

4/17/20
2020 KCCP
Striking Amendment S1

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

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

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

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

6 **SECTION 1. Findings:**

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

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

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

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

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

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

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

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

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

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

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

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

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

18810.

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

C. The elements of the King County Shoreline Master Program in sections 67, 68, 69 and 70 of this ordinance, in King County Comprehensive Plan chapter six of Attachment A to this ordinance, and in Attachments E and H to this ordinance are hereby amended to read as set forth in this ordinance and are incorporated herein by this reference.

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

E. The land use and zoning amendments contained in sections 80, 81, 82 and 87 of this ordinance and Attachments D and G to this ordinance are hereby adopted as amendments to Appendix A to Ordinance 12824, as amended, and as the official land use and zoning controls for those portions of unincorporated King County defined in those sections of this ordinance and attachments to this ordinance.

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

SECTION 3. Ordinance 263, Article 2, Section 1, as amended, and K.C.C. 20.12.010 are hereby amended to read as follows:

~~((A.))~~ Under the King County Charter, the state Constitution and the Washington

state Growth Management Act, chapter 36.70A RCW, King County adopted the 1994 King County Comprehensive Plan via Ordinance 11575 and declared it to be the Comprehensive Plan for King County until amended, repealed or superseded. The Comprehensive Plan has been reviewed and amended multiple times since its adoption in 1994. Amendments to the 1994 Comprehensive Plan to-date are currently reflected in the 2016 King County Comprehensive Plan, as adopted in Ordinance 18427 and as amended by Ordinance 18623, Ordinance 18810 ~~((and))~~, Ordinance 19034 and this ordinance. The Comprehensive Plan shall be the principal planning document for the orderly physical development of the county and shall be used to guide subarea plans, functional plans, provision of public facilities and services, review of proposed incorporations and annexations, development regulations and land development decisions.

SECTION 4. Ordinance 11575, Section 2, as amended, and K.C.C. 20.12.015 are hereby amended to read as follows:

The 1994 King County Comprehensive Plan shall relate to previously adopted plans, policies and land use regulations as follows:

A. The previously adopted White Center Action Plan ~~((and West Hill Community Plan are))~~ is consistent with the 1994 King County Comprehensive Plan and ~~((are))~~ is adopted as an element~~((s))~~ of the ~~((e))~~Comprehensive ~~((p))~~Plan;

B. Where conflicts exist between community plans and the ~~((e))~~Comprehensive ~~((p))~~Plan, the ~~((e))~~Comprehensive ~~((p))~~Plan shall prevail;

C. Pending or proposed subarea plans or plan revisions and amendments to adopted land use regulations, that are adopted on or after November 21, 1994, shall conform to all applicable policies and land use designations of the 1994 King County

Comprehensive Plan;

D. Unclassified use permits and zone reclassifications, that are pending or proposed on or after November 21, 1994, shall conform to the ~~((e))~~Comprehensive ~~((p))~~Plan and applicable adopted community plans as follows:

1. For aspects of proposals where both the ~~((e))~~Comprehensive ~~((p))~~Plan and a previously adopted community plan have applicable policies or land use plan map designations that do not conflict, both the ~~((e))~~Comprehensive ~~((p))~~Plan and the community plan shall govern;

2. For aspects of proposals where both the ~~((e))~~Comprehensive ~~((p))~~Plan and a previously adopted community plan have applicable policies or plan map designations that conflict, the ~~((e))~~Comprehensive ~~((p))~~Plan shall govern; and

3. For aspects of proposals where either the ~~((e))~~Comprehensive ~~((p))~~Plan or a previously adopted community plan, but not both, has applicable policies or plan map designations, the plan with the applicable policies or designations shall govern;

E. Vested applications for subdivisions, short subdivisions and conditional uses for which significant adverse environmental impacts have not been identified may rely on existing zoning to govern proposed uses and densities. Subdivisions, short subdivisions and conditional uses also may rely on specific facility improvement standards adopted by ordinance, including but not limited to street improvement, sewage disposal and water supply standards, that conflict with the ~~((e))~~Comprehensive ~~((p))~~Plan but shall be conditioned to conform to all applicable ~~((e))~~Comprehensive ~~((p))~~Plan policies on environmental protection, open space, design, site planning and adequacy of on-site and off-site public facilities and services, in cases where specific standards have not been

adopted;

F. Vested permit applications for proposed buildings and grading and applications for variances, when categorically exempt from the procedural requirements of the ~~((s))~~State Environmental Policy Act, may rely on existing zoning and specific facility improvement standards adopted by ordinance; and

G. Nothing in this section shall limit the county's authority to approve, deny or condition proposals in accordance with the ~~((s))~~State Environmental Policy Act.

SECTION 5. Ordinance 11653, Section 6, as amended, and K.C.C. 20.12.017 are hereby amended to read as follows:

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

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

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

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

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

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

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

180 Appendix F: Amendments to Soos Creek Community Plan P-Suffix Conditions.
181 Appendix G: Amendments to Vashon Community Plan P-Suffix Conditions.
182 Appendix H: Amendments to East Sammamish Community Plan P-Suffix
183 Conditions.
184 Appendix I: Amendments to Snoqualmie Valley Community Plan P-Suffix
185 Conditions.
186 Appendix J: Amendments to Newcastle Community Plan P-Suffix Conditions.
187 Appendix K: Amendments to Tahoma/Raven Heights Community Plan P-Suffix
188 Conditions.
189 Appendix L: Amendments to Enumclaw Community Plan P-Suffix Conditions.
190 Appendix M: Amendments to West Hill Community Plan P-Suffix Conditions.
191 Appendix N: Amendments to Resource Lands Community Plan P-Suffix
192 Conditions.
193 Appendix O: 1994 Parcel List, as amended December 19, 1994.
194 Appendix P: Amendments considered by the council January 9, 1995.
195 B. Area zoning adopted by Ordinance 11653, including potential zoning, is
196 contained in Appendices A and O. Amendments to area-wide P-suffix conditions
197 adopted as part of community plan area zoning are contained in Appendices B through N.
198 Existing P-suffix conditions whether adopted through reclassifications or community
199 plan area zoning are retained by Ordinance 11653 except as amended in Appendices B
200 through N.
201 C. The department is hereby directed to correct the official zoning map in
202 accordance with Appendices A through P of Ordinance 11653.

203 D. The 1995 area zoning amendments attached to Ordinance 12061 in Appendix
204 A are adopted as the official zoning control for those portions of unincorporated King
205 County defined therein.

206 E. Amendments to the 1994 King County Comprehensive Plan area zoning,
207 Ordinance 11653 Appendices A through P, as contained in Attachment A to Ordinance
208 12170 are hereby adopted to comply with the Decision and Order of the Central Puget
209 Sound Growth Management Hearings Board in Vashon-Maury Island, et. al. v. King
210 County, Case No. 95-3-0008.

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

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

218 H. The Black Diamond Urban Growth Area Zoning Map attached to Ordinance
219 12533 as Appendix B is adopted as the official zoning control for those portions of
220 unincorporated King County defined therein. Existing p-suffix conditions whether
221 adopted through reclassifications or area zoning are retained by Ordinance 12533.

222 I. The King County Zoning Atlas is amended to include the area shown in
223 Appendix B as UR - Urban Reserve, one DU per 5 acres. Existing p-suffix conditions
224 whether adopted through reclassifications or area zoning are retained by Ordinance
225 12535. The language from Ordinance 12535, Section 1.D., shall be placed on the King

County Zoning Atlas page #32 with a reference marker on the area affected by Ordinance 12535.

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

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

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

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

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

2. All ordinances adopting individual zone reclassifications effective prior to February 2, 1995, including but not limited to Ordinances 43, 118, 148, 255, 633, 1483, 1543, 1582, 1584, 1728, 1788, 2487, 2508, 2548, 2608, 2677, 2701, 2703, 2765, 2781, 2840, 2884, 2940, 2958, 2965, 2997, 3239, 3262, 3313, 3360, 3424, 3494, 3496, 3501,

3557, 3561, 3641, 3643, 3744, 3779, 3901, 3905, 3953, 3988, 4008, 4043, 4051, 4053,
4082, 4094, 4137, 4289, 4290, 4418, 4560, 4589, 4703, 4706, 4764, 4767, 4867, 4812,
4885, 4888, 4890, 4915, 4933, 4956, 4970, 4978, 5087, 5114, 5144, 5148, 5171, 5184,
5242, 5346, 5353, 5378, 5453, 5663, 5664, 5689, 5744, 5752, 5755, 5765, 5854, 5984,
5985, 5986, 6059, 6074, 6113, 6151, 6275, 6468, 6497, 6618, 6671, 6698, 6832, 6885,
6916, 6966, 6993, 7008, 7087, 7115, 7207, 7328, 7375, 7382, 7396, 7583, 7653, 7677,
7694, 7705, 7757, 7758, 7821, 7831, 7868, 7944, 7972, 8158, 8307, 8361, 8375, 8427,
8452, 8465, 8571, 8573, 8603, 8718, 8733, 8786, 8796, 8825, 8858, 8863, 8865, 8866,
9030, 9095, 9189, 9276, 9295, 9476, 9622, 9656, 9823, 9991, 10033, 10194, 10287,
10419, 10598, 10668, 10781, 10813, 10970, 11024, 11025, 11271((;-)) and 11651, are
hereby repealed and p-suffix conditions are replaced by the property specific
development standards as set forth in Appendix A to Ordinance 12824;

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

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

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

hereby repealed.

b. The Shoreline Community Plan Area Zoning, attached to Ordinance 5080 as Appendix B, as amended, is hereby repealed.

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

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

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

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

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

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

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

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

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

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

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

n. The West Hill Community Plan Area Zoning adopted in Ordinance ~~((44446))~~ 11166, as amended, is hereby repealed; and

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

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

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

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

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

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

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

SECTION 6. Ordinance 11166, Section 2, as amended, and K.C.C. 20.12.337 are hereby amended to read as follows:

~~((A.)) The ((West Hill Community Plan, a bound and published document, as revised in the Attachments to Ordinance 11166))~~ 2020 Skyway West Hill Subarea Land Use Plan, dated June 2020, is adopted as an ~~((amplification and augmentation))~~ element of the King County Comprehensive Plan ~~((for King County))~~ and, as such, constitutes official county policy for the geographic area of unincorporated King County defined ~~((therein))~~ in the plan.

SECTION 7. Ordinance 13147, Section 19, as amended, and K.C.C. 20.18.030 are hereby amended to read as follows:

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))~~ updated 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 environment 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

364 species;

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

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

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

375 14. Adoption of community service area subarea plans;

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

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

382 C. Every eighth year beginning in ((2023)) 2024, the county shall complete a
383 comprehensive review of the Comprehensive Plan in order to update it as appropriate and
384 to ensure continued compliance with the GMA. This review may provide for a cumulative
385 analysis of the twenty-year plan based upon official population growth forecasts,
386 benchmarks and other relevant data in order to consider substantive changes to ((policy

387 ~~language))~~ the Comprehensive Plan and changes to the urban growth area boundary. The
388 comprehensive review shall begin one year in advance of the transmittal and may be
389 referred to as the eight-year update. The urban growth area boundaries shall be reviewed in
390 the context of the eight-year update and in accordance with countywide planning policy G-
391 1 and RCW 36.70A.130.

392 D.1. ~~((If there is a scope of work adopted by motion to perform))~~ At the midpoint
393 of the eight-year update process, a limited update to the Comprehensive Plan to address
394 time-sensitive issues ~~((prior to))~~ before the next eight-year update, may be authorized by
395 motion. The update may be referred to as the midpoint update. The limited update may
396 include substantive changes to the Comprehensive Plan ~~((and))~~, amendments to the urban
397 growth area boundary ~~((may also be considered at the midpoint of the eight-year update~~
398 ~~cycle. This update can include substantive changes and amendments as authorized by~~
399 ~~motion may be referred to as the midpoint update))~~ and amendments to the Comprehensive
400 Plan Workplan related to topics identified in the scope of work. The scope of the midpoint
401 update shall be established by a scope of work adopted by motion.

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

408 3. If the executive proposes a midpoint update, the executive shall transmit to the
409 council by the last business day in June two years before the midpoint year of the eight-

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

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

update.

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

SECTION 8. Ordinance 13147, Section 20, as amended, and K.C.C. 20.18.040 are hereby amended to read as follows:

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

B. ~~((The following categories of s))~~Site-specific land use map ~~((amendments))~~ or shoreline master program map amendments that do not require substantive changes to

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

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

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

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

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

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

3. Amendments to the urban growth area boundary.

SECTION 9. Ordinance 13147, Section 21, as amended, and K.C.C. 20.18.050
are hereby amended to read as follows:

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

1. If initiated by council motion, the motion shall refer the proposed site-specific
land use map or shoreline master program map amendment to the department of local

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

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

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

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

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

C. All proposed site-specific land use map or shoreline master program map amendments, whether initiated by property owner application, by council motion or by executive proposal shall include the following:

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

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

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

524 F. If a proposed site-specific land use map or shoreline master program map

525 amendment is initiated by council motion, following the initial review conference, the
526 council shall submit an environmental checklist to the department of local services,
527 permitting division, to proceed with review of the proposed amendment.

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

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

542 I. A property-owner-initiated docket request for a site-specific land use map or
543 shoreline master program map amendment may be accompanied by an application for a
544 zone reclassification to implement the proposed amendment, in which case administrative
545 review of the two applications shall be consolidated to the extent practical consistent with
546 this chapter and K.C.C. chapter 20.20. The council's consideration of a site-specific land
547 use map or shoreline master program map amendment is a legislative decision that should

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

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

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

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

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

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

577 SECTION 10. Ordinance 114047, Section 4, and K.C.C. 20.18.055 are hereby
578 amended to read as follows:

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

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

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

587 3. Compatibility with the surrounding development pattern.

588 B. Site-specific land use map amendments for which recommendations have been
589 issued by the hearing examiner by January 15 shall be submitted to the executive and the
590 council by the hearing examiner by January 15. The department will provide for a
591 cumulative analysis of these recommendations and such analysis will be included in the
592 annual March transmittal. All such amendments will be considered concurrently by the
593 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 ~~((e))~~Comprehensive ~~((p))~~Plan.

SECTION 11. Ordinance 13147, Section 22, as amended, and K.C.C. 20.18.060 are hereby amended to read as follows:

A. Beginning in ~~((2021))~~ 2022, 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 the proposed ~~((amendments))~~ update to the Comprehensive Plan that will occur in the following year, which motion shall include the following:

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 ~~((s))~~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))~~ 2023 and every eighth year thereafter, the executive shall transmit to the council by the last business day of June a proposed ordinance ~~((amending))~~

617 updating the Comprehensive Plan, except that the capital improvement program and the
618 ordinances adopting updates to the transportation needs report and the school capital
619 facility plans shall be transmitted no later than the biennial budget transmittal and shall be
620 adopted in conjunction with the budget. However, in those years when there is only a
621 midbiennium review of the budget, the ordinances adopting the capital improvement plan
622 and the school capital facility plans shall be transmitted by October 1 and adopted no later
623 than the midbiennium review under K.C.C. 4A.100.010. All transmittals shall be
624 accompanied by a public participation note, identifying the methods used by the executive
625 to ensure early and continuous public participation in the preparation of amendments. The
626 council shall have until June 30 of the following year to adopt ~~((the amendments))~~ an
627 update to the Comprehensive Plan, in accordance with RCW 36.70A.130.

628 SECTION 12. Ordinance 13147, Section 23, as amended, and K.C.C. 20.18.070
629 are hereby amended to read as follows:

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

638 B. All transmittals shall be accompanied by a public participation note, identifying
639 the methods used by the executive to assure early and continuous public participation in the

preparation of ~~((amendments))~~ updates.

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

SECTION 13. Ordinance 14017, Section 9, as amended, and K.C.C. 20.18.170 are hereby amended to read as follows:

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

B. ~~((Proposals shall be processed as land use amendments to the Comprehensive Plan and may be considered in the annual update, midpoint update or eight year update. Site suitability and development conditions for both the urban and rural portions of the proposal shall be established through the preliminary formal plat approval process.))~~ All proposals shall be initiated by a property owner through the docket request process under K.C.C. 20.18.140. During the docket review of a four-to-one proposal, a preapplication conference under K.C.C. 20.20.030 shall be held to complete a review of the proposal's compliance with four-to-one program goals and requirements, and evaluation of site-specific conditions. Proposals for which the executive recommendation is supportive shall

663 be processed as a land use map amendment to the Comprehensive Plan and may be
664 considered in the annual update, midpoint update or eight-year update. For proposals
665 where the executive recommendation is not supportive or does not include a
666 recommendation, the proponent may petition and the council may, by motion, direct the
667 executive to work with the applicant to advance the proposal forward in a future
668 Comprehensive Plan update. The motion shall include the timeframe for the executive to
669 include the proposal in a future Comprehensive Plan update.

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

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

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

683 1. The ordinance approving the four-to-one proposal shall require the adoption of
684 an interlocal agreement between King County and the adjacent city or town within ninety
685 days of the effective date of the ordinance. The interlocal agreement shall require that the

development of the urban portion occur after annexation by the city or town, and that
development be consistent with four-to-one program requirements and goals and with the
property-specific development conditions adopted in the ordinance approving the four-to-
one proposal; and

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

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

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

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

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

SECTION 14. Ordinance 14017, Section 10, as amended, and K.C.C. 20.18.180
are hereby amended to read as follows:

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

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

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

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

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

719 ~~((3.))~~ 4. The land added to the urban growth area shall:

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

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

726 ~~((4.))~~ 5. The land added to the urban growth area shall be able to be served by
727 sewers and other urban services;

728 ~~((5.))~~ 6. All urban services shall be provided directly from the urban area and
729 shall not cross the open space or rural area and all infrastructure shall be located in the
730 urban area except as permitted in this section;

731 7. A road serving the land added to the urban area shall not be counted as part of
732 the required open space and shall not, to the maximum extent feasible, cross the open space

or rural area. The county may allow roads to cross either the open space or rural area, or both, to protect critical areas or for other ecological benefits;

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

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

~~((8.))~~ 10. The open space shall primarily be on-site and shall 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)), to the maximum extent possible, parallel the urban growth area boundary and shall be configured in such a way as to connect with open space on adjacent properties;

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

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

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

B. ~~((A))~~ For 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; and

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. The county may approve a reduced open space dedication requirement if the open space portion of the proposal includes the protection of a property that is eligible as a high conservation value property in accordance with Section 897 of the King County Charter.

~~E. ((Requests for redesignation shall be evaluated to determine those that are the highest quality, including, but not limited to, consideration of the following))~~ The county shall consider the following when determining whether to support the open space dedication proposed as part of a four-to-one proposal:

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 or connections to other open space along the urban growth area boundary;

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

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

~~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;))~~ Sites where the size and configuration of the open space improve the county's ability to efficiently manage the property or where there is the potential for public access shall be viewed favorably when evaluating the open space portion of the proposal.

~~((E:))~~ F. 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))~~ proposal, 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.

802 SECTION 15. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020

803 are hereby amended to read as follows:

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

808 1. Type 1 decisions are made by the permitting division manager or designee
809 ("the director") of the department of local services ("the department"). Type 1 decisions
810 are nonappealable administrative decisions.

811 2. Type 2 decisions are made by the director. Type 2 decisions are discretionary
812 decisions that are subject to administrative appeal.

