



Legislation Details (With Text)

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On agenda: 3/18/2013 **Final action:** 3/18/2013

Enactment date: 3/28/2013 **Enactment #:** 17539

Title: AN ORDINANCE relating to development regulations; amending Ordinance 9163, Section 2, as amended, and K.C.C. 9.04.020, Ordinance 2281, Section 5, as amended, and K.C.C. 9.04.050, Ordinance 7590, Section 7, as amended, and K.C.C. 9.08.060, Ordinance 12560, Section 10, as amended, and K.C.C. 16.02.240, Ordinance 1488, Section 5, as amended, and K.C.C. 16.82.020, Ordinance 15053, Section 3, as amended, and K.C.C. 16.82.051, Ordinance 3108, Section 10, and K.C.C. 16.82.120, Ordinance 9614, Section 102, as amended, and K.C.C. 16.82.140, Ordinance 13694, Section 39, and K.C.C. 19A.08.040, Ordinance 13694, Section 41, and K.C.C. 19A.08.060, Ordinance 13694, Section 42, as amended, and K.C.C. 19A.08.070, Ordinance 13694, Section 51, as amended, and K.C.C. 19A.08.160, Ordinance 16985, Section 4, as amended, and K.C.C. 20.12.205, Ordinance 12196, Section 10, as amended, and K.C.C. 20.20.030, Ordinance 12196, Section 11, as amended, and K.C.C. 20.20.040, Ordinance 12196, Section 13, as amended, and K.C.C. 20.20.060, Ordinance 15051, Section 3, and K.C.C. 21A.06.037, Ordinance 15032, Section 6, and K.C.C. 21A.06.742, Ordinance 12024, Section 14, as amended, and K.C.C. 21A.06.1432, Ordinance 10870, Section 330, as amended, and K.C.C. 21A.08.030, Ordinance 10870, Section 331, as amended, and K.C.C. 21A.08.040, Ordinance 10870, Section 332, as amended, and K.C.C. 21A.08.050, Ordinance 10870, Section 333, as amended, and K.C.C. 21A.08.060, Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070, Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080, Ordinance 10870, Section 336, as amended, and K.C.C. 21A.08.090, 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 357, as amended, and K.C.C. 21A.12.200, Ordinance 10870, Section 364, as amended, and K.C.C. 21A.14.040, Ordinance 11621, Section 99, and K.C.C. 21A.14.280, Ordinance 10870, Section 386, as amended, and K.C.C. 21A.16.010, Ordinance 11210, Section 12, as amended, and K.C.C. 21A.16.115, Ordinance 10870, Section 415, as amended, and K.C.C. 21A.18.110, Ordinance 10870, Section 424, as amended, and K.C.C. 21A.20.060, Ordinance 10870, Section 433, and K.C.C. 21A.20.130, Ordinance 15051, Section 137, as amended, and K.C.C. 21A.24.045, Ordinance 15051, Section 138, and K.C.C. 21A.24.051, Ordinance 10870, Section 454, as amended, and K.C.C. 21A.24.070, Ordinance 10870, Section 458, as amended, and K.C.C. 21A.24.110, Ordinance 15051, Section 152, and K.C.C. 21A.24.137, Ordinance 10870, Section 465, as amended, and K.C.C. 21A.24.180, Ordinance 10870, Section 471, as amended, and K.C.C. 21A.24.240, Ordinance 10870, Section 473, as amended, and K.C.C. 21A.24.260, Ordinance 10870, Section 477, as amended, and K.C.C. 21A.24.300, Ordinance 15606, Section 20, as amended, and K.C.C. 21A.30.085, Ordinance 8867, Section 1, as amended, and K.C.C. 26.12.010, Ordinance 15051, Section 231, and K.C.C. 21A.24.520, Ordinance 3688, Section 801, as amended, and K.C.C. 21A.25.290, Ordinance 13129, Section 9, as amended, and K.C.C. 21A.27.090, Ordinance 10870, Section 530, as amended, and K.C.C. 21A.30.020, Ordinance 11168, Section 5, as amended, and K.C.C. 21A.30.062, Ordinance 10870, Section 557, as amended, and K.C.C. 21A.32.200, Ordinance 10870, Section 579, as amended, and K.C.C. 21A.38.060, adding new sections to K.C.C. chapter 21A.06, adding a new section to K.C.C. chapter 21A.12, adding new sections to K.C.C. chapter 21A.24 and repealing Ordinance 15051, Section 59, and K.C.C. 21A.06.522.

Sponsors: Larry Phillips

Indexes: Development and Environmental Services

Code sections: 16.02.240 -, 16.82.020 -, 16.82.051 -, 16.82.120 -, 16.82.140 -, 19A.08.040 - ., 19A.08.060 - ., 19A.08.070 -, 19A.08.160 - ., 20.12.205 - ., 20.20.030 -, 20.20.040 -, 20.20.060 -, 21A.06 -,

21A.06.037 - , 21A.06.1432 - , 21A.06.522 - , 21A.06.742 - , 21A.08.030 - , 21A.08.040 - , 21A.08.050 - , 21A.08.060 - , 21A.08.070 - , 21A.08.080 - , 21A.08.090 - , 21A.12 - , 21A.12.030 - , 21A.12.040 - , 21A.12.200 - , 21A.14.040 - , 21A.14.280 - , 21A.16.010 - , 21A.16.115 - , 21A.18.110 - , 21A.20.060 - , 21A.20.130 - , 21A.22.050 - , 21A.24 - , 21A.24.045 - , 21A.24.051 - , 21A.24.070 - , 21A.24.110 - , 21A.24.137 - , 21A.24.180 - , 21A.24.240 - , 21A.24.260 - , 21A.24.290 - , 21A.24.300 - , 21A.24.520 - , 21A.27.090 - , 21A.30.020 - , 21A.30.062 - , 21A.30.085 - , 21A.30.085 - , 21A.32.200 - , 21A.38.060 - , 26.12.010 - , 9.04.020 - , 9.04.050 - , 9.04.060 - * , 9.08.060 -

Attachments:

1. Ordinance 17539.pdf, 2. 2012-0441 Transmittal Letter.doc, 3. 2012-0441 Fiscal Note.xls, 4. 2012-0441 Checklist Dated September 4, 2012.doc, 5. 2012-0441 Regulatory Note.doc, 6. 2012-0441 Notice of Hearing.doc, 7. 2012-0441 Summary--2012 Code Amendments Plain Language Summary.doc, 8. 2012-0441 Determination of Non-Significance.doc, 9. 2012-0441 SEPA Checklist.doc, 10. 2012-0441 Notice of Intent to Adopt Amendment.doc, 11. 2012-0441 Code Amendment Table 121010.doc, 12. 2012-0441 Staff report - DDES omnibus.doc, 13. 2012-0441 DDES attach 2.doc, 14. 2012-0441 Staff report - DPER omnibus (2-5-13).doc, 15. 2012-0441 attach 1 - DPER rev matrix (2-5-13).doc, 16. 2012-0441 attach 3 - amend matrix (2-5-13).doc, 17. 2012-0441 Attachment 6 - Amend 4 (2-5-13).doc, 18. 2012-0441 Attachment 4 - Amend 1 (2-5-13).doc, 19. 2012-0441 Attachment 5 - Amend 2 (2-5-13).doc, 20. 2012-0441 Attachment 7 - Amend 5 (2-5-13).doc, 21. 2012-0441 Attachment 8 - T1 Amendment (2-5-13).doc, 22. 2012-0441 Notice of Hearing.doc, 23. 2012-0441 Revised Staff Report - DDES omnibus .doc, 24. 2012-0441 Affidavit of Publication - 2-13-13 Seattle Times.doc, 25. 17539 Amendment Package 3-18-13.pdf, 26. 2012-0441 affidavit of publication- adoption notice - Seattle Times.pdf

Date	Ver.	Action By	Action	Result
3/18/2013	2	Metropolitan King County Council	Hearing Held	
3/18/2013	2	Metropolitan King County Council	Passed as Amended	Pass
2/5/2013	1	Transportation, Economy, and Environment Committee	Recommended Do Pass Substitute	Pass
1/29/2013	1	Transportation, Economy, and Environment Committee	Deferred	
1/28/2013	1	Metropolitan King County Council	Reintroduced	
1/15/2013	1	Transportation, Economy, and Environment Committee	Deferred	
11/13/2012	1	Metropolitan King County Council	Introduced and Referred	

Clerk 03/19/2013

AN ORDINANCE relating to development regulations; amending Ordinance 9163, Section 2, as amended, and K.C.C. 9.04.020, Ordinance 2281, Section 5, as amended, and K.C.C. 9.04.050, Ordinance 7590, Section 7, as amended, and K.C.C. 9.08.060, Ordinance 12560, Section 10, as amended, and K.C.C. 16.02.240, Ordinance 1488, Section 5, as amended, and K.C.C. 16.82.020, Ordinance 15053, Section 3, as amended, and K.C.C. 16.82.051, Ordinance 3108, Section 10, and K.C.C. 16.82.120, Ordinance 9614, Section 102, as amended, and K.C.C. 16.82.140, Ordinance 13694, Section 39, and K.C.C. 19A.08.040,

Ordinance 13694, Section 41, and K.C.C. 19A.08.060, Ordinance 13694, Section 42, as amended, and K.C.C. 19A.08.070, Ordinance 13694, Section 51, as amended, and K.C.C. 19A.08.160, Ordinance 16985, Section |1013|, as amended, and K.C.C. 20.12.205, Ordinance 12196, Section 10, as amended, and K.C.C. 20.20.030, Ordinance 12196, Section 11, as amended, and K.C.C. 20.20.040, Ordinance 12196, Section 13, as amended, and K.C.C. 20.20.060, Ordinance 15051, Section 3, and K.C.C. 21A.06.037, Ordinance 15032, Section 6, and K.C.C. 21A.06.742, Ordinance 12024, Section 14, as amended, and K.C.C. 21A.06.1432, Ordinance 10870, Section 330, as amended, and K.C.C. 21A.08.030, Ordinance 10870, Section 331, as amended, and K.C.C. 2|1013|A.08.040, Ordinance 10870, Section 332, as amended, and K.C.C. 21A.08.050, Ordinance 10870, Section 333, as amended, and K.C.C. 21A.08.060, Ordinance 10870, Section 334, as amended, and K.C.C. 21A.08.070, Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080, Ordinance 10870, Section 336, as amended, and K.C.C. 21A.08.090, 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 357, as amended, and K.C.C. 21A.12.200, Ordinance 10870, Section 364, as amended, and K.C.C. 21A.14.040, Ordinance 11621, Section 99, and K.C.C. 21A.14.280, Ordinance 10870, Section 386, as amended, and K.C.C. 21A.16.010, Ordinance 11210, Section 12, as amended, and K.C.C. 21A.16.115, Ordinance 10870, Section 415, as amended, and K.C.C. 21A.18.110, Ordinance 10870, Section 424, as amended, and K.C.C. 21A.20.060, Ordinance 10870, Section 433, and K.C.C. 21A.20.130, Ordinance 15051, Section 137, as amended, and K.C.C. 21A.24.045, Ordinance 15051,

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BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 9163, Section 2, as amended, and K.C.C. 9.04.020 are each hereby amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Adjustment" means a department-approved variation in the application of the requirements of K.C.C. 9.04.050 and the Surface Water Design Manual to a particular project in accordance with K.C.C.

9.04.050C. "Adjustment" replaces "variance," which was used in prior editions of the Surface Water Design Manual.

B. "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 under 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.

C. "Basin" means a geographic area that contains and drains to a stream or river named and noted on common maps, such as the Cedar river, Sammamish river, Green river, Snoqualmie river, Skykomish river or White river, or a geographic area that drains to a nonflowing water body named and noted on common maps, such as Lake Washington or Puget Sound.

D. "Basin plan" means a plan and all implementing regulations and procedures including, but not limited to, capital projects, public education activities and land use management adopted by ordinance for managing surface and storm water within the basin.

E. "Closed depression" means an area greater than five thousand square feet at overflow elevation that is low-lying and that has no or such a limited surface water outlet that the area acts as a stormwater retention facility.

F. "Construct or modify" means to install a new drainage pipe or ditch or make improvements to an existing drainage pipe or ditch, for purposes other than maintenance, that either serves to concentrate previously unconcentrated surface and storm water runoff or serves to increase, decrease or redirect the conveyance of surface and storm water runoff. "Construct or modify" does not include installation or maintenance of a driveway culvert installed as part of a single-family residential building permit.

G. "Conveyance system" means the drainage facilities and features, both natural and constructed, that collect, contain and provide for the flow of surface and storm water from the highest points on the land down to a receiving water. The natural elements of the conveyance system include swales and small drainage courses,

streams, rivers, lakes and wetlands. The constructed elements of the conveyance system include gutters, ditches, pipes, channels and most flow control and water quality treatment facilities.

H. "Department" means the department of natural resources and parks or its successor.

I. "Development" means any activity that requires a permit or approval, including, but not limited to, a building permit, grading permit, shoreline substantial development permit, conditional use permit, special use permit, zoning variance or reclassification, subdivision, short subdivision, urban planned development, binding site plan, site development permit or right-of-way use permit. "Development" does not include (~~(a Class I, H, III or IV-S forest practice conducted in accordance with chapter 76.09 RCW and Title 222 WAC or a class IV-G nonconversion forest practice, as defined in K.C.C. chapter 21A.06, conducted in accordance with chapter 76.09 RCW and Title 222 WAC and a county-approved forest management plan))~~ forest management activities, as defined in K.C.C. chapter 21A.06.

J. "Director" means the director of the department of natural resources and parks, or any duly authorized representative of the director.

K. "Drainage" means the collection, conveyance, containment or discharge, or any combination thereof, of surface and storm water runoff.

L. "Drainage facility" means a constructed or engineered feature that collects, conveys, stores or treats surface and storm water runoff. "Drainage facility" includes, but is not limited to, a constructed or engineered stream, pipeline, channel, ditch, gutter, lake, wetland, closed depression, flow control or water quality treatment facility, erosion and sediment control facility and other structure and appurtenance that provides for drainage.

M. "Drainage review" means an evaluation by King County staff of a proposed project's compliance with the drainage requirements in the Surface Water Design Manual. The types of drainage review include: Small project drainage review, targeted drainage review, full drainage review and large project drainage review.

N. "Erosion and sediment control" means any temporary or permanent measures taken to reduce erosion, control siltation and sedimentation and ensure that sediment-laden water does not leave the site or

enter into wetlands or aquatic areas.

O. "Financial guarantee" means a form of financial security posted to do one or more of the following: ensure timely and proper completion of improvements; ensure compliance with the King County Code; or provide secured warranty of materials, workmanship of improvements and design. "Financial guarantees" include assignments of funds, cash deposit, surety bonds or other forms of financial security acceptable to the director of the department of development and environmental services. "Performance guarantee," "maintenance guarantee" and "defect guarantee" are considered sub categories of financial guarantee.

P. "Flood hazard (~~(reduction)~~) management plan" means a plan and all implementing goals, objectives, guiding principles, policies and programs, (~~(regulations and procedures)~~) including, but not limited to, capital projects, public outreach and education activities and enforcement programs for reduction of flood (~~(hazards)~~) risks and prepared in accordance with RCW 86.12.200.

Q "Flow control best management practice" means a method or design for dispersing, infiltrating or otherwise reducing or preventing development-related increases in surface and storm water runoff at, or near, the sources of those increases. "Flow control best management practice" includes the methods and designs specified in the Surface Water Design Manual.

R. "Flow control facility" means a drainage facility designed to mitigate the impacts of increased surface and storm water runoff generated by site development in accordance with the drainage requirements in this chapter. A "flow control facility" is designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration or infiltration into the ground or to hold runoff for a short period of time and then release it to the conveyance system.

S. "Full drainage review" means the evaluation required by K.C.C. 9.04.030 for any proposed project, unless the project is subject to small project drainage review, targeted drainage review or large project drainage review, that:

1. Would result in two thousand square feet or more of new impervious surface;

2. Would result in thirty-five thousand square feet or more of new pervious surface: or

3. Is a redevelopment project on one or more parcels where the total of new and replaced impervious surface is five thousand square feet or more and when the valuation of proposed improvements exceeds fifty percent of the assessed value of the existing site improvements, including interior improvements and excluding required mitigation and frontage improvements.

T. "High-use site" means a commercial, industrial or road intersection site that generates a higher than average number of vehicle turnovers or has other characteristics that generate the potential for chronic oil accumulation. "High use site" includes:

1. A commercial or industrial site subject to:

a. an expected daily traffic count greater than one hundred vehicles per one thousand square feet of gross building area;

b. petroleum storage or transfer in excess of one thousand gallons per year, not including routine fuel oil storage or transfer; or

c. use, storage or maintenance of a fleet of twenty-five or more diesel vehicles each weighing over ten tons; or

2. A road intersection with average daily traffic counts of twenty-five thousand vehicles or more on the main roadway and fifteen thousand or more vehicles on any intersecting roadway, excluding pedestrian or bicycle use improvement projects.

U. "Hydraulically connected" means connected through surface flow or water features such as wetlands or lakes.

V. "Impervious surface" means a hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions before development or that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions (~~(prior to)~~) before development. Common impervious surfaces include, but are not limited to, roofs, walkways, patios,

driveways, parking lots, storage areas, areas that are paved, graveled or made of packed or oiled earthen materials or other surfaces that similarly impede the natural infiltration of surface and storm water. An open uncovered flow control or water quality treatment facility is not an "impervious surface."((=))

W. "Improvement" means a permanent, human-made, physical change to land or real property including, but not limited to, buildings, streets, driveways, sidewalks, crosswalks, parking lots, water mains, sanitary and storm sewers, drainage facilities and landscaping.

X. "Land disturbing activity" means an activity that results in a change in the existing soil cover, both vegetative and nonvegetative, or to the existing soil topography. "Land disturbing activity" includes, but is not limited to, demolition, construction, clearing, grading, filling, excavation and compaction. "Land disturbing activity" does not include tilling conducted as part of agricultural practices, landscape maintenance or gardening.

Y. "Lake management plan" means a plan describing the lake management recommendations and requirements adopted by public rule for managing water quality within individual lake basins.

Z. "Large project drainage review" means the evaluation required by K.C.C. 9.04.030 for any proposed project that:

1. Has an urban plan development land use designation in the King County Comprehensive Plan land use map;
2. Would, at full buildout of the project site, result in fifty acres or more of new impervious surface within a drainage subbasin or a number of subbasins hydraulically connected across subbasin boundaries; or
3. Has a project site of fifty acres or more within a critical aquifer recharge area, as defined in K.C.C. Title 21A.

AA. "Licensed civil engineer" means a person registered with the State of Washington as a professional engineer in civil engineering.

BB. "Maintenance" means those usual activities taken to prevent a decline, lapse or cessation in the use

of currently serviceable structures, facilities, equipment or systems, if there is no expansion of the structure, facilities, equipment or system and there are no significant hydrologic impacts. "Maintenance" includes the repair or replacement of nonfunctional facilities or the replacement of existing structures with different types of structures, if the repair or replacement is required by one or more environmental permits or to meet current engineering standards and the functioning characteristics of the original facility or structure are not changed.

CC. "Master drainage plan" means a comprehensive drainage control plan intended to prevent significant adverse impacts to the natural and constructed drainage system, both on- and off-site.

DD. "Native vegetated surface" means a surface in which the soil conditions, ground cover and species of vegetation are like those of the original native condition for the site, as more specifically set forth in the Surface Water Design Manual.

EE. "Natural discharge location" means the location where runoff leaves the project site under existing site conditions as defined in the Surface Water Design Manual.

FF. "New impervious surface" means the creation of a hard or compacted surface such as roofs, pavement, gravel or dirt or the addition of a more compacted surface such as the paving of existing dirt or gravel.

GG. "New pervious surface" means the conversion of a native vegetated surface or other native surface to a nonnative pervious surface, including, but not limited to, pasture land, grassland, cultivated land, lawn, landscaping or bare soil or any alteration of existing nonnative pervious surface that results in increased surface and storm water runoff as defined in the Surface Water Design Manual.

HH. "Pollution-generating impervious surface" means an impervious surface considered to be a significant source of pollutants in surface and storm water runoff. "Pollution-generating impervious surface" includes those surfaces subject to vehicular use or storage of erodible or leachable materials, wastes or chemicals and that receive direct rainfall or the run-on or blow-in of rainfall. A covered parking area would be included if runoff from uphill could regularly run through it or if rainfall could regularly blow in and wet the

pavement surface. Metal roofs are also considered pollution-generating impervious surface unless they are treated to prevent leaching.

II. "Pollution-generating pervious surface" means a nonimpervious surface considered to be a significant source of pollutants in surface and storm water runoff. "Pollution-generating pervious surfaces" include surfaces subject to the use of pesticides and fertilizers, to the use or storage of erodible or leachable materials, wastes or chemicals or to the loss of soil. "Pollution-generating pervious surface" includes, but is not limited to, the lawn and landscaped areas of a residential or commercial site, golf course, park sports field and county-standard grassed modular grid pavement.

JJ. "Project" means any proposed action to alter or develop a site that may also require drainage review.

KK. "Project site" means the portion of a site and any offsite areas subject to proposed project activities, alterations and improvements including those required by this chapter.

LL. "Redevelopment project" means a project that proposes to add, replace or modify impervious surface for purposes other than a residential subdivision or maintenance on a site that:

1. Is already substantially developed in a manner that is consistent with its current zoning or with a legal nonconforming use; or
2. Has an existing impervious surface coverage of thirty-five percent or more.

MM. "Replaced impervious surface" means an existing impervious surface proposed to be removed and reestablished as impervious surface, excluding impervious surface removed for the sole purpose of installing utilities or performing maintenance. For purposes of this definition, "removed" includes the removal of buildings down to bare soil or the removal of Portland cement concrete slabs or pavement or asphaltic concrete pavement.

NN. "Runoff" means that portion of water originating from rainfall and other precipitation that flows over the surface or just below the surface from where it fell and is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes, wetlands and shallow groundwater as well as on ground surfaces. For the purpose

of this definition, groundwater means all waters that exist beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body surface water, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves.

OO. "Salmon conservation plan" means a plan and all implementing regulations and procedures including, but not limited to, land use management adopted by ordinance, capital projects, public education activities and enforcement programs for conservation and recovery of salmon within a water resource inventory area designated by the state under WAC 173-500-040.

PP. "Shared facility" means a drainage facility designed to meet one or more of the requirements of K.C.C. 9.04.050 for two or more separate projects contained within a basin. Shared facilities usually include shared financial commitments for those drainage facilities.

QQ. "Site" means a single parcel, or two or more contiguous parcels that are under common ownership or documented legal control, used as a single parcel for a proposed project for purposes of applying for authority from King County to carry out a proposed project. For projects located primarily within dedicated rights-of-way, "site" includes the entire width of right-of-way subject to improvements proposed by the project.

RR. "Small project drainage review" means the drainage review for a proposed single-family residential project or agricultural project that:

1. Would result in:

- a. ten thousand square feet or less of total impervious surface added on or after January 8, 2001; or
- b. four percent or less of total impervious surface on a site as specified in the Surface Water Design

Manual; and

2. Meets the small project drainage requirements specified in the Surface Water Design Manual, including flow control best management practices, erosion and sediment control measures and drainage plan submittal requirement; and

3. Limits new pervious surface as specified in the Surface Water Design Manual.

SS. "Stormwater compliance plan" means a plan or study and all regulations and procedures that have been adopted by the county to implement the plan or study, including, but not limited to, capital projects, public education activities and enforcement programs for managing stormwater quantity and quality discharged from the county's municipal separate storm sewer system in compliance with the National Pollutant Discharge Elimination System permit program under the Clean Water Act.

TT. "Subbasin" means a geographic area that:

1. Drains to a stream or water body named and noted on common maps; and
2. Is contained within the basin of the stream or water body.

UU. "Surface and storm water" means water originating from rainfall and other precipitation that is found on ground surfaces and in drainage facilities, rivers, streams, springs, seeps, ponds, lakes, wetlands as well as and shallow ground water.

VV. "Surface Water Design Manual" means the manual, and supporting documentation referenced or incorporated in the manual, describing surface and storm water design and analysis requirements, procedures and guidance that has been formally adopted by rule under the procedures in K.C.C. chapter 2.98. The Surface Water Design Manual is available from the department of development and environmental services or the department of natural resources and parks, water and land resources division or their successor agencies.

WW. "Targeted drainage review" means an abbreviated evaluation required by K.C.C. 9.04.030 for certain types of proposed projects that are not subject to full or large project drainage review. Targeted drainage review may be required for some projects in small project drainage review.

XX. "Water quality treatment facility" means a drainage facility designed to reduce pollutants once they are already contained in surface and storm water runoff. A water quality treatment facility is the structural component of best management practices. When used singly or in combination, a water quality treatment facility reduces the potential for contamination of both surface and ground waters.

