

6/5/20  
2020 KCCP  
Striking Amendment S2

ea/am/jn/jt	Sponsor:	<u>Dembowski</u>
	Proposed No.:	<u>2019-0413</u>

1    **STRIKING AMENDMENT S1 TO PROPOSED ORDINANCE 2019-0413,**  
2    **VERSION 1**

3    On page 3, beginning on line 58, strike everything through page 147, line 3033, and  
4    insert:

5           "BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

6           **SECTION 1. Findings:**

7           A. Ordinance 18810 adopted the 2018 update to the 2016 King County  
8    Comprehensive Plan. The 2018 update included a restructure of the county's  
9    comprehensive planning process, including shifting from a four-year to an eight-year  
10   update schedule to match the Growth Management Act ("the GMA") mandated review  
11   and update schedule and modifications to the subarea planning program established in the  
12   2016 King County Comprehensive Plan. Ordinance 18810 also authorized adoption of a  
13   limited "midpoint" update to the 2016 King County Comprehensive Plan in 2020.

14          B. Motion 15329 adopted the scope of work for the 2020 update to the 2016 King  
15   County Comprehensive Plan. The scope of work required development of text and policy  
16   proposals, area zoning and land use proposals, code studies and reports that could be  
17   included in the 2020 update. The scope of work also included the public outreach plan  
18   and State Environmental Policy Act process for the 2020 update.

19 C. As part of the 2020 update, modifications to the urban growth area boundary  
20 are included. One change expands the urban growth area boundary adjacent to the city of  
21 Woodinville to allow the city to annex a right-of-way. Another change expands the  
22 urban growth area boundary adjacent to the city of Maple Valley to allow the city to  
23 annex existing utility tracts. Both of these changes facilitate the provision of urban  
24 services and are authorized by K.C.C. 20.18.130. The third change removes three parcels  
25 from the urban growth area. This redesignation to rural land outside the urban growth  
26 area is consistent with countywide planning policy DP-18 and as authorized by K.C.C.  
27 20.18.130.

28 D. The adopted policies and development regulations for fossil fuels and fossil  
29 fuel facilities address the health, safety and environmental risks of these uses. The  
30 policies and regulations also recognize the impacts of coal mining to air and water  
31 quality, and as such, prohibit the development of new or expanded coal mines.

32 E. The operation of fossil fuel facilities carries risk of explosion, leaks, spills and  
33 pollution of air and water. Burning of fossil fuels is a major source of environmental  
34 pollution and carbon dioxide contributing to climate change in King County. King  
35 County has responsibility for upholding the public health, safety and welfare of all  
36 residents while mitigating and preparing for natural and human-caused disasters,  
37 protecting and preserving natural systems and supporting economic development.  
38 According to the Impacts of Climate Change on Human Health in the United States  
39 report prepared by the United States Global Climate Change Program, health impacts  
40 from smoke and air pollution and heat-related illnesses can lead to grave health  
41 conditions, especially for vulnerable populations including children, seniors, and people

42 with pre-existing health conditions such as asthma. The policies and development  
43 regulations place limits on the development and operation of fossil fuel facilities in order  
44 to address those impacts to the residents of King County.

45 F. The policies and regulations related to sea level rise address health and safety  
46 risks from the impacts of sea level rise to structures and facilities on Vashon-Maury  
47 Island.

48 G. The last statutory update required by RCW 36.70A.130(4)(a) was met with the  
49 2012 King County Comprehensive Plan that was adopted by Ordinance 17485.  
50 Engrossed Substitute House Bill 2342, passed by the legislature and signed into law as  
51 Chapter 113, Laws of Washington 2020, by the governor as a result of 2020 legislative  
52 session, modified the schedule for the GMA-mandated updates to Comprehensive Plans.  
53 As a result, RCW 36.70A.130(5)(a) requires King County and the cities within King  
54 County to complete a review of their comprehensive plans on or before June 30, 2024,  
55 and every eight years thereafter. This 2020 update does not serve as the statutory update  
56 required by RCW 36.70A.130.

57 H. The GMA and the King County Code generally allow the adoption of  
58 comprehensive plan updates only once per year. The amendments to policies and text in  
59 to this ordinance constitute the 2020 update to the 2016 King County Comprehensive  
60 Plan. The GMA requires that King County adopt development regulations to be  
61 consistent with and implement the Comprehensive Plan. The changes to development  
62 regulations in this ordinance are needed to maintain conformity with the King County  
63 Comprehensive Plan. They bear a substantial relationship to, are necessary for, the  
64 public health, safety and general welfare of King County and its residents.

I. The 2020 update to the 2016 King County Comprehensive Plan is the first "midpoint" update under the county's restructured comprehensive planning process. As the county developed the 2020 update, and partly because of the reduced timeframe to complete this update, some topics identified in the scope of work were not completed, and it became clear that modifications to what can be included as part of a midpoint update were necessary. To address these identified issues, the 2020 update includes substantive changes made to the Workplan Action items. These substantive changes modify existing Workplan Action items or establish new Workplan Action items. Future midpoint updates will be allowed to modify or add Workplan Action items.

J. The Shoreline Management Act requires King County to develop and administer a shoreline master program. Ordinance 16985 and Ordinance 17485 adopted a comprehensive update of King County's shoreline master program as required by RCW 90.58.080(2). Ordinance 19034 adopted a periodic review of King County's shoreline master program as required by RCW 90.58.080(4).

K. The changes included in this ordinance for the shoreline master program constitute a locally initiated amendment allowed under WAC 173-26-090. Changes include updating the list of lakes and streams subject to the shoreline master program and modifying or adding shoreline environment designation to properties. These changes are required to be approved by the Washington state Department of Ecology before they become effective.

L. The 2016 King County Comprehensive Plan launched a Community Service Areas subarea planning program. Community Service Area ("CSA") subarea plans are expected to be created for the six rural CSAs and for the five remaining large urban

unincorporated potential annexation areas over a thirteen-year schedule. The CSA subarea planning program recognizes the county's role as a local service provider in the unincorporated area, including for localized long-range planning. Many areas of unincorporated King County have not had subarea planning since the 1990s or earlier. The CSA subarea planning program as restructured in the 2018 update and refined in the 2020 update will provide improved coordination, accountability and service delivery in the area of long-range planning for unincorporated areas of King County.

M. The scope of work for the 2020 update included a requirement that the changes included in the 2020 update be evaluated using the county's fair and just principle adopted in K.C.C. chapter 2.10. Fourteen determinants of equity are included as the conditions that lead to the creation of a fair and just society in King County. The county's office of equity and social justice has created an equity impact review tool that is both a process and a tool to identify, evaluate and communicate the potential impacts of a policy or program on equity.

N. As part of the 2020 update, this ordinance adopts the Skyway-West Hill Land Use Strategy, Phase 1 of the Skyway-West Hill Subarea Plan. Initially the Strategy was drafted as a CSA subarea plan. However, the equity impact analysis completed for the Strategy identified potential equity impacts of the plan as drafted. Further, the focus of the Strategy on land use did not fully reflect the community's priorities and would not implement the community's vision and guiding principles. As a result, the Strategy is adopted as an interim measure while the CSA subarea plan is developed by the county consistent with the refinements in the 2020 update to improve coordination, accountability and service delivery to unincorporated King County.

O. The Skyway-West Hill CSA subarea plan, and all future CSA subarea plans, will be developed based on an established scope of work, use of equity impact tools and resources, more robust community engagement, and will be monitored through performance measures and evaluation.

SECTION 2. A.1. Attachments A, B, C, D, E, F, G, H and I to this ordinance are adopted as amendments to the 2016 King County Comprehensive Plan, as adopted in Ordinance 18472 and its attachments and as amended by Ordinance 18623 and Ordinance 18810.

2. Attachment J to this ordinance is adopted as an amendment to the 2012 King County Comprehensive Plan, as adopted in Ordinance 17485.

B. The elements of the 2016 King County Comprehensive Plan in Attachment A to this ordinance are hereby amended to read as set forth in this ordinance and are incorporated herein by this reference.

C. The elements of the King County Shoreline Master Program in sections 68, 69, 70 and 71 of this ordinance, in King County Comprehensive Plan chapter six of Attachment A to this ordinance, and in Attachments E and H to this ordinance are hereby amended to read as set forth in this ordinance and are incorporated herein by this reference.

D. The Skyway-West Hill Land Use Strategy, Phase 1 of the Skyway-West Hill Subarea Plan in Attachments F and G to this ordinance, is hereby adopted as an amendment to and an element of the 2016 King County Comprehensive Plan.

E. The land use and zoning amendments in sections 81, 82, 83, 84 and 89 of this ordinance and Attachment D to this ordinance are hereby adopted as amendments to

Appendix A to Ordinance 12824, as amended, and as the official land use and zoning controls for those portions of unincorporated King County defined in those sections of this ordinance and attachments to this ordinance.

F. The King County department of local services, permitting division, shall update the geographic information system data layers accordingly to reflect adoption of this ordinance.

SECTION 3. Ordinance 12075, Section 3, as amended, and K.C.C. 2.16.025, are hereby amended to read as follows:

A. The county executive shall manage and be fiscally accountable for the office of performance, strategy and budget and the office of labor relations.

B. The office of performance, strategy and budget functions and responsibilities shall include, but not be limited to:

1. Planning, preparing and managing, with emphasis on fiscal management and control aspects, the annual operating and capital project budgets;

2. Preparing forecasts of and monitor revenues;

3. Monitoring expenditures and work programs in accordance with Section 475 of the King County Charter;

4. Developing and preparing expenditure plans and ordinances to manage the implementation of the operating and capital project budgets throughout the fiscal period;

5. Formulating and implementing financial policies regarding revenues and expenditures for the county and other applicable agencies;

6. Performing program analysis, and contract and performance evaluation review;

157           7. Developing and transmitting to the council, concurrent with the biennial  
158 proposed budget, supporting materials consistent with K.C.C. chapter 4A.100;

159           8. Performance management and accountability:

160           a. providing leadership and coordination of the performance management and  
161 accountability system countywide;

162           b. overseeing the development of strategic plans and business plans for each  
163 executive branch department and office;

164           c. providing technical assistance on the development of strategic plans and  
165 business plans for agencies;

166           d. developing and using community-level indicators and agency performance  
167 measures to monitor and evaluate the effectiveness and efficiency of county agencies;

168           e. overseeing the production of an annual performance report for the executive  
169 branch;

170           f. coordinating performance review process of executive branch departments  
171 and offices;

172           g. collecting and analyzing land development, population, housing, natural  
173 resource enhancement, transportation and economic activity data to aid decision making  
174 and to support implementation of county plans and programs, including benchmarks;

175           h. leading public engagement and working in support of county performance  
176 management, budget and strategic planning; and

177           i. developing and transmitting to the council a biennial report on April 30 in  
178 odd-numbered years about the benefits achieved from technology projects. The report  
179 shall include information about the benefits obtained from completed projects and a



comparison with benefits that were projected during different stages of the project. The report shall also include a description of the expected benefits from those projects not yet completed. The report shall be approved by the council by motion. The report and motion shall 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;

9. Strategic planning and interagency coordination:

a. coordinating and staffing executive initiatives across departments and agencies;

b. facilitating interdepartmental, interagency and interbranch teams on multidisciplinary issues;

c. negotiating interlocal agreements as designated by the executive; and

d. serving as the liaison to the boundary review board for King County;

10. Business relations and economic development:

a. developing proposed policies to address regional, unincorporated urban, and rural economic development;

b. establishing, fostering and maintaining healthy relations with business and industry;

c. implementing strategies and developing opportunities that include partnering with, cities, the Port of Seattle and other economic entities on regional and subregional economic development projects;

201 d. developing and implementing strategies to promote economic revitalization  
202 and equitable development in urban unincorporated areas including the possible assembly  
203 of property for the purpose of redevelopment;

204 e. refining and implementing strategies in the county's rural economic  
205 strategies to preserve and enhance the rural economic base so that the rural area can be a  
206 place to both live and work; and

207 f. assisting communities and businesses in creating economic opportunities,  
208 promoting a diversified economy and promoting job creation with the emphasis on  
209 family-wage jobs;

210 11. Continuous improvement:

211 a. leading, coordinating and implementing a program of continuous  
212 improvement, including the provision of leadership development, transformational  
213 improvement and capacity building in Lean thinking; and

214 b. providing annual reports to the council on the implementation of the  
215 continuous improvement program, including but not limited to a description of the  
216 number of people and agencies that have received training, the processes changed as a  
217 result of Lean implementation and the budget and other impacts of these changes; and

218 12. Regional planning:

219 a. coordinating the county's participation in multicounty planning at the Puget  
220 Sound Regional Council, including serving on the Puget Sound Regional Council's  
221 regional staff committee;

222 b. coordinating countywide planning at the Growth Management Planning  
223 Council consistent with the Washington state Growth Management Act, including

leading the Growth Management Planning Council's interjurisdictional staff team in  
accordance with the interlocal agreement authorized by King County Motion 8495;

c. managing updates to the county's Comprehensive Plan in coordination with  
the department of local services(~~(,permitting division,)~~) in accordance with K.C.C. Title  
20;

d. coordinating the development of demographic and growth forecasting data  
and information including census data, growth targets and buildable lands;

e. facilitating annexations and joint planning with cities, including developing  
annexation proposals, drafting interlocal agreements, and serving as the liaison to the  
boundary review board for King County; and

f. coleading with the department of local services, permitting division, an  
interbranch regional planning team that supports the council and executive through the  
provision of information and data, development of policy proposals and options for  
regional issues related to growth management, economic development and transportation.  
Participation in the interbranch regional planning team shall include executive,  
department and council staff as designated by the respective branches.

C. The office of labor relations functions and responsibilities shall include, but  
not be limited to:

1. Representing county agencies in the collective bargaining process as required  
by chapter 41.56 RCW;

2. Developing and maintaining databases of information relevant to the  
collective bargaining process;

246 3. Representing county agencies in labor arbitrations, appeals, and hearings  
247 including those in chapter 41.56 RCW and required by K.C.C. Title 3, in collaboration  
248 with the department of human resources;

249 4. Administering labor contracts and providing consultation to county agencies  
250 regarding the terms and implementation of negotiated labor agreements, in collaboration  
251 with the department of human resources;

252 5. Advising the executive and council on overall county labor policies; and

253 6. Providing resources for labor relations training for county agencies, the  
254 executive, the council and others, in collaboration with the department of human  
255 resources.

256 D.1. The county council hereby delegates to the executive or the executive's  
257 designee authority to request a hearing before the Washington state Liquor and Cannabis  
258 Board and make written recommendations and objections regarding applications relating  
259 to:

260 a. liquor licenses under chapter 66.20 RCW; and

261 b. licenses for marijuana producers, processors or retailers under chapter 69.50  
262 RCW.

263 2. Before making a recommendation under subsection D.1. of this section, the  
264 executive or designee shall solicit comments from county departments and agencies,  
265 including, but not limited to, the department of local services, public health - Seattle &  
266 King County, the sheriff's office and the prosecuting attorney's office.

267 3. For each application reviewed under subsection D.1.b. of this section, the  
268 executive shall transmit to the county council a copy of the application received with the

applicant's name and proposed license application location, a copy of all comments received under subsection D.2. of this section and the executive's recommendation to the Washington state Liquor and Cannabis board.

E. The executive may assign or delegate budgeting, performance management and accountability, economic development and strategic planning and interagency coordination functions to employees in the office of the executive but shall not assign or delegate those functions to any departments.

SECTION 4. Ordinance 11955, Section 5, as amended, and K.C.C. 2.16.055, are hereby amended to read as follows:

A. The department of local services is responsible for managing and being fiscally accountable for the permitting division and the road services division. The department shall also administer the county roads function as authorized in applicable sections of Titles 36 and 47 RCW and other laws, regulations and ordinances as may apply. Consistent with Motion 15125, the ((executive)) department shall:

1. Work in partnership with each county council district to focus on coordinating, enhancing and improving municipal services provided to the county's unincorporated areas. To effectuate this partnership, the executive shall routinely and proactively meet and collaborate with councilmembers representing the unincorporated area((s)) about potential organizational, operational and other changes to county programs or services that will affect unincorporated area residents;

2. Be available to brief the council's standing and regional committees on issues related to unincorporated area local services;

3. Develop and implement programs and strategies that emphasize:

- 292 a. improving the coordination of local services by county agencies through  
293 increased collaboration;
- 294 b. strengthening partnerships between the county, communities and other  
295 entities;
- 296 c. improving the delivery, responsiveness and quality of local services to the  
297 people, businesses and communities of unincorporated King County through unified  
298 accountability;
- 299 d. improving local services through robust employee engagement while  
300 embracing equity and social justice and continuous improvement;
- 301 e. strengthening unincorporated communities by supporting local planning and  
302 community initiatives; and
- 303 f. pursuing innovative funding strategies.

304 B.1. The department shall also manage the development and implementation of  
305 community service area subarea plans in coordination with the regional planning function  
306 in K.C.C. 2.16.025 and in accordance with the King County Comprehensive Plan and  
307 state Growth Management Act.

308 2. Each subarea plan shall be developed consistent with the King County  
309 Comprehensive Plan and shall:

- 310 a. be based on a scope of work established with the community;
- 311 b. establish a long-range vision and policies to implement that vision. Policies  
312 in the subarea plan shall be consistent with and not redundant to policy direction in the  
313 Comprehensive Plan;

314 c. establish performance metrics and monitoring for implementation of the  
315 subarea plan;

316 d. use the tools and resources developed by the office of equity and social  
317 justice to develop the scope of work and to develop, review, amend, adopt and implement  
318 the plan, including, but not limited to, community engagement, language access and  
319 equity impact review tools. The county shall use, at minimum, the "County engages in  
320 dialogue" and "County and community work together" levels of engagement as outlined  
321 in the office of equity and social justice's Community Engagement Guide for the scoping,  
322 development, review, amendment, adoption and implementation of the subarea plan. The  
323 county shall include as an appendix to the subarea plan information detailing the  
324 community engagement completed during the development of the subarea plan and how  
325 the community engagement meets the requirements of this subsection B.2.d.;

326 e. incorporate the findings of an equity impact analysis and proposals to  
327 address equity impacts. During the development of the subarea plan, the public review  
328 draft shall include preliminary findings of any equity impacts that will be further refined  
329 and submitted as part of the subarea plan proposal;

330 f. include a review of policies specific to the subarea in the Comprehensive  
331 Plan and previously adopted subarea or community plans, and, where appropriate,  
332 transfer policies from the Comprehensive Plan and other county plans to the subarea  
333 plan;

334 g. review and update the land use designations and zoning classifications in the  
335 community service area. Review of zoning classifications shall include special district  
336 overlays and property-specific development conditions; and

h. incorporate by reference the community needs list and associated performance metrics as required in subsection C. of this section.

3. Before transmittal of the subarea plan to the council, the executive shall coordinate and collaborate with the councilmember office or councilmember offices who represent the geography on development of the plan.

4. Each subarea plan shall be transmitted to the council for possible adoption as established in the schedule in the Comprehensive Plan and K.C.C. Title 20.

C.1. The department shall also manage the development and implementation of the community service area list of services, programs, facilities and capital improvements that are identified by the community, known as a community needs list, for each of the six rural Community Service Areas geography and each five large urban major Potential Annexation Areas. The community needs list shall be the responsibility of the executive to implement. The department of local services, in coordination with the community, shall be responsible for monitoring the implementation of the community needs list.

2. Each community needs list shall:

a. be consistent with and implement the subarea plan for the geography described in subsection B. of this section and other county plans;

b. include potential services, programs, facilities and capital improvements that respond to community-identified needs, including, but not limited to, those that build on the community's strengths and assets;

c. be developed, reviewed, prioritized, amended, adopted and implemented using tools and resources developed by the office of equity and social justice, including, but not limited to, community engagement, language access and equity impact review



tools. The county shall use, at minimum, the "County engages in dialogue" and "County and community work together" levels of engagement as outlined in the office of equity and social justice's Community Engagement Guide for the development, review, amendment, adoption and implementation of the community needs list. The county shall include as an appendix to the community needs list information detailing the community engagement completed during the development of the community needs list and how the community engagement meets the requirements of this subsection C.2.c..

3. The community needs list shall be established as follows:

a. An initial catalog shall be compiled that identifies all requests from the community for potential services, programs and improvements; and

b. The community service area program shall review the initial catalog and refine this document into a community needs list based on:

(1) review by the department whether and to what extent the request meets or strengthens the community vision and policies established in the adopted subarea plan and other county plans;

(2) review by county agencies regarding consistency with other county plans, feasibility, budget constraints, timing, resources needs and other barriers to implementation; and

(3) review by the community through ongoing community engagement to identify, discuss and prioritize community needs;

c. For each item that is included in the community needs list, the following shall be included:

382                   (1) the executive, in consultation with the councilmember office or offices  
383                   that represent the community service area and the community, shall propose a  
384                   prioritization of low, medium or high priority;

385                   (2) which county agencies are responsible for implementation; and

386                   (3) an anticipated timeline for completion that reflects that future resources  
387                   and budget appropriations may change the timeline. The county shall encourage  
388                   creativity and flexibility in identifying potential partnerships with and opportunities for  
389                   others, such as community-based organizations, to meet these needs;

390                   d. For each request from the initial catalog that is not advanced to the  
391                   community needs list, the executive shall state why the request was not advanced. The  
392                   county shall clearly communicate why the request was not advanced to the community.  
393                   For items that cannot be accomplished by the county because they are outside of the  
394                   scope of county operations, the county shall provide information on how noncounty  
395                   entities may be able to accomplish the item, including consideration of potential  
396                   partnerships with noncounty entities; and

397                   e. The community needs list shall establish performance metrics to monitor the  
398                   implementation of the community needs list and the overarching progress towards  
399                   reaching the twenty-year vision established in the policies of the subarea plan. The  
400                   performance metrics shall be:

401                   (1) reviewed and reported on annually for the community needs list and  
402                   biennially for the subarea plan; and

403                   (2) informed and monitored by the community and the council.

404           4. Before transmittal of a new or updated community needs list to the council,  
405   the executive shall coordinate and collaborate with the councilmember office or  
406   councilmember offices who represent the geography.

407           5. A community needs list shall be transmitted to the council for possible  
408   adoption via ordinance as follows:

409           a. concurrent with the transmittal of the applicable subarea plan as required in  
410   subsection B. of this section;

411           b. concurrent with the executive's biennial budget transmittal:

412           (1) for those community service areas that have a completed subarea plan  
413   before June 2022, the community needs list shall be transmitted to the council as part of  
414   the 2021-2022 biennial budget; and

415           (2) for those community service areas that do not have a completed subarea  
416   plan prior to June 2022, the community needs list shall be transmitted to the council as  
417   part of the 2023-2024 biennial budget; and

418           c. when identified by either the community service area work programs and  
419   associated community engagement outlined in subsection D. of this section or the  
420   services partnership agreements outlined in subsection E. of this section, or both.

421           6. The community needs lists shall be used to develop proposals for the  
422   executive's proposed biennial budget, including services, programs, infrastructure and  
423   facilities that implement the list. As part of the executive's biennial budget transmittal,  
424   the executive shall include a description of how the proposed biennial budget implements  
425   the list.

D.1. The department shall also manage the community service area framework adopted by Ordinance 17139, which shall be called the community service area program. The community service area program shall develop and implement programs and services to help all residents of unincorporated King County be more knowledgeable of, better served by and heard by King County departments and agencies. The community service area program shall work with all county departments and agencies whose services, programs and projects are of interest to unincorporated area residents, to promote successful public engagement.

~~((The))~~ 2. A work program shall be developed for each community service area and shall ~~((include input from the councilmember or councilmembers who represent that area. The work program shall include, but not be limited to,))~~;

a. be consistent with and implement the applicable subarea plan as described in subsection B. of this section, the community needs list in subsection C. of this section and other county plans;

b. address the required elements in Ordinance 17139~~((;))~~;

c. list potential action items for the area~~((;))~~;

d. list known planning activities for the area~~((, and))~~;

e. identify public meetings for the area;

f. include the current adopted community needs list as required in subsection C. of this section; and

g. establish an ongoing communications and community engagement plan using tools and resources developed by the office of equity and social justice, including, but not limited to, community engagement, language access and equity impact review

tools. The county shall use, at minimum, the "County engages in dialogue" and "County and community work together" levels of engagement as outlined in the office of equity and social justice's Community Engagement Guide for the development, review, amendment, adoption and implementation of the community needs list; and

h. establish performance metrics to monitor the implementation of the work program.

3. The community service area program shall provide regular updates to ~~((that))~~ the councilmember or councilmembers who represent the geography on the progress of the work program throughout the year and shall publish regular reports on the work program to its website, at least once per quarter.

4. The work program shall be updated on an annual basis.

E.1. The department shall also establish service partnership agreements with each executive branch agency that provides programs, services or facilities in the unincorporated area, including those agencies that provide regional services to unincorporated area residents and businesses. The service partnership agreements shall inform budget development for programs, services or facilities in the unincorporated area.

2. Service partnerships agreements shall:

a. be consistent with and implement the subarea plan in subsection B. of this section, the community needs list in subsection C. of this section, the community service area work programs in subsection D. of this section and other county plans;

b. use tools and resources developed by the office of equity and social justice by the partner agency to deliver the programs, services and facilities described in the service partnership agreements;

3. Each service partnership agreement shall include, at a minimum:

a. roles and responsibilities for the department of local services and the partner agency;

b. a general description of the programs, services or facilities provided by the partner agency in unincorporated areas and for unincorporated area residents and businesses;

c. goals for the partner agency to achieve the emphasis on local service delivery described in Motion 15125 and this section, including:

(1) the desired outcomes for provision of each program, service or facility;

and

(2) service level goals for each program, service or facility;

d. performance metrics to monitor progress of the service partnership agreement;

e. use of the community service area program in local service delivery by the partner agency; and

f. the current adopted community needs list and associated performance metrics for monitoring and reporting on the progress the county agencies have made on items on the list that they are responsible for.

4. A schedule for completing the service partnership agreements with county agencies shall be established as part of the executive's proposed 2021-2022 biennial

493 budget and is subject to council approval by motion. The schedule is expected to show  
494 service partnership agreements with all required agencies in effect no later than  
495 transmittal of the executive's proposed 2023-2024 biennial budget.

496 5. The service partnership agreements, after they are established, shall be  
497 updated concurrent with the development of the biennial budget and shall be transmitted  
498 to the council as part of the supporting material for the executive's proposed biennial  
499 budget. In addition to the requirements for service partnership agreements described in  
500 subsection E. of this section, the updates shall include evaluation and reporting on the  
501 goals and performance metrics identified in the previous service partnership agreement  
502 and in the community needs list.

503 ~~((C.))~~ F. Until an ordinance that makes changes to the King County Code  
504 required in ~~((section 217))~~ Ordinance 18791, Section 217, is effective, the permitting  
505 division shall be considered the successor agency to the department of permitting and  
506 environmental review. Therefore, upon effectiveness of Ordinance 18791 and until an  
507 ordinance required by Ordinance 18791, ~~((s))~~ Section 217, is effective, where the code  
508 states or intends a decision to be made or action to be implemented by the department of  
509 permitting and environmental review, those decisions or actions shall be performed by  
510 the permitting division.

511 ~~((D.))~~ G.1. The duties of the permitting division shall include the following:

512 a. ensuring consistent and efficient administration of environmental, building  
513 and land use codes and regulations for commercial and residential projects by means of  
514 permit review and approval, construction inspections and public information;

515                   b. ~~((managing the development and implementation of unincorporated subarea~~  
516 ~~plans in coordination with the regional planning function in K.C.C. 2.16.025 and in~~  
517 ~~accordance with the King County Comprehensive Plan and state Growth Management~~  
518 ~~Act requirements;~~

519                   e.)) participating on the interbranch regional planning team as specified in  
520 K.C.C. 2.16.025;

521                   ~~((d.))~~ d. administering the state Environmental Policy Act and acting as lead  
522 agency, including making the threshold determinations, determining the amount of  
523 environmental impact and reasonable mitigation measures and coordinating with other  
524 departments and divisions in the preparation of county environmental documents or in  
525 response to environmental documents from other agencies;

526                   ~~((e.))~~ d. effective processing and timely review of land development proposals,  
527 including zoning variance and reclassification, master drainage plans, variances from the  
528 surface water design manual and the King County road standards, critical area,  
529 subdivision, right-of-way use, urban planned development, clearing and grading,  
530 shoreline, special use and conditional use applications;

531                   ~~((f.))~~ e. pursuing and resolving code violations, including preparing for  
532 administrative or legal actions, evaluating the department's success in obtaining  
533 compliance with King County rules and regulations and designing measures to improve  
534 compliance;

535                   ~~((g.))~~ f. regulating the operation, maintenance and conduct of county-licensed  
536 businesses, except taxicab and for-hire drivers and vehicles; and



537           (~~(H-))~~ G. developing and implementing an inspection program to identify fire  
538 hazards and require conformance with K.C.C. Title 17, reviewing building plans and  
539 applications for compliance with K.C.C. Title 17 and conducting inspections, including  
540 inspections of new construction, for compliance with K.C.C. Title 17.

541           2. The permitting division manager shall be the:  
542           a. county planning director;  
543           b. zoning adjuster;  
544           c. responsible official for purposes of administering the state Environmental  
545 Policy Act;  
546           d. county building official; and  
547           e. county fire marshal.

548           3. The manager may delegate the functions in subsection (~~(D-2-))~~G.2 of this  
549 section to qualified subordinates.

550           (~~(E-))~~ H. The road services division is responsible for designing, constructing,  
551 maintaining and operating a comprehensive system of roadways and other transportation  
552 facilities and services to support a variety of transportation modes for the safe and  
553 efficient movement of people and goods and delivery of services. The duties of the  
554 division shall include the following:

555           1. Designing, constructing and maintaining county roads, bridges and associated  
556 drainage facilities;  
557           2. Designing, installing and maintaining county traffic signs, markings and  
558 signals;  
559           3. Designing, installing and maintaining bicycle and pedestrian facilities;

560           4. Managing intergovernmental contracts or agreements for services related to  
561 road maintenance and construction and to other transportation programs supporting the  
562 transportation plan;

563           5. Inspecting utilities during construction and upon completion for compliance  
564 with standards and specifications; assuring that public facilities disturbed due to  
565 construction are restored;

566           6. Performing detailed project development of roads capital improvement  
567 projects that are consistent with the transportation element of the county's Comprehensive  
568 Plan, and coordinating such programming with other county departments and divisions  
569 assigned responsibilities for Comprehensive Plan implementation;

570           7. Incorporating into the roads capital improvement program those projects  
571 identified in the transportation needs report, community plans, related functional plans  
572 and elsewhere consistent with the county's Comprehensive Plan;

573           8. Preparing, maintaining and administering the county road standards;

574           9. Preparing and administering multiyear roads maintenance and capital  
575 construction plans and periodic updates;

576           10. Administering the transportation concurrency and mitigation payment  
577 programs; and

578           11.a. Performing the duties of the office of the county road engineer, which is  
579 hereby established as an administrative office of the road services division. The office of  
580 the county road engineer shall be an office of record, supervised by the county road  
581 engineer hired in accordance with RCW 36.80.010 and reporting to the manager of the

road services division. The office of the county road engineer shall be located within the corporate limits of the county seat.

b. The county road engineer shall carry out all duties assigned to the county road engineer as prescribed by state statute, except as modified by the county executive as authorized in subsection ~~((E.11.e.))~~ H.11.c. of this section.

c. The county executive may assign professional engineering duties of the county road engineer to someone other than the county road engineer, except as otherwise assigned by the King County Code, and only if the individual assigned those duties shall be qualified as required under RCW 36.80.020. The executive shall provide to the county council and the Washington state County Road Administration Board, in writing, those specific professional engineering duties not assigned to the county road engineer, the name and position of each person responsible for carrying out those assigned duties, the specific reporting and working relationships with the county road engineer and the duration for which those duties have been assigned.

SECTION 5. Ordinance 263, Article 2, Section 1, as amended, and K.C.C. 20.12.010 are hereby amended to read as follows:

~~((A.))~~ Under the King County Charter, the state Constitution and the Washington state Growth Management Act, chapter 36.70A RCW, King County adopted the 1994 King County Comprehensive Plan via Ordinance 11575 and declared it to be the Comprehensive Plan for King County until amended, repealed or superseded. The Comprehensive Plan has been reviewed and amended multiple times since its adoption in 1994. Amendments to the 1994 Comprehensive Plan to-date are currently reflected in the 2016 King County Comprehensive Plan, as adopted in Ordinance 18427 and as amended by Ordinance 18623,

Ordinance 18810 ~~((and))~~, Ordinance 19034 and this ordinance. The Comprehensive Plan shall be the principal planning document for the orderly physical development of the county and shall be used to guide subarea plans, functional plans, provision of public facilities and services, review of proposed incorporations and annexations, development regulations and land development decisions.

SECTION 6. Ordinance 11653, Section 6, as amended, and K.C.C. 20.12.017 are hereby amended to read as follows:

The following provisions complete the zoning conversion from K.C.C. Title 21 to Title 21A pursuant to K.C.C. 21A.01.070:

A. Ordinance 11653 adopts area zoning to implement the 1994 King County Comprehensive Plan pursuant to the Washington State Growth Management Act ~~((RCW))~~, chapter 36.760A RCW. Ordinance 11653 also converts existing zoning in unincorporated King County to the new zoning classifications in the 1993 Zoning Code, codified in Title 21A, pursuant to the area zoning conversion guidelines in K.C.C. 21A.01.070. The following are adopted as attachments to Ordinance 11653:

Appendix A: 1994 Zoning Atlas, dated November 1994, as amended December 19, 1994.

Appendix B: Amendments to Bear Creek Community Plan P-Suffix Conditions.

Appendix C: Amendments to Federal Way Community Plan P-Suffix Conditions.

Appendix D: Amendments to Northshore Community Plan P-Suffix Conditions.

Appendix E: Amendments to Highline Community Plan P-Suffix Conditions.

Appendix F: Amendments to Soos Creek Community Plan P-Suffix Conditions.

Appendix G: Amendments to Vashon Community Plan P-Suffix Conditions.

628           Appendix H: Amendments to East Sammamish Community Plan P-Suffix  
629   Conditions.

630           Appendix I: Amendments to Snoqualmie Valley Community Plan P-Suffix  
631   Conditions.

632           Appendix J: Amendments to Newcastle Community Plan P-Suffix Conditions.

633           Appendix K: Amendments to Tahoma/Raven Heights Community Plan P-Suffix  
634   Conditions.

635           Appendix L: Amendments to Enumclaw Community Plan P-Suffix Conditions.

636           Appendix M: Amendments to West Hill Community Plan P-Suffix Conditions.

637           Appendix N: Amendments to Resource Lands Community Plan P-Suffix  
638   Conditions.

639           Appendix O: 1994 Parcel List, as amended December 19, 1994.

640           Appendix P: Amendments considered by the council January 9, 1995.

641           B. Area zoning adopted by Ordinance 11653, including potential zoning, is  
642   contained in Appendices A and O. Amendments to area-wide P-suffix conditions  
643   adopted as part of community plan area zoning are contained in Appendices B through N.  
644   Existing P-suffix conditions whether adopted through reclassifications or community  
645   plan area zoning are retained by Ordinance 11653 except as amended in Appendices B  
646   through N.

647           C. The department is hereby directed to correct the official zoning map in  
648   accordance with Appendices A through P of Ordinance 11653.

649           D. The 1995 area zoning amendments attached to Ordinance 12061 in Appendix  
650   A are adopted as the official zoning control for those portions of unincorporated King

County defined therein.

E. Amendments to the 1994 King County Comprehensive Plan area zoning, Ordinance 11653 Appendices A through P, as contained in Attachment A to Ordinance 12170 are hereby adopted to comply with the Decision and Order of the Central Puget Sound Growth Management Hearings Board in Vashon-Maury Island, et. al. v. King County, Case No. 95-3-0008.

F. The Vashon Area Zoning adopted in Ordinance 12824, as amended, including as amended by Ordinance 17842 and Ordinance 18427, is adopted as the official zoning control for that portion of unincorporated King County defined therein.

G. The 1996 area zoning amendments attached to Ordinance 12531 in Appendix A are adopted as the official zoning control for those portions of unincorporated King County defined therein. Existing p-suffix conditions whether adopted through reclassifications or area zoning are retained by Ordinance 12531.

H. The Black Diamond Urban Growth Area Zoning Map attached to Ordinance 12533 as Appendix B is adopted as the official zoning control for those portions of unincorporated King County defined therein. Existing p-suffix conditions whether adopted through reclassifications or area zoning are retained by Ordinance 12533.

I. The King County Zoning Atlas is amended to include the area shown in Appendix B as UR - Urban Reserve, one DU per 5 acres. Existing p-suffix conditions whether adopted through reclassifications or area zoning are retained by Ordinance 12535. The language from Ordinance 12535, Section 1.D., shall be placed on the King County Zoning Atlas page #32 with a reference marker on the area affected by Ordinance 12535.

674 J. The Northshore Community Plan Area Zoning is amended to add the Suffix "-  
675 DPA, Demonstration Project Area", to the properties identified on Map A attached to  
676 Ordinance 12627.

677 K. The special district overlays, as designated on the map attached to Ordinance  
678 12809 in Appendix A, are hereby adopted pursuant to K.C.C. 21A.38.020 and  
679 21A.38.040.

680 L. The White Center Community Plan Area Zoning, as revised in the  
681 Attachments to Ordinance 11568, is the official zoning for those portions of White Center  
682 in unincorporated King ((e))County defined herein.