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

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

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

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

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

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

TYPE 1	(Decision by director, no administrative appeal)	Temporary use permit for a homeless encampment under K.C.C. 21A.45.010, 21A.45.020, 21A.45.030, 21A.45.040, 24A.45.050, 21A.45.060, 21A.45.070, 21A.45.080 and 21A.45.090; building permit, site development permit, or clearing and grading permit that is not subject to SEPA, that is categorically exempt from SEPA as provided in K.C.C. 20.20.040, or for which the department has issued a determination of nonsignificance or mitigated determination of nonsignificance; boundary line adjustment; right of way; variance from K.C.C. chapter 9.04; shoreline exemption; decisions to require studies or to approve, condition or deny a development proposal based on K.C.C. chapter 21A.24, except for decisions to approve, condition or deny alteration exceptions; approval of a conversion-option harvest plan; a binding site plan for a condominium that is based on a recorded final
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		planned unit development, a building permit, an as-built site plan for developed sites, a site development permit for the entire site; approvals for agricultural activities and agricultural support services authorized under K.C.C. 21A.42.300; final short plat; final plat.
TYPE 2 ^{1,2}	(Decision by director appealable to hearing examiner, no further administrative appeal)	Short plat; short plat revision; short plat alteration; zoning variance; conditional use permit; temporary use permit under K.C.C. chapter 21A.32; temporary use permit for a homeless encampment under K.C.C. 21A.45.100; shoreline substantial development permit ³ ; building permit, site development permit or clearing and grading permit for which the department has issued a determination of significance; reuse of public schools; reasonable use exceptions under K.C.C. 21A.24.070.B; preliminary determinations under K.C.C. 20.20.030.B; decisions to approve, condition or deny alteration exceptions under K.C.C. chapter 21A.24; extractive operations under K.C.C. 21A.22.050; binding site plan; waivers from the moratorium provisions of K.C.C. 16.82.140 based upon a finding of special circumstances; <u>sea level rise risk area variance adopted in K.C.C. chapter 21A.xx</u> <u>(the new chapter established by section 63 of this</u>

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

830 ¹ See K.C.C. 20.44.120.C. for provisions governing procedural and substantive SEPA
831 appeals and appeals of Type 3 and 4 decisions to the council.

832 ² When an application for a Type 2 decision is combined with other permits requiring
833 Type 3 or 4 land use decisions under this chapter, the examiner, not the director, makes
834 the decision.

835 ³ A shoreline permit, including a shoreline variance or conditional use, is appealable to
836 the state Shorelines Hearings Board and not to the hearing examiner.

837 ⁴ Approvals that are consistent with the Comprehensive Plan may be considered by the
838 council at any time. Zone reclassifications that are not consistent with the

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

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

SECTION 16. Ordinance 13147, Section 34, as amended, and K.C.C. 20.22.170 are hereby amended to read as follows:

A. 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 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))~~ the 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))~~ council committee ~~((or its successor))~~ charged with the review
of the Comprehensive Plan.

SECTION 17. Ordinance 10870, Section 5, as amended, and K.C.C. 21A.01.070
are hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 18. Ordinance 10870, Section 21, and K.C.C. 21A.02.110 are hereby amended to read as follows:

A. Except when such areas are specifically ~~((designated))~~ classified 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))~~ zoning classification of the adjoining property with which it is first merged.

SECTION 19. Ordinance 10870, Section 22, as amended, and K.C.C. 21A.04.010 are hereby amended to read as follows:

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

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

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

971 SECTION 20. Ordinance 10870, Section 23, and K.C.C. 21A.04.020 are hereby

972 amended to read as follows:

973 The purpose statements for each ~~((zone and map designation))~~ zoning
974 classification set forth in the following sections shall be used to guide the application of
975 the ~~((zones and designations))~~ zoning classifications to all lands in unincorporated King
976 County. The purpose statements also shall guide interpretation and application of land
977 use regulations within the ~~((zones and designations))~~ zoning classifications, and any
978 changes to the range of permitted uses within each ~~((zone))~~ zoning classification through
979 amendments to this title.

980 SECTION 21. Ordinance 10870, Section 28, as amended, and K.C.C.

981 21A.04.070 are hereby amended to read as follows:

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

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

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

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

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

SECTION 22. Ordinance 10870, Section 35, and K.C.C. 21A.04.140 are hereby amended to read as follows:

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

SECTION 23. Ordinance 10870, Section 36, as amended, and K.C.C. 21A.04.150 are hereby amended to read as follows:

The purpose of the property-specific development standards (~~((designation))~~) classification (-P suffix to zone's map symbol) is to indicate that conditions beyond the minimum requirements of this title have been applied to development on the property,

including but not limited to increased development standards, limits on permitted uses or special conditions of approval. Property-specific development standards are adopted in either a reclassification or area zoning ordinance and are shown in a geographic information system data layer for an individual property maintained by the department. Regardless of the form in which a property-specific development standard is adopted, the P-suffix shall be shown on the official zoning map maintained by the department and as a notation in a geographic information system data layer, which shall be updated as soon as possible after the effective date of the adopting ordinance adopting a P-suffix standard.

SECTION 24. Ordinance 10870, Section 37, as amended, and K.C.C. 21A.04.160 are hereby amended to read as follows:

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

SECTION 25. Ordinance 10870, Section 38, as amended, and K.C.C. 21A.04.170 are hereby amended to read as follows:

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

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

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

SECTION 26. Ordinance 10870, Section 39, and K.C.C. 21A.04.180 are hereby amended to read as follows:

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

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

SECTION 27. Ordinance 10870, Section 42, and K.C.C. 21A.06.010 are hereby amended as follows:

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

SECTION 28. Ordinance 10870, Section 43, as amended and K.C.C. 21A.06.015 are hereby amended as follows:

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

- A. Administrative offices;
- B. Employee exercise facilities;
- C. Employee food service facilities;
- D. Incidental storage of raw materials and finished products sold or manufactured on-site;
- E. Business owner or caretaker residence;
- F. Cogeneration facilities; ~~((and))~~
- G. Ground maintenance facilities; and
- H. Consumer-scale renewable energy systems.

1084 SECTION 29. Ordinance 10870, Section 44, as amended and K.C.C. 21A.06.020

1085 are hereby amended as follows:

1086 Accessory use, residential: an accessory use to a residential use, including, but
1087 not limited to:

1088 A. Accessory living quarters and dwellings;

1089 B. Fallout or bomb shelters;

1090 C. Keeping household pets or operating a hobby cattery or hobby kennel;

1091 D. On-site rental office;

1092 E. Pools, private docks or piers;

1093 F. Antennae for private telecommunication services;

1094 G. Storage of yard maintenance equipment;

1095 H. Storage of private vehicles, such as motor vehicles, boats, trailers or planes;

1096 I. Greenhouses;

1097 J. Recreation space areas required under K.C.C. 21A.14.180 and play areas

1098 required under K.C.C. 21A.14.190; ~~((and))~~

1099 K. Home occupations and home industries under K.C.C. chapter 21A.30; and

1100 L. Consumer-scale renewable energy systems.

1101 SECTION 30. Ordinance 10870, Section 45, as amended and K.C.C. 21A.06.025

1102 are hereby amended as follows:

1103 Accessory use, resource: an accessory use to a resource use, including, but not
1104 limited to:

1105 A. Housing of agricultural workers; ~~((and))~~

1106 B. Storage of agricultural products or equipment used on site; and

1107 C. Consumer-scale renewable energy systems.

1108 NEW SECTION. SECTION 31. There is hereby added to K.C.C. chapter 21A.06
1109 a new section to read as follows:

1110 Consumer-scale renewable energy system: a facility that produces on-site energy
1111 using renewable resources, such as solar, wind or geothermal, for the property on which
1112 the facility is located. A consumer-scale renewable energy system does not include
1113 energy generated at a scale for sale or donation to others, excluding net metering.

1114 SECTION 32. K.C.C. 21A.06.150, as amended by this ordinance, is hereby
1115 recodified as a new section in K.C.C. chapter 21A.06.

1116 SECTION 33. Ordinance 11157, Section 29, and K.C.C. 21A.06.150 are hereby
1117 amended to read as follows:

1118 ~~((Bulk))~~ Local distribution gas storage tank~~((s))~~: A tank from which illuminating,
1119 heating, or liquefied gas is distributed by piping directly to individual users. A local
1120 distribution gas storage tank is not a fossil fuel facility.

1121 SECTION 34. Ordinance 13319, Section 3, and K.C.C. 21A.06.197 are hereby
1122 amended to read as follows:

1123 Coal mine by-products stockpile~~((s))~~: an accumulation, greater than five hundred
1124 cubic yards and five feet of vertical depth, of undisturbed waste and/or byproduct materials
1125 having greater than fifty percent, as measured by weight, of ~~((mineral))~~ coal or coal shale
1126 as a component and which resulted from historic coal mining.

1127 NEW SECTION. SECTION 35. There is hereby added to K.C.C. chapter 21A.06
1128 a new section to read as follows:

1129 Fossil fuels: petroleum and petroleum products, coal and natural gas, such as

1130 methane, propane and butane, derived from prehistoric organic matter and used to generate
1131 energy. Fossil fuels do not include:

1132 A. Petrochemicals that are used primarily for non-fuel products, such as asphalt,
1133 plastics, lubricants, fertilizer, roofing and paints;

1134 B. Fuel additives, such as denatured ethanol and similar fuel additives, or
1135 renewable fuels, such as biodiesel or renewable diesel with less than five percent fossil
1136 fuel content; or

1137 C. Methane generated from the waste management process, such as wastewater
1138 treatment, anaerobic digesters, landfill waste management, livestock manure and
1139 composting processes.

1140 NEW SECTION. SECTION 36. There is hereby added to K.C.C. chapter 21A.06
1141 a new section to read as follows:

1142 Fossil fuel facility: a commercial facility used primarily to receive, store, refine,
1143 process, transfer, wholesale trade or transport fossil fuels, such as, but not limited to, bulk
1144 terminals, bulk storage facilities, bulk refining and bulk handling facilities. Fossil fuel
1145 facilities do not include: individual storage facilities of up to thirty thousand gallons and
1146 total cumulative facilities per site of sixty thousand gallons for the purposes of retail or
1147 direct-to-consumer sales, facilities or activities for local consumption; noncommercial
1148 facilities, such as storage for educational, scientific or governmental use; or uses preempted
1149 by federal rule or law.

1150 SECTION 37. Ordinance 10870, Section 201, and K.C.C. 21A.06.805 are hereby
1151 amended to read as follows:

1152 Non-hydro((-))electric generation facility: an establishment for the generation of
1153 electricity by nuclear reaction, burning fossil fuels((;)) or other electricity generation
1154 methods, excluding renewable energy.

1155 NEW SECTION. SECTION 38. There is hereby added to K.C.C. chapter
1156 21A.06 a new section to read as follows:

1157 Renewable energy generation facility: a solar energy system, including a
1158 community solar project, geothermal system or a wind generator, used for generating
1159 electricity. Renewable energy generation facility does not include consumer-scale
1160 renewable energy systems.

1161 NEW SECTION. SECTION 39. There is hereby added to K.C.C. chapter
1162 21A.06 a new section to read as follows:

1163 Sea level rise protection elevation: three feet above the base flood elevation
1164 identified in the Flood Insurance Study and Flood Insurance Rate Map, dated August 19,
1165 2020, for the adjacent coastal high hazard area flood zone. The sea level rise protection
1166 elevation only applies to Vashon-Maury Island.

1167 NEW SECTION. SECTION 40. There is hereby added to K.C.C. chapter 21A.06
1168 a new section to read as follows:

1169 Sea level rise risk area: lands on Vashon-Maury Island adjacent to a coastal high
1170 hazard area that extend landward to an elevation three feet above the base flood elevation
1171 identified in the Flood Insurance Study and Flood Insurance Rate Map, dated August 19,
1172 2020, for the adjacent coastal high hazard area flood zone.

1173 SECTION 41. Ordinance 10870, Section 310, and K.C.C. 21A.06.1350 are
1174 hereby amended to read as follows:

1175 Utility facility: a facility for the distribution or transmission of services, including:
1176 A. Telephone exchanges;
1177 B. Water pipelines, pumping or treatment stations;
1178 C. Electrical substations;
1179 D. Water storage reservoirs or tanks;
1180 E. Municipal groundwater well-fields;
1181 F. Regional surface water flow control and water quality facilities;
1182 G. Natural gas pipelines, gate stations and limiting stations, limited to local
1183 distribution service and excluding fossil fuel facilities;
1184 H. Propane, compressed natural gas and liquefied natural gas storage tanks serving
1185 multiple lots or uses from which fuel is distributed directly to individual users, limited to
1186 local distribution service and excluding fossil fuel facilities;
1187 I. Wastewater pipelines, lift stations, pump stations, regulator stations or odor
1188 control facilities; and
1189 J. Communication cables, electrical wires and associated structural supports.
1190 SECTION 42. Ordinance 10870, Section 315, and K.C.C. 21A.06.1375 are
1191 hereby amended to read as follows:
1192 Warehousing and wholesale trade: establishments involved in the storage and/or
1193 sale of bulk goods for resale or assembly, excluding establishments offering the sale of
1194 bulk goods to the general public which is classified as a retail use in K.C.C. 21A.08.070
1195 and excluding local distribution gas storage tanks. These establishments shall include only
1196 SIC Major Group Nos. 50 and 51 and SIC Industry Group Nos. 422 and 423, excluding
1197 fossil fuels and fossil fuel facilities.

1198 SECTION 43. Ordinance 10870, Section 330, as amended, and K.C.C.

1199 21A.08.030 are hereby amended to read as follows:

1200 A. Residential land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12 -48	NB	CB	RB	O	I
	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						P17				P		

1201 B. Development conditions.

1202 1. Except bed and breakfast guesthouses.

1203 2. In the forest production district, the following conditions apply:

1204 a. Site disturbance associated with development of any new residence shall be
1205 limited to three acres. Site disturbance shall mean all land alterations including, but not
1206 limited to, grading, utility installation, landscaping, clearing for crops, on-site sewage
1207 disposal systems and driveways. Additional site disturbance for agriculture, including
1208 raising livestock, up to the smaller of thirty-five percent of the lot or seven acres, may be
1209 approved only if a farm management plan is prepared in accordance with K.C.C. chapter
1210 21A.30. Animal densities shall be based on the area devoted to animal care and not the
1211 total area of the lot;

1212 b. A forest management plan shall be required for any new residence in the
1213 forest production district, that shall be reviewed and approved by the King County
1214 department of natural resources and parks before building permit issuance; and

1215 c. The forest management plan shall incorporate a fire protection element that
1216 includes fire safety best management practices developed by the department.

1217 3. Only as part of a mixed use development subject to the conditions of K.C.C.
1218 chapter 21A.14, except that in the NB zone on properties with a land use designation of
1219 commercial outside of center (CO) in the urban areas, stand-alone townhouse

1220 developments are permitted subject to K.C.C. 21A.12.040, 21A.14.030, 21A.14.060 and
1221 21A.14.180.

1222 4. Only in a building listed on the National Register as an historic site or
1223 designated as a King County landmark subject to K.C.C. chapter 21A.32.

1224 5.a. In the R-1 zone, apartment units are permitted, if:

1225 (1) At least fifty percent of the site is constrained by unbuildable critical
1226 areas. For purposes of this subsection, unbuildable critical areas includes wetlands,
1227 aquatic areas and slopes forty percent or steeper and associated buffers; and

1228 (2) The density does not exceed a density of eighteen units per acre of net
1229 buildable area.

1230 b. In the R-4 through R-8 zones, apartment units are permitted if the density
1231 does not exceed a density of eighteen units per acre of net buildable area.

1232 c. If the proposal will exceed base density for the zone in which it is proposed,
1233 a conditional use permit is required.

1234 6. Only as accessory to a school, college, university or church.

1235 7.a. Accessory dwelling units are subject to the following standards:

1236 (1) Only one accessory dwelling per primary single detached dwelling unit;

1237 (2) Only allowed in the same building as the primary dwelling unit ~~((an urban lot))~~,
1238 except that detached accessory dwelling units are allowed when there is no more than one
1239 primary dwelling unit on the lot, and the following conditions are met:

1240 (a) ~~((an urban lot that is less than five thousand square feet in area))~~ the lot
1241 must be three thousand two hundred square feet or greater if located in the urban area or a
1242 rural town; or

1243 (b) ~~((except as otherwise provided in subsection B.7.a.(5) of this section, a~~
1244 ~~rural lot that is less than the minimum lot size; or~~
1245 ~~c. a lot containing more than one primary dwelling))~~ the lot must meet the
1246 minimum lot area for the applicable zone if located in the rural area but not in a rural
1247 town, except that if one transferable development right is purchased from the Rural Area
1248 or Natural Resource Lands under K.C.C. chapter 21A.37, a detached accessory dwelling
1249 unit is allowed on an RA-5 zoned lot that is two and one-half acres or greater;
1250 (3) ~~((The primary dwelling unit or the accessory dwelling unit shall be owner~~
1251 ~~occupied;~~
1252 (4)(a) ~~Except as otherwise provided in subsection B.7.a.(5) of this section,~~
1253 ~~one of them))~~ The accessory dwelling unit(s) shall not exceed one thousand square feet of
1254 heated floor area and one thousand square feet of unheated floor area except:
1255 (a) ~~when ((one of))~~ the accessory dwelling unit(s) is wholly contained
1256 within a basement or attic, this limitation does not apply; ((and))
1257 (b) ~~((When the primary and accessory dwelling units are located in the same~~
1258 ~~building, or in multiple buildings connected by a breezeway or other structure, only one~~
1259 ~~entrance may be located on each street;~~
1260 (5) ~~On))~~ for detached accessory dwelling units, the floor area contained in a
1261 basement does not count toward the floor area maximum; or
1262 (c) on a site zoned RA((:
1263 (a) ~~I))~~ if one transferable development right is purchased from the Rural Area
1264 or Natural Resource Lands under K.C.C. chapter 21A.37, the ((smaller of the)) accessory
1265 dwelling unit(s) is permitted a maximum heated floor area ((up to)) of one thousand

1266 five hundred square feet and one thousand five hundred square feet of unheated floor
1267 area; ~~((and~~

1268 ~~(b) If one transferable development right is purchased from the Rural Area~~
1269 ~~or Natural Resource Lands under K.C.C. chapter 21A.37, a detached accessory dwelling~~
1270 ~~unit is allowed on an RA-5 zoned lot that is at least two and one-half acres and less than~~
1271 ~~three and three-quarters acres;~~

1272 ~~((6) One additional off-street parking space shall be provided;))~~

1273 (4) Accessory dwelling units that are not wholly contained within an existing
1274 dwelling unit shall not exceed the base height established in 21A.12.030;

1275 (5) When the primary and accessory dwelling units are located in the same
1276 building, or in multiple buildings connected by a breezeway or other structure, only one
1277 entrance may front a street;

1278 (6) No additional off-street parking spaces are required for accessory
1279 dwelling units;

1280 (7) The primary dwelling unit or the accessory dwelling unit shall be
1281 occupied either by the owner of the primary dwelling unit or by an immediate family
1282 member of the owner. Immediate family members are limited to spouses, siblings,
1283 parents, grandparents, children and grandchildren, either by blood, adoption or marriage,
1284 of the owner. The accessory dwelling unit shall be converted to another permitted use or
1285 shall be removed if ~~((one of the))~~ neither dwelling unit~~((s ceases to be owner))~~ is
1286 occupied by the owner or an immediate family member; ~~((and))~~

1287 (8) An applicant seeking to build an accessory dwelling unit shall file a notice
1288 approved by the department of executive services, records and licensing services

division, that identifies the dwelling unit as accessory. The notice shall run with the land.

The applicant shall submit proof that the notice was filed before the department ~~((shall))~~

approves any permit for the construction of the accessory dwelling unit. The required

contents and form of the notice shall be set forth in administrative rules~~((If an accessory~~

~~dwelling unit in a detached building in the rural zone is subsequently converted to a~~

~~primary unit on a separate lot, neither the original lot nor the new lot may have an~~

~~additional detached accessory dwelling unit constructed unless the lot is at least twice the~~

~~minimum lot area required in the zone)); and~~

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

b. Accessory living quarters:

(1) are limited to one per lot;

(2) are allowed only on lots of three thousand two hundred square feet or

greater when located in the urban area or a rural town;

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

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

thousand square feet of unheated floor area; and

(5) are not allowed in the F zone.