SECTION 2. Ordinance 2281, Section 5, as amended, and K.C.C. 9.04.050 are each hereby amended to

read as follows:

A. A proposed project required to have drainage review by K.C.C. 9.04.030 must meet each of the following core requirements, which are described in detail in the Surface Water Design Manual. Projects subject only to small project drainage review that meet the small project drainage requirements specified in the Surface Water Design Manual, including flow control best management practices, erosion and sediment control measures and drainage plan submittal requirements are deemed to comply with the following core requirements:

1. Core requirement 1: Discharge at the natural location. All surface and storm water runoff from a project shall be discharged at the natural location so as not to be diverted onto, or away from, downstream properties. The manner in which runoff is discharged from the project site shall not create a significant adverse impact or significantly aggravate an existing adverse impact to downhill properties or drainage systems as specified in the discharge requirements of the Surface Water Design Manual;

2. Core requirement 2: Offsite analysis. The initial application submittal for proposed projects shall include an offsite analysis report that assesses potential offsite drainage and water quality impacts associated with development of the proposed site and proposes appropriate mitigations to those impacts. This initial submittal shall include, at minimum, a Level One downstream analysis as described in the Surface Water Design Manual. If impacts are identified, the proposed projects shall meet any applicable problem-specific requirements as specified in the Surface Water Design Manual;

3. Core Requirement 3: Flow control. Proposed projects that would result in two thousand square feet or more of new impervious surface or thirty-five thousand square feet or more of new pervious surface, or that are redevelopment projects that would result in a total of five thousand square feet or more of new and replaced impervious surface, shall provide flow control facilities or flow control BMPs, or both, to control surface and storm water runoff generated by new impervious surface, new pervious surface, replaced impervious surface and any existing impervious surface added on or after January 8, 2001, as specified in the Surface Water Design

Manual. Flow control facilities shall meet the area-specific flow control facility requirements and the flow control facility implementation requirements applicable to the project site as specified in the Surface Water Design Manual. Flow control BMPs shall also be applied as specified in the Surface Water Design Manual. Projects subject to area-specific flow control facility requirements shall meet one of the flow control facility performance criteria listed in a. through c. of this subsection A.3., as directed by the Surface Water Design Manual:

a. Level One shall match the predeveloped site's peak discharge rates for the two-year and ten-year return periods;

b. Level Two shall meet Level One criteria and also match the predeveloped site's discharge durations for the predeveloped peak discharge rates between the fifty percent of the two-year peak flow through the fifty-year peak flow; or

c. Level Three shall meet Level Two criteria and also match the predeveloped site's peak discharge rate for the one hundred-year return period;

4. Core requirement 4: Conveyance system. All engineered conveyance system elements for proposed projects shall be analyzed, designed and constructed to provide the minimum level of protection against overtopping, flooding, erosion and structural failure as specified by the conveyance requirements for new and existing systems and conveyance implementation requirements described in the Surface Water Design Manual;

5. Core requirement 5: Erosion and sediment control. All proposed projects that will clear, grade or otherwise disturb the site shall provide erosion and sediment control that prevents, to the maximum extent practicable, the transport of sediment from the site to drainage facilities, water resources and adjacent properties. Erosion and sediment controls shall be applied in accordance with K.C.C. chapter 16.82 as specified by the temporary erosion and sediment control measures and performance criteria and implementation requirements in the King County Surface Water Design Manual;

6. Core requirement 6: Maintenance and operation. Maintenance of all drainage facilities in compliance with King County maintenance standards is the responsibility of the applicant or property owner as described in the Surface Water Design Manual, except those facilities for which King County assumes maintenance and operation as described in K.C.C. 9.04.115 and 9.04.120 and the Surface Water Design Manual;

7. Core requirement 7: Financial guarantees and liability. All drainage facilities constructed or modified for projects, except downspout infiltration and dispersion systems for single family residential lots, must comply with the liability requirements of K.C.C. 9.04.100 and the financial guarantee requirements of K.C.C. Title 27A;

8. Core requirement 8: Water quality. Proposed projects that would result in five thousand square feet or more of new pollution generating impervious surface or thirty-five thousand square feet or more of new pollution-generating pervious surface, or that are redevelopment projects that would result in a total of five thousand square feet or more of new and replaced pollution-generating impervious surface, shall provide water quality treatment facilities to treat polluted surface and storm water runoff generated by new or replaced pollution-generating impervious surface, new pollution-generating pervious surface and any existing pollution-generating impervious surface added on or after January 8, 2001, as specified in the Surface Water Design Manual. However, pervious surfaces are specifically excluded if there is a good faith agreement with the King Conservation District to implement a farm management plan for agricultural uses, and pervious areas for other uses are specifically excluded if King County department of development and environmental services approves a landscape management plan that controls pesticides and fertilizers leaving the site. Water quality treatment facilities shall meet the area-specific water quality treatment requirements and the water quality implementation requirements applicable to the project site as specified in the Surface Water Design Manual. The facilities specified by these requirements are designed to reduce pollutant loads according to the applicable annual average performance goals listed in a. through d. of this subsection A.8. for ninety-five percent of the annual

average runoff volume:

- a. for basic water quality: remove eighty percent of the total suspended solids;
- b. for enhanced basic water quality: remove fifty percent of the total zinc;
- c. for sensitive lake protection: remove fifty percent of the total phosphorus; and
- d. for sphagnum bog protection: remove fifty percent of the total phosphorus and forty percent of

the total nitrate plus nitrite. The discharge shall maintain a pH of less than 6.5 and an alkalinity of less than ten milligrams per liter.

B. A proposed project required by K.C.C. 9.04.030 to have drainage review shall meet any of the following special requirements ~~((which))~~ that apply to the site and ~~((which))~~ that are described in detail in the Surface Water Design Manual. The department of development and environmental services shall verify if a proposed project is subject to and must meet any of the following special requirements.

1. Special Requirement 1: Other adopted area-specific requirements. If a proposed project is in a designated critical drainage area, or is in an area included in an adopted master drainage plan, basin plan, salmon conservation plan, stormwater compliance plan, flood hazard ~~((reduction))~~ management plan, lake management plan or shared facility plan, then the proposed project shall meet the applicable drainage requirements of the critical drainage area, master drainage plan, basin plan, salmon conservation plan, stormwater compliance plan, flood hazard ~~((reduction))~~ management plan, lake management plan or shared facility plan;

2. Special Requirement 2: Floodplain/floodway delineation. If a proposed project contains or is adjacent to a stream, lake, wetland or closed depression, or if other King County regulations require study of flood hazards relating to the proposed project, the one hundred year floodplain boundaries and floodway shall be determined and delineated on the site improvement plans and profiles and any final maps prepared for the proposed project. The flood hazard study shall be prepared for as specified in the Surface Water Design Manual;

3. Special Requirement 3: Flood protection facilities. If a proposed project contains or is adjacent to a stream that has an existing flood protection facility, such as a levee, revetment or berm, or proposes to either construct a new or modify an existing flood protection facility, then the flood protection facilities shall be analyzed and designed as specified in the Surface Water Design Manual to conform with the Federal Emergency Management Agency regulations as found in 44 C.F.R;

4. Special Requirement 4: Source Control. If a proposed project requires a commercial building or commercial site development permit, then water quality source controls shall be applied to prevent rainfall and runoff from coming into contact with pollutants to the maximum extent practicable. Water quality source controls shall be applied in accordance with K.C.C. chapter 9.12, the King County stormwater pollution prevention manual and the Surface Water Design Manual. All structural source controls shall be identified on the site improvement plans and profiles or final maps prepared for the proposed project; and

5. Special Requirement 5: Oil control. If a proposed project is a high-use site or is a redevelopment project proposing one hundred thousand dollars or more of improvements to an existing high-use site, then oil control shall be applied to all runoff from the high-use portion of the site as specified in the Surface Water Design Manual.

C.1. An adjustment to the requirements contained in this section or other requirements in the Surface Water Design Manual may be proposed. The resulting development shall be subject to all of the remaining terms and conditions of this chapter and the adjustment shall:

- a. produce a compensating or comparable result in the public interest; and
- b. meet this chapter's objectives of safety, function, appearance, environmental protection and maintainability based upon sound engineering judgment.

2. If complying with subsection C.1.a. of this section will deny all reasonable use of a property, the best practicable alternative shall be obtained as determined by the director of the department of development and environmental services according to the adjustment process defined in the Surface Water Design Manual.

3. Requests for adjustments that may conflict with the requirements of any other King County division shall require review and concurrence with that division.

4. A request for an adjustment is a Type 1 land use decision as provided for in K.C.C. 20.20.020 and shall be processed in accordance with the procedures specified in the Surface Water Design Manual.

5. The county may require monitoring of experimental designs and technology or untested applications proposed by the applicant in order to determine compliance with subsection C.1. of this section and the approved plans and conditions.

6. The applicant may appeal an adjustment decision by following the appeal procedures as specified in the Surface Water Design Manual.

D. The drainage review requirements in this section and in the Surface Water Design Manual may be modified or waived under the procedures in K.C.C. 21A.55.060.

SECTION 3. Ordinance 7590, Section 7, as amended, and K.C.C. 9.08.060 are each hereby amended to read as follows:

A. It is the finding of the county that the majority of the basins in the service area are shared with incorporated cities and towns. In order to achieve a comprehensive approach to surface and storm water management the county and incorporated jurisdictions within a specific basin (~~(should)~~) shall coordinate surface and storm water, management services. In addition, the program may contract for services with interested municipalities or special districts including but not limited to sewer and water districts, school districts, port districts or other governmental agencies.

B. It is the finding of the county that many of the difficulties found in the management of surface and storm water problems are contributed to by the general lack of public knowledge about the relationship between human actions and surface and storm water management. In order to achieve a comprehensive approach to surface and storm water management the county should provide general information to the public about land use and human activities (~~(which)~~) that impact surface and storm water management. Pursuant to RCW

36.89.085, it is the finding of the county that public school districts can provide significant benefits to the county regarding surface and storm water management through educational programs and community activities related to protection and enhancement of the surface and storm water management system. These programs and activities can provide students with an understanding of human activities and land use practices that create surface and storm water problems and involve students by learning from first hand exposure, the difficulties of resolving surface and storm water management problems after they occur.

C. It is the finding of the county that technical assistance and community education have been shown to be a cost-effective means of improving the management of the impacts of surface and storm water runoff. Technical assistance and community education regarding stewardship enables King County, its residents and businesses to comply with federal, state and local mandates and enables the county to protect its quality of life and its natural resources. The promotion of stewardship is an integral part of a comprehensive surface and storm water management program.

D. It is the finding of the county that developed parcels contribute to an increase in surface and storm water runoff to the surface and storm water management system. This increase in surface and storm water runoff results in the need to establish rates and charges to finance the county's activities in surface and storm water management. Developed parcels shall be subject to the rates and charges of the surface water management program based on their contribution to increased runoff. The factors to be used to determine the degree of increased surface and storm water runoff to the surface and storm water management system from a particular parcel shall be the percentage of impervious surface coverage on the parcel, the total acreage of the parcel and any mitigating factors as determined by King County.

E. It is the finding of the county that undeveloped parcels do not contribute as much as developed parcels to an increase in surface and storm water runoff into the surface and storm water management system. Undeveloped properties shall be exempt from the rates and charges of the surface water management program.

F. It is the finding of the county that maintained drainage facilities mitigate the increased runoff

contribution of developed parcels by providing on-site drainage control. Parcels served by flow control facilities ((which)) that were required for development of the parcel pursuant to K.C.C. chapter 9.04 and approved by King County or can be demonstrated as required in K.C.C. 9.08.080 by the property owner to provide flow control of surface and storm water to the standards in K.C.C. chapter 9.04 shall receive a discount as provided in the rates and charges of the surface water management program, if the facility is maintained at the parcel owner's expense to the standard established by the department.

G. It is the finding of the county that improvements to the quality of storm water runoff can decrease the impact of that runoff on the environment. Parcels served by water quality treatment facilities that were required for development of the parcel pursuant to K.C.C. chapter 9.04 and approved by King County or that can be demonstrated as required in K.C.C. 9.08.080 by the property owner to provide treatment of surface and storm water to the standards in K.C.C. chapter 9.04 shall receive a discount as provided in the rates and charges of the surface water management program, if the facility is maintained at the parcel owner's expense to the standard established by the department.

H. It is the finding of the county that parcels with at least sixty-five percent of their land in forest, no more than twenty percent in impervious surface, and dispersed runoff from the impervious surface through the forested land resulting in an effective impervious area of ten percent or less for the entire parcel, do not contribute as much to an increase in surface and storm water runoff as properties with less forest that do not disperse. These properties shall be eligible to receive a discount as provided in the rates and charges of the surface water management program if the runoff from the impervious surface is dispersed in accordance with the standards established by the department.

I. It is the finding of the county that parcels ((which)) that make use of their pervious surface area to absorb storm water runoff from the impervious surfaces do not contribute as much to an increase in surface and storm water runoff as properties that do not use their pervious area to absorb runoff. These properties shall be eligible to receive a discount as provided in the rates and charges of the surface water management program if

the runoff from the impervious surface is dispersed in accordance with the standards established by the department.

J. It is a finding of the county that open space properties provide a benefit to the surface and storm water management system by the retention of property in an undeveloped state. Open space properties shall receive a discount from the rates and charges to encourage the retention of property as open space.

K. It is a finding of the county that current scientific studies demonstrate that conservation and maintenance of forestland and open space contribute to the proper management of surface water quality and quantity. The scientific analysis performed in connection with the Cedar river, Issaquah creek and Bear creek basin plans have demonstrated that forests intercept and evaporate more rainfall, provide more soil storage, retain and trap more sediments and purify contaminated water better than any other land use. Conservation and maintenance of public forests, the provision of technical assistance and encouragement to private landowners to retain forests are effective ways to prevent disruption of natural hydrology. Open Space lands, to the extent that they retain their natural condition and do not contain impervious surface, also perform an important surface water function by not detracting from the functioning of natural hydrology systems. Conservation and maintenance of publicly owned open space and forestland is often more cost-effective than building and maintain artificial or engineered surface and storm water management facilities. Additional financial resources are required to conserve and maintain those natural resource lands that serve important surface and storm water management functions.

L. It is a finding of the county that the majority of the parcels in the service area are residential. The variance between residential parcels in impervious surface coverage is found to be minor and to reflect only minor differences in increased runoff contributions. The administrative cost of calculating the service charge individually for each residential parcel and maintaining accurate information would be very high. A flat charge for residential parcels is less costly to administer than calculating a separate charge for each parcel and is equitable because of the similarities in impervious surface coverage between residential parcels. Therefore,

residential parcels shall be charged a flat charge based upon an average amount of impervious surface.

M. It is a finding of the county that very lightly developed nonresidential parcels (~~(which)~~) that have an impervious surface coverage of ten percent or less of the total parcel acreage are characterized by a very low intensity of development and generally a large number of acres. A greater number of acres of undeveloped land associated with an impervious surface results in significantly less impact to the surface and storm water management system. Many of the very lightly developed properties are recreational, agricultural and timber lands identified in the King County ~~(e)~~ Comprehensive ~~(p)~~ Plan and should be encouraged to retain their low intensity of development. These parcels shall be charged a flat rate (~~(which will)~~) to encourage the retention of large areas of very lightly developed land.

N. It is the finding of the county that lightly to very heavily developed nonresidential parcels (~~(which)~~) that have an impervious surface coverage of more than ten percent have a substantial impact on the surface and storm water management system. The impact of these parcels on the surface and storm water management system increases with the size of the parcels. Therefore, lightly to very heavily developed properties shall be charged a rate determined by the percent of impervious surface coverage multiplied by the parcel acreage.

O. It is a finding of the county that county and state roads contribute a significant amount of increased runoff to the surface and storm water management system, which contributes to the need for basin planning, drainage facilities and other related services. However, both the county roads and state highway programs provide substantial annual programs for the construction and maintenance of drainage facilities, and the roads systems and their associated drainage facilities serve as an integral part of the surface and storm water management system. The rate charged county roads and state highways shall reflect the benefit (~~(which)~~) that county roads and state highway facilities provide to the surface and storm water management system. County and state road drainage systems unlike the drainage systems on other properties are continually being upgraded to increase both conveyance capacity and control. It is envisioned that the roads program will work cooperatively with the surface water management program to improve regional surface and storm water

management services as new information is available from basin plans and other sources. The percentage of impervious surface coverage for county roads and state highways shall be calculated by dividing average width of roadway and shoulder by the average width of the right of way. The service charge shall be calculated in accordance with RCW 90.03.525.

P. It is the finding of the county that comprehensive management of surface and storm water runoff must include anticipation of future growth and development in the design and improvement of the surface and storm water management system. Service charge revenue needs shall be based upon the present and future requirements of the surface and storm water management system, and these needs shall be considered when determining the rates and charges of the program.

Q. It is the finding of the county that basin plans are essential to establishing a comprehensive approach to a capital improvement program, maintenance of facilities and regulation of new developments. A plan should analyze the measures needed to control surface and storm water runoff (~~(which)~~) that results from existing and anticipated development within the basin. The measures investigated to control runoff should include land use regulation such as setback requirements or community plan revisions (~~(which)~~) that revise land use densities as well as the use of drainage facilities. A plan also should recommend the quantity and water quality runoff control measures required to further the purposes set forth in K.C.C. 9.08.040, and community goals. The institutional requirements and regulations, including but not limited to land use management, funding needs, and incentives for preserving the natural surface water drainage system should be identified in the plan. The proposed ordinances and regulations necessary to implement the plan shall be transmitted to the council simultaneously with the plan.

R. It is a finding of the county that the federal government has increased requirements concerning surface water quantity and control. The federal Clean Water Act, implemented through municipal storm water NPDES permits, mandates a wide variety of local programs to manage surface water and improve water quality. Compliance will increasingly be measured by the effectiveness of King County's surface water and

water quality programs. The NPDES permit impacts operations in the roads, solid waste, transit and parks divisions, the airport and the department of development and environmental services, and most activities in the water and land resources division.

S. It is a finding of the county that Chinook salmon were listed as a threatened species in March 1999, and bull trout were listed as a threatened species in November 1999, under the federal Endangered Species Act. These listings focus the need for higher standards in managing surface water including new, expanded and more intensive programs to control the quantity of runoff as well as its quality. Programs responding to these imperatives have included the design, permitting and construction of facilities, facility retrofitting and maintenance, habitat acquisition and restoration, monitoring, regulation development and coordination with other agencies on transboundary issues.

T. It is the finding of the county that areas with development related surface and storm water problems require comprehensive management of surface and storm water.

U. It is the finding of the county that additional surface and storm water runoff problems may be caused by new land use development if not properly mitigated both through protection of natural systems and through constructed improvements. The Surface Water Design Manual and K.C.C Titles 9, 16, 20 and 21A have been adopted by King County to mitigate the impact of land use development. Further mitigation of these impacts is based on expertise ((which)) that continues to evolve as new information on our natural systems is obtained and new techniques are discovered. The surface water management program, through reconnaissance studies, basin plans, and other special studies, will continuously provide valuable information on the existing problems and areas of the natural drainage system that need special protection. The county is researching and developing methods to protect the natural drainage system through zoning, buffering and setbacks to alleviate existing problems. Setback and buffering measures allow natural preservation of wetlands and stream corridors to occur, alleviate erosion and water pollution and provide a safe environment for the small mammals and fish ((which)) that inhabit sensitive areas. Based upon the findings in this subsection, and as information and

methods become available, the executive, as appropriate shall draft and submit to the council, regulations and development standards to allow protection of the surface and storm water management system including natural drainage systems.

V. It is the finding of the county that the unique stormwater needs of the unincorporated rural area of the county require that the county's surface water management program established under chapter 36.89 RCW develop a rural drainage program. The intent of this rural drainage program is to provide a means through which existing and emerging surface water problems in the rural areas can be addressed in a manner that preserves both rural resources and rural activities including agriculture and forestry. Rural drainage services provided by the division shall support a rural level of development and not facilitate urbanization. This rural drainage program shall result in a program consistent with Countywide Planning Policies and King County Comprehensive Plan policies.

W. The program will maintain long term fiscal viability and fund solvency for all of its related funds. All required capital and operating expenditures will be covered by service charges and other revenues generated or garnered by the program. The program will pay all current operating expenses from current revenues and will maintain an operating reserve to minimize service impacts due to revenue or expenditure variances from plan during a fiscal year. This reserve will be calculated based on the historic variability of revenue and expenditures. The program will adopt a strategic financial planning approach (~~which~~) that recognizes the dynamic nature of the program's fiscal operating environment. Long-term projections will be updated in the program's adopted strategic plan. One-time revenues will be dedicated to one-time-only expenditures and will not be used to support ongoing requirements. The program's approach to financial reporting and disclosure will be comprehensive, open and accessible.

X. The program shall prepare an annual, multiyear capital improvement program (~~which~~) that encompasses all of the program's activities related to the acquisition, construction, replacement, or renovation of capital facilities or equipment. All proposed new facilities will be subject to a consistent and rigorous needs

analysis. The program's capital facilities will be planned and financed to ensure that the benefits of the facilities and the costs for them are balanced over time.

Y. The program will manage its debt to ensure continued high credit quality, access to credit markets, and financial flexibility. All of the program's debt management activities will be conducted to maintain at least the current credit ratings assigned to the county's debt by the major credit rating agencies and to maintain an adequate debt service coverage ratio. Long term debt will not be used to support operating expenses. The program will develop and maintain a central system for all debt-related records (~~(which)~~) that will include all official statements, bid documents, ordinances indentures, leases, etc., for all of the program's debt and will accurately account for all interested earnings in debt-related funds. These records will be designed to ensure that the program is in compliance with all debt covenants and with state and federal laws.

SECTION 4. Ordinance 12560, Section 10, as amended, and K.C.C. 16.02.240 are each hereby amended to read as follows:

Section 105.2 of the International Building Code is not adopted and the following is substituted:

Work exempt from permit (IBC 105.2). A building permit shall not be required for the following:

Building:

1. One-story detached one and two family residential accessory buildings used as tool and storage sheds, playhouses, tree supported structures used for play and similar uses, not including garages or other buildings used for vehicular storage, provided the floor area does not exceed 200 square feet (11.15 m²) provided that the roof overhang does not exceed twenty-four inches measured horizontally from the exterior wall.

2. One-story detached agricultural and forestry accessory buildings used as ~~((tool and storage sheds))~~ animal shelters or sheds for the storage of tools, animal feed, animal bedding, seeds, seedlings or similar materials or products, not including offices, sleeping or resting quarters, garages or ~~((other))~~ buildings used for vehicle storage, provided the floor area does not exceed 200 square feet (11.15 m²) provided that the roof

overhang does not exceed twenty-four inches measured horizontally from the exterior wall.

3. Fences not over 6 feet (1.829 m) high.
4. Oil derricks.
5. Retaining walls (~~(which)~~) that are not over 4 feet (1.219 m) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
6. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 l) and the ratio of height to diameter or width does not exceed 2 to 1.
7. Platforms, sidewalks and driveways not more than 30 inches (.762 m) above grade and not over any basement or story below and (~~(which)~~) that are not part of an accessible route.
8. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
9. Temporary motion picture, television and theater stage sets and scenery.
10. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy as applicable in Section 101.2, (~~(which)~~) that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18,925 l) and are installed entirely above ground.
11. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
12. Swings and other playground equipment.
13. Window awnings supported by an exterior wall (~~(which)~~) that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support of Group R3, as applicable in Section 101.2, and Group U Occupancies.
14. Moveable cases, counters and partitions not over 5 feet 9 inches (228.6 m) high.
15. Re-roofing of existing buildings.

EXCEPTION: When replacement roofing adds more than 5 pounds per square foot cumulative dead load to the weight of the original roofing a permit shall be required.

16. Submerged, freestanding mechanical boat lifts associated with single-family residential piers and recreational watercraft not exceeding 25 feet in length or 15 feet in width with no portion exceeding a height of 10 feet above the ordinary high water mark as defined in K.C.C. 21A.06.825.

17. Work located primarily in a public way, public utility towers and poles.

18. Mechanical equipment not specifically regulated in this code.

19. Hydraulic flood control structures.

20. Antenna and dishes that fall under FCC Antenna Rule 47 C.F.R including masts under twelve feet above the roof line and dishes up to one meter in diameter.

Gas:

1. Portable heating appliance.

2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.

2. Portable ventilation appliances and equipment.

3. Portable cooling unit.

4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.

5. Replacement of any part (~~which~~) that does not alter its approval or make it unsafe.

6. Portable evaporative cooler.

7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.

8. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above-exempted items.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

SECTION 5. 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~~)) land-disturbing activity, or combination thereof.

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

Q. "Land disturbing activity" means an activity that results in a change in the existing soil cover, both vegetative and nonvegetative, or to the existing soil topography.

R. "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-))~~ S. "Shorelines" means those lands defined as shorelines in the state Shorelines Management Act

of 1971.

~~((S-))~~ T. "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, or any combination thereof, ~~((which))~~ that 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.

~~((F-))~~ U. "Slope" means inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

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

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

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

~~((Y-))~~ Z. "Vegetation" means any organic plant life growing at, below or above the soil surface.

