

2948 b. the residential utility service distribution lines meet the all of the following,
2949 to the maximum extent practical:

2950 (1) are not located over habitat used for salmonid rearing or spawning or by a
2951 species listed as endangered or threatened by the state or federal government unless the
2952 department determines that there is no other feasible crossing site;

2953 (2) not located over a type S aquatic area;

2954 (3) paralleling the channel or following a down-valley route near the channel
2955 is avoided;

2956 (4) the width of clearing is minimized;

2957 (5) the removal of trees greater than twelve inches diameter at breast height is
2958 minimized;

2959 (6) an additional, contiguous and undisturbed critical area buffer, equal in
2960 area to the disturbed critical area buffer area is provided to protect the critical area;

2961 (7) access for maintenance is at limited access points into the critical area
2962 buffer.

2963 (8) the construction occurs during approved periods for instream work;

2964 (9) bored, drilled or other trenchless crossing is encouraged, and shall be
2965 laterally constructed at least four feet below the maximum depth of scour for the base
2966 flood; and

2967 (10) open trenching across Type O or Type N aquatic areas is only used
2968 during low flow periods or only within aquatic areas when they are dry.

2969 61. Allowed if sponsored or cosponsored by the countywide flood control zone
2970 district and the department determines that the project and its location:

2971 a. is the best flood risk reduction alternative practicable;

2972 b. is part of a comprehensive, long-term flood management strategy;

2973 c. is consistent with the King County Flood Hazard Management Plan policies;

2974 d. will have the least adverse impact on the ecological functions of the critical
2975 area or its buffer, including habitat for fish and wildlife that are identified for protection in

2976 the King County Comprehensive Plan; and

2977 e. has been subject to public notice in accordance with K.C.C. 20.44.060.

2978 62.a. Not allowed in wildlife habitat conservation areas;

2979 b. Only allowed if:

2980 (1) the project is sponsored or cosponsored by a public agency whose primary
2981 function deals with natural resources management;

2982 (2) the project is located on public land or on land that is owned by a non-
2983 profit agency whose primary function deals with natural resources management;

2984 (3) there is not a feasible alternative location available on the site with less
2985 impact to the critical area or its associated buffer;

2986 (4) the aquatic area or wetland is not a spawning area for fish species; and

2987 (5) the project meets the following design criteria:

2988 (A) to the maximum extent practical size of platform shall not exceed 100-
2989 square feet;

2990 (B) all construction materials for bird blinds, including the platform, pilings,
2991 exterior and interior walls and roof, are constructed of non-toxic material, such as non-
2992 treated wood, vinyl-coated wood, non-galvanized steel, plastic, plastic wood, fiberglass,
2993 or cured concrete that the department determines will not have an adverse impact on
2994 water quality;

2995 (C) the exterior of bird blinds are sufficiently camouflaged using netting or
2996 equivalent to avoid any visual deterrent for wildlife species to the maximum extent
2997 practical. The camouflage shall be maintained to retain concealment effectiveness;

2998 (D) the footings and other portions of the bird blind shall be located outside
2999 of the wetland or aquatic area landward of the Ordinary High Water Mark or open water
3000 component (if applicable) to the maximum extent practical on the site;

3001 (E) construction occurs during approved periods for work inside the
3002 Ordinary High Water Mark;

3003 (F) construction associated with bird blinds shall not occur from March 1
3004 through August 31, in order to avoid disturbance to birds during the breeding, nesting,
3005 and rearing seasons;

3006 (G) to the maximum extent practical, wheel chair access is provided;

3007 (H) trail access is designed in accordance with public rules adopted by the
3008 department;

3009 (I) existing native vegetation within the critical area will remain undisturbed
3010 except as necessary to accommodate the proposal. Only minimal hand clearing of
3011 vegetation is allowed; and

3012 (J) disturbed bare ground areas around the structure must be replanted with
3013 native vegetation approved by the department.

3014 SECTION 42. Ordinance 15051, Section 139 and K.C.C. 21A.24.055 are each
3015 hereby amended to read as follows:

3016 A. On a site zoned RA, the department may approve a modification of the
3017 minimum buffer widths for aquatic areas, wetlands and wildlife habitat conservation
3018 areas and maximum clearing restrictions through a rural stewardship plan for single
3019 family detached residential development in accordance with this section.

3020 B. The property owner or applicant shall develop the rural stewardship plan as
3021 part of a rural stewardship program offered or approved by King County and has the
3022 option of incorporating appropriate components of a county-approved farm management
3023 or a county-approved forest stewardship plan.

3024 C. In its evaluation of any proposed modification of the minimum buffer widths
3025 for aquatic areas, wetlands and wildlife habitat conservation areas and maximum clearing
3026 restrictions, the department shall consider the following factors:

3027 1. The existing condition of the drainage basin or marine shoreline as designated
3028 on the Basin and Shoreline Conditions Map;

3029 2. The existing condition of wetland and aquatic area buffers;

3030 3. The existing condition of wetland functions based on the adopted Washington
3031 State Wetland Rating System for Western Washington, Washington state department of
3032 ecology publication number 04-06-025, published August 2004;

3033 4. The location of the site in the drainage basin; ~~((and))~~

3034 5. The percentage of impervious surfaces and clearing on the site; and

3035 6. Any existing development on the site that was approved as a result of a
3036 variance or alteration exception that allowed development within a critical area or critical
3037 area buffer. If the existing development was approved through a variance or alteration
3038 exception, the rural stewardship plan shall demonstrate that the plan will result in
3039 enhancing the functions and values of critical areas located on the site as if the
3040 development approved through the variance or alteration exception had not occurred.

3041 D. A rural stewardship plan does not modify the requirement for permits for
3042 activities covered by the rural stewardship plan.

3043 E. Modifications of critical area buffers shall be based on the following
3044 prioritized goals:

3045 1. To avoid impacts to critical areas to the maximum extent practical;

3046 2. To avoid impacts to the higher quality wetland or aquatic area or the more
3047 protected fish or wildlife species, if there is a potential to affect more than one category
3048 of wetland or aquatic area or more than one species of native fish or wildlife;

3049 3. To maintain or enhance the natural hydrologic systems on the site to the
3050 maximum extent practical;

3051 4. To maintain, restore or enhance native vegetation;

3052 5. To maintain, restore or enhance the function and value of critical areas or
3053 critical area buffers located on the site;

3054 6. To minimize habitat fragmentation and enhance corridors between wetlands,
3055 riparian corridors, wildlife habitat conservation areas and other priority habitats;

3056 7. To minimize the impacts of development over time by implementing best
3057 management practices and meeting performance standards during the life of the
3058 development; and

3059 8. To monitor the effectiveness of the stewardship practices and implement
3060 additional practices through adaptive management to maintain, restore or enhance critical
3061 area functions when necessary.

3062 F. A rural stewardship plan may include, but is not limited to, the following
3063 elements:

3064 1. Critical areas designation under K.C.C. 21A.24.500;

3065 2. Identification of structures, cleared and forested areas and other significant
3066 features on the site;

3067 3. Location of wetlands and aquatic areas and their buffers, and wildlife habitat;

3068 4. ~~((Site specific best management practices;~~

3069 ~~5. P))~~ Analysis of impacts of planned changes to any existing structures, ~~((~~or~~))~~
3070 for other changes to the site that involve clearing or grading or for new development;

3071 5. Site-specific best management practices that mitigate impacts of development
3072 and that protect and enhance the ecological values and functions of the site;

3073 6. A schedule for implementation of the elements of the rural stewardship plan;
3074 and

3075 7. A plan for monitoring the effectiveness of measures approved under the rural
3076 stewardship plan and to modify if adverse impacts occur.

3077 G. A rural stewardship plan may be developed as part of a program offered or
3078 approved by King County and shall include a site inspection by the county to verify that
3079 the plan is reasonably likely to accomplish the goals in subsection E. of this section to
3080 protect water quality, reduce flooding and erosion, maintain, restore or enhance the
3081 function and value of critical areas and their buffers and maintain or enhance native
3082 vegetation on the site of this section.

3083 H. A property owner who completes a rural stewardship plan that is approved by
3084 the county may be eligible for tax benefits under the public benefit rating system in
3085 accordance with K.C.C. 20.36.100.

3086 I. If a property owner withdraws from the rural stewardship plan, in addition to
3087 any applicable penalties under the public benefit rating system, the following apply:

3088 1. Mitigation is required for any structures constructed in critical area buffers
3089 under the rural stewardship plan; and

3090 2. The property owner shall apply for buffer averaging or an alteration
3091 exception, as appropriate, to permit any structure or use that has been established under
3092 the rural stewardship plan and that would not otherwise be permitted under this chapter.

3093 J. A rural stewardship plan is not effective until approved by the county. Before
3094 approval, the county may conduct a site inspection, which may be through a program
3095 offered or approved by King County, to verify that the plan is reasonably likely to
3096 accomplish the goals in subsection E. of this section.

3097 K. Once approved, activities carried out in compliance with the approved rural
3098 stewardship plan shall be deemed in compliance with this chapter. In the event of a
3099 potential code enforcement action, the department of development and environmental
3100 services shall first inform the department of natural resources and parks of the activity.
3101 Prior to taking code enforcement action, the department of development and
3102 environmental services shall consult with the department of natural resources and parks
3103 to determine whether the activity is consistent with the rural stewardship plan.

3104 SECTION 43. Ordinance 10870, Section 454, as amended, and K.C.C.
3105 21A.24.070 are each hereby amended to read as follows:

3106 A. The director may approve alterations to critical areas, critical area buffers and
3107 critical area setbacks not otherwise allowed by this chapter as follows:

3108 1. For linear alterations, the director may approve alterations to critical areas,
3109 critical area buffers and critical area setbacks only when all of the following criteria are
3110 met:

3111 a. there is no feasible alternative to the development proposal with less adverse
3112 impact on the critical area;

3113 b. the proposal minimizes the adverse impact on critical areas to the maximum
3114 extent practical;

3115 c. the approval does not require the modification of a critical area development
3116 standard established by this chapter;

3117 d. the development proposal does not pose an unreasonable threat to the public
3118 health, safety or welfare on or off the development proposal site and is consistent with the
3119 general purposes of this chapter and the public interest;

3120 e. the linear alteration:

3121 (1) connects to or is an alteration to a public roadway, public trail, a utility
3122 corridor or utility facility or other public infrastructure owned or operated by a public
3123 utility; or

3124 (2) is required to overcome limitations due to gravity; and

3125 2. For nonlinear alterations the director may approve alterations to critical areas
3126 except wetlands, unless otherwise allowed under subsection A.2.h. of this section, aquatic
3127 areas and wildlife habitat conservation areas, and alterations to critical area buffers and
3128 critical area setbacks, when all of the following criteria are met:

3129 a. there is no feasible alternative to the development proposal with less adverse
3130 impact on the critical area;

3131 b. the alteration is the minimum necessary to accommodate the development
3132 proposal;

3133 c. the approval does not require the modification of a critical area development
3134 standard established by this chapter;

3135 d. the development proposal does not pose an unreasonable threat to the public
3136 health, safety or welfare on or off the development proposal site and is consistent with the
3137 general purposes of this chapter and the public interest;

3138 e. for dwelling units, no more than (~~three~~) five thousand square feet or ten
3139 percent of the site, whichever is greater, may be disturbed by structures, building setbacks
3140 or other land alteration, including grading, utility installations and landscaping, but not
3141 including the area used for a driveway or for an on-site sewage disposal system;

3142 f. to the maximum extent possible, access is located to have the least adverse
3143 impact on the critical area and critical area buffer;

3144 g. the critical area is not used as a salmonid spawning area; and

3145 h. the director may approve an alteration in a category II, III and IV wetland
3146 for development of a public school facility.

3147 B. The director may approve alterations to critical areas, critical area buffers and
3148 critical area setbacks if the application of this chapter would deny all reasonable use of
3149 the property. The applicant may apply for a reasonable use exception pursuant to this
3150 subsection without first having applied for an alteration exception under this section if the
3151 requested reasonable use exception includes relief from development standards for which
3152 an alteration exception cannot be granted pursuant to the provisions of this section. The
3153 director shall determine that all of the following criteria are met:

3154 a. there is no other reasonable use with less adverse impact on the critical area;

3155 b. the development proposal does not pose an unreasonable threat to the public
3156 health, safety or welfare on or off the development proposal site and is consistent with the
3157 general purposes of this chapter and the public interest;

3158 c. any authorized alteration to the critical area or critical area buffer is the
3159 minimum necessary to allow for reasonable use of the property; and

3160 d. for dwelling units, no more than ~~((three))~~ five thousand square feet or ten
3161 percent of the site, whichever is greater, may be disturbed by structures, building setbacks
3162 or other land alteration, including grading, utility installations and landscaping but not
3163 including the area used for a driveway or for an on-site sewage disposal system.

3164 C. For the purpose of this section, "linear" alteration means infrastructure that
3165 supports development that is linear in nature and includes public and private roadways,
3166 public trails, private driveways, railroads, utility corridors and utility facilities.

3167 D. Alteration exceptions approved under this section shall meet the mitigation
3168 requirements of this chapter.

3169 E. An applicant for an alteration exception shall submit a critical area report, as
3170 required by K.C.C. 21A.24.110.

3171 ~~((F. The hearing examiner shall provide to the clerk of the council a copy of the
3172 final decision of an appeal of the department's decision under this section within thirty
3173 days after the hearing examiner's decision. The clerk shall notify the council of the
3174 availability of the decision.))~~

3175 SECTION 44. Ordinance 10870, Section 464, as amended, and K.C.C.
3176 21A.24.170 are each hereby amended to read as follows:

3177 A. Except as otherwise provided in subsection of C. of this section, the owner of
3178 any property containing critical areas or buffers on which a development proposal is
3179 submitted or any property on which mitigation is established as a result of development

3180 shall file a notice approved by King County with the records, elections and licensing
3181 services division. The notice shall inform the public of:

- 3182 1. The presence of critical areas or buffers or mitigation sites on the property;
- 3183 2. The application of this chapter to the property; and
- 3184 3. The possible existence of limitations on actions in or affecting the critical
3185 areas or buffers or the fact that mitigation sites may exist.

3186 B. The applicant for a development proposal shall submit proof that the notice
3187 required by this section has been filed for public record before King County approves any
3188 development proposal for the property or, in the case of subdivisions, short subdivisions
3189 and binding site plans, at or before recording of the subdivision, short subdivision or
3190 binding site plan.

3191 C. The notice required under subsection A. of this section is not required if:

- 3192 1. The property is a public right-of-way or the site of a permanent public
3193 facility; ~~((or))~~
- 3194 2. The development proposal does not require sensitive area review under
3195 K.C.C. 21A.24.100.C; or
- 3196 3. The property only contains a critical aquifer recharge area.

