4 September 2012

S-1

Sponsor: Phillips, Gossett, Hague, Lambert

[khm/rb]

Proposed No.: 2012-0103

AMENDMENT TO PROPOSED ORDINANCE 2012-0103, VERSION 1

Beginning on page 2, line 32, delete all material through page 52, line 1169, and insert:

"BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

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

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

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

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

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

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

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

B. The amendments to the King County Comprehensive Plan 2008 contained in Attachments A, B, C, D, E, F, G and H to this ordinance are hereby adopted as amendments to the King County Comprehensive Plan. Attachment A to this ordinance amends the policies, text and maps of the Comprehensive Plan and amends King County Comprehensive Plan Land Use Zoning. The land use amendments contained in

Attachment A to this ordinance are adopted as the official land use designations for those portions of unincorporated King County defined in Attachment A to this ordinance. Attachment B to this ordinance contains Technical Appendix A (Capital Facilities), which replaces Technical Appendix A to the King County Comprehensive Plan 2008. Attachment C to this ordinance contains Technical Appendix B (Housing), which replaces Technical Appendix B to the King County Comprehensive Plan 2008. Attachment D to this ordinance contains Technical Appendix C (Transportation), which replaces Technical Appendix C to the King County Comprehensive Plan 2008. Attachment E to this ordinance contains the transportation needs report, which replaces the transportation needs report in Technical Appendix C to the King County Comprehensive Plan 2008. Attachment F to this ordinance contains Technical Appendix D (Growth Targets and the Urban Growth Area 2012). Attachment G to this ordinance contains Technical Appendix P: Summary of Public Outreach for Development of the 2012 King County Comprehensive Plan Update. Attachment I to this ordinance is hereby adopted as an amendment of the Fall City Subarea Plan, which was adopted as a subarea plan of the King County Comprehensive Plan in Attachment A to Ordinance 13875. Attachment J to this ordinance contains Technical Appendix Q (King County School Siting Task Force report dated March 31, 2012).

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

A. There is hereby created the Climate Exchange fund, classified as a special revenue fund, for the purpose of accounting for any revenue generated by the sale of carbon credits and other emission credits, and the expenditures incurred for the purchase

of carbon credits or other emission credits, in accordance with the rules of ((~~the Chicago Climate Exchange or other~~)) emissions trading programs in which the county may participate. Carbon credits include but are not limited to those credits sold or purchased through the Chicago Climate Exchange. This fund may also be used for the purpose of accounting for the sale or purchase of other emission credits as the county may develop.

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

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

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

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

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

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

1. ((~~t~~))The facilities are:

((~~1.~~)) a. ((~~N~~))needed to address:

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

((~~b. The needs of public school systems with design daily average flows of more than three thousand five hundred gallons per day; and~~)) ii. to serve a new school authorized to be located in the RA zone by King County comprehensive plan policies; and

((~~2.~~)) b. ((~~T~~))tightlined; and

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

B. Decisions on sewer service expansions in rural or resource areas shall be made by King County in the form of approval of a sewer comprehensive plan or approval of an amendment to a sewer comprehensive plan.

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

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

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

A. Official zoning, including but not limited to p-suffix, so-suffix and potential zoning, is contained in ((~~the SITUS file~~)) geographic information system data layers maintained by King County and is depicted on the official zoning maps, as maintained by the department of development and environmental services. In case of a discrepancy

between a data layer and the original map or document adopted by ordinance, the original map or document shall control.

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

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

SECTION 7. Ordinance 14047, Section 9, as amended, and K.C.C. 20.18.170 are each hereby amended to read as follows:

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

~~B.~~)) The total area added to the urban growth area as a result of this program shall not exceed four thousand acres. The department shall keep a cumulative total for all

parcels added under this section. The total shall be updated annually through the plan amendment process.

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

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

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

SECTION 8. Ordinance 14047, Section 10, as amended, and K.C.C. 20.18.180 are each hereby amended to read as follows:

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

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

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

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

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

a. be physically contiguous to urban growth area as adopted in 1994, unless the director determines that the land directly adjacent to the urban growth area contains

critical areas that would be substantially harmed by development directly adjacent to the urban growth area and that all other criteria can be met; and

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

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

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

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

7. Open space areas shall retain a rural designation;

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

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

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

11. Except as provided by King County comprehensive plan policies, drainage facilities to support the urban development shall be located within the urban portion of the development; and

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

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

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

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

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

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

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

2. Provision of regional open space connections;

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

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

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

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

E. The open space acquired through this program shall be preserved primarily as natural areas, passive recreation sites, or resource lands for farming and forestry. The following additional uses may be allowed only if located on a small portion of the open space and provided that these uses are found to be compatible with the site's natural open space values and functions:

1. Trails;

2. ((~~Natural appearing stormwater facilities;~~

~~3.~~)) Compensatory mitigation of wetland losses on the urban designated portion of the project, consistent with the King County Comprehensive Plan and K.C.C. chapter 21A.24; and

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

SECTION 9. 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, all land use permit applications described in K.C.C. 20.20.020 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 ((~~b~~))Board of ((~~h~~))Health ((~~c~~))Code ((~~t~~))Title 13: or

b. If allowed under K.C.C. 13.24.134.B. and King County Comprehensive Plan policies for a public school((~~s and public schools facilities~~)) located ((~~in rural areas, a finding by King County that no cost-effective alternative technologies are feasible~~)) 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;

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 21A to the extent known at the date of application; 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 specify the requirements of the site plan required to be submitted for various permits and may 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 10. Ordinance 10870, Section 36, as amended, and K.C.C. 21A.04.150 are each hereby amended to read as follows:

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

SECTION 11. Ordinance10870, Section 37, as amended, and K.C.C. 21A.04.160 are each hereby amended to read as follows:

The purpose of the special district overlay designation (-SO suffix to zone's map symbol) is to carry out Comprehensive Plan and community, subarea or neighborhood plan policies that identify special opportunities for achieving public benefits by allowing or requiring alternative uses and development standards that differ from the general provisions of this title. Special district overlays are generally applied to a group of individual properties or entire community, subarea or neighborhood planning areas and are designated primarily through the area zoning process. Regardless of the form in which a special district overlay is adopted, the -SO suffix shall be shown on the official zoning map maintained by the department and as a notation ((~~on the SITUS file~~)) <u>in a geographic information system data layer</u>, which shall be updated as soon as possible after the effective date of the adopting ordinance adopting an overlay.

<u>SECTION 12.</u> 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 **C**-Conditional Use **S**-Special Use	Z	A G R	F O R	M I N	R U R	U R B	R E S	U R B	R E S	N E I	B U S	C O M	B U S	R E G	B U S	O F F	I N D

		ONE	ICULTURE	EST	ERAL	AL AREA	AN ERVE	AN	IDENTIAL	GHBORHOOD INESS	MUNITY INESS	IONAL INESS	ICE	USTRIAL
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]~~)) 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					P24 C5 and	P24 C5	P24 C5	P24 C5	P24	P24	P24 C5	P24	

	Mausoleum				31								
*	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 C10 and 31	P9 C10			P10	P10	P10		P
753	Automotive Repair (1)								P11	P	P		P
754	Automotive Service								P11	P	P		P
76	Miscellaneous Repair	P33			P32 P33	P32	P32	P32	P32	P	P		P
866	Church, Synagogue, Temple				P12 C27 and 31	P12 C	P12 C	P12 C	P	P	P	P	
83	Social Services (2)				P12 P13 C31	P12 P13 C	P12 P13 C	P12 P13 C	P	P	P	P	
0752	Animal specialty services				C P35 P36	C			P	P	P	P	P
*	Stable	P14 C			P14 C31	P14 C	P 14 C						