SECTION 6. Ordinance 15053, Section 3, as amended, 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

Removal of invasive vegetation	NP 7		NP 7	NP 7		NP 7	NP 8	NP 8	NP 8				
(Non conversion Class I, II, III, IV Forest management activity)	NP 9												
Emergency action	NP 10												
Roads													
Grading within the roadway	NP 11			NP 11									
Clearing within the roadway	NP 12												
Maintenance of driveway or private road	NP 13												
Maintenance of bridge or culvert	NP 13, 14, 15												
Construction of farm field access driveway	NP 16												
Maintenance of farm field access driveway	NP 17												
Utilities													
Construction or maintenance of utility facility within the right-of-way	NP 18	NP 19	NP 18	NP 19	NP 19								
Construction or maintenance of utility facility outside of the right-of-way	NP 1, 2, 3		NP 1, 2, 3				NP 1, 2, 3	NP 1, 2, 3		NP 1, 2, 3			
Maintenance of existing surface water system	NP 11												
Maintenance of existing surface water quality treatment facility	NP 11												
Maintenance or repair of flood protection	NP 20												
Maintenance or repair of existing irrigation	NP												
Recreation areas													
Maintenance of outdoor public park or publicly improved recreation area	NP 13												
Habitat and science projects													
Habitat restoration or enhancement	NP 21												
Drilling and testing for critical areas	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	NP 22
Agriculture													
Horticulture activity including tillage, planting, seeding, harvesting, preparing crops and related activity	NP												
Grazing livestock	NP												
Construction and maintenance of livestock storage facility	NP 16		NP 16	NP 16		NP 16	NP 16	NP 16					
Maintenance or replacement of agricultural equipment	NP 15												
Maintenance of agricultural water systems	NP 26												

Maintenance of farm pond, fish pond watering pond	NP 15												
Other													
Excavation of cemetery grave in established approved cemetery	NP												
Maintenance of cemetery grave	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	NP	NP 13	NP	NP 13	NP 13	NP 13
Maintenance of lawn, landscaping personal consumption	NP	NP 13	NP 13	NP	NP 13	NP 13	NP	NP	NP 13	NP	NP 13	NP 13	NP 13
Maintenance of golf course	NP 13	NP	NP	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 October 30, 2008. For purposes of this subsection C.2., "new impervious surface" 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. When conducted as a Class I, II, III or IV-S forest practice((s)) as defined in chapter 76.09 RCW and Title 222WAC.
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. When:

- a. conducted by a public agency;
- b. the height of the facility is not increased;
- c. the linear length of the facility is not increased;
- d. the footprint of the facility is not expanded waterward;

e. done in accordance with the Regional Road Maintenance Guidelines;

f. done in accordance with the adopted King County Flood Hazard Management Plan and 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.

25. Except on properties that are:

a. subject to clearing limits included in property-specific development standards and special district overlays under K.C.C. chapter 21A.38; or

b. subject to urban growth area significant tree retention standards under K.C.C. 16.82.156.

26. Only if allowed under K.C.C. 21A.24.045.D.69. and if the maintenance activity is inspected by the:

a. King Conservation District;

b. department of natural resources and parks;

c. department of permitting and environmental review; or

d. Washington state Department of Fish and Wildlife.

SECTION 7. Ordinance 3108, Section 10, and K.C.C. 16.82.120 are each hereby amended to read as follows:

A. Any fill placed upon land adjacent to or beneath any stream or water body shall be contained and placed so as to prevent adverse effect upon other lands.

~~B. ((No permit required by this chapter shall be issued for grading upon the shorelines until approved by the appropriate federal, state and local authority.~~

€.) For grading ~~((which))~~ that requires a shoreline management substantial development permit, the conditions of the shoreline management substantial development permit shall be incorporated into the conditions of any permit issued pursuant to this chapter and shall be subject to the inspection and enforcement procedures authorized by this chapter.

SECTION 8. Ordinance 9614, Section 102, as amended, and K.C.C. 16.82.140 are each hereby amended to read as follows:

~~A. ((Under a Class IV-G forest practice, all clearing not otherwise exempted under this chapter shall be~~

~~subject to this chapter. All such clearing subject to the state Environmental Policy Act, chapter 43.21C RCW, and King County shall accept or assume lead agency status. The department shall consolidate its review of the Class IV-G application with its SEPA review and its review of associated King County development permits or approvals.~~

~~B. Except as otherwise provided in subsections D. and E. of this section, f))~~ For six years after ~~((the))~~ a Class II, III or IV-S forest practice, as defined in chapter 76.09 RCW, has commenced on a tax parcel, either with or without a permit under chapter 76.09 RCW, the department shall deny a development proposal on ~~((a site))~~ that tax parcel when the proposed activity ~~((was:~~

- ~~1. A Class II, III or IV special forest practice, as defined in chapter 76.09 RCW;~~
- ~~2. A nonconversion Class IV-G forest practice, as defined in K.C.C. chapter 21A.06; or~~
- ~~3. Undertaken without forest practices or county authorization))~~ is not related to ongoing forestry,

agriculture or other resource management activities.

~~((C. Subsection B. of this section applies to a development proposal for:~~

- ~~1. The subdivision of land;~~
- ~~2. The preparation or construction of a new residential or commercial structure; and~~
- ~~3. Any other development proposal that is not related to ongoing forestry.~~

~~D.))~~ B. The department may only approve a development proposal not related to ongoing forestry, agriculture or other resource management activities on a ~~((site))~~ tax parcel subject to subsection ~~((B.))~~ A. of this section if:

1. The forest practice is conducted as a Class II, III or IV-S forest practice pursuant to a Washington state Department of Natural Resources forest practice permit, and

a. ~~((F))~~ the applicant demonstrates that the forest practice or clearing on the harvested portion of the ((site)) tax parcel was consistent with the Conversion Option ((h)) Harvest Plan reviewed and approved by King County;

b. ~~((F))~~ forest management activities conducted within aquatic areas, wetlands, steep slopes and wildlife habitat areas are limited to specific silvicultural prescriptions to improve forest health identified in a forest management plan approved by King County; ~~((and))~~ or

c. ~~((The forest practice is conducted as a:~~

~~(1) Class IV-G nonconversion forest practice, as defined in K.C.C. chapter 21A.06, that has been approved by the county;~~

~~(2) Class II, III or IV-S forest practice pursuant to a Washington State Department of Natural resources forest practices permit~~

~~(3) Class I forest practice, as defined in chapter 76.09 RCW, only for purposes of precommercial thinning and pruning))~~ the applicant demonstrates that the clearing on the harvested portion of the tax parcel was conducted consistently with a forest management plan for the parcel approved by King County and the forest management plan excluded the area proposed for development; or

2. The director determines that:

a. the applicant was the unknowing subject of criminal trespass, timber theft or fraud; and

b. ~~((the applicant has demonstrated to the satisfaction of the department that:~~

~~(1) those portions of the clearing not in compliance with the applicable King County regulations can be fully restored to the extent that functions shall be improved over those existing before the clearing; and~~

~~(2) the unharvested portion of the property is not required to satisfy tree retention or other mitigation requirements; and~~

~~e.))~~ the applicant has an approved mitigation plan to restore the areas cleared ~~((without complying))~~ to comply with applicable King County regulations.

~~((E. The department may approve a development proposal on the unharvested portion of a site subject to subsection B. of this section if:~~

1. The applicant demonstrates that the clearing on the harvested portion of the site was conducted

~~consistent with a forest management plan approved by King County and the forest management plan excluded the area proposed for development; and~~

~~2. The forest practice is conducted as a:~~

~~a. Class IV-G nonconversion forest practice, as defined in K.C.C. chapter 21A.06, that has been approved by the county;~~

~~b. Class II, III or IV-S forest practice pursuant to a Washington state Department of Natural resources forest practices permit; or~~

~~c. Class I forest practice, as defined in chapter 76.09 RCW, only for purposes of precommercial thinning and pruning.~~

~~F. In all cases, lifting or waiving of the six-year moratorium is subject to compliance with all county ordinances.))~~

C.1. Except as otherwise provided in subsection C.2. of this section, the moratorium is applied to the entire tax parcel on which the forest practice has occurred.

2. A development moratorium is applied only to the area affected by the forest practice if the tax parcel:

a. is located in the forest production district and is enrolled in current use taxation under chapter 84.34 RCW; or

b. has an approved forest management plan.

SECTION 9. Ordinance 13694, Section 39, and K.C.C. 19A.08.040 are each hereby amended to read as follows:

A. The subdivision and short subdivision provisions of this title shall not apply to((:

~~A. Divisions of lands for cemeteries and other burial plots while used for that purpose.~~

~~B. D))divisions of land into lots or tracts each one of which is one-sixteenth of a section of land or larger, or forty acres or larger if the land is not capable of description as a fraction of a section of land;~~

provided, that for purposes of computing the size of a lot that borders on a street or road, the lot size shall be expanded to include that area that would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line and further provided that within the resource zones, each lot or tract shall be of a size that meets the minimum lot size requirements of K.C.C. 21A.12.040.A₂ for the respective zone.

~~((C.))~~ B. The short subdivision provisions of this title shall not apply to:

1. Divisions of land into lots or tracts ~~((that are one one hundred twenty eighth of a section, or five acres or larger))~~ only for the purpose of allowing fee simple purchase or deeding of such lots or tracts to public agencies~~((:));~~ and

~~((D. Divisions of land made by testamentary provisions or laws of descent.~~

~~E. Divisions of land into lots or tracts consistent with RCW 58.17.040(7), for which a condominium binding site plan has been recorded in accordance with the binding site plan provisions set forth in this title.~~

~~F. An adjustment of boundary lines in accordance with the provisions of this title.~~

~~G. Divisions of land for the purpose of lease when no residential structures other than mobile homes are permitted to be placed upon the land and for which a binding site plan for the use of the land as a mobile home park has been approved by the director.~~

~~H. Divisions of land by binding site plan into lots or tracts classified for industrial or commercial use consistent with the binding site plan provisions of this title.~~

I.) 2. Divisions of land by a public roadway or freeway, as defined by the King County Roadway Functional Classification System, that is planned, established, financed and constructed by a state or county agency after January 1, 2000.

SECTION 10. Ordinance 13694, Section 41, and K.C.C. 19A.08.060 are each hereby amended to read as follows:

Applications for approvals pursuant to this title shall be reviewed in accordance with the applicable

procedures of any combination of this title and K.C.C. chapters 20.20 and 20.24. Furthermore, applications for subdivisions, short subdivisions and binding site plans may be approved, approved with conditions or denied in accordance with the following adopted county and state rules, regulations, plans and policies including, but not limited to:

- A. Chapter 43.21C RCW (SEPA);
- B. Chapter 58.17 RCW (Subdivisions);
- C. Chapters 36.70A and 36.70B RCW (Growth Management and Project Review);
- D. K.C.C. Title 9 (Surface Water Management);
- E. K.C.C. Title 13 (Sewer and Water);
- F. K.C.C. Title 14 (Roads and Bridges);
- G. K.C.C. Title 17 (Fire Code);
- H. K.C.C. chapter 20.44 (SEPA);
- I. K.C.C. Title 21A (Zoning);
- J. K.C.C. Title 23 (Code Enforcement);
- K. ~~((K.C.C. Title 25 (Shoreline Master Program);~~
- ~~L.))~~ Administrative rules adopted pursuant to K.C.C. chapter 2.98;
- ~~((M.))~~ L. King County board of public health rules and regulations;
- ~~((N.))~~ M. King County approved utility comprehensive plans;
- ~~((O.))~~ N. King County Comprehensive Plan;
- ~~((P.))~~ O. County wide Planning Policies; and
- ~~((Q.))~~ P. This title.

SECTION 11. Ordinance 13694, Section 42, as amended, and K.C.C. 19A.08.070 are each hereby amended to read as follows:

- A. A property owner may request that the department determine whether a lot was legally ~~((segregated~~

) created. The property owner shall demonstrate to the satisfaction of the department that a lot was created in compliance with applicable state and local land segregation statutes or codes in effect at the time the lot was created ~~((and that it meets the following requirements:))~~.

B.1. ~~((The))~~) A lot ~~((was))~~ created before ~~((June 9, 1937, and:~~

a. ~~Before))~~ October 1, 1972, ~~((the lot was))~~ shall be recognized as a legal lot:

~~((1))~~ a. if before October 1, 1972, it was:

(1) conveyed as an individually described parcel to separate, noncontiguous ownerships through a fee simple transfer or purchase; or

(2) recognized as a separate tax lot by the county assessor; and

b. ~~((not later than January 1, 2000,))~~ if the lot was ~~((provided with))~~ created before June 9, 1937, it was served by one of the following before January 1, 2000:

(1) approved sewage disposal;

(2) an approved water system; or

(3) a road~~((, not including a forest road as defined in WAC 222-16-010 or in an easement for commercial road use for managing or hauling timber,))~~ that was:

(A) accepted for maintenance by the King County department of transportation; or

(B) located within an access easement for residential use or in a road right-of-way and consists of a smooth driving surface, including, but not limited to, asphalt, concrete, or compact gravel, that complied with the King County road standards in effect at the time the road was constructed;

2. ~~((The lot was created between June 9, 1937, and October 1, 1972, through a review and approval process recognized by the county for the creation of four lots or less;~~

3. ~~The lot was created on or after June 9, 1937, through the subdivision process;~~

4. ~~The))~~ A lot ~~((was))~~ created on or after October 1, 1972, shall be recognized as a legal lot if it was created:

a. through the subdivision or short subdivision process; or

~~((5-))~~ b. ~~((F))~~ through the following alternative means of lot segregation provided for by state statute or county code:

~~((a. for the raising of agricultural crops or livestock, in parcels greater than ten acres, between September 3, 1948, and August 11, 1969;~~

~~b. for cemeteries or other burial plots, while used for that purpose, on or after August 11, 1969;~~

~~e.)) (1) at a size five acres or greater, created by a record of survey recorded between August 11, 1969, and October 1, 1972, and that did not contain a dedication;~~

~~((d.)) (2) at a size twenty acres or greater, created ~~((after June 9, 1937,))~~ by a record of survey recorded before January 1, 2000, and not subsequently merged into a larger lot ~~((and recognized by the department or the department's predecessors before January 1, 2000));~~~~

~~((e. upon a court order entered between August 11, 1969, to July 1, 1974;~~

~~f. through testamentary provisions or the laws of descent after August 10, 1969;~~

~~g.)) (3) at a size forty acres or greater created through ~~((an assessor's plat))~~ a large lot segregation made in accordance with RCW 58.18.010 ~~((after August 10, 1969)),~~ approved by King County and not subsequently merged into a larger lot. Within the F zone, each lot or tract shall be of a size that meets the minimum lot size requirements of K.C.C. 21A.12.040.A;~~

(4) through testamentary provisions or the laws of descent after August 10, 1969; or

~~((h.)) (5) as a result of deeding land to a public body after April 3, 1977~~((, and that is consistent with King County zoning code, access and board of health requirements so as to qualify as a building site pursuant to K.C.C. 19A.04.050; or~~~~

~~i. by a partial fulfillment deed pursuant to a real estate contract recorded before October 1, 1972, and no more than four lots were created per the deed)).~~

~~((B-))~~ C. In requesting a determination, the property owner shall submit evidence, deemed acceptable to

the department, such as:

1. Recorded subdivisions or division of land into four lots or less;
2. King County documents indicating approval of a short subdivision;
3. Recorded deeds or contracts describing the lot or lots either individually or as part of a conjunctive

legal description (e.g. Lot 1 and Lot 2); or

4. Historic tax records or other similar evidence, describing the lot as an individual parcel. The

department shall give great weight to the existence of historic tax records or tax parcels in making its determination.

~~((C-))~~ D. Once the department has determined that the lot was legally created, the department shall continue to acknowledge the lot as such, unless the property owner reaggregates or merges the lot with another lot or lots in order to:

1. Create a parcel of land that would qualify as a building site, or
2. Implement a deed restriction or condition, a covenant or court decision.

~~((D-))~~ E. The department's determination shall not be construed as a guarantee that the lot constitutes a building site as defined in K.C.C. 19A.04.050.

~~((E-))~~ F. Reaggregation of lots after January 1, 2000, shall only be the result of a deliberate action by a property owner expressly requesting the department for a permanent merger of two or more lots through a boundary line adjustment under K.C.C. chapter 19A.28.

SECTION 12. Ordinance 13694, Section 51, as amended, and K.C.C. 19A.08.160 are each hereby amended to read as follows:

A. ~~((Prior to))~~ Except as otherwise provided in subsection B. of this section, before 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, sewer mains, laterals and sewer manholes installed, if required;
 3. Roadways (~~((graded to all lots within the subdivision or short subdivision and capable of providing access by passenger vehicle))~~) meeting the approved engineering plan's layout drainage, geometric and road width requirements and finished with an asphalt treated base. The final surfacing on the roadways may be bonded;
 4. Pedestrian facilities complying with the Americans with Disabilities Act; including, but not limited to, curb ramps, sidewalks and shoulders, where required;
 5. Specific site improvements required by the preliminary plat approval ordinance or preliminary short plat approval decision, if the decision requires completion (~~((prior to))~~) before plat recording;
 - ~~((5-))~~ 6. Delineation of sensitive areas that are to remain undeveloped;
 - ~~((6-))~~ 7. 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;
 - ~~((7-))~~ 8. Improvements without which the director determines a safety hazard would exist; and
 - ~~((8-))~~ 9. All private improvements outside of the right-of-way or road easement and access tracts.
- B. The director, in consultation with the department of natural resources and parks, department of transportation, the prosecuting attorney, and other affected agencies, may allow the applicant to post a financial guarantee for any identified noncritical required improvements, as determined on a project by project basis, if:
1. The expiration of the plat or short plat is imminent or other extraordinary circumstances prevent the construction of the improvements before final recording;
 2. The inability to construct the improvements is due to unavoidable circumstances that in no way resulted from the actions or inaction of the applicant;

3. The applicant submits a detailed construction completion timeline and the department determines the applicant will be able to complete the work or improvements to be covered by the financial guarantee within a reasonable amount of time; and

4. Approval of the final plat or short plat before completion of the work or improvements will not be materially detrimental to existing county infrastructure or private properties in the vicinity of the subject property.

C. 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.

SECTION 13. Ordinance 16985, Section 4, as amended, and K.C.C. 20.12.205 are each hereby amended to read as follows:

The following King County Code sections ((in effect as of December 23, 2012,)) that are in effect on the effective date of this section are adopted as land use and development regulations within the shoreline jurisdiction. Amendments to those sections that take effect on or after the effective date of this section do not apply to the shoreline jurisdiction until approved by the Washington state Department of Ecology as provided in RCW 90.58.090. The department of permitting and environmental review shall, within ten days after the date of Washington state Department of Ecology's approval, file a copy of the state Department of Ecology's approval, in the form of a paper copy and an electronic copy, with the clerk of the council, who shall retain the paper copy and forward electronic copies to all councilmembers and the lead staff of the transportation, economy and environment committee, or its successor:

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

1. K.C.C. 20.18.040;
2. K.C.C. 20.18.050;
3. K.C.C. 20.18.056;

4. K.C.C. 20.18.057;
5. K.C.C. 20.18.058; and
6. K.C.C. 20.24.510((-)); and

B. The following sections within K.C.C. Title 21A:

1. K.C.C. 21A.06.118;
2. K.C.C. 21A.06.156;
3. K.C.C. 21A.06.181;
4. K.C.C. 21A.06.181.E;
5. K.C.C. 21A.06.181.G;
6. K.C.C. 21A.06.182;
7. K.C.C. 21A.06.333.A;
8. K.C.C. 21A.06.401;
9. K.C.C. 21A.06.469;
10. K.C.C. 21A.06.573;
11. K.C.C. 21A.06.653;
12. K.C.C. 21A.06.738;
13. K.C.C. 21A.06.796;
14. K.C.C. 21A.06.796.A;
15. K.C.C. 21A.06.825
16. K.C.C. 21A.06.892;
17. K.C.C. 21A.06.913;
18. K.C.C. 21A.06.971;
19. K.C.C. 21A.06.1081;
20. K.C.C. 21A.06.1082.A;

21. K.C.C. 21A.06.1082.B;
22. K.C.C. 21A.06.1082.C;
23. K.C.C. 21A.06.1082.D;
24. K.C.C. 21A.06.1083;
25. K.C.C. 21A.06.1083.A;
26. K.C.C. 21A.06.1268;
27. K.C.C. 21A.06.1385;
28. K.C.C. 21A.06.1386;
29. K.C.C. 21A.06.1388;
30. K.C.C. 21A.06.1389;
31. K.C.C. 21A.24.045;
32. K.C.C. 21A.24.051;
33. K.C.C. 21A.24.055;
34. K.C.C. 21A.24.070.A., D. and E.;
35. K.C.C. 21A.24.125;
36. K.C.C. 21A.24.130;
37. K.C.C. 21A.24.133;
38. K.C.C. 21A.24.200;
39. K.C.C. 21A.24.210;
40. K.C.C. 21A.24.220;
41. K.C.C. 21A.24.230;
42. K.C.C. 21A.24.240;
43. K.C.C. 21A.24.250;
44. K.C.C. 21A.24.260;

45. K.C.C. 21A.24.275;
46. K.C.C. 21A.24.280;
47. K.C.C. 21A.24.290;
48. K.C.C. 21A.24.300;
49. K.C.C. 21A.24.310;
50. K.C.C. 21A.24.316;
51. K.C.C. 21A.24.325;
52. K.C.C. 21A.24.335;
53. K.C.C. 21A.24.340;
54. K.C.C. 21A.24.358;
55. K.C.C. 21A.24.365;
56. K.C.C. 21A.24.380;
57. K.C.C. 21A.24.382;
58. K.C.C. 21A.24.386;
59. K.C.C. 21A.24.388;
60. K.C.C. 21A.32.045;
61. K.C.C. 21A.50.030; and
62. K.C.C. chapter 21A.25.

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

SECTION 14. Ordinance 12196, Section 11, as amended, and K.C.C. 20.20.040 are each hereby amended to read as follows:

- A. The department shall not commence review of any application as provided in this chapter until the

applicant has submitted the materials and fees specified for complete applications. Applications for land use permits requiring Type 1, 2, 3 or 4 decisions shall be considered complete as of the date of submittal upon determination by the department that the materials submitted meet the requirements of this section. Except as provided in ((K.C.C. 20.20.040.B)) subsection B. of this section, all land use permit applications described in K.C.C. 20.20.020.E ((~~Exhibit A~~)) shall include the following:

1. An application form provided by the department and completed by the applicant that allows the applicant to file a single application form for all land use permits requested by the applicant for the development proposal at the time the application is filed;
2. Designation of who the applicant is, except that this designation shall not be required as part of a complete application for purposes of this section when a public agency or public or private utility is applying for a permit for property on which the agency or utility does not own an easement or right-of-way and the following three requirements are met:
 - a. the name of the agency or private or public utility is shown on the application as the applicant;
 - b. the agency or private or public utility includes in the complete application an affidavit declaring that notice of the pending application has been given to all owners of property to which the application applies, on a form provided by the department; and
 - c. the form designating who the applicant is submitted to the department before permit approval;
- 3.a. A certificate of sewer availability or site design approval for an on-site sewage system by the Seattle-King County department of public health, as required by ((~~the King County Board of Health Code~~))

K.C.C. Title 13: or

- b. If allowed under K.C.C. 13.24.134.B. and the King County Comprehensive Plan policies for a public school located on a RA zoned site, a certificate of sewer availability and a letter from the sewer utility indicating compliance with the tightline sewer provisions in the zoning code, as required by K.C.C. chapter 13.24;

4. If the development proposal requires a source of potable water, a current certificate of water availability consistent with K.C.C. chapter 13.24 or documentation of an approved well by the Seattle-King County department of public health;
5. A fire district receipt pursuant to K.C.C. Title 17, if required by K.C.C. chapter 21A.40;
6. A site plan, prepared in a form prescribed by the director;
7. Proof that the lot or lots to be developed are recognized as a lot under K.C.C. Title 19A;
8. A critical areas affidavit, if required by K.C.C. chapter 21A.24;
9. A completed environmental checklist, if required by K.C.C. chapter 20.44;
10. Payment of any development permit review fees, excluding impact fees collectible pursuant to K.C.C. Title 27;
11. A list of any permits or decisions applicable to the development proposal that have been obtained before filing the application or that are pending before the county or any other governmental entity;
12. Certificate of transportation concurrency from the department of transportation if required by K.C.C. chapter 14.70. The certificate of transportation concurrency may be for less than the total number of lots proposed by a preliminary plat application only if:
 - a. at least seventy-five percent of the lots proposed have a certificate of transportation concurrency at the time of application for the preliminary plat;
 - b. a certificate of transportation concurrency is provided for any remaining lots proposed for the preliminary plat application before the expiration of the preliminary plat and final recording of the additional lots; and
 - c. the applicant signs a statement that the applicant assumes the risk that the remaining lots proposed might not be granted.
13. Certificate of future connection from the appropriate purveyor for lots located within the urban growth area that are proposed to be served by on-site or community sewage system and group B water systems

or private well, if required by K.C.C. 13.24.136 through 13.24.140;

14. A determination if drainage review applies to the project pursuant to K.C.C. chapter 9.04 and, if applicable, all drainage plans and documentation required by the Surface Water Design Manual adopted pursuant to K.C.C. chapter 9.04 and, to the extent known at the time of application and when determined necessary by the director, copies of any required storm water adjustments;

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

16. Legal description of the site;

17. Variances obtained or required under K.C.C. Title 14 or 21A to the extent known at the date of application or when deemed necessary by the director; and

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

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

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

1. Clearing and grading permits, K.C.C. 16.82.060.
2. Construction permits, K.C.C. 16.04.052.
3. Mobile home permits, K.C.C. 16.04.093.
4. Subdivision applications, short subdivision applications and binding site plan applications, K.C.C.

