



PUBLIC REVIEW DRAFT

Amendments to King County Code

Associated With

King County Comprehensive Plan

Office of Performance, Strategy and Budget

July 2019

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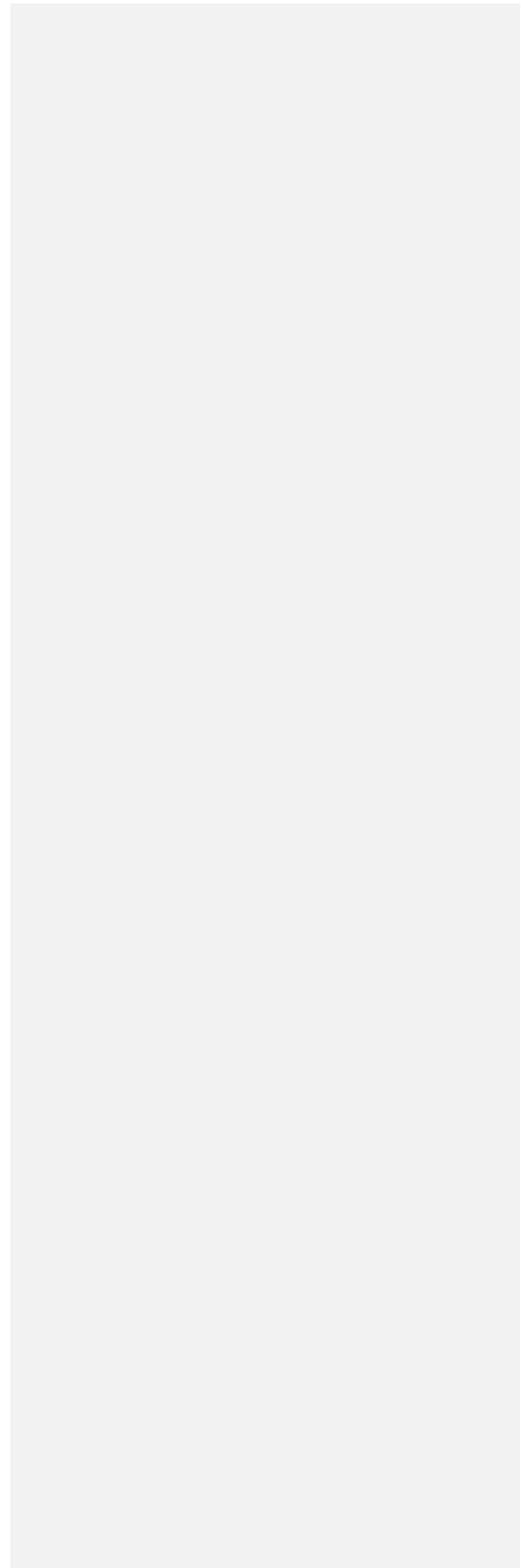
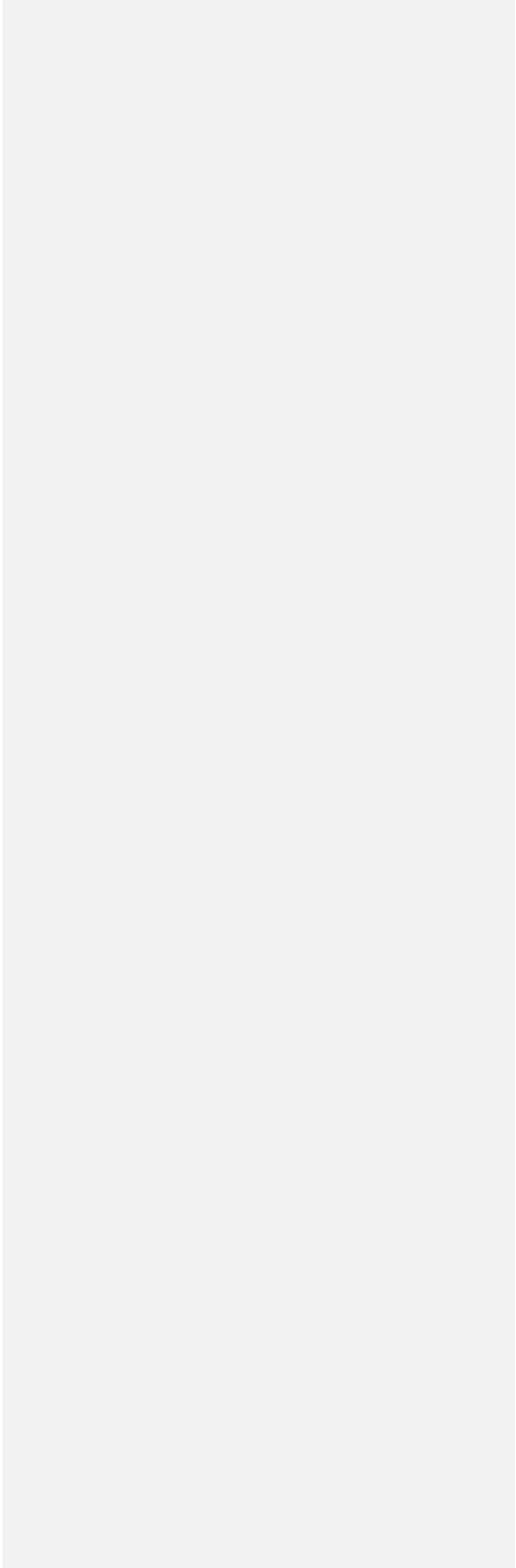
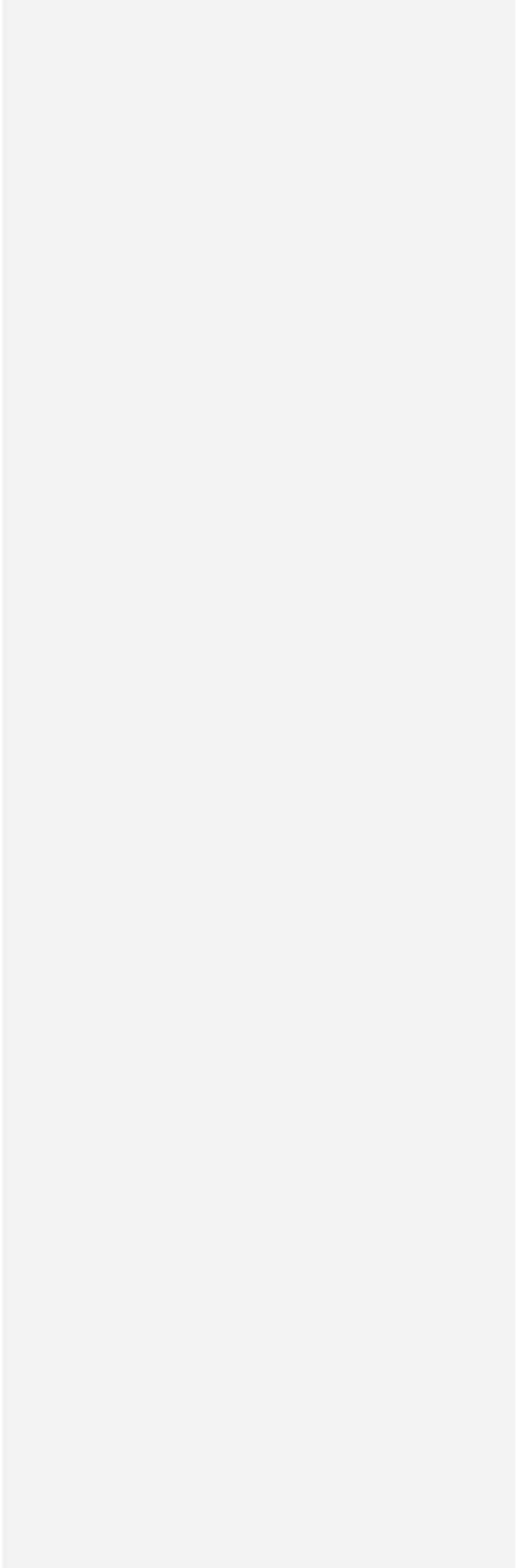


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TITLE 20 PLANNING
February 6, 2019 Update

~~((20.12.337 West Hill community plan,~~

~~A. The West Hill Community Plan, a bound and published document, as revised in the Attachments to Ordinance 11166* is adopted as an amplification and augmentation of the Comprehensive Plan for King County and as such constitutes official county policy for the geographic area of unincorporated King County defined therein. (Ord. 12824 § 11, 1997; Ord. 12061 § 3, 1995; Ord. 11653 § 20, 1995; Ord. 11166 § 2, 1993.))~~

20.18.030 General procedures.

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

1. Emergencies;
2. An appeal of the plan filed with the Central Puget Sound Growth Management Hearings Board or with the court;
3. The initial adoption of a subarea plan, which may amend the urban growth area boundary only to redesignate land within a joint planning area;
4. An amendment of the capital facilities element of the Comprehensive Plan that occurs in conjunction with the adoption of the county budget under K.C.C. 4A.100.010; or
5. The adoption or amendment of a shoreline master program under chapter 90.58 RCW.

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

1. Technical amendments to policy, text, maps or shoreline designations;
2. The annual capital improvement plan;
3. The transportation needs report;
4. School capital facility plans;
5. Changes required by existing Comprehensive Plan policies;
6. Changes to the technical appendices and any amendments required thereby;
7. Comprehensive updates of subarea plans initiated by motion;
8. Changes required by amendments to the Countywide Planning Policies or state law;
9. Redesignation proposals under the four-to-one program as provided for in this chapter;
10. Amendments necessary for the conservation of threatened and endangered species;
11. Site-specific land use map 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;
12. Amendments resulting from subarea studies required by Comprehensive Plan policy 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;
13. Changes required to implement a study regarding the provision of wastewater services to a

Commented [M1]: Skyway-West Hill Land Use Plan

Effect: Repeals the 1993 West Hill Community Plan, consistent with adoption of the new Skyway-West Hill Subarea Plan.

Commented [M2]: Standardize Plan Update Terminology

Effect: Changes for consistency when referring to updates to the Comprehensive Plan, and amendments within the Comprehensive Plan.

- Text that refers to the adoption of a document uses the term "update".
- Text that refers to a change within the document uses the term "amend" or "amendment".
- Text that refers to the process may use the term "schedule" or "process" or "review", because all have different meanings within the context of a process. The term "cycle" is removed, except when referring to the subarea planning cycle.
- For the most part, the term "major update" is retained; in 2023 this will likely be replaced with either "four-year midpoint update" and "eight-year update" depending on the context.
- Other text changes to use consistent capitalization, to put the year of the plan first.

Rural Town. The amendments shall be limited to policy amendments and adjustment to the boundaries of the Rural Town as needed to implement the preferred option identified in the study;

14. Adoption of community service area subarea plans;

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

16. Amendments to the Comprehensive Workplan, only as part of the 2018 subarea planning restructure adopted by this ordinance.

C. Every eighth year beginning in 2023, the county shall complete a comprehensive review of the Comprehensive Plan in order to update it as appropriate and to ensure continued compliance with the GMA. This review may provide for a cumulative analysis of the twenty-year plan based upon official population growth forecasts, benchmarks and other relevant data in order to consider substantive changes to policy language and changes to the urban growth area. The comprehensive review shall begin one year in advance of the transmittal and may be referred to as the eight-year update. The urban growth area boundaries shall be reviewed in the context of the eight-year update and in accordance with countywide planning policy G-1 and RCW 36.70A.130.

D.1. If there is a scope of work adopted by motion to perform a limited update to the Comprehensive Plan to address time-sensitive issues prior to the next eight-year update, substantive changes to the Comprehensive Plan and amendments to the urban growth area boundary may also be considered at the midpoint of the eight-year update ((~~cycle~~) schedule). This update can include substantive changes and amendments as authorized by motion may be referred to as the midpoint update.

Commented [MI3]: Standardize Plan Update Terminology

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

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 ((~~cycle~~) 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, 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 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 by the last business day of September 2019. The council shall have until the last business day of June 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 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. (Ord. 18810 § 9, 2018: Ord. 18623 § 7, 2017: Ord. 18427 § 7, 2016: Ord. 18183 § 2, 2015: Ord. 17485 § 8, 2012: Ord. 17416 § 9, 2012: Ord. 16985 § 5, 2010: Ord. 16263 § 3, 2008: Ord. 14047 § 1, 2001: Ord. 13147 § 19, 1998).

20.18.050 Site-specific land use map and shoreline master program map amendments initiation (in effect everywhere except the shoreline jurisdiction, where it will take effect fourteen days after state Department of Ecology approval of Ordinance 18791).

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 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.

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

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

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

I. A property-owner-initiated docket request for a site-specific land use map or shoreline master program map amendment may be accompanied by an application for a zone reclassification to implement the proposed amendment, in which case administrative review of the two applications shall be consolidated to the extent practical consistent with 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 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.

Commented [MI4]: Standardize Plan Update Terminology

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. (Ord. 18791 § 147, 2018; Ord. 18230 § 113, 2016; Ord. 17420 § 82, 2012; Ord. 16985 § 7, 2010; Ord. 16552 § 1, 2009; Ord. 14561 § 27, 2002; Ord. 14047 § 3, 2001; Ord. 13147 § 21, 1998).

20.18.055 Site-specific land use map amendment review standards and transmittal procedures.

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, 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 council committee charged with the review of the comprehensive plan. Following this review, site-specific land use map amendments which are recommended by this committee will be incorporated as an attachment to the adopting ordinance transmitted by the executive for consideration by the full council. Final action by the council on these amendments will occur concurrently with the annual ~~((amendment))~~ update to the comprehensive plan. (Ord. 14047 § 4, 2001).

Commented [MI5]: Standardize Plan Update Terminology

20.18.060 Eight-year ~~((cycle))~~ update process.

A. Beginning in 2021, and every eighth year thereafter the executive shall transmit to the council by the last business day of June a proposed motion specifying the scope of work for proposed amendments to the Comprehensive Plan that will occur in the following year, which motion shall include the following:

Commented [MI6]: Standardize Plan Update Terminology

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

2. An attachment to the motion advising the council of the work program the executive intends to follow to accomplish state Environmental Policy Act review and public participation.

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

C. Beginning in 2022 and every eighth year thereafter, the executive shall transmit to the council by the last business day of June a proposed ordinance amending the Comprehensive Plan, except that the capital improvement program and the ordinances adopting updates to the transportation needs report and the school capital facility plans shall be transmitted no later than the biennial budget transmittal and shall be adopted in conjunction with the budget. However, in those years when there is only a midbiennium review of the budget, the ordinances adopting the capital improvement plan and the school capital facility plans shall be transmitted by October 1 and adopted no later than the midbiennium review under K.C.C. 4A.100.010. All transmittals shall be accompanied by a public participation note, identifying the methods used by the executive to ensure early and continuous public participation in the preparation of amendments. The council shall have until June 30 of the following year to adopt ~~((the amendments))~~ an update to the Comprehensive Plan, in accordance with RCW 36.70A.130. (Ord. 18810 § 12, 2018: Ord. 18183 § 3, 2015: Ord. 17416 § 10, 2012: Ord. 14047 § 5, 2001: Ord. 13147 § 22, 1998).

Commented [MI7]: Standardize Plan Update Terminology

20.18.070 Annual ~~((eyele))~~ update process.

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

Commented [MI8]: Standardize Plan Update Terminology

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.

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. (Ord. 18810 § 13, 2018: Ord. 18183 § 4, 2015: Ord. 17416 § 11, 2012: Ord. 14047 § 6, 2001: Ord. 13147 § 23, 1998).

20.18.170 The four to one program – process for amending the urban growth area to achieve urban densities and open space.

