



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

December 6, 2012

Ordinance 17485

**Proposed No.** 2012-0103.4

**Sponsors** Phillips

1 AN ORDINANCE relating to comprehensive planning and  
2 permitting; and amending Ordinance 15556, Section 3, and  
3 K.C.C. 4.08.057, Ordinance 11616, Section 11, as amended,  
4 and K.C.C. 13.24.134, Ordinance 12824, Section 3, as  
5 amended, and K.C.C. 20.12.050, Ordinance 16985, Section 4,  
6 and K.C.C. 20.12.205, Ordinance 13147, Section 19, as  
7 amended, and K.C.C. 20.18.030, Ordinance 14047, Section 9,  
8 as amended, and K.C.C. 20.18.170, Ordinance 14047, Section  
9 10, as amended, and K.C.C. 20.18.180, Ordinance 12196,  
10 Section 11, as amended, and K.C.C. 20.20.040, Ordinance  
11 10870, Section 36, as amended, and K.C.C. 21A.04.150,  
12 Ordinance 10870, Section 37, as amended, and K.C.C.  
13 21A.04.160, Ordinance 15051, Section 18, and K.C.C.  
14 21A.06.181G, Ordinance 11621, Section 20, as amended, and  
15 K.C.C. 21A.06.182, Ordinance 10870, Section 317, and  
16 K.C.C. 21A.06.1385, Ordinance 15051, Section 137, as  
17 amended, and K.C.C. 21A.24.045, Ordinance 15051, Section  
18 138, as amended, and K.C.C. 21A.24.051, Ordinance 10870,  
19 Section 332, as amended, and K.C.C. 21A.08.050, Ordinance

20 11481, Section 2, as amended, and K.C.C. 21A.24.311,  
21 Ordinance 16267, Section 59, and K.C.C. 21A.24.381,  
22 Ordinance 15051, Section 198, and K.C.C. 21A.24.382,  
23 Ordinance 15051, Section 199, and K.C.C. 21A.24.383,  
24 Ordinance 3688, Section 303, as amended, and K.C.C.  
25 21A.25.050, Ordinance 16985, Section 31, and K.C.C.  
26 21A.25.100, Ordinance 16985, Section 32, and K.C.C.  
27 21A.25.110, Ordinance 16985, Section 39, and K.C.C.  
28 21A.25.160, Ordinance 16985, Section 46, and K.C.C.  
29 21A.25.210, Ordinance 16985, Section 47, and K.C.C.  
30 21A.25.220, Ordinance 13274, Section 5, as amended, and  
31 K.C.C. 21A.37.030, Ordinance 13274, Section 6, as amended,  
32 and K.C.C. 21A.37.040, Ordinance 14190, Section 7, as  
33 amended, and K.C.C. 21A.37.050, Ordinance 16267, Section  
34 68, and K.C.C. 21A.37.055, Ordinance 14190, Section 8, as  
35 amended, and K.C.C. 21A.37.060, Ordinance 13274, Section  
36 7, as amended, and K.C.C. 21A.37.070, Ordinance 13274,  
37 Section 8, as amended, and K.C.C. 21A.37.080, Ordinance  
38 13733, Section 8, as amended, and K.C.C. 21A.37.100,  
39 Ordinance 13733, Section 10, as amended, and K.C.C.  
40 21A.37.110, Ordinance 13733, Section 12, as amended, and  
41 K.C.C. 21A.37.130, Ordinance 13733, Section 13, as  
42 amended, and K.C.C. 21A.37.140, Ordinance 13733, Section

43 14, as amended, and K.C.C. 21A.37.150, Ordinance 10870,  
44 Section 576, as amended, and K.C.C. 21A.38.030 and  
45 Ordinance 12627, Section 2, as amended, and K.C.C.  
46 21A.55.020, adding a new section to K.C.C. chapter 21A.24,  
47 adding a new section to K.C.C. chapter 21A.38, adding a new  
48 section to K.C.C. chapter 21A.42, decodifying K.C.C.  
49 20.12.010 and repealing Ordinance 11621, Section 28, and  
50 K.C.C. 21A.06.1177, Ordinance 3688, Section 257, as  
51 amended, and K.C.C. 21A.06.1385A and Ordinance 10870,  
52 Section 535, and K.C.C. 21A.30.070.

53 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

54 **SECTION 1. Findings:** For the purposes of effective land use planning and  
55 regulation, the King County council makes the following legislative findings:

56 A. King County has adopted the 2008 King County Comprehensive Plan to meet  
57 the requirements of the Washington State Growth Management Act ("GMA");

58 B. The King County Code authorizes a review of the Comprehensive Plan and  
59 allows substantive amendments to the Comprehensive Plan once every four years and the  
60 King County Comprehensive Plan 2012 amendments represent the fourth major review  
61 of the Comprehensive Plan since 1994;

62 C. The GMA requires that the Comprehensive Plan and development regulations  
63 be subject to continuing review and evaluation by the county;

64 D. The GMA requires that King County adopt development regulations to be  
65 consistent with and implement the Comprehensive Plan;

66 E. The changes to zoning contained in this ordinance are needed to maintain  
67 conformity with the King County Comprehensive Plan, as required by the GMA. As  
68 such, they bear a substantial relationship to, and are necessary for, the public health,  
69 safety and general welfare of King County and its residents;

70 F. The GMA requires King County to take action not later than June 30, 2015, to  
71 review and, if needed, revise its comprehensive plan and development regulations to  
72 ensure the plan and regulations comply with the requirements of the GMA; and

73 G. King County engages in a comprehensive review of its Comprehensive Plan  
74 and development regulations every four years. This ordinance constitutes the conclusion  
75 of the county's review process. The 2012 King County Comprehensive Plan and King  
76 County's development regulations comply with the requirements of the GMA. The  
77 adoption of this ordinance constitutes the action required by the GMA by June 30, 2015.

78 SECTION 2. A. King County performed its fourth comprehensive four-cycle  
79 review of the Comprehensive Plan in 2012. As a result of the review, King County  
80 amended the 2008 Comprehensive Plan through passage of the King County  
81 Comprehensive Plan 2012.

82 B. The amendments to the King County Comprehensive Plan 2008 contained in  
83 Attachments A, B, C, D, E, F and G to this ordinance are hereby adopted as amendments  
84 to the King County Comprehensive Plan. Attachment A to this ordinance amends the  
85 policies, text and maps of the Comprehensive Plan and amends King County  
86 Comprehensive Plan Land Use Zoning. The land use amendments contained in  
87 Attachment A to this ordinance are adopted as the official land use designations for those  
88 portions of unincorporated King County defined in Attachment A to this ordinance.

89 Attachment B to this ordinance contains Technical Appendix A (Capital Facilities),  
90 which replaces Technical Appendix A to the King County Comprehensive Plan 2008.  
91 Attachment C to this ordinance contains Technical Appendix B (Housing), which  
92 replaces Technical Appendix B to the King County Comprehensive Plan 2008.  
93 Attachment D to this ordinance contains Technical Appendix C (Transportation), which  
94 replaces Technical Appendix C to the King County Comprehensive Plan 2008.  
95 Attachment E to this ordinance contains the transportation needs report, which replaces  
96 the transportation needs report in Technical Appendix C to the King County  
97 Comprehensive Plan 2008. Attachment F to this ordinance contains Technical Appendix  
98 D (Growth Targets and the Urban Growth Area 2012). Attachment G to this ordinance  
99 contains Technical Appendix P: Summary of Public Outreach for Development of the  
100 2012 King County Comprehensive Plan Update. Attachment I to this ordinance is hereby  
101 adopted as an amendment of the Fall City Subarea Plan, which was adopted as a subarea  
102 plan of the King County Comprehensive Plan in Attachment A to Ordinance 13875.  
103 Attachment J to this ordinance contains Technical Appendix Q (King County School  
104 Siting Task Force report dated March 31, 2012).

105 SECTION 3. Ordinance 15556, Section 3, and K.C.C. 4.08.057 are each hereby  
106 amended to read as follows:

107 A. There is hereby created the Climate Exchange fund, classified as a special  
108 revenue fund, for the purpose of accounting for any revenue generated by the sale of  
109 carbon credits and other emission credits, and the expenditures incurred for the purchase  
110 of carbon credits or other emission credits, in accordance with the rules of ((the Chicago  
111 Climate Exchange or other)) emissions trading programs in which the county may

112 participate. Carbon credits include but are not limited to those credits sold or purchased  
113 through the Chicago Climate Exchange. This fund may also be used for the purpose of  
114 accounting for the sale or purchase of other emission credits as the county may develop.

115 B. Any financial benefit that accrues to the county from ~~((its participation in the~~  
116 ~~Chicago Climate Exchange))~~ the sale of carbon or other emissions credits shall be  
117 appropriately invested in actions that either reduce ~~((carbon))~~ emissions or address global  
118 warming impacts, or both.

119 C. The office of performance, strategy and budget shall be the fund manager for  
120 the Climate Exchange fund.

121 D. For investment purposes, the Climate Exchange fund shall be considered a  
122 first tier fund.

123 SECTION 4. Ordinance 11616, Section 11, as amended, and K.C.C. 13.24.134  
124 are each hereby amended to read as follows:

125 A. Except as otherwise provided in this subsection B. of this section, sewer  
126 service is prohibited in the rural and natural resource areas.

127 B. Sewer service ~~((shall))~~ may be expanded to serve uses in the rural and natural  
128 resource areas only if:

129 1. ~~((†))~~The facilities are:

130 ~~((†.))~~ a. ~~((N))~~needed to address:

131 ~~((a.))~~ i. ~~((S))~~specific health and safety problems threatening the ~~((existing~~  
132 ~~uses))~~ use of existing structures; or

133 ~~((b. The needs of public school systems with design daily average flows of~~  
134 ~~more than three thousand five hundred gallons per day; and))~~ ii. to serve a new school

135 authorized to be located in the RA zone by King County comprehensive plan policies;  
136 and

137 ~~((2-))~~ b. ~~((F))~~ tightlined; and

138 ~~((3-))~~ 2. A finding is made by the utilities technical review committee that no  
139 cost-effective alternative technologies are feasible ~~((and that an on-site sewer disposal~~  
140 ~~system for the public school or public school facility would not protect basic public~~  
141 ~~health, safety, and the environment during the use of this site for a school or school~~  
142 ~~facility)).~~

143 ~~((B-))~~ C. Decisions on sewer service expansions in rural or resource areas shall be  
144 made by King County in the form of approval of a sewer comprehensive plan or approval  
145 of an amendment to a sewer comprehensive plan.

146 SECTION 5. K.C.C. 20.12.010 is hereby decodified.

147 SECTION 6. Ordinance 12824, Section 3, as amended, and K.C.C. 20.12.050 are  
148 each hereby amended to read as follows:

149 Zoning adopted pursuant to this section shall constitute official zoning for all of  
150 unincorporated King County.

151 A. Official zoning, including but not limited to p-suffix, so-suffix and potential  
152 zoning, is contained in ~~((the SITUS file))~~ geographic information system data layers  
153 maintained by King County and is depicted on the official zoning maps, as maintained by  
154 the department of ~~((development and environmental services))~~ permitting and  
155 environmental review. In case of a discrepancy between a data layer and the original  
156 map or document adopted by ordinance, the original map or document shall control.

157 B. Appendix A of Ordinance 12824, as amended by Ordinance 15028, is hereby  
158 adopted to constitute and contain all property-specific development standards (p-suffix  
159 conditions) applicable in unincorporated King County. The property specific  
160 development standards (p-suffix conditions) in effect or hereinafter amended shall be  
161 maintained by the department of (~~development and environmental services~~) permitting  
162 and environmental review in the Property Specific Development Conditions notebook.  
163 Any adoption, amendment or repeal of property-specific development standards shall  
164 amend, pursuant to this section, Appendix A of Ordinance 12824 as currently in effect or  
165 hereafter amended.

166 C. Appendix B of Ordinance 12824, as amended by Ordinance 14044 and as  
167 amended by Ordinance 15028, is hereby adopted to constitute and contain special district  
168 overlays applied through Ordinance 12824. The special district overlays in effect or  
169 hereinafter amended shall be maintained by the department of (~~development and~~  
170 ~~environmental services~~) permitting and environmental review in the Special District  
171 Overlay Application Maps notebook. Any adoption, amendment or repeal of special  
172 district overlays shall amend, pursuant to this section, Appendix B of Ordinance 12824 as  
173 currently in effect or hereafter amended.

174 SECTION 7. Ordinance 16985, Section 4, and K.C.C. 20.12.205 are each hereby  
175 amended to read as follows:

176 The following King County Code sections in effect as of (~~December 10, 2010~~)  
177 the effective date of this ordinance, are adopted as land use and development regulations  
178 within the shoreline jurisdiction:

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

- 180 1. K.C.C. 20.18.040;
- 181 2. K.C.C. 20.18.050;
- 182 3. K.C.C. 20.18.056;
- 183 4. K.C.C. 20.18.057;
- 184 5. K.C.C. 20.18.058; and
- 185 6. K.C.C. 20.24.510.
- 186 B. The following sections within K.C.C. Title 21A:
- 187 1. (~~K.C.C. 21A.06.358;~~
- 188 ~~2.~~) K.C.C. 21A.06.118;
- 189 (~~3.~~) 2. K.C.C. 21A.06.156;
- 190 (~~4.~~) 3. K.C.C. 21A.06.181;
- 191 4. K.C.C. 21A.06.181E;
- 192 5. K.C.C. 21A.06.181G;
- 193 6. K.C.C. 21A.06.182;
- 194 7. K.C.C. 21A.06.333A;
- 195 (~~5.~~) 8. K.C.C. 21A.06.401;
- 196 (~~6.~~) 9. K.C.C. 21A.06.469;
- 197 (~~7.~~) 10. K.C.C. 21A.06.573;
- 198 (~~8.~~) 11. K.C.C. 21A.06.653;
- 199 (~~9.~~) 12. K.C.C. 21A.06.738;
- 200 (~~10. K.C.C. 21A.06.118;~~
- 201 ~~11.~~) 13. K.C.C. 21A.06.796;
- 202 (~~12.~~) 14. K.C.C. 21A.06.796A;

- 203            15. K.C.C. 21A.06.825;
- 204            ((13.)) 16. K.C.C. 21A.06.892;
- 205            ((14.)) 17. K.C.C. 21A.06.913;
- 206            ((15.)) 18. K.C.C. 21A.06.971;
- 207            ((16.)) 19. K.C.C. 21A.06.1081;
- 208            ((17.)) 20. K.C.C. 21A.06.1082A;
- 209            ((18.)) 21. K.C.C. 21A.06.1082B;
- 210            ((19.)) 22. K.C.C. 21A.06.1082C;
- 211            ((20.)) 23. K.C.C. 21A.06.1082D;
- 212            ((21.)) 24. K.C.C. 21A.06.1083;
- 213            ((22.)) 25. K.C.C. 21A.06.1083A;
- 214            ((23.)) 26. K.C.C. 21A.06.1268;
- 215            ((24.)) 27. K.C.C. ((~~21A.06.1385A~~)) 21A.06.1385;
- 216            ((25.)) 28. K.C.C. 21A.06.1386;
- 217            ((26.)) 29. K.C.C. 21A.06.1388;
- 218            ((27.)) 30. K.C.C. 21A.06.1389;
- 219            ((28.)) 31. K.C.C. 21A.24.045;
- 220            ((29.)) 32. K.C.C. 21A.24.051;
- 221            ((30.)) 33. K.C.C. 21A.24.055;
- 222            ((31.)) 34. K.C.C. 21A.24.070A., D. and E.;
- 223            ((32.)) 35. K.C.C. 21A.24.125;
- 224            ((33.)) 36. K.C.C. 21A.24.130;
- 225            ((34.)) 37. K.C.C. 21A.24.133;

- 226            ~~((35.))~~ 38. K.C.C. 21A.24.200;
- 227            ~~((36.))~~ 39. K.C.C. 21A.24.210;
- 228            ~~((37.))~~ 40. K.C.C. 21A.24.220;
- 229            41. K.C.C. 21A.24.230;
- 230            ~~((38.))~~ 42. K.C.C. 21A.24.240;
- 231            ~~((39.))~~ 43. K.C.C. 21A.24.250;
- 232            ~~((40.))~~ 44. K.C.C. 21A.24.260;
- 233            ~~((41.))~~ 45. K.C.C. 21A.24.275;
- 234            ~~((42.))~~ 46. K.C.C. 21A.24.280;
- 235            ~~((43.))~~ 47. K.C.C. 21A.24.290;
- 236            ~~((44.))~~ 48. K.C.C. 21A.24.300;
- 237            ~~((45.))~~ 49. K.C.C. 21A.24.310;
- 238            ~~((46.))~~ 50. K.C.C. 21A.24.316;
- 239            ~~((47.))~~ 51. K.C.C. 21A.24.325;
- 240            ~~((48.))~~ 52. K.C.C. 21A.24.335;
- 241            ~~((49.))~~ 53. K.C.C. 21A.24.340;
- 242            ~~((50.))~~ 54. K.C.C. 21A.24.358;
- 243            ~~((51.))~~ 55. K.C.C. 21A.24.365;
- 244            ~~((52.))~~ 56. K.C.C. 21A.24.380;
- 245            ~~((53.))~~ 57. K.C.C. 21A.24.382;
- 246            ~~((54.))~~ 58. K.C.C. 21A.24.386;
- 247            ~~((55.))~~ 59. K.C.C. 21A.24.388;
- 248            ~~((56.))~~ 60. K.C.C. 21A.32.045;

249            ~~((57.))~~ 61. K.C.C. 21A.50.030;

250            ~~((58. K.C.C. 21A.06.182;~~

251            ~~59. K.C.C. 21A.06.825;))~~ and

252            ~~((60.))~~ 62. K.C.C. chapter 21A.25.

253            C. Amendments to the land use and development regulations included in  
254 subsections A. and B. of this section must be approved by the Washington state  
255 Department of Ecology before they become land use and development regulations within  
256 the shoreline jurisdiction.

257            SECTION 8. Ordinance 13147, Section 19, as amended, and K.C.C. 20.18.030  
258 are each hereby amended to read as follows:

259            A. The King County Comprehensive Plan shall be amended in accordance with  
260 this chapter, which, in compliance with RCW 36.70A.130(2), establishes a public  
261 participation program whereby amendments are considered by the council no more  
262 frequently than once a year as part of the amendment cycle established in this chapter,  
263 except that the council may consider amendments more frequently to address:

264            1. Emergencies;

265            2. An appeal of the plan filed with the Central Puget Sound Growth  
266 Management Hearings Board or with the court;

267            3. The initial adoption of a subarea plan, which may amend the urban growth  
268 area boundary only to redesignate land within a joint planning area; ~~((or))~~

269            4. An amendment of the capital facilities element of the Comprehensive Plan  
270 that occurs in conjunction with the adoption of the county budget; or

271 5. The adoption or amendment of a shoreline master program under chapter  
272 90.58 RCW.

273 B. Every year the Comprehensive Plan may be amended to address technical  
274 updates and corrections, and to consider amendments that do not require substantive  
275 changes to policy language, changes to the priority areas map, or changes to the urban  
276 growth area boundary, except as permitted in subsection B.5, 10. and 12. of this section.  
277 This review may be referred to as the annual cycle. The Comprehensive Plan, including  
278 subarea plans, may be amended in the annual cycle only to consider the following:

- 279 1. Technical amendments to policy, text, maps or shoreline designations;
- 280 2. The annual capital improvement plan;
- 281 3. The transportation needs report;
- 282 4. School capital facility plans;
- 283 5. Changes required to implement ~~((an amendment to))~~ a ~~((joint~~  
284 ~~interlocal/development agreement in existence on January 1, 2008, between King~~  
285 ~~County, another local government and one or more private parties, only if the amendment~~  
286 ~~to the joint interlocal/development agreement includes a provision to agreement to alter~~  
287 ~~the urban growth area boundary to add areas to the urban growth area, requires that an~~  
288 ~~area four times the area that is added to the urban growth area be permanently designated~~  
289 ~~as park or open space and requires the transfer of development rights on terms as~~  
290 ~~provided in the amendment))~~ mining site conversion demonstration project. The  
291 demonstration project shall evaluate and address:

- 292 a. potential options for the use of a reclaimed mine site, including the  
293 feasibility of residential use and/or long-term forestry on the demonstration project site;

294 b. the impacts to carbon sequestration as a result of reforestation, and for  
295 residential use, the impacts to carbon sequestration when implementing modified  
296 standards for lot clustering or transfer of development rights;

297 c. the need for a site design that compatibly integrates any proposed  
298 residential development on the demonstration project site with uses occurring on the  
299 adjacent rural or forest production district lands, especially if the proposed residential  
300 development utilizes modified standards for lot clustering and/or transfer of development  
301 rights;

302 d. the levels and standards for reclamation of mining sites that are appropriate  
303 to their use either for long-term forestry and/or for residential development; and

304 e. the need to ensure that the demonstration project provides an overall public  
305 benefit by providing permanent protection, as designated park or open space, of lands in  
306 the vicinity of the demonstration project site that form the headwaters of critical, high-  
307 valued habitat areas; or that remove the development potential from nonconforming legal  
308 parcels in the forest production district; or that provide linkages with other forest  
309 production district lands;

310 6. Changes required by existing Comprehensive Plan policies;

311 7. Changes to the technical appendices and any amendments required thereby;

312 8. Comprehensive updates of subarea plans initiated by motion;

313 9. Changes required by amendments to the countywide planning policies or  
314 state law;

315 10. Redesignation proposals under the four-to-one program as provided for in  
316 this chapter;

317           11. Amendments necessary for the conservation of threatened and endangered  
318 species; and

319           12. Site-specific comprehensive land use map amendments that do not require  
320 substantive change to comprehensive plan policy language and that do not alter the urban  
321 growth area boundary, except to correct mapping errors.

322           C. Every fourth year beginning in 2000, the county shall complete a  
323 comprehensive review of the Comprehensive Plan in order to update it as appropriate and  
324 to ensure continued compliance with the GMA. This review may provide for a  
325 cumulative analysis of the twenty-year plan based upon official population growth  
326 forecasts, benchmarks and other relevant data in order to consider substantive changes to  
327 policy language and changes to the urban growth area (UGA). This comprehensive  
328 review shall begin one year in advance of the transmittal and may be referred to as the  
329 four-year cycle. The urban growth area boundaries shall be reviewed in the context of  
330 the four-year cycle and in accordance with countywide planning policy FW-1 and RCW  
331 36.70A.130. If the county determines that the purposes of the Comprehensive Plan are  
332 not being achieved as evidenced by official population growth forecasts, benchmarks,  
333 trends and other relevant data, substantive changes to the Comprehensive Plan may also  
334 be considered on even calendar years. This determination shall be authorized by motion.  
335 The motion shall specify the scope of the even-year amendment, and identify that the  
336 resources necessary to accomplish the work are available. An analysis of the motion's  
337 fiscal impact shall be provided to the council before to adoption. The executive shall  
338 determine if additional funds are necessary to complete the even-year amendment, and  
339 may transmit an ordinance requesting the appropriation of supplemental funds.

340 D. The executive shall seek public comment on the comprehensive plan and any  
341 proposed comprehensive plan amendments in accordance with the procedures in K.C.C.  
342 20.18.160 before making a recommendation, in addition to conducting the public review  
343 and comment procedures required by SEPA. The public, including unincorporated area  
344 councils, shall be afforded at least one official opportunity to record public comment  
345 before to the transmittal of a recommendation by the executive to the council. County-  
346 sponsored councils and commissions may submit written position statements that shall be  
347 considered by the executive before transmittal and by the council before adoption, if they  
348 are received in a timely manner. The executive's recommendations for changes to  
349 policies, text and maps shall include the elements listed in comprehensive plan policy  
350 RP-307 and analysis of their financial costs and public benefits, any of which may be  
351 included in environmental review documents. Proposed amendments to the  
352 comprehensive plan shall be accompanied by any development regulations or  
353 amendments to development regulations, including area zoning, necessary to implement  
354 the proposed amendments."

355 SECTION 9. Ordinance 14047, Section 9, as amended, and K.C.C. 20.18.170 are  
356 each hereby amended to read as follows:

357 A. ~~((Proposals for open space dedication and redesignation to the urban growth~~  
358 ~~area must be received before December 31, 2011.~~

359 B.)) The total area added to the urban growth area as a result of this program  
360 shall not exceed four thousand acres. The department shall keep a cumulative total for all  
361 parcels added under this section. The total shall be updated annually through the plan  
362 amendment process.

363            ~~((C.))~~ B. Proposals shall be processed as land use amendments to the  
364 Comprehensive Plan and may be considered in either the annual or four-year cycle. Site  
365 suitability and development conditions for both the urban and rural portions of the  
366 proposal shall be established through the preliminary formal plat approval process.

367            ~~((D.))~~ C. A term conservation easement shall be placed on the open space at the  
368 time the four to one proposal is approved by the council. Upon final plat approval, the  
369 open space shall be permanently dedicated in fee simple to King County.

370            ~~((E.))~~ D. Proposals adjacent to incorporated area or potential annexation areas  
371 shall be referred to the affected city and special purpose districts for recommendations.

