



## Legislation Text

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**File #:** 2008-0128, **Version:** 2

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Clerk 10/08/2008

AN ORDINANCE relating to zoning and development regulations; amending Ordinance 1488, Section 2, as amended, and K.C.C. 16.82.010, Ordinance 1488, Section 5, as amended, and K.C.C. 16.82.020, Ordinance 15053, Section 3, and K.C.C. 16.82.051, Ordinance 14259, Section 4, and K.C.C. 16.82.052, Ordinance 1488, Section 11, as amended, and K.C.C. 16.82.100, Ordinance 9614, Section 103, as amended, and K.C.C. 16.82.150, Ordinance 15053, Section 15, and K.C.C. 16.82.152, Ordinance 13694, Section 51, and K.C.C. 19A.08.160, Ordinance 13694, Section 52, and K.C.C. 19A.08.170, Ordinance 10870, Section 138, as amended, and K.C.C. 21A.06.490, Ordinance 15051, Section 64, and K.C.C. 21A.06.578, Ordinance 10870, Section 259, and K.C.C. 21A.06.1095, Ordinance 15051, Section 86, and K.C.C. 21A.06.942, Ordinance 15051, Section 100, and K.C.C. 21A.06.1182, Ordinance 10870, Section 297, and K.C.C. 21A.06.1285, 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 334, as amended, and K.C.C. 21A.08.070, Ordinance 10870, Section 336, as amended, and K.C.C. 21A.08.090, Ordinance 10870, Section 3|10I3|7, as amended, and K.C.C. 21A.08.100, Ordinance 10870, Section 340, as amended, and K.C.C. 21A.12.030, Ordinance 10870, Section 341, as amended,

and K.C.C. 21A.12.040, Ordinance 10870, Section 354, as amended, and K.C.C. 21A.12.170, Ordinance 10870, Section 358, and K.C.C. 21A.12.210, Ordinance 10870, Section 364, as amended, and K.C.C. 21A.14.040, Ordinance 10870, Section 382, as amended, and K.C.C. 21A.14.220, Ordinance 10870, Section 390, as amended, and K.C.C. 21A.16.050, Ordinance 10870, Section 407, as amended, and K.C.C. 21A.18.030, Ordinance 10870, Section 422, and K.C.C. 21A.20.040, 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 10870, Section 432, as amended, and K.C.C. 21A.20.120, Ordinance 13022, Section 26, and K.C.C. 21A.20.190, Ordinance 15051, Section 137, and K.C.C. 21A.24.045, Ordinance 15051, Section 139, and K.C.C. 21A.24.055, Ordinance 10870, Section 454, as amended, and K.C.C. 21A.24.070, Ordinance 10870, Section 464, as amended, and K.C.C. 21A.24.170, Ordinance 10870, Section 471, as amended, and K.C.C. 21A.24.240, Ordinance 10870, Section 472, as amended, and K.C.C. 21A.24.250, Ordinance 10870, Section 473, as amended, and K.C.C. 21A.24.260, Ordinance 10870, Section 476, as amended, and K.C.C. 21A.24.290, Ordinance 11481, Section 2, as amended, and K.C.C. 21A.24.311, Ordinance 15051, Section 173, and K.C.C. 21A.24.312, Ordinance 15051, Section 174, and K.C.C. 21A.24.313, Ordinance 15051, Section 179, and K.C.C. 21A.24.316, Ordinance 15051, Section 185, and K.C.C. 21A.24.325, Ordinance 15051, Section 187, and K.C.C. 21A.24.335, Ordinance 10870, Section 481, as amended, and K.C.C. 21A.24.340, Ordinance 15051, Section 192, and K.C.C. 21A.24.355, Ordinance 15051, Section 193, and K.C.C. 21A.24.358, Ordinance 15051, Section 195, and K.C.C. 21A.24.365, Ordinance 10870, Section 485, as amended, and K.C.C.

21A.24.380, Ordinance 14187, Section 1, as amended, and K.C.C. 21A.24.500, Ordinance 15051, Section 101330, and K.C.C. 21A.24.515, Ordinance 11621, Section 90, and K.C.C. 21A.28.154, Ordinance 10870, Section 563, as amended, and K.C.C. 21A.34.040, Ordinance 13274, Section 1, as amended, and K.C.C. 21A.37.010, Ordinance 13274, Section 4, as amended, and K.C.C. 21A.37.020, Ordinance 13274, Section 5, as amended, and K.C.C. 21A.37.030, Ordinance 13274, Section 6, as amended, and K.C.C. 21A.37.040, Ordinance 14190, Section 8, as amended, and K.C.C. 21A.37.060, Ordinance 13274, Section 8, as amended, and K.C.C. 21A.37.080, Ordinance 13733, Section 8, as amended, and K.C.C. 21A.37.100, Ordinance 13733, Section 10, as amended, and K.C.C. 21A.37.110, Ordinance 10870, Section 581, and K.C.C. 21A.38.080, Ordinance 11351, Section 1, as amended, and K.C.C. 21A.38.090 and Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080, adding a new section to K.C.C. chapter 16.82, adding a new section K.C.C. chapter 19A.08, adding a new sections to K.C.C. chapter 21A.06, adding new sections to K.C.C. chapter 21A.12, adding a new section to K.C.C. chapter 21A.24 and adding a new section to K.C.C. chapter 21A.37.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

1. Minimizing adverse stormwater impacts generated by the removal of vegetation and alteration of

landforms;

2. Protecting water quality from the adverse impacts associated with erosion and sedimentation;
3. Minimizing aquatic and terrestrial wildlife habitat loss caused by the removal of vegetation;
4. Protecting sensitive areas from adverse clearing and grading activities;
5. Facilitating and encouraging long term forest practice and agricultural production operations where

appropriate;

6. Minimizing the adverse impacts associated with materials processing, quarrying and mining

operations;

7. Preventing damage to property and harm to persons caused by excavations and fills;
8. Establishing administrative procedures for the issuance of permits, approval of plans, and

inspection of clearing and grading operations; and

9. Providing penalties for the violation of this chapter.

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

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

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

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

B. "Bench" means a relatively level step excavated or constructed on the face of a graded slope surface

for drainage and maintenance purposes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

X. "Understory" means the vegetation layer of a forest that includes shrubs, herbs, grasses and grass-

like plants, but excludes native trees.

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

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

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

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

KEY	O A U R T E O A F A C N R I D T I B C U A F F L E R	C O E R O M S I O N H A Z A R D	F L O O D H A Z A R D	C H A N N E L M I D G R A T I O N	L A A N N D D S L B I D U E F F H E A R Z A R D	S E I V O M I C H A R Z A I D	O S T E E A C H P S Z A I L O A P E R D A F E G N R E A B U F F E R	C R R I T E C C A L H A Q A U I R E R E A	W E A L A Q D S N D A U F E R A	A A N U D A B I C U F F A R E R E A	W A L N D D L I N F E E T A W R O R A K	
"NP" in a cell means												
no permit required if conditions are met.												
A number in a cell means the												
Numbered condition in subsection C. applies.												
"Wildlife area and network" column												

applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network													
<b>ACTIVITY</b>													
<b>Grading and Clearing</b>													
Grading	NP 1, 2	NP 1, 2	NP 1, 2				NP 1 NP 2		NP 1, 2				
Clearing	NP 3 NP 243	NP 3	NP 3	NP 3			NP 3 NP 3		NP 3	NP 4 NP 2	NP 4 NP 23		
Covering of garbage	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5 NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5
Emergency tree removal	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6 NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6
Removal of noxious weeds	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Removal of invasive vegetati	NP 7	NP 7	NP 7	NP 7	NP 7		NP 7 NP 7		NP 7	NP 8	NP 8	NP 8	NP 8
Non conversion Class I, II, III practice	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9 NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9
Emergency action	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10 NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10
<b>Roads</b>													
Grading within the roadway	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11 NP 11	NP 11	NP 11				NP 11
Clearing within the roadway	NP	NP	NP	NP 12	NP 12	NP 12	NP 12 NP 12	NP 12	NP	NP 12	NP 12	NP 12	NP 12
Maintenance of driveway or p road	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13 NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13
Maintenance of bridge or cul	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14	NP 13, 14	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15
Construction of farm field ac	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16 NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16
Maintenance of farm field ac	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17 NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17
<b>Utilities</b>													
Construction or maintenance corridors or facility within th	NP 18	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19 NP 19	NP 19	NP 18	NP 19	NP 19	NP 19	NP 19
Construction or maintenance corridors or facility outside o way	NP 1, 2, 3		NP 1, 2, 3				NP 1, 2, 3		NP 1, 2, 3				
Maintenance of existing surfa conveyance system	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11 NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11



Maintenance of existing surface control and surface water quality facility	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance or repair of flood facility	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20
Maintenance or repair of existing structure	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
<b>Recreation areas</b>												
Maintenance of outdoor public trail or publicly improved recreation facility	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13
<b>Habitat and science project</b>												
Habitat restoration or enhancement	NP	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP	NP	NP 21	NP 21
Drilling and testing for critical aquifers	NP 1, 2	NP 1, 2	NP 1, 2	NP 22	NP 22	NP 22	NP 1, 2	NP 1, 2	NP 22	NP 1, 2	NP 22	NP 22
<b>Agriculture</b>												
Horticulture activity including planting, seeding, harvesting, rotating crops and related activities	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Grazing livestock	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Construction and maintenance of manure storage facility	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16
Maintenance of agricultural drainage	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15
Maintenance of farm pond, fill or livestock watering pond	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15
<b>Other</b>												
Excavation of cemetery graves and approved cemetery	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Maintenance of cemetery grounds	NP 13	NP 13	NP 13	NP	NP 13	NP 13	NP	NP	NP 13	NP	NP 13	NP 13
Maintenance of lawn, landscape gardening for personal consumption	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	NP	NP 13	NP	NP 13	NP 13
Maintenance of golf course	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP	NP	NP 13	NP 13	NP 13	NP 13

C. The following conditions apply:

1. Excavation less than five feet in vertical depth, or fill less than three feet in vertical depth that, cumulatively over time, does not involve more than one hundred cubic yards on a single site.
2. Grading that produces less than two thousand square feet of new impervious surface on a single site added after January 1, 2005, or that produces less than two thousand square feet of replaced impervious surface

or less than two thousand square feet of new plus replaced impervious surface after the effective date of this ordinance. For purposes of this subsection C.2., "new impervious surface" ((is)) and "replaced impervious surface" are defined in K.C.C. 9.04.020.

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

- a. regulated as a Class IV forest practice under chapter 76.09 RCW;
- b. in a critical drainage areas established by administrative rules;
- c. subject to clearing limits included in property-specific development standards and special district

overlays under K.C.C. chapter 21A.38; or

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

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

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

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

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

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

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

- b. limited to removal with hand labor.

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

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

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

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

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

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

- a. there is no alteration of a ditch or aquatic area that is used by salmonids;
- b. the structure, condition or site maintained was constructed or created in accordance with law; and
- c. the maintenance does not expand the roadway, lawn, landscaping, ditch, culvert or other improved area being maintained.

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

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

- a. The King Conservation District;
- b. King County department of natural resources and parks;
- c. King County department of development and environmental services; or

d. Washington state Department of Fish and Wildlife.

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

17. Only if:

a. consistent with a farm plan in accordance with K.C.C. Title 21A; or

b. conducted in accordance with best management practices in the Natural Resource Conservation

Service Field Office Technical Guide.

18. In accordance with a franchise permit.

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

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

a. conducted by a public agency;

b. the height of the facility is not increased;

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

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

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

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

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

21. Only if:

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

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

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

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

(3) hand labor except:

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

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

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

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

24. Limited to the removal of downed trees.

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

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

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

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

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

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

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

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

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

1. A slope of cut and fill surfaces shall not be steeper than is safe for both the intended use and soil type and shall not exceed two horizontal to one vertical;
2. All disturbed areas including faces of cuts and fill slopes shall be prepared and maintained to

control erosion in compliance with K.C.C. 16.82.095;

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

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

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

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

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

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

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

5. Provisions shall be made to:

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

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

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

7. The tops and the toes of cut and fill slopes shall be set back from property boundaries and structures

as far as necessary:

- a. for the safety of the adjacent properties;
- b. for adequacy of foundation support;
- c. to prevent damage resulting from water runoff or erosion of the slopes; and
- d. to preserve the permitted uses on the adjacent properties; and

8. All fill shall meet the following:

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

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

B. Access roads to grading sites shall be:

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

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

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

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

D. Where required by the department, to protect life, limb and property, fencing shall be installed with lockable gates that must be closed and locked when not working on the site. The fence shall be no less than six



feet in height and the fence material shall have no opening larger than two inches.

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

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

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

2. This subsection does not apply to areas that:

- a. Are subject to a state surface mine reclamation permit; or
- b. At project completion are covered by an impervious surface, incorporated into a drainage facility or engineered as structural fill or slope.

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

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

- A. The total area subject to clearing limits shall not be decreased;
- B. Areas within critical areas and critical area buffers cannot be relocated;
- C. The relocated area shall be situated in a manner that minimizes fragmentation of wildlife habitat and maximizes protection of critical areas and prevention of flooding, erosion, and groundwater impacts based on site characteristics, including topography and soils;
- D. The relocated area is subject to the provisions of this chapter governing allowable activities within areas subject to clearing limits; and
- E. The property owner shall record a notice on title that identifies the relocated area subject to the clearing limits.

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

- A. Except as otherwise provided in this section, in the RA zone the following standards apply to clearing on individual lots:
  - 1. For lots one and one-quarter acre or smaller:
    - a. clearing shall not exceed the greater of:
      - (1) the amount cleared before January 1, 2005, or cleared under a complete clearing permit application filed before October 25, 2004, in accordance with previous county regulations;
      - (2) fifty percent of the lot area; or
      - (3) seven thousand square feet.

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

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

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

b. fifty percent of lot area;

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

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

b. two and one-half acres, or

c. thirty-five percent of lot area; and

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

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

b. thirty-five percent of lot area;

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

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

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

or

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

C.1. If there is an approved and current rural stewardship plan or farm management plan under K.C.C.

chapter 21A.24, the maximum amount of clearing allowed under this section is established by the rural stewardship plan or the farm management plan;

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

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

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

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

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

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

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

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

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

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

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

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

- c. parks as listed in K.C.C. 21A.08.040 when located adjacent to an existing or proposed school;
- d. libraries listed in K.C.C. 21A.08.040; and
- e. road projects that are not part of a larger development proposal;

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

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

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

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

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

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

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

b. within wildlife habitat corridors, trail widths shall be the minimum allowed under adopted trail

standards and no other recreation uses shall be permitted in an area of the corridor at least one hundred fifty feet in width;

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

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

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

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

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

6. Removal of noxious or invasive vegetation.

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

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

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

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

2. The area remaining uncleared shall be:

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

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

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

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

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

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

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

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

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

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

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

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

3. Complies with either of the following:

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

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

- (1) cave;
- (2) old-growth forest;
- (3) mature forest;
- (4) area that has an abundance of snags;
- (5) talus slope;
- (6) breeding habitat for a species that the county should protect under the King County

Comprehensive Plan;

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

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

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

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

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



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

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

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

1. Drainage facilities and erosion control measures consistent with K.C.C. 9.04.090;
2. Water mains and hydrant installed and fire flow available, if required;
3. Roadways graded to all lots within the subdivision or short subdivision and capable of providing access by passenger vehicle;
4. Specific site improvements required by the preliminary plat approval ordinance or preliminary short plat approval decision, if the decision requires completion prior to plat recording;
5. Delineation of sensitive areas that are to remain undeveloped;
6. Temporary control monuments set by a land surveyor, located in conformance with this title, and in place at final inspection. Permanent monuments and control points shall be set and verified by a land surveyor within ninety days of the final lift of asphalt; ~~((and))~~
7. Improvements without which the director determines a safety hazard would exist; and
8. All private improvements outside of the right-of-way or road easement.

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

this section.

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

Environmental education project: A project that facilitates learning where the emphasis is placed on relationships between people and natural resources. Environmental education projects include, but are not limited to:

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

SECTION 12. Ordinance 10870, Section 138, as amended, and K.C.C. 21A.06.490 are each hereby amended to read as follows:

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

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

Habitat, fish: habitat that is used by (~~fish~~) anadromous or resident salmonids at any life stage at any time of the year including potential habitat likely to be used by (~~fish~~) anadromous or resident salmonids.

"Fish habitat" includes habitat that is upstream of, or landward of, human-made barriers that could be accessible to, and could be used by, fish upon removal of the barriers. This includes off-channel habitat, flood refuges, tidal flats, tidal channels, streams and wetlands.

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

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

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

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

SECTION 16. Ordinance 15051, Section 86, and K.C.C. 21A.06.942 are each hereby amended to read as follows:

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

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

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

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

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

SECTION 19. 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
	O	I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U

SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1- R12-8	NB	CB	RB	O	I
	<b>DWELLING UNITS, TYPES:</b>											
*	Single Detached	P C13	P2		P C1	P C13	P P C1 C13	P17				
*	Townhouse				C4	C4	P P C12	P3	P3	P3	P3	
*	Apartment				C4	C4	P5 P C4	P3	P3	P3	P3	
*	Mobile Home Park				S14		C8 P					
*	Cottage Housing						C16					
	<b>GROUP RESIDENCES:</b>											
*	Community Residential Facility-I				C	C	(( P P15 )) P15 .a C	P3	P3	P3	P3	
*	Community Residential Facility-II						P15 P .b	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 Occupati on	P	P		P	P		P	P	P	P	P
*	Home Industry	C			C	C		C				
	<b>TEMP ORARY LODGING:</b>											
7011	Hotel/Motel (1)									P	P	P
*	Bed and Breakfast Guesthouse	P9 C10			P10	P10		P10	P10	P10	P11	P11
7041	Organization Hotel/Lodging Houses										P	
<b>GENERAL CROSS REFERENCE</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, which shall be reviewed and approved by the King County department of natural resources and parks prior to 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 sensitive areas. For purposes of this section, unbuildable sensitive 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 sensitive areas which 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 ~~(ten)~~ five thousand square feet in area~~(, or)~~;

(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)~~ or ~~(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, ~~(or)~~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;

~~((6))~~ (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

~~((7))~~ (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

~~((8))~~ (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, ~~((provided))~~ but only if there ~~((is))~~ 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 Building Code as adopted by King County for R-1 occupancies may



accommodate up to ten persons per night.

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

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

13. 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.08.030B.7.

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

15. a. Limited to domestic violence shelter facilities.

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

16. 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.

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

a. The lot must have legally existed prior to 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. 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 non-agricultural use, all agricultural employee dwelling units shall be removed;

c. The applicant shall file with the department of executive services, records, elections 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, elections 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 20. Ordinance 10870, Section 331, as amended, and K.C.C. 21A.08.040 are each hereby amended to read as follows:

A. Residential land uses.

KEY		RESOURCE			RESIDENTIAL			COMMERCIAL/INDUSTRIAL									
P-Permitted Use	Z O N E	A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S-Special Use		R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
		I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U
		C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
		U	T	A			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- R12 8 48	NB	CB	RB	O	I					
	DWELLING UNITS, TYPES:																
*	Single Detached	P C13	P2		P C1	P C13	P P C1 C13	P17									
*	Townhouse				C4	C4	P P C12	P3	P3	P3	P3						
*	Apartment				C4	C4	P5 P C4	P3	P3	P3	P3						
*	Mobile Home Park				S14		C8 P										
*	Cottage Housing						C16										
	GROUP RESIDENCES:																
*	Community Residential Facility-I				C	C	P15 P C	P3	P3	P3	P3						
*	Community Residential Facility-II						P	P3	P3	P3	P3						
*	Dormitory				C6	C6	C6 P										

*	Senior Citizen Assisted Housing					P4	P4	P	P3	P3	P3	P3
	<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 C10			P10	P10	P10	P10	P10	P11	P11	
7041	Organization Hotel/Lodging Houses									P		
<b>GENERAL CROSS REFERENCE</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. 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 range only as:

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

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.
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 (~~and in an equestrian community designated by the Comprehensive Plan~~)).
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. Only as an accessory to a park, or 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 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 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 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 (or at least twenty of the nearest property owners, whichever is 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. Structures 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 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 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

6. 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.