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

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

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

1312 aircraft.

1313 ((e-)) d. Buildings for residential accessory uses in the RA and A zone shall not
1314 exceed five thousand square feet of gross floor area, except for buildings related to
1315 agriculture or forestry.

1316 8. Mobile home parks shall not be permitted in the R-1 zones.

1317 9. Only as accessory to the permanent residence of the operator, and:

1318 a. Serving meals shall be limited to paying guests; and

1319 b. The number of persons accommodated per night shall not exceed five,
1320 except that a structure that satisfies the standards of the International Building Code as
1321 adopted by King County for R-1 occupancies may accommodate up to ten persons per
1322 night.

1323 10. Only if part of a mixed use development, and subject to the conditions of
1324 subsection B.9. of this section.

1325 11. Townhouses are permitted, but shall be subject to a conditional use permit if
1326 exceeding base density.

1327 12. Required before approving more than one dwelling on individual lots,
1328 except on lots in subdivisions, short subdivisions or binding site plans approved for
1329 multiple unit lots, and except as provided for accessory dwelling units in subsection B.7.
1330 of this section.

1331 13. No new mobile home parks are allowed in a rural zone.

1332 14.a. Limited to domestic violence shelter facilities.

1333 b. Limited to domestic violence shelter facilities with no more than eighteen
1334 residents or staff.

1335 15. Only in the R4-R8 zones (~~((limited to))~~) subject to the following standards:
1336 a. (~~((developments no larger than one acre;~~
1337 ~~b. not adjacent to another cottage housing development such that the total~~
1338 ~~combined land area of the cottage housing developments exceeds one acre;~~
1339 ~~e. All units must be))~~) Developments shall contain only cottage housing units
1340 with no ((less)) fewer than three units ((and no more than sixteen units, provided that if)).
1341 If the site contains an existing home that is not being demolished, the existing house is
1342 not required to comply with the height limitation in K.C.C. 21A.12.020.B.25. or the floor
1343 area and footprint limits in K.C.C. 21A.14.025.B.; and
1344 (~~((d.))~~) b. Before filing an application with the department, the applicant shall
1345 hold a community meeting in accordance with K.C.C. 20.20.035.

1346 16. The development for a detached single-family residence shall be consistent
1347 with the following:

1348 a. The lot must have legally existed before March 1, 2005;
1349 b. The lot has a Comprehensive Plan land use designation of Rural
1350 Neighborhood Commercial Center or Rural Area; and
1351 c. The standards of this title for the RA-5 zone shall apply.

1352 17. Only in the R-1 zone as an accessory to a golf facility and consistent with
1353 K.C.C. 21A.08.040.

1354 18. Allowed if consistent with K.C.C. chapter 21A.30.

1355 SECTION 44. Ordinance 10870, Section 333, as amended, and K.C.C.
1356 21A.08.060 are hereby amended to read as follows:

1357 A. Government/business services land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RU RA L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1- 8	R12 -48	NB	CB	RB	O	I (30)
	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 C28	P29 C28	P	P	P	P	P
*	Commuter Parking Lot				C 33 P19	C P19	C P19	C 19	P	P	P	P	P35
*	Private Stormwater Management Facility	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8
*	Vactor Waste Receiving Facility	P	P	P	P18	P18	P18	P18	P31	P31	P31	P31	P
	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

	Service												
*	Warehousing, (1) and Wholesale Trade												P
*	Self-service Storage							P14	P37	P	P	P	P
4221	Farm Product												P
4222	Warehousing, Refrigeration and Storage (38)												
*	Log Storage (38)		P		P26 and 33								P
47	Transportation Service												P39
473	Freight and Cargo Service										P	P	P
472	Passenger Transportation Service									P	P	P	
48	Communication Offices										P	P	P
482	Telegraph and other Communications									P	P	P	P
*	General Business Service								P	P	P	P	P16
*	Professional Office								P	P	P	P	P16
7312	Outdoor Advertising Service										P	P17	P
735	Miscellaneous Equipment Rental									P17	P	P17	P
751	Automotive Rental and Leasing									P	P		P
752	Automotive Parking								P20a	P20b	P21	P20 a	P
*	Off-Street Required Parking Lot				P32	P32	P32	P32	P32	P32	P32	P32	P32
7941	Professional Sport Teams/Promoters										P	P	
873	Research, Development										P2	P2	P2

	and Testing												
*	Heavy Equipment and Truck Repair												P
	ACCESSORY USES:												
*	Commercial/Industrial Accessory Uses			P	P22				P22	P22	P	P	P
*	Helistop					C23	C23 3	C23	C23	C23	C24	C23	C24

1358 B. Development conditions.

1359 1. Except self-service storage.

1360 2. Except SIC Industry No. 8732-Commercial Economic, Sociological, and
1361 Educational Research, see general business service/office.

1362 3.a. Only as a reuse of a public school facility or a surplus nonresidential facility
1363 subject to K.C.C. chapter 21A.32; or

1364 b. only when accessory to a fire facility and the office is no greater than one
1365 thousand five hundred square feet of floor area.

1366 4. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter
1367 21A.32.

1368 5. New utility office locations only if there is no commercial/industrial zoning
1369 in the utility district, and not in the RA-10 or RA-20 zones unless it is demonstrated that
1370 no feasible alternative location is possible, and provided further that this condition
1371 applies to the UR zone only if the property is located within a designated unincorporated
1372 Rural Town.

1373 6.a. All buildings and structures shall maintain a minimum distance of twenty
1374 feet from property lines adjoining rural area and residential zones;

1375 b. Any buildings from which fire-fighting equipment emerges onto a street

1376 shall maintain a distance of thirty-five feet from such street;

1377 c. No outdoor storage; and

1378 d. Excluded from the RA-10 and RA-20 zones unless it is demonstrated that no

1379 feasible alternative location is possible.

1380 7. Limited to storefront police offices. Such offices shall not have:

1381 a. holding cells;

1382 b. suspect interview rooms (except in the NB zone); or

1383 c. long-term storage of stolen properties.

1384 8. Private stormwater management facilities serving development proposals

1385 located on commercial/industrial zoned lands shall also be located on

1386 commercial/industrial lands, unless participating in an approved shared facility drainage

1387 plan. Such facilities serving development within an area designated urban in the King

1388 County Comprehensive Plan shall only be located in the urban area.

1389 9. No outdoor storage of materials.

1390 10. Limited to office uses.

1391 11. Limited to self-service household moving truck or trailer rental accessory to

1392 a gasoline service station.

1393 12. Limited to self-service household moving truck or trailer rental accessory to

1394 a gasoline service station and SIC Industry No. 4215-Courier Services, except by air.

1395 13. Limited to SIC Industry No. 4215-Courier Services, except by air.

1396 14. Accessory to an apartment development of at least twelve units provided:

1397 a. The gross floor area in self service storage shall not exceed the total gross

1398 floor area of the apartment dwellings on the site;

1399 b. All outdoor lights shall be deflected, shaded and focused away from all
1400 adjoining property;

1401 c. The use of the facility shall be limited to dead storage of household goods;

1402 d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or
1403 similar equipment;

1404 e. No outdoor storage or storage of flammable liquids, highly combustible or
1405 explosive materials or hazardous chemicals;

1406 f. No residential occupancy of the storage units;

1407 g. No business activity other than the rental of storage units; and

1408 h. A resident director shall be required on the site and shall be responsible for
1409 maintaining the operation of the facility in conformance with the conditions of approval.

1410 i. Before filing an application with the department, the applicant shall hold a
1411 community meeting in accordance with K.C.C. 20.20.035.

1412 15. Repealed.

1413 16. Only as an accessory use to another permitted use.

1414 17. No outdoor storage.

1415 18. Only as an accessory use to a public agency or utility yard, or to a transfer
1416 station.

1417 19. Limited to new commuter parking lots designed for thirty or fewer parking
1418 spaces or commuter parking lots located on existing parking lots for churches, schools, or
1419 other permitted nonresidential uses that have excess capacity available during
1420 commuting; provided that the new or existing lot is adjacent to a designated arterial that
1421 has been improved to a standard acceptable to the department of local services;

1422 20.a. No tow-in lots for damaged, abandoned or otherwise impounded vehicles,
1423 and
1424 b. Tow-in lots for damaged, abandoned or otherwise impounded vehicles shall
1425 be:
1426 (1) permitted only on parcels located within Vashon Town Center;
1427 (2) accessory to a gas or automotive service use; and
1428 (3) limited to no more than ten vehicles.
1429 21. No dismantling or salvage of damaged, abandoned or otherwise impounded
1430 vehicles.
1431 22. Storage limited to accessory storage of commodities sold at retail on the
1432 premises or materials used in the fabrication of commodities sold on the premises.
1433 23. Limited to emergency medical evacuation sites in conjunction with police,
1434 fire or health service facility. Helistops are prohibited from the UR zone only if the
1435 property is located within a designated unincorporated Rural Town.
1436 24. Allowed as accessory to an allowed use.
1437 25. Limited to private road ambulance services with no outside storage of
1438 vehicles.
1439 26. Limited to two acres or less.
1440 27a. Utility yards only on sites with utility district offices; or
1441 b. Public agency yards are limited to material storage for road maintenance
1442 facilities.
1443 28. Limited to ~~((bulk))~~ local distribution gas storage tanks that pipe to individual
1444 residences but excluding liquefied natural gas storage tanks.

1445 29. Excluding ((~~bulk~~)) local distribution gas storage tanks.

1446 30. For I-zoned sites located outside the urban growth area designated by the
1447 King County Comprehensive Plan, uses shall be subject to the provisions for rural
1448 industrial uses in K.C.C. chapter 21A.12.

1449 31. Vactor waste treatment, storage and disposal shall be limited to liquid
1450 materials. Materials shall be disposed of directly into a sewer system, or shall be stored
1451 in tanks (or other covered structures), as well as enclosed buildings.

1452 32. Provided:

1453 a. Off-street required parking for a land use located in the urban area must be
1454 located in the urban area;

1455 b. Off-street required parking for a land use located in the rural area must be
1456 located in the rural area; and

1457 c.(1) Except as provided in subsection B.32.c.(2) of this section, off-street
1458 required parking must be located on a lot that would permit, either outright or through a
1459 land use permit approval process, the land use the off-street parking will serve.

1460 (2) For a social service agency allowed under K.C.C. 21A.08.050B.13.b. to
1461 be located on a site in the NB zone, off-street required parking may be located on a site
1462 within three hundred feet of the social service agency, regardless of zoning classification
1463 of the site on which the parking is located.

1464 33. Subject to review and approval of conditions to comply with trail corridor
1465 provisions of K.C.C. chapter 21A.14 when located in an RA zone.

1466 34. Limited to landscape and horticultural services (SIC 078) that are accessory
1467 to a retail nursery, garden center and farm supply store. Construction equipment for the

1468 accessory use shall not be stored on the premises.

1469 35. Allowed as a primary or accessory use to an allowed industrial-zoned land
1470 use.

1471 36. Repealed.

1472 37. Use shall be limited to the NB zone on parcels outside of the Urban Growth
1473 Area, Rural Towns and Rural Neighborhoods and the building floor area devoted to such
1474 use shall not exceed ten thousand square feet.

1475 38. If the farm product warehousing, refrigeration and storage, or log storage, is
1476 associated with agriculture activities it will be reviewed in accordance with K.C.C.
1477 21A.08.090.

1478 39. Excluding fossil fuel facilities.

1479 SECTION 45. Ordinance 10870, Section 335, as amended, and K.C.C.
1480 21A.08.080 are hereby amended to read as follows:

1481 A. Manufacturing land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC #	SPECIFIC LAND USE	A	F	M	RA	UR	R1 -8	R12 -48	NB	CB	RB	O	I (11)
20	Food and Kindred Products (28)								P2	P2	P2 C		P2 C
*	Winery/Brewery /Distillery Facility I				P32								
*	Winery/Brewery /Distillery Facility II	P3			P3 C30				P17	P17	P29		P31
	Winery/Brewery /Distillery Facility	C12			C12				C29	C29	C29		C31

	III												
*	Materials Processing Facility		P1 3 C	P1 4 C1 5	P16 C								P
22	Textile Mill Products												C
23	Apparel and other Textile Products										C		P
24	Wood Products, except furniture	P4 P1 8	P4 P1 8 C5		P4 P18 C5	P4					C6		P
25	Furniture and Fixtures		P1 9		P19						C		P
26	Paper and Allied Products												C
27	Printing and Publishing								P7	P7	P7C	P7 C	P
*	Marijuana Processor I	P2 0			P27					P21 C22	P21 C22		
*	Marijuana Processor II									P23 C24	P23 C24		P25 C26
28	Chemicals and Allied Products												C
2911	Petroleum Refining ((and Related Industries)) (33)												C
30	Rubber and Misc. Plastics Products												C
31	Leather and Leather Goods										C		P
32	Stone, Clay, Glass and Concrete Products									P6	P9		P

33	Primary Metal Industries												C
34	Fabricated Metal Products												P
35	Industrial and Commercial Machinery												P
351-55	Heavy Machinery and Equipment												C
357	Computer and Office Equipment									C	C		P
36	Electronic and other Electric Equipment									C			P
374	Railroad Equipment												C
376	Guided Missile and Space Vehicle Parts												C
379	Miscellaneous Transportation Vehicles												C
38	Measuring and Controlling Instruments									C	C		P
39	Miscellaneous Light Manufacturing									C			P
*	Motor Vehicle and Bicycle Manufacturing												C
*	Aircraft, Ship and Boat Building												P10 C
7534	Tire Retreading									C			P
781-82	Movie Production/Distribution									P			P

1482

B. Development conditions.

1483 1. Repealed.

1484 2. Except slaughterhouses.

1485 3.a. In the A zone, only allowed on sites where the primary use is SIC Industry

1486 Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small

1487 Animals;

1488 b. Only allowed on lots of at least two and one-half acres, except that this

1489 requirement shall not apply on Vashon-Maury Island to winery, brewery or distillery

1490 business locations in use and licensed to produce by the Washington state Liquor and

1491 Cannabis Board before January 1, 2019, and that in the RA zone, for sites that contain a

1492 building designated as historic resource under K.C.C. chapter 20.62, only allowed on lots

1493 of at least two acres;

1494 c. The aggregated floor area of structures and areas for winery, brewery,

1495 distillery facility uses shall not exceed three thousand five hundred square feet, unless

1496 located in whole or in part in a structure designated as historic resource under K.C.C.

1497 chapter 20.62, in which case the aggregated floor area of structures and areas devoted to

1498 winery, brewery, distillery facility uses shall not exceed seven thousand square feet in the

1499 RA zone and five thousand square feet in the A zone. Decks that are not occupied and

1500 not open to the public are excluded from the calculation for maximum aggregated floor

1501 area;

1502 d. Structures and parking areas for winery, brewery, distillery facility uses

1503 shall maintain a minimum distance of seventy-five feet from interior property lines

1504 adjoining rural area and residential zones, unless located in a building designated as

1505 historic resource under K.C.C. chapter 20.62, except that on Vashon-Maury Island this

setback requirement shall not apply to structures and parking areas in use on December 4, 2019, by existing winery, brewery or distillery business locations licensed to produce by the Washington state Liquor and Cannabis Board before January 1, 2019;

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

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

g. In the A zone, structures and area for non-agricultural winery, brewery, distillery facility uses shall be located on portions of agricultural lands that are unsuitable for 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. No more than one acre of agricultural land may be converted to a nonagricultural accessory use;

h. Tasting and retail sales of products produced on-site may occur only as accessory to the primary winery, brewery, distillery production use and may be provided in accordance with state law. The area devoted to on-site tasting or retail sales shall be limited to no more than thirty percent of the aggregated floor area and shall be included in the aggregated floor area limitation in subsection B.3.c. of this section. The limitation on tasting and retail sales of products produced on-site shall not apply on Vashon-Maury

1529 Island to winery, brewery, or distillery business locations in use and licensed to produce
1530 by the Washington state Liquor and Cannabis Board before January 1, 2019, or on sites
1531 in the RA zone that contain a building designated as historic resource under K.C.C.
1532 chapter 20.62. Incidental retail sales of merchandise related to the products produced on-
1533 site is allowed subject to the restrictions described in this subsection B.3. Hours of
1534 operation for on-site tasting of products shall be limited as follows: Mondays, Tuesdays,
1535 Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through
1536 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to
1537 11:00 a.m. through 9:00 p.m.;

1538 i. Access to the site shall be directly to and from an arterial roadway, except
1539 that this requirement shall not apply on Vashon-Maury Island to winery, brewery,
1540 distillery facility business locations in use and licensed to produce by the Washington
1541 state Liquor and Cannabis Board before January 1, 2019;

1542 j. Off-street parking is limited to a maximum of one hundred fifty percent of
1543 the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

1544 k. The business operator shall obtain an adult beverage business license in
1545 accordance with K.C.C. chapter 6.74;

1546 l. Events may be allowed with an approved temporary use permit under K.C.C.
1547 chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.; and

1548 m. The impervious surface associated with the winery, brewery, distillery
1549 facility use shall not exceed twenty-five percent of the site, or the maximum impervious
1550 surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,
1551 whichever is less.

1552 4. Limited to rough milling and planing of products grown on-site with portable
1553 equipment.

1554 5. Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No.
1555 2431-Millwork. For RA zoned sites, if using lumber or timber grown off-site, the
1556 minimum site area is four and one-half acres.

1557 6. Limited to uses found in SIC Industry No. 2434-Wood Kitchen Cabinets and
1558 No. 2431-Millwork, (excluding planing mills).

1559 7. Limited to photocopying and printing services offered to the general public.

1560 8. Only within enclosed buildings, and as an accessory use to retail sales.

1561 9. Only within enclosed buildings.

1562 10. Limited to boat building of craft not exceeding forty-eight feet in length.

1563 11. For I-zoned sites located outside the urban growth area designated by the
1564 King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.
1565 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for
1566 rural industrial uses as set forth in K.C.C. chapter 21A.12.

1567 12.a. In the A zone, only allowed on sites where the primary use is SIC Industry
1568 Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and Small
1569 Animals;

1570 b. The aggregated floor area of structures and areas for winery, brewery,
1571 distillery facility uses shall not exceed a total of eight thousand square feet. Decks that
1572 are not occupied and not open to the public are excluded from the calculation for
1573 maximum aggregated floor area;

1574 c. Only allowed on lots of at least four and one-half acres. If the aggregated
1575 floor area of structures for winery, brewery, distillery uses exceeds six thousand square
1576 feet, the minimum site area shall be ten acres;

1577 d. Wineries, breweries and distilleries shall comply with Washington state
1578 Department of Ecology and King County board of health regulations for water usage and
1579 wastewater disposal, and must connect to an existing Group A water system. The
1580 definitions and limits of Group A water systems are described in K.C.C. 13.24.007, and
1581 provision of water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142;

1582 e. Structures and parking areas for winery, brewery distillery facility uses shall
1583 maintain a minimum distance of seventy-five feet from interior property lines adjoining
1584 rural area and residential zones, unless located in a building designated as historic
1585 resource under K.C.C. chapter 20.62;

1586 f. In the A Zone, sixty percent or more of the products processed must be
1587 grown on-site. At the time of the initial application under K.C.C. chapter 6.74, the
1588 applicant shall submit a projection of the source of products to be processed;

1589 g. At least two stages of production of wine, beer, cider or distilled spirits,
1590 such as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized
1591 by the Washington state Liquor and Cannabis Board production license, shall occur on-
1592 site. At least one of the stages of on-site production shall include crushing, fermenting or
1593 distilling;

1594 h. In the A zone, structures and areas for non-agricultural winery, brewery,
1595 distillery facility uses shall be located on portions of agricultural lands that are unsuitable
1596 for agricultural purposes, such as areas within the already developed portion of such

1597 agricultural lands that are not available for direct agricultural production, or areas without
1598 prime agricultural soils. No more than one acre of agricultural land may be converted to
1599 a nonagricultural accessory use;

1600 i. Tasting and retail sales of products produced on-site may occur only as
1601 accessory to the primary winery, brewery, distillery production use and may be provided
1602 in accordance with state law. The area devoted to on-site tasting or retail sales shall be
1603 limited to no more than thirty percent of the aggregated floor area and shall be included
1604 in the aggregated floor area limitation in subsection B.12.b. and c. of this section.