372            SECTION 10. Ordinance 14047, Section 10, as amended, and K.C.C. 20.18.180  
373 are each hereby amended to read as follows:

374            Rural area land may be added to the urban growth area in accordance with the  
375 following criteria:

376            A. A proposal to add land to the urban growth area under this program shall meet  
377 the following criteria:

378            1. A permanent dedication to the King County open space system of four acres  
379 of open space is required for every one acre of land added to the urban growth area;

380            2. The land shall not be zoned agriculture (A);

381            3. The land added to the urban growth area shall:

382            a. be physically contiguous to urban growth area as adopted in 1994, unless the  
383 director determines that the land directly adjacent to the urban growth area contains  
384 critical areas that would be substantially harmed by development directly adjacent to the  
385 urban growth area and that all other criteria can be met; and

386           b. not be in an area where a contiguous band of public open space, parks or  
387 watersheds already exists along the urban growth area boundary;

388           4. The land added to the urban growth area shall be able to be served by sewers  
389 and other urban services;

390           5. A road serving the land added to the urban area shall not be counted as part of  
391 the required open space;

392           6. All urban facilities shall be provided directly from the urban area and shall  
393 not cross the open space or rural area and be located in the urban area except as permitted  
394 in subsection E of this section;

395           7. Open space areas shall retain a rural designation;

396           8. The minimum depth of the open space buffer shall be one half of the property  
397 width, unless the director determines that a smaller buffer of no less than two hundred  
398 feet is warranted due to the topography and critical areas on the site, shall generally  
399 parallel the urban growth area boundary and shall be configured in such a way as to  
400 connect with open space on adjacent properties;

401           9. The minimum size of the property to be considered is twenty acres. Smaller  
402 parcels may be combined to meet the twenty-acre minimum;

403           10. Urban development under this section shall be limited to residential  
404 development and shall be at a minimum density of four dwelling units per acre; and

405           11. The land to be retained in open space is not needed for any facilities  
406 necessary to support the urban development; and

407           B. A proposal that adds two hundred acres or more to the urban growth area shall  
408 also meet the following criteria:

409           1. The proposal shall include a mix of housing types including thirty percent  
410 below-market-rate units affordable to low, moderate and median income households;

411           2. In a proposal in which the thirty-percent requirement in subsection B.1 of this  
412 section is exceeded, the required open space dedication shall be reduced to three and one-  
413 half acres of open space for every one acre added to the urban growth area;

414           C. A proposal that adds less than two hundred acres to the urban growth area and  
415 that meets the affordable housing criteria in subsection B.1. of this section shall be  
416 subject to a reduced open space dedication requirement of three and one-half acres of  
417 open space for every one acre added to the urban growth area;

418           D. Requests for redesignation shall be evaluated to determine those that are the  
419 highest quality, including, but not limited to, consideration of the following:

420           1. Preservation of fish and wildlife habitat, including wildlife habitat networks,  
421 and habitat for endangered and threatened species;

422           2. Provision of regional open space connections;

423           3. Protection of wetlands, stream corridors, ground water and water bodies;

424           4. Preservation of unique natural, biological, cultural, historical, or  
425 archeological resources;

426           5. The size of open space dedication and connection to other open space  
427 dedications along the urban growth area boundary; and

428           6. The ability to provide extensions of urban services to the redesignated urban  
429 areas; and

430           E. The open space acquired through this program shall be preserved primarily as  
431 natural areas, passive recreation sites, or resource lands for farming and forestry. The

432 following additional uses may be allowed only if located on a small portion of the open  
433 space and provided that these uses are found to be compatible with the site's natural open  
434 space values and functions:

- 435 1. Trails;
- 436 2. ~~((Natural appearing stormwater facilities;~~
- 437 3.)) Compensatory mitigation of wetland losses on the urban designated portion  
438 of the project, consistent with the King County Comprehensive Plan and K.C.C. chapter  
439 21A.24; and

440 ~~((4.))~~ 3. Active recreation uses not to exceed five percent of the total open space  
441 area. The support services and facilities for the active recreation uses may locate within  
442 the active recreation area only, and shall not exceed five percent of the total acreage of  
443 the active recreation area. The entire open space area, including any active recreation  
444 site, is a regional resource. It shall not be used to satisfy the on-site active recreation  
445 space requirements in K.C.C. 21A.14.180 for the urban portion of the four to one  
446 property.

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

449 A. The department shall not commence review of any application as provided in  
450 this chapter until the applicant has submitted the materials and fees specified for  
451 complete applications. Applications for land use permits requiring Type 1, 2, 3 or 4  
452 decisions shall be considered complete as of the date of submittal upon determination by  
453 the department that the materials submitted meet the requirements of this section. Except

454 as provided in K.C.C. 20.20.040.B, all land use permit applications described in K.C.C.  
455 20.20.020 Exhibit A shall include the following:

456 1. An application form provided by the department and completed by the  
457 applicant that allows the applicant to file a single application form for all land use permits  
458 requested by the applicant for the development proposal at the time the application is  
459 filed;

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

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

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

470 c. the form designating who the applicant is submitted to the department before  
471 permit approval;

472 3.a. A certificate of sewer availability or site design approval for an on-site  
473 sewage system by the Seattle-King County department of public health, as required by  
474 the King County ~~((b))~~Board of ~~((h))~~Health ~~((e))~~Code ~~((t))~~Title 13: or

475 b. If allowed under K.C.C. 13.24.134.B. and King County Comprehensive Plan  
476 policies for a public school~~((s and public schools facilities))~~ located ~~((in rural areas, a~~

477 ~~finding by King County that no cost-effective alternative technologies are feasible))~~ on a  
478 RA zoned site, a certificate of sewer availability((~~7~~)) and a letter from the sewer utility  
479 indicating compliance with the tightline sewer provisions in the zoning code, as required  
480 by K.C.C. chapter 13.24;

481           4. If the development proposal requires a source of potable water, a current  
482 certificate of water availability consistent with K.C.C. chapter 13.24 or documentation of  
483 an approved well by the Seattle-King County department of public health;

484           5. A fire district receipt pursuant to K.C.C. Title 17, if required by K.C.C.  
485 chapter 21A.40;

486           6. A site plan, prepared in a form prescribed by the director;

487           7. Proof that the lot or lots to be developed are recognized as a lot under K.C.C.  
488 Title 19A;

489           8. A critical areas affidavit, if required by K.C.C. chapter 21A.24;

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

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

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

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

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

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

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

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

511 14. A determination if drainage review applies to the project pursuant to K.C.C.  
512 chapter 9.04 and, if applicable, all drainage plans and documentation required by the  
513 Surface Water Design Manual adopted pursuant to K.C.C. chapter 9.04;

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

517 16. Legal description of the site;

518 17. Variances obtained or required under K.C.C. Title 21A to the extent known  
519 at the date of application; and

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

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

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

- 532 1. Clearing and grading permits, K.C.C. 16.82.060.
- 533 2. Construction permits, K.C.C. 16.04.052.
- 534 3. Mobile home permits, K.C.C. 16.04.093.
- 535 4. Subdivision applications, short subdivision applications and binding site plan  
536 applications, K.C.C. 19A.08.150.

537 D. The director may specify the requirements of the site plan required to be  
538 submitted for various permits and may waive any of the specific submittal requirements  
539 listed herein that are determined to be unnecessary for review of an application.

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

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

544 SECTION 12. Ordinance 10870, Section 36, as amended, and K.C.C.  
545 21A.04.150 are each hereby amended to read as follows:

546           The purpose of the property-specific development standards designation (-P suffix  
547 to zone's map symbol) is to indicate that conditions beyond the minimum requirements of  
548 this title have been applied to development on the property, including but not limited to  
549 increased development standards, limits on permitted uses or special conditions of  
550 approval. Property-specific development standards are adopted in either a  
551 reclassification or area zoning ordinance and are shown in ~~((the SITUS file))~~ a  
552 geographic information system data layer for an individual property maintained by the  
553 department. Regardless of the form in which a property-specific development standard is  
554 adopted, the P-suffix shall be shown on the official zoning map maintained by the  
555 department and as a notation ~~((on the SITUS file))~~ in a geographic information system  
556 data layer, which shall be updated as soon as possible after the effective date of the  
557 adopting ordinance adopting a P-suffix standard.

558           SECTION 13. Ordinance 10870, Section 37, as amended, and K.C.C. 21A.04.160  
559 are each hereby amended to read as follows:

560           The purpose of the special district overlay designation (-SO suffix to zone's map  
561 symbol) is to carry out Comprehensive Plan and community, subarea or neighborhood  
562 plan policies that identify special opportunities for achieving public benefits by allowing  
563 or requiring alternative uses and development standards that differ from the general  
564 provisions of this title. Special district overlays are generally applied to a group of  
565 individual properties or entire community, subarea or neighborhood planning areas and  
566 are designated primarily through the area zoning process. Regardless of the form in  
567 which a special district overlay is adopted, the -SO suffix shall be shown on the official  
568 zoning map maintained by the department and as a notation ~~((on the SITUS file))~~ in a

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569 geographic information system data layer, which shall be updated as soon as possible  
570 after the effective date of the adopting ordinance adopting an overlay.

571 SECTION 14. Ordinance 15051, Section 18, and K.C.C. 21A.06.181G are each  
572 hereby amended to read as follows:

573 Channel migration hazard area, severe: a portion of the channel migration zone,  
574 as shown on King County's Channel Migration Zone maps, ~~((that includes the present  
575 channel. The total width of the severe channel migration hazard area equals one hundred  
576 years times the average annual channel migration rate, plus the present channel width.  
577 The average annual channel migration rate as determined in the technical report, is the  
578 basis for each Channel Migration Zone map))~~ in which there is a higher level of channel  
579 migration hazard due to a high likelihood of continued, progressive bank erosion, rapid  
580 shifting of channel location or other imminent channel changes.

581 SECTION 15. Ordinance 11621, Section 20, as amended, and K.C.C.  
582 21A.06.182 are each hereby amended to read as follows:

583 Channel migration zone: ~~((those areas within the lateral extent of likely stream  
584 channel movement that are subject to risk due to stream bank destabilization, rapid  
585 stream incision, stream bank erosion and shifts in the location of stream channels))~~ the  
586 area along a river channel within which the channel can be reasonably predicted, based  
587 on best available science, to migrate over time as a result of natural and normally  
588 occurring hydrological and related processes when considered with the characteristics of  
589 the river and its surroundings, as follows:

590 A. In areas located outside King County's shoreline jurisdiction, channel  
591 migration zones are as shown on King County's Channel Migration Zone maps. In those

592 areas, "channel migration zone" means the corridor that includes the present channel, the  
593 severe channel migration hazard area and the moderate channel migration hazard area;

594 B. In areas located in King County's shoreline jurisdiction, the channel migration  
595 zone includes:

596 1. Areas shown on King County's Channel Migration zone maps, including both  
597 the severe channel migration hazard area and the moderate channel migration hazard  
598 area; and

599 2. Areas not shown on King County's Channel Migration Zone maps but located  
600 within the floodplain((;

601 ~~C. "Channel migration zone" does not include areas that lie behind an arterial  
602 road, a public road serving as a sole access route, a state or federal highway or a railroad;  
603 and~~

604 ~~D. "Channel migration zone" may exclude areas that lie behind a lawfully  
605 established flood protection facility that is likely to be maintained by existing programs  
606 for public maintenance consistent with designation and classification criteria specified by  
607 public rule. When a natural geologic feature affects channel migration, the channel  
608 migration zone width will consider such natural constraints)).~~

609 SECTION 16. Ordinance 10870, Section 317, and K.C.C. 21A.06.1385 are each  
610 hereby amended to read as follows:

611 Water dependent use: a ((land)) use ((which can only exist when the interface  
612 between wet meadows, grazed land and water provides the biological or physical  
613 conditions necessary for the use)) or portion of a use that cannot exist in a location that is

614 not adjacent to the water and that is dependent on the water by reason of the intrinsic  
615 nature of its operations.

616 NEW SECTION. SECTION 17. A new section is added to K.C.C. chapter  
617 21A.24 to read as follows:

618 A. The department and the department of natural resources and parks, by public  
619 rule, shall adopt:

620 1. Criteria for channel migration designation, classification and mapping, taking  
621 into consideration, at a minimum, Washington state department of ecology channel  
622 migration zone mapping guidelines; and

623 2. Channel migration zone studies and channel migration zone maps.

624 B. The channel migration zone and its component channel migration hazard areas  
625 shall be delineated in a channel migration zone study that is the basis for each channel  
626 migration zone map.

627 C. The channel migration zone study:

628 1. Shall evaluate evidence of historical channel locations and movement, basin-  
629 scale physical characteristics, current channel conditions and other relevant factors in  
630 order to delineate the channel migration zone;

631 2. Shall include the present channel within the channel migration zone;

632 3. Shall determine the extent of channel migration hazard areas within the  
633 channel migration zone; and

634 4. May exclude areas from the channel migration zone that lie behind a lawfully  
635 established flood protection structure that is maintained by existing programs for public  
636 maintenance, transportation infrastructure, or other constructed feature if it is built above

637 the elevation of the one hundred-year flood or if scientific or technical information  
638 otherwise demonstrate that the flood protection structure is not within the channel  
639 migration zone.

640 SECTION 18. Ordinance 15051, Section 137, as amended, and K.C.C.

641 21A.24.045 are each hereby amended to read as follows:

642 A. Within the following seven critical areas and their buffers all alterations are  
643 allowed if the alteration complies with the development standards, impact avoidance and  
644 mitigation requirements and other applicable requirements established in this chapter:

- 645 1. Critical aquifer recharge area((;));
- 646 2. Coal mine hazard area;
- 647 3. Erosion hazard area;
- 648 4. Flood hazard area except in the severe channel migration hazard area;
- 649 5. Landslide hazard area under forty percent slope;
- 650 6. Seismic hazard area; and
- 651 7. Volcanic hazard areas.

652 B. Within the following seven critical areas and their buffers, unless allowed as  
653 an alteration exception under K.C.C. 21A.24.070, only the alterations on the table in  
654 subsection C. of this section are allowed if the alteration complies with conditions in  
655 subsection D. of this section and the development standards, impact avoidance and  
656 mitigation requirements and other applicable requirements established in this chapter:

- 657 1. Severe channel migration hazard area;
- 658 2. Landslide hazard area over forty percent slope;
- 659 3. Steep slope hazard area;



corresponding numbered condition in subsection D. applies					
"Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network					
<b>ACTIVITY</b>					
<b>Structures</b>					
Construction of new single detached dwelling unit			A 1	A 2	
Construction of a new tree-supported structure			A 64	A 64	A 64
Construction of nonresidential structure			A 3	A 3	A 3, 4
Maintenance or repair of existing structure	A 5	A	A	A	A 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
<b>Grading</b>					
Grading		A 13		A 14	A 4, 14
Construction of new slope stabilization	A 15	A 15	A 15	A 15	A 4, 15
Maintenance of existing slope stabilization	A 16	A 13	A 17	A 16, 17	A 4

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Mineral extraction	A	A			
<b>Clearing</b>					
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	A22	A22	A 22	A 22	A 4, 22
Removal of noxious weeds or invasive vegetation	A 23	A 23	A 23	A 23	A 4, 23
<b>Forest Practices</b>					
Nonconversion Class IV-G forest practice	A 24	A 24	A 24	A 24	A 24, 25
Class I, II, III, IV-S forest practice	A	A	A	A	A
<b>Roads</b>					
Construction of new public road right-of-way structure on unimproved right-of-way			A 26	A 26	
Construction of new road in a plat			A 26	A 26	
Maintenance of public road right-of-way structure	A 16	A 16	A 16	A 16	A 16, 27
Expansion beyond public road right-of-way structure	A	A	A 26	A 26	
Repair, replacement or modification within the roadway	A 16	A 16	A 16	A 16	A 16, 27
Construction of driveway or private access road	A 28	A 28	A 28	A 28	A 28
Construction of farm field access drive	A 29	A 29	A 29	A 29	A 29
Maintenance of driveway, private access road, farm field access drive or parking lot	A	A	A 17	A 17	A 17, 27
Construction of a bridge or culvert as part of a driveway or private access road	A 39	A 39	A 39	A 39	A 39
<b>Bridges or culverts</b>					
Maintenance or repair of bridge or culvert	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17, 27
Replacement of bridge or culvert	A 16	A 16	A 16	A 16, 30	A 16, 27
Expansion of bridge or culvert	A 16, 17	A 16, 17	A 16, 17, 31	A 17, 31	A 4
<b>Utilities and other infrastructure</b>					

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Construction of new utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34	A 32, 34	A 27, 32, 35
Construction or maintenance of a hydroelectric generating facility	A 67	A 67	A 66	A 66	A 4, 66
Construction of a new residential utility service distribution line	A 32, 33	A 32, 33	A 32, 60	A 32, 60	A 27, 32, 60
Maintenance, repair or replacement of utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34, 36	A 32, 34, 36	A 4, 32, 37
Construction of a new on-site sewage disposal system or well			A 63	A 63	
Maintenance or repair of existing well	A 37	A 37	A 37	A 37	A 4, 37
Maintenance or repair of on-site sewage disposal system	A	A	A	A 37	A 4
Construction of new surface water conveyance system	A 32, 33	A 32, 33	A 32, 38	A 32, 38	A 4
Maintenance, repair or replacement of existing surface water conveyance system	A 33	A 33	A 16, 32, 38	A 16, 40, 41	A 4, 37
Construction of new surface water flow control or surface water quality treatment facility			A 32	A 32	A 4, 32
Maintenance or repair of existing surface water flow control or surface water quality treatment facility	A 16	A 16	A 16	A 16	A 4
Construction of new flood protection facility			A 42	A 42	A 27, 42
Maintenance, repair or replacement of flood protection facility	A 33, 43	A 33, 43	A 43	A 43	A 27, 43
Flood risk reduction gravel removal	A 61	A 61	A 61	A 61	A 61
Construction of new instream structure or instream work	A 16	A 16	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream structure	A 16	A	A	A	A 4
<b>Recreation</b>					

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Construction of new trail	A 46	A 46	A 47	A 47	A 4, 47
Maintenance of outdoor public park facility, trail or publicly improved recreation area	A 48	A 48	A 48	A 48	A 4, 48
<b>Habitat, education and science projects</b>					
Habitat restoration or enhancement project	A 49	A 49	A 49	A 49	A 4, 49
Scientific sampling for salmonids			A 50	A 50	A 50
Drilling and testing for critical areas report	A 51	A 51	A 51, 52	A 51, 52	A 4
Environmental education project	A 62	A 62	A 62	A 62	A 62
<b>Agriculture</b>					
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Grazing livestock	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of a commercial fish farm			A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of livestock manure storage facility			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction 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 23, 58	A 23, 58	A 23, 53, 54, 58	A 23, 53, 54, 58	A 4, 23, 53, 54, 58
Construction or maintenance of farm pond, fish pond or livestock watering pond	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
<b>Other</b>					
Shoreline water dependent or shoreline water oriented use				A 65	
Excavation of cemetery graves in established and approved cemetery	A	A	A	A	A
Maintenance of cemetery graves	A	A	A	A	A
Maintenance of lawn, landscaping or garden for	A 59	A 59	A 59	A 59	A 59

personal consumption					
Maintenance of golf course	A 17	A 17	A 17	A 17	A 4, 17

670 D. The following alteration conditions apply:

671 1. Limited to farm residences in grazed or tilled wet meadows and subject to the  
672 limitations of subsection D.3. of this section.

673 2. Only ~~((A))~~ allowed in a buffer of a lake that is twenty acres or larger on a lot  
674 that was created before January 1, 2005, if:

675 a. at least seventy-five percent of the lots abutting the shoreline of the lake or  
676 seventy-five percent of the lake frontage, whichever constitutes the most developable  
677 lake frontage, has existing density of four dwelling units per acre or more;

678 b. the development proposal, including mitigation required by this chapter, will  
679 have the least adverse impact on the critical area;

680 c. existing native vegetation within the critical area buffer will remain  
681 undisturbed except as necessary to accommodate the development proposal and required  
682 building setbacks;

683 d. access is located to have the least adverse impact on the critical area and  
684 critical area buffer;

685 e. the alteration is the minimum necessary to accommodate the development  
686 proposal and in no case in excess of a development footprint of five thousand square feet;

687 f. the alteration is no closer than:

688 (1) on site with a shoreline environment designation of high intensity or  
689 residential, the greater of twenty-five feet ~~(( $\text{\textcircled{f}}$ ))~~ or the average of the setbacks on

690 adjacent lots on either side of the subject property, as measured from the ordinary high  
691 water mark of the lake shoreline;

692 (2) on a site with a shoreline environment designation of rural, conservancy,  
693 resource or forestry, the greater of fifty feet or the average of the setbacks on adjacent  
694 lots on either side of the subject property, as measured from the ordinary high water mark  
695 the lake shoreline; and

696 (3) on a site with a shoreline environment designation of natural, the greater  
697 of one hundred feet or the average of the setbacks on adjacent lots on either side of the  
698 subject property, as measured from the ordinary high water mark; and

699 g. to the maximum extent practical, alterations are mitigated on the development  
700 proposal site by enhancing or restoring remaining critical area buffers.

701 3. Limited to nonresidential farm-structures in grazed or tilled wet meadows or  
702 buffers of wetlands or aquatic areas where:

703 a. the site is predominantly used for the practice of agriculture;

704 b. the structure is in compliance with an approved farm management plan in  
705 accordance with K.C.C. 21A.24.051;

706 c. the structure is either:

707 (1) on or adjacent to existing nonresidential impervious surface areas,  
708 additional impervious surface area is not created waterward of any existing impervious  
709 surface areas and the area was not used for crop production;

710 (2) higher in elevation and no closer to the critical area than its existing  
711 position; or

712 (3) at a location away from existing impervious surface areas that is  
713 determined to be the optimum site in the farm management plan;

714 d. all best management practices associated with the structure specified in the  
715 farm management plan are installed and maintained;

716 e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not  
717 require the development of a farm management plan if required best management  
718 practices are followed and the installation does not require clearing of critical areas or  
719 their buffers; and

720 f. in a severe channel migration hazard area portion of an aquatic buffer only  
721 if:

722 (1) there is no feasible alternative location on-site;

723 (2) the structure is located where it is least subject to risk from channel  
724 migration;

725 (3) the structure is not used to house animals or store hazardous substances;

726 and

727 (4) the total footprint of all accessory structures within the severe channel  
728 migration hazard area will not exceed the greater of one thousand square feet or two  
729 percent of the severe channel migration hazard area on the site.

730 4. Allowed if no clearing, external construction or other disturbance in a  
731 wildlife habitat conservation area occurs during breeding seasons established under  
732 K.C.C. 21A.24.382.

733 5. Allowed for structures when:

734 a. the landslide hazard poses little or no risk of injury;

735           b. the risk of landsliding is low; and

736           c. there is not an expansion of the structure.

737           6. Within a severe channel migration hazard area allowed for:

738           a. existing legally established primary structures if:

739               (1) there is not an increase of the footprint of any existing structure; and

740               (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270;

741   and

742           b. existing legally established accessory structures if:

743               (1) additions to the footprint will not make the total footprint of all existing

744   structures more than one-thousand square feet; and

745               (2) there is not an expansion of the footprint towards any source of channel

746   migration hazard, unless the applicant demonstrates that the location is less subject to risk

747   and has less impact on the critical area.

748           7. Allowed only in grazed wet meadows or the buffer or building setback

749   outside a severe channel migration hazard area if:

750           a. the expansion or replacement does not increase the footprint of a

751   nonresidential structure;

752           b.(1) for a legally established dwelling unit, the expansion or replacement,

753   including any expansion of a legally established accessory structure allowed under this

754   subsection B.7.b., does not increase the footprint of the dwelling unit and all other

755   structures by more than one thousand square feet, not including any expansion of a

756   drainfield made necessary by the expansion of the dwelling unit. To the maximum extent

757   practical, the replacement or expansion of a drainfield in the buffer should be located

758 within areas of existing lawn or landscaping, unless another location will have a lesser  
759 impact on the critical area and its buffer;

760 (2) for a structure accessory to a dwelling unit, the expansion or replacement  
761 is located on or adjacent to existing impervious surface areas and does not result in a  
762 cumulative increase in the footprint of the accessory structure and the dwelling unit by  
763 more than one thousand square feet;

764 (3) the location of the expansion has the least adverse impact on the critical  
765 area; and

766 (4) a comparable area of degraded buffer area shall be enhanced through  
767 removal of nonnative plants and replacement with native vegetation in accordance with  
768 an approved landscaping plan;

769 c. the structure was not established as the result of an alteration exception,  
770 variance, buffer averaging or reasonable use exception; ~~((and))~~

771 d. to the maximum extent practical, the expansion or replacement is not  
772 located closer to the critical area or within the relic of a channel that can be connected to  
773 an aquatic area; and

774 e. The expansion of a residential structure in the buffer of a Type S aquatic  
775 area that extends towards the ordinary high water mark requires a shoreline variance if:

776 (1) the expansion is within thirty-five feet of the ordinary high water mark; or

777 (2) the expansion is between thirty-five and fifty feet of the ordinary high  
778 water mark and the area of the expansion extending towards the ordinary high water mark  
779 is greater than three hundred square feet.

- 780           8. Allowed upon another portion of an existing impervious surface outside a  
781 severe channel migration hazard area if:
- 782           a. except as otherwise allowed under subsection D.7. of this section, the  
783 structure is not located closer to the critical area;
- 784           b. except as otherwise allowed under subsection D.7. of this section, the  
785 existing impervious surface within the critical area or buffer is not expanded; and
- 786           c. the degraded buffer area is enhanced through removal of nonnative plants  
787 and replacement with native vegetation in accordance with an approved landscaping plan.
- 788           9. Limited to piers or seasonal floating docks in a category II, III or IV wetland  
789 or its buffer or along a lake shoreline or its buffer where:
- 790           a. the vegetation where the alteration is proposed does not consist of dominant  
791 native wetland herbaceous or woody vegetation six feet in width or greater and the lack  
792 of this vegetation is not the result of any violation of law;
- 793           b. the wetland or lake shoreline is not a salmonid spawning area;
- 794           c. hazardous substances or toxic materials are not used; and
- 795           d. if located in a freshwater lake, the pier or dock conforms to the standards for  
796 docks under K.C.C. 21A.25.180.
- 797           10. Allowed on type N or O aquatic areas if hazardous substances or toxic  
798 materials are not used.
- 799           11. Allowed on type S or F aquatic areas outside of the severe channel  
800 migration hazard area if in compliance with K.C.C. 21A.25.180.
- 801           12. When located on a lake, must be in compliance with K.C.C. 21A.25.180.

802           13. Limited to regrading and stabilizing of a slope formed as a result of a legal  
803 grading activity.

804           14. The following are allowed in the severe channel migration hazard area if  
805 conducted more than one hundred sixty-five feet from the ordinary high water mark in  
806 the rural area and one-hundred fifteen feet from the ordinary high water mark in the  
807 urban area:

- 808           a. grading of up to fifty cubic yards on lot less than five acres; and
- 809           b. clearing of up to one-thousand square feet or up to a cumulative thirty-five  
810 percent of the severe channel migration hazard area.

811           15. Only where erosion or landsliding threatens a structure, utility facility,  
812 roadway, driveway, public trails, aquatic area or wetland if, to the maximum extent  
813 practical, stabilization work does not disturb the slope and its vegetative cover and any  
814 associated critical areas.

815           16. Allowed when performed by, at the direction of or authorized by a  
816 government agency in accordance with regional road maintenance guidelines.

817           17. Allowed when not performed under the direction of a government agency  
818 only if:

- 819           a. the maintenance or expansion does not involve the use of herbicides,  
820 hazardous substances, sealants or other liquid oily substances in aquatic areas, wetlands  
821 or their buffers; and

822           b. when maintenance, expansion or replacement of bridges or culverts involves  
823 water used by salmonids:

- 824           (1) the work is in compliance with ditch standards in public rule; and

825 (2) the maintenance of culverts is limited to removal of sediment and debris  
826 from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or  
827 damaged bank or channel immediately adjacent to the culvert and shall not involve the  
828 excavation of a new sediment trap adjacent to the inlet.

829 18. Allowed for the removal of hazard trees and vegetation as necessary for surveying  
830 or testing purposes.

831 19. The limited trimming and pruning of vegetation for the making and  
832 maintenance of view corridors or habitat enhancement under a vegetation management  
833 plan approved by the department, if the soils are not disturbed and the activity will not  
834 adversely affect the long term slope stability or water quality or cause erosion. The  
835 vegetation management plan shall use native species with adequate root strength to add  
836 stability to a steep slope.