3197 SECTION 45. Ordinance 10870, Section 471, as amended, and K.C.C.
3198 21A.24.240 are each hereby amended to read as follows:

3199 The following development standards apply to development proposals and
3200 alterations on sites within the zero-rise flood fringe:

3201 A. Development proposals and alterations shall not reduce the effective base flood
3202 storage volume of the floodplain. A development proposal shall provide ~~((comensatory))~~

3203 compensatory storage if grading or other activity displaces any effective flood storage
3204 volume. Compensatory storage shall:

3205 1. Provide equivalent volume at equivalent elevations to that being displaced;

3206 2. Hydraulically connect to the source of flooding;

3207 3. Provide compensatory storage in the same construction season as when the
3208 displacement of flood storage volume occurs and before the flood season begins on

3209 September 30 for that year; and

3210 4. Occur on the site. The director may approve equivalent compensatory storage
3211 off the site if legal arrangements, acceptable to the department, are made to assure that the
3212 effective compensatory storage volume will be preserved over time;

3213 B. A structural engineer shall design and certify all elevated construction and
3214 ~~((submit))~~ submit the design to the department;

3215 C. A civil engineer shall prepare a base flood depth and base flood velocity
3216 analysis and submit the analysis to the department. The director may waive the
3217 requirement for a base flood depth and base flood velocity analysis for agricultural
3218 structures that are not used for human habitation. Development proposals and alterations
3219 are not allowed if the base flood depth exceeds three feet ~~((or))~~ and the base flood velocity
3220 exceeds three feet per second except, the director may approve development proposals and
3221 alterations in areas where the base flood depth exceeds three feet and the base flood
3222 velocity exceeds three feet per second for the following projects:

3223 1. Agricultural accessory structures;

3224 2. Roads and bridges;

3225 3. Utilities;

- 3226 4. Surface water flow control or surface water conveyance systems;
3227 5. Public park structures; and
3228 6. Flood hazard mitigation projects, such as, but not limited to construction, repair
3229 or replacement of flood protection facilities or for building elevations or relocations;

3230 D. Subdivisions, short subdivisions, urban planned developments and binding site
3231 plans shall meet the following requirements:

3232 1. New building lots shall include five thousand square feet or more of buildable
3233 land outside the zero-rise floodway;

3234 2. All utilities and facilities such as sewer, gas, electrical and water systems are
3235 consistent with subsections E., F. and I. of this section;

3236 3. A civil engineer shall prepare detailed base flood elevations in accordance with
3237 FEMA guidelines for all new lots;

3238 4. A development proposal shall provide adequate drainage in accordance with
3239 the King County Surface Water Design Manual to reduce exposure to flood damage; and

3240 5. The face of the recorded subdivision, short subdivision, urban planned
3241 development or binding site plan shall include the following for all lots:

3242 a. building setback areas restricting structures to designated buildable areas:

3243 b. base flood data and sources and flood hazard notes including, but not limited
3244 to, base flood elevation, required flood protection elevations, the boundaries of the
3245 floodplain and the zero-rise floodway, if determined, and channel migration zone
3246 boundaries, if determined; and

3247 c. include the following notice:

3248 "Lots and structures located within flood hazard areas may be inaccessible
3249 by emergency vehicles during flood events. Residents and property owners should take
3250 appropriate advance precautions.";

3251 E. New residential structures and substantial improvements of existing residential
3252 structures shall meet the following standards:

3253 1. Elevate the lowest floor, including basement, to the flood protection elevation;

3254 2. Do not fully enclose portions of the structure that are below the lowest floor
3255 area;

3256 3. Design and construct the areas and rooms below the lowest floor to
3257 automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by
3258 allowing for the entry and exit of floodwaters as follows:

3259 a. provide a minimum of two openings on each of two opposite side walls in the
3260 direction of flow, with each of those walls having a total open area of not less than one
3261 square inch for every square foot of enclosed area subject to flooding;

3262 b. design and construct the bottom of all openings so they are no higher than one
3263 foot above grade; and

3264 c. screens, louvers or other coverings or devices are allowed over the opening if
3265 they allow the unrestricted entry and exit of floodwaters;

3266 4. Use materials and methods that are resistant to and minimize flood damage;
3267 and

3268 5. Elevate above or dry-proof all electrical, heating, ventilation, plumbing, air
3269 conditioning equipment and other utilities that service the structure, such as duct-work to
3270 the flood protection elevation;

3271 F. New nonresidential structures and substantial improvements of existing
3272 nonresidential structures shall meet the following standards:

3273 1. Elevate the lowest floor to the flood protection elevation; or
3274 2. Dry flood-proof the structure to the flood protection elevation to meet the
3275 following standards:

3276 a. the applicant shall provide certification by a civil or structural engineer that
3277 the dry flood-proofing methods are adequate to withstand the flood-depths, pressures,
3278 velocities, impacts, uplift forces and other factors associated with the base flood. After
3279 construction, the engineer shall certify that the permitted work conforms to the approved
3280 plans and specifications; and

3281 b. approved building permits for dry flood-proofed nonresidential structures
3282 shall contain a statement notifying applicants that flood insurance premiums are based
3283 upon rates for structures that are one foot below the base flood elevation;

3284 3. Use materials and methods that are resistant to and minimize flood damage;
3285 and

3286 4. Design and construct the areas and rooms below the lowest floor to
3287 automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by
3288 allowing for the entry and exit of floodwaters as follows:

3289 a. provide a minimum of two openings on each of two opposite side walls in the
3290 direction of flow, with each of those walls having a total open area of not less than one
3291 square inch for every square foot of enclosed area subject to flooding;

3292 b. design the bottom of all openings is no higher than one foot above grade; and

3293 c. screens, louvers or other coverings or devices are allowed if they do not
3294 restrict entry and exit of floodwaters; and

3295 5. Dry flood proof all electrical, heating, ventilation, plumbing, air conditioning
3296 equipment and other utility and service facilities to, or elevated above, the flood protection
3297 elevation;

3298 G. Anchor all new construction and substantially improved structures to prevent
3299 flotation, collapse or lateral movement of the structure. The department shall approve the
3300 method used to anchor the new construction;

3301 H. Newly sited manufactured homes and substantial improvements of existing
3302 manufactured homes shall meet the following standards:

3303 1. Manufactured homes shall meet all the standards in this section for residential
3304 structures and the following standards:

3305 a. anchor all manufactured homes; and

3306 b. install manufactured homes using methods and practices that minimize flood
3307 damage; and

3308 2. All manufactured homes within a new mobile home park or expansion of an
3309 existing mobile home park must meet the requirements for flood hazard protection for
3310 residential structures; and

3311 3. Only manufactured homes are allowed in a new or existing mobile home park
3312 located in a flood hazard area;

3313 I. Public and private utilities shall meet the following standards:

3314 1. Dry flood-proof new and replacement utilities including, but not limited to,
3315 sewage treatment and storage facilities, to, or elevate above, the flood protection elevation;

3316 2. Locate new on-site sewage disposal systems outside the floodplain. When
3317 there is insufficient (~~(soil area or)~~) area outside the floodplain, new on-site sewage disposal
3318 systems are allowed only in the zero-rise flood fringe. Locate on-site sewage (~~(disposal)~~)
3319 disposal systems in the zero-rise flood fringe to avoid:

3320 a. impairment to the system during flooding;

3321 b. contamination from the system during flooding; and

3322 3. Design all new and replacement water supply systems to minimize or eliminate
3323 infiltration of floodwaters into the system;

3324 4. Above-ground utility transmission lines, except for electric transmission lines,
3325 are allowed only for the transport of nonhazardous substances; and

3326 5. Bury underground utility transmission lines transporting hazardous substances
3327 at a minimum depth of four feet below the maximum depth of scour for the base flood, as
3328 predicted by a civil engineer, and achieve sufficient negative buoyancy so that any potential
3329 for flotation or upward migration is eliminated;

3330 J. Critical facilities are only allowed within the zero-rise flood fringe when a
3331 feasible alternative site is not available and the following standards are met:

3332 1. Elevate the lowest floor to the five-hundred year floodplain elevation or three
3333 or more feet above the base flood elevation, whichever is higher;

3334 2. Dry flood-proof and seal structures to ensure that hazardous substances are not
3335 displaced by or released into floodwaters; and

3336 3. Elevate access routes to or above the base flood elevation from the critical
3337 facility to the nearest maintained public street or roadway;

3338 K. New construction or expansion of existing livestock flood sanctuaries is only
3339 allowed as follows:

3340 1. A livestock flood sanctuary is only allowed if there is no other suitable holding
3341 area on the site outside the floodplain to which the livestock have access;

3342 2. Construct the livestock flood sanctuary to the standards in an approved farm
3343 management plan prepared in accordance with K.C.C. 21A.24.051 and K.C.C. chapter
3344 21A.30. The farm management plan shall demonstrate compliance with the following:

3345 a. flood storage compensation consistent with subsection A. of this section;

3346 b. siting and sizing that do not increase base flood elevations consistent with
3347 K.C.C. 21A.24.250.B. and 21A.24.260.D; and

3348 c. siting that is located in the area least subject to risk from floodwaters; and

3349 L. New construction or expansion of existing livestock manure storage facilities is
3350 only allowed as follows:

3351 1. The livestock manure storage facility is only allowed if there is not a feasible
3352 alternative area on the site outside the floodplain;

3353 2. Construct the livestock manure storage facility to the standards in an approved
3354 farm management plan prepared in accordance with K.C.C. 21A.24.051 and K.C.C.
3355 chapter 21A.30. The farm management plan shall demonstrate compliance with the
3356 following:

3357 a. flood storage compensation consistent with subsection A. of this section;

3358 b. siting and sizing that do not increase base flood elevations consistent with
3359 K.C.C. 21A.24.250.B. and 21A.24.260.D;

3360 c. dry flood-proofing to the flood protection elevation; and

3361 d. siting that is located in the area least subject to risk from floodwaters.

3362 SECTION 46. Ordinance 10870, Section 472, as amended, and K.C.C.

3363 21A.24.250 are each hereby amended to read as follows:

3364 The following development standards apply to development proposals and
3365 alterations on sites within the zero-rise floodway:

3366 A. The development standards that apply to the zero-rise flood fringe also apply to
3367 the zero-rise floodway. The more restrictive requirements shall apply where there is a
3368 conflict;

3369 B. A development proposal shall not increase the base flood elevation except as
3370 follow:

3371 1. Revisions to the Flood Insurance Rate Map are approved by FEMA, in
3372 accordance with 44 CFR 70, to incorporate the increase in the base flood elevation; and

3373 2. Appropriate legal documents are prepared and recorded in which all property
3374 owners affected by the increased flood elevations consent to the impacts on their property;

3375 C. If post and piling construction techniques are used, the following are presumed
3376 to produce no increase in the base flood elevation and a critical areas report is not required
3377 to establish this fact:

3378 1. New residential structures outside the FEMA floodway on lots in existence
3379 before November 27, 1990, that contain less than five thousand square feet of buildable
3380 land outside the zero-rise floodway if the total building footprint of all existing and
3381 proposed structures on the lot does not exceed two-thousand square feet;

3382 2. Substantial improvements of existing residential structures in the zero-rise
3383 floodway, but outside the FEMA floodway, if the footprint is not increased; or

3384 3. Substantial improvements of existing residential structures that meet the
3385 standards for new residential structures in K.C.C. 21A.24.240.~~(E)~~D;

3386 D. When post or piling construction techniques are not used, a critical areas report
3387 is required in accordance with K.C.C. 21A.24.110 demonstrating that the proposal will not
3388 increase the base flood elevation;

3389 E. During the flood season from September 30 to May 1 the following are not
3390 allowed to be located in the zero-rise floodway;

3391 1. All temporary seasonal shelters, such as tents and recreational vehicles; and
3392 2. Staging or stockpiling of equipment, materials or substances that the director
3393 determines may be hazardous to the public health, safety or welfare;

3394 F. New residential structures and substantial improvements to existing residential
3395 structures or any structure accessory to a residential use shall meet the following standards:

3396 1. Locate the structures outside the FEMA floodway;
3397 2. Locate the structures only on lots in existence before November 27, 1990, that
3398 contain less than five thousand square feet of buildable land outside the zero-rise floodway;
3399 and

3400 3. To the maximum extent practical, locate the structures the farthest distance
3401 from the channel, unless the applicant can demonstrate that an alternative location is less
3402 subject to risk;

3403 G. Public and private utilities are only allowed if:

3404 1. The department determines that a feasible alternative site is not available;
3405 2. A waiver is granted by the Seattle-King County department of public health for
3406 new on-site sewage disposal facilities;

3407 3. The utilities are dry flood-proofed to or elevated above the flood protection
3408 elevation;

3409 4. Above-ground utility transmission lines, except for electrical transmission
3410 lines, are only allowed for the transport of nonhazardous substances; and

3411 5. Underground utility transmission lines transporting hazardous substances are
3412 buried at a minimum depth of four feet below the maximum dept of scour for the base
3413 flood, as predicted by a civil engineer, and achieve sufficient negative buoyancy so that any
3414 potential for flotation or upward migration is eliminated;

3415 H. Critical facilities, except for those listed in subsection I. of this section are not
3416 allowed within the zero-rise floodway; and

3417 I. Structures and installations that are dependent upon the zero-rise floodway are
3418 allowed in the zero-rise floodway if the development proposal is approved by all agencies
3419 with jurisdiction and meets the development standards for the zero-rise floodway. These
3420 structures and installations may include, but are not limited to:

3421 1. Dams or diversions for water supply, flood control, hydroelectric
3422 production, irrigation or fisheries enhancement;

3423 2. Flood damage reduction facilities, such as levees, revetments and pumping
3424 stations;

3425 3. Stream bank stabilization structures only if a feasible alternative does not exist
3426 for protecting structures, public roadways, flood protection facilities or sole access routes.
3427 Bank stabilization projects must ~~((meet the standards of King County's Guidelines for Bank
3428 Stabilization Projects (King County Surface Water Management 1993)))~~ be consistent with
3429 the Integrated Streambank Protection Guidelines (Washington State Aquatic Habitat

3430 Guidelines Program, 2002) and use bioengineering techniques to the maximum extent
3431 practical. An applicant may use alternative methods to the guidelines if the applicant
3432 demonstrates that the alternative methods provide equivalent or better structural
3433 stabilization, ecological and hydrological functions and salmonid habitat;

- 3434 4. Surface water conveyance facilities;
- 3435 5. Boat launches and related recreation structures;
- 3436 6. Bridge piers and abutments; and
- 3437 7. Approved aquatic area or wetland restoration projects including, but not limited
3438 to, fisheries enhancement projects.