SECTION 21. 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
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P-Permitted Use C-Conditional Use S-Special Use		A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
SIC#	SPECIFIC LAND USE				RA	UR	R1-8	R12-4	NB	CB	RB	O	I				
72	General Personal Service						C25 C37		P	P	P	P3	P3				
7216	Drycleaning Plants																P
7218	Industrial Launderers																P
7261	Funeral Home/Crematory					C4	C4	C4		P	P						
*	Cemetery, Columbarium or Mausoleum				P24 31	P24 C5	P24 C5	P24 C5	P24	P24	P24 C5	P24					
*	Day Care I	P6			P6	P6	P6	P	P	P	P	P7	P7				
*	Day Care II				P8 C	P8 C	P8 C	P8 C	P	P	P	P7	P7				
074	Veterinary Clinic	P9			P9 C31	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			P32 C	P32	P32	P32	P32	P	P						P

866	Church, Synagogue, Temple				P1231	P12C	P12C	P12C	P	P	P	P
83	Social Services (2)				P1231	P12C13	P12C13	P12C13	P13	P	P	P
*	Stable	P14C			P14	P14C	P14C	P14C				
0752	Animal speciality services				C	P3C			P	P	P	P
*	Kennel or Cattery	P9			C	C			C	P		
*	Theatrical Production Services								P30	P28		
*	Artist Studios				P28	P28	P28	P28	P	P	P	P29
*	Interim Recycling Facility				P21	P21	P21	P21	P22	P22	P	P21
*	Dog training facility	C34			C34	C34			P	P	P	P
	<b>HEALTH SERVICES:</b>											
801-04	Office/Outpatient Clinic				P12	P12C13	P12C13	P12C13C3	P	P	P	P
805	Nursing and Personal Care Facilities							C		P	P	
806	Hospital							C13		P	P	C
807	Medical/Dental Lab									P	P	P
808-09	Miscellaneous Health									P	P	P
	<b>EDUCATION SERVICES:</b>											
*	Elementary School				P15	aP	P	P		P16c	P16c	P16c

*	Middle/Junior High School				P16 CP31	P	P		P16c	P16c	P16c	
*	Secondary or High School				P16 CP26 and	P26			P16c C	P16c C	P16c	
*	Vocational School				P13 CP13 C	P13 C			P		P17	P
*	Specialized Instruction School		P18		P19 CP19 C20 and 31	P19 C20			P	P	P17	P
*	School District Support Facility				P16 CP23 and	P23 C	P23 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.

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

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 which 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 set forth 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. All instruction must be within an enclosed structure; and

c. 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 (~~and in an equestrian community designated by the Comprehensive Plan~~)).

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.

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 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 in K.C.C. 11.04.060.B;
  - e. training and grooming are ancillary services which may be provided only to dogs staying at the facility;
  - 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 the effective date of this ordinance.

37. Not permitted in R-1 and subject to the additional requirements in section 30 of this ordinance.

SECTION 22. 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	R12-4	D	NB	CB	RB	O	I (30)
*	Building Materials and Hardware Stores		P23							P2	P	P		
*	Nursery, Garden Center and Farm Supply Stores	P1 C1				P1 C1				P	P	P		
*	Forest Products Sales	P3,4	P4			P3,4						P		
*	Department and Variety Stores						C14 C14			P5	P	P		
54	Food Stores						C15 C15			P	P	P	C	P6
*	Agricultural Product Sales	P7 C7	P4			P7 C7 P3		P3						
*	Motor Vehicle and Boat Dealers											P8		P
553	Auto Supply Stores										P9	P9		P
554	Gasoline Service Stations									P	P	P		P
56	Apparel and Accessory Stores										P	P		
*	Furniture and Home Furnishings Stores										P	P		
58	Eating and Drinking Places					P21 C		P20 P20 C16		P10	P	P	P	P
*	Drug Stores						C15 C15			P	P	P	C	
592	Liquor Stores	P13				P13 P13					P	P		
593	Used Goods: Antiques/ Secondhand Shops										P	P		
*	Sporting Goods and Related Stores				P22	P22 P22	P22 P22			P22	P	P	P22	P22
*	Book, Stationery, Video and Art Supply Stores						C15 C15			P	P	P		
*	Jewelry Stores										P	P		
*	Monuments, Tombstones, and Gravestones											P		
*	Hobby, Toy, Game Shops									P	P	P		
*	Photographic and Electronic Shops									P	P	P		
*	Fabric Shops										P	P		
598	Fuel Dealers										C11	P		P
*	Florist Shops						C15 C15			P	P	P	P	
*	Personal Medical Supply Stores										P	P		
*	Pet Shops									P	P	P		
*	Bulk Retail										P	P		

* Auction Houses									P12	P
* Livestock Sales	P17	P17		P17	P17	P17 and 18				P
<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, including greenhouses, 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, including greenhouses, of up to three thousand five hundred square feet may be allowed. 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 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 building designated as 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. 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, except as provided in subsection B.20. of this section.

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 to a large active recreation and multiuse park; or

b. an accessory 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 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 23. Ordinance 10870, Section 336, as amended, and K.C.C. 21A.08.090 are each hereby

amended to read as follows:

A. Resource 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

SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I
<b>AGRICULTURE:</b>													
01	Growing and Harvesting Crops	P	P			P	P	P					P
02	Raising Livestock and Small Animals	P	P			P	P	P6					P
*	Agriculture Training Facility	C10											
*	Agriculture-related special needs camp	P12											
*	<u>Agricultural Anaerobic Digester</u>	P13											
<b>FORESTRY:</b>													
08	Growing & Harvesting Forest Production	P	P	P7		P	P	P					P
*	Forest Research		P			P	P					P2	P
<b>FISH AND WILDLIFE MANAGEMENT:</b>													
0921	Hatchery/ Fish Preserve (1)	P	P			P	P	C					P
0273	Aquaculture (1)	P	P			P	P	C					P
*	Wildlife Shelters	P	P			P	P						
<b>MINERAL:</b>													
10,12,14	Mineral Extraction and Processing			P9 C		P C11							
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block			P8 C11		P8 C11							P

<b>ACCESSORY USES:</b>										
* Resource Accessory Uses	P3	P4	P5	P3	P3					P4
<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. May be further subject to K.C.C. Title 25, Shoreline Management.
2. Only forest research conducted within an enclosed building.
3. Accessory dwelling units in accordance with K.C.C. 21A.08.030.
4. Excluding housing for agricultural workers.
5. Limited to either maintenance or storage facilities, or both, in conjunction with mineral extraction or processing operation.
6. Large livestock allowed in accordance with K.C.C. chapter 21A.30.
7. Only in conjunction with a mineral extraction site plan approved in accordance with K.C.C. chapter 21A.22.
8. 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 extraction use;
  - b. as a continuation of a mineral processing only for that period to complete delivery of products or projects under contract at the end of a mineral extraction; or
  - c. for a public works project under a temporary grading permit issued in accordance with K.C.C. 16.82.152.
9. Limited to mineral extraction and processing:
  - a. on a lot or 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;

- b. that are located greater than one-quarter mile from an established residence; and
- c. that do not use local access streets that abut lots developed for residential use.

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

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

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

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

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

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

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

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

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

i. Agriculture training facilities may be used to provide educational services to the surrounding rural/agricultural community or for community events. Property owners may be required to obtain a temporary use permit for community events in accordance with K.C.C. chapter 21A.32;

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

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

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

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

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

- (1) passive recreation;
- (2) training of individuals who will work at the camp;
- (3) special events for families of the campers; and
- (4) agriculture education for youth.

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

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

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

- (2) Nothing in subsection B.12.d.(1) of this section prohibits the property owner from selling or

transferring the development rights for a portion or all of the site to the King County farmland preservation program or, if the development rights are extinguished as part of the sale or transfer, to a nonprofit entity approved by the director;

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

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

g. To the extent practicable, existing structures shall be reused. The applicant shall demonstrate to the director that a new structure for nonagricultural camp activities cannot be practicably accommodated within an existing structure on the site, though cabins for campers shall be permitted only if they do not already exist on site;

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

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

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

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

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

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

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

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

p. 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;

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

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

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

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

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

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

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

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



SECTION 24. Ordinance 10870, Section 337, as amended, and K.C.C. 21A.08.100 are each hereby amended to read as follows:

A. Regional land uses.

KEY	Z O N E	RESOURCE			RESIDENTIAL				COMMERCIAL/INDUSTRIAL								
		A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
P-Permitted Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
C-Conditional Use		R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
S-Special Use		I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U
		C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
		U	T	A		V		E	B	E	N	E	N	E	E	T	
		L		L				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 (15)				
*	Jail						S	S	S	S	S	S	S				
*	Jail Farm/Camp	S	S		S	S											
*	Work Release Facility				S19	S19	S	S	S	S	S	S	S				
*	Public Agency Animal Control Facility		S		S	S					S		P				
*	Public Agency Training Facility		S		S3					S3	S3	S3	C4				
*	Hydroelectric Generation Facility		C14	S	C14	SC14	S	C14	S								
*	Non-hydroelectric Generation Facility	C12	S	C12	S	C12	S	C12	S	C12	S	C12	S	C12	S	C12	S
*	Communication Facility (17)	C6c	S	P		C6c	S	C6c	S	C6c	S	P	P	P	P		
*	Earth Station	P6b	C	P		C6a	S	C6a	S	C6a	S	P6b	C	P	P	P	P
13	Oil and Gas Extraction	S	C	P	S	S	S	S	S	S	S	S	S	S	C		
*	Energy Resource Recovery Facility		S	S	S	S	S	S	S	S	S	S	S	S	S		
*	Soil Recycling Facility		S	S	S									C			
*	Landfill		S	S	S	S	S	S	S	S	S	S	S	S	S		

*	Transfer Station			S	S	S	S	S	S	S	S	S	P
*	Wastewater Treatment Facility				S	S	S	S	S	S	S	S	S C
*	Municipal Water Production	S	P13 S	S	S	S	S	S	S	S	S	S	S S
*	Airport/Heliport	S7	S7		S	S	S	S	S	S	S	S	S S
*	Transit Bus Base						S	S	S	S	S	S	S P
*	School Bus Base				C5 S2	C5 S	C5 S	C5 S	S	S	S	S	S P
7948	Racetrack				S8	S8	S8	S8	S8	S8	S8	S8	S8 S 23
*	County Fairgrounds Facility				P21 S22								
*	Fairground									S	S	S	S
8422	Zoo/Wildlife Exhibit(2)		S9		S9	S	S	S		S	S		
7941	Stadium/Arena										S		S
8221-8222	College/University(1)	P10	P10		P10 C11 S18	P10 C11 S18	P10 C11 S	P10 C11 S	P10 C11 S	P	P	P	P
*	Zoo Animal Breeding Facility	P16	P16		P16								
<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; 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 technical institutions. See vocational schools on general services land use table, K.C.C. 21A.08.050.
2. Except arboretum. See K.C.C. 21A.08.040, recreation/cultural land use table.
3. Except weapons armories and outdoor shooting ranges.
4. Except outdoor shooting range.
5. Only in conjunction with an existing or proposed school.
- 6.a. Limited to no more than three satellite dish antennae.
  - b. Limited to one satellite dish antenna.
  - c. Limited to tower consolidations.
7. Limited to landing field for aircraft involved in forestry or agricultural practices or for emergency

landing sites.

8. Except racing of motorized vehicles.
9. Limited to wildlife exhibit.
10. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.
11. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter 21A.32.
12. Limited to cogeneration facilities for on-site use only.
13. Excluding impoundment of water using a dam.
14. Limited to facilities that comply with the following:
  - a. Any new diversion structure shall not:
    - (1) exceed a height of eight feet as measured from the streambed; or
    - (2) impound more than three surface acres of water at the normal maximum surface level;
  - b. There shall be no active storage;
  - c. The maximum water surface area at any existing dam or diversion shall not be increased;
  - d. An exceedance flow of no greater than fifty percent in mainstream reach shall be maintained;
  - e. Any transmission line shall be limited to a:
    - (1) right-of-way of five miles or less; and
    - (2) capacity of two hundred thirty KV or less;
  - f. Any new, permanent access road shall be limited to five miles or less; and
  - g. The facility shall only be located above any portion of the stream used by anadromous fish.

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

16. The operator of such a facility shall provide verification to the department of natural resources and

parks or its successor organization that the facility meets or exceeds the standards of the Animal and Plant Health Inspection Service of the United States Department of Agriculture and the accreditation guidelines of the American Zoo and Aquarium Association.

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

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

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

20. Limited to projects which 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 school bus base and serving only the school bus base may be used. Renovation, expansion, modernization or reconstruction of a school bus base 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 school bus base.

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

- a. building square footage;
- b. landscaping;
- c. parking;
- d. building height; or
- e. impervious surface.

22. A special use permit shall be required for any modification or expansion of the King County fairgrounds facility that is not in conformance with the King County Site Development Plan Report or that

exceeds the allowed modifications to the plan identified in subsection B.21 of this section.

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

- a. motocross;
- b. autocross;
- c. skidpad;
- d. garage;
- e. driving school; and
- f. fire station.

SECTION 25. Ordinance 10870, Section 340, as amended, and K.C.C. 21A.12.030 are each hereby amended to read as follows:

A. Densities and dimensions - residential zones.

STANDARDS	RESIDENTIAL												
	ZONE S	RURAL				URBAN RE-SERVE	URBAN RESIDENTIAL						
	RA-2.5	RA-5	RA-10	RA-20	UR	R-1 (17)	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density: Dwelling Unit/Acre (1)	0.2 du/ac	0.2 du/ac	0.1 du/a	0.05 du/ac	0.2 du/a (21)	1 du/ac	4 du/ac (6)	6 du/ac	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac
Maximum Density: Dwelling Unit/Acre (20)	0.4 du/ac (20)						6 du/ac (22) 8 du/ac (27)	9 du/ac (27)	12 du/ac (27)	18 du/a (27)	27 du/ac (27)	36 du/ac (27)	72 du/ac (27) 96 du/ac (27)
Minimum Density: (2)							85% (12) (18) (23)	85% (12) (18)	85% (12) (18)	80% (18)	75% (18)	70% (18)	65% (18)
Minimum Lot Area (13)	1.875 ac	3.75 ac	7.5 ac	15 ac									
Minimum Lot Width (3)	135 ft	135 ft	135 ft	135 ft	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft
Minimum Street Setback (3)	30 ft (9)	30 ft (9)	30ft (9)	30 ft (9)	30 ft (7)	20 ft (7)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)
Minimum Interior Setback (3) (16)	5 ft (9)	10ft (9)	10 ft (9)	10 ft (9)	5 ft (7)	5 ft (7)	5 ft	5 ft	5 ft	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10)
Base Height (4)	40 ft	40 ft	40 ft	40 ft	35 ft	35 ft	35 ft (25)	35 ft 45 (14) (25)	35 ft 45 (14) (25)	60 ft	60 ft 80 (14)	60 ft 80 (14)	60 ft 80 (14)
Maximum Impervious Surface: Percent (5)	25% (11) (19) (25)	20% (11) (19) (25)	15% (11) (19) (25)	12.5% (11) (19) (25)	30% (11) (25)	30% (11) (25)	55% (25)	70% (25)	75% (25)	85% (25)	85% (25)	85% (25)	90% (25)

B. Development conditions.

1. This maximum density may be achieved only through the application of residential density incentives in accordance with K.C.C. chapter 21A.34 or transfers of development rights in accordance with K.C.C. chapter 21A.37, or any combination of density incentive or density transfer. (~~Maximum density may only be exceeded in accordance with K.C.C. 21A.34.040.F.1.g. and F.6.)~~)
2. Also see K.C.C. 21A.12.060.
3. These standards may be modified under the provisions for zero-lot-line and townhouse developments.
4. Height limits may be increased if portions of the structure that exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit, but the maximum height may not exceed seventy-five feet. 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 requirements but the maximum height shall not exceed seventy-five feet, except for large active recreation and multiuse parks, where the maximum height shall not exceed one hundred twenty-five feet, unless a golf ball trajectory study requires a higher fence.
5. Applies to each individual lot. Impervious surface area standards for:
  - a. Regional uses shall be established at the time of permit review;
  - b. Nonresidential uses in residential zones shall comply with K.C.C. 21A.12.120 and 21A.12.220;
  - c. Individual lots in the R-4 through R-6 zones that are less than nine thousand seventy-six square feet in area shall be subject to the applicable provisions of the nearest comparable R-6 or R-8 zone; and
  - d. A lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.
6. Mobile home parks shall be allowed a base density of six dwelling units per acre.
7. The standards of the R-4 zone apply if a lot is less than fifteen thousand square feet in area.
8. At least twenty linear feet of driveway shall be provided between any garage, carport or other

fenced parking area and the street property line. The linear distance shall be measured along the center line of the driveway from the access point to such garage, carport or fenced area to the street property line.

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

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

10.a. 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, except for structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback of five feet.

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

11. Lots smaller than one-half acre in area shall comply with standards of the nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or larger, the maximum impervious surface area allowed shall be at least ten thousand square feet. On any lot over one acre in area, an additional five percent of the lot area may be used for buildings related to agricultural or forestry practices. For lots smaller than two acres but larger than one-half acre, an additional ten percent of the lot area may be used for structures that are determined to be medically necessary, if the applicant submits with the permit application a notarized affidavit, conforming with K.C.C. 21A.32.170A.2.

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

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

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

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

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

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

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

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

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



community plan.

b. The development shall be clustered away from critical areas or the axis of designated corridors such as urban separators or the wildlife habitat network to the extent possible and the open space shall be placed in a separate tract that includes at least fifty percent of the site. Open space tracts shall be permanent and shall be dedicated to a homeowner's association or other suitable organization, as determined by the director, and meet the requirements in K.C.C. 21A.14.040. On-site critical area and buffers and designated urban separators shall be placed within the open space tract to the extent possible. Passive recreation, with no development of recreational facilities, and natural-surface pedestrian and equestrian trails are acceptable uses within the open space tract.

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

19. All subdivisions and short subdivisions in R-1 and RA zones within the North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East Sammamish Community Planning Area that drains to Patterson Creek shall have a maximum impervious surface area of eight percent of the gross acreage of the plat. Distribution of the allowable impervious area among the platted lots shall be recorded on the face of the plat. Impervious surface of roads need not be counted towards the allowable impervious area. Where both lot- and plat-specific impervious limits apply, the more restrictive shall be required.

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

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

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

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

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

25. For cottage housing developments only:

a. The base height is eighteen feet.

b. Buildings have pitched roofs with a minimum slope of six and twelve may extend up to twenty-five feet at the ridge of the roof.

26. Impervious surface does not include access easements serving neighboring property and driveways to the extent that they extend beyond the street setback due to location within an access panhandle or due to the application of King County Code requirements to locate features over which the applicant does not have control.

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

SECTION 26. 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.

STANDARDS	ZONES	RESOURCE				COMMERCIAL/INDUSTRIAL				
		AGRICULTURE	FOREST	MINE R A L	NEIGHBORHOOD BUSINESS	COMMUNAL BUSINESS	REGIONAL BUSINESS	OFFICE	INDUSTRIAL TRIAL	
		A-10	A-35	F	M	NB	CB	RB	O	I
Base Density: Dwelling Unit/Acre		0.1 du/a	.0286 du/ac	.0125 du/ac		8 du/ac ((18)) 48		36 du/ac ((36)) 48		

Maximum Density: Dwelling Unit/Acre					12 du/ac du/ac (15)	<del>((24)) 72</del> <del>((16)) 96</del> <del>((15)) (17)</del>	48 du/ac du/ac (16)	<del>((48)) 72</del> <del>((33)) (11)</del> <del>((17))</del>		
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)	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7) 50 ft (8)	
Base Height (10)	35 ft	35 ft	35 ft	35 ft	35 ft 45 ft (17)	35 ft 60 ft (17)	35 ft 65 ft (17)	45 ft (6)	45 ft	
Maximum Floor/Lot Ratio: Square Feet					1/1 (9)	1.5/1 (9)	2.5/1 (9)	2.5/1 (9)	2.5/1	
Maximum Impervious Surface: Percentage (13)	15% 35% (11)	10% 35% (11)	10% 35% (11)		85%	85%	90%	75%	90%	

B. Development conditions.

1. ~~((Reserved.))~~ 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 ~~((in the NB zone on property designated commercial outside of center in the urban area))~~.