*	Kennel or Cattery	P9			C	C				C	P		
*	Theatrical Production Services									P30	P28		
*	Artist Studios				P28	P28	P28	P28	P	P	P	P29	P
*	Interim Recycling Facility				P21	P21	P21	P21	P22	P22	P	P21	P
*	Dog training facility	C34			C34	C34			P	P	P		P
	HEALTH SERVICES:												
801-04	Office/Outpatient Clinic				P12 C 13a	P12 C13a	P12 C13 a C37	P12 C13a C37	P	P	P	P	P
805	Nursing and Personal Care Facilities							C		P	P		
806	Hospital						C13 a	C13a		P	P	C	
807	Medical/Dental Lab									P	P	P	P
808-09	Miscellaneous Health									P	P	P	
	EDUCATION												

	SERVICES:												
*	Elementary School				((~~P15 and 31~~)) P39 P40	P	P	P		P16((~~c~~)) P40	P16(~~c~~)) P40	P16(~~c~~)) P40	
*	Middle/Junior High School				((~~P16 C15~~)) P40 C39 and 31	P	P	P		P16((~~c~~)) C40	P16((~~c~~)) C40	P16((~~c~~)) C40	
*	Secondary or High School				((~~P16 C15 and 26~~)) C39 and 31	P26	P26	P26		P16((~~c~~)) C15	P16((~~c~~)) C15	P16((~~c~~))	
*	Vocational School				((~~P13a C31~~))	P13a C	P13a C	P13a C			P15	P17	P
*	Specialized Instruction School		P18		P19 C20 and 31	P19 C20	P19 C20	P19 C20	P	P	P	P17	P 38
*	School District Support Facility				((~~P16 C15 and~~	P23 C	P23 C	P23 C	C15	P15	P15	P15	P15

					~~23~~ ~~and~~ ~~31~~))								
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 SIC Industry No. 7534-Tire Retreading, see manufacturing permitted use table.

2. Except SIC Industry Group Nos.:

a. 835-Day Care Services, and

b. 836-Residential Care, which is otherwise provided for on the residential permitted land use table.

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

a. 723-Beauty Shops;

b. 724-Barber Shops;

c. 725-Shoe Repair Shops and Shoeshine Parlors;

d. 7212-Garment Pressing and Agents for Laundries and Drycleaners; and

e. 217-Carpet and Upholstery Cleaning.

4. Only as accessory to a cemetery, and prohibited from the UR zone only if the property is located within a designated unincorporated Rural Town.

5. Structures shall maintain a minimum distance of one hundred feet from property lines adjoining residential zones.

6. Only as accessory to residential use, and:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32. Before filing an application with the department, the applicant shall hold a community meeting in accordance with 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. <u>If located outside of the urban growth area,</u> ((~~L~~))<u>l</u>imited to projects that ((~~do not require or result in an expansion of sewer service outside the urban growth area, unless a finding is made that no cost-effective alternative technologies are feasible, in which case a tightline sewer sized only to meet the needs of the public school, as defined in RCW 28A.150.010, or the school district support facility and serving only the public school or the school district support facility may be used. New public high schools shall~~

~~be permitted subject to the review process in K.C.C. 21A.42.140~~)) are of a size and scale designed to primarily serve the rural area and shall be located within a rural town.

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

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

~~c.~~)) 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 residential zones.

20. Subject to the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26.a. New high schools ((~~shall be~~)) permitted in the rural and the urban residential and urban reserve zones 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 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]~~)) 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.

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

SECTION 13. Ordinance 11481, Section 2, as amended, and K.C.C. 21A.24.311 are each hereby amended to read as follows:

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

SECTION 14. Ordinance 16267, Section 59, and K.C.C. 21A.24.381 are each hereby amended to read as follows:

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

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

((~~A~~))B. The ((~~project shall be located on agricultural lands that the~~)) department of natural resources and parks shall only approve projects that ((~~determines~~)):

1.((~~a.~~)) Are located on land determined by the department to be unsuitable for direct agricultural production purposes, such as portions of property that have not historically been farmed due to soil conditions or frequent flooding and that it determines cannot be returned to productivity by drainage maintenance; or

2. Are located on land determined by the department to be suitable for direct agriculture, and only if:

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

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

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

~~B.~~)) a. The applicant ((~~shall~~)) demonstrates to the satisfaction of the department that there are no ((~~other suitable land outside the agricultural production district~~)) unsuitable lands within the agricultural production district, that meets the technical or locational requirements of the project, is available ((~~for the project~~)); and

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

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

~~1.~~)) b. The project is included in, or consistent with, an approved Water Resources Inventory Area Plan, Farm Management Plan, Flood Hazard Management Plan((~~,~~)) or other ((~~King County functional~~)) similar watershed scale plan; or

((~~2. Based on the recommendation of the department of natural resources and parks, the project~~)) would ((~~improve~~)) not reduce the baseline agricultural productivity within the agricultural production((~~s~~)) district.

SECTION 15. Ordinance 15051, Section 198, and K.C.C. 21A.24.382 are each hereby amended to read as follows:

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

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

B. For a bald eagle:

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

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

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

C. For a great blue heron:

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

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

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

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

F. For an osprey:

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

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

G. For a peregrine falcon:

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

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

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

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

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

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

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

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

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

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

J. For a Vaux's swift:

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

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

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

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

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

~~L.~~)) The department shall require protection of an active breeding site of any ((~~species~~)) federal or state listed endangered, threatened, sensitive and candidate species or King County species of local importance not listed in subsections B. through ((~~K.~~)) J. of this section ((~~whose habitat is identified as requiring protection in the King County Comprehensive Plan~~)). If the Washington state Department of Fish and Wildlife has adopted management recommendations for a species covered by this subsection, the department shall follow those management recommendations. If management recommendations have not been adopted, the department shall base protection decisions on best available science((~~; and~~

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

SECTION 16. Ordinance 15051, Section 199, and K.C.C. 21A.24.383 are each hereby amended to read as follows:

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

A. Bald eagle;

B. ((~~Goshawk;~~

~~C.~~)) Great blue heron; and

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

~~E. Peregrine falcon; and~~

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

SECTION 17. Ordinance 13274, Section 5, as amended, and K.C.C. 21A.37.030 are each hereby amended to read as follows:

A. Receiving sites shall be:

1. King County unincorporated urban sites, except as limited in subsection D. of this section, zoned R-4 through R-48, NB, CB, RB or O, or any combination thereof. The sites may also be within potential annexation areas established under the countywide planning policies; or

2. Cities where new growth is or will be encouraged under the Growth Management Act and the countywide planning policies and where facilities and services exist or where public investments in facilities and services will be made, or

3. RA-2.5 zoned parcels, except as limited in subsection E. of this section, that meet the criteria listed in this subsection A.3. may receive development rights transferred from rural forest focus areas, and accordingly may be subdivided and developed at a maximum density of one dwelling per two and one-half acres. Increased density allowed through the designation of rural receiving areas:

a. must be eligible to be served by domestic Group A public water service;

b. must be located within one-quarter mile of an existing predominant pattern of rural lots smaller than five acres in size;

c. must not adversely impact regionally or locally significant resource areas or critical areas;

d. must not require public services and facilities to be extended to create or encourage a new pattern of smaller lots;

e. must not be located within rural forest focus areas; and

f. must not be located on Vashon Island or Maury Island.

