



Legislation Text

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Clerk 03/01/2000

AN ORDINANCE relating to notice on title for wildlife habitat network set-asides, and making typing and code cross-reference corrections to the zoning code; amending Ordinance 10870, Section 33, and K.C.C. 21A.04.120, Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070, Ordinance 11621, Section 52, and K.C.C. 21A.14.260, Ordinance 11621, Section 53, and K.C.C. 21A.14.270, Ordinance 11621, Section 70, as amended, and K.C.C. 21A.24.075 and Ordinance 10870, Section 563, and K.C.C. 21A.34.040.

PREAMBLE:

For purposes of effective land use planning and regulation, King County makes the following legislative findings:

Notices on title identify set-asides on properties and run with the land, providing an effective alternative to identifying protected areas on individual properties without placing an encumbrance on the land;

King County allows notices on title to be used for all other set-aside requirements on individual properties including sensitive areas; and

Pursuant to Ordinance 12196, the requirements for environmental analysis, protection and mitigation measures in K.C.C. chapter 21A.24, as amended by this ordinance, provide adequate analysis of and mitigation for the specific adverse environmental impacts to which the requirements apply.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 10870, Section 33, and K.C.C. 21A.04.120 are each hereby amended to read as follows:

Office zone. A. The purpose of the office zone (O) is to provide for pedestrian and transit-oriented high-density employment uses together with limited complementary retail and urban density residential development in locations within activity centers where the full range of commercial activities is not desirable. These purposes are accomplished by:

1. Allowing for uses that will take advantage of pedestrian-oriented site and street improvement standards;
2. Providing for higher building heights and floor area ratios than those found in community centers;
3. Reducing the ratio of required parking to building floor area;
4. Allowing for on-site convenient daily retail and personal services for employees and ((residences)) residents; and
5. Excluding auto-oriented, outdoor or other retail sales and services which do not provide for the daily convenience needs of on-site and nearby employees or residents.

B. Use of this zone is appropriate in activity centers designated by the Comprehensive Plan and community plans which are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

SECTION 2. Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070 are each hereby amended to read as follows:

Retail land uses. A. Retail land uses.

KEY		RESOURCE						RESIDENTIAL					
		COMMERCIAL/INDUSTRIAL											
P-Permitted Use	C-Conditional Use							A	F	M		R	U
R	U	R		N	B	C	B	R	B	O	I		
S-Special Use					G	O	I		U	R	E		
R	E	E	U	O	U	E	U	F	N	S		B	
			Z	R	R	N		R	B				
S	I	S	M	S	G	S	F	D	A	E		A	
I	G	I	M	I	I	I	I	U	A	R			
			N	C	S	R		L	N				
N	D	H	N	U	N	O	N	C	S				
			E	U	T	A				V			
E	B	E	N	E	N	E	E	T		E			
N	O	S	I	S	A	S		R					
				TU									TI
	RH	S	TY	S	L	S		IA					A
					R								
					E								L
D													
SIC#	SPECIFIC LAND USE					A	F	M		RA		I	
UR	R1-8	R12-48		NB		CB			RB		O	C1	C1
*	Building, Hardware and Garden Materials				P2	P	P3, 4	P4	P			C1	C1
*	Forest Products Sales					P	P			P3, 4			
*	Department and Variety Stores												
54	C14	C14		P5		P		P					
	Food Stores								C13			C15	
*	C15	P		P		P	P3 C7	P4	C	P6	P3 C7	P3	P3
*	Agricultural Product Sales												
*	Motor Vehicle and Boat Dealers							P8			P		
553	Auto Supply Stores												
554	Gasoline Service Stations				P9	P9				P			
56	Apparel and Accessory Stores									P			
*	Furniture and Home Furnishings Stores					P		P					
58	Eating and Drinking Places					P		P			C13		
C16	C16	P10		P		P			P	P			
*	Drug Stores											C15	
592	C15	P		P		P		C					
	Liquor Stores												
593	Use((s))d Goods: Antiques/Secondhand Shops				P				P				
*	Sporting Goods and related Stores												
*	Book, Stationery, Video & Art Supply Stores				P		P						
	C15	C15		P		P			P				