3439 SECTION 47. Ordinance 10870, Section 473, as amended and K.C.C. 21A.24.260
3440 are each hereby amended to read as follows:

- 3441 A. The development standards that apply to the zero-rise floodway also apply to
3442 the FEMA floodway. The more restrictive standards apply where there is a conflict;
- 3443 B. A development proposal shall not increase the base flood elevation. A civil
3444 engineer shall certify, through hydrologic and hydraulic analyses performed in accordance
3445 with standard engineering practice, that any proposed encroachment would not result in any
3446 increase in flood levels during the occurrence of the base flood discharge;
- 3447 C. New residential or nonresidential structures are prohibited within the mapped
3448 FEMA floodway. A residential structure cannot be constructed on fill placed within the
3449 mapped FEMA floodway;
- 3450 D. Livestock flood sanctuaries and manure storage facilities are prohibited in the
3451 FEMA floodway;

3452 E. If the footprint of the existing residential structure is not increased, substantial
3453 improvements of existing residential structures in the FEMA floodway, meeting the
3454 requirements of WAC 173-158-070, as amended, are presumed to not increase the base
3455 flood elevation and do not require a critical areas report to establish this fact;

3456 F. Maintenance, repair, replacement or improvement of an existing residential
3457 structure located within the agricultural production district on property that is zoned
3458 agriculture (A) is allowed in the FEMA floodway if the structure meets the standards for
3459 residential structures and utilities in K.C.C. 21A.24.240 and also meets the following
3460 requirements:

- 3461 1. The existing residential structure was legally established;
- 3462 2. The viability of the farm is dependent upon a residential structure within close
3463 proximity to other agricultural structures; and
- 3464 3. Replacing an existing residential structure within the FEMA floodway is only
3465 allowed if:
 - 3466 a. there is not sufficient buildable area on the site outside the FEMA floodway
3467 for the replacement;
 - 3468 b. the replacement residential structure is not located in an area that increases the
3469 flood hazard in water depth, velocity or erosion;
 - 3470 c. the building footprint of the existing residential structure is not increased; and
 - 3471 d. the existing structure, including the foundation, is completely removed within
3472 ninety days of receiving a certificate of occupancy, or temporary certificate of occupancy,
3473 whichever occurs first, for the replacement structure;

3474 G. Maintenance, repair or replacement of a substantially damaged existing
3475 residential structure, other than a residential structure located within the agricultural
3476 production district on property that is zoned agricultural (A), is allowed in the FEMA
3477 floodway if the structure meets the standards for existing residential structures and utilities
3478 in K.C.C. 21A.24.240 and also meets the following requirements:

3479 1. The Washington state Department of Ecology has assessed the flood
3480 characteristics of the site and determined:

- 3481 a. base flood depths will not exceed three feet;
- 3482 b. base flood velocities will not exceed three feet per second;
- 3483 c. there is no evidence of flood-related erosion, as determined by location of the
3484 project site in relationship to mapped channel migration zones or, if the site is not mapped,
3485 evidence of overflow channels and bank erosion; and
- 3486 d. a flood warning system or emergency plan is in operation;

3487 2. The Washington state Department of Ecology has prepared a report of findings
3488 and recommendations to the department that determines the repair or replacement will not
3489 result in an increased risk of harm to life based on the characteristics of the site;

3490 3. The department has reviewed the Washington state Department of Ecology
3491 report and concurs that the development proposal is consistent with the findings and
3492 recommendations in the report;

3493 4. The development proposal is consistent with the findings and recommendations
3494 of the Washington state Department of Ecology report;

3495 5. The existing residential structure was legally established;

3496 6. Replacing an existing residential structure within the FEMA floodway is only
3497 allowed if:

3498 a. there is not sufficient buildable area on the site outside the FEMA floodway;

3499 b. the replacement structure is a residential structure built as a substitute for a

3500 previously existing residential structure of equivalent use and size; and

3501 c. the existing residential structure, including the foundation, is removed within

3502 ninety days of receiving a certificate of occupancy, or temporary certificate of occupancy,

3503 whichever occurs first, for the replacement structure; and

3504 H. Maintenance or repair of a structure, as defined in WAC 173-158-030, that is

3505 identified as a historic resource, as defined in K.C.C. 21A.06.597, is allowed in the FEMA

3506 floodway if the structure and utilities meet the standards of K.C.C. 21A.24.240 for

3507 residential structures or nonresidential structures, as appropriate.

3508 SECTION 48. Ordinance 10870, Section 476, as amended, and K.C.C.

3509 21A.24.290 are each hereby amended to read as follows:

3510 The following development standards apply to development proposals and

3511 alterations on sites containing seismic hazard areas:

3512 A. The department may approve alterations to seismic hazard areas only if:

3513 1. the evaluation of site-specific subsurface conditions shows that the proposed

3514 development site is not located in a seismic hazard area; or

3515 2. The applicant implements appropriate engineering design based on the best

3516 available engineering and geological practices that either eliminates or minimizes the risk

3517 of structural damage or injury resulting from seismically induced settlement or soil

3518 liquefaction; and

- 3519 B. The department may waive or reduce engineering study and design
3520 requirements for alterations in seismic hazard areas for:
- 3521 1. Mobile homes;
 - 3522 2. Additions or alterations that do not increase occupancy or significantly affect
3523 the risk of structural damage or injury; and
 - 3524 3. One story ~~((B))~~ buildings with less than two-thousand-five hundred square
3525 feet of floor area or roof area, whichever is greater, and that are not dwelling units or
3526 used as places of employment or public assembly.

3527 SECTION 49. Ordinance 11481, Section 2, as amended, and K.C.C. 21A.24.311
3528 are each hereby amended to read as follows:

3529 The map entitled King County Critical Aquifer Recharge Areas, included in
3530 Attachment B to Ordinance 15051, is hereby adopted as the designation of critical aquifer
3531 recharge areas in King County in accordance with RCW 36.70A.170. ~~((The council may
3532 adopt by ordinance revisions to add or remove critical aquifer recharge areas based on
3533 additional information about areas with susceptibility to ground water contamination or
3534 on changes to sole source aquifers or wellhead protection areas as identified in wellhead
3535 protection programs.))~~

3536 SECTION 50. Ordinance 15051, Section 173 and K.C.C. 21A.24.312 are each
3537 hereby amended to read as follows:

3538 Upon application supported by a critical areas report that includes a
3539 hydrogeologic site evaluation, the department, in consultation with the department of
3540 natural resources and parks, may determine that an area that is or is not classified as a

3541 critical aquifer recharge area on the map adopted (~~and amended by public rule~~) under
3542 K.C.C. 21A.24.311:

3543 A. Does not meet the criteria for a critical aquifer recharge area and declassify
3544 that area if it is classified as a critical aquifer recharge area; (~~or~~)

3545 B. Has the wrong critical aquifer recharge area classification and determine the
3546 correct classification; or

3547 C. Has not been classified as a critical aquifer recharge area and should be so
3548 classified based on the standards of KCC 21A.24.313.

3549 SECTION 51. Ordinance 15051, Section 174 and K.C.C. 21A.24.313 are each
3550 hereby amended to read as follows:

3551 Critical aquifer recharge areas are categorized as follows:

3552 A. Category I critical aquifer recharge areas include those mapped areas that
3553 King County has determined are:

3554 1. (~~h~~)Highly susceptible to groundwater contamination and that are located
3555 within a sole source aquifer or a wellhead protection area; or

3556 2. In an area where hydrogeologic mapping or a numerical flow transport
3557 model in a Washington department of health approved wellhead protection plan
3558 demonstrate that the area is within the one year time of travel to a wellhead for a Group A
3559 water system;

3560 B. Category II critical aquifer recharge areas include those mapped areas that
3561 King County has determined:

3562 1. Have a medium susceptibility to ground water contamination and are located
3563 in a sole source aquifer or a wellhead protection area; or

3564 2. Are highly susceptible to groundwater contamination and are not located in a
3565 sole source aquifer or wellhead protection area; and

3566 C. Category III critical aquifer recharge areas include those mapped areas that
3567 King County has determined have low susceptibility to groundwater contamination and
3568 are located over an aquifer underlying an island that is surrounded by saltwater.

3569 SECTION 52. Ordinance 15051, Section 179 and K.C.C. 21A.24.316 are each
3570 hereby amended to read as follows:

3571 The following development standards apply to development proposals and
3572 alterations on sites containing critical aquifer recharge areas:

3573 A. Except as otherwise provided in subsection H. of this section, the following
3574 new development proposals and alterations are not allowed on a site located in a category
3575 I critical aquifer recharge area:

3576 1. Transmission pipelines carrying petroleum or petroleum products;

3577 2. Sand and gravel, and hard rock mining unless:

3578 a. the site has mineral zoning as of January 1, 2005; or

3579 b. mining is a permitted use on the site and the critical aquifer recharge area

3580 was mapped after the date a complete application for mineral extraction on the site was

3581 filed with the department;

3582 3. Mining of any type below the upper surface of the saturated ground water that

3583 could be used for potable water supply;

3584 4. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

3585 5. Hydrocarbon extraction;

3586 6. Commercial wood treatment facilities on permeable surfaces;

3587 7. Underground storage tanks, including tanks that are exempt from the
3588 requirements of chapter 173 WAC, with hazardous substances, as defined in chapter
3589 70.105 RCW, that do not comply with standards of chapter 173-360 WAC and K.C.C.
3590 Title 17;

3591 8. Above-ground storage tanks for hazardous substances, as defined in chapter
3592 70.105 RCW, unless protected with primary and secondary containment areas and a spill
3593 protection plan;

3594 9. Golf courses;

3595 10. Cemeteries;

3596 11. Wrecking yards;

3597 12. Landfills for hazardous waste, municipal solid waste or special waste, as
3598 defined in K.C.C. chapter 10.04; and

3599 13. On lots smaller than one acre, an on-site septic system, unless:

3600 a. the system is approved by the Washington state Department of Health and
3601 ~~((the system either uses an up flow media filter system or a proprietary packed bed filter~~
3602 ~~system or is designed to achieve approximately eighty percent total nitrogen removal for~~
3603 ~~typical domestic wastewater)) has been listed by the Washington state Department of~~
3604 Health as meeting treatment standard N as provided in WAC chapter 426-172A; or

3605 b. the Seattle-King County department of public health determines that the
3606 systems required under subsection A.13.a. of this section will not function on the site.

3607 B. Except as otherwise provided in subsection H. of this section, the following
3608 new development proposals and alterations are not allowed on a site located in a category
3609 II critical aquifer recharge area:

3610 1. Mining of any type below the upper surface of the saturated ground water that
3611 could be used for potable water supply;

3612 2. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

3613 3. Hydrocarbon extraction;

3614 4. Commercial wood treatment facilities located on permeable surfaces;

3615 5.a. Except for a category II critical aquifer recharge area located over an
3616 aquifer underlying an island that is surrounded by saltwater, underground storage tanks
3617 with hazardous substances, as defined in chapter 70.105 RCW, that do not meet the
3618 requirements of chapter 173-360 WAC and K.C.C. Title 17; and

3619 b. For a category II critical aquifer recharge area located over an aquifer
3620 underlying an island that is surrounded by saltwater, underground storage tanks,
3621 including underground storage tanks exempt from the requirements of chapter 173-360
3622 WAC, with hazardous substances, as defined in chapter 70.105 RCW, that do not comply
3623 with the standards in chapter 173-360 WAC and K.C.C. Title 17;

3624 6. Above-ground storage tanks for hazardous substances, as defined in chapter
3625 70.105 RCW, unless protected with primary and secondary containment areas and a spill
3626 protection plan;

3627 7. Wrecking yards;

3628 8. Landfills for hazardous waste, municipal solid waste, or special waste, as
3629 defined in K.C.C. chapter 10.04; and

3630 9. On lots smaller than one acre, an on-site septic systems, unless:

3631 a. the system is approved by the Washington state Department of Health and
3632 ~~((the system either uses an up flow media filter system or a proprietary packed bed filter~~

3633 ~~system or is designed to achieve approximately eighty percent total nitrogen removal for~~
3634 ~~typical domestic wastewater))~~ has been listed by the Washington state Department of
3635 Health as meeting treatment standard N as provided in WAC chapter 426-172A; or

3636 b. the Seattle-King County department of public health determines that the
3637 systems required under subsection B.9.a. of this section will not function on the site.

3638 C. Except as otherwise provided in subsection H. of this section, the following
3639 new development proposals and alterations are not allowed on a site located in a category
3640 III critical aquifer recharge area:

- 3641 1. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;
- 3642 2. Hydrocarbon extraction;
- 3643 3. Commercial wood treatment facilities located on permeable surfaces;
- 3644 4. Underground storage tanks, including tanks exempt from the requirements of
3645 chapter 173-360 WAC, with hazardous substances, as defined in chapter 70.105 RCW,
3646 that do not comply with the requirements of chapter 173-360 WAC and K.C.C. Title 17;
- 3647 5. Above ground storage tanks for hazardous substances, as defined in chapter
3648 70.105 RCW, unless protected with primary and secondary containment areas and a spill
3649 protection plan;
- 3650 6. Wrecking yards; and
- 3651 7. Landfills for hazardous waste, municipal solid waste, or special waste, as
3652 defined in K.C.C. chapter 10.04.

3653 D. The following standards apply to development proposals and alterations that
3654 are substantial improvements on a site located in a critical aquifer recharge area:

3655 1. The owner of an underground storage tank, including a tank that is exempt
3656 from the requirements of chapter 173 WAC, in a category I or III critical aquifer recharge
3657 area or a category II critical aquifer recharge area located over an aquifer underlying an
3658 island that is surrounded by saltwater shall either bring the tank into compliance with the
3659 standards of chapter 173 WAC and K.C.C. Title 17 or properly decommission or remove
3660 the tank; and

3661 2. The owner of an underground storage tank in a category II critical aquifer
3662 recharge area not located on located over an aquifer underlying an island that is
3663 surrounded by saltwater shall bring the tank into compliance with the standards of
3664 chapter 173-360 WAC and K.C.C. Title 17 or shall properly decommission or remove the
3665 tank.

3666 E. In any critical aquifer recharge area, the property owner shall properly
3667 decommission an abandoned well.

3668 F. On a site located in a critical aquifer recharge area within the urban growth
3669 area, a development proposal for new residential development, including, but not limited
3670 to, a subdivision, short subdivision, or dwelling unit, shall incorporate best management
3671 practices included in the King County Surface Water Design Manual into the site design
3672 in order to infiltrate stormwater runoff to the maximum extent practical.

3673 G. On an island surround by saltwater, the owner of a new well located within
3674 two hundred feet of the ordinary high water mark of the marine shoreline and within a
3675 critical aquifer recharge area shall test the well for chloride levels using testing protocols
3676 approved by the Washington state Department of Health. The owner shall report the
3677 results of the test to Seattle-King County department of public health and to the

3678 department of natural resources and parks. If the test results indicate saltwater intrusion
3679 is likely to occur, the department of natural resources and parks, in consultation with
3680 Seattle-King County department of public health, shall recommend appropriate measures
3681 to prevent saltwater intrusion.

3682 H. On a site greater than twenty acres, the department may approve a
3683 development proposal otherwise prohibited by subsections A., B. and C. of this section if
3684 the applicant demonstrates through a critical areas report that the development proposal is
3685 located outside the critical aquifer recharge area and that the development proposal will
3686 not cause a significant adverse environmental impact to the critical aquifer recharge area.

3687 I. The provisions relating to underground storage tanks in subsections A. through
3688 D. of this section apply only when the proposed regulation of underground storage tanks
3689 has been submitted to and approved by the Washington state department of ecology, in
3690 accordance with 90.76.040 RCW and WAC 173-360-530.