B. Except as provided in this chapter, development of an unincorporated King County receiving site shall remain subject to all zoning code provisions for the base zone, except TDR receiving site developments shall comply with dimensional standards of the zone with a base density most closely comparable to the total approved density of the TDR receiving site development.

C. An unincorporated King County receiving site may accept development rights from one or more sending sites, up to the maximum density permitted under K.C.C. 21A.12.030 and 21A.12.040.

D. Property located within the outer boundaries of the Noise Remedy Areas as identified by the Seattle-Tacoma International Airport may not accept development rights.

E. Property located within the ((~~shorelands, as defined in RCW 90.58.020,~~)) shoreline jurisdiction or located on Vashon Island or Maury Island may not accept development rights.

SECTION 18. Ordinance 13274, Section 6, as amended, and K.C.C. 21A.37.040 are each hereby amended to read as follows:

A. The number of residential development rights that an unincorporated sending site is eligible to send to a receiving site shall be determined by applying the TDR sending site base density established in subsection D. of this section to the area of the sending site, after deducting the area associated with any existing development, any retained development rights and any portion of the sending site already in a conservation easement or other similar encumbrance. For each existing dwelling unit or retained development right, the sending site area shall be reduced by an area equivalent to the base density for that zone under K.C.C. 21A.12.030.

B. Any fractions of development rights that result from the calculations in subsection A. of this section shall not be included in the final determination of total development rights available for transfer.

C. For purposes of calculating the amount of development rights a sending site can transfer, the amount of land contained within a sending site shall be determined as follows:

1. If the sending site is an entire tax lot, the square footage or acreage shall be determined:

a. by the King County department of assessments records; or

b. by a survey funded by the applicant that has been prepared and stamped by a surveyor licensed in the state of Washington; and

2. If the sending site consists of a lot that is divided by a zoning boundary, the square footage or acreage shall be calculated separately for each zoning classification. The square footage or acreage within each zoning classification shall be determined by the King County record of the action that established the zoning and property lines, such as an approved lot line adjustment. When such records are not available or are not adequate to determine the square footage or acreage within each zoning classification, the department of development and environmental services shall calculate the square footage or acreage through the geographic information system (GIS) mapping system.

D. For the purposes of the transfer of development rights (TDR) program only, the following TDR sending site base densities apply:

1. Sending sites designated in the King County Comprehensive Plan as urban separator and zoned R-1 shall have a base density of four dwelling units per acre;

2. Sending sites zoned RA-2.5 shall have a base density of one unit for each two and one-half acres. Sending sites zoned RA-2.5 that are vacant and are smaller than 1.25 acres shall be allocated one additional TDR for each vacant lot that is smaller than 1.25 acres;

3. Sending sites zoned RA-5 or RA-10 shall have a base density of one dwelling unit per five acres. Vacant sending sites that are zone RA-5 and are smaller than two and

one-half acres or that are zoned RA-10 and are smaller than five acres shall be allocated on additional TDR for each vacant lot that is smaller than two and one-half acres or five acres, respectively;

4. Sending sites zoned RA and that have a designation under the King County Shoreline Master Program of conservancy or natural shall be allocated one additional TDR;

5. Sending sites zoned A-10 and A-35 shall have a base density of one dwelling unit per five acres for transfer purposes only;

6. Sending sites zoned F within the forest production district shall have a base density of one dwelling unit per eighty acres or one dwelling unit per each lot that is between fifteen and eighty acres in size.

E. A sending site zoned RA, A or F may send one development right for every legal lot larger than five thousand square feet that was created on or before September 17, 2001, if that number is greater than the number of development rights determined under subsection A. of this section. A sending site zoned R-1 may send one development right for every legal lot larger than two thousand five hundred square feet that was created on or before September 17, 2001, if that number is greater than the number of development rights determined under subsection A. of this section.

F. The number of development rights that a King County unincorporated rural or natural resources land sending site is eligible to send to a King County incorporated urban area receiving site shall be determined through the application of a conversion ratio established by King County and the incorporated municipal jurisdiction. The conversion

ratio will be applied to the number of available sending site development rights determined under subsection A. or E. of this section.

G. Development rights from one sending site may be allocated to more than one receiving site and one receiving site may accept development rights from more than one sending site.

H. The determination of the number of residential development rights a sending site has available for transfer to a receiving site shall be valid for transfer purposes only, shall be documented in a TDR ((~~certificate letter of intent and~~)) qualification report prepared by the department of natural resources and parks and sent to the applicant. The qualification report shall be considered a final determination, not to be revised due to changes to the sending site's zoning, and shall be valid unless conditions on the sending site property that would affect the number of development rights the sending site has available for transfer have changed.

I. Each residential transferable development right that originates from a sending site zoned RA, A or F shall be designated "Rural" and is equivalent to two additional units above base density in eligible receiving sites located in unincorporated urban King County. Each residential transferable development right that originates from a sending site zoned R-1 urban separator shall be designated "Urban" and is equivalent to one additional unit above base density.

SECTION 19. Ordinance 14190, Section 7, as amended, and K.C.C. 21A.37.050 are each hereby amended to read as follows:

A. Following the transfer of residential development rights, a sending site may subsequently accommodate remaining residential dwelling units, if any, on the buildable

portion of the parcel or parcels or be subdivided, consistent with the zoned base density provisions of the density and dimensions tables in K.C.C. 21A.12.030 and 21A.12.040, the allowable dwelling unit calculations in K.C.C. 21A.12.070 and other King County development regulations. Any remaining residential dwelling units and associated accessory units shall be located in a single and contiguous reserved residential area that shall be adjacent to any existing development or roadways on the property. The reserved residential area shall be equal to the acreage associated with the minimum lot size of the zone for each remaining residential dwelling unit. For sending sites zoned RA, the subdivision potential remaining after a density transfer may only be actualized through a clustered subdivision, short subdivision or binding site plan that creates a permanent preservation tract as large or larger than the portion of the subdivision set aside as lots. Within rural forest focus areas, resource use tracts shall be at least fifteen acres of contiguous forest land.

B. Only those nonresidential uses directly related to, and supportive of the criteria under which the site qualified are allowed on a sending site.

C. The applicable limitations in this section shall be included in the sending site conservation easement.

SECTION 20. Ordinance 16267, Section 68, and K.C.C. 21A.37.055 are each hereby amended to read as follows:

An urban receiving site that purchases rural TDRs may include the reduced transportation-related greenhouse gas emissions that ((~~are estimated to~~)) the department of natural resources and parks estimates will result from the TDR in calculating the receiving site's greenhouse gas emissions.

SECTION 21. Ordinance 14190, Section 8, as amended, and K.C.C. 21A.37.060 are each hereby amended to read as follows:

A. Prior to issuing a certificate for transferable development rights to a sending site, the department of natural resources and parks, or its successor shall record deed restrictions in the form of a conservation easement documenting the development rights that have been removed from the property and shall place a notice on the title of the sending site. The department of development and environmental services, or its successor, shall establish and maintain an internal tracking system that identifies all certified transfer of developments rights sending sites.