*	Jewelry Stores		P		P			
*	Monuments, Tombstones, and Gravestones						P	
*	Hobby, Toy, Game Shops							
		P		P		P		
*	Photographic and Electronic Shops		P		P		P	
*	Fabric Shops		P		P			
598	Fuel Dealers							
		C11		P			P	
*	Florist Shops							C15
	C15	P		P		P	P	
*	Personal Medical Supply Stores				P		P	
*	Pet Shops							
		P		P				
*	Bulk Retail							
		P		P				
*	Auction Houses							
				P12			P	
*	Livestock Sales			P17	P17		P17	P17
								P17, 18
							P	

GENERAL CROSS REFERENCES: Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. 21A.12 through 21A.30; General Provisions, see K.C.C. 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. 21A.40 through 21A.44; land use, see K.C.C. 21A.06. (*)Definition of this specific

B. Development conditions.

1. Only feed stores and garden supply stores.
2. Only hardware and garden materials stores shall be permitted.
3. a. Except for hay sales, limited to products produced on-site; and
 - 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 thousand square feet of gross floor area.
7. a. The floor area devoted to retail sales shall not exceed two thousand five hundred square feet;
 - b. No more than forty percent of the average annual gross sales of agricultural products sold through the store over a five-year period shall be derived from products not grown or produced in King County. At the time of the initial application, the applicant shall submit a reasonable projection of the source of product sales;
 - c. Sales shall be limited to agricultural produce and plants;
 - d. Storage areas for produce may be included in a farm store structure or in any accessory building;
 - e. Hours of operation shall be limited to 7:00 a.m. to 9:00 p.m. during the months of May through September and 7:00 a.m. to 7:00 p.m. during the months of October through April; outside lighting is permitted if no off-site glare is allowed; and
 - f. Noncontiguous lands within King County may be assembled by an individual farmer or group of farmers for the purposes of establishing a source of local products to be sold in a farm store on one of the properties.
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 brewery.
14. 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.
15. 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.
16. 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.
17. Retail sale of livestock is permitted only as accessory to raising livestock.
18. Limited to the R-1 zone.

SECTION 3. Ordinance 11621, Section 52, and K.C.C. 21A.14.260 are each hereby amended to read as follows:

Wildlife habitat ~~((corridors))~~ networks - ~~((A))~~applicability. Habitat ~~((corridors))~~ networks shall be set aside and protected along the designated wildlife habitat network adopted by the King County Comprehensive Plan as follows:

- A. Wildlife habitat ~~((corridors shall))~~ networks apply to the following development ~~((activities))~~ proposals on parcels which include a portion of a designated wildlife habitat ~~((corridor))~~ network:
 1. All ~~((urban planned developments))~~ binding site plans, subdivisions and short subdivisions; and
 2. All ~~((building permits))~~ development proposals on individual lots ~~((created prior to January 1, 1995))~~ unless a habitat network in full compliance with K.C.C. 21A.14.270 already exists in a tract or easement, or there has been recorded a notice on title of the existence of the network.
- B. Habitat ~~((corridors))~~ networks shall be identified and protected in one of the following ways:
 1. ~~((Urban planned developments))~~ For binding site plans, subdivisions and short subdivisions ~~((shall either place the corridor))~~, the network shall retain the native vegetation and be placed in a contiguous permanent open-space tract with all developable lots sited on the remaining portion of the project site, or shall design the lots so that county-approved conservation easements on individual lots can form a contiguous easement covering the ~~((corridor))~~ network; or
 2. ~~((F))~~For individual lots ~~((shall place the corridor))~~, the network shall retain the native vegetation and be placed in a county-approved conservation easement or notice shall be placed on the title of the lot. The notice shall be approved by King County and filed with the records and elections division. The notice shall inform the public of the presence and location of a wildlife habitat network on the property and that limitations on actions in or affecting the network exist.
- C. All tracts, ~~((or))~~ conservation easements or areas noticed on title shall be configured to meet the design standards in K.C.C. 21A.14.270.