837 20. Harvesting of plants and plant materials, such as plugs, stakes, seeds or  
838 fruits, for restoration and enhancement projects is allowed.

839 21. Cutting of firewood is subject to the following:

840 a. within a wildlife habitat conservation area, cutting firewood is not allowed;

841 b. within a wildlife network, cutting shall be in accordance with a management  
842 plan approved under K.C.C. 21A.24.386; and

843 c. within a critical area buffer, cutting shall be for personal use and in  
844 accordance with an approved forest management plan or rural stewardship plan.

845 22. Allowed only in buffers if in accordance with best management practices  
846 approved by the King County fire marshal.

847 23. Allowed as follows:

848           a. if conducted in accordance with an approved forest management plan, farm  
849 management plan or rural stewardship plan; or

850           b. without an approved forest management plan, farm management plan or  
851 rural stewardship plan, only if:

852                 (1) removal is undertaken with hand labor, including hand-held mechanical  
853 tools, unless the King County noxious weed control board otherwise prescribes the use of  
854 riding mowers, light mechanical cultivating equipment or herbicides or biological control  
855 methods;

856                 (2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;

857                 (3) the cleared area is revegetated with native vegetation and stabilized  
858 against erosion; and

859                 (4) herbicide use is in accordance with federal and state law;

860           24. Only if in accordance with chapter 76.09 RCW and Title 222 WAC and:

861                 a. a forest management plan is approved for the site by the King County  
862 department of natural resources and parks; and

863                 b. the property owner provides a notice of intent in accordance with RCW  
864 76.09.060 that the site will not be converted to nonforestry uses within six years.

865           25. Only if in compliance with published Washington state Department of Fish  
866 and Wildlife and Washington state Department of Natural Resources Management  
867 standards for the species. If there are no published Washington state standards, only if in  
868 compliance with management standards determined by the county to be consistent with  
869 best available science.

870           26. Allowed only if:

871 a. there is not another feasible location with less adverse impact on the critical  
872 area and its buffer;

873 b. the corridor is not located over habitat used for salmonid rearing or  
874 spawning or by a species listed as endangered or threatened by the state or federal  
875 government unless the department determines that there is no other feasible crossing site.

876 c. the corridor width is minimized to the maximum extent practical;

877 d. the construction occurs during approved periods for instream work;

878 e. the corridor will not change or diminish the overall aquatic area flow peaks,  
879 duration or volume or the flood storage capacity; and

880 f. no new public right-of-way is established within a severe channel migration  
881 hazard area.

882 27. To the maximum extent practical, during breeding season established under  
883 K.C.C. 21A.24.382, land clearing machinery such as bulldozers, graders or other heavy  
884 equipment are not operated within a wildlife habitat conservation area.

885 28. Allowed only if:

886 a. an alternative access is not available;

887 b. impact to the critical area is minimized to the maximum extent practical  
888 including the use of walls to limit the amount of cut and fill necessary;

889 c. the risk associated with landslide and erosion is minimized;

890 d. access is located where it is least subject to risk from channel migration; and

891 e. construction occurs during approved periods for instream work.

892 29. Only if in compliance with a farm management plan in accordance with  
893 K.C.C. 21A.24.051.

894 30. Allowed only if:

895 a. the replacement is made fish passable in accordance with the most recent  
896 Washington state Department of Fish and Wildlife manuals or with the National Marine  
897 and Fisheries Services guidelines for federally listed salmonid species; and

898 b. the site is restored with appropriate native vegetation.

899 31. Allowed if necessary to bring the bridge or culvert up to current standards  
900 and if:

901 a. there is not another feasible alternative available with less impact on the  
902 aquatic area and its buffer; and

903 b. to the maximum extent practical, the bridge or culvert is located to minimize  
904 impacts to the aquatic area and its buffer's.

905 32. Allowed in an existing roadway if conducted consistent with the regional  
906 road maintenance guidelines.

907 33. Allowed outside the roadway if:

908 a. the alterations will not subject the critical area to an increased risk of  
909 landslide or erosion;

910 b. vegetation removal is the minimum necessary to locate the utility or  
911 construct the corridor; and

912 c. significant risk of personal injury is eliminated or minimized in the landslide  
913 hazard area.

914 34. Limited to the pipelines, cables, wires and support structures of utility  
915 facilities within utility corridors if:

916 a. there is no alternative location with less adverse impact on the critical area  
917 and critical area buffer;

918 b. new utility corridors meet the all of the following to the maximum extent  
919 practical:

920 (1) are not located over habitat used for salmonid rearing or spawning or by a  
921 species listed as endangered or threatened by the state or federal government unless the  
922 department determines that there is no other feasible crossing site;

923 (2) the mean annual flow rate is less than twenty cubic feet per second; and

924 (3) paralleling the channel or following a down-valley route near the channel  
925 is avoided;

926 c. to the maximum extent practical utility corridors are located so that:

927 (1) the width is the minimized;

928 (2) the removal of trees greater than twelve inches diameter at breast height is  
929 minimized;

930 (3) an additional, contiguous and undisturbed critical area buffer, equal in  
931 area to the disturbed critical area buffer area including any allowed maintenance roads, is  
932 provided to protect the critical area;

933 d. to the maximum extent practical, access for maintenance is at limited access  
934 points into the critical area buffer rather than by a parallel maintenance road. If a parallel  
935 maintenance road is necessary the following standards are met:

936 (1) to the maximum extent practical the width of the maintenance road is  
937 minimized and in no event greater than fifteen feet; and

- 938           (2) the location of the maintenance road is contiguous to the utility corridor  
939 on the side of the utility corridor farthest from the critical area;
- 940           e. the utility corridor or facility will not adversely impact the overall critical  
941 area hydrology or diminish flood storage capacity;
- 942           f. the construction occurs during approved periods for instream work;
- 943           g. the utility corridor serves multiple purposes and properties to the maximum  
944 extent practical;
- 945           h. bridges or other construction techniques that do not disturb the critical areas  
946 are used to the maximum extent practical;
- 947           i. bored, drilled or other trenchless crossing is laterally constructed at least four  
948 feet below the maximum depth of scour for the base flood;
- 949           j. bridge piers or abutments for bridge crossing are not placed within the  
950 FEMA floodway or the ordinary high water mark;
- 951           k. open trenching is only used during low flow periods or only within aquatic  
952 areas when they are dry. The department may approve open trenching of type S or F  
953 aquatic areas only if there is not a feasible alternative and equivalent or greater  
954 environmental protection can be achieved; and
- 955           l. minor communication facilities may collocate on existing utility facilities if:  
956           (1) no new transmission support structure is required; and  
957           (2) equipment cabinets are located on the transmission support structure.
- 958           35. Allowed only for new utility facilities in existing utility corridors.

959           36. Allowed for private individual utility service connections on site or to public  
960 utilities if the disturbed area is not expanded and no hazardous substances, pesticides or  
961 fertilizers are applied.

962           37. Allowed if the disturbed area is not expanded, clearing is limited to the  
963 maximum extent practical and no hazardous substances, pesticides or fertilizers are  
964 applied.

965           38. Allowed if:

966           a. conveying the surface water into the wetland or aquatic area buffer and  
967 discharging into the wetland or aquatic area buffer or at the wetland or aquatic area edge  
968 has less adverse impact upon the wetland or aquatic area or wetland or aquatic area buffer  
969 than if the surface water were discharged at the buffer's edge and allowed to naturally  
970 drain through the buffer;

971           b. the volume of discharge is minimized through application of low impact  
972 development and water quality measures identified in the King County Surface Water  
973 Design Manual;

974           c. the conveyance and outfall are installed with hand equipment where  
975 feasible;

976           d. the outfall shall include bioengineering techniques where feasible; and

977           e. the outfall is designed to minimize adverse impacts to critical areas.

978           39. Allowed only if:

979           a. there is no feasible alternative with less impact on the critical area and its  
980 buffer;

981           b. to the maximum extent practical, the bridge or culvert is located to minimize  
982 impacts to the critical area and its buffer;

983           c. the bridge or culvert is not located over habitat used for salmonid rearing or  
984 spawning unless there is no other feasible crossing site;

985           d. construction occurs during approved periods for in-stream work; and

986           e. bridge piers or abutments for bridge crossings are not placed within the  
987 FEMA floodway, severe channel migration hazard area or waterward of the ordinary high  
988 water mark.

989           40. Allowed for an open, vegetated stormwater management conveyance system  
990 and outfall structure that simulates natural conditions if:

991           a. fish habitat features necessary for feeding, cover and reproduction are  
992 included when appropriate;

993           b. vegetation is maintained and added adjacent to all open channels and ponds,  
994 if necessary to prevent erosion, filter out sediments or shade the water; and

995           c. bioengineering techniques are used to the maximum extent practical.

996           41. Allowed for a closed, tightlined conveyance system and outfall structure if:

997           a. necessary to avoid erosion of slopes; and

998           b. bioengineering techniques are used to the maximum extent practical.

999           42. Allowed in a severe channel migration hazard area or an aquatic area buffer  
1000 to prevent bank erosion only:

1001           a. if consistent with the Integrated Streambank Protection Guidelines  
1002 (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering

1003 techniques are used to the maximum extent practical, unless the applicant demonstrates  
1004 that other methods provide equivalent structural stabilization and environmental function;

1005           b. based on a critical areas report, the department determines that the new  
1006 flood protection facility will not cause significant impacts to upstream or downstream  
1007 properties; and

1008           c. to prevent bank erosion for the protection of:

1009               (1) public roadways;

1010               (2) sole access routes in existence before February 16, 1995;

1011               (3) new primary dwelling units, accessory dwelling units or accessory living  
1012 quarters and residential accessory structures located outside the severe channel migration  
1013 hazard area if:

1014               (a) the site is adjacent to or abutted by properties on both sides containing  
1015 buildings or sole access routes protected by legal bank stabilization in existence before  
1016 February 16, 1995. The buildings, sole access routes or bank stabilization must be  
1017 located no more than six hundred feet apart as measured parallel to the migrating  
1018 channel; and

1019               (b) the new primary dwelling units, accessory dwelling units, accessory  
1020 living quarters or residential accessory structures are located no closer to the aquatic area  
1021 than existing primary dwelling units, accessory dwelling units, accessory living quarters  
1022 or residential accessory structures on abutting or adjacent properties; or

1023               (4) existing primary dwelling units, accessory dwelling units, accessory living  
1024 quarters or residential accessory structures if:

1025 (a) the structure was in existence before the adoption date of a King County  
1026 Channel Migration Zone hazard map that applies to that channel, if such a map exists;

1027 (b) the structure is in imminent danger, as determined by a geologist,  
1028 engineering geologist or geotechnical engineer;

1029 (c) the applicant has demonstrated that the existing structure is at risk, and  
1030 the structure and supporting infrastructure cannot be relocated on the lot further from the  
1031 source of channel migration; and

1032 (d) nonstructural measures are not feasible.

1033 43. Applies to lawfully established existing structures if:

1034 a. the height of the facility is not increased, unless the facility is being replaced  
1035 in a new alignment that is landward of the previous alignment and enhances aquatic area  
1036 habitat and process;

1037 b. the linear length of the facility is not increased, unless the facility is being  
1038 replaced in a new alignment that is landward of the previous alignment and enhances  
1039 aquatic area habitat and process;

1040 c. the footprint of the facility is not expanded waterward;

1041 d. consistent with the Integrated Streambank Protection Guidelines  
1042 (Washington State Aquatic Habitat Guidelines Program, 2002) and bioengineering  
1043 techniques are used to the maximum extent practical;

1044 e. the site is restored with appropriate native vegetation and erosion protection  
1045 materials; and

1046 f. based on a critical areas report, the department determines that the  
1047 maintenance, repair, replacement or construction will not cause significant impacts to  
1048 upstream or downstream properties.

1049 44. Allowed in type N and O aquatic areas if done in least impacting way at  
1050 least impacting time of year, in conformance with applicable best management practices,  
1051 and all affected instream and buffer features are restored.

1052 45. Allowed in a type S or F water when such work is:

1053 a. included as part of a project to evaluate, restore or improve habitat, and

1054 b. sponsored or cosponsored by a public agency that has natural resource

1055 management as a function or by a federally recognized tribe.

1056 46. Allowed as long as the trail is not constructed of impervious surfaces that  
1057 will contribute to surface water run-off, unless the construction is necessary for soil  
1058 stabilization or soil erosion prevention or unless the trail system is specifically designed  
1059 and intended to be accessible to handicapped persons.

1060 47. Not allowed in a wildlife habitat conservation area. Otherwise, allowed in  
1061 the buffer or for crossing a category II, III or IV wetland or a type F, N or O aquatic area,  
1062 if:

1063 a. the trail surface is made of pervious materials, except that public  
1064 multipurpose trails may be made of impervious materials if they meet all the  
1065 requirements in K.C.C. chapter 9.12. A trail that crosses a wetland or aquatic area shall  
1066 be constructed as a raised boardwalk or bridge;

1067 b. to the maximum extent practical, buffers are expanded equal to the width of  
1068 the trail corridor including disturbed areas;

1069 c. there is not another feasible location with less adverse impact on the critical  
1070 area and its buffer;

1071 d. the trail is not located over habitat used for salmonid rearing or spawning or  
1072 by a species listed as endangered or threatened by the state or federal government unless  
1073 the department determines that there is no other feasible crossing site;

1074 e. the trail width is minimized to the maximum extent practical;

1075 f. the construction occurs during approved periods for instream work; and

1076 g. the trail corridor will not change or diminish the overall aquatic area flow  
1077 peaks, duration or volume or the flood storage capacity.

1078 h. the trail may be located across a critical area buffer for access to a viewing  
1079 platform or to a permitted dock or pier;

1080 i. A private viewing platform may be allowed if it is:

1081 (1) located upland from the wetland edge or the ordinary high water mark of  
1082 an aquatic area;

1083 (2) located where it will not be detrimental to the functions of the wetland or  
1084 aquatic area and will have the least adverse environmental impact on the critical area or  
1085 its buffer;

1086 (3) limited to fifty square feet in size;

1087 (4) constructed of materials that are nontoxic; and

1088 (5) on footings located outside of the wetland or aquatic area.

1089 48. Only if the maintenance:

1090 a. does not involve the use of herbicides or other hazardous substances except  
1091 for the removal of noxious weeds or invasive vegetation;

1092           b. when salmonids are present, the maintenance is in compliance with ditch  
1093 standards in public rule; and

1094           c. does not involve any expansion of the roadway, lawn, landscaping, ditch,  
1095 culvert, engineered slope or other improved area being maintained.

1096           49. Limited to alterations to restore habitat forming processes or directly restore  
1097 habitat function and value, including access for construction, as follows:

1098           a. projects sponsored or cosponsored by a public agency that has natural  
1099 resource management as a primary function or by a federally recognized tribe;

1100           b. restoration and enhancement plans prepared by a qualified biologist; or

1101           c. conducted in accordance with an approved forest management plan, farm  
1102 management plan or rural stewardship plan.

1103           50. Allowed in accordance with a scientific sampling permit issued by  
1104 Washington state Department of Fish and Wildlife or an incidental take permit issued  
1105 under Section 10 of the Endangered Species Act.

1106           51. Allowed for the minimal clearing and grading, including site access,  
1107 necessary to prepare critical area reports.

1108           52. The following are allowed if associated spoils are contained:

1109           a. data collection and research if carried out to the maximum extent practical  
1110 by nonmechanical or hand-held equipment;

1111           b. survey monument placement;

1112           c. site exploration and gage installation if performed in accordance with state-  
1113 approved sampling protocols and accomplished to the maximum extent practical by  
1114 hand-held equipment and; or similar work associated with an incidental take permit

1115 issued under Section 10 of the Endangered Species Act or consultation under Section 7 of  
1116 the Endangered Species Act.

1117           53. Limited to activities in continuous existence since January 1, 2005, with no  
1118 expansion within the critical area or critical area buffer. "Continuous existence" includes  
1119 cyclical operations and managed periods of soil restoration, enhancement or other fallow  
1120 states associated with these horticultural and agricultural activities.

1121           54. Allowed for expansion of existing or new agricultural activities where:

1122           a. the site is predominantly involved in the practice of agriculture;

1123           b. there is no expansion into an area that:

1124           (1) has been cleared under a class I, II, III, IV-S or nonconversion IV-G forest  
1125 practice permit; or

1126           (2) is more than ten thousand square feet with tree cover at a uniform density  
1127 more than ninety trees per acre and with the predominant mainstream diameter of the  
1128 trees at least four inches diameter at breast height, not including areas that are actively  
1129 managed as agricultural crops for pulpwood, Christmas trees or ornamental nursery  
1130 stock;

1131           c. the activities are in compliance with an approved farm management plan in  
1132 accordance with K.C.C. 21A.24.051; and

1133           d. all best management practices associated with the activities specified in the  
1134 farm management plan are installed and maintained.

1135           55. Only allowed in grazed or tilled wet meadows or their buffers if:

1136           a. the facilities are designed to the standards of an approved farm management  
1137 plan in accordance K.C.C. 21A.24.051 or an approved livestock management plan in  
1138 accordance with K.C.C. chapter 21A.30;

1139           b. there is not a feasible alternative location available on the site; and

1140           c. the facilities are located close to the outside edge of the buffer to the  
1141 maximum extent practical.

1142           56. Allowed in a severe channel migration hazard area portion of an aquatic  
1143 area buffer if:

1144           a. located outside the shoreline jurisdiction;

1145           b. the facilities are designed to the standards in an approved farm management  
1146 plan in accordance with K.C.C. 21A.24.051;

1147           ~~((b-))~~ c. there is not a feasible alternative location available on the site; and

1148           ~~((e-))~~ d. the structure is located where it is least subject to risk from channel  
1149 migration.

1150           57. Allowed for new agricultural drainage in compliance with an approved farm  
1151 management plan in accordance with K.C.C. 21A.24.051 and all best management  
1152 practices associated with the activities specified in the farm management plan are  
1153 installed and maintained.

1154           58. If the agricultural drainage is used by salmonids, maintenance shall be in  
1155 compliance with an approved farm management plan in accordance with K.C.C.  
1156 21A.24.051.

1157           59. Allowed within existing landscaped areas or other previously disturbed  
1158 areas.

- 1159           60. Allowed for residential utility service distribution lines to residential  
1160 dwellings, including, but not limited to, well water conveyance, septic system  
1161 conveyance, water service, sewer service, natural gas, electrical, cable and telephone, if:  
1162           a. there is no alternative location with less adverse impact on the critical area  
1163 or the critical area buffer;  
1164           b. the residential utility service distribution lines meet the all of the following,  
1165 to the maximum extent practical:  
1166           (1) are not located over habitat used for salmonid rearing or spawning or by a  
1167 species listed as endangered or threatened by the state or federal government unless the  
1168 department determines that there is no other feasible crossing site;  
1169           (2) not located over a type S aquatic area;  
1170           (3) paralleling the channel or following a down-valley route near the channel  
1171 is avoided;  
1172           (4) the width of clearing is minimized;  
1173           (5) the removal of trees greater than twelve inches diameter at breast height is  
1174 minimized;  
1175           (6) an additional, contiguous and undisturbed critical area buffer, equal in  
1176 area to the disturbed critical area buffer area is provided to protect the critical area;  
1177           (7) access for maintenance is at limited access points into the critical area  
1178 buffer.  
1179           (8) the construction occurs during approved periods for instream work;

1180 (9) bored, drilled or other trenchless crossing is encouraged, and shall be  
1181 laterally constructed at least four feet below the maximum depth of scour for the base  
1182 flood; and

1183 (10) open trenching across Type O or Type N aquatic areas is only used  
1184 during low flow periods or only within aquatic areas when they are dry.

1185 61. Allowed if sponsored or cosponsored by the countywide flood control zone  
1186 district and the department determines that the project and its location:

- 1187 a. is the best flood risk reduction alternative practicable;
- 1188 b. is part of a comprehensive, long-term flood management strategy;
- 1189 c. is consistent with the King County Flood Hazard Management Plan policies;
- 1190 d. will have the least adverse impact on the ecological functions of the critical  
1191 area or its buffer, including habitat for fish and wildlife that are identified for protection  
1192 in the King County Comprehensive Plan; and
- 1193 e. has been subject to public notice in accordance with K.C.C. 20.44.060.

1194 62.a. Not allowed in wildlife habitat conservation areas;

1195 b. Only allowed if:

1196 (1) the project is sponsored or cosponsored by a public agency whose primary  
1197 function deals with natural resources management;

1198 (2) the project is located on public land or on land that is owned by a  
1199 nonprofit agency whose primary function deals with natural resources management;

1200 (3) there is not a feasible alternative location available on the site with less  
1201 impact to the critical area or its associated buffer;

1202 (4) the aquatic area or wetland is not for salmonid rearing or spawning;

1203 (5) the project minimizes the footprint of structures and the number of access  
1204 points to any critical areas; and

1205 (6) the project meets the following design criteria:

1206 (a) to the maximum extent practical size of platform shall not exceed one  
1207 hundred square feet;

1208 (b) all construction materials for any structures, including the platform,  
1209 pilings, exterior and interior walls and roof, are constructed of nontoxic material, such as  
1210 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,  
1211 fiberglass or cured concrete that the department determines will not have an adverse  
1212 impact on water quality;

1213 (c) the exterior of any structures are sufficiently camouflaged using netting  
1214 or equivalent to avoid any visual deterrent for wildlife species to the maximum extent  
1215 practical. The camouflage shall be maintained to retain concealment effectiveness;

1216 (d) structures shall be located outside of the wetland or aquatic area  
1217 landward of the Ordinary High Water Mark or open water component (if applicable) to  
1218 the maximum extent practical on the site;

1219 (e) construction occurs during approved periods for work inside the  
1220 Ordinary High Water Mark;

1221 (f) construction associated with bird blinds shall not occur from March 1  
1222 through August 31, in order to avoid disturbance to birds during the breeding, nesting and  
1223 rearing seasons;

1224 (g) to the maximum extent practical, provide accessibility for persons with  
1225 physical disabilities in accordance with the International Building Code;

1226 (h) trail access is designed in accordance with public rules adopted by the  
1227 department;

1228 (i) existing native vegetation within the critical area will remain undisturbed  
1229 except as necessary to accommodate the proposal. Only minimal hand clearing of  
1230 vegetation is allowed; and

1231 (j) disturbed bare ground areas around the structure must be replanted with  
1232 native vegetation approved by the department.

1233 63. Not allowed in the severe channel migration zone, there is no alternative  
1234 location with less adverse impact on the critical area and buffer and clearing is minimized  
1235 to the maximum extent practical.

1236 64. Only structures wholly or partially supported by a tree and used as accessory  
1237 living quarters or for play and similar uses described in K.C.C. 16.02.240.1, subject to the  
1238 following:

1239 a. not allowed in wildlife habitat conservation areas or severe channel  
1240 migration hazard areas;

1241 b. the structure's floor area shall not exceed two hundred square feet, excluding  
1242 a narrow access stairway or landing leading to the structure;

1243 c. the structure shall be located as far from the critical area as practical, but in  
1244 no case closer than seventy-five feet from the critical area;

1245 d. only one tree-supported structure within a critical area buffer is allowed on a  
1246 lot;

1247 e. all construction materials for the structure, including the platform, pilings,  
1248 exterior and interior walls and roof, shall be constructed of nontoxic material, such as

1249 nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood,  
1250 fiberglass or cured concrete that the department determines will not have an adverse  
1251 impact on water quality;

1252 f. to the maximum extent practical, the exterior of the structure shall be  
1253 camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife  
1254 and visibility from the critical area. The camouflage shall be maintained to retain  
1255 concealment effectiveness;

1256 g. the structure must not adversely impact the long-term health and viability of  
1257 the tree. The evaluation shall include, but not be limited to, the following:

1258 (1) the quantity of supporting anchors and connection points to attach the tree  
1259 house to the tree shall be the minimum necessary to adequately support the structure;

1260 (2) the attachments shall be constructed using the best available tree anchor  
1261 bolt technology; and

1262 (3) an ISA Certified Arborist shall evaluate the tree proposed for placement  
1263 of the tree house and shall submit a report discussing how the tree's long-term health and  
1264 viability will not be negatively impacted by the tree house or associated infrastructure;

1265 h. exterior lighting shall meet the following criteria:

1266 (1) limited to the minimum quantity of lights necessary to meet the building  
1267 code requirements to allow for safe exiting of the structure and stairway; and

1268 (2) exterior lights shall be fully shielded and shall direct light downward, in  
1269 an attempt to minimize impacts to the nighttime environment;

1270 i. unless otherwise approved by the department, all external construction shall  
1271 be limited to September 1 through March 1 in order to avoid disturbance to wildlife  
1272 species during typical breeding, nesting and rearing seasons;

1273 j. trail access to the structure shall be designed in accordance with trail  
1274 standards under subsection D.47. of this section;

1275 k. to the maximum extent practical, existing native vegetation shall be left  
1276 undisturbed. Only minimal hand clearing of vegetation is allowed; and

1277 l. vegetated areas within the critical area buffer that are temporarily impacted  
1278 by construction of the structure shall be restored by planting native vegetation according  
1279 to a vegetation management plan approved by the department.

1280 65. Shoreline water dependent and shoreline water oriented uses are allowed in  
1281 the aquatic area and aquatic area buffer of a Type S aquatic area if consistent with K.C.C.  
1282 chapter 21A.25, chapter 90.58 RCW and the King County Comprehensive Plan.

1283 66. Only hydroelectric generating facilities meeting the requirements of K.C.C.  
1284 21A.08.100B.14., and only as follows:

1285 a. there is not another feasible location within the aquatic area with less adverse  
1286 impact on the critical area and its buffer;

1287 b. the facility and corridor is not located over habitat used for salmonid rearing  
1288 or spawning or by a species listed as endangered or threatened by the state or federal  
1289 government unless the department determines that there is no other feasible location;

1290 c. the facility is not located in Category I wetlands or Category II wetlands with  
1291 a habitat score 30 points or greater

1292 d. the corridor width is minimized to the maximum extent practical;

- 1293 e. paralleling the channel or following a down-valley route within an aquatic  
1294 area buffer is avoided to the maximum extent practical;
- 1295 f. the construction occurs during approved periods for instream work;
- 1296 g. the facility and corridor will not change or adversely impact the overall  
1297 aquatic area flow peaks, duration or volume or the flood storage capacity;
- 1298 h. The facility and corridor is not located within a severe channel migration  
1299 hazard area;
- 1300 h. To the maximum extent practical, buildings will be located outside the  
1301 buffer and away from the aquatic area or wetland;
- 1302 i. To the maximum extent practical, access for maintenance is at limited access  
1303 points into the critical area buffer rather than by a parallel maintenance road. If a parallel  
1304 maintenance road is necessary the following standards are met:
- 1305 1. to the maximum extent practical the width of the maintenance road is  
1306 minimized and in no event greater than fifteen feet; and
- 1307 2. the location of the maintenance road is contiguous to the utility corridor on  
1308 the side of the utility corridor farthest from the critical area;
- 1309 j. the facility does not pose an unreasonable threat to the public health, safety or  
1310 welfare on or off the development proposal site and is consistent with the general  
1311 purposes of this chapter and the public interest; and
- 1312 k. the facility connects to or is an alteration to a public roadway, public trail, a  
1313 utility corridor or utility facility or other infrastructure owned or operated by a public  
1314 utility; and

1315           67. Only hydroelectric generating facilities meeting the requirements of K.C.C.  
1316 21A.08.100.B.14, and only as follows:

1317           a. there is not another feasible location with less adverse impact on the critical  
1318 area and its buffer;

1319           b. the alterations will not subject the critical area to an increased risk of  
1320 landslide or erosion;

1321           c. the corridor width is minimized to the maximum extent practical;

1322           d. vegetation removal is the minimum necessary to locate the utility or  
1323 construct the corridor;

1324           e. the facility and corridor do not pose an unreasonable threat to the public  
1325 health, safety or welfare on or off the development proposal site and is consistent with the  
1326 general purposes of this chapter, and the public interest and significant risk of personal  
1327 injury is eliminated or minimized in the landslide hazard area; and

1328           f. the facility connects to or is an alteration to a public roadway, public trail, a  
1329 utility corridor or utility facility or other infrastructure owned or operated by a public  
1330 utility.