A. The total area added to the urban growth area as a result of this program shall not exceed four thousand acres. The department shall keep a cumulative total for all parcels added under this section. The total shall be updated ~~((annually))~~ through the plan amendment process.

Commented [MI9]: Review Four-to-One Program

Effect: Implements recommendations of Four to One Program Review Study. This includes:

- Clarifies dual goal of program (open space and urban densities).
- Establishes the Docket as the mechanism for initiation of a Four-to-One from property owners.
- Establishes Docket review process for establishing site suitability as the pre-application review process.
- Requires annexation prior to development for projects adjacent to a city. Requires an interlocal agreement with the annexing City.

B. Proposals from a property owner shall be initiated through the Docket process at 20.18.140. 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. As part of the Docket review of a Four-to-One project, ~~((Site))~~ 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~~) the pre-application review process.

C. A term conservation easement shall be placed on the open space at the time the four to one proposal is approved by the council. Upon final plat approval for projects not adjacent to an incorporated area, or annexation of the urban portion of the property to a city for projects adjacent to an incorporated area, the open space shall be permanently dedicated in fee simple to King County.

D. Proposals adjacent to an incorporated area or potential annexation areas shall be referred to the affected city and special purpose districts for recommendations and agreement by the jurisdiction to add the new urban area to the jurisdiction's Potential Annexation Area.

E. For projects adjacent to an incorporated area, development of the parcels shall only occur after the area is annexed to a city. Any annexation interlocal agreement shall ensure that the development is consistent with the conditions included in the ordinance that adopted the Four-to-One project. (Ord. 18810 § 16, 2018: Ord. 17485 § 9, 2012: Ord. 16263 § 5, 2008: Ord. 14047 § 9, 2001).

20.18.180 The four to one program – criteria for amending the urban growth area to achieve urban densities and open space. Rural area land may be added to the urban growth area in accordance with the following criteria:

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

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

2. The land shall not be zoned agriculture (A), or Forest (F);

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

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

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

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

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

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

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

8. The open space shall primarily be on the site in order to buffer the surrounding Rural Area or Natural Resource Lands from the new urban development. The (~~minimum depth of the~~) open space buffer (~~shall be one half of the property width, unless the director determines that a smaller buffer of no less than two hundred feet is warranted due to the topography and critical areas on the site,~~) shall generally parallel the urban growth area boundary and shall be configured in such a way as to connect with open space on adjacent properties;

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

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

Commented [MI10]: Review Four-to-One Program

Effect: Implements recommendations of Four to One Program Review Study. This includes:

- Clarifies dual goal of program (open space and urban densities).
- To increase consistency with the Countywide Planning Policies, states that Four-to-Ones are not allowed on Forest lands.
- Provides flexibility on the ultimate land use and zoning to match the intended use.
- Establishes a requirement that the open space be primarily on the site; this is consistent with program practice but has not been a requirement. The term "primarily" defines the intention but retains flexibility. This replaces the existing buffer language which was less aspirational.

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

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

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

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

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

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

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

2. Provision of regional open space connections;

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

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

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

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

7. The size and configuration of the open space and the County's ability to efficiently manage the property; and

8. The potential for public access.

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

1. Trails;

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

3. Active recreation uses not to exceed five percent of the total open space area. The support services and facilities for the active recreation uses may locate within the active recreation area only, and shall not exceed five percent of the total acreage of the active recreation area. The entire open space area, including any active recreation site, is a regional resource. It shall not be used to satisfy the on-site active recreation space requirements in K.C.C. 21A.14.180 for the urban portion of the four to one property. (Ord. 17485 § 10, 2012: Ord. 16263 § 6, 2008: Ord. 15606 § 1, 2006: Ord. 14047 § 10, 2001).

20.22.170 Examiner duties – site-specific land use map amendment – public hearings – recommendation findings and conclusions – compiled written recommendations report. Upon initiation of a site-specific land use map amendment to the Comprehensive Plan under K.C.C. 20.18.050, the examiner shall conduct a public hearing to consider the department's written recommendation and to take testimony and receive additional evidence relating to the proposed amendment. The examiner may consolidate hearings in accordance with K.C.C. 20.22.110 to the extent practicable. No later than thirty

Commented [MI11]: Review Four-to-One Program

Effect: Implements recommendations of Four to One Program Review Study. This establishes two new open space evaluation criteria, based on program experience with past Four-to-One projects.

days after closing the public hearing on the site-specific land use map amendment, the examiner shall prepare a recommendation that contains written findings and conclusions regarding whether:

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

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

B. The office of the hearing examiner shall compile the written recommendations on all site-specific land use map amendments made in a year into a single report. The report shall be filed by January 15 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, the council chief of staff and the lead staff for the transportation, economy and environment committee or its successor. (Ord. 18230 § 37, 2016; Ord. 13147 § 34, 1998. Formerly K.C.C. 20.24.400).

Commented [MI12]: Standardize Plan Update Terminology

TITLE 21A ZONING
April 10, 2019 Update

21A.02.110 Classification of right-of-way.

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

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

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

D. Where such right-of-way is vacated, the vacated area shall have the zone classification of the adjoining property with which it is first merged. (Ord. 10870 § 21, 1993).

Commented [MI13]: Address Impacts and Regulation of Fossil Fuel Facilities

Effect: Clarifies that these uses are freight-dependent to avoid an option to expand uses by defining them as accessory to delivery and distribution.

21A.06.150 ~~((Bulk))~~ Local distribution gas storage tanks. ~~((Bulk))~~ Local distribution gas storage tanks: A tank that is not a Fossil Fuel Facility from which illuminating, heating, or liquefied gas is distributed by piping directly to individual users. (Ord. 11157 § 29, 1993).

Commented [MI14]: Address Impacts and Regulation of Fossil Fuel Facilities

Effect: Edits to distinguish local distribution tanks from Fossil Fuel Facilities, which is established in a separate definition.

21A.06.197 Coal mine by-products stockpiles. Coal mine by-products stockpiles: an accumulation, greater than five hundred cubic yards and five feet of vertical depth, of undisturbed waste and/or byproduct materials having greater than fifty percent, as measured by weight, of ~~((mineral))~~ coal or coal shale as a component and which resulted from historic coal mining. (Ord. 13319 § 3, 1998).

Commented [MI15]: Address Impacts and Regulation of Fossil Fuel Facilities

Effect: Clarification that coal is not a mineral product.

21A.06.532 Fossil Fuels. Fossil Fuels: coal, petroleum products (such as crude oil and gasoline), and gaseous fuels (such as natural gas and propane) which occur naturally beneath the earth's surface and are derived from decayed plants and animals that lived millions of years ago and are used primarily as a source of energy. Fossil fuels do not include:

Commented [MI16]: Address Impacts and Regulation of Fossil Fuel Facilities

Effect: Establishes a definition for Fossil Fuels and Fossil Fuel Facilities. Clarifies distinctions between new and modified facilities.

A. Non-fuel products – Petrochemicals that are used primarily for non-fuel products are excluded, such as asphalt, plastics, lubricants, fertilizer, roofing and paints.

B. Denatured ethanol and similar fuel additives and biodiesel/renewable diesel with less than 5 percent fossil fuel content are not fossil fuels.

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

21A.06.532A Fossil Fuel Facility. Fossil Fuel Facility: a new or modified commercial facility used primarily to receive, store, transfer, wholesale trade, or transport of fossil fuels, such as but not limited to bulk terminals, bulk storage facilities, bulk refining and bulk handling facilities. Fossil fuel facilities do not include individual storage facilities of up to 30,000 gallons and total cumulative facilities per site of 60,000 gallons for the purposes of retail or direct to consumer sales, facilities or activities for local consumption; non-commercial facilities (such as storage for educational, scientific, or governmental use); and uses preempted by federal rule or law.

21A.06.532B Fossil Fuel Facility, new or modified. Fossil Fuel Facility, new or modified: includes, but is not limited to, Fossil Fuel Facilities and accessory facilities or uses that are new, new uses within existing facilities, changes to the type of refining, manufacturing and processing, changes in the location of facilities, replacement of existing facilities, increases in power or water demands, increases in

production capacity, or changes in the methods or volumes of transport of raw materials or processed products.

21A.06.532C Fossil Fuel Facility Type I. Fossil Fuel Facility Type I: a fossil fuel facility that includes any combination of liquid fossil fuel storage capacity of up to 378,000 gallons and/or dry storage of 1,425 cubic yards.

21A.06.532D Fossil Fuel Facility Type II. Fossil Fuel Facility Type II: a fossil fuel facility that includes any combination of fossil fuel liquid storage capacity of more than 378,000 gallons and/or dry storage of 1,425 cubic yards.

21A.06.805 Nonhydro-electric generation facility. Nonhydro-electric generation facility: an establishment for the generation of electricity by nuclear reaction, burning fossil fuels, or other electricity generation methods except for fossil fuels generated as a by-product in the waste management process, such as wastewater treatment, landfill waste management, livestock manure and composting processes. (Ord. 10870 § 201, 1993).

21A.06.1041 Sea Level Rise Buffer. Sea Level Rise Buffer: Areas on Vashon-Maury Island that are adjacent to a coastal high hazard area and that extend landward to an elevation three feet above the base flood elevation.

21A.06.1350 Utility facility. Utility facility: a facility for the distribution or transmission of services, including:

- A. Telephone exchanges;
- B. Water pipelines, pumping or treatment stations;
- C. Electrical substations;
- D. Water storage reservoirs or tanks;
- E. Municipal groundwater well-fields;
- F. Regional surface water flow control and water quality facilities;
- G. Natural gas pipelines, gate stations and limiting stations limited to local distribution service and excluding facilities defined at 21A.06.532.A, 21A.06.532.B, 21A.06.532.C, or 21A.06.532.D, as fossil fuel facilities;

H. Propane, compressed natural gas and liquefied natural gas storage tanks serving multiple lots or uses from which fuel is distributed directly to individual users limited to local distribution service and excluding facilities defined at 21A.06.532.A, 21A.06.532.B, 21A.06.532.C, or 21A.06.532.D, as fossil fuel facilities;

I. Wastewater pipelines, lift stations, pump stations, regulator stations or odor control facilities; and

J. Communication cables, electrical wires and associated structural supports. (Ord. 15051 § 109, 2004; Ord. 10870 § 310, 1993).

21A.06.1375 Warehousing and wholesale trade. Warehousing and wholesale trade: establishments involved in the storage and/or sale of bulk goods for resale or assembly, excluding establishments offering the sale of bulk goods to the general public which is classified as a retail use in K.C.C. 21A.08.070. These establishments shall include only SIC Major Group Nos. 50 and 51 and SIC Industry Group Nos. 422 and 423, and exclude fossil fuels and fossil fuel facilities included in SIC 5171, 5172, and 4226. (Ord. 10870 § 315, 1993).

Commented [MI17]: Address Impacts and Regulation of Fossil Fuel Facilities

Effect: Edit to distinguish that fossil fuels generated through co-generation processes are not defined as Nonhydro-Electric Generation Facilities.

Commented [MI18]: Address Sea Level Rise Impacts on Coastal Areas

Effect: Establishes a new buffer zone to the existing coastal high hazard flood areas. The intent of the new buffer is to set development standards that help to prepare and mitigate for future impacts from sea level rise. This only applies to lands on Vashon-Maury Island that are adjacent to areas that are mapped for coastal flooding.

Commented [MI19]: Address Impacts and Regulation of Fossil Fuel Facilities

Effect: Edit to distinguish local distribution facilities from Fossil Fuel Facilities.

Commented [MI20]: Effect: Edit to distinguish local distribution facilities from Fossil Fuel Facilities.

Commented [MI21]: Address Impacts and Regulation of Fossil Fuel Facilities

Effect: Edits to distinguish certain types of wholesale trade facilities from Fossil Fuel Facilities.

21A.08.030 Residential land uses.

A. Residential land uses.

SIC #	SPECIFIC LAND USE	RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL					
		A	F	M		RA	UR	R1-8	R12-48	NB	CB	RB	O	I
	DWELLING UNITS, TYPES:													
*	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							
	GROUP RESIDENCES:													
*	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		
	ACCESSORY USES:													
*	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							
	TEMPORARY LODGING:													
7011	Hotel/Motel (1)									P	P	P		
*	Bed and Breakfast Guesthouse	P9			P9	P9	P9	P9	P9	P10	P10			
7041	Organization Hotel/Lodging Houses										P			

B. Development conditions.

1. Except bed and breakfast guesthouses.

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

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

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

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

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

4. Only in a building listed on the National Register as an historic site or designated as a King County

landmark subject to K.C.C. chapter 21A.32.

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

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

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

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

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

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

7.a. Accessory dwelling units:

(1) Only one attached or detached accessory dwelling is allowed on a lot per primary single detached dwelling unit;

(a) Detached accessory dwelling units are allowed on lots in the urban area and in rural towns that are greater than three thousand and two hundred square feet;

(b) Detached accessory dwelling units are allowed on lots in the Rural Area that are equal to or greater than the minimum lot size for the zone;

(2) Accessory dwelling units are allowed (~~Only~~) only in the same building as the primary dwelling unit on:

(a) an urban lot that is less than (~~five~~) three thousand and two hundred square feet in area;

(b) a rural lot that is less than the minimum lot size except as otherwise provided in subsection B.7.a.(5) of this section (~~, a rural lot that is less than the minimum lot size~~); or

~~e.~~ (b) a lot containing more than one primary dwelling;

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

(4)(a) Except as otherwise provided in subsection B.7.a.(5) of this section, one of the dwelling units shall not exceed one thousand square feet of heated floor area except when one of the dwelling units is wholly contained within a basement or attic; (~~and~~)

(b) When the primary and accessory dwelling units are located in the same building, or in multiple buildings connected by a breezeway or other structure, only one entrance may be located on each street; and

(c) To promote compatible design, accessory dwelling units shall not exceed the base height as established in 21A.12.030;

(5) On a site zoned RA:

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

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

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

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

(8) An applicant seeking to build an accessory dwelling unit shall file a notice approved by the department of executive services, records and licensing services division, that identifies the dwelling unit as accessory. The notice shall run with the land. The applicant shall submit proof that the notice was filed before the department shall approve any permit for the construction of the accessory dwelling unit. The required contents and form of the notice shall be set forth in administrative rules. If an accessory dwelling unit in a detached building in the rural zone is subsequently converted to a

Commented [MI22]: Accessory Dwelling Units and Accessory Living Quarters Code Study

Effect: Allows detached ADUs on smaller lots in the urban area and rural towns. Limits the height of ADUs to address design considerations.

primary unit on a separate lot, neither the original lot nor the new lot may have an additional detached accessory dwelling unit constructed unless the lot is at least twice the minimum lot area required in the zone; and

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

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

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

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

c. Accessory living quarters:

(1) Accessory living quarters shall not include an area within the building intended for the preparation and storage of food;

(2) Only one accessory living quarter is allowed per lot;

(a) Detached accessory living quarters are allowed on lots in the urban area and in rural towns if the lot size is greater than 3,200 square feet;

(3) One accessory living quarter is allowed on a lot with an accessory dwelling unit;

(4) To promote compatible design, accessory living quarters shall not exceed the base height as established in 21A.12.030; and

(5) Accessory living quarters shall not exceed one thousand feet of heated floor area.

(6) Accessory living quarters are not allowed in the F zone.

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

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

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

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

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

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

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

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

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

14.a. Limited to domestic violence shelter facilities.