683 M. Ordinance 12824 completes the zoning conversion process begun in  
684 Ordinance 11653, as set forth in K.C.C. 21A.01.070, by retaining, repealing, replacing or  
685 amending previously adopted p-suffix conditions or property-specific development  
686 standards pursuant to K.C.C. 21A.38.020 and K.C.C. 21A.38.030 as follows:

687 1. Resolutions 31072, 32219, 33877, 33999, 34493, 34639, 35137, and 37156  
688 adopting individual zone reclassifications are hereby repealed and p-suffix conditions are  
689 replaced by the property specific development standards as set forth in Appendix A to  
690 Ordinance 12824;

691 2. All ordinances adopting individual zone reclassifications effective ((prior to))  
692 before February 2, 1995, including but not limited to Ordinances 43, 118, 148, 255, 633,  
693 1483, 1543, 1582, 1584, 1728, 1788, 2487, 2508, 2548, 2608, 2677, 2701, 2703, 2765,  
694 2781, 2840, 2884, 2940, 2958, 2965, 2997, 3239, 3262, 3313, 3360, 3424, 3494, 3496,  
695 3501, 3557, 3561, 3641, 3643, 3744, 3779, 3901, 3905, 3953, 3988, 4008, 4043, 4051,  
696 4053, 4082, 4094, 4137, 4289, 4290, 4418, 4560, 4589, 4703, 4706, 4764, 4767, 4867,

4812, 4885, 4888, 4890, 4915, 4933, 4956, 4970, 4978, 5087, 5114, 5144, 5148, 5171,  
5184, 5242, 5346, 5353, 5378, 5453, 5663, 5664, 5689, 5744, 5752, 5755, 5765, 5854,  
5984, 5985, 5986, 6059, 6074, 6113, 6151, 6275, 6468, 6497, 6618, 6671, 6698, 6832,  
6885, 6916, 6966, 6993, 7008, 7087, 7115, 7207, 7328, 7375, 7382, 7396, 7583, 7653,  
7677, 7694, 7705, 7757, 7758, 7821, 7831, 7868, 7944, 7972, 8158, 8307, 8361, 8375,  
8427, 8452, 8465, 8571, 8573, 8603, 8718, 8733, 8786, 8796, 8825, 8858, 8863, 8865,  
8866, 9030, 9095, 9189, 9276, 9295, 9476, 9622, 9656, 9823, 9991, 10033, 10194,  
10287, 10419, 10598, 10668, 10781, 10813, 10970, 11024, 11025, 11271((;)) and 11651,  
are hereby repealed and p-suffix conditions are replaced by the property specific  
development standards as set forth in Appendix A to Ordinance 12824;

3. All ordinances establishing individual reclassifications effective after  
February 2, 1995, are hereby amended, as set forth in Appendix C to Ordinance 12824, to  
retain, repeal or amend the property specific development standards (p-suffix conditions)  
contained therein;

4. All ordinances adopting area zoning pursuant to Resolution 25789 or  
converted by Ordinance 11653 are repealed as set forth in subsection M.4.a. through n. of  
this section. All p-suffix conditions contained therein are repealed or replaced by  
adopting the property specific development standards as set forth in Appendix A to  
Ordinance 12824, the special district overlays as designated in Appendix B to Ordinance  
12824 or the special requirements as designated in Appendix A to Ordinance 12822.

a. The Highline Area Zoning attached to Ordinance 3530, as amended, is  
hereby repealed.

b. The Shoreline Community Plan Area Zoning, attached to Ordinance 5080 as



Appendix B, as amended, is hereby repealed.

c. The Newcastle Community Plan Area Zoning, attached to Ordinance 6422 as Appendix B, as amended is hereby repealed.

d. The Tahoma/Raven Heights Community Plan Area Zoning, attached to Ordinance 6986 as Appendix B, as amended, is hereby repealed.

e. The Revised Federal Way area zoning, adopted by Ordinance 7746, as amended, is hereby repealed.

f. The Revised Vashon Community Plan Area Zoning, attached to Ordinance 7837 as Appendix B, as amended, is hereby repealed.

g. The Bear Creek Community Plan Area Zoning, attached to Ordinance 8846 as Appendix B, as amended, is hereby repealed.

h. The Resource Lands Area Zoning, adopted by Ordinance 8848, as amended, is hereby repealed.

i. The Snoqualmie Valley Community Plan Area Zoning, as adopted by Ordinance 9118, is hereby repealed.

j. The Enumclaw Community Plan Area Zoning attached to Ordinance 9499, as amended, is hereby repealed.

k. The Soos Creek Community Plan Update Area Zoning, adopted by Ordinance 10197, Appendix B, as amended, is hereby repealed.

l. The Northshore Area Zoning adopted by Ordinance 10703 as Appendices B and E, as amended, is hereby repealed.

m. The East Sammamish Community Plan Update Area Zoning, as revised in Appendix B attached to Ordinance 10847, as amended, is hereby repealed.

n. The West Hill Community Plan Area Zoning adopted in Ordinance  
((~~HHH6~~)) 11166, as amended, is hereby repealed; and

5. All ordinances adopting area zoning pursuant to Title 21A and not converted  
by Ordinance 11653, including community or ((~~e~~))Comprehensive ((~~p~~))Plan area zoning  
and all subsequent amendments thereto, are amended as set forth in subsection M.5.a.  
through f. of this section All property specific development standards (p-suffix  
conditions) are retained, repealed, amended or replaced by the property specific  
development standards as set forth in Appendix A to Ordinance 12824, the special district  
overlays as designated in Appendix B to Ordinance 12824 or the special requirements as  
designated in Appendix A to Ordinance 12822.

a. The White Center Community Plan Area Zoning, contained in the  
Attachments to Ordinance 11568, as subsequently amended, is hereby further amended as  
set forth in Appendix D to Ordinance 12824.

b. All property specific development standards established in Ordinance  
11653, as amended, are hereby amended as set forth in Appendix E to Ordinance 12824.

c. All property specific development standards established in Attachment A to  
Ordinance 11747, as amended, are hereby amended as set forth in Appendix F.

d. All property specific development standards established in Ordinance  
12061, as amended, are hereby amended as set forth in Appendix G to Ordinance 12824.

e. All property specific development standards established in Ordinance  
12065, as amended, are hereby amended as set forth in K.C.C. 20.12.170.

f. All property specific development standards established in Attachment A to  
Ordinance 12170, as amended, are hereby amended as set forth in Appendix H.

766           SECTION 7. Ordinance 11166, Section 2, as amended, and K.C.C. 20.12.337 are  
767 hereby amended to read as follows:

768           ~~((A.))~~ The West Hill Community Plan, a bound and published document, as  
769 revised in the Attachments to Ordinance 11166, as supplemented by the Skyway-West Hill  
770 Land Use Strategy, Phase 1 of the Skyway-West Hill Subarea Plan, dated March 2020, is  
771 adopted as an ~~((amplification and augmentation))~~ element of the King County  
772 Comprehensive Plan ~~((for King County))~~ and, as such, constitutes official county policy for  
773 the geographic area of unincorporated King County defined ~~((therein))~~ in the plan and  
774 strategy. In the case of conflict between the West Hill Community Plan and the Skyway-  
775 West Hill Land Use Strategy, Phase 1 of the Skyway-West Hill Subarea Plan, the Skyway-  
776 West Hill Land Use Strategy, Phase 1 of the Skyway-West Hill Subarea Plan, controls.

777           SECTION 8. Ordinance 13147, Section 19, as amended, and K.C.C. 20.18.030  
778 are hereby amended to read as follows:

779           A. The King County Comprehensive Plan shall be amended in accordance with  
780 this chapter, which, in compliance with RCW 36.70A.130(2), establishes a public  
781 participation program whereby amendments are considered by the council no more  
782 frequently than once a year as part of the update ~~((cycle))~~ schedule established in this  
783 chapter, except that the council may consider amendments more frequently to address:

- 784           1. Emergencies;
- 785           2. An appeal of the plan filed with the Central Puget Sound Growth Management  
786 Hearings Board or with the court;
- 787           3. The initial adoption of a subarea plan, which may amend the urban growth area  
788 boundary only to redesignate land within a joint planning area;

789           4. An amendment of the capital facilities element of the Comprehensive Plan that  
790 occurs in conjunction with the adoption of the county budget under K.C.C. 4A.100.010; or

791           5. The adoption or amendment of a shoreline master program under chapter 90.58  
792 RCW.

793           B. Every year the Comprehensive Plan may be ((amended)) updated to address  
794 technical updates and corrections, to adopt community service area subarea plans and to  
795 consider amendments that do not require substantive changes to policy language or do not  
796 require changes to the urban growth area boundary, except as permitted in subsection B.9.  
797 and 11. of this section. The review may be referred to as the annual update. The  
798 Comprehensive Plan, including subarea plans, may be amended in the annual update only  
799 to consider the following:

800           1. Technical amendments to policy, text, maps or shoreline environment  
801 designations;

802           2. The annual capital improvement plan;

803           3. The transportation needs report;

804           4. School capital facility plans;

805           5. Changes required by existing Comprehensive Plan policies;

806           6. Changes to the technical appendices and any amendments required thereby;

807           7. Comprehensive updates of subarea plans initiated by motion;

808           8. Changes required by amendments to the Countywide Planning Policies or state  
809 law;

810           9. Redesignation proposals under the four-to-one program as provided for in this  
811 chapter;

812           10. Amendments necessary for the conservation of threatened and endangered  
813 species;

814           11. Site-specific land use map amendments that do not require substantive change  
815 to Comprehensive Plan policy language and that do not alter the urban growth area  
816 boundary, except to correct mapping errors;

817           12. Amendments resulting from subarea studies required by Comprehensive Plan  
818 policy that do not require substantive change to Comprehensive Plan policy language and  
819 that do not alter the urban growth area boundary, except to correct mapping errors;

820           13. Changes required to implement a study regarding the provision of wastewater  
821 services to a Rural Town. The amendments shall be limited to policy amendments and  
822 adjustment to the boundaries of the Rural Town as needed to implement the preferred  
823 option identified in the study;

824           14. Adoption of community service area subarea plans;

825           15. Amendments to the Comprehensive Plan update schedule that respond to  
826 adopted ordinances and improve alignment with the timing requirements in the Washington  
827 state Growth Management Act, ((RCW)) chapter 36.70A RCW ("the GMA"), and  
828 alignment with multicounty and countywide planning activities; or

829           16. Amendments to the Comprehensive Plan Workplan(~~((, only as part of the 2018~~  
830 ~~subarea planning restructure adopted by this ordinance))~~ to change deadlines.

831           C. Every eighth year beginning in ((2023)) 2024, the county shall complete a  
832 comprehensive review of the Comprehensive Plan in order to update it as appropriate and  
833 to ensure continued compliance with the GMA. This review may provide for a cumulative  
834 analysis of the twenty-year plan based upon official population growth forecasts,

835 benchmarks and other relevant data in order to consider substantive changes to ~~((policy~~  
836 ~~language))~~ the Comprehensive Plan and changes to the urban growth area boundary. The  
837 comprehensive review shall begin one year in advance of the transmittal and may be  
838 referred to as the eight-year update. The urban growth area boundaries shall be reviewed in  
839 the context of the eight-year update and in accordance with countywide planning policy G-  
840 1 and RCW 36.70A.130.

841 D.1. ~~((If there is a scope of work adopted by motion to perform))~~ At the midpoint  
842 of the eight-year update process, a limited update to the Comprehensive Plan to address  
843 time-sensitive issues ~~((prior to))~~ before the next eight-year update, may be authorized by  
844 motion. The update may be referred to as the midpoint update. The midpoint update may  
845 include those substantive changes to the Comprehensive Plan and amendments to the urban  
846 growth area boundary ~~((may also be considered at the midpoint of the eight-year update~~  
847 ~~cycle. This update can include substantive changes and amendments as authorized by~~  
848 ~~motion may be referred to as the midpoint update))~~ that are identified in the scope of work.  
849 The midpoint update may also include additions or amendments to the Comprehensive Plan  
850 Workplan related to a topic identified in the scope of work.

851 2. The motion shall specify the scope of the midpoint update, and identify that the  
852 resources necessary to accomplish the work are available. A fiscal note for the scope of the  
853 midpoint update shall be provided to the council by the executive within fifteen business  
854 days of introduction of the proposed motion. If the executive determines an additional  
855 appropriation is necessary to complete the midpoint update, the executive may transmit an  
856 ordinance requesting the additional appropriation.

857 3. If the executive proposes a midpoint update, the executive shall transmit to the

council by the last business day in June two years before the midpoint year of the eight-year update (~~((eyele))~~) schedule a proposed motion specifying the scope of work for the midpoint update. The council shall have until September 15 of that year, to adopt a motion specifying the scope of work initiating a midpoint update, either as transmitted or amended, or as introduced or amended. If the motion is approved by September 15, the scope shall proceed as established by the approved motion. In the absence of council approval by September 15, the executive shall proceed to implement the scope as transmitted. If such a motion is adopted, the executive shall transmit a midpoint update by the last business day of June of the following year after adoption of the motion. The council shall have until June 30 of the following year after transmittal to adopt a midpoint update.

4. Before initiation of the first eight-year update in (~~((2023))~~) 2024, substantive changes to the Comprehensive Plan and amendments to the urban growth area boundary may be considered. The amendments shall be considered in the 2020 Comprehensive Plan update and shall be subject to the midpoint update process and requirements. The executive shall transmit to the council by the first business day of January 2019 a proposed motion specifying the scope of work for the proposed (~~((amendments))~~) update consistent with K.C.C. 20.18.030.D.1. The council shall have until the last business day of February 2019, to adopt the motion, either as transmitted or amended. In the absence of council approval by the last business day of February 2019, the executive shall proceed to implement the scope as proposed. If the motion is approved the last business day of February 2019, the scope shall proceed as established by the approved motion. The executive shall transmit to the council any proposed amendments for the 2020 Comprehensive Plan update the by the last business day of September 2019. The council

shall have until the last business day of ~~((June))~~ July 2020 to adopt the 2020 Comprehensive Plan update.

E. The executive shall seek public comment on the Comprehensive Plan and any proposed Comprehensive Plan ~~((amendments))~~ update in accordance with the procedures in K.C.C. 20.18.160 before making a recommendation, which shall include publishing a public review draft of the proposed Comprehensive Plan ~~((amendments))~~ update, in addition to conducting the public review and comment procedures required by SEPA. The public shall be afforded at least one official opportunity to record public comment before the transmittal of a recommendation by the executive to the council. County-sponsored councils and commissions may submit written position statements that shall be considered by the executive before transmittal and by the council before adoption, if they are received in a timely manner. The executive's recommendations for changes to policies, text and maps shall include the elements listed in Comprehensive Plan policy I-207 and analysis of their financial costs and public benefits, any of which may be included in environmental review documents. Proposed amendments to the Comprehensive Plan shall be accompanied by any development regulations or amendments to development regulations, including area zoning, necessary to implement the proposed amendments.

SECTION 9. Ordinance 13147, Section 20, as amended, and K.C.C. 20.18.040 are hereby amended to read as follows:

A. Site-specific land use map or shoreline master program map amendments may be considered during the annual update, midpoint update or eight-year update, depending on the degree of change proposed.

B. ~~((The following categories of s))~~Site-specific land use map ~~((amendments))~~ or



shoreline master program map amendments that do not require substantive changes to Comprehensive Plan policy language and that do not alter the urban growth area boundary, except to correct mapping errors, may be initiated by either the county or a property owner for consideration in the annual update((:

~~1. Amendments that do not require substantive change to Comprehensive Plan policy language and that do not alter the urban growth area boundary, except to correct mapping errors; and~~

~~2. Four to one proposals)).~~

C. The following categories of site-specific land use map and shoreline master program amendments may be initiated by either the county or a property owner for consideration in the eight-year update or midpoint update:

1. Amendments that could be considered in the annual update;

2. Amendments that require substantive change to Comprehensive Plan policy language; and

3. Amendments to the urban growth area boundary.

SECTION 10. Ordinance 13147, Section 21, as amended, and K.C.C. 20.18.050 are hereby amended to read as follows:

A. Site-specific land use map and shoreline master program map amendments are legislative actions that may be initiated by property owner application, by council motion or by executive proposal. All site-specific land use map and shoreline master program map amendments must be evaluated by the hearing examiner before adoption by the council in accordance with this chapter.

1. If initiated by council motion, the motion shall refer the proposed site-specific

land use map or shoreline master program map amendment to the department of local services, permitting division, review for preparation of a recommendation to the hearing examiner. The motion shall also identify the resources and the work program required to provide the same level of review accorded to applicant-initiated amendments. An analysis of the motion's fiscal impact shall be provided to the council before adoption. If the executive determines that additional funds are necessary to complete the work program, the executive may transmit an ordinance requesting the appropriation of supplemental funds.

2. If initiated by executive proposal, the proposal shall refer the proposed site-specific land use map or shoreline master program map amendment to the department of local services, permitting division, for preparation of a recommendation to the hearing examiner.

3. If initiated by property owner application, the property owner shall submit a docket request for a site-specific land use map (~~(amendment)~~) or shoreline master program map amendment to the department of local services, permitting division, for preparation of a recommendation to the hearing examiner.

B. A shoreline redesignation initiated by an applicant must include the following information in addition to the requirements in this section:

1. Applicant information, including signature, telephone number and address;
2. The applicant's interest in the property, such as owner, buyer or consultant; and
3. Property owner concurrence, including signature, telephone number and address.

C. All proposed site-specific land use map or shoreline master program map amendments, whether initiated by property owner application, by council motion or by

executive proposal shall include the following:

1. Name and address of the owner or owners of record;
2. Description of the proposed amendment;
3. Property description, including parcel number, property street address and nearest cross street;
4. County assessor's map outlining the subject property; and
5. Related or previous permit activity.

D. Upon initiation of a site-specific land use map or shoreline master program map amendment, an initial review conference shall be scheduled by the department of local services, permitting division. The owner or owners of record of the property shall be notified of and invited to attend the initial review conference. At the initial review conference, the department of local services, permitting division, shall review the proposed amendment's consistency with applicable county policies or regulatory enactments including specific reference to Comprehensive Plan policies, countywide planning policies and state Growth Management Act requirements. The proposed amendment will be classified in accordance with K.C.C. 20.18.040 and the classification shall be provided at the initial review conference or in writing to the owner or owners of record within thirty days after the initial review conference.

E. If a proposed site-specific land use map or shoreline master program map amendment is initiated by property owner application, the property owner shall, following the initial review conference, submit the completed application including an application fee and an environmental checklist to the department of local services, permitting division, to proceed with review of the proposed amendment.

973 F. If a proposed site-specific land use map or shoreline master program map  
974 amendment is initiated by council motion, following the initial review conference, the  
975 council shall submit an environmental checklist to the department of local services,  
976 permitting division, to proceed with review of the proposed amendment.

977 G. If a proposed site-specific land use map or shoreline master program map  
978 amendment is initiated by executive proposal, following the initial review conference, the  
979 executive shall submit an environmental checklist to the department of local services,  
980 permitting division, to proceed with review of the proposed amendment.

981 H. Following the submittal of the information required by subsection E., F. or G. of  
982 this section, the department of local services, permitting division, shall submit a report  
983 including an executive recommendation on the proposed amendment to the hearing  
984 examiner within one hundred twenty days. The department of local services, permitting  
985 division, shall provide notice of a public hearing and notice of threshold determination in  
986 accordance with K.C.C. 20.20.060.F., G. and H. The hearing will be conducted by the  
987 hearing examiner in accordance with K.C.C. 20.22.170. Following the public hearing, the  
988 hearing examiner shall prepare a report and recommendation on the proposed amendment  
989 in accordance with K.C.C. 20.22.170. A compilation of all completed reports will be  
990 considered by the council in accordance with K.C.C. 20.18.070.

991 I. A property-owner-initiated docket request for a site-specific land use map or  
992 shoreline master program map amendment may be accompanied by an application for a  
993 zone reclassification to implement the proposed amendment, in which case administrative  
994 review of the two applications shall be consolidated to the extent practical consistent with  
995 this chapter and K.C.C. chapter 20.20. The council's consideration of a site-specific land

use map or shoreline master program map amendment is a legislative decision that should be determined before and separate from its consideration of a zone reclassification, which is a quasi-judicial decision. If a zone reclassification is not proposed in conjunction with an application for a site-specific land use map or shoreline master program map amendment and the amendment is adopted, the property shall be given potential zoning. A zone reclassification in accordance with K.C.C. 20.20.020 is required in order to implement the potential zoning.

J. Site-specific land use map or shoreline master program map amendments for which a completed recommendation by the hearing examiner has been submitted to the council by January 15 will be considered concurrently with the annual ~~((amendment))~~ update to the Comprehensive Plan. Site-specific land use map or shoreline master program map amendments for which a recommendation has not been issued by the hearing examiner by January 15 shall be included in the next ~~((appropriate review cycle))~~ update following issuance of the examiner's recommendation.

K.1. An amendment to a land use designation or shoreline environment designation for a property may not be initiated unless at least three years have elapsed since council adoption or review of the current designation for the property. This time limit may be waived by the executive or the council if the proponent establishes that there exists either an obvious technical error or a change in circumstances justifying the need for the amendment.

2. A waiver by the executive shall be considered after the proponent has submitted a docket request in accordance with K.C.C. 20.18.140. The executive shall render a waiver decision within forty-five days of receiving a docket request and shall mail

a copy of this decision to the proponent.

3. A waiver by the council shall be considered by motion.

L. A shoreline master program map amendment and redesignation must meet the requirements of K.C.C. 20.18.056, 20.18.057 and 20.18.058 and the Washington state Shoreline Master Program Guidelines, chapter 173-26 WAC. A shoreline master program map amendment and redesignation must be approved by the Washington state Department of Ecology.

SECTION 11. Ordinance 114047, Section 4, and K.C.C. 20.18.055 are hereby amended to read as follows:

A. All site-specific land use map amendments, whether initiated by property owner application, by council motion, or by executive proposal, shall be reviewed based upon the requirements of Comprehensive Plan policy ((~~RP-307~~)) I-207, and must meet the following additional review standards:

1. Consistency with the policies, objectives and goals of the Comprehensive Plan, ((~~including any applicable subarea plans~~)), the countywide planning policies and the state Growth Management Act;

2. Compatibility with adjacent and nearby existing and permitted land uses; and

3. Compatibility with the surrounding development pattern.

B. Site-specific land use map amendments for which recommendations have been issued by the hearing examiner by January 15 shall be submitted to the executive and the council by the hearing examiner by January 15. The department will provide for a cumulative analysis of these recommendations and such analysis will be included in the annual March transmittal. All such amendments will be considered concurrently by the

1042 council committee charged with the review of the ((e))Comprehensive ((p))Plan.  
1043 Following this review, site-specific land use map amendments which are recommended by  
1044 this committee will be incorporated as an attachment to the adopting ordinance transmitted  
1045 by the executive for consideration by the full council. Final action by the council on these  
1046 amendments will occur concurrently with the annual ((amendment)) update to the  
1047 ((e))Comprehensive ((p))Plan.

1048 SECTION 12. Ordinance 13147, Section 22, as amended, and K.C.C. 20.18.060  
1049 are hereby amended to read as follows:

1050 A. Beginning in ((2024)) 2022, and every eighth year thereafter the executive shall  
1051 transmit to the council by the last business day of June a proposed motion specifying the  
1052 scope of work for the proposed ((amendments)) update to the Comprehensive Plan that will  
1053 occur in the following year, which motion shall include the following:

1054 1. Topical areas relating to amendments to policies, the land use map,  
1055 implementing development regulations, or any combination of those amendments that the  
1056 executive intends to consider for recommendation to the council; and

1057 2. An attachment to the motion advising the council of the work program the  
1058 executive intends to follow to accomplish ((s))State Environmental Policy Act review and  
1059 public participation.

1060 B. The council shall have until September 15 to approve the motion. In the  
1061 absence of council approval, the executive shall proceed to implement the work program as  
1062 proposed. If the motion is approved, the work program shall proceed as established by the  
1063 approved motion.

1064 C. Beginning in ((2022)) 2023 and every eighth year thereafter, the executive shall  
1065 transmit to the council by the last business day of June a proposed ordinance ((amending))  
1066 updating the Comprehensive Plan, except that the capital improvement program and the  
1067 ordinances adopting updates to the transportation needs report and the school capital  
1068 facility plans shall be transmitted no later than the biennial budget transmittal and shall be  
1069 adopted in conjunction with the budget. However, in those years when there is only a  
1070 midbiennium review of the budget, the ordinances adopting the capital improvement plan  
1071 and the school capital facility plans shall be transmitted by October 1 and adopted no later  
1072 than the midbiennium review under K.C.C. 4A.100.010. All transmittals shall be  
1073 accompanied by a public participation note, identifying the methods used by the executive  
1074 to ensure early and continuous public participation in the preparation of amendments. The  
1075 council shall have until June 30 of the following year to adopt ((the amendments)) an  
1076 update to the Comprehensive Plan, in accordance with RCW 36.70A.130.

1077 SECTION 13. Ordinance 13147, Section 23, as amended, and K.C.C. 20.18.070  
1078 are hereby amended to read as follows:

1079 A. The executive shall transmit to the council ((any proposed amendments for)) the  
1080 annual update by the last business day of June, except that the capital improvement  
1081 program and the ordinances adopting updates to the transportation needs report and the  
1082 school capital facility plans shall be transmitted no later than the biennial budget transmittal  
1083 and shall be adopted in conjunction with the budget. However, in those years when there is  
1084 only a midbiennium review of the budget, the ordinances adopting the capital improvement  
1085 plan and the school capital facility plans shall be transmitted by October 1, and adopted no  
1086 later than the midbiennium review under K.C.C. 4A.100.010.



B. All transmittals shall be accompanied by a public participation note, identifying the methods used by the executive to assure early and continuous public participation in the preparation of ~~((amendments))~~ updates.

C. Proposed amendments, including site-specific land use map amendments, that are found to require preparation of an environmental impact statement, shall be considered for inclusion in the next annual, midpoint or eight-year update following completion of the appropriate environmental documents.

SECTION 14. Ordinance 14017, Section 9, as amended, and K.C.C. 20.18.170 are hereby amended to read as follows:

A. The total area added to the urban growth area as a result of ~~((this))~~ the four-to-one program shall not exceed four thousand acres. The department shall keep a cumulative total for all parcels added under ~~((this section))~~ the program. The total shall be updated ~~((annually through the plan amendment process))~~ with any approved four-to-one proposal, and corrected as part of the next eight-year update for proposals where the applicant does not pursue development of the urban portion of the proposal in the timeframes specified in the ordinance approving the proposal.

B. ~~((Proposals shall be processed as land use amendments to the Comprehensive Plan and may be considered in the annual update, midpoint update or eight year update. 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.))~~ All proposals shall be initiated by a property owner through the docket request process under K.C.C. 20.18.140. During the docket review of a four-to-one proposal, a preapplication conference under K.C.C. 20.20.030 shall be held to complete a review of the proposal's

1110 compliance with four-to-one program goals and requirements, and evaluation of site-  
1111 specific conditions. Proposals for which the executive recommendation is supportive shall  
1112 be processed as an areawide land use and zoning map amendment to the Comprehensive  
1113 Plan and may be considered in the annual update, midpoint update or eight-year update.  
1114 For proposals where the executive recommendation is not supportive or does not include a  
1115 recommendation, the proponent may petition and the council may, by motion, direct the  
1116 executive to work with the applicant to advance the proposal forward in a future  
1117 Comprehensive Plan update. The motion shall include the timeframe for the executive to  
1118 include the proposal in a future Comprehensive Plan update.

1119 C. ~~((A))~~ For all proposals, a term conservation easement satisfactory to King  
1120 County shall be ~~((placed))~~ recorded on the open space ~~((at the time))~~ portion of the property  
1121 within twenty-one days of the effective date of the ordinance approving the four-to-one  
1122 proposal ~~((is approved by the council. Upon final plat approval, the open space shall be~~  
1123 permanently dedicated in fee simple to King County)).

1124 D. Proposals adjacent to an incorporated area or a potential annexation area~~((s))~~  
1125 shall be referred to the affected city or town and special purpose districts ~~((for))~~ to make a  
1126 recommendation~~((s))~~ to the county on whether the city or town and special purpose districts  
1127 can support the urban development proposed and whether any property-specific  
1128 development conditions are necessary. An agreement with the city or town to add the new  
1129 urban area to the city or town's potential annexation area shall be required.

1130 E. For proposals that are adjacent to an incorporated area where the adjacent city or  
1131 town agrees to annex the urban portion of the proposal:

1132 1. The ordinance approving the four-to-one proposal shall require the adoption of

an interlocal agreement between King County and the adjacent city or town within ninety days of the effective date of the ordinance. The interlocal agreement shall require that the development of the urban portion occur after annexation by the city or town, and that development be consistent with four-to-one program requirements and goals and with the property-specific development conditions adopted in the ordinance approving the four-to-one proposal; and

2. The open space shall be permanently dedicated in fee simple to King County upon annexation of the urban portion of the property to a city or town.

F. For proposals that are not adjacent to an incorporated area or proposals adjacent to an incorporated area where the adjacent city or town does not agree to annex the urban portion of the proposal:

1. The ordinance approving the four-to-one proposal shall include the timeframe for submittal of a preliminary plat application for the urban portion of the proposal;

2. The open space shall be permanently dedicated in fee simple to King County upon final plat approval; and

3. If the applicant does not pursue urban development within the timeframe specified in the ordinance that approves the four-to-one proposal, or fails to record the final plat before expiration of preliminary plat approval, the urban properties shall be restored to a Rural Area land use designation and associated zoning classification during the next midpoint or eight-year update of the Comprehensive Plan.

SECTION 15. Ordinance 14017, Section 10, as amended, and K.C.C. 20.18.180 are hereby amended to read as follows:

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

1157           A. A proposal to add land to the urban growth area under ~~((this))~~ the four-to-one  
1158 program shall meet the following criteria:

1159           1. The minimum size of the site to be considered is twenty acres. Smaller parcels  
1160 may be combined to meet the twenty-acre minimum;

1161           2. A permanent dedication to the King County open space system of four acres of  
1162 open space is required for every one acre of land added to the urban growth area. Land  
1163 added to the urban growth area for drainage facilities in support of its development that are  
1164 designed to have a natural-looking visual appearance does not require dedication of  
1165 permanent open space;

1166           ~~((2. The land shall not be zoned agriculture))~~ 3. Lands with agricultural, forest or  
1167 mineral zoning classifications are not eligible for inclusion in the four-to-one program;

1168           ~~((3.))~~ 4. The land added to the urban growth area shall:

1169           a. be physically contiguous to urban growth area as adopted in 1994, unless the  
1170 ~~((director))~~ county determines that the land directly adjacent to the urban growth area  
1171 contains critical areas that would be substantially harmed by development directly adjacent  
1172 to the urban growth area and that all other criteria can be met; and

1173           b. not be in an area where a contiguous band of public open space, parks or  
1174 watersheds already exists along the urban growth area boundary;

1175           ~~((4.))~~ 5. The land added to the urban growth area shall be able to be served by  
1176 sewers and other urban services;

1177           ~~((5.))~~ 6. All urban services shall be provided directly from the urban area and  
1178 shall not cross the open space or rural area and all infrastructure shall be located in the  
1179 urban area except as permitted in this section;

1180           7. A road serving the land added to the urban area shall not be counted as part of  
1181 the required open space and shall not, to the maximum extent feasible, cross the open space  
1182 or rural area. The county may allow roads to cross either the open space or rural area, or  
1183 both, to protect critical areas or for other ecological benefits;

1184           ~~((6. All urban facilities shall be provided directly from the urban area and shall~~  
1185 ~~not cross the open space or rural area and be located in the urban area except as permitted~~  
1186 ~~in subsection E of this section;~~

1187           ~~7.))~~ 8. Urban development under this section shall be limited to residential  
1188 development and shall be at a minimum density of four dwelling units per acre;

1189           9. Open space areas shall ~~((retain a rural designation))~~ be given a land use  
1190 designation and zoning classification consistent with the intended use;

1191           ~~((8.))~~ 10. The open space shall primarily be on-site and shall buffer the  
1192 surrounding rural area or natural resource lands from the new urban development. The  
1193 ~~((minimum depth of the))~~ open space ~~((buffer shall be one half of the property width,~~  
1194 ~~unless the director determines that a smaller buffer of no less than two hundred feet is~~  
1195 ~~warranted due to the topography and critical areas on the site,))~~ shall ~~((generally)), to the~~  
1196 maximum extent possible, parallel the urban growth area boundary and shall be configured  
1197 in such a way as to connect with open space on adjacent properties;

1198           ~~((9. The minimum size of the property to be considered is twenty acres. Smaller~~  
1199 ~~parcels may be combined to meet the twenty-acre minimum;~~

1200           ~~10. Urban development under this section shall be limited to residential~~  
1201 ~~development and shall be at a minimum density of four dwelling units per acre;))~~ and

1202           11. The land to be retained in open space ~~((is not needed))~~ shall not be used for

1203 any facilities necessary to support the urban development~~((; and))~~.

1204 B. ~~((A))~~ For a proposal that adds two hundred acres or more to the urban growth  
1205 area ~~((shall also meet the following criteria))~~:

1206 1. The proposal shall include a mix of housing types including thirty percent  
1207 below-market-rate units affordable to low, moderate and median income households; and

1208 2. In a proposal in which the thirty-percent requirement in subsection B.1. of this  
1209 section is exceeded, the required open space dedication shall be reduced to three and one-  
1210 half acres of open space for every one acre added to the urban growth area~~((;))~~.

1211 C. A proposal that adds less than two hundred acres to the urban growth area and  
1212 that meets the affordable housing criteria in subsection B.1. of this section shall be subject  
1213 to a reduced open space dedication requirement of three and one-half acres of open space  
1214 for every one acre added to the urban growth area~~((;))~~.

1215 D. ~~((Requests for redesignation shall be evaluated to determine those that are the~~  
1216 ~~highest quality, including, but not limited to, consideration of the following))~~ The county  
1217 may approve a reduced open space dedication requirement if the open space portion of the  
1218 proposal includes the protection of a property that is eligible as a high conservation value  
1219 property in accordance with Section 897 of the King County Charter.

1220 E. The county shall consider the following when determining whether to support  
1221 the open space dedication proposed as part of a four-to-one proposal:

1222 1. Preservation of fish and wildlife habitat, including wildlife habitat networks,  
1223 and habitat for endangered and threatened species;

1224 2. Provision of regional open space connections or connections to other open  
1225 space along the urban growth area boundary;

1226 3. Protection of wetlands, stream corridors, ground water and water bodies;  
1227 4. Preservation of unique natural, biological, cultural, historical or archeological  
1228 resources; and  
1229 5. ~~((The size of open space dedication and connection to other open space~~  
1230 ~~dedications along the urban growth area boundary; and~~  
1231 6. ~~The ability to provide extensions of urban services to the redesignated urban~~  
1232 ~~areas;)) Size and configuration of the open space improves the county's ability to~~  
1233 efficiently manage the property or the regional open space system.  
1234 ~~((E:))~~ F. The open space acquired through this program shall be preserved  
1235 primarily as natural areas, passive recreation sites or ~~((resource))~~ lands for farming and  
1236 forestry. The following additional uses may be allowed only if located on a small portion  
1237 of the open space and provided that these uses are found to be compatible with the site's  
1238 natural open space values and functions:  
1239 1. Trails;  
1240 2. Compensatory mitigation of wetland losses on the urban designated portion of  
1241 the ~~((project))~~ proposal, consistent with the King County Comprehensive Plan and K.C.C.  
1242 chapter 21A.24; and  
1243 3. Active recreation uses not to exceed five percent of the total open space area.  
1244 The support services and facilities for the active recreation uses may locate within the  
1245 active recreation area only, and shall not exceed five percent of the total acreage of the  
1246 active recreation area. The entire open space area, including any active recreation site, is a  
1247 regional resource. It shall not be used to satisfy the on-site active recreation space  
1248 requirements in K.C.C. 21A.14.180 for the urban portion of the four-to-one property.

1249           SECTION 16. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020

1250 are hereby amended to read as follows:

1251           A. Land use permit decisions are classified into four types, based on who makes  
1252 the decision, whether public notice is required, whether a public hearing is required before  
1253 a decision is made and whether administrative appeals are provided. The types of land use  
1254 decisions are listed in subsection E. of this section.

1255           1. Type 1 decisions are made by the permitting division manager or designee  
1256 ("the director") of the department of local services ("the department"). Type 1 decisions  
1257 are nonappealable administrative decisions.

1258           2. Type 2 decisions are made by the director. Type 2 decisions are discretionary  
1259 decisions that are subject to administrative appeal.

1260           3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner  
1261 following an open record hearing. Type 3 decisions may be appealed to the county council,  
1262 based on the record established by the hearing examiner.

1263           4. Type 4 decisions are quasi-judicial decisions made by the council based on the  
1264 record established by the hearing examiner.

1265           B. Except as provided in K.C.C. 20.44.120A.7. and 25.32.080 or unless otherwise  
1266 agreed to by the applicant, all Type 2, 3 and 4 decisions included in consolidated permit  
1267 applications that would require more than one type of land use decision process may be  
1268 processed and decided together, including any administrative appeals, using the highest-  
1269 numbered land use decision type applicable to the project application.

1270           C. Certain development proposals are subject to additional procedural requirements  
1271 beyond the standard procedures established in this chapter.



1272 D. Land use permits that are categorically exempt from review under SEPA do not  
 1273 require a threshold determination (determination of nonsignificance ["DNS"] or  
 1274 determination of significance ["DS"]). For all other projects, the SEPA review procedures  
 1275 in K.C.C. chapter 20.44 are supplemental to the procedures in this chapter.

1276 E. Land use decision types are classified as follow:

TYPE 1	(Decision by director, no administrative appeal)	Temporary use permit for a homeless encampment under K.C.C. 21A.45.010, 21A.45.020, 21A.45.030, 21A.45.040, 24A.45.050, 21A.45.060, 21A.45.070, 21A.45.080 and 21A.45.090; building permit, site development permit, or clearing and grading permit that is not subject to SEPA, that is categorically exempt from SEPA as provided in K.C.C. 20.20.040, or for which the department has issued a determination of nonsignificance or mitigated determination of nonsignificance; boundary line adjustment; right of way; variance from K.C.C. chapter 9.04; shoreline exemption; decisions to require studies or to approve, condition or deny a development proposal based on K.C.C. chapter 21A.24, except for decisions to approve, condition or deny alteration exceptions; approval of a conversion-option harvest plan; a binding site plan for a condominium that is based on a recorded final
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		planned unit development, a building permit, an as-built site plan for developed sites, a site development permit for the entire site; approvals for agricultural activities and agricultural support services authorized under K.C.C. 21A.42.300; final short plat; final plat.
TYPE 2 <sup>1,2</sup>	(Decision by director appealable to hearing examiner, no further administrative appeal)	Short plat; short plat revision; short plat alteration; zoning variance; conditional use permit; temporary use permit under K.C.C. chapter 21A.32; temporary use permit for a homeless encampment under K.C.C. 21A.45.100; shoreline substantial development permit <sup>3</sup> ; building permit, site development permit or clearing and grading permit for which the department has issued a determination of significance; reuse of public schools; reasonable use exceptions under K.C.C. 21A.24.070.B; preliminary determinations under K.C.C. 20.20.030.B; decisions to approve, condition or deny alteration exceptions under K.C.C. chapter 21A.24; extractive operations under K.C.C. 21A.22.050; binding site plan; waivers from the moratorium provisions of K.C.C. 16.82.140 based upon a finding of special circumstances; <u>sea level rise risk area variance adopted in K.C.C. chapter 21A.xx (the new chapter established by section 64 of this</u>

		<u>ordinance</u> ).
TYPE 3 <sup>1</sup>	(Recommendation by director, hearing and decision by hearing examiner, appealable to county council on the record)	Preliminary plat; plat alterations; preliminary plat revisions.
TYPE 4 <sup>1,4</sup>	(Recommendation by director, hearing and recommendation by hearing examiner decision by county council on the record)	Zone reclassifications; shoreline environment redesignation; urban planned development; special use; amendment or deletion of P suffix conditions; plat vacations; short plat vacations; deletion of special district overlay.

1277 <sup>1</sup> See K.C.C. 20.44.120.C. for provisions governing procedural and substantive SEPA  
1278 appeals and appeals of Type 3 and 4 decisions to the council.

1279 <sup>2</sup> When an application for a Type 2 decision is combined with other permits requiring  
1280 Type 3 or 4 land use decisions under this chapter, the examiner, not the director, makes  
1281 the decision.

1282 <sup>3</sup> A shoreline permit, including a shoreline variance or conditional use, is appealable to  
1283 the state Shorelines Hearings Board and not to the hearing examiner.

1284 <sup>4</sup> Approvals that are consistent with the Comprehensive Plan may be considered by the  
1285 council at any time. Zone reclassifications that are not consistent with the

1286 Comprehensive Plan require a site-specific land use map amendment and the council's  
1287 hearing and consideration shall be scheduled with the amendment to the Comprehensive  
1288 Plan under K.C.C. 20.18.040 and 20.18.060.

1289 F. The definitions in K.C.C. 21A.45.020 apply to this section.

1290 SECTION 17. Ordinance 13147, Section 34, as amended, and K.C.C. 20.22.170  
1291 are hereby amended to read as follows:

1292 A. Upon initiation of a site-specific land use map amendment to the  
1293 Comprehensive Plan under K.C.C. 20.18.050, the examiner shall conduct a public hearing  
1294 to consider the department's written recommendation and to take testimony and receive  
1295 additional evidence relating to the proposed amendment. The examiner may consolidate  
1296 hearings in accordance with K.C.C. 20.22.110 to the extent practicable. No later than thirty  
1297 days after closing the public hearing on the site-specific land use map amendment, the  
1298 examiner shall prepare a recommendation that contains written findings and conclusions  
1299 regarding whether:

1300 1. Under K.C.C. 20.18.040, a proposed site-specific land use map amendment  
1301 may be considered as part of ~~((an))~~ the annual ((review cycle)) update; and

1302 2. A site-specific land use map amendment is consistent with the applicable  
1303 review criteria.

1304 B. The office of the hearing examiner shall compile the written recommendations  
1305 on all site-specific land use map amendments made in a year into a single report. The  
1306 report shall be filed by January 15 in the form of a paper original and an electronic copy  
1307 with the clerk of the council, who shall retain the original and provide an electronic copy to  
1308 all councilmembers, the council chief of staff and the lead staff for the ~~((transportation,~~

1309 ~~economy and environment~~) council committee ~~((or its successor))~~ charged with the review  
1310 of the Comprehensive Plan.

1311 SECTION 18. Ordinance 10870, Section 5, as amended, and K.C.C. 21A.01.070  
1312 are hereby amended to read as follows:

1313 A. The council directs the department to prepare proposed new zoning maps  
1314 applying the 1993 King County Zoning Code and transmit within ten months of June 28,  
1315 1993, for council review and adoption.

1316 B. The department shall use the table in subsection C. of this section and the  
1317 guidelines of this section in preparing an ordinance or ordinances to convert each area  
1318 zoning document to the 1993 Zoning Code, with modifications appropriate to be consistent  
1319 with the ~~((e))~~Comprehensive ~~((p))~~Plan land use map and policies, so as to implement the  
1320 ~~((e))~~Comprehensive ~~((p))~~Plan and convert old outright and potential ~~((zone designations))~~  
1321 zoning classifications to new ones in a consistent manner. ~~((The provisions of t))~~This  
1322 section also shall apply to conversion of the resource lands area zoning adopted pursuant to  
1323 K.C.C. 20.12.390.