19A.08.150.

D. The director may:

1. ~~((s))~~Specify the requirements of the site plan required to be submitted for various permits;
2. Require additional materials not listed in this section when determined to be necessary for review of

the project; and ~~((may))~~

3. ~~((w))~~Waive any of the specific submittal requirements listed herein that are determined to be unnecessary for review of an application.

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

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

SECTION 15. Ordinance 12196, Section 13, as amended, and K.C.C. 20.20.060 are each hereby amended to read as follows:

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

1. Type 2, 3 or 4 decisions;
2. Type 1 decisions subject to SEPA;
3. As provided in subsections K. and L. of this section; and
4. Type 1 decisions requiring a community meeting under K.C.C. 20.20.035.

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

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

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

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

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

1. A description of the project, the location, a list of the permits included in the application and any environmental documents or studies can be reviewed;

2. The name of the applicant;
3. The date of application, the date of the notice of completeness and the date of the notice of application;
4. If the department has made a decision or recommendation on the application, the decision or recommendation made;
5. The applicable comment and appeal dates and the date, time, place and type of hearing, if applicable;
6. A web site address that provides access to project information, including a site map and application page; and
7. The department contact name, telephone number and email address;

F. Notice shall be provided in the following manner:

1. Posted at the project site as provided in subsections G. and J. of this section;
2. Mailed by first class mail as provided in subsection H. of this section; and
3. Published as provided in subsection I. of this section.

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

1. A single notice board shall be posted for a project. This notice board may also be used for the posting of the notice of decision and notice of hearing and shall be placed by the applicant:
 - a. at the midpoint of the site street frontage or as otherwise directed by the department for maximum visibility;
 - b. five feet inside the street property line except when the board is structurally attached to an existing building, but a notice board shall not be placed more than five feet from the street property without approval of the department;
 - c. so that the top of the notice board is between seven to nine feet above grade;

d. where it is completely visible to pedestrians; and

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

2. Additional notice boards may be required when:

a. the site does not abut a public road;

b. a large site abuts more than one public road; or

c. the department determines that additional notice boards are necessary to provide adequate public notice;

3. Notice boards shall be:

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

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

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

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

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

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

7. The director may waive the notice board requirement for a development proposal located in an area with restricted access, an area that is not served by public roads, or in other circumstances the director determines make the notice board requirement ineffective in providing notice to those likely to be affected by the development proposal. In such cases, the director shall require alternative forms of notice under subsection M. of this section.

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

1. By first class mail to owners of record of property in an area within five hundred feet of the site. The area shall be expanded when the department determines it is necessary to send mailed notices to at least twenty different property owners;

2. To any city with a utility (~~which~~) that is intended to serve the site;

3. To the Washington state Department of Transportation, if the site adjoins a state highway;

4. To the affected tribes;

5. To any agency or community group (~~which~~) that the department may identify as having an interest in the proposal;

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

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

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

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

J. Unless waived under subsection G.7. of this section, ~~((P))~~ posted notice for approved formal subdivision engineering plans, clearing or grading permits subject to SEPA or building permits subject to SEPA shall be a condition of the plan or permit approval and shall consist of a single notice board posted by the applicant at the project site, before construction as follows:

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

2. Notice boards shall include the following information:

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

3. Notice boards shall be maintained in the same manner as identified above, in subsection F₂ of this section; and

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

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

L. Posted and mailed notice consistent with this section shall be provided to any property owner of

record and to the council district representative in which is locating any application for building permits or other necessary land use approvals for the establishment of the social service facilities classified by SIC 8322 and 8361 and listed below, unless the proposed use is protected under the Fair Housing Act:

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

M. In addition to notice required by subsection F. of this section, the department may provide additional notice by any other means determined by the department as necessary to provide notice to persons or entity who may be affected by a proposal.

SECTION 16. Ordinance 15051, Section 3, and K.C.C. 21A.06.037 are each hereby amended to read as follows:

Agricultural drainage: any ((~~stream,~~)) ditch, tile system, pipe or culvert primarily used to drain fields for horticultural or livestock activities.

NEW SECTION. SECTION 17. A new section is hereby added to K.C.C. chapter 21A.06 to read as follows:

Agricultural waterway: A segment of a modified type F, N or O aquatic area that drains land defined in RCW 84.34.020 as farm and agricultural land or as farm and agricultural conservation land.

NEW SECTION. SECTION 18. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

A. Floodplain development: any human-made change to improved or unimproved real estate in the floodplain, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, storage of equipment or materials, subdivision of land and removal of

more than five percent of the native vegetation on the site.

B. "Floodplain development" does not include:

1. Routine maintenance of landscaping that does not involve grading, excavation or filling;
2. Removal of noxious weeds or invasive vegetation and replacement of nonnative vegetation with native vegetation;
3. Removal of a hazard tree;
4. Maintenance and repair of an existing structure;
5. Maintenance and repair of an above-ground utility;
6. Maintenance of the public road right-of-way structure;
7. Maintenance, repair or replacement of a flood protection facility; and
8. Agricultural activity, including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity that does not include fill.

NEW SECTION. SECTION 19. A new section is hereby added to K.C.C. chapter 21A.06 to read as follows:

Forest management activity: a forest practice regulated as a Class I, II, III or IV-S forest practice under chapter 76.09 RCW and Title 222 WAC or that is conducted in accordance with a forest management plan approved by the department of natural resources and parks.

NEW SECTION. SECTION 20. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Forestry: the science and practice of planting, cultivating, managing, using and conserving trees, forests and associated resources. "Forestry" includes, but is not limited to, scientific research related to forests and forest management for the harvesting of timber, production of forest products, recreation, aesthetics and ecological enhancement.

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

as follows:

Livestock heavy use area: an enclosure, typically constructed with footing material, such as gravel, used to keep grazing livestock off pasture from late fall through early spring or when pastures are grazed down to reduce soil erosion, protect water quality and improve pasture productivity, aesthetics and livestock health.

NEW SECTION. SECTION 22. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Livestock manure storage facility: an impoundment made by constructing an embankment, pit or structure for the purpose of temporarily storing manure, liquid or slurry manure, agricultural wastewater or other organic agricultural waste before agronomic use to facilitate nutrient management and protect water quality.

SECTION 23. Ordinance 15032, Section 6, and K.C.C. 21A.06.742 are each hereby amended to read as follows:

Materials processing facility:

A. ((a)) A site or establishment, not accessory to a mineral extraction or sawmill use, that is primarily engaged in crushing, grinding, pulverizing or otherwise preparing earth materials, vegetation, organic waste, construction and demolition materials or source separated organic materials and that is not the final disposal site; and

B. A site or establishment lawfully established before October 10, 2004, as an interim recycling facility for processing source separated, organic materials.

NEW SECTION. SECTION 24. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Temporary farm worker housing: a place, area or piece of land, where sleeping places or housing sites are provided for temporary, seasonal occupancy by an agricultural employer for the employer's agricultural employees or by another person who is providing such accommodations for agricultural employees.

SECTION 25. Ordinance 12024, Section 11, as amended, and K.C.C. 21A.06.1432 are each hereby amended to read as follows:

~~((“))Wrecked, dismantled or inoperative vehicle((“means)):~~ a motor vehicle ~~((or the remains or remnant parts of a motor vehicle, or an extensively damaged recreational vehicle))~~ as defined in RCW 46.04.320 or a boat ~~((, that is clearly inoperative and either cannot be made operative without the addition of vital parts or mechanisms or is damaged to the extent that it prevents normal operation of the vehicle, or both))~~ that meets at least three of the following:

A. Is three years old or older;

B. Is extensively damaged, with the damage including, but not limited, to:

1. A broken window or windshield; or
2. Missing wheels, tires, motor or transmission;

C. Is apparently inoperable; and

D. Has an approximate fair market value equal only to the approximate value of the scrap in it.

SECTION 26. 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			R U R A L	RESIDENTI AL			COMMERCIAL/INDUSTRIAL								
P-Permitted Use		A	F	M	R	*	R	U	R	N	B	C	B	R	B	O	I
C-Conditional Use		G	O	I	U	U	E	R	E	E	U	O	U	E	U	F	N
S-Special Use	Z	R	R	N	R	R	S	B	S	I	S	M	S	G	S	F	D
	O	I	E	E	A	B	E	A	I	G	I	M	I	I	I	I	U
	N	C	S	R	L	A	R	N	D	H	N	U	N	O	N	C	S
	E	U	T	A		N	V	E	B	E	N	E	N	E	E	T	
		L		L	A	E		N	O	S	I	S	A	S		R	
		T			R			T	R	S	T	S	L	S		I	
		U			E			I	H		Y				A		
		R			A			A	O						L		
		E						L	O								
										D							
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1	R12	NB	CB	RB	O	I				
							-8										

	DWELLING UNITS, TYPES:												
*	Single Detached	P ((C1 P2)) C 11		P (C12) C 11	P (C12) C 11	P (C12) C 11	P (C12) C 11	P (C12) C 11					
*	Townhouse			C4	C4	((P4 + C1 +)) P1 0 C1 0	P	P3	P3	P3	P3	P3	
*	Apartment			C4	C4	P5 C5	P	P3	P3	P3	P3	P3	
*	Mobile Home Park			S 12		C7	P						
*	Cottage Housing					P1 4							
	GROUP RESIDENCE S:												
*	Community Residential Facility-I			C	C	P 13. a C	P	P3	P3	P3	P3	P3	
*	Community Residential Facility-II					P 13. b	P	P3	P3	P3	P3	P3	
*	Dormitory			C5	C5	C5	P						
*	Senior Citizen Assisted Housing					P4	P	P3	P3	P3	P3	P3	
	ACCESSORY USES:												
*	Residential Accessory Uses	P6 ((P6)) P16		P6	P6	P6	P6	P6	P6	P6	P6	P6	
*	Home Occupation	P17	P17	P17	P17	P17	P17	P17	P17	P17	P17	P17	
*	Home Industry	C		C	C	C							
	TEMPORARY LODGING:												
7011	Hotel/Motel (1)								P	P	P		
*	Bed and Breakfast Guesthouse	P8		P8	P8	P8	P8	P8	P9	P9			
7041	Organization Hotel/Lodging Houses									P			
GENERAL CROSS REFERENCES:		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A.06.											

B. Development conditions.

1. Except bed and breakfast guesthouses.

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

a. Site disturbance associated with development of any new residence shall be limited to three acres.

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

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

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

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

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

4. 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.

5.a. In the R-1 zone, apartment units are permitted, if:

(1) At least fifty percent of the site is constrained by unbuildable critical areas. For purposes of this subsection, unbuildable critical areas includes wetlands, aquatic areas and slopes forty percent or steeper and associated buffers; and

(2) The density does not exceed a density of eighteen units per acre of net buildable area.

b. In the R-4 through R-8 zones, apartment units are permitted if the density does not exceed a

density of eighteen units per acre of net buildable area.

c. If the proposal will exceed base density for the zone in which it is proposed, a conditional use permit is required.

5. Only as accessory to a school, college, university or church.

6.a. Accessory dwelling units:

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

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

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

(b) except as otherwise provided in subsection B.6.a.(5) of this section, a rural lot that is less than the minimum lot size; or

c. a lot containing more than one primary dwelling;

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

(4)(a) Except as otherwise provided in subsection B.6.a(5) of this section, one of the dwelling units shall not exceed one thousand square feet of heated floor area 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, or in multiple buildings connected by a breezeway or other structure, only one entrance may be located on each street;

(5) On a site zoned RA:

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

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

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

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

(8) An applicant seeking to build an accessory dwelling unit shall file a notice approved by the department of executive services, records and licensing services division, that identifies the dwelling unit as accessory. The notice shall run with the land. The applicant shall submit proof that the notice was filed before the department shall approve any permit for the construction of the accessory dwelling unit. The required contents and form of the notice shall be set forth in administrative rules. If an accessory dwelling unit in a detached building in the rural zone is subsequently converted to a primary unit on a separate lot, neither the original lot nor the new lot may have an additional detached accessory dwelling unit constructed unless the lot is at least twice the minimum lot area required in the zone; and

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

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

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

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

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

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

8. Only as accessory to the permanent residence of the operator, and:

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

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

9. Only if part of a mixed use development, and subject to the conditions of ~~((K.C.C. 21A.08.030.B.10))~~ subsection B.8. of this section.

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

11. Required before approving more than one dwelling on individual lots, except on lots in subdivisions, short subdivisions or binding site plans approved for multiple unit lots, and except as provided for accessory dwelling units in ~~((K.C.C. 21A.08.030.B.7))~~ subsection B.6. of this section.

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

13.a. Limited to domestic violence shelter facilities.

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

14. 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;

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 K.C.C. 21A.12.020.B.25. or the floor area and footprint limits in K.C.C. 21A.14.025.B; and

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

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

a. The lot must have legally existed before March 1, 2005;

b. The lot has a ~~((e))~~Comprehensive ~~((p))~~Plan land use designation of Rural Neighborhood

Commercial Center or Rural ~~((Residential))~~ Area; and

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

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

a. Not more than:

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

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

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

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

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

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

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

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

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

17. Allowed if consistent with K.C.C. chapter 21A.30.

SECTION 27. Ordinance 10870, Section 331, as amended, and K.C.C. 21A.08.040 are each hereby amended to read as follows:

A. Recreational/cultural land uses.

KEY		RESOURCE			R U R A L	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	A	E		N	O	S	I	S	A	S		R	
		T			R			T	R	S	T	S	L	S		I	
		U			E			I	H	Y						A	
		R			A			A	O							L	
		E						L	O	D							
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R 1- 8	R12	NB	CB	RB	O	I				
	PARK/RECREATION:																
*	Park	P1	P1	P1	P1	P1	P1	P1	P	P	P	P	P13				
	Large Active Recreation and Multiuse Park		P1	P1	P1	P1	P1	P1	P	P	P	P	P13				
*	Trails	P	P	P	P	P	P	P	P	P	P	P	P				
*	Campgrounds		P16 C16a	P16	P16 C16a	P16 C16a							P16 C1 6a				
*	Destination Resorts		S		S18	C					C						
*	Marina		C 3		C4	C4	C4	C4	P5	P	P	P	P				
*	Recreational Vehicle Park		P19	P19	C2 and 18 P19	C2 P19											
*	Sports Club (17)				C4 and18	C4	C4	C4	C	P	P						
*	Ski Area		S		S18												
*	Recreational Camp		C		P24 C												
	AMUSEMENT/ENTERTAINMENT:																
*	Adult Entertainment Business									P6	P6	P6					
*	Theater									P	P	P	P25				
7833	Theater, Drive-in										C						
793	Bowling Center									P	P		P				
*	Golf Facility				C7 and 18	P7	P7	P7									

7999 (14)	Amusement and Recreation Services		P21	P21	P8 P21 C15 and 18	P8 P21 P22 C15	P8 P21 P22 C15	P21 P22	P	P	P21	P21
*	Indoor Paintball Range								P26	P26		P26
*	Outdoor Paintball Range				C27	C27						
*	Shooting Range		C9		C9 and 18					C10		P10
*	Amusement Arcades								P	P		
7996	Amusement Park									C		
*	Outdoor Performance Center		S		C12 S18		P20			S		
	CULTURAL:											
823	Library				P11	P11 C	P11 C	P28	P	P	P	P
841	Museum	C23	C23		P11	P11 C	P11 C	P28	P	P	P	P
842	Arboretum	P	P		P	P	P	P	P	P	P	P
*	Conference Center				P11 C12	P11 C12	P11 C	P11	P	P	P	P

GENERAL CROSS REFERENCES: Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards see and Review Procedures, see K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific

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 rural area and residential ((areas)) zones;
 - c. Structures or service yards shall maintain a minimum distance of fifty feet from property lines adjoining rural area and residential zones, except for fences, wire mesh backstops and 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 rural area and residential zoned property lines. Lighting for practice greens and driving range ball impact areas shall be directed away from adjoining rural area and 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 golf driving range(~~([s,])~~)s, only as:

- a. accessory to golf courses; or
- b. 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 rural area and 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. For amusement and recreation services not otherwise provided for in this chapter:

a. In the RA zones, not subject to regulation under K.C.C. Title 6 and only on sites at least five acres

or larger;

b. Retail sales are limited to incidental sales to patrons of the amusement or recreation service; and

c. Does not involve the operation of motor vehicles or off-road vehicles, including, but not limited to, motorcycles and go-carts.

16. Subject to the following conditions:

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

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

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

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

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

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

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

22. Only as 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 before August 11, 2005, with a conditional use permit and that 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 before August 11, 2005, with a conditional use permit and that 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 (~~(before))~~ before submittal of an application for permits to establish a camp, or to expand the number of camp users on an existing camp site as provided in subsection B.24.c.(2)(b) of this section. Notice of the meeting shall be provided at least two weeks in advance to all property owners within five hundred feet, 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. Structure shall be no closer than one hundred feet from any lot line adjacent to a rural area or 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 rural area or residential zoned 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 rural area or 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 before submittal of the conditional use permit application. All activities shall be in compliance with National Paintball League standards;

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

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

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

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

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

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

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

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

SECTION 28. 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			R U R A L		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	R
		L		L	A		E	N	O	S	I	S	A	S		I	A
		T			R			T	R	S	T	S	L	S			
		U			E			I	H		Y						
		R			A			A	O								
		E						L	O	D							
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I				
	PERSONAL SERVICES:																
72	General Personal Service						C25 C37	C25 C37	P	P	P	P3	P3				
7216	Drycleaning Plants												P				
7218	Industrial Launderers												P				
7261	Funeral Home/Crematory					C4	C4	C4	P	P							
*	Cemetery, Columbarium or Mausoleum				P24 and 3	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 C and 3	P9 C10			P10	P10	P10		P				
753	Automotive Repair (1)								P11	P	P		P				
754	Automotive Service								P11	P	P		P				
76	Miscellaneous Repair	P33			P32 P33	P32	P32	P32	P	P	P		P				
866	Church, Synagogue, Temple				P12 C27 and 3	P12 C	P12 C	P12 C	P	P	P	P					

83	Social Services (2)				P12 P13 C31	P12 P13 C	P1 2 P1 3 C	P12 P13 C	P	P	P	P
0752	Animal specialty services				C P3 P36	C			P	P	P	P
*	Stable	P14 C			P14 C31	P14 C	P 14 C					
*	Kennel or Cattery	P9			C	C			C	P		
*	Theatrical Production Services								P30	P28		
*	Artist Studios				P28	P28	P2 8	P28	P	P	P	P2 9
*	Interim Recycling Facility				P21	P21	P2 1	P21	P22	P22	P	P2 1
*	Dog training facility	C34			C34	C34		P	P	P		P
	HEALTH SERVICE S:											
801-04	Office/Outpatient Clinic				P12 C13a	P12 C13a	P1 2 C1 3a C3 7	P12 C13 C37	P	P	P	P
805	Nursing and Personal Care Facilities							C	P	P		
806	Hospital						C1 3a	C13	P	P	C	
807	Medical/Dental Lab								P	P	P	P
808-09	Miscellaneous Health								P	P	P	
	EDUCATION SERVICE S:											
*	Elementary School				P39	P	P	P	P16 P40	P16 P40	P1 6 P4 0	

*	Middle/Juni or High School				P40 C39 and 31	P	P	P		P16 C40	P16 C40	P1 6 C4 0	
*	Secondary or High School				C39 and 3 C41a 31	P26	P2 6	P26		P16 C15	P16 C15	P1 6	
*	Vocational School					P13a C	P1 3a C	P13 C			P15	P1 7	P
*	Specialized Instruction School		P18		P19 C20 and 3	P19 C20	P1 9 C2 0	P19 C20	P	P		P1 7	P 38
*	School District Support Facility					P23 C	P2 3 C	P23 C	C15	P15	P15	P1 5	P1 5
GENERAL CROSS REFERENCES: Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Develop chapters 21A.12 through 21A.30; General Provisions, see K.C.C. chapters 21A Application and Review Procedures, see K.C.C. chapters 21A.40 through 21A. 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~~

)) Community residential facilities.

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 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 rural area and residential zones.

6. Only as 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 rural area and 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 rural area and residential zones;

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

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

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

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

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

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

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

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

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

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

section; and

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

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

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

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

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

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

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

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

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

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

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. If located outside of the urban growth area, limited to projects that are of a size and scale designed to primarily serve the rural area and shall be located within a rural town.

16. If located outside of the urban growth area, shall be designed to primarily serve the rural area and shall be located within a rural town. 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 accessory to residential use, and:

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

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

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

d. Structures used for the school shall maintain a distance of twenty-five feet from property lines adjoining rural area and 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:

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

b. in the RA zone, a facility accessory to a retail nursery, garden center and farm supply store that accepts earth materials, vegetation, organic waste, construction and demolition materials or source separated organic materials, if:

(1) the site is five acres or greater;

(2) all material is deposited into covered containers or onto covered impervious areas;

(3) the facility and any driveways or other access to the facility maintain a setback of at least twenty five feet from adjacent properties;

(4) the total area of the containers and covered impervious area is ten thousand square feet or less;

(5) ten feet of type II landscaping is provided between the facility and adjacent properties;

(6) no processing of the material is conducted on site; and

(7) access to the facility is not from a local access street.

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 permitted in the rural and the urban residential and urban reserve zones shall be 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))~~ the rural area and residential zones, any other adult use facility, school, licensed daycare centers, parks, community centers, public libraries or churches that conduct religious or educational classes for minors.

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

32. Limited to repair of sports and recreation equipment:

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

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

33. Accessory to agricultural or forestry uses provided:

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

b. the lot is at least five acres.

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

34. Subject to the following:

a. the lot is at least five acres;

b. in the A zones, area used for dog training shall be located on portions of agricultural lands that are unsuitable for other agricultural purposes, such as areas within the already developed portion of such agricultural lands that are not available for direct agricultural production or areas without prime agricultural soils;

c. structures and areas used for dog training shall maintain a minimum distance of seventy-five feet from property lines; and

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

35. Limited to animal rescue shelters and provided that:

a. the property shall be at least four acres;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 rural area and 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.
- i. Before filing an application with the department, the applicant shall hold a community meeting in

accordance with K.C.C. 20.20.035.

- 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 rural area and residential zones; and
 - c. Warehousing, refrigeration and storage is limited to agricultural products and sixty percent or more of the products must be grown or processed in the Puget Sound counties. At the time of the initial application, the applicant shall submit a projection of the source of products to be included in the warehousing, refrigeration or storage.
16. Only as an accessory use to another permitted use.
 17. No outdoor storage.
 18. Only as an accessory use to a public agency or utility yard, or to a transfer station.
 19. Limited to new commuter parking lots designed for thirty or fewer parking spaces or commuter parking lots located on existing parking lots for churches, schools, or other permitted nonresidential uses that have excess capacity available during commuting; provided that the new or existing lot is adjacent to a designated arterial that has been improved to a standard acceptable to the department of transportation;
 20. No tow-in lots for damaged, abandoned or otherwise impounded vehicles.
 21. No dismantling or salvage of damaged, abandoned or otherwise impounded vehicles.
 22. Storage limited to accessory storage of commodities sold at retail on the premises or materials used in the fabrication of commodities sold on the premises.
 23. Limited to emergency medical evacuation sites in conjunction with police, fire or health service facility. Helistops are prohibited from the UR zone only if the property is located within a designated unincorporated Rural Town.
 24. Allowed as accessory to an allowed use.

25. Limited to private road ambulance services with no outside storage of vehicles.
26. Limited to two acres or less.
- 27a. Utility yards only on sites with utility district offices; or
 - b. Public agency yards are limited to material storage for road maintenance facilities.
28. Limited to bulk gas storage tanks that pipe to individual residences but excluding liquefied natural gas storage tanks.
29. Excluding bulk gas storage tanks.
30. For I-zoned sites located outside the urban growth area designated by the King County Comprehensive Plan, uses shall be subject to the provisions for rural industrial uses in K.C.C. chapter 21A.12.
31. Vactor waste treatment, storage and disposal shall be limited to liquid materials. Materials shall be disposed of directly into a sewer system, or shall be stored in tanks (or other covered structures), as well as enclosed buildings.
32. Provided:
 - a. Off-street required parking for a land use located in the urban area must be located in the urban area;
 - b. Off-street required parking for a land use located in the rural area must be located in the rural area; and
 - c.(1) Except as provided in 32.c.(2) of this subsection, off-street required parking must be located on a lot that would permit, either outright or through a land use permit approval process, the land use the off-street parking will serve.
 - (2) For a social service agency allowed under K.C.C. 21A.08.050B.13.b. to be located on a site in the NB zone, off-street required parking may be located on a site within three hundred feet of the social service agency, regardless of zoning classification of the site on which the parking is located.
33. Subject to review and approval of conditions to comply with trail corridor provisions of K.C.C.

chapter 21A.14 when located in an RA zone.