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

15. Only in the R4-R8 zones limited to:

a. ~~((developments no larger than one acre; b.))~~ not adjacent to another cottage housing development such that the total combined land area of the cottage housing developments exceeds one acre;

~~((e.))~~ b. All units must be cottage housing units with no less than three units and no more than sixteen units, provided that if the site contains an existing home that is not being demolished, the existing house is not required to comply with the height limitation in K.C.C. 21A.12.020.B.25. or the floor area and footprint limits in K.C.C. 21A.14.025.B; ~~((and))~~

~~((e.))~~ c. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035; and

d. Each dwelling unit that abuts common open space shall have a primary entry, or covered porch, or both, oriented to the common open space. Each dwelling unit abutting or proximal to a public right-of-way (not

Commented [MI23]: Accessory Dwelling Units and Accessory Living Quarters Code Study

Effect: Implements recommendation to establish requirements for Accessory Living Quarters. These include:

- Restrictions on kitchen facilities, consistent with 21A.06.101 and .662, and Board of Health Code
- Establishes a limit of one ALQ per lot.
- Establishes a limit on allowed heights.
- Establishes a limit on total size of the ALQ.
- Restricts ALQs in Forest zone.

Commented [MI24]: Cottage Housing Regulations Review

Effect:

- Removes maximum lot size which limits potential use of this option.
- Adds design standards on unit orientation and facades.
- Establishes parking standards.
- Allows for attached garages.

including alleys) shall also have an inviting facade, such as a primary or secondary entrance or porch, oriented to the public right-of-way. If a dwelling unit abuts more than one public right-of way, the County shall determine to which right-of-way the inviting facade shall be oriented.

e. Dwelling units measuring less than 700 square feet in floor area must provide a minimum of 1 covered or uncovered parking space; between 700 and 1000 square feet, 1.5 spaces; greater than 1000 square feet, 2 spaces.

f. A cottage may include an attached garage, not to exceed an additional 250 square feet, which does not count towards the maximum unit size.

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

- a. The lot must have legally existed before March 1, 2005;
- b. The lot has a Comprehensive Plan land use designation of Rural Neighborhood Commercial Center or Rural Area; and
- c. The standards of this title for the RA-5 zone shall apply.

17. Repealed.

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

(Ord. 18626 § 1, 2017: Ord. 18427 § 9, 2016: Ord. 17841 § 24, 2014: Ord. 17539 § 26, 2013: Ord. 17191 § 30, 2011: Ord. 16950 § 14, 2010: Ord. 16267 § 19, 2008: Ord. 16040 § 3, 2008: Ord. 15974 § 6, 2007: Ord. 15971 § 93, 2007: 15606 § 11, 2006: Ord. 15032 § 10, 2004: Ord. 14279 § 1, 2002: Ord. 14199 § 232, 2001: Ord. 14045 § 10, 2001: Ord. 12786 § 2, 1997: Ord. 12596 § 3, 1997: Ord. 12522 § 3, 1996: Ord. 12273 § 1, 1996: Ord. 12243 § 1, 1996: Ord. 11621 § 135, 1994: Ord. 11157 § 11, 1993: Ord. 10870 § 330, 1993).

21A.08.060 Government/business services land uses.

A. Government/business services land uses.

SIC#	SPECIFIC LAND USE	RESOURCE			RU RA L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL					
		A	F	M		RA	UR	R1-8	R12-48	NB	CB	RB	O	I (30)
	GOVERNMENT SERVICES:													
*	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 C2 8	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	
	BUSINESS SERVICES:													
*	Construction and Trade				P34						P	P9	P	
*	Individual Transportation and Taxi									P25	P	P10	P	
421	Trucking and Courier									P11	P12	P13	P	

SIC#	SPECIFIC LAND USE	RESOURCE			RU RA L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
		A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (30)
	Service												
*	Warehousing, (1) and Wholesale Trade												P40
*	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	P20a	P
*	Off-Street Required Parking Lot				P32	P32	P32	P32	P32	P32	P32	P32	P32
7941	Professional Sport Teams/Promoters										P	P	
873	Research, Development and Testing										P2	P2	P2
*	Heavy Equipment and Truck Repair												P
	ACCESSORY USES:												
*	Commercial/Industrial Accessory Uses			P	P22				P22	P22	P	P	P
*	Helistop					C23	C2	C23	C23	C23	C24	C23	C24

Commented [MI25]: Address Impacts and Regulation of Fossil Fuel Facilities
 Effect: Edits to distinguish warehousing facility uses from Fossil Fuel Facility uses

Commented [MI26]: Address Impacts and Regulation of Fossil Fuel Facilities
 Effect: Edits to distinguish transportation service uses from Fossil Fuel Facility uses.

B. Development conditions.

1. Except self-service storage.
2. Except SIC Industry No. 8732-Commercial Economic, Sociological, and Educational Research, see general business service/office.
- 3.a. Only as a reuse of a public school facility or a surplus nonresidential facility subject to K.C.C. chapter 21A.32; or
 - b. only when accessory to a fire facility and the office is no greater than one thousand five hundred square feet of floor area.
4. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter 21A.32.
5. New utility office locations only if there is no commercial/industrial zoning in the utility district, and not in the RA-10 or RA-20 zones unless it is demonstrated that no feasible alternative location is possible, and provided further that this condition applies to the UR zone only if the property is located within a designated

unincorporated Rural Town.

- 6.a. All buildings and structures shall maintain a minimum distance of twenty feet from property lines adjoining rural area and residential zones;
 - b. Any buildings from which fire-fighting equipment emerges onto a street shall maintain a distance of thirty-five feet from such street;
 - c. No outdoor storage; and
 - d. Excluded from the RA-10 and RA-20 zones unless it is demonstrated that no feasible alternative location is possible.
7. Limited to storefront police offices. Such offices shall not have:
 - a. holding cells;
 - b. suspect interview rooms (except in the NB zone); or
 - c. long-term storage of stolen properties.
 8. Private stormwater management facilities serving development proposals located on commercial/industrial zoned lands shall also be located on commercial/industrial lands, unless participating in an approved shared facility drainage plan. Such facilities serving development within an area designated urban in the King County Comprehensive Plan shall only be located in the urban area.
 9. No outdoor storage of materials.
 10. Limited to office uses.
 11. Limited to self-service household moving truck or trailer rental accessory to a gasoline service station.
 12. Limited to self-service household moving truck or trailer rental accessory to a gasoline service station and SIC Industry No. 4215-Courier Services, except by air.
 13. Limited to SIC Industry No. 4215-Courier Services, except by air.
 14. Accessory to an apartment development of at least twelve units provided:
 - a. The gross floor area in self service storage shall not exceed the total gross floor area of the apartment dwellings on the site;
 - b. All outdoor lights shall be deflected, shaded and focused away from all adjoining property;
 - c. The use of the facility shall be limited to dead storage of household goods;
 - d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or similar equipment;
 - e. No outdoor storage or storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals;
 - f. No residential occupancy of the storage units;
 - g. No business activity other than the rental of storage units; and
 - h. A resident director shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.
 - i. Before filing an application with the department, the applicant shall hold a community meeting in accordance with K.C.C. 20.20.035.
 15. Repealed.
 16. Only as an accessory use to another permitted use.
 17. No outdoor storage.
 18. Only as an accessory use to a public agency or utility yard, or to a transfer station.
 19. Limited to new commuter parking lots designed for thirty or fewer parking spaces or commuter parking lots located on existing parking lots for churches, schools, or other permitted nonresidential uses that have excess capacity available during commuting; provided that the new or existing lot is adjacent to a designated arterial that has been improved to a standard acceptable to the department of local services;
 - 20.a. No tow-in lots for damaged, abandoned or otherwise impounded vehicles,
and
 - b. Tow-in lots for damaged, abandoned or otherwise impounded vehicles shall be:
 - (1) permitted only on parcels located within Vashon Town Center;
 - (2) accessory to a gas or automotive service use; and
 - (3) limited to no more than ten vehicles.
 21. No dismantling or salvage of damaged, abandoned or otherwise impounded vehicles.

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

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

24. Allowed as accessory to an allowed use.

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

26. Limited to two acres or less.

27a. Utility yards only on sites with utility district offices; or

b. Public agency yards are limited to material storage for road maintenance facilities.

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

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

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

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

32. Provided:

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

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

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

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

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

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

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

36. Repealed.

37. Use shall be limited to the NB zone on parcels outside of the Urban Growth Area, Rural Towns and Rural Neighborhoods and the building floor area devoted to such use shall not exceed ten thousand square feet.

38. If the farm product warehousing, refrigeration and storage, or log storage, is associated with agriculture activities it will be reviewed in accordance with K.C.C. 21A.08.090.

39. Excluding Fossil Fuel Facilities.

40. Excluding fossil fuels and fossil fuel facilities included in SIC 5171, 5172, and 4226. (Ord. 18791 § 166, 2018: Ord. 18626 § 4, 2017: Ord. 17841 § 27, 2014: Ord. 17539 § 29, 2013: Ord. 16950 § 17, 2010: Ord. 16594 § 2, 2009: Ord. 16267 § 79, 2008: Ord. 15974 § 8, 2007: Ord. 15606 § 14, 2006: Ord. 15245 § 6, 2005: Ord. 15032 § 13, 2004: Ord. 14254 § 1, 2001: Ord. 14045 § 13, 2001: Ord. 13278 § 5, 1998: Ord. 13190 § 15, 1998: Ord. 13022 § 13, 1998: Ord. 12596 § 6, 1997: Ord. 12243 § 2, 1996: Ord. 12018 § 3, 1995: Ord. 11621 § 37, 1994: Ord. 11157 § 13, 1993: Ord. 10870 § 333, 1993).

21A.08.080 Manufacturing land uses.

A. Manufacturing land uses.

Commented [MI27]: Address Impacts and Regulation of Fossil Fuel Facilities

Effect: Edits to distinguish certain types of local distribution tanks from Fossil Fuel Facilities.

Commented [MI28]: Address Impacts and Regulation of Fossil Fuel Facilities

Effect: Edits to distinguish warehousing facility uses from Fossil Fuel Facility uses.

Commented [MI29]: Address Impacts and Regulation of Fossil Fuel Facilities

Effect: Edits to distinguish transportation service uses from Fossil Fuel Facility uses.

2020 PLAN – PUBLIC REVIEW DRAFT

SIC #	SPECIFIC LAND USE	RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
		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
*2082 /2085	Winery/Brewery /Distillery	P3 C12			P3 C12	P3			P17	P17	P		P
*	Materials Processing Facility		P13 C	P14 C15	P16 C								P
22	Textile Mill Products												C
23	Apparel and other Textile Products										C		P
24	Wood Products, except furniture	P4 P18	P4 P18 C5		P4 P18 C5	P4					C6		P
25	Furniture and Fixtures		P19		P19						C		P
26	Paper and Allied Products												C
27	Printing and Publishing								P7	P7	P7C	P7C	P
*	Marijuana Processor I	P20			P27					P21 C22	P21 C22		
*	Marijuana Processor II									P23 C24	P23 C24		P25 C26
28	Chemicals and Allied Products												C
2911	Petroleum Refining and Related Industries												C29
30	Rubber and Misc. Plastics Products												C
31	Leather and Leather Goods										C		P
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

Commented [MI30]: Address Impacts and Regulation of Fossil Fuel Facilities
 Effect: Edits to distinguish Petroleum Refining and Related Industries from Fossil Fuel Facilities.

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)
*	Aircraft, Ship and Boat Building												P10C
7534	Tire Retreading										C		P
781-82	Movie Production/Distribution										P		P

B. Development conditions.

1. Repealed.

2. Except slaughterhouses.

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

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

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

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

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

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

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

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

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

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

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

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

9. Only within enclosed buildings.

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

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

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

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

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

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

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

e. Structures and areas used for processing shall be set back a minimum distance of seventy-five feet

from property lines adjacent to rural area and residential zones, unless the processing is located in a building designated as historic resource under K.C.C. chapter 20.62;

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

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

products;

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

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

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

- a. as accessory to a primary forestry use and at a scale appropriate to process the organic waste generated on the site; or
- b. as a continuation of a sawmill or lumber manufacturing use only for that period to complete delivery of products or projects under contract at the end of the sawmill or lumber manufacturing activity.

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

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

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

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

17.a. Limited to wineries, SIC Industry No. 2082-Malt Beverages and SIC Industry No. 2085-Distilled and Blended Liquors;

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

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

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

18. Limited to:

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

- (1) If using lumber or timber grown off-site, the minimum site area is four and one-half acres;
- (2) The facility shall be limited to an annual production of no more than one hundred fifty thousand

board feet;

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

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

(5) In the RA zone, the facility's driveway shall have adequate entering sight distance required by the 2007 King County Road Design and Construction Standards. An adequate turn around shall be provided on-site to prevent vehicles from backing out on to the roadway that the driveway accesses; and

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

b. SIC Industry No. 2411-Logging.

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

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- 20.a. Only allowed on lots of at least four and one-half acres;
- b. Only as an accessory use to a Washington state Liquor Control Board licensed marijuana production facility on the same lot;
- c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;
- d. 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
- e. Accessory marijuana processing uses allowed under this section are subject to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.
- 21.a. Only in the CB and RB zones located outside the urban growth area;
- b. With a lighting plan, only if required by 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;
- d. Per lot, the aggregated total gross floor area devoted to the use of, and in support of, processing marijuana together with any separately authorized production of marijuana shall be limited to a maximum of two thousand square feet; and
- e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and 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.22. of this section.
- 22.a. Only in the CB and RB zones located outside the urban growth area;
- b. Per lot, the aggregated total gross floor area devoted to the use of, and in support of, processing marijuana together with any separately authorized production of marijuana shall be limited to a maximum of thirty thousand square feet;
- c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.; and
- d. 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.
- 23.a. Only in the CB and RB zones located inside the urban growth area;
- b. With a lighting plan, only if required by 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;
- d. Per lot, the aggregated total gross floor area devoted to the use of, and in support of, processing marijuana together with any separately authorized production of marijuana shall be limited to a maximum of two thousand square feet; and
- e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and 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.24. of this section.
- 24.a. Only in the CB and RB zones located inside the urban growth area;
- b. With a lighting plan, only if required by 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 aggregated total gross floor area devoted to the use of, and in support of, processing marijuana together with any separately authorized production of marijuana shall be limited to a maximum of thirty thousand square feet.

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

b. 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

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

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

b. 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

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

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

b. Only with a lighting plan 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;

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

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

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

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

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

29. Excluding fossil fuel facilities. (Ord. 18626 § 6, 2017: Ord. 18326 § 14, 2016: Ord. 17841 § 29, 2014: Ord. 17725 § 2, 2013: Ord. 17710 § 8, 2013: Ord. 17539 § 31, 2013: Ord. 16950 § 19, 2010: Ord. 16028 § 1, 2008: Ord. 15974 § 10, 2007: Ord. 15032 § 15, 2004: Ord. 14781 § 2, 2003: Ord. 14045 § 15, 2001: Ord. 12596 § 8, 1997: Ord. 11621 § 38, 1994: Ord. 10870 § 335, 1993).

Commented [MI31]: Address Impacts and Regulation of Fossil Fuel Facilities

Effect: Edits to distinguish Petroleum Refining and Related Industries from Fossil Fuel Facilities.

21A.08.090 Resource land uses.