1324 C. Conversion table. The following conversion table and criteria contained therein  
1325 shall be used by the department in converting the zoning maps adopted pursuant to  
1326 Resolution 25789 to the 1993 Zoning Code:

<b>RESOLUTION</b> <b>25789 ZONING</b> <b>MAP</b> <b>SYMBOLS</b>	<b>1993 ZONING</b> <b>CODE</b> <b>MAP</b> <b>SYMBOLS</b>	<b>ADDITIONAL CRITERIA</b>
F	F	In Forest Production or Rural Areas

FR	F or RA	Use zone most consistent with the ((e))Comprehensive ((p))Plan
A, A-10	A-10	In Agricultural or Rural Areas
A-35	A-35 or A-60	Use zone most consistent with the ((e))Comprehensive ((p))Plan
Q-M	M	Designated Mining Sites
AR-2.5	RA-2.5	In Rural Areas
AR-5	RA-5	Use zone most consistent with the
AR-10	RA-10 or RA-20	((e))Comprehensive ((p))Plan
GR-5, GR-2.5,	UR	Only in designated urban areas
G-5	RA	In areas not designated urban
G	R-1	Only in designated urban areas
	RA	In areas not designated urban
SE, S-C	R-1	Only in designated urban areas or Rural Towns
SR/RS15000,SR/ RS 9600	R-4	Only in designated urban areas or Rural Towns
SR7200, RS7200	R-6	Only in designated urban areas or Rural Towns
SR5000, RS5000	R-8	Only in designated urban areas or Rural Towns

RMHP	R-4 through R-48	Use zone closest to zoning on adjacent property or midrange if adjacent zones vary
RD3600, RT3600	R-12	
RM2400, RT2400	R-18	
RT, RM1800, RT1800	R-24	
RM900	O or R-48	Apply zoning closest to <del>((e))</del> Comprehensive <del>((p))</del> Plan land use designations
RM 900 P	O or R-48	According to P-suffix limitations allowing only office or residential uses
B-N, BR-N  B-C, BR-C  C-G  M-L, M-P, M-H	NB or RB  CB or RB  RB  I	For all business zones, use zone most consistent with the <del>((e))</del> Comprehensive <del>((p))</del> Plan land use designation and actual scale of business area

1327 D. Unclassified Use Permit Mining Operations. In addition to the conversions  
1328 set out in the table in subsection C. of this section, all sites legally operating pursuant to  
1329 an unclassified use permit for mining operations shall be zoned M (Mineral).

1330 E. Resolution of map conflicts. In cases of ambiguity or conflict between a  
1331 community or ((e))Comprehensive ((p))Plan ((map)) land use designation and the  
1332 ((zone)) zoning classification applied under the old code, the department shall use the  
1333 following guidelines and procedures in recommending new zones:

1334 1. As a general rule, the outright or potential zoning ((designation))  
1335 classification applied shall be that which is consistent with the 1994 King County  
1336 Comprehensive Plan; adopted community plans, where they do not conflict, may be used  
1337 to provide additional guidance;

1338 2. If the application of the guidelines in this subsection leads the department to  
1339 propose applying an outright or potential ((zone)) zoning classification from the 1993  
1340 Zoning Code that is not functionally equivalent to a classification from the old code as  
1341 defined in the table in subsection C. of this section, the department shall notify the owner  
1342 of the property proposed for reclassification no later than the council introduction date of  
1343 the ordinance amending said property, and the property owner may request a change in  
1344 the area zoning in a manner consistent with the procedures used for council review of a  
1345 community plan and area zoning.

1346 F. Area-wide P-suffix development conditions. The department shall review all  
1347 area-wide P-suffix conditions applied through zoning adopted pursuant to Resolution  
1348 25789, and recommend legislation removing all such conditions which conflict with the  
1349 ((e))Comprehensive ((p))Plan or have been replaced adequately by standards adopted in  
1350 the 1993 zoning code. If P-suffix conditions implement policies in the  
1351 ((e))Comprehensive ((p))Plan, then regulations shall be developed by the end of 1995 and  
1352 the P-suffix conditions shall be removed. Any P-suffix conditions which implement



policies in community plans which are not in conflict with the ~~((e))~~Comprehensive  
~~((p))~~Plan but are not adequately addressed by this code shall be carried forward intact  
until they are evaluated for replacement by general code revisions in 1995.

G. Site-specific development conditions. Approval conditions for previous zone  
reclassifications, planned unit developments, unclassified permits, and P-suffix  
conditions applied to individual properties in land use actions pursuant to Resolution  
25789, should be recommended for retention wherever they address conditions unique to  
a particular property and not addressed by the standards in the Zoning Code.

H. For area zoning documents being converted to the 1993 Zoning Code without  
amendments to their respective community plan maps and policies, only requests for  
zone changes which meet one of the following criteria shall be considered during either  
the department or council review process:

1. As provided in subsection E. of this section;
2. When an applicant can demonstrate that the department's proposal incorrectly  
implements an adopted ~~((e))~~Comprehensive ~~((p))~~Plan map designation or policy in  
converting existing zoning to a new ~~((zone))~~ zoning classification; or
3. The site is the subject of an application for a Master Planned Development or  
Urban Planned Development, and conversion to the 1993 Zoning Code is requested as  
part of such application. Rezoning of such sites during the conversion, area zoning  
otherwise shall be to Urban Reserve with the urban planned development overlay district  
as provided in K.C.C. chapter 21A.38.

I. Requests which do not meet one of the criteria of subsection H. of this section  
shall be treated as quasi-judicial reclassification requests which must be formally applied

for according to the process provided for such requests and shall be subject to the criteria in K.C.C. 20.22.150.

J. Requests for quasi-judicial reclassification that are consistent with the conversion table illustrated in subsection C. of this section and requests for quasi-judicial reclassification to the M zone, shall not be subject to the criteria in K.C.C. 20.22.150.

K. Bear Creek MPD's. The following transition provisions shall apply to the Master Plan Development applications in the Bear Creek Community Plan (BCCP).

1. An applicant may either continue to utilize the procedural provisions of the BCCP or may utilize the procedural provisions of K.C.C. chapter 21A.39.

2. If an applicant utilizes the procedural provisions of K.C.C. 21A.39, the Pre-Development Applications previously submitted for the Blakely Ridge MPD and the Northridge MPD are deemed the equivalent of and accepted as complete applications for "UPD Permits" under Chapter 21A.39 of the 1993 zoning code.

3. The substantive provisions of the BCCP Area Zoning MPD P-Suffix conditions and conditions precedent to rezoning set forth in Section 1C of the BCCP Area Zoning (page 140) shall remain in effect for purposes of considering the UPD applications, under either the BCCP or K.C.C. chapter 21A.39.

4. The applicants may elect either one base zone pursuant to K.C.C. 21A.39, or multiple zones pursuant to the Bear Creek Community Plan, applying the equivalent zone and potential ((~~zone designations~~)) zoning classifications of the 1993 zoning code.

5. The Novelty Hill Master Plan sites and urban designation adopted and delineated in the Bear Creek Community Plan and Bear Creek Area zoning shall be considered "UPD Special District Overlays" and "UPD boundary delineations" for

1399 purposes of applying K.C.C. 21A.38.020, 21A.38.070B.1. and ~~((070B-))2.~~ and K.C.C.  
1400 21A.39.020.

1401 SECTION 19. Ordinance 10870, Section 21, and K.C.C. 21A.02.110 are hereby  
1402 amended to read as follows:

1403 A. Except when such areas are specifically ~~((designated))~~ classified on the zoning  
1404 map as being classified in one of the zones provided in this title, land contained in rights-  
1405 of-way for streets or alleys, or railroads shall be considered unclassified.

1406 B. Within street or alley rights-of-way, uses shall be limited to street purposes as  
1407 defined by law.

1408 C. Within railroad rights-of-way, allowed uses shall be limited to tracks, signals or  
1409 other operating devices, movement of rolling stock, utility lines and equipment, and  
1410 ~~((facilities accessory to and used directly for the delivery and distribution of services to~~  
1411 ~~abutting property))~~ freight-rail dependent uses.

1412 D. Where such right-of-way is vacated, the vacated area shall have the ~~((zone))~~  
1413 zoning classification of the adjoining property with which it is first merged.

1414 SECTION 20. Ordinance 10870, Section 22, as amended, and K.C.C.  
1415 21A.04.010 are hereby amended to read as follows:

1416 In order to accomplish the purposes of this title the following zoning  
1417 ~~((designations))~~ classifications and zoning map symbols are established:

<b>ZONING <del>((DESIGNATIONS))</del></b>	<b>MAP SYMBOL</b>
<b><u>CLASSIFICATIONS</u></b>	
Agricultural	A (10 -or 35 acre minimum lot size)
Forest	F



Interim Zone	* (asterisk adjacent to zone's map symbol)
--------------	--

1418        SECTION 21. Ordinance 10870, Section 23, and K.C.C. 21A.04.020 are hereby

1419 amended to read as follows:

1420        The purpose statements for each ~~((zone and map designation))~~ zoning  
1421 classification set forth in the following sections shall be used to guide the application of  
1422 the ~~((zones and designations))~~ zoning classifications to all lands in unincorporated King  
1423 County. The purpose statements also shall guide interpretation and application of land  
1424 use regulations within the ~~((zones and designations))~~ zoning classifications, and any  
1425 changes to the range of permitted uses within each ~~((zone))~~ zoning classification through  
1426 amendments to this title.

1427        SECTION 22. Ordinance 10870, Section 28, as amended, and K.C.C.

1428 21A.04.070 are hereby amended to read as follows:

1429        A. The purposes of the urban reserve zone (UR) are to phase growth and demand  
1430 for urban services, and to reserve large tracts of land for possible future growth in  
1431 portions of King County designated by the Comprehensive Plan for future urban growth  
1432 while allowing reasonable interim uses of property; or to reflect designation by the  
1433 Comprehensive Plan of a property or area as part of the urban growth area when a  
1434 detailed plan for urban uses and densities has not been completed~~((; or when the area has~~  
1435 ~~been designated as a site for a potential urban planned development or new fully~~  
1436 ~~contained community, as provided in K.C.C. 21A.38.070)).~~ These purposes are  
1437 accomplished by:

1438        1. Allowing for rural, agricultural and other low-density uses;

1439           2. Allowing for limited residential growth, either contiguous to existing urban  
1440 public facilities, or at a density supportable by existing rural public service levels; and

1441           3. Requiring clustered residential developments where feasible, to prevent  
1442 establishment of uses and lot patterns which may foreclose future alternatives and impede  
1443 efficient later development at urban densities.

1444           B. Use of this zone is appropriate in urban areas, rural towns or in rural city  
1445 expansion areas designated by the Comprehensive Plan, when such areas do not have  
1446 adequate public facilities and services or are not yet needed to accommodate planned  
1447 growth, do not yet have detailed land use plans for urban uses and densities, or are  
1448 designated as sites for a potential urban planned development or new fully contained  
1449 communities.

1450           SECTION 23. Ordinance 10870, Section 35, and K.C.C. 21A.04.140 are hereby  
1451 amended to read as follows:

1452           The purpose of the regional use ((~~designation~~)) classification (case file number  
1453 following underlying zone's map symbol) is to provide for individual review of certain  
1454 proposed uses with unique characteristics and adverse impacts on neighboring properties.  
1455 Regional uses are of a size and involve activities which require individual review to  
1456 determine compatibility with surrounding uses.

1457           SECTION 24. Ordinance 10870, Section 36, as amended, and K.C.C.  
1458 21A.04.150 are hereby amended to read as follows:

1459           The purpose of the property-specific development standards ((~~designation~~))  
1460 classification (-P suffix to zone's map symbol) is to indicate that conditions beyond the  
1461 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 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 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 25. Ordinance 10870, Section 37, as amended, and K.C.C. 21A.04.160 are hereby amended to read as follows:

The purpose of the special district overlay (~~((designation))~~ classification (-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))~~ classified 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 in a geographic information system data layer, which shall be updated as soon as possible after the effective date of the adopting ordinance adopting an overlay.

SECTION 26. Ordinance 10870, Section 38, as amended, and K.C.C. 21A.04.170 are hereby amended to read as follows:

1485           A. The purpose of the potential zone (dashed box surrounding zone's map symbol)  
1486 is to ~~((designate))~~ classify properties potentially suitable for future changes in land uses or  
1487 densities once additional infrastructure, project phasing or site-specific public review has  
1488 been accomplished. Potential zones are ~~((designated))~~ classified by either area zoning or  
1489 individual zone reclassification. Area zoning may ~~((designate))~~ classify more than one  
1490 potential zone on a single property if the community plan designates alternative uses for the  
1491 site. Potential zones are actualized in accordance with K.C.C. chapter 20.20.

1492           B. The use of a potential ~~((zone-designation))~~ zoning classification is appropriate  
1493 to:

- 1494           1. Phase development based on availability of public facilities and services or  
1495 infrastructure improvements, such as roads, utilities and schools;
- 1496           2. Prevent existing development from becoming a nonconforming use in areas  
1497 that are in transition from previous uses;
- 1498           3. Allow for future residential density increases consistent with a community  
1499 plan; and
- 1500           4. Provide for public review of proposed uses on sites where some permitted uses  
1501 in a ~~((zone-designation))~~ zoning classification may not be appropriate.

1502           SECTION 27. Ordinance 10870, Section 39, and K.C.C. 21A.04.180 are hereby  
1503 amended to read as follows:

1504           The purpose of the interim ~~((zone-designation))~~ zoning classification (\* suffix to  
1505 zone's map symbol) is to identify areas where zoning has been applied for a limited period  
1506 of time in order to preserve the county's planning options and to protect the public safety,  
1507 health and general welfare during an emergency or pending a community, comprehensive



1508 or functional plan amendment process. Any of the zones set forth in this chapter, with or  
1509 without -P suffix conditions, may be applied as interim zones. The adopting ordinance  
1510 shall state the reasons for the interim zoning and provide for its expiration upon a certain  
1511 date or the adoption of a new plan, plan amendment or area zoning.

1512 SECTION 28. Ordinance 10870, Section 42, and K.C.C. 21A.06.010 are hereby  
1513 amended as follows:

1514 Accessory living quarters: living quarters in an accessory building for the use of  
1515 the occupant or persons employed on the premises, or for temporary use ~~((of))~~ by guests  
1516 of the occupant. Such quarters ~~((have no kitchen))~~ do not include an area for the  
1517 preparation or storage of food and are not ~~((otherwise))~~ used as a separate dwelling unit.

1518 SECTION 29. Ordinance 10870, Section 43, as amended and K.C.C. 21A.06.015  
1519 are hereby amended as follows:

1520 Accessory use, commercial/industrial: an accessory use to a commercial or  
1521 industrial use, including, but not limited to:

1522 A. Administrative offices;

1523 B. Employee exercise facilities;

1524 C. Employee food service facilities;

1525 D. Incidental storage of raw materials and finished products sold or manufactured  
1526 on-site;

1527 E. Business owner or caretaker residence;

1528 F. Cogeneration facilities; ~~((and))~~

1529 G. Ground maintenance facilities; and

1530 H. Consumer-scale renewable energy systems.

1531            SECTION 30. Ordinance 10870, Section 44, as amended and K.C.C. 21A.06.020

1532    are hereby amended as follows:

1533            Accessory use, residential: an accessory use to a residential use, including, but  
1534    not limited to:

1535            A. Accessory living quarters and dwellings;

1536            B. Fallout or bomb shelters;

1537            C. Keeping household pets or operating a hobby cattery or hobby kennel;

1538            D. On-site rental office;

1539            E. Pools, private docks or piers;

1540            F. Antennae for private telecommunication services;

1541            G. Storage of yard maintenance equipment;

1542            H. Storage of private vehicles, such as motor vehicles, boats, trailers or planes;

1543            I. Greenhouses;

1544            J. Recreation space areas required under K.C.C. 21A.14.180 and play areas

1545    required under K.C.C. 21A.14.190; ~~((and))~~

1546            K. Home occupations and home industries under K.C.C. chapter 21A.30; and

1547            L. Consumer-scale renewable energy systems.

1548            SECTION 31. Ordinance 10870, Section 45, as amended and K.C.C. 21A.06.025

1549    are hereby amended as follows:

1550            Accessory use, resource: an accessory use to a resource use, including, but not  
1551    limited to:

1552            A. Housing of agricultural workers; ~~((and))~~

1553            B. Storage of agricultural products or equipment used on site; and

1554            C. Consumer-scale renewable energy systems.

1555            NEW SECTION. SECTION 32. There is hereby added to K.C.C. chapter 21A.06  
1556 a new section to read as follows:

1557            Consumer-scale renewable energy system: a facility that produces on-site energy  
1558 using renewable resources, such as solar, wind or geothermal, for the property on which  
1559 the facility is located. A consumer-scale renewable energy system does not include  
1560 energy generated at a scale for sale or donation to others, excluding net metering.

1561            SECTION 33. K.C.C. 21A.06.150, as amended by this ordinance, is hereby  
1562 recodified as a new section in K.C.C. chapter 21A.06.

1563            SECTION 34. Ordinance 11157, Section 29, and K.C.C. 21A.06.150 are hereby  
1564 amended to read as follows:

1565            ~~((Bulk))~~ Local distribution gas storage tank~~((s))~~: A tank from which illuminating,  
1566 heating, or liquefied gas is distributed by piping directly to individual users. A local  
1567 distribution gas storage tank is not a fossil fuel facility.

1568            SECTION 35. Ordinance 13319, Section 3, and K.C.C. 21A.06.197 are hereby  
1569 amended to read as follows:

1570            Coal mine by-products stockpile~~((s))~~: an accumulation, greater than five hundred  
1571 cubic yards and five feet of vertical depth, of undisturbed waste and/or byproduct materials  
1572 having greater than fifty percent, as measured by weight, of ~~((mineral))~~ coal or coal shale  
1573 as a component and which resulted from historic coal mining.

1574            NEW SECTION. SECTION 36. There is hereby added to K.C.C. chapter 21A.06  
1575 a new section to read as follows:

1576            Fossil fuels: petroleum and petroleum products, coal and natural gas, such as

1577 methane, propane and butane, derived from prehistoric organic matter and used to generate  
1578 energy. Fossil fuels do not include:

1579       A. Petrochemicals that are used primarily for non-fuel products, such as asphalt,  
1580 plastics, lubricants, fertilizer, roofing and paints;

1581       B. Fuel additives, such as denatured ethanol and similar fuel additives, or  
1582 renewable fuels, such as biodiesel or renewable diesel with less than five percent fossil  
1583 fuel content; or

1584       C. Methane generated from the waste management process, such as wastewater  
1585 treatment, anaerobic digesters, landfill waste management, livestock manure and  
1586 composting processes.

1587       NEW SECTION. SECTION 37. There is hereby added to K.C.C. chapter 21A.06  
1588 a new section to read as follows:

1589       Fossil fuel facility: a commercial facility used primarily to receive, store, refine,  
1590 process, transfer, wholesale trade or transport fossil fuels, such as, but not limited to, bulk  
1591 terminals, bulk storage facilities, bulk refining and bulk handling facilities. Fossil fuel  
1592 facilities do not include: individual storage facilities of up to thirty thousand gallons and  
1593 total cumulative facilities per site of sixty thousand gallons for the purposes of retail or  
1594 direct-to-consumer sales, facilities or activities for local consumption; noncommercial  
1595 facilities, such as storage for educational, scientific or governmental use; or uses preempted  
1596 by federal rule or law.

1597       SECTION 38. Ordinance 10870, Section 201, and K.C.C. 21A.06.805 are hereby  
1598 amended to read as follows:

1599 Non-hydro((-))electric generation facility: an establishment for the generation of  
1600 electricity by nuclear reaction, burning fossil fuels((;)) or other electricity generation  
1601 methods, excluding renewable energy.

1602 NEW SECTION. SECTION 39. There is hereby added to K.C.C. chapter  
1603 21A.06 a new section to read as follows:

1604 Renewable energy generation facility: a solar energy system, including a  
1605 community solar project, geothermal system or a wind generator, used for generating  
1606 electricity. Renewable energy generation facility does not include consumer-scale  
1607 renewable energy systems.

1608 NEW SECTION. SECTION 40. There is hereby added to K.C.C. chapter  
1609 21A.06 a new section to read as follows:

1610 Sea level rise protection elevation: three feet above the base flood elevation  
1611 identified in the Flood Insurance Study and Flood Insurance Rate Map, dated August 19,  
1612 2020, for the adjacent coastal high hazard area flood zone. The sea level rise protection  
1613 elevation only applies to Vashon-Maury Island.

1614 NEW SECTION. SECTION 41. There is hereby added to K.C.C. chapter 21A.06  
1615 a new section to read as follows:

1616 Sea level rise risk area: lands on Vashon-Maury Island adjacent to a coastal high  
1617 hazard area that extend landward to an elevation three feet above the base flood elevation  
1618 identified in the Flood Insurance Study and Flood Insurance Rate Map, dated August 19,  
1619 2020, for the adjacent coastal high hazard area flood zone.

1620 SECTION 42. Ordinance 10870, Section 310, and K.C.C. 21A.06.1350 are  
1621 hereby amended to read as follows:

1622 Utility facility: a facility for the distribution or transmission of services, including:  
1623 A. Telephone exchanges;  
1624 B. Water pipelines, pumping or treatment stations;  
1625 C. Electrical substations;  
1626 D. Water storage reservoirs or tanks;  
1627 E. Municipal groundwater well-fields;  
1628 F. Regional surface water flow control and water quality facilities;  
1629 G. Natural gas pipelines, gate stations and limiting stations, limited to local  
1630 distribution service and excluding fossil fuel facilities;  
1631 H. Propane, compressed natural gas and liquefied natural gas storage tanks serving  
1632 multiple lots or uses from which fuel is distributed directly to individual users, limited to  
1633 local distribution service and excluding fossil fuel facilities;  
1634 I. Wastewater pipelines, lift stations, pump stations, regulator stations or odor  
1635 control facilities; and  
1636 J. Communication cables, electrical wires and associated structural supports.  
1637 SECTION 43. Ordinance 10870, Section 315, and K.C.C. 21A.06.1375 are  
1638 hereby amended to read as follows:  
1639 Warehousing and wholesale trade: establishments involved in the storage and/or  
1640 sale of bulk goods for resale or assembly, excluding establishments offering the sale of  
1641 bulk goods to the general public which is classified as a retail use in K.C.C. 21A.08.070  
1642 and excluding local distribution gas storage tanks. These establishments shall include only  
1643 SIC Major Group Nos. 50 and 51 and SIC Industry Group Nos. 422 and 423, excluding  
1644 fossil fuels and fossil fuel facilities.

1645 SECTION 44. Ordinance 10870, Section 330, as amended, and K.C.C.

1646 21A.08.030 are hereby amended to read as follows:

1647 A. Residential land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12 -48	NB	CB	RB	O	I
	<b>DWELLING UNITS, TYPES:</b>												
*	Single Detached	P C12	P2		P C12	P C12	P C12	P C12	P15				
*	Townhouse				C4	C4	P11 C12	P	P3	P3	P3	P3	
*	Apartment				C4	C4	P5 C5	P	P3	P3	P3	P3	
*	Mobile Home Park				S13		C8	P					
*	Cottage Housing						P15						
	<b>GROUP RESIDENCES:</b>												
*	Community Residential Facility-I				C	C	P14. a C	P	P3	P3	P3	P3	
*	Community Residential Facility-II						P14. b	P	P3	P3	P3	P3	
*	Dormitory				C6	C6	C6	P					
*	Senior Citizen Assisted Housing					P4	P4	P	P3	P3	P3	P3	
	<b>ACCESSORY USES:</b>												
*	Residential Accessory Uses	P7	P7		P7	P7	P7	P7	P7	P7	P7	P7	
*	Home Occupation	P18	P18		P18	P18	P18	P18	P18	P18	P18	P18	
*	Home Industry	C			C	C	C						

	<b>TEMPORARY LODGING:</b>												
7011	Hotel/Motel (1)									P	P	P	
*	Bed and Breakfast Guesthouse	P9			P9	P9	P9	P9	P9	P10	P10		
7041	Organization Hotel/Lodging Houses						P17				P		

1648 B. Development conditions.

1649 1. Except bed and breakfast guesthouses.

1650 2. In the forest production district, the following conditions apply:

1651 a. Site disturbance associated with development of any new residence shall be  
1652 limited to three acres. Site disturbance shall mean all land alterations including, but not  
1653 limited to, grading, utility installation, landscaping, clearing for crops, on-site sewage  
1654 disposal systems and driveways. Additional site disturbance for agriculture, including  
1655 raising livestock, up to the smaller of thirty-five percent of the lot or seven acres, may be  
1656 approved only if a farm management plan is prepared in accordance with K.C.C. chapter  
1657 21A.30. Animal densities shall be based on the area devoted to animal care and not the  
1658 total area of the lot;

1659 b. A forest management plan shall be required for any new residence in the  
1660 forest production district, that shall be reviewed and approved by the King County  
1661 department of natural resources and parks before building permit issuance; and

1662 c. The forest management plan shall incorporate a fire protection element that  
1663 includes fire safety best management practices developed by the department.

1664 3. Only as part of a mixed use development subject to the conditions of K.C.C.  
1665 chapter 21A.14, except that in the NB zone on properties with a land use designation of  
1666 commercial outside of center (CO) in the urban areas, stand-alone townhouse



1667 developments are permitted subject to K.C.C. 21A.12.040, 21A.14.030, 21A.14.060 and  
1668 21A.14.180.

1669 4. Only in a building listed on the National Register as an historic site or  
1670 designated as a King County landmark subject to K.C.C. chapter 21A.32.

1671 5.a. In the R-1 zone, apartment units are permitted, if:

1672 (1) At least fifty percent of the site is constrained by unbuildable critical  
1673 areas. For purposes of this subsection, unbuildable critical areas includes wetlands,  
1674 aquatic areas and slopes forty percent or steeper and associated buffers; and

1675 (2) The density does not exceed a density of eighteen units per acre of net  
1676 buildable area.

1677 b. In the R-4 through R-8 zones, apartment units are permitted if the density  
1678 does not exceed a density of eighteen units per acre of net buildable area.

1679 c. If the proposal will exceed base density for the zone in which it is proposed,  
1680 a conditional use permit is required.

1681 6. Only as accessory to a school, college, university or church.

1682 7.a. Accessory dwelling units are subject to the following standards:

1683 (1) Only one accessory dwelling per primary single detached dwelling or  
1684 townhouse unit;

1685 (2) Only allowed in the same building as the primary dwelling unit ~~((an))~~,  
1686 except that detached accessory dwelling units are allowed when there is no more than one  
1687 primary dwelling unit on the lot, and the following conditions are met:

1688 (a) ~~((an urban lot that is less than five thousand square feet in area))~~ the lot  
1689 must be three thousand two hundred square feet or greater if located in the urban area or a

1690 rural town; or

1691 (b) ~~((except as otherwise provided in subsection B.7.a.(5) of this section, a~~

1692 ~~rural lot that is less than the minimum lot size; or~~

1693 ~~e. a lot containing more than one primary dwelling))~~ the lot must meet the

1694 minimum lot area for the applicable zone if located in the rural area but not in a rural

1695 town, except that if one transferable development right is purchased from the Rural Area

1696 or Natural Resource Lands under K.C.C. chapter 21A.37, a detached accessory dwelling

1697 unit is allowed on an RA-5 zoned lot that is two and one-half acres or greater;

1698 (3) ~~((The primary dwelling unit or the accessory dwelling unit shall be owner~~

1699 ~~occupied;~~

1700 (4)(a) ~~Except as otherwise provided in subsection B.7.a.(5) of this section,~~

1701 ~~one of t))~~ The accessory dwelling unit((s)) shall not exceed one thousand square feet of

1702 heated floor area and one thousand square feet of unheated floor area except;

1703 (a) ~~when ((one of))~~ the accessory dwelling unit((s)) is wholly contained

1704 within a basement or attic, this limitation does not apply; ((and))

1705 (b) ~~((When the primary and accessory dwelling units are located in the same~~

1706 ~~building, or in multiple buildings connected by a breezeway or other structure, only one~~

1707 ~~entrance may be located on each street;~~

1708 (5) ~~On))~~ for detached accessory dwelling units, the floor area contained in a

1709 basement does not count toward the floor area maximum; or

1710 (c) on a site zoned RA((:

1711 (a) ~~I))~~ if one transferable development right is purchased from the Rural Area

1712 or Natural Resource Lands under K.C.C. chapter 21A.37, the ((smaller of the)) accessory

1713 dwelling unit((s)) is permitted a maximum heated floor area ~~((up to))~~ of one thousand  
1714 five hundred square feet and one thousand five hundred square feet of unheated floor  
1715 area; ~~((and~~

1716 ~~(b) If one transferable development right is purchased from the Rural Area~~  
1717 ~~or Natural Resource Lands under K.C.C. chapter 21A.37, a detached accessory dwelling~~  
1718 ~~unit is allowed on an RA-5 zoned lot that is at least two and one half acres and less than~~  
1719 ~~three and three quarters acres;~~

1720 ~~(6) One additional off street parking space shall be provided;))~~

1721 (4) Accessory dwelling units that are not wholly contained within an existing  
1722 dwelling unit shall not exceed the base height established in 21A.12.030;

1723 (5) When the primary and accessory dwelling units are located in the same  
1724 building, or in multiple buildings connected by a breezeway or other structure, only one  
1725 entrance may front a street;

1726 (6) No additional off-street parking spaces are required for accessory  
1727 dwelling units;

1728 (7) The primary dwelling unit or the accessory dwelling unit shall be  
1729 occupied either by the owner of the primary dwelling unit or by an immediate family  
1730 member of the owner. Immediate family members are limited to spouses, siblings,  
1731 parents, grandparents, children and grandchildren, either by blood, adoption or marriage,  
1732 of the owner. The accessory dwelling unit shall be converted to another permitted use or  
1733 shall be removed if ~~((one of the))~~ neither dwelling unit~~((s ceases to be owner))~~ is  
1734 occupied by the owner or an immediate family member; ~~((and))~~

1735 (8) An applicant seeking to build an accessory dwelling unit shall file a notice

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

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

b. Accessory living quarters:

(1) are limited to one per lot;

(2) are allowed only on lots of three thousand two hundred square feet or greater when located in the urban area or a rural town;

(3) shall not exceed the base height as established in K.C.C. 21A.12.030;

(4) shall not exceed one thousand square feet of heated floor area and one thousand square feet of unheated floor area; and

(5) are not allowed in the F zone.

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

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

1759 (2) no storage of aviation fuel except that contained in the tank or tanks of the  
1760 aircraft.

1761 ((~~e~~)) d. Buildings for residential accessory uses in the RA and A zone shall not  
1762 exceed five thousand square feet of gross floor area, except for buildings related to  
1763 agriculture or forestry.

1764 8. Mobile home parks shall not be permitted in the R-1 zones.

1765 9. Only as accessory to the permanent residence of the operator, and:

1766 a. Serving meals shall be limited to paying guests; and

1767 b. The number of persons accommodated per night shall not exceed five,  
1768 except that a structure that satisfies the standards of the International Building Code as  
1769 adopted by King County for R-1 occupancies may accommodate up to ten persons per  
1770 night.

1771 10. Only if part of a mixed use development, and subject to the conditions of  
1772 subsection B.9. of this section.

1773 11. Townhouses are permitted, but shall be subject to a conditional use permit if  
1774 exceeding base density.

1775 12. Required before approving more than one dwelling on individual lots,  
1776 except on lots in subdivisions, short subdivisions or binding site plans approved for  
1777 multiple unit lots, and except as provided for accessory dwelling units in subsection B.7.  
1778 of this section.

1779 13. No new mobile home parks are allowed in a rural zone.

1780 14.a. Limited to domestic violence shelter facilities.

1781 b. Limited to domestic violence shelter facilities with no more than eighteen

1782 residents or staff.

1783 15. Only in the R4-R8 zones (~~((limited to))~~) subject to the following standards:

1784 a. (~~((developments no larger than one acre;~~

1785 ~~b. not adjacent to another cottage housing development such that the total~~

1786 ~~combined land area of the cottage housing developments exceeds one acre;~~

1787 ~~c. All units must be))~~ Developments shall contain only cottage housing units

1788 with no (~~((less))~~) fewer than three units (~~((and no more than sixteen units, provided that if))~~).

1789 If the site contains an existing home that is not being demolished, the existing house is

1790 not required to comply with the height limitation in K.C.C. 21A.12.020.B.25. or the floor

1791 area and footprint limits in K.C.C. 21A.14.025.B.;

1792 b. Cottage housing developments should consider including a variety of

1793 housing sizes, such as units with a range of bedroom sizes or total floor area; and

1794 (~~((&))~~) c. Before filing an application with the department, the applicant shall

1795 hold a community meeting in accordance with K.C.C. 20.20.035.

1796 16. The development for a detached single-family residence shall be consistent

1797 with the following:

1798 a. The lot must have legally existed before March 1, 2005;

1799 b. The lot has a Comprehensive Plan land use designation of Rural

1800 Neighborhood Commercial Center or Rural Area; and

1801 c. The standards of this title for the RA-5 zone shall apply.

1802 17. Only in the R-1 zone as an accessory to a golf facility and consistent with

1803 K.C.C. 21A.08.040.

1804 18. Allowed if consistent with K.C.C. chapter 21A.30.

1805            SECTION 45. Ordinance 10870, Section 333, as amended, and K.C.C.

1806        21A.08.060 are hereby amended to read as follows:

1807            A. Government/business services land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RU RA L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1- 8	R12 -48	NB	CB	RB	O	I (30)
	<b>GOVERNMENT SERVICES:</b>												
*	Public agency or utility office				P3 C5	P3 C5	P3 C	P3 C	P	P	P	P	P16
*	Public agency or utility yard				P27	P27	P27	P27			P		P
*	Public agency archives										P	P	P
921	Court									P4	P	P	
9221	Police Facility				P7	P7	P7	P7	P7	P	P	P	P
9224	Fire Facility				C6 and 33	C6	C6	C6	P	P	P	P	P
*	Utility Facility	P2 9 C2 8	P2 9 C2 8	P2 9 C2 8	P29 C28 and 33	P29 C28	P29 C28	P29 C28	P	P	P	P	P
*	Commuter Parking Lot				C 33 P19	C P19	C P19	C 19	P	P	P	P	P35
*	Private Stormwater Management Facility	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8
*	Vactor Waste Receiving Facility	P	P	P	P18	P18	P18	P18	P31	P31	P31	P31	P
	<b>BUSINESS SERVICES:</b>												

*	Construction and Trade				P34						P	P9	P
*	Individual Transportation and Taxi									P25	P	P10	P
421	Trucking and Courier Service									P11	P12	P13	P
*	Warehousing, (1) and Wholesale Trade												P
*	Self-service Storage							P14	P37	P	P	P	P
4221 4222	Farm Product Warehousing, Refrigeration and Storage (38)												P
*	Log Storage (38)		P		P26 and 33								P
47	Transportation Service												P39
473	Freight and Cargo Service										P	P	P
472	Passenger Transportation Service									P	P	P	
48	Communication Offices										P	P	P
482	Telegraph and other Communications									P	P	P	P
*	General Business Service								P	P	P	P	P16
*	Professional Office								P	P	P	P	P16
7312	Outdoor Advertising Service										P	P17	P
735	Miscellaneous Equipment Rental									P17	P	P17	P
751	Automotive Rental and Leasing									P	P		P
752	Automotive Parking								P20a	P20b	P21	P20 a	P
*	Off-Street Required				P32	P32	P32	P32	P32	P32	P32	P32	P32



	Parking Lot												
7941	Professional Sport Teams/Promoters										P	P	
873	Research, Development and Testing										P2	P2	P2
*	Heavy Equipment and Truck Repair												P
	<b>ACCESSORY USES:</b>												
*	Commercial/Industrial Accessory Uses			P	P22				P22	P22	P	P	P
*	Helistop					C23	C23 3	C23	C23	C23	C24	C23	C24

1808 B. Development conditions.

1809 1. Except self-service storage.

1810 2. Except SIC Industry No. 8732-Commercial Economic, Sociological, and

1811 Educational Research, see general business service/office.

1812 3.a. Only as a reuse of a public school facility or a surplus nonresidential facility

1813 subject to K.C.C. chapter 21A.32; or

1814 b. only when accessory to a fire facility and the office is no greater than one

1815 thousand five hundred square feet of floor area.

1816 4. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter

1817 21A.32.

1818 5. New utility office locations only if there is no commercial/industrial zoning

1819 in the utility district, and not in the RA-10 or RA-20 zones unless it is demonstrated that

1820 no feasible alternative location is possible, and provided further that this condition

1821 applies to the UR zone only if the property is located within a designated unincorporated

1822 Rural Town.

1823                6.a. All buildings and structures shall maintain a minimum distance of twenty  
1824 feet from property lines adjoining rural area and residential zones;

1825                b. Any buildings from which fire-fighting equipment emerges onto a street  
1826 shall maintain a distance of thirty-five feet from such street;

1827                c. No outdoor storage; and

1828                d. Excluded from the RA-10 and RA-20 zones unless it is demonstrated that no  
1829 feasible alternative location is possible.

1830                7. Limited to storefront police offices. Such offices shall not have:

1831                a. holding cells;

1832                b. suspect interview rooms (except in the NB zone); or

1833                c. long-term storage of stolen properties.

1834                8. Private stormwater management facilities serving development proposals  
1835 located on commercial/industrial zoned lands shall also be located on  
1836 commercial/industrial lands, unless participating in an approved shared facility drainage  
1837 plan. Such facilities serving development within an area designated urban in the King  
1838 County Comprehensive Plan shall only be located in the urban area.

1839                9. No outdoor storage of materials.

1840                10. Limited to office uses.

1841                11. Limited to self-service household moving truck or trailer rental accessory to  
1842 a gasoline service station.

1843                12. Limited to self-service household moving truck or trailer rental accessory to  
1844 a gasoline service station and SIC Industry No. 4215-Courier Services, except by air.

1845                13. Limited to SIC Industry No. 4215-Courier Services, except by air.

1846           14. Accessory to an apartment development of at least twelve units provided:  
1847           a. The gross floor area in self service storage shall not exceed the total gross  
1848 floor area of the apartment dwellings on the site;  
1849           b. All outdoor lights shall be deflected, shaded and focused away from all  
1850 adjoining property;  
1851           c. The use of the facility shall be limited to dead storage of household goods;  
1852           d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or  
1853 similar equipment;  
1854           e. No outdoor storage or storage of flammable liquids, highly combustible or  
1855 explosive materials or hazardous chemicals;  
1856           f. No residential occupancy of the storage units;  
1857           g. No business activity other than the rental of storage units; and  
1858           h. A resident director shall be required on the site and shall be responsible for  
1859 maintaining the operation of the facility in conformance with the conditions of approval.  
1860           i. Before filing an application with the department, the applicant shall hold a  
1861 community meeting in accordance with K.C.C. 20.20.035.  
1862           15. Repealed.  
1863           16. Only as an accessory use to another permitted use.  
1864           17. No outdoor storage.  
1865           18. Only as an accessory use to a public agency or utility yard, or to a transfer  
1866 station.  
1867           19. Limited to new commuter parking lots designed for thirty or fewer parking  
1868 spaces or commuter parking lots located on existing parking lots for churches, schools, or

1869 other permitted nonresidential uses that have excess capacity available during  
1870 commuting; provided that the new or existing lot is adjacent to a designated arterial that  
1871 has been improved to a standard acceptable to the department of local services;

1872 20.a. No tow-in lots for damaged, abandoned or otherwise impounded vehicles,  
1873 and

1874 b. Tow-in lots for damaged, abandoned or otherwise impounded vehicles shall  
1875 be:

1876 (1) permitted only on parcels located within Vashon Town Center;  
1877 (2) accessory to a gas or automotive service use; and  
1878 (3) limited to no more than ten vehicles.

1879 21. No dismantling or salvage of damaged, abandoned or otherwise impounded  
1880 vehicles.

1881 22. Storage limited to accessory storage of commodities sold at retail on the  
1882 premises or materials used in the fabrication of commodities sold on the premises.

1883 23. Limited to emergency medical evacuation sites in conjunction with police,  
1884 fire or health service facility. Helistops are prohibited from the UR zone only if the  
1885 property is located within a designated unincorporated Rural Town.