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

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

36. Accessory to agricultural uses provided:

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

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

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

d. Structures and areas used for warehousing, refrigeration or storage shall maintain a minimum distance of seventy-five feet from property lines adjoining rural area and 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 30. 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			RUR A L	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	A	E	N	O S	I S	A S	R	
		T			R		T	R S	T S	L S	I	
		U			E		I	H	Y		A	
		R			A		A	O			L	
		E					L	O				
								D				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-	NB	CB	RB	O I (30)
*	Building Materials and Hardware Stores		P23						P2	P	P	
*	Retail Nursery, Garden Center and Farm Supply Stores	P1 C1			P1 C1				P	P	P	
*	Forest Products Sales	P3 and 4	P4		P3 and 4						P	
*	Department and Variety Stores						C14 a	P14	P5	P	P	
54	Food Stores						C15 a	P15	P	P	P	C P6
*	Agricultural Product Sales	P7 C7	P4		P7 C7	P3	P3	P25	P25	P25	P25	P25
*	Farmers Market	P24	P24		P24	P24	P24	P24	P24	P24	P24	P24
*	Motor Vehicle and Boat Dealers										P8	P
553	Auto Supply Stores									P9	P9	P
554	Gasoline Service Stations							P	P	P		P
56	Apparel and Accessory Stores								P	P		
*	Furniture and Home Furnishings Stores								P	P		
58	Eating and Drinking Places				P21 C19		P20 C16	P20 P16	P10	P	P	P P
*	Drug Stores						C15	P15	P	P	P	C
592	Liquor Stores	P13			P13	P13			P13	P	P	
593	Used Goods: Antiques/ Secondhand Shops									P	P	
*	Sporting Goods and Related Stores			P22	P22	P22	P22	P22	P22	P	P	P22 P22

*	Book, Stationery, Video and Art Supply Stores					C15 a	P15	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 a	P15	P	P	P	P	
*	Personal Medical Supply Stores								P	P		
*	Pet Shops							P	P	P		
*	Bulk Retail								P	P		
*	Auction Houses									P12		P
*	Livestock Sales	P17	P17		P17	P17		P17 and 18				P
GENERAL CROSS REFERENCES:		Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070; Development Standards, see K.C.C. through 21A.30; General Provisions, see K.C.C. chapters 21A.32 through 21A.38; Application and Revi K.C.C. chapters 21A.40 through 21A.44; (*)Definition of this specific land use, see K.C.C. chapter 21A										

B. Development conditions.

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

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

2. Only hardware stores.

3.a. Limited to products grown on site.

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

4. No permanent structures or signs.

5. Limited to SIC Industry No. 5331-Variety Stores, and further limited to a maximum of two thousand square feet of gross floor area.
6. Limited to a maximum of five thousand square feet of gross floor area.
- 7.a. As a permitted use, the covered sales area shall not exceed two thousand square feet, unless located in a building designated as a historic resource under K.C.C. chapter 20.62. As a conditional use, up to three thousand five hundred square feet of covered sales area may be allowed;
 - b. The site area shall be at least four and one-half acres;
 - c. Forty percent or more of the gross sales of agricultural product sold through the store must be sold by the producers of primary agricultural products;
 - d. Sixty percent or more of the gross sales of agricultural products sold through the store shall be derived from products grown or produced in the Puget Sound counties. At the time of the initial application, the applicant shall submit a reasonable projection of the source of product sales;
 - e. Sales shall be limited to agricultural products and locally made arts and crafts;
 - f. Storage areas for agricultural products may be included in a farm store structure or in any accessory building; and
 - g. Outside lighting is permitted if no off-site glare is allowed.
8. Excluding retail sale of trucks exceeding one-ton capacity.
9. Only the sale of new or reconditioned automobile supplies is permitted.
10. Excluding SIC Industry No. 5813-Drinking Places.
11. No outside storage of fuel trucks and equipment.
12. Excluding vehicle and livestock auctions.
13. Only as accessory to a winery or SIC Industry No. 2082-Malt Beverages, and limited to sales of products produced on site and incidental items where the majority of sales are generated from products produced on site.

14.a. Not in R-1 and limited to SIC Industry No. 5331-Variety Stores, limited to a maximum of five thousand square feet of gross floor area, and subject to K.C.C. 21A.12.230; and

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

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

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

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

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

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

18. Limited to the R-1 zone.

19. Only as:

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

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

20. Only as:

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

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

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

22. Only as an accessory use to:

- a. a large active recreation and multiuse park in the urban growth area; or
- b. a park, or a large active recreation and multiuse park in the RA zones, and limited to a total floor

area of seven hundred and fifty square feet.

23. Only as accessory to SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431 -

Millwork 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.

24. Requires at least five farmers selling their own products at each market and the annual value of sales by farmers should exceed the annual sales value of ((~~non-farmer~~)) nonfarmer vendors.

25. Limited to sites located within the urban growth area and:

- a. The sales area shall be limited to three hundred square feet and must be removed each evening;
- b. There must be legal parking that is easily available for customers; and
- d. The site must be in an area that is easily accessible to the public, will accommodate multiple

shoppers at one time and does not infringe on neighboring properties.

SECTION 31. Ordinance 10870, Section 335, as amended, and K.C.C. 21A.08.080 are each hereby

amended to read as follows:

A. Manufacturing land uses.

KEY	RESOURCE			<u>RUR</u> <u>AL</u>	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	A	E		N		O	S	I	S	A	S		R

		T U R E			R E A			T I A L O O D	R S T S L S			I A L	
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (11)
20	Food and Kindred Products	P1 C1	P1		P1 C1	P1			P2	P2	P2 C		P2 C
*/2082 /2085	Winery/Brewery/Distillery	P3 C12			P3 C12	P3			P18	P18	P		P
*	Materials Processing Facility	P13	P14 C	P15 C16	P17 C								P
22	Textile Mill Products												C
23	Apparel and other Textile Products										C		P
24	Wood Products, except furniture	P4 P19	P4 P19 C5		P4(±) P19 C5	P4					C6		P
25	Furniture and Fixtures		P20		P20						C		P
26	Paper and Allied Products												C
27	Printing and Publishing								P7	P7	P7C	P7 C	P
28	Chemicals and Allied Products												C
2911	Petroleum Refining and Related Industries												C
30	Rubber and Misc. Plastics Products												C
31	Leather and Leather Goods										C		P
32	Stone, Clay, Glass and Concrete Products									P6	P9		P

B. Development conditions.

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

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

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

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

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

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

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

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

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

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

2. Except slaughterhouses.

3.a. Limited to wineries, ~~((and))~~ SIC Industry No. 2082-Malt Beverages and SIC Industry No. 2085-Distilled and Blended Liquors;

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

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

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

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

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

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

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

5. Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431 - Millwork. For RA zoned sites, ~~((limited to RA-10 on lots at least ten acres in size and only as accessory to forestry uses))~~ if using lumber or timber grown off-site, the minimum site area is four and one-half acres.

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

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

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

9. Only within enclosed buildings.

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

11. For I-zoned sites located outside the urban growth area designated by the King County

Comprehensive Plan, uses shown as a conditional use in the table of K.C.C. 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for rural industrial uses as set forth in K.C.C. chapter 21A.12.

12.a. Limited to wineries, ~~((and))~~ SIC Industry No. 2082-Malt Beverages and SIC Industry No. 2085-Distilled and Blended Liquors;

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

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

c. Wineries, ~~((and))~~ breweries and distilleries shall comply with Washington state Department of Ecology and King County board of health regulations for water usage and wastewater disposal. Wineries, ~~((and))~~ breweries and distilleries using water from exempt wells shall install a water meter;

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

e. Structures and areas used for processing shall be set back a minimum distance of seventy-five feet from property lines adjacent to rural area and residential zones, unless the processing is located in a building

designated as historic resource under K.C.C. chapter 20.62;

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

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

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

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

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

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

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

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

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

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

a. as accessory to a primary mineral use; or

b. as a continuation of a mineral processing use only for that period to complete delivery of products

or projects under contract at the end of mineral extraction.

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

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

18.a. Limited to wineries, ~~((and))~~ SIC Industry No. 2082-Malt Beverages and SIC Industry No. 2085-Distilled and Blended Liquors;

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

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

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

19. Limited to:

a. SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431 - Millwork, as follows:

(1) If using lumber or timber grown off-site, the minimum site area is four and one-half acres;

(2) The facility shall be limited to an annual production of no more than one hundred fifty thousand board feet;

(3) Structures housing equipment used in the operation shall be located at least one-hundred feet from adjacent properties with residential or rural area zoning;

(4) Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to 7:00 p.m. on weekdays, and 9:00 a.m. to 5 p.m. on weekends;

(6) In the RA zone, the facility's driveway shall have adequate entering sight distance required by

the 2007 King County Road Design and Construction Standards. An adequate turn around shall be provided on-site to prevent vehicles from backing out on to the roadway that the driveway accesses; and

(7) Outside lighting is limited to avoid off-site glare; and

b. SIC Industry No. 2411 - Logging.

20. Limited to manufacture of custom made wood furniture or cabinets.

SECTION 32. 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		RESOUR U R			RESID COMM								
		A	F	M	U	R	R	C	H	R	O		
P-Permitted Use													
C-Conditional Use													
S-Special Use		Z											
		O											
		N											
		E											
		L											
		T											
		U											
		R											
		E											
SIC#	SPECIFIC LAND USE	A	F	M	R	A	U	R	R	C	H	R	O
	AGRICULTURE:												
01	Growing and Harvesting Crops	P	P	P			P	P					
02	Raising Livestock and Small Animals	P	P	P			P	P					
*	Agriculture Training Facility	C	I										
*	Agriculture-related special needs camp	P	I										
*	Agricultural Anaerobic Digester	P	I										
	FORESTRY:												
08	Growing & Harvesting Forest Production	P	P	P	P		P	P					
*	Forest Research		P	P			P						

	FISH AND WILDLIFE MANAGEMENT:																			
0921	Hatchery/Fish Preserve (1)	P	P	P	P	C														
0273	Aquaculture (1)	P	P	P	P	C														
*	Wildlife Shelters	P	P	P	P															
	MINERAL:																			
10,12,14	Mineral Extraction and Processing		P9	P	C															
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block		P8	P8																
	ACCESSORY USES:																			
*	Resource Accessory Uses	P3	P4	P5	P3	P3														
*	Temporary Farm Worker Housing	P1	P1		P14															
GENERAL CROSS REFERENCES:		Land Use Table Instructions, see K.C.C. 21A.08.010; General Provisions, see K.C.C. chapters 21A.08.020 through 21A.08.040; (*)Definition of this specific land use																		

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 rural area and 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

l. 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 rural area and 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 rural area and 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 and other organic waste from agricultural activities, as follows:

a. the digester must be included as part of a Washington state Department of Agriculture approved dairy nutrient plan;

b. the digester must process at least seventy percent livestock manure or other agricultural organic material from farms in the vicinity, by volume;

c. imported organic waste-derived material, such as food processing waste, may be processed in the digester for the purpose of increasing methane gas production for beneficial use, but not shall exceed thirty percent of volume processed by the digester; and

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

14. Temporary farm worker housing subject to the following conditions:

a. The housing must be licensed by the Washington state Department of Health under chapter 70.114A RCW and chapter 246-358 WAC;

b. Water supply and sewage disposal systems must be approved by the Seattle King County department of health;

c. To the maximum extent practical, the housing should be located on nonfarmable areas that are already disturbed and should not be located in the floodplain or in a critical area or critical area buffer; and

d. The property owner shall file with the department of executive services, records and licensing services division, a notice approved by the department identifying the temporary farm worker housing as accessory and that the housing shall only be occupied by agricultural employees and their families while employed by the owner or operator. The notice shall run with the land.

SECTION 33. 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 - rural area and residential zones.

ZONE	RURAL				RESIDENTIAL								
	RURAL AREA				URBAN RESERVES	((URBAN)) RESIDENTIAL							
STANDARDS	RA-2.5	RA-5	RA-10	RA-20	UR	R-1 (17)	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density: Dwelling Unit/Acre	0.2 du/ac	0.2 du/ac	0.1 du/a	0.05 du/ac	0.2 du (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	0.4 du/ac (20)						6 du/ac (22) 8 du/ac (27)	9 du/ac (27)	12 du/ac (27)	18 du/ac (27)	27 du/ac (27)	36 du/ac (27)	72 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	30ft	30 ft	30 ft
Minimum Street Setback (3)	30 ft (9)	30 ft (9)	30ft (9)	30 ft (9)	30 ft (7)	20 ft (7)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10ft (8)	10 ft (8)
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 4 (25)	35 ft 4 (25)	60 ft	60 ft 8 (14)	60 ft 8 (14)	60 ft 8 (14)
Maximum Impervious Surface: Perc	25% (11) (19) (26)	20% (11) (19) (26)	15% (11) (19) (26)	12.5% (11) (19) (26)	30% (11) (26)	30% (11) (26)	55% (26)	70% (26)	75% (26)	85% (26)	85% (26)	85% (26)	90% (26)

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.
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 rural area and 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.

28. On a site zoned RA with a building listed on the national register of historic places, additional dwelling units in excess of the maximum density may be allowed under section 35 of this ordinance.

SECTION 34. Ordinance 10870, Section 341, as amended, and K.C.C. 21A.12.040 are each hereby amended to read as follows:

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

	ZONES	RESOURCE				COMMERCIAL/INDUSTRIAL				
		AGRICULTURE	FOREST	MINE R A L	NEIGHBOOD BUSINESS	COMM BUSINESS	REGIONAL BUSINESS	OFFICE	INDUSTRIAL	
STANDARDS		A-10	A-35	F	M	NB	CB	RB	O	I
Base Density: Dwelling Unit/Acre (19)		0.1 du/ac	.0286 du/ac	.0125 du/ac		8 du/ac	48 du/ac	36 du/ac 48 du/ac	48 du/ac (2)	
Maximum Density: Dwelling Unit/Acre						12 du/ac du/ac (1)	72 du/ac 96 du/ac	48 du/ac 72 du/ac 96 du/ac	72 du/ac (16) 96 du/ac (17)	
Minimum Lot Area		10 acres	35 acres	80 acres	10 acres					
Maximum Lot Depth/ Width Ratio		4 to 1	4 to 1							
Minimum Street Setback		30 ft (4)	30 ft (4)	50 ft (4)	(12)	10 ft (5)	10 ft (5)	10 ft (5)	10 ft	25 ft
Minimum Interior Setback		10 ft (4)	10 ft (4)	100 ft (4)	(12)	10 ft (14) (14)	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7) 50 ft (8)
Base Height (10)		35 ft	35 ft	35 ft	35 ft	35 ft 45 ft	35 ft 60 65 ft (17)	35 ft 65 ft	45 ft 65 ft (6)	45 ft
Maximum Floor/Lot Ratio: Square Feet						1/1 (9)	1.5/1 (9)	2.5/1 (9)	2.5/1 (9)	2.5/1
Maximum Impervious Surface: Percentage (13)		15% 35% (11)	10% 35% (11)	10% 35% (11)		85%	85%	90%	75%	90%

B. Development conditions.

1. In the RB zone on property located within the Potential Annexation Area of a rural city, this density is not allowed.

2. These densities are allowed only through the application of mixed-use development standards and,

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

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

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

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

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

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

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

7. Required on property lines adjoining rural area and residential zones.

8. Required on property lines adjoining rural area and 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 rural area and 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 rural area and residential density incentives under K.C.C. 21A.34.040.F.1.g.

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

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

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

19. On a site zoned A with a building designated as a county landmark in accordance with the procedures in K.C.C. 20.62.070, additional dwelling units in excess of the maximum density may be allowed under section 35 of this ordinance.

NEW SECTION. SECTION 35. There is hereby added to K.C.C. chapter 21A.12 a new section to read as follows:

On a site zoned A or RA with a building designated as a county landmark in accordance with the procedures in K.C.C. 20.62.070, the number of dwelling units allowed may exceed what would otherwise be allowed under K.C.C. 21A.12.030 as follows:

A. All dwelling units shall be located within the historic building; and

B. No more than five dwelling units shall be allowed, subject to approval by the historic preservation officer and, where required, review and approval by the landmarks commission in accordance with the procedures in K.C.C. 20.62.080.

SECTION 36. Ordinance 10870, Section 357, as amended, and K.C.C. 21A.12.200 are each hereby amended to read as follows:

When a lot or site is divided by a zone boundary, the following applies:

A. If a lot or site contains both rural area or residential and (~~(non-residential)~~) nonresidential zoning, the zone boundary between the rural area or residential zone and the nonresidential zone((s)) shall be considered a lot line for determining permitted building height and required setbacks on the site.

B. If a lot or site contains residential zones of varying density:

1. Any residential density transfer within the lot or site shall be allowed if:

a. the density, as a result of moving dwelling units from one lot to another lot within a site or across zone lines within a single lot, does not exceed one hundred fifty percent of the base density on any of the lots or

portions of a lot to which the density is transferred;

- b. the transfer does not reduce the minimum density achievable on the lot or site;
- c. the transfer enhances the efficient use of needed infrastructure;
- d. the transfer does not result in significant adverse impacts to the low density portion of the lot or

site;

e. the transfer contributes to preservation of environmentally sensitive areas, wildlife corridors, or other natural features; and

- f. the transfer does not result in significant adverse impacts to adjoining lower density properties;

2. Residential density transfers from one lot to another lot within a site or from one portion of a lot to another portion of a lot across a zone line shall not be allowed in the RA zone;

- 3. Residential density transfers shall not be allowed to a lot or portion of a lot zoned R-1;

4. Compliance with the criteria in this subsection B shall be evaluated during review of any development proposals in which such a transfer is proposed; and

5. Residential density transfers from one lot to another lot within a site or from one portion of a lot to another portion of a lot across a zone line shall not, in of itself, be considered development above the base density for purposes of requiring a conditional use permit for apartments or townhouses in the R-1 through R-8 zones.

C. Uses on each portion of the lot shall only be those permitted in each zone in accordance with K.C.C. chapter 21A.08.

SECTION 37. 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.a. 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))~~ (1) the department determines the resource (~~(land)~~) tract (~~(for)~~) is suitable for forestry or agriculture (~~(has been determined by the county)~~); and

~~((b.))~~ (2) ((F))the ((subdivider shall prepare)) applicant submits a forest management plan((,)) prepared by a professional forester that ((must be reviewed and)) has been 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)) plan ((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))~~ (a) ensure 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));

(b) set impervious surface and clearing limitations and identify the type of buildings or structures that will be allowed within the resource (~~(land)~~) tract; and

(c) if critical areas are included in the resource tract, clearly distinguish between the primary purpose of the resource portion of the tract and the primary purpose of the critical area portion of the tract as required under K.C.C. 21A.24.180.

~~((e.))~~ b. The recorded plat or short plat shall designate the resource (~~(land)~~) tract as a working forest or farm((;)).

~~((d.))~~ c. If the applicant conveys the ((R))resource (~~(land)~~) tract((s that are conveyed)) to residents of the development, the resource tract shall be retained in undivided interest by the residents of the subdivision or

short subdivision((;)).

((e-)) d. A homeowners association shall be established to ((assure)) ensure 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-)) e. The((subdivider)) applicant 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-)) f. The ((subdivider)) applicant 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-)) B.7.g. of this section before recording of the final plat or short plat((;)).

((h-)) g. The notice shall run with the land((; and)).

((i-)) h. 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 ((e))Comprehensive ((p))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 ((e))Comprehensive ((p))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 38. Ordinance 11621, Section 99, and K.C.C. 21A.14.280 are each hereby amended to read as follows:

A. The purpose of the rural industries section is to establish standards for industrial (I) zoned development in rural areas. Site and building designs, buffering, compatible commercial and industrial uses are required to maintain rural character.

B. The following development standards shall apply to uses locating in the industrial (I) zone within the rural area;

1. All uses occurring outside an enclosed building shall be screened from adjoining rural residential uses;

2. All buildings shall be set back ~~((50-foot))~~ fifty feet from perimeter streets and from rural area and residential ((zoned areas)) zones;

3. The total permitted floor area\lot area ratio shall not exceed ~~((100))~~ one hundred percent for a development consisting of multiple lots and ~~((125))~~ one hundred twenty-five percent on any individual building lot;

4. The total permitted impervious lot coverage shall not exceed ~~((70))~~ seventy percent for a development consisting of multiple lots and ~~((80))~~ eighty percent on any individual building lot;

5. The landscaping standards ~~((set forth))~~ in K.C.C. chapter 21A.16 are modified as follows:

a. ~~((20))~~ Twenty-foot-wide Type II landscaping shall be provided along exterior streets,

b. ~~((20))~~ Twenty-foot-wide Type I landscaping shall be provided along property lines adjacent to

rural residential zoned areas; and

c. ~~((15))~~ Fifteen-foot-wide Type II landscaping shall be provided along lines adjacent to nonresidential zoned areas.

6. Outdoor lighting shall be focused downward and configured to minimize intrusion of light into surrounding rural residential areas;

7. Refuse collection/recycling areas and loading or delivery areas shall be located at least ~~((400))~~ one hundred feet from rural area and residential ~~((areas))~~ zones and screened with a solid view obscuring barrier;

8. Off street parking standards shall be no less than one space for every ~~((1000))~~ one thousand square feet of floor area and no greater than one space for every ~~((500))~~ five hundred square feet of floor area;

9. Signs are allowed as follows:

a. Signs shall not exceed an area of ~~((64))~~ sixty-four square feet per sign;

b. Pole signs shall not be permitted; and

c. Signs shall not be internally illuminated;

10. The director shall approve building design, materials and color. Buildings shall be designed and use accent materials (e.g. wood and brick), ~~((non-reflective))~~ nonreflective glass, and muted colors to be compatible with rural character; and

11. Building height shall be limited to ~~((40))~~ forty feet.

SECTION 39. Ordinance 10870, Section 386, as amended, and K.C.C. 21A.16.010 are each hereby amended to read as follows:

The purpose of this chapter is to preserve the aesthetic character of communities; to improve the aesthetic quality of the built environment; to promote retention and protection of existing vegetation; to promote water efficiency; to promote native wildlife; to reduce the impacts of development on drainage systems and natural habitats; and to increase privacy for rural area and residential zones by:

A. Providing visual relief from large expanses of parking areas and reduction of perceived building

scale;

B. Providing physical separation between rural area or residential zones and ~~((non-residential areas))~~
nonresidential zones;

C. Providing visual screens and barriers as a transition between differing land uses;

D. Retaining existing vegetation and significant trees by incorporating them into the site design;

E. Providing increased areas of permeable surfaces to allow for:

1. Infiltration of surface water into groundwater resources;
2. Reduction in the quantity of storm water discharge; and
3. Improvement in the quality of storm water discharge;

F. Encouraging the use of native plant species by their retention or use in the landscape design;

G. Requiring water use efficiency through water budgeting and efficient irrigation design standards;

H. Encouraging the use of a diversity of plant species ~~((which))~~ that promote native wildlife habitat.

SECTION 40. Ordinance 11210, Section 12, as amended, and K.C.C. 21A.16.115 are each hereby amended to read as follows:

A. The landscape plan submitted to the department shall be drawn on the same base map as the development plans and shall identify the following:

1. total landscape area and separate hydrozones~~((;))~~;
2. Landscape materials botanical/common name and applicable size~~((;))~~;
3. Property lines~~((;))~~;
4. Impervious surfaces~~((;))~~;
5. natural or man-made water features or bodies~~((;))~~;
6. Existing or proposed structures, fences, and retaining walls~~((;))~~;
7. Natural features or vegetation left in natural state~~((;))~~; and
8. Designated recreational open space areas.

B. The proposed landscape plan shall be certified by a Washington ~~((S))~~state ~~((registered))~~ licensed landscape architect~~((, Washington State certified nurseryman, or Washington State certified landscaper))~~.

C. An affidavit signed by an individual specified in subsection B, certifying that the landscaping has been installed ~~((consistent))~~ in compliance with the approved landscaping plan, shall be submitted to the department within ~~((30))~~ thirty days of installation completion, unless the installed landscaping has been inspected and accepted by the department.

D. The required landscaping shall be installed no later than three months after issuance of a certificate of occupancy for the project or project phase. However, the time limit for compliance may be extended to allow installation of such required landscaping during the next appropriate planting season. A financial guarantee shall be required ~~((prior to))~~ before issuance of the certificate of occupancy, if landscaping is not installed and inspected ~~((prior to))~~ before occupancy.