A. Resource land uses.

SIC#	SPECIFIC LAND USE	RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL					
		A	F	M		RA	UR	R1-8	R12-48	NB	CB	RB	O	I
	AGRICULTURE:													
01	Growing and Harvesting Crops	P	P		P	P	P							P
02	Raising Livestock and Small Animals (6)	P	P		P	P								P
*	Agricultural Activities	P2	P2		P24	P24								

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SIC#	SPECIFIC LAND USE	RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
		A	F	M		RA	UR	R1-8	R12-48	NB	CB	RB	O
*	Agricultural Support Services	P2 5C	P2 5C		P26 C	P26 C	P2 6C		P27 C2 8	P27 C28			
*	Marijuana producer	P1 5 C2 2			P16 C17					P18 C19	P18 C19		P20 C2 1
*	Agriculture Training Facility	C1 0											
*	Agriculture-related special needs camp	P1 2											
*	Agricultural Anaerobic Digester	P1 3											
FORESTRY:													
08	Growing & Harvesting Forest Production	P	P	P7	P	P	P						P
*	Forest Research		P		P	P						P2	P
FISH AND WILDLIFE MANAGEMENT:													
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							
MINERAL:													
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
ACCESSORY USES:													
*	Resource Accessory Uses	P3 P2 3	P4	P5	P3	P3							P4
*	Farm Worker Housing	P1 4			P14								

Commented [MI32]: Address Impacts and Regulation of Fossil Fuel Facilities
 Effect: Removes the Standard Industrial Classification Major Group 12: Coal Mining from the list of permitted uses.

B. Development conditions.

1. May be further subject to K.C.C. chapter 21A.25.
2. Only forest research conducted within an enclosed building.
3. Farm residences in accordance with K.C.C. 21A.08.030.
4. Excluding housing for agricultural workers.
5. Limited to either maintenance or storage facilities, or both, in conjunction with mineral extraction or processing operation.
6. Allowed in accordance with K.C.C. chapter 21A.30.
7. Only in conjunction with a mineral extraction site plan approved in accordance with K.C.C. chapter 21A.22.
8. Only on the same lot or same group of lots under common ownership or documented legal control, which includes, but is not limited to, fee simple ownership, a long-term lease or an easement:
 - a. as accessory to a primary mineral extraction use;
 - b. as a continuation of a mineral processing only for that period to complete delivery of products or projects under contract at the end of a mineral extraction; or

- c. for a public works project under a temporary grading permit issued in accordance with K.C.C. 16.82.152.
9. Limited to mineral extraction and processing:
- a. on a lot or group of lots under common ownership or documented legal control, which includes but is not limited to, fee simple ownership, a long-term lease or an easement;
 - b. that are located greater than one-quarter mile from an established residence; and
 - c. that do not use local access streets that abut lots developed for residential use.
10. Agriculture training facilities are allowed only as an accessory to existing agricultural uses and are subject to the following conditions:
- a. The impervious surface associated with the agriculture training facilities shall comprise not more than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;
 - b. New or the expansion of existing structures, or other site improvements, shall not be located on class 1, 2 or 3 soils;
 - c. The director may require reuse of surplus structures to the maximum extent practical;
 - d. The director may require the clustering of new structures with existing structures;
 - e. New structures or other site improvements shall be set back a minimum distance of seventy-five feet from property lines adjoining rural area and residential zones;
 - f. Bulk and design of structures shall be compatible with the architectural style of the surrounding agricultural community;
 - g. New sewers shall not be extended to the site;
 - h. Traffic generated shall not impede the safe and efficient movement of agricultural vehicles, nor shall it require capacity improvements to rural roads;
 - i. Agriculture training facilities may be used to provide educational services to the surrounding rural/agricultural community or for community events. Property owners may be required to obtain a temporary use permit for community events in accordance with K.C.C. chapter 21A.32;
 - j. Use of lodging and food service facilities shall be limited only to activities conducted in conjunction with training and education programs or community events held on site;
 - k. Incidental uses, such as office and storage, shall be limited to those that directly support education and training activities or farm operations; and
 - l. The King County agriculture commission shall be notified of and have an opportunity to comment upon all proposed agriculture training facilities during the permit process in accordance with K.C.C. chapter 21A.40.
11. Continuation of mineral processing and asphalt/concrete mixtures and block uses after reclamation in accordance with an approved reclamation plan.
- 12.a. Activities at the camp shall be limited to agriculture and agriculture-oriented activities. In addition, activities that place minimal stress on the site's agricultural resources or activities that are compatible with agriculture are permitted.
- (1) passive recreation;
 - (2) training of individuals who will work at the camp;
 - (3) special events for families of the campers; and
 - (4) agriculture education for youth.
- b. Outside the camp center, as provided for in subsection B.12.e. of this section, camp activities shall not preclude the use of the site for agriculture and agricultural related activities, such as the processing of local food to create value-added products and the refrigeration and storage of local agricultural products. The camp shall be managed to coexist with agriculture and agricultural activities both onsite and in the surrounding area.
- c. A farm plan shall be required for commercial agricultural production to ensure adherence to best management practices and soil conservation.
- d.(1) The minimum site area shall be five hundred acres. Unless the property owner has sold or transferred the development rights as provided in subsection B.12.c.(3) of this section, a minimum of five hundred acres of the site must be owned by a single individual, corporation, partnership or other legal entity and must remain under the ownership of a single individual, corporation, partnership or other legal entity for the duration of the operation of the camp.

(2) Nothing in subsection B.12.d.(1) of this section prohibits the property owner from selling or transferring the development rights for a portion or all of the site to the King County farmland preservation program or, if the development rights are extinguished as part of the sale or transfer, to a nonprofit entity approved by the director;

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

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

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

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

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

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

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

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

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

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

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

p. The length of stay for any individual overnight camper, not including camp personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

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

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

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

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

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

13. Limited to digester receiving plant and animal and other organic waste from agricultural activities, and including electrical generation, as follows:

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

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

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

- d. the use must be accessory to an operating dairy or livestock operation.
- 14. Farm worker housing. Either:
 - a. Temporary farm worker housing subject to the following conditions:
 - (1) The housing must be licensed by the Washington state Department of Health under chapter 70.114A RCW and chapter 246-358 WAC;
 - (2) Water supply and sewage disposal systems must be approved by the Seattle King County department of health;
 - (3) To the maximum extent practical, the housing should be located on nonfarmable areas that are already disturbed and should not be located in the floodplain or in a critical area or critical area buffer; and
 - (4) The property owner shall file with the department of executive services, records and licensing services division, a notice approved by the department identifying the housing as temporary farm worker housing and that the housing shall be occupied only by agricultural employees and their families while employed by the owner or operator or on a nearby farm. The notice shall run with the land; [or]
 - b. Housing for agricultural employees who are employed by the owner or operator of the farm year-round as follows:
 - (1) Not more than:
 - (a) one agricultural employee dwelling unit on a site less than twenty acres;
 - (b) two agricultural employee dwelling units on a site of at least twenty acres and less than fifty acres;
 - (c) three agricultural employee dwelling units on a site of at least fifty acres and less than one-hundred acres; and
 - (d) four agricultural employee dwelling units on a site of at least one-hundred acres, and one additional agricultural employee dwelling unit for each additional one hundred acres thereafter;
 - (2) If the primary use of the site changes to a nonagricultural use, all agricultural employee dwelling units shall be removed;
 - (3) The applicant shall file with the department of executive services, records and licensing services division, a notice approved by the department that identifies the agricultural employee dwelling units as accessory and that the dwelling units shall only be occupied by agricultural employees who are employed by the owner or operator year-round. The notice shall run with the land. The applicant shall submit to the department proof that the notice was filed with the department of executive services, records and licensing services division, before the department approves any permit for the construction of agricultural employee dwelling units;
 - (4) An agricultural employee dwelling unit shall not exceed a floor area of one thousand square feet and may be occupied by no more than eight unrelated agricultural employees;
 - (5) To the maximum extent practical, the housing should be located on nonfarmable areas that are already disturbed;
 - (6) One off-street parking space shall be provided for each agricultural employee dwelling unit; and
 - (7) The agricultural employee dwelling units shall be constructed in compliance with K.C.C. Title 16.
- 15. Marijuana production by marijuana producers licensed by the Washington state Liquor and Cannabis Board is subject to the following standards:
 - a. Only allowed on lots of at least four and one-half acres;
 - b. With a lighting plan, only if 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;
 - 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.15.e. of this section;
 - e. 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 two 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. 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 thirty feet; and

g. If the two-thousand-square-foot-per-lot threshold of plant canopy combined with area used for processing under K.C.C. 21A.08.080 is exceeded, each and 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.22. of this section.

16. Marijuana production by marijuana producers licensed by the Washington state Liquor and Cannabis Board is subject to the following standards:

a. Marijuana producers in all RA zoned areas except for Vashon-Maury Island, that do not require a conditional use permit issued by King County, that receive a Washington state Liquor and Cannabis Board license business prior to October 1, 2016, and that King County did not object to within the Washington state Liquor and Cannabis Board marijuana license application process, shall be considered nonconforming as to subsection B.16.d. and h. of this section, subject to the provisions of K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses;

b. In all rural area zones, only with a lighting plan that complies with K.C.C. 21A.12.220.G.;

c. Only allowed on lots of at least four and one-half acres on Vashon-Maury Island;

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

e. 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;

f. Production is limited to outdoor, indoor within marijuana greenhouses, and within nondwelling unit structures that exist as of October 1, 2013, subject to the size limitations in subsection B.16.g. of this section; and

g. 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 two 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;

h. Outdoor production area fencing as required by the Washington state Liquor and Cannabis Board and marijuana greenhouses 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; and

i. If the two-thousand-square-foot-per-lot threshold of plant canopy within fenced areas or marijuana greenhouses is exceeded, each and 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.17. of this section.

17. Marijuana production by marijuana producers licensed by the Washington state Liquor and Cannabis Board is subject to the following standards:

a. Only allowed on lots of at least four and one-half acres on Vashon-Maury Island;

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

c. In all rural area zones, only with a lighting plan that complies with K.C.C. 21A.12.220.G.;

d. 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;

e. Production is limited to outdoor and indoor within marijuana greenhouses subject to the size limitations in subsection B.17.f. of this section;

f. 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 fenced area or marijuana greenhouse that is no more than ten percent larger than that combined area; and

g. Outdoor production area fencing as required by the Washington state Liquor and Cannabis Board, and marijuana greenhouses 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.

18.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 two 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; and

e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and every marijuana-related entity occupying space in addition to the two-thousand-square foot threshold area on that parcel shall obtain a conditional use permit as set forth in subsection B.19. of this section.

19.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.

20.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;

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 two 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; and

e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and 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, if:

- a. agricultural is the primary use of the site;
- b. the storage and processing are in accordance with best management practices included in an approved farm plan; and
- c. except for areas used for manure storage, the areas used for storage and processing do not exceed three acres and ten percent of the site.

24.a. For activities relating to the processing of crops or livestock for commercial purposes, including associated activities such as warehousing, storage, including refrigeration, and other similar activities and excluding wineries, SIC Industry No. 2085 – Distilled and Blended Liquors and SIC Industry No. 2082 – Malt Beverages:

- (1) limited to agricultural products and sixty percent or more of the products processed must be grown in the Puget Sound counties. At the time of initial application, the applicant shall submit a projection of the source of products to be produced;
- (2) in the RA and UR zones, only allowed on sites of at least four and one-half acres;
- (3) (a) as a permitted use, the floor area devoted to all processing shall not exceed two thousand square feet, unless located in a building designated as an historic resource under K.C.C. chapter 20.62. The agricultural technical review committee, as established in K.C.C. 21A.42.300, may review and approve an increase in the processing floor area as follows: up to three thousand five hundred square feet of floor area may be devoted to all processing in the RA zones or on farms less than thirty-five acres located in the A zones or up to seven thousand square feet on farms greater than thirty-five acres in the A zone; and
 - (b) as a permitted use, the floor area devoted to all warehousing, refrigeration, storage or other similar activities shall not exceed two thousand square feet, unless located in a building designated as historic resource under K.C.C. chapter 20.62. The agricultural technical review committee, as established in K.C.C. 21A.42.300, may review and approve an increase of up to three thousand five hundred square feet of floor area devoted to all warehouseing, storage, including refrigeration, or other similar activities in the RA zones or on farms less than thirty-five acres located in

the A zones or up to seven thousand square feet on farms greater than thirty-five acres in the A zone;

(4) in the A zone, structures and areas used for processing, warehousing, refrigeration, storage and other similar activities shall be located on portions of agricultural lands that are unsuitable for other agricultural purposes, such as areas within the already developed portion of such agricultural lands that are not available for direct agricultural production, or areas without prime agricultural soils; and

(5) structures and areas used for processing, warehousing, storage, including refrigeration, and other similar activities shall maintain a minimum distance of seventy-five feet from property lines adjoining rural area and residential zones, unless located in a building designated as historic resource under K.C.C. chapter 20.62.

b. For activities relating to the retail sale of agricultural products, except livestock:

(1) sales shall be limited to agricultural products and locally made arts and crafts;

(2) in the RA and UR zones, only allowed on sites at least four and one-half acres;

(3) as a permitted use, the covered sales area shall not exceed two thousand square feet, unless located in a building designated as a historic resource under K.C.C. chapter 20.62. The agricultural technical review committee, as established in K.C.C. 21A.42.300, may review and approve an increase of up to three thousand five hundred square feet of covered sales area;

(4) forty percent or more of the gross sales of agricultural product sold through the store must be sold by the producers of primary agricultural products;

(5) sixty percent or more of the gross sales of agricultural products sold through the store shall be derived from products grown or produced in the Puget Sound counties. At the time of the initial application, the applicant shall submit a reasonable projection of the source of product sales;

(6) tasting of products, in accordance with applicable health regulations, is allowed;

(7) storage areas for agricultural products may be included in a farm store structure or in any accessory building; and

(8) outside lighting is permitted if there is no off-site glare.

c. Retail sales of livestock is permitted only as accessory to raising livestock.

d. Farm operations, including quipment repair and related facilities, except that:

(1) the repair of tools and machinery is limited to those necessary for the operation of a farm or forest;

(2) in the RA and UR zones, only allowed on sites of at least four and one-half acres;

(3) the size of the total repair use is limited to one percent of the farm size in the A zone, and up to one percent of the size in other zones, up to a maximum of five thousand square feet unless located within an existing farm structure, including but not limited to barns, existing as of December 31, 2003; and

(4) Equipment repair shall not be permitted in the Forest zone.

e. The agricultural technical review committee, as established in K.C.C. 21A.42.300, may review and approve reductions of minimum site sizes in the rural and residential zones and minimum setbacks from rural and residential zones.

25. The department may review and approve establishment of agricultural support services in accordance with the code compliance review process in K.C.C. 21A.42.300 only if:

a. project is sited on lands that are unsuitable for direct agricultural production based on size, soil conditions or other factors and cannot be returned to productivity by drainage maintenance; and

b. the proposed use is allowed under any Farmland Preservation Program conservation easement and zoning development standards.

26. The agricultural technical review committee, as established in K.C.C. 21A.42.300, may review and approve establishment of agricultural support services only if the project site:

- a. adjoins or is within six hundred sixty feet of the agricultural production district;
 - b. has direct vehicular access to the agricultural production district;
 - c. except for farmworker housing, does not use local access streets that abut lots developed for residential use; and
 - b. has a minimum lot size of four and one-half acres.
27. The agricultural technical review committee, as established in K.C.C. 21A.42.300, may review and approve establishment of agricultural support services only if the project site:
- a. is outside the urban growth area,
 - b. adjoins or is within six hundred sixty feet of the agricultural production district,
 - c. has direct vehicular access to the agricultural production district,
 - d. except for farmworker housing, does not use local access streets that abut lots developed for residential use; and
 - e. has a minimum lot size of four and one-half acres.
28. Only allowed on properties that are outside the urban growth area. (Ord. 18626 § 7, 2017: Ord. 18326 § 16, 2016: Ord. 17841 § 30, 2014: Ord. 17725 § 3, 2013: Ord. 17710 § 9, 2013: Ord. 17539 § 32, 2013: Ord. 16267 § 23, 2008: Ord. 15909 § 2, 2007: Ord. 15032 § 16, 2004: Ord. 14045 § 16, 2001: Ord. 12691 § 3, 1997: Ord. 12596 § 9, 1997: Ord. 11938 § 1, 1995: Ord. 11621 § 39, 1994: Ord. 11157 § 14, 1993: Ord. 10870 § 336, 1993).