1886 24. Allowed as accessory to an allowed use.

1887 25. Limited to private road ambulance services with no outside storage of  
1888 vehicles.

1889 26. Limited to two acres or less.

1890 27a. Utility yards only on sites with utility district offices; or  
1891 b. Public agency yards are limited to material storage for road maintenance

1892 facilities.

1893           28. Limited to ((~~bulk~~)) local distribution gas storage tanks that pipe to individual  
1894 residences but excluding liquefied natural gas storage tanks.

1895           29. Excluding ((~~bulk~~)) local distribution gas storage tanks.

1896           30. For I-zoned sites located outside the urban growth area designated by the  
1897 King County Comprehensive Plan, uses shall be subject to the provisions for rural  
1898 industrial uses in K.C.C. chapter 21A.12.

1899           31. Vactor waste treatment, storage and disposal shall be limited to liquid  
1900 materials. Materials shall be disposed of directly into a sewer system, or shall be stored  
1901 in tanks (or other covered structures), as well as enclosed buildings.

1902           32. Provided:

1903           a. Off-street required parking for a land use located in the urban area must be  
1904 located in the urban area;

1905           b. Off-street required parking for a land use located in the rural area must be  
1906 located in the rural area; and

1907           c.(1) Except as provided in subsection B.32.c.(2) of this section, off-street  
1908 required parking must be located on a lot that would permit, either outright or through a  
1909 land use permit approval process, the land use the off-street parking will serve.

1910           (2) For a social service agency allowed under K.C.C. 21A.08.050B.13.b. to  
1911 be located on a site in the NB zone, off-street required parking may be located on a site  
1912 within three hundred feet of the social service agency, regardless of zoning classification  
1913 of the site on which the parking is located.

1914           33. Subject to review and approval of conditions to comply with trail corridor

1915 provisions of K.C.C. chapter 21A.14 when located in an RA zone.

1916 34. Limited to landscape and horticultural services (SIC 078) that are accessory

1917 to a retail nursery, garden center and farm supply store. Construction equipment for the

1918 accessory use shall not be stored on the premises.

1919 35. Allowed as a primary or accessory use to an allowed industrial-zoned land

1920 use.

1921 36. Repealed.

1922 37. Use shall be limited to the NB zone on parcels outside of the Urban Growth

1923 Area, Rural Towns and Rural Neighborhoods and the building floor area devoted to such

1924 use shall not exceed ten thousand square feet.

1925 38. If the farm product warehousing, refrigeration and storage, or log storage, is

1926 associated with agriculture activities it will be reviewed in accordance with K.C.C.

1927 21A.08.090.

1928 39. Excluding fossil fuel facilities.

1929 SECTION 46. Ordinance 10870, Section 335, as amended, and K.C.C.

1930 21A.08.080 are hereby amended to read as follows:

1931 A. Manufacturing land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1 -8	R12 -48	NB	CB	RB	O	I (11)
20	Food and Kindred Products (28)								P2	P2	P2 C		P2 C
*	Winery/Brewery /Distillery Facility I				P32								

*	Winery/Brewery /Distillery Facility II	P3			P3 C30				P17	P17	P29		P31
	Winery/Brewery /Distillery Facility III	C12			C12				C29	C29	C29		C31
*	Materials Processing Facility		P1 3 C	P1 4 C1 5	P16 C								P
22	Textile Mill Products												C
23	Apparel and other Textile Products										C		P
24	Wood Products, except furniture	P4 P1 8	P4 P1 8 C5		P4 P18 C5	P4					C6		P
25	Furniture and Fixtures		P1 9		P19						C		P
26	Paper and Allied Products												C
27	Printing and Publishing								P7	P7	P7C	P7 C	P
*	Marijuana Processor I	P2 0			P27					P21 C22	P21 C22		
*	Marijuana Processor II									P23 C24	P23 C24		P25 C26
28	Chemicals and Allied Products												C
2911	Petroleum Refining ( <del>(and Related</del> <del>Industries)) (33)</del>												C
30	Rubber and Misc. Plastics Products												C
31	Leather and Leather										C		P

	Goods											
32	Stone, Clay, Glass and Concrete Products								P6	P9		P
33	Primary Metal Industries											C
34	Fabricated Metal Products											P
35	Industrial and Commercial Machinery											P
351- 55	Heavy Machinery and Equipment											C
357	Computer and Office Equipment									C	C	P
36	Electronic and other Electric Equipment									C		P
374	Railroad Equipment											C
376	Guided Missile and Space Vehicle Parts											C
379	Miscellaneous Transportation Vehicles											C
38	Measuring and Controlling Instruments									C	C	P
39	Miscellaneous Light Manufacturing									C		P
*	Motor Vehicle and Bicycle Manufacturing											C
*	Aircraft, Ship and Boat Building											P10 C
7534	Tire Retreading									C		P



781-82	Movie Production/Distribution										P		P
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1932 B. Development conditions.

1933 1. Repealed.

1934 2. Except slaughterhouses.

1935 3.a. In the A zone, only allowed on sites where the primary use is SIC Industry

1936 Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small

1937 Animals;

1938 b. Only allowed on lots of at least two and one-half acres, except that this

1939 requirement shall not apply on Vashon-Maury Island to winery, brewery or distillery

1940 business locations in use and licensed to produce by the Washington state Liquor and

1941 Cannabis Board before January 1, 2019, and that in the RA zone, for sites that contain a

1942 building designated as historic resource under K.C.C. chapter 20.62, only allowed on lots

1943 of at least two acres;

1944 c. The aggregated floor area of structures and areas for winery, brewery,

1945 distillery facility uses shall not exceed three thousand five hundred square feet, unless

1946 located in whole or in part in a structure designated as historic resource under K.C.C.

1947 chapter 20.62, in which case the aggregated floor area of structures and areas devoted to

1948 winery, brewery, distillery facility uses shall not exceed seven thousand square feet in the

1949 RA zone and five thousand square feet in the A zone. Decks that are not occupied and

1950 not open to the public are excluded from the calculation for maximum aggregated floor

1951 area;

1952                   d. Structures and parking areas for winery, brewery, distillery facility uses  
1953 shall maintain a minimum distance of seventy-five feet from interior property lines  
1954 adjoining rural area and residential zones, unless located in a building designated as  
1955 historic resource under K.C.C. chapter 20.62, except that on Vashon-Maury Island this  
1956 setback requirement shall not apply to structures and parking areas in use on December 4,  
1957 2019, by existing winery, brewery or distillery business locations licensed to produce by  
1958 the Washington state Liquor and Cannabis Board before January 1, 2019;

1959                   e. In the A zone, sixty percent or more of the products processed must be  
1960 grown on-site. At the time of the initial application under K.C.C. chapter 6.74, the  
1961 applicant shall submit a projection of the source of products to be produced;

1962                   f. At least two stages of production of wine, beer, cider or distilled spirits, such  
1963 as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the  
1964 Washington state Liquor and Cannabis Board production license, shall occur on-site. At  
1965 least one of the stages of production occurring on-site shall include crushing, fermenting  
1966 or distilling;

1967                   g. In the A zone, structures and area for non-agricultural winery, brewery,  
1968 distillery facility uses shall be located on portions of agricultural lands that are unsuitable  
1969 for agricultural purposes, such as areas within the already developed portion of such  
1970 agricultural lands that are not available for direct agricultural production, or areas without  
1971 prime agricultural soils. No more than one acre of agricultural land may be converted to  
1972 a nonagricultural accessory use;

1973                   h. Tasting and retail sales of products produced on-site may occur only as  
1974 accessory to the primary winery, brewery, distillery production use and may be provided

1975 in accordance with state law. The area devoted to on-site tasting or retail sales shall be  
1976 limited to no more than thirty percent of the aggregated floor area and shall be included  
1977 in the aggregated floor area limitation in subsection B.3.c. of this section. The limitation  
1978 on tasting and retail sales of products produced on-site shall not apply on Vashon-Maury  
1979 Island to winery, brewery, or distillery business locations in use and licensed to produce  
1980 by the Washington state Liquor and Cannabis Board before January 1, 2019, or on sites  
1981 in the RA zone that contain a building designated as historic resource under K.C.C.  
1982 chapter 20.62. Incidental retail sales of merchandise related to the products produced on-  
1983 site is allowed subject to the restrictions described in this subsection B.3. Hours of  
1984 operation for on-site tasting of products shall be limited as follows: Mondays, Tuesdays,  
1985 Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through  
1986 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to  
1987 11:00 a.m. through 9:00 p.m.;

1988 i. Access to the site shall be directly to and from an arterial roadway, except  
1989 that this requirement shall not apply on Vashon-Maury Island to winery, brewery,  
1990 distillery facility business locations in use and licensed to produce by the Washington  
1991 state Liquor and Cannabis Board before January 1, 2019;

1992 j. Off-street parking is limited to a maximum of one hundred fifty percent of  
1993 the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

1994 k. The business operator shall obtain an adult beverage business license in  
1995 accordance with K.C.C. chapter 6.74;

1996 l. Events may be allowed with an approved temporary use permit under K.C.C.  
1997 chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.; and

1998                    m. The impervious surface associated with the winery, brewery, distillery  
1999 facility use shall not exceed twenty-five percent of the site, or the maximum impervious  
2000 surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,  
2001 whichever is less.

2002                    4. Limited to rough milling and planing of products grown on-site with portable  
2003 equipment.

2004                    5. Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No.  
2005 2431-Millwork. For RA zoned sites, if using lumber or timber grown off-site, the  
2006 minimum site area is four and one-half acres.

2007                    6. Limited to uses found in SIC Industry No. 2434-Wood Kitchen Cabinets and  
2008 No. 2431-Millwork, (excluding planing mills).

2009                    7. Limited to photocopying and printing services offered to the general public.

2010                    8. Only within enclosed buildings, and as an accessory use to retail sales.

2011                    9. Only within enclosed buildings.

2012                    10. Limited to boat building of craft not exceeding forty-eight feet in length.

2013                    11. For I-zoned sites located outside the urban growth area designated by the  
2014 King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.  
2015 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for  
2016 rural industrial uses as set forth in K.C.C. chapter 21A.12.

2017                    12.a. In the A zone, only allowed on sites where the primary use is SIC Industry  
2018 Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small  
2019 Animals;

2020                   b. The aggregated floor area of structures and areas for winery, brewery,  
2021 distillery facility uses shall not exceed a total of eight thousand square feet. Decks that  
2022 are not occupied and not open to the public are excluded from the calculation for  
2023 maximum aggregated floor area;

2024                   c. Only allowed on lots of at least four and one-half acres. If the aggregated  
2025 floor area of structures for winery, brewery, distillery uses exceeds six thousand square  
2026 feet, the minimum site area shall be ten acres;

2027                   d. Wineries, breweries and distilleries shall comply with Washington state  
2028 Department of Ecology and King County board of health regulations for water usage and  
2029 wastewater disposal, and must connect to an existing Group A water system. The  
2030 definitions and limits of Group A water systems are described in K.C.C. 13.24.007, and  
2031 provision of water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142;

2032                   e. Structures and parking areas for winery, brewery distillery facility uses shall  
2033 maintain a minimum distance of seventy-five feet from interior property lines adjoining  
2034 rural area and residential zones, unless located in a building designated as historic  
2035 resource under K.C.C. chapter 20.62;

2036                   f. In the A Zone, sixty percent or more of the products processed must be  
2037 grown on-site. At the time of the initial application under K.C.C. chapter 6.74, the  
2038 applicant shall submit a projection of the source of products to be processed;

2039                   g. At least two stages of production of wine, beer, cider or distilled spirits,  
2040 such as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized  
2041 by the Washington state Liquor and Cannabis Board production license, shall occur on-  
2042 site. At least one of the stages of on-site production shall include crushing, fermenting or

2043 distilling;

2044 h. In the A zone, structures and areas for non-agricultural winery, brewery,

2045 distillery facility uses shall be located on portions of agricultural lands that are unsuitable

2046 for agricultural purposes, such as areas within the already developed portion of such

2047 agricultural lands that are not available for direct agricultural production, or areas without

2048 prime agricultural soils. No more than one acre of agricultural land may be converted to

2049 a nonagricultural accessory use;

2050 i. Tasting and retail sales of products produced on-site may occur only as

2051 accessory to the primary winery, brewery, distillery production use and may be provided

2052 in accordance with state law. The area devoted to on-site tasting or retail sales shall be

2053 limited to no more than thirty percent of the aggregated floor area and shall be included

2054 in the aggregated floor area limitation in subsection B.12.b. and c. of this section.

2055 Incidental retail sales of merchandise related to the products produced on-site is allowed

2056 subject to the restrictions described in this subsection. Hours of operation for on-site

2057 tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays and

2058 Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and

2059 Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m.

2060 through 9:00 p.m.;

2061 j. Access to the site shall be directly to and from an arterial roadway;

2062 k. Off-street parking maximums shall be determined through the conditional

2063 use permit process, and should not be more than one hundred fifty percent of the

2064 minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

2065 l. The business operator shall obtain an adult beverage business license in

2066 accordance with K.C.C. chapter 6.74;

2067 m. Events may be allowed with an approved temporary use permit under  
2068 K.C.C. chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.;  
2069 and

2070 n. The impervious surface associated with the winery, brewery, distillery  
2071 facility use shall not exceed twenty-five percent of the site, or the maximum impervious  
2072 surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,  
2073 whichever is less.

2074 13. Only on the same lot or same group of lots under common ownership or  
2075 documented legal control, which includes, but is not limited to, fee simple ownership, a  
2076 long-term lease or an easement:

2077 a. as accessory to a primary forestry use and at a scale appropriate to process  
2078 the organic waste generated on the site; or

2079 b. as a continuation of a sawmill or lumber manufacturing use only for that  
2080 period to complete delivery of products or projects under contract at the end of the  
2081 sawmill or lumber manufacturing activity.

2082 14. Only on the same lot or same group of lots under common ownership or  
2083 documented legal control, which includes, but is not limited to, fee simple ownership, a  
2084 long-term lease or an easement:

2085 a. as accessory to a primary mineral use; or

2086 b. as a continuation of a mineral processing use only for that period to  
2087 complete delivery of products or projects under contract at the end of mineral extraction.

2088 15. Continuation of a materials processing facility after reclamation in

2089 accordance with an approved reclamation plan.

2090 16. Only a site that is ten acres or greater and that does not use local access  
2091 streets that abut lots developed for residential use.

2092 17.a. The aggregated floor area of structures and areas for winery, brewery,  
2093 distillery facility uses shall not exceed three thousand five hundred square feet, unless  
2094 located in whole or in part in a structure designated as historic resource under K.C.C.  
2095 chapter 20.62, in which case the aggregated floor area of structures and areas devoted to  
2096 winery, brewery, distillery facility uses shall not exceed five thousand square feet. Decks  
2097 that are not occupied and not open to the public are excluded from the calculation for  
2098 maximum aggregated floor area;

2099 b. Structures and parking areas for winery, brewery, distillery facility uses  
2100 shall maintain a minimum distance of seventy-five feet from interior property lines  
2101 adjoining rural area and residential zones, unless located in a building designated as  
2102 historic resource under K.C.C. chapter 20.62;

2103 c. Tasting and retail sale of products produced on-site, and merchandise related  
2104 to the products produced on-site, may be provided in accordance with state law. The area  
2105 devoted to on-site tasting or retail sales shall be included in the aggregated floor area  
2106 limitation in subsection B.17.a. of this section;

2107 d. Off-street parking for the tasting and retail areas shall be limited to a  
2108 maximum of one space per fifty square feet of tasting and retail areas;

2109 e. The business operator shall obtain an adult beverage business license in  
2110 accordance with K.C.C. chapter 6.74; and

2111 f. Events may be allowed with an approved temporary use permit under K.C.C.



2112 chapter 21A.32.

2113 18. Limited to:

2114 a. SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-

2115 Millwork, as follows:

2116 (1) If using lumber or timber grown off-site, the minimum site area is four

2117 and one-half acres;

2118 (2) The facility shall be limited to an annual production of no more than one

2119 hundred fifty thousand board feet;

2120 (3) Structures housing equipment used in the operation shall be located at

2121 least one-hundred feet from adjacent properties with residential or rural area zoning;

2122 (4) Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to

2123 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

2124 (5) In the RA zone, the facility's driveway shall have adequate entering sight

2125 distance required by the 2007 King County Road Design and Construction Standards. An

2126 adequate turn around shall be provided on-site to prevent vehicles from backing out on to

2127 the roadway that the driveway accesses; and

2128 (6) Outside lighting is limited to avoid off-site glare; and

2129 b. SIC Industry No. 2411-Logging.

2130 19. Limited to manufacture of custom made wood furniture or cabinets.

2131 20.a. Only allowed on lots of at least four and one-half acres;

2132 b. Only as an accessory use to a Washington state Liquor Control Board

2133 licensed marijuana production facility on the same lot;

2134 c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2135                   d. Only with documentation that the operator has applied for a Puget Sound  
2136 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
2137 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
2138 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
2139 are imported onto the site; and

2140                   e. Accessory marijuana processing uses allowed under this section are subject  
2141 to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.

2142                   21.a. Only in the CB and RB zones located outside the urban growth area;

2143                   b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2144                   c. Only with documentation that the operator has applied for a Puget Sound  
2145 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
2146 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
2147 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
2148 are imported onto the site;

2149                   d. Per lot, the aggregated total gross floor area devoted to the use of, and in  
2150 support of, processing marijuana together with any separately authorized production of  
2151 marijuana shall be limited to a maximum of two thousand square feet; and

2152                   e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and  
2153 every marijuana-related entity occupying space in addition to the two-thousand-square-  
2154 foot threshold area on that lot shall obtain a conditional use permit as set forth in  
2155 subsection B.22. of this section.

2156                   22.a. Only in the CB and RB zones located outside the urban growth area;

2157                   b. Per lot, the aggregated total gross floor area devoted to the use of, and in

2158 support of, processing marijuana together with any separately authorized production of  
2159 marijuana shall be limited to a maximum of thirty thousand square feet;

2160 c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.; and

2161 d. Only with documentation that the operator has applied for a Puget Sound  
2162 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
2163 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
2164 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
2165 are imported onto the site.

2166 23.a. Only in the CB and RB zones located inside the urban growth area;

2167 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2168 c. Only with documentation that the operator has applied for a Puget Sound  
2169 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
2170 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
2171 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
2172 are imported onto the site;

2173 d. Per lot, the aggregated total gross floor area devoted to the use of, and in  
2174 support of, processing marijuana together with any separately authorized production of  
2175 marijuana shall be limited to a maximum of two thousand square feet; and

2176 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and  
2177 every marijuana-related entity occupying space in addition to the two-thousand-square-  
2178 foot threshold area on that lot shall obtain a conditional use permit as set forth in  
2179 subsection B.24. of this section.

2180 24.a. Only in the CB and RB zones located inside the urban growth area;

2181                   b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2182                   c. Only with documentation that the operator has applied for a Puget Sound

2183 Clean Air Agency Notice of Construction Permit. All department permits issued to either

2184 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

2185 Clean Air Agency Notice of Construction Permit be approved before marijuana products

2186 are imported onto the site; and

2187                   d. Per lot, the aggregated total gross floor area devoted to the use of, and in

2188 support of, processing marijuana together with any separately authorized production of

2189 marijuana shall be limited to a maximum of thirty thousand square feet.

2190                   25.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2191                   b. Only with documentation that the operator has applied for a Puget Sound

2192 Clean Air Agency Notice of Construction Permit. All department permits issued to either

2193 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

2194 Clean Air Agency Notice of Construction Permit be approved before marijuana products

2195 are imported onto the site; and

2196                   c. Per lot, limited to a maximum aggregate total of two thousand square feet of

2197 gross floor area devoted to, and in support of, the processing of marijuana together with

2198 any separately authorized production of marijuana.

2199                   26.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2200                   b. Only with documentation that the operator has applied for a Puget Sound

2201 Clean Air Agency Notice of Construction Permit. All department permits issued to either

2202 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

2203 Clean Air Agency Notice of Construction Permit be approved before marijuana products

2204 are imported onto the site; and

2205 c. Per lot, limited to a maximum aggregate total of thirty thousand square feet of  
2206 gross floor area devoted to, and in support of, the processing of marijuana together with  
2207 any separately authorized production of marijuana.

2208 27.a. Marijuana processors in all RA zoned areas except for Vashon-Maury  
2209 Island, that do not require a conditional use permit issued by King County, that receive a  
2210 Washington state Liquor and Cannabis Board license business (~~((prior to))~~) before October 1,  
2211 2016, and that King County did not object to within the Washington state Liquor and  
2212 Cannabis Board marijuana license application process, shall be considered nonconforming  
2213 as to subsection B.27.e. of this section, subject to the provisions of K.C.C. 21A.32.020  
2214 through 21A.32.075 for nonconforming uses;

2215 b. Only with a lighting plan that complies with K.C.C. 21A.12.220.G.;

2216 c. Only with documentation that the operator has applied for a Puget Sound  
2217 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
2218 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
2219 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
2220 are imported onto the site;

2221 d. Only allowed on lots of at least four and on-half acres on Vashon-Maury  
2222 Island;

2223 e. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,  
2224 except on Vashon-Maury Island;

2225 f. Only as an accessory use to a Washington state Liquor Cannabis Board  
2226 licensed marijuana production facility on the same lot; and

2227 g. Accessory marijuana processing uses allowed under this section are subject to  
2228 all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.

2229 28. If the food and kindred products manufacturing or processing is associated  
2230 with agricultural activities it will be reviewed in accordance with K.C.C. 21A.08.090.

2231 29.a. Tasting and retail sales of products produced on-site, and merchandise  
2232 related to the products produced on-site, may be provided in accordance with state law;

2233 b. Structures and parking areas for winery, brewery, distillery facility uses  
2234 shall maintain a minimum distance of seventy-five feet from interior property lines  
2235 adjoining rural area and residential zones, unless located in a building designated as  
2236 historic resource under K.C.C. chapter 20.62;

2237 c. For winery, brewery, distillery facility uses that do not require a conditional  
2238 use permit, off-street parking for the tasting and retail areas shall be limited to a  
2239 maximum of one space per fifty square feet of tasting and retail areas. For winery,  
2240 brewery, distillery facility uses that do require a conditional use permit, off-street parking  
2241 maximums shall be determined through the conditional use permit process, and off-street  
2242 parking for the tasting and retail areas should be limited to a maximum of one space per  
2243 fifty square feet of tasting and retail areas;

2244 d. The business operator shall obtain an adult beverage business license in  
2245 accordance with K.C.C. chapter 6.74; and

2246 e. Events may be allowed with an approved temporary use permit under  
2247 K.C.C. chapter 21A.32.

2248 30.a. Only allowed on lots of at least two and one-half acres;

2249 b. The aggregated floor area of structures and areas for winery, brewery,

2250 distillery facility uses shall not exceed three thousand five hundred square feet, unless  
2251 located in whole or in part in a structure designated as historic resource under K.C.C.  
2252 chapter 20.62, in which case the aggregated floor area of structures and areas devoted to  
2253 winery, brewery, distillery facility uses shall not exceed five thousand square feet. Decks  
2254 that are not occupied and not open to the public are excluded from the calculation for  
2255 maximum aggregated floor area;

2256 c. Structures and parking areas for winery, brewery, distillery facility uses  
2257 shall maintain a minimum distance of seventy-five feet from interior property lines  
2258 adjoining rural area and residential zones, unless located in a building designated as  
2259 historic resource under K.C.C. chapter 20.62;

2260 d. Tasting and retail sales of products produced on-site may only occur as  
2261 accessory to the primary winery, brewery, distillery production use and may be provided  
2262 in accordance with state law. The area devoted to on-site tasting or retail sales shall be  
2263 limited to no more than thirty percent of the aggregated floor area and shall be included  
2264 in the aggregated floor area limitation in subsection B.30.b. of this section. Incidental  
2265 retail sales of merchandise related to the products produced on-site is allowed subject to  
2266 the restrictions described in this subsection. Hours of operation for on-site tasting of  
2267 products shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays,  
2268 tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays,  
2269 Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00  
2270 p.m.;

2271 e. Access to the site shall be directly to and from a public roadway;

2272 f. Off-street parking is limited to a maximum of one hundred fifty percent of

2273 the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

2274 g. The business operator shall obtain an adult beverage business license in  
2275 accordance with K.C.C. chapter 6.74;

2276 h. Events may be allowed with an approved temporary use permit under  
2277 K.C.C. chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.;

2278 i. At least two stages of production of wine, beer, cider or distilled spirits, such  
2279 as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the  
2280 Washington state Liquor and Cannabis Board production license, shall occur on-site. At  
2281 least one of the stages of production occurring on-site shall include crushing, fermenting  
2282 or distilling; and

2283 j. The impervious surface associated with the winery, brewery, distillery  
2284 facility use shall not exceed twenty-five percent of the site, or the maximum impervious  
2285 surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,  
2286 whichever is less.

2287 31.a. Limited to businesses with non-retail brewery and distillery production  
2288 licenses from the Washington state Liquor and Cannabis board. Wineries and remote  
2289 tasting rooms for wineries shall not be allowed;

2290 b. Tasting and retail sale of products produced on-site and merchandise related  
2291 to the products produced on-site may be provided in accordance with state law. The area  
2292 devoted to on-site tasting or retail sales shall not exceed one thousand five hundred  
2293 square feet;

2294 c. Structures and parking areas for brewery and distillery facility uses shall  
2295 maintain a minimum distance of seventy-five feet from interior property lines adjoining



2296 rural area and residential zones, unless located in a building designated as historic  
2297 resource under K.C.C. chapter 20.62;

2298 d. For brewery and distillery facility uses that do not require a conditional use  
2299 permit, off-street parking for the tasting and retail areas shall be limited to a maximum of  
2300 one space per fifty square feet of tasting and retail areas. For brewery and distillery  
2301 facility uses that do require a conditional use permit, off-street parking maximums shall  
2302 be determined through the conditional use permit process, and off-street parking for the  
2303 tasting and retail areas should be limited to a maximum of one space per fifty square feet  
2304 of tasting and retail areas;

2305 e. The business operator shall obtain an adult beverage business license in  
2306 accordance with K.C.C. chapter 6.74; and

2307 f. Events may be allowed with an approved temporary use permit under K.C.C.  
2308 chapter 21A.32.

2309 32.a. The aggregated floor area of structures and areas for winery, brewery,  
2310 distillery facility uses shall not exceed one thousand five hundred square feet;

2311 b. Structures and parking areas for winery, brewery, distillery facility uses  
2312 shall maintain a minimum distance of seventy-five feet from interior property lines  
2313 adjoining rural area and residential zones, unless located in a building designated as  
2314 historic resource under K.C.C. chapter 20.62;

2315 c. One on-site parking stall shall be allowed for the winery, brewery, distillery  
2316 facility I use;

2317 d. The business operator shall obtain an adult beverage business license in  
2318 accordance with K.C.C. chapter 6.74;

2319 e. At least two stages of production of wine, beer, cider or distilled spirits, such  
 2320 as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the  
 2321 Washington state Liquor and Cannabis Board production license, shall occur on-site. At  
 2322 least one of the stages of production occurring on-site shall include crushing, fermenting  
 2323 or distilling;

2324 f. No product tasting or retail sales shall be allowed on-site;

2325 g. Events may be allowed in accordance with K.C.C. 21A.32.120.B.6; and

2326 h. The impervious surface associated with the winery, brewery, distillery  
 2327 facility use shall not exceed twenty-five percent of the site or the maximum impervious  
 2328 surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,  
 2329 whichever is less.

2330 33. Excluding fossil fuel facilities.

2331 SECTION 47. Ordinance 10870, Section 336, as amended, and K.C.C.  
 2332 21A.08.090 are hereby amended to read as follows:

2333 A. Resource land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1 -8	R12- 48	NB	CB	RB	O	I
12	Coal Mining												
13	Oil and Gas Extraction												
	<b>AGRICULTURE:</b>												
01	Growing and Harvesting Crops	P	P		P	P	P						P
02	Raising Livestock and	P	P		P	P							P

	Small Animals (6)												
*	Agricultural Activities	P24 C	P2 4C		P24 C	P24 C							
*	Agricultural Support Services	P25 C	P2 5C		P26 C	P26 C	P2 6C		P27 C2 8	P27 C28			
*	Marijuana producer	P15 C2 2			P16 C17					P18 C19	P18 C19		P20 C2 1
*	Agriculture Training Facility	C1 0											
*	Agriculture-related special needs camp	P12											
*	Agricultural Anaerobic Digester	P13											
	<b>FORESTRY:</b>												
08	Growing & Harvesting Forest Production	P	P	P7	P	P	P						P
*	Forest Research		P		P	P						P2	P
	<b>FISH AND WILDLIFE MANAGEMENT:</b>												
0921	Hatchery/Fish Preserve (1)	P	P		P	P	C						P
0273	Aquaculture (1)	P	P		P	P	C						P
*	Wildlife Shelters	P	P		P	P							
	<b>MINERAL:</b>												
10,((12,)) 14	Mineral Extraction and Processing		P9 C	P C1 1									
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block		P8 C1 1	P8 C1 1									P

	<b>ACCESSORY USES:</b>												
*	Resource Accessory Uses	P3 P23	P4	P5	P3	P3							P4
*	Farm Worker Housing	P14			P14								

- 2334 B. Development conditions.
- 2335 1. May be further subject to K.C.C. chapter 21A.25.
- 2336 2. Only forest research conducted within an enclosed building.
- 2337 3. Farm residences in accordance with K.C.C. 21A.08.030.
- 2338 4. Excluding housing for agricultural workers.
- 2339 5. Limited to either maintenance or storage facilities, or both, in conjunction
- 2340 with mineral extraction or processing operation.
- 2341 6. Allowed in accordance with K.C.C. chapter 21A.30.
- 2342 7. Only in conjunction with a mineral extraction site plan approved in
- 2343 accordance with K.C.C. chapter 21A.22.
- 2344 8. Only on the same lot or same group of lots under common ownership or
- 2345 documented legal control, which includes, but is not limited to, fee simple ownership, a
- 2346 long-term lease or an easement:
- 2347 a. as accessory to a primary mineral extraction use;
- 2348 b. as a continuation of a mineral processing only for that period to complete
- 2349 delivery of products or projects under contract at the end of a mineral extraction; or
- 2350 c. for a public works project under a temporary grading permit issued in
- 2351 accordance with K.C.C. 16.82.152.
- 2352 9. Limited to mineral extraction and processing:
- 2353 a. on a lot or group of lots under common ownership or documented legal

2354 control, which includes but is not limited to, fee simple ownership, a long-term lease or  
2355 an easement;

2356 b. that are located greater than one-quarter mile from an established residence;  
2357 and

2358 c. that do not use local access streets that abut lots developed for residential  
2359 use.

2360 10. Agriculture training facilities are allowed only as an accessory to existing  
2361 agricultural uses and are subject to the following conditions:

2362 a. The impervious surface associated with the agriculture training facilities  
2363 shall comprise not more than ten percent of the allowable impervious surface permitted  
2364 under K.C.C. 21A.12.040;

2365 b. New or the expansion of existing structures, or other site improvements,  
2366 shall not be located on class 1, 2 or 3 soils;

2367 c. The director may require reuse of surplus structures to the maximum extent  
2368 practical;

2369 d. The director may require the clustering of new structures with existing  
2370 structures;

2371 e. New structures or other site improvements shall be set back a minimum  
2372 distance of seventy-five feet from property lines adjoining rural area and residential  
2373 zones;

2374 f. Bulk and design of structures shall be compatible with the architectural style  
2375 of the surrounding agricultural community;

2376 g. New sewers shall not be extended to the site;

2377 h. Traffic generated shall not impede the safe and efficient movement of  
2378 agricultural vehicles, nor shall it require capacity improvements to rural roads;

2379 i. Agriculture training facilities may be used to provide educational services to  
2380 the surrounding rural/agricultural community or for community events. Property owners  
2381 may be required to obtain a temporary use permit for community events in accordance  
2382 with K.C.C. chapter 21A.32;

2383 j. Use of lodging and food service facilities shall be limited only to activities  
2384 conducted in conjunction with training and education programs or community events  
2385 held on site;

2386 k. Incidental uses, such as office and storage, shall be limited to those that  
2387 directly support education and training activities or farm operations; and

2388 l. The King County agriculture commission shall be notified of and have an  
2389 opportunity to comment upon all proposed agriculture training facilities during the permit  
2390 process in accordance with K.C.C. chapter 21A.40.

2391 11. Continuation of mineral processing and asphalt/concrete mixtures and block  
2392 uses after reclamation in accordance with an approved reclamation plan.

2393 12.a. Activities at the camp shall be limited to agriculture and agriculture-  
2394 oriented activities. In addition, activities that place minimal stress on the site's  
2395 agricultural resources or activities that are compatible with agriculture are permitted.

2396 (1) passive recreation;

2397 (2) training of individuals who will work at the camp;

2398 (3) special events for families of the campers; and

2399 (4) agriculture education for youth.

2400           b. Outside the camp center, as provided for in subsection B.12.e. of this  
2401 section, camp activities shall not preclude the use of the site for agriculture and  
2402 agricultural related activities, such as the processing of local food to create value-added  
2403 products and the refrigeration and storage of local agricultural products. The camp shall  
2404 be managed to coexist with agriculture and agricultural activities both onsite and in the  
2405 surrounding area.

2406           c. A farm plan shall be required for commercial agricultural production to  
2407 ensure adherence to best management practices and soil conservation.

2408           d.(1) The minimum site area shall be five hundred acres. Unless the property  
2409 owner has sold or transferred the development rights as provided in subsection B.12.c.(3)  
2410 of this section, a minimum of five hundred acres of the site must be owned by a single  
2411 individual, corporation, partnership or other legal entity and must remain under the  
2412 ownership of a single individual, corporation, partnership or other legal entity for the  
2413 duration of the operation of the camp.

2414           (2) Nothing in subsection B.12.d.(1) of this section prohibits the property  
2415 owner from selling or transferring the development rights for a portion or all of the site to  
2416 the King County farmland preservation program or, if the development rights are  
2417 extinguished as part of the sale or transfer, to a nonprofit entity approved by the director;

2418           e. The impervious surface associated with the camp shall comprise not more  
2419 than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;

2420           f. Structures for living quarters, dining facilities, medical facilities and other  
2421 nonagricultural camp activities shall be located in a camp center. The camp center shall  
2422 be no more than fifty acres and shall depicted on a site plan. New structures for

2423 nonagricultural camp activities shall be clustered with existing structures;

2424           g. To the extent practicable, existing structures shall be reused. The applicant  
2425 shall demonstrate to the director that a new structure for nonagricultural camp activities  
2426 cannot be practicably accommodated within an existing structure on the site, though  
2427 cabins for campers shall be permitted only if they do not already exist on site;

2428           h. Camp facilities may be used to provide agricultural educational services to  
2429 the surrounding rural and agricultural community or for community events. If required  
2430 by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for  
2431 community events;

2432           i. Lodging and food service facilities shall only be used for activities related to  
2433 the camp or for agricultural education programs or community events held on site;

2434           j. Incidental uses, such as office and storage, shall be limited to those that  
2435 directly support camp activities, farm operations or agricultural education programs;

2436           k. New nonagricultural camp structures and site improvements shall maintain a  
2437 minimum set-back of seventy-five feet from property lines adjoining rural area and  
2438 residential zones;

2439           l. Except for legal nonconforming structures existing as of January 1, 2007,  
2440 camp facilities, such as a medical station, food service hall and activity rooms, shall be of  
2441 a scale to serve overnight camp users;

2442           m. Landscaping equivalent to a type III landscaping screen, as provided for in  
2443 K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures  
2444 and site improvements located within two hundred feet of an adjacent rural area and  
2445 residential zoned property not associated with the camp;



2446 n. New sewers shall not be extended to the site;

2447 o. The total number of persons staying overnight shall not exceed three

2448 hundred;

2449 p. The length of stay for any individual overnight camper, not including camp

2450 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

2451 q. Traffic generated by camp activities shall not impede the safe and efficient

2452 movement of agricultural vehicles nor shall it require capacity improvements to rural

2453 roads;

2454 r. If the site is adjacent to an arterial roadway, access to the site shall be

2455 directly onto the arterial unless the county road engineer determines that direct access is

2456 unsafe;

2457 s. If direct access to the site is via local access streets, transportation

2458 management measures shall be used to minimize adverse traffic impacts;

2459 t. Camp recreational activities shall not involve the use of motor vehicles

2460 unless the motor vehicles are part of an agricultural activity or are being used for the

2461 transportation of campers, camp personnel or the families of campers. Camp personnel

2462 may use motor vehicles for the operation and maintenance of the facility. Client-specific

2463 motorized personal mobility devices are allowed; and

2464 u. Lights to illuminate the camp or its structures shall be arranged to reflect the

2465 light away from any adjacent property.

2466 13. Limited to digester receiving plant and animal and other organic waste from

2467 agricultural activities, and including electrical generation, as follows:

2468 a. the digester must be included as part of a Washington state Department of

2469 Agriculture approved dairy nutrient plan;

2470           b. the digester must process at least seventy percent livestock manure or other

2471 agricultural organic material from farms in the vicinity, by volume;

2472           c. imported organic waste-derived material, such as food processing waste,

2473 may be processed in the digester for the purpose of increasing methane gas production for

2474 beneficial use, but not shall exceed thirty percent of volume processed by the digester;

2475 and

2476           d. the use must be accessory to an operating dairy or livestock operation.

2477 14. Farm worker housing. Either:

2478           a. Temporary farm worker housing subject to the following conditions:

2479               (1) The housing must be licensed by the Washington state Department of

2480 Health under chapter 70.114A RCW and chapter 246-358 WAC;

2481               (2) Water supply and sewage disposal systems must be approved by the

2482 Seattle King County department of health;

2483               (3) To the maximum extent practical, the housing should be located on

2484 nonfarmable areas that are already disturbed and should not be located in the floodplain

2485 or in a critical area or critical area buffer; and

2486               (4) The property owner shall file with the department of executive services,

2487 records and licensing services division, a notice approved by the department identifying

2488 the housing as temporary farm worker housing and that the housing shall be occupied

2489 only by agricultural employees and their families while employed by the owner or

2490 operator or on a nearby farm. The notice shall run with the land; or

2491           b. Housing for agricultural employees who are employed by the owner or

2492 operator of the farm year-round as follows:

2493 (1) Not more than:

2494 (a) one agricultural employee dwelling unit on a site less than twenty acres;

2495 (b) two agricultural employee dwelling units on a site of at least twenty

2496 acres and less than fifty acres;

2497 (c) three agricultural employee dwelling units on a site of at least fifty acres

2498 and less than one-hundred acres; and

2499 (d) four agricultural employee dwelling units on a site of at least one-

2500 hundred acres, and one additional agricultural employee dwelling unit for each additional

2501 one hundred acres thereafter;

2502 (2) If the primary use of the site changes to a nonagricultural use, all

2503 agricultural employee dwelling units shall be removed;

2504 (3) The applicant shall file with the department of executive services, records

2505 and licensing services division, a notice approved by the department that identifies the

2506 agricultural employee dwelling units as accessory and that the dwelling units shall only

2507 be occupied by agricultural employees who are employed by the owner or operator year-

2508 round. The notice shall run with the land. The applicant shall submit to the department

2509 proof that the notice was filed with the department of executive services, records and

2510 licensing services division, before the department approves any permit for the

2511 construction of agricultural employee dwelling units;

2512 (4) An agricultural employee dwelling unit shall not exceed a floor area of

2513 one thousand square feet and may be occupied by no more than eight unrelated

2514 agricultural employees;

2515                   (5) To the maximum extent practical, the housing should be located on  
2516 nonfarmable areas that are already disturbed;

2517                   (6) One off-street parking space shall be provided for each agricultural  
2518 employee dwelling unit; and

2519                   (7) The agricultural employee dwelling units shall be constructed in  
2520 compliance with K.C.C. Title 16.