SECTION 4. Ordinance 11621, Section 53, and K.C.C. 21A.14.270 are each hereby amended to read as follows:

Wildlife habitat ~~((corridors))~~ networks - ~~((D))~~design standards. ~~((Corridor))~~ Network design shall be reviewed by the department for consistency with the following standards:

- A. The wildlife habitat ~~((corridor))~~ network shall be sited on the property in order to meet the following conditions:
 1. ~~((F))~~The network shall form~~((s))~~ one contiguous tract that enters and exits the property at the points the ~~((designated wildlife habitat))~~ network crosses the property boundary;
 2. ~~((M))~~The network shall maintain~~((s))~~ a width, wherever possible, of ~~((300))~~ three hundred feet. The network width shall not be less than ~~((150))~~ one hundred fifty feet ~~((wide))~~ at any point; and
 3. ~~((B))~~The network shall be contiguous with and ~~((may))~~ include sensitive area tracts and their buffers; ~~((and))~~
- B. When feasible, the wildlife habitat ~~((corridor))~~ network shall be sited on the property in order to meet the following conditions:

1. Connect isolated sensitive areas or habitat; and
2. Connect with wildlife habitat (~~(corridors)~~) networks, open space tracts or wooded areas on adjacent properties, if present(~~(-)~~);

C. The wildlife (~~(corridor)~~) habitat network tract shall be permanently marked consistent with the methods contained in K.C.C. 21A.24.160. (~~(€)~~)Network segments noticed on title or placed in conservation easements are exempt from the permanent (~~(p)~~)marking requirement(~~(-)~~);

D. A management plan for the wildlife (~~(corridor)~~) habitat network contained within a tract or tracts shall be prepared (~~(which specifies the permissible)~~) when proposing some extent of recreation, forestry or other uses compatible with preserving and enhancing the wildlife habitat value of the tract or tracts. The management plan shall be reviewed and approved by the department. The approved management plan for a(~~n urban planned development~~) binding site plan or subdivision shall be contained within and recorded with the covenants, conditions and restrictions (CCRs). If the wildlife (~~(corridor)~~) habitat network is contained in a conservation easement or is noticed on title, a management plan is not required, but may be submitted to the department for review and approval, and recorded with the conservation easement(~~(-)~~) or notice on title;

E. Clearing within the wildlife (~~(corridors)~~) habitat network contained in a tract or tracts shall be limited to that allowed by (~~(the)~~) an approved management plan. No clearing shall be allowed within a wildlife (~~(corridor)~~) habitat network contained within a conservation easement or noticed on title on individual lots, unless the property owner has an approved management plan(~~(-)~~);

F. A homeowners association or other entity capable of long-term maintenance and operation shall be established to monitor and assure compliance with (~~(the)~~) any approved management plan(~~(-)~~);

G. Wildlife (~~(corridors)~~) habitat networks set aside in tracts (~~(or)~~), conservation easements or noticed on title shall meet the provisions in K.C.C. 16.82.150(~~(-)~~);

H. The permanent open space tract containing the wildlife (~~(corridor)~~) habitat network may be credited toward the other applicable requirements such as surface water management and the recreation space requirement of K.C.C. 21A.14.180, (~~(provided)~~) if the proposed uses within the tract are compatible with preserving and enhancing the wildlife habitat value. Restrictions on other uses within the wildlife (~~(corridor)~~) habitat network tract shall be clearly identified in the management plan(~~(-)~~);

I. At the discretion of the director, these standards may be waived or reduced for public facilities such as schools, fire stations, parks(~~(s)~~) and public road projects.

