



## Legislation Details (With Text)

**File #:** 2010-0164      **Version:** 3

**Type:** Ordinance      **Status:** Passed

**File created:** 3/8/2010      **In control:** Environment and Transportation Committee

**On agenda:** 9/20/2010      **Final action:** 10/18/2010

**Enactment date:** 10/27/2010      **Enactment #:** 16950

**Title:** AN ORDINANCE relating to development processes and requirements; amending Ordinance 13694, Section 70, and K.C.C. 19A.20.010, Ordinance 13694, Section 71, and K.C.C. 19A.20.020, Ordinance 13694, Section 76, and K.C.C. 19A.24.010, Ordinance 13694, Section 78, and K.C.C. 19A.24.030, Ordinance 13694, Section 80, and K.C.C. 19A.28.020, Ordinance 12196, Section 10, as amended, and K.C.C. 20.20.030, Ordinance 12196, Section 13, as amended, and K.C.C. 20.20.060, Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100, Ordinance 4461, Section 10, as amended, and K.C.C. 20.24.190, Ordinance 10870, Section 330, as amended, and K.C.C. 21A.08.030, Ordinance 10870, Section 331, as amended, and K.C.C. 21A.08.040, Ordinance 10870, Section 332, as amended, and K.C.C. 21A.08.050, Ordinance 10870, Section 333, as amended, and K.C.C. 21A.08.060, Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070, Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080, Ordinance 10870, Section 341, as amended, and K.C.C. 21A.12.040, Ordinance 10870, Section 350, and K.C.C. 21A.12.130, Ordinance 10870, Section 424, as amended, and K.C.C. 21A.20.060, Ordinance 10870, Section 427, as amended and K.C.C. 21A.20.080, Ordinance 15051, Section 137, as amended, and K.C.C. 21A.24.045, Ordinance 15051, Section 185, as amended, and K.C.C. 21A.24.325, Ordinance 15051, Section 193, as amended, and K.C.C. 21A.24.358, Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120, Ordinance 13274, Section 4, as amended, and K.C.C. 21A.37.020, Ordinance 13274, Section 6, as amended, and K.C.C. 21A.37.040, Ordinance 13733, Section 10, as amended, and K.C.C. 21A.37.110, Ordinance 13263, Section 8, as amended, and K.C.C. 23.02.070, Ordinance 13263, Section 43, as amended, and K.C.C. 23.36.010 and Ordinance 13263, Section 51, as amended, and K.C.C. 23.40.040, adding a new section to K.C.C. chapter 19A.04, adding new sections to K.C.C. chapter 20.20, adding a new section to K.C.C. chapter 21A.38 and repealing Ordinance 12196, Section 18 and K.C.C. 20.20.110 and Ordinance 12196, Section 20 and K.C.C. 20.20.130.

**Sponsors:**

**Indexes:** Comprehensive Plan

**Code sections:** 19A.04 - , 19A.20.010 - ..., 19A.20.020 - ..., 19A.24.010 - ..., 19A.24.030 - ..., 19A.28.020 - ..., 20.20 - , 20.20.030 - , 20.20.060 - , 20.20.100 - , 20.20.110 - ..., 20.20.130 - ..., 20.24.190 - , 21A.08.030 - , 21A.08.040 - , 21A.08.050 - , 21A.08.060 - , 21A.08.070 - , 21A.08.080 - , 21A.12.040 - , 21A.12.130 - ..., 21A.24.045 - , 21A.24.325 - , 21A.24.358 - , 21A.32.120 - , 21A.37.020 - , 21A.37.040 - , 21A.37.110 - , 21A.38 - , 23.02.070 - , 23.36.010 - , 23.40.040 -

**Attachments:** 1. 16950.pdf, 2. 2010-0164 Transmittal Letter.doc, 3. 2010-0164 Fiscal Note.xls, 4. 2010-0164 Regulatory Note Checklist of Criteria--March 1, 2010.doc, 5. 2010-0164 2010 Comprehensive Plan Update Public Involvement Summary.doc, 6. 2010-0164 Proposed 2010 King County Development Regulation and Process Changes--March 1, 2010.doc, 7. 2010-0164 - Staff Report - KCCP(03-30-10), 8. 2010-0164 Staff Report - Comp Plan (revised 4-13-10), 9. 2010-0164 Staff Report - Comp Plan, 10. 2010-0164 - Att1 Code Revision Matrix, 11. 2010-0164 Staff Report - Comp Plan (6-08), 12. 2010-0164 Staff Report Comp Plan (night mtg-06-08), 13. 2010-0164 Staff Report - Comp Plan (07-13-10), 14. 2010-0164 Staff Report (7-27-10), 15. 2010-0164 Att 1 Amendment S1 (7-27-10), 16. 2010-0164 Att 2 - Title Amendment (7-27-10), 17. 2010-0164 Att 3 - amend 1(7-27-10), 18. 2010-0164 Att 4 -T2 Amendment (7-27-10), 19. 2010-0164 Revised Staff Report, 20. 2010-0163--0164 Hearing notice.doc, 21. 16950 Amendment Package - 10-18-10.pdf, 22. 2010-0163 & 0164 adoption notice.doc

Date	Ver.	Action By	Action	Result
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10/18/2010	2	Metropolitan King County Council	Passed as Amended	Pass
9/20/2010	2	Metropolitan King County Council	Hearing Held	
7/27/2010	1	Environment and Transportation Committee	Passed Out of Committee Without a Recommendation	Pass
7/13/2010	1	Environment and Transportation Committee	Deferred	
6/22/2010	1	Environment and Transportation Committee	Deferred	
6/8/2010	1	Environment and Transportation Committee	Deferred	
6/8/2010	1	Environment and Transportation Committee	Deferred	
4/27/2010	1	Environment and Transportation Committee	Deferred	
4/13/2010	1	Environment and Transportation Committee	Deferred	
3/30/2010	1	Environment and Transportation Committee	Deferred	
3/8/2010	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE relating to development processes and requirements; amending Ordinance 13694, Section 70, and K.C.C. 19A.20.010, Ordinance 13694, Section 71, and K.C.C. 19A.20.020, Ordinance 13694, Section 76, and K.C.C. 19A.24.010, Ordinance 13694, Section 78, and K.C.C. 19A.24.030, Ordinance 13694, Section 80, and K.C.C. 19A.28.020, Ordinance 12196, Section 10, as amended, and K.C.C. 20.20.030, Ordinance 12196, Section 13, as amended, and K.C.C. 20.20.060, Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100, Ordinance 4461, Section 10, as amended, and K.C.C. 20.24.190, Ordinance 10870, Section 330, as amended, and K.C.C. 21A.08.030, Ordinance 10870, Section 331, as amended, and K.C.C. 21A.08.040, Ordinance 10870, Section 332, as amended, and K.C.C. 21A.08.050, Ordinance 10870, Section 333, as amended, and K.C.C. 21A.08.060, Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070, Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080, Ordinance 10870, Section 341, as amended, and K.C.C. 21A.12.040, Ordinance 10870, Section 350, and K.C.C. 21A.12.130, Ordinance

10870, Section 424, as amended, and K.C.C. 21A.20.060, Ordinance 10870, Section 427, as amended and K.C.C. 21A.20.080, Ordinance 15051, Section 137, as amended, and K.C.C. 21A.24.045, Ordinance 15051, Section 185, as amended, and K.C.C. 21A.24.325, Ordinance 15051, Section 193, as amended, and K.C.C. 21A.24.358, Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120, Ordinance 13274, Section 4, as amended, and K.C.C. 21A.37.020, Ordinance 13274, Section 6, as amended, and K.C.C. 21A.37.040, Ordinance 13733, Section 10, as amended, and K.C.C. 21A.37.110, Ordinance 13263, Section 8, as amended, and K.C.C. 23.02.070, Ordinance 13263, Section 43, as amended, and K.C.C. 23.36.010 and Ordinance 13263, Section 51, as amended, and K.C.C. 23.40.040, adding a new section to K.C.C. chapter 19A.04, adding new sections to K.C.C. chapter 20.20, adding a new section to K.C.C. chapter 21A.38 and repealing Ordinance 12196, Section 18 and K.C.C. 20.20.110 and Ordinance 12196, Section 20 and K.C.C. 20.20.130.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

NEW SECTION. SECTION. 1. There is hereby added to K.C.C. chapter 19A.04 a new section to read as follows:

Condominium declaration: the document that creates a condominium by setting forth the information required by chapters 64.32 and 64.34 RCW, as applicable, including the survey map and plans, and that is recorded in conjunction with a condominium survey map and plans.

SECTION 2. Ordinance 13694, Section 70, and K.C.C. 19A.20.010 are each hereby amended to read as follows:

The purposes of this chapter are:

A. To provide an alternative method for division of land (~~for commercial and industrial zoned~~

~~property, mobile home parks, trailer parks or condominiums))~~ as authorized by RCW 58.17.035;

B. ~~((To allow the director to modify interior lot-based or lot line requirements contained within the zoning, building, fire and other similar uniform codes adopted by the county))~~ To ensure through covenants, conditions, restrictions, easements and other requirements binding upon all lot owners that the collective lots continue to function as one site concerning, but not limited to, public roads, improvements, open spaces, drainage and other elements specified in this chapter;

C. To allow the director to authorize sharing of open space, parking, access and other improvements among contiguous properties subject to the binding site plan; and

D. To specify administrative requirements for binding site plans in addition to the procedural requirements of K.C.C. chapter 20.20 and in accordance with applicable Washington state and King County laws, rules and regulations.

SECTION 3. Ordinance 13694, Section 71, and K.C.C. 19A.20.020 are each hereby amended to read as follows:

A. ~~((Any person seeking the use of a binding site plan process to divide property for the purpose of sale, lease or transfer of ownership of commercial or industrial zoned property, lease of mobile homes or travel trailers or creation of condominium units is required to have an approved binding site plan prior to any property division, as provided for in chapter 58.17, 64.32 or 64.34 RCW, and as required by this chapter.))~~ This chapter applies to:

1. The division of commercial or industrial zoned land for sale or lease when used for commercial or industrial purposes, or the division of land for lease when used as a mobile home park or recreational vehicle park; and

2. The division of land resulting from subjecting a portion of a parcel or tract to the Horizontal Property Regimes Act, chapter 64.32 RCW, or the Condominium Act, chapter 64.34 RCW. After approval of a binding site plan for land, all or a portion of which will be subjected to the provisions of chapter 64.32 or 64.34

RCW.

B. The applicant shall record the approved binding site plan with the King County recorder's office. Following recordation of the binding site plan, the applicant shall submit to the department for review a condominium declaration, survey map and plans as required by chapters 64.32 and 64.34 RCW.

C. A binding site plan for a condominium shall be based on a recorded final planned unit development, a building permit, an as-built site plan for developed sites or a site development permit issued for the entire site or a general site plan showing the anticipated development plan for the entire site((, notwithstanding the provisions of K.C.C. 21A.41.010 through 21A.41.020)). As determined by the department, binding site plan reviews may take place independently for developed sites or concurrently with or subsequent to a building permit or site development permit.

~~((B-))~~ D. The site that is subject to the binding site plan shall consist of one or more contiguous lots.

~~((C-))~~ E. The site that is subject to the binding site plan may be reviewed independently for developed sites, concurrently with or subsequent to a site development permit application for undeveloped land or concurrently with or subsequent to a building permit application.

~~((D-))~~ F. The binding site plan process creates or alters lot lines and does not authorize substantial improvements or changes to the property or the uses thereon.

SECTION 4. Ordinance 13694, Section 76, and K.C.C. 19A.24.010 are each hereby amended to read as follows:

The purpose of this chapter is to provide for review of ~~((a))~~ condominiums ~~((survey map and plans for the precision and accuracy of the exterior boundary and legal description of the subject property, as shown on the final map))~~ and condominium declarations to ensure compliance with chapters 64.32 and 64.34 RCW. The review shall include, but is not limited to, the review of a condominium survey map and plans for the precision and accuracy of the exterior boundary and legal description of the subject property, as shown on the final map. In accordance with RCW 64.34.050(1), the review shall not impose any requirement upon a condominium that

would not be imposed upon a physically identical development under a different form of ownership.

SECTION 5. Ordinance 13694, Section 78, and K.C.C. 19A.24.030 are each hereby amended to read as follows:

~~((A. The following notes))~~ An approval block for the department or its successor in substantially the following form shall be ((placed on the final condominium map page)) added to the recording document:

"Approval of the Department of Development and Environmental Services:

~~((1. The exterior boundary and legal description of this condominium meets or exceeds the review standards of the department of development and environmental services.~~

~~2. The department of development and environmental services review consisted only of review of item 1 above and does not constitute binding site plan approval as contemplated under RCW 58.17.040(7).~~

~~B. A signature line for the manager of the land use services division shall appear following the notes required by this section-))~~ Examined and Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_. Division Director, Land Use Services Division"

SECTION 6. Ordinance 13694, Section 80, and K.C.C. 19A.28.020 are each hereby amended to read as follows:

Adjustment of boundary lines between adjacent lots shall be consistent with the following review procedures and limitations:

A. Applications for boundary line adjustments shall be reviewed as a Type 1 permit as provided in K.C.C. chapter 20.20. The review shall include examination for consistency with the King County zoning code, K.C.C. Title 21A., shoreline master program, K.C.C. Title 25, applicable board of health regulations and, for developed lots, uniform fire and building codes;

B. Any adjustment of boundary lines must be approved by the department ~~((prior to))~~ before the transfer of property ownership between adjacent legal lots;

C. A boundary line adjustment proposal shall not:

1. Result in the creation of an additional lot or the creation of more than one additional building site;
2. Result in a lot that does not qualify as a building site pursuant to this title;
3. Relocate an entire lot from one parent parcel into another parent parcel;
4. Reduce the overall area in a plat or short plat devoted to open space;
5. Be inconsistent with any restrictions or conditions of approval for a recorded plat or short plat;
6. Involve lots which do not have a common boundary; or
7. Circumvent the subdivision or short subdivision procedures set forth in this title. Factors which

indicate that the boundary line adjustment process is being used in a manner inconsistent with statutory intent include: numerous and frequent adjustments to the existing lot boundary, a proposal to move a lot or building site to a different location, and a large number of lots being proposed for a boundary line adjustment;

D. The elimination of lines between two or more lots (~~((for the purpose of creating a single lot that meets requirements as a building site))~~) shall in all cases shall be considered a minor adjustment of boundary lines and shall not be subject to the subdivision and short subdivision provisions of this title or to K.C.C. 19A.28.030. The format and requirements of a minor adjustment under this subsection shall be specified by the department; and

E. Recognized lots in an approved site plan for a conditional use permit, special use permit, urban planned development, or commercial site development permit shall be considered a single site and no lot lines on the site may be altered by a boundary line adjustment to transfer density or separate lots to another property not included in the original site plan of the subject development.

F. Lots that have been subject to a boundary line adjustment process that resulted in the qualification of an additional building site shall not be permitted to utilize the boundary line adjustment process again for five years to create an additional building site.