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 ~~((in the NB zone on property designated commercial outside of center in the urban area))~~. 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.

SECTION 27. Ordinance 10870, Section 354, as amended, and K.C.C. 21A.12.170 are each hereby amended to read as follows:

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

A. Fireplace structures, bay or garden windows, enclosed stair landings, closets, or similar structures may project into any setback, provided such projections are:

1. Limited to two per facade;
2. Not wider than ten feet; and
3. Not more than twenty-four inches into an interior setback or thirty inches into a street setback;

B. Uncovered porches and decks that exceed eighteen inches above the finished grade may project:

1. Eighteen inches into interior setbacks; and
  2. Five feet into the street setback;
- C. Uncovered porches and decks not exceeding eighteen inches above the finished grade may project to the property line;
- D. Eaves may not project more than:
1. Eighteen inches into an interior setback;
  2. Twenty-four inches into a street setback; or
  3. Eighteen inches across a lot line in a zero-lot-line development;
- E. Fences with a height of six feet or less may project into or be located in any setback;
- F. Rockeries, retaining walls and curbs may project into or be located in any setback. ~~((provided))~~

Except for structures that cross the setback perpendicularly to property lines or that abut a critical area, these structures:

1. ~~((Do not))~~ Shall not exceed a height of six feet in the R-1 through R-18, UR, RA and resource zones;
  2. ~~((Do))~~ Shall not exceed a height of eight feet in the R-24 and R-48 zones; and
  3. ~~((Do))~~ Shall not exceed the building height for the zone in commercial/industrial zones, measured in accordance with the standards established in the King County Building Code, Title 16;
- G. Fences located on top of rockeries, retaining walls or berms are subject to the requirements of K.C.C. 21A.14.220;
- H. Telephone, power, light and flag poles;
- I. The following may project into or be located within a setback, but may only project into or be located within a five foot interior setback area if an agreement documenting consent between the owners of record of the abutting properties is recorded with the King County department of records and elections prior to the installment or construction of the structure:
1. Sprinkler systems, electrical and cellular equipment cabinets and other similar utility boxes and

vaults;

2. security system access controls;

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

and

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

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

K. Fire hydrants and associated appendages;

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

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

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

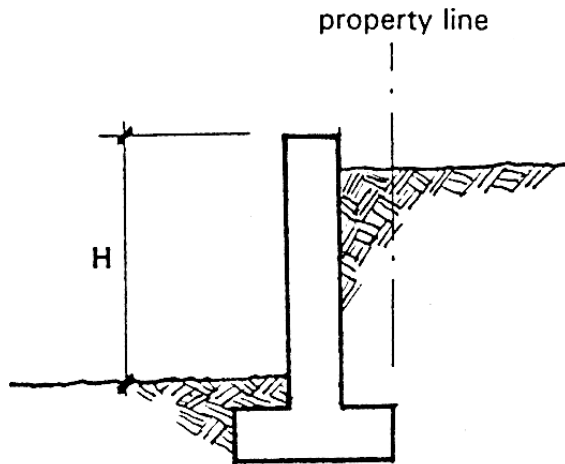
O. Stormwater conveyance and control facilities, both above and below ground, provided such projections are:

1. Consistent with setback, easement and access requirements specified in the Surface Water Design

Manual; or

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

**RETAINING WALL IN SETBACK**



H max. 6' in R1 - R18, UR, RA & Resource Zones

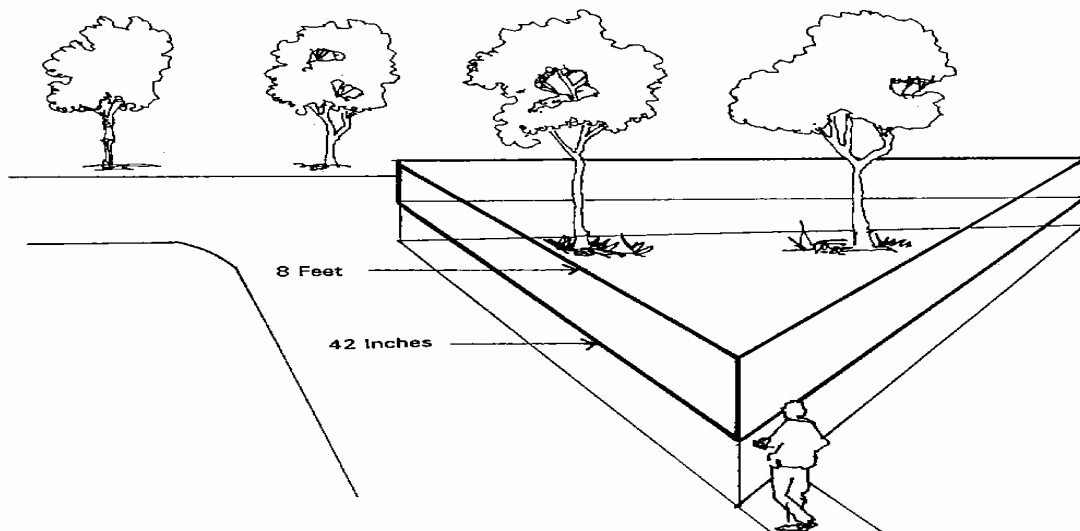
H max. 8' in R24 and R 48 Zones, and not to exceed building height requirement in Commerical/Industrial Zones

**SECTION**

**28.** Ordinance 10870, Section 358, and K.C.C. 21A.12.210 are each hereby amended to read as follows:

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

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



**NOTE:** The area of a sight distance triangle between 42 inches and eight feet



**above the existing street grade shall remain open.**

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

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

2. A ((site)) driveway access point shall be determined by measuring ((15)) fifteen feet along the street lines and ((15)) fifteen feet along the edges of the driveway beginning at the respective points of intersection. The third side of each triangle shall be a line connecting the endpoints of the first two sides of each triangle; and

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

1. Such improvements prevent adequate sight distance to drivers entering or leaving a driveway, and,
2. No reasonable driveway relocation alternative for an adjoining lot is feasible. NEW

SECTION. SECTION 29. A new section is hereby added to K.C.C. chapter 21A.12 to read as follows:

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

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

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

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

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

C. The establishment shall be located in a legally established single family dwelling in existence on or before January 1, 2008. The structure may not be expanded by more than ten percent as provided in K.C.C. 21A.30.xxx for the expansion of legally established nonconforming uses;

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

E. Sign and landscaping standards for the use apply.

SECTION 31. Ordinance 10870, Section 364, as amended, and K.C.C. 21A.14.040 are each hereby amended to read as follows:

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

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

B. In the RA zone:

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

3. Clusters containing two or more lots of less than two and one-half acres, whether in the same or

adjacent developments, shall be separated from similar clusters by at least one hundred twenty feet;

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

5. A fifty-foot Type II landscaping screen, as defined in K.C.C. 21A.16.040, shall be provided along the frontage of all public roads when adjoining differing types of development such as commercial and industrial uses, between differing types of residential development and to screen industrial uses from the street. The planting materials shall consist of species that are native to the Puget Sound region. Preservation of existing healthy vegetation is encouraged and may be used to augment new plantings to meet the requirements of this section;

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

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

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

b. The subdivider shall prepare a forest management plan, that must be reviewed and approved by the King County department of natural resources and parks, or a farm management plan, if a plan is required under K.C.C. chapter 21A.30, that must be developed by the King Conservation District. The criteria for management of a resource land tract established through a cluster development in the RA zone shall be set forth in a public rule. The criteria must assure that forestry or farming will remain as a sustainable use of the resource land tract and, except as otherwise provided for resource tracts created pursuant to K.C.C. 16.82.152.E or G., that structures supportive of forestry and agriculture may be allowed in the resource land tract. The criteria must also set impervious surface and clearing limitations and identify the type of buildings or structures that will be allowed within the resource land tract;

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

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

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

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

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

h. The notice shall run with the land; and

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

8. The requirements of subsection B.1., 2., or 3. of this subsection may be modified or waived by the

director if the property is encumbered by critical areas containing habitat for, or there is the presence of, species listed as threatened or endangered under the Endangered Species Act when it is necessary to protect the habitat; and

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

SECTION 32. Ordinance 10870, Section 382, as amended, and K.C.C. 21A.14.220 are each hereby amended to read as follows:

Fences are permitted as follows:

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

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

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

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

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

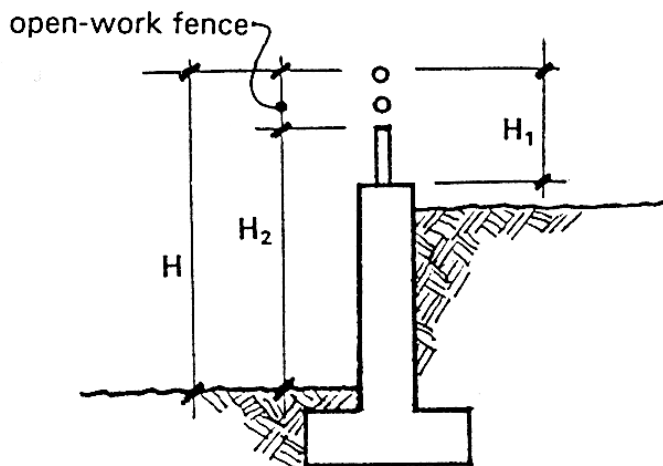
b. In the R-24, R-48 and commercial/industrial zones, the height of the fence, measured from the top of the fence to the top of the rockery, retaining wall or berm, shall not exceed six feet.

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

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

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

### RETAINING WALL WITH FENCE IN SETBACK



- H max. 10' in R1 - R18, UR, RA & Resource Zones
- H<sub>1</sub> max. 6' in all Zones
- H<sub>2</sub> max. 8' for wall & solid-work fence in all Zones

C. Electric

fences shall:

1. Be permitted in all zones, provided that when placed within R-4 through R-48 zones, additional fencing or other barriers shall be constructed to prevent inadvertent contact with the electric fence from abutting property;
  2. Comply with the following requirements:
    - a. An electric fence using an interrupted flow of current at intervals of about one second on and two seconds off shall be limited to 2,000 volts at 17 milliamp;
    - b. An electric fence using continuous current shall be limited to 1,500 volts at seven milliamp;
    - c. All electric fences in the R-4 through R-48 zones shall be posted with permanent signs a minimum of 36 square inches in area at 50 foot intervals stating that the fence is electrified; and
    - d. Electric fences sold as a complete and assembled unit can be installed by an owner if the controlling elements of the installation are certified by an A.N.S.I. approved testing agency; and
- D. Except as specifically required for the necessary security related to a nonresidential use, no barbed or razor-wire fence shall be located in any R-4 through R-48 zone.

**SECTION 33.** Ordinance 10870, Section 390, as amended, and K.C.C. 21A.16.050 are each hereby amended to read as follows:

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

- A. Twenty feet of Type II landscaping shall be provided for an institutional use, excluding playgrounds and playfields;
- B. Ten feet of Type II landscaping shall be provided for an industrial development;
- C. Ten feet of Type II landscaping shall be provided for an above-ground utility facilities development, excluding distribution and transmission corridors, located outside a public right-of-way;
- D. Ten feet of Type III landscaping shall be provided for a commercial or attached/group residence development; and
- E. For single family subdivisions and short subdivisions in the urban growth area:
  1. Trees shall be planted at the rate of one tree for every forty feet of frontage along all public streets;
  2. The trees shall be:
    - a. Located within the street right-of-way if permitted by the custodial state or local agency;
    - b. No more than twenty feet from the street right-of-way line if located within a lot;
    - c. Maintained by the adjacent landowner unless part of a county maintenance program; and
    - d. A species approved by the county if located within the street right-of way and compatible with overhead utility lines.

3. The trees may be spaced at irregular intervals to accommodate sight distance requirements for driveways and intersections.

SECTION 34. Ordinance 10870, Section 407, as amended, and K.C.C. 21A.18.030 are each hereby amended to read as follows:

A. Except as modified in K.C.C. 21A.18.070B-D, off-street parking areas shall contain at a minimum the number of parking spaces as stipulated in the following table. Off-street parking ratios expressed as number of spaces per square feet means the usable or net square footage of floor area, exclusive of non-public areas. Non-public areas include but are not limited to building maintenance areas, storage areas, closets or restrooms. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number with fractions of .50 or greater rounding up and fractions below .50 rounding down.

LAND USE	MINIMUM PARKING SPACES REQUIRED
<b>RESIDENTIAL (K.C.C. 21A.08.030A):</b>	
Single detached/Townhouse	2.0 per dwelling unit
Apartment:	
Studio units	1.2 per dwelling unit
One bedroom units	1.5 per dwelling unit
Two bedroom units	1.7 per dwelling unit
Three bedroom units or larger	2.0 per dwelling unit
Mobile home park	2.0 per dwelling unit
Senior citizen assisted	1 per 2 dwelling or sleeping units
Community residential facilities	1 per two bedrooms
Dormitory, including religious	1 per two bedrooms
Hotel/Motel including organizational hotel/lodging	1 per bedroom
Bed and breakfast guesthouse	1 per guest room, plus 2 per facility
<b>RECREATION/CULTURAL (K.C.C. 21A.08.040A):</b>	
Recreation/culture uses:	1 per 300 square feet
Exceptions:	

Bowling center	5 per lane
Golf course	3 per hole, plus 1 per 300 square feet of club house facilities
Tennis Club	4 per tennis court plus 1 per 300 square feet of clubhouse facility
Golf driving range	1 per tee
Park/playfield/paintball	(director)
Theater	1 per 3 fixed seats
Conference center	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces.
<b>GENERAL SERVICES (K.C.C. 21A.08.050A):</b>	
General services uses:	1 per 300 square feet
Exceptions:	
Funeral home/Crematory	1 per 50 square feet of chapel area
Daycare I	2 per facility
Daycare II	2 per facility, plus 1 space for each 20 children
Churches, synagogue, temple	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Outpatient and Veterinary clinic offices	1 per 300 square feet of office, labs and examination rooms
Nursing and personal care Facilities	1 per 4 beds
Hospital	1 per bed
Elementary schools	1 per classroom, plus 1 per 50 students
Secondary schools	
Middle/junior high schools	1 per classroom, plus 1 per 50 students
High schools	1 per classroom, plus 1 per 10 students
High schools with stadiums	greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium
Vocational schools	1 per classroom, plus 1 per five students
Specialized instruction Schools	1 per classroom, plus 1 per two students
Artist Studios	.9 per 1,000 square feet of area used for studios
<b>GOVERNMENT/BUSINESS SERVICES (K.C.C. 21A.08.060A):</b>	

Government/business services uses:	1 per 300 square feet
Exceptions:	
Public agency yard	1 per 300 square feet of offices, plus .9 per 1,000 square feet of indoor storage or repair areas
Public agency archives	.9 per 1000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas
Courts	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas
Police facility	(director)
Fire facility	(director)
Construction and trade	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
Warehousing and storage	1 per 300 square feet of office, plus .9 per 1,000 square feet of storage area
Self-service storage	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit
Outdoor advertising services	1 per 300 square feet of office, plus .9 per 1,000 square feet of storage area
Heavy equipment repair	1 per 300 square feet of office, plus .9 per 1,000 square feet of indoor repair areas
Office	1 per 300 square feet
<b>RETAIL/WHOLESALE (K.C.C. 21A.08.070A):</b>	
Retail trade uses:	1 per 300 square feet
Exceptions:	
Food stores, less than 15,000 square feet	3 plus 1 per 350 square feet
Gasoline service stations w/o grocery	3 per facility, plus 1 per service bay
Gasoline service stations w/grocery, no service bays	1 per facility, plus 1 per 300 square feet of store
Restaurants	1 per 75 square feet in dining or lounge areas
Wholesale trade uses	.9 per 1000 square feet
Retail and wholesale trade mixed use	1 per 300 square feet
<b>MANUFACTURING (K.C.C. 21A.08.080A):</b>	
Manufacturing uses	.9 per 1,000 square feet

Winery/Brewery	.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area
<b>RESOURCES (K.C.C. 21A.08.090A):</b>	
Resource uses	(director)
<b>REGIONAL (K.C.C. 21A.08.100A):</b>	
Regional uses	(director)

B. An applicant may request a modification of the minimum required number of parking spaces by providing that parking demand can be met with a reduced parking requirement. In such cases, the director may approve a reduction of up to fifty percent of the minimum required number of spaces.

C. When the county has received a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements or uses authorized by the zone designation and compatible with the limitations of the shell permit. When the range of possible uses result in different parking requirements, the director will establish the amount of parking based on a likely range of uses.

D. Where other provisions of this code stipulate maximum parking allowed or reduced minimum parking requirements, those provisions shall apply.

E. In any development required to provide six or more parking spaces, bicycle parking shall be provided. Bicycle parking shall be bike rack or locker-type parking facilities unless otherwise specified.

1. Off-street parking areas shall contain at least one bicycle parking space for every twelve spaces required for motor vehicles except as follows:

a. The director may reduce bike rack parking facilities for patrons when it is demonstrated that bicycle activity will not occur at that location.

b. The director may require additional spaces when it is determined that the use or its location will generate a high volume of bicycle activity. Such a determination will include but not be limited to the following uses:

- (1) Park/playfield,



- (2) Marina,
- (3) Library/museum/arboretum,
- (4) Elementary/secondary school,
- (5) Sports club, or
- (6) Retail business (when located along a developed bicycle trail or designated bicycle route).

2. Bicycle facilities for patrons shall be located within 100 feet of the building entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a structure attached to the pavement.

3. All bicycle parking and storage shall be located in safe, visible areas that do not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

4. When more than ten people are employed on site, enclosed locker-type parking facilities for employees shall be provided. The director shall allocate the required number of parking spaces between bike rack parking and enclosed locker-type parking facilities.

5. One indoor bicycle storage space shall be provided for every two dwelling units in townhouse and apartment residential uses, unless individual garages are provided for every unit. The director may reduce the number of bike rack parking spaces if indoor storage facilities are available to all residents.

SECTION 35. Ordinance 10870, Section 422, and K.C.C. 21A.20.040 are each hereby amended to read as follows:

Except as (~~indicated~~) otherwise specifically allowed by this chapter, the following signs or displays are prohibited:

A. Portable signs including, but not limited to, sandwich/A-frame signs and mobile readerboard signs, and excluding signs permitted under K.C.C. 21A.20.120;

B. Private signs on utility poles;

C. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination may be confused with traffic control signs or signals;

D. Signs located in the public right-of-way(~~(, except where permitted in this chapter)~~); and

E. Posters, pennants, string of lights, blinking lights, balloons, searchlights and other displays of a carnival nature; except as architectural features, or on a limited basis as seasonal decorations or as provided for in Section 21A.20.120 as grand opening displays.

F. Changing message center signs(~~(, where the message changes more frequently than every three minutes)~~).

SECTION 36. 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, 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.20.060J. 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, and shall be permitted only in the NB, CB, RB, O and I zones. 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. All signs (~~in the NB, CB, RB, O or I zone districts~~) may be illuminated;

~~2. (Signs in all other zones may be indirectly illuminated, provided that)~~ 2. The light source for indirectly illuminated signs shall be no farther away from the sign than the height of the sign;

~~(2-)~~ 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~~(-)~~;

~~(3-)~~ 4. Electrical requirements for signs shall be governed by chapter 19.28 RCW and WAC 296-46-910; and

~~(4-)~~ 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 37. 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 sign identifying nonresidential uses, not exceeding twenty-five square feet and not exceeding six feet in height is permitted;

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;

3. Home occupation and home industry signs are limited to:

a. wall signs not exceeding ((six square feet)) ten percent of the building façade on which they are located; and

b. one freestanding sign not exceeding six square feet for each street frontage of at least one-hundred feet.

B. Residential use:

1. One residential identification sign not exceeding two square feet is permitted; and

2. One permanent residential development identification sign not exceeding thirty-two square feet is permitted ((per)) 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.