SECTION 5. Ordinance 11621, Section 70, as amended, and K.C.C. 21A.24.075 are each hereby amended to read as follows:

Modification or waiver of sensitive area requirements - urban lots. The purpose of this section is to provide an alternative to the variance, and exception processes for minor development. A further purpose of this section is to minimize impacts to sensitive areas by allowing minor modifications of the zoning code which allow single family residences on existing, legal urban lots without requiring a variance or exception. The director (~~(shall have the discretion to)~~) may modify or waive some or all of the requirements of this title, including mitigation requirements, pertaining to class 3 wetlands, class 3 streams, and their associated buffers or building setback areas in accordance with (~~(the provisions of)~~) this section.

A. An applicant may request a modification or waiver of sensitive area requirements pursuant to this section provided the lot or lots are located in an urban area designated in the King County comprehensive plan (~~(s) and~~).

B. The applicant for the modification or waiver of sensitive area requirements shall submit any sensitive area special studies following a preapplication review meeting as required under K.C.C. 21A.24.110 as well as such other documents(~~(s)~~) or studies, as requested by the director.

C. 1. The director may grant a modification or waiver of sensitive area requirements (~~(provided)~~) if:

(~~(1-)~~) a. The proposal is the minimum necessary to accommodate the building footprint and access. In no case, however, shall the building footprint exceed (~~(5000)~~) five thousand square feet, including access(~~(s)~~);

- ~~((2-))~~ b. Access is located so as to have the least impact on the sensitive area and its buffer~~((7-))~~;
- ~~((3-))~~ c. The proposal preserves the functions and values of wetlands and streams to the maximum extent possible~~((7-))~~;
- ~~((4-))~~ d. Adverse impacts resulting from alterations of steep slopes are minimized~~((7-))~~;
- ~~((5-))~~ e. The proposal includes on-site mitigation to the maximum extent possible~~((7-))~~;
- ~~((6-))~~ f. The proposal will not significantly affect drainage capabilities, flood potential, and steep slopes and landslide hazards either on neighboring properties or on the proposal itself; and
- ~~((7-))~~ g. The proposal first develops nonsensitive area land, then the sensitive area buffer before the sensitive area itself is developed.

2. The director may require on-site or off-site mitigation measures to compensate for the loss of the functions and values of the sensitive areas and may impose mitigating conditions to the modification or waiver in order to meet the standards of this subsection C.

D. ~~((Where))~~ If a modification or waiver of sensitive area requirements under this section is proposed, the director shall give written mailed notice of the proposed modification or waiver to all owners of property located within three hundred feet of any boundary of the subject property and to the water and land resources division and shall allow fifteen calendar days for comment before making a decision. The decision of the director regarding the modification or waiver shall be mailed to the applicant and to any other person who requests a copy. The decision shall state the reasons for denial or any required mitigation or other conditions imposed. The decision of the director regarding the modification or waiver may be appealed ~~((per))~~ under K.C.C. 21A.24.030.

E. This section ~~((shall))~~ does not apply to the following steep slope hazard areas:

1. Steep slope hazard areas that are unmitigatable landslide hazard areas; and
2. Steep slope hazard areas of slope greater than seventy percent where either the lot or slope are abutting and above a class 1 or 2 wetland, stream, and associated buffers, or an open stormwater conveyance system.

SECTION 6. Ordinance 10870, Section 563, and K.C.C. 21A.34.040 are each hereby amended to read as follows:

Public benefits and density incentives. A. The public benefits eligible to earn increased densities, and the maximum incentive to be earned by each benefit, are set forth in subsection ~~((E))~~ F of this section. The density incentive is expressed as additional bonus dwelling units ~~((t))~~, or fractions of dwelling units~~((t))~~, earned per amount of public benefit provided.