2521                   15. Marijuana production by marijuana producers licensed by the Washington  
2522 state Liquor and Cannabis Board is subject to the following standards:

2523                   a. Only allowed on lots of at least four and one-half acres;

2524                   b. With a lighting plan, only if required by and that complies with K.C.C.  
2525 21A.12.220.G.;

2526                   c. Only with documentation that the operator has applied for a Puget Sound  
2527 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
2528 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
2529 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
2530 are imported onto the site;

2531                   d. Production is limited to outdoor, indoor within marijuana greenhouses, and  
2532 within structures that are nondwelling unit structures that exist as of October 1, 2013,  
2533 subject to the size limitations in subsection B.15.e. of this section;

2534                   e. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
2535 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum  
2536 aggregated total of two thousand square feet and shall be located within a fenced area or  
2537 marijuana greenhouse that is no more than ten percent larger than that combined area, or

2538 may occur in nondwelling unit structures that exist as of October 1, 2013;

2539 f. Outdoor production area fencing as required by the Washington state Liquor  
2540 and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall  
2541 maintain a minimum street setback of fifty feet and a minimum interior setback of thirty  
2542 feet; and

2543 g. If the two-thousand-square-foot-per-lot threshold of plant canopy combined  
2544 with area used for processing under K.C.C. 21A.08.080 is exceeded, each and every  
2545 marijuana-related entity occupying space in addition to the two-thousand-square-foot  
2546 threshold area on that lot shall obtain a conditional use permit as set forth in subsection  
2547 B.22. of this section.

2548 16. Marijuana production by marijuana producers licensed by the Washington  
2549 state Liquor and Cannabis Board is subject to the following standards:

2550 a. Marijuana producers in all RA zoned areas except for Vashon-Maury Island,  
2551 that do not require a conditional use permit issued by King County, that receive a  
2552 Washington state Liquor and Cannabis Board license business (~~((prior to))~~) before October  
2553 1, 2016, and that King County did not object to within the Washington state Liquor and  
2554 Cannabis Board marijuana license application process, shall be considered  
2555 nonconforming as to subsection B.16.d. and h. of this section, subject to the provisions of  
2556 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses;

2557 b. In all rural area zones, only with a lighting plan that complies with K.C.C.  
2558 21A.12.220.G.;

2559 c. Only allowed on lots of at least four and one-half acres on Vashon-Maury  
2560 Island;

2561                   d. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,  
2562 except on Vashon-Maury Island;

2563                   e. Only with documentation that the operator has applied for a Puget Sound  
2564 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
2565 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
2566 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
2567 are imported onto the site;

2568                   f. Production is limited to outdoor, indoor within marijuana greenhouses, and  
2569 within nondwelling unit structures that exist as of October 1, 2013, subject to the size  
2570 limitations in subsection B.16.g. of this section; and

2571                   g. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
2572 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum  
2573 aggregated total of two thousand square feet and shall be located within a fenced area or  
2574 marijuana greenhouse, that is no more than ten percent larger than that combined area, or  
2575 may occur in nondwelling unit structures that exist as of October 1, 2013;

2576                   h. Outdoor production area fencing as required by the Washington state Liquor  
2577 and Cannabis Board and marijuana greenhouses shall maintain a minimum street setback  
2578 of fifty feet and a minimum interior setback of one hundred feet; and a minimum setback  
2579 of one hundred fifty feet from any existing residence; and

2580                   i. If the two-thousand-square-foot-per-lot threshold of plant canopy within  
2581 fenced areas or marijuana greenhouses is exceeded, each and every marijuana-related  
2582 entity occupying space in addition to the two-thousand-square-foot threshold area on that  
2583 lot shall obtain a conditional use permit as set forth in subsection B.17. of this section.

2584           17. Marijuana production by marijuana producers licensed by the Washington  
2585 state Liquor and Cannabis Board is subject to the following standards:

2586           a. Only allowed on lots of at least four and one-half acres on Vashon-Maury  
2587 Island;

2588           b. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,  
2589 except on Vashon-Maury Island;

2590           c. In all rural area zones, only with a lighting plan that complies with K.C.C.  
2591 21A.12.220.G.;

2592           d. Only with documentation that the operator has applied for a Puget Sound  
2593 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
2594 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
2595 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
2596 are imported onto the site;

2597           e. Production is limited to outdoor and indoor within marijuana greenhouses  
2598 subject to the size limitations in subsection B.17.f. of this section;

2599           f. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
2600 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum  
2601 aggregated total of thirty thousand square feet and shall be located within a fenced area or  
2602 marijuana greenhouse that is no more than ten percent larger than that combined area;  
2603 and

2604           g. Outdoor production area fencing as required by the Washington state Liquor  
2605 and Cannabis Board, and marijuana greenhouses shall maintain a minimum street setback  
2606 of fifty feet and a minimum interior setback of one hundred feet, and a minimum setback

2607 of one hundred fifty feet from any existing residence.

2608 18.a. Production is limited to indoor only;

2609 b. With a lighting plan only as required by and that complies with K.C.C.

2610 21A.12.220.G.;

2611 c. Only with documentation that the operator has applied for a Puget Sound

2612 Clean Air Agency Notice of Construction Permit. All department permits issued to either

2613 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

2614 Clean Air Agency Notice of Construction Permit be approved before marijuana products

2615 are imported onto the site; and

2616 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with

2617 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum

2618 aggregated total of two thousand square feet and shall be located within a building or

2619 tenant space that is no more than ten percent larger than the plant canopy and separately

2620 authorized processing area; and

2621 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and

2622 every marijuana-related entity occupying space in addition to the two-thousand-square

2623 foot threshold area on that parcel shall obtain a conditional use permit as set forth in

2624 subsection B.19. of this section.

2625 19.a. Production is limited to indoor only;

2626 b. With a lighting plan only as required by and that complies with K.C.C.

2627 21A.12.220.G.;

2628 c. Only with documentation that the operator has applied for a Puget Sound

2629 Clean Air Agency Notice of Construction Permit. All department permits issued to either



2630 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
2631 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
2632 are imported onto the site; and

2633           d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
2634 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum  
2635 aggregated total of thirty thousand square feet and shall be located within a building or  
2636 tenant space that is no more than ten percent larger than the plant canopy and separately  
2637 authorized processing area.

2638           20.a. Production is limited to indoor only;

2639           b. With a lighting plan only as required by and that complies with K.C.C.  
2640 21A.12.220.G.;

2641           c. Only with documentation that the operator has applied for a Puget Sound  
2642 Clean Air Agency Notice of Construction Permit. All department permits issued to either  
2643 marijuana producers or marijuana processors, or both, shall require that a Puget Sound  
2644 Clean Air Agency Notice of Construction Permit be approved before marijuana products  
2645 are imported onto the site;

2646           d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with  
2647 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum  
2648 aggregated total of two thousand square feet and shall be located within a building or  
2649 tenant space that is no more than ten percent larger than the plant canopy and separately  
2650 authorized processing area; and

2651           e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and  
2652 every marijuana-related entity occupying space in addition to the two-thousand-square-

foot threshold area on that lot shall obtain a conditional use permit as set forth in subsection B.21. of this section.

21.a. Production is limited to indoor only;

b. With a lighting plan only as required by and that complies with K.C.C.

21A.12.220.G.;

c. Only with documentation that the operator has applied for a Puget Sound

Clean Air Agency Notice of Construction Permit. All department permits issued to either

marijuana producers or marijuana processors, or both, shall require that a Puget Sound

Clean Air Agency Notice of Construction Permit be approved before marijuana products

are imported onto the site; and

d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with

any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum

aggregated total of thirty thousand square feet and shall be located within a building or

tenant space that is no more than ten percent larger than the plant canopy and separately

authorized processing area.

22. Marijuana production by marijuana producers licensed by the Washington

state Liquor and Cannabis Board is subject to the following standards:

a. With a lighting plan only as required by and that complies with K.C.C.

21A.12.220.G.;

b. Only allowed on lots of at least four and one-half acres;

c. Only with documentation that the operator has applied for a Puget Sound

Clean Air Agency Notice of Construction Permit. All department permits issued to either

marijuana producers or marijuana processors, or both, shall require that a Puget Sound

Clean Air Agency Notice of Construction Permit be approved before marijuana products are imported onto the site;

d. Production is limited to outdoor, indoor within marijuana greenhouses, and within structures that are nondwelling unit structures that exist as of October 1, 2013, subject to the size limitations in subsection B.22. e. and f. of this section;

e. On lots less than ten acres, per lot, the plant canopy, as defined in WAC 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum aggregated total of five thousand square feet and shall be located within a fenced area or marijuana greenhouse that is no more than ten percent larger than that combined area, or may occur in nondwelling unit structures that exist as of October 1, 2013;

f. On lots ten acres or more, per lot, the plant canopy, as defined in WAC 314-55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum aggregated total of ten thousand square feet, and shall be located within a fenced area or marijuana greenhouse that is no more than ten percent larger than that combined area, or may occur in nondwelling unit structures that exist as of October 1, 2013; and

g. Outdoor production area fencing as required by the Washington state Liquor and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall maintain a minimum street setback of fifty feet and a minimum interior setback of one hundred feet, and a minimum setback of one hundred fifty feet from any existing residence.

23. The storage and processing of non-manufactured source separated organic waste that originates from agricultural operations and that does not originate from the site,

2699 if:

2700 a. agricultural is the primary use of the site;

2701 b. the storage and processing are in accordance with best management practices

2702 included in an approved farm plan; and

2703 c. except for areas used for manure storage, the areas used for storage and

2704 processing do not exceed three acres and ten percent of the site.

2705 24.a. For activities relating to the processing of crops or livestock for commercial

2706 purposes, including associated activities such as warehousing, storage, including

2707 refrigeration, and other similar activities and excluding winery, brewery, distillery facility I,

2708 II, III and remote tasting room:

2709 (1) limited to agricultural products and sixty percent or more of the products

2710 processed must be grown in the Puget Sound counties. At the time of initial application,

2711 the applicant shall submit a projection of the source of products to be produced;

2712 (2) in the RA and UR zones, only allowed on sites of at least four and one-

2713 half acres;

2714 (3) (a) as a permitted use, the floor area devoted to all processing shall not

2715 exceed two thousand square feet, unless located in a building designated as an historic

2716 resource under K.C.C. chapter 20.62. The agricultural technical review committee, as

2717 established in K.C.C. 21A.42.300, may review and approve an increase in the processing

2718 floor area as follows: up to three thousand five hundred square feet of floor area may be

2719 devoted to all processing in the RA zones or on farms less than thirty-five acres located in

2720 the A zones or up to seven thousand square feet on farms greater than thirty-five acres in

2721 the A zone; and

2722 (b) as a permitted use, the floor area devoted to all warehousing,  
2723 refrigeration, storage or other similar activities shall not exceed two thousand square feet,  
2724 unless located in a building designated as historic resource under K.C.C. chapter 20.62.  
2725 The agricultural technical review committee, as established in K.C.C. 21A.42.300, may  
2726 review and approve an increase of up to three thousand five hundred square feet of floor  
2727 area devoted to all warehouseing, storage, including refrigeration, or other similar  
2728 activities in the RA zones or on farms less than thirty-five acres located in the A zones or  
2729 up to seven thousand square feet on farms greater than thirty-five acres in the A zone;

2730 (4) in the A zone, structures and areas used for processing, warehousing,  
2731 refrigeration, storage and other similar activities shall be located on portions of  
2732 agricultural lands that are unsuitable for other agricultural purposes, such as areas within  
2733 the already developed portion of such agricultural lands that are not available for direct  
2734 agricultural production, or areas without prime agricultural soils; and

2735 (5) structures and areas used for processing, warehousing, storage, including  
2736 refrigeration, and other similar activities shall maintain a minimum distance of seventy-  
2737 five feet from property lines adjoining rural area and residential zones, unless located in a  
2738 building designated as historic resource under K.C.C. chapter 20.62.

2739 b. For activities relating to the retail sale of agricultural products, except  
2740 livestock:

2741 (1) sales shall be limited to agricultural products and locally made arts and  
2742 crafts;

2743 (2) in the RA and UR zones, only allowed on sites at least four and one-  
2744 half acres;

2745                   (3) as a permitted use, the covered sales area shall not exceed two thousand  
2746 square feet, unless located in a building designated as a historic resource under K.C.C.  
2747 chapter 20.62. The agricultural technical review committee, as established in K.C.C.  
2748 21A.42.300, may review and approve an increase of up to three thousand five hundred  
2749 square feet of covered sales area;

2750                   (4) forty percent or more of the gross sales of agricultural product sold  
2751 through the store must be sold by the producers of primary agricultural products;

2752                   (5) sixty percent or more of the gross sales of agricultural products sold  
2753 through the store shall be derived from products grown or produced in the Puget Sound  
2754 counties. At the time of the initial application, the applicant shall submit a reasonable  
2755 projection of the source of product sales;

2756                   (6) tasting of products, in accordance with applicable health regulations, is  
2757 allowed;

2758                   (7) storage areas for agricultural products may be included in a farm store  
2759 structure or in any accessory building; and

2760                   (8) outside lighting is permitted if there is no off-site glare.

2761                   c. Retail sales of livestock is permitted only as accessory to raising  
2762 livestock.

2763                   d. Farm operations, including quipment repair and related facilities, except  
2764 that:

2765                   (1) the repair of tools and machinery is limited to those necessary for the  
2766 operation of a farm or forest;

2767                   (2) in the RA and UR zones, only allowed on sites of at least four and one-

2768 half acres;

2769 (3) the size of the total repair use is limited to one percent of the farm size

2770 in the A zone, and up to one percent of the size in other zones, up to a maximum of five

2771 thousand square feet unless located within an existing farm structure, including but not

2772 limited to barns, existing as of December 31, 2003; and

2773 (4) Equipment repair shall not be permitted in the Forest zone.

2774 e. The agricultural technical review committee, as established in K.C.C.

2775 21A.42.300, may review and approve reductions of minimum site sizes in the rural and

2776 residential zones and minimum setbacks from rural and residential zones.

2777 25. The department may review and approve establishment of agricultural

2778 support services in accordance with the code compliance review process in K.C.C.

2779 21A.42.300 only if:

2780 a. project is sited on lands that are unsuitable for direct agricultural production

2781 based on size, soil conditions or other factors and cannot be returned to productivity by

2782 drainage maintenance; and

2783 b. the proposed use is allowed under any Farmland Preservation Program

2784 conservation easement and zoning development standards.

2785 26. The agricultural technical review committee, as established in K.C.C.

2786 21A.42.300, may review and approve establishment of agricultural support services only

2787 if the project site:

2788 a. adjoins or is within six hundred sixty feet of the agricultural production

2789 district;

2790 b. has direct vehicular access to the agricultural production district;

2791 c. except for farmworker housing, does not use local access streets that abut  
2792 lots developed for residential use; and  
2793 d. has a minimum lot size of four and one-half acres.  
2794 27. The agricultural technical review committee, as established in K.C.C.  
2795 21A.42.300, may review and approve establishment of agricultural support services only  
2796 if the project site:  
2797 a. is outside the urban growth area,  
2798 b. adjoins or is within six hundred sixty feet of the agricultural production  
2799 district,  
2800 c. has direct vehicular access to the agricultural production district,  
2801 d. except for farmworker housing, does not use local access streets that abut  
2802 lots developed for residential use; and  
2803 e. has a minimum lot size of four and one-half acres.  
2804 28. Only allowed on properties that are outside the urban growth area.  
2805 SECTION 48. Ordinance 10870, Section 337, as amended, and K.C.C.  
2806 21A.08.100 are hereby amended to read as follows:  
2807 A. Regional land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1- 8	R12 -48	NB	CB	RB	O	I (15)
*	Jail						S	S	S	S	S	S	S
*	Jail Farm/Camp	S	S		S	S							
*	Work Release Facility				S19	S19	S	S	S	S	S	S	



*	Public Agency Animal Control Facility		S		S	S					S		P
*	Public Agency Training Facility		S		S3					S3	S3	S3	C4
*	Hydroelectric Generation Facility		C14 S		C14 S	C14 S	C14 S						
*	Non-hydroelectric Generation Facility	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	P12 S
<u>*</u>	<u>Renewable Energy Generation Facility</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>*</u>	<u>Fossil Fuel Facility</u>												<u>S27</u>
*	Communication Facility (17)	C6c S	P		C6c S	C6c S	C6c S	C6c S	C6c S	P	P	P	P
*	Earth Station	P6b C	P		C6a S	C6a S	C6a S	C6a S	P6b C	P	P	P	P
((13	<del>Oil and Gas Extraction</del>	<del>S</del>	<del>C</del>	<del>P</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>S</del>	<del>C))</del>
*	Energy Resource Recovery Facility		S	S	S	S	S	S	S	S	S	S	S
*	Soil Recycling Facility		S	S	S								C
*	Landfill		S	S	S	S	S	S	S	S	S	S	S
*	Transfer Station			S	S	S	S	S	S	S	S		P
*	Wastewater Treatment Facility				S	S	S	S	S	S	S	S	C
*	Municipal Water Production	S	P13 S	S	S	S	S	S	S	S	S	S	S
*	Airport/Heliport	S7	S7		S	S	S	S	S	S	S	S	S
*	Regional Transit Authority Facility					P25							
*	Rural Public Infrastructure Maintenance				C23								P

	Facility												
*	Transit Bus Base						S	S	S	S	S	S	P
*	Transit Comfort Facility				P26		P26	P26	P26	P26	P26	P26	P26
*	School Bus Base				C5 S20	C5 S	C5 S	C5 S	S	S	S	S	P
7948	Racetrack				S8	S8	S8	S8	S8	S8	S8	S8	S24
*	Regional Motor Sports Facility												P
*	County Fairgrounds Facility				P21 S22								
*	Fairground									S	S		S
8422	Zoo/Wildlife Exhibit(2)		S9		S9	S	S	S		S	S		
7941	Stadium/Arena										S		S
8221-8222	College/University(1)	P10	P10		P10 C11 S18	P10 C11 S18	P10 C11 S	P10 C11 S	P10 C11 S	P	P	P	P
*	Zoo Animal Breeding Facility	P16	P16		P16								

2808 B. Development conditions.

2809 1. Except technical institutions. See vocational schools on general services land  
2810 use table, K.C.C. 21A.08.050.

2811 2. Except arboretum. See K.C.C. 21A.08.040, recreation/cultural land use table.

2812 3. Except weapons armories and outdoor shooting ranges.

2813 4. Except outdoor shooting range.

2814 5. Only in conjunction with an existing or proposed school.

2815 6.a. Limited to no more than three satellite dish antennae.

2816 b. Limited to one satellite dish antenna.

2817 c. Limited to tower consolidations.

2818           7. Limited to landing field for aircraft involved in forestry or agricultural  
2819 practices or for emergency landing sites.

2820           8. Except racing of motorized vehicles.

2821           9. Limited to wildlife exhibit.

2822           10. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.

2823           11. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter  
2824 21A.32.

2825           12. Limited to ~~((cogeneration facilities for on-site use only))~~ gas extraction as an  
2826 accessory use to a waste management process, such as wastewater treatment, landfill  
2827 waste management, livestock manure and composting processes.

2828           13. Excluding impoundment of water using a dam.

2829           14. Limited to facilities that comply with the following:

2830           a. Any new diversion structure shall not:

2831               (1) exceed a height of eight feet as measured from the streambed; or

2832               (2) impound more than three surface acres of water at the normal maximum  
2833 surface level;

2834           b. There shall be no active storage;

2835           c. The maximum water surface area at any existing dam or diversion shall not  
2836 be increased;

2837           d. An exceedance flow of no greater than fifty percent in mainstream reach  
2838 shall be maintained;

2839           e. Any transmission line shall be limited to a:

2840               (1) right-of-way of five miles or less; and

2841 (2) capacity of two hundred thirty KV or less;  
2842 f. Any new, permanent access road shall be limited to five miles or less; and  
2843 g. The facility shall only be located above any portion of the stream used by  
2844 anadromous fish.

2845 15. For I-zoned sites located outside the urban growth area designated by the  
2846 King County Comprehensive Plan, uses shown as a conditional or special use in K.C.C.  
2847 21A.08.100.A, except for waste water treatment facilities and racetracks, shall be  
2848 prohibited. All other uses, including waste water treatment facilities, shall be subject to  
2849 the provisions for rural industrial uses in K.C.C. chapter 21A.12.

2850 16. The operator of such a facility shall provide verification to the department of  
2851 natural resources and parks or its successor organization that the facility meets or exceeds  
2852 the standards of the Animal and Plant Health Inspection Service of the United States  
2853 Department of Agriculture and the accreditation guidelines of the American Zoo and  
2854 Aquarium Association.

2855 17. The following provisions of the table apply only to major communication  
2856 facilities. Minor communication facilities shall be reviewed in accordance with the  
2857 processes and standard outlined in K.C.C. chapter 21A.27.

2858 18. Only for facilities related to resource-based research.

2859 19. Limited to work release facilities associated with natural resource-based  
2860 activities.

2861 20. Limited to projects which do not require or result in an expansion of sewer  
2862 service outside the urban growth area, unless a finding is made that no cost-effective  
2863 alternative technologies are feasible, in which case a tightline sewer sized only to meet

2864 the needs of the school bus base and serving only the school bus base may be used.  
2865 Renovation, expansion, modernization or reconstruction of a school bus base is permitted  
2866 but shall not require or result in an expansion of sewer service outside the urban growth  
2867 area, unless a finding is made that no cost-effective alternative technologies are feasible,  
2868 in which case a tightline sewer sized only to meet the needs of the school bus base.

2869 21. Only in conformance with the King County Site Development Plan Report,  
2870 through modifications to the plan of up to ten percent are allowed for the following:

- 2871 a. building square footage;
- 2872 b. landscaping;
- 2873 c. parking;
- 2874 d. building height; or
- 2875 e. impervious surface.

2876 22. A special use permit shall be required for any modification or expansion of  
2877 the King County fairgrounds facility that is not in conformance with the King County  
2878 Site Development Plan Report or that exceeds the allowed modifications to the plan  
2879 identified in subsection B.21. of this section.

2880 23. The facility shall be primarily devoted to rural public infrastructure  
2881 maintenance and is subject to the following conditions:

- 2882 a. The minimum site area shall be ten acres, unless:
  - 2883 (1) the facility is a reuse of a public agency yard; or
  - 2884 (2) the site is separated from a county park by a street or utility right-of-way;
- 2885 b. Type 1 landscaping as provided in K.C.C. chapter 21A.16 shall be provided  
2886 between any stockpiling or grinding operations and adjacent residential zoned property;

2887 c. Type 2 landscaping as provided in K.C.C. chapter 21A.16 shall be provided  
2888 between any office and parking lots and adjacent residential zoned property;

2889 d. Access to the site does not use local access streets that abut residential zoned  
2890 property, unless the facility is a reuse of a public agency yard;

2891 e. Structural setbacks from property lines shall be as follows:

2892 (1) Buildings, structures and stockpiles used in the processing of materials  
2893 shall be no closer than:

2894 (a) one hundred feet from any residential zoned properties, except that the  
2895 setback may be reduced to fifty feet when the grade where the building or structures are  
2896 proposed is fifty feet or greater below the grade of the residential zoned property;

2897 (b) fifty feet from any other zoned property, except when adjacent to a  
2898 mineral extraction or materials processing site;

2899 (c) the greater of fifty feet from the edge of any public street or the setback  
2900 from residential zoned property on the far side of the street; and

2901 (2) Offices, scale facilities, equipment storage buildings and stockpiles shall  
2902 not be closer than fifty feet from any property line except when adjacent to M or F zoned  
2903 property or when a reuse of an existing building. Facilities necessary to control access to  
2904 the site, when demonstrated to have no practical alternative, may be located closer to the  
2905 property line;

2906 f. On-site clearing, grading or excavation, excluding that necessary for  
2907 required access, roadway or storm drainage facility construction, shall not be permitted  
2908 within fifty feet of any property line except along any portion of the perimeter adjacent to  
2909 M or F zoned property. If native vegetation is restored, temporary disturbance resulting

2910 from construction of noise attenuation features located closer than fifty feet shall be  
2911 permitted; and

2912 g. Sand and gravel extraction shall be limited to forty thousand yards per year.

2913 24. The following accessory uses to a motor race track operation are allowed if  
2914 approved as part of the special use permit:

2915 a. motocross;

2916 b. autocross;

2917 c. skidpad;

2918 d. garage;

2919 e. driving school; and

2920 f. fire station.

2921 25. Regional transit authority facilities shall be exempt from setback and height  
2922 requirements.

2923 26. Transit comfort facility shall:

2924 a. only be located outside of the urban growth area boundary;

2925 b. be exempt from street setback requirements; and

2926 c. be no more than 200 square feet in size.

2927 27.a. Required for all new, modified or expanded fossil fuel facilities.

2928 Modification or expansion includes, but is not limited to:

2929 (1) new uses or fuel types within existing facilities;

2930 (2) changes to the type of refining, manufacturing or processing;

2931 (3) changes in the methods or volumes of storage or transport of raw  
2932 materials or processed products;

2933                    (4) changes in the location of the facilities on-site;

2934                    (5) replacement of existing facilities;

2935                    (6) increases in power or water demands; or

2936                    (7) increases in production capacity; and

2937                    b. Facilities shall:

2938                    (1) not be located within one thousand feet from any schools, medical care

2939 facilities, or places of assembly that have occupancies of greater than one thousand

2940 persons;

2941                    (2) not be located within two hundred fifty feet from a regulated wetland or

2942 aquatic area, except when a larger buffer is required under K.C.C. chapter 21A.24, the

2943 buffer in K.C.C. chapter 21A.24 shall apply;

2944                    (3) maintain an interior setback of at least two hundred feet;

2945                    (4) store fossil fuels completely within enclosed structures, tanks or similar

2946 facilities; and

2947                    (5) be accessed directly to and from an arterial roadway.

2948                    SECTION 49. Ordinance 10870, Section 340, as amended, and K.C.C.

2949 21A.12.030 are hereby amended to read as follows:

2950                    A. Densities and dimensions - residential and rural zones.

RURAL					RESIDENTIAL								
STANDARDS	RA-2.5	RA-5	RA-10	RA-20	UR	R-1 (17)	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density:	0.2	0.2	0.1	0.05	0.2	1 du/ ac	4 du/ ac	6	8	12	18	24	48
Dwelling Unit/Acre (15) (28)	du/ac	du/ac	du/ac	du/ac	du/ac (21)	(6)	du/ac	du/ac	du/ac	du/ac	du/ac	du/ac	du/ac
Maximum	0.4						6 du/ ac	9	12	18	27	36	72



Density: Dwelling Unit/Acre (1)	du/ac (20)						(22) 8 du/ ac (27)	du/ac 12 du/ac (27)	du/ac 16 du/ac (27)	du/ac 24 du/ac (27)	du/ac 36 du/ac (27)	du/ac 48 du/ac (27)	du/ac 96 du/ac (27)
Minimum Density: (2)							85% (12) (18) (23)	85% (12) (18)	85% (12) (18)	80% (18)	75% (18)	70% (18)	65% (18)
Minimum Lot Area (13)	1.875 ac	3.75 ac	7.5 ac	15 ac									
Minimum Lot Width (3)	135 ft	135 ft	135 ft	135 ft	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30ft	30 ft	30 ft
Minimum Street Setback (3)	30 ft (9)	30 ft (9)	30ft (9)	30 ft (9)	30 ft (7)	20 ft (7) (29)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10ft (8)	10 ft (8)
Minimum Interior Setback (3) (16)	5 ft (9)	10ft (9)	10 ft (9)	10 ft (9)	5 ft (7)	5 ft (7) (29)	5 ft	5 ft	5 ft	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10)
Base Height (4)	40 ft	40 ft	40 ft	40 ft	35 ft	35 ft (29)	35 ft (25)	35 ft 45 ft (14) (25)	35 ft 45 ft (14) (25)	60 ft	60 ft 80 ft (14)	60 ft 80 ft (14)	60 ft 80 ft (14)
Maximum Impervious Surface: Percentage (5)	25% (11) (19) (26)	20% (11) (19) (26)	15% (11) (19) (24) (26)	12.5% (11) (19) (26)	30% (11) (26)	30% (11) (26)	55% (26)	70% (26)	75% (26)	85% (26)	85% (26)	85% (26)	90% (26)

B. Development conditions.

1. This maximum density may be achieved only through the application of residential density incentives in accordance with K.C.C. chapter 21A.34 or transfers of development rights in accordance with K.C.C. chapter 21A.37, or any combination of density incentive or density transfer.
2. Also see K.C.C. 21A.12.060.
3. These standards may be modified under the provisions for zero-lot-line and

townhouse developments.

4.a. Height limits may be increased if portions of the structure that exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit, but the maximum height may not exceed seventy-five feet.

b. Netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior setback requirements but the maximum height shall not exceed seventy-five feet, except for recreation or multiuse parks, where the maximum height shall not exceed one hundred twenty-five feet, unless a golf ball trajectory study requires a higher fence.

c. Accessory dwelling units and accessory living quarters shall not exceed base heights, except that this requirement shall not apply to accessory dwelling units constructed wholly within an existing dwelling unit.

5. Applies to each individual lot. Impervious surface area standards for:

a. Regional uses shall be established at the time of permit review;

b. Nonresidential uses in rural area and residential zones shall comply with K.C.C. 21A.12.120 and 21A.12.220;

c. Individual lots in the R-4 through R-6 zones that are less than nine thousand seventy-six square feet in area shall be subject to the applicable provisions of the nearest comparable R-6 or R-8 zone; and

d. A lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.

6. Mobile home parks shall be allowed a base density of six dwelling units per

2981 acre.

2982 7. The standards of the R-4 zone apply if a lot is less than fifteen thousand  
2983 square feet in area.

2984 8. At least twenty linear feet of driveway shall be provided between any garage,  
2985 carport or other fenced parking area and the street property line. The linear distance shall  
2986 be measured along the center line of the driveway from the access point to such garage,  
2987 carport or fenced area to the street property line.

2988 9.a. Residences shall have a setback of at least one hundred feet from any  
2989 property line adjoining A, M or F zones or existing extractive operations. However,  
2990 residences on lots less than one hundred fifty feet in width adjoining A, M or F zones or  
2991 existing extractive operations shall have a setback from the rear property line equal to  
2992 fifty percent of the lot width and a setback from the side property equal to twenty-five  
2993 percent of the lot width.

2994 b. Except for residences along a property line adjoining A, M or F zones or  
2995 existing extractive operations, lots between one acre and two and one-half acres in size  
2996 shall conform to the requirements of the R-1 zone and lots under one acre shall conform  
2997 to the requirements of the R-4 zone.

2998 10.a. For developments consisting of three or more single-detached dwellings  
2999 located on a single parcel, the setback shall be ten feet along any property line abutting  
3000 R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in  
3001 K.C.C. 21A.14.190, which shall have a setback of five feet.

3002 b. For townhouse and apartment development, the setback shall be twenty feet  
3003 along any property line abutting R-1 through R-8, RA and UR zones, except for

structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback of five feet, unless the townhouse or apartment development is adjacent to property upon which an existing townhouse or apartment development is located.

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

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

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

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

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

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

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

3027           16. Vehicle access points from garages, carports or fenced parking areas shall  
3028 be set back from the property line on which a joint use driveway is located to provide a  
3029 straight line length of at least twenty-six feet as measured from the center line of the  
3030 garage, carport or fenced parking area, from the access point to the opposite side of the  
3031 joint use driveway.

3032           17.a. All subdivisions and short subdivisions in the R-1 zone shall be required to  
3033 be clustered if the property is located within or contains:

- 3034           (1) a floodplain;
- 3035           (2) a critical aquifer recharge area;
- 3036           (3) a regionally or locally significant resource area;
- 3037           (4) existing or planned public parks or trails, or connections to such facilities;
- 3038           (5) a category type S or F aquatic area or category I or II wetland;
- 3039           (6) a steep slope; or
- 3040           (7) an urban separator or wildlife habitat network designated by the  
3041 Comprehensive Plan or a community plan.

3042           b. The development shall be clustered away from critical areas or the axis of  
3043 designated corridors such as urban separators or the wildlife habitat network to the extent  
3044 possible and the open space shall be placed in a separate tract that includes at least fifty  
3045 percent of the site. Open space tracts shall be permanent and shall be dedicated to a  
3046 homeowner's association or other suitable organization, as determined by the director,  
3047 and meet the requirements in K.C.C. 21A.14.040. On-site critical area and buffers and  
3048 designated urban separators shall be placed within the open space tract to the extent  
3049 possible. Passive recreation, with no development of recreational facilities, and natural-

3050 surface pedestrian and equestrian trails are acceptable uses within the open space tract.

3051 18. See K.C.C. 21A.12.085.

3052 19. All subdivisions and short subdivisions in R-1 and RA zones within the  
3053 North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North  
3054 Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and  
3055 Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East  
3056 Sammamish Community Planning Area that drains to Patterson Creek shall have a  
3057 maximum impervious surface area of eight percent of the gross acreage of the plat.  
3058 Distribution of the allowable impervious area among the platted lots shall be recorded on  
3059 the face of the plat. Impervious surface of roads need not be counted towards the  
3060 allowable impervious area. Where both lot- and plat-specific impervious limits apply, the  
3061 more restrictive shall be required.

3062 20. This density may only be achieved on RA 2.5 zoned parcels receiving  
3063 density from rural forest focus areas through a transfer of density credit pursuant to  
3064 K.C.C. chapter 21A.37.

3065 21. Base density may be exceeded, if the property is located in a designated  
3066 rural city urban growth area and each proposed lot contains an occupied legal residence  
3067 that predates 1959.

3068 22. The maximum density is four dwelling units per acre for properties zoned  
3069 R-4 when located in the Rural Town of Fall City.

3070 23. The minimum density requirement does not apply to properties located  
3071 within the Rural Town of Fall City.

3072 24. The impervious surface standards for the county fairground facility are

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

25. For cottage housing developments only:

a. The base height is ~~((eighteen))~~ twenty-five feet.

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

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

27.a. Only in accordance with K.C.C. 21A.34.040.F.1.g. ~~((and))~~ or F.6.; or

b. Only through the application of transfer of development rights, if all units above one hundred fifty percent of the base density are either:

(1) rental housing permanently priced to serve households with a total household income at or below forty percent of the King County median income, adjusted for household size. A covenant on the property that specifies the income level being served, rent levels and requirements for reporting to King County shall be recorded at final approval; or

3096                    (2) housing reserved for income- and asset-qualified home buyers with total  
3097                    household income at or below forty percent of the King County median, adjusted for  
3098                    household size. The units shall be limited to owner-occupied housing with prices  
3099                    restricted based on typical underwriting ratios and other lending standards, and with no  
3100                    restriction placed on resale. Final approval conditions shall specify requirements for  
3101                    reporting to King County on both buyer eligibility and housing prices.

3102                    28. On a site zoned RA with a building listed on the national register of historic  
3103                    places, additional dwelling units in excess of the maximum density may be allowed under  
3104                    K.C.C. 21A.12.042.

3105                    29. Height and setback requirements shall not apply to regional transit authority  
3106                    facilities.

3107                    SECTION 50. Ordinance 16267, Section 30, and K.C.C. 21A.12.250 are hereby  
3108                    amended to read as follows:

3109                    The general personal service use (SIC # 72 except 7216, 7218 and 7261) and the  
3110                    office/outpatient clinic use (SIC # 801 - 04) listed in K.C.C. 21A.08.050 are allowed as a  
3111                    conditional use, subject to the following requirements:

3112                    A. The site shall be zoned R-4 through R-48;

3113                    B. The establishment shall be located within one-quarter mile of a rural town,  
3114                    unincorporated activity center, community business center or neighborhood business  
3115                    center and less than one mile from another commercial establishment;

3116                    C. The establishment shall be located in either:

3117                    1. ~~((a))~~A legally established single family dwelling in existence on or before  
3118                    January 1, 2008. The structure may not be expanded by more than ten percent as



provided in K.C.C. (~~21A.30.xxx~~) 21A.32.065 for the expansion of legally established nonconforming uses; or

2. A mixed use development with one hundred percent of the dwelling units affordable to households with incomes at or below sixty percent of area median income and on-site supportive services consistent with the King County Consortium Consolidated Housing and Community Development Plan or successor plan;

D. The maximum on-site parking ratio for establishments and sites shall be ~~((2))~~ two per ((4000)) one thousand square feet and required parking shall not be located between the building and the street; and

E. Sign and landscaping standards for the use apply.

SECTION 51. Ordinance 15032, Section 18, as amended, and K.C.C. 21A.14.025 are hereby amended to read as follows:

For cottage housing developments in the R4-R8 zones:

A. The total area of the common open space must be at least two hundred and fifty square feet per unit and at least fifty percent of the units must be clustered around the common space.

B. The total floor area of each unit, (~~including~~) except for two hundred and fifty square feet of any enclosed parking, is limited to one thousand two hundred square feet. The footprint of each unit, including any enclosed parking, is limited to nine hundred square feet. A front or wraparound porch of up to one hundred square feet is permitted and is not to be included in the floor area or footprint calculation.

C. Fences within the cottage housing unit development are limited to three feet in height. Fences along the perimeter of the cottage housing development are limited to six

3142 feet.

3143 D. Individual cottage housing units must be at least ten feet apart.

3144 E. Each dwelling unit that abuts common open space shall have either a primary  
3145 entry or a covered porch, or both, oriented to the common open space.

3146 F. Each dwelling unit within forty feet of a public right-of-way, not including  
3147 alleys, shall have a facade oriented to the public right-of-way that includes a porch, an  
3148 entrance or a bay window that projects a minimum of six inches and is a minimum of  
3149 four feet in width. If a dwelling unit is within forty feet of more than one public right-of-  
3150 way, the department shall determine which right-of-way towards which the facade  
3151 elements shall be oriented. Materials used on this facade shall wrap the corners of the  
3152 unit.

3153 SECTION 52. Ordinance 10870, Section 407, as amended, and K.C.C.

3154 21A.18.030 are hereby amended to read as follows:

3155 A. Except as modified in K.C.C. 21A.18.070.B. through D., off-street parking  
3156 areas shall contain at a minimum the number of parking spaces as stipulated in the  
3157 following table. Off-street parking ratios expressed as number of spaces per square feet  
3158 means the usable or net square footage of floor area, exclusive of non-public areas. Non-  
3159 public areas include but are not limited to building maintenance areas, storage areas,  
3160 closets or restrooms. If the formula for determining the number of off-street parking  
3161 spaces results in a fraction, the number of off-street parking spaces shall be rounded to  
3162 the nearest whole number with fractions of 0.50 or greater rounding up and fractions  
3163 below 0.50 rounding down.

LAND USE	MINIMUM PARKING SPACES
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	<b>REQUIRED</b>
<b>RESIDENTIAL (K.C.C. 21A.08.030.A):</b>	
Single detached/Townhouse	2.0 per dwelling unit
Apartment:	
Studio units	1.2 per dwelling unit
One bedroom units	1.5 per dwelling unit
Two bedroom units	1.7 per dwelling unit
Three bedroom units or larger	2.0 per dwelling unit
Mobile home park	2.0 per dwelling unit
Senior citizen assisted	1 per 2 dwelling or sleeping units
Community residential facilities	1 per two bedrooms
Dormitory, including religious	1 per two bedrooms
Hotel/Motel including organizational hotel/lodging	1 per bedroom
Bed and breakfast guesthouse	1 per guest room, plus 2 per facility
<u>Cottage housing:</u>	
<u>Studio units</u>	<u>1.0 per dwelling unit</u>
<u>One bedroom units</u>	<u>1.5 per dwelling unit</u>
<u>Two bedroom units or larger</u>	<u>2.0 per dwelling unit</u>
<b>RECREATION/CULTURAL (K.C.C. 21A.08.040.A):</b>	
Recreation/culture uses:	1 per 300 square feet
Exceptions:	

Bowling center	5 per lane
Golf course	3 per hole, plus 1 per 300 square feet of club house facilities
Tennis Club	4 per tennis court plus 1 per 300 square feet of clubhouse facility
Golf driving range	1 per tee
Park/playfield/paintball	(director)
Theater	1 per 3 fixed seats
Conference center	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces.
<b>LAND USE</b>	<b>MINIMUM PARKING SPACES REQUIRED</b>
<b>GENERAL SERVICES (K.C.C. 21A.08.050.A):</b>	
General services uses:	1 per 300 square feet
Exceptions:	
Funeral home/Crematory	1 per 50 square feet of chapel area
Daycare I	2 per facility
Daycare II	2 per facility, plus 1 space for each 20 children
Churches, synagogue, temple	1 per 5 fixed seats, plus 1 per 50

	square feet of gross floor area without fixed seats used for assembly purposes
Outpatient and Veterinary clinic offices	1 per 300 square feet of office, labs and examination rooms
Nursing and personal care Facilities	1 per 4 beds
Hospital	1 per bed
Elementary schools	1 per classroom, plus 1 per 50 students
Secondary schools	
Middle/junior high schools	1 per classroom, plus 1 per 50 students
High schools	1 per classroom, plus 1 per 10 students
High schools with stadiums	greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium
Vocational schools	1 per classroom, plus 1 per five students
Specialized instruction Schools	1 per classroom, plus 1 per two students
Artist Studios	0.9 per 1,000 square feet of area used for studios
<b>GOVERNMENT/BUSINESS SERVICES (K.C.C. 21A.08.060.A):</b>	
Government/business services uses:	1 per 300 square feet
Exceptions:	
Public agency yard	1 per 300 square feet of offices, plus

	0.9 per 1,000 square feet of indoor storage or repair areas
Public agency archives	0.9 per 1000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas
Courts	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas
Police facility	(director)
Fire facility	(director)
Construction and trade	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
Warehousing and storage	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Self-service storage	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit
Outdoor advertising services	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Heavy equipment repair	1 per 300 square feet of office, plus .9 per 1,000 square feet of indoor repair areas
Office	1 per 300 square feet

<b>LAND USE</b>	<b>MINIMUM PARKING SPACES REQUIRED</b>
<b>RETAIL/WHOLESALE (K.C.C. 21A.08.070.A):</b>	
Retail trade uses:	1 per 300 square feet
Exceptions:	
Food stores, less than 15,000 square feet	3 plus 1 per 350 square feet
Gasoline service stations w/o grocery	3 per facility, plus 1 per service bay
Gasoline service stations w/grocery, no service bays	1 per facility, plus 1 per 300 square feet of store
Restaurants	1 per 75 square feet in dining or lounge areas
Remote tasting rooms	1 per 300 square feet of tasting and retail areas
Wholesale trade uses	0.9 per 1000 square feet
Retail and wholesale trade mixed use	1 per 300 square feet
<b>MANUFACTURING (K.C.C. 21A.08.080.A):</b>	
Manufacturing uses	0.9 per 1,000 square feet
Winery/Brewery/Distillery Facility II and III	0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting and retail areas
<b>RESOURCES (K.C.C. 21A.08.090.A):</b>	
Resource uses	(director)

<b>REGIONAL (K.C.C. 21A.08.100.A):</b>	
Regional uses	(director)

3164 B. An applicant may request a modification of the minimum required number of  
3165 parking spaces by providing that parking demand can be met with a reduced parking  
3166 requirement. In such cases, the director may approve a reduction of up to fifty percent of  
3167 the minimum required number of spaces.