B. A conservation easement granted to the county or other appropriate land management agency and that meets the requirements of K.C.C. 21A.37.050 shall be required for land contained in the sending site. The conservation easement shall be documented by a map. The conservation easement shall be placed on the entire lot or lots. The conservation easement shall identify ((~~in~~)) limitations in perpetuity on future residential and nonresidential development consistent with this chapter, as follows:

1. A conservation easement, which contains the easement map, shall be recorded on the entire sending site to indicate development limitations on the sending site;

2. For a sending site zoned A-10 or A-35, the conservation easement shall be consistent in form and substance with the purchase agreements used in the agricultural land development rights purchase program. The conservation easement shall preclude subdivision of the subject property but may permit not more than one dwelling per sending site, and shall permit agricultural uses as provided in the A-10 or A-35 zone;

3. For a rural sending site the conservation easement shall allow for restoration, maintenance, or enhancement of native vegetation. A present conditions report shall be required to document the location of existing structures and existing native vegetation and the baseline conservation values of protected property at the time the conservation easement is put in place. If residential development will be allowed on the site under the conservation easement, the present conditions report shall be used to guide the location of residential development;

4. For a sending site qualifying as habitat for federal listed endangered or threatened species, the conservation easement shall protect habitat and allow for restoration, maintenance, or enhancement of native vegetation. A present conditions report shall be required to document the location of existing structures. If existing or future residential development will be allowed on the site under the conservation easement, the present conditions report shall be used by the owner to guide the location of residential development; and

5. For a sending site zoned F, the conservation easement shall encumber the entire sending site. Lots between fifteen acres and eighty acres in size are not eligible to participate in the TDR program if they include any existing dwelling units intended to be retained, or if a new dwelling unit is proposed. For eligible lots between fifteen acres and eighty acres in size, the sending site must include the entire lot. For lots greater than eighty acres in size, the sending site shall be a minimum of eighty acres. The conservation easement shall permit forestry uses subject to a forest stewardship plan prepared by the applicant and approved by the county for ongoing forest management practices. The Forest Stewardship Plan shall serve as a present conditions report

documenting the baseline conditions of the property and shall include a description of the site's forest resources and the long term forest management objectives of the property owner, and shall not impose standards that exceed Title 222 WAC.

SECTION 22. Ordinance 13274, Section 7, as amended, and K.C.C. 21A.37.070 are each hereby amended to read as follows:

A. An interagency review committee, chaired by the directors of the department of development and environmental services and the department of natural resources and parks, or their designees, shall be responsible for qualification of sending sites. Determinations on sending site certifications made by the committee are appealable to the examiner under K.C.C. 20.24.080. The department of natural resources and parks shall be responsible for preparing a ((~~written~~)) TDR qualification report, which shall be signed by the director of the department of natural resources and parks or the director's designee, documenting the review and decision of the committee. The qualification report ((~~committee~~)) shall:

1. Specify all deficiencies of an application, if the decision of the committee is to disqualify the application;

2. For all qualifying applications, provide a determination as to whether or not additional residential dwelling units and associated accessory units may be accommodated in accordance with subsection A. of section 19 of this ordinance; and

3. Be issued ((~~a TDR certification letter~~)) within sixty days of the date of submittal of a completed sending site certification application.

B. Responsibility for preparing a completed application rests exclusively with the applicant. Application for sending site certification shall include:

1. A legal description of the site;

2. A title report;

3. A brief description of the site resources and public benefit to be preserved;

4. A site plan showing the existing and proposed dwelling units, nonresidential structures, driveways, submerged lands and any area already subject to a conservation easement or other similar encumbrance;

5. Assessors map or maps of the lot or lots;

6. A statement of intent indicating whether the property ownership, after TDR certification, will be retained in private ownership or dedicated to King County or another public or private nonprofit agency;

7. Any or all of the following written in conformance with criteria established through a public rule consistent with K.C.C. chapter 2.98, if the site is qualifying as habitat for a threatened or endangered species:

a. a wildlife habitat conservation plan;

b. a wildlife habitat restoration plan; or

c. a wildlife present conditions report;

8. A forest stewardship plan, written in conformance with criteria established through a public rule consistent with K.C.C. chapter 2.98, if required under K.C.C. 21A.37.060.B.3. and 6.;

9. An affidavit of compliance with the reforestation requirements of the Forest Practices Act and any additional reforestation conditions of the forest practices permit for the site, if required under K.C.C. 21A.37.020.E;

10. A completed density calculation worksheet for estimating the number of available development rights; and

11. The application fee consistent with K.C.C. 27.36.020.

SECTION 23. Ordinance 13274, Section 8, as amended, and K.C.C. 21A.37.080 are each hereby amended to read as follows:

A. TDR development rights where both the proposed sending and receiving sites would be within unincorporated King County shall be transferred using the following process:

1. Following interagency review committee review and approval of the sending site application as described in K.C.C. 21A.37.070 the interagency review committee shall issue a TDR ((~~certificate letter of intent~~)) qualification report, agreeing to issue a TDR certificate in exchange for the proposed sending site conservation easement. After signing and notarizing the conservation easement and receiving the TDR certificate from the county, the sending site owner may market the TDR sending site development rights to potential purchasers. The TDR certificate shall be in the name of the property owner and separate from the land title. If a TDR sending site that has been reviewed and approved by the interagency review committee changes ownership, the TDR ((~~certificate letter of intent~~)) qualification report may be transferred to the new owner if requested in writing to the department of natural resources and parks by the person or persons that owned the property when the TDR ((~~certificate letter of intent~~)) qualification report was issued, ((~~provided that the~~)) if documents evidencing the transfer of ownership are also provided to the department of natural resources and parks;

2. In applying for receiving site approval, the applicant shall provide the department of development and environmental services with one of the following:

a. a TDR ((~~certificate~~ ~~letter of intent~~)) qualification report issued in the name of the applicant,

b. a TDR ((~~certificate~~ ~~letter of intent~~)) qualification report issued in the name of another person or persons and a copy of a signed option to purchase those TDR sending site development rights,

c. a TDR certificate issued in the name of the applicant, or

d. a TDR certificate issued in the name of another person or persons and a copy of a signed option to purchase those TDR sending site development rights;

3. Following building permit approval, but before building permit issuance by the department of development and environmental services or following preliminary plat approval or preliminary short plat approval, but before final plat or short plat recording of a receiving site development proposal which includes the use of TDR development rights, the receiving site applicant shall deliver the TDR certificate issued in the applicant's name for the number of TDR development rights being used and the TDR extinguishment document to the county;

4. When the receiving site development proposal requires a public hearing under this title or K.C.C. Title 19A or its successor, that public hearing shall also serve as the hearing on the TDR proposal. The reviewing authority shall make a consolidated decision on the proposed development and use of TDR development rights and consider any appeals of the TDR proposal under the same appeal procedures set forth for the development proposal; and

5. When the development proposal does not require a public hearing under this title or K.C.C. Title 19A, the TDR proposal shall be considered along with the development proposal, and any appeals of the TDR proposal shall be considered under the same appeal procedures set forth for the development proposal.

6. Development rights from a sending site shall be considered transferred to a receiving site when a final decision is made on the TDR receiving area development proposal, the sending site is permanently protected by a completed and recorded land dedication or conservation easement, notification has been provided to the King County assessor's office and a TDR extinguishment document has been provided to the department of natural resources and parks, or its successor agency.

B. TDR development rights where the proposed receiving site would be within an incorporated King County municipal jurisdiction shall be reviewed and transferred using that jurisdiction's development application review process.

SECTION 24. Ordinance 13733, Section 8, as amended, and K.C.C. 21A.37.100 are each hereby amended to read as follows:

The purpose of the TDR bank is to assist in the implementation of the transfer of development rights (TDR) program by bridging the time gap between willing sellers and buyers of development rights by purchasing and selling development rights, purchasing conservation easements, and facilitating interlocal TDR agreements with cities in King County through the provision of amenity funds. The TDR bank may acquire development rights and conservation easements only from sending sites located in the rural area or in an agricultural or forest production district as designated in the King County Comprehensive Plan. Development rights purchased from the TDR bank may

only be used for receiving sites in cities or in the urban unincorporated area as designated in the King County Comprehensive Plan.