1605 Incidental retail sales of merchandise related to the products produced on-site is allowed
1606 subject to the restrictions described in this subsection. Hours of operation for on-site
1607 tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays and
1608 Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and
1609 Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m.
1610 through 9:00 p.m.;

1611 j. Access to the site shall be directly to and from an arterial roadway;

1612 k. Off-street parking maximums shall be determined through the conditional
1613 use permit process, and should not be more than one hundred fifty percent of the
1614 minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

1615 l. The business operator shall obtain an adult beverage business license in
1616 accordance with K.C.C. chapter 6.74;

1617 m. Events may be allowed with an approved temporary use permit under
1618 K.C.C. chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.;
1619 and

1620 n. The impervious surface associated with the winery, brewery, distillery
1621 facility use shall not exceed twenty-five percent of the site, or the maximum impervious
1622 surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,
1623 whichever is less.

1624 13. Only on the same lot or same group of lots under common ownership or
1625 documented legal control, which includes, but is not limited to, fee simple ownership, a
1626 long-term lease or an easement:

1627 a. as accessory to a primary forestry use and at a scale appropriate to process
1628 the organic waste generated on the site; or

1629 b. as a continuation of a sawmill or lumber manufacturing use only for that
1630 period to complete delivery of products or projects under contract at the end of the
1631 sawmill or lumber manufacturing activity.

1632 14. Only on the same lot or same group of lots under common ownership or
1633 documented legal control, which includes, but is not limited to, fee simple ownership, a
1634 long-term lease or an easement:

1635 a. as accessory to a primary mineral use; or

1636 b. as a continuation of a mineral processing use only for that period to
1637 complete delivery of products or projects under contract at the end of mineral extraction.

1638 15. Continuation of a materials processing facility after reclamation in
1639 accordance with an approved reclamation plan.

1640 16. Only a site that is ten acres or greater and that does not use local access
1641 streets that abut lots developed for residential use.

1642 17.a. The aggregated floor area of structures and areas for winery, brewery,
1643 distillery facility uses shall not exceed three thousand five hundred square feet, unless
1644 located in whole or in part in a structure designated as historic resource under K.C.C.
1645 chapter 20.62, in which case the aggregated floor area of structures and areas devoted to
1646 winery, brewery, distillery facility uses shall not exceed five thousand square feet. Decks
1647 that are not occupied and not open to the public are excluded from the calculation for
1648 maximum aggregated floor area;

1649 b. Structures and parking areas for winery, brewery, distillery facility uses
1650 shall maintain a minimum distance of seventy-five feet from interior property lines
1651 adjoining rural area and residential zones, unless located in a building designated as
1652 historic resource under K.C.C. chapter 20.62;

1653 c. Tasting and retail sale of products produced on-site, and merchandise related
1654 to the products produced on-site, may be provided in accordance with state law. The area
1655 devoted to on-site tasting or retail sales shall be included in the aggregated floor area
1656 limitation in subsection B.17.a. of this section;

1657 d. Off-street parking for the tasting and retail areas shall be limited to a
1658 maximum of one space per fifty square feet of tasting and retail areas;

1659 e. The business operator shall obtain an adult beverage business license in
1660 accordance with K.C.C. chapter 6.74; and

1661 f. Events may be allowed with an approved temporary use permit under K.C.C.
1662 chapter 21A.32.

1663 18. Limited to:

1664 a. SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-

1665 Millwork, as follows:

1666 (1) If using lumber or timber grown off-site, the minimum site area is four
1667 and one-half acres;

1668 (2) The facility shall be limited to an annual production of no more than one
1669 hundred fifty thousand board feet;

1670 (3) Structures housing equipment used in the operation shall be located at
1671 least one-hundred feet from adjacent properties with residential or rural area zoning;

1672 (4) Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to
1673 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

1674 (5) In the RA zone, the facility's driveway shall have adequate entering sight
1675 distance required by the 2007 King County Road Design and Construction Standards. An
1676 adequate turn around shall be provided on-site to prevent vehicles from backing out on to
1677 the roadway that the driveway accesses; and

1678 (6) Outside lighting is limited to avoid off-site glare; and

1679 b. SIC Industry No. 2411-Logging.

1680 19. Limited to manufacture of custom made wood furniture or cabinets.

1681 20.a. Only allowed on lots of at least four and one-half acres;

1682 b. Only as an accessory use to a Washington state Liquor Control Board
1683 licensed marijuana production facility on the same lot;

1684 c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

1685 d. Only with documentation that the operator has applied for a Puget Sound
1686 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1687 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

1688 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1689 are imported onto the site; and

1690 e. Accessory marijuana processing uses allowed under this section are subject
1691 to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.

1692 21.a. Only in the CB and RB zones located outside the urban growth area;

1693 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

1694 c. Only with documentation that the operator has applied for a Puget Sound
1695 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1696 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1697 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1698 are imported onto the site;

1699 d. Per lot, the aggregated total gross floor area devoted to the use of, and in
1700 support of, processing marijuana together with any separately authorized production of
1701 marijuana shall be limited to a maximum of two thousand square feet; and

1702 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
1703 every marijuana-related entity occupying space in addition to the two-thousand-square-
1704 foot threshold area on that lot shall obtain a conditional use permit as set forth in
1705 subsection B.22. of this section.

1706 22.a. Only in the CB and RB zones located outside the urban growth area;

1707 b. Per lot, the aggregated total gross floor area devoted to the use of, and in
1708 support of, processing marijuana together with any separately authorized production of
1709 marijuana shall be limited to a maximum of thirty thousand square feet;

1710 c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.; and

1711 d. Only with documentation that the operator has applied for a Puget Sound
1712 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1713 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1714 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1715 are imported onto the site.

1716 23.a. Only in the CB and RB zones located inside the urban growth area;

1717 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

1718 c. Only with documentation that the operator has applied for a Puget Sound
1719 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1720 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1721 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1722 are imported onto the site;

1723 d. Per lot, the aggregated total gross floor area devoted to the use of, and in
1724 support of, processing marijuana together with any separately authorized production of
1725 marijuana shall be limited to a maximum of two thousand square feet; and

1726 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
1727 every marijuana-related entity occupying space in addition to the two-thousand-square-
1728 foot threshold area on that lot shall obtain a conditional use permit as set forth in
1729 subsection B.24. of this section.

1730 24.a. Only in the CB and RB zones located inside the urban growth area;

1731 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

1732 c. Only with documentation that the operator has applied for a Puget Sound
1733 Clean Air Agency Notice of Construction Permit. All department permits issued to either

1734 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1735 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1736 are imported onto the site; and

1737 d. Per lot, the aggregated total gross floor area devoted to the use of, and in
1738 support of, processing marijuana together with any separately authorized production of
1739 marijuana shall be limited to a maximum of thirty thousand square feet.

1740 25.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

1741 b. Only with documentation that the operator has applied for a Puget Sound
1742 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1743 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1744 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1745 are imported onto the site; and

1746 c. Per lot, limited to a maximum aggregate total of two thousand square feet of
1747 gross floor area devoted to, and in support of, the processing of marijuana together with
1748 any separately authorized production of marijuana.

1749 26.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

1750 b. Only with documentation that the operator has applied for a Puget Sound
1751 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1752 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1753 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1754 are imported onto the site; and

1755 c. Per lot, limited to a maximum aggregate total of thirty thousand square feet of
1756 gross floor area devoted to, and in support of, the processing of marijuana together with

1757 any separately authorized production of marijuana.

1758 27.a. Marijuana processors in all RA zoned areas except for Vashon-Maury
1759 Island, that do not require a conditional use permit issued by King County, that receive a
1760 Washington state Liquor and Cannabis Board license business prior to October 1, 2016,
1761 and that King County did not object to within the Washington state Liquor and Cannabis
1762 Board marijuana license application process, shall be considered nonconforming as to
1763 subsection B.27.e. of this section, subject to the provisions of K.C.C. 21A.32.020 through
1764 21A.32.075 for nonconforming uses;

1765 b. Only with a lighting plan that complies with K.C.C. 21A.12.220.G.;

1766 c. Only with documentation that the operator has applied for a Puget Sound
1767 Clean Air Agency Notice of Construction Permit. All department permits issued to either
1768 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
1769 Clean Air Agency Notice of Construction Permit be approved before marijuana products
1770 are imported onto the site;

1771 d. Only allowed on lots of at least four and on-half acres on Vashon-Maury
1772 Island;

1773 e. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
1774 except on Vashon-Maury Island;

1775 f. Only as an accessory use to a Washington state Liquor Cannabis Board
1776 licensed marijuana production facility on the same lot; and

1777 g. Accessory marijuana processing uses allowed under this section are subject to
1778 all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.

1779 28. If the food and kindred products manufacturing or processing is associated

1780 with agricultural activities it will be reviewed in accordance with K.C.C. 21A.08.090.

1781 29.a. Tasting and retail sales of products produced on-site, and merchandise
1782 related to the products produced on-site, may be provided in accordance with state law;

1783 b. Structures and parking areas for winery, brewery, distillery facility uses
1784 shall maintain a minimum distance of seventy-five feet from interior property lines
1785 adjoining rural area and residential zones, unless located in a building designated as
1786 historic resource under K.C.C. chapter 20.62;

1787 c. For winery, brewery, distillery facility uses that do not require a conditional
1788 use permit, off-street parking for the tasting and retail areas shall be limited to a
1789 maximum of one space per fifty square feet of tasting and retail areas. For winery,
1790 brewery, distillery facility uses that do require a conditional use permit, off-street parking
1791 maximums shall be determined through the conditional use permit process, and off-street
1792 parking for the tasting and retail areas should be limited to a maximum of one space per
1793 fifty square feet of tasting and retail areas;

1794 d. The business operator shall obtain an adult beverage business license in
1795 accordance with K.C.C. chapter 6.74; and

1796 e. Events may be allowed with an approved temporary use permit under
1797 K.C.C. chapter 21A.32.

1798 30.a. Only allowed on lots of at least two and one-half acres;

1799 b. The aggregated floor area of structures and areas for winery, brewery,
1800 distillery facility uses shall not exceed three thousand five hundred square feet, unless
1801 located in whole or in part in a structure designated as historic resource under K.C.C.
1802 chapter 20.62, in which case the aggregated floor area of structures and areas devoted to

1803 winery, brewery, distillery facility uses shall not exceed five thousand square feet. Decks
1804 that are not occupied and not open to the public are excluded from the calculation for
1805 maximum aggregated floor area;

1806 c. Structures and parking areas for winery, brewery, distillery facility uses
1807 shall maintain a minimum distance of seventy-five feet from interior property lines
1808 adjoining rural area and residential zones, unless located in a building designated as
1809 historic resource under K.C.C. chapter 20.62;

1810 d. Tasting and retail sales of products produced on-site may only occur as
1811 accessory to the primary winery, brewery, distillery production use and may be provided
1812 in accordance with state law. The area devoted to on-site tasting or retail sales shall be
1813 limited to no more than thirty percent of the aggregated floor area and shall be included
1814 in the aggregated floor area limitation in subsection B.30.b. of this section. Incidental
1815 retail sales of merchandise related to the products produced on-site is allowed subject to
1816 the restrictions described in this subsection. Hours of operation for on-site tasting of
1817 products shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays,
1818 tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays,
1819 Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00
1820 p.m.;

1821 e. Access to the site shall be directly to and from a public roadway;

1822 f. Off-street parking is limited to a maximum of one hundred fifty percent of
1823 the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

1824 g. The business operator shall obtain an adult beverage business license in
1825 accordance with K.C.C. chapter 6.74;

1826 h. Events may be allowed with an approved temporary use permit under
1827 K.C.C. chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.;

1828 i. At least two stages of production of wine, beer, cider or distilled spirits, such
1829 as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the
1830 Washington state Liquor and Cannabis Board production license, shall occur on-site. At
1831 least one of the stages of production occurring on-site shall include crushing, fermenting
1832 or distilling; and

1833 j. The impervious surface associated with the winery, brewery, distillery
1834 facility use shall not exceed twenty-five percent of the site, or the maximum impervious
1835 surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,
1836 whichever is less.

1837 31.a. Limited to businesses with non-retail brewery and distillery production
1838 licenses from the Washington state Liquor and Cannabis board. Wineries and remote
1839 tasting rooms for wineries shall not be allowed;

1840 b. Tasting and retail sale of products produced on-site and merchandise related
1841 to the products produced on-site may be provided in accordance with state law. The area
1842 devoted to on-site tasting or retail sales shall not exceed one thousand five hundred
1843 square feet;

1844 c. Structures and parking areas for brewery and distillery facility uses shall
1845 maintain a minimum distance of seventy-five feet from interior property lines adjoining
1846 rural area and residential zones, unless located in a building designated as historic
1847 resource under K.C.C. chapter 20.62;

1848 d. For brewery and distillery facility uses that do not require a conditional use

1849 permit, off-street parking for the tasting and retail areas shall be limited to a maximum of
1850 one space per fifty square feet of tasting and retail areas. For brewery and distillery
1851 facility uses that do require a conditional use permit, off-street parking maximums shall
1852 be determined through the conditional use permit process, and off-street parking for the
1853 tasting and retail areas should be limited to a maximum of one space per fifty square feet
1854 of tasting and retail areas;

1855 e. The business operator shall obtain an adult beverage business license in
1856 accordance with K.C.C. chapter 6.74; and

1857 f. Events may be allowed with an approved temporary use permit under K.C.C.
1858 chapter 21A.32.

1859 32.a. The aggregated floor area of structures and areas for winery, brewery,
1860 distillery facility uses shall not exceed one thousand five hundred square feet;

1861 b. Structures and parking areas for winery, brewery, distillery facility uses
1862 shall maintain a minimum distance of seventy-five feet from interior property lines
1863 adjoining rural area and residential zones, unless located in a building designated as
1864 historic resource under K.C.C. chapter 20.62;

1865 c. One on-site parking stall shall be allowed for the winery, brewery, distillery
1866 facility I use;

1867 d. The business operator shall obtain an adult beverage business license in
1868 accordance with K.C.C. chapter 6.74;

1869 e. At least two stages of production of wine, beer, cider or distilled spirits, such
1870 as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the
1871 Washington state Liquor and Cannabis Board production license, shall occur on-site. At

1872 least one of the stages of production occurring on-site shall include crushing, fermenting
1873 or distilling;

1874 f. No product tasting or retail sales shall be allowed on-site;

1875 g. Events may be allowed in accordance with K.C.C. 21A.32.120.B.6; and

1876 h. The impervious surface associated with the winery, brewery, distillery
1877 facility use shall not exceed twenty-five percent of the site or the maximum impervious
1878 surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,
1879 whichever is less.

1880 33. Excluding fossil fuel facilities.

1881 SECTION 46. Ordinance 10870, Section 336, as amended, and K.C.C.

1882 21A.08.090 are hereby amended to read as follows:

1883 A. Resource land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1 -8	R12- 48	NB	CB	RB	O	I
12	Coal Mining												
13	Oil and Gas Extraction												
	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	P24 C	P2 4C		P24 C	P24 C							
*	Agricultural Support	P25	P2		P26	P26	P2		P27	P27			

	Services	C	5C		C	C	6C		C2 8	C28			
*	Marijuana producer	P15 C2 2			P16 C17					P18 C19	P18 C19		P20 C2 1
*	Agriculture Training Facility	C1 0											
*	Agriculture-related special needs camp	P12											
*	Agricultural Anaerobic Digester	P13											
	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,((42,)) 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 P23	P4	P5	P3	P3							P4

*	Farm Worker Housing	P14			P14								
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1884 B. Development conditions.

1885 1. May be further subject to K.C.C. chapter 21A.25.

1886 2. Only forest research conducted within an enclosed building.

1887 3. Farm residences in accordance with K.C.C. 21A.08.030.

1888 4. Excluding housing for agricultural workers.

1889 5. Limited to either maintenance or storage facilities, or both, in conjunction

1890 with mineral extraction or processing operation.

1891 6. Allowed in accordance with K.C.C. chapter 21A.30.

1892 7. Only in conjunction with a mineral extraction site plan approved in

1893 accordance with K.C.C. chapter 21A.22.

1894 8. Only on the same lot or same group of lots under common ownership or

1895 documented legal control, which includes, but is not limited to, fee simple ownership, a

1896 long-term lease or an easement:

1897 a. as accessory to a primary mineral extraction use;

1898 b. as a continuation of a mineral processing only for that period to complete

1899 delivery of products or projects under contract at the end of a mineral extraction; or

1900 c. for a public works project under a temporary grading permit issued in

1901 accordance with K.C.C. 16.82.152.

1902 9. Limited to mineral extraction and processing:

1903 a. on a lot or group of lots under common ownership or documented legal

1904 control, which includes but is not limited to, fee simple ownership, a long-term lease or

1905 an easement;

1906 b. that are located greater than one-quarter mile from an established residence;

1907 and

1908 c. that do not use local access streets that abut lots developed for residential

1909 use.

1910 10. Agriculture training facilities are allowed only as an accessory to existing

1911 agricultural uses and are subject to the following conditions:

1912 a. The impervious surface associated with the agriculture training facilities

1913 shall comprise not more than ten percent of the allowable impervious surface permitted

1914 under K.C.C. 21A.12.040;

1915 b. New or the expansion of existing structures, or other site improvements,

1916 shall not be located on class 1, 2 or 3 soils;

1917 c. The director may require reuse of surplus structures to the maximum extent

1918 practical;

1919 d. The director may require the clustering of new structures with existing

1920 structures;

1921 e. New structures or other site improvements shall be set back a minimum

1922 distance of seventy-five feet from property lines adjoining rural area and residential

1923 zones;

1924 f. Bulk and design of structures shall be compatible with the architectural style

1925 of the surrounding agricultural community;

1926 g. New sewers shall not be extended to the site;

1927 h. Traffic generated shall not impede the safe and efficient movement of

1928 agricultural vehicles, nor shall it require capacity improvements to rural roads;

1929 i. Agriculture training facilities may be used to provide educational services to

1930 the surrounding rural/agricultural community or for community events. Property owners
1931 may be required to obtain a temporary use permit for community events in accordance
1932 with K.C.C. chapter 21A.32;

1933 j. Use of lodging and food service facilities shall be limited only to activities
1934 conducted in conjunction with training and education programs or community events
1935 held on site;

1936 k. Incidental uses, such as office and storage, shall be limited to those that
1937 directly support education and training activities or farm operations; and

1938 l. The King County agriculture commission shall be notified of and have an
1939 opportunity to comment upon all proposed agriculture training facilities during the permit
1940 process in accordance with K.C.C. chapter 21A.40.

1941 11. Continuation of mineral processing and asphalt/concrete mixtures and block
1942 uses after reclamation in accordance with an approved reclamation plan.

1943 12.a. Activities at the camp shall be limited to agriculture and agriculture-
1944 oriented activities. In addition, activities that place minimal stress on the site's
1945 agricultural resources or activities that are compatible with agriculture are permitted.

1946 (1) passive recreation;

1947 (2) training of individuals who will work at the camp;

1948 (3) special events for families of the campers; and

1949 (4) agriculture education for youth.