3168 C. When the county has received a shell building permit application, off-street  
3169 parking requirements shall be based on the possible tenant improvements or uses  
3170 authorized by the ((~~zone designation~~)) zoning classification and compatible with the  
3171 limitations of the shell permit. When the range of possible uses result in different parking  
3172 requirements, the director will establish the amount of parking based on a likely range of  
3173 uses.

3174 D. Where other provisions of this code stipulate maximum parking allowed or  
3175 reduced minimum parking requirements, those provisions shall apply.

3176 E. In any development required to provide six or more parking spaces, bicycle  
3177 parking shall be provided. Bicycle parking shall be bike rack or locker-type parking  
3178 facilities unless otherwise specified.

3179 1. Off-street parking areas shall contain at least one bicycle parking space for  
3180 every twelve spaces required for motor vehicles except as follows:

3181 a. The director may reduce bike rack parking facilities for patrons when it is  
3182 demonstrated that bicycle activity will not occur at that location.

3183 b. The director may require additional spaces when it is determined that the  
3184 use or its location will generate a high volume of bicycle activity. Such a determination



3185 will include but not be limited to the following uses:

3186 (1) Park/playfield,

3187 (2) Marina,

3188 (3) Library/museum/arboretum,

3189 (4) Elementary/secondary school,

3190 (5) Sports club, or

3191 (6) Retail business (when located along a developed bicycle trail or

3192 designated bicycle route).

3193 2. Bicycle facilities for patrons shall be located within 100 feet of the building

3194 entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a

3195 structure attached to the pavement.

3196 3. All bicycle parking and storage shall be located in safe, visible areas that do

3197 not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

3198 4. When more than ten people are employed on site, enclosed locker-type

3199 parking facilities for employees shall be provided. The director shall allocate the

3200 required number of parking spaces between bike rack parking and enclosed locker-type

3201 parking facilities.

3202 5. One indoor bicycle storage space shall be provided for every two dwelling

3203 units in townhouse and apartment residential uses, unless individual garages are provided

3204 for every unit. The director may reduce the number of bike rack parking spaces if indoor

3205 storage facilities are available to all residents.

3206 SECTION 53. Ordinance 10870, Section 435, and K.C.C. 21A.20.150 are hereby

3207 amended to read as follows:

3208           A. In the event that a billboard owner elects to relocate CB zoned billboards  
3209 outside of the CB zone, the CB ~~((zone designation))~~ zoning classification shall be  
3210 removed and that permit may not later be used to relocate a billboard in the CB zone.

3211           B. Billboards may be relocated only within the zone district identified on the  
3212 valid billboard permit, except the number of billboards permitted within non-CB zone  
3213 district may increase only as a result of billboard relocation from within the CB zone  
3214 district.

3215           SECTION 54. Ordinance 10870, Section 439, as amended, and K.C.C.  
3216 21A.22.010 are hereby amended to read as follows:

3217           The purpose of this chapter is to establish standards that minimize the impacts of  
3218 mineral extraction ~~((and))~~ or processing, coal mining, materials processing ((operations))  
3219 facilities and fossil fuel facilities upon surrounding properties by:

3220           A. Ensuring adequate review of operating aspects of mineral extraction ~~((and))~~ or  
3221 processing, coal mining, materials processing facility and fossil fuel facility sites;

3222           B. Requiring project phasing on large sites to minimize environmental impacts;

3223           C. Requiring minimum site areas large enough to provide setbacks and  
3224 mitigations necessary to protect environmental quality; and

3225           D. Requiring periodic review of mineral extraction ~~((and))~~ or processing, coal  
3226 mining, materials processing ((operations)) facilities and fossil fuel facilities to ensure  
3227 compliance with the approved operating standards.

3228           SECTION 55. Ordinance 10870, Section 440, as amended, and K.C.C.  
3229 21A.22.020 are hereby amended to read as follows:

3230           This chapter shall only apply to the following uses or activities ~~((that are))~~:

3231           A. ~~((m))~~Mineral extraction or processing, or both, and including SIC 10 and 14;

3232           B. Coal mining, including SIC 12;

3233           C. ~~((m))~~Materials processing ((operations)) facilities; and

3234           D. Fossil fuel facilities.

3235           SECTION 56. Ordinance 10870, Section 441, and K.C.C. 21A.22.030 are hereby  
3236 amended to read as follows:

3237           ~~((Extractive))~~ Mineral extraction or processing operations, coal mine operations  
3238 and materials processing facility operations shall commence only after issuance of a  
3239 grading permit by the county.

3240           SECTION 57. Ordinance 15032, Section 26, as amended, and K.C.C.  
3241 21A.22.035 are hereby amended to read as follows:

3242           A. Not later than thirty days after the department provides the notice of  
3243 application to the public required by K.C.C. 20.20.060 ~~((on))~~ for a ~~((mineral extraction or~~  
3244 ~~materials processing site))~~ use regulated under this chapter, or for an expansion of an  
3245 existing ~~((mineral extraction or materials processing site or operation))~~ use regulated  
3246 under this chapter beyond the scope of the prior environmental review, the applicant shall  
3247 hold a community meeting. The notice of application shall include notification of the  
3248 date, time and location of the community meeting. At the meeting, the applicant shall  
3249 provide information relative the proposal, including information on existing residences  
3250 and lot patterns within one-quarter mile of potential sites and on alternative haul routes.  
3251 The applicant shall also provide a preliminary evaluation at the meeting of any alternative  
3252 routes that have been provided to the applicant in writing at least five days in advance of

the meeting. The applicant shall provide to the department within fourteen days after the community meeting a written list of meeting attendees and documentation of the meeting.

B. Public notice of the community meeting required by this section shall be prepared, posted and distributed in accordance with K.C.C. 20.20.060 at least two weeks before the community meeting. In addition, the department shall:

1. Publish a notice of the meeting in a local newspaper of general circulation in the affected area;

2. Mail the notice of the meeting to all property owners within one-quarter mile of the proposed or expanded site or to at least twenty of the property owners nearest to the site, whichever is greater; and

3. Mail the notice of the meeting to all property owners within five hundred feet of any proposed haul route from the site to the nearest arterial.

SECTION 58. Ordinance 10870, Section 442, as amended, and K.C.C. 21A.22.040 are hereby amended to read as follows:

To the maximum extent practicable, nonconforming (~~((mineral extraction operations))~~) uses regulated under this chapter shall be brought into conformance with the operating conditions and performance standards of this chapter during permit renewal.

The department shall establish a schedule for conformance during the first periodic review of the nonconforming (~~((mineral extraction))~~) operation or facility and incorporate(~~((d))~~) such a schedule into the permit conditions.

SECTION 59. Ordinance 10870, Section 443, as amended, and K.C.C. 21A.22.050 are hereby amended to read as follows:

3275           A. In addition to the review conducted as part of the annual renewal of a mineral  
3276 extraction or processing operating permit, coal mine permit or materials processing  
3277 facility permit, the department shall conduct a periodic review of mineral extraction  
3278 ~~((and))~~ or processing, coal mine, materials processing ~~((operation))~~ facility or fossil fuel  
3279 facility site design and operating standards at five-year intervals from the date of issuance  
3280 of the permit.

3281           B. The periodic review is a Type 2 land use decision.

3282           C. The periodic review shall ~~((determine))~~:

3283           1. Determine ~~((W))~~ whether the site is operating consistent with all existing  
3284 permit conditions and, if not, establish corrective actions; and

3285           2. ~~((That))~~ Apply the most current site design and operating standards ~~((are~~  
3286 applied)) to the site through additional or revised permit conditions as necessary to  
3287 mitigate identifiable environmental, public health and public safety impacts.

3288           SECTION 60. Ordinance 10870, Section 444, as amended, and K.C.C.  
3289 21A.22.060 are hereby amended to read as follows:

3290           Except as otherwise provided ~~((for nonconforming mineral extraction operations))~~  
3291 in K.C.C. 21A.22.040, in addition to requirements in this title, all ~~((mineral extraction~~  
3292 and materials processing operations)) uses regulated under this chapter shall comply with  
3293 the following standards:

3294           A. The minimum site area ~~((of a mineral extraction or materials processing~~  
3295 operation)) shall be ten acres;

3296 B. ~~((Mineral extraction or materials processing operations or))~~On sites larger than  
3297 twenty acres, activities shall occur in phases to minimize environmental impacts. The  
3298 size of each phase shall be determined during the review process;

3299 C. If the department determines they are necessary to eliminate a safety hazard,  
3300 fences or alternatives to fences ~~((approved by the department,))~~ shall be:

3301 1. Provided in a manner that discourages access to areas of the site where:

3302 a. active extracting, processing, stockpiling and loading of materials is  
3303 occurring;

3304 b. boundaries are in common with residential or commercial zone property or  
3305 public lands; or

3306 c. any unstable slope or any slope exceeding a grade of forty percent is present;

3307 2. At least six feet in height above the grade measured at a point five feet  
3308 outside the fence and the fence material shall have no opening larger than two inches;

3309 3. Installed with lockable gates at all openings or entrances;

3310 4. No more than four inches from the ground to fence bottom; and

3311 5. Maintained in good repair;

3312 D. Warning and trespass signs advising of the ~~((mineral extraction or materials  
3313 processing operation))~~ use shall be placed on the perimeter of the site adjacent to RA, UR  
3314 or R zones at intervals no greater than two hundred feet along any unfenced portion of the  
3315 site where the items noted in subsection C.1.~~((a. through e.))~~ of this section are present;

3316 E. Structural setbacks from property lines shall be as follows:

3317 1. Buildings, structures and stockpiles used in the processing of materials shall  
3318 be no closer than:

a. one hundred feet from any residential zoned properties except that the setback may be reduced to fifty feet when the grade where such building or structures are proposed is fifty feet or greater below the grade of the residential zoned property;

b. fifty feet from any other zoned property, except when adjacent to another ~~((mineral extraction or materials processing site))~~ use regulated under this chapter;

c. the greater of fifty feet from the edge of any public street or the setback from residential zoned property on the far side of the street; and

2. Offices, scale facilities, equipment storage buildings and stockpiles, including those for reclamation, shall not be closer than fifty feet from any property line except when adjacent to another ~~((mineral extraction or materials processing site))~~ use regulated under this chapter or M or F zoned property. Facilities necessary to control access to the site, when demonstrated to have no practical alternative, may be located closer to the property line;

F. On-site clearing, grading or excavation, excluding that necessary for required access, roadway or storm drainage facility construction or activities in accordance with an approved reclamation plan, shall not be permitted within fifty feet of any property line except along any portion of the perimeter adjacent to another ~~((mineral extraction or materials processing operation))~~ use regulated under this chapter or M or F zoned property. If native vegetation is restored, temporary disturbance resulting from construction of noise attenuation features located closer than fifty feet shall be permitted;

G. Landscaping consistent with type 1 screening K.C.C. chapter 21A.16, except using only plantings native to the surrounding area, shall be provided along any portion of the site perimeter where site disturbances ~~((such as site clearing and grading, or~~

3342 ~~mineral extraction or materials processing is~~) associated with a use regulated under this  
3343 chapter are performed, except where adjacent to another (~~mineral extraction, materials~~  
3344 ~~processing or~~) use regulated under this chapter, forestry operation or M or F-zoned  
3345 property;

3346 H. Relevant clearing and grading operating standards from K.C.C. chapter 16.82  
3347 shall be applied; and

3348 I. Lighting shall:

3349 1. Be limited to that required for security, lighting of structures and equipment,  
3350 and vehicle operations; and

3351 2. Not directly glare onto surrounding properties.

3352 SECTION 61. Ordinance 10870, Section 445, as amended, and K.C.C.

3353 21A.22.070 are hereby amended to read as follows:

3354 Operating conditions and performance standards for all clearing and grading  
3355 activity for a use regulated under this chapter shall be as specified in K.C.C. chapter  
3356 16.82 except:

3357 A.1. Noise levels (~~produced by a mineral extraction or materials processing~~  
3358 ~~operation~~) shall not exceed levels specified by K.C.C. chapter 12.86;

3359 2. Hours of operation (~~for mineral extraction and materials processing~~  
3360 ~~facilities~~)), unless otherwise specified by the director, shall be between 7:00 a.m. and  
3361 7:00 p.m. Monday through Saturday and between 10:00 a.m. and 5:00 p.m. Sunday and  
3362 holidays;

3363 3. Before approving any variation of the hours of operation, the department  
3364 shall:



3365           a. determine whether on-site operations can comply with nighttime noise  
3366 standards in accordance with K.C.C. 12.86.110, and K.C.C. 12.86.120;

3367           b. determine whether the variance would cause significant adverse noise  
3368 impacts to the community in accordance with standards and methodologies developed by  
3369 the Federal Transit Administration, Federal Highway Administration or World Health  
3370 Organization, or any combination thereof, for evaluating noise impacts, or other  
3371 comparable standards and methods; and

3372           c. require mitigation for any identified impacts before the department approves  
3373 a variation in the hours of operation; and

3374           4. The director's decision to approve a variation in the hours of operation shall  
3375 be in writing and shall include a specific finding of compliance with the noise standards,  
3376 the facts and conclusions supporting that finding and any mitigation, conditions or  
3377 limitations imposed. All decisions made under this subsection shall be compiled by the  
3378 department and made available for public inspection;

3379           B. Blasting shall be conducted under an approved blasting plan:

3380           1. Consistent with the methods specified in the Office of Surface Mining  
3381 Enforcement and Reclamation 1987 Blasting Guidance Manual in a manner that protects  
3382 from damage all structures, excluding those owned and directly used by the operator, and  
3383 persons in the vicinity of the blasting area, including, but not limited to, adherence to the  
3384 following:

3385           a. Airblast levels shall not exceed one hundred thirty-three decibels measured  
3386 by a two Hz or lower flat response system at the nearest residential property or place of  
3387 public assembly;

3388           b. Flyrock shall not be cast one-half the distance to the nearest residential  
3389 property, place of public assembly or the property boundary, whichever is less. For the  
3390 purposes of this subsection B.1.b., "property boundary" means an imaginary line exterior  
3391 to any enclosed structure, at ground surface, which separates the property of one or more  
3392 persons from that owned by others, and its vertical extension; and

3393           c. Ground motion shall not exceed ground vibration levels damaging to  
3394 structures using one of the four accepted methods in the Office of Surface Mining  
3395 Enforcement and Reclamation 1987 Blasting Guidance Manual;

3396           2. During daylight hours; and

3397           3. According to a time schedule, provided to residents within one-half mile of  
3398 the site, that features regular or predictable times, except in the case of an emergency. If  
3399 requested by a resident, the operator shall provide notice of changes in the time schedule  
3400 at least twenty four hours before the changes take effect;

3401           C.1. Dust and smoke (~~((produced by mineral extraction and materials processing~~  
3402 ~~operations))~~) shall be controlled by best management practices to comply with relevant  
3403 regulations of the Puget Sound Clean Air Agency.

3404           2. Dust and smoke (~~((from process facilities))~~) shall be controlled in accordance  
3405 with a valid operating permit from the Puget Sound Clean Air Agency, when required.  
3406 Copies of the permit shall be kept onsite and available for department and public  
3407 inspection. Copies of the Puget Sound Clean Air Agency monitoring results shall be  
3408 provided to the department on permit monitoring data submittal dates.

3409           3. Dust and smoke (~~((from process facilities))~~) shall not significantly increase the  
3410 existing levels of suspended particulates at the perimeter of the site;

3411 D. The applicant shall prevent rocks, dirt, mud and any raw or processed material  
3412 from spilling from or being tracked by trucks onto public roadways and shall be  
3413 responsible for cleaning debris or repairing damage to roadways caused by the operation;

3414 E. The applicant shall provide traffic control measures such as flaggers or  
3415 warning signs as determined by the department during all hours of operation;

3416 F. The operator shall control surface water and site discharges to comply with  
3417 K.C.C. chapter 9.04 and the surface water design manual and K.C.C. chapter 9.12 and the  
3418 stormwater pollution prevention manual. For the life of the ~~((mineral resource))~~  
3419 operation and until site reclamation is complete, the operator shall maintain a valid  
3420 Washington state Department of Ecology National Pollutant Discharge Elimination  
3421 System individual permit or maintain coverage under the sand and gravel general permit.  
3422 The operator shall keep onsite and available for department review copies of the erosion  
3423 and sediment control plan, the applicable National Pollution Discharge Elimination  
3424 System individual or general permit and the Stormwater Pollution Prevention Plan. The  
3425 operator shall make the plans and permit available for public inspection upon request.  
3426 The operator shall provide to the department copies of the monitoring results on permit  
3427 monitoring data submittal dates. The department shall make the monitoring results  
3428 available for public inspection. If the department determines that National Pollution  
3429 Discharge Elimination System monitoring frequency or type is not adequate to meet the  
3430 demands of the site and the requirements of this subsection, the department may require  
3431 more frequent and detailed monitoring and may require a program designed to bring the  
3432 site into compliance;

3433 G. The operator shall not excavate below the contours determined through  
3434 hydrologic studies necessary to protect groundwater and the upper surface of the  
3435 saturated groundwater that could be used for potable water supply;

3436 H. If contamination of surface or ground water by herbicides is possible, to the  
3437 maximum extent practicable, mechanical means shall be used to control noxious weeds  
3438 on the site;

3439 I. Upon depletion of ((~~mineral~~)) resources or abandonment of the site, the  
3440 operator shall remove all structures, equipment and appurtenances accessory to  
3441 operations; and

3442 J. If the operator fails to comply with this section, the department shall require  
3443 modifications to operations, procedures or equipment until compliance is demonstrated to  
3444 the satisfaction of the department. If the modifications are inconsistent with the approved  
3445 permit conditions, the department shall revise the permit accordingly.

3446 SECTION 62. Ordinance 1488, Section 12, as amended, and K.C.C. 21A.22.081  
3447 are hereby amended to read as follows:

3448 A. A valid clearing and grading permit shall be maintained on a mineral  
3449 extraction or coal mine site until the reclamation of the site required under chapter 78.44  
3450 RCW is completed.

3451 B. A reclamation plan approved in accordance with chapter 78.44 RCW shall be  
3452 submitted before the effective date of a zone reclassification in Mineral-zoned properties  
3453 or the acceptance of any development proposal for a subsequent use in Forest-zoned  
3454 properties. The zone reclassification shall grant potential zoning that is only to be  
3455 actualized, under K.C.C. chapter 20.22, upon demonstration of successful completion of

3456 all requirements of the reclamation plan. Development proposals in the Forest zone for  
3457 uses subsequent to mineral extraction or coal mine operations shall not be approved until  
3458 demonstration of successful completion of all requirements of the reclamation plan  
3459 except that forestry activities may be permitted on portions of the site already fully  
3460 reclaimed.

3461 C. Mineral extraction and coal mine operations that are not required to have an  
3462 approved reclamation plan under chapter 78.44 RCW shall meet the following  
3463 requirements:

3464 1. Upon the exhaustion of minerals or materials or upon the permanent  
3465 abandonment of the quarrying or mining operation, all nonconforming buildings,  
3466 structures, apparatus or appurtenances accessory to the quarrying and mining operation  
3467 shall be removed or otherwise dismantled to the satisfaction of the director;

3468 2. Final grades shall:

3469 a. be such so as to encourage the uses permitted within the primarily  
3470 surrounding zone or, if applicable, the underlying or potential ((~~zone~~)) zoning  
3471 classification; and

3472 b. result in drainage patterns that reestablish natural conditions of water  
3473 velocity, volume, and turbidity within six months of reclamation and that precludes water  
3474 from collecting or becoming stagnant. Suitable drainage systems approved by the  
3475 department shall be constructed or installed where natural drainage conditions are not  
3476 possible or where necessary to control erosion. All constructed drainage systems shall be  
3477 designed consistent with the Surface Water Design Manual;

3478 3. All areas subject to grading or backfilling shall:

3479                   a. incorporate only nonnoxious, nonflammable, noncombustible and  
3480   nunputrescible solids; and

3481                   b. except for roads and areas incorporated into drainage facilities, be surfaced  
3482   with soil of a quality at least equal to the topsoil of the land areas immediately  
3483   surrounding, and to a depth of the topsoil of land area immediately surrounding six  
3484   inches, whichever is greater. The topsoil layer shall have an organic matter content of  
3485   eight to thirteen percent and a pH of 6.0 to 8.0 or matching the pH of the original  
3486   undisturbed soil layer. Compacted areas such as pit floors or compacted fill shall be  
3487   tilled or scarified before topsoil placement;

3488                   4. All reclaimed slopes shall comprise an irregular sinuous appearance in both  
3489   profile and plan view and blend with adjacent topography to a reasonable extent;

3490                   5. Where excavation has penetrated the seasonal or permanent water table  
3491   creating a water body or wetland:

3492                   a. All side slopes below the permanent water table and banks shall be graded  
3493   or shaped as to not constitute a safety hazard;

3494                   b. Natural features and plantings to provide beneficial wetland functions and  
3495   promote wildlife habitat shall be provided; and

3496                   c. Appropriate drainage controls shall be provided to stabilize the water level  
3497   and not create potential flooding hazards;

3498                   6. All cleared, graded or backfilled areas, including areas surfaced with topsoil,  
3499   shall be planted with a variety of trees, shrubs, legumes and grasses indigenous to the  
3500   surrounding area and appropriate for the soil, moisture and exposure conditions;

3501           7. Waste or soil piles shall be used for grading, backfilling or surfacing if  
3502 permissible under this section, then covered with topsoil and planted in accordance with  
3503 subsection C.3. and 6. of this section. Waste or soil piles not acceptable to be used for fill  
3504 in accordance with this chapter or as top soil in accordance with subsection C.3. of this  
3505 section shall be removed from the site; and

3506           8. Where excavation has exposed natural materials that may create polluting  
3507 conditions, including, but not limited to, acid-forming coals and metalliferous rock or  
3508 soil, such conditions shall be addressed to the satisfaction of the department. The final  
3509 ground surface shall be graded so that surface water drains away from any such materials  
3510 remaining on the site.

3511           D. The department may modify any requirement of this section when not  
3512 applicable or if it conflicts with an approved subsequent use for the site.

3513           SECTION 63. Ordinance 15032, Section 34, and K.C.C. 21A.22.085 are hereby  
3514 amended to read as follows:

3515           The applicant shall mitigate adverse impacts resulting from the ~~((extraction or~~  
3516 ~~processing operations))~~ use regulated under this chapter and monitor to demonstrate  
3517 compliance with this chapter.

3518           SECTION 64. Sections 65 and 66 of this ordinance should constitute a new chapter  
3519 in K.C.C. Title 21A.

3520           NEW SECTION. SECTION 65. Within the sea level rise risk area the following  
3521 standards apply:

3522           A. All buildings and substantial improvements to existing buildings shall be  
3523 elevated on pilings and columns in a manner consistent with applicable floodplain

development standards in this title, K.C.C. Title 16, the Federal Emergency Management Agency Coastal Construction Manual and other applicable requirements, and in a manner that provides the following, at a minimum:

1. The bottom of the lowest horizontal structural member of the lowest floor, excluding the pilings or columns, is elevated to or above the sea level rise protection elevation;

2. The pile or column foundation and building attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of flood water, wind and other loads as prescribed in this title acting simultaneously on all building components. Flood water loading values shall each have a one percent chance of being equaled or exceeded in any given year; and

3. All utilities that service the building are elevated to or above the flood protection elevation.

B. A registered professional engineer licensed by the state of Washington shall prepare the structural design, specifications and plans for the building, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subsection A. of this section, including applicable floodplain development standards in this title, K.C.C. Title 16, the Federal Emergency Management Agency Coastal Construction Manual and other applicable requirements;

C. The applicant shall provide a complete Federal Emergency Management Agency elevation certificate on the most current version of the form completed by a land surveyor licensed by the state of Washington documenting the elevation of the bottom of



the lowest structural member of the lowest floor, excluding pilings and columns, of all new and substantially improved buildings and additions affixed to the side of a building, and whether or not the buildings contain a basement. The department shall maintain the Federal Emergency Management Agency elevation certificates required by this section for public inspection and for certification under the National Flood Insurance Program;

D. All new buildings and substantial improvements to existing buildings shall maintain the space below the lowest floor free of obstruction. Breakaway walls are prohibited. The space can include nonsupporting open wood lattice-work or insect screening that is intended to collapse under wind and wave loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. The space below the lowest floor can be used only for parking of vehicles, building access or storage of items readily removable in the event of a flood warning. The space shall not be used for human habitation;

E. Fill for structural support of buildings is prohibited;

F. All manufactured homes to be placed or substantially improved within the sea level rise risk area shall meet the standards in subsections A. through E. of this section; and

G. The department shall provide notice to all applicants for new development or redevelopment located within the sea level rise risk area that the development may be impacted by sea level rise and recommend that the applicant voluntarily consider setting the development back further than required by this title to allow for future sea level rise.

NEW SECTION. SECTION 66.

A. The director may approve sea level rise risk area variances to this chapter.

3570           B. In reviewing and evaluating sea level rise risk area variance applications, the  
3571 director shall consider all technical evaluations and relevant factors, including, but not  
3572 limited to:

- 3573           1. The danger that materials may be swept onto other lands to the injury of  
3574 others;
- 3575           2. The danger to life and property due to coastal flooding or erosion damage;
- 3576           3. The susceptibility of the proposed building or facility and its contents to flood  
3577 damage and the effect of the damage on the individual owner;
- 3578           4. The importance of the services provided by the proposed building or facility  
3579 to the community;
- 3580           5. The necessity to the building or facility of a waterfront location;
- 3581           6. The availability of alternative locations for the proposed use that are not  
3582 subject to flooding or erosion damage;
- 3583           7. The potential of the proposed development to create an adverse effect on a  
3584 federally or state-protected species or habitat;
- 3585           8. The compatibility of the proposed use with existing and anticipated  
3586 development;
- 3587           9. The relationship of the proposed use to the Comprehensive Plan, shoreline  
3588 master program and flood hazard management plan;
- 3589           10. The safety of access to the property in times of flooding for ordinary and  
3590 emergency vehicles;
- 3591           11. The expected heights, velocity, duration, rate of rise, sediment transport of  
3592 the floodwaters and effects of wave action expected at the site;

3593           12. The costs of providing governmental services during and after flood  
3594 conditions, including emergency management services and maintenance and repair of  
3595 public utilities and facilities such as sewer, gas, electrical, water systems, streets and  
3596 bridges; and

3597           13. Current and future risks from sea level rise conditions anticipated to occur  
3598 over the next fifty years.

3599           C. The director may only approve a sea level rise risk area variance upon a  
3600 determination that:

3601           1. Failure to grant the sea level rise risk area variance would result in an  
3602 exceptional hardship to the applicant;

3603           2. The granting of a sea level rise risk area variance will not result in additional  
3604 threats to public safety, extraordinary public expense, create nuisances, cause fraud on or  
3605 victimization of the public or conflict with existing laws or ordinances; and

3606           3. The sea level rise risk area variance is the minimum necessary, considering  
3607 the flood or erosion hazard, to afford relief.

3608           D. An applicant for sea level rise risk area variance shall be given a written  
3609 notice that the approval of the sea level rise risk area variance to construct a structure  
3610 below the sea level rise protection elevation established in this chapter in may result in  
3611 higher future flood insurance premium rates up to amounts as high as twenty-five dollars  
3612 per one hundred dollars of coverage and that the construction below the sea level rise  
3613 protection elevation increases risks to life and property.

3614           E.1. An application for a sea level rise risk area variance shall be submitted in  
3615 writing to the permitting division, together with any supporting documentation that

demonstrates how the proposal meets the criteria in this section.

2. An application for a sea level rise risk area variance under this section shall be reviewed as a Type II land use decision in accordance with K.C.C. 20.20.020.

3. Sea level rise risk area variances that allow the establishment of a use not otherwise permitted in the zone where the proposal is located shall not be permitted.

4. The variance standards in K.C.C. 21A.44.030 and the alteration exception standards in K.C.C. 21A.24.070 shall not be used for variances to the sea level rise risk area regulations of this chapter.

5. The department shall maintain in perpetuity a record of all requests for variances, including justification for their issuance.

SECTION 67. Ordinance 17539, Section 47, and K.C.C. 21A.24.072 are hereby amended to read as follows:

A. As an alternative to an alteration exception under K.C.C. 21A.24.070, during review of an application for a single detached dwelling unit, the director may approve an alteration to a wetland buffer, aquatic area buffer, steep slope hazard area and associated buffer, landslide hazard area and associated buffer and critical area setback as follows:

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

2. The alteration is the minimum necessary to accommodate residential use of the property;

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

4. The development proposal does not pose an unreasonable threat to the public

health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest;

5. No more than five thousand square feet or ten percent of the site, whichever is greater, are disturbed by structures, building setbacks or other land alteration, including grading, utility installations and landscaping, but not including the area used for a driveway or for an on-site sewage disposal system. For purposes of this section, areas located within the shoreline jurisdiction that are below the ordinary high water mark shall not be included in calculating the site area;

6. The applicant submits an approved rural stewardship plan or forest stewardship plan prepared in accordance with this chapter that addresses the development proposal and the proposed use of the property; and

7. The proposal complies with K.C.C. 21A.24.125 and 21A.24.130.

B. The applicant for the waiver of the alteration exception process shall submit any critical areas studies, alternatives analysis and other documents requested by the department following a preapplication review meeting.

C. Within fourteen calendar days after the department determines the application under this section is complete, it shall provide written mailed notice of the proposed alteration as provided in K.C.C. (~~(20.20.080.H)~~) 20.20.060.H.

D. The department shall allow twenty-one calendar days for comment before making a decision on the request under this section. The department's decision shall be mailed to the applicant and to any other person who requests a copy. The decision shall state the reasons for the decision and, if approved, shall include any required mitigation or conditions.

3662           SECTION 68. Ordinance 10870, Section 478, as amended, and K.C.C.  
3663   21A.24.310 are hereby amended to read as follows:

3664           The following development standards apply to development proposals and  
3665   alterations on sites containing steep slope hazard areas:

3666           A. Except as provided in subsection D. of this section, unless allowed as an  
3667   alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C.  
3668   21A.24.045 are allowed within a steep slope hazard area;

3669           B. A buffer is required from all edges of the steep slope hazard area. To  
3670   eliminate or minimize the risk of property damage or injury resulting from slope  
3671   instability, landsliding or erosion caused in whole or part by the development, the  
3672   department shall determine the size of the buffer based upon a critical area report  
3673   prepared by a geotechnical engineer or geologist. The department of local services shall  
3674   adopt a public rule to implement this subsection, including implementing the  
3675   requirements for development and review of a critical area report.

3676           1. For new structures and substantial improvements to existing structures on  
3677   sites where any portion of the steep slope hazard area extends into the coastal high hazard  
3678   area or sea level rise risk area:

3679           a. ~~((If a))~~ The critical area report shall include an assessment of current and  
3680   future risks of sea level rise conditions anticipated to occur over the next fifty years and a  
3681   recommended buffer;

3682           b. If a critical area report is not submitted to the department, the minimum  
3683   buffer shall be seventy-five feet;

3684           2. For all other development not identified in subsection B.1.:

3685           a. If a critical area report is not submitted to the department, the minimum  
3686 buffer ~~((is))~~ shall be fifty feet~~((-))~~; and

3687           b. For building permits for single detached dwelling units only, the department  
3688 may waive the special study requirement and authorize buffer reductions if the  
3689 department determines that the reduction will adequately protect the proposed  
3690 development and the critical area; ~~((and))~~

3691           C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an  
3692 allowed alteration, removal of any vegetation from a steep slope hazard area or buffer is  
3693 prohibited; and

3694           D. All alterations are allowed in the following circumstance:

3695           1. Slopes which are forty percent or steeper with a vertical elevation change of  
3696 up to twenty feet if no adverse impact will result from the exemption based on King  
3697 County's review of and concurrence with a soils report prepared by a geologist or  
3698 geotechnical engineer; and

3699           2. The approved regrading of any slope which was created through previous  
3700 legal grading activities. Any slope which remains forty percent or steeper following site  
3701 development shall be subject to all requirements for steep slopes.

3702           SECTION 69. Ordinance 15051, Section 179, as amended, and K.C.C.  
3703 21A.24.316 are hereby amended to read as follows:

3704           The following development standards apply to development proposals and  
3705 alterations on sites containing critical aquifer recharge areas:

3706           A. Except as otherwise provided in subsection H. of this section, the following  
3707 new development proposals and alterations are not allowed on a site located in a category

3708 I critical aquifer recharge area:

3709 1. Transmission pipelines carrying petroleum or petroleum products;

3710 2. Sand and gravel, and hard rock mining unless:

3711 a. the site has mineral zoning as of January 1, 2005; or

3712 b. mining is a permitted use on the site and the critical aquifer recharge area

3713 was mapped after the date a complete application for mineral extraction on the site was

3714 filed with the department;

3715 3. Mining of any type below the upper surface of the saturated ground water that

3716 could be used for potable water supply;

3717 4. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

3718 5. Hydrocarbon extraction;

3719 6. Commercial wood treatment facilities on permeable surfaces;

3720 7. Underground storage tanks, including tanks that are exempt from the

3721 requirements of chapter 173 WAC, with hazardous substances, as defined in chapter

3722 70.105 RCW, that do not comply with standards of chapter 173-360 WAC and K.C.C.

3723 Title 17;

3724 8. Above-ground storage tanks for hazardous substances, as defined in chapter

3725 70.105 RCW, unless protected with primary and secondary containment areas and a spill

3726 protection plan;

3727 9. Golf courses;

3728 10. Cemeteries;

3729 11. Wrecking yards;

3730 12. Landfills for hazardous waste, municipal solid waste or special waste, as



3731 defined in K.C.C. chapter 10.04; and

3732 13. On lots smaller than one acre, an on-site septic system, unless:

3733 a. the system is approved by the Washington state Department of Health and  
3734 has been listed by the Washington State Department of Health as meeting treatment  
3735 standard N as provided in WAC chapter 426-((172A))272A; or

3736 b. the Seattle-King County department of public health determines that the  
3737 systems required under subsection A.13.a. of this section will not function on the site.

3738 B. Except as otherwise provided in subsection H. of this section, the following  
3739 new development proposals and alterations are not allowed on a site located in a category  
3740 II critical aquifer recharge area:

3741 1. Mining of any type below the upper surface of the saturated ground water that  
3742 could be used for potable water supply;

3743 2. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

3744 3. Hydrocarbon extraction;

3745 4. Commercial wood treatment facilities located on permeable surfaces;

3746 5.a. Except for a category II critical aquifer recharge area located over an  
3747 aquifer underlying an island that is surrounded by saltwater, underground storage tanks  
3748 with hazardous substances, as defined in chapter 70.105 RCW, that do not meet the  
3749 requirements of chapter 173-360 WAC and K.C.C. Title 17; and

3750 b. For a category II critical aquifer recharge area located over an aquifer  
3751 underlying an island that is surrounded by saltwater, underground storage tanks,  
3752 including underground storage tanks exempt from the requirements of chapter 173-360  
3753 WAC, with hazardous substances, as defined in chapter 70.105 RCW, that do not comply

3754 with the standards in chapter 173-360 WAC and K.C.C. Title 17;

3755           6. Above-ground storage tanks for hazardous substances, as defined in chapter  
3756 70.105 RCW, unless protected with primary and secondary containment areas and a spill  
3757 protection plan;

3758           7. Wrecking yards;

3759           8. Landfills for hazardous waste, municipal solid waste, or special waste, as  
3760 defined in K.C.C. chapter 10.04; and

3761           9. On lots smaller than one acre, an on-site septic systems, unless:

3762           a. the system is approved by the Washington state Department of Health and  
3763 has been listed by the Washington state Department of Health as meeting treatment  
3764 standard N as provided in WAC chapter 426-((172A))272A; or

3765           b. the Seattle-King County department of public health determines that the  
3766 systems required under subsection B.9.a. of this section will not function on the site.

3767           C. Except as otherwise provided in subsection H. of this section, the following  
3768 new development proposals and alterations are not allowed on a site located in a category  
3769 III critical aquifer recharge area:

3770           1. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

3771           2. Hydrocarbon extraction;

3772           3. Commercial wood treatment facilities located on permeable surfaces;

3773           4. Underground storage tanks, including tanks exempt from the requirements of  
3774 chapter 173-360 WAC, with hazardous substances, as defined in chapter 70.105 RCW,  
3775 that do not comply with the requirements of chapter 173-360 WAC and K.C.C. Title 17;

3776           5. Above ground storage tanks for hazardous substances, as defined in chapter

3777 70.105 RCW, unless protected with primary and secondary containment areas and a spill  
3778 protection plan;

3779 6. Wrecking yards; and

3780 7. Landfills for hazardous waste, municipal solid waste, or special waste, as  
3781 defined in K.C.C. chapter 10.04.

3782 D. The following standards apply to development proposals and alterations that  
3783 are substantial improvements on a site located in a critical aquifer recharge area:

3784 1. The owner of an underground storage tank, including a tank that is exempt  
3785 from the requirements of chapter 173 WAC, in a category I or III critical aquifer recharge  
3786 area or a category II critical aquifer recharge area located over an aquifer underlying ~~((an~~  
3787 ~~island that is surrounded by saltwater))~~ Vashon-Maury Island shall either bring the tank  
3788 into compliance with the standards of chapter 173 WAC and K.C.C. Title 17 or properly  
3789 decommission or remove the tank; and

3790 2. The owner of an underground storage tank in a category II critical aquifer  
3791 recharge area not located on located over an aquifer underlying ~~((an island that is~~  
3792 ~~surrounded by saltwater))~~ Vashon-Maury Island shall bring the tank into compliance with  
3793 the standards of chapter 173-360 WAC and K.C.C. Title 17 or shall properly  
3794 decommission or remove the tank.

3795 E. In any critical aquifer recharge area, the property owner shall properly  
3796 decommission an abandoned well.

3797 F. On a site located in a critical aquifer recharge area within the urban growth  
3798 area, a development proposal for new residential development, including, but not limited  
3799 to, a subdivision, short subdivision, or dwelling unit, shall incorporate best management

practices included in the King County Surface Water Design Manual into the site design in order to infiltrate stormwater runoff to the maximum extent practical.