SECTION 25. Ordinance 13733, Section 10, as amended, and K.C.C. 21A.37.110 are each hereby amended to read as follows:

A. The TDR bank may purchase development rights from qualified sending sites at prices not to exceed fair market value and to sell development rights at prices not less than fair market value. The TDR bank may accept donations of development rights from qualified TDR sending sites.

B. The TDR bank may purchase a conservation easement only if the property subject to the conservation easement is qualified as a sending site as evidenced by a TDR ((~~certificate~~ ~~letter of intent~~)) qualification report the conservation easement restricts development of the sending site in the manner required by K.C.C. 21A.37.060 and the development rights generated by encumbering the sending site with the conservation easement are issued to the TDR bank at no additional cost.

C. If a conservation easement is acquired through a county park, open space, trail, agricultural, forestry or other natural resource acquisition program for a property that is qualified as a TDR sending site as evidenced by a TDR ((~~certificate~~ ~~letter of intent~~)) qualification report, any development rights generated by encumbering the sending site with the conservation easement may be issued to the TDR bank so long as there is no additional cost for the development rights.

D. The TDR bank may use funds to facilitate development rights transfers. These expenditures may include, but are not limited to, establishing and maintaining internet web pages, marketing TDR receiving sites, procuring title reports and appraisals

and reimbursing the costs incurred by the department of natural resources and parks, water and land resources division, or its successor, for administering the TDR bank fund and executing development rights purchases and sales.

E. The TDR bank fund may be used to cover the cost of providing staff support for identifying and qualifying sending and receiving sites, and the costs of providing staff support for the TDR interagency review committee.

F. Upon approval of the TDR executive board, proceeds from the sale of TDR bank development rights shall be available for acquisition of additional development rights and as amenity funds to facilitate interlocal TDR agreements with cities in King County. Amenity funds provided to a city from the sale of TDR bank development rights to that city are limited to one-third of the proceeds from the sale.

SECTION 26. Ordinance 13733, Section 12, as amended, and K.C.C. 21A.37.130 are each hereby amended to read as follows:

A. The sale of development rights by the TDR bank shall be at a price that equals or exceeds the fair market value of the development rights. The fair market value of the development rights shall be established by the department of natural resources and shall be based on the amount the county paid for the development rights and the prevailing market conditions.

B. When selling development rights, the TDR bank may select prospective purchasers based on the price offered for the development rights, the number of development rights offered to be purchased, and the potential for the sale to achieve the purposes of the TDR program.

C. The TDR bank may sell development rights only in whole or half increments to incorporated receiving sites through an interlocal agreement or, after the county enacts legislation that complies with chapter 365-198 WAC, to incorporated receiving sites in a city that has enacted legislation that complies with chapter 365-198 WAC. The TDR bank may sell development rights only in whole increments to unincorporated King County receiving sites.

D. All offers to purchase development rights from the TDR bank shall be in writing, shall include a certification that the development rights, if used, shall be used only inside an identified city or within the urban unincorporated area, include a minimum ten percent down payment with purchase option, shall include the number of development rights to be purchased, location of the receiving site, proposed purchase price and the required date or dates for completion of the sale, not later than three years after the date of receipt by King County of the purchase offer.

E. Payment for purchase of development rights from the TDR bank shall be in full at the time the development rights are transferred unless otherwise authorized by the department of natural resources and parks.

SECTION 27. Ordinance 13733, Section 13, as amended, and K.C.C. 21A.37.140 are each hereby amended to read as follows:

A. For development rights sold by the TDR bank to be used in incorporated receiving site areas, the county and the affected city or cities must ((~~first~~)) either have executed an interlocal agreement and the city or cities must have enacted appropriate legislation to implement the program for the receiving area or the county and the affected

city or cities must each have enacted legislation that complies with chapter 365-198 WAC.

B.1. At a minimum, each interlocal agreement shall:

a. shall describe the legislation that the receiving jurisdiction adopted or will adopt to allow the use of development rights((,));

b. shall identify the receiving area((,));

c. shall require the execution of a TDR extinguishment document in conformance with K.C.C. 21A.37.080((,)); and

d. ((~~should~~)) shall address the conversion ratio to be used in the receiving site area.

2. If the city is to receive any amenity funds, the interlocal agreement shall set forth the amount of funding and the amenities to be provided in accordance with K.C.C. 21A.37.150I. Such an interlocal agreement may also indicate that a priority should be given by the county to acquiring development rights from sending sites in specified geographic areas. If a city has a particular interest in the preservation of land in a rural or resource area or in the specific conditions on which it will be preserved, then the interlocal agreement may provide for periodic inspection or special terms in the conservation easement to be recorded against the sending site as a pre acquisition condition to purchases of development rights within specified areas by the TDR bank.

C. A TDR conversion ratio for development rights purchased from a sending site and transferred to an incorporated receiving site area may express the amount of additional development rights in terms of any combination of units, floor area, height or

other applicable development standards that may be modified by the city to provide incentives for the purchase of development rights.

SECTION 28. Ordinance 13733, Section 14, as amended, and K.C.C. 21A.37.150 are each hereby amended to read as follows:

A. Expenditures by the county for amenities to facilitate development rights sales shall be authorized by the TDR executive board during review of proposed interlocal agreements, and should be roughly proportionate to the value and number of development rights anticipated to be accepted in an incorporated receiving site pursuant to the controlling interlocal agreement, or in the unincorporated urban area, in accordance with K.C.C. 21A.37.040.

B. The county shall not expend funds on TDR amenities in a city before execution of an interlocal agreement, except that:

1. The executive board may authorize up to twelve thousand dollars be spent by the county on TDR amenities before a development rights transfer for use at a receiving site or for the execution of an interlocal agreement if the TDR executive board recommends that the funds be spent based on a finding that the expenditure will expedite a proposed transfer of development rights or facilitate acceptance of a proposed transfer of development rights by the community around a proposed or established receiving site area;

2. King County may distribute the funds directly to a city if a scope of work, schedule and budget governing the use of the funds is mutually agreed to in writing by King County and the affected city. Such an agreement need not be in the form of an interlocal agreement; and

3. The funds may be used for project design renderings, engineering or other professional services performed by persons or entities selected from the King County approved architecture and engineering roster maintained by the department of finance or an affected city's approved architecture and engineering roster, or selected by an affected city through its procurements processes consistent with state law and city ordinances.

C. TDR amenities may include the acquisition, design or construction of public art, cultural and community facilities, parks, open space, trails, roads, parking, landscaping, sidewalks, other streetscape improvements, transit-related improvements or other improvements or programs that facilitate increased densities on or near receiving sites.

D. When King County funds amenities in whole or in part, the funding shall not commit the county to funding any additional amenities or improvements to existing or uncompleted amenities.

E. King County funding of amenities shall not exceed appropriations adopted by the council or funding authorized in interlocal agreements, whichever is less.

F. Public transportation amenities shall enhance the transportation system. These amenities may include capital improvements such as passenger and layover facilities, if the improvements are within a designated receiving area or within one thousand five hundred feet of a receiving site. These amenities may also include programs such as the provision of security at passenger and layover facilities and programs that reduce the use of single occupant vehicles, including car sharing and bus pass programs.

G. Road fund amenities shall enhance the transportation system. These amenities may include capital improvements, such as streets, traffic signals, sidewalks, street

landscaping, bicycle lanes and pedestrian overpasses, if the improvements are within a designated receiving site area or within one thousand five hundred feet of a receiving site. These amenities may also include programs that enhance the transportation system.