SECTION 7. Ordinance 12196, Section 10, as amended, and K.C.C. 20.20.030 are each hereby amended to read as follows:

A.1.a. Except as otherwise provided in subsection A.1.b. of this section, ~~((prior to))~~ before filing a permit application for a Type 1 decision, the applicant shall contact the department to schedule a preapplication conference which shall be held ~~((prior to))~~ before filing the application, if the property will have five thousand square feet of development site or right-of-way improvements, the property is in a critical drainage basin, or the property has a wetland, steep slope, landslide hazard, erosion hazard, or coal mine on site.

b. A preapplication conference is not required for a Type 1 decision for single family residence and its accessory buildings or for other structures where all work is in an existing building and no parking is required or added.

2. Except as otherwise provided in this section, ~~((prior to))~~ before filing a permit application requiring a Type 2, 3 or 4 decision, the applicant shall contact the department to schedule a ~~((pre-application))~~ preapplication conference which shall be held ~~((prior to))~~ before filing the application.

B. The purpose of the ~~((pre-application))~~ preapplication conference is to review and discuss the application requirements with the applicant and provide comments on the development proposal. The ~~((pre-application))~~ preapplication conference shall be scheduled by the department, at the request of an applicant, and shall be held in a timely manner, within thirty days from the date of the applicant's request. ~~((A))~~ The department shall assign a project ~~((coordinator shall be assigned by the department))~~ manager following the ~~((pre-application))~~ preapplication conference. The director may waive the requirement for a ~~((pre-application))~~ preapplication conference if ~~((it is determined to be))~~ the director determines the preapplication conference is unnecessary for review of an application. Nothing in this section shall be interpreted to require more than one ~~((pre-application))~~ preapplication conference or to prohibit the applicant from filing an application if the department is unable to schedule a ~~((pre-application))~~ preapplication conference within thirty days following the applicant's request.

C. Information presented at or required as a result of the ~~((pre-application))~~ preapplication conference shall be valid for a period of one ~~((hundred eighty days))~~ year following the ~~((pre-application))~~ preapplication



conference. An applicant wishing to submit a permit application more than one (~~(hundred eighty days)~~) year following a preapplication for the same permit application shall be required to schedule another preapplication conference.

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

SECTION 8. Ordinance 12196, Section 13, as amended, and K.C.C. 20.20.060 are each hereby amended to read as follows:

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

1. Type 2, 3 or 4 decisions;
2. Type 1 decisions subject to SEPA; (~~and~~)
3. As provided in subsections K. and L. of this section; and
4. Type 1 decisions requiring a community meeting under section 10 of this ordinance.

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

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

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

1. The file number;
2. The name of the applicant;
3. The date of application, the date of the notice of completeness and the date of the notice of application;
4. A description of the project, the location, a list of the permits included in the application and the location where the application and any environmental documents or studies can be reviewed;
5. A site plan on eight and one-half by fourteen inch paper, if applicable;
6. The procedures and deadline for filing comments, requesting notice of any required hearings and any appeal procedure;
7. The date, time, place and type of hearing, if applicable and scheduled at the time of notice;
8. The identification of other permits not included in the application to the extent known;
9. The identification of existing environmental documents that evaluate the proposed project; and
10. A statement of the preliminary determination, if one has been made, of those development regulations that will be used for project mitigation and of consistency with applicable county plans and regulations.

E. If mailed notice of application is made by a post card, the notice of application shall contain the following information:

1. A description of the project, the location, a list of the permits included in the application and any environmental documents or studies can be reviewed;
2. The name of the applicant;
3. The date of application, the date of the notice of completeness and the date of the notice of application;

4. If the department has made a decision or recommendation on the application, the decision or recommendation made;

5. The applicable comment and appeal dates and the date, time, place and type of hearing, if applicable;

6. A web site address that provides access to project information, including a site map and application page; and

7. The department contact name, telephone number and e-mail address;

F. Notice shall be provided in the following manner:

1. Posted at the project site as provided in subsections G. and J. of this section;

2. Mailed by first class mail as provided in subsection H. of this section; and

3. Published as provided in subsection I. of this section.

G. Posted notice for a proposal shall consist of one or more notice boards posted by the applicant within fourteen days following the department's determination of completeness as follows:

1. A single notice board shall be posted for a project. This notice board may also be used for the posting of the notice of decision and notice of hearing and shall be placed by the applicant:

a. at the midpoint of the site street frontage or as otherwise directed by the department for maximum visibility;

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

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

d. where it is completely visible to pedestrians; and

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

2. Additional notice boards may be required when:

- a. the site does not abut a public road;
- b. a large site abuts more than one public road; or
- c. the department determines that additional notice boards are necessary to provide adequate public

notice;

3. Notice boards shall be:

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

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

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

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

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

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

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

1. By first class mail to owners of record of property in an area within five hundred feet of the site, but

the area shall be expanded as necessary to send mailed notices to at least twenty different property owners;

2. To any city with a utility which is intended to serve the site;
3. To the state Department of Transportation, if the site adjoins a state highway;
4. To the affected tribes;
5. To any agency or community group which the department may identify as having an interest in the

proposal;

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

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

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

I. The ((N))notice of ((a-proposed-action)) application shall be published by the department within fourteen days after the department's determination of completeness in the official county newspaper and another newspaper of general circulation in the affected area.

J. Posted notice for approved formal subdivision engineering plans, clearing or grading permits subject to SEPA or building permits subject to SEPA shall be a condition of the plan or permit approval and shall consist of a single notice board posted by the applicant at the project site, before construction as follows:

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

2. Notice boards shall include the following information:

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

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

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

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

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

1. Offender self-help agencies;
2. Parole offices;
3. Settlement houses;
4. Halfway home for delinquents and offenders; and
5. Homes for destitute men and women.

NEW SECTION. SECTION 9. There is hereby added to K.C.C. chapter 20.20 a new section to read as follows:

Not later than January 1, 2012, the department shall provide public notice of Type 1 decisions for which a notice of application is not otherwise required under K.C.C. 20.20.060. The public notice may be provided electronically. The notice provided under this section shall be considered supplementary to any other notice requirements and shall be deemed satisfactory despite the failure of one or more individuals to receive notice.

NEW SECTION. SECTION 10. There is hereby added to K.C.C. chapter 20.20 a new section to read as follows:

When an applicant is required by K.C.C. chapter 21A.08 to conduct a community meeting, under this section, before filing of an application, notice of the meeting shall be given and the meeting shall be conducted as follows:

A. At least two weeks in advance, the applicant shall:

1. Publish notice of the meeting in the local paper and mail and email to the department and to the unincorporated area council serving the area in which potential sites are contemplated, and
2. Mail notice of the meeting to all property owners within five hundred feet or at least twenty of the nearest property owners, whichever is greater, as provided in K.C.C. 21A.26.170 of any potential sites, identified by the applicant for possible development, to be discussed at the community meeting. The mailed notice shall, at a minimum, contain a brief description and purpose of the proposal, approximate location noted on an assessor map with address and parcel number, photograph or sketch of any existing or proposed structures, a statement that alternative sites proposed by citizens can be presented at the meeting that will be considered by the applicant, a contact name and telephone number to obtain additional information and other information deemed necessary by the department of development and environmental services. Because the purpose of the community meeting is to promote early discussion, applicants shall to note any changes to the conceptual information presented in the mailed notice when they submit an application.

B. At the community meeting at which at least one employee of the department of development and environmental services, assigned by the director of the department, shall be in attendance, the applicant shall

provide information relative to the proposal and any modifications proposed to existing structures or any new structures and how the proposal is compatible with the character of the surrounding neighborhood. An applicant shall also provide with the applicant's application a list of meeting attendees, those receiving mailed notice of the meeting and a record of the published meeting notice.

C. The applicant shall, in the notice required under subsection A.2. of this section, and at the community meeting required under subsection B. of this section , advise that persons interested in the applicant's proposal may monitor the progress of the permitting of that proposal by contacting the department or by viewing the department's website, the address of which will be provided in the notice and at the community meeting.

SECTION 11. Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100 are each hereby amended to read as follows:

A. The department shall issue its recommendation to the hearing examiner on a Type 3 or Type 4 land use decision within one hundred fifty days from the date the applicant is notified by the department pursuant to this chapter that the application is complete. The time periods for action by the hearing examiner on a Type 3 or Type 4 land use decision shall be governed by the hearing examiner's rules.

B.1. Except as otherwise provided in subsection B.2 of this section, the department shall issue its final decision on a Type 1 or Type 2 land use decision within one hundred twenty days from the date the applicant is notified by the department pursuant to this chapter that the application is complete.

2. The following shorter time periods apply to the type of land use permit indicated:

New residential building permits	90 days
Residential remodels	40 days
Residential appurtenances, such as decks and garages	15 days, or 40 days residential appurtenances that require substantial review.
Clearing and grading	90 days
Health Department review (for projects pending a final department review or permit or review and permit).	40 days
Type 1 temporary use permit for a homeless encampment:	30 days
Type 2 temporary use permit for a homeless encampment:	40 days



C. The following periods shall be excluded from the times specified in subsections A and B of this section:

1. Any period of time during which the applicant has been requested by the department, hearing examiner or council to correct plans, perform required studies or provide additional information, including road variances and variances required under K.C.C. chapter 9.04. The period shall be calculated from the date of notice to the applicant of the need for additional information until the earlier of the date the county advises the applicant that the additional information satisfies the county's request, or fourteen days after the date the information has been provided. If the county determines that the correction, study or other information submitted by the applicant is insufficient, it shall notify the applicant of the deficiencies and the procedures of this section shall apply as if a new request for information had been made.

a. The department shall set a reasonable deadline for the submittal of corrections, studies or other information when requested, and shall provide written notification to the applicant. An extension of such deadline may be granted upon submittal by an applicant of a written request providing satisfactory justification of an extension.

b. Failure by the applicant to meet such deadline shall be cause for the department to ~~cancel~~ or deny the application.

c. When granting a request for a deadline extension, the department shall give consideration to the number of days between receipt by the department of a written request for a deadline extension and the mailing to the applicant of the department's decision regarding that request;

2. The period of time, as set forth in K.C.C. 20.44.050, during which an environmental impact statement is being prepared following a determination of significance pursuant to chapter 43.21C RCW;

3. A period of no more than ninety days for an open record appeal hearing by the hearing examiner on a Type 2 land use decision, and no more than sixty days for a closed record appeal by the county council on a Type 3 land use decision appealable to the county council, except when the parties to an appeal agree to extend

these time periods;

4. Any period of time during which an applicant fails to post the property, if required by this chapter, following the date notice is required until an affidavit of posting is provided to the department by the applicant;

5. Any time extension mutually agreed upon by the applicant and the department; and

6. Any time during which there is an outstanding fee balance that is sixty days or more past due.

D. Failure by the applicant to submit corrections, studies, or other information acceptable to the department after two written requests under subsection C. of this section shall be cause for the department to cancel or deny the application;

E. The time limits established in this section shall not apply if a proposed development:

1. Requires an amendment to the comprehensive plan or a development regulation, or modification or waiver of a development regulation as part of a demonstration project;

2. Requires approval of a new fully contained community as provided in RCW 36.70A.350 master planned resort as provided in RCW 36.70A.360 or the siting of an essential public facility as provided for RCW 36.70A.200; or

3. Is substantially revised by the applicant, when such revisions will result in a substantial change in a project's review requirements, as determined by the department, in which case the time period shall start from the date at which the revised project application is determined to be complete.

~~(E.)~~ F. The time limits established in this section may be exceeded on more complex projects. If the department is unable to issue its final decision on a Type 1 or Type 2 land use decision or its recommendation to the hearing examiner on a Type 3 or Type 4 land use decision within the time limits established by this section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision on a Type 1 or Type 2 land use decision or notice of recommendation on a Type 3 or Type 4 land use decision.

~~((F-))~~ G. The department shall require that all plats, short plats, building permits, clearing and grading permits, conditional use permits, special use permits, site development permits, shoreline substantial development permits, binding site plans, urban planned development permits or fully contained community permits issued for development activities on or within five hundred feet of designated agricultural lands, forest lands or mineral resource lands shall contain a notice that the subject property is within or near designated agricultural lands, forest lands or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration.

SECTION 12. Ordinance 4461, Section 10, as amended, and K.C.C. 20.24.190 are each hereby amended to read as follows:

When the examiner issues a recommendation regarding an application for a reclassification of property or for a shoreline environment redesignation, the recommendation shall include additional findings that support the conclusion that at least one of the following circumstances applies:

A. The proposed rezone or shoreline environment redesignation is consistent with the King County Comprehensive Plan;

B. The property is potentially zoned for the reclassification being requested, ~~((and))~~ conditions have been met that indicate the reclassification is appropriate and the proposed rezone or shoreline environment redesignation is consistent with the King County Comprehensive Plan;

~~((B-))~~ C. An adopted subarea plan or area zoning specifies that the property shall be subsequently considered through an individual reclassification application and the proposed rezone or shoreline environment redesignation is consistent with the King County Comprehensive Plan; or

~~((C. Where a subarea plan has been adopted but subsequent area zoning has not been adopted, that the proposed reclassification or shoreline redesignation is consistent with the adopted subarea plan; or~~

~~D. The applicant has demonstrated with substantial evidence that:~~

~~1. Since the last previous area zoning or shoreline environment designation of the subject property,~~

~~authorized public improvements, permitted private development or other conditions or circumstances affecting the subject property have undergone substantial and material change not anticipated or contemplated in the subarea plan or area zoning;~~

~~2. The impacts from the changed conditions or circumstances affect the subject property in a manner and to a degree different than other properties in the vicinity such that area rezoning or redesignation is not appropriate. For the purposes of this subsection, "changed conditions or circumstances" does not include actions taken by the current or former property owners to facilitate a more intense development of the property including but not limited to changing tax limitations, adjusting property lines, extending services or changing property ownership;~~

~~3. For proposals to increase rural residential density, that the proposal meets the criteria in Comprehensive Plan policies R-305 through R-309;~~

~~4. For proposals to increase urban residential density, that the proposal meets the criteria in Comprehensive Plan policies U-122 through U-126; and~~

5.) D. The requested reclassification or redesignation is in the public interest and the proposed rezone or shoreline environment redesignation is consistent with the King County Comprehensive Plan.

NEW SECTION. SECTION 13. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Subdivision or subdivision, residential: Unless the context clearly indicates otherwise, includes a subdivision as defined in K.C.C. 19A.04.320 and a short subdivision as defined K.C.C. 19A.04.310.