3691 SECTION 53. Ordinance 15051, Section 185 and K.C.C. 21A.24.325 are each
3692 hereby amended to read as follows:

3693 Except as otherwise provided in this section, buffers shall be provided from the
3694 wetland edge as follows:

3695 A. In the Urban Growth Area, buffers for wetlands shall be established in
3696 accordance with the following standards:

3697 1. The standard buffer widths of the following table shall apply unless modified
3698 in accordance with subsection A.2, A.3, C. or D. of this section:

WETLAND CATEGORY AND CHARACTERISTICS	BUFFER
Category I	

WETLAND CATEGORY AND CHARACTERISTICS	BUFFER
Natural Heritage Wetlands	215 feet
Bog	215 feet
Estuarine	175 feet
Coastal Lagoon	175 feet
Habitat score from ((29)) <u>31</u> to 36 points	225 feet
Habitat score from 20 to ((28)) <u>30</u> points	150 feet <u>plus 7.5 feet for each habitat score point above 20 points</u>
Category I wetlands not meeting any of the criteria ((below)) <u>above</u>	125 feet
Category II	
Estuarine	135 feet
Habitat score from ((29)) <u>31</u> to 36 points	200 feet
Habitat score from 20 to ((28)) <u>30</u> points	125 feet <u>plus 7.5 feet for each habitat score point above 20 points</u>
Category II wetlands not meeting any of the criteria ((below)) <u>above</u>	100 feet

WETLAND CATEGORY AND CHARACTERISTICS	BUFFER
Category III	
Habitat score from 20 to 28 points	125 feet
Category III wetlands not meeting any of the criteria (below) <u>above</u>	75 feet
Category IV	50 feet

3699 2. If a Category I or II wetland with habitat score greater than twenty points is
3700 located within three hundred feet of a priority habitat area as defined by the Washington
3701 state Department of Fish and Wildlife, the buffer established by subsection A.1. of this
3702 section shall be increased by fifty feet unless:

3703 a. (i) the applicant provides relatively undisturbed vegetated corridor at least
3704 one hundred feet wide between the wetland and all priority habitat areas located within
3705 three hundred feet of the wetland. The corridor shall be protected for the entire distance
3706 between the wetland and the priority habitat through a conservation easement, native
3707 growth protection easement or the equivalent; and

3708 ~~((b-))~~ (ii) the applicable mitigation measures in subsection A.3.b. of this
3709 section are provided; or

3710 b. the wetland is a freshwater or deep freshwater wetland; and

3711 3. Buffers calculated in accordance with subsection A.1. and A.2. of this
3712 ~~((section))~~ section shall be reduced as follows:

3713 a. Buffers for all categories of wetlands shall be reduced by twenty-five feet if
3714 the applicant implements all applicable mitigation measures identified in subsection
3715 A.3.b. of this section, or if the applicant proposes alternate mitigation to reduce the

3716 impacts of the development and the department determines the alternative provides
 3717 equivalent mitigation.

3718 b. The following mitigation measures may be used by an applicant to obtain a
 3719 reduced buffer width under subsection A.1. of this section:

Disturbance	Measures to minimize impacts	Activities that may cause the disturbance
Lights	Direct lights away from wetland	Parking lots, warehouses, manufacturing, high density residential
Noise	Place activity that generates noise away from the wetland.	manufacturing, high density residential
Toxic runoff	Route all new untreated runoff away from wetland, or Covenants limiting use of pesticides within 150 ft of wetland, or Implement integrated pest management program	Parking lots, roads, manufacturing, residential areas, application of agricultural pesticides, landscaping
Change in water regime	Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces <u>using low impact development measures identified in the King County Surface Water Design Manual</u>	Any impermeable surface, lawns, tilling

Pets and Human disturbance	Privacy fencing or landscaping to delineate buffer edge and to discourage disturbance of wildlife by humans and pets	Residential areas
Dust	BMP's for dust	Tilled fields
Degraded buffer condition	Nonnative plants to be removed and replaced with native vegetation per an approved landscaping plan to be bonded and monitored for a three year period after completion to assure at least 80% survival of plantings	All activities potentially requiring buffers

3720

B. For a wetland located outside the Urban Growth Area:

3721

1. The buffers shown on the following table apply unless modified in

3722

accordance with subsections C. and D. of this section:

WETLAND CATEGORY AND CHARACTERISTICS	INTENSITY OF IMPACT OF ADJACENT LAND USE		
	HIGH IMPACT	MODERATE IMPACT	LOW IMPACT
Category I			
Category I wetlands not meeting any of the criteria below	100 feet	75 feet	50 feet
Natural Heritage Wetlands	250 feet	190 feet	125 feet

WETLAND CATEGORY AND CHARACTERISTICS	INTENSITY OF IMPACT OF ADJACENT LAND USE		
	HIGH IMPACT	MODERATE IMPACT	LOW IMPACT
Bog	250 feet	190 feet	125 feet
Estuarine	200 feet	150 feet	100 feet
Coastal Lagoon	200 feet	150 feet	100 feet
Habitat score from ((29)) <u>31</u> to 36 points	300 feet	225 feet	150 feet
Habitat score from 20 to ((28)) <u>30</u> points	150 feet <u>plus</u> <u>15 feet for</u> <u>each habitat</u> <u>point above</u> <u>20</u>	110 feet <u>plus</u> <u>11.5 feet for</u> <u>each habitat</u> <u>point above</u> <u>20</u>	75 feet <u>plus</u> <u>7.5 feet for</u> <u>each</u> <u>habitat</u> <u>point above</u> <u>20</u>
Category II			
Category II wetlands not meeting any of the criteria below	100 feet	75 feet	50 feet
Estuarine	150 feet	110 feet	75 feet
Interdunal	150 feet	110 feet	75 feet
Habitat score from ((29)) <u>31</u> to 36 points	300 feet	225 feet	150 feet

WETLAND CATEGORY AND CHARACTERISTICS	INTENSITY OF IMPACT OF ADJACENT LAND USE		
	HIGH IMPACT	MODERATE IMPACT	LOW IMPACT
Habitat score from 20 to ((28)) <u>30</u> points	150 feet <u>plus</u> <u>15 feet for</u> <u>each habitat</u> <u>point above</u> <u>20</u>	110 feet <u>plus</u> <u>11.5 feet for</u> <u>each habitat</u> <u>point above</u> <u>20</u>	75 feet <u>plus</u> <u>7.5 feet for</u> <u>each</u> <u>habitat</u> <u>point above</u> <u>20</u>
Category III			
Category III wetlands not meeting any of the criteria below	80 feet	60 feet	40 feet
Habitat score from 20 to 28 points	150 feet	110 feet	75 feet
Category IV	50 feet	40 feet	25 feet

3723 2. For purposes of this subsection B., unless the director determines a lesser
3724 level of impact is appropriate based on information provided by the applicant, the
3725 intensity of impact of the adjacent land use is determined as follows:

3726 a. high impact includes:

3727 (1) sites zoned commercial or industrial;

3728 (2) commercial or industrial use on a site regardless of the zoning
3729 designation;

- 3730 (3) nonresidential use on a site zoned for residential use;
- 3731 (4) active recreation use on a site regardless of zoning;
- 3732 b. moderate impact includes:
- 3733 (1) residential uses on sites zoned rural residential without an approved rural
- 3734 stewardship plan;
- 3735 (2) residential use on a site zoned agriculture or forestry; or
- 3736 (3) agricultural uses without an approved farm management plan; and
- 3737 c. low impact includes:
- 3738 (1) forestry use on a site regardless of zoning designation;
- 3739 (2) ~~((residential uses on sites zoned rural residential with an approved rural~~
- 3740 ~~stewardship plan;~~
- 3741 ~~((3)))~~ passive recreation uses, such as trails, nature viewing areas, fishing and
- 3742 camping areas, and other similar uses that do not require permanent structures, on a site
- 3743 regardless of zoning; or
- 3744 ~~((4)))~~ (3) agricultural uses carried out in accordance with an approved farm
- 3745 management plan.

3746 C. The department may approve a modification of the minimum buffer width

3747 required by this section by averaging the buffer width if:

- 3748 1. The department determines that:
- 3749 a. the ecological structure and function of the buffer after averaging is
- 3750 equivalent to or greater than the structure and function before averaging; or
- 3751 b. averaging includes the corridors of a wetland complex; and
- 3752 2. The resulting buffer meets the following standards:

3753 a. the total area of the buffer after averaging is equivalent to or greater than the
3754 area of the buffer before averaging;

3755 b. the additional buffer is contiguous with the standard buffer; and

3756 c. if the buffer width averaging allows a structure or landscaped area to intrude
3757 into the area that was buffer area before averaging, the resulting landscaped area shall
3758 extend no more than fifteen feet from the edge of the structure's footprint toward the
3759 reduced buffer.

3760 D. Wetland buffer widths shall also be subject to modifications under the
3761 following special circumstances:

3762 1. For wetlands containing documented habitat for endangered, threatened or
3763 species of local importance, the following shall apply:

3764 a. the department shall establish the appropriate buffer, based on a habitat
3765 assessment, to ensure that the buffer provides adequate protection for the sensitive
3766 species; and

3767 b. the department may apply the buffer increase rules in subsection A.2. of this
3768 section, the buffer reduction rules in subsection A.3. of this section, and the buffer
3769 averaging rules in subsection C. of this section;

3770 2. For a wetland buffer that includes a steep slope hazard area or landslide
3771 hazard area, the buffer width is the greater of ~~((either))~~ the buffer width required by the
3772 wetland's category in this section or twenty-five feet beyond the top of the hazard area;
3773 and

3774 3. For a wetland complex located outside the Urban Growth Area established by
3775 the King County Comprehensive Plan or located within the Urban Growth Area in a

3776 basin designated as "high" on the Basin and Shoreline Conditions Map, which is included
3777 as Attachment A to this ordinance, the buffer width is determined as follows:

3778 a. the buffer width for each individual wetland in the complex is the same
3779 width as the buffer width required for the category of wetland;

3780 b. if the buffer of a wetland within the complex does not touch or overlap with
3781 at least one other wetland buffer in the complex, a corridor is required from the buffer of
3782 that wetland to one other wetland buffer in the complex considering the following
3783 factors:

3784 (1) the corridor is designed to support maintaining viable wildlife species that
3785 are commonly recognized to exclusively or partially use wetlands and wetland buffers
3786 during a critical life cycle stage, such as breeding, rearing, or feeding;

3787 (2) the corridor minimizes fragmentation of the wetlands;

3788 (3) higher category wetlands are connected through corridors before lower
3789 category wetlands; and

3790 (4) the corridor width is a least twenty-five percent of the length of the
3791 corridor, but no less than twenty-five feet in width; and

3792 (5) shorter corridors are preferred over longer corridors;

3793 c. wetlands in a complex that are connected by an aquatic area that flows
3794 between the wetlands are not required to be connected through a corridor;

3795 d. the department may exclude a wetland from the wetland complex if the
3796 applicant demonstrates that the wetland is unlikely to provide habitat for wildlife species
3797 that are commonly recognized to exclusively or partially use wetlands and wetland
3798 buffers during a critical life cycle stage, such as breeding, rearing or feeding; and

3799 e. the alterations allowed in a wetland buffer in K.C.C. 21A.24.045 are
3800 allowed in corridors subject to the same conditions and requirements as wetland buffers
3801 as long as the alteration is designed so as not to disrupt wildlife movement through the
3802 corridor; and

3803 4. Where a legally established roadway transects a wetland buffer, the
3804 department may approve a modification of the minimum required buffer width to the
3805 edge of the roadway if the part of the buffer on the other side of the roadway sought to be
3806 reduced:

3807 a. does not provide additional protection of the proposed development or the
3808 wetland; and

3809 b. provides insignificant biological, geological or hydrological buffer functions
3810 relating to the other portion of the buffer adjacent to the wetland."

3811 5. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055,
3812 the buffer widths shall be established under the rural stewardship plan and shall not
3813 exceed the standard for a low impact land use, unless the department of natural resources
3814 and parks determines that a larger buffer is necessary to achieve no net loss of wetland
3815 ecological function.

3816 E. (~~Wetlands created through voluntary enhancement or restoration projects are~~
3817 ~~not subject~~) The department may approve a modification to the buffers established in
3818 subsections A. and B. of this section if the wetland was created or its characterization was
3819 upgraded as part of a voluntary enhancement or restoration project.

3820 SECTION 54. Ordinance 15051, Section 187 and K.C.C. 21A.24.335 are each
3821 hereby amended to read as follows:

3822 The following development standards apply to development proposals and
3823 alterations on sites containing wetlands or their buffers:

3824 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the
3825 alterations identified in K.C.C. 21A.24.045 are allowed in wetlands and wetland buffers;

3826 B. The applicant shall not introduce any plant or wildlife that is not indigenous to
3827 the Puget Sound lowland into any wetland or wetland buffer unless authorized by a state
3828 or federal permit or approval;

3829 C. A category IV wetland less than two-thousand-five-hundred square feet that is
3830 not part of a wetland complex may be altered in accordance with an approved mitigation
3831 plan by relocating (~~(its functions)~~) the wetland into a new wetland (~~(on the site)~~) with
3832 equivalent or greater functions or into an existing wetland at the ratios specified in
3833 K.C.C. 21A.24.340 based on the type of mitigation measures proposed (~~(in accordance~~
3834 ~~with an approved mitigation plan)~~); and

3835 D. Alterations to category I wetlands containing bogs or fens are limited to
3836 K.C.C. 21A.24.045 D.20. and D.52.

3837 SECTION 55. Ordinance 10870, Section 481, as amended, and K.C.C.
3838 21A.24.340 are each hereby amended to read as follows:

3839 In addition to the requirements in K.C.C. 21A.24.125 and 21A.24.130, the
3840 following applies to (~~(mitigation)~~) mitigation to compensate for the adverse impacts
3841 associated with an alteration to a wetland or wetland buffer:

3842 A. Mitigation measures must achieve equivalent or greater wetland functions,
3843 including, but not limited to:

3844 1. Habitat complexity, connectivity and other biological functions; and

3845 2. Seasonal hydrological dynamics, as provided in the King County Surface

3846 Water Design Manual;

3847 B. The following ratios of area of mitigation to area of alteration apply to

3848 mitigation measures for permanent alterations:

3849 1. For alterations to a wetland buffer, a ratio of one to one; and

3850 2. For alterations to a wetland:

Category and type of wetland	Wetland reestablishment or creation	Wetland rehabilitation	1:1 Wetland reestablishment or wetland creation (R/C) and wetland enhancement (E)	Wetland enhancement only
Category IV	1.5:1	3:1	1:1 R/C and 2:1 E	6:1
Category III	2:1	4:1	1:1 R/C and 2:1 E	8:1
Category II estuarine	Case-by-case	4:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by-case
All other Category II	3:1	8:1	1:1 R/C and 4:1 E	12:1
Category I forested	6:1	12:1	1:1 R/C and 10:1 E	Case-by-case
Category I based on score for functions	4:1	8:1	1:1 R/C and 6:1 E	Case-by-case
Category I	Not allowed	6:1 rehabilitation of	Case-by-case	Case-by-case

natural heritage site		a natural heritage site		
Category I coastal lagoon	Not allowed	6:1 rehabilitation of a coastal lagoon	Case-by-case	Case-by-case
Category I bog	Not allowed	6:1 rehabilitation of a bog	Case-by-case	Case-by-case
Category I estuarine	Case-by-case	6:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by-case

3851 C. The following ratios of area of mitigation to area of alteration apply to
3852 mitigation measures for temporary alterations where wetlands will not be impacted by
3853 permanent fill material:

Wetland category	Permanent conversion of forested and shrub wetlands into emergent wetlands			Mitigation for temporal loss of forested and shrub wetlands when the impacted wetlands will be revegetated to forest or shrub communities		
	Enhancement	Rehabilitation	Creation or restoration	Enhancement	Rehabilitation	Creation or restoration
Category I	6:1	4.5:1	3:1	3:1	2:1	1.5:1
Category II	3:1	2:1	1.5:1	1.5:1	1:1	.75:1
Category III	2:1	1.5:1	1:1	1:1	.75:1	.5:1
Category IV	1.5:1	1:1	.75:1	Not applicable	Not applicable	Not applicable

3854 D. The department may increase the mitigation ratios provided in subsections B.
3855 and C. of this section under the following circumstances:

3856 1. The department determines there is uncertainty as to the probable success of
3857 the proposed restoration or creation;

3858 2. A significant period of time will elapse between the impact caused by the
3859 development proposal and the establishment of wetland functions at the mitigation site;

3860 3. The proposed mitigation will result in a lower category wetland or reduced
3861 functions relative to the wetland being impacted; or

3862 4. The alteration causing the impact was an unauthorized impact.