21A.08.100 Regional land uses.

A. Regional land uses.

P-Permitted Use C-Conditional Use S-Special Use	RESOURCE	R U R A L	RESIDENTIAL						COMMERCIAL/INDUSTRIAL					
			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	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))	C12 ((S))	P12 ((S))
*	Communication Facility (17)	C6c S	P		C6c S	C6c S	C6c S	C6c S	C6c S	P	P	P	P	P
*	Earth Station	P6b C	P		C6a S	C6a S	C6a S	C6a S	P6b C	P	P	P	P	P
13	Oil and Gas Extraction	<u>S27</u>	((C)) <u>S27</u>	((P)) <u>S27</u>	<u>S27</u>	((S))	((S))	((S))	((S))	<u>S27</u>	<u>S27</u>	<u>S27</u>	((C)) <u>S27</u>	
*	Fossil Fuel Facility Type I													<u>C</u>
*	Fossil Fuel Facility Type II													<u>S 28</u>
*	Energy Resource Recovery Facility		S	S	S	S	S	S	S	S	S	S	S	S
*	Soil Recycling Facility		S	S	S									C
*	Landfill		S	S	S	S	S	S	S	S	S	S	S	S

Commented [MI33]: Address Impacts and Regulation of Fossil Fuel Facilities

Effect: Amends the regional land use table for a number of uses:

- Based upon the amendments to the definition at 21A.06.805, changes Nonhydro-Electric Generation Facility from a "special use" to a "conditional use" in multiple zones.
- Changes Oil and Gas Extraction to "special use" in multiple zones, and removes it as an allowed use in residential and neighborhood business zones. Adds a new development condition as described following the table.
- Adds Fossil Fuel Facilities as an allowed uses, and specifies zones and type of use permit. Adds a new development condition as described following the table.

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SIC#	SPECIFIC LAND USE	RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
		A	F	M		RA	UR	R1-8	R12-48	NB	CB	RB	O
*	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 Facility				C23								P
*	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								

B. Development conditions.

1. Except technical institutions. See vocational schools on general services land use table, K.C.C.

21A.08.050.

2. Except arboretum. See K.C.C. 21A.08.040, recreation/cultural land use table.

3. Except weapons armories and outdoor shooting ranges.

4. Except outdoor shooting range.

5. Only in conjunction with an existing or proposed school.

6.a. Limited to no more than three satellite dish antennae.

b. Limited to one satellite dish antenna.

c. Limited to tower consolidations.

7. Limited to landing field for aircraft involved in forestry or agricultural practices or for emergency

landing sites.

8. Except racing of motorized vehicles.

9. Limited to wildlife exhibit.

10. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.

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

12. Limited to cogeneration facilities for on-site use only.

13. Excluding impoundment of water using a dam.

14. Limited to facilities that comply with the following:

a. Any new diversion structure shall not:

(1) exceed a height of eight feet as measured from the streambed; or

(2) impound more than three surface acres of water at the normal maximum surface level;

- b. There shall be no active storage;
 - c. The maximum water surface area at any existing dam or diversion shall not be increased;
 - d. An exceedance flow of no greater than fifty percent in mainstream reach shall be maintained;
 - e. Any transmission line shall be limited to a:
 - (1) right-of-way of five miles or less; and
 - (2) capacity of two hundred thirty KV or less;
 - f. Any new, permanent access road shall be limited to five miles or less; and
 - g. The facility shall only be located above any portion of the stream used by anadromous fish.
15. For I-zoned sites located outside the urban growth area designated by the King County Comprehensive Plan, uses shown as a conditional or special use in K.C.C. 21A.08.100.A, except for waste water treatment facilities and racetracks, shall be prohibited. All other uses, including waste water treatment facilities, shall be subject to the provisions for rural industrial uses in K.C.C. chapter 21A.12.
16. The operator of such a facility shall provide verification to the department of natural resources and parks or its successor organization that the facility meets or exceeds the standards of the Animal and Plant Health Inspection Service of the United States Department of Agriculture and the accreditation guidelines of the American Zoo and Aquarium Association.
17. The following provisions of the table apply only to major communication facilities. Minor communication facilities shall be reviewed in accordance with the processes and standard outlined in K.C.C. chapter 21A.27.
18. Only for facilities related to resource-based research.
19. Limited to work release facilities associated with natural resource-based activities.
20. Limited to projects which do not require or result in an expansion of sewer service outside the urban growth area, unless a finding is made that no cost-effective alternative technologies are feasible, in which case a tightline sewer sized only to meet the needs of the school bus base and serving only the school bus base may be used. Renovation, expansion, modernization or reconstruction of a school bus base is permitted but shall not require or result in an expansion of sewer service outside the urban growth area, unless a finding is made that no cost-effective alternative technologies are feasible, in which case a tightline sewer sized only to meet the needs of the school bus base.
21. Only in conformance with the King County Site Development Plan Report, through modifications to the plan of up to ten percent are allowed for the following:
- a. building square footage;
 - b. landscaping;
 - c. parking;
 - d. building height; or
 - e. impervious surface.
22. A special use permit shall be required for any modification or expansion of the King County fairgrounds facility that is not in conformance with the King County Site Development Plan Report or that exceeds the allowed modifications to the plan identified in subsection B.21. of this section.
23. The facility shall be primarily devoted to rural public infrastructure maintenance and is subject to the following conditions:
- a. The minimum site area shall be ten acres, unless:
 - (1) the facility is a reuse of a public agency yard; or
 - (2) the site is separated from a county park by a street or utility right-of-way;
 - b. Type 1 landscaping as provided in K.C.C. chapter 21A.16 shall be provided between any stockpiling or grinding operations and adjacent residential zoned property;
 - c. Type 2 landscaping as provided in K.C.C. chapter 21A.16 shall be provided between any office and parking lots and adjacent residential zoned property;
 - d. Access to the site does not use local access streets that abut residential zoned property, unless the facility is a reuse of a public agency yard;
 - e. Structural setbacks from property lines shall be as follows:
 - (1) Buildings, structures and stockpiles used in the processing of materials shall 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 the 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 a mineral extraction or materials processing site;

(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 shall not be closer than fifty feet from any property line except when adjacent to M or F zoned property or when a reuse of an existing building. 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, shall not be permitted within fifty feet of any property line except along any portion of the perimeter adjacent to 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; and

g. Sand and gravel extraction shall be limited to forty thousand yards per year.

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

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

25. Regional transit authority facilities shall be exempt from setback and height requirements.

26. Transit comfort facility shall:

- a. only be located outside of the urban growth area boundary;
- b. be exempt from street setback requirements; and
- c. be no more than 200 square feet in size.

27. Use limited to gas extraction as an accessory use to waste management process, such as wastewater treatment, landfill waste management, livestock manure and composting processes.

28. Limited to facilities that comply with the following:
a. 1000 feet from any schools, medical care facilities, and places of assembly that have occupancies of greater than 1000 persons (arenas, gyms, auditoriums, etc.).

b. 250 feet from any regulated wetlands and aquatic areas.

c. 200 feet minimum property setbacks.

d. Storage of fossil fuels must be contained within enclosed structures, tanks or similar facilities. (Ord. 18861 § 2, 2019: Ord. 18671 § 3, 2018: Ord. 18626 § 8, 2017: Ord. 18335 § 2, 2016: Ord. 17287 § 10, 2012: Ord. 17191 § 35, 2011: Ord. 16267 § 24, 2008: Ord. 15938 § 2, 2007: Ord. 14808 § 3, 2003: Ord. 14199 § 233, 2001: Ord. 14045 § 17, 2001: Ord. 13129 § 13, 1998: Ord. 13022 § 15, 1998: Ord. 12709 § 2, 1997: Ord. 12596 § 10, 1997: Ord. 11621 § 40, 1994: Ord. 10870 § 337, 1993).

Commented [MI34]: Address Impacts and Regulation of Fossil Fuel Facilities

Effect: Adds Development Condition consistent with the definition of Nonhydro-Electric Generation Facilities at 21A.06.805.

Commented [MI35]: Address Impacts and Regulation of Fossil Fuel Facilities

Effect: Adds Development Conditions for Fossil Fuel Facility Type II. Setbacks and requirements for enclosing the facilities are established to protect public health, safety and natural resources.

21A.12.030 Densities and dimensions - residential and rural zones.

A. Densities and dimensions - residential and rural zones.

RURAL STANDARDS	RURAL				RESIDENTIAL								
	RA-2.5	RA-5	RA-10	RA-20	UR	R-1 (17)	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density: Dwelling Unit/Acre	0.2 du/ac	0.2 du/ac	0.1 du/ac	0.05 du/ac	0.2 du/ac (21)	1 du/ac	4 du/ac	6 du/ac	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac

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
(15) (28)							(6)						
Maximum Density: Dwelling Unit/Acre (1)	0.4 du/ac (20)						6 du/ac (22) 8 du/ac (27)	9 du/ac (22) 12 du/ac (27)	12 du/ac (27)	18 du/ac (27)	27 du/ac (27)	36 du/ac (27)	72 du/ac (27)
Minimum Density: (2)							85% (12) (18) (23)	85% (12) (18)	85% (12) (18)	80% (18)	75% (18)	70% (18)	65% (18)
Minimum Lot Area (13)	1.875 ac	3.75 ac	7.5 ac	15 ac									
Minimum Lot Width (3)	135 ft	135 ft	135 ft	135 ft	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft
Minimum Street Setback (3)	30 ft (9)	30 ft (9)	30 ft (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)	10 ft (8)	10 ft (8)
Minimum Interior Setback (3) (16)	5 ft (9)	10 ft (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 (14) (25)	35 ft (14) (25)	60 ft	60 ft (14)	60 ft (14)	60 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. Height limits may be increased if portions of the structure that exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit, but the maximum height may not exceed seventy-five feet. Netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior setback requirements but the maximum height shall not exceed seventy-five feet, except for 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;

a. Accessory dwelling units and accessory living quarters shall not exceed base heights.

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;

Commented [MI36]: Accessory Dwelling Units and Accessory Living Quarters Code Study

Effect: Limits the height of these types of accessory structures to address design considerations.

c. Individual lots in the R-4 through R-6 zones that are less than nine thousand seventy-six square feet in area shall be subject to the applicable provisions of the nearest comparable R-6 or R-8 zone; and

d. A lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.

6. Mobile home parks shall be allowed a base density of six dwelling units per acre.

7. The standards of the R-4 zone apply if a lot is less than fifteen thousand square feet in area.

8. At least twenty linear feet of driveway shall be provided between any garage, carport or other fenced parking area and the street property line. The linear distance shall be measured along the center line of the driveway from the access point to such garage, carport or fenced area to the street property line.

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

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

10.a. For developments consisting of three or more single-detached dwellings located on a single parcel, the setback shall be ten feet along any property line abutting R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback of five feet.

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

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

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

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

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

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

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

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

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

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

- (1) a floodplain;
- (2) a critical aquifer recharge area;
- (3) a regionally or locally significant resource area;
- (4) existing or planned public parks or trails, or connections to such facilities;
- (5) a category type S or F aquatic area or category I or II wetland;

(6) a steep slope; or

(7) an urban separator or wildlife habitat network designated by the Comprehensive Plan or a community plan.

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

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

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

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

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

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

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

24. The impervious surface standards for the county fairground facility are established in the King County Fairgrounds Site Development Plan, Attachment A to Ordinance 14808* on file at the department of natural resources and parks and the department of 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 feet.

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

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

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

28. On a site zoned RA with a building listed on the national register of historic places, additional dwelling units in excess of the maximum density may be allowed under K.C.C. 21A.12.042.

29. Height and setback requirements shall not apply to regional transit authority facilities. (Ord. 18791 § 168, 2018: Ord. 18671 § 4, 2018: Ord. 17841 § 31, 2014: Ord. 17539 § 33, 2013: Ord. 17420 § 99, 2012: Ord. 16267 § 25, 2008: Ord. 15245 § 6, 2005: Ord. 15051 § 126, 2004: Ord. 15032 § 17, 2004: Ord. 14808 § 4, 2003: Ord. 14807 § 7, 2003: Ord. 14429 § 2, 2002: Ord. 14190 § 33, 2001: Ord. 14045 § 18, 2001: Ord. 13881 § 1, 2000: Ord. 13571 § 1, 1999: Ord. 13527 § 1, 1999: Ord. 13274 § 10, 1998: Ord. 13086 § 1, 1998: Ord. 13022 § 16, 1998: Ord. 12822 § 6, 1997: Ord. 12549 § 1, 1996: Ord. 12523 § 3, 1996: Ord. 12320 § 2, 1996: Ord. 11978 § 4, 1995: Ord. 11886 § 5, 1995: Ord. 11821 § 2, 1995: Ord. 11802 § 3, 1995: Ord. 11798 § 1, 1995: Ord. 11621 § 41, 1994: Ord. 11555 § 5, 1994: Ord. 11157 § 15, 1993: Ord. 10870 § 340, 1993).

21A.22.020 Applicability of chapter. This chapter shall ~~((only))~~ apply to uses or activities that are mineral extraction or materials processing operations. The regulations in this chapter will apply to all mining operations, even those not defined as Mineral Extraction. ~~((15032 § 24, 2004: Ord. 10870 § 440, 1993)).~~

Commented [MI37]: Address Impacts and Regulation of Fossil Fuel Facilities

Effect: Establishes that Title 21A.22 applies to all mining operations, including coal mining.

21A.24.072 Alteration exception – alternative.

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.

Commented [MI38]: Grammatical fix to correct inaccurate code reference.

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. (Ord. 17539 § 47, 2013).

21A.24.230 Flood hazard areas — components.

A. A flood hazard area consists of the following components:

1. Floodplain;
2. Zero-rise flood fringe;
3. Zero-rise floodway;
4. FEMA floodway; and
5. Channel migration zones.

B. The department may delineate a flood hazard area after reviewing base flood elevations and flood hazard data for a flood having a one percent chance of being equaled or exceeded in any given year, often referred to as the "one-hundred-year flood." The department shall determine the base flood for existing conditions. If a basin plan or hydrologic study including projected flows under future developed conditions has been completed and is currently approved by King County, the department may

use these future flow projections. Many flood hazard areas are mapped by FEMA in a scientific and engineering report entitled "The Flood Insurance Study for King County and Incorporated Areas." Proof that a land use or development activity is occurring within the area mapped on the Flood Hazard Area Study for King County and Incorporated Areas shall be sufficient, but not required, to prove that the area of concern is subject to inundation by the base flood in any action to enforce code compliance under K.C.C. Title 23. When there are multiple sources of flood hazard data for flood plain boundaries, regulatory floodway boundaries, base flood elevations, or flood cross sections, the department may determine which data most accurately classifies and delineates the flood hazard area. The department may utilize the following sources of flood hazard data for floodplain boundaries, regulatory floodway boundaries, base flood elevations or cross sections when determining a flood hazard area:

1. Flood Insurance Rate Maps;
2. Flood Insurance Studies;
3. Preliminary Flood Insurance Rate Maps;
4. Preliminary Flood Insurance Studies;
5. Draft flood boundary work maps and associated technical reports;
6. Critical area reports prepared in accordance with FEMA standards contained in 44 C.F.R.