SECTION 14. Ordinance 10870, Section 330, as amended, and K.C.C. 21A.08.030 are each hereby amended to read as follows:

A. Residential land uses.

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

SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-NB	CB	RB	O	I
	<b>DWELLING UNITS, TYPES:</b>											
*	Single Detached	P ((C13 C12	P2		P (C4 C12	P (C13) C12	P (C13 C12	P (C17 C12				
*	Townhouse				C4	C4	P ((C12 C11	P	P3	P3	P3	P3
*	Apartment				C4	C4	P5 C4	P	P3	P3	P3	P3
*	Mobile Home Park				((S14 S13		C8	P				
*	Cottage Housing						((C16 P15					
	<b>GROUP RESIDENCES:</b>											
*	Community Residential Facility-I				C	C	((P15 -a) P14 -a C	P	P3	P3	P3	P3
*	Community Residential Facility-II						((P15 -b) P14 -b	P	P3	P3	P3	P3
*	Dormitory				C6	C6	C6	P				
*	Senior Citizen Assisted Housing					P4	P4	P	P3	P3	P3	P3
	<b>ACCESSORY USES:</b>											
*	Residential Accessory Uses	P7	P18	P7	P7	P7	P7	P7	P7	P7	P7	P7
*	Home Occupation	P	P		P	P	P	P	P	P	P	P
*	Home Industry	C			C	C	C					
	<b>TEMPORARY LODGING:</b>											
7011	Hotel/Motel (1)								P	P	P	

*	Bed and Breakfast Guesthouse	P9 ((C4))			((P10))	((P10))	((P10))	((P10))	((P10))	((P10))	((P10))	((P10))					
7041	Organization Hotel/Lodging Houses												P				
<b>GENERAL CROSS REFERENCES:</b> Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06.																	

B. Development conditions.

1. Except bed and breakfast guesthouses.
2. In the forest production district, the following conditions apply:
  - a. Site disturbance associated with development of any new residence shall be limited to three acres.

Site disturbance shall mean all land alterations including, but not limited to, grading, utility installation, landscaping, clearing for crops, on-site sewage disposal systems and driveways. Additional site disturbance for agriculture, including raising livestock, up to the smaller of thirty-five percent of the lot or seven acres, may be approved only if a farm management (conservation) plan is prepared in accordance with K.C.C. chapter 21A.30. Animal densities shall be based on the area devoted to animal care and not the total area of the lot;

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

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

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

4.a. Only in a building listed on the National Register as an historic site or designated as a King

County landmark subject to the provisions of K.C.C. 21A.32.

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

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

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

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

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

5. Apartment units are permitted outright as follows:

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

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

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

7.a. Accessory dwelling units:

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

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

(a) an urban lot that is less than five thousand square feet in area;

(b) except as otherwise provided in subsection B.7.a.(5) of this section, a rural lot that is less than

the minimum lot size; or

c. a lot containing more than one primary dwelling;

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

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

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

(5) On a site zoned RA:

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

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

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

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

(8) An applicant seeking to build an accessory dwelling unit shall file a notice approved by the department of executive services, records and licensing services division, that identifies the dwelling unit as accessory. The notice shall run with the land. The applicant shall submit proof that the notice was filed before the department shall approve any permit for the construction of the accessory dwelling unit. The required contents and form of the notice shall be set forth in administrative rules. If an accessory dwelling unit in a detached building in the rural zone is subsequently converted to a primary unit on a separate lot, neither the



original lot nor the new lot may have an additional detached accessory dwelling unit constructed unless the lot is at least twice the minimum lot area required in the zone; and

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

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

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

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

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

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

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

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

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

10.)) Only as ~~((an))~~ accessory to the permanent residence of the operator, and:

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

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

~~((11.))~~ 10. Only if part of a mixed use development, and subject to the conditions of K.C.C.

21A.08.030.B.10.

~~((12.))~~ 11. Townhouses are permitted, but shall be subject to a conditional use permit if exceeding base density.

~~((13.))~~ 12. Required before approving more than one dwelling on individual lots, except on lots in subdivisions, short subdivisions or binding site plans approved for multiple unit lots, and except as provided for

accessory dwelling units in K.C.C. 21A.08.030.B.7.

~~((14.))~~ 13. No new mobile home parks are allowed in a rural zone.

~~((15.))~~ 14.a. Limited to domestic violence shelter facilities.

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

~~((16.))~~ 15. Only in the R4-R8 zones limited to:

a. developments no larger than one acre;

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

c. All units must be cottage housing units with no less than three units and no more than sixteen units, provided that if the site contains an existing home that is not being demolished, the existing house is not required to comply with the height limitation in subsection B.25. of this section or the floor area and footprint limits in K.C.C. 21A.14.025.B; and

d. Before filing an application with the department, the applicant shall hold a community meeting in accordance with section 10 of this ordinance.

~~((17.))~~ 16. The development for a detached single-family residence shall be consistent with the following:

a. The lot must have legally existed ~~((prior to))~~ before March 1, 2005;

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

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

~~((18.))~~ 17. Housing for agricultural employees who are employed by the owner or operator of the site year-round as follows:

a. Not more than:

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

- (2) Two agricultural employee dwelling units on a site between twenty acres and fifty acres;
  - (3) Three agricultural employee dwelling units on a site greater than fifty acres and less than one-hundred acres; and
  - (4) On sites one-hundred acres and larger one additional agricultural employee dwelling unit for each additional one hundred acres;
- b. The primary use of the site shall be agricultural in SIC Industry Group No. 01-Growing and Harvesting Crops or SIC Industry Group No. 02-Raising Livestock and Small Animals. If the primary use of the site changes to a nonagricultural use, all agricultural employee dwelling units shall be removed;
  - c. The applicant shall file with the department of executive services, records and licensing services division, a notice approved by the department that identifies the agricultural employee dwelling units as accessory and that the dwelling units shall only be occupied by agricultural employees who are employed by the owner or operator year-round. The notice shall run with the land. The applicant shall submit to the department proof that the notice was filed with the department of executive services, records and licensing services division, before the department approves any permit for the construction of agricultural employee dwelling units;
  - d. An agricultural employee dwelling unit shall not exceed a floor area of one thousand square feet and may be occupied by no more than eight unrelated agricultural employees;
  - e. One off-street parking space shall be provided for each agricultural employee dwelling unit; and
  - f. The agricultural employee dwelling units shall be constructed in compliance with K.C.C. Title 16.

SECTION 15. Ordinance 10870, Section 331, as amended, and K.C.C. 21A.08.040 are each hereby amended to read as follows:

A. Recreational/cultural land uses.

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

SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I
	<b>PARK/RECREATION:</b>												
*	Park	P1	P1	P1	P1	P1	P1	P1	P	P	P	P	P13
	Large Active Recreation and Multiuse Park		P1	P1	P1	P1	P1	P1	P	P	P	P	P13
*	Trails	P	P	P	P	P	P	P	P	P	P	P	P
*	Campgrounds		P16 C16a	P16	P16	P16	P16	C16a					P16 C16a
*	Destination Resorts		S		S18	C					C		
*	Marina		C3		C4	C4	C4	C4	P5	P	P	P	P
*	Recreational Vehicle Park		P19	P19	C2 and P19	C2 P19							
*	Sports Club (17)				C4(18)	C4	C4	C4	C	P	P		
*	Ski Area		S		S18								
*	Recreational Camp		C		P24								
	<b>AMUSEMENT/ENTERTAINMENT:</b>												
*	Adult Entertainment Business									P6	P6	P6	
*	Theater									P	P	P	P25
7833	Theater, Drive-in										C		
793	Bowling Center									P	P		P
*	Golf Facility				C7 and P7	P7	P7						
7999 (14)	Amusement and Recreation Services		P21	P21	P8 P2 C15 and P21 P22 C15	P8((g)) P21	P8((g)) P21 P22 C15	P8((g)) P21 P22 C15	P21 P22	P	P	P21	P21
*	Indoor Paintball Range									P26	P26		P26
*	Outdoor Paintball Range				C27	C27							
*	Shooting Range		C9		C9 and						C10		P10
*	Amusement Arcades									P	P		
7996	Amusement Park										C		
*	Outdoor Performance Center		S		C12		P20	P20			S		
	<b>CULTURAL:</b>												
823	Library				P11	P11 C	P11 C	((P14 C))	P	P	P	P	
841	Museum	C23	C23		P11	P11 C	P11 C	((P14 C))	P	P	P	P	P

842	Arboretum	P	P		P	P		P	P	P	P	P	
*	Conference Center				P11	P11 C12		P11 C	P11 C	P	P	P	P
<b>GENERAL CROSS REFERENCES:</b>		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards see K.C.C. 21A.02.070; Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific Land Use, see K.C.C. 21A.02.070											

B. Development conditions.

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

- a. No stadiums on sites less than ten acres;
- b. Lighting for structures and fields shall be directed away from residential areas;
- c. Structures or service yards shall maintain a minimum distance of fifty feet from property lines

adjoining residential zones, except for structures in on-site recreation areas required in K.C.C. 21A.14.180 and 21A.14.190. Setback requirements for structures in these on-site required recreation areas shall be maintained in accordance with K.C.C. 21A.12.030;

- d. Facilities in the A zone shall be limited to trails and trailheads, including related accessory uses such as parking and sanitary facilities; and
- e. Overnight camping is allowed only in an approved campground.

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

- a. The maximum length of stay of any vehicle shall not exceed one hundred eighty days during a three-hundred-sixty-five-day period;
- b. The minimum distance between recreational vehicle pads shall be no less than ten feet; and
- c. Sewage shall be disposed in a system approved by the Seattle-King County health department.

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

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

- a. The bulk and scale shall be compatible with residential or rural character of the area;
- b. For sports clubs, the gross floor area shall not exceed ten thousand square feet unless the building

is on the same site or adjacent to a site where a public facility is located or unless the building is a nonprofit facility located in the urban area; and

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

5. Limited to day moorage.

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

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

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

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

8. Limited to ((a)) golf driving ranges, only as:

- a. ((an)) accessory to golf courses; or
- b. ((an)) accessory to ((a)) large active recreation and multiuse parks.

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

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

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

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

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

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

- (1) installing ventilation systems that provide sufficient clean air in the user's breathing zone, and
- (2) adopting appropriate procedures and policies that monitor and control exposure time to airborne

lead for individual users.

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

12. Only as accessory to a nonresidential use established through a discretionary permit process, if the

scale is limited to ensure compatibility with surrounding neighborhoods. This condition applies to the UR zone only if the property is located within a designated unincorporated rural town.

13. Subject to the following:

- a. The park shall abut an existing park on one or more sides, intervening roads notwithstanding;
- b. No bleachers or stadiums are permitted if the site is less than ten acres, and no public amusement devices for hire are permitted;
- c. Any lights provided to illuminate any building or recreational area shall be so arranged as to reflect the light away from any premises upon which a dwelling unit is located; and
- d. All buildings or structures or service yards on the site shall maintain a distance not less than fifty feet from any property line and from any public street.

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

15. (~~Limited to golf driving ranges and subject to subsection B.7. of this section.~~) For amusement and recreation services not otherwise provided for in this chapter:

- a. In the RA zones, not subject to regulation under K.C.C. Title 6 and only on sites at least five acres or larger;
- b. Retail sales are limited to incidental sales to patrons of the amusement or recreation service; and
- c. Does not involve the operation of motor vehicles or off-road vehicles, including, but not limited to, motorcycles and gocarts.

16. Subject to the following conditions:

- a. The length of stay per party in campgrounds shall not exceed one hundred eighty days during a three-hundred-sixty-five-day period; and
- b. Only for campgrounds that are part of a proposed or existing county park, that are subject to review and public meetings through the department of natural resources and parks.

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



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

19. Only as ~~((an))~~ accessory to a large active recreation and multiuse park.

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

21. Limited to rentals of sports and recreation equipment with a total floor area of no more than seven hundred fifty square feet and ~~((Θ))~~only as ~~((an))~~ accessory to a park, or in the RA zones, to a large active recreation and multiuse park ~~((in the RA zones, and limited to:~~

a. ~~rentals of sports and recreation equipment; and~~

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

22. Only as ~~((an))~~ accessory to a large active recreation and multiuse park and limited to:

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

b. rentals of sports and recreation equipment.

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

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

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

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

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

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

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

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

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

(b) For a camp established (~~((prior to))~~) before August 11, 2005, with a conditional use permit and is one hundred and sixty acres or larger, but less than two hundred acres, the number of overnight campers, not including camp personnel, may be up to three hundred and fifty campers over the limit established by subsection B.24.c.(1)(b) of this section. The camp may terminate operations at its existing site and establish a new camp if the area of the camp is greater than two hundred and fifty acres and the number of overnight campers, not including camp personnel, shall not exceed seven hundred.

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

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

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

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

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

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

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

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

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

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

26.a. Only in an enclosed building; and

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

27. Minimum standards for outdoor paintball recreation fields:

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

- b. Structure shall be no closer than one hundred feet from any lot line adjacent to a residential zoned property;
- c. The area where paintballs are discharged shall be located more than three hundred feet of any lot line and more than five hundred ~~((feet [feet]))~~ feet from the lot line of any adjoining residential property. The department may allow for a lesser setback if it determines through the conditional use permit review that the lesser setback in combination with other elements of the site design provides adequate protection to adjoining properties and rights-of-ways;
- d. A twenty-foot high nylon mesh screen shall be installed around all play areas and shall be removed at the end of each day when the play area is not being used. The department may allow for the height of the screen to be lowered to no less than ten feet if it determines through the conditional use permit review that the lower screen in combination with other elements of the site design provides adequate protection from discharged paintballs;
- e. All parking and spectator areas, structures and play areas shall be screened from adjoining residential zoned property and public rights of way with Type 1 landscaping at least ten feet wide;
- f. Any retail sales conducted on the property shall be accessory and incidental to the permitted activity and conducted only for the participants of the site;
- g. A plan of operations specifying days and hours of operation, number of participants and employees, types of equipment to be used by users of the site, safety procedures, type of compressed air fuel to be used on the site and storage and maintenance procedures for the compressed air fuel shall be provided for review in conjunction with the conditional use permit application. All safety procedures shall be reviewed and approved by department of public safety ~~((prior to))~~ before submittal of the conditional use permit application. All activities shall be in compliance with National Paintball League standards;
- h. The hours of operation shall be limited to Saturdays and Sundays and statutory holidays from 8:30 A.M. to 8:30 P.M., and further restricted as applicable to daylight hours;

- i. No more than one hundred paintball players shall be allowed on the site at any one time;
- j. No outdoor lights or amplified sounds shall be permitted;
- k. The facility shall have direct access to a road designated as a major collector (or higher) in the Comprehensive Plan unless the department determines through the conditional use permit review that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage;
- l. The facility shall be secured at the close of business each day;
- m. All equipment and objects used in the paintball activities shall be removed from the site within ninety days of the discontinuance of the paintball use; and
- n. A copy of the current liability policy of not less than one million dollars for bodily injury or death shall be submitted with the conditional use permit application and shall be maintained in the department.

28. Before filing an application with the department, the applicant shall hold a community meeting in accordance with section 10 of this ordinance.