SECTION 38. Ordinance 10870, Section 432, as amended, and K.C.C. 21A.20.120 are each hereby amended to read as follows:

The following temporary signs or displays are permitted and except as required by the (~~Uniform Building Code~~) K.C.C. Title 16, or as otherwise permitted in this chapter, do not require building permits:

A. Grand opening displays:

1. Signs, posters, pennants, strings of lights, blinking lights, balloons and searchlights are permitted for a period of up to one month to announce the opening of a new enterprise or the opening of an enterprise under new management; and

2. All grand opening displays shall be removed upon the expiration of 30 consecutive days;

B. Construction signs:

1. Construction signs identifying architects, engineers, planners, contractors or other individuals or firms involved with the construction of a building and announcing the character of the building or the purpose for which the building is intended may be displayed;

2. One nonilluminated, double-faced sign is permitted for each public street upon which the project fronts;

3. No sign shall exceed 32 square feet in surface area or ten feet in height, or be located closer than 30 feet from the property line of the adjoining property; and

4. Construction signs must be removed by the date of first occupancy of the premises or one year after placement of the sign, whichever occurs first;

C. Political Signs:

1. Signs, posters or bills promoting or publicizing candidates for public office or issues that are to be voted upon in a general or special election may be displayed on private property with the consent of the property owner. Any such sign, poster or bill shall be removed within ten days following the election; and

2. No sign, poster, bill or other advertising device shall be located on public property or within public

easements or street right-of-way;

D. Real estate signs. All temporary real estate signs may be single or double-faced signs:

1. Signs advertising an individual residential unit for sale or rent shall be limited to one sign per street frontage. The sign may not exceed eight square feet in area, and shall not exceed six feet in height. The sign shall be removed within five days after closing of the sale, lease or rental of the property.

2. Portable off-premise residential directional signs announcing directions to an open house at a specified residence which is offered for sale or rent shall not exceed six square feet in area for each sign, and shall not exceed 42 inches in height. Such signs shall be permitted only when the agent or seller is in attendance at the property for sale or rent and may be located on the right-of-way outside of vehicular and bicycle lanes.

3. On-site commercial or industrial property for sale or rent signs shall be limited to one sign per street frontage, and shall not exceed 32 square feet in area. The sign shall not exceed 12 feet in height. The sign shall be removed within 30 days after closing of the sale, lease or rental of the property. A building permit is required and shall be issued for a one year period. The permit is renewable for one year increments up to a maximum of three years.

4. On-site residential development for sale or rent signs shall be limited to one sign per development. The sign shall not exceed 32 square feet in area, and shall not exceed 12 feet in height. A building permit is required and shall be issued for a one year period. The permit is renewable annually for up to a maximum of three years.

5. Off-site directional signs for residential developments shall be limited to six signs. Each sign shall not exceed 16 square feet in area, and shall include only the name of and directions to the residential development. The sign(s) shall be placed a maximum of two road miles from the nearest residential development entrance. No two signs for one residential development shall be located closer than 500 feet from one another on the same street. A single building permit is required for all signs and shall be issued for a one

year period. The permit number and the permit expiration date must be clearly displayed on the face of each sign. The permit is renewable for one year increments up to a maximum of three years, provided that extensions will only be granted if the sign permit applicant has complied with the applicable regulations.

6. Residential on-premise informational signs shall be limited to one sign per feature, including but not limited to signs for information centers, model homes, parking areas or announcing features such as parks, playgrounds, or trails. Each sign shall not exceed 16 square feet in area, and shall not exceed six feet in height.

E. Community event signs:

1. Community event signs shall be limited to announcing or promoting a non-profit sponsored community fair, festival or event;

2. Community event signs may be displayed no more than the time period specified in the temporary use permit issued pursuant to K.C.C. 21A.44. Community event signs that do not require a temporary use permit shall not be displayed earlier than one month before the event; and

3. Community event signs shall be removed by the event sponsor within two weeks following the end of the community fair, festival or event.

SECTION 39. Ordinance 13022, Section 26, and K.C.C. 21A.20.190 are each hereby amended to read as follows:

Community identification signs are permitted subject to the following provisions:

A. Only Unincorporated Activity Centers, urban planned developments or Rural Towns, designated and delineated by the comprehensive plan, or specific geographic areas (communities) recognized and delineated by a recognized unincorporated area council, are eligible to be identified with community identification signs.

Identification signs for Unincorporated Activity Centers, urban planned developments or Rural Towns shall be placed along the boundaries identified by the comprehensive plan. Identification signs for specific geographic areas (communities) recognized and delineated by a recognized unincorporated area council shall be placed along the boundaries delineated by the unincorporated area council.

B. Two types of community identification signs are permitted. Primary signs are intended to mark the main arterial street entrances to a designated community, Unincorporated Activity Center, urban planned development or Rural Town. Auxiliary signs are intended to mark entrances to a designated community, Unincorporated Activity Center, urban planned development or Rural Town along local access streets.

C. Primary signs are subject to the following provisions:

1. No more than four primary signs shall be allowed per Unincorporated Activity Center, urban planned development, Rural Town or designated community, unless a recognized unincorporated area council permits up to two additional primary signs.

2. Each primary sign shall be no more than thirty-two square feet in area and no more than six feet in height, except that a recognized unincorporated area council may permit consolidation of two primary signs into one larger sign no more than sixty-four square feet in area and no more than fifteen feet in height, to be located only in commercial/industrial zones.

3. Primary signs shall only be located along arterial streets, outside of the right-of-way.

D. Auxiliary community identification signs are subject to the following provisions:

1. There shall be no limits on the number of auxiliary community identification signs allowed per Unincorporated Activity Center, urban planned development, Rural Town, or designated community.

2. Each auxiliary sign shall be no more than two (~~((2))~~) square feet, and shall be located only outside of the right-of-way.

E. No commercial advertisement shall be permitted on either primary or auxiliary signs except as follows:

1. When located on property within the RA, UR, R1-8 and R12-48 zones, signs may have a logo or other symbol of a community service or business group (e.g. Kiwanis, Chamber of Commerce, etc.) sponsoring construction of the signs(s). Any permitted logo or symbol shall be limited to an area of no more than two square feet on primary signs and no more than seventy-two square inches on auxiliary signs; or



2. When located on properties within the NB, CB, RB, O and I zones, signs may have a logo or other symbol of the company, community service or business group sponsoring construction of the sign(s). Any permitted logo or symbol shall be limited to an area of no more than four square feet on primary signs and no more than seventy-two square inches on auxiliary signs.

F. Community identification signs shall be exempt from the provisions of K.C.C. 21A.20.060.A that require signs to be on-premise.

SECTION 40. Ordinance 15051, Section 137, 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	LANOVE DSLIR 40% DEHAND AZABUFFE RD ER	STEAN EPSDB LOPUFF HAER ZAR D	WET BUF LANDFER AND	AQ BUF C UATFER HA IC AANDNN REASEVEL ANDERE MI GR ATI ON	WIL AN DLIF DNE E ARETWO A RK

<b>ACTIVITY</b>					
<b>Structures</b>					
Construction of new single detached dwelling			A 11	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			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 vegetation	A 23	A 23	A 23	A 23	A 4, 23
<b>Forest Practices</b>					
Nonconversion Class IV-G forest practice	A 24	A 24	A 24	A 24	A 24, 25
Class I, II, III, IV-S forest practice	A	A	A	A	A
<b>Roads</b>					
Construction of new public road right-of-way or unimproved right-of-way			A 26	A 26	
Construction of new road in a plat			A 26	A 26	
Maintenance of public road right-of-way/structure	A 16	A 16	A 16	A 16	A 16, 27
Expansion beyond public road right-of-way	A	A	A 26	A 26	
Repair, replacement or modification within right-of-way	A 16	A 16	A 16	A 16	A 16, 27
Construction of driveway or private access road	A 28	A 28	A 28	A 28	A 28
Construction of farm field access drive	A 29	A 29	A 29	A 29	A 29
Maintenance of driveway, private access road, access drive or parking lot	A	A	A 17	A 17	A 17, 27
Construction of a bridge or culvert as part of 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 16, 17, 31	A 4

<b>Utilities and other infrastructure</b>					
Construction of new utility corridor or utility	A 32, 33	A 32, 33	A 32, 34	A 32, 34	A 27, 32, 35
Construction of a new residential utility serv	A 32, 33	A 32, 33	A 32, 60	A 32, 60	A 27, 32, 60
Maintenance, repair or replacement of utility facility	A 32, 33	A 32, 33	A 32, 34, 36	A 32, 34, 36	A 4, 32, 37
Maintenance or repair of existing well	A 37	A 37	A 37	A 37	A 4, 37
Maintenance or repair of on-site sewage disp	A	A	A	A 37	A 4
Construction of new surface water conveyan	A 32, 33	A 32, 33	A 32, 38	A 32, ((39)) 38	A 4
Maintenance, repair or replacement of existi conveyance system	A 33	A 33	A 16, 32, ((39)) 38	A 16, 40, 41	A 4, 37
Construction of new surface water flow con quality treatment facility			A 32	A 32	A 4, 32
Maintenance or repair of existing surface wa 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	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 in	A 16	A 16	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream s	A 16	A	A	A	A 4
<b>Recreation ((areas))</b>					
Construction of new trail	A 46	A 46	A 47	A 47	A 4, 47
Maintenance of outdoor public park facility, improved recreation area	A 48	A 48	A 48	A 48	A 4, 48
<b>Habitat, education and science projects</b>					
Habitat restoration or enhancement project	A 49	A 49	A 49	A 49	A 4, 49
Scientific sampling for salmonids			A 50	A 50	A 50
Drilling and testing for critical areas report	A 51	A 51	A 51, 52	A 51, 52	A 4
Environmental education project	A 62	A 62	A 62	A 62	A 62
<b>Agriculture</b>					
Horticulture activity including tilling, discin harvesting, preparing soil, rotating crops and	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 ma			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction or maintenance of livestock flo			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, watering pond	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
<b>Other</b>					
Excavation of cemetery graves in establishe 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 (~~(or piers)~~) 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. ~~((there is not any significant))~~ 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 ~~((loss))~~ lack of



this vegetation (~~(was)~~) is not the result of any violation of law;

~~((d-))~~ b. the wetland or lake shoreline is not a salmonid spawning area; and

~~((e-))~~ c. 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((s)) 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 ((of the slope, erosion)) 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.14.270, as recodified by this ordinance)) 21A.24.386 by this ordinance; 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 (~~or noninvasive~~) 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; ~~((and))~~
- 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 if constructed only with vegetation))~~ 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 (~~(portion of)~~) or an aquatic area buffer to prevent bank erosion only:

a. if consistent with the (~~(Washington state)~~) Integrated (~~(Stream)~~) 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; (~~(and)~~)

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; (~~(or)~~)

(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. ~~((maintained by a public agency;~~

~~b.))~~ b.)) 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;

~~((e.))~~ b. the linear length of the ~~((affected edge 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;

~~((d.))~~ c. the footprint of the facility is not expanded waterward;

~~((e.))~~ d. consistent with ~~((King County's Guidelines for Bank Stabilization Projects (King County Surface Water Management 1993)))~~ the Integrated Streambank Protection Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002) and bioengineering techniques are used to the maximum extent practical; ~~((and))~~

~~((f))~~ 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 ~~((as far landward as feasible))~~ 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 ~~((not))~~ made of ~~((im))~~ 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; ~~((and))~~

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 (~~limited~~) minimal clearing and grading, including site access, necessary (~~needed~~) 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.

SECTION 41. Ordinance 15051, Section 139, and K.C.C. 21A.24.055 are each hereby amended to read as follows:

A. On a site zoned RA, the department may approve a modification of the minimum buffer widths for aquatic areas, wetlands and wildlife habitat conservation areas and maximum clearing restrictions through a rural stewardship plan for single family detached residential development in accordance with this section.

B. The property owner or applicant shall develop the rural stewardship plan as part of a rural stewardship program offered or approved by King County and has the option of incorporating appropriate components of a county-approved farm management or a county-approved forest stewardship plan.

C. In its evaluation of any proposed modification of the minimum buffer widths for aquatic areas, wetlands and wildlife habitat conservation areas and maximum clearing restrictions, the department shall



consider the following factors:

1. The existing condition of the drainage basin or marine shoreline as designated on the Basin and Shoreline Conditions Map;
2. The existing condition of wetland and aquatic area buffers;
3. The existing condition of wetland functions based on the adopted Washington State Wetland Rating System for Western Washington, Washington state department of ecology publication number 04-06-025, published August 2004;
4. The location of the site in the drainage basin; ~~((and))~~
5. The percentage of impervious surfaces and clearing on the site; and
6. Any existing development on the site that was approved as a result of a variance or alteration exception that allowed development within a critical area or critical area buffer. If the existing development was approved through a variance or alteration exception, the rural stewardship plan shall demonstrate that the plan will result in enhancing the functions and values of critical areas located on the site as if the development approved through the variance or alteration exception had not occurred.

D. A rural stewardship plan does not modify the requirement for permits for activities covered by the rural stewardship plan.

E. Modifications of critical area buffers shall be based on the following prioritized goals:

1. To avoid impacts to critical areas to the maximum extent practical;
2. To avoid impacts to the higher quality wetland or aquatic area or the more protected fish or wildlife species, if there is a potential to affect more than one category of wetland or aquatic area or more than one species of native fish or wildlife;
3. To maintain or enhance the natural hydrologic systems on the site to the maximum extent practical;
4. To maintain, restore or enhance native vegetation;
5. To maintain, restore or enhance the function and value of critical areas or critical area buffers

located on the site;

6. To minimize habitat fragmentation and enhance corridors between wetlands, riparian corridors, wildlife habitat conservation areas and other priority habitats;

7. To minimize the impacts of development over time by implementing best management practices and meeting performance standards during the life of the development; and

8. To monitor the effectiveness of the stewardship practices and implement additional practices through adaptive management to maintain, restore or enhance critical area functions when necessary.

F. A rural stewardship plan may include, but is not limited to, the following elements:

1. Critical areas designation under K.C.C. 21A.24.500;

2. Identification of structures, cleared and forested areas and other significant features on the site;

3. Location of wetlands and aquatic areas and their buffers, and wildlife habitat;

4. ~~((Site-specific best management practices;~~

5. ~~P)) Analysis of impacts of planned changes to any existing structures, ((or)) for other changes to the site that involve clearing or grading or for new development;~~

5. Site-specific best management practices that mitigate impacts of development and that protect and enhance the ecological values and functions of the site;

6. A schedule for implementation of the elements of the rural stewardship plan; and

7. A plan for monitoring the effectiveness of measures approved under the rural stewardship plan and to modify if adverse impacts occur.

G. A rural stewardship plan may be developed as part of a program offered or approved by King County and shall include a site inspection by the county to verify that the plan is reasonably likely to accomplish the goals in subsection E. of this section to protect water quality, reduce flooding and erosion, maintain, restore or enhance the function and value of critical areas and their buffers and maintain or enhance native vegetation on the site of this section.

H. A property owner who completes a rural stewardship plan that is approved by the county may be eligible for tax benefits under the public benefit rating system in accordance with K.C.C. 20.36.100.

I. If a property owner withdraws from the rural stewardship plan, in addition to any applicable penalties under the public benefit rating system, the following apply:

1. Mitigation is required for any structures constructed in critical area buffers under the rural stewardship plan; and

2. The property owner shall apply for buffer averaging or an alteration exception, as appropriate, to permit any structure or use that has been established under the rural stewardship plan and that would not otherwise be permitted under this chapter.

J. A rural stewardship plan is not effective until approved by the county. Before approval, the county may conduct a site inspection, which may be through a program offered or approved by King County, to verify that the plan is reasonably likely to accomplish the goals in subsection E. of this section.

K. Once approved, activities carried out in compliance with the approved rural stewardship plan shall be deemed in compliance with this chapter. In the event of a potential code enforcement action, the department of development and environmental services shall first inform the department of natural resources and parks of the activity. Prior to taking code enforcement action, the department of development and environmental services shall consult with the department of natural resources and parks to determine whether the activity is consistent with the rural stewardship plan.

SECTION 42. Ordinance 10870, Section 454, as amended, and K.C.C. 21A.24.070 are each hereby amended to read as follows:

A. The director may approve alterations to critical areas, critical area buffers and critical area setbacks not otherwise allowed by this chapter as follows:

1. For linear alterations, the director may approve alterations to critical areas, critical area buffers and critical area setbacks only when all of the following criteria are met:

a. there is no feasible alternative to the development proposal with less adverse impact on the critical area;

b. the proposal minimizes the adverse impact on critical areas to the maximum extent practical;

c. the approval does not require the modification of a critical area development standard established by this chapter;

d. the development proposal does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest;

e. the linear alteration:

(1) connects to or is an alteration to a public roadway, public trail, a utility corridor or utility facility or other public infrastructure owned or operated by a public utility; or

(2) is required to overcome limitations due to gravity; and

2. For nonlinear alterations the director may approve alterations to critical areas except wetlands, unless otherwise allowed under subsection A.2.h. of this section, aquatic areas and wildlife habitat conservation areas, and alterations to critical area buffers and critical area setbacks, when all of the following criteria are met:

a. there is no feasible alternative to the development proposal with less adverse impact on the critical area;

b. the alteration is the minimum necessary to accommodate the development proposal;

c. the approval does not require the modification of a critical area development standard established by this chapter;

d. the development proposal does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest;

e. for dwelling units, no more than ((~~three~~)) five thousand square feet or ten percent of the site, whichever is greater, may be disturbed by structures, building setbacks or other land alteration, including grading, utility installations and landscaping, but not including the area used for a driveway or for an on-site sewage disposal system;

f. to the maximum extent possible, access is located to have the least adverse impact on the critical area and critical area buffer;

g. the critical area is not used as a salmonid spawning area; and

h. the director may approve an alteration in a category II, III and IV wetland for development of a public school facility.

B. The director may approve alterations to critical areas, critical area buffers and critical area setbacks if the application of this chapter would deny all reasonable use of the property. The applicant may apply for a reasonable use exception pursuant to this subsection without first having applied for an alteration exception under this section if the requested reasonable use exception includes relief from development standards for which an alteration exception cannot be granted pursuant to the provisions of this section. The director shall determine that all of the following criteria are met:

a. there is no other reasonable use with less adverse impact on the critical area;

b. the development proposal does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest;

c. any authorized alteration to the critical area or critical area buffer is the minimum necessary to allow for reasonable use of the property; and

d. for dwelling units, no more than ((~~three~~)) five thousand square feet or ten percent of the site, whichever is greater, may be disturbed by structures, building setbacks or other land alteration, including grading, utility installations and landscaping but not including the area used for a driveway or for an on-site

sewage disposal system.

C. For the purpose of this section, "linear" alteration means infrastructure that supports development that is linear in nature and includes public and private roadways, public trails, private driveways, railroads, utility corridors and utility facilities.

D. Alteration exceptions approved under this section shall meet the mitigation requirements of this chapter.

E. An applicant for an alteration exception shall submit a critical area report, as required by K.C.C. 21A.24.110.

~~((F. The hearing examiner shall provide to the clerk of the council a copy of the final decision of an appeal of the department's decision under this section within thirty days after the hearing examiner's decision. The clerk shall notify the council of the availability of the decision.))~~

SECTION 43. Ordinance 10870, Section 464, as amended, and K.C.C. 21A.24.170 are each hereby amended to read as follows:

A. Except as otherwise provided in subsection of C. of this section, the owner of any property containing critical areas or buffers on which a development proposal is submitted or any property on which mitigation is established as a result of development shall file a notice approved by King County with the records and licensing services division. The notice shall inform the public of:

1. The presence of critical areas or buffers or mitigation sites on the property;
2. The application of this chapter to the property; and
3. The possible existence of limitations on actions in or affecting the critical areas or buffers or the

fact that mitigation sites may exist.

B. The applicant for a development proposal shall submit proof that the notice required by this section has been filed for public record before King County approves any development proposal for the property or, in the case of subdivisions, short subdivisions and binding site plans, at or before recording of the subdivision,

short subdivision or binding site plan.