1950 b. Outside the camp center, as provided for in subsection B.12.e. of this
1951 section, camp activities shall not preclude the use of the site for agriculture and
1952 agricultural related activities, such as the processing of local food to create value-added

1953 products and the refrigeration and storage of local agricultural products. The camp shall
1954 be managed to coexist with agriculture and agricultural activities both onsite and in the
1955 surrounding area.

1956 c. A farm plan shall be required for commercial agricultural production to
1957 ensure adherence to best management practices and soil conservation.

1958 d.(1) The minimum site area shall be five hundred acres. Unless the property
1959 owner has sold or transferred the development rights as provided in subsection B.12.c.(3)
1960 of this section, a minimum of five hundred acres of the site must be owned by a single
1961 individual, corporation, partnership or other legal entity and must remain under the
1962 ownership of a single individual, corporation, partnership or other legal entity for the
1963 duration of the operation of the camp.

1964 (2) Nothing in subsection B.12.d.(1) of this section prohibits the property
1965 owner from selling or transferring the development rights for a portion or all of the site to
1966 the King County farmland preservation program or, if the development rights are
1967 extinguished as part of the sale or transfer, to a nonprofit entity approved by the director;

1968 e. The impervious surface associated with the camp shall comprise not more
1969 than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;

1970 f. Structures for living quarters, dining facilities, medical facilities and other
1971 nonagricultural camp activities shall be located in a camp center. The camp center shall
1972 be no more than fifty acres and shall depicted on a site plan. New structures for
1973 nonagricultural camp activities shall be clustered with existing structures;

1974 g. To the extent practicable, existing structures shall be reused. The applicant
1975 shall demonstrate to the director that a new structure for nonagricultural camp activities

1976 cannot be practicably accommodated within an existing structure on the site, though
1977 cabins for campers shall be permitted only if they do not already exist on site;

1978 h. Camp facilities may be used to provide agricultural educational services to
1979 the surrounding rural and agricultural community or for community events. If required
1980 by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for
1981 community events;

1982 i. Lodging and food service facilities shall only be used for activities related to
1983 the camp or for agricultural education programs or community events held on site;

1984 j. Incidental uses, such as office and storage, shall be limited to those that
1985 directly support camp activities, farm operations or agricultural education programs;

1986 k. New nonagricultural camp structures and site improvements shall maintain a
1987 minimum set-back of seventy-five feet from property lines adjoining rural area and
1988 residential zones;

1989 l. Except for legal nonconforming structures existing as of January 1, 2007,
1990 camp facilities, such as a medical station, food service hall and activity rooms, shall be of
1991 a scale to serve overnight camp users;

1992 m. Landscaping equivalent to a type III landscaping screen, as provided for in
1993 K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures
1994 and site improvements located within two hundred feet of an adjacent rural area and
1995 residential zoned property not associated with the camp;

1996 n. New sewers shall not be extended to the site;

1997 o. The total number of persons staying overnight shall not exceed three
1998 hundred;

1999 p. The length of stay for any individual overnight camper, not including camp
2000 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;
2001 q. Traffic generated by camp activities shall not impede the safe and efficient
2002 movement of agricultural vehicles nor shall it require capacity improvements to rural
2003 roads;
2004 r. If the site is adjacent to an arterial roadway, access to the site shall be
2005 directly onto the arterial unless the county road engineer determines that direct access is
2006 unsafe;
2007 s. If direct access to the site is via local access streets, transportation
2008 management measures shall be used to minimize adverse traffic impacts;
2009 t. Camp recreational activities shall not involve the use of motor vehicles
2010 unless the motor vehicles are part of an agricultural activity or are being used for the
2011 transportation of campers, camp personnel or the families of campers. Camp personnel
2012 may use motor vehicles for the operation and maintenance of the facility. Client-specific
2013 motorized personal mobility devices are allowed; and
2014 u. Lights to illuminate the camp or its structures shall be arranged to reflect the
2015 light away from any adjacent property.

2016 13. Limited to digester receiving plant and animal and other organic waste from
2017 agricultural activities, and including electrical generation, as follows:

2018 a. the digester must be included as part of a Washington state Department of
2019 Agriculture approved dairy nutrient plan;

2020 b. the digester must process at least seventy percent livestock manure or other
2021 agricultural organic material from farms in the vicinity, by volume;

2022 c. imported organic waste-derived material, such as food processing waste,
2023 may be processed in the digester for the purpose of increasing methane gas production for
2024 beneficial use, but not shall exceed thirty percent of volume processed by the digester;
2025 and

2026 d. the use must be accessory to an operating dairy or livestock operation.

2027 14. Farm worker housing. Either:

2028 a. Temporary farm worker housing subject to the following conditions:

2029 (1) The housing must be licensed by the Washington state Department of
2030 Health under chapter 70.114A RCW and chapter 246-358 WAC;

2031 (2) Water supply and sewage disposal systems must be approved by the
2032 Seattle King County department of health;

2033 (3) To the maximum extent practical, the housing should be located on
2034 nonfarmable areas that are already disturbed and should not be located in the floodplain
2035 or in a critical area or critical area buffer; and

2036 (4) The property owner shall file with the department of executive services,
2037 records and licensing services division, a notice approved by the department identifying
2038 the housing as temporary farm worker housing and that the housing shall be occupied
2039 only by agricultural employees and their families while employed by the owner or
2040 operator or on a nearby farm. The notice shall run with the land; or

2041 b. Housing for agricultural employees who are employed by the owner or
2042 operator of the farm year-round as follows:

2043 (1) Not more than:

2044 (a) one agricultural employee dwelling unit on a site less than twenty acres;

2045 (b) two agricultural employee dwelling units on a site of at least twenty
2046 acres and less than fifty acres;

2047 (c) three agricultural employee dwelling units on a site of at least fifty acres
2048 and less than one-hundred acres; and

2049 (d) four agricultural employee dwelling units on a site of at least one-
2050 hundred acres, and one additional agricultural employee dwelling unit for each additional
2051 one hundred acres thereafter;

2052 (2) If the primary use of the site changes to a nonagricultural use, all
2053 agricultural employee dwelling units shall be removed;

2054 (3) The applicant shall file with the department of executive services, records
2055 and licensing services division, a notice approved by the department that identifies the
2056 agricultural employee dwelling units as accessory and that the dwelling units shall only
2057 be occupied by agricultural employees who are employed by the owner or operator year-
2058 round. The notice shall run with the land. The applicant shall submit to the department
2059 proof that the notice was filed with the department of executive services, records and
2060 licensing services division, before the department approves any permit for the
2061 construction of agricultural employee dwelling units;

2062 (4) An agricultural employee dwelling unit shall not exceed a floor area of
2063 one thousand square feet and may be occupied by no more than eight unrelated
2064 agricultural employees;

2065 (5) To the maximum extent practical, the housing should be located on
2066 nonfarmable areas that are already disturbed;

2067 (6) One off-street parking space shall be provided for each agricultural

2068 employee dwelling unit; and

2069 (7) The agricultural employee dwelling units shall be constructed in
2070 compliance with K.C.C. Title 16.

2071 15. Marijuana production by marijuana producers licensed by the Washington
2072 state Liquor and Cannabis Board is subject to the following standards:

2073 a. Only allowed on lots of at least four and one-half acres;

2074 b. With a lighting plan, only if required by and that complies with K.C.C.

2075 21A.12.220.G.;

2076 c. Only with documentation that the operator has applied for a Puget Sound
2077 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2078 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2079 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2080 are imported onto the site;

2081 d. Production is limited to outdoor, indoor within marijuana greenhouses, and
2082 within structures that are nondwelling unit structures that exist as of October 1, 2013,
2083 subject to the size limitations in subsection B.15.e. of this section;

2084 e. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
2085 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
2086 aggregated total of two thousand square feet and shall be located within a fenced area or
2087 marijuana greenhouse that is no more than ten percent larger than that combined area, or
2088 may occur in nondwelling unit structures that exist as of October 1, 2013;

2089 f. Outdoor production area fencing as required by the Washington state Liquor
2090 and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall

2091 maintain a minimum street setback of fifty feet and a minimum interior setback of thirty
2092 feet; and

2093 g. If the two-thousand-square-foot-per-lot threshold of plant canopy combined
2094 with area used for processing under K.C.C. 21A.08.080 is exceeded, each and every
2095 marijuana-related entity occupying space in addition to the two-thousand-square-foot
2096 threshold area on that lot shall obtain a conditional use permit as set forth in subsection
2097 B.22. of this section.

2098 16. Marijuana production by marijuana producers licensed by the Washington
2099 state Liquor and Cannabis Board is subject to the following standards:

2100 a. Marijuana producers in all RA zoned areas except for Vashon-Maury Island,
2101 that do not require a conditional use permit issued by King County, that receive a
2102 Washington state Liquor and Cannabis Board license business prior to October 1, 2016,
2103 and that King County did not object to within the Washington state Liquor and Cannabis
2104 Board marijuana license application process, shall be considered nonconforming as to
2105 subsection B.16.d. and h. of this section, subject to the provisions of K.C.C. 21A.32.020
2106 through 21A.32.075 for nonconforming uses;

2107 b. In all rural area zones, only with a lighting plan that complies with K.C.C.
2108 21A.12.220.G.;

2109 c. Only allowed on lots of at least four and one-half acres on Vashon-Maury
2110 Island;

2111 d. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
2112 except on Vashon-Maury Island;

2113 e. Only with documentation that the operator has applied for a Puget Sound

2114 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2115 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2116 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2117 are imported onto the site;

2118 f. Production is limited to outdoor, indoor within marijuana greenhouses, and
2119 within nondwelling unit structures that exist as of October 1, 2013, subject to the size
2120 limitations in subsection B.16.g. of this section; and

2121 g. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
2122 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
2123 aggregated total of two thousand square feet and shall be located within a fenced area or
2124 marijuana greenhouse, that is no more than ten percent larger than that combined area, or
2125 may occur in nondwelling unit structures that exist as of October 1, 2013;

2126 h. Outdoor production area fencing as required by the Washington state Liquor
2127 and Cannabis Board and marijuana greenhouses shall maintain a minimum street setback
2128 of fifty feet and a minimum interior setback of one hundred feet; and a minimum setback
2129 of one hundred fifty feet from any existing residence; and

2130 i. If the two-thousand-square-foot-per-lot threshold of plant canopy within
2131 fenced areas or marijuana greenhouses is exceeded, each and every marijuana-related
2132 entity occupying space in addition to the two-thousand-square-foot threshold area on that
2133 lot shall obtain a conditional use permit as set forth in subsection B.17. of this section.

2134 17. Marijuana production by marijuana producers licensed by the Washington
2135 state Liquor and Cannabis Board is subject to the following standards:

2136 a. Only allowed on lots of at least four and one-half acres on Vashon-Maury

2137 Island;

2138 b. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,

2139 except on Vashon-Maury Island;

2140 c. In all rural area zones, only with a lighting plan that complies with K.C.C.

2141 21A.12.220.G.;

2142 d. Only with documentation that the operator has applied for a Puget Sound

2143 Clean Air Agency Notice of Construction Permit. All department permits issued to either

2144 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

2145 Clean Air Agency Notice of Construction Permit be approved before marijuana products

2146 are imported onto the site;

2147 e. Production is limited to outdoor and indoor within marijuana greenhouses

2148 subject to the size limitations in subsection B.17.f. of this section;

2149 f. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with

2150 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum

2151 aggregated total of thirty thousand square feet and shall be located within a fenced area or

2152 marijuana greenhouse that is no more than ten percent larger than that combined area;

2153 and

2154 g. Outdoor production area fencing as required by the Washington state Liquor

2155 and Cannabis Board, and marijuana greenhouses shall maintain a minimum street setback

2156 of fifty feet and a minimum interior setback of one hundred feet, and a minimum setback

2157 of one hundred fifty feet from any existing residence.

2158 18.a. Production is limited to indoor only;

2159 b. With a lighting plan only as required by and that complies with K.C.C.

2160 21A.12.220.G.;

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

2166 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
2167 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
2168 aggregated total of two thousand square feet and shall be located within a building or
2169 tenant space that is no more than ten percent larger than the plant canopy and separately
2170 authorized processing area; and

2171 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
2172 every marijuana-related entity occupying space in addition to the two-thousand-square
2173 foot threshold area on that parcel shall obtain a conditional use permit as set forth in
2174 subsection B.19. of this section.

2175 19.a. Production is limited to indoor only;

2176 b. With a lighting plan only as required by and that complies with K.C.C.

2177 21A.12.220.G.;

2178 c. Only with documentation that the operator has applied for a Puget Sound
2179 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2180 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2181 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2182 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;

2206 b. With a lighting plan only as required by and that complies with K.C.C.
2207 21A.12.220.G.;

2208 c. Only with documentation that the operator has applied for a Puget Sound
2209 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2210 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2211 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2212 are imported onto the site; and

2213 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
2214 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
2215 aggregated total of thirty thousand square feet and shall be located within a building or
2216 tenant space that is no more than ten percent larger than the plant canopy and separately
2217 authorized processing area.

2218 22. Marijuana production by marijuana producers licensed by the Washington
2219 state Liquor and Cannabis Board is subject to the following standards:

2220 a. With a lighting plan only as required by and that complies with K.C.C.
2221 21A.12.220.G.;

2222 b. Only allowed on lots of at least four and one-half acres;

2223 c. Only with documentation that the operator has applied for a Puget Sound
2224 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2225 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2226 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2227 are imported onto the site;

2228 d. Production is limited to outdoor, indoor within marijuana greenhouses, and

2229 within structures that are nondwelling unit structures that exist as of October 1, 2013,
2230 subject to the size limitations in subsection B.22. e. and f. of this section;

2231 e. On lots less than ten acres, per lot, the plant canopy, as defined in WAC 314-
2232 55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be
2233 limited to a maximum aggregated total of five thousand square feet and shall be located
2234 within a fenced area or marijuana greenhouse that is no more than ten percent larger than
2235 that combined area, or may occur in nondwelling unit structures that exist as of October 1,
2236 2013;

2237 f. On lots ten acres or more, per lot, the plant canopy, as defined in WAC 314-
2238 55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be
2239 limited to a maximum aggregated total of ten thousand square feet, and shall be located
2240 within a fenced area or marijuana greenhouse that is no more than ten percent larger than
2241 that combined area, or may occur in nondwelling unit structures that exist as of October 1,
2242 2013; and

2243 g. Outdoor production area fencing as required by the Washington state Liquor
2244 and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall maintain
2245 a minimum street setback of fifty feet and a minimum interior setback of one hundred feet,
2246 and a minimum setback of one hundred fifty feet from any existing residence.

2247 23. The storage and processing of non-manufactured source separated organic
2248 waste that originates from agricultural operations and that does not originate from the site,
2249 if:

2250 a. agricultural is the primary use of the site;

2251 b. the storage and processing are in accordance with best management practices

2252 included in an approved farm plan; and

2253 c. except for areas used for manure storage, the areas used for storage and
2254 processing do not exceed three acres and ten percent of the site.

2255 24.a. For activities relating to the processing of crops or livestock for commercial
2256 purposes, including associated activities such as warehousing, storage, including
2257 refrigeration, and other similar activities and excluding winery, brewery, distillery facility I,
2258 II, III and remote tasting room:

2259 (1) limited to agricultural products and sixty percent or more of the products
2260 processed must be grown in the Puget Sound counties. At the time of initial application,
2261 the applicant shall submit a projection of the source of products to be produced;

2262 (2) in the RA and UR zones, only allowed on sites of at least four and one-
2263 half acres;

2264 (3) (a) as a permitted use, the floor area devoted to all processing shall not
2265 exceed two thousand square feet, unless located in a building designated as an historic
2266 resource under K.C.C. chapter 20.62. The agricultural technical review committee, as
2267 established in K.C.C. 21A.42.300, may review and approve an increase in the processing
2268 floor area as follows: up to three thousand five hundred square feet of floor area may be
2269 devoted to all processing in the RA zones or on farms less than thirty-five acres located in
2270 the A zones or up to seven thousand square feet on farms greater than thirty-five acres in
2271 the A zone; and

2272 (b) as a permitted use, the floor area devoted to all warehousing,
2273 refrigeration, storage or other similar activities shall not exceed two thousand square feet,
2274 unless located in a building designated as historic resource under K.C.C. chapter 20.62.

2275 The agricultural technical review committee, as established in K.C.C. 21A.42.300, may
2276 review and approve an increase of up to three thousand five hundred square feet of floor
2277 area devoted to all warehouseing, storage, including refrigeration, or other similar
2278 activities in the RA zones or on farms less than thirty-five acres located in the A zones or
2279 up to seven thousand square feet on farms greater than thirty-five acres in the A zone;

2280 (4) in the A zone, structures and areas used for processing, warehousing,
2281 refrigeration, storage and other similar activities shall be located on portions of
2282 agricultural lands that are unsuitable for other agricultural purposes, such as areas within
2283 the already developed portion of such agricultural lands that are not available for direct
2284 agricultural production, or areas without prime agricultural soils; and

2285 (5) structures and areas used for processing, warehousing, storage, including
2286 refrigeration, and other similar activities shall maintain a minimum distance of seventy-
2287 five feet from property lines adjoining rural area and residential zones, unless located in a
2288 building designated as historic resource under K.C.C. chapter 20.62.

2289 b. For activities relating to the retail sale of agricultural products, except
2290 livestock:

2291 (1) sales shall be limited to agricultural products and locally made arts and
2292 crafts;

2293 (2) in the RA and UR zones, only allowed on sites at least four and one-
2294 half acres;

2295 (3) as a permitted use, the covered sales area shall not exceed two thousand
2296 square feet, unless located in a building designated as a historic resource under K.C.C.
2297 chapter 20.62. The agricultural technical review committee, as established in K.C.C.

2298 21A.42.300, may review and approve an increase of up to three thousand five hundred
2299 square feet of covered sales area;

2300 (4) forty percent or more of the gross sales of agricultural product sold
2301 through the store must be sold by the producers of primary agricultural products;

2302 (5) sixty percent or more of the gross sales of agricultural products sold
2303 through the store shall be derived from products grown or produced in the Puget Sound
2304 counties. At the time of the initial application, the applicant shall submit a reasonable
2305 projection of the source of product sales;

2306 (6) tasting of products, in accordance with applicable health regulations, is
2307 allowed;

2308 (7) storage areas for agricultural products may be included in a farm store
2309 structure or in any accessory building; and

2310 (8) outside lighting is permitted if there is no off-site glare.

2311 c. Retail sales of livestock is permitted only as accessory to raising
2312 livestock.

2313 d. Farm operations, including quipment repair and related facilities, except
2314 that:

2315 (1) the repair of tools and machinery is limited to those necessary for the
2316 operation of a farm or forest;

2317 (2) in the RA and UR zones, only allowed on sites of at least four and one-
2318 half acres;

2319 (3) the size of the total repair use is limited to one percent of the farm size
2320 in the A zone, and up to one percent of the size in other zones, up to a maximum of five

2321 thousand square feet unless located within an existing farm structure, including but not
2322 limited to barns, existing as of December 31, 2003; and

2323 (4) Equipment repair shall not be permitted in the Forest zone.

2324 e. The agricultural technical review committee, as established in K.C.C.

2325 21A.42.300, may review and approve reductions of minimum site sizes in the rural and
2326 residential zones and minimum setbacks from rural and residential zones.

2327 25. The department may review and approve establishment of agricultural
2328 support services in accordance with the code compliance review process in K.C.C.

2329 21A.42.300 only if:

2330 a. project is sited on lands that are unsuitable for direct agricultural production
2331 based on size, soil conditions or other factors and cannot be returned to productivity by
2332 drainage maintenance; and

2333 b. the proposed use is allowed under any Farmland Preservation Program
2334 conservation easement and zoning development standards.