SECTION 16. Ordinance 10870, Section 332, as amended, and K.C.C. 21A.08.050 are each hereby amended to read as follows:

A. General services land uses.

KEY		RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL								
P-Permitted Use		A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S-Special Use	Z	R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
	O	I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U
	N	C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
	E	U	T	A		V		E	B	E	N	E	N	E	E	T	
		L		L			E		N	O	S	I	S	A	S	R	
		T							T	R	S	T	S	L	S	I	
		U							I	H		Y				A	
		R							A	O						L	
		E							L	O							
										D							
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-4	NB		CB		RB		O	I	
	PERSONAL SERVICES:																

72	General Personal Service							C25 C37	C25 CP		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 and 31	P24 C5 and 31	P24 and 31	P24 and 31		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 CP		P	P	P7	P7
074	Veterinary Clinic	P9				P9 C and 31	P9 C10			P10	P10	P10		P
753	Automotive Repair (1)									P11	P	P		P
754	Automotive Service									P11	P	P		P
76	Miscellaneous Repair	((C33)) P33				P32 ((P32)) P33	P32	P32	P32	P32	P	P		P
866	Church, Synagogue, Temple					P12 and 31	P12 C	P12	P12	P	P	P		P
83	Social Services (2)					P12 ((and)) 31	P12 ((C43)) P13 C	P12 ((C43)) P13 C	P12 (((P43)) P13 C		P	P		P
0752	Animal specialty services					C P36	C			P	P	P	P	P
*	Stable	P14 C				P14 C	P14 C	P14 C						
*	Kennel or Cattery	P9				C	C				C	P		
*	Theatrical Production Services											P30	P28	
*	Artist Studios					P28	P28	P28	P28	P	P	P	P29	P
*	Interim Recycling Facility					P21	P21	P21	P21	P22	P22	P	P21	P
*	Dog training facility	C34				C34	C34			P	P	P		P
<b>HEALTH SERVICES:</b>														
801-04	Office/Outpatient Clinic					P12	P12 C13a	P12 C13a	P12 CP C37		P	P	P	P
805	Nursing and Personal Care Facilities								C		P	P		
806	Hospital							C13a	C13a		P	P	C	
807	Medical/Dental Lab										P	P	P	P
808-09	Miscellaneous Health										P	P	P	
<b>EDUCATION SERVICES:</b>														
*	Elementary School					P15 a 31	P	P	P		P16c	P16c	P16c	
*	Middle/Junior High School					P16 (and 3)	P	P	P		P16c	P16c	P16c	
*	Secondary or High School					P16 (and 2 and 3)	P26	P26	P26		P16c C	P16c C	P16c	
*	Vocational School					P13a	P13a C	P13a	P13a			P	P17	P

*	Specialized Instruction School		P18		P19 CP and 3C20	P19 CP	P19 CP	P	P	P17	P
*	School District Support Facility			P16 CP and 3C	P23 CP	P23 CP	C	P	P	P	P
<b>GENERAL CROSS REFERENCES:</b>		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific Land Use, see K.C.C. chapter 21A.06.									

B. Development conditions.

1. Except SIC Industry No. 7534-Tire Retreading, see manufacturing permitted use table.
2. Except SIC Industry Group Nos.:
  - a. 835-Day Care Services, and
  - b. 836-Residential Care, which is otherwise provided for on the residential permitted land use table.
3. Limited to SIC Industry Group and Industry Nos.:
  - a. 723-Beauty Shops;
  - b. 724-Barber Shops;
  - c. 725-Shoe Repair Shops and Shoeshine Parlors;
  - d. 7212-Garment Pressing and Agents for Laundries and Drycleaners; and
  - e. 217-Carpet and Upholstery Cleaning.
4. Only as ((~~an~~)) accessory to a cemetery, and prohibited from the UR zone only if the property is located within a designated unincorporated Rural Town.
5. Structures shall maintain a minimum distance of one hundred feet from property lines adjoining residential zones.
6. Only as ((~~an~~)) accessory to residential use, and:
  - a. Outdoor play areas shall be completely enclosed by a solid wall or fence, with no openings except for gates, and have a minimum height of six feet; and
  - b. Outdoor play equipment shall maintain a minimum distance of twenty feet from property lines adjoining residential zones.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

b. The portion of the building or structure in which animals are kept or treated shall be soundproofed.

All run areas, excluding confinement areas for livestock, shall be surrounded by an eight-foot-high solid wall and the floor area shall be surfaced with concrete or other impervious material; and

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

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

12. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32. Before filing an application with the department, the applicant shall hold a community meeting in accordance with section 10 of this ordinance.

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

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

c. Before filing an application with the department, the applicant shall hold a community meeting in accordance with section 10 of this ordinance.

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

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

16.a. For middle or junior high schools and secondary or high schools or school facilities, only as a

reuse of a public school facility or school facility subject to K.C.C. chapter 21A.32. An expansion of such a school or a school facility shall be subject to approval of a conditional use permit and the expansion shall not require or result in an extension of sewer service outside the urban growth area, unless a finding is made that no cost-effective alternative technologies are feasible, in which case a tightline sewer sized only to meet the needs of the public school, as defined in RCW 28A.150.010, or the school facility may be used.

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

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

17. All instruction must be within an enclosed structure.

18. Limited to resource management education programs.

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

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

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

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

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

20. Subject to the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

or community center.

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

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

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

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

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

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

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

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

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

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

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

32. Limited to repair of sports and recreation equipment:

- a. as ~~((an))~~ accessory to a large active recreation and multiuse park in the urban growth area; or
- b. as ~~((an))~~ accessory to a park, or a large active recreation and multiuse park in the RA zones, and

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

33. Accessory to agricultural or forestry uses provided:

- a. the repair of tools and machinery is limited to those necessary for the operation of a farm or forest.
- b. the lot is at least five acres.
- c. the size of the total repair use is limited to one percent of the lot size up to a maximum of five

thousand square feet unless located in a farm structure, including, but not limited to barns, existing as of December 31, 2003.

34. Subject to the following:

- a. the lot is at least five acres~~((.))~~;
- b. in the A zones, area used for dog training shall be located on portions of agricultural lands that are unsuitable for other agricultural purposes, such as areas within the already developed portion of such agricultural lands that are not available for direct agricultural production or areas without prime agricultural soils~~((.))~~;
- c. structures and areas used for dog training shall maintain a minimum distance of seventy-five feet

from property lines~~((.))~~; and

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

35. Limited to animal rescue shelters and provided that:

- a. the property shall be at least four acres;
- b. buildings used to house rescued animals shall be no less than fifty feet from property lines;
- c. outdoor animal enclosure areas shall be located no less than thirty feet from property lines and

shall be fenced in a manner sufficient to contain the animals;

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

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

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

a. the property shall be at least ~~((five))~~ four and one-half acres;

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

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

d. the number of dogs allowed shall be limited to twenty-five, consistent with the provisions for hobby kennels, as ~~((outline))~~ provided in K.C.C. 11.04.060.B;

e. training and grooming are ancillary services ~~((which))~~ that may be provided only to dogs staying at the facility; and

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

~~((; and~~

~~g. no new facility shall be permitted to be established after one year from June 17, 2007)).~~

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

SECTION 17. Ordinance 10870, Section 333, as amended, and K.C.C. 21A.08.060 are each hereby amended to read as follows:

A. Government/business services land uses.

KEY		RESOURCE			RESIDENTIAL			COMMERCIAL/INDUSTRIAL									
		A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
P-Permitted Use																	
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S-Special Use	Z	R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
	O	I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U
	N	C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
	E	U	T	A			V		E	B	E	N	E	N	E	E	T
		L		L			E		N	O	S	I	S	A	S		R
		T							T	R	S	T	S	L	S		I
		U							I	H	Y						A

SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NO	CB	RB	O	I (30)
	<b>GOVERNMENT SERVICES:</b>												
*	Public agency or utility office					P3 C	P3 C5	P3 C	P3 C	P	P	P	P16
*	Public agency or utility yard					P27	P27	P27	P27		P		P
*	Public agency archives										P	P	P
921	Court									P4	P	P	
9221	Police Facility					P7	P7	P7	P7	P7	P	P	P
9224	Fire Facility					C6 and 3	C6	C6	C6	P	P	P	P
*	Utility Facility	P29 C28	P29 C28	P29 C28		P29 C28 and 3	P29 C28	P29 C28	P29 C28	P	P	P	P
*	Commuter Parking Lot					C33 P19	C P19	C P19	C P19	P	P	P	P35
*	Private Stormwater Management Facility	P8	P8	P8		P8	P8	P8	P8	P8	P8	P8	P8
*	Vactor Waste Receiving Facility	P	P	P		P18	P18	P18	P18	P31	P31	P31	P
	<b>BUSINESS SERVICES:</b>												
*	Construction and Trade					P34					P		P9 P
*	Individual Transportation and Taxi									P25	P	P10	P
421	Trucking and Courier Service									P11	P12	P13	P
*	Warehousing, (1) and Wholesale Trade												P
*	Self-service Storage								((C4 P37)) P1	P	P	P	P
4221 4222	Farm Product Warehousing, Refrigeration and Storage	P15 C36				P15 and 3 C36	P15, C36						P
*	Log Storage	P15	P			P26 and 3							P
47	Transportation Service												P
473	Freight and Cargo Service										P	P	P
472	Passenger Transportation Service									P	P	P	
48	Communication Offices										P	P	P
482	Telegraph and other Communications									P	P	P	P
*	General Business Service									P	P	P	P16
*	Professional Office									P	P	P	P16

7312	Outdoor Advertising Service										P	P17	P	
735	Miscellaneous Equipment Rental										P17	P	P17	P
751	Automotive Rental and Leasing										P	P		P
752	Automotive Parking								P20	P20	P21	P20	P	
*	Off-Street Required Parking Lot				P32	P32	P32	P32	P32	P32	P32	P32	P32	P32
7941	Professional Sport Teams/Promoters										P	P		
873	Research, Development and Testing										P2	P2	P2	
*	Heavy Equipment and Truck Repair													P
	<b>ACCESSORY USES:</b>													
*	Commercial/Industrial Accessory Uses				P	P22				P22	P22	P	P	P
*	Helistop						C23	C23	C23	C23	C23	C24	C23	C24
<b>GENERAL CROSS REFERENCES:</b> Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see 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.														

B. Development conditions.

1. Except self-service storage.
2. Except SIC Industry No. 8732-Commercial Economic, Sociological, and Educational Research, see general business service/office.
  - 3.a. Only as a re-use of a public school facility or a surplus nonresidential facility subject to the provisions of K.C.C. chapter 21A.32; or
    - b. only when accessory to a fire facility and the office is no greater than one thousand five hundred square feet of floor area.
  4. Only as a re-use of a surplus nonresidential facility subject to K.C.C. chapter 21A.32.
  5. New utility office locations only if there is no commercial/industrial zoning in the utility district, and not in the RA-10 or RA-20 zones unless it is demonstrated that no feasible alternative location is possible, and provided further that this condition applies to the UR zone only if the property is located within a



designated unincorporated Rural Town.

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

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

c. No outdoor storage; and

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

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

a. holding cells((~~7~~));

b. suspect interview rooms (except in the NB zone)((~~7~~)); or

c. long-term storage of stolen properties.

8. Private stormwater management facilities serving development proposals located on commercial/industrial zoned lands shall also be located on commercial/industrial lands, unless participating in an approved shared facility drainage plan. Such facilities serving development within an area designated urban in the King County Comprehensive Plan shall only be located in the urban area.

9. No outdoor storage of materials.

10. Limited to office uses.

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

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

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

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

- a. The gross floor area in self service storage shall not exceed the total gross floor area of the apartment dwellings on the site;
- b. All outdoor lights shall be deflected, shaded and focused away from all adjoining property;
- c. The use of the facility shall be limited to dead storage of household goods;
- d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or similar equipment;
- e. No outdoor storage or storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals;
- f. No residential occupancy of the storage units;
- g. No business activity other than the rental of storage units; ~~((and))~~
- h. A resident director shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval; and
- i. Before filing an application with the department, the applicant shall hold a community meeting in accordance with section 10 of this ordinance.

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

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

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

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

17. No outdoor storage.

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

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

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

21. No dismantling or salvage of damaged, abandoned or otherwise impounded vehicles.

22. Storage limited to accessory storage of commodities sold at retail on the premises or materials used in the fabrication of commodities sold on the premises.

23. Limited to emergency medical evacuation sites in conjunction with police, fire or health service facility. Helistops are prohibited from the UR zone only if the property is located within a designated unincorporated Rural Town.

24. Allowed as accessory to an allowed use.

25. Limited to private road ambulance services with no outside storage of vehicles.

26. Limited to two acres or less.

27a. Utility yards only on sites with utility district offices; or

b. Public agency yards are limited to material storage for road maintenance facilities.

28. Limited to bulk gas storage tanks that pipe to individual residences but excluding liquefied natural gas storage tanks.

29. Excluding bulk gas storage tanks.

30. For I-zoned sites located outside the urban growth area designated by the King County Comprehensive Plan, uses shall be subject to the provisions for rural industrial uses in K.C.C. chapter 21A.12.

31. Vactor waste treatment, storage and disposal shall be limited to liquid materials. Materials shall be disposed of directly into a sewer system, or shall be stored in tanks (or other covered structures), as well as enclosed buildings.

32. Provided:

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

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

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

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

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

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

36. Accessory to agricultural uses provided:

- a. In the RA zones and on lots less than thirty-five acres in the A zone, the floor area devoted to warehousing, refrigeration or storage shall not exceed three thousand five hundred square feet unless located in a building designated as historic resource under K.C.C. chapter 20.62;

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

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

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

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

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

SECTION 18. Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070 are each hereby amended to read as follows:

A. Retail land uses.

KEY		RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL								
P-Permitted Use		A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S-Special Use	Z	R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
	O	I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U
	N	C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
	E	U	T	A		V		E	B	E	N	E	N	E	E	T	
		L		L		E		N	O	S	I	S	A	S		R	
		T							T	R	S	T	S	L	S		I
		U							I	H		Y				A	
		R							A	O						L	
		E							L	O							
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-	NB	CB	RB	O	I			(30)	

*	Building Materials and Hardware Stores		P23					P2	P	P				
*	Retail Nursery, Garden Center and Farm Supply Stores	P1 C1			P1 C			P	P	P				
*	Forest Products Sales	P3 and 4	P4		P3 and 4					P				
*	Department and Variety Stores							C14a (C14 P5 P14)	P	P				
54	Food Stores							C15a (C15 P15)	P	P	C	P6		
*	Agricultural Product Sales	P7 C7	P4		P7 C P3		P3							
*	Motor Vehicle and Boat Dealers									P8		P		
553	Auto Supply Stores								P9	P9		P		
554	Gasoline Service Stations							P	P	P		P		
56	Apparel and Accessory Stores								P	P				
*	Furniture and Home Furnishings Stores								P	P				
58	Eating and Drinking Places				P21 C19			P20 C16	P20 (C16) P16	P10	P	P	P	
*	Drug Stores							C15a (C15 P15)	P	P	C			
592	Liquor Stores	P13			P13	P13		P13	P	P				
593	Used Goods: Antiques/ Secondhand Shops								P	P				
*	Sporting Goods and Related Stores				P22	P22	P22	P22	P22	P22	P	P	P22	P22
*	Book, Stationery, Video and Art Supply Stores							C15a (C15 P15)	P	P				
*	Jewelry Stores								P	P				
*	Monuments, Tombstones, and Gravestones									P				
*	Hobby, Toy, Game Shops								P	P	P			
*	Photographic and Electronic Shops								P	P	P			
*	Fabric Shops								P	P				
598	Fuel Dealers								C11	P		P		
*	Florist Shops							C15a (C15 P15)	P	P	P			
*	Personal Medical Supply Stores								P	P				

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

B. Development conditions.

1.a. As a permitted use, covered sales areas shall not exceed a total area of two thousand square feet, unless located in a building designated as historic resource under K.C.C. chapter 20.62. With a conditional uses permit, covered sales areas of up to three thousand five hundred square feet may be allowed. Greenhouses used for the display of merchandise other than plants shall be considered part of the covered sales area. Uncovered outdoor areas used to grow or display trees, shrubs, or other plants are not considered part of the covered sales area;

- b. The site area shall be at least four and one-half acres;
- c. Sales may include locally made arts and crafts; and
- d. Outside lighting is permitted if no off-site glare is allowed.