H. All amenity funding provided by King County to cities to facilitate the transfer of development rights shall be consistent with federal, state and local laws.

I. The timing and amounts of funds for amenities paid by King County to each participating city shall be determined in an adopted interlocal agreement. The interlocal agreement shall set forth the amount of funding to be provided by the county, an anticipated scope of work, work schedule and budget governing the use of the amenity funds. Except for the amount of funding to be provided by the county, these terms may be modified by written agreement between King County and the city. Such an agreement need not be in the form of an interlocal agreement. Such an agreement must be authorized by the TDR executive board. If amenity funds are paid to a city to operate a program, the interlocal agreement shall set the period during which the program is to be funded by King County.

J. A city that receives amenity funds from the county is responsible for using the funds for the purposes and according to the terms of the governing interlocal agreement.

K. To facilitate timely implementation of capital improvements or programs at the lowest possible cost, King County may make amenity payments as authorized in an interlocal agreement to a city before completion of the required improvements or implementation programs, as applicable. If all or part of the required improvements or implementation programs in an interlocal agreement to be paid for from King County funds are not completed by a city within five years from the date of the transfer of

amenity funds, then, unless the funds have been used for substitute amenities by agreement of the city and King County, those funds, plus interest, shall be returned to King County and deposited into the originating amenity fund for reallocation to other TDR projects.

L. King County is not responsible for maintenance, operating and replacement costs associated with amenity capital improvements inside cities, unless expressly agreed to in an interlocal agreement.

NEW SECTION. SECTION 29. A new section is hereby added to K.C.C. chapter 21A.38 to read as follows:

A. The purpose of the Fall City business district special district overlay is to allow commercial development in Fall City to occur with on-site septic systems until such time as an alternative wastewater system is available. The special district shall only be established in areas of Fall City zoned CB and shall be evaluated to determine if it is applicable to other rural commercial centers.

B. The standards of this title and other county codes shall be applicable to development within the Fall City business district special district overlay except as follows:

1. The permitted uses in K.C.C. Chapter 21A.08 do not apply and are replaced with the following:

a. Residential land uses as set forth in K.C.C. 21A.08.030:

i. As a permitted use:

(A) Multifamily residential units shall only be allowed on the upper floors of buildings; and

(B) Home occupations under K.C.C. chapter 21A.30;

ii. As a conditional use:

(A) Bed and Breakfast (five rooms maximum); and

(B) Hotel/Motel.

b. Recreational/cultural land uses as set forth in K.C.C. 21A.08.030:

i. As a permitted use:

(A) Library;

(B) Museum; and

(C) Arboretum.

ii. As a conditional use:

(A) Sports Club/Fitness Center;

(B) Amusement/Recreation Services/Arcades (Indoor);

(C) Bowling Center

c. General services land uses as set forth in K.C.C. 21A.08.050:

i. As a permitted use:

(A) General Personal Services, except escort services;

(B) Funeral Home;

(C) Appliance/Equipment Repair;

(D) Medical or Dental Office/Outpatient Clinic;

(E) Medical or Dental Lab;

(F) Day Care I;

(G) Day Care II;

(H) Veterinary Clinic;

(I) Social Services;

(J) Animal Specialty Services;

(K) Artist Studios;

(L) Nursing and Personal Care Facilities;

ii. As a conditional use:

(A) Theater (Movie or Live Performance);

(B) Religious Use;

d. Government/Business services land uses as set forth in K.C.C. 21A.08.060:

i. As a permitted use:

(A) General Business Service;

(B) Professional Office: Bank, Credit Union, Insurance Office.

ii. As a conditional use:

(A) Public Agency or Utility Office;

(B) Police Substation;

(C) Fire Station;

(D) Utility Facility;

(E) Self Service Storage;

e. Retail/commercial land uses as set forth in K.C.C. 21A.08.070:

i. As a permitted use on the ground floor:

(A) Food Store;

(B) Drug Store/Pharmacy;

(C) Retail Store: includes florist, book store, apparel and accessories store, furniture/home furnishings store, antique/recycled goods store, sporting goods store,

video store, art supply store, hobby store, jewelry store, toy store, game store, photo store, electronic/appliance store, fabric shops, pet shops, and other retail stores (excluding adult-only retail);

(D) Eating and Drinking Places, including coffee shops and bakeries.

ii. As a conditional use:

(A) Liquor Store or Retail Store Selling Alcohol;

(B) Hardware/Building Supply Store;

(C) Nursery/Garden Center;

(D) Department Store;

(E) Auto Dealers (indoor sales rooms only);

f. Manufacturing land uses as set forth in K.C.C. 21A.08.080 are not allowed.

g. Resource land uses as set forth in K.C.C. 21A.08.090:

i. As a permitted use:

(A) Solar photovoltaic/solar thermal energy systems;

(B) Private storm water management facilities;

(C) Growing and Harvesting Crops (within rear/internal side yards or roof gardens, and with organic methods only);

(D) Raising Livestock and Small Animals (per the requirements of Section 21A.30 of the Zoning Code)

ii. As a conditional use: Wind Turbines

h. Regional land uses as set forth in K.C.C. 21A.08.100 with a special use permit: Communication Facility.

2. The densities and dimensions set forth in K.C.C. chapter 21A.12 apply, except as follows:

a. Residential density is limited to six dwelling units per acre. For any building with more than ten dwelling units, at least ten percent of the dwelling units shall be classified as affordable under 21A.34.040F.1;

b. Buildings are limited to two floors, plus an optional basement;

c. The elevation of the ground floor may be elevated a maximum of six feet above the average grade of the site along the front facade of the building;

d. If the ground floor is designed to accommodate non-residential uses, the elevation of the ground floor should be placed near the elevation of the sidewalk to minimize the need for stairs and ADA ramps;

e. If the ground floor is designed to accommodate non-residential space, the height of the ceiling, as measured from finished floor, shall be no more than eighteen feet;

f. Building height shall not exceed forty feet, as measured from the average grade of the site along the front facade of the building.

<u>NEW SECTION. SECTION 30.</u> A new section is hereby added to K.C.C. chapter 21A.42 to read as follows:

In the RA zone, the following apply to the expansion or modification of a school authorized by an existing land use permit:

A. Pursuant to the code compliance process of this chapter, the department may review and approve an expansion or modification of an elementary school authorized by an

existing land use permit even if the use is not permitted outright in the RA zone. Such expansions or modifications shall conform to all other provisions of this title;

B. Pursuant to the code compliance process of this chapter, the department may review and approve an expansion of a middle school, junior high school or high school authorized by an existing land use permit even if the use is not permitted outright in the RA zone. Such expansions shall conform to all other provisions of this title. Any expansions under this subsection shall be subject to the following:

1. the project-wide amount of each of the following may be increased by up to ten percent:

a. building square footage;

b. impervious surface;

c. parking; and

d. building height; and

2. No subsequent expansions shall be approved under this subsection if the cumulative amount of such expansions exceeds the percentage prescribed in subsection B.1. of this section;

C. An expansion of a school that does not conform to the provisions of subsection B. of this section may only be approved if the expansion is reviewed and approved as a conditional use; and

D. The department may review and approve, in accordance with the code compliance process of this chapter, a modification of a middle school, junior high school or high school authorized by an existing land use permit that does not make a substantial change to the existing land use permit, as determined by the department. For the purpose

of this subsection, a "substantial change" includes, but is not limited to, a change to the conditions of approval that leads to significant built or natural environmental impacts that were not addressed in the original approval.

SECTION 31. Ordinance 11621, Section 28, and K.C.C. 21A.06.1177 are each hereby repealed.