C. The notice required under subsection A. of this section is not required if:

1. The property is a public right-of-way or the site of a permanent public facility; ~~((or))~~
2. The development proposal does not require sensitive area review under K.C.C. 21A.24.100.C; or
3. The property only contains a critical aquifer recharge area.

SECTION 44. Ordinance 10870, Section 471, as amended, and K.C.C. 21A.24.240 are each hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites within the zero-rise flood fringe:

A. Development proposals and alterations shall not reduce the effective base flood storage volume of the floodplain. A development proposal shall provide ~~((compensatory))~~ compensatory storage if grading or other activity displaces any effective flood storage volume. Compensatory storage shall:

1. Provide equivalent volume at equivalent elevations to that being displaced;
2. Hydraulically connect to the source of flooding;
3. Provide compensatory storage in the same construction season as when the displacement of flood storage volume occurs and before the flood season begins on September 30 for that year; and
4. Occur on the site. The director may approve equivalent compensatory storage off the site if legal arrangements, acceptable to the department, are made to assure that the effective compensatory storage volume will be preserved over time;

B. A structural engineer shall design and certify all elevated construction and ~~((submit))~~ submit the design to the department;

C. A civil engineer shall prepare a base flood depth and base flood velocity analysis and submit the analysis to the department. The director may waive the requirement for a base flood depth and base flood velocity analysis for agricultural structures that are not used for human habitation. Development proposals and

alterations are not allowed if the base flood depth exceeds three feet ((~~or~~)) and the base flood velocity exceeds three feet per second except, the director may approve development proposals and alterations in areas where the base flood depth exceeds three feet and the base flood velocity exceeds three feet per second for the following projects:

1. Agricultural accessory structures;
2. Roads and bridges;
3. Utilities;
4. Surface water flow control or surface water conveyance systems;
5. Public park structures; and
6. Flood hazard mitigation projects, such as, but not limited to construction, repair or replacement of flood protection facilities or for building elevations or relocations;

D. Subdivisions, short subdivisions, urban planned developments and binding site plans shall meet the following requirements:

1. New building lots shall include five thousand square feet or more of buildable land outside the zero-rise floodway;
2. All utilities and facilities such as sewer, gas, electrical and water systems are consistent with subsections E., F. and I. of this section;
3. A civil engineer shall prepare detailed base flood elevations in accordance with FEMA guidelines for all new lots;
4. A development proposal shall provide adequate drainage in accordance with the King County Surface Water Design Manual to reduce exposure to flood damage; and
5. The face of the recorded subdivision, short subdivision, urban planned development or binding site plan shall include the following for all lots:
  - a. building setback areas restricting structures to designated buildable areas:



b. base flood data and sources and flood hazard notes including, but not limited to, base flood elevation, required flood protection elevations, the boundaries of the floodplain and the zero-rise floodway, if determined, and channel migration zone boundaries, if determined; and

c. include the following notice:

"Lots and structures located within flood hazard areas may be inaccessible by emergency vehicles during flood events. Residents and property owners should take appropriate advance precautions.";

E. New residential structures and substantial improvements of existing residential structures shall meet the following standards:

1. Elevate the lowest floor, including basement, to the flood protection elevation;
2. Do not fully enclose portions of the structure that are below the lowest floor area;
3. Design and construct the areas and rooms below the lowest floor to automatically equalize

hydrostatic and hydrodynamic flood forces on exterior walls by allowing for the entry and exit of floodwaters as follows:

a. provide a minimum of two openings on each of two opposite side walls in the direction of flow, with each of those walls having a total open area of not less than one square inch for every square foot of enclosed area subject to flooding;

b. design and construct the bottom of all openings so they are no higher than one foot above grade; and

c. screens, louvers or other coverings or devices are allowed over the opening if they allow the unrestricted entry and exit of floodwaters;

4. Use materials and methods that are resistant to and minimize flood damage; and

5. Elevate above or dry-proof all electrical, heating, ventilation, plumbing, air conditioning equipment and other utilities that service the structure, such as duct-work to the flood protection elevation;

F. New nonresidential structures and substantial improvements of existing nonresidential structures

shall meet the following standards:

1. Elevate the lowest floor to the flood protection elevation; or
  2. Dry flood-proof the structure to the flood protection elevation to meet the following standards:
    - a. the applicant shall provide certification by a civil or structural engineer that the dry flood-proofing methods are adequate to withstand the flood-depths, pressures, velocities, impacts, uplift forces and other factors associated with the base flood. After construction, the engineer shall certify that the permitted work conforms to the approved plans and specifications; and
    - b. approved building permits for dry flood-proofed nonresidential structures shall contain a statement notifying applicants that flood insurance premiums are based upon rates for structures that are one foot below the base flood elevation;
  3. Use materials and methods that are resistant to and minimize flood damage; and
  4. Design and construct the areas and rooms below the lowest floor to automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by allowing for the entry and exit of floodwaters as follows:
    - a. provide a minimum of two openings on each of two opposite side walls in the direction of flow, with each of those walls having a total open area of not less than one square inch for every square foot of enclosed area subject to flooding;
    - b. design the bottom of all openings is no higher than one foot above grade; and
    - c. screens, louvers or other coverings or devices are allowed if they do not restrict entry and exit of floodwaters; and
  5. Dry flood proof all electrical, heating, ventilation, plumbing, air conditioning equipment and other utility and service facilities to, or elevated above, the flood protection elevation;
- G. Anchor all new construction and substantially improved structures to prevent flotation, collapse or lateral movement of the structure. The department shall approve the method used to anchor the new

construction;

H. Newly sited manufactured homes and substantial improvements of existing manufactured homes shall meet the following standards:

1. Manufactured homes shall meet all the standards in this section for residential structures and the following standards:

- a. anchor all manufactured homes; and
- b. install manufactured homes using methods and practices that minimize flood damage; and

2. All manufactured homes within a new mobile home park or expansion of an existing mobile home park must meet the requirements for flood hazard protection for residential structures; and

3. Only manufactured homes are allowed in a new or existing mobile home park located in a flood hazard area;

I. Public and private utilities shall meet the following standards:

1. Dry flood-proof new and replacement utilities including, but not limited to, sewage treatment and storage facilities, to, or elevate above, the flood protection elevation;

2. Locate new on-site sewage disposal systems outside the floodplain. When there is insufficient ((~~soil area or~~)) area outside the floodplain, new on-site sewage disposal systems are allowed only in the zero-rise flood fringe. Locate on-site sewage ((~~disposal~~)) disposal systems in the zero-rise flood fringe to avoid:

- a. impairment to the system during flooding;
- b. contamination from the system during flooding; and

3. Design all new and replacement water supply systems to minimize or eliminate infiltration of floodwaters into the system;

4. Above-ground utility transmission lines, except for electric transmission lines, are allowed only for the transport of nonhazardous substances; and

5. Bury underground utility transmission lines transporting hazardous substances at a minimum depth

of four feet below the maximum depth of scour for the base flood, as predicted by a civil engineer, and achieve sufficient negative buoyancy so that any potential for flotation or upward migration is eliminated;

J. Critical facilities are only allowed within the zero-rise flood fringe when a feasible alternative site is not available and the following standards are met:

1. Elevate the lowest floor to the five-hundred year floodplain elevation or three or more feet above the base flood elevation, whichever is higher;

2. Dry flood-proof and seal structures to ensure that hazardous substances are not displaced by or released into floodwaters; and

3. Elevate access routes to or above the base flood elevation from the critical facility to the nearest maintained public street or roadway;

K. New construction or expansion of existing livestock flood sanctuaries is only allowed as follows:

1. A livestock flood sanctuary is only allowed if there is no other suitable holding area on the site outside the floodplain to which the livestock have access;

2. Construct the livestock flood sanctuary to the standards in an approved farm management plan prepared in accordance with K.C.C. 21A.24.051 and K.C.C. chapter 21A.30. The farm management plan shall demonstrate compliance with the following:

a. flood storage compensation consistent with subsection A. of this section;

b. siting and sizing that do not increase base flood elevations consistent with K.C.C. 21A.24.250.B. and 21A.24.260.D; and

c. siting that is located in the area least subject to risk from floodwaters; and

L. New construction or expansion of existing livestock manure storage facilities is only allowed as follows:

1. The livestock manure storage facility is only allowed if there is not a feasible alternative area on the site outside the floodplain;

2. Construct the livestock manure storage facility to the standards in an approved farm management plan prepared in accordance with K.C.C. 21A.24.051 and K.C.C. chapter 21A.30. The farm management plan shall demonstrate compliance with the following:

- a. flood storage compensation consistent with subsection A. of this section;
- b. siting and sizing that do not increase base flood elevations consistent with K.C.C. 21A.24.250.B. and 21A.24.260.D;
- c. dry flood-proofing to the flood protection elevation; and
- d. siting that is located in the area least subject to risk from floodwaters.

SECTION 45. Ordinance 10870, Section 472, as amended, and K.C.C. 21A.24.250 are each hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites within the zero-rise floodway:

- A. The development standards that apply to the zero-rise flood fringe also apply to the zero-rise floodway. The more restrictive requirements shall apply where there is a conflict;
- B. A development proposal shall not increase the base flood elevation except as follow:
  1. Revisions to the Flood Insurance Rate Map are approved by FEMA, in accordance with 44 CFR 70, to incorporate the increase in the base flood elevation; and
  2. Appropriate legal documents are prepared and recorded in which all property owners affected by the increased flood elevations consent to the impacts on their property;
- C. If post and piling construction techniques are used, the following are presumed to produce no increase in the base flood elevation and a critical areas report is not required to establish this fact:
  1. New residential structures outside the FEMA floodway on lots in existence before November 27, 1990, that contain less than five thousand square feet of buildable land outside the zero-rise floodway if the total building footprint of all existing and proposed structures on the lot does not exceed two-thousand square

feet;

2. Substantial improvements of existing residential structures in the zero-rise floodway, but outside the FEMA floodway, if the footprint is not increased; or

3. Substantial improvements of existing residential structures that meet the standards for new residential structures in K.C.C. 21A.24.240.~~(E)~~D;

D. When post or piling construction techniques are not used, a critical areas report is required in accordance with K.C.C. 21A.24.110 demonstrating that the proposal will not increase the base flood elevation;

E. During the flood season from September 30 to May 1 the following are not allowed to be located in the zero-rise floodway;

1. All temporary seasonal shelters, such as tents and recreational vehicles; and

2. Staging or stockpiling of equipment, materials or substances that the director determines may be hazardous to the public health, safety or welfare;

F. New residential structures and substantial improvements to existing residential structures or any structure accessory to a residential use shall meet the following standards:

1. Locate the structures outside the FEMA floodway;

2. Locate the structures only on lots in existence before November 27, 1990, that contain less than five thousand square feet of buildable land outside the zero-rise floodway; and

3. To the maximum extent practical, locate the structures the farthest distance from the channel, unless the applicant can demonstrate that an alternative location is less subject to risk;

G. Public and private utilities are only allowed if:

1. The department determines that a feasible alternative site is not available;

2. A waiver is granted by the Seattle-King County department of public health for new on-site sewage disposal facilities;

3. The utilities are dry flood-proofed to or elevated above the flood protection elevation;

4. Above-ground utility transmission lines, except for electrical transmission lines, are only allowed for the transport of nonhazardous substances; and

5. Underground utility transmission lines transporting hazardous substances are buried at a minimum depth of four feet below the maximum dept of scour for the base flood, as predicted by a civil engineer, and achieve sufficient negative buoyancy so that any potential for flotation or upward migration is eliminated;

H. Critical facilities, except for those listed in subsection I. of this section are not allowed within the zero-rise floodway; and

I. Structures and installations that are dependent upon the zero-rise floodway are allowed in the zero-rise floodway if the development proposal is approved by all agencies with jurisdiction and meets the development standards for the zero-rise floodway. These structures and installations may include, but are not limited to:

1. Dams or diversions for water supply, flood control, hydroelectric production, irrigation or fisheries enhancement;

2. Flood damage reduction facilities, such as levees, revetments and pumping stations;

3. Stream bank stabilization structures only if a feasible alternative does not exist for protecting structures, public roadways, flood protection facilities or sole access routes. Bank stabilization projects must ((~~meet the standards of King County's Guidelines for Bank Stabilization Projects (King County Surface Water Management 1993))~~) be consistent with the Integrated Streambank Protection Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002) and use bioengineering techniques to the maximum extent practical. An applicant may use alternative methods to the guidelines if the applicant demonstrates that the alternative methods provide equivalent or better structural stabilization, ecological and hydrological functions and salmonid habitat;

4. Surface water conveyance facilities;

5. Boat launches and related recreation structures;

6. Bridge piers and abutments; and

7. Approved aquatic area or wetland restoration projects including, but not limited to, fisheries enhancement projects.

SECTION 46. Ordinance 10870, Section 473, as amended and K.C.C. 21A.24.260 are each hereby amended to read as follows:

A. The development standards that apply to the zero-rise floodway also apply to the FEMA floodway. The more restrictive standards apply where there is a conflict;

B. A development proposal shall not increase the base flood elevation. A civil engineer shall certify, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that any proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge;

C. New residential or nonresidential structures are prohibited within the mapped FEMA floodway. A residential structure cannot be constructed on fill placed within the mapped FEMA floodway;

D. Livestock flood sanctuaries and manure storage facilities are prohibited in the FEMA floodway;

E. If the footprint of the existing residential structure is not increased, substantial improvements of existing residential structures in the FEMA floodway, meeting the requirements of WAC 173-158-070, as amended, are presumed to not increase the base flood elevation and do not require a critical areas report to establish this fact;

F. Maintenance, repair, replacement or improvement of an existing residential structure located within the agricultural production district on property that is zoned agriculture (A) is allowed in the FEMA floodway if the structure meets the standards for residential structures and utilities in K.C.C. 21A.24.240 and also meets the following requirements:

1. The existing residential structure was legally established;
2. The viability of the farm is dependent upon a residential structure within close proximity to other



agricultural structures; and

3. Replacing an existing residential structure within the FEMA floodway is only allowed if:

- a. there is not sufficient buildable area on the site outside the FEMA floodway for the replacement;
- b. the replacement residential structure is not located in an area that increases the flood hazard in

water depth, velocity or erosion;

c. the building footprint of the existing residential structure is not increased; and

d. the existing structure, including the foundation, is completely removed within ninety days of receiving a certificate of occupancy, or temporary certificate of occupancy, whichever occurs first, for the replacement structure;

G. Maintenance, repair or replacement of a substantially damaged existing residential structure, other than a residential structure located within the agricultural production district on property that is zoned agricultural (A), is allowed in the FEMA floodway if the structure meets the standards for existing residential structures and utilities in K.C.C. 21A.24.240 and also meets the following requirements:

1. The Washington state Department of Ecology has assessed the flood characteristics of the site and determined:

- a. base flood depths will not exceed three feet;
- b. base flood velocities will not exceed three feet per second;
- c. there is no evidence of flood-related erosion, as determined by location of the project site in

relationship to mapped channel migration zones or, if the site is not mapped, evidence of overflow channels and bank erosion; and

d. a flood warning system or emergency plan is in operation;

2. The Washington state Department of Ecology has prepared a report of findings and recommendations to the department that determines the repair or replacement will not result in an increased risk of harm to life based on the characteristics of the site;

3. The department has reviewed the Washington state Department of Ecology report and concurs that the development proposal is consistent with the findings and recommendations in the report;

4. The development proposal is consistent with the findings and recommendations of the Washington state Department of Ecology report;

5. The existing residential structure was legally established;

6. Replacing an existing residential structure within the FEMA floodway is only allowed if:

a. there is not sufficient buildable area on the site outside the FEMA floodway;

b. the replacement structure is a residential structure built as a substitute for a previously existing residential structure of equivalent use and size; and

c. the existing residential structure, including the foundation, is removed within ninety days of receiving a certificate of occupancy, or temporary certificate of occupancy, whichever occurs first, for the replacement structure; and

H. Maintenance or repair of a structure, as defined in WAC 173-158-030, that is identified as a historic resource, as defined in K.C.C. 21A.06.597, is allowed in the FEMA floodway if the structure and utilities meet the standards of K.C.C. 21A.24.240 for residential structures or nonresidential structures, as appropriate.

SECTION 47. Ordinance 10870, Section 476, as amended, and K.C.C. 21A.24.290 are each hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing seismic hazard areas:

A. The department may approve alterations to seismic hazard areas only if:

1. the evaluation of site-specific subsurface conditions shows that the proposed development site is not located in a seismic hazard area; or

2. The applicant implements appropriate engineering design based on the best available engineering and geological practices that either eliminates or minimizes the risk of structural damage or injury resulting

from seismically induced settlement or soil liquefaction; and

B. The department may waive or reduce engineering study and design requirements for alterations in seismic hazard areas for:

1. Mobile homes;

2. Additions or alterations that do not increase occupancy or significantly affect the risk of structural damage or injury; and

3. One story ~~((B))~~ buildings with less than two-thousand-five hundred square feet of floor area or roof area, whichever is greater, and that are not dwelling units or used as places of employment or public assembly.

SECTION 48. Ordinance 11481, Section 2, as amended, and K.C.C. 21A.24.311 are each hereby amended to read as follows:

The map entitled King County Critical Aquifer Recharge Areas, included in Attachment ~~((B to Ordinance 15051))~~ A to this ordinance, is hereby adopted as the designation of critical aquifer recharge areas in King County in accordance with RCW 36.70A.170. ~~((The council may adopt by ordinance revisions to add or remove critical aquifer recharge areas based on additional information about areas with susceptibility to ground water contamination or on changes to sole source aquifers or wellhead protection areas as identified in wellhead protection programs.))~~

SECTION 49. Ordinance 15051, Section 173, and K.C.C. 21A.24.312 are each hereby amended to read as follows:

Upon application supported by a critical areas report that includes a hydrogeologic site evaluation, the department, in consultation with the department of natural resources and parks, may determine that an area that is or is not classified as a critical aquifer recharge area on the map adopted ~~((and amended by public rule))~~ under K.C.C. 21A.24.311:

A. Does not meet the criteria for a critical aquifer recharge area and declassify that area if it is classified as a critical aquifer recharge area; ~~((or))~~

B. Has the wrong critical aquifer recharge area classification and determine the correct classification; or

C. Has not been classified as a critical aquifer recharge area and should be so classified based on the standards of KCC 21A.24.313.

SECTION 50. Ordinance 15051, Section 174, and K.C.C. 21A.24.313 are each hereby amended to read as follows:

Critical aquifer recharge areas are categorized as follows:

A. Category I critical aquifer recharge areas include those mapped areas that King County has determined are:

1. ~~((h))~~Highly susceptible to groundwater contamination and that are located within a sole source aquifer or a wellhead protection area; or

2. In an area where hydrogeologic mapping or a numerical flow transport model in a Washington department of health approved wellhead protection plan demonstrate that the area is within the one year time of travel to a wellhead for a Group A water system;

B. Category II critical aquifer recharge areas include those mapped areas that King County has determined:

1. Have a medium susceptibility to ground water contamination and are located in a sole source aquifer or a wellhead protection area; or

2. Are highly susceptible to groundwater contamination and are not located in a sole source aquifer or wellhead protection area; and

C. Category III critical aquifer recharge areas include those mapped areas that King County has determined have low susceptibility to groundwater contamination and are located over an aquifer underlying an island that is surrounded by saltwater.