SECTION 41. Ordinance 10870, Section 415, as amended, and K.C.C. 21A.18.110 are each hereby amended to read as follows:

A. Off-street parking areas shall not be located more than six hundred feet from the building they are required to serve for all uses except those specified as follows; where an off-street parking area does not abut the building it serves, the required maximum distance shall be measured from the nearest building entrance that the parking area serves:

1. For all single detached dwellings the parking spaces shall be located on the same lot they are required to serve;
2. For all other residential dwellings at least a portion of parking areas shall be located within one hundred fifty feet from the building or buildings they are required to serve;
3. For all nonresidential uses permitted in rural area and residential zones, the parking spaces shall be located on the site they are required to serve and at least a portion of parking areas shall be located within one hundred fifty feet from the nearest building entrance they are required to serve;

4. In designated activity, community business and neighborhood business centers, parking lots shall be located to the rear or sides of buildings. Relief from this subsection A.4. may be granted by the director only if the applicant can demonstrate that there is no practical site design to meet this requirement. The director may allow only the number of parking spaces that cannot be accommodated to the rear or sides of buildings to be located to the front of buildings;

5. Parking lots shall be so arranged as to permit the internal circulation of vehicles between parking aisles without re-entering adjoining public streets; and

6. Parking for the disabled shall be provided in accordance with K.C.C. 21A.18.060.

B. The minimum parking space and aisle dimensions for the most common parking angles are shown on the table in this subsection. For parking angles other than those shown on the chart, the minimum parking space and aisle dimensions shall be determined by the director. Regardless of the parking angle, one-way aisles shall be at least ten feet wide, and two-way aisles shall be at least twenty feet wide. If dead-end aisles are used in the parking layout, they shall be constructed as two-way aisles. Parking plans for angle parking shall use space widths no less than eight feet six inches for a standard parking space design and eight feet for a compact car parking space design.

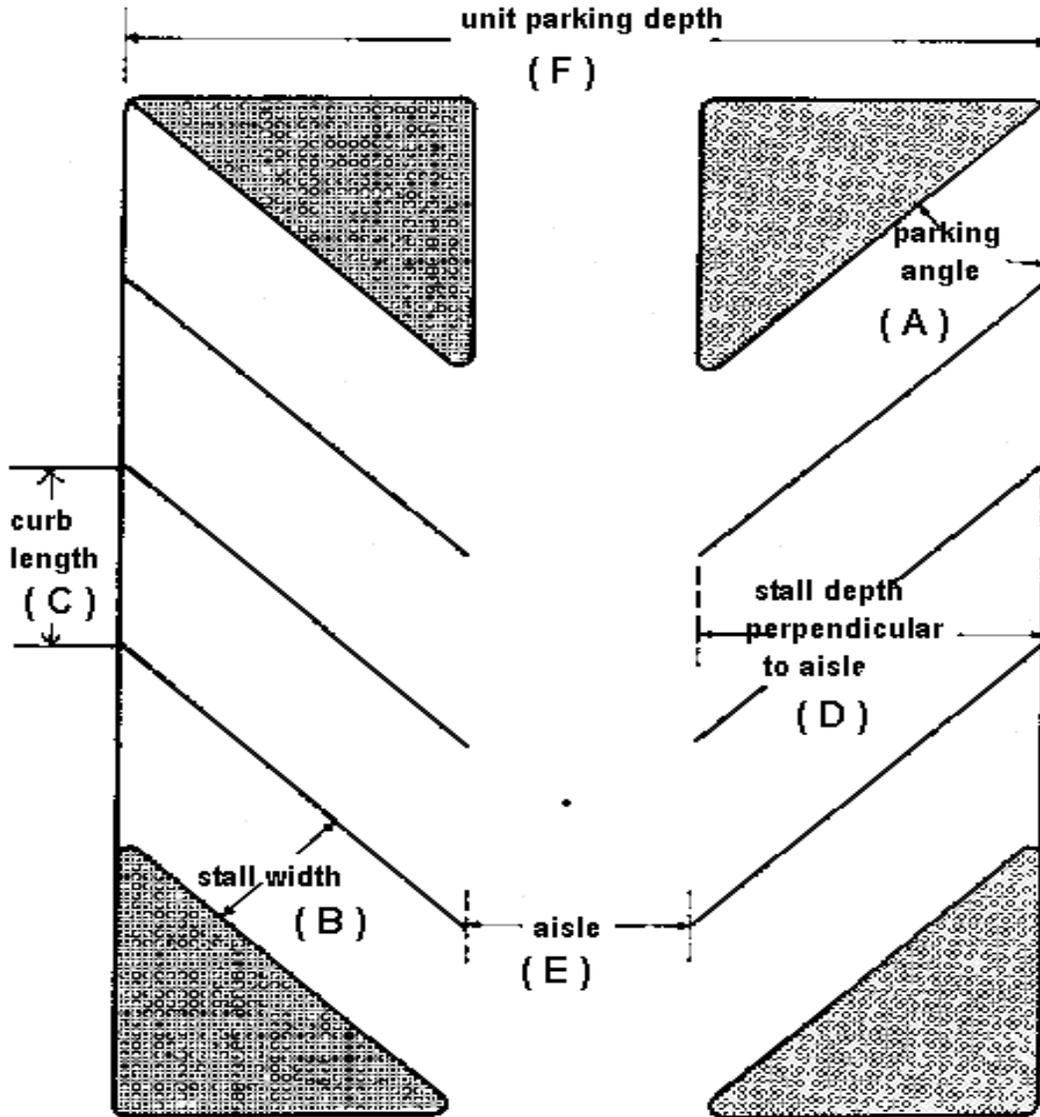
MINIMUM PARKING STALL AND AISLE DIMENSIONS

A	B	C	D	E	F
PARKING ANGLE	STALL WIDTH	CURB LENGTH	STALL DEPTH	AISELE WIDTH 1-WAY	UNIT DEPTH 1-WAY
0 0	8.0* Min 8.5 D	20.0* 22.5 22	8.0 8.5 9.0	12.0 20.0 12.0 20.0	** ** 29.0 37.0
30 30	8.0* Min 8.5 D	16.0* 17.0 18	15.0 16.5 17	10.0 20.0 10.0 20.0	** ** 42.0 53.0
45 45	8.0* Min 8.5 D	11.5* 12.0 12	17.0*	12.0 20.0 12.0 20.0	** ** 50.0 58.0
60 60	8.0* Min 8.5 D	9.6* 10.0 10	18.0 20.0 21	18.0 20.0 18.0 20.0	** ** 58.0 60.0
90	8.0* Min 8.0* 8.5 9.0	16.0* 18.0 18	24.0 24.0 24.0	** ** 60.0 60.0	

* for compact stalls only

** variable with compact and standard combinations

NOMENCLATURE OF OFF-STREET PARKING AREA



C. Any parking spaces abutting a required landscaped area on the driver or passenger side of the vehicle shall provide an additional eighteen inches above the minimum space width requirement to provide a place to step other than in the landscaped area. The additional width shall be separated from the adjacent parking space by a parking space division stripe.

D. The parking ((space)) stall depth may be reduced if vehicles overhang a walkway or landscaping under the following conditions:

1. Wheelstops or curbs are installed;
2. The remaining walkway provides a minimum of forty-eight inches of unimpeded passageway for pedestrians;
3. The amount of space depth reduction is limited to a maximum of eighteen inches; and
4. Landscaping is designed in accordance with K.C.C. 21A.16.070.E.

E. Driveways providing ingress and egress between off-street parking areas and abutting streets shall be designed, located and constructed in accordance with K.C.C. chapter 14.42, Road Standards. Driveways for single detached dwellings, no more than twenty feet in width, may cross required setbacks or landscaped areas

to provide access between the off-street parking areas and the street, provided no more than fifteen percent of the required landscaping or setback area is eliminated by the driveway. Joint use driveways may be located within required landscaping or setback areas. Driveways for all other developments may cross or be located within required setbacks or landscaped areas to provide access between the off-street parking areas and the street, if no more than ten percent of the required landscaping is displaced by the driveway and the driveway is located no closer than five feet from any property line except where intersecting the street.

F. Parking spaces required under this title shall be located as follows:

1. For single detached dwelling units the required parking spaces shall be outside of any required setbacks or landscaping, but driveways crossing setbacks and required landscaping may be used for parking. However, if the driveway is a joint use driveway, no vehicle parked on the driveway shall obstruct any joint user's access to the driveway or parking spaces;

2. For all other developments parking spaces may be permitted by the director in setback areas in accordance with an approved landscape plan; and

3. For nonresidential uses in rural area and residential zones, parking is permitted in setback areas in accordance with K.C.C. 21A.12.220.

G. Lighting shall be provided for safety of traffic and pedestrian circulation on the site. It shall be designed to minimize direct illumination of abutting properties and adjacent streets. The director shall have the authority to waive the requirement to provide lighting.

H. Tandem or end-to-end parking is allowed in residential developments. Apartment or townhouse developments may have tandem parking areas for each dwelling unit but shall not combine parking for separate dwelling units in tandem parking areas.

I. All vehicle parking and storage for single detached dwellings must be in a garage, carport or on an approved impervious surface. Any impervious surface used for vehicle parking or storage must have direct and unobstructed driveway access.

J. The total number of vehicles parked or stored outside of a building on a single family lot in the R-1 through R-8 zones, excluding recreational vehicles and trailers, shall not exceed six vehicles on lots that are twelve thousand five hundred square feet or less and eight vehicles on lots that are greater than twelve thousand five hundred square feet.

K. Vanpool and carpool parking areas shall meet the following minimum design standards:

1. A minimum vertical clearance of seven feet three inches shall be provided to accommodate van vehicles if designated vanpool and carpool parking spaces are located in a parking structure; and
2. A minimum turning radius of twenty-six feet four inches with a minimum turning diameter, curb to curb, of fifty-two feet five inches shall be provided from parking aisles to adjacent vanpool and carpool parking spaces.

L. Direct access from the street right-of-way to off-street parking areas shall be subject to K.C.C. 21A.28.120.

M. No dead-end alley may provide access to more than eight off-street parking spaces.

N. Any parking stalls located in enclosed buildings must be totally within the enclosed building.

SECTION 42. Ordinance 10870, Section 424, as amended, and K.C.C. 21A.20.060 are each hereby amended to read as follows:

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

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

C. Except as otherwise provided in K.C.C. 21A.20.115 and 21A.20.080.A.3, projecting and awning

signs and signs mounted on the sloping portion of roofs shall not be permitted for uses in the ~~((R))~~resource, rural area, and ~~((R))~~residential zones. In other zones, projecting and awning signs and signs mounted on the sloping portion of roofs may be used in lieu of wall signs, but only if:

1. They maintain a minimum clearance of eight feet above finished grade;
2. They do not project more than six feet perpendicular from the supporting building facade;
3. They meet the standards of ~~((K.C.C. 21A.20.060.))~~ subsection J. of this section if mounted on the

roof of a building; and

4. They shall not exceed the number or size permitted for wall signs in a zone.

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

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

F. Regarding sign illumination and glare:

1. Except as otherwise provided in this chapter, all signs may be illuminated;
2. The light source for indirectly illuminated signs shall be no farther away from the sign than the

height of the sign;

3. Indirectly and directly illuminated signs shall be arranged so that no direct rays of light are projected from such artificial source into residences or any street right-of-way;

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

and

5. Signs with an on/off operation shall be permitted only in the CB, RB and I zones.

G. Maximum height for wall signs shall not extend above the highest exterior wall or structure upon which the sign is located.

H. Maximum height for projecting signs shall not extend above the highest exterior wall upon which the projecting sign is located.

I. Maximum height for awning signs shall not extend above the height of the awning upon which the awning sign is located.

J. Any sign attached to the sloping surface of a roof shall be installed or erected in such a manner that there are no visible support structures, shall appear to be part of the building itself, and shall not extend above the roof ridge line of the portion of the roof upon which the sign is attached.

K. Except as otherwise permitted by this chapter, off-premise directional signs shall not exceed four square feet in sign area.

L. Mixed use developments in the NB, CB, RB or O zones are permitted one permanent residential identification sign not exceeding thirty-two square feet in addition to the maximum sign area requirements in the zone where the mixed use development is located.

SECTION 43. Ordinance 10870, Section 433, and K.C.C. 21A.20.130 are each hereby amended to read as follows:

A. All billboard alterations or relocations shall comply with the following location and design standards:

1. Billboards shall only be located on sites zoned CB, RB((5)) or I;
2. No more than five billboard faces shall be oriented toward and visible from the same direction of travel within one mile of the proposed relocation site as measured along the adjacent roadway;
3. Billboards shall be located at least 100 feet from any other billboard, provided side-by-side, v-type and back-to-back billboard faces shall be considered one billboard for purposes of this subsection only;

4. The zoning on the opposite side of the street from a proposed relocation site must also permit billboards;
5. Type II billboards shall be at least 100 feet from ~~((any))~~ rural area and residential zones. Type I billboards shall be at least 330 feet from ~~((any))~~ rural area and residential zones;
6. No billboard shall extend beyond the property line of the billboard site;
7. No billboard shall be located more than 100 feet from any adjacent arterial;
8. Billboards shall observe the same street setback as all buildings within 50 feet of the proposed billboard location;
9. Type I billboard faces shall only be located adjacent to arterials developed with at least two primary travel lanes in each direction. In all other locations, billboards shall be limited to Type II billboard faces; and
10. No single billboard structure shall support a total of more than two Type I billboard faces or the equivalent, and no single billboard structure shall orient more than one Type I billboard face or the equivalent in any single direction.

B. Height:

1. Billboards located in the CB or RB zone shall not exceed ~~((15))~~ fifteen feet above the average height of all buildings within ~~((330))~~ three hundred thirty feet of the billboard or ~~((35))~~ thirty-five feet, whichever is less; and
2. Billboards located in the I zone shall not exceed ~~((15))~~ fifteen feet above the average height of all buildings within ~~((330))~~ three hundred thirty feet of the billboard or ~~((45))~~ forty-five feet, whichever is less.

SECTION 44. Ordinance 15051, S3ection 137, as amended, and K.C.C. 21A.24.045 are each hereby amended to read as follows:

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

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

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

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

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

KEY	L A O V	S T A	W E B U	A B U C	W I L A N
	N D E R	E E N D	T L A F F E	Q U F F E H	D L I D N
Letter "A" in a cell means alteration is allowed	S L I 40%	P S B U	N D R	A T R A A	F E A E T
	D E A N	L O F F	A N D	I C N D N	R E A W O
	H A D B	P E E R		A R S E N E	R K
	Z A U F F	H A		E A V E L	
	R D E R	Z A		A N R E M I	
		R D		D	
ACTIVITY					
Structures					
Construction of new single detach			A 1	A 2	
Construction of a new tree-suppo			A 64	A 64	A 64
Construction of nonresidential str			A 3	A 3	A 3, 4
Maintenance or repair of existing	A 5	A	A	A	A 4
Expansion or replacement of exist	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 replaceme			A 12	A 10, 11	A 4

Grading					
Grading		A 13		A 14	A 4, 14
Construction of new slope stability	A 15	A 15	A 15	A 15	A 4, 15
Maintenance of existing slope stability	A 16	A 13	A 17	A 16, 17	A 4
Mineral extraction	A	A			
Clearing					
Clearing	A 18	A 18((,-19))	A 18, 20	A 14, 18, 20	A 4, 14, 18, 20
Cutting firewood		A 21	A 21	A 21	A 4, 21
Vegetation management	A 19	A 19	A 19	A 19	A 4, 19
Removal of vegetation for fire safety	A 22	A 22	A 22	A 22	A 4, 22
Removal of noxious weeds or invasive species	A 23	A 23	A 23	A 23	A 4, 23
Forest Practices					
((Nonconversion Class IV-G forest management activity	A ((24))	A ((24))	A ((24))	A ((24))	A ((24,)) 25
((Class I, II, III, IV-S forest practices	A	A	A	A	A))
Roads					
Construction of new public road structure on unimproved right-of-way			A 26	A 26	
Construction of new road in a planned area			A 26	A 26	
Maintenance of public road right-of-way	A 16	A 16	A 16	A 16	A 16, 27
Expansion beyond public road right-of-way structure	A	A	A 26	A 26	
Repair, replacement or modification of roadway	A 16	A 16	A 16	A 16	A 16, 27
Construction of driveway or private access road	A 28	A 28	A 28	A 28	A 28
Construction of farm field access drive or parking	A 29	A 29	A 29	A 29	A 29
Maintenance of driveway, private access drive or parking	A	A	A 17	A 17	A 17, 27
Construction of a bridge or culvert driveway or private access road	A 39	A 39	A 39	A 39	A 39
Bridges or culverts					
Maintenance or repair of bridge or culvert	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17, 27
Construction of a new bridge	A 16, 39	A 16, 39	A 16, 39	A 16, 39	A 4, 16, 39
Replacement of bridge or culvert	A 16	A 16	A 16	A 16, 30	A 16, 27
Expansion of bridge or culvert	A 16, 17	A 16, 17	A 16, 17, 31	A 17, 31	A 4
Utilities and other infrastructure					

Construction of new utility corridor facility	A 32, 33	A 32, 33	A 32, 34	A 32, 34	A 27, 32, 35
Construction or maintenance of a generating facility	A 67	A 67	A 66	A 66	A 4, 66
Construction of a new residential distribution line	A 32, 33	A 32, 33	A 32, 60	A 32, 60	A 27, 32, 60
Maintenance, repair or replacement of a corridor or utility facility	A 32, 33	A 32, 33	A 32, 34, 36	A 32, 34, 36	A 4, 32, 37
Construction of a new on-site sewer system or well	A 24	A 24	A 63	A 63	
Maintenance or repair of existing sewer system	A 37	A 37	A 37	A 37	A 4, 37
Maintenance or repair of on-site sewer system	A	A	A	A 37	A 4
Construction of new surface water conveyance system	A 32, 33	A 32, 33	A 32, 38	A 32, 38	A 4
Construction, maintenance or repair of a heat exchanger			A 68	A 68	
Maintenance, repair or replacement of a surface water conveyance system			A 16, 32, 38	A 16, 40, 41	A 4, 37
Construction of new surface water conveyance system or surface water quality treatment facility			A 32	A 32	A 4, 32
Maintenance or repair of existing surface water conveyance system or flow control or surface water quality treatment facility	A 16	A 16	A 16	A 16	A 4
Construction of new flood protection facility			A 42	A 42	A 27, 42
Maintenance, repair or replacement of a flood protection facility	A 33, 43	A 33, 43	A 43	A 43	A 27, 43
Flood risk reduction gravel removal	A 61	A 61	A 61	A 61	A 61
Construction of new instream structure or work	A 16	A 16	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream structure	A 16	A	A	A	A 4
Recreation					
Construction of new trail	A 46	A 46	A 47	A 47	A 4, 47
Maintenance of outdoor public park or publicly improved recreation area	A 48	A 48	A 48	A 48	A 4, 48
Habitat, education and science					
Habitat restoration or enhancement	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	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
Agriculture					

Horticulture activity including tilling, planting, seeding, harvesting, pre-rotating crops and related activity	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Grazing livestock	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of a farm			A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of livestock storage facility			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction of a livestock heavy			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction or maintenance of (sanctuary) a farm pad			A 56	A 56	
Construction of agricultural drainage			A 57	A 57	A 4, 57
Maintenance or replacement 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
Maintenance of agricultural water			A 69	A 69	
Construction or maintenance of farm pond or livestock watering pond	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Other					
Shoreline water dependent or shoreline oriented use				A 65	
Excavation of cemetery graves in an approved cemetery	A	A	A	A	A
Maintenance of cemetery graves	A	A	A	A	A
Maintenance of lawn, landscaping for personal consumption	A 59	A 59	A 59	A 59	A 59
Maintenance of golf course	A 17	A 17	A 17	A 17	A 4, 17

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. Only 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 is no closer than:
 - (1) on site with a shoreline environment designation of high intensity or residential, the greater of twenty-five feet or the average of the setbacks on adjacent lots on either side of the subject property, as measured from the ordinary high water mark of the lake shoreline;
 - (2) on a site with a shoreline environment designation of rural, conservancy, resource or forestry, the greater of fifty feet or the average of the setbacks on adjacent lots on either side of the subject property, as measured from the ordinary high water mark the lake shoreline; and
 - (3) on a site with a shoreline environment designation of natural, the greater of one hundred feet or the average of the setbacks on adjacent lots on either side of the subject property, as measured from the ordinary high water mark; 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 n))~~ No clearing, external construction or other disturbance in a wildlife habitat conservation area ~~((occurs))~~ is allowed 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 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 the dwelling unit. 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 result in a cumulative increase in the footprint of the accessory structure and the dwelling unit by more than one thousand square feet;
 - (3) the location of the expansion has the least adverse impact on the critical area; and
 - (4) a comparable area of degraded buffer area shall be enhanced through removal of nonnative

plants and replacement with native vegetation in accordance with an approved landscaping plan;

c. the structure was not established as the result of an alteration exception, variance, buffer averaging or reasonable use exception;

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; and

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

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

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

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

a. except as otherwise allowed under subsection D.7. of this section, the structure is not located closer to the critical area;

b. except as otherwise allowed under subsection D.7. of this section, the existing impervious surface within the critical area or buffer is not expanded; and

c. the degraded buffer area is enhanced through removal of nonnative plants and replacement with native vegetation in accordance with an approved landscaping plan.

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

a. the vegetation where the alteration is proposed does not consist of dominant native wetland herbaceous or woody vegetation six feet in width or greater and the lack of this vegetation is not the result of any violation of law;

b. the wetland or lake shoreline is not a salmonid spawning area;

- c. hazardous substances or toxic materials are not used; and
- d. if located in a freshwater lake, the pier or dock conforms to the standards for docks under K.C.C.

21A.25.180.

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. 21A.25.180.

12. When located on a lake, must be in compliance with K.C.C. 21A.25.180.

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 sixty-five feet from the ordinary high water mark in the rural area and one-hundred 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 or removal of vegetation under a vegetation management plan approved by the department:

a. in steep slope and landslide hazard areas, for the making and maintenance of view corridors ~~((or))~~; and

b. in all critical areas, for habitat enhancement ~~((under a vegetation management plan approved by the department, if the soils are not disturbed and the activity will not adversely affect the long term slope stability or water quality or cause erosion. The vegetation management plan shall use native species with adequate root strength to add stability to a steep slope))~~, invasive species control or forest management activities.

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

21. Cutting of firewood is subject to the following:

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

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

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

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

County fire marshal.

23. Allowed as follows:

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

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

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

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

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

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

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

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

~~b. the property owner provides a notice of intent in accordance with RCW 76.09.060 that the site will not be converted to nonforestry uses within six years)) Allowed to repair or replace existing on site wastewater disposal systems in accordance with the applicable public health standards within Marine Recovery Areas adopted by the Seattle King County Board of Health and:~~

~~a. there is no alternative location available with less impact on the critical area;~~

~~b. impacts to the critical area are minimized to the maximum extent practicable;~~

~~c. the alterations will not subject the critical area to increased risk of landslide or erosion;~~

~~d. vegetation removal is the minimum necessary to accommodate the septic system; and~~

~~e. significant risk of personal injury is eliminated or minimized in the landslide hazard area.~~

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

26. Allowed only if:

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

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

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

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

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

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

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

28. Allowed only if:

a. an alternative access is not available;

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

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

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

e. construction occurs during approved periods for instream work.

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

30. Allowed only if:

a. the new construction or 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 onsite private individual utility service connections (~~((on-site))~~) or ~~((to))~~ private or public utilities if the disturbed area is not expanded and no hazardous substances, pesticides or fertilizers are applied.

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

38. Allowed if:

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

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

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

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

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

39. Allowed only if:

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

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

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

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

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

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

- a. if consistent with the Integrated Streambank Protection Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002) and if bioengineering techniques are used to the maximum extent practical, unless the applicant demonstrates that other methods provide equivalent structural stabilization and environmental function;

- b. based on a critical areas report, the department determines that the new flood protection facility

will not cause significant impacts to upstream or downstream properties; and

c. to prevent bank erosion for the protection of:

- (1) public roadways;
- (2) sole access routes in existence before February 16, 1995;
- (3) new primary dwelling units, accessory dwelling units or accessory living quarters and

residential accessory structures located outside the severe channel migration hazard area if:

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

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

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

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

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

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

(d) nonstructural measures are not feasible.

43. Applies to lawfully established existing structures if:

- a. the height of the facility is not increased, unless the facility is being replaced in a new alignment that is landward of the previous alignment and enhances aquatic area habitat and process;
- b. the linear length of the facility is not increased, unless the facility is being replaced in a new alignment that is landward of the previous alignment and enhances aquatic area habitat and process;
- c. the footprint of the facility is not expanded waterward;
- d. consistent with the Integrated Streambank Protection Guidelines (Washington State Aquatic Habitat Guidelines Program, 2002) and bioengineering techniques are used to the maximum extent practical;
- e. the site is restored with appropriate native vegetation and erosion protection materials; and
- f. based on a critical areas report, the department determines that the maintenance, repair, replacement or construction will not cause significant impacts to upstream or downstream properties.