2. Only hardware stores.

3.a. Limited to products grown on site.

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

4. No permanent structures or signs.

5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a maximum of two thousand square feet of gross floor area.

6. Limited to a maximum of ~~((two))~~ five thousand square feet of gross floor area.

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

- b. The site area shall be at least four and one-half acres;
  - c. Forty percent or more of the gross sales of agricultural product sold through the store must be sold by the producers of primary agricultural products;
  - d. Sixty percent or more of the gross sales of agricultural products sold through the store shall be derived from products grown or produced in the Puget Sound counties. At the time of the initial application, the applicant shall submit a reasonable projection of the source of product sales;
  - e. Sales shall be limited to agricultural products and locally made arts and crafts;
  - f. Storage areas for agricultural products may be included in a farm store structure or in any accessory building; and
  - g. Outside lighting is permitted if no off-site glare is allowed.
- 8. Excluding retail sale of trucks exceeding one-ton capacity.
  - 9. Only the sale of new or reconditioned automobile supplies is permitted.
  - 10. Excluding SIC Industry No. 5813-Drinking Places.
  - 11. No outside storage of fuel trucks and equipment.
  - 12. Excluding vehicle and livestock auctions.
  - 13. Only as accessory to a winery or SIC Industry No. 2082-Malt Beverages, and limited to sales of products produced on site and incidental items where the majority of sales are generated from products produced on site.
  - 14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to a maximum of five thousand square feet of gross floor area, and subject to K.C.C. (~~(21A.12.330)~~) 21A.12.230; and
    - b. Before filing an application with the department, the applicant shall hold a community meeting in accordance with section 10 of this ordinance.
  - 15.a. Not permitted in R-1 and limited to a maximum of five thousand square feet of gross floor area and subject to K.C.C. 21A.12.230; and



b. Before filing an application with the department, the applicant shall hold a community meeting in accordance with section 10 of this ordinance.

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

b. Before filing an application with the department, the applicant shall hold a community meeting in accordance with section 10 of this ordinance.

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

18. Limited to the R-1 zone.

19. Only as:

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

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

20. Only as:

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

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

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

22. Only as an accessory use to:

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

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

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

- a. limited to lumber milled on site; and
- b. the covered sales area is limited to two thousand square feet. The covered sales area does not include covered areas used to display only milled lumber.

SECTION 19. Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080 are each hereby amended to read as follows:

A. Manufacturing land uses.

KEY		RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL								
P-Permitted Use		A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S-Special Use	Z	R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
	O	I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U
	N	C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
	E	U	T	A		V		E	B	E	N	E	N	E	E	T	
		L		L		E		N	O	S	I	S	A	S		R	
		T						T	R	S	T	S	L	S		I	
		U						I	H							A	
		R						A	O							L	
		E						L	O								
									D								
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (11)				
20	Food and Kindred Products	P1 C1	P1		P1 C	P1			P2	P2	P2 C		P2 C				
*/2082	Winery/Brewery	P3 C12			P3 C12	P3			P18	P18	((C)) P		P				
*	Materials Processing Facility	P13	P14 C	P15 C16	P17 C								P				
22	Textile Mill Products												C				
23	Apparel and other Textile Products										C		P				
24	Wood Products, except furniture	P4	P4 C5		P4, C5	P4					C6		P				
25	Furniture and Fixtures										C		P				
26	Paper and Allied Products												C				
27	Printing and Publishing								P7	P7	P7 C	P7 C	P				



39	Miscellaneous Light Manufacturing																		C		P		
*	Motor Vehicle and Bicycle Manufacturing																					C	
*	Aircraft, Ship and Boat Building																					P10 C	
7534	Tire Retreading																					C	P
781-82	Movie Production/Distribution																					P	P
<b>GENERAL CROSS REFERENCES:</b>		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38 Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06																					

B. Development conditions.

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

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

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

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

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

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

e. Structures and areas used for processing shall maintain a minimum distance of seventy-five feet from property lines adjoining residential zones, unless located in a building designated as historic resource

under K.C.C. chapter 20.62;

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

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

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

2. Except slaughterhouses.

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

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

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

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

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

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

g. Tasting of products produced on site may be provided. The area devoted to tasting shall be

included in the floor area limitation in subsection B.3.c. of this section.

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

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

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

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

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

9. Only within enclosed buildings.

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

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

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

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

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

c. Wineries and breweries shall comply with Washington state Department of Ecology and King County board of health regulations for water usage and wastewater disposal. Wineries and breweries using

water from exempt wells shall install a water meter;

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

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

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

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

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

g. The facility shall be limited to processing agricultural products and sixty percent or more of the products processed must be grown in the Puget Sound counties. At the time of the initial application, the applicant shall submit a projection of the source of products to be processed; and

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

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

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

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

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

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

- a. as accessory to a primary mineral use; or
- b. as a continuation of a mineral processing use only for that period to complete delivery of products or projects under contract at the end of mineral extraction.

16. Continuation of a materials processing facility after reclamation in accordance with an approved reclamation plan.

17. Only a site that is ten acres or greater and that does not use local access streets that abut lots developed for residential use.

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

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

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

d. Tasting of products produced on site may be provided. The area devoted to tasting shall be included in the floor area limitation in subsection B.18.b. of this section.

SECTION 20. Ordinance 10870, Section 341, as amended, and K.C.C. 21A.12.040 are each hereby amended to read as follows:

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

	ZONES	RESOURCE				COMMERCIAL/INDUSTRIAL				
		AGRICULTURE	FOREST	MINERAL	NEIGHBORHOOD BUSINESS	COMMERCIAL BUSINESS	REGIONAL BUSINESS	OFFICE	INDUSTRIAL	
<b>STANDARDS</b>		<b>A-10</b>	<b>A-35</b>	<b>F</b>	<b>M</b>	<b>NB</b>	<b>CB</b>	<b>RB</b>	<b>O</b>	<b>I</b>
Base Density: Dwelling Unit/Acre		0.1 du/ac	.0286 du/a	.0125 du/ac		8 du/ac	48 du/a	36 du/a 48 du/a	48 du/ac	(2)



Maximum Density: Dwelling Unit/Acre					12 du/a 16 du/a	72 du/a 96 du/a	48 du/a 72 du/a 96 du/a	72 du/ac (16) 96 du/ac (17)	
Minimum Lot Area	10 acres	35 acres	80 acres	10 acres					
Maximum Lot Depth/ Width Ratio	4 to 1	4 to 1							
Minimum Street Setback	30 ft (4)	30 ft (4)	50 ft (4)	(12)	10 ft (5)	10 ft (5)	10 ft (5)	10 ft	25 ft
Minimum Interior Setback	10 ft (4)	10 ft (4)	100 ft (4)	(12)	10 ft (12) (((7))) (1)	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7) 50 ft (8)
Base Height (10)	35 ft	35 ft	35 ft	35 ft	35 ft 45	35 ft 60	35 ft 65	45 ft 65	45 ft
Maximum Floor/Lot Ratio: Square Feet					1/1 (9)	1.5/1 (9)	2.5/1 (9)	2.5/1 (9)	2.5/1
Maximum Impervious Surface: Percentage (13)	15% 35% (11)	10% 35%	10% 35% (11)		85%	85%	90%	75%	90%

B. Development conditions.

1. In the RB zone on property located within the Potential Annexation Area of a rural city, this density is not allowed.
2. These densities are allowed only through the application of mixed-use development standards and, in the NB zone on property in the urban area designated commercial outside of center, for stand-alone townhouse development.
3. These densities may only be achieved through the application of residential density incentives or transfer of development rights in mixed-use developments and, in the NB zone on property in the urban area designated commercial outside of center, for stand-alone townhouse development. See K.C.C. chapters 21A.34 and 21A.37.
  - 4.a. in the F zone, scaling stations may be located thirty-five feet from property lines. Residences shall have a setback of at least thirty feet from all property lines.
  - b. for lots between one acre and two and one half acres in size, the setback requirements of the R-1 zone shall apply. For lots under one acre, the setback requirements of the R-4 zone shall apply.
  - c. for developments consisting of three or more single-detached dwellings located on a single parcel, the setback shall be ten feet along any property line abutting R-1 through R-8, RA and UR zones.
5. Gas station pump islands shall be placed no closer than twenty-five feet to street front lines.

6. This base height allowed only for mixed-use developments and for stand-alone townhouse development in the NB zone on property designated commercial outside of center in the urban area.
7. Required on property lines adjoining residential zones.
8. Required on property lines adjoining residential zones for industrial uses established by conditional use permits.
9. The floor-to-lot ratio for mixed use developments shall conform to K.C.C. chapter 21A.14.
10. Height limits may be increased if portions of the structure building that exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit, provided the maximum height may exceed seventy-five feet only in mixed use developments. Netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior setback requirement provided that the maximum height shall not exceed seventy-five feet.
11. Applicable only to lots containing less than one acre of lot area. Development on lots containing less than fifteen thousand square feet of lot area shall be governed by impervious surface standards of the nearest comparable R-4 through R-8 zone.
12. See K.C.C. 21A.22.060 for setback requirements in the mineral zone.
13. The impervious surface area for any lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.
14. Required on property lines adjoining residential zones unless a stand-alone townhouse development on property designated commercial outside of center in the urban area is proposed to be located adjacent to property upon which an existing townhouse development is located.
15. Only as provided for walkable communities under K.C.C. 21A.34.040.F.8. well-served by transit or for mixed-use development through the application of residential density incentives under K.C.C. 21A.34.040.F.1.g.

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

17. Only for mixed-use development through the application of residential density incentives through the application of residential density incentives under K.C.C. chapter 21A.34 or the transfer of development rights under K.C.C. chapter 21A.37. Upper-level setbacks are required for any facade facing a pedestrian street for any portion of the structure greater than forty-five feet in height. The upper level setback shall be at least one foot for every two feet of height above forty-five feet, up to a maximum required setback of fifteen feet. The first four feet of horizontal projection of decks, balconies with open railings, eaves, cornices, and gutters shall be permitted in required setbacks. In the RB zone on property located within the Potential Annexation Area of a rural city, this density is not allowed.

18. Required on property lines adjoining residential zones only for a social service agency office reusing a residential structure in existence on January 1, 2010.

SECTION 21. Ordinance 10870, Section 350, and K.C.C. 21A.12.130 are each hereby amended to read as follows:

~~((The following setback modifications are permitted:~~

~~A. When the common property line of two lots is covered by a building(s), the setbacks required by this chapter shall not apply along the common property line; and~~

~~B.))~~ When a lot is located between lots having nonconforming street setbacks, the required street setback for such lot may be the average of the two nonconforming setbacks or ~~((60))~~ sixty percent of the required street setback, whichever results in the greater street setback.

SECTION 22. Ordinance 10870, Section 424, as amended, and K.C.C. 21A.20.060 are each hereby amended to read as follows:

A. All signs, except billboards, community bulletin boards, community identification signs, political

signs, real estate signs and special event signs, shall be on-premise signs, except that signs located on lots without public street frontage in business, office and industrial zones may have one off-premise directional sign of no more than sixteen square feet.

B. Fuel price signs shall not be included in sign area or number limitations of K.C.C. 21A.20.090, 21A.20.095, 21A.20.100 and 21A.20.110, but only if the signs do not exceed twenty square feet per street frontage.

C. Except as otherwise provided in K.C.C. 21A.20.115 and 21A.20.080.A.3, projecting and awning signs and signs mounted on the sloping portion of roofs shall not be permitted for uses in the Resource and Residential zones. In other zones, projecting and awning signs and signs mounted on the sloping portion of roofs may be used in lieu of wall signs, but only if:

1. They maintain a minimum clearance of eight feet above finished grade;
2. They do not project more than six feet perpendicular from the supporting building facade;
3. They meet the standards of K.C.C. 21A.20.060.J. if mounted on the roof of a building; and
4. They shall not exceed the number or size permitted for wall signs in a zone.

D. Changing message center signs, and time and temperature signs, which can be a wall or freestanding sign, shall not exceed the size permitted for a wall or freestanding sign. Changing message center signs shall be permitted for all uses only in the NB, CB, RB, O and I zones and only for elementary, middle, junior, secondary and high schools and colleges and universities in the RA zone. Changing message center signs and time and temperature signs shall not exceed the maximum sign height permitted in the zone.

E. Directional signs shall not be included in the sign area or number limitation of K.C.C. 21A.20.070, 21A.20.095, 21A.20.100 and 21A.20.110, but only if the signs do not exceed six square feet in surface area and are limited to one for each entrance or exit to surface parking areas or parking structure.

F. Regarding sign illumination and glare:

1. Except as otherwise provided in this chapter, all signs may be illuminated;

2. The light source for indirectly illuminated signs shall be no farther away from the sign than the height of the sign;
  3. Indirectly and directly illuminated signs shall be arranged so that no direct rays of light are projected from such artificial source into residences or any street right-of-way;
  4. Electrical requirements for signs shall be governed by chapter 19.28 RCW and WAC 296-46-910; and
  5. Signs with an on/off operation shall be permitted only in the CB, RB and I zones.
- G. Maximum height for wall signs shall not extend above the highest exterior wall or structure upon which the sign is located.
- H. Maximum height for projecting signs shall not extend above the highest exterior wall upon which the projecting sign is located.
- I. Maximum height for awning signs shall not extend above the height of the awning upon which the awning sign is located.
- J. Any sign attached to the sloping surface of a roof shall be installed or erected in such a manner that there are no visible support structures, shall appear to be part of the building itself, and shall not extend above the roof ridge line of the portion of the roof upon which the sign is attached.
- K. Except as otherwise permitted by this chapter, off-premise directional signs shall not exceed four square feet in sign area.
- L. Mixed use developments in the NB, CB, RB or O zones are permitted one permanent residential identification sign not exceeding thirty-two square feet in addition to the maximum sign area requirements in the zone where the mixed use development is located.

SECTION 23. Ordinance 10870, Section 427, as amended and K.C.C. 21A.20.080 are each hereby amended to read as follows:

Except as otherwise provided in K.C.C. 21A.20.115, signs in the R, UR and RA zones are limited as

follows:

A. Nonresidential use:

1. One indirectly illuminated sign identifying nonresidential uses, not exceeding twenty-five square feet and not exceeding six feet in height is permitted, except as provided in subsection A.3. of this section; ((  
and))
2. Schools are permitted one sign per school or school facility entrance, which may be located in the setback. Two additional wall signs attached directly to the school or school facility are permitted. Changing message center signs, if allowed under K.C.C. 21A.20.060, shall be limited to hours of operation between 7a.m. and 10 p.m.; and
3. In lieu of the sign allowed under subsection A.1. of this section, one nonilluminated sign may be attached or painted on the sloping portion of a roof of a building located within one hundred feet of a state route

as follows:

- a. each sign shall not exceed fifty square feet in area and six feet in height;
- b. each sign, and its mounting brackets, attached to the sloping surface of a roof shall not extend above the roof ridge line portion of the roof upon which the sign is attached; and
- c. no more than two signs may be attached or painted on the roof.