1331           SECTION 19. Ordinance 15051, Section 138, as amended, and K.C.C.

1332 21A.24.051 are each hereby amended to read as follows:

1333           A. The alterations identified in K.C.C. 21A.24.045 for agricultural activities are  
1334 allowed to expand within the buffers of wetlands, aquatic areas and wildlife habitat  
1335 conservation areas, when an agricultural activity is currently occurring on the site and the  
1336 alteration is in compliance with an approved farm management plan in accordance with

1337 this section or, for livestock activities, a farm management plan in accordance with  
1338 K.C.C. chapter 21A.30.

1339 B. This section does not modify any requirement that the property owner obtain  
1340 permits for activities covered by the farm management plan.

1341 C. The department of natural resources and parks or its designee shall serve as  
1342 the single point of contact for King County in providing information on farm  
1343 management plans for purposes of this title. The department of natural resources and  
1344 parks shall adopt a public rule governing the development of farm management plans.  
1345 The rule may provide for different types of farms management plans related to different  
1346 kinds of agricultural activities, including, but not limited to the best management  
1347 practices for dairy nutrient management, livestock management, horticulture  
1348 management, site development and agricultural drainage.

1349 D. A property owner or applicant seeking to use the process to allow alterations  
1350 in critical area buffers shall develop a farm management plan based on the following  
1351 goals, which are listed in order of priority:

1352 1. To maintain the productive agricultural land base and economic viability of  
1353 agriculture on the site;

1354 2. To maintain, restore or enhance critical areas to the maximum extent practical  
1355 in accordance with the site specific goals of the landowner;

1356 3. To the maximum extent practical in accordance with the site specific goals of  
1357 the landowner, maintain and enhance natural hydrologic systems on the site;

1358 4. To use federal, state and local best management practices and best available  
1359 science for farm management to achieve the goals of the farm management plan; and

1360           5. To monitor the effectiveness of best management practices and implement  
1361 additional practices through adaptive management to achieve the goals of the farm  
1362 management plan.

1363           E. If a part or all of the site is located within the shoreline jurisdiction, the farm  
1364 management plan shall:

1365                 1. Consider and be consistent with the goals of the shoreline management act  
1366 and the policies of the King County shoreline master program;

1367                 2. Consider the priorities of the King County shoreline protection and  
1368 restoration plan; and

1369                 3. Ensure no net loss of shoreline ecological functions.

1370           F. The property owner or applicant may develop the farm management plan as  
1371 part of a program offered or approved by King County. The plan shall include, but is not  
1372 limited to, the following elements:

1373                 1. A site inventory identifying critical areas, structures, cleared and forested  
1374 areas, and other significant features on the site;

1375                 2. Site-specific performance standards and best management practices to  
1376 maintain, restore or enhance critical areas and their buffers and maintain and enhance  
1377 native vegetation on the site including the best management practices for the installation  
1378 and maintenance of farm field access drives and agricultural drainages;

1379                 3. A plan for future changes to any existing structures or for any changes to the  
1380 landscape that involve clearing or grading;

1381                 4. A plan for implementation of performance standards and best management  
1382 practices;

1383 5. A plan for monitoring the effectiveness of measures taken to protect critical  
1384 areas and their buffers and to modify the farm management plan if adverse impacts occur;  
1385 and

1386 6. Documentation of compliance with flood compensatory storage and flood  
1387 conveyance in accordance with K.C.C. 21A.24.240.

1388 ~~((F.))~~ G. A farm management plan is not effective until approved by the county.  
1389 Before approval, the county may conduct a site inspection, which may be through a  
1390 program offered or approved by King County, to verify that the plan is reasonably likely  
1391 to accomplish the goals in subsection D. and consistent with subsection E. of this section.

1392 ~~((G.))~~ H. Once approved, activities carried out in compliance with the approved  
1393 farm management plan shall be deemed in compliance with this chapter. In the event of a  
1394 potential code enforcement action, the department of development and environmental  
1395 services shall first inform the department of natural resources and parks of the activity.  
1396 Prior to taking code enforcement action, the department of development and  
1397 environmental services shall consult with the department of natural resources and parks  
1398 and the King Conservation District to determine whether the activity is consistent with  
1399 the farm management plan.

1400 SECTION 20. Ordinance 10870, Section 332, as amended, and K.C.C.  
1401 21A.08.050 are each hereby amended to read as follows:

1402 A. General services land uses.

KEY	RESOURCE	R U R A L	RESIDENTIAL	COMMERCIAL/INDUSTRIAL
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P-Permitted Use C-Conditional Use S-Special Use		Z	A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
		O	G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
		N	R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
		E	I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U
		L	C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
		T	U	T	A		V		E		B	E	N	E	N	E	E	T
		U	L		L	A	E		N		O	S	I	S	A	S		R
		R	T			R			T		R	S	T	S	L	S		I
		E	E		A				A		H	Y						A
									L		O							L
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I					
	<b>PERSONAL SERVICES:</b>																	
72	General Personal Service						C25 C37	C25 ( <del>C37</del> ) 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	P9			P10	P10	P10		P					

					C10 and 31	C10							
753	Automotive Repair (1)								P11	P	P		P
754	Automotive Service								P11	P	P		P
76	Miscellaneous Repair	P33			P32 P33	P32	P32	P32	P32	P	P		P
866	Church, Synagogue, Temple				P12 C27 and 31	P12 C	P12 C	P12 C	P	P	P	P	
83	Social Services (2)				P12 P13 C31	P12 P13 C	P12 P13 C	P12 P13 C	P	P	P	P	
0752	Animal specialty services				C P35 P36	C			P	P	P	P	P
*	Stable	P14 C			P14 C31	P14 C	P 14 C						
*	Kennel or Cattery	P9			C	C				C	P		
*	Theatrical Production Services									P30	P28		
*	Artist Studios				P28	P28	P28	P28	P	P	P	P29	P
*	Interim Recycling Facility				P21	P21	P21	P21	P22	P22	P	P21	P
*	Dog training facility	C34			C34	C34			P	P	P		P
	<b>HEALTH</b>												

<b>SERVICES:</b>													
801-04	Office/Outpatient Clinic				P12 C 13a	P12 C13a	P12 C13 a C37	P12 C13a C37	P	P	P	P	P
805	Nursing and Personal Care Facilities							C		P	P		
806	Hospital						C13 a	C13a		P	P	C	
807	Medical/Dental Lab									P	P	P	P
808-09	Miscellaneous Health									P	P	P	
<b>EDUCATION SERVICES:</b>													
*	Elementary School				((P15 and 31)) <u>P39</u> <u>P40</u>	P	P	P		P16((e ) <u>P40</u>	P16( e)) <u>P40</u>	P16( e)) <u>P40</u>	
*	Middle/Junior High School				((P16 C15)) <u>P40</u> <u>C39</u> and 31	P	P	P		P16((e ) <u>C40</u>	P16( e)) <u>C40</u>	P16( e)) <u>C40</u>	
*	Secondary or High School				((P16 C15 and 26)) <u>C39</u> and	P26	P26	P26		P16((e ) <u>C15</u>	P16( e)) <u>C15</u>	P16( e))	

					31 <u>C41</u> and <u>31</u>								
*	Vocational School				((P13 a C34))	P13a C	P13a C	P13a C			<u>P15</u>	P17	P
*	Specialized Instruction School		P18		P19 C20 and 31	P19 C20	P19 C20	P19 C20	P	P	P	P17	P 38
*	School District Support Facility				((P16 C15 and 23 and 34))	P23 C	P23 C	P23 C	<u>C15</u>	<u>P15</u>	<u>P15</u>	<u>P15</u>	<u>P15</u>
<b>GENERAL CROSS</b>		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards,											
<b>REFERENCES:</b>		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.											

1403

B. Development conditions.

1404

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

1405

use table.

1406

2. Except SIC Industry Group Nos.:

1407

a. 835-Day Care Services, and

1408

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

1409

permitted land use table.

1410

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

1411

a. 723-Beauty Shops;

- 1412           b. 724-Barber Shops;
- 1413           c. 725-Shoe Repair Shops and Shoeshine Parlors;
- 1414           d. 7212-Garment Pressing and Agents for Laundries and Drycleaners; and
- 1415           e. 217-Carpet and Upholstery Cleaning.
- 1416           4. Only as accessory to a cemetery, and prohibited from the UR zone only if the
- 1417 property is located within a designated unincorporated Rural Town.
- 1418           5. Structures shall maintain a minimum distance of one hundred feet from
- 1419 property lines adjoining residential zones.
- 1420           6. Only as accessory to residential use, and:
- 1421           a. Outdoor play areas shall be completely enclosed by a solid wall or fence,
- 1422 with no openings except for gates, and have a minimum height of six feet; and
- 1423           b. Outdoor play equipment shall maintain a minimum distance of twenty feet
- 1424 from property lines adjoining residential zones.
- 1425           7. Permitted as an accessory use. See commercial/industrial accessory, K.C.C.
- 1426 21A.08.060.A.
- 1427           8. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32,
- 1428 or an accessory use to a school, church, park, sport club or public housing administered
- 1429 by a public agency, and:
- 1430           a. Outdoor play areas shall be completely enclosed by a solid wall or fence,
- 1431 with no openings except for gates and have a minimum height of six feet;
- 1432           b. Outdoor play equipment shall maintain a minimum distance of twenty feet
- 1433 from property lines adjoining residential zones;

1434 c. Direct access to a developed arterial street shall be required in any  
1435 residential zone; and

1436 d. Hours of operation may be restricted to assure compatibility with  
1437 surrounding development.

1438 9.a. As a home occupation only, but the square footage limitations in K.C.C.  
1439 chapter 21A.30 for home occupations apply only to the office space for the veterinary  
1440 clinic, office space for the kennel or office space for the cattery, and:

1441 (1) Boarding or overnight stay of animals is allowed only on sites of five  
1442 acres or more;

1443 (2) No burning of refuse or dead animals is allowed;

1444 (3) The portion of the building or structure in which animals are kept or  
1445 treated shall be soundproofed. All run areas, excluding confinement areas for livestock,  
1446 shall be surrounded by an eight-foot-high solid wall and the floor area shall be surfaced  
1447 with concrete or other impervious material; and

1448 (4) The provisions of K.C.C. chapter 21A.30 relative to animal keeping are  
1449 met.

1450 b. The following additional provisions apply to kennels or catteries in the A  
1451 zone:

1452 (1) Impervious surface for the kennel or cattery shall not exceed twelve  
1453 thousand square feet;

1454 (2) Obedience training classes are not allowed except as provided in  
1455 subsection B.34. of this section; and

1456 (3) Any buildings or structures used for housing animals and any outdoor  
1457 runs shall be set back one hundred and fifty feet from property lines.

1458 10.a. No burning of refuse or dead animals is allowed;

1459 b. The portion of the building or structure in which animals are kept or treated  
1460 shall be soundproofed. All run areas, excluding confinement areas for livestock, shall be  
1461 surrounded by an eight-foot-high solid wall and the floor area shall be surfaced with  
1462 concrete or other impervious material; and

1463 c. The provisions of K.C.C. chapter 21A.30 relative to animal keeping are met.

1464 11. The repair work or service shall only be performed in an enclosed building,  
1465 and no outdoor storage of materials. SIC Industry No. 7532-Top, Body, and Upholstery  
1466 Repair Shops and Paint Shops is not allowed.

1467 12. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.  
1468 Before filing an application with the department, the applicant shall hold a community  
1469 meeting in accordance with K.C.C. 20.20.035.

1470 13.a. Except as otherwise provided in 13.b of this subsection, only as a reuse of  
1471 a surplus nonresidential facility subject to K.C.C. chapter 21A.32.

1472 b. Allowed for a social service agency on a site in the NB zone that serves  
1473 transitional or low-income housing located within three hundred feet of the site on which  
1474 the social service agency is located.

1475 c. Before filing an application with the department, the applicant shall hold a  
1476 community meeting in accordance with K.C.C. 20.20.035.

1477           14. Covered riding arenas are subject to K.C.C. 21A.30.030 and shall not  
1478 exceed twenty thousand square feet, but stabling areas, whether attached or detached,  
1479 shall not be counted in this calculation.

1480           15. If located outside of the urban growth area, ((L))limited to projects that ~~((de~~  
1481 ~~not require or result in an expansion of sewer service outside the urban growth area,~~  
1482 ~~unless a finding is made that no cost-effective alternative technologies are feasible, in~~  
1483 ~~which case a tightline sewer sized only to meet the needs of the public school, as defined~~  
1484 ~~in RCW 28A.150.010, or the school district support facility and serving only the public~~  
1485 ~~school or the school district support facility may be used. New public high schools shall~~  
1486 ~~be permitted subject to the review process in K.C.C. 21A.42.140))~~ are of a size and scale  
1487 designed to primarily serve the rural area and shall be located within a rural town.

1488           16.~~((a. For middle or junior high schools and secondary or high schools or~~  
1489 ~~school district support facilities, only as a reuse of a public school or school district~~  
1490 ~~support facility subject to K.C.C. chapter 21A.32. An expansion of such a school or a~~  
1491 ~~school district support facility shall be subject to approval of a conditional use permit and~~  
1492 ~~the expansion shall not require or result in an extension of sewer service outside the~~  
1493 ~~urban growth area, unless a finding is made that no cost-effective alternative technologies~~  
1494 ~~are feasible, in which case a tightline sewer sized only to meet the needs of the public~~  
1495 ~~school, as defined in RCW 28A.150.010, or the school district support facility may be~~  
1496 ~~used.~~

1497           b. ~~Renovation, expansion, modernization or reconstruction of a school, a~~  
1498 ~~school district support facility, or the addition of relocatable facilities, is permitted but~~  
1499 ~~shall not require or result in an expansion of sewer service outside the urban growth area,~~

1500 ~~unless a finding is made that no cost-effective alternative technologies are feasible, in~~  
1501 ~~which case a tightline sewer sized only to meet the needs of the public school, as defined~~  
1502 ~~in RCW 28A.150.010, or the school district support facility may be used.~~

1503 e-)) If located outside of the urban growth area, shall be designed to primarily  
1504 serve the rural area and shall be located within a rural town. In CB, RB and O, for K-12  
1505 schools with no more than one hundred students.

1506 17. All instruction must be within an enclosed structure.

1507 18. Limited to resource management education programs.

1508 19. Only as accessory to residential use, and:

1509 a. Students shall be limited to twelve per one-hour session;

1510 b. Except as provided in subsection c. of this subsection, all instruction must  
1511 be within an enclosed structure;

1512 c. Outdoor instruction may be allowed on properties at least two and one-half  
1513 acres in size. Any outdoor activity must comply with the requirements for setbacks in  
1514 K.C.C. chapter 21A.12; and

1515 d. Structures used for the school shall maintain a distance of twenty-five feet  
1516 from property lines adjoining residential zones.

1517 20. Subject to the following:

1518 a. Structures used for the school and accessory uses shall maintain a minimum  
1519 distance of twenty-five feet from property lines adjoining residential zones;

1520 b. On lots over two and one-half acres:

1521 (1) Retail sale of items related to the instructional courses is permitted, if total  
1522 floor area for retail sales is limited to two thousand square feet;

1523           (2) Sale of food prepared in the instructional courses is permitted with  
1524 Seattle-King County department of public health approval, if total floor area for food  
1525 sales is limited to one thousand square feet and is located in the same structure as the  
1526 school; and

1527           (3) Other incidental student-supporting uses are allowed, if such uses are  
1528 found to be both compatible with and incidental to the principal use; and

1529           c. On sites over ten acres, located in a designated Rural Town and zoned any  
1530 one or more of UR, R-1 and R-4:

1531           (1) Retail sale of items related to the instructional courses is permitted,  
1532 provided total floor area for retail sales is limited to two thousand square feet;

1533           (2) Sale of food prepared in the instructional courses is permitted with  
1534 Seattle-King County department of public health approval, if total floor area for food  
1535 sales is limited to one thousand seven hundred fifty square feet and is located in the same  
1536 structure as the school;

1537           (3) Other incidental student-supporting uses are allowed, if the uses are found  
1538 to be functionally related, subordinate, compatible with and incidental to the principal  
1539 use;

1540           (4) The use shall be integrated with allowable agricultural uses on the site;

1541           (5) Advertised special events shall comply with the temporary use  
1542 requirements of this chapter; and

1543           (6) Existing structures that are damaged or destroyed by fire or natural event,  
1544 if damaged by more than fifty percent of their prior value, may reconstruct and expand an  
1545 additional sixty-five percent of the original floor area but need not be approved as a

1546 conditional use if their use otherwise complies with development condition B.20.c. of this  
1547 section and this title.

1548           21. Limited to drop box facilities accessory to a public or community use such as  
1549 a school, fire station or community center.

1550           22. With the exception of drop box facilities for the collection and temporary  
1551 storage of recyclable materials, all processing and storage of material shall be within  
1552 enclosed buildings. Yard waste processing is not permitted.

1553           23. Only if adjacent to an existing or proposed school.

1554           24. Limited to columbariums accessory to a church, but required landscaping  
1555 and parking shall not be reduced.

1556           25. Not permitted in R-1 and limited to a maximum of five thousand square feet  
1557 per establishment and subject to the additional requirements in K.C.C. 21A.12.230.

1558           26.a. New high schools (~~shall be~~) permitted in the rural and the urban  
1559 residential and urban reserve zones shall be subject to the review process in K.C.C.  
1560 21A.42.140.

1561           b. Renovation, expansion, modernization, or reconstruction of a school, or the  
1562 addition of relocatable facilities, is permitted.

1563           27. Limited to projects that do not require or result in an expansion of sewer  
1564 service outside the urban growth area. In addition, such use shall not be permitted in the  
1565 RA-20 zone.

1566           28. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter  
1567 21A.32 or as a joint use of an existing public school facility.

1568           29. All studio use must be within an enclosed structure.

1569           30. Adult use facilities shall be prohibited within six hundred sixty feet of any  
1570 rural area and residential zones, any other adult use facility, school, licensed daycare  
1571 centers, parks, community centers, public libraries or churches that conduct religious or  
1572 educational classes for minors.

1573           31. Subject to review and approval of conditions to comply with trail corridor  
1574 provisions of K.C.C. chapter 21A.14 when located in an RA zone.

1575           32. Limited to repair of sports and recreation equipment:

1576           a. as accessory to a large active recreation and multiuse park in the urban  
1577 growth area; or

1578           b. as accessory to a park, or a large active recreation and multiuse park in the  
1579 RA zones, and limited to a total floor area of seven hundred fifty square feet.

1580           33. Accessory to agricultural or forestry uses provided:

1581           a. the repair of tools and machinery is limited to those necessary for the  
1582 operation of a farm or forest.

1583           b. the lot is at least five acres.

1584           c. the size of the total repair use is limited to one percent of the lot size up to a  
1585 maximum of five thousand square feet unless located in a farm structure, including but  
1586 not limited to barns, existing as of December 31, 2003.

1587           34. Subject to the following:

1588           a. the lot is at least five acres;

1589           b. in the A zones, area used for dog training shall be located on portions of  
1590 agricultural lands that are unsuitable for other agricultural purposes, such as areas within

1591 the already developed portion of such agricultural lands that are not available for direct  
1592 agricultural production or areas without prime agricultural soils;

1593 c. structures and areas used for dog training shall maintain a minimum distance  
1594 of seventy-five feet from property lines; (~~{and}~~) and

1595 d. all training activities shall be conducted within fenced areas or in indoor  
1596 facilities. Fences must be sufficient to contain the dogs.

1597 35. Limited to animal rescue shelters and provided that:

1598 a. the property shall be at least four acres;

1599 b. buildings used to house rescued animals shall be no less than fifty feet from  
1600 property lines;

1601 c. outdoor animal enclosure areas shall be located no less than thirty feet from  
1602 property lines and shall be fenced in a manner sufficient to contain the animals;

1603 d. the facility shall be operated by a nonprofit organization registered under the  
1604 Internal Revenue Code as a 501(c)(3) organization; and

1605 e. the facility shall maintain normal hours of operation no earlier than 7 a.m.  
1606 and no later than 7 p.m.

1607 36. Limited to kennel-free dog boarding and daycare facilities, and:

1608 a. the property shall be at least four and one-half acres;

1609 b. buildings housing dogs shall be no less than seventy-five feet from property  
1610 lines;

1611 c. outdoor exercise areas shall be located no less than thirty feet from property  
1612 lines and shall be fenced in a manner sufficient to contain the dogs;

1613 d. the number of dogs allowed on the property at any one time shall be limited  
1614 to the number allowed for hobby kennels, as provided in K.C.C. 11.04.060.B; and

1615 e. training and grooming are ancillary services that may be provided only to  
1616 dogs staying at the facility; and

1617 f. the facility shall maintain normal hours of operation no earlier than 7 a.m.  
1618 and no later than 7 p.m.

1619 37. Not permitted in R-1 and subject to the additional requirements in K.C.C.  
1620 21A.12.250.

1621 38. Driver training is limited to driver training schools licensed under chapter  
1622 46.82 RCW.

1623 39. A school may be located outside of the urban growth area only if allowed  
1624 under King County Comprehensive Plan policies.

1625 40. Only as a reuse of an existing public school.

1626 41. A high school may be allowed as a reuse of an existing public school if  
1627 allowed under King County Comprehensive Plan policies.

1628 SECTION 21. Ordinance 11481, Section 2, as amended, and K.C.C. 21A.24.311  
1629 are each hereby amended to read as follows:

1630 The map entitled King County Critical Aquifer Recharge Areas, included in  
1631 Attachment ((~~A to Ordinance 16267~~) H to this ordinance), is hereby adopted as the  
1632 designation of critical aquifer recharge areas in King County in accordance with RCW  
1633 36.70A.170.

1634 SECTION 22. Ordinance 16267, Section 59, and K.C.C. 21A.24.381 are each  
1635 hereby amended to read as follows:

1636 To ensure that agriculture will remain the predominate use in the agriculture  
1637 production district, the department shall only approve an aquatic habitat restoration  
1638 project, a floodplain restoration project or a project under the mitigation reserves program  
1639 that is proposed for a site located within ~~((the))~~ an agricultural production district~~((s))~~, as  
1640 follows:

1641 A. The project shall be allowed only when supported by owners of the land  
1642 where the proposed project is to be sited;

1643 B. Except as provided in subsection C. of this section, ~~((F))~~ the project shall be  
1644 located on ~~((agricultural))~~ lands that the department of natural resources and parks  
1645 determines~~((:~~

1646 ~~1.a. A))~~ are unsuitable for direct agricultural production purposes, such as  
1647 portions of property that have not historically been farmed due to soil conditions or  
1648 frequent flooding and that it determines cannot be returned to productivity by drainage  
1649 maintenance; ~~((or))~~ and

1650 ~~((b. The proposed project would result in a net benefit to agricultural~~  
1651 ~~productivity in the agricultural production district;~~

1652 ~~2. The project will not reduce the ability to farm in the area; and~~

1653 ~~3. Agriculture will remain the predominant use in the agricultural production~~  
1654 ~~district;~~

1655 ~~B-))~~ C. If the project is located on land determined by the department of natural  
1656 resources and parks to be suitable for direct agriculture, then:

1657 1. The applicant shall demonstrate to the satisfaction of the department that  
1658 there are no ~~((other suitable land outside the agricultural production district))~~ unsuitable

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1659 lands available within the agricultural production district that ((is available for the  
1660 project)) meet the technical or locational requirements of the project;

1661 2. The applicant shall demonstrate to the satisfaction of the department of  
1662 natural resources and parks that the project will not reduce the ability to farm in the area  
1663 and that agriculture will remain the predominate use in the agricultural production  
1664 district; and

1665 ~~((C. The department shall hold a public meeting to solicit input from the property~~  
1666 ~~owners affected by the project; and~~

1667 ~~D. The department shall determine that the project:~~

1668 ~~1.))~~ 3. The project ((is)) must either:

1669 a. be included in, or be consistent with, an approved Water Resources  
1670 Inventory Area Plan, Farm Management Plan, Flood Hazard Management Plan((;)) or  
1671 other ((King County functional)) similar watershed scale plan; or

1672 ~~((2. Based on the recommendation of the department of natural resources and~~  
1673 ~~parks, the project would improve))~~

1674 b. not reduce the baseline agricultural productivity within the agricultural  
1675 production((s)) district.