3863 E. The department may decrease the mitigation ratios provided in subsections B.
3864 and C. of this section under the following circumstances:

3865 1. The applicant demonstrates by documentation submitted by a qualified
3866 wetland specialist that the proposed mitigation actions have a very high likelihood of
3867 success based on hydrologic data and prior experience;

3868 2. The applicant demonstrates by documentation by a qualified wetland
3869 specialist that the proposed actions for compensation will provide functions and values
3870 that are significantly greater than the wetland being impacted;

3871 3. The applicant demonstrates that the proposed actions for mitigation have
3872 been conducted in advance of the impact caused by the development proposal and that
3873 the actions are successful; or

3874 4. In wetlands where several wetland hydrogeomorphic classes, including, but
3875 not limited to depressional, slope, riverine and flow through, are found within one
3876 delineated boundary, the department may decrease the ratios if:

3877 a. impacts to the wetland are all within an area that has a different
3878 hydrogeomorphic class from the one used to establish the category;

3879 b. the category of the area with a different class is lower than that of the entire
3880 wetland; and

3881 c. the applicant provides adequate hydrologic and geomorphic data to establish
3882 that the boundary between the hydrogeomorphic classes lies outside of the footprint of
3883 the impacts.

3884 F. For temporary alterations to a wetland or its buffer that are predominately
3885 woody vegetation, the department may require mitigation in addition to restoration of the
3886 altered wetland or buffer; and

3887 G. Mitigation of an alteration to a buffer of a wetland that occurs along an
3888 aquatic area lake shoreline in accordance with an allowed alteration under this chapter
3889 shall include, but is not limited to, on-site revegetation, maintenance and other restoration
3890 of the buffer or setback area to the maximum extent practical(~~and~~

3891 ~~H. The department may consider two or more contiguous sites under common~~
3892 ~~ownership and located in the same drainage subbasin, as one site for the purpose of~~
3893 ~~mitigation ratios)).~~

3894 SECTION 56. Ordinance 15051, Section 192 and K.C.C. 21A.24.355 are each
3895 hereby amended to read as follows:

3896 A. Aquatic areas are categorized or "typed" as follows:

3897 1. Type S waters include all aquatic areas inventoried as "shorelines of the state"
3898 under King County's Shoreline Master Program, K.C.C. Title 25, in accordance with
3899 chapter 90.58 RCW, including segments of streams where the mean annual flow is more
3900 than twenty cubic feet per second, marine shorelines and lakes twenty acres in size or
3901 greater;

3902 2. Type F waters include all segments of aquatic areas that are not type S waters
3903 and that contain fish or fish habitat, including waters diverted for use by a federal, state or
3904 tribal fish hatchery from the point of diversion for one-thousand-five-hundred feet or the
3905 entire tributary if the tributary is highly significant for protection of downstream water
3906 quality;

3907 3. Type N waters include all segments of aquatic areas that are not type S or F
3908 waters and that are physically connected to type S or F waters by an above-ground
3909 channel system, stream or wetland; and

3910 4. Type O waters include all segments of aquatic areas that are not type S, F or
3911 N waters and that are not physically connected to type S, F or N waters by an above-
3912 ground channel system, pipe or culvert, stream or wetland.

3913 B. For the purposes of the water types in subsection A. of this section, an above-
3914 ground channel system is considered to be present if the one-hundred year floodplains of
3915 both the contributing and receiving waters are connected.

3916 C. The department may determine that an area upstream of a legal human-made
3917 barrier is not fish habitat considering the following factors:

3918 1. The human-made barrier is located beneath public infrastructure that is
3919 unlikely to be replaced and it is not feasible to remove the barrier without removing the
3920 public infrastructure;

3921 2. The human-made barrier is in the Urban Growth Area established by the
3922 King County Comprehensive Plan and is located beneath one or more dwelling units and
3923 it is not feasible to remove the barrier without removing the dwelling unit;

3924 3. The human-made barrier is located in a subbasin that is not designated "high"
3925 on the Basin and Shoreline Conditions Map which is included as Attachment A to this
3926 ordinance; or

3927 4. The human-made barrier is not identified for removal by a public agency or
3928 in an adopted watershed plan.

3929 SECTION 57. Ordinance 15051, Section 193 and K.C.C. 21A.24.358 are each
3930 hereby amended to read as follows:

3931 A. Aquatic area buffers shall be measured as follows:

3932 1. From the ordinary high water mark or from the top of bank if the ordinary
3933 high water mark cannot be identified;

3934 2. If the aquatic area is located within a mapped severe channel migration area,
3935 the aquatic area buffer width shall be the greater of the aquatic area buffer width as
3936 measured consistent with subsection A.1. of this section or the outer edge of the severe
3937 channel migration area; or

3938 3. If the aquatic area buffer includes a steep slope hazard area or landslide
3939 hazard area, the aquatic area buffer width is the greater of either the aquatic area buffer in
3940 this section or twenty-five feet beyond the top of the hazard area.

3941 B. Within the Urban Growth Area, aquatic area buffers shall be as follows:

3942 1. A type S or F aquatic area buffer is one-hundred-fifteen-feet;

3943 2. A type S or F aquatic area buffer in a basin or shoreline designated as "high"
3944 on the Basin and Shoreline Conditions Map is one-hundred-sixty-five-feet;

3945 3. A type N aquatic area buffer is sixty-five-feet; and

3946 4. A type O aquatic area buffer is twenty-five-feet.

3947 C. Outside the Urban Growth Area, aquatic area buffers shall be as follows:

3948 1. A type S or F aquatic area buffer is one-hundred-sixty-five-feet;

3949 2. A type N aquatic area buffer is sixty-five-feet; and

3950 3. A type O aquatic area buffer is twenty-five-feet.

3951 D. Within the Bear Creek drainage basin a type N aquatic area buffer in a

3952 designated regionally significant resource area is one-hundred-feet.

3953 E. The department may approve a modification of buffer widths if:

3954 1. The department determines that through buffer averaging the ecological

3955 structure and function of the resulting buffer is equivalent to or greater than the structure

3956 and function before averaging and meets the following standards:

3957 a. The total area of the buffer is not reduced;

3958 b. The buffer area is contiguous; and

3959 c. Averaging does not result in the reduction of the minimum buffer for the

3960 buffer area waterward of the top of the associated steep slopes or for a severe channel

3961 migration hazard area;

3962 2. The applicant demonstrates that the buffer cannot provide certain functions

3963 because of soils, geology or topography, provided that the department shall establish

3964 buffers which protect the remaining ecological functions that the buffer can provide;

3965 3. The site is zoned RA and is subject to an approved rural stewardship plan. In

3966 modifying the buffers, the department shall consider factors such as, the basin and

3967 shoreline condition, the location of the site within the basin and shoreline, the buffer

3968 condition and the amount of clearing;

3969 4. A legally established roadway transects an aquatic area buffer, the roadway
3970 edge closest to aquatic area shall be the extent of the buffer, if the part of the buffer on
3971 the other side of the roadway provides insignificant biological or hydrological function in
3972 relation to the portion of the buffer adjacent to the aquatic area; and

3973 5. The aquatic area is created or its type is changed as a result of enhancement
3974 or restoration projects that are not mitigation for a development proposal or alteration.

3975 SECTION 58. Ordinance 15051, Section 195 and K.C.C. 21A.24.365 are each
3976 hereby amended to read as follows:

3977 The following development standards apply to development proposals and
3978 alterations on sites containing aquatic areas or their buffers:

3979 A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the
3980 alterations identified in K.C.C. 21A.24.045 are allowed in aquatic areas and aquatic area
3981 buffers;

3982 B. Grading for allowed alterations in aquatic area buffers is only allowed from
3983 May 1 to October 1. This period may be modified when the department determines it is
3984 necessary along marine shorelines to protect critical forage fish and salmonid migration
3985 or as provided in K.C.C. 16.82.095;

3986 C. The moisture-holding capacity of the topsoil layer on all areas of the site not
3987 covered by impervious surfaces should be maintained by:

3988 1. Minimizing soil compaction, or

3989 2. Reestablishing natural soil structure and the capacity to infiltrate;

3990 D. New structures within an aquatic area buffer should be sited to avoid the
3991 creation of future hazard trees and to minimize the impact on groundwater movement;
3992 ((and))

3993 E. To the maximum extent practical:

3994 1. The soil duff layer should not be disturbed, but if disturbed, should be
3995 redistributed to other areas of the project site where feasible;

3996 2. A spatial connection should be provided between vegetation within and
3997 outside the aquatic area buffer to prevent creation of wind throw hazards; and

3998 3. Hazard trees should be retained in aquatic area buffers and either topped or
3999 pushed over toward the aquatic area; and

4000 G. If a restoration, enhancement or mitigation project proposes to place large
4001 woody debris waterward of the ordinary high water mark of a Type S aquatic area, the
4002 applicant shall consider the potential for recreational hazards in project design.

4003 SECTION 59. Ordinance 10870, Section 485, as amended, and K.C.C.
4004 21A.24.380 are each hereby amended to read as follows:

4005 In addition the requirements in K.C.C. 21A.24.130, 21A.24.125 and 21A.24.133,
4006 the following applies to mitigation to compensate for the adverse impacts associated with
4007 an alteration to an aquatic area or aquatic area buffer:

4008 A. Mitigation measures must achieve equivalent or greater aquatic area functions
4009 including, but not limited to:

4010 1. Habitat complexity, connectivity and other biological functions;

4011 2. Seasonal hydrological dynamics, water storage capacity and water quality;

4012 and

4013 3. Geomorphic and habitat processes and functions;

4014 B. To the maximum extent practical, permanent alterations that require
4015 restoration or enhancement of the altered aquatic area, aquatic area buffer or another
4016 aquatic area or aquatic area buffer must consider the following design factors, as
4017 applicable to the function being mitigated:

4018 1. The natural channel or shoreline reach dimensions including its depth, width,
4019 length and gradient;

4020 2. The horizontal alignment and sinuosity;

4021 3. The channel bed, sea bed or lake bottom with identical or similar substrate
4022 and similar erosion and sediment transport dynamics;

4023 4. Bank and buffer configuration and erosion and sedimentation rates; and

4024 5. Similar vegetation species diversity, size and densities in the channel, sea bed
4025 or lake bottom and on the riparian bank or buffer;

4026 C. Mitigation to compensate for adverse impacts shall meet the following
4027 standards:

4028 1. Not upstream of a barrier to fish passage;

4029 2. Is equal or greater in biological function; and

4030 3. To the maximum extent practical is located on the site of the alteration or
4031 within one-half mile of the site and in the same aquatic area reach at a 1:1 ratio of area of
4032 mitigation to area of alteration; or

4033 4. Is located in the same aquatic area drainage subbasin or marine shoreline and
4034 attains the following ratios of area of functional mitigation to area of alteration:

4035 a. a 3:1 ratio for a type S or F aquatic area; and

4036 b. a 2:1 ratio for a type N or O aquatic area;

4037 D. For purposes of subsection C. of this section, a mitigation measure is in the
4038 same aquatic area reach if the length of aquatic area shoreline meets the following
4039 criteria:

4040 1. Similar geomorphic conditions including slope, soil, aspect and substrate;

4041 2. Similar processes including erosion and transport of sediment and woody
4042 debris;

4043 3. Equivalent or better biological conditions including invertebrates, fish,
4044 wildlife and vegetation; and

4045 4. Equivalent or better biological functions including mating, reproduction,
4046 rearing, migration and refuge; or

4047 5. For tributary streams, a distance of no more than one-half mile;

4048 E. The department may reduce the mitigation ratios in subsection C. of this
4049 section to 2:1 ratio for a type S or F aquatic area and 1.5:1 ratio for a type N or O aquatic
4050 area if the applicant provides a scientifically rigorous mitigation monitoring program that
4051 includes the following elements:

4052 1. Monitoring methods that ensure that the mitigation meets the approved
4053 performance standards identified by the department;

4054 2. Financing or funding guarantees for the duration of the monitoring program;
4055 and

4056 3. Experienced, qualified staff to perform the monitoring;

4057 F. For rectifying an illegal alteration to any type of aquatic area or its buffer,
4058 mitigation measures must meet the following standards:

4059 1. Located on the site of the illegal alteration at a 1:1 ratio of area of mitigation
4060 to area of alteration; and

4061 2. To the maximum extent practical, replicates the natural prealteration
4062 configuration at its natural prealteration location including the factors in subsection B. of
4063 this section; and

4064 G. The department may modify the requirements in this section if the applicant
4065 demonstrates that, with respect to each aquatic area function, greater functions can be
4066 obtained in the affected hydrologic unit that the department may determine to be the
4067 drainage subbasin through alternative mitigation measures.

4068 H. For temporary alterations to an aquatic area or its buffer that is predominately
4069 woody vegetation, the department may require mitigation in addition to restoration of the
4070 altered aquatic area or buffer.

4071 NEW SECTION. SECTION 60. A new section is hereby added to K.C.C.
4072 Chapter 21A.24 to read as follows:

4073 The department shall only approve an aquatic habitat restoration project that is
4074 proposed for a site located within the agricultural production districts as follows:

4075 A. The project shall be located on agricultural lands that the department of
4076 natural resources and parks determines:

4077 1.a. Are unsuitable for direct agricultural production purposes, such as portions
4078 of property that have not historically been farmed due to soil conditions or frequent
4079 flooding and that it determines cannot be returned to productivity by drainage
4080 maintenance; or

- 4081 b. The proposed project would result in a net benefit to agricultural
4082 productivity in the agricultural production district;
- 4083 2. The project will not reduce the ability to farm in the area; and
4084 3. Agriculture will remain the predominant use in the agricultural production
4085 district;
- 4086 B. The applicant shall demonstrate to the satisfaction of the department that there
4087 are no other suitable land outside the agricultural production district that is available for
4088 the project;
- 4089 C. The department shall hold a public meeting to solicit input from the property
4090 owners affected by the project; and
- 4091 D. The department shall determine that the project:
- 4092 1. The project is included in an approved Water Resources Inventory Area Plan,
4093 Farm Management Plan, Flood Hazard Management Plan, or other King County
4094 functional plan; or
- 4095 2. Based on the recommendation of the department of natural resources and
4096 parks, the project would improve agricultural productivity within the agricultural
4097 productions district.

4098 SECTION 61. Ordinance 14187, Section 1, as amended, and K.C.C. 21A.24.500
4099 are each hereby amended to read as follows:

4100 A.1. A property owner or the property owner's agent may request a critical area
4101 designation for part or all of a site, without seeking a permit for a development proposal,
4102 by filing with the department a written application for a critical area designation on a
4103 form provided by the department. If the request is for review of a portion of a site, the

4104 application shall include a map identifying the portion of the site for which the
4105 designation is sought.

4106 2. ~~((The designation is limited to the following determinations:~~

4107 a. ~~The existence, location, and boundaries of any aquatic area, wetland, critical~~
4108 ~~aquifer recharge area, coal mine hazard area, landslide hazard area or steep slope on the~~
4109 ~~site; and~~

4110 b. ~~The classification of any aquatic area or wetland.~~

4111 3.)) The designation may include an evaluation or interpretation of the
4112 applicability of critical area buffers and other critical area standards to a future
4113 development proposal.