G. ~~((On an island surround by saltwater,))~~ For critical aquifer recharge areas on Vashon-Maury Island:

1. No new groundwater wells are permitted within a coastal high hazard area. A rainwater catchment system may be used as an alternative water supply source for a single family residence if the requirements of K.C.C. 13.04.070 are met;

2. All new groundwater wells within a sea level rise risk area shall include a surface seal that prevents risks of saltwater contamination caused by sea level rise conditions anticipated to occur over the next fifty years; and

3. ~~((§))~~The owner of a new well located within ((two hundred feet of the ordinary high water mark of the marine shoreline and within a critical aquifer recharge area)) the sea level rise risk area shall test the well for chloride levels using testing protocols approved by the Washington state Department of Health. The owner shall report the results of the test to Seattle-King County department of public health and to the department of natural resources and parks. If the test results indicate saltwater intrusion is likely to occur, the department of natural resources and parks, in consultation with Seattle-King County department of public health, shall recommend appropriate measures in addition to the minimum requirements of this title to prevent saltwater intrusion.

H. On a site greater than twenty acres, the department may approve a development proposal otherwise prohibited by subsections A., B. and C. of this section if the applicant demonstrates through a critical area~~((s))~~ report that the development proposal is located outside the critical aquifer recharge area and that the development

3823 proposal will not cause a significant adverse environmental impact to the critical aquifer  
3824 recharge area.

3825 I. The provisions relating to underground storage tanks in subsections A. through  
3826 D. of this section apply only when the proposed regulation of underground storage tanks  
3827 has been submitted to and approved by the Washington state department of ecology, in  
3828 accordance with 90.76.040 RCW and WAC 173-360-530.

3829 SECTION 70. Ordinance 15051, Section 185, as amended, and K.C.C.  
3830 21A.24.325 are hereby amended to read as follows:

3831 A. Except as otherwise provided in this section, buffers shall be provided from the  
3832 wetland edge as follows:

3833 1. The buffers shown on the following table apply unless modified in accordance  
3834 with subsections B., C., D. and E. of this section:

WETLAND CATEGORY AND CHARACTERISTICS	INTENSITY OF IMPACT OF ADJACENT LAND USE		
	HIGH IMPACT	MODERATE IMPACT	LOW IMPACT
<b>Category I</b>			
Wetlands of High Conservation Value	250 feet	190 feet	125 feet
Bog	250 feet	190 feet	125 feet
Estuarine	200 feet	150 feet	100 feet
Coastal Lagoon	200 feet	150 feet	100 feet
Forested	Buffer width to be based on score for habitat		

	functions or water quality functions		
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category I wetlands not meeting any of the criteria above	100 feet	75 feet	50 feet
<b>Category II</b>			
Estuarine	150 feet	110 feet	75 feet
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category II wetlands not meeting any of the criteria above	100 feet	75 feet	50 feet
<b>Category III</b>			
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category III wetlands not	80 feet	60 feet	40 feet

meeting any of the criteria above			
<b>Category IV</b>	50 feet	40 feet	25 feet

3835 2. For purposes of this subsection A., unless the director determines a lesser level  
3836 of impact is appropriate based on information provided by the applicant, the intensity of  
3837 impact of the adjacent land use is determined as follows:

3838 a. High impact includes:

3839 (1) sites zoned commercial or industrial;

3840 (2) commercial, institutional or industrial use on a site regardless of the  
3841 zoning (~~designation~~) classification;

3842 (3) nonresidential use on a site zoned for residential use;

3843 (4) high-intensity active recreation use on a site regardless of zoning, such as  
3844 golf courses, ball fields and similar use;

3845 (5) all sites within the Urban Growth Area; or

3846 (6) Residential zoning greater than one dwelling unit per acre;

3847 b. Moderate impact includes:

3848 (1) residential uses on sites zoned residential one dwelling unit per acre or less;

3849 (2) residential use on a site zoned rural area, agriculture or forestry;

3850 (3) agricultural uses without an approved farm management plan;

3851 (4) utility corridors or right-of-way shared by several utilities, including  
3852 maintenance roads; or

3853 (5) moderate-intensity active recreation or open space use, such as paved trails,  
3854 parks with biking, jogging and similar use; and

3855 c. Low impact includes:

3856 (1) forestry use on a site regardless of zoning (~~((designation))~~) classification;

3857 (2) passive recreation uses, such as unpaved trails, nature viewing areas, fishing

3858 and camping areas, and other similar uses that do not require permanent structures, on a site

3859 regardless of zoning;

3860 (3) agricultural uses carried out in accordance with an approved farm

3861 management plan and in accordance with K.C.C. 21A.24.045.D.53. and K.C.C.

3862 21A.24.045.D.54.; or

3863 (4) utility corridors without a maintenance road and little or no vegetation

3864 maintenance.

3865 B. The department may approve a modification of the minimum buffer width

3866 required by this section by averaging the buffer width if:

3867 1. The department determines that:

3868 a. the buffer averaging will improve wetland protection if the wetland has

3869 significant differences in characteristics that effect habitat functions, such as a wetland with

3870 a forested component adjacent to a degraded emergent component or a "dual-rated"

3871 wetland with a Category I area adjacent to a lower-rated area; or

3872 b. averaging includes the corridors of a wetland complex; and

3873 2. The resulting buffer meets the following standards:

3874 a. the total area of the buffer after averaging is equivalent to or greater than the

3875 area of the buffer before averaging;

3876 b. the additional buffer is contiguous with the standard buffer;



3877 c. the buffer at its narrowest point is never less than either seventy-five percent  
3878 of the required width or seventy-five feet for Category I and II, fifty feet for Category III,  
3879 and twenty-five feet for Category IV, whichever is greater;

3880 d. the averaged buffer will not result in degradation of wetland functions and  
3881 values as demonstrated by a critical area((s)) report from a qualified wetland professional;  
3882 and

3883 e. the buffer is increased adjacent to the higher functioning area of habitat or  
3884 more sensitive portion of the wetland and decreased adjacent to the lower-functioning or  
3885 less-sensitive portion as demonstrated by a critical area((s)) report from a qualified wetland  
3886 professional.

3887 C. Wetland buffer widths shall also be subject to modifications under the following  
3888 special circumstances:

3889 1. For wetlands containing documented habitat for endangered, threatened or  
3890 species of local importance, the following shall apply:

3891 a. the department shall establish the appropriate buffer, based on a habitat  
3892 assessment, to ensure that the buffer provides adequate protection for the sensitive species;  
3893 and

3894 b. the department may apply the buffer reduction rules in subsection C.6. of this  
3895 section and the buffer averaging rules in subsection B. of this section;

3896 2. For a wetland buffer that includes a steep slope hazard area or landslide hazard  
3897 area, the buffer width is the greater of the buffer width required by the wetland's category  
3898 in this section or the top of the hazard area;

3899           3. For a wetland complex located outside the Urban Growth Area established by  
3900 the King County Comprehensive Plan or located within the Urban Growth Area in a basin  
3901 designated as "high" on the Basin and Shoreline Conditions Map, which is included as  
3902 Attachment A to Ordinance 15051, the buffer width is determined as follows:

3903           a. the buffer width for each individual wetland in the complex is the same width  
3904 as the buffer width required for the category of wetland;

3905           b. if the buffer of a wetland within the complex does not touch or overlap with at  
3906 least one other wetland buffer in the complex, a corridor is required from the buffer of that  
3907 wetland to one other wetland buffer in the complex considering the following factors:

3908               (1) the corridor is designed to support maintaining viable wildlife species that  
3909 are commonly recognized to exclusively or partially use wetlands and wetland buffers  
3910 during a critical life cycle stage, such as breeding, rearing or feeding;

3911               (2) the corridor minimizes fragmentation of the wetlands;

3912               (3) higher category wetlands are connected through corridors before lower  
3913 category wetlands; and

3914               (4) the corridor width is a least twenty-five percent of the length of the corridor,  
3915 but no less than twenty-five feet in width; and

3916               (5) shorter corridors are preferred over longer corridors;

3917           c. wetlands in a complex that are connected by an aquatic area that flows  
3918 between the wetlands are not required to be connected through a corridor;

3919           d. the department may exclude a wetland from the wetland complex if the  
3920 applicant demonstrates that the wetland is unlikely to provide habitat for wildlife species

that are commonly recognized to exclusively or partially use wetlands and wetland buffers during a critical life cycle stage, such as breeding, rearing or feeding; and

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

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

a. does not provide additional protection of the proposed development or the wetland; and

b. provides insignificant biological, geological or hydrological buffer functions relating to the other portion of the buffer adjacent to the wetland;

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

6. The buffer widths required for proposed land uses with high intensity impacts to wetlands can be reduced to those required for moderate intensity impacts under the following conditions:

a. For wetlands that score moderate or high for habitat, which means six points or higher, the width of the buffer can be reduced if both of the following criteria are met:

(1) A relatively undisturbed vegetated corridor at least one-hundred feet wide is protected between the wetland and any other Priority Habitats as defined by the

3944 Washington state Department of Fish and Wildlife in the priority habitat and species list.

3945 The corridor must be protected for the entire distance between the wetland and the

3946 priority habitat and legally recorded via a conservation easement; and

3947 (2) Measures to minimize the impacts of different land uses on wetlands as

3948 identified in subsection C.6.b. of this section are applied; and

3949 b. For wetlands that score low for habitat, which means less than six points, the

3950 buffer width can be reduced to that required for moderate intensity impacts by applying

3951 measures to minimize impacts of the proposed land uses, as follows:

<b>Disturbance</b>	<b>Measures to minimize impacts</b>
Lights	Direct lights away from wetland.
Noise	Locate activity that generates noise away from wetland. If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source. For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional ten-foot heavily vegetated buffer strip immediately adjacent to the outer wetland buffer.
Toxic runoff	Route all new untreated runoff away from wetland while ensuring wetland is not dewatered. Establish covenants limiting use of pesticides within 150 feet of wetland. Apply integrated pest management.
Stormwater runoff	Retrofit stormwater detention and treatment for roads and existing adjacent development. Prevent channelized flow from lawns that

	directly enters the buffer. Use low impact intensity development techniques identified in the King County Surface Water Design Manual.
Change in water regime	Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces and new lawns.
Pets and human disturbance	Use privacy fencing or plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion. Place wetland and its buffer in a separate tract or protect with a conservation easement.
Dust	Use best management practices to control dust.

3952 D. The department may approve a modification to the buffers established in  
3953 subsection A. of this section if the wetland was created or its characterization was upgraded  
3954 as part of a voluntary enhancement or restoration project.

3955 E. If the site is located within the shoreline jurisdiction, the department shall  
3956 determine that a proposal to reduce wetland buffers under this section will result in no net  
3957 loss of shoreline ecological functions.

3958 SECTION 71. Ordinance 3688, Section 303, as amended, and K.C.C.

3959 21A.25.050 are hereby amended to read as follows:

3960 A. The requirements of the shoreline master program apply to all uses and  
3961 development occurring within the shoreline jurisdiction. The King County shoreline  
3962 jurisdiction consists of shorelines, shorelines of statewide significance, and shorelands as  
3963 defined in RCW 90.58.030 and K.C.C. chapter 21A.06, and the one-hundred-year  
3964 floodplain.

B. The shoreline jurisdiction does not include tribal reservation lands and lands held in trust by the federal government for tribes. Nothing in the King County shoreline master program or action taken under that program shall affect any treaty right to which the United States is a party.

C. The lakes and segments of rivers and streams constituting the King County shoreline jurisdiction are set forth in Attachment ~~((K))~~ H to ~~((Ordinance 17485))~~ this ordinance. The King County shoreline jurisdiction is shown on a map adopted in chapter 6 of the King County Comprehensive Plan. If there is a discrepancy between the map and the criteria established in subsection A. of this section, the criteria shall constitute the official King County shoreline jurisdiction. The county shall update the shoreline master program to reflect the new designation within three years of the discovery of the discrepancy.

SECTION 72. Ordinance 10870, Section 539, as amended, and K.C.C. 21A.32.020 are hereby amended to read as follows:

A. ~~((With the exception of))~~ This chapter shall apply to all nonconformances, except:

1. ~~((n))~~ Nonconforming ~~((extractive))~~ operations ~~((identified in))~~ regulated by K.C.C. chapter 21A.22~~((, all nonconformances shall be subject to the provisions of this chapter))~~; and

2. Fossil fuel facilities regulated by K.C.C. 21A.08.100.

B. This chapter does not supersede or relieve a property owner from compliance with

~~1. The International Building and Fire Codes; or~~

3988           ~~2. The provisions of this code beyond the specific nonconformance addressed by~~  
3989 ~~this chapter~~)) local, state and federal regulations and laws that apply to the property and  
3990 structures and uses thereon.

3991           SECTION 73. Ordinance 13274, Section 1, as amended, and K.C.C. 21A.37.010  
3992 are hereby amended to read as follows:

3993           A. The purpose of the transfer of development rights program is to transfer  
3994 residential density from eligible sending sites to eligible receiving sites through a  
3995 voluntary process that permanently preserves urban, rural((,)) and resource ((and urban  
3996 separator)) lands that provide a public benefit. The TDR provisions are intended to  
3997 supplement land use regulations, resource protection efforts and open space acquisition  
3998 programs and to encourage increased residential development density or increased  
3999 commercial square footage, especially inside cities, where it can best be accommodated  
4000 with the least impacts on the natural environment and public services by:

4001           1. Providing an effective and predictable incentive process for property owners  
4002 of rural, resource and urban separator land to preserve lands with a public benefit as  
4003 described in K.C.C. 21A.37.020; and

4004           2. Providing an efficient and streamlined administrative review system to ensure  
4005 that transfers of development rights to receiving sites are evaluated in a timely way and  
4006 balanced with other county goals and policies, and are adjusted to the specific conditions  
4007 of each receiving site.

4008           B. The TDR provisions in this chapter shall only apply to TDR receiving site  
4009 development proposals submitted on or after September 17, 2001, and applications for  
4010 approval of TDR sending sites submitted on or after September 17, 2001.

4011            SECTION 74. Ordinance 13274, Section 4, as amended, and K.C.C. 21A.37.020  
4012 are hereby amended to read as follows:

4013            A. For the purpose of this chapter, sending site means the entire tax lot or lots  
4014 qualified under ~~((subsection B. of))~~ this subsection. Sending sites ~~((may only be located~~  
4015 ~~within rural or resource lands or urban separator areas with R-1 zoning, as designated by~~  
4016 ~~the King County Comprehensive Plan, and shall meet))~~ shall:

4017            1. Contain a public benefit such that preservation of that benefit by transferring  
4018 residential development rights to another site is in the public interest;

4019            2. Meet at least one of the following criteria:

4020            a. designation in the King County Comprehensive Plan or a functional plan as  
4021 an agricultural production district or zoned A;

4022            b. designation in the King County Comprehensive Plan or a functional plan as  
4023 forest production district or zoned F;

4024            c. designation in the King County Comprehensive Plan as Rural Area, zoned  
4025 RA-2.5, RA-5 or RA-10, and meeting the definition in RCW 84.34.020 of open space, of  
4026 farm and agricultural land or of timber land;

4027            d. designation in the King County Comprehensive Plan or a functional plan as  
4028 a proposed Rural Area or Natural Resource Land regional trail or Rural Area or Natural  
4029 Resource Land open space site, through either:

4030            (1) designation of a specific site; or

4031            (2) identification of proposed Rural Area or Natural Resource Land regional  
4032 trail or Rural Area or Natural Resource Land open space sites which meet adopted  
4033 standards and criteria, and for Rural Area or Natural Resource Land open space sites,



4034 meet the definition of open space land, as defined in RCW 84.34.020;

4035 e. identification as habitat for federally listed endangered or threatened species

4036 in a written determination by the King County department of natural resources and parks,

4037 Washington state Department of Fish and Wildlife, United States Fish and Wildlife

4038 Services or a federally recognized tribe that the sending site is appropriate for

4039 preservation or acquisition;

4040 f. designation in the King County Comprehensive Plan as urban separator and

4041 zoned R-1; or

4042 g.(1) designation in the King County Comprehensive Plan as urban residential

4043 medium or urban residential high;

4044 (2) zoned R-4, R-6, R-8, R-12, R-18, R-24 or R-48; and

4045 (3) approved for conservation futures tax funding by the King County

4046 council;

4047 3. Consist of one or more contiguous lots that have a combined area that meets

4048 or exceeds the minimum lot area for construction requirements in K.C.C. 21A.12.100 for

4049 the zone in which the sending site is located. For purposes of this subsection, lots divided

4050 by a street are considered contiguous if the lots would share a common lot line if the

4051 street was removed. This provision may be waived by the interagency committee if the

4052 total acreage of a rural or resource sending site application exceeds one hundred acres;

4053 and

4054 4. Not be in public ownership, ((E))except:

4055 a. as provided in K.C.C. 21A.37.110.C.((,-or));

4056 b. for lands zoned RA that are managed by the Washington state Department

of Natural Resources as state grant or state forest lands(~~(, land in public ownership may~~  
~~not be sending sites. If the sending site consists of more than one tax lot, the lots must be~~  
~~contiguous and the area of the combined lots must meet the minimum lot area for~~  
~~construction requirements in K.C.C. 21A.12.100 for the zone in which the sending site is~~  
~~located. For purposes of this section, lots divided by a street are considered contiguous if~~  
~~the lots would share a common lot line if the street was removed; this provision may be~~  
~~waived by the interagency committee if the total acreage of a rural or resource sending~~  
~~site application exceeds one hundred acres. A sending site shall be maintained in a~~  
~~condition that is consistent with the criteria in this section under which the sending was~~  
~~qualified.~~

~~B. Qualification of a sending site shall demonstrate that the site contains a public~~  
~~benefit such that preservation of that benefit by transferring residential development~~  
~~rights to another site is in the public interest. A sending site must meet at least one of the~~  
~~following criteria:~~

~~1. Designation in the King County Comprehensive Plan or a functional plan as~~  
~~an agricultural production district or zoned A;~~

~~2. Designation in the King County Comprehensive Plan or a functional plan as~~  
~~forest production district or zoned F;~~

~~3. Designation in the King Count Comprehensive Plan as rural residential,~~  
~~zoned RA 2.5, RA 5 or RA 10, and meeting the definition in RCW 84.34.020 of open~~  
~~space, farm and agricultural land, or timber land;~~

~~4. Designation in the King County Comprehensive Plan, or a functional plan as~~  
~~a proposed rural or resource area regional trail or rural or resource area open space site,~~

4080 ~~through either:~~

4081           ~~a. designation of a specific site; or~~

4082           ~~b. identification of proposed rural or resource area regional trail or rural or~~

4083 ~~resource area open space sites which meet adopted standards and criteria, and for rural or~~

4084 ~~resource area open space sites, meet the definition of open space land, as defined in RCW~~

4085 ~~84.34.020;~~

4086           ~~5. Identification as habitat for federal listed endangered or threatened species in~~

4087 ~~a written determination by the King County department of natural resources and parks,~~

4088 ~~Washington state Department of Fish and Wildlife, United States Fish and Wildlife~~

4089 ~~Services or a federally recognized tribe that the sending site is appropriate for~~

4090 ~~preservation or acquisition; or~~

4091           ~~6. Designation in the King County Comprehensive Plan as urban separator and~~

4092 ~~zoned R-1)); or~~

4093           c. for lands that are managed by King County for purposes of residential or

4094 commercial development.

4095           ~~((C:))~~ B. For the purposes of the TDR program, acquisition means obtaining fee

4096 simple rights in real property(~~(:))~~) or a (~~((less than a fee simple))~~) property right in a form

4097 that preserves in perpetuity the public benefit supporting the designation or qualification

4098 of the property as a sending site. A sending site shall be maintained in a condition that is

4099 consistent with the criteria in this section under which the sending was qualified.

4100           ~~((D:))~~ C. If a sending site has any outstanding code violations, the person

4101 responsible for code compliance should resolve these violations, including any required

4102 abatement, restoration, or payment of civil penalties, before a TDR sending site may be

4103 qualified by the interagency review committee created under K.C.C. 21A.37.070.  
4104 However, the interagency may qualify and certify a TDR sending site with outstanding  
4105 code violations if the person responsible for code compliance has made a good faith  
4106 effort to resolve the violations and the proposal is in the public interest.

4107 ~~((E.))~~ D. For lots on which the entire lot or a portion of the lot has been cleared or  
4108 graded in accordance with a Class II, III or IV special forest practice as defined in chapter  
4109 76.09 RCW within the six years ~~((prior to))~~ before application as a TDR sending site, the  
4110 applicant must provide an affidavit of compliance with the reforestation requirements of  
4111 the Forest Practices Act, and any additional reforestation conditions of their forest  
4112 practice permit. Lots on which the entire lot or a portion of the lot has been cleared or  
4113 graded without any required forest practices or county authorization, shall be not  
4114 qualified or certified as a TDR sending site for six years unless the six-year moratorium  
4115 on development applications has been lifted or waived or the landowner has a  
4116 reforestation plan approved by the Washington state Department of Natural Resources  
4117 and King County.

4118 SECTION 75. Ordinance 13274, Section 6, as amended, and K.C.C. 21A.37.040  
4119 are hereby amended to read as follows:

4120 A. The number of residential development rights that an unincorporated sending  
4121 site is eligible to send to a receiving site shall be determined by applying the TDR  
4122 sending site base density established in subsection D. of this section to the area of the  
4123 sending site, after deducting the area associated with any existing development, any  
4124 retained development rights and any portion of the sending site already in a conservation  
4125 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 local services, permitting division, 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:

4149           1. Sending sites designated in the King County Comprehensive Plan as urban  
4150 separator and zoned R-1 shall have a base density of four dwelling units per acre;

4151           2. Sending sites zoned RA-2.5 shall have a base density of one unit for each two  
4152 and one-half acres. Sending sites zoned RA-2.5 that are vacant and are smaller than 1.25  
4153 acres shall be allocated one additional TDR for each vacant lot that is smaller than 1.25  
4154 acres;

4155           3. Sending sites zoned RA-5 or RA-10 shall have a base density of one dwelling  
4156 unit per five acres. Vacant sending sites that are zone RA-5 and are smaller than two and  
4157 one-half acres or that are zoned RA-10 and are smaller than five acres shall be allocated  
4158 ~~((one))~~ one additional TDR for each vacant lot that is smaller than two and one-half acres  
4159 or five acres, respectively;

4160           4. Sending sites zoned RA and that have a designation under the King County  
4161 Shoreline Master Program of conservancy or natural shall be allocated one additional  
4162 TDR;

4163           5. Sending sites zoned A-10 and A-35 shall have a base density of one dwelling  
4164 unit per five acres for transfer purposes only;

4165           6. Sending sites zoned F within the forest production district shall have a base  
4166 density of one dwelling unit per eighty acres or one dwelling unit per each lot that is  
4167 between fifteen and eighty acres in size; or

4168           7. Sending sites in the urban unincorporated area that meet the criteria in K.C.C.  
4169 21A.37.020.A.2.g. shall be allocated TDRs that are equivalent to the zoning base density  
4170 established in K.C.C. 21A.12.030 for every one acre of gross land area.

4171           E. A sending site zoned RA, A or F may send one development right for every

4172 legal lot larger than five thousand square feet that was created on or before September 17,  
4173 2001, if that number is greater than the number of development rights determined under  
4174 subsection A. of this section. A sending site zoned R-1 may send one development right  
4175 for every legal lot larger than two thousand five hundred square feet that was created on  
4176 or before September 17, 2001, if that number is greater than the number of development  
4177 rights determined under subsection A. of this section.

4178 F. The number of development rights that a King County unincorporated rural or  
4179 natural resources land sending site is eligible to send to a King County incorporated  
4180 urban area receiving site shall be determined through the application of a conversion ratio  
4181 established by King County and the incorporated municipal jurisdiction. The conversion  
4182 ratio will be applied to the number of available sending site development rights  
4183 determined under subsection A. or E. of this section.

4184 G. Development rights from one sending site may be allocated to more than one  
4185 receiving site and one receiving site may accept development rights from more than one  
4186 sending site.

4187 H. The determination of the number of residential development rights a sending  
4188 site has available for transfer to a receiving site shall be valid for transfer purposes only,  
4189 shall be documented in a TDR qualification report prepared by the department of natural  
4190 resources and parks and sent to the applicant. The qualification report and shall be  
4191 considered a final determination, not to be revised due to changes to the sending site's  
4192 zoning, and shall be valid unless conditions on the sending site property that would affect  
4193 the number of development rights the sending site has available for transfer have  
4194 changed.

4195 I. Each residential transferable development right that originates from a sending  
4196 site zoned RA, A or F shall be designated "Rural" and is equivalent to two additional  
4197 units above base density in eligible receiving sites located in unincorporated urban King  
4198 County. Each residential transferable development right that originates from a sending  
4199 site zoned R-1 urban separator shall be designated "Urban" and is equivalent to one  
4200 additional unit above base density. Each residential transferable development right that  
4201 originates from a sending site in urban unincorporated area lands meeting the criteria in  
4202 K.C.C. 21A.37.020.A.2.g. shall be designated "Urban" and is equivalent to one additional  
4203 unit above the base density.

4204 SECTION 76. Ordinance 13274, Section 7, as amended, and K.C.C. 21A.37.070  
4205 are hereby amended to read as follows:

4206 A. An interagency review committee, chaired by the department of local services  
4207 permitting division manager and the director of the department of natural resources and  
4208 parks, or designees, shall be responsible for qualification of sending sites.  
4209 Determinations on sending site certifications made by the committee are appealable to the  
4210 examiner under K.C.C. 20.22.040. The department of natural resources and parks shall  
4211 be responsible for preparing a TDR qualification report, which shall be signed by the  
4212 director of the department of natural resources and parks or designee, documenting the  
4213 review and decision of the committee. The qualification report shall:

4214 1. Specify all deficiencies of an application, if the decision of the committee is  
4215 to disqualify the application;

4216 2. For all qualifying applications, provide a determination as to whether or not  
4217 additional residential dwelling units and associated accessory units may be



4218 accommodated in accordance with K.C.C. 21A.37.050.A.; and

4219 3. Be issued a TDR certification letter within sixty days of the date of submittal

4220 of a completed sending site certification application.

4221 B. Responsibility for preparing a completed application rests exclusively with the

4222 applicant. Application for sending site certification shall include:

4223 1. A legal description of the site;

4224 2. A title report;

4225 3. A brief description of the site resources and public benefit to be preserved;

4226 4. A site plan showing the existing and proposed dwelling units, nonresidential

4227 structures, driveways, submerged lands and any area already subject to a conservation

4228 easement or other similar encumbrance;

4229 5. Assessors map or maps of the lot or lots;

4230 6. A statement of intent indicating whether the property ownership, after TDR

4231 certification, will be retained in private ownership or dedicated to King County or another

4232 public or private nonprofit agency;

4233 7. Any or all of the following written in conformance with criteria established

4234 through a public rule consistent with K.C.C. chapter 2.98, if the site is qualifying as

4235 habitat for a threatened or endangered species:

4236 a. a wildlife habitat conservation plan;

4237 b. a wildlife habitat restoration plan; or

4238 c. a wildlife present conditions report;

4239 8. If the site qualifies as an urban unincorporated area sending site meeting the

4240 criteria in K.C.C. 21A.37.020.A.2.g.;

4241           9. A forest stewardship plan, written in conformance with criteria established  
4242 through a public rule consistent with K.C.C. chapter 2.98, if required under K.C.C.  
4243 21A.37.060.B.3. and 6.;

4244           ~~((9-))~~ 10. An affidavit of compliance with the reforestation requirements of the  
4245 Forest Practices Act and any additional reforestation conditions of the forest practices  
4246 permit for the site, if required under K.C.C. 21A.37.020.~~((E))~~D.;

4247           ~~((10-))~~ 11. A completed density calculation worksheet for estimating the number  
4248 of available development rights; and

4249           ~~((11-))~~ 12. The application fee consistent with K.C.C. ~~((27.36.020))~~ 27.10.170.

4250           SECTION 77. Ordinance 13733, Section 8, as amended, and K.C.C. 21A.37.100  
4251 are hereby amended to read as follows:

4252           The purpose of the TDR bank is to assist in the implementation of the transfer of  
4253 development rights (TDR) program by bridging the time gap between willing sellers and  
4254 buyers of development rights by purchasing and selling development rights, purchasing  
4255 conservation easements, and facilitating interlocal TDR agreements with cities in King  
4256 County through the provision of amenity funds. The TDR bank may acquire  
4257 development rights and conservation easements only from sending sites located in the  
4258 rural area or in an agricultural or forest ~~((production district as designated))~~ land use  
4259 designation in the King County Comprehensive Plan, or in the urban unincorporated area  
4260 only from sites meeting the criteria in K.C.C. 21A.37.020.A.2.g. Development rights  
4261 purchased from the TDR bank may only be used for receiving sites in cities or in the  
4262 urban unincorporated area as designated in the King County Comprehensive Plan.

4263           SECTION 78. Ordinance 13733, Section 10, as amended, and K.C.C.

4264 21A.37.110 are hereby amended to read as follows:

4265           A. The TDR bank may purchase development rights from qualified sending sites  
4266 at prices not to exceed fair market value and to sell development rights at prices not less  
4267 than fair market value, except as allowed in K.C.C. 21A.37.130. The TDR bank may  
4268 accept donations of development rights from qualified TDR sending sites.

4269           B. The TDR bank may purchase a conservation easement only if the property  
4270 subject to the conservation easement is qualified as a sending site as evidenced by a TDR  
4271 qualification report, the conservation easement restricts development of the sending site  
4272 in the manner required by K.C.C. 21A.37.060 and the development rights generated by  
4273 encumbering the sending site with the conservation easement are issued to the TDR bank  
4274 at no additional cost.

4275           C. Any development rights, generated by encumbering property with a  
4276 conservation easement, may be issued to the TDR bank if:

4277               1.a. The conservation easement is acquired through a county park, open space,  
4278 trail, agricultural, forestry or other natural resource acquisition program for a property  
4279 that is qualified as a TDR sending site as evidenced by a TDR qualification report; or

4280               b. the property is acquired by the county with the intent of conveying the  
4281 property encumbered by a reserved conservation easement. The number of development  
4282 rights generated by this reserved conservation easement shall be determined by the TDR  
4283 qualification report; and

4284           2. Under either subsection C.1.a. or b. of this section, there will be no additional  
4285 cost to the county for acquiring the development rights.

4286 D. The TDR bank may use funds to facilitate development rights transfers.  
4287 These expenditures may include, but are not limited to, establishing and maintaining  
4288 internet web pages, marketing TDR receiving sites, procuring title reports and appraisals  
4289 and reimbursing the costs incurred by the department of natural resources and parks,  
4290 water and land resources division, or its successor, for administering the TDR bank fund  
4291 and executing development rights purchases and sales.

4292 E. The TDR bank fund may be used to cover the cost of providing staff support  
4293 for identifying and qualifying sending and receiving sites, and the costs of providing staff  
4294 support for the TDR interagency review committee.

4295 F. Upon approval of the TDR executive board, proceeds from the sale of TDR  
4296 bank development rights shall be available for acquisition of additional development  
4297 rights and as amenity funds to facilitate interlocal TDR agreements with cities in King  
4298 County and for projects in receiving areas located in urban unincorporated King County.  
4299 Amenity funds provided to a city from the sale of TDR bank development rights to that  
4300 city are limited to one-third of the proceeds from the sale.

4301 SECTION 79. Ordinance 13733, Section 12, as amended, and K.C.C.  
4302 21A.37.130 are hereby amended to read as follows:

4303 A. The sale of development rights by the TDR bank shall be at a price that equals  
4304 or exceeds the fair market value of the development rights, unless the development rights  
4305 are to be used to provide units over one hundred fifty percent of base density in  
4306 accordance with K.C.C. 21A.12.030.B.27.b., in which case the development rights shall  
4307 be sold at the administrative cost incurred by the county or fifteen percent of the fair  
4308 market value of the development rights, whichever is less. The fair market value of the

4309 development rights shall be established by the department of natural resources and shall  
4310 be based on the amount the county paid for the development rights and the prevailing  
4311 market conditions.

4312 B. When selling development rights, the TDR bank may select prospective  
4313 purchasers based on the price offered for the development rights, the number of  
4314 development rights offered to be purchased, and the potential for the sale to achieve the  
4315 purposes of the TDR program.

4316 C. The TDR bank may sell development rights only in whole or half increments  
4317 to incorporated receiving sites through an interlocal agreement or, after the county enacts  
4318 legislation that complies with chapter 365-198 WAC, to incorporated receiving sites in a  
4319 city that has enacted legislation that complies with chapter 365-198 WAC. The TDR  
4320 bank may sell development rights only in whole increments to unincorporated King  
4321 County receiving sites.

4322 D. All offers to purchase development rights from the TDR bank shall be in  
4323 writing, shall include a certification that the development rights, if used, shall be used  
4324 only inside an identified city or within the urban unincorporated area, include a minimum  
4325 ten percent down payment with purchase option, shall include the number of  
4326 development rights to be purchased, location of the receiving site, proposed purchase  
4327 price and the required date or dates for completion of the sale, not later than three years  
4328 after the date of receipt by King County of the purchase offer.

4329 E. Payment for purchase of development rights from the TDR bank shall be in  
4330 full at the time the development rights are transferred unless otherwise authorized by the  
4331 department of natural resources and parks.

4332           SECTION 80. Ordinance 10870, Section 577, as amended, and K.C.C.  
4333   21A.38.040 are hereby amended to read as follows:

4334           Special district overlays shall be ~~((designated))~~ classified on the official ~~((area))~~  
4335   zoning map~~((s))~~ and as a notation in the department's electronic parcel record, as follows:

4336           A. A special district overlay shall be ~~((designated))~~ classified through the area  
4337   zoning process as provided in K.C.C. chapters 20.12 and 20.18. ~~((Designation))~~  
4338   Classification of an overlay district shall include policies that prescribe the purposes and  
4339   location of the overlay;

4340           B. A special district overlay shall be applied to land through an area zoning  
4341   process as provided in K.C.C. chapters 20.12 and 20.18 and shall be indicated on the  
4342   zoning map and as a notation in the department's electronic parcel record and shall be  
4343   designated in Appendix B of Ordinance 12824 as maintained by the department of local  
4344   services, permitting division, with the suffix "-SO" following the map symbol of the  
4345   underlying zone or zones;

4346           C. The special district overlays in this chapter are the only overlays authorized by  
4347   the code. New or amended overlays to carry out new or different goals or policies shall  
4348   be adopted as part of this chapter and be available for use in all appropriate community,  
4349   subarea or neighborhood planning areas;

4350           D. The special district overlays in this chapter may waive, modify and substitute  
4351   for the range of permitted uses and development standards established by this title for any  
4352   use or underlying zone;

4353 E. Unless they are specifically modified by this chapter, the standard  
4354 requirements of this title and other county ordinances and regulations govern all  
4355 development and land uses within special district overlays;

4356 F. A special district overlay on an individual site may be modified by property-  
4357 specific development standards as provided in K.C.C. 21A.38.030;

4358 G. A special district overlay may not be deleted by a zone reclassification; and

4359 H. Special district overlay development standards may be modified or waived  
4360 through the consideration of a variance, subject to the variance criteria in K.C.C.  
4361 21A.44.030.

4362 SECTION 81. Ordinance 10870, Section 578, as amended, and K.C.C.  
4363 21A.38.050 are hereby amended to read as follows:

4364 A. The purpose of the pedestrian-oriented commercial development special  
4365 district overlay is to provide for high-density, pedestrian-oriented retail ~~((/))~~ and  
4366 employment uses. The ~~((P))~~ pedestrian-oriented commercial districts shall only be  
4367 established in areas designated ~~((within a community, subarea, or neighborhood plan as~~  
4368 ~~an urban activity center))~~ as a center on the adopted Urban Centers map of the King  
4369 County Comprehensive Plan and zoned CB, RB or O.

4370 B. Permitted uses shall be those uses permitted in the underlying zone, excluding  
4371 the following:

- 4372 1. Motor vehicle, boat and mobile home dealer;
- 4373 2. Gasoline service station;
- 4374 3. ~~((Drive-through retail and service u))~~ Uses with drive-through facilities,  
4375 except SIC Industry Number 5812 (Eating places) in buildings existing before July 2017;

4376 4. (~~((Car washes))~~) SIC Industry Group 598 (Fuel dealers);

4377 5. (~~((Retail and service u))~~)Uses with outside storage, e.g. lumber yards,

4378 miscellaneous equipment rental or machinery sales;

4379 6. (~~((Wholesale uses))~~) Bulk retail;

4380 7. Recreation/cultural uses as set forth in K.C.C. 21A.08.040, except parks,

4381 sports clubs, theaters, libraries and museums;

4382 8. SIC Major Group 75 (Automotive repair, services and parking) except 7521

4383 (automobile parking; but excluding tow-in parking lots);

4384 9. SIC Major Group 76 (Miscellaneous repair services), except 7631 (Watch,

4385 clock and jewelry repair);

4386 10. SIC Major Group 78 (Motion pictures)(~~((, except 7832 (theater) and 7841~~

4387 ~~(video tape rental)));~~

4388 11. SIC Major Group 80 (Health services), except offices and outpatient clinics

4389 (801-804);

4390 12. SIC Industry Group 421 (Trucking and courier service);

4391 13. Public agency archive(~~((s))~~);

4392 14. Self-service storage;

4393 15. Manufacturing land uses as set forth in K.C.C. 21A.08.080, except SIC

4394 Industry Code 2759 (Commercial printing); (~~((and))~~)

4395 16. Resource land uses as set forth in K.C.C. 21A.08.090;

4396 17. SIC Industry Code 7261 (Funeral home/crematory);

4397 18. Cemetery, columbarium or mausoleum;

4398 19. Interim recycling facility;



4399                    20. Utility facility, except underground water, gas or wastewater pipelines; and

4400                    21. Vector waste receiving facility.

4401                    C. The following development standards shall apply to ~~((uses))~~ development  
4402 located in pedestrian-oriented commercial overlay districts:

4403                    1. ~~((Every use shall be subject to pedestrian-oriented use limitations and street~~  
4404 ~~facade development standards (e.g. placement and orientation of buildings with respect to~~  
4405 ~~streets and sidewalks, arcades or marquees) identified and adopted through an applicable~~  
4406 ~~community, subarea or, neighborhood plan, or the area zoning process;~~

4407                    2.)) For properties that have frontage on ~~((pedestrian street(s) or routes as~~  
4408 ~~designated in an applicable plan or area zoning process))~~ a public street, the following  
4409 conditions shall apply:

4410                    a. main building entrances shall be oriented to the ~~((pedestrian))~~ public street;

4411                    b. at the ground floor (at grade), buildings shall be located no more than ~~((5))~~  
4412 five feet from the sidewalk or sidewalk improvement, but shall not encroach on the  
4413 public right-of-way. For buildings existing before the effective date of this section of this  
4414 ordinance with setbacks greater than five feet and that have substantial improvements  
4415 made to them after the effective date of this section of this ordinance, a minimum five-  
4416 foot-wide pedestrian walkway shall be constructed that connects the main building  
4417 entrance to the public sidewalk or sidewalk improvement;

4418                    c. building facades shall comprise at least ~~((75%))~~ seventy-five percent of the  
4419 total ~~((pedestrian))~~ street frontage for a property and if applicable, at least ~~((75%))~~  
4420 seventy-five percent of the total pedestrian route frontage for a property;

4421                    d. minimum ~~((side))~~ interior setbacks of the underlying zoning are waived;

4422 e. building facades ~~((of ground floor retail, general business service, and~~  
4423 ~~professional office land uses))~~ that front onto a ~~((pedestrian))~~ street ~~((or route))~~ shall  
4424 ~~((include))~~ incorporate windows into at least thirty percent of the building facade surface  
4425 area and overhead protection along at least fifty percent of length of the building facade;  
4426 f. ground floor building facades ~~((along a pedestrian street or route, that are~~  
4427 ~~without ornamentation or are))~~ shall include ornamentation such as decorative  
4428 architectural treatments or finishes, pedestrian scale lighting, and window and door trim;  
4429 and  
4430 g. buildings facades shall not be comprised of uninterrupted glass curtain walls  
4431 or mirrored glass ~~((are not permitted))~~; ~~((and~~  
4432 ~~g-))~~ 2. vehicle access shall be limited to the rear access alley or rear access  
4433 street where such an alley or street exists~~((-))~~;  
4434 3. Floor/lot area ratio shall not exceed 5:1, including the residential component  
4435 of mixed use developments, but not including parking structures;  
4436 4. Building setback and height requirements may be waived through the  
4437 application of residential density incentives under K.C.C. chapter 21A.34 or the transfer  
4438 of development rights under K.C.C. chapter 21A.37, except for areas within fifty feet of  
4439 the perimeter of any special district overlay area abutting an R-12 or lower density  
4440 residential zone;  
4441 5. The landscaping requirements of K.C.C. chapter 21A.16 ~~((may be waived if~~  
4442 ~~landscaping conforms to a special district overlay landscaping plan adopted as part of the~~  
4443 ~~area zoning. The overlay district landscaping plan shall include features addressing street~~  
4444 ~~trees, and other design amenities (e.g. landscaped plazas or parks)))~~ shall apply to all new

development and to buildings existing before the effective date of this section of this ordinance that have substantial improvements made to them after the effective date of this section of this ordinance; and

~~6. ((On designated pedestrian streets, sidewalk width requirements shall be increased to a range of ten to twelve feet wide including sidewalk landscaping and other amenities. The sidewalk widths exceeding the amount required in the King County Road Standards may occur on private property adjoining the public street right-of-way; and~~

~~7.)) Off-street parking requirements K.C.C. 21A.18.110 ((are modified as follows for all nonresidential uses:~~

~~a. No less than one space for every 1000 square feet of floor area shall be provided;~~

~~b. No more than seventy-five percent of parking shall be on-site surface parking. Such parking shall be placed in the interior of the lot, or at the rear of the building it serves; and~~

~~c. At least twenty-five percent of the required parking shall be enclosed in an on-site parking structure or located at an off-site common parking facility, provided that this requirement is waived when the applicant signs a no protest agreement to participate in any improvement district for the future construction of such facilities)) shall apply, except that the relief from K.C.C. 21A.18.110.A.4. that may be granted by the director shall only allow use of on-street parallel parking in front of or adjacent to the subject parcel for the parking spaces that cannot be accommodated to the rear or sides of buildings.~~

NEW SECTION. SECTION 82. There is hereby added to K.C.C. chapter 21A.38

4468 a new section to read as follows:

4469           A. The purpose of the Martin Luther King Jr. Way South Mixed-Use Special  
4470 District Overlay is to facilitate linkages to the existing Martin Luther King Jr Way South  
4471 Neighborhood Business Center, incentivize commercial opportunities close to existing  
4472 high-density housing, incentivize commercial development by allowing more uses than  
4473 traditionally found in mixed-use developments and provide flexibility in current square  
4474 footage limitations.