SECTION 51. Ordinance 15051, Section 179, and K.C.C. 21A.24.316 are each hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing critical aquifer recharge areas:

A. Except as otherwise provided in subsection H. of this section, the following new development proposals and alterations are not allowed on a site located in a category I critical aquifer recharge area:

1. Transmission pipelines carrying petroleum or petroleum products;
2. Sand and gravel, and hard rock mining unless:
  - a. the site has mineral zoning as of January 1, 2005; or
  - b. mining is a permitted use on the site and the critical aquifer recharge area was mapped after the date a complete application for mineral extraction on the site was filed with the department;
3. Mining of any type below the upper surface of the saturated ground water that could be used for potable water supply;
4. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;
5. Hydrocarbon extraction;
6. Commercial wood treatment facilities on permeable surfaces;
7. Underground storage tanks, including tanks that are exempt from the requirements of chapter 173 WAC, with hazardous substances, as defined in chapter 70.105 RCW, that do not comply with standards of chapter 173-360 WAC and K.C.C. Title 17;
8. Above-ground storage tanks for hazardous substances, as defined in chapter 70.105 RCW, unless protected with primary and secondary containment areas and a spill protection plan;
9. Golf courses;
10. Cemeteries;
11. Wrecking yards;
12. Landfills for hazardous waste, municipal solid waste or special waste, as defined in K.C.C. chapter 10.04; and

13. On lots smaller than one acre, an on-site septic system, unless:

a. the system is approved by the Washington state Department of Health and ~~((the system either uses an up-flow media filter system or a proprietary packed-bed filter system or is designed to achieve approximately eighty percent total nitrogen removal for typical domestic wastewater))~~ has been listed by the Washington state Department of Health as meeting treatment standard N as provided in WAC chapter 426-172A; or

b. the Seattle-King County department of public health determines that the systems required under subsection A.13.a. of this section will not function on the site.

B. Except as otherwise provided in subsection H. of this section, the following new development proposals and alterations are not allowed on a site located in a category II critical aquifer recharge area:

1. Mining of any type below the upper surface of the saturated ground water that could be used for potable water supply;

2. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

3. Hydrocarbon extraction;

4. Commercial wood treatment facilities located on permeable surfaces;

5.a. Except for a category II critical aquifer recharge area located over an aquifer underlying an island that is surrounded by saltwater, underground storage tanks with hazardous substances, as defined in chapter 70.105 RCW, that do not meet the requirements of chapter 173-360 WAC and K.C.C. Title 17; and

b. For a category II critical aquifer recharge area located over an aquifer underlying an island that is surrounded by saltwater, underground storage tanks, including underground storage tanks exempt from the requirements of chapter 173-360 WAC, with hazardous substances, as defined in chapter 70.105 RCW, that do not comply with the standards in chapter 173-360 WAC and K.C.C. Title 17;

6. Above-ground storage tanks for hazardous substances, as defined in chapter 70.105 RCW, unless protected with primary and secondary containment areas and a spill protection plan;

7. Wrecking yards;
  8. Landfills for hazardous waste, municipal solid waste, or special waste, as defined in K.C.C. chapter 10.04; and
  9. On lots smaller than one acre, an on-site septic systems, unless:
    - a. the system is approved by the Washington state Department of Health and ~~((the system either uses an up flow media filter system or a proprietary packed bed filter system or is designed to achieve approximately eighty percent total nitrogen removal for typical domestic wastewater))~~ has been listed by the Washington state Department of Health as meeting treatment standard N as provided in WAC chapter 426-172A; or
    - b. the Seattle-King County department of public health determines that the systems required under subsection B.9.a. of this section will not function on the site.
- C. Except as otherwise provided in subsection H. of this section, the following new development proposals and alterations are not allowed on a site located in a category III critical aquifer recharge area:
1. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;
  2. Hydrocarbon extraction;
  3. Commercial wood treatment facilities located on permeable surfaces;
  4. Underground storage tanks, including tanks exempt from the requirements of chapter 173-360 WAC, with hazardous substances, as defined in chapter 70.105 RCW, that do not comply with the requirements of chapter 173-360 WAC and K.C.C. Title 17;
  5. Above ground storage tanks for hazardous substances, as defined in chapter 70.105 RCW, unless protected with primary and secondary containment areas and a spill protection plan;
  6. Wrecking yards; and
  7. Landfills for hazardous waste, municipal solid waste, or special waste, as defined in K.C.C. chapter 10.04.

D. The following standards apply to development proposals and alterations that are substantial improvements on a site located in a critical aquifer recharge area:

1. The owner of an underground storage tank, including a tank that is exempt from the requirements of chapter 173 WAC, in a category I or III critical aquifer recharge area or a category II critical aquifer recharge area located over an aquifer underlying an island that is surrounded by saltwater shall either bring the tank into compliance with the standards of chapter 173 WAC and K.C.C. Title 17 or properly decommission or remove the tank; and

2. The owner of an underground storage tank in a category II critical aquifer recharge area not located on located over an aquifer underlying an island that is surrounded by saltwater shall bring the tank into compliance with the standards of chapter 173-360 WAC and K.C.C. Title 17 or shall properly decommission or remove the tank.

E. In any critical aquifer recharge area, the property owner shall properly decommission an abandoned well.

F. On a site located in a critical aquifer recharge area within the urban growth area, a development proposal for new residential development, including, but not limited to, a subdivision, short subdivision, or dwelling unit, shall incorporate best management practices included in the King County Surface Water Design Manual into the site design in order to infiltrate stormwater runoff to the maximum extent practical.

G. On an island surround by saltwater, the owner of a new well located within two hundred feet of the ordinary high water mark of the marine shoreline and within a critical aquifer recharge area shall test the well for chloride levels using testing protocols approved by the Washington state Department of Health. The owner shall report the results of the test to Seattle-King County department of public health and to the department of natural resources and parks. If the test results indicate saltwater intrusion is likely to occur, the department of natural resources and parks, in consultation with Seattle-King County department of public health, shall recommend appropriate measures to prevent saltwater intrusion.



H. On a site greater than twenty acres, the department may approve a development proposal otherwise prohibited by subsections A., B. and C. of this section if the applicant demonstrates through a critical areas report that the development proposal is located outside the critical aquifer recharge area and that the development proposal will not cause a significant adverse environmental impact to the critical aquifer recharge area.

I. The provisions relating to underground storage tanks in subsections A. through D. of this section apply only when the proposed regulation of underground storage tanks has been submitted to and approved by the Washington state department of ecology, in accordance with 90.76.040 RCW and WAC 173-360-530.

SECTION 52. Ordinance 15051, Section 185, 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 <del>((29))</del> <u>31</u> to 36 points	225 feet
Habitat score from 20 to <del>((28))</del> <u>30</u> points	150 feet plus 7.5 feet for each habitat score point above 20 points
Category I wetlands not meeting any of the criteria <del>((below))</del> <u>above</u>	125 feet
<b>Category II</b>	
Estuarine	135 feet
Habitat score from <del>((29))</del> <u>31</u> to 36 points	200 feet

Habitat score from 20 to <del>((28))</del> <u>30</u> points	125 feet <u>plus 7.5 feet for each habitat score point above 20 points</u>
Category II wetlands not meeting any of the criteria <del>((below))</del> <u>above</u>	100 feet
<b>Category III</b>	
Habitat score from 20 to 28 points	125 feet
Category III wetlands not meeting any of the criteria <del>((below))</del> <u>above</u>	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

~~((b-))~~ (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))~~ 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:

Disturbance	Measures to minimize impacts	Activities that may cause the disturbance
Lights	Direct lights away from wetland	Parking lots, warehouses, manufacturing, high density residential
Noise	Place activity that generates noise away from the wetland.	manufacturing, high density residential
Toxic runoff	Route all new untreated runoff away from wetland, or Covenants limiting use of pesticides within 150 ft of wetland, or Implement integrated pest management program	Parking lots, roads, manufacturing, residential areas, application of agricultural pesticides, landscaping
Change in water regime	Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces <u>using low impact development measures identified in the King County Surface Water Design Manual</u>	Any impermeable surface, lawns, tilling
Pets and Human disturbance	Privacy fencing or landscaping to delineate buffer edge and to discourage disturbance of wildlife by humans and pets	Residential areas
Dust	BMP's for dust	Tilled fields
Degraded buffer condition	Nonnative plants to be removed and replaced with native vegetation per an approved landscaping plan to be bonded and monitored for a three year period after completion to assure at least 80% survival of plantings	All activities potentially requiring buffers

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 <del>((29))</del> <u>31</u> to 36 points	300 feet	225 feet	150 feet
Habitat score from 20 to <del>((28))</del> <u>30</u> points	150 feet plus 15 feet for each habitat point above	110 feet plus 11.5 feet for each habitat point above	75 feet plus 7.5 feet for each habitat point above <u>20</u>
<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 <del>((29))</del> <u>31</u> to 36 points	300 feet	225 feet	150 feet
Habitat score from 20 to <del>((28))</del> <u>30</u> points	150 feet plus 15 feet for each habitat point above	110 feet plus 11.5 feet for each habitat point above	75 feet plus 7.5 feet for each habitat point above <u>20</u>
<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 (~~((without an approved rural stewardship plan))~~);
- (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) ~~((residential uses on sites zoned rural residential with an approved rural stewardship plan;~~

~~(3)))~~ 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

~~((4)))~~ (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 ~~((either))~~ 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 ~~((this ordinance))~~ 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.

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. (~~Wetlands created through voluntary enhancement or restoration projects are not subject~~) 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 53. Ordinance 15051, Section 187, and K.C.C. 21A.24.335 are each hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing wetlands or their buffers:

A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed in wetlands and wetland buffers;

B. The applicant shall not introduce any plant or wildlife that is not indigenous to the Puget Sound lowland into any wetland or wetland buffer unless authorized by a state or federal permit or approval;

C. A category IV wetland less than two-thousand-five-hundred square feet that is not part of a wetland complex may be altered in accordance with an approved mitigation plan by relocating ~~((its functions))~~ the wetland into a new wetland, ~~((on the site))~~ with equivalent or greater functions, or into an existing wetland at the ratios specified in K.C.C. 21A.24.340 based on the type of mitigation measures proposed ~~((in accordance with an approved mitigation plan))~~; and

D. Alterations to category I wetlands containing bogs or fens are limited to K.C.C. 21A.24.045 D.20. and D.52.

SECTION 54. Ordinance 10870, Section 481, as amended, and K.C.C. 21A.24.340 are each hereby amended to read as follows:

In addition to the requirements in K.C.C. 21A.24.125 and 21A.24.130, the following applies to ~~((mitigation))~~ mitigation to compensate for the adverse impacts associated with an alteration to a wetland or wetland buffer:

A. Mitigation measures must achieve equivalent or greater wetland functions, including, but not limited to:

1. Habitat complexity, connectivity and other biological functions; and
2. Seasonal hydrological dynamics, as provided in the King County Surface Water Design Manual;

B. The following ratios of area of mitigation to area of alteration apply to mitigation measures for permanent alterations:



1. For alterations to a wetland buffer, a ratio of one to one; and
2. For alterations to a wetland:

Category and type of wetland	Wetland reestablishment or creation	Wetland rehabilitation	1:1 Wetland reestablishment or wetland creation (R/C) and wetland enhancement (E)	Wetland enhancement only
Category IV	1.5:1	3:1	1:1 R/C and 2:1 E	6:1
Category III	2:1	4:1	1:1 R/C and 2:1 E	8:1
Category II estuarine	Case-by-case	4:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by-case
All other Category II	3:1	8:1	1:1 R/C and 4:1 E	12:1
Category I forested	6:1	12:1	1:1 R/C and 10:1 E	Case-by-case
Category I based on score for functions	4:1	8:1	1:1 R/C and 6:1 E	Case-by-case
Category I natural heritage site	Not allowed	6:1 rehabilitation of a natural heritage site	Case-by-case	Case-by-case
Category I coastal lagoon	Not allowed	6:1 rehabilitation of a coastal lagoon	Case-by-case	Case-by-case
Category I bog	Not allowed	6:1 rehabilitation of a bog	Case-by-case	Case-by-case
Category I estuarine	Case-by-case	6:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by-case

C. The following ratios of area of mitigation to area of alteration apply to mitigation measures for temporary alterations where wetlands will not be impacted by permanent fill material:

Wetland category	Permanent conversion of forested and shrub wetlands into emergent wetlands			Mitigation for temporal loss of forested and shrub wetlands when the impacted wetlands be revegetated to forest or shrub communities		
	Enhancement	Rehabilitation	Creation or restoration	Enhancement	Rehabilitation	Creation or restoration
Category I	6:1	4.5:1	3:1	3:1	2:1	1.5:1
Category II	3:1	2:1	1.5:1	1.5:1	1:1	.75:1
Category III	2:1	1.5:1	1:1	1:1	.75:1	.5:1
Category IV	1.5:1	1:1	.75:1	Not applicable	Not applicable	Not applicable

D. The department may increase the mitigation ratios provided in subsections B. and C. of this section under the following circumstances:

1. The department determines there is uncertainty as to the probable success of the proposed

restoration or creation;

2. A significant period of time will elapse between the impact caused by the development proposal and the establishment of wetland functions at the mitigation site;

3. The proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted; or

4. The alteration causing the impact was an unauthorized impact.

E. The department may decrease the mitigation ratios provided in subsections B. and C. of this section under the following circumstances:

1. The applicant demonstrates by documentation submitted by a qualified wetland specialist that the proposed mitigation actions have a very high likelihood of success based on hydrologic data and prior experience;

2. The applicant demonstrates by documentation by a qualified wetland specialist that the proposed actions for compensation will provide functions and values that are significantly greater than the wetland being impacted;

3. The applicant demonstrates that the proposed actions for mitigation have been conducted in advance of the impact caused by the development proposal and that the actions are successful; or

4. In wetlands where several wetland hydrogeomorphic classes, including, but not limited to depressional, slope, riverine and flow through, are found within one delineated boundary, the department may decrease the ratios if:

a. impacts to the wetland are all within an area that has a different hydrogeomorphic class from the one used to establish the category;

b. the category of the area with a different class is lower than that of the entire wetland; and

c. the applicant provides adequate hydrologic and geomorphic data to establish that the boundary between the hydrogeomorphic classes lies outside of the footprint of the impacts.

F. For temporary alterations to a wetland or its buffer that are predominately woody vegetation, the department may require mitigation in addition to restoration of the altered wetland or buffer; and

G. Mitigation of an alteration to a buffer of a wetland that occurs along an aquatic area lake shoreline in accordance with an allowed alteration under this chapter shall include, but is not limited to, on-site revegetation, maintenance and other restoration of the buffer or setback area to the maximum extent practical(~~;~~ and

~~H. The department may consider two or more contiguous sites under common ownership and located in the same drainage subbasin, as one site for the purpose of mitigation ratios)).~~

SECTION 55. Ordinance 15051, Section 192, and K.C.C. 21A.24.355 are each hereby amended to read as follows:

A. Aquatic areas are categorized or "typed" as follows:

1. Type S waters include all aquatic areas inventoried as "shorelines of the state" under King County's Shoreline Master Program, K.C.C. Title 25, in accordance with chapter 90.58 RCW, including segments of streams where the mean annual flow is more than twenty cubic feet per second, marine shorelines and lakes twenty acres in size or greater;

2. Type F waters include all segments of aquatic areas that are not type S waters and that contain fish or fish habitat, including waters diverted for use by a federal, state or tribal fish hatchery from the point of diversion for one-thousand-five-hundred feet or the entire tributary if the tributary is highly significant for protection of downstream water quality;

3. Type N waters include all segments of aquatic areas that are not type S or F waters and that are physically connected to type S or F waters by an above-ground channel system, stream or wetland; and

4. Type O waters include all segments of aquatic areas that are not type S, F or N waters and that are not physically connected to type S, F or N waters by an above-ground channel system, pipe or culvert, stream or wetland.

B. For the purposes of the water types in subsection A. of this section, an above-ground channel system is considered to be present if the one-hundred year floodplains of both the contributing and receiving waters are connected.

C. The department may determine that an area upstream of a legal human-made barrier is not fish habitat considering the following factors:

1. The human-made barrier is located beneath public infrastructure that is unlikely to be replaced and it is not feasible to remove the barrier without removing the public infrastructure;

2. The human-made barrier is in the Urban Growth Area established by the King County Comprehensive Plan and is located beneath one or more dwelling units and it is not feasible to remove the barrier without removing the dwelling unit;

3. The human-made barrier is located in a subbasin that is not designated "high" on the Basin and Shoreline Conditions Map which is included as Attachment A to ~~((this ordinance))~~ Ordinance 15051; or

4. The human-made barrier is not identified for removal by a public agency or in an adopted watershed plan.

SECTION 56. Ordinance 15051, Section 193, 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; or

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 57. Ordinance 15051, Section 195, and K.C.C. 21A.24.365 are each hereby amended to read as follows:

The following development standards apply to development proposals and alterations on sites containing aquatic areas or their buffers:

A. Unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed in aquatic areas and aquatic area buffers;

B. Grading for allowed alterations in aquatic area buffers is only allowed from May 1 to October 1. This period may be modified when the department determines it is necessary along marine shorelines to protect critical forage fish and salmonid migration or as provided in K.C.C. 16.82.095;

C. The moisture-holding capacity of the topsoil layer on all areas of the site not covered by impervious surfaces should be maintained by:

1. Minimizing soil compaction, or
2. Reestablishing natural soil structure and the capacity to infiltrate;

D. New structures within an aquatic area buffer should be sited to avoid the creation of future hazard trees and to minimize the impact on groundwater movement; ~~((and))~~

E. To the maximum extent practical:

1. The soil duff layer should not be disturbed, but if disturbed, should be redistributed to other areas of the project site where feasible;

2. A spatial connection should be provided between vegetation within and outside the aquatic area buffer to prevent creation of wind throw hazards; and

3. Hazard trees should be retained in aquatic area buffers and either topped or pushed over toward the aquatic area; and

G. If a restoration, enhancement or mitigation project proposes to place large woody debris waterward of the ordinary high water mark of a Type S aquatic area, the applicant shall consider the potential for recreational hazards in project design.

SECTION 58. Ordinance 10870, Section 485, as amended, and K.C.C. 21A.24.380 are each hereby amended to read as follows:

In addition the requirements in K.C.C. 21A.24.130, 21A.24.125 and 21A.24.133, the following applies to mitigation to compensate for the adverse impacts associated with an alteration to an aquatic area or aquatic area buffer:

A. Mitigation measures must achieve equivalent or greater aquatic area functions including, but not limited to:

1. Habitat complexity, connectivity and other biological functions;
2. Seasonal hydrological dynamics, water storage capacity and water quality; and
3. Geomorphic and habitat processes and functions;

B. To the maximum extent practical, permanent alterations that require restoration or enhancement of the altered aquatic area, aquatic area buffer or another aquatic area or aquatic area buffer must consider the following design factors, as applicable to the function being mitigated:

1. The natural channel or shoreline reach dimensions including its depth, width, length and gradient;

2. The horizontal alignment and sinuosity;
3. The channel bed, sea bed or lake bottom with identical or similar substrate and similar erosion and sediment transport dynamics;
4. Bank and buffer configuration and erosion and sedimentation rates; and
5. Similar vegetation species diversity, size and densities in the channel, sea bed or lake bottom and on the riparian bank or buffer;

C. Mitigation to compensate for adverse impacts shall meet the following standards:

1. Not upstream of a barrier to fish passage;
2. Is equal or greater in biological function; and
3. To the maximum extent practical is located on the site of the alteration or within one-half mile of the site and in the same aquatic area reach at a 1:1 ratio of area of mitigation to area of alteration; or
4. Is located in the same aquatic area drainage subbasin or marine shoreline and attains the following ratios of area of functional mitigation to area of alteration:
  - a. a 3:1 ratio for a type S or F aquatic area; and
  - b. a 2:1 ratio for a type N or O aquatic area;

D. For purposes of subsection C. of this section, a mitigation measure is in the same aquatic area reach if the length of aquatic area shoreline meets the following criteria:

1. Similar geomorphic conditions including slope, soil, aspect and substrate;
2. Similar processes including erosion and transport of sediment and woody debris;
3. Equivalent or better biological conditions including invertebrates, fish, wildlife and vegetation; and
4. Equivalent or better biological functions including mating, reproduction, rearing, migration and refuge; or
5. For tributary streams, a distance of no more than one-half mile;

E. The department may reduce the mitigation ratios in subsection C. of this section to 2:1 ratio for a



type S or F aquatic area and 1.5:1 ratio for a type N or O aquatic area if the applicant provides a scientifically rigorous mitigation monitoring program that includes the following elements:

1. Monitoring methods that ensure that the mitigation meets the approved performance standards identified by the department;

2. Financing or funding guarantees for the duration of the monitoring program; and

3. Experienced, qualified staff to perform the monitoring;

F. For rectifying an illegal alteration to any type of aquatic area or its buffer, mitigation measures must meet the following standards:

1. Located on the site of the illegal alteration at a 1:1 ratio of area of mitigation to area of alteration;

and

2. To the maximum extent practical, replicates the natural prealteration configuration at its natural prealteration location including the factors in subsection B. of this section; and

G. The department may modify the requirements in this section if the applicant demonstrates that, with respect to each aquatic area function, greater functions can be obtained in the affected hydrologic unit that the department may determine to be the drainage subbasin through alternative mitigation measures.