4114 B. In preparing the critical area designation, the department shall perform a
4115 critical area review to:

4116 1. Determine whether any critical area ~~((that is subject to this designation~~
4117 ~~process))~~ exists on the site and confirm its type, location, boundaries and classification;

4118 2. Determine whether a critical area report is required to identify and
4119 characterize the location, boundaries and classification of the critical area;

4120 3. Evaluate the critical area report, if required; and

4121 4. Document the existence, location and classification of any critical area ~~((that~~
4122 ~~is subject to this designation process))~~.

4123 C. If required by the department, the applicant for a critical area designation shall
4124 prepare and submit to the department the critical area report required by subsection B.2.
4125 of this section. For sites zoned for single detached dwelling units involving wetlands or

4126 aquatic areas, the applicant may elect to have the department conduct the special study in
4127 accordance with K.C.C. Title 27;

4128 D. The department shall make the determination of a critical area designation in
4129 writing within one hundred twenty days after the application for a critical area
4130 designation is complete, as provided in K.C.C. 20.20.050. The periods in K.C.C.
4131 20.20.100A.1. through 5. are excluded from the one-hundred-twenty-day period. The
4132 written determination made under this section as to the existence, location, classification
4133 of a critical area and critical area buffers is effective for five years from the date the
4134 determination is issued if there has been no change in site conditions. The department
4135 shall rely on the determination of the existence, location and classification of the critical
4136 area and the critical area buffer in its review of a complete application for a permit or
4137 approval filed within five years after the determination is issued. If the determination
4138 applies to less than an entire site, the determination shall clearly identify the portion of
4139 the site to which the determination applies.

4140 E. If the department designates critical areas on a site under this section, the
4141 applicant for a development proposal on that site shall submit proof that a critical area
4142 notice has been filed as required by K.C.C. 21A.24.170. Except as provided in this
4143 subsection, the department's determination under this section is final. If the department
4144 relies on a critical area designation made under this section during its review of an
4145 application for a permit or other approval of a development proposal and the permit or
4146 other approval is subject to an administrative appeal, any appeal of the designation shall
4147 be consolidated with and is subject to the same appeal process as the underlying
4148 development proposal. If the King County hearing examiner makes the county's final

4149 decision with regard to the permit or other approval type for the underlying development
4150 proposal, the hearing examiner's decision constitutes the county's final decision on the
4151 designation. If the King County council, acting as a quasi-judicial body, makes the
4152 county's final decision with regard to the permit or other approval type for the underlying
4153 development proposal, the King County council's decision constitutes the county's final
4154 decision on the designation.

4155 SECTION 62. Ordinance 15051, Section 230 and K.C.C. 21A.24.515 are each
4156 hereby amended to read as follows:

4157 The department of natural resources and parks, in consultation with the
4158 department of development and environmental services, shall conduct monitoring ~~((in~~
4159 ~~one or two subbasins))~~ to evaluate the effect of this ordinance on ~~((wetland))~~ protecting
4160 the functions and values of critical areas. ~~((The departments shall file a status report on~~
4161 ~~the monitoring with the clerk of the council for distribution to the chair of the growth~~
4162 ~~management and unincorporated areas committee, or its successor committee, not later~~
4163 ~~than January 1, 2007. The departments shall file a final report on the monitoring with the~~
4164 ~~clerk of the council for distribution to the chair of the growth management and~~
4165 ~~unincorporated areas committee, or its successor committee, not later than January 1,~~
4166 ~~2010.))~~

4167 SECTION 63. Ordinance 11621, Section 90 and K.C.C. 21A.28.154 are each
4168 hereby amended to read as follows:

4169 A. There is hereby created a School Technical Review Committee (STRC) within
4170 King County. The Committee shall consist of ~~((4))~~ three county staff persons, one each
4171 from the department of development and environmental services, ~~((the planning and~~

4172 ~~community development division,))~~ the office of financial management and the county
4173 council.

4174 B. The Committee shall be charged with reviewing each school district's capital
4175 facilities plan, enrollment projections, standard of service, the district's overall capacity
4176 for the next six (6) years to ensure consistency with the Growth Management Act, King
4177 County Comprehensive Plan, and adopted community plans, and the district's calculation
4178 and rationale for proposed impact fees.

4179 C. Notice of the time and place of the Committee meeting where the district's
4180 documents will be considered shall be provided to the district.

4181 D. At the meeting where the Committee will review or act upon the district's
4182 documents, the district shall have the right to attend or to be represented, and shall be
4183 permitted to present testimony to the Committee. Meetings shall also be open to the
4184 public.

4185 E. In its review, the Committee shall consider the following factors:

4186 1. Whether the district's forecasting system for enrollment projections has been
4187 demonstrated to be reliable and reasonable.

4188 2. The historic levels of funding and voter support for bond issues in the district;

4189 3. The inability of the district to obtain the anticipated state funding or to
4190 receive voter approval for district bond issues;

4191 4. An emergency or emergencies in the district which required the closing of a
4192 school facility or facilities resulting in a sudden and unanticipated decline in districtwide
4193 capacity; and

4194 5. The standards of service set by school districts in similar types of
4195 communities. While community differences will be permitted, the standard established
4196 by the district should be reasonably consistent with the standards set by other school
4197 districts in communities of similar socioeconomic profile.

4198 6. The Committee shall consider the standards identified by the state concerning
4199 the ratios of certificated instructional staff to students.

4200 F. In the event that the district's standard of service reveals a deficiency in its
4201 current facilities, the Committee shall review the district's capital facilities plan to
4202 determine whether the district has identified all sources of funding necessary to achieve
4203 the standard of service.

4204 G. The district in developing the Financing Plan Component of the Capital
4205 Facilities Plan shall plan on a six-year horizon and shall demonstrate its best efforts by
4206 taking the following steps:

4207 1. Establish a six-year financing plan, and propose the necessary bond issues
4208 and levies required by and consistent with that plan and as approved by the school board
4209 and consistent with RCW 28A.53.020 and RCW 84.52.052 and .056 as amended; and

4210 2. Apply to the state for funding, and comply with the state requirement for
4211 eligibility to the best of the district's ability.

4212 H. The Committee is authorized to request the school district to review and to
4213 resubmit its capital facilities plan, or to establish a different standard of service, or to
4214 review its capacity for accommodating new students, under the following circumstances:

4215 1. The standard of service established by the district is not reasonable in light of
4216 the factors set forth in subsection E of this section.

4217 2. The Committee finds that the district's standard of service cannot reasonably
4218 be achieved in light of the secured financial commitments and the historic levels of
4219 support in the district; or

4220 3. Any other basis which is consistent with the provisions of this section.

4221 I. The Committee shall prepare and submit an annual report to the King County
4222 council for each school district recommending a certification of concurrency in the
4223 district, except as provided in Subsection L of this section using the school concurrency
4224 standard as set forth in K.C.C. 21A.28.160. If a school district fails to submit its capital
4225 facilities plan for review by the STRC, King County shall assume the district has
4226 adequate capacity to accommodate growth for the following six years.

4227 J. The Committee shall submit copies of its recommendation of concurrency for
4228 each school district to the director of DDES, to the hearing examiner, and to the district.

4229 K. The committee shall recommend to the council a comprehensive plan
4230 amendment adopting the district's capital facilities plan as part of the comprehensive
4231 plan, for any plan which the Committee concludes accurately reflects the district's
4232 facilities status.

4233 L. In the event that after reviewing the district's capital facilities plan and other
4234 documents, the Committee is unable to recommend certifying concurrency in a school
4235 district, the Committee shall submit a statement to the council, the director and the
4236 hearing examiner stating that the Committee is unable to recommend certifying
4237 concurrency in a specific school district. The Committee shall recommend to the
4238 executive that he propose to the council, amendments to the land use element of the King
4239 County Comprehensive Plan or amendments to the development regulations

4240 implementing the plan to more closely conform county land use plans and school
4241 facilities plans, including but not limited to requiring mandatory phasing of plats, UPDs
4242 or multifamily development located within the district's boundary. The necessary draft
4243 amendments shall accompany such recommendations.

4244 SECTION 64. Ordinance 10870, Section 563, as amended, and K.C.C.

4245 21A.34.040 are each hereby amended to read as follows:

4246 A. The public benefits eligible to earn increased densities, and the maximum
4247 incentive to be earned by each benefit, are in subsection F of this section. The density
4248 incentive is expressed as additional bonus dwelling unit, or fractions of dwelling units,
4249 earned per amount of public benefit provided.

4250 B. Bonus dwelling units may be earned through any combination of the listed
4251 public benefits.

4252 C. The guidelines for affordable housing bonuses including the establishment of
4253 rental levels, housing prices and asset limitations, will be updated and adopted annually
4254 by the council in the consolidated housing and community development plan.

4255 D. Bonus dwelling units may also be earned and transferred to the project site
4256 through the transfer of development rights (TDR) program established in K.C.C. chapter
4257 21A.37, by providing any of the open space, park site or historic preservation public
4258 benefits set forth in subsection F.2. or 3. of this section on sites other than that of the RDI
4259 development.

4260 E. Residential development in R-4 through R-48 zones with property specific
4261 development standards requiring any public benefit enumerated in this chapter, shall be
4262 eligible to earn bonus dwelling units in accordance with subsection F of this section if the

4263 public benefits provided exceed the basic development standards of this title. If a
4264 development is located in a special overlay district, bonus units may be earned if the
4265 development provides public benefits exceeding corresponding standards of the special
4266 district.

4267 F. The following are the public benefits eligible to earn density incentives
4268 through RDI review:

BENEFIT

DENSITY INCENTIVE

1. AFFORDABLE HOUSING

a. Benefit units consisting of rental housing permanently priced to serve nonsenior citizen low-income households (that is no greater than 30 percent of gross income for households at or below 50 percent of King County median income, adjusted for household size). A covenant on the site that specifies the income level being served, rent levels and requirements for reporting to King County shall be recorded at final approval.

1.5 bonus units per benefit unit, up to a maximum of 30 low-income units per five acres of site area; projects on sites of less than five acres shall be limited to 30 low-income units.

BENEFIT

DENSITY INCENTIVE

b. Benefit units consisting of rental housing designed and permanently priced to serve low-income senior citizens (that is no greater than 30 percent of gross income for 1- or 2-person households, 1 member of which is 62 years of age or older, with incomes at or below 50 percent of King County median income, adjusted for household size). A covenant on the site that specifies the income level being served, rent levels and requirements for reporting to King County shall be recorded at final approval.

1.5 bonus units per benefit unit, up to a maximum of 60 low-income units per five acres of site area; projects on sites of less than five acres shall be limited to 60 low-income units.

c. Benefit units consisting of senior citizen assisted housing units 600 square feet or less.

1 bonus unit per benefit unit

BENEFIT

DENSITY INCENTIVE

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

0.75 bonus unit per benefit unit.

BENEFIT

DENSITY INCENTIVE

e. Benefit units consisting of moderate income housing reserved for income and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing with prices restricted based on typical underwriting ratios and other lending standards, and with a 15 year restriction binding prices and eligibility on resale to qualified moderate income purchasers. Final approval conditions shall specify requirements for reporting to King County on both buyer eligibility and housing prices.

1 bonus unit per benefit unit.

BENEFIT

DENSITY INCENTIVE

f. Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing, with prices restricted to same income group, based on current underwriting ratios and other lending standards for 30 years from date of first sale. A covenant on the site that specifies the income level and other aspects of buyer eligibility, price levels and requirements for reporting to King County shall be recorded at final approval.

1.5 bonus units per benefit unit.

BENEFIT

DENSITY INCENTIVE

g. Projects in which 100 percent of the units are reserved for moderate income - and asset-qualified buyers (total household income at or below 80 percent of the King County median, adjusted for household size). All units shall be limited to owner-occupied housing with prices restricted based on current underwriting ratios and other lending standards, and with prices restricted to same income group, for 15 years from date of first sale. Final approval conditions shall specify requirements for reporting to King County on both buyer eligibility and housing prices.

200 percent of the base density of the underlying zone. Limited to parcels 5 acres or less in size and located in the R-4 through R-8 zones. Housing types in the R-4 or R-6 zones shall be limited to structures containing four or less units, except for townhouses. Such RDI proposals shall not be eligible to utilize other RDI bonus density incentives listed in this section.

h. Benefit units consisting of mobile home park space or pad reserved for the relocation of an insignia or noninsignia mobile home, that has been or will be displaced due to closure of a mobile home park located in incorporated or unincorporated King County.

1.0 bonus unit per benefit unit.

BENEFIT

DENSITY INCENTIVE

2. OPEN SPACE, TRAILS AND PARKS

a. Dedication of park site or trail right-of-way meeting King County location and size standards for neighborhood, community or regional park, or trail, and accepted by the parks division.

0.5 bonus unit per acre of park area or quarter-mile of trail exceeding the minimum requirement of K.C.C. 21A.14 for on-site recreation space or trail corridors, computed on the number of dwelling units permitted by the site's base density.

b. Improvement of dedicated park site to King County standards for developed parks.

0.75 bonus unit per acre of park improvement. If the applicant is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.

BENEFIT

DENSITY INCENTIVE

c. Improvement of dedicated trail segment to King County standards.

1.8 bonus units per quarter mile of trail constructed to county standard for pedestrian trails; or

2.5 bonus units per quarter mile of constructed to county standard for multipurpose trails (pedestrian/bicycle/equestrian).

Shorter segments shall be awarded bonus units on a pro rata basis. If the applicant is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.

BENEFIT

DENSITY INCENTIVE

d. Dedication of open space, meeting King County acquisition standards to the county or a qualified public or private organization such as a nature conservancy.	0.5 bonus unit per acre of open space.
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3. HISTORIC PRESERVATION

a. Dedication of a site containing an historic landmark in accordance with K.C.C. chapter 20.62, to King County or a qualifying nonprofit organization capable of restoring and/or maintaining the premises to standards set by the King County landmarks commission.	0.5 bonus unit per acre of historic site.
b. Restoration of a site or structure designated as an historic landmark in accordance with K.C.C. chapter 20.62 to a specific architectural or site plan approved by the King County landmarks commission.	0.5 bonus unit per acre of site or one thousand square feet of floor area of building restored.

BENEFIT

DENSITY INCENTIVE

4. ENERGY CONSERVATION

a. Benefit units that incorporate conservation features in the construction of all on-site dwelling units heated by electricity that save at least 20 percent of space heat energy use from the maximum permitted by the Northwest Energy Code, as amended. No more than 50 percent of the required savings may result from the installation of heat pumps. None of the required savings shall be achieved by reduction of glazing area below 15 percent of floor area. Energy use shall be expressed as allowable energy load per square foot or as total transmittance (UA).

0.15 bonus unit per benefit unit that achieves the required savings.

BENEFIT

DENSITY INCENTIVE

b. Benefit units that incorporate conservation features in the construction of all on-site dwelling units heated by natural gas, or other nonelectric heat source, that save at least 25 percent of space heat energy use from the maximum permitted by the Northwest Energy Code, as amended. None of the required savings shall be achieved by reduction of glazing area below 15 percent of floor area. Energy use shall be expressed as allowable energy load per square foot or as total transmittance (UA).

0.10 bonus unit per benefit unit that achieves the required savings.

c. Developments located within ~~((1/4))~~ 1/2 mile of transit routes served on at least a half-hourly basis during the peak hours and hourly during the daytime nonpeak hours or within 1/2 mile of a light rail transit or commuter rail station.

10 percent increase above the base density of the zone.

BENEFIT

DENSITY INCENTIVE

5. PUBLIC ART

a. Devoting 1% of the project budget to public art on site.