SECTION 32. Ordinance 10870, Section 535, and K.C.C. 21A.30.070 are each hereby repealed.

SECTION 33. **Work program.** The council hereby adopts the following work program items as part of the King County Comprehensive Plan 2012:

A. The executive shall evaluate the benefits, costs and implementation strategies of requiring disclosure of Environmental Protection Agency Energy Star-type scores for commercial and public buildings to prospective buyers, lessees and lenders with the goal of improving energy efficiency. The executive shall prepare a report setting forth recommendations for modifications to policies, procedures and ordinances to implement the requirement of energy use disclosure by building owners. The report required by this subsection shall be transmitted to the council by June 1, 2013. The report must be filed in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers and to the lead staff for the transportation, economy and environment committee, or its successor;

B. The executive shall evaluate the benefits, costs and implementation strategies of requiring solar access for the production of solar energy. For the purposes of this subsection B, "solar access" encompasses both the ability of one property to continue to receive sunlight across property lines without obstruction from another's property

(buildings, foliage, or other impediment), as well as the ability to install solar energy systems on residential and commercial property that is subject to private restrictions; that is, covenants, conditions, restrictions, bylaws and condominium declarations, as well as local government ordinances and building codes. The report required by this subsection shall be transmitted to the council by June 1, 2013. The report must be filed in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers and to the lead staff for the transportation, economy and environment committee, or its successor;

C.1. The executive shall complete a report on the effectiveness of county efforts to support the needs of agriculture pursuant to King County comprehensive plan policy R-667.

2. The report shall include:

a. a timeline for the implementation of expedited reviews and reduced fees;

b. the number and types of agricultural building permits reviewed;

c. an estimate of cost savings for applicants for agricultural building permits;

d. an estimate of the number of agricultural building permits that were reviewed under more stringent commercial building standards; and

e. a comparison between fire and building standards applied to permits for agricultural structures by King County and those of Pierce, Snohomish, Skagit and Whatcom counties.

3. The report shall be transmitted to the council by September 1, 2013. The executive shall file one paper copy and one electronic copy of this plan with the clerk of

the council, for distribution to all councilmembers and the lead staff of the transportation, economy and environment committee, or its successor;

D.1. In addition to other formats, the executive shall produce a single, web-based document that consolidates all the chapters of the Comprehensive Plan, including the introduction and glossary.

2. The consolidated document shall:

a. be searchable, include hyperlinks to all cited web addresses; and

b. use a non-PDF format in order to allow editing.

3. Access to this consolidated document shall be made available on the executive web page no later than thirty days after the adoption of updates to the Comprehensive Plan;

E. The executive shall complete a report on the effectiveness of county efforts to implement the guiding principle of equity and social justice in its planning and actions. This report shall identify any deficiencies in the implementation of this guiding principle applied to the policies contained in Comprehensive Plan. The report shall identify actions necessary to correct these deficiencies. The analysis should be done by subparts of each chapter ; that is, by each lettered section of each chapter . The report shall also recommend if the addition of a policy calling for the consideration of equity and social justice in implementation of the subpart of each chapter should be added to the Comprehensive Plan and the recommended language for all such additional policies. The report should be transmitted to the council by March 1, 2013, in order that the council may consider any recommended policy changes in accordance with K.C.C. 20.18.030.B.6. The executive shall file one paper copy and one electronic copy of this

plan with the clerk of the council, for distribution to all councilmembers and the lead staff of the transportation, economy and environment committee, or its successor;

F.1. The executive shall complete a report on the effectiveness of county incentives to foster and support the annexation efforts of cities as well as potential barriers and their impacts.

2. The report shall include:

a. a needs analysis of county actions, such as the construction of improvements to infrastructure within each city potential annexation area that would be necessary to encourage annexation by a city;

b. a financial analysis of potential options for funding of these county actions; and

c. any state legislative action needed to facilitate annexations.

3. The report shall be transmitted to the council by September 1, 2013. The executive shall file one paper copy and one electronic copy of this plan with the clerk of the council, for distribution to all councilmembers and the lead staffs for the transportation, economy and environment and budget and fiscal management, or their successor.

G.1. The executive shall convene discussions between the county and its cities for the purpose of developing joint planning agreements relative to the use of transfer of development rights ("TDRs").

2. The joint planning agreements should:

a. identify potential preferred receiving sites both within the current boundaries of a city and its potential annexation areas; and

b. include measures that would encourage the increased use of TDRs.

3. The executive shall provide a report that:

a. describes which cities are participating in the development of joint planning agreement; and

b. outlines the process and timeline for the development of these joint planning agreements.

4. The report required under subsection G.3. of this section shall be transmitted to the council by September 1, 2013. The executive shall file one paper copy and one electronic copy of the report with the clerk of the council, for distribution to all councilmembers and the lead staff of the transportation, economy and environment committee, or its successor.

H.1. The executive shall complete a report on the effect of the recession on market demand for transfer of development rights.

2. The report shall:

a. enumerate the number of transfer of development rights ("TDRs") both sold and used for development;

b. identify any difference in the demand of privately-marketed TDRs versus those TDRs sold to and obtained from the county TDR bank; and

c. evaluate any impacts on TDR market demand resulting from economic conditions or from price differentials, if any, between privately marketed TDRs and those obtained from the TDR bank.

3. The report shall be transmitted to the council by September 1, 2013. The executive shall file one paper copy and one electronic copy of this plan with the clerk of

the council, for distribution to all councilmembers and the lead staff of the transportation, economy and environment committee, or its successor.

I.1. The executive shall conduct a review of, and report on, septic systems on unincorporated properties either in or directly abutting the Sammamish Valley agricultural production district ("APD").

2. The report shall:

a. identify and map all such properties;

b. indicate where septic system failures have occurred, or have the high potential of occurring due to age or soil conditions;

c. evaluate the potential health impact of such failures on lands within the APD, especially in regard to lands used for food crops; and

d. identify alternative means, but excluding extension of public sewers, and including a range of costs, for the identified alternative methods, that may be utilized to provide for safe treatment of sewage.

3. The report shall be transmitted to the council by September 1, 2013. The executive shall file one paper copy and one electronic copy of this plan with the clerk of the council, for distribution to all councilmembers and the lead staff of the transportation, economy and environment committee, or its successor.

J.1. The executive shall complete a report relating to an increased potential for safety conflicts between motorized and non-motorized uses on roadways in the Rural Area, as a result of reduced investments in or maintenance of roadways.

2. To address the potential increase of these conflicts, the report shall:

a. review the county's road design and construction standards for roadways in the Rural Area for ways to provide safer multimodal use of these roadways; and

b. for areas where there is not sufficient roadway infrastructure for safe multimodal uses, evaluate whether off-roadway trails and bike paths for nonmotorized uses should be encouraged or facilitated.

3. The report shall be transmitted to the council by September 1, 2013. The executive shall file one paper copy and one electronic copy of this plan with the clerk of the council, for distribution to all councilmembers and the lead staff of the transportation, economy and environment committee, or its successor.

K.1. The executive shall complete the update to the Rural Economic Strategies ("RES") plan, which was begun by the executive in 2009 to reflect amendments adopted in the 2008 Comprehensive Plan.

2. The RES plan update shall reflect:

a. policy direction of the 2012 Comprehensive Plan;

b. the effect of annexations towards focusing the county's local government role as primarily that of a rural area service provider; and

c. that while cities in the Rural Area fill a crucial need for supporting the retail and service needs of the population of the surrounding Rural Area, such cities are autonomous, which means they may plan and implement their own economic strategies, and are therefore not subject to the county's development and/or economic regulations. The updated plan and ordinance adopting the updated plan shall be transmitted to the council by September 1, 2013.