2335 26. The agricultural technical review committee, as established in K.C.C.
2336 21A.42.300, may review and approve establishment of agricultural support services only
2337 if the project site:

2338 a. adjoins or is within six hundred sixty feet of the agricultural production
2339 district;

2340 b. has direct vehicular access to the agricultural production district;

2341 c. except for farmworker housing, does not use local access streets that abut
2342 lots developed for residential use; and

2343 d. has a minimum lot size of four and one-half acres.

2344 27. The agricultural technical review committee, as established in K.C.C.

2345 21A.42.300, may review and approve establishment of agricultural support services only

2346 if the project site:

2347 a. is outside the urban growth area,

2348 b. adjoins or is within six hundred sixty feet of the agricultural production

2349 district,

2350 c. has direct vehicular access to the agricultural production district,

2351 d. except for farmworker housing, does not use local access streets that abut

2352 lots developed for residential use; and

2353 e. has a minimum lot size of four and one-half acres.

2354 28. Only allowed on properties that are outside the urban growth area.

2355 SECTION 47. Ordinance 10870, Section 337, as amended, and K.C.C.

2356 21A.08.100 are hereby amended to read as follows:

2357 A. Regional land uses.

P-Permitted Use C-Conditional Use S-Special Use		RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1- 8	R12 -48	NB	CB	RB	O	I (15)
*	Jail						S	S	S	S	S	S	S
*	Jail Farm/Camp	S	S		S	S							
*	Work Release Facility				S19	S19	S	S	S	S	S	S	
*	Public Agency Animal Control Facility		S		S	S					S		P
*	Public Agency		S		S3					S3	S3	S3	C4

	Training Facility												
*	Hydroelectric Generation Facility		C14 S		C14 S	C14 S	C14 S						
*	Non-hydroelectric Generation Facility	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	C12 S	P12 S
<u>*</u>	<u>Renewable Energy Generation Facility</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>*</u>	<u>Fossil Fuel Facility</u>												<u>S27</u>
*	Communication Facility (17)	C6c S	P		C6c S	C6c S	C6c S	C6c S	C6c S	P	P	P	P
*	Earth Station	P6b C	P		C6a S	C6a S	C6a S	C6a S	P6b C	P	P	P	P
((13	Oil and Gas Extraction	S	€	P	S	S	S	S	S	S	S	S	€))
*	Energy Resource Recovery Facility		S	S	S	S	S	S	S	S	S	S	S
*	Soil Recycling Facility		S	S	S								C
*	Landfill		S	S	S	S	S	S	S	S	S	S	S
*	Transfer Station			S	S	S	S	S	S	S	S		P
*	Wastewater Treatment Facility				S	S	S	S	S	S	S	S	C
*	Municipal Water Production	S	P13 S	S	S	S	S	S	S	S	S	S	S
*	Airport/Heliport	S7	S7		S	S	S	S	S	S	S	S	S
*	Regional Transit Authority Facility					P25							
*	Rural Public Infrastructure Maintenance 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								

2358 B. Development conditions.

2359 1. Except technical institutions. See vocational schools on general services land
2360 use table, K.C.C. 21A.08.050.

2361 2. Except arboretum. See K.C.C. 21A.08.040, recreation/cultural land use table.

2362 3. Except weapons armories and outdoor shooting ranges.

2363 4. Except outdoor shooting range.

2364 5. Only in conjunction with an existing or proposed school.

2365 6.a. Limited to no more than three satellite dish antennae.

2366 b. Limited to one satellite dish antenna.

2367 c. Limited to tower consolidations.

2368 7. Limited to landing field for aircraft involved in forestry or agricultural
2369 practices or for emergency landing sites.

2370 8. Except racing of motorized vehicles.

- 2371 9. Limited to wildlife exhibit.
- 2372 10. Only as a reuse of a public school facility subject to K.C.C. chapter 21A.32.
- 2373 11. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter
- 2374 21A.32.
- 2375 12. Limited to ~~((cogeneration facilities for on-site use only))~~ gas extraction as an
- 2376 accessory use to a waste management process, such as wastewater treatment, landfill
- 2377 waste management, livestock manure and composting processes.
- 2378 13. Excluding impoundment of water using a dam.
- 2379 14. Limited to facilities that comply with the following:
- 2380 a. Any new diversion structure shall not:
- 2381 (1) exceed a height of eight feet as measured from the streambed; or
- 2382 (2) impound more than three surface acres of water at the normal maximum
- 2383 surface level;
- 2384 b. There shall be no active storage;
- 2385 c. The maximum water surface area at any existing dam or diversion shall not
- 2386 be increased;
- 2387 d. An exceedance flow of no greater than fifty percent in mainstream reach
- 2388 shall be maintained;
- 2389 e. Any transmission line shall be limited to a:
- 2390 (1) right-of-way of five miles or less; and
- 2391 (2) capacity of two hundred thirty KV or less;
- 2392 f. Any new, permanent access road shall be limited to five miles or less; and
- 2393 g. The facility shall only be located above any portion of the stream used by

2394 anadromous fish.

2395 15. For I-zoned sites located outside the urban growth area designated by the
2396 King County Comprehensive Plan, uses shown as a conditional or special use in K.C.C.
2397 21A.08.100.A, except for waste water treatment facilities and racetracks, shall be
2398 prohibited. All other uses, including waste water treatment facilities, shall be subject to
2399 the provisions for rural industrial uses in K.C.C. chapter 21A.12.

2400 16. The operator of such a facility shall provide verification to the department of
2401 natural resources and parks or its successor organization that the facility meets or exceeds
2402 the standards of the Animal and Plant Health Inspection Service of the United States
2403 Department of Agriculture and the accreditation guidelines of the American Zoo and
2404 Aquarium Association.

2405 17. The following provisions of the table apply only to major communication
2406 facilities. Minor communication facilities shall be reviewed in accordance with the
2407 processes and standard outlined in K.C.C. chapter 21A.27.

2408 18. Only for facilities related to resource-based research.

2409 19. Limited to work release facilities associated with natural resource-based
2410 activities.

2411 20. Limited to projects which do not require or result in an expansion of sewer
2412 service outside the urban growth area, unless a finding is made that no cost-effective
2413 alternative technologies are feasible, in which case a tightline sewer sized only to meet
2414 the needs of the school bus base and serving only the school bus base may be used.
2415 Renovation, expansion, modernization or reconstruction of a school bus base is permitted
2416 but shall not require or result in an expansion of sewer service outside the urban growth

2417 area, unless a finding is made that no cost-effective alternative technologies are feasible,
2418 in which case a tightline sewer sized only to meet the needs of the school bus base.

2419 21. Only in conformance with the King County Site Development Plan Report,
2420 through modifications to the plan of up to ten percent are allowed for the following:

- 2421 a. building square footage;
- 2422 b. landscaping;
- 2423 c. parking;
- 2424 d. building height; or
- 2425 e. impervious surface.

2426 22. A special use permit shall be required for any modification or expansion of
2427 the King County fairgrounds facility that is not in conformance with the King County
2428 Site Development Plan Report or that exceeds the allowed modifications to the plan
2429 identified in subsection B.21. of this section.

2430 23. The facility shall be primarily devoted to rural public infrastructure
2431 maintenance and is subject to the following conditions:

- 2432 a. The minimum site area shall be ten acres, unless:
 - 2433 (1) the facility is a reuse of a public agency yard; or
 - 2434 (2) the site is separated from a county park by a street or utility right-of-way;
- 2435 b. Type 1 landscaping as provided in K.C.C. chapter 21A.16 shall be provided
2436 between any stockpiling or grinding operations and adjacent residential zoned property;
- 2437 c. Type 2 landscaping as provided in K.C.C. chapter 21A.16 shall be provided
2438 between any office and parking lots and adjacent residential zoned property;
- 2439 d. Access to the site does not use local access streets that abut residential zoned

2440 property, unless the facility is a reuse of a public agency yard;

2441 e. Structural setbacks from property lines shall be as follows:

2442 (1) Buildings, structures and stockpiles used in the processing of materials
2443 shall be no closer than:

2444 (a) one hundred feet from any residential zoned properties, except that the
2445 setback may be reduced to fifty feet when the grade where the building or structures are
2446 proposed is fifty feet or greater below the grade of the residential zoned property;

2447 (b) fifty feet from any other zoned property, except when adjacent to a
2448 mineral extraction or materials processing site;

2449 (c) the greater of fifty feet from the edge of any public street or the setback
2450 from residential zoned property on the far side of the street; and

2451 (2) Offices, scale facilities, equipment storage buildings and stockpiles shall
2452 not be closer than fifty feet from any property line except when adjacent to M or F zoned
2453 property or when a reuse of an existing building. Facilities necessary to control access to
2454 the site, when demonstrated to have no practical alternative, may be located closer to the
2455 property line;

2456 f. On-site clearing, grading or excavation, excluding that necessary for
2457 required access, roadway or storm drainage facility construction, shall not be permitted
2458 within fifty feet of any property line except along any portion of the perimeter adjacent to
2459 M or F zoned property. If native vegetation is restored, temporary disturbance resulting
2460 from construction of noise attenuation features located closer than fifty feet shall be
2461 permitted; and

2462 g. Sand and gravel extraction shall be limited to forty thousand yards per year.

2463 24. The following accessory uses to a motor race track operation are allowed if
2464 approved as part of the special use permit:

- 2465 a. motocross;
- 2466 b. autocross;
- 2467 c. skidpad;
- 2468 d. garage;
- 2469 e. driving school; and
- 2470 f. fire station.

2471 25. Regional transit authority facilities shall be exempt from setback and height
2472 requirements.

2473 26. Transit comfort facility shall:

- 2474 a. only be located outside of the urban growth area boundary;
- 2475 b. be exempt from street setback requirements; and
- 2476 c. be no more than 200 square feet in size.

2477 27.a. Required for all new, modified or expanded fossil fuel facilities.

2478 Modification or expansion includes, but is not limited to:

- 2479 (1) new uses or fuel types within existing facilities;
- 2480 (2) changes to the type of refining, manufacturing or processing;
- 2481 (3) changes in the methods or volumes of storage or transport of raw
2482 materials or processed products;
- 2483 (4) changes in the location of the facilities on-site;
- 2484 (5) replacement of existing facilities;
- 2485 (6) increases in power or water demands; or

2486 (7) increases in production capacity; and

2487 b. Facilities shall:

2488 (1) not be located within one thousand feet from any schools, medical care

2489 facilities, or places of assembly that have occupancies of greater than one thousand

2490 persons;

2491 (2) not be located within two hundred fifty feet from a regulated wetland or

2492 aquatic area, except when a larger buffer is required under K.C.C. chapter 21A.24, the

2493 buffer in K.C.C. chapter 21A.24 shall apply;

2494 (3) maintain an interior setback of at least two hundred feet;

2495 (4) store fossil fuels completely within enclosed structures, tanks or similar

2496 facilities; and

2497 (5) be accessed directly to and from an arterial roadway.

2498 SECTION 48. Ordinance 10870, Section 340, as amended, and K.C.C.

2499 21A.12.030 are hereby amended to read as follows:

2500 A. Densities and dimensions - residential and rural zones.

RURAL					RESIDENTIAL								
STANDARDS	RA-2.5	RA-5	RA-10	RA-20	UR	R-1 (17)	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density:	0.2	0.2	0.1	0.05	0.2	1 du/ ac	4 du/ ac	6	8	12	18	24	48
Dwelling Unit/Acre (15) (28)	du/ac	du/ac	du/ac	du/ac	du/ac (21)		(6)	du/ac	du/ac	du/ac	du/ac	du/ac	du/ac
Maximum Density: Dwelling Unit/Acre (1)	0.4 du/ac (20)						6 du/ ac (22) 8 du/ ac (27)	9 du/ac 12 du/ac (27)	12 du/ac 16 du/ac (27)	18 du/ac 24 du/ac (27)	27 du/ac 36 du/ac (27)	36 du/ac 48 du/ac (27)	72 du/ac 96 du/ac (27)

Minimum Density: (2)							85% (12) (18) (23)	85% (12) (18)	85% (12) (18)	80% (18)	75% (18)	70% (18)	65% (18)
Minimum Lot Area (13)	1.875 ac	3.75 ac	7.5 ac	15 ac									
Minimum Lot Width (3)	135 ft	135 ft	135 ft	135 ft	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30ft	30 ft	30 ft
Minimum Street Setback (3)	30 ft (9)	30 ft (9)	30ft (9)	30 ft (9)	30 ft (7)	20 ft (7) (29)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10ft (8)	10 ft (8)
Minimum Interior Setback (3) (16)	5 ft (9)	10ft (9)	10 ft (9)	10 ft (9)	5 ft (7)	5 ft (7) (29)	5 ft	5 ft	5 ft	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10)
Base Height (4)	40 ft	40 ft	40 ft	40 ft	35 ft	35 ft (29)	35 ft (25)	35 ft 45 ft (14) (25)	35 ft 45 ft (14) (25)	60 ft	60 ft 80 ft (14)	60 ft 80 ft (14)	60 ft 80 ft (14)
Maximum Impervious Surface: Percentage (5)	25% (11) (19) (26)	20% (11) (19) (26)	15% (11) (19) (24) (26)	12.5% (11) (19) (26)	30% (11) (26)	30% (11) (26)	55% (26)	70% (26)	75% (26)	85% (26)	85% (26)	85% (26)	90% (26)

B. Development conditions.

1. This maximum density may be achieved only through the application of

residential density incentives in accordance with K.C.C. chapter 21A.34 or transfers of

development rights in accordance with K.C.C. chapter 21A.37, or any combination of

density incentive or density transfer.

2. Also see K.C.C. 21A.12.060.

3. These standards may be modified under the provisions for zero-lot-line and

townhouse developments.

4.a. Height limits may be increased if portions of the structure that exceed the

base height limit provide one additional foot of street and interior setback for each foot above the base height limit, but the maximum height may not exceed seventy-five feet.

b. Netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges are exempt from the additional interior setback requirements but the maximum height shall not exceed seventy-five feet, except for recreation or multiuse parks, where the maximum height shall not exceed one hundred twenty-five feet, unless a golf ball trajectory study requires a higher fence.

c. Accessory dwelling units and accessory living quarters shall not exceed base heights, except that this requirement shall not apply to accessory dwelling units constructed wholly within an existing dwelling unit.

5. Applies to each individual lot. Impervious surface area standards for:

a. Regional uses shall be established at the time of permit review;

b. Nonresidential uses in rural area and residential zones shall comply with K.C.C. 21A.12.120 and 21A.12.220;

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

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

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

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

2533 square feet in area.

2534 8. At least twenty linear feet of driveway shall be provided between any garage,
2535 carport or other fenced parking area and the street property line. The linear distance shall
2536 be measured along the center line of the driveway from the access point to such garage,
2537 carport or fenced area to the street property line.

2538 9.a. Residences shall have a setback of at least one hundred feet from any
2539 property line adjoining A, M or F zones or existing extractive operations. However,
2540 residences on lots less than one hundred fifty feet in width adjoining A, M or F zones or
2541 existing extractive operations shall have a setback from the rear property line equal to
2542 fifty percent of the lot width and a setback from the side property equal to twenty-five
2543 percent of the lot width.

2544 b. Except for residences along a property line adjoining A, M or F zones or
2545 existing extractive operations, lots between one acre and two and one-half acres in size
2546 shall conform to the requirements of the R-1 zone and lots under one acre shall conform
2547 to the requirements of the R-4 zone.

2548 10.a. For developments consisting of three or more single-detached dwellings
2549 located on a single parcel, the setback shall be ten feet along any property line abutting
2550 R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in
2551 K.C.C. 21A.14.190, which shall have a setback of five feet.

2552 b. For townhouse and apartment development, the setback shall be twenty feet
2553 along any property line abutting R-1 through R-8, RA and UR zones, except for
2554 structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback
2555 of five feet, unless the townhouse or apartment development is adjacent to property upon

2556 which an existing townhouse or apartment development is located.

2557 11. Lots smaller than one-half acre in area shall comply with standards of the
2558 nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or
2559 larger, the maximum impervious surface area allowed shall be at least ten thousand
2560 square feet. On any lot over one acre in area, an additional five percent of the lot area
2561 may be used for buildings related to agricultural or forestry practices. For lots smaller
2562 than two acres but larger than one-half acre, an additional ten percent of the lot area may
2563 be used for structures that are determined to be medically necessary, if the applicant
2564 submits with the permit application a notarized affidavit, conforming with K.C.C.
2565 21A.32.170A.2.

2566 12. For purposes of calculating minimum density, the applicant may request that
2567 the minimum density factor be modified based upon the weighted average slope of the
2568 net buildable area of the site in accordance with K.C.C. 21A.12.087.

2569 13. The minimum lot area does not apply to lot clustering proposals as provided
2570 in K.C.C. chapter 21A.14.

2571 14. The base height to be used only for projects as follows:

2572 a. in R-6 and R-8 zones, a building with a footprint built on slopes exceeding a
2573 fifteen percent finished grade; and

2574 b. in R-18, R-24 and R-48 zones using residential density incentives and
2575 transfer of density credits in accordance with this title.

2576 15. Density applies only to dwelling units and not to sleeping units.

2577 16. Vehicle access points from garages, carports or fenced parking areas shall
2578 be set back from the property line on which a joint use driveway is located to provide a

2579 straight line length of at least twenty-six feet as measured from the center line of the
2580 garage, carport or fenced parking area, from the access point to the opposite side of the
2581 joint use driveway.

2582 17.a. All subdivisions and short subdivisions in the R-1 zone shall be required to
2583 be clustered if the property is located within or contains:

- 2584 (1) a floodplain;
- 2585 (2) a critical aquifer recharge area;
- 2586 (3) a regionally or locally significant resource area;
- 2587 (4) existing or planned public parks or trails, or connections to such facilities;
- 2588 (5) a category type S or F aquatic area or category I or II wetland;
- 2589 (6) a steep slope; or
- 2590 (7) an urban separator or wildlife habitat network designated by the
2591 Comprehensive Plan or a community plan.

2592 b. The development shall be clustered away from critical areas or the axis of
2593 designated corridors such as urban separators or the wildlife habitat network to the extent
2594 possible and the open space shall be placed in a separate tract that includes at least fifty
2595 percent of the site. Open space tracts shall be permanent and shall be dedicated to a
2596 homeowner's association or other suitable organization, as determined by the director,
2597 and meet the requirements in K.C.C. 21A.14.040. On-site critical area and buffers and
2598 designated urban separators shall be placed within the open space tract to the extent
2599 possible. Passive recreation, with no development of recreational facilities, and natural-
2600 surface pedestrian and equestrian trails are acceptable uses within the open space tract.

2601 18. See K.C.C. 21A.12.085.

2602 19. All subdivisions and short subdivisions in R-1 and RA zones within the
2603 North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North
2604 Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and
2605 Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East
2606 Sammamish Community Planning Area that drains to Patterson Creek shall have a
2607 maximum impervious surface area of eight percent of the gross acreage of the plat.
2608 Distribution of the allowable impervious area among the platted lots shall be recorded on
2609 the face of the plat. Impervious surface of roads need not be counted towards the
2610 allowable impervious area. Where both lot- and plat-specific impervious limits apply, the
2611 more restrictive shall be required.

2612 20. This density may only be achieved on RA 2.5 zoned parcels receiving
2613 density from rural forest focus areas through a transfer of density credit pursuant to
2614 K.C.C. chapter 21A.37.

2615 21. Base density may be exceeded, if the property is located in a designated
2616 rural city urban growth area and each proposed lot contains an occupied legal residence
2617 that predates 1959.

2618 22. The maximum density is four dwelling units per acre for properties zoned
2619 R-4 when located in the Rural Town of Fall City.

2620 23. The minimum density requirement does not apply to properties located
2621 within the Rural Town of Fall City.