Part 65 and consistent with the King County Surface Water Design Manual provisions for floodplain analysis;

7. Letter of map amendments;
8. Letter of map revisions;
9. Channel migration zone maps and studies;
10. Historical flood hazard information;
11. Wind and wave data provided by the United States Army Corps of Engineers; and
12. Any other available data that accurately classifies and delineates the flood hazard area or base flood elevation.

C. A number of channel migration zones are mapped by the county for portions of river systems. These channel migration zones and the criteria and process used to designate and classify channel migration zones are specified by public rule adopted by the department. An applicant for a development proposal may submit a critical area report to the department to determine channel migration zone boundaries or classify channel migration hazard areas on a specific property if there is an apparent discrepancy between the site-specific conditions or data and the adopted channel migration zone maps.

D. The sea level rise buffer is mapped by the county for Vashon-Maury Island. (Ord. 17841 § 39, 2014; Ord. 16686 § 2, 2009; Ord. 15051 § 161, 2004; Ord. 10870 § 470, 1993).

21A.24.272 Coastal high hazard areas - development standards - exceptions to flood hazard standards. Within coastal high hazard areas and the sea level rise buffer the following applies:

A. All buildings and substantial improvements to existing buildings shall be elevated on pilings and columns so that:

1. The bottom of the lowest horizontal structural member of the lowest floor, excluding the pilings or columns, is elevated to the flood protection elevation; and
2. The pile or column foundation and building attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year;

B. A registered professional engineer or architect 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;

Commented [MI39]: Address Sea Level Rise Impacts on Coastal Areas

Effect: Relates to creation of a new buffer zone to existing coastal high hazard flood areas. The intent of the new buffer is to set development standards that help to prepare and mitigate for future impacts from sea level rise. This only applies to lands on Vashon-Maury Island that are adjacent to areas that are mapped for coastal flooding.

Commented [MI40]: Address Sea Level Rise Impacts on Coastal Areas

Effect: Extends existing flood elevation standards that currently apply to lands that are mapped for coastal flooding on Vashon-Maury Island to adjacent lands that are now located in the new sea level rise buffer. The intent of the new buffer is to set development standards that help to prepare and mitigate for future impacts from sea level rise.

C. The applicant shall provide a FEMA elevation certificate 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 whether or not such buildings contain a basement. The department shall maintain the FEMA elevation certificates required by this section for public inspection and for certification under the National Flood Insurance Program;

D. All buildings shall be located landward of the reach of mean high tide;

E. All buildings and substantial improvements to existing buildings shall maintain the space below the lowest floor free of obstruction. 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. The space shall not be used for human habitation;

F. Fill for structural support of buildings is prohibited;

G. All manufactured homes to be placed or substantially improved within coastal high hazard areas and the sea level rise buffer shall meet the standards in subsections A. through F. of this section;

H. Recreational vehicles placed on sites within zones V1-30, VE and V and adjacent AE, AO and AH zones and the sea level rise buffer must either:

1. Be on the site for fewer than one hundred eighty consecutive days; or
2. Be fully licensed and ready for highway use, on their wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; ~~((and))~~

I. The flood hazard standards in K.C.C. 21A.24.230 through 21A.24.270 do not apply to coastal high hazard areas and the sea level rise buffer. (Ord. 17173 § 2, 2011).

21A.24.310 Steep slope hazard areas — development standards and alterations. The following development standards apply to development proposals and alterations on sites containing steep slope hazard areas:

A. Except as provided in subsection D. of this section, unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C. 21A.24.045 are allowed within a steep slope hazard area;

B. A buffer is required from all edges of the steep slope hazard area.

1. For all areas except along tops of bluffs where the toe of the bluff extends into the coastal high hazard area or the sea level rise buffer, ~~((Te))~~ to eliminate or minimize the risk of property damage or injury resulting from slope instability, landsliding or erosion caused in whole or part by the development, the department shall determine the size of the buffer based upon a critical area report prepared by a geotechnical engineer or geologist. If a critical area report is not submitted to the department, the minimum buffer is fifty feet. For building permits for single detached dwelling units only, the department may waive the special study requirement and authorize buffer reductions if the department determines that the reduction will adequately protect the proposed development and the critical area; ~~((and))~~

2. Along tops of bluffs where the toe of the bluff extends into the coastal high hazard area or the sea level rise buffer, to eliminate or minimize the risk of property damage or injury resulting from slope instability, landsliding or erosion caused in whole or part by the development, the department shall determine the size of the buffer based upon a critical area report prepared by a geotechnical engineer or geologist, which must include assessment of bluff erosion rates and sea level rise impacts on erosion rates. The buffer must be at least fifty feet and ensure that a minimum of fifty years of structure safety

Commented [MI41]: Address Sea Level Rise Impacts on Coastal Areas

Effect: Extends existing flood elevation standards that currently apply to lands that are mapped for coastal flooding on Vashon-Maury Island. These standards would now also apply to adjacent lands that are now located in the new sea level rise buffer. The intent of the new buffer is to set development standards that help to prepare and mitigate for future impacts from sea level rise.

Commented [MI42]: Address Sea Level Rise Impacts on Coastal Areas

Effect: Extends existing RV limitations that currently apply to lands that are mapped for coastal flooding on Vashon-Maury Island. These standards would now also apply to adjacent lands that are now located in the new sea level rise buffer. The intent of the new buffer is to set development standards that help to prepare and mitigate for future impacts from sea level rise.

Commented [MI43]: Address Sea Level Rise Impacts on Coastal Areas

Effect: Extends existing exemption of other floodplain regulations that currently do not apply to lands that are mapped for coastal flooding on Vashon-Maury Island. This exemption would now also apply to adjacent lands that are now located in the new sea level rise buffer. This is because floodplains for rivers have different standards/protection needs than areas subject to coastal flooding.

Commented [MI44]: Address Sea Level Rise Impacts on Coastal Areas

Effect: Relates to creation of new bluff standards in sub-2 below.

from sea level rise erosion impacts is provided. If a critical area report is not submitted to the department, the minimum buffer is seventy-five feet wide.

C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an allowed alteration, removal of any vegetation from a steep slope hazard area or buffer is prohibited;

D. All alterations are allowed in the following circumstance:

1. Slopes which are forty percent or steeper with a vertical elevation change of up to twenty feet if no adverse impact will result from the exemption based on King County's review of and concurrence with a soils report prepared by a geologist or geotechnical engineer; and
2. The approved regrading of any slope which was created through previous legal grading activities. Any slope which remains forty percent or steeper following site development shall be subject to all requirements for steep slopes.

E. The development standards in this section may be modified related to the sea level rise buffer, at the director's discretion, if necessary to avoid precluding all reasonable use of the property. (Ord. 15051 § 170, 2004: Ord. 13190 § 21, 1998: Ord. 11621 § 77, 1994: Ord. 11273 § 5, 1994: Ord. 10870 § 478, 1993).

21A.24.316 Critical aquifer recharge areas — development standards. The following development standards apply to development proposals and alterations on sites containing critical aquifer recharge areas:

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

1. Transmission pipelines carrying petroleum or petroleum products;
2. Sand and gravel, and hard rock mining unless:
 - a. the site has mineral zoning as of January 1, 2005; or
 - b. mining is a permitted use on the site and the critical aquifer recharge area was mapped after the date a complete application for mineral extraction on the site was filed with the department;
3. Mining of any type below the upper surface of the saturated ground water that could be used for potable water supply;
4. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;
5. Hydrocarbon extraction;
6. Commercial wood treatment facilities on permeable surfaces;
7. Underground storage tanks, including tanks that are exempt from the requirements of chapter 173 WAC, with hazardous substances, as defined in chapter 70.105 RCW, that do not comply with standards of chapter 173-360 WAC and K.C.C. Title 17;
8. Above-ground storage tanks for hazardous substances, as defined in chapter 70.105 RCW, unless protected with primary and secondary containment areas and a spill protection plan;
9. Golf courses;
10. Cemeteries;
11. Wrecking yards;
12. Landfills for hazardous waste, municipal solid waste or special waste, as defined in K.C.C. chapter 10.04; and
13. On lots smaller than one acre, an on-site septic system, unless:
 - a. the system is approved by the Washington state Department of Health and has been listed by the Washington State Department of Health as meeting treatment standard N as provided in WAC chapter 426-172A*; or
 - b. the Seattle-King County department of public health determines that the systems required under subsection A.13.a. of this section will not function on the site.

Commented [MI45]: Address Sea Level Rise Impacts on Coastal Areas

Effect: Creates larger setbacks for buildings on top of bluffs for bluffs that are located in existing coastal high hazard areas and the new sea level rise buffer. The intent is to increase protections for structures that may be subject to erosion to prepare and mitigate for future impacts from sea level rise.

Commented [MI46]: Address Sea Level Rise Impacts on Coastal Areas

Effect: Allows for modification of standards to address reasonable use of property.

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

1. Mining of any type below the upper surface of the saturated ground water that could be used for potable water supply;
2. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;
3. Hydrocarbon extraction;
4. Commercial wood treatment facilities located on permeable surfaces;
- 5.a. Except for a category II critical aquifer recharge area located over an aquifer underlying an island that is surrounded by saltwater, underground storage tanks with hazardous substances, as defined in chapter 70.105 RCW, that do not meet the requirements of chapter 173-360 WAC and K.C.C. Title 17; and
- b. For a category II critical aquifer recharge area located over an aquifer underlying an island that is surrounded by saltwater, underground storage tanks, including underground storage tanks exempt from the requirements of chapter 173-360 WAC, with hazardous substances, as defined in chapter 70.105 RCW, that do not comply with the standards in chapter 173-360 WAC and K.C.C. Title 17;
6. Above-ground storage tanks for hazardous substances, as defined in chapter 70.105 RCW, unless protected with primary and secondary containment areas and a spill protection plan;
7. Wrecking yards;
8. Landfills for hazardous waste, municipal solid waste, or special waste, as defined in K.C.C. chapter 10.04; and
9. On lots smaller than one acre, an on-site septic systems, unless:
 - a. the system is approved by the Washington state Department of Health and has been listed by the Washington state Department of Health as meeting treatment standard N as provided in WAC chapter 426-172A*; or
 - b. the Seattle-King County department of public health determines that the systems required under subsection B.9.a. of this section will not function on the site.

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

1. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;
2. Hydrocarbon extraction;
3. Commercial wood treatment facilities located on permeable surfaces;
4. Underground storage tanks, including tanks exempt from the requirements of chapter 173-360 WAC, with hazardous substances, as defined in chapter 70.105 RCW, that do not comply with the requirements of chapter 173-360 WAC and K.C.C. Title 17;
5. Above ground storage tanks for hazardous substances, as defined in chapter 70.105 RCW, unless protected with primary and secondary containment areas and a spill protection plan;
6. Wrecking yards; and
7. Landfills for hazardous waste, municipal solid waste, or special waste, as defined in K.C.C. chapter 10.04.

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

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

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

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

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

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

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

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

J. The following standards apply to groundwater wells in critical aquifer recharge areas on Vashon-Maury Island:

1. No new groundwater wells are permitted within a coastal high hazard area.
2. All new groundwater wells within the sea level rise buffer shall be constructed such that the well casing extends to an elevation at least three feet above the base flood elevation.
3. When there is a substantial improvement to a structure within a coastal high hazard area or the sea level rise buffer on a property with an existing groundwater well, the well shall be either decommissioned or retrofitted to ensure the well casing extends to an elevation at least three feet above the base flood elevation. (Ord. 16267 § 51, 2008; Ord. 15051 § 179, 2004).

21A.25.050 Shoreline jurisdiction delineated (in effect for shoreline jurisdiction until fourteen days after the Department of Ecology approval in accordance with Ordinance 18767, Section 21*).

- A. The King County shoreline jurisdiction consists of:
1. All water areas of the state, as defined in RCW 90.58.030, including reservoirs and associated wetlands, together with the lands underlying them, except for:
 - a. lakes smaller than twenty acres and their associated wetlands; and
 - b. segments of rivers and streams and their associated wetlands where the mean annual flow is less than twenty cubic feet per second; ~~((and))~~
 2. ~~((a-))~~ The shorelands that extend landward in all directions as measured on a horizontal plane for two hundred feet from the ordinary high water mark of the waterbodies identified in subsection A.1. of this section;

Commented [MI47]: Address Sea Level Rise Impacts on Coastal Areas

Effect: Establishes new limitations on wells on in Critical Areas Aquifer Recharge Areas (CARAs) on Vashon-Maury Island in certain instances. The intent is to increase protections of groundwater to help to prepare and mitigate for future impacts from sea level rise and to limit the possibility of saltwater contamination of groundwater.

- New prohibition on new wells for properties that are both within a CARA and within the current mapped coastal high hazard flood areas.
- New development standard for new wells for properties that are both within a CARA and within the new sea level rise buffer zone. This requires well casings to be higher than the Base Flood Elevation.
- Requires decommissioning or retrofitting of existing wells in either the existing coastal high hazard area or the new sea level rise buffer. This requirement is only triggered when there is a "substantial improvement" to a structure, similar to other regulations in the King County Code.

Commented [MI48]: Update Shoreline Master Program Regulations

Effect:

- Clarifies the buffer around FEMA floodway maps, consistent with federal law, rather than the one-hundred year floodplain.
- This section of code is also proposed for amendment as part of the 2019 SMP that is currently before the Council for consideration. It also needs to be amended as part of the 2020 Comp Plan. Given that the SMP will not be adopted by the time the Executive transmits the 2020 Comp Plan, the changes here are the same ones as proposed in the 2019 SMP (except for the one new 2020 Comp Plan change), which Council can amend if they do something different in the adopted version of the 2019 SMP.

~~((b. the))~~ 3. The one hundred year floodplain ~~((and contiguous floodplain areas landward two hundred feet from the one hundred year floodplain; and))~~;

4. Two hundred feet landward from the floodway established in federal emergency management agency flood insurance rate maps; and

~~((e. all))~~ 5. All wetlands and river deltas associated with the streams, lakes and tidal waters that are subject to chapter 90.58 RCW.

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. to Ordinance 17485 and as amended by this Ordinance. The King County shoreline jurisdiction is shown on a map adopted in chapter 5 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. ((Ord. 17485 § 25, 2012: Ord. 16985 § 25, 2010: Ord. 3688 § 303, 1978. Formerly K.C.C. 25.12.030).

Commented [MI49]: Update Shoreline Master Program Regulations

Effect: Change for consistency with requirement in state law to update within three years.

21A.25.170 Shoreline stabilization.

A. Shoreline stabilization shall not be considered an outright use and shall be permitted only when the department determines that shoreline protection is necessary for the protection of existing legally established primary structures, new or existing non-water-dependent development, new or existing water-dependent development or projects restoring ecological functions or remediating hazardous substance discharges. Vegetation, berms, bioengineering techniques and other nonstructural alternatives that preserve the natural character of the shore shall be preferred over riprap, concrete revetments, bulkheads, breakwaters and other structural stabilization. Riprap using rock or other natural materials shall be preferred over concrete revetments, bulkheads, breakwaters and other structural stabilization. Lesser impacting measures should be used before more impacting measures.

B. Structural shoreline stabilization may be permitted subject to the standards in this chapter and as follows:

1. The applicant provides a geotechnical analysis that demonstrates that erosion from waves or currents is imminently threatening or that, unless the structural shoreline stabilization is constructed, damage is expected to occur within three years;

2. The erosion is not caused by upland conditions;

3. The proposed structural shoreline protection will provide greater protection than feasible, nonstructural alternatives such as slope drainage systems, vegetative growth stabilization, gravel berms and beach nourishment;

4. The proposal is the minimum necessary to protect existing legally established primary structures, new or existing non-water-dependent development, new or existing water-dependent development or projects restoring ecological functions or remediating hazardous substance discharges; and

5. Adequate mitigation measures will be provided to maintain existing shoreline processes and critical fish and wildlife habitat and ensure no net loss or function of intertidal or riparian habitat.