L. The executive shall add to the Growth Management Planning Council's 2013 work plan, the issue of multi-jurisdictional responsibility for funding of improvements to the county's rural regional corridors that are used, in large measure, to move traffic between incorporated areas.

M.1. The executive shall complete a report outlining the work plan for the watershed planning process to be established for an agricultural production district ("APD") as contemplated in Comprehensive Plan Policy R-650.

2. The report shall:

a. establish the criteria for creating a watershed planning process;

b. the general work plan for any established watershed planning process; and

c. the categories of stakeholders proposed to be included for any established watershed planning process and the proposed number of participants from each category. The categories shall be but are not limited to: farmer(s) and/or resident(s) affected by the proposed project(s) in the APD; a representative from the WRIA in which the affected APD is located; a representative from the King County Agriculture Commission from the affected APD; a representative from the King Conservation District; and subject matter experts.

3. The report shall be transmitted to the council by March 1, 2013. The executive shall file one paper copy and one electronic copy of this plan with the clerk of the council, for distribution to all councilmembers and the lead staff of the transportation, economy and environment committee, or its successor.

N. The executive shall develop and transmit for council consideration and adoption, the appropriate regulations to necessary to implement policies U-188 and U-

189, which relate to the Four-to-One Program. No new applications for Four-to-One proposals based on these policies shall be accepted by the executive until such time as such regulations are adopted by council. The executive-proposed regulations shall be transmitted to the council by March 1, 2013.

SECTION 34. 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."

Attachment: Attachment I, **"A**mendments of the Fall City Subarea Plan," dated September 2012 and Attachment J "School siting Task Force Final Report," date march 31, 2012.

Replace Attachment C - Technical Appendix B (Housing) dated March 1, 2012 with Attachment C - Technical Appendix B (Housing) dated September, 2012.

Replace Attachment E - Technical Appendix C (Transportation Needs Report) dated March 2012 with Attachment E - Technical Appendix C (Transportation Needs Report) dated August, 2012.

EFFECT:

Section	Revision
2	Adopts 2012 Comprehensive Plan through adoption of a new section instead of amending prior ordinances.

4	Deletes criteria for sewer for schools in rural area relating to: • Rate of flow and • Health impact from use of on-site septic. School Siting Task Force identified specific schools sites that may be developed with sewers.
5	Decodifies code section adopting previous comprehensive plan amendments.
7	Deletes deadline for acceptance of Four-to-One applications
Section	Revision
9	Replaced specific policy reference with more general reference to KCCP policies
12	New executive-proposed revision to KCC 21A.08.050 (General Services Land Use Table): Amends conditions relating to elementary, middle and high schools, and school district support facilities to: • Require schools and other district facilities in the commercial zones outside the UGA to be sized and scale to "primarily serve the rural area" • Rely on new provisions in section 30 to regulate modification or expansion of schools in Rural Area authorized by existing land use permit • Not allow school district support facility in the RA zone
14	Salmon habitat projects in the agricultural production districts (APD): • Differentiates between lands suitable or unsuitable for direct agriculture • Requires landowner approval • If unsuitable, no additional requirement • If suitable, must not reduce baseline productivity of APD (note: executive required that productivity "improves"
18	TDR criteria: • Maintains transfer ratios of 4 lots per acre for R-1 Urban Separator sending sites (versus executive reduction to 2 lots per acre) • Qualifications report valid indefinitely unless changed site condition (versus executive-proposed five years)
22	TDR qualification of sending sites:

	• Must specific deficiencies if sending site qualification turned down • If qualified, must indicate whether additional residential lots will be allowed in the future

1505

1506

Section	Revision

30	New executive-proposed revision – Modification or expansion of schools in Rural Area authorized by existing land use permit:
	
	• Elementary school may be modified or expanded with no additional conditions
	• Middle/High Schools may be modified or expanded provided that:
	  o Expansion is limited to ten percent for:
	  o Building square footage
	  o Impervious surface
	  o Parking, and building height.
	• No subsequent expansions if cumulative amount exceeds prior ten percent limit
	• If expansion exceeds ten percent limit, then reviewed through conditional use permit process
	• Middle/High school expansion allowed if no substantial change

33	**Work Programs –** A. The executive shall evaluate and report on the benefits, costs and implementation strategies of requiring disclosure of Environmental Protection Agency Energy Star-type scores for commercial and public buildings to prospective buyers, lessees and lenders with the goal of improving energy efficiency. B. The executive shall evaluate the benefits, costs and implementation strategies of requiring solar access for the production of solar energy. C. The executive shall complete a report on the effectiveness of county efforts to support the needs of agriculture, including a comparison between fire and building standards applied to permits for agricultural structures by King County and those of Pierce, Snohomish, Skagit and Whatcom counties. D. In addition to other formats, the executive shall produce no later than thirty days after the adoption of updates to the Comprehensive Plan, a single, web-based document that consolidates all the chapters of the Comprehensive Plan, including the introduction and glossary and will be searchable, include hyperlinks to all cited web addresses; and use a non-PDF format in order to allow editing.

	E. The executive shall complete a report on the effectiveness of county efforts to implement the guiding principle of equity and social justice in its planning and actions. This report shall identify any deficiencies in the implementation of this guiding principle applied to the policies contained in Comprehensive Plan and identify corrective actions F. The executive shall complete a report on the effectiveness of county incentives to foster and support the annexation efforts of cities as well as potential barriers and their impacts, including: • a needs analysis of county actions, necessary to encourage annexation by a city; • a financial analysis of options for funding these county actions; and • any state legislative action needed to facilitate annexations. G. The executive shall convene discussions between the county and its cities for the purpose of developing joint planning agreements relative to the use of transfer of development rights ("TDRs"). H. The executive shall complete a report on the effect of the recession on market demand for transfer of development rights. I. The executive shall conduct a review of, and report on, septic systems on unincorporated properties either in or directly abutting the Sammamish Valley agricultural production district ("APD") to: • indicate where failures have occurred, or have the high potential of occurring; • evaluate the potential health impact of such failures, especially in regard to lands used for food crops; and • identify alternative means, but excluding extension of public sewers, that may be utilized to provide for safe treatment of sewage. J. The executive shall complete a report relating to an increased potential for safety conflicts between motorized and non-motorized uses on roadways in the Rural Area, as a result of reduced investments in or maintenance of roadways. K. The executive shall complete the update to the Rural Economic Strategies ("RES") plan, which was begun by the executive in 2009 to reflect amendments adopted in the 2008 Comprehensive Plan. L. The executive shall add to the Growth Management Planning Council's 2013 work plan, the issue of multi-jurisdictional responsibility for funding

	of improvements to the county's rural regional corridors that are used, in large measure, to move traffic between incorporated areas. M. The executive shall complete a report outlining the work plan for the watershed planning process to be established for an agricultural production district (APD) relating to salmon habitat recovery projects. N. The executive shall develop and transmit for council consideration and adoption, the appropriate regulations to necessary to implement policies U-188 and U-189, relating to the Four-to-One Program. No new applications for Four-to-One proposals based on these policies shall be accepted by the executive until such time as such regulations are adopted by council.
Attaches Attachments I (amendments to Fall City subarea Plan and physically attached to striking amendment)) and J (School siting Task Force Final Report not physically attached because of size of document but available on line through the clerk's office)	
Replaces Attachment C (Housing - Technical Appendix B) with updated version	
Replaces Attachment E (Transportation Needs Report - Technical Appendix C) with updated version	

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