B. Bonus dwelling units may be earned through any combination of the listed public benefits.

C. The guidelines for affordable housing bonuses including the establishment of rental levels, housing prices and asset limitations, will be updated and adopted annually by the council in the comprehensive housing affordability strategy plan.

D. Bonus dwelling units may also be earned and transferred to the project site through the transfer of density credit ("TDC") process ~~((set forth))~~ in K.C.C. chapter 21A.36, by providing any of the open space, park site or historic preservation public benefits ~~((set forth))~~ in subsection~~((s-E))~~ F.2 or ((E)) 3 of this section on sites other than that of the RDI development.

E. Residential development in R-4 through R-48 zones with property specific development standards requiring any public benefit enumerated in this chapter, shall be eligible to earn bonus dwelling units as ~~((set forth))~~ in subsection ~~((E))~~ F of this section when the public benefits provided exceed the basic development standards of this title. When a development is located in a special overlay district, bonus units may be earned if the development provides public benefits exceeding corresponding standards of the special district.

F. The following are the public benefits eligible to earn density incentives through RDI review:

BENEFIT	DENSITY INCENTIVE
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1. AFFORDABLE HOUSING

a. Benefit units consisting of rental housing permanently priced to serve non((-))senior citizen low-income households (i.e., no greater than 30 percent of gross income for households at or below 50 percent of King County median income, adjusted for household size). A covenant on the site that specifies the income level being served, rent levels and requirements for reporting to King County shall be recorded at final approval.

1.5 bonus units per benefit unit, up to a maximum of 30 low-income units per five acres of site area; projects on sites of less than ((five)) 5 acres shall be limited to 30 low-income units.

b. Benefit units consisting of rental housing designed and permanently priced to serve low-income senior citizens (i.e., no greater than 30 percent of gross income for 1 or 2-person households, 1 member of which is 62 years of age or older, with incomes at or below 50 percent of King County median income, adjusted for household size). A covenant on the site that specifies the income level being served, rent levels and requirements for reporting to King County shall be recorded at final approval.

1.5 bonus units per benefit unit, up to a maximum of 60 low-income units per five acres of site area; projects on sites of less than ((five)) 5 acres shall be limited to 60 low-income units.

c. Benefit units consisting of senior citizen assisted housing units 600 square feet or less. 1.0 bonus unit per benefit unit

d. Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing with prices restricted based on typical underwriting ratios and other lending standards, and with no restriction placed on resale. Final approval conditions shall specify requirements for reporting to King County on both buyer eligibility and housing prices. 0.75 bonus unit per benefit unit.

e. Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing with prices restricted based on typical underwriting ratios and other lending standards, and with a 15-year restriction binding prices and eligibility on resale to qualified moderate income purchasers. Final approval conditions shall specify requirements for reporting to King County on both buyer eligibility and housing prices. 1.0 bonus unit per benefit unit.

f. Benefit units consisting of moderate income housing reserved for income- and asset-qualified home buyers (total household income at or below 80 percent of King County median, adjusted for household size). Benefit units shall be limited to owner-occupied housing, with prices restricted to same income group, based on current underwriting ratios and other lending standards for 30 years from date of first sale. A covenant on the site that specifies the income level and other aspects of buyer eligibility, price levels and requirements for reporting to King County shall be recorded at final approval. 1.5 bonus units per benefit unit.

g. Projects in which 100 percent of the units are reserved for moderate income - and asset-qualified buyers (total household income at or below 80 percent of the King County median, adjusted for household size). All units shall be limited to owner-occupied housing with prices restricted based on current underwriting ratios and other lending standards, and with prices restricted to same income group, for 15 years from date of first sale. Final approval conditions shall specify requirements for reporting to King County on both buyer eligibility and housing prices. 200 percent of the base density of the underlying zone. Limited to parcels 5 acres or less in size and located in the R-4 through R-8 zones. Housing types in the R-4 or R-6 zones shall be limited to structures containing ((four)) 4 or less units, except for townhouses. Such RDI proposals shall not be eligible

to utilize other RDI bonus density incentives listed in this section.

h. Benefit units consisting of mobile home park space or pad reserved for the relocation of an insignia or non((-)insignia mobile home, that has been or will be displaced due to closure of a mobile home park located in incorporated or unincorporated King County. 1.0 bonus unit per benefit unit.