C. Shoreline stabilization to replace existing shoreline stabilization shall be placed landward of the existing shoreline stabilization, but may be placed waterward directly abutting the old structure only in cases where removal of the old structure would result in greater impact on ecological functions. In critical saltwater habitats, existing shoreline stabilization shall not be allowed to remain in place if the existing shoreline stabilization is resulting in the loss of ecological functions. Adequate mitigation measures that maintain existing shoreline processes and critical fish and wildlife habitat must be provided that ensures no net loss or function of intertidal or riparian habitat.

D. The maximum height of the proposed shoreline stabilization shall be no more than one foot above the

elevation of extreme high water on tidal waters, as determined by the National Ocean Survey published by the National Oceanic and Atmospheric Administration, or four feet in height on lakes.

E. Shoreline stabilization is prohibited along feeder bluffs and critical saltwater habitat, unless:

1. ~~((a))~~ A geotechnical report demonstrates an imminent danger to a legally established structure or public improvement; and

2. Engineering cost estimates submitted to the department demonstrate that the cost of elevating or moving the structure and associated utilities, such as water, sewer, and electricity, out of danger to allow for at least ten years of landslide or erosion potential is greater than or equal to the cost of constructing the shoreline stabilization.

F. ~~((if allowed, s))~~ Shoreline stabilization along feeder bluffs and critical saltwater habitat ~~((must))~~ shall be designed to have the least impact on these resources and on sediment conveyance systems, and elevation of the toe of the shoreline stabilization shall be higher than the ordinary high water mark.

~~((F))~~ G. Shoreline stabilization shall minimize the adverse impact on the property of others to the maximum extent practical.

~~((G))~~ H. Shoreline stabilization shall not be used to create new lands.

~~((H))~~ I. Shoreline stabilization shall not interfere with surface or subsurface drainage into the water body.

~~((I))~~ J. Automobile bodies or other junk or waste material that may release undesirable material shall not be used for shoreline stabilization.

~~((J))~~ K. Shoreline stabilization shall be designed so as not to constitute a hazard to navigation and to not substantially interfere with visual access to the water.

~~((K))~~ L. Shoreline stabilization shall be designed so as not to create a need for shoreline stabilization elsewhere.

~~((L))~~ M. Shoreline stabilization shall comply with the Integrated Stream Protection Guidelines (Washington state departments of Fish and Wildlife, Ecology and Transportation, 2003) and shall be designed to allow for appropriate public access to the shoreline.

~~((M))~~ N. The department shall provide a notice to an applicant for new development or redevelopment located within the shoreline jurisdiction on Vashon and Maury Island 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. (Ord. 16985 § 41, 2010: Ord. 5734 § 5, 1981: Ord. 3688 § 413, 1978. Formerly K.C.C. 25.16.180).

21A.37.010 Transfer of development rights (TDR) program - purpose.

A. The purpose of the transfer of development rights program is to transfer residential density from eligible sending sites to eligible receiving sites through a voluntary process that permanently preserves rural, resource, urban lands located in equity areas, and urban separator lands that provide a public benefit. The TDR provisions are intended to supplement land use regulations, resource protection efforts and open space acquisition programs and to encourage increased residential development density or increased commercial square footage, especially inside cities, where it can best be accommodated with the least impacts on the natural environment and public services by:

1. Providing an effective and predictable incentive process for property owners of rural, resource and urban separator land to preserve lands with a public benefit as described in K.C.C. 21A.37.020; and

2. Providing an efficient and streamlined administrative review system to ensure that transfers of development rights to receiving sites are evaluated in a timely way and balanced with other county goals and policies, and are adjusted to the specific conditions of each receiving site.

B. The TDR provisions in this chapter shall only apply to TDR receiving site development proposals submitted on or after September 17, 2001, and applications for approval of TDR sending sites submitted on or after September 17, 2001. (Ord. 16267 § 64, 2008: Ord. 15032 § 39, 2004: Ord. 14190 § 3, 2001: Ord. 13274 § 1, 1998. Formerly K.C.C. 21A.55.100).

21A.37.020 Transfer of development rights (TDR) program - sending sites.

A. For the purpose of this chapter, sending site means the entire tax lot or lots qualified under subsection

Commented [MI50]: Address Sea Level Rise Impacts on Coastal Areas

Effect: Further limits abilities to do shoreline stabilization projects along feeder bluffs and critical saltwater habitat areas. This would now require elevating/moving a structure out of danger (far enough away that it provides ten years of protection), unless the cost is the same or more than as the cost of doing the shoreline stabilization. The intent is to focus protection efforts on moving structures out of harm's way, rather than allowing more artificial shoreline elements (which can have negative ecological impacts and/or may not provide as much protection as relocation), in preparation for future sea level rise impacts.

Commented [MI51]: Address Sea Level Rise Impacts on Coastal Areas

Effect: New requirement that, if a shoreline stabilization project that meets the criteria noted above, the toe of the stabilization needs to be higher than the mean higher-high tide elevation. The intent is to increase the level of protection in preparation for future sea level rise impacts.

Commented [MI52]: Transfer of Development Rights Program Review and Study

Effect: Establishes the basis for transferring development rights in urban areas to other urban areas in order to provide open space in underserved areas.

B. of this section. Sending sites may only be located within rural or resource lands or urban separator areas with R-1 zoning, as designated by the King County Comprehensive Plan, [or urban lands located in equity areas as defined under KCC 26.12.003.E.](#) and shall 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. Except as provided in K.C.C. 21A.37.110.C., or for lands zoned RA that are managed by the Washington state Department of Natural Resources as state grant or state forest lands, [or lands that are managed by King County for purposes of residential or commercial development](#), 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 County Comprehensive Plan as rural residential, zoned RA-2.5, RA-5 or RA-10, and meeting the definition in RCW 84.34.020 of open space, farm and agricultural land, or timber land;
4. Designation in the King County Comprehensive Plan, or a functional plan as a proposed rural or resource area regional trail or rural or resource area open space site, through either:
 - a. designation of a specific site; or
 - b. identification of proposed rural or resource area regional trails or rural or resource area open space sites which meet adopted standards and criteria, and for rural or resource area open space sites, meet the definition of open space land, as defined in RCW 84.34.020;
5. Identification as habitat for federal listed endangered or threatened species in a written determination by the King County department of natural resources and parks, Washington state Department of Fish and Wildlife, United States Fish and Wildlife Services or a federally recognized tribe that the sending site is appropriate for preservation or acquisition; or
6. Designation in the King County Comprehensive Plan as urban separator and zoned R-1.

[7. Designation in the King County Comprehensive Plan as urban, located in an equity area as defined under KCC 26.12.003.E., and recommended for funding by the citizen oversight committee or future name as amended.](#)

C. For the purposes of the TDR program, acquisition means obtaining fee simple rights in real property, or a less than a fee simple right in a form that preserves in perpetuity the public benefit supporting the designation or qualification of the property as a sending site.

D. If a sending site has any outstanding code violations, the person responsible for code compliance should resolve these violations, including any required abatement, restoration, or payment of civil penalties, before a TDR sending site may be qualified by the interagency review committee created under K.C.C. 21A.37.070. However, the interagency may qualify and certify a TDR sending site with outstanding code violations if the person responsible for code compliance has made a good faith effort to resolve the violations and the proposal is in the public interest.

E. For lots on which the entire lot or a portion of the lot has been cleared or graded in accordance with a Class II, III or IV special forest practice as defined in chapter 76.09 RCW within the six years prior to application as a TDR sending site, the applicant must provide an affidavit of compliance with the reforestation requirements of the Forest Practices Act, and any additional reforestation conditions of their forest practice permit. Lots on which the entire lot or a portion of the lot has been cleared or graded without any required forest practices or county authorization, shall be not qualified or certified as a TDR sending site for six years unless the six-year moratorium on development applications has been lifted or waived or the landowner has a reforestation plan

Commented [MI53]: Transfer of Development Rights Program Review and Study

Effect: Establishes the basis for transferring development rights in urban areas to other urban areas in order to provide open space in underserved areas.

Commented [MI54]: Transfer of Development Rights Program Review and Study

Effect: Establishes the basis for transferring development rights in urban areas to other urban areas in order to provide open space in underserved areas.

approved by the state Department of Natural Resources and King County. (Ord. 18427 § 11, 2016: Ord. 16950 § 28, 2010: Ord. 16267 § 65, 2008: Ord. 15032 § 40, 2004: Ord. 14199 § 240, 2001: Ord. 14190 § 4, 2001: Ord. 14045 § 59, 2001: Ord. 13274 § 4, 1998. Formerly K.C.C. 21A.55.130).

21A.37.040 Transfer of development rights (TDR) program – calculations.

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

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

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

1. If the sending site is an entire tax lot, the square footage or acreage shall be determined:
 - a. by the King County department of assessments records; or
 - b. by a survey funded by the applicant that has been prepared and stamped by a surveyor licensed in the state of Washington; and

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

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

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

3. Sending sites zoned RA-5 or RA-10 shall have a base density of one dwelling unit per five acres. Vacant sending sites that are zone RA-5 and are smaller than two and one-half acres or that are zoned RA-10 and are smaller than five acres shall be allocated ~~((ea))~~ one additional TDR for each vacant lot that is smaller than two and one-half acres or five acres, respectively;

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

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

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

7. Sending sites that meet equity area criteria defined under KCC 26.12.003.E. and are recommended for funding by the citizen oversight committee shall have a base density equivalent to zoning base density.

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

F. The number of development rights that a King County unincorporated rural or natural resources land

Commented [MI55]: Grammatical fix to typographical error.

Commented [MI56]: Transfer of Development Rights Program Review and Study

Effect: Establishes the basis for transferring development rights in urban areas to other urban areas in order to provide open space in underserved areas.

sending site is eligible to send to a King County incorporated urban area receiving site shall be determined through the application of a conversion ratio established by King County and the incorporated municipal jurisdiction. The conversion ratio will be applied to the number of available sending site development rights determined under subsection A. or E. of this section.

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

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

I. Each residential transferable development right that originates from a sending site zoned RA, A or F shall be designated "Rural" and is equivalent to two additional units above base density in eligible receiving sites located in unincorporated urban King County. Each residential transferable development right that originates from a sending site zoned R-1 urban separator [or urban equity area](#) shall be designated "Urban" and is equivalent to one additional unit above base density. (Ord. 18791 § 181, 2018: Ord. 17485 § 32, 2012: Ord. 17420 § 111, 2012: Ord. 16950 § 29, 2010: Ord. 16267 § 67, 2008: Ord. 15032 § 42, 2004: Ord. 14190 § 6, 2001: Ord. 14045 § 61, 2001: Ord. 13274 § 6, 1998: Formerly K.C.C. 21A.55.150).

21A.37.070 Transfer of development rights (TDR) program - sending site certification and interagency review committee process.

A. An interagency review committee, chaired by the department of local services permitting division manager and the director of the department of natural resources and parks, or designees, shall be responsible for qualification of sending sites. Determinations on sending site certifications made by the committee are appealable to the examiner under K.C.C. 20.22.040. The department of natural resources and parks shall be responsible for preparing a TDR qualification report, which shall be signed by the director of the department of natural resources and parks or designee, documenting the review and decision of the committee. The qualification report shall:

1. Specify all deficiencies of an application, if the decision of the committee is to disqualify the application;
2. For all qualifying applications, provide a determination as to whether or not additional residential dwelling units and associated accessory units may be accommodated in accordance with K.C.C. 21A.37.050.A.; and
3. Be issued a TDR certification letter within sixty days of the date of submittal of a completed sending site certification application.

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

1. A legal description of the site;
2. A title report;
3. A brief description of the site resources and public benefit to be preserved;
4. A site plan showing the existing and proposed dwelling units, nonresidential structures, driveways, submerged lands and any area already subject to a conservation easement or other similar encumbrance;
5. Assessor's map or maps of the lot or lots;
6. A statement of intent indicating whether the property ownership, after TDR certification, will be retained in private ownership or dedicated to King County or another public or private nonprofit agency;
7. Any or all of the following written in conformance with criteria established through a public rule consistent with K.C.C. chapter 2.98, if the site is qualifying as habitat for a threatened or endangered species:
 - a. a wildlife habitat conservation plan;
 - b. a wildlife habitat restoration plan; or
 - c. a wildlife present conditions report;
8. [All of the following written in conformance with criteria established by KCC 26.12.003.E., if the site is](#)

Commented [M157]: Transfer of Development Rights Program Review and Study

Effect: Establishes the basis for transferring development rights in urban areas to other urban areas in order to provide open space in underserved areas.

qualifying as an urban equity area sending site:

- a. a list of criteria by which the site qualifies; and
- b. confirmation of Conservation Futures Tax award;

~~((8))~~ 9. A forest stewardship plan, written in conformance with criteria established through a public rule consistent with K.C.C. chapter 2.98, if required under K.C.C. 21A.37.060.B.3. and 6.;

~~((9))~~ 10. An affidavit of compliance with the reforestation requirements of the Forest Practices Act and any additional reforestation conditions of the forest practices permit for the site, if required under K.C.C. 21A.37.020.E.;

~~((10))~~ 11. A completed density calculation worksheet for estimating the number of available development rights; and

~~((11))~~ 12. The application fee consistent with K.C.C. 27.36.020. (Ord. 18791 § 183, 2018: Ord. 18230 § 134, 2016: Ord. 17485 § 36, 2012: Ord. 17420 § 113, 2012: Ord. 15032 § 45, 2004: Ord. 14561 § 28, 2002: Ord. 14199 § 241, 2001: Ord.14190 § 9, 2001: Ord. 13274 § 7, 1998. Formerly K.C.C. 21A55.160).

21A.37.100 Transfer of development rights (TDR) bank -- purpose. The purpose of the TDR bank is to assist in the implementation of the transfer of development rights (TDR) program by bridging the time gap between willing sellers and buyers of development rights by purchasing and selling development rights, purchasing conservation easements, and facilitating interlocal TDR agreements with cities in King County through the provision of amenity funds. The TDR bank may acquire development rights and conservation easements only from sending sites located in the rural area or in an agricultural or forest production district as designated in the King County Comprehensive Plan, or in urban equity areas defined under KCC 26.12.003.E. Development rights purchased from the TDR bank may only be used for receiving sites in cities or in the urban unincorporated area as designated in the King County Comprehensive Plan. (Ord. 17485 § 38, 2012: Ord. 16267 § 71, 2008: Ord. 14763 § 1, 2003: Ord. 14190 § 12, 2001: Ord. 14045 § 62, 2001: Ord. 13733 § 8, 2000. Formerly K.C.C. 21A.55.200).

21A.38.050 Special district overlay - pedestrian-oriented commercial development.

A. The purpose of the pedestrian-oriented commercial development special district overlay is to provide for high-density, pedestrian-oriented retail ~~((A))~~ and employment uses. ~~((P))~~ The pedestrian-oriented commercial districts shall only be established in areas designated (~~within a community, subarea, or neighborhood plan as an urban activity center~~) as a center on the adopted Urban Centers map of the King County Comprehensive Plan and zoned CB, RB or O.