1676 SECTION 23. Ordinance 15051, Section 198, and K.C.C. 21A.24.382 are each  
1677 hereby amended to read as follows:

1678 The following development standards apply to development proposals and  
1679 alterations on sites containing wildlife habitat conservation areas:

1680           A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the  
1681 alterations identified in K.C.C. 21A.24.045 are allowed within a wildlife habitat  
1682 conservation area;

1683           B. For a bald eagle:

1684           1. The wildlife habitat conservation area is an area with a four-hundred-foot  
1685 radius from an active nest;

1686           2. Between March 15 and April 30, alterations are not allowed within eight  
1687 hundred feet of the nest; and

1688           2. Between January 1 and August 31, land clearing machinery, such as  
1689 bulldozers, graders or other heavy equipment, may not be operated within eight hundred  
1690 feet of the nest;

1691           C. For a great blue heron:

1692           1. The wildlife habitat conservation area is an area with an eight-hundred-  
1693 twenty-foot radius from the rookery. The department may increase the radius up to an  
1694 additional one-hundred sixty-four feet if the department determines that the population of  
1695 the rookery is declining; and

1696           2. Between January 1 and July 31, clearing or grading are not allowed within  
1697 nine-hundred-twenty-four feet of the rookery;

1698           D. For a marbled murrelet, the wildlife habitat conservation area is an area with a  
1699 one-half-mile radius around an active nest;

1700           E. For a northern goshawk, the wildlife habitat conservation area is an area with a  
1701 one-thousand-five-hundred-foot radius around an active nest located outside of the urban  
1702 growth area;

1703 F. For an osprey:

1704 1. The wildlife habitat conservation area is an area with a two-hundred-thirty-  
1705 foot radius around an active nest; and

1706 2. Between April 1 and September 30, alterations are not allowed within six-  
1707 hundred-sixty feet of the nest;

1708 G. For a peregrine falcon:

1709 1. The wildlife habitat conservation area is an area extending for a distance of  
1710 one-thousand feet of an eyrie on a cliff face, the area immediately above the eyrie on the  
1711 rim of the cliff, and the area immediately below the cliff;

1712 2. Between March 1 and June 30, land-clearing activities that result in loud  
1713 noises, such as from blasting, chainsaws or heavy machinery, are not allowed within one-  
1714 half mile of the eyrie; and

1715 3. New power lines may not be constructed within one-thousand feet of the  
1716 eyrie;

1717 H. For a spotted owl, the wildlife habitat conservation area is an area with a  
1718 three-thousand-seven-hundred-foot radius from an active nest;

1719 I. For a Townsend's big-eared bat:

1720 1. Between June 1 and October 1, the wildlife habitat conservation area is an  
1721 area with a four-hundred-fifty-foot radius from the entrance to a cave or mine, located  
1722 outside of the urban area, with an active nursery colony

1723 2. Between November 1 and March 31, the wildlife habitat conservation area is  
1724 an area with a four-hundred-fifty-foot radius around the entrance to a cave or mine  
1725 located outside the urban growth area serving as a winter hibernacula;

1726 3. Between March 1 and November 30, a building, bridge, tunnel, or other  
1727 structure used solely for day or night roosting may not be altered or destroyed;

1728 4. Between May 1 and September 15, the entrance into a cave or mine that is  
1729 protected because of bat presence is protected from human entry; and

1730 5. A gate across the entrance to a cave or mine that is protected because of bat  
1731 presence must be designed to allow bats to enter and exit the cave or mine;

1732 J. For a Vaux's swift:

1733 1. The wildlife habitat conservation area is an area with a three-hundred-foot  
1734 radius around an active nest located outside of the urban growth areas;

1735 2. Between April 1 and October 31, clearing, grading, or outdoor construction is  
1736 not allowed within four hundred feet of an active or potential nest tree. The applicant  
1737 may use a species survey to demonstrate that the potential nest tree does not contain an  
1738 active nest; and

1739 K. ~~((For a red-tailed hawk:~~

1740 ~~1. The wildlife habitat conservation area is an area with a radius of three-~~  
1741 ~~hundred twenty five feet from an active nest located outside of the urban growth area;~~  
1742 ~~and~~

1743 ~~2. Between March 1 and July 31, clearing and grading is not allowed within six~~  
1744 ~~hundred sixty feet of an active nest located outside of the urban growth area;~~

1745 ~~L.))~~ The department shall require protection of an active breeding site of any  
1746 ~~((species))~~ federal or state listed endangered, threatened, sensitive and candidate species  
1747 or King County species of local importance not listed in subsections B. through ~~((K.))~~ J.  
1748 of this section ~~((whose habitat is identified as requiring protection in the King County~~

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1749 ~~Comprehensive Plan~~)). If the Washington state Department of Fish and Wildlife has  
1750 adopted management recommendations for a species covered by this subsection, the  
1751 department shall follow those management recommendations. If management  
1752 recommendations have not been adopted, the department shall base protection decisions  
1753 on best available science(~~and~~

1754 ~~M. In the area designated rural in the King County Comprehensive Plan, the~~  
1755 ~~department shall require an applicant to protect the active breeding site of any species~~  
1756 ~~whose habitat the king County Comprehensive Plan directs that the county should~~  
1757 ~~protect. The applicant shall protect the breeding site from destruction or other direct~~  
1758 ~~disturbance while it is occupied. If the Washington state Department of Fish and~~  
1759 ~~Wildlife has adopted management recommendations for a species covered by this~~  
1760 ~~subsection, the department shall follow those management recommendations. If~~  
1761 ~~management recommendations have not been adopted, the department shall base~~  
1762 ~~protection decisions on best available science)).~~

1763 SECTION 24. Ordinance 15051, Section 199, and K.C.C. 21A.24.383 are each  
1764 hereby amended to read as follows:

1765 Upon request of the applicant and based upon a site-specific critical areas report  
1766 that includes, but is not limited to, an evaluation of the tolerance of the animals  
1767 occupying the nest or rookery to the existing level of development in the vicinity of the  
1768 nest or rookery, the department may approve a reduction of the wildlife habitat  
1769 conservation area for the following species:

- 1770 A. Bald eagle;
- 1771 B. ~~((Goshawk;~~

1772 C.) Great blue heron; and

1773 (~~D.~~) C. Osprey(;

1774 ~~E. Peregrine falcon; and~~

1775 ~~F. Red-tailed hawk~~)).

1776 SECTION 25. Ordinance 3688, Section 303, as amended, and K.C.C.

1777 21A.25.050 are each hereby amended to read as follows:

1778 A. The King County shoreline jurisdiction consists of:

1779 1. All water areas of the state, as defined in RCW 90.58.030, including  
1780 reservoirs and associated wetlands, together with the lands underlying them, except for:

1781 a. lakes smaller than twenty acres and their associated wetlands; and

1782 b. segments of rivers and streams and their associated wetlands where the  
1783 mean annual flow is less than twenty cubic feet per second; and

1784 2.a. The shorelands that extend landward in all directions as measured on a  
1785 horizontal plane for two hundred feet from the ordinary high water mark of the  
1786 waterbodies identified in subsection A.1. of this section;

1787 b. the one hundred year floodplain and contiguous floodplain areas landward  
1788 two hundred feet from the one-hundred year floodplain; and

1789 c. all wetlands and river deltas associated with the streams, lakes and tidal  
1790 waters that are subject to chapter 90.58 RCW.

1791 B. The shoreline jurisdiction does not include tribal reservation lands and lands  
1792 held in trust by the federal government for tribes. Nothing in the King County Shoreline  
1793 Master Program or action taken under that program shall affect any treaty right to which  
1794 the United States is a party.

1795 C. The lakes and segments of rivers and streams constituting the King County  
1796 shoreline jurisdiction are set forth in Attachment K to this ordinance. The King County  
1797 shoreline jurisdiction is shown on a map adopted in chapter 5 of the King County  
1798 Comprehensive Plan. If there is a discrepancy between the map and the criteria  
1799 established in subsection A. of this section, the criteria shall constitute the official King  
1800 County shoreline jurisdiction.

1801 SECTION 26. Ordinance 16985, Section 31, and K.C.C. 21A.25.100 are each  
1802 hereby amended to read as follows:

1803 A. The shoreline use table in this section determines whether a specific use is  
1804 allowed within each of the shoreline environments. The shoreline environment is located  
1805 on the vertical column and the specific use is located on the horizontal row of the table.  
1806 The specific uses are grouped by the shoreline use categories in WAC 173-26-241. The  
1807 specific uses are defined by those uses in K.C.C. chapter 21A.08. The table should be  
1808 interpreted as follows:

1809 1. If the cell is blank in the box at the intersection of the column and the row,  
1810 the use is prohibited in that shoreline environment;

1811 2. If the letter "P" appears in the box at the intersection of the column and the  
1812 row, the use may be allowed within the shoreline environment;

1813 3. If the letter "C" appears in the box at the intersection of the column and the  
1814 row, the use may be allowed within the shoreline environment subject to the shoreline  
1815 conditional use review procedures specified in K.C.C. 25.32.050, as recodified by this  
1816 ordinance.

1817 4. If a number appears in the box at the intersection of the column and the row,  
 1818 the use may be allowed subject to the appropriate review process in this section, the  
 1819 general requirements of this chapter and the specific development conditions indicated  
 1820 with the corresponding number in subsection C. of this section. If more than one number  
 1821 appears after a letter, all numbers apply.

1822 5. If more than one letter-number combination appears in the box at the  
 1823 intersection of the column and the row, the use is allowed in accordance with each letter-  
 1824 number combination.

1825 6. A shoreline use may be allowed in the aquatic environment only if that  
 1826 shoreline use is allowed in the adjacent shoreland environment.

1827 7. This section does not authorize a land use that is not allowed by the  
 1828 underlying zoning, but may add additional restrictions or conditions or prohibit specific  
 1829 land uses within the shoreline jurisdiction. When there is a conflict between the  
 1830 permitted land uses in K.C.C. chapter 21A.08 and shoreline uses in this section,  
 1831 preference for shoreline uses shall first be given to water-dependent uses, then to water  
 1832 related uses and finally to water enjoyment uses. All uses in the shoreline jurisdiction  
 1833 must comply with all relevant county code provisions and with the King County  
 1834 Shoreline Master Program.

1835 **B. Shoreline uses**

<b>KEY P</b> - Permitted Use. <b>C</b> -	H I	R E	R U	C O	R E	F O	N A	A Q
Shoreline Conditional Use.	G H	S I	R A	N S	S O	R E	T U	U A
<b>Blank</b> - Prohibited. Shoreline	I N	D E	L	E R	U R	S T	R A	T I

uses are allowed only if the underlying zoning allows the use. Shoreline uses are allowed in the aquatic environment only if the adjacent upland environment allows the use	T E  N S  I T  Y	N T  I A  L		V A  N C  Y	C E	R Y	L	C
<b>Agriculture</b>								
Agriculture (K.C.C. 21A.08.090)		P	P	P	P	P	P1	
<b>Aquaculture</b>								
Aquaculture (fish and wildlife management, K.C.C. 21A.08.090)	P2	P2	P2	P2	P2	P2	P2	P2
<u>Commercial salmon net pens</u>	<u>C2</u>	<u>C2</u>	<u>C2</u>	<u>C2</u>	<u>C2</u>	<u>C2</u>		<u>C2</u>
<b>Boating Facilities</b>								
Marinas (K.C.C. 21A.08.040)	C3	C3	C3					C3
<b>Commercial Development</b>								
General services (K.C.C. 21A.08.050)	P4	P5	P5					
Business services, except SIC Industry No. 1611,	P6							

automotive parking and off-street required parking lot (K.C.C. 21A.08.060)								
Retail (K.C.C. 21A.08.070)	P7	P8						
<b>Government Services</b>								
Government services except commuter parking lot, utility facility and private stormwater management facility (K.C.C. 21A.08.060)	P9	C10						
<b>Forest Practices</b>								
Forestry (K.C.C. 21A.08.090)		P11	P11	P11	P11	P11	C11	
<b>Industry</b>								
Manufacturing (K.C.C. 21A.08.080)	P12							
<b>In-stream structural uses</b>								
Hydroelectric generation facility, wastewater treatment facility and municipal water production (K.C.C. 21A.08.100)	C13	C13	C13			C13		C13

In-stream utility facilities (K.C.C. 21A.08.060)	P14	C14						
In-stream transportation portion of SIC 1611 highway and street construction (K.C.C. 21A.08.060)								C15
In-stream fish and wildlife management, except aquaculture (K.C.C. 21A.08.090)								C16
<b>Mining</b>								
Mineral uses (K.C.C. 21A.08.090)					C17	C17		C17
<b>Recreational Development</b>								
Recreational/cultural except for marinas and docks and piers (K.C.C. 21A.08.040)	P18	P19	P19	P20		P19	P21	C
<b>Residential Development</b>								
Single detached dwelling units (K.C.C. 21A.08.030)		P	P	P	P	C22	C22	
Townhouse, apartment, mobile home park, cottage	P23	P			P			

housing (K.C.C. 21A.08.030)								
Group residences (K.C.C. 21A.08.030)	P23	P						
Accessory uses (K.C.C. 21A.08.030)	P24	P24	P24	P24	P24	C22 and 24	C22 and 24	
Temporary lodging (K.C.C. 21A.08.030)	P23	P27	P27	C27	C27			
Live-aboards	P28	P28	P28					P28
<b>Transportation and parking</b>								
Transportation facilities	P29	P29	P29	C29	P29	P29	C29	C29
Commuter parking lot (K.C.C. 21A.08.060)								
Automotive parking (K.C.C. 21A.08.060)								
Off-street required parking lot (K.C.C. 21A.08.060)								
<b>Utilities</b>								
Utility facility (K.C.C. 21A.08.060)	P26	P26	P26	P26	P26	P26	P26	C26
<b>Regional land uses</b>								

Regional uses except hydroelectric generation facility, wastewater treatment facility and municipal water production (K.C.C. 21A.08.100)	P30							
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1836 C. Development conditions:

1837 1. ~~((Only low intensity agriculture is allowed i))~~In the Natural environment,  
 1838 limited to low intensity agriculture, such as livestock use with an animal unit density of  
 1839 no more than one per two acres in the shoreline jurisdiction, seasonal hay mowing and  
 1840 related activities and horticulture not to exceed twenty percent of the site area located  
 1841 within the shoreline jurisdiction.

1842 2.a. The supporting infrastructure for aquaculture may be located landward of  
 1843 the aquaculture operation, subject to the limitations of K.C.C. Title 21A.

1844 b. The aquaculture operation must meet the standards in K.C.C. 21A.25.110.

1845 c. In aquatic areas adjacent to the residential shoreline environment, net pen  
 1846 facilities shall be located no closer than one thousand five hundred feet from the ordinary  
 1847 high water mark of this environment, unless the department allows a specific lesser  
 1848 distance that it determines is appropriate based upon a visual impact analysis. Other  
 1849 types of floating culture facilities may be located within one thousand five hundred feet  
 1850 of the ordinary high water mark if supported by a visual impact analysis.

1851 d. In aquatic areas adjacent to the rural shoreline environment, net pen  
 1852 facilities shall be located no closer than one thousand five hundred feet from the ordinary

1853 high water mark of this environment, unless the department allows a specific lesser  
1854 distance that it determines is appropriate based upon a visual impact analysis.

1855 e. In the natural shoreline environment and aquatic areas adjacent to the natural  
1856 shoreline environment, limited to aquaculture activities that do not require structures,  
1857 facilities or mechanized harvest practices and that will not alter the natural character of  
1858 the site or alter natural systems or features.

1859 3.a. New marinas are not allowed along the east shore of Maury Island, from  
1860 Piner Point to Point Robinson.

1861 b. Marinas must meet the standards in K.C.C. 21A.25.120.

1862 4. Water dependent general services land uses in K.C.C. 21A.08.050 are  
1863 allowed. Non-water dependent general services land uses in K.C.C. 21A.08.050 are only  
1864 allowed on sites that are not contiguous with the ordinary high water mark or on sites that  
1865 do not have an easement that provides direct access to the water.

1866 5.a. Water-dependent general services land uses in K.C.C. 21A.08.050 are  
1867 allowed.

1868 b. Non-water-dependent general services land uses in K.C.C. 21A.08.050 are  
1869 only allowed as part of a shoreline mixed-use development that includes water-dependent  
1870 uses.

1871 c. Non-water-oriented general services land uses must provide a significant  
1872 public benefit by helping to achieve one or more of the following shoreline master  
1873 program goals:

1874 ((i)) (1) economic development for water-dependent uses (~~that are water-~~  
1875 ~~dependent~~);

1876            ~~((ii.))~~ (2) public access;  
1877            ~~((iii.))~~ (3) water-oriented recreation;  
1878            ~~((iv. multimodal transportation circulation;~~  
1879            ~~v.))~~ (4) conservation of critical areas, scenic vistas, aesthetics or fish and  
1880 wildlife habitat; ~~((v.))~~ and  
1881            ~~((vi.))~~ (5) ~~((preservation))~~ protection and restoration of historic properties.

1882            6. Water-dependent business services uses in K.C.C. 21A.08.050 are allowed.

1883            Water-related business services uses are only allowed as part of a shoreline mixed-use  
1884 development and only if they support a water-dependent use. The water-related business  
1885 services uses must comprise less than one-half of the square footage of the structures or  
1886 the portion of the site within the shoreline jurisdiction.

1887            7.a Water-dependent retail uses in K.C.C. 21A.08.050 are allowed.

1888            b. Non-water-dependent retail uses in K.C.C. 21A.08.050 are only allowed as  
1889 part of a shoreline mixed-use development if the non-water-dependent retail use supports  
1890 a water-dependent use. Non-water-dependent uses must comprise less than one-half of  
1891 the square footage of the structures or the portion of the site within the shoreline  
1892 jurisdiction.

1893            c. Non-water-oriented retail uses must provide a significant public benefit by  
1894 helping to achieve one or more of the following shoreline master program goals:

1895            ~~((i.))~~ (1) economic development for water-dependent uses ~~((that are water-~~  
1896 ~~dependent))~~);

1897            ~~((ii.))~~ (2) public access;

1898            ~~((iii.))~~ (3) water-oriented recreation;

1899                    (~~iv. multimodal transportation circulation;~~  
1900                    ~~v.~~) (4) conservation of critical areas, scenic vistas, aesthetics or fish and  
1901 wildlife habitat; and

1902                    (~~vi. preservation~~) (5) protection and restoration of historic properties.

1903                    8. Water-dependent retail uses in K.C.C. 21A.08.050 are allowed. Non-water-  
1904 dependent retail uses in K.C.C. 21A.08.050 are only allowed if the retail use provides a  
1905 significant public benefit by helping to achieve one or more of the following shoreline  
1906 master program goals:

1907                    a. economic development for water-dependent uses (~~(that are water-~~  
1908 ~~dependent)~~);

1909                    b. public access;

1910                    c. water-oriented recreation;

1911                    d. (~~multimodal transportation circulation;~~

1912                    ~~e.~~) conservation of critical areas, scenic vistas, aesthetics or fish and wildlife  
1913 habitat; and

1914                    (~~f. preservation~~) e. protection and restoration of historic properties.

1915                    9.a. Water-dependent government services in K.C.C. 21A.08.060 are allowed.

1916                    b. Non-water-dependent government services in K.C.C. 21A.08.060 are only  
1917 allowed as part of a shoreline mixed-use development if the non-water-dependent  
1918 government use supports a water-dependent use. Non-water-dependent uses must  
1919 comprise less than one-half of the square footage of the structures or the portion of the  
1920 site within the shoreline jurisdiction. Only low-intensity water-dependent government  
1921 services are allowed in the Natural environment.

- 1922           10. The following standards apply to government services uses within the  
1923 Aquatic environment:
- 1924           a. Stormwater and sewage outfalls are allowed if upland treatment and  
1925 infiltration to groundwater, streams or wetlands is not feasible and there is no impact on  
1926 critical saltwater habitats, salmon migratory habitat and the nearshore zone. However,  
1927 stormwater and sewage outfalls are not allowed in the Maury Island Aquatic Reserve,  
1928 except from Piner Point to Point Robinson;
- 1929           b. Water intakes shall not be located near fish spawning, migratory or rearing  
1930 areas. Water intakes must adhere to Washington state Department of Fish and Wildlife  
1931 fish screening criteria. To the maximum extent practical, intakes should be placed at  
1932 least thirty feet below the ordinary high water mark;
- 1933           c. Desalinization facilities shall not be located near fish spawning, migratory or  
1934 rearing areas. Intakes should generally be placed deeper than thirty feet below the  
1935 ordinary high water mark and must adhere to Washington state Department Fish and  
1936 Wildlife fish screening criteria. Discharge of desalination wastewater or concentrated  
1937 mineral is not allowed in the Maury Island Aquatic Reserve, except that outside the Inner  
1938 and Outer Harbormaster Harbor, discharge may be considered if there is no impact on  
1939 critical saltwater habitats, salmon migratory habitat and the nearshore zone;
- 1940           d. Cable crossings for telecommunications and power lines shall:
- 1941           (1) be routed around or drilled below aquatic critical habitat or species;
- 1942           (2) be installed in sites free of vegetation, as determined by physical or video  
1943 seabed survey;

- 1944                   (3) be buried, preferably using directional drilling, from the uplands to  
1945 waterward of the deepest documented occurrence of native aquatic vegetation; and
- 1946                   (4) use the best available technology;
- 1947                   e. Oil, gas, water and other pipelines shall meet the same standards as cable  
1948 crossings and in addition:
- 1949                   (1) pipelines must be directionally drilled to depths of seventy feet or one half  
1950 mile from the ordinary high water mark; and
- 1951                   (2) use the best available technology for operation and maintenance;
- 1952                   f. Breakwaters are not allowed within the Maury Island Aquatic Reserve or  
1953 within the Aquatic environment adjacent to the Conservancy and Natural shorelines.
- 1954                   11. ~~((Only low intensity forestry is allowed i))~~In the Natural environment, ~~((and~~  
1955 ~~all forestry))~~ limited to low intensity forest practices that conserve or enhance the health  
1956 and diversity of the forest ecosystem or ecological and hydrologic functions conducted  
1957 for the purpose of accomplishing specific ecological enhancement objectives. In all  
1958 shoreline environments, forest practices must meet the standards in K.C.C. 21A.25.130.
- 1959                   12. Manufacturing uses in the shoreline environment must give preference first  
1960 to water-dependent manufacturing uses and second to water-related manufacturing uses:
- 1961                   a. Non-water-oriented manufacturing uses are allowed only:
- 1962                   (1) as part of a shoreline mixed-use development that includes a water-  
1963 dependent use, but only if the water-dependent use comprises over fifty percent of the  
1964 floor area or portion of the site within the shoreline jurisdiction;
- 1965                   (2) on sites where navigability is severely limited; or

1966 (3) on sites that are not contiguous with the ordinary high water mark or on  
1967 sites that do not have an easement that provides direct access to the water; and

1968 (4) all non-water-oriented manufacturing uses must also provide a significant  
1969 public benefit, such as ecological restoration, environmental clean-up, historic  
1970 preservation or water-dependent public education;

1971 b. public access is required for all manufacturing uses unless it would result in  
1972 a public safety risk or is incompatible with the use;

1973 c. shall be located, designed and constructed in a manner that ensures that there  
1974 are no significant adverse impacts to other shoreline resources and values.

1975 d. restoration is required for all new manufacturing uses;

1976 e. boat repair facilities are not permitted within the Maury Island Aquatic  
1977 Reserve, except as follows:

1978 (1) engine repair or maintenance conducted within the engine space without  
1979 vessel haul-out;

1980 (2) topside cleaning, detailing and bright work;

1981 (3) electronics servicing and maintenance;

1982 (4) marine sanitation device servicing and maintenance that does not require  
1983 haul-out;

1984 (5) vessel rigging; and

1985 (6) minor repairs or modifications to the vessel's superstructure and hull  
1986 above the waterline that do not exceed twenty-five percent of the vessel's surface area  
1987 above the waterline.

1988           13. The water-dependent in-stream portion of a hydroelectric generation facility,  
1989 wastewater treatment facility and municipal water production are allowed, including the  
1990 upland supporting infrastructure, and shall provide for the protection and preservation, of  
1991 ecosystem-wide processes, ecological functions, and cultural resources, including, but not  
1992 limited to, fish and fish passage, wildlife and water resources, shoreline critical areas,  
1993 hydrogeological processes, and natural scenic vistas.

1994           14. New in-stream portions of utility facilities may be located within the  
1995 shoreline jurisdiction if:

1996           a. there is no feasible alternate location;

1997           b. provision is made to protect and preserve ecosystem-wide processes,  
1998 ecological functions, and cultural resources, including, but not limited to, fish and fish  
1999 passage, wildlife and water resources, shoreline critical areas, hydrogeological processes,  
2000 and natural scenic vistas; and

2001           c. the use complies with the standards in K.C.C. 25.16.160, as recodified by  
2002 this ordinance.

2003           15. Limited to in-stream infrastructure, such as bridges, and must consider the  
2004 priorities of the King County Shoreline Protection and Restoration Plan when designing  
2005 in-stream transportation facilities. In-stream structures shall provide for the protection  
2006 and preservation, of ecosystem-wide processes, ecological functions, and cultural  
2007 resources, including, but not limited to, fish and fish passage, wildlife and water  
2008 resources, shoreline critical areas, hydrogeological processes, and natural scenic vistas.

2009           16. Limited to hatchery and fish preserves.

2010           17. Mineral uses:

- 2011 a. must meet the standards in K.C.C. chapter 21A.22;
- 2012 b. must be dependent upon a shoreline location;
- 2013 c. must avoid and mitigate adverse impacts to the shoreline environment
- 2014 during the course of mining and reclamation to achieve no net loss of shoreline ecological
- 2015 function. In determining whether there will be no net loss of shoreline ecological
- 2016 function, the evaluation may be based on the final reclamation required for the site.
- 2017 Preference shall be given to mining proposals that result in the creation, restoration, or
- 2018 enhancement of habitat for priority species;
- 2019 d. must provide for reclamation of disturbed shoreline areas to achieve
- 2020 appropriate ecological functions consistent with the setting;
- 2021 e. may be allowed within the active channel of a river only as follows:
- 2022 ((i)) (1) removal of specified quantities of sand and gravel or other materials
- 2023 at specific locations will not adversely affect the natural processes of gravel
- 2024 transportation for the river system as a whole;
- 2025 ((ii)) (2) the mining and any associated permitted activities will not have
- 2026 significant adverse impacts to habitat for priority species nor cause a net loss of
- 2027 ecological functions of the shoreline; and
- 2028 ((iii)) (3) if no review has been previously conducted under this subsection
- 2029 C.17.e., prior to renewing, extending or reauthorizing gravel bar and other in-channel
- 2030 mining operations in locations where they have previously been conducted, the
- 2031 department shall require compliance with this subsection C.17.e. If there has been prior
- 2032 review, the department shall review previous determinations comparable to the

2033 requirements of this section C.17.e. to ensure compliance with this subsection under  
2034 current site conditions; and

2035           f. Must comply with K.C.C. 21A.25.190.

2036           18. Only water-dependent recreational uses are allowed, except for public parks  
2037 and trails, in the High Intensity environment and must meet the standards in K.C.C.  
2038 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.

2039           19. Water-dependent and water-enjoyment recreational uses are allowed in the  
2040 Residential, Rural and Forestry environments and must meet the standards in K.C.C.  
2041 21A.25.140 for public access and K.C.C. 21A.25.150 for recreation.

2042           20. In the Conservancy environment, only the following recreation uses are  
2043 allowed and must meet the standards in K.C.C. 21A.25.140 for public access and K.C.C.  
2044 21A.25.150 for recreation:

2045           a. parks; and

2046           b. trails.

2047           21. In the Natural environment, only passive and low-impact recreational uses  
2048 are allowed.

2049           22. Single detached dwelling units must be located outside of the aquatic area  
2050 buffer and set back from the ordinary high water mark to the maximum extent practical.

2051           23. Only allowed as part of a water-dependent shoreline mixed-use development  
2052 where water-dependent uses comprise more than half of the square footage of the  
2053 structures on the portion of the site within the shoreline jurisdiction.