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

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

- a. included as part of a project to evaluate, restore or improve habitat, and
- b. sponsored or cosponsored by a public agency that has natural resource management as a function or by a federally recognized tribe.

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

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

- a. the trail surface is made of pervious materials, except that public multipurpose trails may be made of impervious materials if they meet all the requirements in K.C.C. chapter 9.12. A trail that crosses a wetland

or aquatic area shall be constructed as a raised boardwalk or bridge;

- b. to the maximum extent practical, buffers are expanded equal to the width of the trail corridor including disturbed areas;
 - c. there is not another feasible location with less adverse impact on the critical area and its buffer;
 - d. the trail is not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible crossing site;
 - e. the trail width is minimized to the maximum extent practical;
 - f. the construction occurs during approved periods for instream work; and
 - g. the trail corridor will not change or diminish the overall aquatic area flow peaks, duration or volume or the flood storage capacity.
 - h. the trail may be located across a critical area buffer for access to a viewing platform or to a permitted dock or pier;
 - i. A private viewing platform may be allowed if it is:
 - (1) located upland from the wetland edge or the ordinary high water mark of an aquatic area;
 - (2) located where it will not be detrimental to the functions of the wetland or aquatic area and will have the least adverse environmental impact on the critical area or its buffer;
 - (3) limited to fifty square feet in size;
 - (4) constructed of materials that are nontoxic; and
 - (5) on footings located outside of the wetland or aquatic area.
48. Only if the maintenance:
- a. does not involve the use of herbicides or other hazardous substances except for the removal of noxious weeds or invasive vegetation;
 - b. when salmonids are present, the maintenance is in compliance with ditch standards in public rule;

and

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

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

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

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

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

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

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

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

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

b. survey monument placement;

c. site exploration and gage installation if performed in accordance with state-approved sampling protocols and accomplished to the maximum extent practical by hand-held equipment and; or similar work associated with an incidental take permit issued under Section 10 of the Endangered Species Act 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. Only ((A)) allowed in a severe channel migration hazard area, ~~((portion of an aquatic area))~~ grazed or tilled wet meadow or wet meadow buffer or aquatic area buffer and only if:

a. located outside the shoreline jurisdiction;

b. ~~((the facilities are designed to the standards in an approved farm management plan in accordance with K.C.C. 21A.24.051))~~ the applicant demonstrates that adverse impacts to the critical area and critical area

buffers have been minimized;

c. there is not (~~(a feasible alternative location available on the site)~~) another feasible location available on the site that is located outside of the critical area or critical area buffer; and

d. for proposals located in the severe channel migration hazard area, the (~~(structure)~~) farm pad or livestock manure storage facility 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 nonprofit agency whose primary function deals with natural resources management;

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

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

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

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

- a. not allowed in wildlife habitat conservation areas or severe channel migration hazard areas;
- b. the structure's floor area shall not exceed two hundred square feet, excluding a narrow access stairway or landing leading to the structure;
- c. the structure shall be located as far from the critical area as practical, but in no case closer than seventy-five feet from the critical area;
- d. only one tree-supported structure within a critical area buffer is allowed on a lot;
- e. all construction materials for the structure, including the platform, pilings, exterior and interior walls and roof, shall be 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;
- f. to the maximum extent practical, the exterior of the structure shall be camouflaged with natural wood and earth tone colors to limit visual impacts to wildlife and visibility from the critical area. The camouflage shall be maintained to retain concealment effectiveness;
- g. the structure must not adversely impact the long-term health and viability of the tree. The evaluation shall include, but not be limited to, the following:
 - (1) the quantity of supporting anchors and connection points to attach the tree house to the tree shall be the minimum necessary to adequately support the structure;
 - (2) the attachments shall be constructed using the best available tree anchor bolt technology; and

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

h. exterior lighting shall meet the following criteria:

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

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

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

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

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

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

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

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

a. there is not another feasible location within the aquatic area with less adverse impact on the critical

area and its buffer;

b. the facility and 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 location;

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

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

e. paralleling the channel or following a down-valley route within an aquatic area buffer is avoided to the maximum extent practical;

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

g. the facility and corridor will not change or adversely impact the overall aquatic area flow peaks, duration or volume or the flood storage capacity;

h. The facility and corridor is not located within a severe channel migration hazard area;

h. To the maximum extent practical, buildings will be located outside the buffer and away from the aquatic area or wetland;

i. 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;

j. the facility 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;

and

k. the facility connects to or is an alteration to a public roadway, public trail, a utility corridor or utility facility or other infrastructure owned or operated by a public utility; and

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

- a. there is not another feasible location with less adverse impact on the critical area and its buffer;
- b. the alterations will not subject the critical area to an increased risk of landslide or erosion;
- c. the corridor width is minimized to the maximum extent practical;
- d. vegetation removal is the minimum necessary to locate the utility or construct the corridor;
- e. the facility and corridor do 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 and significant risk of personal injury is eliminated or minimized in the landslide hazard area;

and

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

68. Only for a single detached dwelling unit on a lake twenty acres or larger and only as follows:

a. the heat exchanger must be a closed loop system that does not draw water from or discharge to the lake;

b. the lake bed shall not be disturbed, except as required by the county or a state or federal agency to mitigate for impacts of the heat exchanger;

c. the in-water portion of system is only allowed where water depth exceeds six feet; and

d. system structural support for the heat exchanger piping shall be attached to an existing dock or pier or be attached to a new structure that meets the requirements of K.C.C. 21A.25.180.

69. Only for maintenance of agricultural waterways if:

- a. the purpose of the maintenance project is to improve agricultural production on a site predominately engaged in the practice of agriculture;
- b. the maintenance project is conducted in compliance with a hydraulic project approval issued by the Washington state Department of Fish and Wildlife pursuant to chapter 77.55 RCW;
- c. the maintenance project complies with the King County agricultural drainage assistance program as agreed to by the Washington state Department of Fish and Wildlife, the department of permitting and environmental review and the department of natural resources and parks, and as reviewed by the Washington state Department of Ecology;
- d. the person performing the maintenance and the land owner have attended training provided by King County on the King County agricultural drainage assistance program and the best management practices required under that program; and
- e. the maintenance project complies with K.C.C. chapter 16.82.

SECTION 45. Ordinance 15051, Section 138, and K.C.C. 21A.24.051 are each hereby amended to read as follows:

A. The alterations identified in K.C.C. 21A.24.045 for agricultural activities are allowed to expand within the buffers of wetlands, aquatic areas and wildlife habitat conservation areas, when an agricultural activity is currently occurring on the site and the alteration is in compliance with an approved farm management plan in accordance with this section or, for livestock activities, a farm management plan in accordance with K.C.C. chapter 21A.30.

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

C. The department of natural resources and parks or its designee shall serve as the single point of contact for King County in providing information on farm management plans for purposes of this title. The department of natural resources and parks shall adopt a public rule governing the development of farm

management plans. The rule may provide for different types of farms management plans related to different kinds of agricultural activities, including, but not limited to the best management practices for ((~~dairy nutrient management,~~)) livestock management, livestock crossing, livestock heavy use areas, horticulture management, site development, farm pads, farm field access roads and agricultural drainage.

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

1. To maintain the productive agricultural land base and economic viability of agriculture on the site;
2. To maintain, restore or enhance critical areas to the maximum extent practical in accordance with the site specific goals of the landowner;
3. To the maximum extent practical in accordance with the site specific goals of the landowner, maintain and enhance natural hydrologic systems on the site;
4. To use federal, state and local best management practices and best available science for farm management to achieve the goals of the farm management plan; and
5. To monitor the effectiveness of best management practices and implement additional practices through adaptive management to achieve the goals of the farm management plan.

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

1. Consider and be consistent with the goals of the shoreline management act and the policies of the King County shoreline master program;
2. Consider the priorities of the King County shoreline protection and restoration plan; and
3. Ensure no net loss of shoreline ecological functions.

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

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

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

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

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

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

~~((6-D))~~ G. If applicable, a farm management plan shall include documentation of compliance with flood compensatory storage and flood conveyance in accordance with K.C.C. 21A.24.240.

~~((G-))~~ H. A farm management 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 D. (~~{of this section}~~) of this section and consistent with subsection E. of this section.

~~((H-))~~ I. Once approved, activities carried out in compliance with the approved farm management plan shall be deemed in compliance with this chapter. In the event of a potential code enforcement action, the department of permitting and environmental review shall first inform the department of natural resources and parks of the activity. (~~Prior to~~) Before taking code enforcement action, the department of permitting and environmental review shall consult with the department of natural resources and parks and the King Conservation District to determine whether the activity is consistent with the farm management plan.

SECTION 46. 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. Except as otherwise provided in subsection A.2. of this section, 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, regional light rail transit line, 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;
2. In order to accommodate the siting of a regional light rail transit facility under RCW 36.70A.200, the director may approve alterations to critical areas, critical area buffers and critical area setbacks not otherwise allowed by this chapter and may impose reasonable conditions to minimize the impact of the light rail transit facility on the critical area and its buffer; and
3. 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, except as set forth in subsection A.2.i. of this section;
- 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 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 practical, 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;
- h. the director may approve an alteration in a category II, III and IV wetland for development of a public school facility; and
- i. the director may approve an alteration to the elevation or dry flood proofing standards in K.C.C. 21A.24.240.F.1. or 21A.24.240.F.2. for nonresidential agricultural accessory buildings that equal or exceed a maximum assessed value of sixty-five thousand dollars if the development proposal meets the criteria in subsection A.2. of this section and the standards in K.C.C. 21A.24.240.F.4. through 21A.24.240.G.

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 as follow:

- 1. If the critical area, critical area buffer or critical area setback is outside of the shoreline jurisdiction,

the applicant may apply for a reasonable use exception under 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 under 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. 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 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; and

2. If the critical area, critical area buffer or critical area setback is located within the shoreline jurisdiction, the request for a reasonable use exception shall be considered a request for a shoreline variance under K.C.C. 21A.24.090.

C. For the purpose of this section((7)):

1. "((1))Linear" alteration means infrastructure that supports development that is linear in nature and includes public and private roadways, public trails, private driveways, railroads, regional light rail transit, hydroelectric generating facilities, utility corridors and utility facilities; and

2. For purposes of subsections A. and B. of this section, areas located within the shoreline jurisdiction that are below the ordinary high water mark shall not be included in calculating the site area.

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.

NEW SECTION. SECTION 47. There is added to K.C.C. chapter 21A.24 a new section to read as follows:

A. As an alternative to an alteration exception under K.C.C. 21A.24.070, during review of an application for a single detached dwelling unit, the director may approve an alteration to a wetland buffer, aquatic area buffer, steep slope hazard area and associated buffer, landslide hazard area and associated buffer and critical area setback as follows:

1. There is no feasible alternative to the development proposal with less adverse impact on the critical area;
2. The alteration is the minimum necessary to accommodate residential use of the property;
3. The approval does not require the modification of a critical area development standard established by this chapter;
4. 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;
5. No more than five thousand square feet or ten percent of the site, whichever is greater, are 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. For purposes of this section, areas located within the shoreline jurisdiction that are below the ordinary high water mark shall not be included in calculating the site area;
6. The applicant submits an approved rural stewardship plan or forest stewardship plan prepared in accordance with this chapter that addresses the development proposal and the proposed use of the property; and

7. The proposal complies with K.C.C. 21A.24.125 and 21A.24.130.

B. The applicant for the waiver of the alteration exception process shall submit any critical areas studies, alternatives analysis and other documents requested by the department following a preapplication review meeting.

C. Within fourteen calendar days after the department determines the application under this section is complete, it shall provide written mailed notice of the proposed alteration as provided in K.C.C. 20.20.080.H.

D. The department shall allow twenty-one calendar days for comment before making a decision on the request under this section. The department's decision shall be mailed to the applicant and to any other person who requests a copy. The decision shall state the reasons for the decision and, if approved, shall include any required mitigation or conditions.

SECTION 48. Ordinance 10870, Section 458, as amended, and K.C.C. 21A.24.110 are each hereby amended to read as follows:

A. An applicant for a development proposal that requires critical area review under K.C.C. 21A.24.100 shall submit a critical area report at a level determined by the department to adequately evaluate the proposal and all probable impacts.

B. The applicant may combine a critical area report with any studies required by other laws and regulations.

C. If the development proposal will affect only a part of the development proposal site, the department may limit the scope of the required critical area report to include only that part of the site that is affected by the development proposal.

D.1. Floodplain development that was not assessed through the King County Programmatic Habitat Assessment prepared for the National Flood Insurance program and the Endangered Species Act shall include an assessment of the impact of the alteration on water quality and aquatic and riparian habitat. The assessment shall be:

a. A Biological Evaluation or Biological Assessment that has received concurrence from the United States Fish and Wildlife Service or the National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act;

b. Documentation that the activity fits within a Habitat Conservation Plan approved pursuant to Section 10 of the Endangered Species Act;

c. Documentation that the activity fits within Section 4(d) of the Endangered Species Act;

d. An assessment prepared in accordance with Regional Guidance for Floodplain Habitat Assessment and Mitigation, FEMA Region X, 2010. The assessment shall determine if the project would adversely affect any one or more of the following:

(1) the primary constituent elements identified when a species is listed as threatened or endangered;

(2) Essential Fish Habitat designated by the National Marine Fisheries Service;

(3) fish and wildlife habitat conservation areas;

(4) vegetation communities and habitat structures;

(5) water quality;

(6) water quantity, including flood and low flow depths, volumes and velocities;

(7) the river or stream channel's natural planform pattern and migration process;

(8) spawning substrate, if applicable; and

(9) floodplain refugia, if applicable.

2. The department must require a project with adverse effects to comply with the impact avoidance, minimization and mitigation requirements of K.C.C. 21A.24.125 and 21A.24.130.

SECTION 49. Ordinance 15051, Section 152, and K.C.C. 21A.24.137 are each hereby amended to read as follows:

The department may approve mitigation to compensate for the adverse impacts of a development proposal to critical areas through ~~((the creation and approval of a resource mitigation reserve. The use of a~~

~~resource mitigation reserve to compensate for unavoidable impacts to a critical area is not allowed in the agricultural production districts if the purpose is to compensate for development outside of the agricultural production districts))~~ the King County mitigation reserves program.

SECTION 50. Ordinance 10870, Section 465, as amended, and K.C.C. 21A.24.180 are each hereby amended to read as follows:

A. The applicant shall ~~((use))~~ establish critical area tracts to delineate and protect those critical areas and buffers listed below in development proposals for subdivisions, short subdivisions or binding site plans and shall record the tracts on all documents of title of record for all affected lots:

1. All landslide hazard areas and buffers that are one acre or more in size;
2. All steep slope hazard areas and buffers that are one acre or more in size;
3. All wetlands and buffers; and
4. All aquatic areas and buffers.

B. ~~((Any required))~~ A critical area tract established under subsection A. of this section shall be held in an undivided interest by each owner of a building lot within the development with this ownership interest passing with the ownership of the lot, or shall be held by an incorporated homeowner's association or other legal entity that ensures the ownership, maintenance and protection of the tract.

C. The long-term management goals for critical area tracts established under subsection A. of this section are to protect and enhance critical area functions and values, including, but not limited to, providing fish and wildlife habitat and protecting the public from geologic hazards and increased stormwater runoff. The specific management strategy for each tract shall be clearly defined before preliminary approval of the subdivision or binding site plan.

D. In lieu of the requirements of subsection A. of this section, the director may allow an applicant to include critical areas in resource tracts established under K.C.C. 21A.14.040.B.7. The resource tract management plan shall clearly state that the purpose of the resource portion is for resource management and the

purpose of the designated critical areas is for critical area protection and enhancement and protecting the public from geologic hazards and increased stormwater runoff.

E. Site plans submitted as part of building permits, clearing and grading permits or other development permits shall include and delineate:

1. All flood hazard areas, as determined by King County in accordance with K.C.C. 21A.24.230;
2. Landslide, volcanic, coal mine and steep slope hazard areas;
3. Aquatic areas and wetlands;
4. Wildlife habitat conservation areas and the wildlife habitat network;
5. Buffers; and
6. Building setbacks as required by K.C.C. 21A.24.200.

~~((D-))~~ F. If only a part of the development site has been mapped, the part of the site that has not been mapped shall be clearly identified and labeled on the site plans.

NEW SECTION. SECTION 51. There is added to K.C.C. chapter 21A.24 a new section to read as follows:

A. If future alterations are proposed to a critical area tract created under this chapter or to an area where preservation of existing vegetation is required by ordinance, the applicant shall submit and have approved by the department a vegetation management plan before the establishment of the critical area tract or issuance of the permit requiring preservation of existing vegetation.

B. The vegetation management plan shall describe the long-term management goals for the critical area tract or protected area. The management goals shall include, but are not limited to:

1. Wildlife habitat protection and enhancement;
2. Water quality protection and enhancement;
3. Maintaining or improving hydrologic conditions; and
4. Protecting the public health and safety from geologic hazards and erosion.

C. If the vegetation management includes harvesting of merchantable timber, as defined in WAC 222-16-010, the vegetation management plan shall include a description of the proposed harvest practices demonstrating how the critical area management goals of this chapter will be met.

D. Vegetation management practices shall avoid soil disturbance and shall be conducted in a manner that will not adversely affect slope stability, cause erosion or affect water quality. The management plan shall require the use of appropriate native plants for replacement or enhancement.

E. Vegetation management plans shall be prepared by an arborist, landscape architect, forester or other qualified vegetation management specialist with technical assistance from a geologist where geologic hazard areas are involved or an ecologist or wildlife biologist or other qualified specialists where resource protection areas are involved.

SECTION 52. 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 storage if grading or other activity displaces any effective flood storage volume. Compensatory storage is not required for grading or fill placed within the foundation of an existing residential structure to bring the interior foundation grade to the same level as the lowest adjacent exterior grade. Compensatory storage shall:

1. Provide equivalent volume at equivalent elevations to that being displaced. For this purpose, equivalent elevations means having a similar relationship to ordinary high water and to the best available ten-year, fifty-year and one-hundred-year water surface profiles. If the difference between the fifty-year and the one-hundred-year surface profiles is less than one foot, equivalent elevations means having similar relationships to ordinary high water and to the best available ten-year and one-hundred-year water surface

profiles;

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))~~ ensure that the effective compensatory storage volume will be preserved over time~~((:));~~ and

5. The director may approve of off site compensatory storage through a compensatory storage bank managed by the department of natural resources and parks or the director, in consultation with and agreement from the department of natural resources and parks, may allow a reduction in flood storage if a cumulative effects analysis demonstrates that the loss of storage will not create a measurable increase in the base flood elevation anywhere off the site;

B. A structural engineer shall design and certify all elevated buildings and 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. A base flood depth and base flood velocity analysis is not required for agricultural structures that will not be used for human habitation. 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 and the base flood velocity exceeds three feet per second, except that 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 and flood mitigation home elevations 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 and flood mitigation nonresidential elevations of existing nonresidential structures shall meet the following standards:

1.a. Except as provided in subsection F.1.b. of this section, ((E))elevate the lowest floor to the flood protection elevation;

b. Nonresidential agricultural accessory buildings elevate the lowest floor to one foot above the base flood elevation;

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 elevation to which the building is dry-floodproofed;

3. Nonresidential agricultural accessory buildings that do not equal or exceed a maximum assessed value of sixty-five thousand dollars may be designed and oriented to allow the free passage of floodwaters through the building in a manner affording minimum flood damage provided they meet the standards in subsection F.4. through F.6. of this section. Nonresidential agricultural accessory buildings that equal or exceed sixty-five thousand dollars may apply for an alteration exception pursuant to K.C.C. 21A.24.070.

Nonresidential agricultural accessory buildings that do not meet the elevation standard in subsection F. 1. of this section or the dry flood-proofing standard in subsection F.2. of this section will be assessed at the flood insurance rate based on the risk to which the building is exposed;

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

5. 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

6. 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;

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 area outside the floodplain, new on-site sewage disposal systems are allowed only in the zero-rise flood fringe.

Locate on-site sewage disposal systems in the zero-rise flood fringe to avoid:

a. impairment to the system during flooding;

b. contamination from the system during flooding;

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 allowed within the zero-rise flood fringe only 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 farm pads is allowed only on a site with existing agriculture if emergency flood relief is required for the protection of livestock or assets or for operations that must continue during flood events as follows:

1. A farm pad is allowed only if there is no other suitable holding area on the site outside the floodplain;

2. Construct the farm pad 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.

3. The farm ((management plan)) pad proposal 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))

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

d. an alternatives analysis demonstrating adverse impacts to wetlands, wetland buffers and aquatic area buffers have been minimized;

4. The farm pad is constructed to base flood elevation plus one-foot. An elevation report shall be completed after construction to demonstrate compliance with that elevation requirement;

5.a. The farm pad should be sized as is necessary for the protection of livestock and assets and operations that must continue during flood events;

b. for farm pads larger than two thousand square feet of finished usable surface, a site specific evaluation of agricultural operations must demonstrate the need for the size of the pad; and

c. for farm pads larger than ten thousand square feet, an area-wide analysis must demonstrate that sufficient flood storage is available for reasonably foreseeable future land use needs in the vicinity;

6. Nonresidential agricultural buildings are allowed on a farm pad as shelter for livestock or other farm animals, greenhouses for plant starts to be used on the property, milking parlors, storage of farm vehicles and agricultural equipment and shelter for farm products including, but not limited to, feed, seeds, flower bulbs and hay and farm operations that must continue during a flood event. Nonresidential structures allowed on a farm pad shall not be used for retail operations or any residential or public use; and

7. The property owner shall file with the department of executive services, records and licensing services division, a notice approved by the department that restricts the use of the farm pad to nonresidential agricultural uses. The notice shall run with the land. The applicant shall submit to the department proof that the notice was filed before the department approves any permit for the construction of the farm pad;

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 liquid manure storage facility to ((the flood protection)) one foot above the base flood elevation; and

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

M. Recreational vehicles must be on site for fewer than one hundred eighty days or be fully licensed and ready for highway use; and

N. Temporary farm worker housing not meeting the requirements of subsection E. or subsection H. of this section is only allowed as follows:

1. The housing must be on site for fewer than one hundred eighty days;

2. The housing must not be placed in the floodplain before May 1 of any year;

3. Except as otherwise provided in subsection N.4. of this section, the housing must be removed from the floodplain no later than October 31 of each year;

4. Housing must be removed from a floodplain within twelve hours of King County issuing a phase 2 flood alert for the applicable river basin, unless the water and land resources division director or the director's designee determines flood conditions are not likely to threaten temporary farm worker housing; and

5. In the Snoqualmie floodplain, if the housing is not removed from the floodplain by September 30, the operator must have a plan approved by King County for the evacuation and removal of the housing as

required by subsection N.4. of this section and for emergency communication to the housing's occupants.

SECTION 53. 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, except for farm pads and nonresidential agricultural accessory buildings within an agricultural production district that meet applicable compensatory storage and conveyance standards. ~~((Until March 31, 2010, the size of a new nonresidential agriculture accessory building is limited to a footprint of five thousand square feet.))~~ A residential structure cannot be constructed on fill placed within the mapped FEMA floodway.

D. New livestock ((M))manure storage facilities for liquid and slurry manure are prohibited in the FEMA floodway. Existing livestock manure storage facilities may be repaired or enlarged as necessary to comply with the standards in the farm's nutrient management plan;

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; and

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.

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.

NEW SECTION. SECTION 54. There is hereby added to K.C.C. chapter 21A.24 a new section to read as follows:

Before initiating any new floodplain development, the person proposing the development shall obtain a floodplain development permit from King County. The specific details on the floodplain permit process for activities exempt from other King County permits as well as how to coordinate floodplain development review into other King County permit reviews will be established in a public rule. Exceptions to other permit

requirements do not apply to floodplain development.

SECTION 55. Ordinance 10870, Section 477, as amended, and K.C.C. 21A.24.300 are each hereby amended to read as follows:

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

A. Within volcanic hazard areas located along the White river upstream from Mud Mountain dam:

1. Critical facilities, apartments, townhouses or commercial structures are not allowed;
2. all new lots created by subdivision, short subdivision or binding site plan shall designate building areas and building setbacks outside of the volcanic hazard area; and
3. The notice of critical areas required under this chapter is required for new single detached dwellings on existing lots;

B. Within volcanic hazard areas located along the White river downstream from Mud Mountain dam and the Green and Duwamish rivers, the department shall evaluate development proposals for critical facilities for risk of inundation or flooding resulting from mudflows originating on Mount Rainier. The applicant shall design critical facilities to withstand, without damage, the effects of mudflows equal in magnitude to the prehistoric Electron mudflow; and

C. This section does not apply until King County has ~~((completed the required modeling and))~~ refined the mapping of volcanic hazard areas in cooperation with the United States Geological Survey and adopted volcanic hazard area maps by public rule.