5 percent increase above the base density of the zone.

b. Contributing 1% of the project budget to the King County public art fund for development of art projects. The contribution shall be used for projects located within a one mile radius of the development project.

5 percent increase above the base density of the zone.

BENEFIT

DENSITY INCENTIVE

6. COTTAGE HOUSING

Provision of three to sixteen detached cottage units clustered around at least one common open space.

Two hundred percent of the base density of the underlying zone. Limited to parcels in the R4-R8 zones. Such RDI proposals shall not be eligible to utilize other RDI bonus density incentives listed in this section.

7. COMPACT HOUSING

In R and UR zones, for the construction of detached single family homes 1500 square feet or smaller and for new manufactured housing units.

One hundred fifty percent of the base density of the underlying zone.

8. WALKABLE COMMUNITIES

BENEFIT

DENSITY INCENTIVE

In commercial centers located inside
the urban growth area, as part of a
development proposal that includes elements
of walkable design and transit oriented
development.

Two hundred percent of the base
density of the underlying zone

4269 If proposed energy conservation bonus units of this section are reviewed in
4270 conjunction with a subdivision or a short subdivision, the applicant shall provide data and
4271 calculations for a typical house of the type to be built in the development that
4272 demonstrates to the department's satisfaction how the required savings will be achieved.
4273 A condition of approval shall be recorded with the plat and shown on the title of each lot
4274 specifying the required energy savings that must be achieved in the construction of the
4275 dwelling unit. The plat notation shall also specify that the savings shall be based on the
4276 energy code in effect at the time of preliminary plat application. (15032 § 38, 2004: Ord.
4277 14190 § 36, 2001: Ord. 14045 § 56, 2001: Ord. 10870 § 563, 1993).

4278 SECTION 65. Ordinance 13274, Section 1, as amended, and K.C.C. 21A.37.010
4279 are each hereby amended to read as follows:

4280 A. The purpose of the transfer of development rights program is to transfer
4281 residential density from ~~((eligible))~~ eligible sending sites to eligible receiving sites
4282 through a voluntary process ~~((for))~~ that permanently ~~((preserving))~~ preserves rural,
4283 resource and urban separator lands that provide a public benefit. The TDR provisions

4284 are intended to supplement land use regulations, resource protection efforts and open
4285 space acquisition programs and to encourage increased residential development density
4286 or increased commercial square footage, especially inside cities, where it can best be
4287 accommodated with the least impacts on the natural environment and public services by:

4288 1. Providing an effective and predictable incentive process for property owners
4289 of rural, resource and urban separator land to preserve lands with a public benefit as
4290 described in K.C.C. 21A.37.020; and

4291 2. Providing an efficient and streamlined administrative review system to ensure
4292 that transfers of development rights to receiving sites are evaluated in a timely way and
4293 balanced with other county goals and policies, and are adjusted to the specific conditions
4294 of each receiving site.

4295 B. The TDR provisions in this chapter shall only apply to TDR receiving site
4296 development proposals submitted on or after September 17, 2001, and applications for
4297 approval of TDR sending sites submitted on or after September 17, 2001.

4298 SECTION 66. Ordinance 13274, Section 4, as amended, and K.C.C. 21A.37.020
4299 are each hereby amended to read as follows:

4300 A. For the purpose of this chapter, sending site means the entire tax lot or lots
4301 qualified under subsection B of this section. Sending sites may only be located within
4302 rural or resource lands or urban separator areas with R-1 zoning, as designated by the
4303 King County Comprehensive Plan ~~((and cannot be))~~. Except for lands zoned RA that are
4304 managed by the Washington State Department of Natural Resources as state grant or state
4305 forest lands, lands in public ownership may not be sending sites. If the sending site
4306 consists of more than one tax lot, the lots must be contiguous. For purposes of this

4307 section, lots divided by a street are considered contiguous if the lots would share a
4308 common lot line if the street was removed; this provision may be waived by the
4309 interagency committee if the total acreage of a rural or resource sending site application
4310 exceeds one hundred acres. A sending site shall be maintained in a condition that is
4311 consistent with the criteria in this section under which the sending was qualified.

4312 B. Qualification of a sending site shall demonstrate that the site contains a public
4313 benefit such that preservation of that benefit by transferring residential development
4314 rights to another site is in the public interest. A sending site must meet at least one of the
4315 following criteria:

4316 1. Designation in the King County Comprehensive Plan or a functional plan as
4317 an agricultural production district or zoned A;

4318 2. Designation in the King County Comprehensive Plan or a functional plan as
4319 forest production district or zoned F;

4320 3. Designation in the King Count Comprehensive Plan as rural residential,
4321 zoned

4322 RA-2.5, RA-5 or RA-10, and meeting the definition in RCW 84.34.020 of open space,
4323 farm and agricultural land, or timber land;

4324 4. Designation in the King County Comprehensive Plan or a functional plan as
4325 within the rural forest focus area and zoned RA with a minimum of fifteen acres of
4326 forested land that is not encumbered through King County's development rights purchase
4327 program;

4328 5. Designation in the King County Comprehensive Plan, or a functional plan as
4329 a proposed rural or resource area regional trail or rural or resource area open space site,
4330 through either:

- 4331 a. designation of a specific site; or
- 4332 b. identification of proposed rural or resource area regional trails or rural or
4333 resource area open space sites which meet adopted standards and criteria, and for rural or
4334 resource area open space sites, meet the definition of open space land, as defined in RCW
4335 84.34.020;

4336 6. Identification as habitat for federal listed endangered or threatened species in
4337 a written determination by the King County department of natural resources and parks*,
4338 Washington state Department of Fish and Wildlife, United States Fish and Wildlife
4339 Services or a federally recognized tribe that the sending site is appropriate for
4340 preservation or acquisition; or

4341 7. Designation in the King County Comprehensive Plan as urban separator and
4342 zoned R-1.

4343 C. For the purposes of the TDR program, acquisition means obtaining fee simple
4344 rights in real property, or a less than a fee simple right in a form that preserves in
4345 perpetuity the public benefit supporting the designation or qualification of the property as
4346 a sending site.

4347 D. If a sending site has any outstanding code violations, the person responsible
4348 for code compliance should resolve these violations, including any required abatement,
4349 restoration, or payment of civil penalties, before a TDR sending site may be qualified by
4350 the interagency review committee created under K.C.C. 21A.37.070. However, the

4351 interagency may qualify and certify a TDR sending site with outstanding code violations
4352 if the person responsible for code compliance has made a good faith effort to resolve the
4353 violations and the proposal is in the public interest.

4354 E. For lots on which the entire lot or a portion of the lot has been cleared or
4355 graded in accordance with a Class II, III or IV special forest practice as defined in chapter
4356 76.09 RCW within the six years prior to application as a TDR sending site, the applicant
4357 must provide an affidavit of compliance with the reforestation requirements of the Forest
4358 Practices Act, and any additional reforestation conditions of their forest practice permit.
4359 Lots on which the entire lot or a portion of the lot has been cleared or graded without any
4360 required forest practices or county authorization, shall be not qualified or certified as a
4361 TDR sending site for six years unless the six-year moratorium on development
4362 applications has been lifted or waived or the landowner has a reforestation plan approved
4363 by the state Department of Natural Resources and King County.

4364 SECTION 67. Ordinance 13274, Section 5, as amended, and K.C.C. 21A.37.030
4365 are each hereby amended to read as follows:

4366 A. Receiving sites shall be:

4367 1. King County unincorporated urban sites, except as limited in subsection D. of
4368 this section, zoned R-4 through R-48, NB, CB, RB or O, or any combination thereof.

4369 The sites may also be within potential annexation areas established under the countywide
4370 planning policies; or

4371 2. Cities where new growth is or will be encouraged under the Growth
4372 Management Act and the countywide planning policies and where facilities and services
4373 exist or where public investments in facilities and services will be made, or

4374 3. RA-2.5 zoned parcels, except as limited in subsection E. of this section, that
4375 meet the criteria listed in this subsection A.3. may receive development rights transferred
4376 from rural forest focus areas, and accordingly may be subdivided and developed at a
4377 maximum density of one dwelling per two and one-half acres. Increased density allowed
4378 through the designation of rural receiving areas:

4379 a. must be eligible to be served by domestic Group A public water service;

4380 b. must be located within one-quarter mile of an existing predominant pattern
4381 of rural lots smaller than five acres in size;

4382 c. must not adversely impact regionally or locally significant resource areas or
4383 critical areas;

4384 d. must not require public services and facilities to be extended to create or
4385 encourage a new pattern of smaller lots;

4386 e. must not be located within rural forest focus areas; and

4387 f. must not be located on Vashon Island or Maury Island.

4388 B. Except as provided in this chapter, development of an unincorporated King
4389 County receiving site shall remain subject to all zoning code provisions for the base zone,
4390 except TDR receiving site developments shall comply with dimensional standards of the
4391 zone with a base density most closely comparable to the total approved density of the
4392 TDR receiving site development.

4393 C. An unincorporated King County receiving site may accept development rights
4394 from one or more sending sites, up to the maximum density permitted under K.C.C.
4395 21A.12.030 and 21A.12.040.

4396 D. Property located within the outer boundaries of the Noise Remedy Areas as

4397 identified by the Seattle-Tacoma International Airport may not accept development
4398 rights.

4399 E. Property located within the shorelands, as defined in RCW 90.58.020, or
4400 located on Vashon Island or Maury Island may not accept development rights.

4401 SECTION 68. Ordinance 13274, Section 6, as amended, and K.C.C. 21A.37.040
4402 are each hereby amended to read as follows:

4403 A. The number of residential development rights that an unincorporated sending
4404 site is eligible to send to a receiving site shall be determined by applying the TDR
4405 sending site base density established in subsection D. of this section to the area of the
4406 sending site, after deducting the area associated with any existing development, any
4407 retained development rights and any portion of the sending site already in a conservation
4408 easement or other similar encumbrance (~~(has been deducted)~~). For each existing
4409 dwelling unit or retained development right, the sending site area shall be reduced by the
4410 minimum lot size for that zone under K.C.C. 21A.12.030.

4411 B. Any fractions of development rights that result from the calculations in
4412 subsection A. of this section shall not be included in the final determination of total
4413 development rights available for transfer.

4414 C. For purposes of calculating the amount of development rights a sending site
4415 can transfer, the amount of land contained within a sending site shall be determined as
4416 follows:

4417 1. If the sending site is an entire tax lot, the square footage or acreage shall be
4418 determined:

4419 a. by the King County department of assessments records; or

4420 b. by a survey funded by the applicant that has been prepared and stamped by a
4421 surveyor licensed in the state of Washington; and

4422 2. If the sending site consists of a lot that is divided by a zoning boundary, the
4423 square footage or acreage shall be calculated separately for each zoning classification.
4424 The square footage or acreage within each zoning classification shall be determined by
4425 the King County record of the action that established the zoning and property lines, such
4426 as an approved lot line adjustment. When such records are not available or are not
4427 adequate to determine the square footage or acreage within each zoning classification, the
4428 department of development and environmental services shall calculate the square footage
4429 or acreage through the geographic information system (GIS) mapping system.

4430 D. For the purposes of the transfer of development rights (TDR) program only,
4431 the following TDR sending site base densities apply:

4432 1. Sending sites designated in the King County Comprehensive Plan as urban
4433 separator and zoned R-1 shall have a base density of four dwelling units per acre (~~for~~
4434 ~~transfer purposes only~~);

4435 2. Sending sites zoned RA-2.5 (~~outside a rural forest focus area~~) shall have a
4436 base density (~~consistent with the base density established in the density and dimensions~~
4437 ~~tables in K.C.C. 21A.12.030~~) of one unit for each two and one-half acres. Sending sites
4438 zoned RA-2.5 that are vacant and are smaller than 1.25 acres shall be allocated one
4439 additional TDR for each vacant lot that is smaller than 1.25 acres;

4440 3. Sending sites zoned RA-5 or RA-10 (~~within rural forest focus areas~~) shall
4441 have a base density of one dwelling unit per five acres (~~for transfer purposes only~~).
4442 Vacant sending sites that are zoned RA-5 and are smaller than two and one-half acres or

4443 that are zoned RA-10 and are smaller than five acres shall be allocated one additional
4444 TDR for each vacant lot that is smaller than two and one-half acres or five acres,
4445 respectively;

4446 4. Sending sites zoned RA and that have a designation under the King County
4447 Shoreline Master Program of conservancy or natural shall be allocated on additional
4448 TDR;

4449 5. Sending sites zoned A-10 and A-35 within the agricultural production district
4450 shall have a base density of one dwelling unit per five acres for transfer purposes only;
4451 and

4452 ~~((5.))~~ 6. Sending sites zoned F within the forest production district shall have a
4453 base density of one dwelling unit per eighty acres or one dwelling unit per each lot that is
4454 between fifteen and eighty acres in size for transfer purposes only.

4455 E. A sending site may send one development right for every legal lot created on
4456 or before September 17, 2001, if that number is greater than the number of development
4457 rights determined under subsection A. of this section.

4458 F. The number of development rights that a King County unincorporated rural or
4459 natural resources land sending site is eligible to send to a King County incorporated
4460 urban area receiving site shall be determined through the application of a conversion ratio
4461 established by King County and the incorporated municipal jurisdiction. The conversion
4462 ratio will be applied to the number of available sending site development rights
4463 determined under subsection A. or E. of this section.

4464 G. Development rights from one sending site may be allocated to more than one
4465 receiving site and one receiving site may accept development rights from more than one
4466 sending site.

4467 H. The determination of the number of residential development rights a sending
4468 site has available for transfer to a receiving site shall be valid for transfer purposes only,
4469 shall be documented in a TDR certificate letter of intent and shall be considered a final
4470 determination, not to be revised due to changes to the sending site's zoning.

4471 I. ~~((The number of residential development rights that a sending site with RA, A~~
4472 ~~or F zoning is eligible to send to an unincorporated urban area receiving site shall be~~
4473 ~~determined by applying twice the base density allowed for transfer purposes as specified~~
4474 ~~in subsection D. of this section.))~~ Each residential development right that originates from
4475 a sending site zoned RA, A or F shall be designated "Rural" and is equivalent to two
4476 additional units above base density in eligible receiving sites located in unincorporated
4477 urban King County. Each residential development right that originates from a sending
4478 site zoned R-1 urban separator shall be designated "Urban" and is equivalent to one
4479 additional unit above base density.

4480 NEW SECTION. SECTION 69. A new section is hereby added to K.C.C.

4481 Chapter 21A.37 to read as follows:

4482 An urban receiving site that purchases rural TDRs may include the reduced
4483 greenhouse gas emissions that are estimated to result from the TDR in calculating the
4484 receiving site's greenhouse gas emissions.

4485 SECTION 70. Ordinance 14190, Section 8, as amended, and K.C.C. 21A.37.060
4486 are each hereby amended to read as follows:

4487 A. ~~((Following the))~~ Prior to issuing a certificate for transferable ~~((of))~~
4488 development rights ~~((from))~~ to a sending site, the department of natural resources and
4489 parks, or its successor shall record deed restrictions in the form of a conservation
4490 easement documenting the development rights transfers ~~((shall be recorded by the~~
4491 ~~department of natural resources and parks, or its successor,))~~ and shall place a notice
4492 ~~((placed))~~ on the title ~~((to))~~ of the sending site ~~((parcel))~~. The department of development
4493 and environmental services, or its successor, shall establish and maintain an internal
4494 tracking system that identifies all certified transfer of developments rights sending sites.