H. For temporary alterations to an aquatic area or its buffer that is predominately woody vegetation, the department may require mitigation in addition to restoration of the altered aquatic area or buffer.

NEW SECTION. SECTION 59. A new section is hereby added to K.C.C. chapter 21A.24 to read as follows:

The department shall only approve an aquatic habitat restoration project that is proposed for a site located within the agricultural production districts as follows:

A. The project shall be located on agricultural lands that the department of natural resources and parks determines:

1.a. Are unsuitable for direct agricultural production purposes, such as portions of property that have

not historically been farmed due to soil conditions or frequent flooding and that it determines cannot be returned to productivity by drainage maintenance; or

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

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

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

B. The applicant shall demonstrate to the satisfaction of the department that there are no other suitable land outside the agricultural production district that is available for the project;

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

D. The department shall determine that the project:

1. The project is included in an approved Water Resources Inventory Area Plan, Farm Management Plan, Flood Hazard Management Plan, or other King County functional plan; or

2. Based on the recommendation of the department of natural resources and parks, the project would improve agricultural productivity within the agricultural productions district.

SECTION 60. Ordinance 14187, Section 1, as amended, and K.C.C. 21A.24.500 are each hereby amended to read as follows:

A.1. A property owner or the property owner's agent may request a critical area designation for part or all of a site, without seeking a permit for a development proposal, by filing with the department a written application for a critical area designation on a form provided by the department. If the request is for review of a portion of a site, the application shall include a map identifying the portion of the site for which the designation is sought.

2. ~~((The designation is limited to the following determinations:~~

a. ~~The existence, location, and boundaries of any aquatic area, wetland, critical aquifer recharge area,~~

~~coal mine hazard area, landslide hazard area or steep slope on the site; and~~

~~b. The classification of any aquatic area or wetland.~~

3-)) The designation may include an evaluation or interpretation of the applicability of critical area buffers and other critical area standards to a future development proposal.

B. In preparing the critical area designation, the department shall perform a critical area review to:

1. Determine whether any critical area (~~((that is subject to this designation process))~~) exists on the site and confirm its type, location, boundaries and classification;

2. Determine whether a critical area report is required to identify and characterize the location, boundaries and classification of the critical area;

3. Evaluate the critical area report, if required; and

4. Document the existence, location and classification of any critical area (~~((that is subject to this designation process))~~).

C. If required by the department, the applicant for a critical area designation shall prepare and submit to the department the critical area report required by subsection B.2. of this section. For sites zoned for single detached dwelling units involving wetlands or aquatic areas, the applicant may elect to have the department conduct the special study in accordance with K.C.C. Title 27;

D. The department shall make the determination of a critical area designation in writing within one hundred twenty days after the application for a critical area designation is complete, as provided in K.C.C. 20.20.050. The periods in K.C.C. 20.20.100A.1. through 5. are excluded from the one-hundred-twenty-day period. The written determination made under this section as to the existence, location, classification of a critical area and critical area buffers is effective for five years from the date the determination is issued if there has been no change in site conditions. The department shall rely on the determination of the existence, location and classification of the critical area and the critical area buffer in its review of a complete application for a permit or approval filed within five years after the determination is issued. If the determination applies to less

than an entire site, the determination shall clearly identify the portion of the site to which the determination applies.

E. If the department designates critical areas on a site under this section, the applicant for a development proposal on that site shall submit proof that a critical area notice has been filed as required by K.C.C. 21A.24.170. Except as provided in this subsection, the department's determination under this section is final. If the department relies on a critical area designation made under this section during its review of an application for a permit or other approval of a development proposal and the permit or other approval is subject to an administrative appeal, any appeal of the designation shall be consolidated with and is subject to the same appeal process as the underlying development proposal. If the King County hearing examiner makes the county's final decision with regard to the permit or other approval type for the underlying development proposal, the hearing examiner's decision constitutes the county's final decision on the designation. If the King County council, acting as a quasi-judicial body, makes the county's final decision with regard to the permit or other approval type for the underlying development proposal, the King County council's decision constitutes the county's final decision on the designation.

SECTION 61. Ordinance 15051, Section 230, and K.C.C. 21A.24.515 are each hereby amended to read as follows:

The department of natural resources and parks, in consultation with the department of development and environmental services, shall conduct monitoring ~~((in one or two subbasins))~~ to evaluate the effect of this ~~((ordinance))~~ chapter on ((wetland)) protecting the functions and values of critical areas. ~~((The departments shall file a status report on the monitoring with the clerk of the council for distribution to the chair of the growth management and unincorporated areas committee, or its successor committee, not later than January 1, 2007. The departments shall file a final report on the monitoring with the clerk of the council for distribution to the chair of the growth management and unincorporated areas committee, or its successor committee, not later than January 1, 2010.))~~

SECTION 62. Ordinance 11621, Section 90, and K.C.C. 21A.28.154 are each hereby amended to read as follows:

A. There is hereby created a School Technical Review Committee (STRC) within King County. The Committee shall consist of ((4)) three county staff persons, one each from the department of development and environmental services, ((the planning and community development division,)) the office of financial management and the county council.

B. The Committee shall be charged with reviewing each school district's capital facilities plan, enrollment projections, standard of service, the district's overall capacity for the next six (6) years to ensure consistency with the Growth Management Act, King County Comprehensive Plan, and adopted community plans, and the district's calculation and rationale for proposed impact fees.

C. Notice of the time and place of the Committee meeting where the district's documents will be considered shall be provided to the district.

D. At the meeting where the Committee will review or act upon the district's documents, the district shall have the right to attend or to be represented, and shall be permitted to present testimony to the Committee. Meetings shall also be open to the public.

E. In its review, the Committee shall consider the following factors:

1. Whether the district's forecasting system for enrollment projections has been demonstrated to be reliable and reasonable.
2. The historic levels of funding and voter support for bond issues in the district;
3. The inability of the district to obtain the anticipated state funding or to receive voter approval for district bond issues;
4. An emergency or emergencies in the district which required the closing of a school facility or facilities resulting in a sudden and unanticipated decline in districtwide capacity; and
5. The standards of service set by school districts in similar types of communities. While community

differences will be permitted, the standard established by the district should be reasonably consistent with the standards set by other school districts in communities of similar socioeconomic profile.

6. The Committee shall consider the standards identified by the state concerning the ratios of certificated instructional staff to students.

F. In the event that the district's standard of service reveals a deficiency in its current facilities, the Committee shall review the district's capital facilities plan to determine whether the district has identified all sources of funding necessary to achieve the standard of service.

G. The district in developing the Financing Plan Component of the Capital Facilities Plan shall plan on a six-year horizon and shall demonstrate its best efforts by taking the following steps:

1. Establish a six-year financing plan, and propose the necessary bond issues and levies required by and consistent with that plan and as approved by the school board and consistent with RCW 28A.53.020 and RCW 84.52.052 and .056 as amended; and

2. Apply to the state for funding, and comply with the state requirement for eligibility to the best of the district's ability.

H. The Committee is authorized to request the school district to review and to resubmit its capital facilities plan, or to establish a different standard of service, or to review its capacity for accommodating new students, under the following circumstances:

1. The standard of service established by the district is not reasonable in light of the factors set forth in subsection E of this section.

2. The Committee finds that the district's standard of service cannot reasonably be achieved in light of the secured financial commitments and the historic levels of support in the district; or

3. Any other basis which is consistent with the provisions of this section.

I. The Committee shall prepare and submit an annual report to the King County council for each school district recommending a certification of concurrency in the district, except as provided in Subsection L of this

section using the school concurrency standard as set forth in K.C.C. 21A.28.160. If a school district fails to submit its capital facilities plan for review by the STRC, King County shall assume the district has adequate capacity to accommodate growth for the following six years.

J. The Committee shall submit copies of its recommendation of concurrency for each school district to the director of DDES, to the hearing examiner, and to the district.

K. The committee shall recommend to the council a comprehensive plan amendment adopting the district's capital facilities plan as part of the comprehensive plan, for any plan which the Committee concludes accurately reflects the district's facilities status.

L. In the event that after reviewing the district's capital facilities plan and other documents, the Committee is unable to recommend certifying concurrency in a school district, the Committee shall submit a statement to the council, the director and the hearing examiner stating that the Committee is unable to recommend certifying concurrency in a specific school district. The Committee shall recommend to the executive that he propose to the council, amendments to the land use element of the King County Comprehensive Plan or amendments to the development regulations implementing the plan to more closely conform county land use plans and school facilities plans, including but not limited to requiring mandatory phasing of plats, UPDs or multifamily development located within the district's boundary. The necessary draft amendments shall accompany such recommendations.

SECTION 63. Ordinance 10870, Section 563, as amended, and K.C.C. 21A.34.040 are each hereby amended to read as follows:

A. The public benefits eligible to earn increased densities, and the maximum incentive to be earned by each benefit, are in subsection F of this section. The density incentive is expressed as additional bonus dwelling unit, or fractions of dwelling units, 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 consolidated housing and community development plan.

D. Bonus dwelling units may also be earned and transferred to the project site through the transfer of development rights (TDR) program established in K.C.C. chapter 21A.37, by providing any of the open space, park site or historic preservation public benefits set forth in subsection F.2. or 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 in accordance with subsection F of this section if the public benefits provided exceed the basic development standards of this title. If 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
<b>1. AFFORDABLE HOUSING</b>	
a. Benefit units consisting of rental housing permanently priced to serve nonsenior citizen low-income households (that is no greater than 30 percent of gross income for households at or below 50 percent of King County median income, adjusted for household size). A covenant on the site that specifies the income level being served, rent levels and requirements for reporting to King County shall be recorded at final approval.	1.5 bonus units per benefit unit, up to a maximum of 30 low-income units per five acres of site area; projects on sites of less than five acres shall be limited to 30 low-income units.
b. Benefit units consisting of rental housing designed and permanently priced to serve low-income senior citizens (that is no greater than 30 percent of gross income for 1- or 2-person households, 1 member of which is 62 years of age or older, with incomes at or below 50 percent of King County median income, adjusted for household size). A covenant on the site that specifies the income level being served, rent levels and requirements for reporting to King County shall be recorded at final approval.	1.5 bonus units per benefit unit, up to a maximum of 60 low-income units per five acres of site area; projects on sites of less than five acres shall be limited to 60 low-income units.



c. Benefit units consisting of senior citizen assisted housing units 600 square feet or less.

1 bonus unit per benefit unit

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 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.

h. Benefit units consisting of mobile home park space or pad reserved for the relocation of an insignia or noninsignia mobile home, that has been or will be displaced due to closure of a mobile home park located in incorporated or unincorporated King County.

## 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.

b. Improvement of dedicated park site to King County standards for developed parks.

c. Improvement of dedicated trail segment to King County standards.

200 percent of the base density of the underlying zone. Limited to parcels 5 acres or less in size and located in the R-4 through R-8 zones. Housing types in the R-4 or R-6 zones shall be limited to structures containing four or less units, except for townhouses. Such RDI proposals shall not be eligible to utilize other RDI bonus density incentives listed in this section.

1.0 bonus unit per benefit unit.

0.5 bonus unit per acre of park area or quarter-mile of trail exceeding the minimum requirement of K.C.C. 21A.14 for on-site recreation space or trail corridors, computed on the number of dwelling units permitted by the site's base density.

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.

1.8 bonus units per quarter mile of trail constructed to county standard for pedestrian trails; or

2.5 bonus units per quarter mile of constructed to county standard for multipurpose trails (pedestrian/bicycle/equestrian).

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

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 restoring and/or maintaining the premises to standards set by the King County landmarks commission.

0.5 bonus unit per acre of historic site.

b. Restoration of a site or structure designated as an historic landmark in accordance with K.C.C. chapter 20.62 to a specific architectural or site plan approved by the King County landmarks commission.

0.5 bonus unit per acre of site or one thousand square feet of floor area of building restored.

### 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 nonelectric heat source, that save at least 25 percent of space heat energy use from the maximum permitted by the Northwest Energy Code, as amended. None of the required savings shall be achieved by reduction of glazing area below 15 percent of floor area. Energy use shall be expressed as allowable energy load per square foot or as total transmittance (UA).

0.10 bonus unit per benefit unit that achieves the required savings.

c. Developments located within ~~((1/4))~~ 1/2 mile of transit routes served on at least a half-hourly basis during the peak hours and hourly during the daytime nonpeak hours or within 1/2 mile of a light rail transit or commuter rail station.

10 percent increase above the base density of the zone.

5. PUBLIC ART

a. Devoting 1% of the project budget to public art on site.

5 percent increase above the base density of the zone.

b. Contributing 1% of the project budget to the King County public art fund for development of art projects. The contribution shall be used for projects located within a one mile radius of the development project.

5 percent increase above the base density of the zone.

6. COTTAGE HOUSING

Provision of three to sixteen detached cottage units clustered around at least one common open space.

Two hundred percent of the base density of the underlying zone. Limited to parcels in the R4-R8 zones. Such RDI proposals shall not be eligible to utilize other RDI bonus density incentives listed in this section.

7. COMPACT HOUSING

In R and UR zones, for the construction of detached single family homes 1500 square feet or smaller.

One hundred fifty percent of the base density of the underlying zone.

8. WALKABLE COMMUNITIES

In commercial centers located inside the urban growth area, as part of a development proposal that includes elements of walkable design and transit oriented development.

Two hundred percent of the base density of the underlying zone

If proposed energy conservation bonus units of this section 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.

SECTION 64. Ordinance 13274, Section 1, as amended, and K.C.C. 21A.37.010 are each hereby

amended to read as follows:

A. The purpose of the transfer of development rights program is to transfer residential density from ((eligible)) eligible sending sites to eligible receiving sites through a voluntary process ((~~for~~)) that permanently ((~~preserving~~)) preserves rural, resource and urban separator lands that provide a public benefit. The TDR provisions are intended to supplement land use regulations, resource protection efforts and open space acquisition programs and to encourage increased residential development density or increased commercial square footage, especially inside cities, where it can best be accommodated with the least impacts on the natural environment and public services by:

1. Providing an effective and predictable incentive process for property owners of rural, resource and urban separator land to preserve lands with a public benefit as described in K.C.C. 21A.37.020; and
2. Providing an efficient and streamlined administrative review system to ensure that transfers of development rights to receiving sites are evaluated in a timely way and balanced with other county goals and policies, and are adjusted to the specific conditions of each receiving site.

B. The TDR provisions in this chapter shall only apply to TDR receiving site development proposals submitted on or after September 17, 2001, and applications for approval of TDR sending sites submitted on or after September 17, 2001.

SECTION 65. 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 cannot be~~)). Except for lands zoned RA that are managed by the Washington State Department of Natural Resources as state grant or state forest lands, lands in public ownership may not be sending sites. If the sending site consists of more than one tax lot, the lots must be contiguous. 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 within the rural forest focus area and zoned RA with a minimum of fifteen acres of forested land that is not encumbered through King County's development rights purchase program;~~
- 5.)) 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;
- ~~((6.))~~ 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

((7-)) 6. Designation in the King County Comprehensive Plan as urban separator and zoned R-1.

C. For the purposes of the TDR program, acquisition means obtaining fee simple rights in real property, or a less than a fee simple right in a form that preserves in perpetuity the public benefit supporting the designation or qualification of the property as a sending site.

D. If a sending site has any outstanding code violations, the person responsible for code compliance should resolve these violations, including any required abatement, restoration, or payment of civil penalties, before a TDR sending site may be qualified by the interagency review committee created under K.C.C.

21A.37.070. However, the interagency may qualify and certify a TDR sending site with outstanding code violations if the person responsible for code compliance has made a good faith effort to resolve the violations and the proposal is in the public interest.

E. For lots on which the entire lot or a portion of the lot has been cleared or graded in accordance with a Class II, III or IV special forest practice as defined in chapter 76.09 RCW within the six years prior to application as a TDR sending site, the applicant must provide an affidavit of compliance with the reforestation requirements of the Forest Practices Act, and any additional reforestation conditions of their forest practice permit. Lots on which the entire lot or a portion of the lot has been cleared or graded without any required forest practices or county authorization, shall be not qualified or certified as a TDR sending site for six years unless the six-year moratorium on development applications has been lifted or waived or the landowner has a reforestation plan approved by the state Department of Natural Resources and King County.

SECTION 66. Ordinance 13274, Section 5, as amended, and K.C.C. 21A.37.030 are each hereby amended to read as follows:

A. Receiving sites shall be:

1. King County unincorporated urban sites, except as limited in subsection D. of this section, zoned R-4 through R-48, NB, CB, RB or O, or any combination thereof. The sites may also be within potential annexation areas established under the countywide planning policies; or

2. Cities where new growth is or will be encouraged under the Growth Management Act and the countywide planning policies and where facilities and services exist or where public investments in facilities and services will be made, or

3. RA-2.5 zoned parcels, except as limited in subsection E. of this section, that meet the criteria listed in this subsection A.3. may receive development rights transferred from rural forest focus areas, and accordingly may be subdivided and developed at a maximum density of one dwelling per two and one-half acres. Increased density allowed through the designation of rural receiving areas:

a. must be eligible to be served by domestic Group A public water service;

b. must be located within one-quarter mile of an existing predominant pattern of rural lots smaller than five acres in size;

c. must not adversely impact regionally or locally significant resource areas or critical areas;

d. must not require public services and facilities to be extended to create or encourage a new pattern of smaller lots;

e. must not be located within rural forest focus areas; and

f. must not be located on Vashon Island or Maury Island.

B. Except as provided in this chapter, development of an unincorporated King County receiving site shall remain subject to all zoning code provisions for the base zone, except TDR receiving site developments shall comply with dimensional standards of the zone with a base density most closely comparable to the total approved density of the TDR receiving site development.

C. An unincorporated King County receiving site may accept development rights from one or more sending sites, up to the maximum density permitted under K.C.C. 21A.12.030 and 21A.12.040.



D. Property located within the outer boundaries of the Noise Remedy Areas as identified by the Seattle-Tacoma International Airport may not accept development rights.

E. Property located within the shorelands, as defined in RCW 90.58.020, or located on Vashon Island or Maury Island may not accept development rights.

SECTION 67. 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 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 ~~((has been deducted))~~. For each existing dwelling unit or retained development right, the sending site area shall be reduced by the minimum lot size 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 (~~for transfer purposes only~~);

2. Sending sites zoned RA-2.5 (~~outside a rural forest focus area~~) shall have a base density (~~consistent with the base density established in the density and dimensions tables in K.C.C. 21A.12.030~~) 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 (~~within rural forest focus areas~~) shall have a base density of one dwelling unit per five acres (~~for transfer purposes only~~). 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; and

~~((5-))~~ 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 (~~for transfer purposes only~~).

E. A sending site may send one development right for every legal lot 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.

H. The determination of the number of residential development rights a sending site has available for transfer to a receiving site shall be valid for transfer purposes only, shall be documented in a TDR certificate letter of intent and shall be considered a final determination, not to be revised due to changes to the sending site's zoning.

I. (~~The number of residential development rights that a sending site with RA, A or F zoning is eligible to send to an unincorporated urban area receiving site shall be determined by applying twice the base density allowed for transfer purposes as specified in subsection D. of this section.~~) Each residential development right that originates from a sending site zoned RA, A or F shall be designated "Rural" and is equivalent to two additional units above base density in eligible receiving sites located in unincorporated urban King County. Each residential development right that originates from a sending site zoned R-1 urban separator shall be designated "Urban" and is equivalent to one additional unit above base density.