- B. Permitted uses shall be those uses permitted in the underlying zone, excluding the following:
1. Motor vehicle, boat and mobile home dealer;
 2. Gasoline service station;
 3. Drive-through retail and service uses, except SIC Industry Number 5812 (Eating places) in buildings existing before July 2017;
 4. Car washes;
 5. Retail and service uses with outside storage, e.g. lumber yards, miscellaneous equipment rental or machinery sales;
 6. Wholesale uses;
 7. Recreation/cultural uses as set forth in K.C.C. 21A.08.040, except parks, sports clubs, theaters, libraries and museums;
 8. SIC Major Group 75 (Automotive repair, services and parking) except 7521 (automobile parking; but excluding tow-in parking lots);
 9. SIC Major Group 76 (Miscellaneous repair services), except 7631 (Watch, clock and jewelry repair);

Commented [MI58]: Transfer of Development Rights Program Review and Study

Effect: Establishes the basis for transferring development rights in urban areas to other urban areas in order to provide open space in underserved areas.

Commented [MI59]: Transfer of Development Rights Program Review and Study

Effect: Establishes the basis for transferring development rights in urban areas to other urban areas in order to provide open space in underserved areas.

Commented [MI60]: Skyway-West Hill Land Use Plan

Effect: Reflecting that subarea plans no longer designate centers, as this function is now done via the Urban Centers map in Chapter 2 of the Comp Plan. Subarea Plans should not designate centers moving forward, as any such designation should be done in the context of a countywide analysis.

- 10. SIC Major Group 78 (Motion pictures), except 7832 (theater) and 7841 (video tape rental);
- 11. SIC Major Group 80 (Health services), except offices and outpatient clinics (801-804);
- 12. SIC Industry Group 421 (Trucking and courier service);
- 13. Public agency archives;
- 14. Self-service storage;
- 15. Manufacturing land uses as set forth in K.C.C. 21A.08.080, except SIC Industry Code

Commented [MI61]: Technical addition for clarity.

2759 (Commercial printing); ~~(and)~~

- 16. Resource land uses as set forth in K.C.C. 21A.08.090
- 17. SIC Industry 7261 (Funeral home/crematory);
- 18. Cemetery, columbarium or mausoleum;
- 19. Interim recycling facility;
- 20. Utility facility, except underground water, gas or wastewater pipelines;
- 21. Vector waste receiving facility; and
- 22. SIC Industry Group 598 (Fuel dealers).

Commented [MI62]: Skyway-West Hill Land Use Plan

Effect:
Adds to list of use that are not allowed within the Special District Overlay (SDO), as they are not consistent with the pedestrian-oriented intent of the SDO.

C. The ~~((following))~~ applicable development standards of the King County Code shall apply to uses located in pedestrian-oriented commercial overlay districts, except as outlined in the following provisions:

1. ~~((Every use shall be subject to pedestrian-oriented use limitations and street facade development standards (e.g. placement and orientation of buildings with respect to streets and sidewalks, arcades or marquees) identified and adopted through an applicable community, subarea or neighborhood plan, or the area zoning process;~~

Commented [MI63]: Skyway-West Hill Land Use Plan

Effect: Reflecting that the provisions that follow are the only pedestrian-oriented facade development standards.

~~2.)) For properties that have frontage on ((pedestrian street(s) or routes as designated in an applicable plan or area zoning process)) a public street,~~ the following conditions shall apply:

Commented [MI64]: Skyway-West Hill Land Use Plan

Effect: Updating the desired applicability of the pedestrian-oriented development standards consistent with the intent of the SDO and to reflect that the subarea plan does not designate pedestrian routes.

- a. main building entrances shall be oriented to the pedestrian street;
- b. at the ground floor (at grade), buildings shall be located no more than 5 feet from the sidewalk or sidewalk improvement, but shall not encroach on the public right-of-way. For buildings existing prior to adoption of this ordinance with setbacks greater than five feet and which have substantial improvements made to them after adoption of this ordinance, a minimum five-foot-wide pedestrian walkway shall be constructed that connects the main building entrance to the public sidewalk or sidewalk improvement;

c. building facades shall comprise at least 75% of the total ~~((pedestrian))~~ street frontage for a property and if applicable, at least 75% of the total pedestrian route frontage for a property;

Commented [MI65]: Skyway-West Hill Land Use Plan

Effect: Requiring pedestrian-oriented walkway improvements for existing buildings when they trigger the "substantial improvement" threshold as defined in K.C.C. 21A.06.1270.

- d. minimum side setbacks of the underlying zoning are waived;
- e. building facades of ground floor retail, general business service, and professional office land uses that front onto a ~~((pedestrian))~~ street ~~((or route))~~ shall ~~((include))~~ incorporate windows into at least 30 percent of the building facade surface area and overhead protection above all building entrances;

Commented [MI66]: Skyway-West Hill Land Use Plan

Effect: Providing more clarity on the window and overhead protection requirements consistent with the intent of the SDO.

f. building facades ~~((along a pedestrian street or route,))~~ that are without ornamentation or are comprised of uninterrupted glass curtain walls or mirrored glass are not permitted; and ~~((g.))~~ 2. vehicle access shall be limited to the rear access alley or rear access street where such an alley or street exists.

3. Floor/lot area ratio shall not exceed 5:1, including the residential component of mixed use developments, but not including parking structures;

4. Building setback and height requirements may be waived, except for areas within fifty feet of the perimeter of any special district overlay area abutting an R-12 or lower density residential zone;

5. The landscaping requirements of K.C.C. 21A.16 ~~((may be waived if landscaping conforms to a special district overlay landscaping plan adopted as part of the area zoning. The overlay district landscaping plan shall include features addressing street trees, and other design amenities (e.g. landscaped plazas or parks)))~~ shall apply to all new development and to buildings existing prior to

[adoption of this ordinance that have substantial improvements made to them after adoption of this ordinance;](#)

~~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 foot 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 subsection A.4 that may be granted by the director may 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.](#)

[\(Ord. 18592 § 1, 2017: Ord. 13022 § 30, 1998: Ord. 12823 § 4, 1997: Ord. 10870 § 578, 1993\).](#)

21A.38.090 Special district overlay - economic redevelopment.

A. The purpose of the economic redevelopment special district overlay is to provide incentives for the redevelopment of large existing, underutilized concentrations of commercial/industrial lands within urban areas.

B. The economic redevelopment special district overlay shall only be designated through the area zoning process; located in areas designated within a community, subarea or neighborhood plan as an activity center; and zoned CB, RB, O, or I.

C. The standards of this title and other county codes shall be applicable to development within the economic redevelopment special district overlay except as follows:

1. Commercial or industrial uses that exist within an area as of the effective date of legislation applying the economic redevelopment special district overlay, but that are not otherwise permitted by the zoning, shall be considered permitted uses upon only the lots that they occupied as of that date.

2. The minimum parking requirements of this title shall be reduced as follows:

a. The parking stall requirements are reduced 100 percent provided that:

(1) the square footage of any enlargement or replacement of an existing building does not in total exceed 125 percent of the square footage of the existing building;

(2) any new mixed use development provides a minimum of two stories of residences above the ground-floor level commercial;

(3) the building fronts on an existing roadway improved to urban standards or a roadway programmed to be improved to urban standards as a capital improvement project, that accommodates on-street parking; and

(4) there is no net decrease in existing off-street parking space.

b. the parking stall requirements for commercial and retail uses are reduced 50 percent if:

(1) the square footage of any enlargement or replacement of an existing building in total exceeds 125 percent of the square footage of the existing building;

(2) the height of the enlarged or replacement building does not exceed the base height of the zone in which it is located;

(3) the building fronts on an existing roadway improved to urban standards or a roadway programmed to be improved as a capital improvement project, that accommodates on-street parking; and

Commented [MI67]: Skyway-West Hill Land Use Plan

Effect: Removes ability to waive landscaping requirements to reflect that there is no landscaping plan for the SDO. Instead, ensures that the landscaping requirements in 21A.16 will apply when new development or improvements are made.

Commented [MI68]: Skyway-West Hill Land Use Plan

Effect: Removes this requirement to strike a balance between requiring ped-oriented development and not creating disincentives for businesses/economic development, as a 10-12 sidewalk requirement may be too onerous and/or not realistic.

Commented [MI69]: Skyway-West Hill Land Use Plan

Effect:

- Clarifying SDO intent to modify 21A.18.110.A.4, and the rest of the parking code requirements apply.
- SDO provision amends 21A.18.110.A.4 to reduce the impacts of parking spaces in front of buildings, as spaces are to be limited to parallel street parking.
- Removing other modified parking requirement to balance between requiring ped-oriented development and not creating disincentives for businesses/economic development.

(4) there is no net decrease in existing off-street parking spaces, unless it exceeds the minimum requirements of subsection C.2.b.

3. The building height limits of this title shall be waived, provided that the height limit within 50 feet of the perimeter of the overlay district shall be 30 feet.

4. Signage shall be limited to that allowed within the CB zone.

5. The roadway improvements of the King County code shall be waived, provided a no-protest agreement to participate in future road improvement districts (RID) is signed by an applicant and recorded with the county.

6. On I zoned lands that are designated in the comprehensive plan as unincorporated activity centers, conditional use permits shall not be issued where the resulting impacts such as noise, smoke, odor and glare would be inconsistent with the maintenance of nearby viable commercial and residential areas.

D. For properties that have frontage on pedestrian street(s) or routes as designated in an applicable plan or area zoning process, the following conditions shall apply:

1. main building entrances shall be oriented to the pedestrian street. If multiple pedestrian streets front on the building, each pedestrian street shall have a similar main building entrance;

2. at the ground floor (at grade), buildings shall be located no more than 5 feet from the sidewalk or sidewalk improvement, but in no instance shall encroach on the public right-of-way;

3. building facades shall comprise at least 75% of the total pedestrian street frontage for a property, and if applicable, at least 75% of the total pedestrian route frontage for a property;

4. minimum side setbacks of the underlying zoning are waived;

5. building facades of ground floor retail, general business service, and professional office land uses, that front onto a pedestrian street or route shall include windows and overhead protection;

6. building facades, along a pedestrian street or route, that are without ornamentation, or are comprised of uninterrupted glass curtain walls or mirrored glass are not permitted; and

7. vehicle access shall be limited to the rear access alley or rear access street where such an alley or street exists.

E. Marijuana processors as defined in K.C.C. 21A.06.7344 and marijuana producers as defined in 21A.06.7346 are not permitted uses. (Ord. 16267 § 74, 2008; Ord. 12823 § 6, 1997; Ord. 11566 § 1, 1994; 11351 § 1, 1994).

~~((21A.38.140 Special district overlay – residential infill.~~

~~A. The purpose of the residential infill special district overlay is to require the consolidation of individual parcels as a single development project when a subdivision application of one or more acres is made. A residential infill district overlay shall only be established in areas zoned R-8.~~

~~B. The following development standards shall apply to uses locating in a residential infill district overlay:~~

~~1. Recreation and open space shall be sited adjacent to any existing utility right-of-way corridor(s) or recreation and open space wherever feasible; and~~

~~2. Pedestrian access shall be provided to adjacent utility right-of-way corridor(s) as found necessary by department staff. (Ord. 12823 § 9, 1997).))~~

21.38.XXX Special Development Overlay – MLK Jr Way South Neighborhood Business Center Design Standards:

A. The purpose of the Mixed-Use Special District Overlay is to facilitate linkages to the existing Martin Luther King Jr Way South Neighborhood Business Center, incentivize commercial opportunities close existing high-density housing, incentivize commercial development by allowing more uses than traditionally found in mixed-use developments, and provide flexibility in current square footage limitations.

Commented [MI70]: Skyway-West Hill Land Use Plan

Effect: An outcome of the Skyway subarea planning process, this would prohibit marijuana processing and producing on Community Business zoned properties in North Highline-White Center currently subject to Special District Overlay SO-090 (economic redevelopment). This change was recommended in the King County Marijuana Report in Proposed Motion 2019-0012.

Commented [MI71]: Skyway-West Hill Land Use Plan

Effect: Repeals SDO SO-130. This “residential infill” SDO applied to fifteen R-8 zoned parcels in West Hill and required:

- The consolidation of individual parcels as a single development project when a subdivision application of one or more acres is made;
- Recreation and open space to be sited adjacent to any existing utility right-of-way corridor(s) or recreation and open space wherever feasible; and
- Pedestrian access to be provided to adjacent utility right-of-way corridor(s) as found necessary by department staff.

It is proposed for repeal because:

- Infill development can already be achieved via the R-8 zoning, and it is unclear what the benefit of parcel consolidation would offer;
- It is unclear whether the County could require parcels with different owners to aggregate. The County could do this for parcels under common ownership, but all of the privately-owned parcels in this SDO have different ownership.

Commented [MI72]: Skyway-West Hill Land Use Plan

Effect: Creates a new SDO related to mixed use development along Martin Luther King Jr. Way South in Skyway-West Hill. This SDO would:

- Require any development within the SDO to be mixed use (residential and commercial);
- Allow professional offices as a use within the SDO (not allowed now); and
- Lessen the development conditions on personal services or retail uses (related to siting limitations and requirements) within the SDO.

B. The following development standards shall be applied to all development proposals within the Martin Luther King Jr. Way South Mixed-Use Special District Overlay:

1. Development shall be mixed-use as defined in K.C.C. 21A.06.753.
2. A professional office as defined in K.C.C. 21A.06.910 is an allowed use as part of a mixed-use development in subsection 1 of this section.
3. Any non-residential component of the development that is personal services or retail use shall comply with K.C.C. 21A.12.230, except that subsections A, B and C of that code section are waived and do not apply to this site.

~~((21A.38.240 Special district overlay – floodplain density:))~~

- ~~A. The purpose of the floodplain density special district overlay is to provide a means to designate areas that cannot accommodate additional density due to severe flooding problems. This district overlay limits development in critical areas to reduce potential future flooding.~~
- ~~B. The following development standards shall be applied to all development proposals on RA-5 zoned parcels located within a floodplain density special district overlay:~~
 - ~~1. Density is limited to one home per ten acres for any property that is located within a critical area; and~~
 - ~~2. All development shall be clustered outside of the identified critical areas, unless the entire parcel is a mapped critical area. (Ord. 15606 § 27, 2006; Ord. 12823 § 19, 1997.)~~

21A.42.310 Periodic review.

- A. The department shall conduct a periodic review of Permitted Fossil Fuel Facility site design, mitigation and operating standards at five-year intervals.
- B. The periodic review is a Type 2 land use decision.
- C. The periodic review shall determine:
 1. Whether the site is operating consistent with all existing permit conditions; and
 2. That the most current site design and operating standards are applied to the site through additional or revised permit conditions as necessary to mitigate identifiable environmental, public health, and public safety impacts. (Ord. 15032 § 28, 2004; Ord. 11157 § 21, 1993; Ord. 10870 § 443, 1993)
- D. The periodic review shall demonstrate consistency with Comprehensive Plan policies.

Commented [MI73]: Analyze Deletion of Special District Overlay SO-230: Floodplain Densities

Effect: Repeals SDO on all parcels to which it applies. The Code Study identified that this was an outdated SDO and has been superseded by other stormwater regulations. The County agreed with this rationale in 2016 when this SDO was removed from properties in the 2016 Comprehensive Plan.

Commented [MI74]: Address Impacts and Regulation of Fossil Fuel Facilities

Effect: Establishes a periodic review process for Fossil Fuel Facilities.

TITLE 27 DEVELOPMENT PERMIT FEES
January 1, 2019 Update

27.10.180 Site-specific land use amendment. Fees for zoning or comprehensive plan or map modification shall be 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 redesignation \$2,234.00
- C. Other zoning reclassification requests including shoreline environment redesignation, deletion of special district overlay, or amendment or deletion of p-suffix conditions \$9,135.00

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. (Ord. 18822 § 26, 2018: Ord. 18385 § 20, 2016: Ord. 17923 § 24, 2014: Ord. 17453 § 28, 2012: Ord. 13332 § 33, 1998).

Commented [MI75]: Standardize Plan Update Terminology