4495 B. A conservation easement granted to the county or other appropriate land
4496 management agency shall be required for land contained in the sending site. The
4497 conservation easement shall be documented by a map. The conservation easement shall
4498 be placed on the entire lot or lots. The conservation easement shall identify limitations in
4499 perpetuity on future residential and nonresidential development consistent with this
4500 chapter, ~~((and))~~ as follows:

4501 1. A conservation easement, which contains the easement map, shall be
4502 recorded on the entire sending site to indicate development limitations on the sending
4503 site;

4504 2. For a sending site zoned A-10 or A-35, the conservation easement shall be
4505 consistent in form and substance with the purchase agreements used in the agricultural
4506 land development rights purchase program. The conservation easement shall preclude
4507 subdivision of the subject property but may permit not more than one dwelling per
4508 sending site, and shall permit agricultural uses as provided in the A-10 or A-35 zone;

4509 3. For a sending site located within a rural forest focus area, the sending site

4510 shall be a minimum of twenty acres. The conservation easement shall require that fifteen
4511 acres of contiguous forest land be restricted to forest management activities and shall
4512 include a forest stewardship plan approved by the county for ongoing forest management
4513 practices. The Forest Stewardship Plan shall meet the requirements of King County
4514 administrative rules concerning forest stewardship plans and shall not impose standards
4515 that exceed Title 222 WAC. No more than one dwelling unit is allowed for every twenty
4516 acres;

4517 4. For a rural sending site located outside a rural forest focus area the
4518 conservation easement shall allow for restoration, maintenance or enhancement of native
4519 vegetation. A present conditions report shall be required to document the location of
4520 existing structures and existing native vegetation. If residential development will be
4521 allowed on the site under the conservation easement, the present conditions report shall
4522 be used to guide the location of residential development;

4523 5. For a sending site qualifying as habitat for federal listed endangered or
4524 threatened species, the conservation easement shall protect habitat and allow for
4525 restoration, maintenance or enhancement of native vegetation. A present conditions
4526 report shall be required to document the location of existing structures. If existing or
4527 future residential development will be allowed on the site under the conservation
4528 easement, the present conditions report shall be used by the owner to guide the location
4529 of residential development; and

4530 6. For a sending site zoned F, the conservation easement shall encumber the
4531 entire sending site. Lots between fifteen acres and eighty acres in size are not eligible to
4532 participate in the TDR program if they include any existing dwelling units intended to be

4533 retained, or if a new dwelling unit is proposed. For eligible lots between fifteen acres and
4534 eighty acres in size, the sending site must include the entire lot. For lots greater than
4535 eighty acres in size, the sending site shall be a minimum of eighty acres. The
4536 conservation easement shall permit forestry uses subject to a forest stewardship plan
4537 prepared by the applicant and approved by the county for ongoing forest management
4538 practices. The Forest Stewardship Plan shall include a description of the site's forest
4539 resources and the long term forest management objectives of the property owner, and
4540 shall not impose standards that exceed Title 222 WAC.

4541 SECTION 71. Ordinance 13274, Section 8, as amended, and K.C.C. 21A.37.080
4542 are each hereby amended to read as follows:

4543 A. TDR development rights where both the proposed sending and receiving sites
4544 would be within unincorporated King County shall be transferred using the following
4545 process:

4546 1. Following interagency review committee review and approval of the sending
4547 site application as described in K.C.C. 21A.37.070 the interagency review committee
4548 shall issue a TDR certificate letter of intent, agreeing to issue a TDR certificate in
4549 exchange for the proposed sending site conservation easement. After signing and
4550 notarizing the conservation easement and receiving the TDR certificate from the County,
4551 ~~((F))~~the sending site owner may ~~((then))~~ market the TDR sending site development rights
4552 to potential purchasers. The TDR certificate shall be in the name of the property owner
4553 and separate from the land title. If a TDR sending site that has been reviewed and
4554 approved by the interagency review committee changes ownership, the TDR certificate
4555 letter of intent may be transferred to the new owner if requested in writing to the

4556 department of natural resources by the person or persons that owned the property when
4557 the TDR certificate letter of intent was issued, provided that the documents evidencing
4558 the transfer of ownership are also provided to the department of natural resources;

4559 2. In applying for receiving site approval, the applicant shall provide the
4560 department of development and environmental services with one of the following:

4561 a. a TDR certificate letter of intent issued in the name of the applicant,

4562 b. a TDR certificate letter of intent issued in the name of another person or
4563 persons and a copy of a signed option to purchase those TDR sending site development
4564 rights,

4565 c. a TDR certificate issued in the name of the applicant, or

4566 d. a TDR certificate issued in the name of another person or persons and a
4567 copy of a signed option to purchase those TDR sending site development rights;

4568 3. Following building permit approval, but before building permit issuance by
4569 the department of development and environmental services or following preliminary plat
4570 approval or preliminary short plat approval, but before final plat or short plat recording of
4571 a receiving site development proposal which includes the use of TDR development
4572 rights, the receiving site applicant shall deliver the TDR certificate issued in the
4573 applicant's name for the number of TDR development rights being used and the TDR
4574 extinguishment document to the county;

4575 4. When the receiving site development proposal requires a public hearing
4576 under this title or K.C.C. Title 19A or its successor, that public hearing shall also serve as
4577 the hearing on the TDR proposal. The reviewing authority shall make a consolidated
4578 decision on the proposed development and use of TDR development rights and consider

4579 any appeals of the TDR proposal under the same appeal procedures set forth for the
4580 development proposal; and

4581 5. When the development proposal does not require a public hearing under this
4582 title or K.C.C. Title 19A, the TDR proposal shall be considered along with the
4583 development proposal, and any appeals of the TDR proposal shall be considered under
4584 the same appeal procedures set forth for the development proposal.

4585 6. Development rights from a sending site shall be considered transferred to a
4586 receiving site when a final decision is made on the TDR receiving area development
4587 proposal, the sending site is permanently protected by a completed and recorded land
4588 dedication or conservation easement, notification has been provided to the King County
4589 assessor's office and a TDR extinguishment document has been provided to the
4590 department of natural resources and parks, or its successor agency.

4591 B. TDR development rights where the proposed receiving site would be within an
4592 incorporated King County municipal jurisdiction shall be reviewed and transferred using
4593 that jurisdiction's development application review process.

4594 SECTION 72. Ordinance 13733, Section 8, as amended, and K.C.C. 21A.37.100
4595 are each hereby amended to read as follows:

4596 The purpose of the TDR bank is to assist in the implementation of the transfer of
4597 development rights (TDR) program by purchasing and selling development rights, ~~((and))~~
4598 purchasing conservation easements, and facilitating interlocal TDR agreements with
4599 cities in King County through the provision of amenity funds. The TDR bank may
4600 acquire development rights and conservation easements only from sending sites located
4601 in the rural area or in an agricultural or forest production district as designated in the

4602 King County Comprehensive Plan. Development rights purchased from the TDR bank
4603 may only be used for receiving sites in cities or in the urban unincorporated area as
4604 designated in the King County Comprehensive Plan.

4605 SECTION 73. Ordinance 13733, Section 10, as amended, and K.C.C.

4606 21A.37.110 are each hereby amended to read as follows:

4607 Transfer of development rights (TDR) bank expenditure and purchase
4608 authorization.

4609 A. The TDR bank may purchase development rights from qualified sending sites
4610 at prices not to exceed fair market value and to sell development rights at prices not less
4611 than fair market value. The TDR bank may accept donations of development rights from
4612 qualified TDR sending sites.

4613 B. The TDR bank may purchase a conservation easement only if the property
4614 subject to the conservation easement is qualified as a sending site as evidenced by a TDR
4615 certificate letter of intent, the conservation easement restricts development of the sending
4616 site in the manner required by K.C.C. 21A.37.060 and the development rights generated
4617 by encumbering the sending site with the conservation easement are issued to the TDR
4618 bank at no additional cost.

4619 C. If a conservation easement is acquired through a county park, open space,
4620 trail, agricultural, forestry or other natural resource acquisition program for a property
4621 that is qualified as a TDR sending site as evidenced by a TDR certificate letter of intent,
4622 any development rights generated by encumbering the sending site with the conservation
4623 easement may be issued to the TDR bank so long as there is no additional cost for the
4624 development rights.

4625 D. The TDR bank may use funds to facilitate development rights transfers.
4626 These expenditures may include, but are not limited to, establishing and maintaining
4627 internet web pages, marketing TDR receiving sites, procuring title reports and appraisals
4628 and reimbursing the costs incurred by the department of natural resources and parks,
4629 water and land resources division, or its successor, for administering the TDR bank fund
4630 and executing development rights purchases and sales.

4631 E. The TDR bank fund (~~shall not~~) may be used to cover the cost of providing
4632 staff support for identifying and qualifying sending and receiving sites, ((or)) and the
4633 costs of providing staff support for the TDR interagency review committee ((or the
4634 department of natural resources and parks)).

4635 F. All proceeds from the sale of TDR bank development rights shall be available
4636 for acquisition of additional development rights upon approval of the TDR executive
4637 board.

4638 SECTION 74. Ordinance 10870, Section 581 and K.C.C. 21A.38.080 are each
4639 hereby amended to read as follows:

4640 Implementation of the UPD designation shall comply with the following:

4641 A. The minimum site size for an UPD permit application shall be not less than
4642 ~~((200))~~ one hundred acres. "Site size" for purposes of this subsection means contiguous
4643 land under one ownership or under the control of a single legal entity responsible for
4644 submitting an UPD permit application and for carrying out all provisions of the
4645 development agreement; and

4646 B. The UPD shall comply with the standards and procedures set out in Chapter
4647 21A.39.

4648 SECTION 75. Ordinance 11351, Section 1, as amended, and K.C.C. 21A.38.090

4649 are each hereby amended to read as follows:

4650 A. The purpose of the economic redevelopment special district overlay is to
4651 provide incentives for the redevelopment of large existing, underutilized concentrations
4652 of commercial/industrial lands within urban areas.

4653 B. The economic redevelopment special district overlay shall only be designated
4654 through the area zoning process; located in areas designated within a community, subarea
4655 or neighborhood plan as an activity center; and zoned CB, RB, O, or I.

4656 C. The standards of this title and other county codes shall be applicable to
4657 development within the economic redevelopment special district overlay except as
4658 follows:

4659 1. Commercial or industrial uses that exist within an area as of the effective date
4660 of legislation applying the economic redevelopment special district overlay, but that are
4661 not otherwise permitted by the zoning, shall be considered permitted uses upon only the
4662 lots that they occupied as of that date.

4663 2. The minimum parking requirements of this title shall be reduced as follows(~~(~~
4664 ~~provided that such reductions do not apply to new construction on vacant property or the~~
4665 ~~vacant portions of partially developed property where that construction is not an~~
4666 ~~enlargement or replacement of an existing building))):~~

4667 a. The parking stall requirements are reduced 100 percent provided that:

4668 (1) the square footage of any enlargement or replacement of an existing
4669 building does not in total exceed 125 percent of the square footage of the existing
4670 building;

4671 (2) any new mixed use development provides a minimum of two stories of
4672 residences above the ground-floor level commercial;

4673 (3) the building fronts on an existing roadway improved to urban standards or
4674 a roadway programmed to be improved to urban standards as a capital improvement
4675 project, that accommodates on-street parking; and

4676 ~~((3))~~ (4) there is no net decrease in existing off-street parking space.

4677 b. the parking stall requirements for commercial and retail uses are reduced 50
4678 percent ~~((provided that))~~ if:

4679 (1) the square footage of any enlargement or replacement of an existing
4680 building in total exceeds 125 percent of the square footage of the existing building;

4681 (2) the height of the enlarged or replacement building does not exceed the
4682 base height of the zone in which it is located;

4683 (3) the building fronts on an existing roadway improved to urban standards or
4684 a roadway programmed to be improved as a capital improvement project, that
4685 accommodates on-street parking; and

4686 (4) there is no net decrease in existing off-street parking spaces, unless it
4687 exceeds the minimum requirements of subsection C.2.b.

4688 3. ~~((The landscaping requirements of this title shall be waived, provided that:~~

4689 ~~a. street trees, installed and maintained by the adjacent property owner, shall~~
4690 ~~be substituted in lieu of landscaping; and~~

4691 ~~b. any portion of the overlay district that directly abuts properties outside of~~
4692 ~~the district shall provide, along said portions, a landscape buffer area no less than 50~~
4693 ~~percent of that required by this title.~~

4694 4. ~~The setback requirements of this title shall be waived, provided that:~~
4695 a. ~~setback widths along any street forming a boundary of the overlay district~~
4696 ~~shall comply with this title, and~~
4697 b. ~~any portion of the overlay district that directly abuts properties outside of~~
4698 ~~the district shall provide, along said portions, a setback no less than 50 percent of that~~
4699 ~~required by this title.~~

4700 5.) The building height limits of this title shall be waived, provided that the
4701 height limit within 50 feet of the perimeter of the overlay district shall be 30 feet.

4702 ((6.)) (4) Signage shall be limited to that allowed within the CB zone.

4703 ((7.)) (5) The roadway improvements of the King County code shall be waived,
4704 provided a no-protest agreement to participate in future road improvement districts (RID)
4705 is signed by an applicant and recorded with the county.

4706 ((8. ~~The pedestrian circulation requirements of this title shall be waived.~~

4707 9. ~~The impervious surface and lot coverage requirements of this title shall be~~
4708 ~~waived.~~

4709 10.) (6) On I zoned lands that are designated in the comprehensive plan as
4710 unincorporated activity centers, conditional use permits shall not be issued where the
4711 resulting impacts such as noise, smoke, odor and glare would be inconsistent with the
4712 maintenance of nearby viable commercial and residential areas.

4713 D. For properties that have frontage on pedestrian street(s) or routes as
4714 designated in an applicable plan or area zoning process, the following conditions shall
4715 apply:

4716 1. main building entrances shall be oriented to the pedestrian street. If multiple
4717 pedestrian streets front on the building, each pedestrian street shall have a similar main
4718 building entrance;

4719 2. at the ground floor (at grade), buildings shall be located no more than 5 feet
4720 from the sidewalk or sidewalk improvement, but in no instance shall encroach on the
4721 public right-of-way;

4722 3. building facades shall comprise at least 75% of the total pedestrian street
4723 frontage for a property, and if applicable, at least 75% of the total pedestrian route
4724 frontage for a property;

4725 4. minimum side setbacks of the underlying zoning are waived;

4726 5. building facades of ground floor retail, general business service, and
4727 professional office land uses, that front onto a pedestrian street or route shall include
4728 windows and overhead protection;

4729 6. building facades, along a pedestrian street or route, that are without
4730 ornamentation, or are comprised of uninterrupted glass curtain walls or mirrored glass are
4731 not permitted; and

4732 7. vehicle access shall be limited to the rear access alley or rear access street
4733 where such an alley or street exists.

4734 SECTION 76. Pursuant to K.C.C. 20.44.080, the metropolitan King County
4735 council finds that the requirements for environmental analysis, protections and mitigation
4736 measures in the chapters of K.C.C. Titles 16 and 21A amended by this ordinance, provide
4737 adequate analysis of and mitigation for the specific adverse environmental impacts to
4738 which the requirements apply.

4739 SECTION 77. If any provision of this ordinance or its application to any person
4740 or circumstance is held invalid, the remainder of the ordinance or the application of the
4741 provision to other persons or circumstances is not affected.