SECTION 56. Ordinance 15051, Section 231, and K.C.C. 21A.24.520 are each hereby amended to read as follows:

If a property owner is unable to subdivide a ~~((rural residential))~~ RA zoned parcel twenty acres or smaller at the density allowed under K.C.C. 21A.12.030 after application of the requirements of this chapter, the director may approve modifications to requirements for critical area buffers if:

A. The applicant demonstrates that after the use of all provisions of this title, including but not limited to, clustering and buffer averaging, reduction in critical area buffers required by this chapter is necessary to achieve the density allowed under K.C.C. 21A.12.030;

B. To the maximum extent practical, the subdivision or short subdivision design has the least adverse impact on the critical area and critical area buffer;

C. The modification 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; and

D. The applicant provides mitigation to compensate for the adverse impacts to critical areas and buffers resulting from any modification to critical area buffers approved under this section.

SECTION 57. Ordinance 3688, Section 801, as amended, and K.C.C. 21A.25.290 are each hereby amended to read as follows:

A. Development within the shoreline jurisdiction, including preferred uses and uses that are exempt from permit requirements, shall be undertaken only if that development is consistent with the policies of RCW 90.58.020, chapter 173-26 WAC the King County shoreline master program and will not result in a net loss of shoreline ecological functions or in a significant adverse impact to shoreline uses, resources and values, such as navigation, recreation and public access. The proponent of a shoreline development shall employ measures to mitigate adverse impacts on shoreline functions and processes following the sequencing requirements of K.C.C. 21A.25.080.

B. A substantial development permit shall be required for all proposed uses and modifications within the shoreline jurisdiction unless the proposal is specifically exempt from the definition of substantial development in RCW 90.58.030 and WAC 173-27-040 or is exempted by RCW 90.58.140. If a proposal is exempt from the definition of substantial development, a written statement of exemption is required for any proposed uses and modifications if:

1. WAC 173-27-050 applies; or

2. Except for the maintenance of agricultural drainage that is not used by salmonids or as otherwise provided in subsection F. of this section, the proposed use or modification will occur at or below the ordinary high water mark.

C. Whether or not a written statement of exemption is required, all permits issued for development activities within the shoreline jurisdiction shall include a record of review indicating compliance with the shoreline master program and regulations.

D. As necessary to ensure consistency of the project with the shoreline master program and this chapter, the department may attach conditions of approval to a substantial development permit or a statement of exemption or to the approval of a development proposal that does not require either.

E. The department may issue a programmatic statement of exemption as follows:

1. For an activity for which a statement of exemption is required, the activity shall:

a. be repetitive and part of a maintenance program or other similar program;

b. have the same or similar identifiable impacts, as determined by the department, each time the activity is repeated at all sites covered by the programmatic statement of exemption; and

c. be suitable to having standard conditions that will apply to any and all sites;

2. The department shall uniformly apply conditions to each activity authorized under the programmatic statement of exemption at all locations covered by the statement of exemption. The department may require that the applicant develop and propose the uniformly applicable conditions as part of the statement of exemption application and may approve, modify or reject any of the applicant's proposed conditions. The department shall not issue a programmatic statement of exemption until applicable conditions are developed and approved;

3. Activities authorized under a programmatic statement of exemption shall be subject to inspection by the department. The applicant may be required to notify the department each time work subject to the

programmatic statement of exemption is undertaken for the department to schedule inspections. In addition, the department may require the applicant to submit periodic status reports. The frequency, method and contents of the notifications and reports shall be specified as conditions in the programmatic statement of exemption;

4. The department may require revisions, impose new conditions or otherwise modify the programmatic statement of exemption or withdraw the programmatic statement of exemption and require that the applicant apply for a standard statement of exemption, if the department determines that:

- a. The programmatic statement of exemption or activities authorized under the statement of exemption no longer comply with law;
- b. The programmatic statement of exemption does not provide adequate regulation of the activity;
- c. The programmatic statement of exemption conditions or the manner in which the conditions are implemented are not adequate to protect against the impacts resulting from the activity; or
- d. A site requires site-specific regulation; and

5. If an activity covered by a programmatic statement of exemption also requires other county, state and federal approvals, to the extent feasible, the department shall attempt to incorporate conditions that comply with those other approvals into the programmatic statement of exemption.

F. A statement of exemption is not required for maintenance of agricultural drainage or agricultural waterways used by salmonids if:

1. ~~((The agricultural drainage or is located within an agricultural production district;~~
- 2.)) The maintenance project is conducted in compliance with a hydraulic project approval issued by the Washington Department of Fish and Wildlife pursuant to RCW 77.55;

~~((3.))~~ 2. The maintenance project complies with the King County agricultural drainage assistance program as agreed to by the Washington Department of Fish and Wildlife~~((, the Washington Department of Ecology))~~, the department of permitting and environmental review and the department of natural resources and parks, and as reviewed by the Washington Department of Ecology;

~~((4-))~~ 3. The person performing the agricultural drainage maintenance and the land owner has attended training provided by King County on the King County agricultural drainage assistance program and the best management practices required under that program; and

~~((5-))~~ 4. The maintenance project complies with the requirements of K.C.C. chapter 16.82.

SECTION 58. Ordinance 13129, Section 9, as amended, and K.C.C. 21A.27.090 are each hereby amended to read as follows:

Antenna modifications consistent with the provisions of K.C.C. 21A.27.100 are permitted outright. Modifications to transmission support structures are also permitted outright, provided there is no increase in the height of the transmission support structure except when:

A. Necessary to accommodate the actual collocation of the antenna of other service providers, or to accommodate the current providers antenna required to utilize new technology, such as digital transmissions;

B. Limited to no more than forty feet above the height of the existing transmission support structure; and

C. Proposed in the rural area zone or a residential zone and the proposed height exceeds sixty feet and is demonstrated by the applicant to be required to meet the proposed area of coverage. If proposed in the rural area zone or a residential zone, notice and a comment period shall be provided consistent with the provisions of K.C.C. 20.20.060. If the need for additional height is challenged within the comment period specified, technical evaluation as provided for in K.C.C. 21A.27.160 shall be conducted. The department may approve, require additional mitigation, or deny the proposed height increase on the basis of this technical evaluation.

SECTION 59. Ordinance 10870, Section 530, as amended, and K.C.C. 21A.30.020 are each hereby amended to read as follows:

The raising, keeping, breeding or fee boarding of small animals are subject to K.C.C. 11.04, Animal Control Regulations, and the following requirements:

A. Small animals (~~(which)~~) that are kept indoors as household pets in aquariums, terrariums, cages or

similar containers shall not be limited in number, except as may be provided in Title 11. Other small animals excluding cats kept indoors as household pets shall be limited to five, of which not more than three may be unaltered cats or dogs. Cats kept indoors shall not be limited in numbers.

B. Other small animals kept outside, including adult cats and dogs, shall be limited to three per household on lots of less than 20,000 square feet, five per household on lots of 20,000 to 35,000 square feet, with an additional 2 per acre of site area over 35,000 square feet up to a maximum of 20, unless more are allowed as an accessory use pursuant to paragraph E., provided that all unaltered animals kept outdoors must be kept on a leash or in a confined area, except as authorized for a hobby kennel or cattery or commercial kennel or cattery pursuant to K.C.C. 11.04.

C. Excluding kennels and catteries, the total number of unaltered adult cats and/or dogs per household shall not exceed three.

D. Animals considered to be household pets shall be treated as other small animals pursuant to K.C.C. 21A.30.020,E when they are kept for commercial breeding, boarding or training.

E. Small animals and household pets kept as an accessory use outside the dwelling, shall be raised, kept or bred only as an accessory use on the premises of the owner, or in a kennel or cattery, subject to the following limitations:

1. Birds shall be kept in an aviary or loft that meets the following standards:

a. The aviary or loft shall provide 1/2 square foot for each parakeet, canary or similarly sized birds, 1 square foot for each pigeon, small parrot or similarly sized bird, and 2 square feet for each large parrot, macaw or similarly sized bird.

b. Aviaries or lofts shall not exceed 2,000 square feet, provided this limit shall not apply in rural, forestry, or agricultural zones.

c. The aviary is set back at least 10 feet from any property line, and 20 feet from any dwelling unit.

2. Small animals other than birds shall be kept according to the following standards:

- a. The minimum site area shall be one-half acre if more than 3 small animals are being kept.
- b. All animals shall be confined within a building, pen, aviary or similar structure.
- c. Any covered structure used to house or contain such animals shall maintain a distance of not less than 10 feet to any property line, except structures used to house mink and fox shall be a distance of not less than 150 feet.
- d. Poultry, chicken, squab, and rabbits are limited to a maximum of one animal per one square foot of structure used to house such animals, up to a maximum of 2000 square feet; provided that this maximum structure size limit shall not apply in rural, forestry, or agricultural zones.
- e. Hamsters, nutria and chinchilla are limited to a maximum of one animal per square foot of structure used to house such animals, up to a maximum of 2000 square feet; provided that this maximum structure size limit shall not apply in rural, forestry, or agricultural zones.
- f. Mink and fox are permitted only on sites having a minimum area of five acres.
- g. Beekeeping is limited as follows:
 - (1) Beehives are limited to 50 on sites less than five acres;
 - (2) The number of beehives shall not be limited on sites of five acres or greater;
 - (3) Colonies shall be maintained in movable-frame hives at all times;
 - (4) Adequate space shall be provided in each hive to prevent overcrowding and swarming;
 - (5) Colonies shall be requeened following any swarming or aggressive behavior;
 - (6) All colonies shall be registered with the County Extension agent (~~((prior to))~~ before April 1~~((st))~~) of each year, on a state registration form acceptable to the county; and
 - (7) Abandoned colonies, diseased bees, or bees living in trees, buildings, or any other space except in movable-frame hives shall constitute a public nuisance, and shall be abated as set forth in K.C.C. chapter 21A.50, Enforcement;

3. Kennels and catteries are subject to the following requirements:

a. For kennels located on rural area or residential zoned sites:

(1) The minimum site area shall be five acres; and

(2) Structures housing animals and outdoor animal runs shall be a minimum distance of ~~((100))~~ one hundred feet from property lines abutting the rural area zone or residential zones;

b. For kennels located on ~~((non-residential))~~ nonresidential zoned sites, run areas shall be completely surrounded by an eight foot solid wall or fence, and be subject to the requirements in K.C.C. 11.04.060; and

c. Catteries shall be on sites of ~~((35,000))~~ thirty-five thousand square feet or more, and buildings used to house cats shall be a minimum distance of ~~((50))~~ fifty feet from property lines abutting the rural area zone or residential zones.

SECTION 60. Ordinance 11168, Section 5, as amended, and K.C.C. 21A.30.062 are each hereby amended to read as follows:

A. In the rural area and residential zones, fee boarding of livestock other than in a legally established stable shall only be as an accessory use to a resident on the subject property.

B. A barn or stable may contain a caretaker's accessory living quarters under the following conditions:

1. Only one accessory living quarter per primary detached dwelling unit, except in the F zone, ~~((which prohibits))~~ where accessory living quarters are not permitted;

2. The accessory living quarter shall not exceed five hundred square feet, and

3. The structure must be constructed in conformance with the State Building Code; and

C. A barn or stable may contain a caretaker's accessory dwelling unit as allowed pursuant to this provisions of this Title relating to accessory dwelling units.

SECTION 61. Ordinance 15606, Section 20, as amended, and K.C.C. 21A.30.085 are each hereby amended to read as follows:

In the A, F and RA zones, residents of a dwelling unit may conduct one or more home occupations as accessory activities, under the following provisions:

A. The total floor area of the dwelling unit devoted to all home occupations shall not exceed twenty percent of the dwelling unit.

B. Areas within garages and storage buildings shall not be considered part of the dwelling unit and may be used for activities associated with the home occupation;

C. Total outdoor area of all home occupations shall be permitted as follows:

1. For any lot less than one acre: Four hundred forty square feet; and

2. For lots one acre or greater: One percent of the area of the lot, up to a maximum of five thousand square feet.

D. Outdoor storage areas and parking areas related to home occupations shall be:

1. No less than twenty-five feet from any property line; and

2. Screened along the portions of such areas that can be seen from an adjacent parcel or roadway by

the:

a. planting of Type II landscape buffering; or

b. use of existing vegetation ((which)) that meets or can be augmented with additional plantings to meet the intent of Type II landscaping.

E. A home occupation or occupations is not limited in the number of employees that remain off-site. Regardless of the number of home occupations, the number of nonresident employees is limited to no more than three who work on-site at the same time and no more than three who report to the site but primarily provide services off-site.

F. In addition to required parking for the dwelling unit, on-site parking is provided as follows:

1. One stall for each nonresident employed on-site; and

2. One stall for patrons when services are rendered on-site;

G. Sales are limited to:

1. Mail order sales;

2. Telephone, Internet or other electronic commerce sales with off-site delivery;
3. Items accessory to a service provided to patrons who receive services on the premises;
4. Items grown, produced or fabricated on-site; and
5. On sites five acres or larger, items that support agriculture, equestrian or forestry uses except for the

following:

- a. motor vehicles and parts (North American Industrial Classification System ("NAICS" Code 441);
- b. electronics and appliances (NAICS Code 443); and
- c. building material and garden equipments and supplies (NAICS Code 444);

H. The home occupation or occupations do not:

1. Use electrical or mechanical equipment that results in a change to the occupancy type of the structure or structures used for the home occupation or occupations;
2. Cause visual or audible interference in radio or television receivers, or electronic equipment located off-premises or fluctuations in line voltage off-premises; or
3. Increase average vehicular traffic by more than four additional vehicles at any given time;

I. Customer visits and deliveries shall be limited to the hours of 8:00 a.m. to 7:00 p.m. on weekdays, and 9:00 a.m. to 5 p.m. on weekends;

J. The following uses, by the nature of their operation or investment, tend to increase beyond the limits permitted for home occupations. Therefore, the following shall not be permitted as home occupations:

1. Hotels, motels or organizational lodging;
2. Dry cleaning; and
3. Automotive ((~~Ⓕ~~))towing services, automotive wrecking services and tow-in parking lots;

K. Uses not allowed as home occupation may be allowed as a home industry under K.C.C. chapter 21A.30; and

L. The home occupation or occupations may use or store vehicles, as follows:

1. The total number of vehicles for all home occupations shall be:
 - a. for any lot five acres or less: two;
 - b. for lots greater than five acres: three; and
 - c. for lots greater than ten acres: four;
2. The vehicles are not stored within any required setback areas of the lot or on adjacent streets; and
3. The parking area for the vehicles shall not be considered part of the outdoor storage area provided

for in subsection C. of this section.

SECTION 62. Ordinance 10870, Section 557, as amended, and K.C.C. 21A.32.200 are each hereby amended to read as follows:

The interim or permanent re-use of surplus nonresidential facilities in the rural area and residential ((zoned areas)) zones shall require that no more than ((50)) fifty percent of the original floor area be demolished for either permanent or interim re-use of facilities.

SECTION 63. Ordinance 10870, Section 579, as amended, and K.C.C. 21A.38.060 are each hereby amended to read as follows:

A. The purpose of the office/research park special district overlay is to establish an area for development to occur in a campus setting with integrated building designs, flexible grouping of commercial and industrial uses, generous landscaping and buffering treatment, and coordinated auto and pedestrian circulation plans. Office/research park districts shall only be established in areas designated within a community plan and zoned RB, O or I zones. Permitted uses shall include all uses permitted in the RB, O and I zones, as set forth in K.C.C. chapter 21A.08, regardless of the classification used as the underlying zone on a particular parcel of land.

B. The following development standards shall apply to uses locating in office/research park overlay districts:

1. All uses shall be conducted inside an entirely enclosed building;

2. An internal circulation plan shall be developed to facilitate pedestrian and vehicular traffic flow between major project phases and individual developments;
3. The standards in this section shall be applied to the development as a unified site, notwithstanding any division of the development site under a binding site plan or subdivision;
4. All buildings shall maintain a fifty-foot setback from perimeter streets and from rural area and residential ((zoned areas)) zones;
5. The total permitted impervious lot coverage shall be eighty-percent. The remaining twenty-percent shall be devoted to open space. Open space may include all required landscaping, and any unbuildable critical areas and their associated buffers;
6. The landscaping standards in K.C.C. chapter 21A.16 are modified as follows:
 - a. Twenty-foot wide Type II landscaping shall be provided along exterior streets, and twenty-foot wide Type III landscaping shall be provided along interior streets;
 - b. Twenty-foot wide Type I landscaping shall be provided along property lines adjacent to rural area and residential ((zoned areas)) zones;
 - c. Fifteen-foot wide Type II landscaping shall be provided along lines adjacent to nonresidential zoned areas; and
 - d. Type IV landscaping shall be provided within all surface parking lots as follows:
 - (1) Fifteen percent of the parking area, excluding required perimeter landscaping, shall be landscaped in parking lots with more than thirty-parking stalls;
 - (2) At least one tree for every four parking stalls shall be provided, to be reasonably distributed throughout the parking lot; and
 - (3) No parking stall shall be more than forty-feet from some landscaping;
 - e. An inventory of existing site vegetation shall be conducted pursuant to the procedures in K.C.C.

chapter 21A.16, and

f. An overall landscaping plan that conforms to the requirements of this subsection shall be submitted for the entire district or each major development phase (~~(prior to))~~ before the issuance of any site development, grading or building permits;

7. Lighting within an office/industrial park shall shield the light source from the direct view of surrounding residential areas;

8. Refuse collection/recycling areas and loading or delivery areas shall be located at least one hundred feet from residential areas and screened with a solid view obscuring barrier;

9. Off street parking standards as in K.C.C. chapter 21A.18 are modified as follows:

a. one space for every three hundred square feet of floor area shall be provided for all uses, except on-site daycare, exercise facilities, eating areas for employees, archive space for tenants and retail/service uses;

b. parking for on-site daycare, exercise facilities, eating areas for employees, archive space for tenants, and retail/service uses shall be no less than one space for every one thousand square feet of floor area and no greater than one space for every five hundred square feet of floor area; and

c. at least twenty-five percent of required parking shall be located in a parking structure; and

10. Sign standards in K.C.C. chapter 21A.20 are modified as follows:

a. Signs visible from the exterior of the park shall be limited to one monument office/research park identification sign at each entrance. The signs shall not exceed an area of sixty-four square feet per sign;

b. no pole signs shall be permitted; and

c. all other signs shall be visible only from within the park.

SECTION 64. Ordinance 8867, Section 1, as amended, and K.C.C. 26.12.010 are each hereby amended to read as follows:

A process is hereby established for the annual allocation of the conservation futures tax levy funds, to acquire open space lands, including green spaces, greenbelts, wildlife habitat and trail rights-of-way proposed

for preservation for public use by either the county or the cities within the county. King County, cities within the county, citizen groups and citizens may make application for funds in this allocation process.

A. The county executive shall determine a date, no later than April 1, as a deadline for submission of applications for use of conservation futures tax levy funds. At least one month before the application submission deadline date, the executive shall provide all cities within the county notice of the opportunity to apply to the county for a share of the annual allocation of the conservation futures tax levy funds available for that year. Notice also shall be provided in the official county newspaper.

B. No later than March 1, the county council may adopt a motion that provides direction to the citizen oversight committee on priorities for evaluating the applications within the open space criteria identified in K.C.C. 27.02.025.

C.1. By July 15, the citizen oversight committee shall make project recommendations and recommend funding allocations for each project to the executive, including:

- a. a description of each project including project location and acreage;
- b. a report on how each project meets the county open space selection criteria, contained in K.C.C. 26.12.025; and
- c. the amount of funding requested in each project application; and
- d. any additional relevant criteria of the jurisdiction in which the potential acquisition is located.

2. The committee's recommendations are solely advisory and the executive and/or the council may adopt, alter, add to or decline to adopt all or part of the committee's recommendations in the budget process.

D. The executive's project and funding recommendation shall be included in the annual proposed appropriation ordinance for the ensuing budget year.

E.1. Except as otherwise provided in subsection E. 2. and 3. of this section, any application funded by this process shall be sponsored and forwarded by the jurisdiction in which the project is located. The jurisdiction shall commit to providing a matching contribution no less than the amount of conservation futures

tax levy funds appropriated for the project before conservation futures tax levy funds are reimbursed to that jurisdiction. This contribution may consist of cash, land trades with a valuation verified by an appraisal by a Member of the Appraisal Institute (MAI) certified appraiser or the cash value, excluding King County conservation futures contributions, of other open spaces acquired within the previous two years that is either directly adjacent to the project or the county concludes to be directly linked to the property under application.

2. A jurisdiction may make an application in partnership with one or more jurisdictions if the proposed project lies wholly within the boundaries of those jurisdictions, or if another reason for such a partnership is articulated within the application, such as a trail connection, a community separator or coordinated salmon habitat preservation. In such a partnership application, the relationship, roles and responsibilities for acquisition, ownership, matching contribution obligations and future maintenance must be described. If a partnership application is funded by this process, the jurisdictions shall be required to enter into an interlocal agreement with the county formalizing the relationship, roles and responsibilities for acquisition, ownership, matching contribution obligations and future maintenance.

3. For an application by a citizen or citizen group for a project in the city of Seattle, the citizen or citizen group shall commit to providing a matching contribution no less than the amount of conservation futures tax levy funds appropriated for the project. This contribution may consist of cash, in-kind voluntary contributions or land donations with a valuation verified by an appraisal by a Member of the Appraisal Institute (MAI) certified appraiser or the cash value, excluding King County conservation futures contributions, of other open spaces acquired within the previous two years that is either directly adjacent to the project or the county concludes to be directly linked to the property under application. For a project based on an application by a citizen or citizen group, the funds shall be reimbursed to the jurisdiction in which the project is located. If a citizen or citizen group's application is funded by this process, the jurisdiction in which the project is located shall be required to enter into an interlocal agreement with the county formalizing the relationship, roles and responsibilities for acquisition, ownership, matching contribution obligations and future maintenance.

F. If the King County transfer of development program bank, as established by K.C.C. chapter 21A.37, is awarded conservation futures levy funds in order to purchase development rights and thereby preserve open space in accordance with purposes and provisions of this chapter, the bank is authorized to sell those development rights and to use the proceeds from that sale to acquire additional development rights, thereby preserving additional open space lands in accordance with the terms and provisions of this chapter. When transferrable development rights are purchased by the bank in accordance with K.C.C. chapter 21A.37 using conservation futures tax levy funds allocated to a project under K.C.C. 26.12.003.G., matching conservation futures tax fund credit is allowed for funds generated from the subsequent sales of the transferrable development rights, if the funds from those sales are used to purchase additional open space that is identified as being within the scope of the original conservation futures tax project.

G. Conservation futures tax levy funds shall be deposited in the conservation futures fund for the purpose of administering, disbursing and accounting for conservation futures tax levy funds authorized by King County. Conservation futures tax levy funds shall be disbursed to projects previously approved by King County upon receipt and verification by King County of properly completed requests for payment of the funds. The office of performance, strategy and budget shall prescribe the form for the requests. The disbursement requests shall be made only for capital project expenditures that include all costs of acquiring real property, including interests in real property, and the following costs, though it shall not include the cost of preparing applications for conservation futures moneys: cost of related relocation of eligible occupants; cost of appraisal; cost of appraisal review; cost of title insurance; closing costs; pro rata real estate taxes; recording fees; compensating tax; hazardous waste substances reports; directly related staff costs; and related legal and administrative costs. The city shall transmit payment to its payees for current capital project costs within five days of the receipt by the city of its requested conservation futures tax levy funds. The city shall provide a list of authorized individuals to certify requests to King County. The city is responsible for the accuracy of the payment requests and the propriety and timeliness of its disbursements following receipt of conservation futures tax levy funds.

Conservation futures tax levy funds may not be used to acquire any property or interest therein through the exercise of the power of eminent domain.

~~((G.))~~ H. Projects carried out by a governmental agency in whole or part with conservation futures tax levy funds shall not be transferred or conveyed except by interlocal agreement providing that the land or interest in land shall be continued to be used for the purposes of K.C.C. 26.12.005 through 26.12.025 and in strict conformance with the uses authorized under RCW 84.34.230. Also, the land or interest in land shall not be converted to a different use unless other equivalent lands within the geographic jurisdiction of the governmental agency are received in exchange for the lands or interest in lands. This section does not prevent the grant of easements or franchises or the making of joint use agreements or other operations compatible with the use of a project as provided for in this section and authorized under RCW 84.34.230.

SECTION 65. Ordinance 15051, Section 59, and K.C.C. 21A.06.522 are each hereby repealed.

SECTION 66. 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. Title 21A amended by this ordinance, provide adequate analysis of and mitigation for the specific adverse environmental impacts to which the requirements apply.

SECTION 67. Sections 44, 45, 46, 52, 53, 55 and 57 of this ordinance do not apply in the shoreline jurisdiction until the effective date of the Washington state Department of Ecology's approval of the amendments as provided in RCW 90.58.090 and K.C.C. 20.12.205.

SECTION 68. 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.