2054           24. Residential accessory uses must meet the following standards:

2055 a. docks, piers, moorage, buoys, floats or launching facilities must meet the  
2056 standards in K.C.C. 21A.25.180;

2057 b. residential accessory structures located within the aquatic area buffer shall  
2058 be limited to a total footprint of one-hundred fifty square feet; and

2059 c. accessory structures shall be sited to preserve visual access to the shoreline  
2060 to the maximum extent practical.

2061 25. New highway and street construction is allowed only if there is no feasible  
2062 alternate location. Only low-intensity transportation infrastructure is allowed in the  
2063 Natural environment.

2064 26. Utility facilities are subject to the standards in K.C.C. 21A.25.260.

2065 27. Only bed and breakfast guesthouses.

2066 28. Only in a marina.

2067 29. Transportation facilities are subject to the standards in K.C.C. 21A.25.280.

2068 30. Only solid waste transfer stations and subject to K.C.C. 21A.25.260.

2069 SECTION 27. Ordinance 16985, Section 32, and K.C.C. 21A.25.110 are each  
2070 hereby amended to read as follows:

2071 An applicant for an aquaculture facility must use the sequential measures in  
2072 K.C.C. 21A.25.080. The following standards apply to aquaculture:

2073 A. Unless the applicant demonstrates that the substrate modification will result in  
2074 an increase in habitat diversity, aquaculture that involves little or no substrate  
2075 modification shall be given preference over aquaculture that involves substantial  
2076 substrate modification and the degree of proposed substrate modification shall be limited  
2077 to the maximum extent practical.

2078 B. The installation of submerged structures, intertidal structures and floating  
2079 structures shall be limited to the maximum extent practical.

2080 C. Aquaculture proposals that involve substantial substrate modification or  
2081 sedimentation through dredging, trenching, digging, mechanical clam harvesting or other  
2082 similar mechanisms, shall not be permitted in areas where the proposal would adversely  
2083 impact critical saltwater habitats.

2084 D. Aquaculture activities that after implementation of mitigation measures would  
2085 have a significant adverse impact on natural, dynamic shoreline processes or that would  
2086 result in a net loss of shoreline ecological functions shall be prohibited.

2087 E. Aquaculture should not be located in areas that will result in significant  
2088 conflicts with navigation or other water-dependent uses.

2089 F. Aquaculture facilities shall be designed, located and managed to prevent the  
2090 spread of diseases to native aquatic life or the spread of new nonnative species.

2091 G. Aquaculture practices shall be designed to minimize use of artificial chemical  
2092 substances and shall use chemical compounds that are least persistent and have the least  
2093 impact on plants and animals. Herbicides and pesticides shall be used only in  
2094 conformance with state and federal standard and to the minimum extent needed for the  
2095 health of the aquaculture activity.

2096 H. ~~((Commercial salmon net pen facilities shall not be located in King County~~  
2097 ~~waters. These do not include subsistence)) Noncommercial salmon net pen facilities that  
2098 involve minimal supplemental feeding and limited use of chemicals or antibiotics as  
2099 provided in subsection G. of this section may be located in King County waters if they  
2100 are:~~

2101            1. subsistence salmon net pens operated by tribes with treaty fishing rights;

2102            (~~or~~)

2103            2. for the limited penned cultivation of wild salmon stocks during a limited  
2104 portion of their lifecycle to enhance restoration of native stocks; or

2105            3. (~~when~~) implemented as mitigation for a development activity(~~(, but only~~  
2106 ~~when such activities involve minimal supplemental feeding and limited use of chemicals~~  
2107 ~~or antibiotics as provided in subsection G. of this section)~~)).

2108            I. If uncertainty exists regarding potential impacts of a proposed aquaculture  
2109 activity and for all experimental aquaculture activities, unless otherwise provided for, the  
2110 department may require baseline and periodic operational monitoring by a county-  
2111 approved consultant, at the applicant's expense, and shall continue until adequate  
2112 information is available to determine the success of the project and the magnitude of any  
2113 probable significant adverse environmental impacts. Permits for such activities shall  
2114 include specific performance measures and provisions for adjustment or termination of  
2115 the project at any time if monitoring indicates significant, adverse environmental impacts  
2116 that cannot be adequately mitigated.

2117            J. Aquaculture developments approved on an experimental basis shall not exceed  
2118 five acres in area, except land-based projects and anchorage for floating systems, and  
2119 three years in duration. The department may issue a new permit to continue an  
2120 experimental project as many times as it determines is necessary and appropriate.

2121            K. The department may require aquaculture operations to carry liability insurance  
2122 in an amount commensurate with the risk of injury or damage to any person or property

2123 as a result of the project. Insurance requirements shall not be required to duplicate  
2124 requirements of other agencies.

2125 L. If aquaculture activities are authorized to use public facilities, such as boat  
2126 launches or docks, King County may require the applicant to pay a portion of the cost of  
2127 maintenance and any required improvements commensurate with the use of those  
2128 facilities.

2129 M. New aquatic species that are not previously cultivated in Washington state  
2130 shall not be introduced into King County saltwaters or freshwaters without prior written  
2131 approval of the Director of the Washington state Department of Fish and Wildlife and the  
2132 Director of the Washington Department of Health. This prohibition does not apply to:  
2133 Pacific, Olympia, Kumomoto, Belon or Virginica oysters; Manila, Butter, or Littleneck  
2134 clams; or Geoduck clams.

2135 N. Unless otherwise provided in the shoreline permit issued by the department,  
2136 repeated introduction of an approved organism after harvest in the same location shall  
2137 require approval by the county only at the time the initial aquaculture use permit is  
2138 issued. Introduction, for purposes of this section, shall mean the placing of any aquatic  
2139 organism in any area within the waters of King County regardless of whether it is a native  
2140 or resident organism within the county and regardless of whether it is being transferred  
2141 from within or without the waters of King County.

2142 O. For aquaculture projects, over-water structures shall be allowed only if  
2143 necessary for the immediate and regular operation of the facility. Over-water structures  
2144 shall be limited to the, storage of necessary tools and apparatus in containers of not more  
2145 than three feet in height, as measured from the surface of the raft or dock.

2146 P. Except for the sorting or culling of the cultured organism after harvest and the  
2147 washing or removal of surface materials or organisms before or after harvest, no  
2148 processing of any aquaculture product shall occur in or over the water unless specifically  
2149 approved by permit. All other processing and processing facilities shall be located  
2150 landward of the ordinary high water mark.

2151 Q. Aquaculture wastes shall be disposed of in a manner that will ensure strict  
2152 compliance with all applicable governmental waste disposal standards, including, but not  
2153 limited to, the Federal Clean Water Act, Section 401, and chapter 90.48 RCW, Water  
2154 Pollution Control. No garbage, wastes or debris shall be allowed to accumulate at the site  
2155 of any aquaculture operation.

2156 R. Unless approved in writing by the National Marine Fisheries Service or the  
2157 U.S. Fish and Wildlife Service, predator control shall not involve the killing or  
2158 harassment of birds or mammals. Approved controls include, but are not limited to,  
2159 double netting for seals, overhead netting for birds and three-foot high fencing or netting  
2160 for otters. The use of other nonlethal, nonabusive predator control measures shall be  
2161 contingent upon receipt of written approval from the National Marine Fisheries Service  
2162 or the U.S. Fish and Wildlife Service, as required.

2163 S. Fish net pens and rafts shall meet the following criteria in addition to the other  
2164 applicable regulations of this section:

2165 1. Fish net pens shall not be located in inner Quartermaster Harbor, consistent  
2166 with the recommendations in the Washington state Department of Natural Resources  
2167 Maury Island Environmental Aquatic Reserve Final Management Plan (October 29,  
2168 2004);

2169           2. Fish net pens shall meet, at a minimum, state approved administrative  
2170 guidelines for the management of net pen cultures. In the event there is a conflict in  
2171 requirements, the more restrictive requirement shall prevail;

2172           3. Fish net pens shall not occupy more than two surface acres of water area,  
2173 excluding booming and anchoring requirements. Anchors that minimize disturbance to  
2174 substrate, such as helical anchors, shall be employed. Such operations shall not use  
2175 chemicals or antibiotics;

2176           4. Aquaculture proposals that include new or added net pens or rafts shall not be  
2177 located closer than one nautical mile to any other aquaculture facility that includes net  
2178 pens or rafts. The department may authorize a lesser distance if the applicant  
2179 demonstrates to the satisfaction of the department that the proposal will be consistent  
2180 with the environmental and aesthetic policies and objectives of this chapter and the  
2181 Shoreline Master Program. The applicant shall demonstrate to the satisfaction of the  
2182 department that the cumulative impacts of existing and proposed operations would not be  
2183 contrary to the policies and regulations of the program;

2184           5. Net cleaning activities shall be conducted on a frequent enough basis so as  
2185 not to violate state water quality standards. When feasible, the cleaning of nets and other  
2186 apparatus shall be accomplished by air drying, spray washing or hand washing; and

2187           6. In the event of a significant fish kill at the site of a net pen facility, the fin fish  
2188 aquaculture operator shall submit a timely report to Public Health - Seattle-King County,  
2189 Environmental Health Division and the department stating the cause of death and shall  
2190 detail remedial actions to be implemented to prevent reoccurrence.

2191 T. All floating and submerged aquaculture structures and facilities in navigable  
2192 waters shall be marked in accordance with United States Coast Guard requirements.

2193 U. The rights of treaty tribes to aquatic resources within their usual and  
2194 accustomed areas shall be addressed through direct coordination between the applicant  
2195 and the affected tribes through the permit review process.

2196 V. Aquaculture structures and equipment shall be of sound construction and shall  
2197 be so maintained. Abandoned or unsafe structures and equipment shall be removed or  
2198 repaired promptly by the owner. Where any structure might constitute a potential hazard  
2199 to the public in the future, the department shall require the posting of a bond  
2200 commensurate with the cost of removal or repair. The department may abate an  
2201 abandoned or unsafe structure in accordance with K.C.C. Title 23.

2202 W. Aquaculture shall not be approved where it will adversely impact eelgrass and  
2203 macroalgae.

2204 X. Commercial salmon net pens shall meet the following criteria and  
2205 requirements:

2206 1. Each commercial salmon net pen application shall provide a current, peer-  
2207 reviewed science review of environmental issues related to salmon net pen aquaculture;

2208 2. The department shall only approve a commercial salmon net pen application  
2209 if the department determines the scientific review demonstrates that the project  
2210 construction and activities will achieve no net loss of ecological function in a manner that  
2211 has no significant adverse short-term impact and no documented adverse long-term  
2212 impact to applicable elements of the environment, including, but not limited to, habitat

2213 for native salmonids, water quality, eel grass beds, other aquaculture, other native  
2214 species, the benthic community below the net pen or other environmental attributes;

2215 3. The department's review shall:

2216 a. include an assessment of the risk to endangered species, non-endangered  
2217 species, and other biota that could be affected by the net pen; and

2218 b. evaluate and model water quality impacts utilizing current information,  
2219 technology, and assessment models. The project proponent shall be financially  
2220 responsible for this water quality assessment;

2221 4. Commercial salmon net pens shall be designed, constructed and maintained  
2222 to prevent escapement of fish in all foreseeable circumstances, including, but not limited  
2223 to, tide, wind and wave events of record, floating and submerged debris, and tidal action;

2224 5. Commercial salmon net pens shall not be located:

2225 a. within three hundred feet of an area containing eelgrass or a kelp bed;

2226 b. within one thousand five hundred feet of an ordinary high water mark; or

2227 c. in a designated Washington state Department of Natural Resources aquatic  
2228 reserve.

2229 6. A commercial salmon net pen may not be used to mitigate the impact of a  
2230 development proposal; and

2231 7. The conditional use permit for commercial salmon net pen must be renewed  
2232 every five years. An updated scientific review shall be conducted as part of the renewal  
2233 and shall include a new risk assessment and evaluation of the impact of the operation of  
2234 the salmon net pen during the previous five years.

2235            SECTION 28. Ordinance 16985, Section 39, and K.C.C. 21A.25.160 are each  
2236 hereby amended to read as follows:

2237            A. The shoreline modification table in this section determines whether a specific  
2238 shoreline modification is allowed within each of the shoreline environments. The  
2239 shoreline environment is located on the vertical column and the specific use is located on  
2240 the horizontal row of the table. The specific modifications are grouped by the shoreline  
2241 modification categories in WAC 173-26-231. The table should be interpreted as follows:

2242            1. If the cell is blank in the box at the intersection of the column and the row,  
2243 the modification is prohibited in that shoreline environment;

2244            2. If the letter "P" appears in the box at the intersection of the column and the  
2245 row, the modification may be allowed within the shoreline environment;

2246            3. If the letter "C" appears in the box at the intersection of the column and the  
2247 row, the modification may be allowed within the shoreline environment subject to the  
2248 shoreline conditional use review procedures specified in K.C.C. 21A.44.100;

2249            4. If a number appears in the box at the intersection of the column and the row,  
2250 the modification may be allowed subject to the appropriate review process indicated in  
2251 this section and the specific development conditions indicated with the corresponding  
2252 number immediately following the table, and only if the underlying zoning allows the  
2253 modification. If more than one number appears at the intersection of the column and  
2254 row, both numbers apply; and

2255            5. If more than one letter-number combination appears in the box at the  
2256 intersection of the column and the row, the modification is allowed within that shoreline  
2257 environment subject to different sets of limitations or conditions depending on the review

2258 process indicated by the letter, the specific development conditions indicated in the  
 2259 development condition with the corresponding number immediately following the table.

2260 6. A shoreline modification may be allowed in the aquatic environment only if  
 2261 that shoreline modification is allowed in the adjacent shoreland environment.

2262 7. This section does not authorize a shoreline modification that is not allowed  
 2263 by the underlying zoning, but may add additional restrictions or conditions or prohibit  
 2264 specific modifications within the shoreline jurisdiction. All shoreline modifications in  
 2265 the shoreline jurisdiction must comply with all relevant county code provisions and with  
 2266 the King County Shoreline Master Program.

2267 B. Shoreline modifications.

<b>KEY P</b> - Permitted	H I	R E	R U	C O	R E	F O	N A	A Q
Modification. <b>C</b> - Shoreline	G H	S I	R A	N S	S O	R E	T U	U A
Conditional Use Required.	I N	D E	L	E R	U R	S T	R A	T I
<b>Blank</b> - Prohibited. Shoreline	T E	N T		V A	C E	R Y	L	C
modifications are allowed	N S	I A		N C				
only if the underlying zoning	I T	L		Y				
allows the modification.	Y							
Shoreline modifications are								
allowed in the aquatic								
environment only if the								
adjacent upland environment								
allows the modification								

<b>Shoreline stabilization</b>								
Shoreline stabilization, not including flood protection facilities	P1	P1	P1	C1	P1	C1		P1 C1
Flood protection facilities	P2	P2	P2	P2	P2			P2
<b>Piers and docks</b>								
Docks, piers, moorage, buoys, floats or launching facilities	P3	P3	P3	C3	C3	C3		P3 C3
<b>Fill</b>								
Fillling	P4 C4	P4 C4	P4 C4	P4 C4	P4 C4	C4	C4	P4 C4
<b>Breakwaters, jetties, groins and weirs</b>								
Breakwaters, jetties, groins and weirs	P5 C5							
<b>Beach and dunes management</b>								
Not applicable in King County								
<b>Dredging and dredge material disposal</b>								

Excavation, dredging, dredge material disposal	P6 C6	P6 C6	P6 C6	P6 C6	P6 C6	C6	C6	P6 C6
<b>Shoreline habitat and natural systems enhancement projects</b>								
Habitat and natural systems enhancement projects	P7	P7	P7	P7	P7	P7	P7	P7
<b>Vegetation management</b>								
Removal of existing intact native vegetation	P8	P8	P8	P9	P8	P8	P9	P9

2268 C. Development conditions.

2269 1. New shoreline stabilization, including bulkheads, must meet the standards in  
 2270 K.C.C. 21A.25.170;

2271 2. Flood protection facilities must be consistent with the standards in K.C.C.  
 2272 chapter 21A.24, the King County Flood Hazard Management Plan adopted January 16,  
 2273 2007, and the Integrated Stream Protection Guidelines (Washington state departments of  
 2274 Fish and Wildlife, Ecology and Transportation, 2003). New structural flood hazard  
 2275 protection measures are allowed in the shoreline jurisdiction only when the applicant  
 2276 demonstrates by a scientific and engineering analysis that the structural measures are  
 2277 necessary to protect existing development, that nonstructural measures are not feasible  
 2278 and that the impact on ecological functions and priority species and habitats can be  
 2279 successfully mitigated so as to assure no net loss of shoreline ecological functions. New

2280 flood protection facilities designed as shoreline stabilization must meet the standards in  
2281 K.C.C. 21A.25.170.

2282 3. Docks, piers, moorage, buoys, floats or launching facilities must meet the  
2283 standards in K.C.C. 21A.25.180;

2284 4.a. Filling must meet the standards in K.C.C. 21A.25.190.

2285 b. A shoreline conditional use permit is required to:

2286 (1) Place fill waterward of the ordinary high water mark for any use except  
2287 ecological restoration or for the maintenance and repair of flood protection facilities; and

2288 (2) Dispose of dredged material within shorelands or wetlands within a  
2289 channel migration zone;

2290 c. Fill shall not be placed in critical saltwater habitats except when all of the  
2291 following conditions are met:

2292 (1) The public's need for the proposal is clearly demonstrated and the  
2293 proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;

2294 (2) Avoidance of impacts to critical saltwater habitats by an alternative  
2295 alignment or location is not feasible or would result in unreasonable and disproportionate  
2296 cost to accomplish the same general purpose;

2297 (3) The project including any required mitigation, will result in no net loss of  
2298 ecological functions associated with critical saltwater habitat; and

2299 (4) The project is consistent with the state's interest in resource protection and  
2300 species recovery.

2301 d. In a channel migration zone, any filling shall protect shoreline ecological  
2302 functions, including channel migration.

2303 5.a. Breakwaters, jetties, groins and weirs:

2304 (1) are only allowed where necessary to support water dependent uses, public  
2305 access, approved shoreline stabilization or other public uses, as determined by the  
2306 director;

2307 (2) are not allowed in the Maury Island Aquatic Reserve except as part of a  
2308 habitat restoration project or as an alternative to construction of a shoreline stabilization  
2309 structure;

2310 (3) shall not intrude into or over critical saltwater habitats except when all of  
2311 the following conditions are met:

2312 (a) the public's need for the structure is clearly demonstrated and the  
2313 proposal is consistent with protection of the public trust, as embodied in RCW 90.58.020;

2314 (b) avoidance of impacts to critical saltwater habitats by an alternative  
2315 alignment or location is not feasible or would result in unreasonable and disproportionate  
2316 cost to accomplish the same general purpose;

2317 (c) the project including any required mitigation, will result in no net loss of  
2318 ecological functions associated with critical saltwater habitat; and

2319 (d) the project is consistent with the state's interest in resource protection  
2320 and species recovery.

2321 b. Groins are only allowed as part of a restoration project sponsored or  
2322 cosponsored by a public agency that has natural resource management as a primary  
2323 function.

2324 c. A conditional shoreline use permit is required, except for structures installed  
2325 to protect or restore shoreline ecological functions.

2326 6. Excavation, dredging and filling must meet the standards in K.C.C.

2327 21A.25.190. A shoreline conditional use permit is required to dispose of dredged

2328 material within shorelands or wetlands within a channel migration zone

2329 7. If the department determines the primary purpose is restoration of the natural

2330 character and ecological functions of the shoreline, a shoreline habitat and natural

2331 systems enhancement project may include shoreline modification of vegetation, removal

2332 of nonnative or invasive plants, shoreline stabilization, including the installation of large

2333 woody debris, dredging and filling. Mitigation actions identified through biological

2334 assessments required by the National Marine Fisheries Services and applied to flood

2335 hazard mitigation projects may include shoreline modifications of vegetation, removal of

2336 nonnative or invasive plants, shoreline stabilization, including the installation of large

2337 woody debris, dredging and filling.

2338 8. Within the critical area and critical area buffer, vegetation removal is subject

2339 to K.C.C. chapter 21A.24.

2340 9. Except for forest practices conducted under K.C.C. 21A.25.130, existing

2341 native vegetation located outside of the critical area and critical area buffer shall be

2342 retained to the maximum extent practical. Within the critical area and critical area buffer,

2343 vegetation removal is subject to K.C.C. chapter 21A.24.

2344 SECTION 29. Ordinance 16985, Section 46, and K.C.C. 21A.25.210 are each

2345 hereby amended to read as follows:

2346 The expansion of a dwelling unit or residential accessory structure located in the

2347 shoreline jurisdiction, if allowed under K.C.C. 21A.24.045, is subject to the following:

2348 A. (~~In the Conservancy, Resource, Forestry or Natural shoreline environments, a~~  
2349 ~~shoreline conditional use permit is required;~~

2350 B.)) If the proposed expansion will result in a total cumulative expansion of the  
2351 dwelling unit and accessory structures of more than one thousand square feet, a shoreline  
2352 variance is required; and

2353 ((C.)) B. If the site has an approved rural stewardship plan under K.C.C.  
2354 21A.24.055, the expansion is not allowed.

2355 SECTION 30. Ordinance 16985, Section 47, and K.C.C. 21A.25.220 are each  
2356 hereby amended to read as follows:

2357 A. The shoreline dimensions table in subsections B. and C. of this section  
2358 establishes the shoreline standards within each of the shoreline environments. The  
2359 shoreline environment is located on the vertical column and the density and dimensions  
2360 standard is located on the horizontal row of the table. The table should be interpreted as  
2361 follows:

2362 1. If the cell is blank in the box at the intersection of the column and the row,  
2363 the standards are the same as for the underlying zoning.

2364 2. If the cell has a number in the box at the intersection of the column and the  
2365 row, that number is the density or dimension standard for that shoreline environment.

2366 3. If the cell has a parenthetical number in the box at the intersection of the  
2367 column and the row, that parenthetical number identifies specific conditions immediately  
2368 following the table that are related to the density and dimension standard for that  
2369 environment.

2370 B. The dimensions enumerated in this section apply within the shoreline  
 2371 jurisdiction. If there is a conflict between the dimension standards in this section and  
 2372 K.C.C. chapter 21A.12, the more restrictive shall apply.

2373 **Shoreline dimensions.**

	H I G H N T E N S I T Y	R E S I D E N T I A L	R U R A L	C O N S E R V A N C Y	R E S O U R C E	F O R E S T R Y	N A T U R A L	A Q U A T I C
<b>Standards</b>								
Base height	35 feet (1)	35 feet (1)	35 feet (1)	35 feet (1)	35 feet (1)	35 feet (1)	30 feet (1)	35 feet (1)
<u>Maximum density (units per acre)</u>	<u>6 (4)</u>	<u>6 (4)</u>						
Minimum lot area			5 acres (2)	5 acres (2)	10 acres	80 acres	80 acres	
Minimum lot width		50 feet	100 feet	150 feet	150 feet	150 feet	330 feet	
Impervious surface				10%				

				(3)				
--	--	--	--	-----	--	--	--	--

2374 C. Development conditions.

2375 1. This height can be exceeded consistent with the base height for the zone only  
2376 if the structure will not obstruct the view of a substantial number of residences on areas  
2377 adjoining the shoreline or if overriding considerations of the public interest will be  
2378 served, and only for:

- 2379 a. agricultural buildings;
- 2380 b. water dependent uses and water related uses; and
- 2381 c. regional light rail transit support structures, but no more than is reasonably  
2382 necessary to address the engineering, operational, environmental issues at the location of  
2383 the structure;

2384 2. The minimum lot areas may be reduced as follows:

- 2385 a. to no less than 10,000 square feet or the minimum lot areas for the zone,  
2386 whichever is greater, through lot averaging; and
- 2387 b. when public access is provided, to no less than 8,000 square feet, or the  
2388 minimum lot area for the zone, whichever is greater, through cluster development, as  
2389 provided in K.C.C. chapter 21A.14.

2390 3. For lots created before the effective date of this section\*, if achieving the ten  
2391 percent maximum impervious surface limit is not feasible, the amount of impervious  
2392 surface shall be limited to the maximum extent practical but not to exceed the amount of  
2393 impervious surface allowed under K.C.C. 21A.12.030 and 21A.12.040.

2394           4. Except for a mixed use development, the density of the underlying zoning or  
2395 6 units per acre, whichever is lower. A mixed use development may have the density of  
2396 the underlying zone.

2397           SECTION 31. Ordinance 13274, Section 5, as amended, and K.C.C. 21A.37.030  
2398 are each hereby amended to read as follows:

2399           A. Receiving sites shall be:

2400           1. King County unincorporated urban sites, except as limited in subsection D. of  
2401 this section, zoned R-4 through R-48, NB, CB, RB or O, or any combination thereof.

2402 The sites may also be within potential annexation areas established under the countywide  
2403 planning policies; or

2404           2. Cities where new growth is or will be encouraged under the Growth  
2405 Management Act and the countywide planning policies and where facilities and services  
2406 exist or where public investments in facilities and services will be made, or

2407           3. RA-2.5 zoned parcels, except as limited in subsection E. of this section, that  
2408 meet the criteria listed in this subsection A.3. may receive development rights transferred  
2409 from rural forest focus areas, and accordingly may be subdivided and developed at a  
2410 maximum density of one dwelling per two and one-half acres. Increased density allowed  
2411 through the designation of rural receiving areas:

2412           a. must be eligible to be served by domestic Group A public water service;

2413           b. must be located within one-quarter mile of an existing predominant pattern  
2414 of rural lots smaller than five acres in size;

2415           c. must not adversely impact regionally or locally significant resource areas or  
2416 critical areas;

2417 d. must not require public services and facilities to be extended to create or  
2418 encourage a new pattern of smaller lots;

2419 e. must not be located within rural forest focus areas; and

2420 f. must not be located on Vashon Island or Maury Island.

2421 B. Except as provided in this chapter, development of an unincorporated King  
2422 County receiving site shall remain subject to all zoning code provisions for the base zone,  
2423 except TDR receiving site developments shall comply with dimensional standards of the  
2424 zone with a base density most closely comparable to the total approved density of the  
2425 TDR receiving site development.

2426 C. An unincorporated King County receiving site may accept development rights  
2427 from one or more sending sites, up to the maximum density permitted under K.C.C.  
2428 21A.12.030 and 21A.12.040.

2429 D. Property located within the outer boundaries of the Noise Remedy Areas as  
2430 identified by the Seattle-Tacoma International Airport may not accept development  
2431 rights.

2432 E. Property located within the (~~shorelands, as defined in RCW 90.58.020,)~~  
2433 shoreline jurisdiction or located on Vashon Island or Maury Island may not accept  
2434 development rights.