4475           B. The following development standards shall be applied to all development  
4476 proposals within the Martin Luther King Jr. Way South Mixed-Use Special District  
4477 Overlay:

4478                 1. New buildings shall be limited to mixed-use as defined in K.C.C.

4479 21A.06.753;

4480                 2. A professional office as defined in K.C.C. 21A.06.910 is an allowed use as  
4481 part of a mixed-use building in subsection B.1. of this section; and

4482                 3. Any nonresidential component of the building that is personal services  
4483 allowed in the zone under K.C.C. 21A.08.050 or retail use allowed in the zone under  
4484 K.C.C. 21A.08.070 shall comply with K.C.C. 21A.12.230, except that K.C.C.

4485 21A.12.230.A., B. and C. do not apply to the development.

4486           SECTION 83. Ordinance 17485, Section 43, as amended, and K.C.C. 21A.38.260  
4487 are hereby amended to read as follows:

4488           A. The purpose of the Fall City business district special district overlay is to allow  
4489 commercial development in Fall City to occur with on-site septic systems until such time as  
4490 an alternative wastewater system is available. The special district shall only be established

4491 in areas of Fall City zoned CB and shall be evaluated to determine if it is applicable to  
4492 other rural commercial centers.

4493 B. The standards of this title and other county codes shall be applicable to  
4494 development within the Fall City business district special district overlay except as follows:

4495 1. The permitted uses in K.C.C. Chapter 21A.08 do not apply and are replaced  
4496 with the following:

4497 a. Residential land uses as set forth in K.C.C. 21A.08.030:

4498 i. As a permitted use:

4499 (A) Multifamily residential units shall only be allowed on the upper floors of  
4500 buildings; and

4501 (B) Home occupations under K.C.C. chapter 21A.30;

4502 ii. As a conditional use:

4503 (A) Bed and Breakfast (five rooms maximum); and

4504 (B) Hotel/Motel.

4505 b. Recreational/cultural land uses as set forth in K.C.C. ~~((21A.08.030))~~

4506 21A.08.040:

4507 i. As a permitted use:

4508 (A) Library;

4509 (B) Museum; ~~((and))~~

4510 (C) Arboretum; and

4511 (D) Park.

4512 ii. As a conditional use:

4513 (A) Sports Club/Fitness Center;

- 4514 (B) Amusement/Recreation Services/Arcades (Indoor);
- 4515 (C) Bowling Center
- 4516 c. General services land uses as set forth in K.C.C. 21A.08.050:
- 4517 i. As a permitted use:
- 4518 (A) General Personal Services, except escort services;
- 4519 (B) Funeral Home;
- 4520 (C) Appliance/Equipment Repair;
- 4521 (D) Medical or Dental Office/Outpatient Clinic;
- 4522 (E) Medical or Dental Lab;
- 4523 (F) Day Care I;
- 4524 (G) Day Care II;
- 4525 (H) Veterinary Clinic;
- 4526 (I) Social Services;
- 4527 (J) Animal Specialty Services;
- 4528 (K) Artist Studios;
- 4529 (L) Nursing and Personal Care Facilities;
- 4530 ii. As a conditional use:
- 4531 (A) Theater (Movie or Live Performance);
- 4532 (B) Religious Use;
- 4533 d. Government/Business services land uses as set forth in K.C.C. 21A.08.060:
- 4534 i. As a permitted use:
- 4535 (A) General Business Service;
- 4536 (B) Professional Office: Bank, Credit Union, Insurance Office.

- 4537 ii. As a conditional use:
- 4538 (A) Public Agency or Utility Office;
- 4539 (B) Police Substation;
- 4540 (C) Fire Station;
- 4541 (D) Utility Facility;
- 4542 (E) Self Service Storage;
- 4543 e. Retail/commercial land uses as set forth in K.C.C. 21A.08.070:
- 4544 i. As a permitted use on the ground floor:
- 4545 (A) Food Store;
- 4546 (B) Drug Store/Pharmacy;
- 4547 (C) Retail Store: includes florist, book store, apparel and accessories store,
- 4548 furniture/home furnishings store, antique/recycled goods store, sporting goods store, video
- 4549 store, art supply store, hobby store, jewelry store, toy store, game store, photo store,
- 4550 electronic/appliance store, fabric shops, pet shops, and other retail stores (excluding adult-
- 4551 only retail);
- 4552 (D) Eating and Drinking Places, including coffee shops and bakeries;
- 4553 (E) Remote tasting rooms.
- 4554 ii. As a conditional use:
- 4555 (A) Liquor Store or Retail Store Selling Alcohol;
- 4556 (B) Hardware/Building Supply Store;
- 4557 (C) Nursery/Garden Center;
- 4558 (D) Department Store;
- 4559 (E) Auto Dealers (indoor sales rooms only);

4560 f. Manufacturing land uses as set forth in K.C.C. 21A.08.080 are not allowed.

4561 g. Resource land uses as set forth in K.C.C. 21A.08.090:

4562 i. As a permitted use:

4563 (A) Solar photovoltaic/solar thermal energy systems;

4564 (B) Private storm water management facilities;

4565 (C) Growing and Harvesting Crops (within rear/internal side yards or roof

4566 gardens, and with organic methods only);

4567 (D) Raising Livestock and Small Animals (per the requirements of Section

4568 21A.30 of the Zoning Code)

4569 ii. As a conditional use: Wind Turbines

4570 h. Regional land uses as set forth in K.C.C. 21A.08.100 with a special use permit:

4571 Communication Facility.

4572 2. The densities and dimensions set forth in K.C.C. chapter 21A.12 apply, except

4573 as follows:

4574 a. Residential density is limited to six dwelling units per acre. For any building

4575 with more than ten dwelling units, at least ten percent of the dwelling units shall be

4576 classified as affordable under 21A.34.040F.1;

4577 b. Buildings are limited to two floors, plus an optional basement;

4578 c. The elevation of the ground floor may be elevated a maximum of six feet

4579 above the average grade of the site along the front facade of the building;

4580 d. If the ground floor is designed to accommodate non-residential uses, the

4581 elevation of the ground floor should be placed near the elevation of the sidewalk to

4582 minimize the need for stairs and ADA ramps;



4583 e. If the ground floor is designed to accommodate non-residential space, the  
4584 height of the ceiling, as measured from finished floor, shall be no more than eighteen feet;

4585 f. Building height shall not exceed forty feet, as measured from the average  
4586 grade of the site along the front facade of the building.

4587 NEW SECTION. SECTION 84. There is hereby added to K.C.C. chapter 21A.38  
4588 a new section to read as follows:

4589 A. The purpose of the Bear Creek office and retail special district overlay is to  
4590 provide additional commercial opportunities to support area residents and the local  
4591 economy and to provide retail options for employees of the office zones.

4592 B. Allowed uses within the special district overlay shall be those uses allowed in  
4593 the office zone in K.C.C. chapter 21A.08 and the following permitted land uses:

- 4594 1. Building materials and hardware stores;
- 4595 2. Retail nursery, garden center and farm supply stores;
- 4596 3. Department and variety stores;
- 4597 4. SIC Major Group 54 - Food stores;
- 4598 5. SIC Industry Group 553 - Auto supply stores;
- 4599 6. SIC Industry Group 554 - Gasoline service stations;
- 4600 7. SIC Major Group 56 - Apparel and accessory stores;
- 4601 8. Furniture and home furnishings stores;
- 4602 9. SIC Major Group 58 - Eating and drinking places;
- 4603 10. Drug store;
- 4604 11. SIC Industry Group 592 - Liquor stores;
- 4605 12. SIC Industry Group 593 - Used goods: antiques/secondhand shops;

- 4606 13. Sporting goods and related stores;  
4607 14. Book, stationary, video and art supply stores, except adult use facilities;  
4608 15. Jewelry stores;  
4609 16. Hobby, toy and games shops;  
4610 17. Photographic and electronic shops;  
4611 18. Fabric shops;  
4612 19. Florist shops;  
4613 20. Personal medical supply stores;  
4614 21. Pet shops; and  
4615 22. General services – Daycare II.

4616 SECTION 85. Ordinance 12627, Section 1, and K.C.C. 21A.55.010 are hereby  
4617 amended to read as follows:

4618 ~~((Purpose.))~~ The purpose of this section is to provide for "demonstration  
4619 projects" as a mechanism to test and evaluate alternative development standards and  
4620 processes ~~((prior to))~~ before amending King County policies and regulations. Alternative  
4621 development standards might include standards affecting building and/or site design  
4622 requirements. Alternative processes might include permit review prioritization,  
4623 alternative review and revision scheduling, or staff and peer review practices. All  
4624 demonstration projects shall have broad public benefit through the testing of new  
4625 development regulations and shall not be used solely to benefit individual property  
4626 owners seeking relief from King County development standards. A demonstration  
4627 project shall be ~~((designated))~~ classified by the ~~((M))~~ metropolitan King County  
4628 ~~((C))~~ council. ~~((Designation))~~ Classification of each new demonstration project shall

occur through an ordinance which amends this code and shall include provisions that prescribe the purpose~~((s))~~ or purposes and location~~((s))~~ or locations of the demonstration project. Demonstration projects shall be located in urban areas, ~~((and/or))~~ rural areas or natural resource lands, or any combination thereof, which are deemed most suitable for the testing of the proposed alternative development regulations. Within such areas development proposals may be undertaken to test the efficacy of alternative regulations that are proposed to facilitate increased quality of development and/or increased efficiency in the development review processes.

SECTION 86. Ordinance 12627, Section 2, as amended, and K.C.C. 21A.55.020 are hereby amended to read as follows:

A. In establishing any demonstration project, the council shall specify the following:

1. The purpose of the demonstration project;
2. The location or locations of the demonstration project;
3. The scope of authority to modify standards and the lead agency, department or division with authority to administer the demonstration project;
4. The development standards established by this title or other titles of the King County Code that affect the development of property that are subject to administrative modifications or waivers;
5. The process through which requests for modifications or waivers are reviewed and any limitations on the type of permit or action;
6. The criteria for modification or waiver approval;

4651           7. The effective period for the demonstration project and any limitations on  
4652 extensions of the effective period;

4653           8. The scope of the evaluation of the demonstration project and the date by  
4654 which the executive shall submit an evaluation of the demonstration project; and

4655           9. The date by which the executive shall submit an evaluation of specific  
4656 alternative standards and, if applicable, proposed legislation.

4657           B. A demonstration project shall be ~~((designated))~~ classified by the  
4658 ~~((M))~~metropolitan King County ~~((C))~~council through the application of a demonstration  
4659 project overlay to properties in a specific area or areas. A demonstration project shall be  
4660 indicated on the zoning map ~~((or))~~ and as a notation in the geographic information system  
4661 data layers maintained by the department of local services, permitting division, by the  
4662 suffix "-DPA" (meaning demonstration project area) following the map symbol of the  
4663 underlying zone or zones. Within a ~~((designated))~~ classified demonstration project area,  
4664 approved alternative development regulations may be applied to development  
4665 applications.

4666           SECTION 87. Ordinance 12627, Section 3, and K.C.C. 21A.55.030 are hereby  
4667 amended to read as follows:

4668           A. The demonstration projects set forth in this chapter are the only authorized  
4669 demonstration projects. New or amended demonstration projects to carry out new or  
4670 different goals or policies shall be adopted as part of this chapter.

4671           B. Demonstration projects must be consistent with the King County  
4672 Comprehensive Plan. ~~((Designation))~~ Classification of a demonstration project and its  
4673 provisions to waive or modify development standards must not require nor result in

4674 amendment of the ((e))Comprehensive ((p))Plan nor the ((e))Comprehensive Plan land  
4675 use map.

4676 C. Unless they are specifically modified or waived pursuant to the provisions of  
4677 this chapter, the standard requirements of this title and other county ordinances and  
4678 regulations shall govern all development and land uses within a demonstration project  
4679 area. Property-specific development standards (P-suffix conditions) as provided in  
4680 K.C.C. chapter 21A.38 shall supersede any modifications or waivers allowed by the  
4681 provisions of this chapter.

4682 D. Demonstration project sites should be selected so that any resulting amended  
4683 development standards or processes can be applied to similar areas or developments.  
4684 Similar areas could include those with similar mixes of use and zoning. Similar  
4685 developments could include types of buildings such as commercial or multifamily and  
4686 types of development such as subdivisions or redevelopment.

4687 SECTION 88. Ordinance 13332, Section 33, as amended, and K.C.C. 27.10.080  
4688 are hereby amended to read as follows:

4689 Fees for zoning or ((e))Comprehensive ((p))Plan or map modification shall be  
4690 charged as follows:

A. Variance

- |                          |            |
|--------------------------|------------|
| 1. Review                | \$6,692.00 |
| 2. Extension of approval | \$244.00   |

B. Site-specific amendment of land use map, plan, code or  
shoreline environment redesignation

C. Other zoning reclassification requests including shoreline \$9,135.00

environment redesignation, deletion of special district overlay,  
or amendment or deletion of p-suffix conditions

D. If a site-specific amendment is implemented as part of ~~((the))~~ a Comprehensive Plan ~~((amendment process))~~ update, the application fee will be credited toward the zoning reclassification fee, provided that the application for zoning reclassification is filed within one year of the effective date of the site-specific land use map amendment.

SECTION 89. The following are hereby repealed:

A. Ordinance 10870, Section 580, as amended, and K.C.C. 21A.38.070;

B. Ordinance 12171, Section 7, and K.C.C. 21A.38.110;

C. Ordinance 12823, Section 9, and K.C.C. 21A.38.140; and

D. Ordinance 12823, Section 19, as amended, and K.C.C. 21A.38.240.

SECTION 90. K.C.C. 20.12.100, as amended by this ordinance, is hereby recodified as a new section in K.C.C. chapter 4.56.

SECTION 91. Ordinance 10810, Section 1, as amended, and K.C.C. 20.12.100 are hereby amended to read as follows:

A. The 2019 real property asset management plan, ~~((formerly called the county space plan,))~~ dated September 1, 2019, and consisting of real property asset management policies, practices and strategies, including planning policies, locations of county agencies and implementation plans, planned moves and references to King County space standards, is ~~((adopted as a component of the capital facilities element of))~~ intended to implement the capital facilities element of the King County Comprehensive Plan. The real property asset management plan dated September 1, 2019, shall guide facility planning processes, decisions and implementation.

4712           B. The executive shall ~~((update))~~ transmit to the council a proposed ordinance  
4713 updating the real property asset management plan, including the current and future space  
4714 needs and implementation plans of the real property asset management plan; ~~((and submit~~  
4715 ~~them to the council as amendments to the real property asset management plan))~~  
4716           1. ~~((b))~~By the first business day in September ~~((4))~~ of every fourth year,  
4717 beginning ~~((on September 1, 2019, and also))~~ 2023; or  
4718           2. ~~((w))~~Within ninety days of any significant change in the county's ~~((space plan))~~  
4719 inventory, such as a move, sale, purchase or other change, affecting fifty thousand or more  
4720 square feet of useable space.  
4721           C.1. The council may amend the executive's proposed real property asset  
4722 management plan during the council's review.  
4723           2. The council may at any time introduce and adopt an ordinance to modify the  
4724 policies within the real property asset management plan.  
4725           SECTION 92. The executive shall submit sections 68, 69, 70 and 71 of this  
4726 ordinance, amendments to King County Comprehensive Plan chapter six in Attachment  
4727 A to this ordinance and amendments to the Shoreline Master Program in Attachments E  
4728 and H to this ordinance to the state Department of Ecology for its approval, as provided  
4729 in RCW 90.58.090.  
4730           SECTION 93. Sections 68, 69, 70 and 71 of this ordinance, amendments to King  
4731 County Comprehensive Plan chapter six in Attachment A to this ordinance and  
4732 amendments to the Shoreline Master Program in Attachments E and H to this ordinance  
4733 take effect within the shoreline jurisdiction fourteen days after the state Department of  
4734 Ecology provides written notice of final action stating that the proposal is approved, in

4735 accordance with RCW 90.58.090. The executive shall provide the written notice of final  
4736 action to the clerk of the council.

4737 SECTION 94. Severability. If any provision of this ordinance or its application  
4738 to any person or circumstance is held invalid, the remainder of the ordinance or the  
4739 application of the provision to other persons or circumstances is not affected."

4740

4741 Strike Attachment A, Comprehensive Plan Amends 2020 Update, and insert Attachment  
4742 A, 2020 Update to 2016 King County Comprehensive Plan and 2017 Vashon-Maury  
4743 Island Community Service Area Subarea Plan, dated June 5, 2020. The clerk of the  
4744 council is instructed to engross changes from any adopted amendments and correct any  
4745 scrivener's errors. Line numbers have been added to the attachment for ease of reference.  
4746 The clerk of the council is instructed to remove line numbers in the attachment on the  
4747 final version of this legislation adopted by the council before presentation to the  
4748 executive. Upon final adoption, council staff is instructed to reflect the enactment  
4749 number throughout Attachment A, incorporate adopted changes into the King County  
4750 Comprehensive Plan and Vashon-Maury Island CSA Subarea Plan, modify all  
4751 Comprehensive Plan and technical maps in Attachment A to reflect the changes in any  
4752 adopted amendments, update the tables of contents as necessary, update footnote  
4753 numbers as necessary, and provide an electronic copy of each to the executive.

4754

4755 Strike Attachment B, Appendix C - Transportation, and insert Attachment B, Appendix  
4756 C: Transportation, 2020 update to 2016 Comprehensive Plan, dated June 5, 2020. The  
4757 clerk of the council is instructed to engross changes from any adopted amendments and



4758 correct any scrivener's errors. Line numbers have been added to the attachment for ease  
4759 of reference. The clerk of the council is instructed to remove line numbers in the  
4760 attachment on the final version of this legislation adopted by the council before  
4761 presentation to the executive. The clerk of the council is also instructed to update the  
4762 header to reflect the enactment number upon final adoption.

4763

4764 Strike Attachment C, Appendix C1 - Transportation, and insert Attachment C, Appendix  
4765 C1: Transportation Needs Report, 2020 update to 2016 King County Comprehensive  
4766 Plan, dated June 5, 2020. The clerk of the council is instructed to engross changes from  
4767 any adopted amendments and correct any scrivener's errors. Line numbers have been  
4768 added to the attachment for ease of reference. The clerk of the council is instructed to  
4769 remove line numbers in the attachment on the final version of this legislation adopted by  
4770 the council before presentation to the executive. The clerk of the council is also  
4771 instructed to update the header to reflect the enactment number upon final adoption.

4772

4773 Strike Attachment D, Comp Plan Land Use Zoning Maps 2020 Update and insert  
4774 Attachment D, Amendments to Land Use and Zoning Maps, 2020 update to 2016 King  
4775 County Comprehensive Plan, dated June 5, 2020. The clerk of the council is instructed to  
4776 engross changes from any adopted amendments and correct any scrivener's errors. Line  
4777 numbers have been added to the attachment for ease of reference. The clerk of the  
4778 council is instructed to remove line numbers in the attachment on the final version of this  
4779 legislation adopted by the council before presentation to the executive. Upon final  
4780 adoption, council staff is instructed to reflect the enactment number throughout

4781 Attachment D, and coordinate with executive staff to assign new P-suffix or Special  
4782 District Overlay numbers, modify all Comprehensive Plan and technical maps that  
4783 include the urban growth area boundary, potential annexation areas and the agricultural  
4784 production district to reflect these changes.

4785

4786 Strike Attachment E, Shoreline Maps 2020 Update and insert Attachment E,  
4787 Amendments to Shorelines of the State Map, 2020 update to 2016 King County  
4788 Comprehensive Plan and Shoreline Master Program, dated June 5, 2020. The clerk of the  
4789 council is instructed to engross changes from any adopted amendments and correct any  
4790 scrivener's errors. Line numbers have been added to the attachment for ease of reference.

4791 The clerk of the council is instructed to remove line numbers in the attachment on the  
4792 final version of this legislation adopted by the council before presentation to the  
4793 executive. Upon final adoption, council staff is instructed to reflect the enactment  
4794 number throughout Attachment E, and coordinate with executive staff to modify all  
4795 Comprehensive Plan and technical maps that include the urban growth area boundary,  
4796 potential annexation areas and the agricultural production district to reflect these changes.

4797

4798 Strike Attachment F, SWH Land Use Subarea Plan 2020 Update, and insert Attachment  
4799 F, Skyway-West Hill Land Use Strategy, Phase 1 of the Skyway-West Hill CSA Subarea  
4800 Plan, dated June 5, 2020. The clerk of the council is instructed to engross changes from  
4801 any adopted amendments and correct any scrivener's errors. Line numbers have been  
4802 added to the attachment for ease of reference. The clerk of the council is instructed to  
4803 remove line numbers in the attachment on the final version of this legislation adopted by

4804 the council before presentation to the executive. Upon final adoption, council staff is  
4805 instructed to reflect the enactment number throughout Attachment F, modify all  
4806 Comprehensive Plan and technical maps in Attachment A to reflect the changes in any  
4807 adopted amendments, incorporate any adopted amendments, update the tables of contents  
4808 as necessary, update footnote numbers as necessary, and provide an electronic copy to the  
4809 executive.

4810

4811 Strike Attachment G, SWH Land Use Zoning Maps 2020 Update, and insert Attachment  
4812 G, Appendices to the Skyway-West Hill Land Use Strategy, dated June 5, 2020. The  
4813 clerk of the council is instructed to engross changes from any adopted amendments and  
4814 correct any scrivener's errors. Line numbers have been added to the attachment for ease  
4815 of reference. The clerk of the council is instructed to remove line numbers in the  
4816 attachment on the final version of this legislation adopted by the council before  
4817 presentation to the executive. Upon final adoption, council staff is instructed to reflect  
4818 the enactment number throughout Attachment G, incorporate any adopted amendments,  
4819 and provide an electronic copy to the executive.

4820

4821 Strike Attachment H, SMP Jurisdiction List 2020 Updates and insert Attachment H,  
4822 Shoreline Jurisdiction, Streams and Lakes Segments, 2020 update to 2016 King County  
4823 Comprehensive Plan and Shoreline Master Program, dated June 5, 2020. The clerk of the  
4824 council is instructed to engross changes from any adopted amendments and correct any  
4825 scrivener's errors. Line numbers have been added to the attachment for ease of reference.  
4826 The clerk of the council is instructed to remove line numbers in the attachment on the

4827 final version of this legislation adopted by the council before presentation to the  
4828 executive. The clerk of the council is also instructed to update the header to reflect the  
4829 enactment number upon final adoption.

4830

4831 Strike Attachment I, Tech Appendix S-Public Participation Summary 2020 Update and  
4832 insert Attachment I, Technical Appendix S: Public Participation Summary for 2020  
4833 Update, 2020 Update to 2016 King County Comprehensive Plan, dated June 5, 2020.

4834 The clerk of the council is instructed to engross changes from any adopted amendments  
4835 and correct any scrivener's errors. Line numbers have been added to the attachment for  
4836 ease of reference. The clerk of the council is instructed to remove line numbers in the  
4837 attachment on the final version of this legislation adopted by the council before  
4838 presentation to the executive. The clerk of the council is also instructed to update the  
4839 header to reflect the enactment number upon final adoption.

4840

4841 Insert Attachment J, Update to 2012 King County Comprehensive Plan, as adopted by  
4842 Ordinance 17485. Upon final adoption, council staff is instructed to reflect the enactment  
4843 number throughout Attachment D, and coordinate with executive staff to assign new P-  
4844 suffix or Special District Overlay numbers, modify all 2016 Comprehensive Plan and  
4845 technical maps, as amended, that include the urban growth area boundary, potential  
4846 annexation areas and the agricultural production district to reflect these changes.

4847

4848 **EFFECT: The changes proposed by Striking Amendment S2 include:**

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Topic	S2 Changes from Executive's Proposal
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Topic	S2 Changes from Executive's Proposal
<p><b>Four-to-One program and Growth Management Planning Council /Urban Growth Area (UGA) Changes</b></p> <p>Changes in KCCP Chapter 1 and 2, K.C.C. Title 20</p>	<ul style="list-style-type: none"> <li>• Modifies criteria for the County to consider/approve four-to-one proposals; the location of open space relative to the UGA; the location of roads in the open space; and the open space portion of proposals.</li> <li>• Adds allowance for proposals that include a property that qualifies as a high conservation value to provide open space at a rate.</li> <li>• Clarifies that the open space criteria are to be "considered" and are not standards that must all be met. Removed public access from the open space criteria.</li> <li>• Modifies U-189 to clarify that allowance for roads to be outside the urban area is roads serving the urban portion are in the urban area "to the maximum extent feasible," and that the language regarding protection of critical areas and ecological benefits is an example of a project that could meet that criteria.</li> <li>• Adds procedures for review of proposals that are not recommended by the Executive in the docket process and for proposals adjacent to an incorporated area; clarity on when open space dedication is required.</li> <li>• Clarity on policy language in KCCP, and implementing regulations in the Code. Modifies K.C.C. 20.18.170 to clarify that four-to-one proposals would be processed as areawide land use and zoning map amendment (rather than site-specific which would require Hearing Examiner public hearing)</li> </ul>
<p><b>Transfer of Development Rights (TDR) Program</b></p> <p>Changes in KCCP Chapter 3, K.C.C. Title 21A</p>	<ul style="list-style-type: none"> <li>• Allows urban sending sites for any CFT awarded site. Allows for use of TDRs for affordable housing. The price of the affordable housing TDR is limited to the actual administrative costs of the County, with a cap of 15% of the fair market value.</li> </ul>
<p><b>Non-Resource Industrial Uses in the Rural Area</b></p> <p>Changes in KCCP Chapter 3</p>	<ul style="list-style-type: none"> <li>• Modifies Policy R-512 to limit new industrial-zoned lands to existing sites or those that have long been used for industrial or comparable purposes with similar impacts. Includes language from Policy R-515 (which is deleted) on nonconforming uses in Policy R-512.</li> <li>• Modifies lead-in text to reflect policy changes.</li> </ul>
<p><b>Agricultural Production Districts (APDs) and Public Infrastructure</b></p>	<ul style="list-style-type: none"> <li>• Clarifying changes to when public infrastructure may intrude into an APD. Modifies Policy R-656a to allow the County to approve alternative mitigation for loss of APD land. If acquisition within the same APD at a 1 to 1 ratio is not possible, then a</li> </ul>

Topic	S2 Changes from Executive's Proposal
Changes in KCCP Chapter 3	minimum of 3 acres added to 1 acre lost is required, within a minimum 1 acre of acquisition in another APD and up to 2 acres of restoration of unfarmed land within the same APD. Requires that mitigation occur concurrently with removal of the APD land, and clarifies the County must approve the remove and mitigation.
<b>Vaping Products</b>  Changes in KCCP Chapter 2 and 7	Clarifying changes to create consistency.
<b>Human Services Role</b>  Changes in KCCP Chapter 4	Technical change.
<b>Regional Affordable Housing Task Force</b>  Changes in KCCP Chapter 4	Includes additional context and next steps.
<b>Cottage Housing</b>  Changes in K.C.C. Title 21A	<ul style="list-style-type: none"> <li>• Clarifying changes.</li> <li>• Modify height limit for cottage housing units to accommodate additional square footage allowance.</li> <li>• Modify parking requirement to create consistency</li> <li>• Provide specificity to façade requirements.</li> </ul> <p>Adds language requesting developments consider including a variety of housing sizes</p>
<b>Accessory Dwelling Units (ADUs)</b>  Changes in K.C.C. Title 21A	<p>Substantive changes in S1 compared to the Executive's proposal:</p> <ul style="list-style-type: none"> <li>• Changes to ADUs in urban areas and rural towns to be consistent with other jurisdictions: minimum lot area, square footage allowance, parking requirements, owner-occupancy requirements.</li> <li>• Clarifies height requirements.</li> <li>• Removes outdated code language on subdivision of lots with ADUs.</li> </ul> <p>Allows townhouses to have accessory dwelling units.</p>
<b>Accessory Living Quarters (ALQs)</b>  Changes in K.C.C. Title 21A	<ul style="list-style-type: none"> <li>• Changes that provide consistency with proposed ADU regulations: minimum lot area, height requirements, square footage allowance.</li> </ul>

Topic	S2 Changes from Executive's Proposal
<b>Sea Level Rise/ Climate Change/ Greenhouse Gas Mitigation</b>  Changes in KCCP Chapter 5, K.C.C. Title 20 and Title 21A	<ul style="list-style-type: none"> <li>• Modify the policy from "shall" to "should"</li> <li>• Clarify that the sea level rise protection area is 3 feet above the 2020 FEMA maps.</li> <li>• Clarify the sea level rise risk area development regulations and variance procedures. Creates consistency with floodplain regulations also being considered by Council.</li> <li>• Modifies Policy R-632 to encourage the County to require landowners converting forestlands to non-forest uses to mitigate the loss carbon sequestration capacity.</li> <li>• Modifies Policy E-215bb to address impacts of climate change to forestland.</li> <li>• Adds Workplan Action 18 to require a Forest Conversion Review Study.</li> </ul>
<b>Mineral Resources</b>  Changes in KCCP Chapter 3 and Chapter 9, K.C.C. Title 21A	<ul style="list-style-type: none"> <li>• Clarify that coal mines, and oil and gas extraction are not permitted in unincorporated King County.</li> </ul>
<b>Fossil Fuel Facilities</b>  Changes in KCCP Chapter 3 and Chapter 9, K.C.C. Title 21A	<ul style="list-style-type: none"> <li>• Streamlines lead-in text and policy language.</li> <li>• Streamlines definitions, including fossil fuels, fossil fuel facility, and different kinds of energy generation facilities.</li> <li>• Streamlines and clarifies allowances for non-hydroelectric energy generation facilities; and adds a renewable energy generation facility separate from non-hydroelectric.</li> <li>• Updates Chapter 21A.22 to include coal mines and fossil fuel facilities in periodic review for mineral extraction and materials processing.</li> </ul> <p>Adds language to prohibit fossil fuel facilities from bypassing permit requirements by using nonconforming use chapter.</p>
<b>Hirst/water availability and exempt wells</b>  Changes in KCCP Chapter 3 and Chapter 9	<p>Clarifying changes for consistency.</p>
<b>Shoreline Master Program</b>	<ul style="list-style-type: none"> <li>• Clarifying changes for consistency. Technical edits to reflect engrossing of Ordinance 19034 into the KCCP.</li> </ul>

Topic	S2 Changes from Executive's Proposal
Changes in KCCP Chapter 6, and K.C.C. Title 21A	
<b>Pathways/ Sidewalks in Rural Area</b>  Changes in KCCP Chapter 8	Adds safe routes to schools as a criteria for sidewalks in the rural area.
<b>Mitigation Payment System</b>  Changes in KCCP Chapter 8	No changes.
<b>Economic Development</b>  Changes in KCCP Chapter 10	Removes policy change.
<b>Community Service Area (CSA) Subarea Planning</b>  Changes in KCCP Chapter 11 and Chapter 12, K.C.C. Title 2 and Title 20	<ul style="list-style-type: none"> <li>• Adds new policy CP-100 in Chapter 11 of the KCCP, and code language to Title 2 of the K.C.C., to guide subarea planning, including: establishing a scope of work, more robust community engagement, use of ESJ tools and resources, action items/community needs list, and performance metrics. Ties the community needs list, community service area program, and service partnership agreements to the subarea planning process.</li> <li>• Adjusts the subarea planning schedule to give the Executive 18 months to complete each plan, and 6 months for the Council to review and adopt each plan.</li> <li>• For Skyway-West Hill and North Highline, subarea plans would be transmitted to the Council in December 2021, for adoption in June 2022.</li> <li>• Modifies timeline for audit of subarea planning program from 2021-2022 auditor work program, to the 2023-2024 auditor work program, to ensure the revised subarea planning program can be implemented before it is subject of audit review.</li> <li>• Adds a Workplan Action regarding anti-displacement strategies in Skyway-West Hill and North Highline.</li> </ul>
<b>Skyway-West Hill</b>  Plan, and associated Code changes, and map amendments – Proposed Ordinance,	<ul style="list-style-type: none"> <li>• Adopts the Skyway-West Hill Land Use Strategy, as Phase 1 of the Skyway-West Hill Subarea Plan, which includes 25 policies related to residential neighborhoods, commercial areas and community character, and directs action to complete a subarea plan using the subarea plan restructure identified above.</li> </ul>



Topic	S2 Changes from Executive's Proposal
<p>Attachments A, F (Subarea Plan) and G (Land Use and Zoning Map Amendments)</p> <p>Changes in KCCP Chapter 11, K.C.C. Title 20 and Title 21A</p>	<ul style="list-style-type: none"> <li>• Does not repeal the West Hill Community Plan, which will remain in effect until the Skyway-West Hill Subarea Plan is adopted in 2022.</li> <li>• Corrects references to the active subarea and community plans to reflect Skyway-West Hill Land Use Strategy</li> <li>• Added trails as an allowed use in the pedestrian-oriented commercial development SDO</li> <li>• Technical corrections to the Mixed-Use SDO</li> <li>• Updates Chapter 11 to reflect adoption of Land Use Strategy as Phase 1 of the Skyway-West Hill Subarea Plan.</li> <li>• Map amendments moved from Attachment G to Attachment D and all map amendments are renumbered as part of 8 (8.a., 8.b, etc.)</li> <li>• SWH Map amendments 4 and 12 are not included in S1.</li> <li>• SWH Map amendments 6, 9, 10 and 11 are modified.</li> <li>• In the pedestrian-oriented SDO, made technical clarifications to the permitted uses, modifications to design standards.</li> </ul>
<p><b>Workplan Action Items</b></p> <p>Changes in KCCP Chapter 12, K.C.C. Title 20</p>	<ul style="list-style-type: none"> <li>• Changes to the Workplan, and allowance to modify the Workplan with annual or midpoint updates if related to adopted scope of work.</li> <li>• Modifies 4 Workplan Actions to change the deadlines.</li> <li>• Clarification to name of GMPC Workplan Action Items</li> <li>• Changes to Action 1 to reflect changes made to the subarea planning program.</li> </ul>
<p><b>Residential Density Incentives Program</b></p> <p>Changes in KCCP Chapter 12</p>	<p>Adds a Workplan Action to update Residential Density Incentive code.</p>
<p><b>2024 Adoption/ Shifting 8-year process</b></p> <p>Changes in KCCP Chapter 12 (and others), K.C.C. Title 20</p>	<ul style="list-style-type: none"> <li>• Modifies next major eight-year update to 2024 as a result of state law change after Executive's transmittal.</li> <li>• Modifies deadline to adopt 2020 update to the last business day in July 2020.</li> </ul>
<p><b>Equity Impact Review for Upzones</b></p> <p>Changes in KCCP Chapter 2</p>	<ul style="list-style-type: none"> <li>• Modifies KCCP Policy U-125 to require an equity impact analysis for all areawide zoning amendment or zoning reclassification proposals, and requires displacement impacts to be mitigated as a criteria for approval. For zoning reclassifications not initiated by the County, a community meeting is required, with translation and interpretation services provided.</li> </ul>

Topic	S2 Changes from Executive's Proposal
<b>Real Property Asset Management Plan (RAMP)</b>  Changes in KCCP Chapter 9, K.C.C. Title 20 and Title 4	<ul style="list-style-type: none"> <li>Recodifies the RAMP into a section of the code regarding real property, clarifies that the RAMP is intended to implement the KCCP, and clarifies process requirements for the Executive's transmittal of the RAMP and the Council's role in amending the Executive's proposal and ability to initiate a RAMP update to modify policies within the RAMP.</li> </ul>
<b>Terminology and data updates, corrections</b>  Changes throughout KCCP, K.C.C. Title 20 and Title 21A	Consistency, technical edits.
<b>Maps in KCCP – Attachment A</b>  Changes throughout KCCP	<ul style="list-style-type: none"> <li>Technical changes to reflect other modifications from Executive's transmitted plan and error identification</li> </ul>
<b>Bear Creek Urban Planned Development Conversion</b>  Changes in KCCP Chapter 11, K.C.C. Title 21A	<ul style="list-style-type: none"> <li>Add Daycare II as a permitted use in the Bear Creek Office and Retail Special District Overlay (SDO), and expands that SDO to additional property in Map Amendment 7.b.</li> <li>Technical correction in Map Amendment 7.c. to conform to other changes made in S2</li> </ul> Changes for consistency with other changes made in S2
<b>Fall City Business District SDO</b>  Changes in K.C.C. Title 21A	<ul style="list-style-type: none"> <li>Adds parks as a permitted use in the Fall City Business District SDO.</li> </ul>
<b>Map Amendments</b>  Changes in K.C.C. Title 21A  Changes in Attachment D (Land Use and Zoning Map Amendments) and Attachment G (Skyway-West Hill Land Use and Zoning	<ul style="list-style-type: none"> <li>Map Amendment 1b – remove existing p-suffix condition</li> <li>Map Amendment 2 to remove property additions to the APD.</li> <li>Map Amendment 3 – adds code changes related to project</li> <li>Map Amendments 7a-7h – amends map amendment numbering so that parcels are only affected by one Bear Creek-related amendment; critical area and golf course tracts are zoned R-1; adds fossil fuel facility use to proposed business park P-suffix condition; ties proposed RV parking P-suffix condition to plat condition</li> <li>Amendments 8a-8j – excludes a map amendment to rezone parcels to CB along Renton Ave S; removes R-6/R-12 to R-</li> </ul>

Topic	S2 Changes from Executive's Proposal
Map Amendments)	<p>18 upzone but maintains affordable unit requirement; removes R-24 to R-48 upzone but maintains affordable unit requirement; adds requirements to the p-suffix condition related to mobile home parks; modifies marijuana retailer cap to also include NB zones in Skyway-West Hill; excludes a map amendment to rezone properties from R-6 to R-12 on Renton Ave S.</p> <ul style="list-style-type: none"> <li>• Adds Map Amendment 9 regarding Racetrack zoning. Repeals 2012 map amendment that has not been effectuated for the same property.</li> <li>• Consistency or technical changes to all map amendments</li> </ul>
Transportation Appendix C to KCCP	Technical changes
Transportation Appendix C1 to KCCP	Technical changes

4850