NEW SECTION. SECTION 68. A new section is hereby added to K.C.C. chapter 21A.37 to read as follows:

An urban receiving site that purchases rural TDRs may include the reduced greenhouse gas emissions

that are estimated to result from the TDR in calculating the receiving site's greenhouse gas emissions.

SECTION 69. Ordinance 14190, Section 8, as amended, and K.C.C. 21A.37.060 are each hereby amended to read as follows:

A. ~~((Following the))~~ Prior to issuing a certificate for transferable ~~((of))~~ development rights ~~((from))~~ to a sending site, the department of natural resources and parks, or its successor shall record deed restrictions in the form of a conservation easement documenting the development rights ~~((transfer shall be recorded by the department of natural resources and parks, or its successor,))~~ that have been removed from the property and shall place a notice ~~((placed))~~ on the title ~~((to))~~ of the sending site ~~((parcel))~~. The department of development and environmental services, or its successor, shall establish and maintain an internal tracking system that identifies all certified transfer of developments rights sending sites.

B. A conservation easement granted to the county or other appropriate land management agency shall be required for land contained in the sending site. The conservation easement shall be documented by a map. The conservation easement shall be placed on the entire lot or lots. The conservation easement shall identify limitations in perpetuity on future residential and nonresidential development consistent with this chapter, ~~((and ))~~ as follows:

1. A conservation easement, which contains the easement map, shall be recorded on the entire sending site to indicate development limitations on the sending site;

2. For a sending site zoned A-10 or A-35, the conservation easement shall be consistent in form and substance with the purchase agreements used in the agricultural land development rights purchase program. The conservation easement shall preclude subdivision of the subject property but may permit not more than one dwelling per sending site, and shall permit agricultural uses as provided in the A-10 or A-35 zone;

3. ~~((For a sending site located within a rural forest focus area, the sending site shall be a minimum of twenty acres. The conservation easement shall require that fifteen acres of contiguous forest land be restricted to forest management activities and shall include a forest stewardship plan approved by the county for ongoing~~

~~forest management practices. The Forest Stewardship Plan shall meet the requirements of King County administrative rules concerning forest stewardship plans and shall not impose standards that exceed Title 222 WAC. No more than one dwelling unit is allowed for every twenty acres;~~

4.) For a rural sending site (~~located outside a rural forest focus area~~) the conservation easement shall allow for restoration, maintenance or enhancement of native vegetation. A present conditions report shall be required to document the location of existing structures and existing native vegetation and the baseline conservation values of protected property at the time the conservation easement is put in place. If residential development will be allowed on the site under the conservation easement, the present conditions report shall be used to guide the location of residential development;

~~(5.)~~ 4. For a sending site qualifying as habitat for federal listed endangered or threatened species, the conservation easement shall protect habitat and allow for restoration, maintenance or enhancement of native vegetation. A present conditions report shall be required to document the location of existing structures. If existing or future residential development will be allowed on the site under the conservation easement, the present conditions report shall be used by the owner to guide the location of residential development; and

~~(6.)~~ 5. For a sending site zoned F, the conservation easement shall encumber the entire sending site. Lots between fifteen acres and eighty acres in size are not eligible to participate in the TDR program if they include any existing dwelling units intended to be retained, or if a new dwelling unit is proposed. For eligible lots between fifteen acres and eighty acres in size, the sending site must include the entire lot. For lots greater than eighty acres in size, the sending site shall be a minimum of eighty acres. The conservation easement shall permit forestry uses subject to a forest stewardship plan prepared by the applicant and approved by the county for ongoing forest management practices. The Forest Stewardship Plan shall include a description of the site's forest resources and the long term forest management objectives of the property owner, and shall not impose standards that exceed Title 222 WAC.

SECTION 70. Ordinance 13274, Section 8, as amended, and K.C.C. 21A.37.080 are each hereby

amended to read as follows:

A. TDR development rights where both the proposed sending and receiving sites would be within unincorporated King County shall be transferred using the following process:

1. Following interagency review committee review and approval of the sending site application as described in K.C.C. 21A.37.070 the interagency review committee shall issue a TDR certificate letter of intent, agreeing to issue a TDR certificate in exchange for the proposed sending site conservation easement. After signing and notarizing the conservation easement and receiving the TDR certificate from the County, ((~~F~~))the sending site owner may ((~~then~~)) market the TDR sending site development rights to potential purchasers. The TDR certificate shall be in the name of the property owner and separate from the land title. If a TDR sending site that has been reviewed and approved by the interagency review committee changes ownership, the TDR certificate letter of intent may be transferred to the new owner if requested in writing to the department of natural resources by the person or persons that owned the property when the TDR certificate letter of intent was issued, provided that the documents evidencing the transfer of ownership are also provided to the department of natural resources;

2. In applying for receiving site approval, the applicant shall provide the department of development and environmental services with one of the following:

- a. a TDR certificate letter of intent issued in the name of the applicant,
- b. a TDR certificate letter of intent issued in the name of another person or persons and a copy of a signed option to purchase those TDR sending site development rights,
- c. a TDR certificate issued in the name of the applicant, or
- d. a TDR certificate issued in the name of another person or persons and a copy of a signed option to purchase those TDR sending site development rights;

3. Following building permit approval, but before building permit issuance by the department of

development and environmental services or following preliminary plat approval or preliminary short plat approval, but before final plat or short plat recording of a receiving site development proposal which includes the use of TDR development rights, the receiving site applicant shall deliver the TDR certificate issued in the applicant's name for the number of TDR development rights being used and the TDR extinguishment document to the county;

4. When the receiving site development proposal requires a public hearing under this title or K.C.C. Title 19A or its successor, that public hearing shall also serve as the hearing on the TDR proposal. The reviewing authority shall make a consolidated decision on the proposed development and use of TDR development rights and consider any appeals of the TDR proposal under the same appeal procedures set forth for the development proposal; and

5. When the development proposal does not require a public hearing under this title or K.C.C. Title 19A, the TDR proposal shall be considered along with the development proposal, and any appeals of the TDR proposal shall be considered under the same appeal procedures set forth for the development proposal.

6. Development rights from a sending site shall be considered transferred to a receiving site when a final decision is made on the TDR receiving area development proposal, the sending site is permanently protected by a completed and recorded land dedication or conservation easement, notification has been provided to the King County assessor's office and a TDR extinguishment document has been provided to the department of natural resources and parks, or its successor agency.

B. TDR development rights where the proposed receiving site would be within an incorporated King County municipal jurisdiction shall be reviewed and transferred using that jurisdiction's development application review process.

SECTION 71. Ordinance 13733, Section 8, as amended, and K.C.C. 21A.37.100 are each hereby amended to read as follows:

The purpose of the TDR bank is to assist in the implementation of the transfer of development rights

(TDR) program by purchasing and selling development rights, ~~((and))~~ purchasing conservation easements, and facilitating interlocal TDR agreements with cities in King County through the provision of amenity funds. The TDR bank may acquire development rights and conservation easements only from sending sites located in the rural area or in an agricultural or forest production district as designated in the King County Comprehensive Plan. Development rights purchased from the TDR bank may only be used for receiving sites in cities or in the urban unincorporated area as designated in the King County Comprehensive Plan.

SECTION 72. Ordinance 13733, Section 10, as amended, and K.C.C. 21A.37.110 are each hereby amended to read as follows:

Transfer of development rights (TDR) bank expenditure and purchase authorization.

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 (~~((shall not))~~) may be used to cover the cost of providing staff support for identifying and qualifying sending and receiving sites, (~~((or))~~) and the costs of providing staff support for the TDR interagency review committee (~~((or the department of natural resources and parks))~~).

F. All 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.

SECTION 73. Ordinance 10870, Section 581, and K.C.C. 21A.38.080 are each hereby amended to read as follows:

Implementation of the UPD designation shall comply with the following:

A. The minimum site size for an UPD permit application shall be not less than (~~((200))~~) one hundred acres. "Site size" for purposes of this subsection means contiguous land under one ownership or under the control of a single legal entity responsible for submitting an UPD permit application and for carrying out all provisions of the development agreement; and

B. The UPD shall comply with the standards and procedures set out in Chapter 21A.39.

SECTION 74. Ordinance 11351, Section 1, as amended, and K.C.C. 21A.38.090 are each hereby amended to read as follows:

A. The purpose of the economic redevelopment special district overlay is to provide incentives for the redevelopment of large existing, underutilized concentrations of commercial/industrial lands within urban areas.

B. The economic redevelopment special district overlay shall only be designated through the area zoning process; located in areas designated within a community, subarea or neighborhood plan as an activity center; and zoned CB, RB, O, or I.

C. The standards of this title and other county codes shall be applicable to development within the economic redevelopment special district overlay except as follows:

1. Commercial or industrial uses that exist within an area as of the effective date of legislation applying the economic redevelopment special district overlay, but that are not otherwise permitted by the zoning, shall be considered permitted uses upon only the lots that they occupied as of that date.

2. The minimum parking requirements of this title shall be reduced as follows(~~(, provided that such reductions do not apply to new construction on vacant property or the vacant portions of partially developed property where that construction is not an enlargement or replacement of an existing building))~~):

a. The parking stall requirements are reduced 100 percent provided that:

(1) the square footage of any enlargement or replacement of an existing building does not in total exceed 125 percent of the square footage of the existing building;

(2) any new mixed use development provides a minimum of two stories of residences above the ground-floor level commercial;

(3) the building fronts on an existing roadway improved to urban standards or a roadway programmed to be improved to urban standards as a capital improvement project, that accommodates on-street parking; and

~~((3))~~ (4) there is no net decrease in existing off-street parking space.

b. the parking stall requirements for commercial and retail uses are reduced 50 percent (~~provided that~~) if:

(1) the square footage of any enlargement or replacement of an existing building in total exceeds 125 percent of the square footage of the existing building;

(2) the height of the enlarged or replacement building does not exceed the base height of the zone in which it is located;

(3) the building fronts on an existing roadway improved to urban standards or a roadway

programmed to be improved as a capital improvement project, that accommodates on-street parking; and

(4) there is no net decrease in existing off-street parking spaces, unless it exceeds the minimum requirements of subsection C.2.b.

~~3. ((The landscaping requirements of this title shall be waived, provided that:~~

~~a. street trees, installed and maintained by the adjacent property owner, shall be substituted in lieu of landscaping; and~~

~~b. any portion of the overlay district that directly abuts properties outside of the district shall provide, along said portions, a landscape buffer area no less than 50 percent of that required by this title.~~

~~4. The setback requirements of this title shall be waived, provided that:~~

~~a. setback widths along any street forming a boundary of the overlay district shall comply with this title, and~~

~~b. any portion of the overlay district that directly abuts properties outside of the district shall provide, along said portions, a setback no less than 50 percent of that required by this title.~~

5.)) The building height limits of this title shall be waived, provided that the height limit within 50 feet of the perimeter of the overlay district shall be 30 feet.

~~((6.))~~ (4) Signage shall be limited to that allowed within the CB zone.

~~((7.))~~ (5) The roadway improvements of the King County code shall be waived, provided a no-protest agreement to participate in future road improvement districts (RID) is signed by an applicant and recorded with the county.

~~((8. The pedestrian circulation requirements of this title shall be waived.~~

~~9. The impervious surface and lot coverage requirements of this title shall be waived.~~

10.)) (6) On I zoned lands that are designated in the comprehensive plan as unincorporated activity centers, conditional use permits shall not be issued where the resulting impacts such as noise, smoke, odor and glare would be inconsistent with the maintenance of nearby viable commercial and residential areas.

D. For properties that have frontage on pedestrian street(s) or routes as designated in an applicable plan or area zoning process, the following conditions shall apply:

1. main building entrances shall be oriented to the pedestrian street. If multiple pedestrian streets front on the building, each pedestrian street shall have a similar main building entrance;
2. at the ground floor (at grade), buildings shall be located no more than 5 feet from the sidewalk or sidewalk improvement, but in no instance shall encroach on the public right-of-way;
3. building facades shall comprise at least 75% of the total pedestrian street frontage for a property, and if applicable, at least 75% of the total pedestrian route frontage for a property;
4. minimum side setbacks of the underlying zoning are waived;
5. building facades of ground floor retail, general business service, and professional office land uses, that front onto a pedestrian street or route shall include windows and overhead protection;
6. building facades, along a pedestrian street or route, that are without ornamentation, or are comprised of uninterrupted glass curtain walls or mirrored glass are not permitted; and
7. vehicle access shall be limited to the rear access alley or rear access street where such an alley or street exists.

SECTION 75. Ordinance 14045, Section 37, as amended, and K.C.C. 21A.14.360 are each hereby amended to read as follows:

A. The county may accept the voluntary grant of an easement for a rural equestrian community trails [trail] consistent with K.C.C. 21A.14.350 through 21A.14.390 from any development when such development contains any existing historically established rural equestrian community trail, and when located in the RA, A or F zones (~~and within an equestrian community designated by the King County Comprehensive Plan~~). The residents or tenants of the development shall be provided access to any such trail provided hereunder for use consistent with the function of the trail. The area of any such trail provided hereunder shall be counted as part of the site for purposes of density and floor area calculations. The application of this section shall not reduce

the allowed density within a residential subdivision or short subdivision. The county may also accept the voluntary grant of an easement for a rural equestrian community trail consistent with K.C.C. 21A.14.350 through 21A.14.390 when there is no development proposed for the property.

B The rural equestrian community trails provisions apply to any property located in the RA, A or F zones (~~(and within an equestrian community designated by the King County Comprehensive Plan)~~).

4. Development proposals for government/business service uses denoted in the permitted use table in K.C.C. 21A.08.060.

SECTION 76. Ordinance 14259, Section 10 and K.C.C. 21A.14.365 are each hereby amended to read as follows:

A. The department shall notify every applicant for a plat, short plat, boundary line adjustment, clearing and grading permit, conditional use permit, building permit for new construction or additions to existing structures, or zone reclassification in the RA, A or F zones (~~(and within an equestrian community designated by the King County Comprehensive Plan)~~) on the opportunity to voluntarily grant an easement for a rural equestrian community trail in accordance with Ordinance 14259.

B. The department shall notify the department of natural resources and parks of every application for a plat, short plat, boundary line adjustment, clearing and grading permit, conditional use permit, building permit for new construction or additions to existing structures, or zone reclassification in the RA, A or F zones (~~(and within an equestrian community designated by the King County Comprehensive Plan)~~).

SECTION 77. Ordinance 14045, Section 38, as amended, and K.C.C. 21A.14.370 are each hereby amended to read as follows:

The county shall accept a voluntary grant of easement for the preservation or relocation of a rural equestrian community trail in the RA, A or F zone (~~(within the Equestrian Community area designated in the King County Comprehensive Plan)~~) whenever:

A. The department makes a determination in writing that:

1. The equestrian community trail is listed or mapped on an inventory of equestrian community trails maintained by the King County parks and recreation department. The department shall field verify the presence of a trail where an inventory indicates the general location of a trail that has not yet been field verified:

2. The equestrian community trail connects to a state, county or other trail open to the public;

3. The equestrian community trail, following a site inspection by the department of natural resources and parks, is reasonably fit for use as a rural equestrian community trail;

4. If the equestrian community trail traverses or impacts an environmentally sensitive area, it can be modified to meet code requirements for trails in sensitive areas; and

5. Permanent protection or relocation of an equestrian community trail can be accomplished without interference with allowed uses and development of the subject property, and the site can be developed without interference with the trail and allows for future owners of the property to access historically existing or public trails in the vicinity of the site.

B. If the trail is proposed to be granted as part of a mitigation package for a development proposal, the department of development and environmental services determines and reports to the department of natural resources that permanent protection or relocation of an equestrian community trail can be accomplished without interference with the proposed use and development of the subject property, and the site can be developed without interference with the trail and in a manner that allows future owners of the property to access historically existing or public trails in the vicinity that are linked to the subject site. The department of development and environmental services shall report its findings in writing.

SECTION 78. Ordinance 14045, Section 39, as amended, and K.C.C. 21A.14.380 are each hereby amended to read as follows:

**Rural equestrian community trails - location and design standards.** The following design standards apply to rural equestrian community trails provided pursuant to this chapter located within the RA, A or F zones ~~((and within the equestrian community designated by the King County Comprehensive Plan)).~~

A. An on-site rural equestrian community trail should be retained at its existing location unless that location impairs the use of the property as intended by the applicant. A rural equestrian trail retained in the existing location shall not require any upgrades or improvements, except for maintenance required by this section. The trail may be relocated to a location within the street right-of-way or to another corridor separate from a street right-of-way, provided that whatever alternative is used preserves the same connections as the original trail to an existing public park or trail in the vicinity of the subject property. The preferred place for a relocated trail is out of the right-of-way or separated from the paved surface and road shoulder by a berm, ditch or other separation. Trails may only be relocated to a street right-of-way when meeting the standards in subsection E of this section. A tax credit pursuant to the Public Benefit Rating System may only be given for trails relocated off the road right-of-way. The trail location shall be preserved by appropriate easements or dedications.

B. Corridors for trails located outside a street right-of-way shall be ten feet wide, or six feet wide if the trail will be located along a property line and additional corridor space can reasonably be expected to be preserved on the abutting property and the corridor is not encumbered by any structures adjacent to the corridor.

C. If permitted by K.C.C. chapter 21A.24, an existing or relocated rural equestrian community trail may be located in a designated sensitive area buffer.

D. Rural equestrian community trails that are not located within street rights-of-way, should be natural, visually and functionally unobtrusive, and as low-impact as possible.

E. Relocated or new rural equestrian community trails within public or private road rights-of-way shall be designed consistent with adopted King County Road Standards (KCRS, Section 3.11), as supplemented by the following standards:

1. The trail shall be located to provide access to a local equestrian travel corridor through the project site and adjacent properties, as determined by the King County department of transportation in cooperation with the local equestrian community.

2. The preferred design is a trail separated from the paved roadway by a berm, ditch, tree cover or other natural obstacle; the center of the trail tread shall be at least eight feet of horizontal distance from the paved roadway edge.

3. When a separated trail cannot be provided, a soft-surfaced ninety-six inch-wide roadway shoulder path shall be installed on all roads other than local access streets, where a forty-eight inches shoulder path shall be sufficient.

4. All trails shall have an all-weather tread of thirty-six to forty-eight inches.

5. The roadway shall include appropriate surface treatment to reduce slippage at roadway/trail crossings.

6. Appropriate signs shall be provided to indicate the location of street crossings for trails, with emphasis on arterials and subcollector street.

F. Relocated or new rural equestrian community trails not located in a right-of-way shall be designed to the King County Road Standards, KCRS, Section 3.11.A.2.

SECTION 79. 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								
P-Permitted Use	Z O N E	A	F	M	R	U	R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use		G	O	I	U	R	E	R	E	E	U	O	U	E	U	F	N
S-Special Use		R	R	N	R	B	S	B	S	I	S	M	S	G	S	F	D
		I	E	E	A	A	E	A	I	G	I	M	I	I	I	I	U
		C	S	R	L	N	R	N	D	H	N	U	N	O	N	C	S
		U	T	A			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				
	GOVERNMENT SERVICES:													(30)			



*	Public agency or utility office				P3 C3	P3 C5	P3 C	P3 C	P	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	P
9224	Fire Facility				C6 and 33	C6	C6	C6	P	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	P
*	Commuter Parking Lot				C 33 P19	C P19	C	C 19 P19	P	P	P	P	P35
*	Private Stormwater Management Facility	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8
*	Vector Waste Receiving Facility	P	P	P	P18	P18	P18	P18	P31	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							C14	P37	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		P P16
*	Professional Office								P	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
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,

b. suspect interview rooms (except in the NB zone), 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.

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. Vector 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. 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.

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 (~~and in an equestrian community designated by the Comprehensive Plan~~)).

34. Limited to landscape and horticultural services (SIC 078) that are accessory to a use classified as retail nurseries, lawn and garden supply store (SIC 5261) and provided that 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 farm structure, including but not limited to barns, existing as of December 31, 2003;

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 farm structure, including but not limited to barns, existing as of December 31, 2003;

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 80. Pursuant to 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. Titles 16 and 21A amended by this ordinance, provide adequate analysis of and mitigation for the specific adverse environmental impacts to which the requirements apply.

SECTION 81. 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.