2435 SECTION 32. Ordinance 13274, Section 6, as amended, and K.C.C. 21A.37.040  
2436 are each hereby amended to read as follows:

2437 A. The number of residential development rights that an unincorporated sending  
2438 site is eligible to send to a receiving site shall be determined by applying the TDR  
2439 sending site base density established in subsection D. of this section to the area of the

2440 sending site, after deducting the area associated with any existing development, any  
2441 retained development rights and any portion of the sending site already in a conservation  
2442 easement or other similar encumbrance. For each existing dwelling unit or retained  
2443 development right, the sending site area shall be reduced by an area equivalent to the base  
2444 density for that zone under K.C.C. 21A.12.030.

2445           B. Any fractions of development rights that result from the calculations in  
2446 subsection A. of this section shall not be included in the final determination of total  
2447 development rights available for transfer.

2448           C. For purposes of calculating the amount of development rights a sending site  
2449 can transfer, the amount of land contained within a sending site shall be determined as  
2450 follows:

2451           1. If the sending site is an entire tax lot, the square footage or acreage shall be  
2452 determined:

2453           a. by the King County department of assessments records; or

2454           b. by a survey funded by the applicant that has been prepared and stamped by a  
2455 surveyor licensed in the state of Washington; and

2456           2. If the sending site consists of a lot that is divided by a zoning boundary, the  
2457 square footage or acreage shall be calculated separately for each zoning classification.

2458 The square footage or acreage within each zoning classification shall be determined by  
2459 the King County record of the action that established the zoning and property lines, such  
2460 as an approved lot line adjustment. When such records are not available or are not

2461 adequate to determine the square footage or acreage within each zoning classification, the

2462 department of permitting and environmental review shall calculate the square footage or  
2463 acreage through the geographic information system (GIS) mapping system.

2464 D. For the purposes of the transfer of development rights (TDR) program only,  
2465 the following TDR sending site base densities apply:

2466 1. Sending sites designated in the King County Comprehensive Plan as urban  
2467 separator and zoned R-1 shall have a base density of four dwelling units per acre;

2468 2. Sending sites zoned RA-2.5 shall have a base density of one unit for each two  
2469 and one-half acres. Sending sites zoned RA-2.5 that are vacant and are smaller than 1.25  
2470 acres shall be allocated one additional TDR for each vacant lot that is smaller than 1.25  
2471 acres;

2472 3. Sending sites zoned RA-5 or RA-10 shall have a base density of one dwelling  
2473 unit per five acres. Vacant sending sites that are zone RA-5 and are smaller than two and  
2474 one-half acres or that are zoned RA-10 and are smaller than five acres shall be allocated  
2475 on additional TDR for each vacant lot that is smaller than two and one-half acres or five  
2476 acres, respectively;

2477 4. Sending sites zoned RA and that have a designation under the King County  
2478 Shoreline Master Program of conservancy or natural shall be allocated one additional  
2479 TDR;

2480 5. Sending sites zoned A-10 and A-35 shall have a base density of one dwelling  
2481 unit per five acres for transfer purposes only;

2482 6. Sending sites zoned F within the forest production district shall have a base  
2483 density of one dwelling unit per eighty acres or one dwelling unit per each lot that is  
2484 between fifteen and eighty acres in size.

2485 E. A sending site zoned RA, A or F may send one development right for every  
2486 legal lot larger than five thousand square feet that was created on or before September 17,  
2487 2001, if that number is greater than the number of development rights determined under  
2488 subsection A. of this section. A sending site zoned R-1 may send one development right  
2489 for every legal lot larger than two thousand five hundred square feet that was created on  
2490 or before September 17, 2001, if that number is greater than the number of development  
2491 rights determined under subsection A. of this section.

2492 F. The number of development rights that a King County unincorporated rural or  
2493 natural resources land sending site is eligible to send to a King County incorporated  
2494 urban area receiving site shall be determined through the application of a conversion ratio  
2495 established by King County and the incorporated municipal jurisdiction. The conversion  
2496 ratio will be applied to the number of available sending site development rights  
2497 determined under subsection A. or E. of this section.

2498 G. Development rights from one sending site may be allocated to more than one  
2499 receiving site and one receiving site may accept development rights from more than one  
2500 sending site.

2501 H. The determination of the number of residential development rights a sending  
2502 site has available for transfer to a receiving site shall be valid for transfer purposes only,  
2503 shall be documented in a TDR (~~certificate letter of intent and~~) qualification report  
2504 prepared by the department of natural resources and parks and sent to the applicant. The  
2505 qualification report shall be considered a final determination, not to be revised due to  
2506 changes to the sending site's zoning, and shall be valid unless conditions on the sending

2507 site property that would affect the number of development rights the sending site has  
2508 available for transfer have changed.

2509 I. Each residential transferable development right that originates from a sending  
2510 site zoned RA, A or F shall be designated "Rural" and is equivalent to two additional  
2511 units above base density in eligible receiving sites located in unincorporated urban King  
2512 County. Each residential transferable development right that originates from a sending  
2513 site zoned R-1 urban separator shall be designated "Urban" and is equivalent to one  
2514 additional unit above base density.

2515 SECTION 33. Ordinance 14190, Section 7, as amended, and K.C.C. 21A.37.050  
2516 are each hereby amended to read as follows:

2517 A. Following the transfer of residential development rights, a sending site may  
2518 subsequently accommodate remaining residential dwelling units, if any, on the buildable  
2519 portion of the parcel or parcels or be subdivided, consistent with the zoned base density  
2520 provisions of the density and dimensions tables in K.C.C. 21A.12.030 and 21A.12.040,  
2521 the allowable dwelling unit calculations in K.C.C. 21A.12.070 and other King County  
2522 development regulations. Any remaining residential dwelling units and associated  
2523 accessory units shall be located in a single and contiguous reserved residential area that  
2524 shall be adjacent to any existing development or roadways on the property. The reserved  
2525 residential area shall be equal to the acreage associated with the minimum lot size of the  
2526 zone for each remaining residential dwelling unit. For sending sites zoned RA, the  
2527 subdivision potential remaining after a density transfer may only be actualized through a  
2528 clustered subdivision, short subdivision or binding site plan that creates a permanent  
2529 preservation tract as large or larger than the portion of the subdivision set aside as lots.

2530 Within rural forest focus areas, resource use tracts shall be at least fifteen acres of  
2531 contiguous forest land.

2532 B. Only those nonresidential uses directly related to, and supportive of the  
2533 criteria under which the site qualified are allowed on a sending site.

2534 C. The applicable limitations in this section shall be included in the sending site  
2535 conservation easement.

2536 SECTION 34. Ordinance 16267, Section 68, and K.C.C. 21A.37.055 are each  
2537 hereby amended to read as follows:

2538 An urban receiving site that purchases rural TDRs may include the reduced  
2539 transportation-related greenhouse gas emissions that ~~((are estimated to))~~ the department  
2540 of natural resources and parks estimates will result from the TDR in calculating the  
2541 receiving site's greenhouse gas emissions.

2542 SECTION 35. Ordinance 14190, Section 8, as amended, and K.C.C. 21A.37.060  
2543 are each hereby amended to read as follows:

2544 A. Prior to issuing a certificate for transferable development rights to a sending  
2545 site, the department of natural resources and parks, or its successor shall record deed  
2546 restrictions in the form of a conservation easement documenting the development rights  
2547 that have been removed from the property and shall place a notice on the title of the  
2548 sending site. The department of permitting and environmental review, or its successor,  
2549 shall establish and maintain an internal tracking system that identifies all certified transfer  
2550 of developments rights sending sites.

2551 B. A conservation easement granted to the county or other appropriate land  
2552 management agency and that meets the requirements of K.C.C. 21A.37.050 shall be

2553 required for land contained in the sending site. The conservation easement shall be  
2554 documented by a map. The conservation easement shall be placed on the entire lot or  
2555 lots. The conservation easement shall identify ((~~it~~)) limitations in perpetuity on future  
2556 residential and nonresidential development consistent with this chapter, as follows:

2557           1. A conservation easement, which contains the easement map, shall be  
2558 recorded on the entire sending site to indicate development limitations on the sending  
2559 site;

2560           2. For a sending site zoned A-10 or A-35, the conservation easement shall be  
2561 consistent in form and substance with the purchase agreements used in the agricultural  
2562 land development rights purchase program. The conservation easement shall preclude  
2563 subdivision of the subject property but may permit not more than one dwelling per  
2564 sending site, and shall permit agricultural uses as provided in the A-10 or A-35 zone;

2565           3. For a rural sending site the conservation easement shall allow for restoration,  
2566 maintenance, or enhancement of native vegetation. A present conditions report shall be  
2567 required to document the location of existing structures and existing native vegetation  
2568 and the baseline conservation values of protected property at the time the conservation  
2569 easement is put in place. If residential development will be allowed on the site under the  
2570 conservation easement, the present conditions report shall be used to guide the location of  
2571 residential development;

2572           4. For a sending site qualifying as habitat for federal listed endangered or  
2573 threatened species, the conservation easement shall protect habitat and allow for  
2574 restoration, maintenance, or enhancement of native vegetation. A present conditions  
2575 report shall be required to document the location of existing structures. If existing or

2576 future residential development will be allowed on the site under the conservation  
2577 easement, the present conditions report shall be used by the owner to guide the location  
2578 of residential development; and

2579           5. For a sending site zoned F, the conservation easement shall encumber the  
2580 entire sending site. Lots between fifteen acres and eighty acres in size are not eligible to  
2581 participate in the TDR program if they include any existing dwelling units intended to be  
2582 retained, or if a new dwelling unit is proposed. For eligible lots between fifteen acres and  
2583 eighty acres in size, the sending site must include the entire lot. For lots greater than  
2584 eighty acres in size, the sending site shall be a minimum of eighty acres. The  
2585 conservation easement shall permit forestry uses subject to a forest stewardship plan  
2586 prepared by the applicant and approved by the county for ongoing forest management  
2587 practices. The Forest Stewardship Plan shall serve as a present conditions report  
2588 documenting the baseline conditions of the property and shall include a description of the  
2589 site's forest resources and the long term forest management objectives of the property  
2590 owner, and shall not impose standards that exceed Title 222 WAC.

2591           SECTION 36. Ordinance 13274, Section 7, as amended, and K.C.C. 21A.37.070  
2592 are each hereby amended to read as follows:

2593           A. An interagency review committee, chaired by the directors of the department  
2594 of permitting and environmental review and the department of natural resources and  
2595 parks, or their designees, shall be responsible for qualification of sending sites.  
2596 Determinations on sending site certifications made by the committee are appealable to the  
2597 examiner under K.C.C. 20.24.080. The department of natural resources and parks shall  
2598 be responsible for preparing a (~~written~~) TDR qualification report, which shall be signed

2599 by the director of the department of natural resources and parks or the director's designee,  
2600 documenting the review and decision of the committee. The qualification report  
2601 ~~((committee))~~ shall:

2602           1. Specify all deficiencies of an application, if the decision of the committee is  
2603 to disqualify the application;

2604           2. For all qualifying applications, provide a determination as to whether or not  
2605 additional residential dwelling units and associated accessory units may be  
2606 accommodated in accordance with subsection A. of section 19 of this ordinance; and

2607           3. Be issued ~~((a TDR certification letter))~~ within sixty days of the date of  
2608 submittal of a completed sending site certification application.

2609           B. Responsibility for preparing a completed application rests exclusively with the  
2610 applicant. Application for sending site certification shall include:

2611           1. A legal description of the site;

2612           2. A title report;

2613           3. A brief description of the site resources and public benefit to be preserved;

2614           4. A site plan showing the existing and proposed dwelling units, nonresidential  
2615 structures, driveways, submerged lands and any area already subject to a conservation  
2616 easement or other similar encumbrance;

2617           5. Assessors map or maps of the lot or lots;

2618           6. A statement of intent indicating whether the property ownership, after TDR  
2619 certification, will be retained in private ownership or dedicated to King County or another  
2620 public or private nonprofit agency;

2621           7. Any or all of the following written in conformance with criteria established  
2622 through a public rule consistent with K.C.C. chapter 2.98, if the site is qualifying as  
2623 habitat for a threatened or endangered species:

- 2624           a. a wildlife habitat conservation plan;
- 2625           b. a wildlife habitat restoration plan; or
- 2626           c. a wildlife present conditions report;

2627           8. A forest stewardship plan, written in conformance with criteria established  
2628 through a public rule consistent with K.C.C. chapter 2.98, if required under K.C.C.  
2629 21A.37.060.B.3. and 6.;

2630           9. An affidavit of compliance with the reforestation requirements of the Forest  
2631 Practices Act and any additional reforestation conditions of the forest practices permit for  
2632 the site, if required under K.C.C. 21A.37.020.E;

2633           10. A completed density calculation worksheet for estimating the number of  
2634 available development rights; and

2635           11. The application fee consistent with K.C.C. 27.36.020.

2636           SECTION 37. Ordinance 13274, Section 8, as amended, and K.C.C. 21A.37.080  
2637 are each hereby amended to read as follows:

2638           A. TDR development rights where both the proposed sending and receiving sites  
2639 would be within unincorporated King County shall be transferred using the following  
2640 process:

2641           1. Following interagency review committee review and approval of the sending  
2642 site application as described in K.C.C. 21A.37.070 the interagency review committee  
2643 shall issue a TDR (~~certificate letter of intent~~) qualification report, agreeing to issue a

2644 TDR certificate in exchange for the proposed sending site conservation easement. After  
2645 signing and notarizing the conservation easement and receiving the TDR certificate from  
2646 the county, the sending site owner may market the TDR sending site development rights  
2647 to potential purchasers. The TDR certificate shall be in the name of the property owner  
2648 and separate from the land title. If a TDR sending site that has been reviewed and  
2649 approved by the interagency review committee changes ownership, the TDR (~~certificate~~  
2650 ~~letter of intent~~) qualification report may be transferred to the new owner if requested in  
2651 writing to the department of natural resources and parks by the person or persons that  
2652 owned the property when the TDR (~~certificate letter of intent~~) qualification report was  
2653 issued, (~~provided that the~~) if documents evidencing the transfer of ownership are also  
2654 provided to the department of natural resources and parks;

2655           2. In applying for receiving site approval, the applicant shall provide the  
2656 department of permitting and environmental review with one of the following:

2657           a. a TDR (~~certificate letter of intent~~) qualification report issued in the name  
2658 of the applicant,

2659           b. a TDR (~~certificate letter of intent~~) qualification report issued in the name  
2660 of another person or persons and a copy of a signed option to purchase those TDR  
2661 sending site development rights,

2662           c. a TDR certificate issued in the name of the applicant, or

2663           d. a TDR certificate issued in the name of another person or persons and a  
2664 copy of a signed option to purchase those TDR sending site development rights;

2665           3. Following building permit approval, but before building permit issuance by  
2666 the department of permitting and environmental review or following preliminary plat

2667 approval or preliminary short plat approval, but before final plat or short plat recording of  
2668 a receiving site development proposal which includes the use of TDR development  
2669 rights, the receiving site applicant shall deliver the TDR certificate issued in the  
2670 applicant's name for the number of TDR development rights being used and the TDR  
2671 extinguishment document to the county;

2672           4. When the receiving site development proposal requires a public hearing  
2673 under this title or K.C.C. Title 19A or its successor, that public hearing shall also serve as  
2674 the hearing on the TDR proposal. The reviewing authority shall make a consolidated  
2675 decision on the proposed development and use of TDR development rights and consider  
2676 any appeals of the TDR proposal under the same appeal procedures set forth for the  
2677 development proposal; and

2678           5. When the development proposal does not require a public hearing under this  
2679 title or K.C.C. Title 19A, the TDR proposal shall be considered along with the  
2680 development proposal, and any appeals of the TDR proposal shall be considered under  
2681 the same appeal procedures set forth for the development proposal.

2682           6. Development rights from a sending site shall be considered transferred to a  
2683 receiving site when a final decision is made on the TDR receiving area development  
2684 proposal, the sending site is permanently protected by a completed and recorded land  
2685 dedication or conservation easement, notification has been provided to the King County  
2686 assessor's office and a TDR extinguishment document has been provided to the  
2687 department of natural resources and parks, or its successor agency.

2688 B. TDR development rights where the proposed receiving site would be within an  
2689 incorporated King County municipal jurisdiction shall be reviewed and transferred using  
2690 that jurisdiction's development application review process.

2691 SECTION 38. Ordinance 13733, Section 8, as amended, and K.C.C. 21A.37.100  
2692 are each hereby amended to read as follows:

2693 The purpose of the TDR bank is to assist in the implementation of the transfer of  
2694 development rights (TDR) program by bridging the time gap between willing sellers and  
2695 buyers of development rights by purchasing and selling development rights, purchasing  
2696 conservation easements, and facilitating interlocal TDR agreements with cities in King  
2697 County through the provision of amenity funds. The TDR bank may acquire  
2698 development rights and conservation easements only from sending sites located in the  
2699 rural area or in an agricultural or forest production district as designated in the King  
2700 County Comprehensive Plan. Development rights purchased from the TDR bank may  
2701 only be used for receiving sites in cities or in the urban unincorporated area as designated  
2702 in the King County Comprehensive Plan.

2703 SECTION 39. Ordinance 13733, Section 10, as amended, and K.C.C.  
2704 21A.37.110 are each hereby amended to read as follows:

2705 A. The TDR bank may purchase development rights from qualified sending sites  
2706 at prices not to exceed fair market value and to sell development rights at prices not less  
2707 than fair market value. The TDR bank may accept donations of development rights from  
2708 qualified TDR sending sites.

2709 B. The TDR bank may purchase a conservation easement only if the property  
2710 subject to the conservation easement is qualified as a sending site as evidenced by a TDR

2711 ((~~certificate letter of intent~~)) qualification report the conservation easement restricts  
2712 development of the sending site in the manner required by K.C.C. 21A.37.060 and the  
2713 development rights generated by encumbering the sending site with the conservation  
2714 easement are issued to the TDR bank at no additional cost.

2715 C. If a conservation easement is acquired through a county park, open space,  
2716 trail, agricultural, forestry or other natural resource acquisition program for a property  
2717 that is qualified as a TDR sending site as evidenced by a TDR ((~~certificate letter of~~  
2718 ~~intent~~)) qualification report, any development rights generated by encumbering the  
2719 sending site with the conservation easement may be issued to the TDR bank so long as  
2720 there is no additional cost for the development rights.

2721 D. The TDR bank may use funds to facilitate development rights transfers.  
2722 These expenditures may include, but are not limited to, establishing and maintaining  
2723 internet web pages, marketing TDR receiving sites, procuring title reports and appraisals  
2724 and reimbursing the costs incurred by the department of natural resources and parks,  
2725 water and land resources division, or its successor, for administering the TDR bank fund  
2726 and executing development rights purchases and sales.

2727 E. The TDR bank fund may be used to cover the cost of providing staff support  
2728 for identifying and qualifying sending and receiving sites, and the costs of providing staff  
2729 support for the TDR interagency review committee.

2730 F. Upon approval of the TDR executive board, proceeds from the sale of TDR  
2731 bank development rights shall be available for acquisition of additional development  
2732 rights and as amenity funds to facilitate interlocal TDR agreements with cities in King

2733 County. Amenity funds provided to a city from the sale of TDR bank development rights  
2734 to that city are limited to one-third of the proceeds from the sale.

2735 SECTION 40. Ordinance 13733, Section 12, as amended, and K.C.C.

2736 21A.37.130 are each hereby amended to read as follows:

2737 A. The sale of development rights by the TDR bank shall be at a price that equals  
2738 or exceeds the fair market value of the development rights. The fair market value of the  
2739 development rights shall be established by the department of natural resources and shall  
2740 be based on the amount the county paid for the development rights and the prevailing  
2741 market conditions.

2742 B. When selling development rights, the TDR bank may select prospective  
2743 purchasers based on the price offered for the development rights, the number of  
2744 development rights offered to be purchased, and the potential for the sale to achieve the  
2745 purposes of the TDR program.

2746 C. The TDR bank may sell development rights only in whole or half increments  
2747 to incorporated receiving sites through an interlocal agreement or, after the county enacts  
2748 legislation that complies with chapter 365-198 WAC, to incorporated receiving sites in a  
2749 city that has enacted legislation that complies with chapter 365-198 WAC. The TDR  
2750 bank may sell development rights only in whole increments to unincorporated King  
2751 County receiving sites.

2752 D. All offers to purchase development rights from the TDR bank shall be in  
2753 writing, shall include a certification that the development rights, if used, shall be used  
2754 only inside an identified city or within the urban unincorporated area, include a minimum  
2755 ten percent down payment with purchase option, shall include the number of

2756 development rights to be purchased, location of the receiving site, proposed purchase  
2757 price and the required date or dates for completion of the sale, not later than three years  
2758 after the date of receipt by King County of the purchase offer.

2759 E. Payment for purchase of development rights from the TDR bank shall be in  
2760 full at the time the development rights are transferred unless otherwise authorized by the  
2761 department of natural resources and parks.

2762 SECTION 41. Ordinance 13733, Section 13, as amended, and K.C.C.  
2763 21A.37.140 are each hereby amended to read as follows:

2764 A. For development rights sold by the TDR bank to be used in incorporated  
2765 receiving site areas, the county and the affected city or cities must ~~((first))~~ either have  
2766 executed an interlocal agreement and the city or cities must have enacted appropriate  
2767 legislation to implement the program for the receiving area or the county and the affected  
2768 city or cities must each have enacted legislation that complies with chapter 365-198  
2769 WAC.

2770 B.1. At a minimum, each interlocal agreement shall:

2771 a. shall describe the legislation that the receiving jurisdiction adopted or will  
2772 adopt to allow the use of development rights~~((;))~~;

2773 b. shall identify the receiving area~~((;))~~;

2774 c. shall require the execution of a TDR extinguishment document in  
2775 conformance with K.C.C. 21A.37.080~~((;))~~; and

2776 d. ~~((should))~~ shall address the conversion ratio to be used in the receiving site  
2777 area.

2778           2. If the city is to receive any amenity funds, the interlocal agreement shall set  
2779 forth the amount of funding and the amenities to be provided in accordance with K.C.C.  
2780 21A.37.150I. Such an interlocal agreement may also indicate that a priority should be  
2781 given by the county to acquiring development rights from sending sites in specified  
2782 geographic areas. If a city has a particular interest in the preservation of land in a rural or  
2783 resource area or in the specific conditions on which it will be preserved, then the  
2784 interlocal agreement may provide for periodic inspection or special terms in the  
2785 conservation easement to be recorded against the sending site as a pre acquisition  
2786 condition to purchases of development rights within specified areas by the TDR bank.

2787           C. A TDR conversion ratio for development rights purchased from a sending site  
2788 and transferred to an incorporated receiving site area may express the amount of  
2789 additional development rights in terms of any combination of units, floor area, height or  
2790 other applicable development standards that may be modified by the city to provide  
2791 incentives for the purchase of development rights.

2792           SECTION 42. Ordinance 13733, Section 14, as amended, and K.C.C.  
2793 21A.37.150 are each hereby amended to read as follows:

2794           A. Expenditures by the county for amenities to facilitate development rights sales  
2795 shall be authorized by the TDR executive board during review of proposed interlocal  
2796 agreements, and should be roughly proportionate to the value and number of  
2797 development rights anticipated to be accepted in an incorporated receiving site pursuant  
2798 to the controlling interlocal agreement, or in the unincorporated urban area, in accordance  
2799 with K.C.C. 21A.37.040.

2800 B. The county shall not expend funds on TDR amenities in a city before  
2801 execution of an interlocal agreement, except that:

2802 1. The executive board may authorize up to twelve thousand dollars be spent by  
2803 the county on TDR amenities before a development rights transfer for use at a receiving  
2804 site or for the execution of an interlocal agreement if the TDR executive board  
2805 recommends that the funds be spent based on a finding that the expenditure will expedite  
2806 a proposed transfer of development rights or facilitate acceptance of a proposed transfer  
2807 of development rights by the community around a proposed or established receiving site  
2808 area;

2809 2. King County may distribute the funds directly to a city if a scope of work,  
2810 schedule and budget governing the use of the funds is mutually agreed to in writing by  
2811 King County and the affected city. Such an agreement need not be in the form of an  
2812 interlocal agreement; and

2813 3. The funds may be used for project design renderings, engineering or other  
2814 professional services performed by persons or entities selected from the King County  
2815 approved architecture and engineering roster maintained by the department of finance or  
2816 an affected city's approved architecture and engineering roster, or selected by an affected  
2817 city through its procurements processes consistent with state law and city ordinances.

2818 C. TDR amenities may include the acquisition, design or construction of public  
2819 art, cultural and community facilities, parks, open space, trails, roads, parking,  
2820 landscaping, sidewalks, other streetscape improvements, transit-related improvements or  
2821 other improvements or programs that facilitate increased densities on or near receiving  
2822 sites.

2823           D. When King County funds amenities in whole or in part, the funding shall not  
2824 commit the county to funding any additional amenities or improvements to existing or  
2825 uncompleted amenities.

2826           E. King County funding of amenities shall not exceed appropriations adopted by  
2827 the council or funding authorized in interlocal agreements, whichever is less.

2828           F. Public transportation amenities shall enhance the transportation system. These  
2829 amenities may include capital improvements such as passenger and layover facilities, if  
2830 the improvements are within a designated receiving area or within one thousand five  
2831 hundred feet of a receiving site. These amenities may also include programs such as the  
2832 provision of security at passenger and layover facilities and programs that reduce the use  
2833 of single occupant vehicles, including car sharing and bus pass programs.

2834           G. Road fund amenities shall enhance the transportation system. These amenities  
2835 may include capital improvements, such as streets, traffic signals, sidewalks, street  
2836 landscaping, bicycle lanes and pedestrian overpasses, if the improvements are within a  
2837 designated receiving site area or within one thousand five hundred feet of a receiving site.  
2838 These amenities may also include programs that enhance the transportation system.

2839           H. All amenity funding provided by King County to cities to facilitate the  
2840 transfer of development rights shall be consistent with federal, state and local laws.

2841           I. The timing and amounts of funds for amenities paid by King County to each  
2842 participating city shall be determined in an adopted interlocal agreement. The interlocal  
2843 agreement shall set forth the amount of funding to be provided by the county, an  
2844 anticipated scope of work, work schedule and budget governing the use of the amenity  
2845 funds. Except for the amount of funding to be provided by the county, these terms may

2846 be modified by written agreement between King County and the city. Such an agreement  
2847 need not be in the form of an interlocal agreement. Such an agreement must be  
2848 authorized by the TDR executive board. If amenity funds are paid to a city to operate a  
2849 program, the interlocal agreement shall set the period during which the program is to be  
2850 funded by King County.

2851 J. A city that receives amenity funds from the county is responsible for using the  
2852 funds for the purposes and according to the terms of the governing interlocal agreement.

2853 K. To facilitate timely implementation of capital improvements or programs at  
2854 the lowest possible cost, King County may make amenity payments as authorized in an  
2855 interlocal agreement to a city before completion of the required improvements or  
2856 implementation programs, as applicable. If all or part of the required improvements or  
2857 implementation programs in an interlocal agreement to be paid for from King County  
2858 funds are not completed by a city within five years from the date of the transfer of  
2859 amenity funds, then, unless the funds have been used for substitute amenities by  
2860 agreement of the city and King County, those funds, plus interest, shall be returned to  
2861 King County and deposited into the originating amenity fund for reallocation to other  
2862 TDR projects.