2622 24. The impervious surface standards for the county fairground facility are
2623 established in the King County Fairgrounds Site Development Plan, Attachment A to
2624 Ordinance 14808 on file at the department of natural resources and parks and the

department of local services, permitting division. Modifications to that standard may be allowed provided the square footage does not exceed the approved impervious surface square footage established in the King County Fairgrounds Site Development Plan Environmental Checklist, dated September 21, 1999, Attachment B to Ordinance 14808, by more than ten percent.

25. For cottage housing developments only:

a. The base height is ~~((eighteen))~~ twenty-five feet.

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

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

27.a. Only in accordance with K.C.C. 21A.34.040.F.1.g. ~~((and))~~ or F.6.; or

b. Only through the application of transfer of development rights, if all units above one hundred fifty percent of the base density are either:

(1) rental housing permanently priced to serve households with a total household income at or below forty percent of the King County median income, adjusted for household size. A covenant on the property that specifies the income level being served, rent levels and requirements for reporting to King County shall be recorded at final approval; or

(2) housing reserved for income- and asset-qualified home buyers with total household income at or below forty percent of the King County median, adjusted for

household size. The units shall be limited to owner-occupied housing with prices restricted based on typical underwriting ratios and other lending standards, and with no restriction placed on resale. Final approval conditions shall specify requirements for reporting to King County on both buyer eligibility and housing prices.

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.

SECTION 49. Ordinance 16267, Section 30, and K.C.C. 21A.12.250 are hereby amended to read as follows:

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

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

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

C. The establishment shall be located in either:

1. ~~((a))~~A legally established single family dwelling in existence on or before January 1, 2008. The structure may not be expanded by more than ten percent as provided in K.C.C. ~~((21A.30.xxx))~~ 21A.32.065 for the expansion of legally established nonconforming uses; or

2671 2. A mixed use development with one hundred percent of the dwelling units
2672 affordable to households with incomes at or below sixty percent of area median income
2673 and on-site supportive services consistent with the King County Consortium
2674 Consolidated Housing and Community Development Plan or successor plan;

2675 D. The maximum on-site parking ratio for establishments and sites shall be ((2))
2676 two per ((4000)) one thousand square feet and required parking shall not be located
2677 between the building and the street; and

2678 E. Sign and landscaping standards for the use apply.

2679 SECTION 50. Ordinance 15032, Section 18, as amended, and K.C.C.
2680 21A.14.025 are hereby amended to read as follows:

2681 For cottage housing developments in the R4-R8 zones:

2682 A. The total area of the common open space must be at least two hundred and
2683 fifty square feet per unit and at least fifty percent of the units must be clustered around
2684 the common space.

2685 B. The total floor area of each unit, ~~((including))~~ except for two hundred and fifty
2686 square feet of any enclosed parking, is limited to one thousand two hundred square feet.
2687 The footprint of each unit, including any enclosed parking, is limited to nine hundred
2688 square feet. A front or wraparound porch of up to one hundred square feet is permitted
2689 and is not to be included in the floor area or footprint calculation.

2690 C. Fences within the cottage housing unit development are limited to three feet in
2691 height. Fences along the perimeter of the cottage housing development are limited to six
2692 feet.

2693 D. Individual cottage housing units must be at least ten feet apart.

2694 E. Each dwelling unit that abuts common open space shall have either a primary
2695 entry or a covered porch, or both, oriented to the common open space.

2696 F. Each dwelling unit within forty feet of a public right-of-way, not including
2697 alleys, shall have a facade oriented to the public right-of-way that includes a porch, an
2698 entrance or a bay window that projects a minimum of six inches and is a minimum of
2699 four feet in width. If a dwelling unit is within forty feet of more than one public right-of-
2700 way, the department shall determine which right-of-way towards which the facade
2701 elements shall be oriented. Materials used on this facade shall wrap the corners of the
2702 unit.

2703 SECTION 51. Ordinance 10870, Section 407, as amended, and K.C.C.

2704 21A.18.030 are hereby amended to read as follows:

2705 A. Except as modified in K.C.C. 21A.18.070.B. through D., off-street parking
2706 areas shall contain at a minimum the number of parking spaces as stipulated in the
2707 following table. Off-street parking ratios expressed as number of spaces per square feet
2708 means the usable or net square footage of floor area, exclusive of non-public areas. Non-
2709 public areas include but are not limited to building maintenance areas, storage areas,
2710 closets or restrooms. If the formula for determining the number of off-street parking
2711 spaces results in a fraction, the number of off-street parking spaces shall be rounded to
2712 the nearest whole number with fractions of 0.50 or greater rounding up and fractions
2713 below 0.50 rounding down.

LAND USE	MINIMUM PARKING SPACES REQUIRED
RESIDENTIAL (K.C.C. 21A.08.030.A):	

Single detached/Townhouse	2.0 per dwelling unit
Apartment:	
Studio units	1.2 per dwelling unit
One bedroom units	1.5 per dwelling unit
Two bedroom units	1.7 per dwelling unit
Three bedroom units or larger	2.0 per dwelling unit
Mobile home park	2.0 per dwelling unit
Senior citizen assisted	1 per 2 dwelling or sleeping units
Community residential facilities	1 per two bedrooms
Dormitory, including religious	1 per two bedrooms
Hotel/Motel including organizational hotel/lodging	1 per bedroom
Bed and breakfast guesthouse	1 per guest room, plus 2 per facility
<u>Cottage housing:</u>	
<u>Studio units</u>	<u>1.0 per dwelling unit</u>
<u>One bedroom units</u>	<u>1.5 per dwelling unit</u>
<u>Two bedroom units or larger</u>	<u>2.0 per dwelling unit</u>
RECREATION/CULTURAL (K.C.C. 21A.08.040.A):	
Recreation/culture uses:	1 per 300 square feet
Exceptions:	
Bowling center	5 per lane
Golf course	3 per hole, plus 1 per 300 square feet

	of club house facilities
Tennis Club	4 per tennis court plus 1 per 300 square feet of clubhouse facility
Golf driving range	1 per tee
Park/playfield/paintball	(director)
Theater	1 per 3 fixed seats
Conference center	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces.
LAND USE	MINIMUM PARKING SPACES REQUIRED
GENERAL SERVICES (K.C.C. 21A.08.050.A):	
General services uses:	1 per 300 square feet
Exceptions:	
Funeral home/Crematory	1 per 50 square feet of chapel area
Daycare I	2 per facility
Daycare II	2 per facility, plus 1 space for each 20 children
Churches, synagogue, temple	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes

Outpatient and Veterinary clinic offices	1 per 300 square feet of office, labs and examination rooms
Nursing and personal care Facilities	1 per 4 beds
Hospital	1 per bed
Elementary schools	1 per classroom, plus 1 per 50 students
Secondary schools	
Middle/junior high schools	1 per classroom, plus 1 per 50 students
High schools	1 per classroom, plus 1 per 10 students
High schools with stadiums	greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium
Vocational schools	1 per classroom, plus 1 per five students
Specialized instruction Schools	1 per classroom, plus 1 per two students
Artist Studios	0.9 per 1,000 square feet of area used for studios
GOVERNMENT/BUSINESS SERVICES (K.C.C. 21A.08.060.A):	
Government/business services uses:	1 per 300 square feet
Exceptions:	
Public agency yard	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair areas

Public agency archives	0.9 per 1000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing areas
Courts	3 per courtroom, plus 1 per 50 square feet of fixed seat or assembly areas
Police facility	(director)
Fire facility	(director)
Construction and trade	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
Warehousing and storage	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Self-service storage	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit
Outdoor advertising services	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Heavy equipment repair	1 per 300 square feet of office, plus .9 per 1,000 square feet of indoor repair areas
Office	1 per 300 square feet
LAND USE	MINIMUM PARKING SPACES REQUIRED

RETAIL/WHOLESALE (K.C.C. 21A.08.070.A):	
Retail trade uses:	1 per 300 square feet
Exceptions:	
Food stores, less than 15,000 square feet	3 plus 1 per 350 square feet
Gasoline service stations w/o grocery	3 per facility, plus 1 per service bay
Gasoline service stations w/grocery, no service bays	1 per facility, plus 1 per 300 square feet of store
Restaurants	1 per 75 square feet in dining or lounge areas
Remote tasting rooms	1 per 300 square feet of tasting and retail areas
Wholesale trade uses	0.9 per 1000 square feet
Retail and wholesale trade mixed use	1 per 300 square feet
MANUFACTURING (K.C.C. 21A.08.080.A):	
Manufacturing uses	0.9 per 1,000 square feet
Winery/Brewery/Distillery Facility II and III	0.9 per 1,000 square feet, plus 1 per 300 square feet of tasting and retail areas
RESOURCES (K.C.C. 21A.08.090.A):	
Resource uses	(director)
REGIONAL (K.C.C. 21A.08.100.A):	
Regional uses	(director)

2714

B. An applicant may request a modification of the minimum required number of

2715 parking spaces by providing that parking demand can be met with a reduced parking
2716 requirement. In such cases, the director may approve a reduction of up to fifty percent of
2717 the minimum required number of spaces.

2718 C. When the county has received a shell building permit application, off-street
2719 parking requirements shall be based on the possible tenant improvements or uses
2720 authorized by the ~~((zone designation))~~ zoning classification and compatible with the
2721 limitations of the shell permit. When the range of possible uses result in different parking
2722 requirements, the director will establish the amount of parking based on a likely range of
2723 uses.

2724 D. Where other provisions of this code stipulate maximum parking allowed or
2725 reduced minimum parking requirements, those provisions shall apply.

2726 E. In any development required to provide six or more parking spaces, bicycle
2727 parking shall be provided. Bicycle parking shall be bike rack or locker-type parking
2728 facilities unless otherwise specified.

2729 1. Off-street parking areas shall contain at least one bicycle parking space for
2730 every twelve spaces required for motor vehicles except as follows:

2731 a. The director may reduce bike rack parking facilities for patrons when it is
2732 demonstrated that bicycle activity will not occur at that location.

2733 b. The director may require additional spaces when it is determined that the
2734 use or its location will generate a high volume of bicycle activity. Such a determination
2735 will include but not be limited to the following uses:

2736 (1) Park/playfield,

2737 (2) Marina,

2738 (3) Library/museum/arboretum,
2739 (4) Elementary/secondary school,
2740 (5) Sports club, or
2741 (6) Retail business (when located along a developed bicycle trail or
2742 designated bicycle route).

2743 2. Bicycle facilities for patrons shall be located within 100 feet of the building
2744 entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a
2745 structure attached to the pavement.

2746 3. All bicycle parking and storage shall be located in safe, visible areas that do
2747 not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

2748 4. When more than ten people are employed on site, enclosed locker-type
2749 parking facilities for employees shall be provided. The director shall allocate the
2750 required number of parking spaces between bike rack parking and enclosed locker-type
2751 parking facilities.

2752 5. One indoor bicycle storage space shall be provided for every two dwelling
2753 units in townhouse and apartment residential uses, unless individual garages are provided
2754 for every unit. The director may reduce the number of bike rack parking spaces if indoor
2755 storage facilities are available to all residents.

2756 SECTION 52. Ordinance 10870, Section 435, and K.C.C. 21A.20.150 are hereby
2757 amended to read as follows:

2758 A. In the event that a billboard owner elects to relocate CB zoned billboards
2759 outside of the CB zone, the CB (~~(zone designation)~~) zoning classification shall be
2760 removed and that permit may not later be used to relocate a billboard in the CB zone.

2761 B. Billboards may be relocated only within the zone district identified on the
2762 valid billboard permit, except the number of billboards permitted within non-CB zone
2763 district may increase only as a result of billboard relocation from within the CB zone
2764 district.

2765 SECTION 53. Ordinance 10870, Section 439, as amended, and K.C.C.
2766 21A.22.010 are hereby amended to read as follows:

2767 The purpose of this chapter is to establish standards that minimize the impacts of
2768 mineral extraction ~~((and))~~ or processing, coal mining, materials processing ((operations))
2769 facilities and fossil fuel facilities upon surrounding properties by:

2770 A. Ensuring adequate review of operating aspects of mineral extraction ~~((and))~~ or
2771 processing, coal mining, materials processing facility and fossil fuel facility sites;

2772 B. Requiring project phasing on large sites to minimize environmental impacts;

2773 C. Requiring minimum site areas large enough to provide setbacks and
2774 mitigations necessary to protect environmental quality; and

2775 D. Requiring periodic review of mineral extraction ~~((and))~~ or processing, coal
2776 mining, materials processing ((operations)) facilities and fossil fuel facilities to ensure
2777 compliance with the approved operating standards.

2778 SECTION 54. Ordinance 10870, Section 440, as amended, and K.C.C.
2779 21A.22.020 are hereby amended to read as follows:

2780 This chapter shall only apply to the following uses or activities ~~((that are))~~:

2781 A. ((m))Mineral extraction or processing, or both, and including SIC 10 and 14;

2782 B. Coal mining, including SIC 12;

2783 C. ((m))Materials processing ((operations)) facilities; and

2784 D. Fossil fuel facilities.

2785 SECTION 55. Ordinance 10870, Section 441, and K.C.C. 21A.22.030 are hereby
2786 amended to read as follows:

2787 ~~((Extractive))~~ Mineral extraction or processing operations, coal mine operations
2788 and materials processing facility operations shall commence only after issuance of a
2789 grading permit by the county.

2790 SECTION 56. Ordinance 15032, Section 26, as amended, and K.C.C.
2791 21A.22.035 are hereby amended to read as follows:

2792 A. Not later than thirty days after the department provides the notice of
2793 application to the public required by K.C.C. 20.20.060 ~~((on))~~ for a ~~((mineral extraction or~~
2794 ~~materials processing site))~~ use regulated under this chapter, or for an expansion of an
2795 existing ~~((mineral extraction or materials processing site or operation))~~ use regulated
2796 under this chapter beyond the scope of the prior environmental review, the applicant shall
2797 hold a community meeting. The notice of application shall include notification of the
2798 date, time and location of the community meeting. At the meeting, the applicant shall
2799 provide information relative the proposal, including information on existing residences
2800 and lot patterns within one-quarter mile of potential sites and on alternative haul routes.
2801 The applicant shall also provide a preliminary evaluation at the meeting of any alternative
2802 routes that have been provided to the applicant in writing at least five days in advance of
2803 the meeting. The applicant shall provide to the department within fourteen days after the
2804 community meeting a written list of meeting attendees and documentation of the meeting.

2805 B. Public notice of the community meeting required by this section shall be
2806 prepared, posted and distributed in accordance with K.C.C. 20.20.060 at least two weeks
2807 before the community meeting. In addition, the department shall:

2808 1. Publish a notice of the meeting in a local newspaper of general circulation in
2809 the affected area;

2810 2. Mail the notice of the meeting to all property owners within one-quarter mile
2811 of the proposed or expanded site or to at least twenty of the property owners nearest to
2812 the site, whichever is greater; and

2813 3. Mail the notice of the meeting to all property owners within five hundred feet
2814 of any proposed haul route from the site to the nearest arterial.

2815 SECTION 57. Ordinance 10870, Section 442, as amended, and K.C.C.

2816 21A.22.040 are hereby amended to read as follows:

2817 To the maximum extent practicable, nonconforming (~~((mineral extraction~~
2818 ~~operations))~~ uses regulated under this chapter shall be brought into conformance with the
2819 operating conditions and performance standards of this chapter during permit renewal.

2820 The department shall establish a schedule for conformance during the first periodic
2821 review of the nonconforming (~~((mineral extraction))~~ operation or facility and

2822 incorporate(~~(d)~~) such a schedule into the permit conditions.

2823 SECTION 58. Ordinance 10870, Section 443, as amended, and K.C.C.

2824 21A.22.050 are hereby amended to read as follows:

2825 A. In addition to the review conducted as part of the annual renewal of a mineral
2826 extraction or processing operating permit, coal mine permit or materials processing
2827 facility permit, the department shall conduct a periodic review of mineral extraction

2828 ~~((and))~~ or processing, coal mine, materials processing ~~((operation))~~ facility or fossil fuel
2829 facility site design and operating standards at five-year intervals from the date of issuance
2830 of the permit.

2831 B. The periodic review is a Type 2 land use decision.

2832 C. The periodic review shall ~~((determine))~~:

2833 1. Determine ~~((W))~~whether the site is operating consistent with all existing
2834 permit conditions and, if not, establish corrective actions; and

2835 2. ~~((That))~~ Apply the most current site design and operating standards ~~((are~~
2836 ~~applied))~~ to the site through additional or revised permit conditions as necessary to
2837 mitigate identifiable environmental, public health and public safety impacts.

2838 SECTION 59. Ordinance 10870, Section 444, as amended, and K.C.C.

2839 21A.22.060 are hereby amended to read as follows:

2840 Except as otherwise provided ~~((for nonconforming mineral extraction operations))~~
2841 in K.C.C. 21A.22.040, in addition to requirements in this title, all ~~((mineral extraction~~
2842 ~~and materials processing operations))~~ uses regulated under this chapter shall comply with
2843 the following standards:

2844 A. The minimum site area ~~((of a mineral extraction or materials processing~~
2845 ~~operation))~~ shall be ten acres;

2846 B. ~~((Mineral extraction or materials processing operations e))~~On sites larger than
2847 twenty acres, activities shall occur in phases to minimize environmental impacts. The
2848 size of each phase shall be determined during the review process;

2849 C. If the department determines they are necessary to eliminate a safety hazard,
2850 fences or alternatives to fences ~~((approved by the department,))~~ shall be:

2851 1. Provided in a manner that discourages access to areas of the site where:
2852 a. active extracting, processing, stockpiling and loading of materials is
2853 occurring;
2854 b. boundaries are in common with residential or commercial zone property or
2855 public lands; or
2856 c. any unstable slope or any slope exceeding a grade of forty percent is present;
2857 2. At least six feet in height above the grade measured at a point five feet
2858 outside the fence and the fence material shall have no opening larger than two inches;
2859 3. Installed with lockable gates at all openings or entrances;
2860 4. No more than four inches from the ground to fence bottom; and
2861 5. Maintained in good repair;
2862 D. Warning and trespass signs advising of the ~~((mineral extraction or materials~~
2863 ~~processing operation))~~ use shall be placed on the perimeter of the site adjacent to RA, UR
2864 or R zones at intervals no greater than two hundred feet along any unfenced portion of the
2865 site where the items noted in subsection C.1.~~((a. through e.))~~ of this section are present;
2866 E. Structural setbacks from property lines shall be as follows:
2867 1. Buildings, structures and stockpiles used in the processing of materials shall
2868 be no closer than:
2869 a. one hundred feet from any residential zoned properties except that the
2870 setback may be reduced to fifty feet when the grade where such building or structures are
2871 proposed is fifty feet or greater below the grade of the residential zoned property;
2872 b. fifty feet from any other zoned property, except when adjacent to another
2873 ~~((mineral extraction or materials processing site))~~ use regulated under this chapter;

c. the greater of fifty feet from the edge of any public street or the setback from residential zoned property on the far side of the street; and

2. Offices, scale facilities, equipment storage buildings and stockpiles, including those for reclamation, shall not be closer than fifty feet from any property line except when adjacent to another (~~((mineral extraction or materials processing site))~~) use regulated under this chapter or M or F zoned property. Facilities necessary to control access to the site, when demonstrated to have no practical alternative, may be located closer to the property line;

F. On-site clearing, grading or excavation, excluding that necessary for required access, roadway or storm drainage facility construction or activities in accordance with an approved reclamation plan, shall not be permitted within fifty feet of any property line except along any portion of the perimeter adjacent to another (~~((mineral extraction or materials processing operation))~~) use regulated under this chapter or M or F zoned property. If native vegetation is restored, temporary disturbance resulting from construction of noise attenuation features located closer than fifty feet shall be permitted;

G. Landscaping consistent with type 1 screening K.C.C. chapter 21A.16, except using only plantings native to the surrounding area, shall be provided along any portion of the site perimeter where site disturbances (~~((such as site clearing and grading, or mineral extraction or materials processing is))~~) associated with a use regulated under this chapter are performed, except where adjacent to another (~~((mineral extraction, materials processing or))~~) use regulated under this chapter, forestry operation or M or F-zoned property;

2896 H. Relevant clearing and grading operating standards from K.C.C. chapter 16.82
2897 shall be applied; and

2898 I. Lighting shall:

2899 1. Be limited to that required for security, lighting of structures and equipment,
2900 and vehicle operations; and

2901 2. Not directly glare onto surrounding properties.