B. Residential use:

1. One residential identification sign not exceeding two square feet is permitted;
2. One permanent residential development identification sign not exceeding thirty-two square feet is permitted for each entrance into a development. The maximum height for the sign shall be six feet. The sign may be freestanding or mounted on a wall, fence or other structure; and
3. Home occupation and home industry signs are limited to:
  - a. one nonilluminated wall sign not exceeding ten percent of the building façade on which they are located; and

b. in the RA zone, one nonilluminated freestanding sign not exceeding twenty-four square feet and a maximum height of six feet.

SECTION 24. Ordinance 15051, Section 137, as amended, and K.C.C. 21A.24.045 are each hereby amended to read as follows:

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

1. Critical aquifer recharge area,
2. Coal mine hazard area;
3. Erosion hazard area;
4. Flood hazard area except in the severe channel migration hazard area;
5. Landslide hazard area under forty percent slope;
6. Seismic hazard area; and
7. Volcanic hazard areas.

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

1. Severe channel migration hazard area;
2. Landslide hazard area over forty percent slope;
3. Steep slope hazard area;
4. Wetland;
5. Aquatic area;
6. Wildlife habitat conservation area; and

7. Wildlife habitat network.

C. In the following table where an activity is included in more than one activity category, the numbered conditions applicable to the most specific description of the activity governs. Where more than one numbered condition appears for a listed activity, each of the relevant conditions specified for that activity within the given critical area applies. For alterations involving more than one critical area, compliance with the conditions applicable to each critical area is required.

<b>KEY</b>  Letter "A" in a cell means alteration is allowed  A number in a cell means the corresponding numbered condition in subsection D. applies  "Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network	LAN OVE DSLIR 40% DE HAND AZA BUFFE RD ER	STE AN EP SDB LOP UFF HAER ZAR D	WET BUF LANDFER AND	AQ BUF CH UATFER AN CARAND NE EA ASEVEL M ND RE IGR ATI ON	WILD AND LIFE ANET REA WOR K
<b>ACTIVITY</b>					
<b>Structures</b>					
Construction of new single detached dwelling			A 1	A 2	
Construction of nonresidential structure			A 3	A 3	A 3, 4
Maintenance or repair of existing structure	A 5	A	A	A	A 4
Expansion or replacement of existing structure	A 5, 7	A 5, 7	A 7, 8	A 6, 7, 8	A 4, 7
Interior remodeling	A	A	A	A	A
Construction of new dock or pier			A 9	A 9, 10, 11	
Maintenance, repair or replacement of dock or pier			A 12	A 10, 11	A 4



<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
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	A 22	A 22	A 22	A 22	A 4, 22
Removal of noxious weeds or invasive vegeta	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 s 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 struc	A 16	A 16	A 16	A 16	A 16, 27
Expansion beyond public road right-of way st	A	A	A 26	A 26	
Repair, replacement or modification within the	A 16	A 16	A 16	A 16	A 16, 27
Construction of driveway or private access ro	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 or parking lot	A	A	A 17	A 17	A 17, 27
Construction of a bridge or culvert as part of a 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>					
Construction of new utility corridor or utility fa	A 32, 33	A 32, 33	A 32, 34	A 32, 34	A 27, 32, 35
Construction of a new residential utility servic	A 32, 33	A 32, 33	A 32, 60	A 32, 60	A 27, 32, 60
Maintenance, repair or replacement of utility	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 dispos			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 disp	A	A	A	A 37	A 4
Construction of new surface water conveyanc	A 32, 33	A 32, 33	A 32, 38	A 32, 38	A 4
Maintenance, repair or replacement of existin conveyance system	A 33	A 33	A 16, 32, 38	A 16, 40, 41	A 4, 37
Construction of new surface water flow contro quality treatment facility			A 32	A 32	A 4, 32

Maintenance or repair of existing 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 structure	A 16	A 16	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream structure	A 16	A	A	A	A 4
<b>Recreation</b>					
Construction of new trail	A 46	A 46	A 47	A 47	A 4, 47
Maintenance of outdoor public park facility, trail or 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, harvesting, preparing soil, rotating crops and other activities	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Grazing livestock	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of livestock market			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction or maintenance of livestock flood protection facility			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 watering pond	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
<b>Other</b>					
Excavation of cemetery graves in established cemetery	A	A	A	A	A
Maintenance of cemetery graves	A	A	A	A	A
Maintenance of lawn, landscaping or garden consumption	A 59	A 59	A 59	A 59	A 59
Maintenance of golf course	A 17	A 17	A 17	A 17	A 4, 17

D. The following alteration conditions apply:

1. Limited to farm residences in grazed or tilled wet meadows and subject to the limitations of subsection D.3. of this section.
2. Allowed in a buffer of a lake that is twenty acres or larger on a lot that was created before January 1, 2005, if:
  - a. at least seventy-five percent of the lots abutting the shoreline of the lake or seventy-five percent of

the lake frontage, whichever constitutes the most developable lake frontage, has existing density of four dwelling units per acre or more;

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

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

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

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

f. the alteration does not exceed the residential development setbacks required under K.C.C. chapter 25.04 and in no circumstances shall the alteration be allowed closer than:

(1) twenty-five feet of the ordinary high water mark of a lake shoreline designated urban under K.C.C. chapter 25.16;

(2) fifty feet of the ordinary high water mark of a lake shoreline designated rural under K.C.C. chapter 25.20 or conservancy under K.C.C. chapter 25.24; or

(3) one hundred feet of the ordinary high water mark of a lake shoreline designated natural under K.C.C. chapter 25.28; and

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

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

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

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

c. the structure is either:

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

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

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

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

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

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

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

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

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

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

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

5. Allowed for structures when:

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

b. the risk of landsliding is low; and

- c. there is not an expansion of the structure.
- 6. Within a severe channel migration hazard area allowed for:
  - a. existing legally established primary structures if:
    - (1) there is not an increase of the footprint of any existing structure; and
    - (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270; and
  - b. existing legally established accessory structures if:
    - (1) additions to the footprint will not make the total footprint of all existing structures more than one-thousand square feet; and
    - (2) there is not an expansion of the footprint towards any source of channel migration hazard, unless the applicant demonstrates that the location is less subject to risk and has less impact on the critical area.
- 7. Allowed only in grazed wet meadows or the buffer or building setback outside a severe channel migration hazard area if:
  - a. the expansion or replacement does not increase the footprint of a nonresidential structure;
  - b.(1) for a legally established dwelling unit, the expansion or replacement, including any expansion of a legally established accessory structure or impervious surfaces allowed under this subsection B.7.b., does not increase the footprint of the dwelling unit and all other structures by more than one thousand square feet, not including any expansion of a drainfield made necessary by the expansion of structures. To the maximum extent practical, the replacement or expansion of a drainfield in the buffer should be located within areas of existing lawn or landscaping, unless another location will have a lesser impact on the critical area and its buffer;
  - (2) for a structure accessory to a dwelling unit, the expansion or replacement is located on or adjacent to existing impervious surface areas and does not increase the footprint of the accessory structure and the dwelling unit by more than one thousand square feet; and
  - (3) the location of the expansion has the least adverse impact on the critical area;
  - c. the structure was not established as the result of an alteration exception, variance, buffer averaging

or reasonable use exception; and

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

8. Allowed upon another portion of an existing impervious surface outside a severe channel migration hazard area if:

- a. the structure is not located closer to the critical area; and
- b. the existing impervious surface within the critical area or buffer is not expanded.

9. Limited to piers or seasonal floating docks in a category II, III or IV wetland or its buffer or along a lake shoreline or its buffer where:

- a. the existing and zoned density of all properties abutting the entire lake shoreline averages three dwelling units per acre or more;
- b. at least seventy-five percent of the lots abutting the shoreline or seventy-five percent of the lake frontage, whichever constitutes the most lake frontage, has been developed with dwelling units;
- c. the vegetation where the alteration is proposed does not consist of dominant native wetland herbaceous or woody vegetation six feet in width or greater and the lack of this vegetation is not the result of any violation of law;
- d. the wetland or lake shoreline is not a salmonid spawning area; and
- e. hazardous substances or toxic materials are not used.

10. Allowed on type N or O aquatic areas if hazardous substances or toxic materials are not used.

11. Allowed on type S or F aquatic areas outside of the severe channel migration hazard area if in compliance with K.C.C. Title 25.

12. When located on a lake, must be in compliance with K.C.C. Title 25.

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

14. The following are allowed in the severe channel migration hazard area if conducted more than one

-hundred and sixty-five feet from the ordinary high water mark in the rural area and one-hundred and fifteen feet from the ordinary high water mark in the urban area:

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

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

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

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

- a. the maintenance or expansion does not involve the use of herbicides, hazardous substances, sealants or other liquid oily substances in aquatic areas, wetlands or their buffers; and
- b. when maintenance, expansion or replacement of bridges or culverts involves water used by salmonids:

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

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

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

19. The limited trimming and pruning of vegetation for the making and maintenance of view corridors or habitat enhancement under a vegetation management plan approved by the department, if the soils are not disturbed and the activity will not adversely affect the long term slope stability or water quality or cause

erosion. The vegetation management plan shall use native species with adequate root strength to add stability to a steep slope.

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

21. Cutting of firewood is subject to the following:

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

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

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

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

23. Allowed as follows:

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

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

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

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

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

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

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



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

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

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

26. Allowed only if:

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

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

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

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

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

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

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

28. Allowed only if:

a. an alternative access is not available;

b. impact to the critical area is minimized to the maximum extent practical including the use of walls

to limit the amount of cut and fill necessary;

- c. the risk associated with landslide and erosion is minimized;
- d. access is located where it is least subject to risk from channel migration; and
- e. construction occurs during approved periods for instream work.

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

30. Allowed only if:

- a. the replacement is made fish passable in accordance with the most recent Washington state

Department of Fish and Wildlife manuals or with the National Marine and Fisheries Services guidelines for federally listed salmonid species; and

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

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

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

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

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

33. Allowed outside the roadway if:

- a. the alterations will not subject the critical area to an increased risk of landslide or erosion;
- b. vegetation removal is the minimum necessary to locate the utility or construct the corridor; and
- c. significant risk of personal injury is eliminated or minimized in the landslide hazard area.

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

- a. there is no alternative location with less adverse impact on the critical area and critical area

buffer;

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

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

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

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

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

(1) the width is the minimized;

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

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

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

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

(2) the location of the maintenance road is contiguous to the utility corridor on the side of the utility corridor farthest from the critical area;

e. the utility corridor or facility will not adversely impact the overall critical area hydrology or diminish flood storage capacity;

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

g. the utility corridor serves multiple purposes and properties to the maximum extent practical;

h. bridges or other construction techniques that do not disturb the critical areas are used to the

maximum extent practical;

i. bored, drilled or other trenchless crossing is laterally constructed at least four feet below the maximum depth of scour for the base flood;

j. bridge piers or abutments for bridge crossing are not placed within the FEMA floodway or the ordinary high water mark;

k. open trenching is only used during low flow periods or only within aquatic areas when they are dry. The department may approve open trenching of type S or F aquatic areas only if there is not a feasible alternative and equivalent or greater environmental protection can be achieved; and

l. minor communication facilities may collocate on existing utility facilities if:

(1) no new transmission support structure is required; and

(2) equipment cabinets are located on the transmission support structure.

35. Allowed only for new utility facilities in existing utility corridors.

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

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

38. Allowed if:

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

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

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

- d. the outfall shall include bioengineering techniques where feasible; and
- e. the outfall is designed to minimize adverse impacts to critical areas.

39. Allowed only if:

- a. there is no feasible alternative with less impact on the critical area and its buffer;
- b. to the maximum extent practical, the bridge or culvert is located to minimize impacts to the critical area and its buffer;
- c. the bridge or culvert is not located over habitat used for salmonid rearing or spawning unless there is no other feasible crossing site;
- d. construction occurs during approved periods for in-stream work; and
- e. bridge piers or abutments for bridge crossings are not placed within the FEMA floodway, severe channel migration hazard area or waterward of the ordinary high water mark.

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

- a. fish habitat features necessary for feeding, cover and reproduction are included when appropriate;
- b. vegetation is maintained and added adjacent to all open channels and ponds, if necessary to prevent erosion, filter out sediments or shade the water; and
- c. bioengineering techniques are used to the maximum extent practical.

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

- a. necessary to avoid erosion of slopes; and
- b. bioengineering techniques are used to the maximum extent practical.

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

- a. if consistent with the Integrated Streambank Protection Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering techniques are used to the maximum extent practical,

unless the applicant demonstrates that other methods provide equivalent structural stabilization and environmental function;

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

c. to prevent bank erosion for the protection of:

(1) public roadways;

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

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

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

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

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

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

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

(c) the applicant has demonstrated that the existing structure is at risk, and the structure and

supporting infrastructure cannot be relocated on the lot further from the source of channel migration; and

(d) nonstructural measures are not feasible.

43. Applies to lawfully established existing structures if:

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

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

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

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

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

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

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

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

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

b. sponsored or cosponsored by a public agency that has natural resource management as a function or by a federally recognized tribe.

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

47. Not allowed in a wildlife habitat conservation area. Otherwise, allowed in the buffer or for

crossing a category II, III or IV wetland or a type F, N or O aquatic area, if:

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

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

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

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

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

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

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

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

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

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

(2) located where it will not be detrimental to the functions of the wetland or aquatic area and will

have the least adverse environmental impact on the critical area or its buffer;

(3) limited to fifty square feet in size;

(4) constructed of materials that are non-toxic; and

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

48. Only if the maintenance:



- a. does not involve the use of herbicides or other hazardous substances except for the removal of noxious weeds or invasive vegetation;
  - b. when salmonids are present, the maintenance is in compliance with ditch standards in public rule;
- and
- c. does not involve any expansion of the roadway, lawn, landscaping, ditch, culvert, engineered slope or other improved area being maintained.

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

- a. projects sponsored or cosponsored by a public agency that has natural resource management as a primary function or by a federally recognized tribe;
- b. restoration and enhancement plans prepared by a qualified biologist; or
- c. conducted in accordance with an approved forest management plan, farm management plan or rural stewardship plan.

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

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

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

- a. data collection and research if carried out to the maximum extent practical by nonmechanical or hand-held equipment;
- b. survey monument placement;
- c. site exploration and gage installation if performed in accordance with state-approved sampling protocols and accomplished to the maximum extent practical by hand-held equipment and; or similar work associated with an incidental take permit issued under Section 10 or consultation under Section 7 of the

Endangered Species Act.

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

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

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

b. there is no expansion into an area that:

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

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

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

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

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

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

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

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

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

a. the facilities are designed to the standards in an approved farm management plan in accordance

with K.C.C. 21A.24.051;

- b. there is not a feasible alternative location available on the site; and
- c. the structure is located where it is least subject to risk from channel migration.