2863 L. King County is not responsible for maintenance, operating and replacement  
2864 costs associated with amenity capital improvements inside cities, unless expressly agreed  
2865 to in an interlocal agreement.

2866 NEW SECTION. SECTION 43. A new section is hereby added to K.C.C.  
2867 chapter 21A.38 to read as follows:

2868           A. The purpose of the Fall City business district special district overlay is to  
2869 allow commercial development in Fall City to occur with on-site septic systems until  
2870 such time as an alternative wastewater system is available. The special district shall only  
2871 be established in areas of Fall City zoned CB and shall be evaluated to determine if it is  
2872 applicable to other rural commercial centers.

2873           B. The standards of this title and other county codes shall be applicable to  
2874 development within the Fall City business district special district overlay except as  
2875 follows:

2876           1. The permitted uses in K.C.C. Chapter 21A.08 do not apply and are replaced  
2877 with the following:

2878           a. Residential land uses as set forth in K.C.C. 21A.08.030:

2879           i. As a permitted use:

2880           (A) Multifamily residential units shall only be allowed on the upper floors of  
2881 buildings; and

2882           (B) Home occupations under K.C.C. chapter 21A.30;

2883           ii. As a conditional use:

2884           (A) Bed and Breakfast (five rooms maximum); and

2885           (B) Hotel/Motel.

2886           b. Recreational/cultural land uses as set forth in K.C.C. 21A.08.030:

2887           i. As a permitted use:

2888           (A) Library;

2889           (B) Museum; and

2890           (C) Arboretum.

- 2891           ii. As a conditional use:
- 2892           (A) Sports Club/Fitness Center;
- 2893           (B) Amusement/Recreation Services/Arcades (Indoor);
- 2894           (C) Bowling Center
- 2895           c. General services land uses as set forth in K.C.C. 21A.08.050:
- 2896           i. As a permitted use:
- 2897           (A) General Personal Services, except escort services;
- 2898           (B) Funeral Home;
- 2899           (C) Appliance/Equipment Repair;
- 2900           (D) Medical or Dental Office/Outpatient Clinic;
- 2901           (E) Medical or Dental Lab;
- 2902           (F) Day Care I;
- 2903           (G) Day Care II;
- 2904           (H) Veterinary Clinic;
- 2905           (I) Social Services;
- 2906           (J) Animal Specialty Services;
- 2907           (K) Artist Studios;
- 2908           (L) Nursing and Personal Care Facilities;
- 2909           ii. As a conditional use:
- 2910           (A) Theater (Movie or Live Performance);
- 2911           (B) Religious Use;
- 2912           d. Government/Business services land uses as set forth in K.C.C. 21A.08.060:
- 2913           i. As a permitted use:

- 2914 (A) General Business Service;
- 2915 (B) Professional Office: Bank, Credit Union, Insurance Office.
- 2916 ii. As a conditional use:
- 2917 (A) Public Agency or Utility Office;
- 2918 (B) Police Substation;
- 2919 (C) Fire Station;
- 2920 (D) Utility Facility;
- 2921 (E) Self Service Storage;
- 2922 e. Retail/commercial land uses as set forth in K.C.C. 21A.08.070:
- 2923 i. As a permitted use on the ground floor:
- 2924 (A) Food Store;
- 2925 (B) Drug Store/Pharmacy;
- 2926 (C) Retail Store: includes florist, book store, apparel and accessories store,
- 2927 furniture/home furnishings store, antique/recycled goods store, sporting goods store,
- 2928 video store, art supply store, hobby store, jewelry store, toy store, game store, photo
- 2929 store, electronic/appliance store, fabric shops, pet shops, and other retail stores (excluding
- 2930 adult-only retail);
- 2931 (D) Eating and Drinking Places, including coffee shops and bakeries.
- 2932 ii. As a conditional use:
- 2933 (A) Liquor Store or Retail Store Selling Alcohol;
- 2934 (B) Hardware/Building Supply Store;
- 2935 (C) Nursery/Garden Center;
- 2936 (D) Department Store;

- 2937 (E) Auto Dealers (indoor sales rooms only);
- 2938 f. Manufacturing land uses as set forth in K.C.C. 21A.08.080 are not allowed.
- 2939 g. Resource land uses as set forth in K.C.C. 21A.08.090:
- 2940 i. As a permitted use:
- 2941 (A) Solar photovoltaic/solar thermal energy systems;
- 2942 (B) Private storm water management facilities;
- 2943 (C) Growing and Harvesting Crops (within rear/internal side yards or roof
- 2944 gardens, and with organic methods only);
- 2945 (D) Raising Livestock and Small Animals (per the requirements of Section
- 2946 21A.30 of the Zoning Code)
- 2947 ii. As a conditional use: Wind Turbines
- 2948 h. Regional land uses as set forth in K.C.C. 21A.08.100 with a special use
- 2949 permit: Communication Facility.
- 2950 2. The densities and dimensions set forth in K.C.C. chapter 21A.12 apply,
- 2951 except as follows:
- 2952 a. Residential density is limited to six dwelling units per acre. For any
- 2953 building with more than ten dwelling units, at least ten percent of the dwelling units shall
- 2954 be classified as affordable under 21A.34.040F.1;
- 2955 b. Buildings are limited to two floors, plus an optional basement;
- 2956 c. The elevation of the ground floor may be elevated a maximum of six feet
- 2957 above the average grade of the site along the front facade of the building;

2958           d. If the ground floor is designed to accommodate non-residential uses, the  
2959 elevation of the ground floor should be placed near the elevation of the sidewalk to  
2960 minimize the need for stairs and ADA ramps;

2961           e. If the ground floor is designed to accommodate non-residential space, the  
2962 height of the ceiling, as measured from finished floor, shall be no more than eighteen  
2963 feet;

2964           f. Building height shall not exceed forty feet, as measured from the average  
2965 grade of the site along the front facade of the building.

2966           NEW SECTION. SECTION 44. A new section is hereby added to K.C.C.  
2967 chapter 21A.42 to read as follows:

2968           In the RA zone, the following apply to the expansion or modification of a school  
2969 authorized by an existing land use permit:

2970           A. Pursuant to the code compliance process of this chapter, the department may  
2971 review and approve an expansion or modification of an elementary school authorized by  
2972 an existing land use permit even if the use is not permitted outright in the RA zone. Such  
2973 expansions or modifications shall conform to all other provisions of this title;

2974           B. Pursuant to the code compliance process of this chapter, the department may  
2975 review and approve an expansion of a middle school, junior high school or high school  
2976 authorized by an existing land use permit even if the use is not permitted outright in the  
2977 RA zone. Such expansions shall conform to all other provisions of this title. Any  
2978 expansions under this subsection shall be subject to the following:

2979           1. the project-wide amount of each of the following may be increased by up to  
2980 ten percent:

2981 a. building square footage;

2982 b. impervious surface;

2983 c. parking; and

2984 d. building height; and

2985 2. No subsequent expansions shall be approved under this subsection if the  
2986 cumulative amount of such expansions exceeds the percentage prescribed in subsection  
2987 B.1. of this section;

2988 C. An expansion of a school that does not conform to the provisions of  
2989 subsection B. of this section may only be approved if the expansion is reviewed and  
2990 approved as a conditional use; and

2991 D. The department may review and approve, in accordance with the code  
2992 compliance process of this chapter, a modification of a middle school, junior high school  
2993 or high school authorized by an existing land use permit that does not make a substantial  
2994 change to the existing land use permit, as determined by the department. For the purpose  
2995 of this subsection, a "substantial change" includes, but is not limited to, a change to the  
2996 conditions of approval that leads to significant built or natural environmental impacts that  
2997 were not addressed in the original approval.

2998 SECTION 45. Ordinance 10870, Section 576, as amended, and K.C.C.

2999 21A.38.030 are each hereby amended to read as follows:

3000 A. Property-specific development standards, denoted by the zoning map symbol -  
3001 P after the zone's map symbol or a notation in the ~~((SITUS File))~~ geographic information  
3002 system data layers, shall be established on individual properties through either  
3003 reclassifications or area zoning. All property-specific development standards are

3004 contained in Appendix of Ordinance 12824 as currently in effect or hereinafter amended  
3005 and shall be maintained by the department of permitting and environmental review in the  
3006 Property Specific Development Conditions notebook. Upon the effective date of  
3007 reclassification of a property to a zone with a "-P" suffix, the property-specific  
3008 development standards adopted thereby shall apply to any development proposal on the  
3009 subject property subject to county review, including, but not limited to, a building permit,  
3010 grading permit, subdivision, short subdivision, subsequent reclassification to a potential  
3011 zone, urban planned development, conditional use permit, variance(~~(s)~~) and special use  
3012 permit.

3013 B. Property-specific development standards shall address problems unique to  
3014 individual properties or a limited number of neighboring properties that are not addressed  
3015 or anticipated by general minimum requirements of this title or other regulations.

3016 C. Property-specific development standards shall cite the provisions of this title,  
3017 if any, that are to be augmented, limited, or increased, shall be supported by  
3018 documentation that addresses the need for such a condition(~~(s)~~) or conditions, and shall  
3019 include street addresses, tax lot numbers or other clear means of identifying the properties  
3020 subject to the additional standards. Property-specific development standards are limited  
3021 to:

- 3022 1. Limiting the range of permitted land uses;
- 3023 2. Requiring special development standards for property with physical  
3024 constraints (e.g., environmental hazards, view corridors);
- 3025 3. Requiring specific site design features (e.g., building orientation, lot layout,  
3026 clustering, trails or access location);

- 3027           4. Specifying the phasing of the development of a site;
- 3028           5. Requiring public facility site dedications or improvements (e.g., roads,
- 3029 utilities, parks, open space, trails, school sites); or
- 3030           6. Designating sending and receiving sites for transferring density credits as
- 3031 provided in K.C.C. 21A.36.

3032           D. Property-specific development standards shall not be used to expand permitted

3033 uses or reduce minimum requirements of this title

3034           SECTION 46. Ordinance 12627, Section 2, as amended, and K.C.C. 21A.55.020

3035 are each hereby amended to read as follows:

3036           A. (~~(Authority and Application of Demonstration Projects.)~~) In establishing any

3037 demonstration project, the council shall specify the following (~~(provisions)~~):

- 3038           1. The purpose of the demonstration project;
- 3039           2. The location(~~((s))~~) or locations of the demonstration project;
- 3040           3. The scope of authority to modify standards and the lead agency(~~(/)~~) or
- 3041 department with authority to administer the demonstration project;
- 3042           4. The development standards established by this title or other titles of the King
- 3043 County Code (~~(which)~~) that affect the development of property that are subject to
- 3044 administrative modifications or waivers;
- 3045           5. The process through which requests for modifications or waivers are
- 3046 reviewed and any limitations on the type of permit or action;
- 3047           6. The criteria for modification or waiver approval;
- 3048           7. The effective period for the demonstration project and any limitations on
- 3049 extensions of the effective period;

3050           8. The scope of the evaluation of the demonstration project and the date by  
3051 which the executive shall submit an evaluation of the demonstration project; and

3052           9. The date by which the executive shall submit an evaluation of specific  
3053 alternative standards and, if applicable, proposed legislation.

3054           B. A demonstration project shall be designated by the Metropolitan King County  
3055 Council through the application of a demonstration project overlay to properties in a  
3056 specific area or areas. A demonstration project shall be indicated on the zoning map or a  
3057 notation in the ((~~SITUS File~~)) geographic information system data layers maintained by  
3058 the department of permitting and environmental review, by the suffix "-DPA" (meaning  
3059 demonstration project area) following the map symbol of the underlying zone or zones.  
3060 Within a designated demonstration project area, approved alternative development  
3061 regulations may be applied to development applications.

3062           SECTION 47. Ordinance 11621, Section 28, and K.C.C. 21A.06.1177 are each  
3063 hereby repealed.

3064           SECTION 48. Ordinance 3688, Section 257, as amended, and K.C.C.  
3065 21A.06.1385A are each hereby repealed.

3066           SECTION 49. Ordinance 10870, Section 535, and K.C.C. 21A.30.070 are each  
3067 hereby repealed.

3068           SECTION 50. Work program. The council hereby adopts the following work  
3069 program items as part of the King County Comprehensive Plan 2012:

3070           A. The executive shall evaluate the benefits, costs and implementation strategies  
3071 of requiring disclosure of Environmental Protection Agency Energy Star-type scores for  
3072 commercial and public buildings to prospective buyers, lessees and lenders with the goal

3073 of improving energy efficiency. The executive shall prepare a report setting forth  
3074 recommendations for modifications to policies, procedures and ordinances to implement  
3075 the requirement of energy use disclosure by building owners. The report required by this  
3076 subsection shall be transmitted to the council by June 1, 2013. The report must be filed  
3077 in the form of a paper original and an electronic copy with the clerk of the council, who  
3078 shall retain the original and provide an electronic copy to all councilmembers and to the  
3079 lead staff for the transportation, economy and environment committee, or its successor;

3080         B. The executive shall evaluate the benefits, costs and implementation strategies  
3081 of requiring solar access for the production of solar energy. For the purposes of this  
3082 subsection B, "solar access" encompasses both the ability of one property to continue to  
3083 receive sunlight across property lines without obstruction from another's property  
3084 (buildings, foliage, or other impediment), as well as the ability to install solar energy  
3085 systems on residential and commercial property that is subject to private restrictions; that  
3086 is, covenants, conditions, restrictions, bylaws and condominium declarations, as well as  
3087 local government ordinances and building codes. The report required by this subsection  
3088 shall be transmitted to the council by June 1, 2013. The report must be filed in the form  
3089 of a paper original and an electronic copy with the clerk of the council, who shall retain  
3090 the original and provide an electronic copy to all councilmembers and to the lead staff for  
3091 the transportation, economy and environment committee, or its successor;

3092         C.1. The executive shall complete a report on the effectiveness of county efforts  
3093 to support the needs of agriculture pursuant to King County comprehensive plan policy  
3094 R-667.

3095         2. The report shall include:

- 3096           a. a timeline for the implementation of expedited reviews and reduced fees;  
3097           b. the number and types of agricultural building permits reviewed;  
3098           c. an estimate of cost savings for applicants for agricultural building permits;  
3099           d. an estimate of the number of agricultural building permits that were  
3100 reviewed under more stringent commercial building standards; and  
3101           e. a comparison between fire and building standards applied to permits for  
3102 agricultural structures by King County and those of Pierce, Snohomish, Skagit and  
3103 Whatcom counties.

3104           3. The report shall be transmitted to the council by September 1, 2013. The  
3105 executive shall file one paper copy and one electronic copy of this plan with the clerk of  
3106 the council, for distribution to all councilmembers and the lead staff of the transportation,  
3107 economy and environment committee, or its successor;

3108           D.1. In addition to other formats, the executive shall produce a single, web-based  
3109 document that consolidates all the chapters of the Comprehensive Plan, including the  
3110 introduction and glossary.

- 3111           2. The consolidated document shall:  
3112           a. be searchable, include hyperlinks to all cited web addresses; and  
3113           b. use a non-PDF format in order to allow editing.

3114           3. Access to this consolidated document shall be made available on the  
3115 executive web page no later than thirty days after the adoption of updates to the  
3116 Comprehensive Plan;

3117           E. The executive shall complete a report on the effectiveness of county efforts to  
3118 implement the guiding principle of equity and social justice in its planning and actions.

3119 This report shall identify any deficiencies in the implementation of this guiding principle  
3120 applied to the policies contained in Comprehensive Plan. The report shall identify  
3121 actions necessary to correct these deficiencies. The analysis should be done by subparts  
3122 of each chapter ; that is, by each lettered section of each chapter . The report shall also  
3123 recommend if the addition of a policy calling for the consideration of equity and social  
3124 justice in implementation of the subpart of each chapter should be added to the  
3125 Comprehensive Plan and the recommended language for all such additional policies. The  
3126 report should be transmitted to the council by March 1, 2013, in order that the council  
3127 may consider any recommended policy changes in accordance with K.C.C.  
3128 20.18.030.B.6. The executive shall file one paper copy and one electronic copy of this  
3129 plan with the clerk of the council, for distribution to all councilmembers and the lead staff  
3130 of the transportation, economy and environment committee, or its successor;

3131 F.1. The executive shall complete a report on the effectiveness of county  
3132 incentives to foster and support the annexation efforts of cities as well as potential  
3133 barriers and their impacts.

3134 2. The report shall include:

3135 a. a needs analysis of county actions, such as the construction of improvements  
3136 to infrastructure within each city potential annexation area that would be necessary to  
3137 encourage annexation by a city;

3138 b. a financial analysis of potential options for funding of these county actions;  
3139 and

3140 c. any state legislative action needed to facilitate annexations.

3141           3. The report shall be transmitted to the council by September 1, 2013. The  
3142 executive shall file one paper copy and one electronic copy of this plan with the clerk of  
3143 the council, for distribution to all councilmembers and the lead staffs for the  
3144 transportation, economy and environment and budget and fiscal management, or their  
3145 successor.

3146           G.1. The executive shall convene discussions between the county and its cities  
3147 for the purpose of developing joint planning agreements relative to the use of transfer of  
3148 development rights ("TDRs").

3149           2. The joint planning agreements should:

3150           a. identify potential preferred receiving sites both within the current boundaries  
3151 of a city and its potential annexation areas; and

3152           b. include measures that would encourage the increased use of TDRs.

3153           3. The executive shall provide a report that:

3154           a. describes which cities are participating in the development of joint planning  
3155 agreement; and

3156           b. outlines the process and timeline for the development of these joint planning  
3157 agreements.

3158           4. The report required under subsection G.3. of this section shall be transmitted  
3159 to the council by September 1, 2013. The executive shall file one paper copy and one  
3160 electronic copy of the report with the clerk of the council, for distribution to all  
3161 councilmembers and the lead staff of the transportation, economy and environment  
3162 committee, or its successor.

3163 H.1. The executive shall complete a report on the effect of the recession on  
3164 market demand for transfer of development rights.

3165 2. The report shall:

3166 a. enumerate the number of transfer of development rights ("TDRs") both sold  
3167 and used for development;

3168 b. identify any difference in the demand of privately-marketed TDRs versus  
3169 those TDRs sold to and obtained from the county TDR bank; and

3170 c. evaluate any impacts on TDR market demand resulting from economic  
3171 conditions or from price differentials, if any, between privately marketed TDRs and those  
3172 obtained from the TDR bank.

3173 3. The report shall be transmitted to the council by September 1, 2013. The  
3174 executive shall file one paper copy and one electronic copy of this plan with the clerk of  
3175 the council, for distribution to all councilmembers and the lead staff of the transportation,  
3176 economy and environment committee, or its successor.

3177 I.1. The executive shall conduct a review of, and report on, septic systems on  
3178 unincorporated properties either in or directly abutting the Sammamish Valley  
3179 agricultural production district ("APD").

3180 2. The report shall:

3181 a. identify and map all such properties;

3182 b. indicate where septic system failures have occurred, or have the high  
3183 potential of occurring due to age or soil conditions;

3184 c. evaluate the potential health impact of such failures on lands within the  
3185 APD, especially in regard to lands used for food crops; and

3186 d. identify possible methods of sewage treatment as allowed under the  
3187 Comprehensive Plan policies, and including a range of costs, for the identified methods,  
3188 that may be utilized to provide for safe treatment of sewage.

3189 3. The report shall be transmitted to the council by September 1, 2013. The  
3190 executive shall file one paper copy and one electronic copy of this plan with the clerk of  
3191 the council, for distribution to all councilmembers and the lead staff of the transportation,  
3192 economy and environment committee, or its successor.

3193 J.1. The executive shall complete a report relating to an increased potential for  
3194 safety conflicts between motorized and non-motorized uses on roadways in the Rural  
3195 Area, as a result of reduced investments in or maintenance of roadways.

3196 2. To address the potential increase of these conflicts, the report shall:

3197 a. review the county's road design and construction standards for roadways in  
3198 the Rural Area for ways to provide safer multimodal use of these roadways; and

3199 b. for areas where there is not sufficient roadway infrastructure for safe  
3200 multimodal uses, evaluate whether off-roadway trails and bike paths for nonmotorized  
3201 uses should be encouraged or facilitated.

3202 3. The report shall be transmitted to the council by September 1, 2013. The  
3203 executive shall file one paper copy and one electronic copy of this plan with the clerk of  
3204 the council, for distribution to all councilmembers and the lead staff of the transportation,  
3205 economy and environment committee, or its successor.

3206 K.1. The executive shall complete the update to the Rural Economic Strategies  
3207 ("RES") plan, which was begun by the executive in 2009 to reflect amendments adopted  
3208 in the 2008 Comprehensive Plan.

3209           2. The RES plan update shall reflect:  
3210           a. policy direction of the 2012 Comprehensive Plan;  
3211           b. the effect of annexations towards focusing the county's local government  
3212 role as primarily that of a rural area service provider; and  
3213           c. that while cities in the Rural Area fill a crucial need for supporting the retail  
3214 and service needs of the population of the surrounding Rural Area, such cities are  
3215 autonomous, which means they may plan and implement their own economic strategies,  
3216 and are therefore not subject to the county's development and/or economic regulations.  
3217 The updated plan and ordinance adopting the updated plan shall be transmitted to the  
3218 council by September 1, 2013.

3219           L. The executive shall add to the Growth Management Planning Council's 2013  
3220 work plan, the issue of multi-jurisdictional responsibility for funding of improvements to  
3221 the county's rural regional corridors that are used, in large measure, to move traffic  
3222 between incorporated areas.

3223           M.1. The executive shall complete a report outlining the work plan for the  
3224 watershed planning process to be established for an agricultural production district  
3225 ("APD") as contemplated in Comprehensive Plan Policy R-650.

3226           2. The report shall:  
3227           a. establish the criteria for creating a watershed planning process;  
3228           b. the general work plan for any established watershed planning process; and  
3229           c. the categories of stakeholders proposed to be included for any established  
3230 watershed planning process and the proposed number of participants from each category.  
3231 The categories shall be but are not limited to: farmer(s) and/or resident(s) affected by the

3232 proposed project(s) in the APD; a representative from the WRIA in which the affected  
3233 APD is located; a representative from the King County Agriculture Commission from the  
3234 affected APD; a representative from the King Conservation District; and subject matter  
3235 experts.

3236           3. The report shall be transmitted to the council by March 1, 2013. The  
3237 executive shall file one paper copy and one electronic copy of this plan with the clerk of  
3238 the council, for distribution to all councilmembers and the lead staff of the transportation,  
3239 economy and environment committee, or its successor.

3240           N. The executive shall develop and transmit for council consideration and  
3241 adoption, the appropriate regulations to necessary to implement policies U-188 and U-  
3242 189, which relate to the Four-to-One Program. No new applications for Four-to-One  
3243 proposals based on these policies shall be accepted by the executive until such time as  
3244 such regulations are adopted by council. The executive-proposed regulations shall be  
3245 transmitted to the council by March 1, 2013.

3246           O. By June 1, 2013, the executive shall provide a report detailing the progress of  
3247 the rule making process, as required by this ordinance, which will develop the criteria for  
3248 the designation and mapping of the channel migration zone areas in unincorporated King  
3249 County. Additional reports to provide updates on the progress on the rule making  
3250 process and implementation of the designation and mapping of channel migration zones  
3251 shall be provided each January 1 and June 1, until the mapping is completed. The reports  
3252 required by this subsection shall be transmitted to the council in the form of a paper  
3253 original and an electronic copy with the clerk of the council, who shall retain the original

3254 and provide an electronic copy to all councilmembers and to the lead staff for the  
3255 transportation, economy and environment committee, or its successor.

3256 P.1. The executive shall work collaboratively with the city of Woodinville to  
3257 develop joint recommendations for promoting the wine and agriculture industries.

3258 2. In developing these recommendations, the county shall work with the city to  
3259 analyze and consider the following:

3260 a. Identification of existing and needed transportation infrastructure including  
3261 traffic safety improvements, roads, sidewalks, parking, trails, tourism buses, signage and  
3262 way finding;

3263 b. The finite nature and value of agricultural soil resources and the  
3264 agricultural potential of the APD;

3265 c. The character of the surrounding rural area;

3266 d. Vacant, buildable, and redevelopable land within the existing urban  
3267 growth area;

3268 e. The adopted Countywide Planning Policies and King County  
3269 Comprehensive Plan;

3270 f. Input from the public and interested stakeholders, including local  
3271 businesses and surrounding city and unincorporated area communities;

3272 g. Failing septic systems and pollution in the valley, in conjunction with the  
3273 report set forth in subsection I of this section; and

3274 h. Nonconforming uses on the unincorporated lands in King County and on  
3275 the agricultural lands.

3276 Q. Recognizing that structures, such as farm pads, are vital to agriculture  
3277 activities and are allowed in the channel migration zones in accordance with K.C.C.  
3278 21A.24.045A, the executive shall work with the state Department of Ecology to develop  
3279 a revised K.C.C. 21A.24.045D.56. to more accurately reflect the restrictions on placing  
3280 such structures in severe channel migration zones.

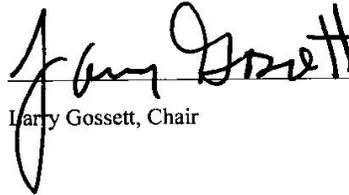
3281 SECTION 51. If any provision of this ordinance or its application to any person

3282 or circumstance is held invalid, the remainder of the ordinance or the application of the  
3283 provision to other persons or circumstances is not affected.  
3284

Ordinance 17485 was introduced on 3/5/2012 and passed as amended by the Metropolitan King County Council on 12/3/2012, by the following vote:

Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague, Ms. Patterson, Ms. Lambert, Mr. Ferguson, Mr. Dunn and Mr. McDermott  
No: 0  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
Larry Gossett, Chair

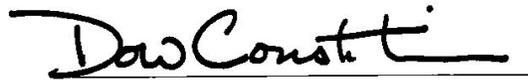
ATTEST:



Anne Noris, Clerk of the Council

RECEIVED  
2012 DEC 13 PM 3:30  
KING COUNTY COUNCIL

APPROVED this 13 day of DECEMBER, 2012



Dow Constantine, County Executive

**Attachments:** A. 2012 King County Comprehensive Plan 12-3-12, B. Capital Facilities 12-3-12, C. Housing 12-3-12, D. Transportation 12-3-12, E. Transportation Needs Report 12-3-12, F. Growth Targets and Urban Growth Area 2012 12-3-12, G. Summary of Public Outreach for Development of 2012 KCCP Update 12-3-12., H. King County Critical Aquifer Recharge Areas 12-3-12, I. Fall City Subarea Plan 12-3-12, J. School Siting Task Force Report 12-3-12, K. King County Shoreline Jurisdiction 12-3-12, K. King County Shoreline Jurisdiction 12-3-12