2. OPEN SPACE, TRAILS AND PARKS

a. Dedication of park site or trail right-of-way meeting King County location and size standards for neighborhood, community or regional park, or trail, and accepted by the parks division. 0.5 bonus unit per acre of park area or quarter-mile of trail exceeding the minimum requirement of K.C.C. chapter 21A.14 for on-site recreation space or trail corridors, computed on the number of dwelling units permitted by the site's base density.

b. Improvement of dedicated park site to King County standards for developed parks. 0.75 bonus unit per acre of park improvement. If the applicant is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.

c. Improvement of dedicated trail segment to King County standards. 1.8 bonus units per quarter-mile of trail constructed to county standard for pedestrian trails; or 2.5 bonus units per quarter-mile of constructed to county standard for multipurpose trails (pedestrian/ bicycle/equestrian).

Shorter segments shall be awarded bonus units on a pro-rate basis. If the applicant is dedicating the site of the improvements, the bonus units earned by improvements shall be added to the bonus units earned by the dedication.

d. Dedication of open space, meeting King County acquisition standards to the county or a qualified public or private organization such as a nature conservancy. 0.5 bonus unit per acre of open space.

3. HISTORIC PRESERVATION

a. Dedication of a site containing an historic landmark in accordance with K.C.C. chapter 20.62, to King County or a qualifying nonprofit organization capable of either restoring (~~and/or~~) or maintaining the premises, or both, to standards set by the King County (~~(L)~~)landmarks (~~(C)~~)commission. 0.5 bonus unit per acre of historic site.

b. Restoration of a site or structure designated as an historic landmark in accordance with K.C.C. chapter 20.62 to a specific architectural or site plan approved by the King County (~~(L)~~)landmarks (~~(C)~~)commission. 0.5 bonus unit per acre of site or one thousand square feet of floor area of building restored.

4. ENERGY CONSERVATION

a. Benefit units that incorporate conservation features in the construction of all on-site dwelling units heated by electricity that save at least 20 percent of space heat energy use from the maximum permitted by the Northwest Energy Code, as amended. No more than 50 percent of the required savings may result from the installation of heat pumps. None of the required savings shall be achieved by reduction of glazing area below 15 percent of floor area. Energy use shall be expressed as allowable energy load per square foot or as total transmittance (UA). 0.15 bonus unit per benefit unit that achieves the required savings.

b. Benefit units that incorporate conservation features in the construction of all on-site dwelling units heated by natural gas, or other non((-)electric heat source, that save at least 25 percent of space heat energy use from the maximum permitted by the Northwest Energy Code, as amended. None of the required savings shall be achieved by reduction of glazing area below 15 percent of floor area. Energy use shall be expressed as allowable energy load per square foot or as total transmittance (UA). 0.10 bonus unit per benefit unit that achieves the required savings.

c. Developments located within 1/4 mile of transit routes served on at least a half-hourly basis during the peak hours and hourly during the daytime non((-)peak hours. 10 percent increase above the base density of the zone.

NOTE: When proposed energy conservation bonus units of K.C.C. 21A.34.040 are reviewed in conjunction with a subdivision or a short subdivision, the applicant shall provide data and calculations for a typical house of the type to be built in the development that demonstrates to the department's satisfaction how the required savings will be achieved. A condition of approval shall be recorded with the plat and shown on the title of each lot specifying the required energy savings that must be achieved in the construction of the dwelling unit. The plat notation shall also specify that the savings shall be based on the energy code in effect at the time of preliminary plat application.

Official paper 30 days prior and posted outside chambers