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

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

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

60. Allowed for residential utility service distribution lines to residential dwellings, including, but not limited to, well water conveyance, septic system conveyance, water service, sewer service, natural gas, electrical, cable and telephone, if:

- a. there is no alternative location with less adverse impact on the critical area or the critical area buffer;

- b. the residential utility service distribution lines meet the all of the following, to the maximum extent practical:

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

- (2) not located over a type S aquatic area;

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

- (4) the width of clearing is minimized;

- (5) the removal of trees greater than twelve inches diameter at breast height is minimized;

- (6) an additional, contiguous and undisturbed critical area buffer, equal in area to the disturbed

critical area buffer area is provided to protect the critical area;

(7) access for maintenance is at limited access points into the critical area buffer.

(8) the construction occurs during approved periods for instream work;

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

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

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

a. is the best flood risk reduction alternative practicable;

b. is part of a comprehensive, long-term flood management strategy;

c. is consistent with the King County Flood Hazard Management Plan policies;

d. will have the least adverse impact on the ecological functions of the critical area or its buffer, including habitat for fish and wildlife that are identified for protection in the King County Comprehensive Plan; and

e. has been subject to public notice in accordance with K.C.C. 20.44.060.

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

b. Only allowed if:

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

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

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

- (4) the aquatic area or wetland is not for salmonid rearing or spawning;
- (5) the project minimizes the footprint of structures and the number of access points to any critical areas; and
- (6) the project meets the following design criteria:
  - (a) to the maximum extent practical size of platform shall not exceed one hundred square feet;
  - (b) all construction materials for any structures, including the platform, pilings, exterior and interior walls and roof, are constructed of nontoxic material, such as nontreated wood, vinyl-coated wood, nongalvanized steel, plastic, plastic wood, fiberglass or cured concrete that the department determines will not have an adverse impact on water quality;
  - (c) the exterior of any structures are sufficiently camouflaged using netting or equivalent to avoid any visual deterrent for wildlife species to the maximum extent practical. The camouflage shall be maintained to retain concealment effectiveness;
  - (d) structures shall be located outside of the wetland or aquatic area landward of the Ordinary High Water Mark or open water component (if applicable) to the maximum extent practical on the site;
  - (e) construction occurs during approved periods for work inside the Ordinary High Water Mark;
  - (f) construction associated with bird blinds shall not occur from March 1 through August 31, in order to avoid disturbance to birds during the breeding, nesting, and rearing seasons;
  - (g) to the maximum extent practical, provide accessibility for persons with physical disabilities in accordance with the International Building Code;
  - (h) trail access is designed in accordance with public rules adopted by the department;
  - (i) existing native vegetation within the critical area will remain undisturbed except as necessary to accommodate the proposal. Only minimal hand clearing of vegetation is allowed; and
  - (j) disturbed bare ground areas around the structure must be replanted with native vegetation approved by the department.

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

SECTION 25. Ordinance 15051, Section 185, as amended, and K.C.C. 21A.24.325 are each hereby amended to read as follows:

Except as otherwise provided in this section, buffers shall be provided from the wetland edge as follows:

A. In the Urban Growth Area, buffers for wetlands shall be established in accordance with the following standards:

1. The standard buffer widths of the following table shall apply unless modified in accordance with subsection A.2, A.3, C. or D. of this section:

<b>WETLAND CATEGORY AND CHARACTERISTICS</b>	<b>BUFFER</b>
<b>Category I</b>	
Natural Heritage Wetlands	215 feet
Bog	215 feet
Estuarine	175 feet
Coastal Lagoon	175 feet
Habitat score from 31 to 36 points	225 feet
Habitat score from 20 to 30 points	150 feet plus 7.5 feet for each habitat score point above 20 points
Category I wetlands not meeting any of the criteria above	125 feet
<b>Category II</b>	
Estuarine	135 feet
Habitat score from 31 to 36 points	200 feet
Habitat score from 20 to 30 points	125 feet plus 7.5 feet for each habitat score point above 20 points
Category II wetlands not meeting any of the criteria above	100 feet
<b>Category III</b>	
Habitat score from 20 to 28 points	125 feet
Category III wetlands not meeting any of the criteria above	75 feet
<b>Category IV</b>	50 feet

2. If a Category I or II wetland with habitat score greater than twenty points is located within three hundred feet of a priority habitat area as defined by the Washington state Department of Fish and Wildlife, the

buffer established by subsection A.1. of this section shall be increased by fifty feet unless:

a.(i) the applicant provides relatively undisturbed vegetated corridor at least one hundred feet wide between the wetland and all priority habitat areas located within three hundred feet of the wetland. The corridor shall be protected for the entire distance between the wetland and the priority habitat through a conservation easement, native growth protection easement or the equivalent; and

(ii) the applicable mitigation measures in subsection A.3.b. of this section are provided; or

b. the wetland is a freshwater or deep freshwater wetland; and

3. Buffers calculated in accordance with subsection A.1. and A.2. of this section shall be reduced as follows:

a. Buffers for all categories of wetlands shall be reduced by twenty-five feet if the applicant implements all applicable mitigation measures identified in subsection A.3.b. of this section, or if the applicant proposes alternate mitigation to reduce the impacts of the development and the department determines the alternative provides equivalent mitigation.

b. The following mitigation measures may be used by an applicant to obtain a reduced buffer width under subsection A.1. of this section:

<b>Disturbance</b>	<b>Measures to minimize impacts</b>	<b>Activities that may cause the disturbance</b>
Lights	Direct lights away from wetland	Parking lots, warehouses, manufacturing, high density residential
Noise	Place activity that generates noise away from the wetland.	manufacturing, high density residential
Toxic runoff	Route all new untreated runoff away from wetland, or Covenants limiting use of pesticides within 150 ft of wetland, or Implement integrated pest management program	Parking lots, roads, manufacturing, residential areas, application of agricultural pesticides, landscaping
Change in water regime	Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces using low impact development measures identified in the King County Surface Water Design Manual	Any impermeable surface, lawns, tilling

Pets and Human disturbance	Privacy fencing or landscaping to delineate buffer edge and to discourage disturbance of wildlife by humans and pets	Residential areas
Dust	BMP's for dust	Tilled fields
Degraded buffer condition	Nonnative plants to be removed and replaced with native vegetation per an approved landscaping plan to be bonded and monitored for a three year period after completion to assure at least 80% survival of plantings	All activities potentially requiring buffers

B. For a wetland located outside the Urban Growth Area:

1. The buffers shown on the following table apply unless modified in accordance with subsections C.

and D. of this section:

WETLAND CATEGORY AND CHARACTERISTICS	INTENSITY OF IMPACT OF ADJACENT LAND USE		
	HIGH IMPACT	MODERATE IMPACT	LOW IMPACT
<b>Category I</b>			
Category I wetlands not meeting any of the criteria below	100 feet	75 feet	50 feet
Natural Heritage Wetlands	250 feet	190 feet	125 feet
Bog	250 feet	190 feet	125 feet
Estuarine	200 feet	150 feet	100 feet
Coastal Lagoon	200 feet	150 feet	100 feet
Habitat score from 31 to 36 points	300 feet	225 feet	150 feet
Habitat score from 20 to 30 points	150 feet plus 15 feet for each habitat point above 20	110 feet plus 11.5 feet for each habitat point above 20	75 feet plus 7.5 feet for each habitat point above 20
<b>Category II</b>			
Category II wetlands not meeting any of the criteria below	100 feet	75 feet	50 feet
Estuarine	150 feet	110 feet	75 feet
Interdunal	150 feet	110 feet	75 feet
Habitat score from 31 to 36 points	300 feet	225 feet	150 feet
Habitat score from 20 to 30 points	150 feet plus 15 feet for each habitat point above 20	110 feet plus 11.5 feet for each habitat point above 20	75 feet plus 7.5 feet for each habitat point above 20
<b>Category III</b>			



Category III wetlands not meeting any of the criteria below	80 feet	60 feet	40 feet
Habitat score from 20 to 28 points	150 feet	110 feet	75 feet
<b>Category IV</b>	50 feet	40 feet	25 feet

2. For purposes of this subsection B., unless the director determines a lesser level of impact is appropriate based on information provided by the applicant, the intensity of impact of the adjacent land use is determined as follows:

a. high impact includes:

- (1) sites zoned commercial or industrial;
- (2) commercial or industrial use on a site regardless of the zoning designation;
- (3) nonresidential use on a site zoned for residential use;
- (4) active recreation use on a site regardless of zoning;

b. moderate impact includes:

- (1) residential uses on sites zoned rural residential;
- (2) residential use on a site zoned agriculture or forestry; or
- (3) agricultural uses without an approved farm management plan; and

c. low impact includes:

- (1) forestry use on a site regardless of zoning designation;
- (2) passive recreation uses, such as trails, nature viewing areas, fishing and camping areas, and other similar uses that do not require permanent structures, on a site regardless of zoning; or
- (3) agricultural uses carried out in accordance with an approved farm management plan.

C. The department may approve a modification of the minimum buffer width required by this section by averaging the buffer width if:

1. The department determines that:

a. the ecological structure and function of the buffer after averaging is equivalent to or greater than the structure and function before averaging; or

b. averaging includes the corridors of a wetland complex; and

2. The resulting buffer meets the following standards:

a. the total area of the buffer after averaging is equivalent to or greater than the area of the buffer

before averaging;

b. the additional buffer is contiguous with the standard buffer; and

c. if the buffer width averaging allows a structure or landscaped area to intrude into the area that was buffer area before averaging, the resulting landscaped area shall extend no more than fifteen feet from the edge of the structure's footprint toward the reduced buffer.

D. Wetland buffer widths shall also be subject to modifications under the following special circumstances:

1. For wetlands containing documented habitat for endangered, threatened or species of local importance, the following shall apply:

a. the department shall establish the appropriate buffer, based on a habitat assessment, to ensure that the buffer provides adequate protection for the sensitive species; and

b. the department may apply the buffer increase rules in subsection A.2. of this section, the buffer reduction rules in subsection A.3. of this section, and the buffer averaging rules in subsection C. of this section;

2. For a wetland buffer that includes a steep slope hazard area or landslide hazard area, the buffer width is the greater of the buffer width required by the wetland's category in this section or ~~((twenty-five feet beyond))~~ the top of the hazard area; and

3. For a wetland complex located outside the Urban Growth Area established by the King County Comprehensive Plan or located within the Urban Growth Area in a basin designated as "high" on the Basin and Shoreline Conditions Map, which is included as Attachment A to Ordinance 15051, the buffer width is determined as follows:

a. the buffer width for each individual wetland in the complex is the same width as the buffer width

required for the category of wetland;

b. if the buffer of a wetland within the complex does not touch or overlap with at least one other wetland buffer in the complex, a corridor is required from the buffer of that wetland to one other wetland buffer in the complex considering the following factors:

(1) the corridor is designed to support maintaining viable wildlife species that are commonly recognized to exclusively or partially use wetlands and wetland buffers during a critical life cycle stage, such as breeding, rearing, or feeding;

(2) the corridor minimizes fragmentation of the wetlands;

(3) higher category wetlands are connected through corridors before lower category wetlands; and

(4) the corridor width is a least twenty-five percent of the length of the corridor, but no less than twenty-five feet in width; and

(5) shorter corridors are preferred over longer corridors;

c. wetlands in a complex that are connected by an aquatic area that flows between the wetlands are not required to be connected through a corridor;

d. the department may exclude a wetland from the wetland complex if the applicant demonstrates that the wetland is unlikely to provide habitat for wildlife species that are commonly recognized to exclusively or partially use wetlands and wetland buffers during a critical life cycle stage, such as breeding, rearing or feeding; and

e. the alterations allowed in a wetland buffer in K.C.C. 21A.24.045 are allowed in corridors subject to the same conditions and requirements as wetland buffers as long as the alteration is designed so as not to disrupt wildlife movement through the corridor; ~~((and))~~

4. Where a legally established roadway transects a wetland buffer, the department may approve a modification of the minimum required buffer width to the edge of the roadway if the part of the buffer on the other side of the roadway sought to be reduced:

- a. does not provide additional protection of the proposed development or the wetland; and
- b. provides insignificant biological, geological or hydrological buffer functions relating to the other portion of the buffer adjacent to the wetland(~~(,")~~); and

5. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055, the buffer widths shall be established under the rural stewardship plan and shall not exceed the standard for a low impact land use, unless the department (~~(of natural resources and parks)~~) determines that a larger buffer is necessary to achieve no net loss of wetland ecological function.

E. The department may approve a modification to the buffers established in subsections A. and B. of this section if the wetland was created or its characterization was upgraded as part of a voluntary enhancement or restoration project.

SECTION 26. Ordinance 15051, Section 193, as amended, and K.C.C. 21A.24.358 are each hereby amended to read as follows:

A. Aquatic area buffers shall be measured as follows:

1. From the ordinary high water mark or from the top of bank if the ordinary high water mark cannot be identified;
2. If the aquatic area is located within a mapped severe channel migration area, the aquatic area buffer width shall be the greater of the aquatic area buffer width as measured consistent with subsection A.1. of this section or the outer edge of the severe channel migration area; (~~(ø#)~~) and
3. If the aquatic area buffer includes a steep slope hazard area or landslide hazard area, the aquatic area buffer width is the greater of either the aquatic area buffer in this section or (~~(twenty-five feet beyond)~~) the top of the hazard area.

B. Within the Urban Growth Area, aquatic area buffers shall be as follows:

1. A type S or F aquatic area buffer is one-hundred-fifteen-feet;
2. A type S or F aquatic area buffer in a basin or shoreline designated as "high" on the Basin and

Shoreline Conditions Map is one-hundred-sixty-five-feet;

3. A type N aquatic area buffer is sixty-five-feet; and

4. A type O aquatic area buffer is twenty-five-feet.

C. Outside the Urban Growth Area, aquatic area buffers shall be as follows:

1. A type S or F aquatic area buffer is one-hundred-sixty-five-feet;

2. A type N aquatic area buffer is sixty-five-feet; and

3. A type O aquatic area buffer is twenty-five-feet.

D. Within the Bear Creek drainage basin a type N aquatic area buffer in a designated regionally significant resource area is one-hundred-feet.

E. The department may approve a modification of buffer widths if:

1. The department determines that through buffer averaging the ecological structure and function of the resulting buffer is equivalent to or greater than the structure and function before averaging and meets the following standards:

a. The total area of the buffer is not reduced;

b. The buffer area is contiguous; and

c. Averaging does not result in the reduction of the minimum buffer for the buffer area waterward of the top of the associated steep slopes or for a severe channel migration hazard area;

2. The applicant demonstrates that the buffer cannot provide certain functions because of soils, geology or topography, provided that the department shall establish buffers which protect the remaining ecological functions that the buffer can provide;

3. The site is zoned RA and is subject to an approved rural stewardship plan. In modifying the buffers, the department shall consider factors such as, the basin and shoreline condition, the location of the site within the basin and shoreline, the buffer condition and the amount of clearing;

4. A legally established roadway transects an aquatic area buffer, the roadway edge closest to aquatic

area shall be the extent of the buffer, if the part of the buffer on the other side of the roadway provides insignificant biological or hydrological function in relation to the portion of the buffer adjacent to the aquatic area; and

5. The aquatic area is created or its type is changed as a result of enhancement or restoration projects that are not mitigation for a development proposal or alteration.

SECTION 27. Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120 are each hereby amended to read as follows:

Except as otherwise provided in this chapter or in K.C.C. chapter 21A.45, temporary use permits shall be limited in duration and frequency as follows:

A. The temporary use permit shall be effective for ~~((no more than one hundred eighty days from the date of the first event))~~ one year from the date of issuance and may be renewed annually as provided in subsection E. of this section;

B. The temporary use shall not exceed a total of sixty days in any calendar year. This requirement applies only to the days that the event or events actually take place. For a winery in the A or RA zones, the temporary use shall not exceed a total of two events per month and all parking for the events must be accommodated on site;

C. The temporary use permit shall specify a date upon which the use shall be terminated and removed; and

D. A temporary use permit ~~((shall not be granted for the same temporary use on a property more than once per calendar year, though a temporary use permit may be granted for multiple events during the approval period))~~ may be renewed annually for up to a total of five consecutive calendar years as follows:

1. The applicant shall make a written request and pays applicable permit extension fees for renewal of the temporary use permit at least sixty days before the end of the permit period;

2. The department must determine that the temporary use is being conducted in compliance with the

conditions of the temporary use permit;

3. The department must determine that site conditions have not changed since the original temporary permit was issued; and

4. At least forty-five days before the end of the permit period, the department shall notify property owners within five hundred feet of the property boundaries that a temporary use permit extension has been requested and contact information to request additional information or to provide comments on the proposed extension.

SECTION 28. Ordinance 13274, Section 4, as amended, and K.C.C. 21A.37.020 are each hereby amended to read as follows:

A. For the purpose of this chapter, sending site means the entire tax lot or lots qualified under subsection B of this section. Sending sites may only be located within rural or resource lands or urban separator areas with R-1 zoning, as designated by the King County Comprehensive Plan, and shall meet the minimum lot area for construction requirements in K.C.C. 21A.12.100 for the zone in which the sending site is located. Except for lands zoned RA that are managed by the Washington state Department of Natural Resources as state grant or state forest lands, land in public ownership may not be sending sites. If the sending site consists of more than one tax lot, the lots must be contiguous and the area of the combined lots must meet the minimum lot area for construction requirements in K.C.C. 21A.12.100 for the zone in which the sending site is located. For purposes of this section, lots divided by a street are considered contiguous if the lots would share a common lot line if the street was removed; this provision may be waived by the interagency committee if the total acreage of a rural or resource sending site application exceeds one hundred acres. A sending site shall be maintained in a condition that is consistent with the criteria in this section under which the sending was qualified.

B. Qualification of a sending site shall demonstrate that the site contains a public benefit such that preservation of that benefit by transferring residential development rights to another site is in the public interest. A sending site must meet at least one of the following criteria:

1. Designation in the King County Comprehensive Plan or a functional plan as an agricultural production district or zoned A;
2. Designation in the King County Comprehensive Plan or a functional plan as forest production district or zoned F;
3. Designation in the King County Comprehensive Plan as rural residential, zoned RA-2.5, RA-5 or RA-10, and meeting the definition in RCW 84.34.020 of open space, farm and agricultural land, or timber land;
4. Designation in the King County Comprehensive Plan, or a functional plan as a proposed rural or resource area regional trail or rural or resource area open space site, through either:
  - a. designation of a specific site; or
  - b. identification of proposed rural or resource area regional trails or rural or resource area open space sites which meet adopted standards and criteria, and for rural or resource area open space sites, meet the definition of open space land, as defined in RCW 84.34.020;
5. Identification as habitat for federal listed endangered or threatened species in a written determination by the King County department of natural resources and parks, Washington state Department of Fish and Wildlife, United States Fish and Wildlife Services or a federally recognized tribe that the sending site is appropriate for preservation or acquisition; or
6. Designation in the King County Comprehensive Plan as urban separator and zoned R-1.

SECTION 29. Ordinance 13274, Section 6, as amended, and K.C.C. 21A.37.040 are each hereby amended to read as follows:

A. The number of residential development rights that an unincorporated area sending site is eligible to send to a receiving site shall be determined by applying the TDR sending site base density established in subsection D. of this section to the area of the sending site, after deducting the area associated with any existing development, any retained development rights and any portion of the sending site already in a conservation easement or other similar encumbrance. For each existing dwelling unit or retained development right, the



sending site area shall be reduced by ~~((the minimum lot size))~~ an area equivalent to the base density for that zone under K.C.C. 21A.12.030.

B. Any fractions of development rights that result from the calculations in subsection A. of this section shall not be included in the final determination of total development rights available for transfer.

C. For purposes of calculating the amount of development rights a sending site can transfer, the amount of land contained within a sending site shall be determined as follows:

1. If the sending site is an entire tax lot, the square footage or acreage shall be determined:

a. by the King County department of assessments records; or

b. by a survey funded by the applicant that has been prepared and stamped by a surveyor licensed in the state of Washington; and

2. If the sending site consists of a lot that is divided by a zoning boundary, the square footage or acreage shall be calculated separately for each zoning classification. The square footage or acreage within each zoning classification shall be determined by the King County record of the action that established the zoning and property lines, such as an approved lot line adjustment. When such records are not available or are not adequate to determine the square footage or acreage within each zoning classification, the department of development and environmental services shall calculate the square footage or acreage through the geographic information system (GIS) mapping system.

D. For the purposes of the transfer of development rights (TDR) program only, the following TDR sending site base densities apply:

1. Sending sites designated in the King County Comprehensive Plan as urban separator and zoned R-1 shall have a base density of four dwelling units per acre;

2. Sending sites zoned RA-2.5 shall have a base density of one unit for each two and one-half acres.

Sending sites zoned RA-2.5 that are vacant and are smaller than 1.25 acres shall be allocated one additional TDR for each vacant lot that is smaller than 1.25 acres;

3. Sending sites zoned RA-5 or RA-10 shall have a base density of one dwelling unit per five acres. Vacant sending sites that are zoned RA-5 and are smaller than two and one-half acres or that are zoned RA-10 and are smaller than five acres shall be allocated one additional TDR for each vacant lot that is smaller than two and one-half acres or five acres, respectively;

4. Sending sites zoned RA and that have a designation under the King County Shoreline Master Program of conservancy or natural shall be allocated one additional TDR;

5. Sending sites zoned A-10 and A-35 (~~(within the agricultural production district)~~) shall have a base density of one dwelling unit per five acres for transfer purposes only;

6. Sending sites zoned F within the forest production district shall have a base density of one dwelling unit per eighty acres or one dwelling unit per each lot that is between fifteen and eighty acres in size.

E. A sending site zoned RA, A or F may send one development right for every legal lot larger than five thousand square feet that was created on or before September 17, 2001, if that number is greater than the number of development rights determined under subsection A. of this section. A sending site zoned R-1 may send one development right for every legal lot larger than two thousand five hundred square feet that was created on or before September 17, 2001, if that number is greater than the number of development rights determined under subsection A. of this section.

F. The number of development rights that a King County unincorporated rural or natural resources land sending site is eligible to send to a King County incorporated urban area receiving site shall be determined through the application of a conversion ratio established by King County and the incorporated municipal jurisdiction. The conversion ratio will be applied to the number of available sending site development rights determined under subsection A. or E. of this section.

G. Development rights from one sending site may be allocated to more than one receiving site and one receiving site may accept development rights from more than one sending site.

SECTION 30. Ordinance 13733, Section 10, as amended, and K.C.C. 21A.37.110 are each hereby

amended to read as follows:

A. The TDR bank may purchase development rights from qualified sending sites at prices not to exceed fair market value and to sell development rights at prices not less than fair market value. The TDR bank may accept donations of development rights from qualified TDR sending sites.

B. The TDR bank may purchase a conservation easement only if the property subject to the conservation easement is qualified as a sending site as evidenced by a TDR certificate letter of intent, the conservation easement restricts development of the sending site in the manner required by K.C.C. 21A.37.060 and the development rights generated by encumbering the sending site with the conservation easement are issued to the TDR bank at no additional cost.

C. If a conservation easement is acquired through a county park, open space, trail, agricultural, forestry or other natural resource acquisition program for a property that is qualified as a TDR sending site as evidenced by a TDR certificate letter of intent, any development rights generated by encumbering the sending site with the conservation easement may be issued to the TDR bank so long as there is no additional cost for the development rights.

D. The TDR bank may use funds to facilitate development rights transfers. These expenditures may include, but are not limited to, establishing and maintaining internet web pages, marketing TDR receiving sites, procuring title reports and appraisals and reimbursing the costs incurred by the department of natural resources and parks, water and land resources division, or its successor, for administering the TDR bank fund and executing development rights purchases and sales.

E. The TDR bank fund may be used to cover the cost of providing staff support for identifying and qualifying sending and receiving sites, and the costs of providing staff support for the TDR interagency review committee.

F. ~~((AH))~~ Upon approval of the TDR executive board, proceeds from the sale of TDR bank development rights shall be available for acquisition of additional development rights ~~((upon approval of the~~

TDR executive board)) and as amenity funds to facilitate interlocal TDR agreements with cities in King County. Amenity funds provided to a city from the sale of TDR bank development rights to that city are limited to one-third of the proceeds from the sale.

SECTION 31. Ordinance 13263, Section 8, as amended, and K.C.C. 23.02.070 are each hereby amended to read as follows:

A. The department shall determine, based on information derived from sources such as field observations, the statements of witnesses, relevant documents and data systems for tracking violations and applicable county codes, whether or not a violation has occurred. As soon as a department has reasonable cause to determine that a violation has occurred, it shall document the violation and promptly notify the owner, occupant or other person responsible for code compliance.

B. Except as provided in subsection D. of this section, a warning shall be issued verbally or in writing promptly when a field inspection reveals a violation, or as soon as the department otherwise determines that a violation has occurred. The warning shall inform the person determined to be responsible for code compliance of the violation and shall include a reference to the applicable permit or zoning condition, ordinance or code related to the violation. The warning shall also allow the person an opportunity to correct the violation or enter into a voluntary compliance agreement as provided for by this title. Verbal warnings shall be logged and followed up with a written warning within two weeks, and the site shall be reinspected within thirty days.

C. The guidelines in this section for warnings, notifications and reinspections are not jurisdictional, and failure to meet them in any particular case shall not affect the county's authority to enforce county code provisions with regard to that case.

D. No warning need be issued in cases involving, emergencies that pose an imminent threat to environmental health or to the public safety.

E. A department may issue a citation if it determines that the violation is likely to be a one-time occurrence or is likely to be fully corrected in a reasonable period of time.

F. A department may issue notice and orders in cases where it determines that the violation is unlikely be fully corrected in a reasonable period of time.

G. The department shall use all reasonable means to determine and cite the person or persons actually responsible for the violation occurring when the owner has not directly or indirectly caused the violation.

H. If the violation is not corrected or a voluntary compliance agreement is not achieved within a reasonable time period, a citation, notice and order or stop work order should be issued. As a guideline, citations should be issued within sixty days from receipt of a complaint, and notice and orders should be issued within one hundred twenty days from receipt of a complaint. Stop work orders should be issued promptly upon discovery of a violation in progress.

I. Any complainant who provides a mailing address and requests to be kept advised of enforcement efforts should be mailed a copy of all written warnings, voluntary compliance agreements, citations, notice and orders, stop work orders and notices of settlement conferences issued by a department with regard to the alleged violation. Any complainant who is an aggrieved person and who alleges a violation of K.C.C. chapter 9.12, 16.82 or 21A.24 may appeal a citation, notice and order, stop work order ~~((, a determination to enter into a voluntary compliance agreement))~~ or a determination not to issue a citation or order ~~((pursuant to the provisions of))~~ under K.C.C. chapter 20.24 ~~((, provided that))~~. ~~((†))~~ The appeal under this subsection shall be considered a civil proceeding, and any decision to pursue criminal sanctions shall remain the obligation of the prosecuting attorney, as set out in K.C.C. 23.02.030.

SECTION 32. Ordinance 13263, Section 43, as amended, and K.C.C. 23.36.010 are each hereby amended to read as follows:

A.1. Any person named in a notice and order or stop work order and any owner of the land where the violation occurred for which a notice and order or stop work order is issued ~~((and any complainant who is an aggrieved person pursuant to K.C.C. Title 20 and requests to be kept advised pursuant to K.C.C. 23.02.070.H.))~~ may file with the issuing department a notice of appeal of the notice and order or stop work order. The notice

of appeal shall be filed within fourteen days of the service of the notice and order or stop work order.

2. Any complainant who has alleged a violation of K.C.C. chapter 9.12, 16.82 or 21A.24, who is an aggrieved person under K.C.C. Title 20 and who requests to be kept advised in accordance with K.C.C. 23.02.070.H. may file with the issuing department a notice of appeal of a citation, notice and order, stop work order or a determination not to issue a citation or order. The notice of appeal shall be filed within fourteen days of the service of the citation, notice and order, stop work order or notice of decision not to issue a citation or order.

B. If a notice of appeal has been filed within the time period provided in this section, the appellant shall file a statement of appeal with the issuing department within twenty-one days of the service of the citation, notice and order ((~~or~~)), stop work order ((~~with the issuing department~~)) or notice of decision not to issue a citation or order.

C. Any person issued a citation shall respond to the citation as provided in K.C.C. chapter 23.20.

D. A notice of appeal shall comply with the form, content and service requirements of K.C.C. chapters 20.20 and 20.24 and adopted public rules.

SECTION 33. Ordinance 13263, Section 51, as amended, and K.C.C. 23.40.040 are each hereby amended to read as follows:

A. No lien created by this title binds the property subject to the lien for a period longer than ~~((three))~~ ten years after the lien claim has been recorded, unless an action to enforce that lien is commenced in the proper court within ~~((three))~~ ten years after the recording.

B. When all penalties or abatement costs, or both, assessed against the property owner have been paid, the director shall expeditiously record a satisfaction of lien with the records and licensing services division, or its successor agency. The satisfaction shall include a legal description of the property where the violation occurred.

SECTION 34. A. Ordinance 12196, Section 18, and K.C.C. 20.20.110 are each hereby repealed.

B. Ordinance 12196, Section 20, and K.C.C. 20.20.130 are each hereby repealed.

SECTION 35. In accordance with K.C.C. 20.44.080, the metropolitan King County council finds that the requirements for environmental analysis, protections and mitigation measures in the chapters of K.C.C. Title 21A amended by this ordinance, provide adequate analysis of and mitigation for the specific adverse environmental impacts to which the requirements apply.

SECTION 36. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

30 days prior to hearing

Official and area papers

Newspapers:

Woodinville Weekly - publish Monday, August 9

Voice of the Valley - publish Tuesday, August 10

Seattle Times/Enumclaw Courier Herald/West Seattle Herald/Issaquah Press/Snoqualmie Valley Record - publish Wednesday, August 11

Covington-Maple Valley/Kent Reporter/Redmond Reporter/Renton Reporter - publish: Friday, August 13

Public hearing: September 20, 2010