2902 SECTION 60. Ordinance 10870, Section 445, as amended, and K.C.C.

2903 21A.22.070 are hereby amended to read as follows:

2904 Operating conditions and performance standards for all clearing and grading
2905 activity for a use regulated under this chapter shall be as specified in K.C.C. chapter
2906 16.82 except:

2907 A.1. Noise levels (~~((produced by a mineral extraction or materials processing~~
2908 ~~operation))~~) shall not exceed levels specified by K.C.C. chapter 12.86;

2909 2. Hours of operation (~~((for mineral extraction and materials processing~~
2910 ~~facilities))~~), unless otherwise specified by the director, shall be between 7:00 a.m. and
2911 7:00 p.m. Monday through Saturday and between 10:00 a.m. and 5:00 p.m. Sunday and
2912 holidays;

2913 3. Before approving any variation of the hours of operation, the department
2914 shall:

2915 a. determine whether on-site operations can comply with nighttime noise
2916 standards in accordance with K.C.C. 12.86.110, and K.C.C. 12.86.120;

2917 b. determine whether the variance would cause significant adverse noise
2918 impacts to the community in accordance with standards and methodologies developed by

2919 the Federal Transit Administration, Federal Highway Administration or World Health
2920 Organization, or any combination thereof, for evaluating noise impacts, or other
2921 comparable standards and methods; and

2922 c. require mitigation for any identified impacts before the department approves
2923 a variation in the hours of operation; and

2924 4. The director's decision to approve a variation in the hours of operation shall
2925 be in writing and shall include a specific finding of compliance with the noise standards,
2926 the facts and conclusions supporting that finding and any mitigation, conditions or
2927 limitations imposed. All decisions made under this subsection shall be compiled by the
2928 department and made available for public inspection;

2929 B. Blasting shall be conducted under an approved blasting plan:

2930 1. Consistent with the methods specified in the Office of Surface Mining
2931 Enforcement and Reclamation 1987 Blasting Guidance Manual in a manner that protects
2932 from damage all structures, excluding those owned and directly used by the operator, and
2933 persons in the vicinity of the blasting area, including, but not limited to, adherence to the
2934 following:

2935 a. Airblast levels shall not exceed one hundred thirty-three decibels measured
2936 by a two Hz or lower flat response system at the nearest residential property or place of
2937 public assembly;

2938 b. Flyrock shall not be cast one-half the distance to the nearest residential
2939 property, place of public assembly or the property boundary, whichever is less. For the
2940 purposes of this subsection B.1.b., "property boundary" means an imaginary line exterior

to any enclosed structure, at ground surface, which separates the property of one or more persons from that owned by others, and its vertical extension; and

c. Ground motion shall not exceed ground vibration levels damaging to structures using one of the four accepted methods in the Office of Surface Mining Enforcement and Reclamation 1987 Blasting Guidance Manual;

2. During daylight hours; and

3. According to a time schedule, provided to residents within one-half mile of the site, that features regular or predictable times, except in the case of an emergency. If requested by a resident, the operator shall provide notice of changes in the time schedule at least twenty four hours before the changes take effect;

C.1. Dust and smoke (~~((produced by mineral extraction and materials processing operations))~~) shall be controlled by best management practices to comply with relevant regulations of the Puget Sound Clean Air Agency.

2. Dust and smoke (~~((from process facilities))~~) shall be controlled in accordance with a valid operating permit from the Puget Sound Clean Air Agency, when required. Copies of the permit shall be kept onsite and available for department and public inspection. Copies of the Puget Sound Clean Air Agency monitoring results shall be provided to the department on permit monitoring data submittal dates.

3. Dust and smoke (~~((from process facilities))~~) shall not significantly increase the existing levels of suspended particulates at the perimeter of the site;

D. The applicant shall prevent rocks, dirt, mud and any raw or processed material from spilling from or being tracked by trucks onto public roadways and shall be responsible for cleaning debris or repairing damage to roadways caused by the operation;

E. The applicant shall provide traffic control measures such as flaggers or warning signs as determined by the department during all hours of operation;

F. The operator shall control surface water and site discharges to comply with K.C.C. chapter 9.04 and the surface water design manual and K.C.C. chapter 9.12 and the stormwater pollution prevention manual. For the life of the ~~((mineral resource))~~ operation and until site reclamation is complete, the operator shall maintain a valid Washington state Department of Ecology National Pollutant Discharge Elimination System individual permit or maintain coverage under the sand and gravel general permit. The operator shall keep onsite and available for department review copies of the erosion and sediment control plan, the applicable National Pollution Discharge Elimination System individual or general permit and the Stormwater Pollution Prevention Plan. The operator shall make the plans and permit available for public inspection upon request. The operator shall provide to the department copies of the monitoring results on permit monitoring data submittal dates. The department shall make the monitoring results available for public inspection. If the department determines that National Pollution Discharge Elimination System monitoring frequency or type is not adequate to meet the demands of the site and the requirements of this subsection, the department may require more frequent and detailed monitoring and may require a program designed to bring the site into compliance;

G. The operator shall not excavate below the contours determined through hydrologic studies necessary to protect groundwater and the upper surface of the saturated groundwater that could be used for potable water supply;

2986 H. If contamination of surface or ground water by herbicides is possible, to the
2987 maximum extent practicable, mechanical means shall be used to control noxious weeds
2988 on the site;

2989 I. Upon depletion of ((~~mineral~~)) resources or abandonment of the site, the
2990 operator shall remove all structures, equipment and appurtenances accessory to
2991 operations; and

2992 J. If the operator fails to comply with this section, the department shall require
2993 modifications to operations, procedures or equipment until compliance is demonstrated to
2994 the satisfaction of the department. If the modifications are inconsistent with the approved
2995 permit conditions, the department shall revise the permit accordingly.

2996 SECTION 61. Ordinance 1488, Section 12, as amended, and K.C.C. 21A.22.081
2997 are hereby amended to read as follows:

2998 A. A valid clearing and grading permit shall be maintained on a mineral
2999 extraction or coal mine site until the reclamation of the site required under chapter 78.44
3000 RCW is completed.

3001 B. A reclamation plan approved in accordance with chapter 78.44 RCW shall be
3002 submitted before the effective date of a zone reclassification in Mineral-zoned properties
3003 or the acceptance of any development proposal for a subsequent use in Forest-zoned
3004 properties. The zone reclassification shall grant potential zoning that is only to be
3005 actualized, under K.C.C. chapter 20.22, upon demonstration of successful completion of
3006 all requirements of the reclamation plan. Development proposals in the Forest zone for
3007 uses subsequent to mineral extraction or coal mine operations shall not be approved until
3008 demonstration of successful completion of all requirements of the reclamation plan

3009 except that forestry activities may be permitted on portions of the site already fully
3010 reclaimed.

3011 C. Mineral extraction and coal mine operations that are not required to have an
3012 approved reclamation plan under chapter 78.44 RCW shall meet the following
3013 requirements:

3014 1. Upon the exhaustion of minerals or materials or upon the permanent
3015 abandonment of the quarrying or mining operation, all nonconforming buildings,
3016 structures, apparatus or appurtenances accessory to the quarrying and mining operation
3017 shall be removed or otherwise dismantled to the satisfaction of the director;

3018 2. Final grades shall:

3019 a. be such so as to encourage the uses permitted within the primarily
3020 surrounding zone or, if applicable, the underlying or potential (~~zone~~) zoning
3021 classification; and

3022 b. result in drainage patterns that reestablish natural conditions of water
3023 velocity, volume, and turbidity within six months of reclamation and that precludes water
3024 from collecting or becoming stagnant. Suitable drainage systems approved by the
3025 department shall be constructed or installed where natural drainage conditions are not
3026 possible or where necessary to control erosion. All constructed drainage systems shall be
3027 designed consistent with the Surface Water Design Manual;

3028 3. All areas subject to grading or backfilling shall:

3029 a. incorporate only nonnoxious, nonflammable, noncombustible and
3030 nonputrescible solids; and

3031 b. except for roads and areas incorporated into drainage facilities, be surfaced
3032 with soil of a quality at least equal to the topsoil of the land areas immediately
3033 surrounding, and to a depth of the topsoil of land area immediately surrounding six
3034 inches, whichever is greater. The topsoil layer shall have an organic matter content of
3035 eight to thirteen percent and a pH of 6.0 to 8.0 or matching the pH of the original
3036 undisturbed soil layer. Compacted areas such as pit floors or compacted fill shall be
3037 tilled or scarified before topsoil placement;

3038 4. All reclaimed slopes shall comprise an irregular sinuous appearance in both
3039 profile and plan view and blend with adjacent topography to a reasonable extent;

3040 5. Where excavation has penetrated the seasonal or permanent water table
3041 creating a water body or wetland:

3042 a. All side slopes below the permanent water table and banks shall be graded
3043 or shaped as to not constitute a safety hazard;

3044 b. Natural features and plantings to provide beneficial wetland functions and
3045 promote wildlife habitat shall be provided; and

3046 c. Appropriate drainage controls shall be provided to stabilize the water level
3047 and not create potential flooding hazards;

3048 6. All cleared, graded or backfilled areas, including areas surfaced with topsoil,
3049 shall be planted with a variety of trees, shrubs, legumes and grasses indigenous to the
3050 surrounding area and appropriate for the soil, moisture and exposure conditions;

3051 7. Waste or soil piles shall be used for grading, backfilling or surfacing if
3052 permissible under this section, then covered with topsoil and planted in accordance with
3053 subsection C.3. and 6. of this section. Waste or soil piles not acceptable to be used for fill

in accordance with this chapter or as top soil in accordance with subsection C.3. of this section shall be removed from the site; and

8. Where excavation has exposed natural materials that may create polluting conditions, including, but not limited to, acid-forming coals and metalliferous rock or soil, such conditions shall be addressed to the satisfaction of the department. The final ground surface shall be graded so that surface water drains away from any such materials remaining on the site.

D. The department may modify any requirement of this section when not applicable or if it conflicts with an approved subsequent use for the site.

SECTION 62. Ordinance 15032, Section 34, and K.C.C. 21A.22.085 are hereby amended to read as follows:

The applicant shall mitigate adverse impacts resulting from the ~~((extraction or processing operations))~~ use regulated under this chapter and monitor to demonstrate compliance with this chapter.

SECTION 63. Sections 64 and 65 of this ordinance should constitute a new chapter in K.C.C. Title 21A.

NEW SECTION. SECTION 64. Within the sea level rise risk area the following standards apply:

A. All buildings and substantial improvements to existing buildings shall be elevated on pilings and columns in a manner consistent with applicable floodplain development standards in this title, K.C.C. Title 16, the Federal Emergency Management Agency Coastal Construction Manual and other applicable requirements, and in a manner that provides the following, at a minimum:

3077 1. The bottom of the lowest horizontal structural member of the lowest floor,
3078 excluding the pilings or columns, is elevated to or above the sea level rise protection
3079 elevation;

3080 2. The pile or column foundation and building attached thereto is anchored to
3081 resist flotation, collapse and lateral movement due to the effects of flood water, wind and
3082 other loads as prescribed in this title acting simultaneously on all building components.
3083 Flood water loading values shall each have a one percent chance of being equaled or
3084 exceeded in any given year; and

3085 3. All utilities that service the building are elevated to or above the flood
3086 protection elevation.

3087 B. A registered professional engineer licensed by the state of Washington shall
3088 prepare the structural design, specifications and plans for the building, and shall certify
3089 that the design and methods of construction to be used are in accordance with accepted
3090 standards of practice for meeting the provisions of subsection A. of this section, including
3091 applicable floodplain development standards in this title, K.C.C. Title 16, the Federal
3092 Emergency Management Agency Coastal Construction Manual and other applicable
3093 requirements;

3094 C. The applicant shall provide a complete Federal Emergency Management
3095 Agency elevation certificate on the most current version of the form completed by a land
3096 surveyor licensed by the state of Washington documenting the elevation of the bottom of
3097 the lowest structural member of the lowest floor, excluding pilings and columns, of all
3098 new and substantially improved buildings and additions affixed to the side of a building,
3099 and whether or not the buildings contain a basement. The department shall maintain the

3100 Federal Emergency Management Agency elevation certificates required by this section
3101 for public inspection and for certification under the National Flood Insurance Program;

3102 D. All new buildings and substantial improvements to existing buildings shall
3103 maintain the space below the lowest floor free of obstruction. Breakaway walls are
3104 prohibited. The space can include nonsupporting open wood lattice-work or insect
3105 screening that is intended to collapse under wind and wave loads without causing
3106 collapse, displacement or other structural damage to the elevated portion of the building
3107 or supporting foundation system. The space below the lowest floor can be used only for
3108 parking of vehicles, building access or storage of items readily removable in the event of
3109 a flood warning. The space shall not be used for human habitation;

3110 E. Fill for structural support of buildings is prohibited;

3111 F. All manufactured homes to be placed or substantially improved within the sea
3112 level rise risk area shall meet the standards in subsections A. through E. of this section;
3113 and

3114 G. The department shall provide notice to all applicants for new development or
3115 redevelopment located within the sea level rise risk area that the development may be
3116 impacted by sea level rise and recommend that the applicant voluntarily consider setting
3117 the development back further than required by this title to allow for future sea level rise.

3118 NEW SECTION. SECTION 65.

3119 A. The director may approve sea level rise risk area variances to this chapter.

3120 B. In reviewing and evaluating sea level rise risk area variance applications, the
3121 director shall consider all technical evaluations and relevant factors, including, but not
3122 limited to:

- 3123 1. The danger that materials may be swept onto other lands to the injury of
3124 others;
- 3125 2. The danger to life and property due to coastal flooding or erosion damage;
- 3126 3. The susceptibility of the proposed building or facility and its contents to flood
3127 damage and the effect of the damage on the individual owner;
- 3128 4. The importance of the services provided by the proposed building or facility
3129 to the community;
- 3130 5. The necessity to the building or facility of a waterfront location;
- 3131 6. The availability of alternative locations for the proposed use that are not
3132 subject to flooding or erosion damage;
- 3133 7. The potential of the proposed development to create an adverse effect on a
3134 federally or state-protected species or habitat;
- 3135 8. The compatibility of the proposed use with existing and anticipated
3136 development;
- 3137 9. The relationship of the proposed use to the Comprehensive Plan, shoreline
3138 master program and flood hazard management plan;
- 3139 10. The safety of access to the property in times of flooding for ordinary and
3140 emergency vehicles;
- 3141 11. The expected heights, velocity, duration, rate of rise, sediment transport of
3142 the floodwaters and effects of wave action expected at the site;
- 3143 12. The costs of providing governmental services during and after flood
3144 conditions, including emergency management services and maintenance and repair of
3145 public utilities and facilities such as sewer, gas, electrical, water systems, streets and

3146 bridges; and

3147 13. Current and future risks from sea level rise conditions anticipated to occur
3148 over the next fifty years.

3149 C. The director may only approve a sea level rise risk area variance upon a
3150 determination that:

3151 1. Failure to grant the sea level rise risk area variance would result in an
3152 exceptional hardship to the applicant;

3153 2. The granting of a sea level rise risk area variance will not result in additional
3154 threats to public safety, extraordinary public expense, create nuisances, cause fraud on or
3155 victimization of the public or conflict with existing laws or ordinances; and

3156 3. The sea level rise risk area variance is the minimum necessary, considering
3157 the flood or erosion hazard, to afford relief.

3158 D. An applicant for sea level rise risk area variance shall be given a written
3159 notice that the approval of the sea level rise risk area variance to construct a structure
3160 below the sea level rise protection elevation established in this chapter in may result in
3161 higher future flood insurance premium rates up to amounts as high as twenty-five dollars
3162 per one hundred dollars of coverage and that the construction below the sea level rise
3163 protection elevation increases risks to life and property.

3164 E.1. An application for a sea level rise risk area variance shall be submitted in
3165 writing to the permitting division, together with any supporting documentation that
3166 demonstrates how the proposal meets the criteria in this section.

3167 2. An application for a sea level rise risk area variance under this section shall
3168 be reviewed as a Type II land use decision in accordance with K.C.C. 20.20.020.

3169 3. Sea level rise risk area variances that allow the establishment of a use not
3170 otherwise permitted in the zone where the proposal is located shall not be permitted.

3171 4. The variance standards in K.C.C. 21A.44.030 and the alteration exception
3172 standards in K.C.C. 21A.24.070 shall not be used for variances to the sea level rise risk
3173 area regulations of this chapter.

3174 5. The department shall maintain in perpetuity a record of all requests for
3175 variances, including justification for their issuance.

3176 SECTION 66. Ordinance 17539, Section 47, and K.C.C. 21A.24.072 are hereby
3177 amended to read as follows:

3178 A. As an alternative to an alteration exception under K.C.C. 21A.24.070, during
3179 review of an application for a single detached dwelling unit, the director may approve an
3180 alteration to a wetland buffer, aquatic area buffer, steep slope hazard area and associated
3181 buffer, landslide hazard area and associated buffer and critical area setback as follows:

3182 1. There is no feasible alternative to the development proposal with less adverse
3183 impact on the critical area;

3184 2. The alteration is the minimum necessary to accommodate residential use of the
3185 property;

3186 3. The approval does not require the modification of a critical area development
3187 standard established by this chapter;

3188 4. The development proposal does not pose an unreasonable threat to the public
3189 health, safety or welfare on or off the development proposal site and is consistent with the
3190 general purposes of this chapter and the public interest;

3191 5. No more than five thousand square feet or ten percent of the site, whichever is

greater, are disturbed by structures, building setbacks or other land alteration, including grading, utility installations and landscaping, but not including the area used for a driveway or for an on-site sewage disposal system. For purposes of this section, areas located within the shoreline jurisdiction that are below the ordinary high water mark shall not be included in calculating the site area;

6. The applicant submits an approved rural stewardship plan or forest stewardship plan prepared in accordance with this chapter that addresses the development proposal and the proposed use of the property; and

7. The proposal complies with K.C.C. 21A.24.125 and 21A.24.130.

B. The applicant for the waiver of the alteration exception process shall submit any critical areas studies, alternatives analysis and other documents requested by the department following a preapplication review meeting.

C. Within fourteen calendar days after the department determines the application under this section is complete, it shall provide written mailed notice of the proposed alteration as provided in K.C.C. ~~((20.20.080.H))~~ 20.20.060.H.

D. The department shall allow twenty-one calendar days for comment before making a decision on the request under this section. The department's decision shall be mailed to the applicant and to any other person who requests a copy. The decision shall state the reasons for the decision and, if approved, shall include any required mitigation or conditions.

SECTION 67. Ordinance 10870, Section 478, as amended, and K.C.C. 21A.24.310 are hereby amended to read as follows:

The following development standards apply to development proposals and

3215 alterations on sites containing steep slope hazard areas:

3216 A. Except as provided in subsection D. of this section, unless allowed as an
3217 alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C.
3218 21A.24.045 are allowed within a steep slope hazard area;

3219 B. A buffer is required from all edges of the steep slope hazard area. To
3220 eliminate or minimize the risk of property damage or injury resulting from slope
3221 instability, landsliding or erosion caused in whole or part by the development, the
3222 department shall determine the size of the buffer based upon a critical area report
3223 prepared by a geotechnical engineer or geologist. The department of local services shall
3224 adopt a public rule to implement this subsection, including implementing the
3225 requirements for development and review of a critical area report.

3226 1. For new structures and substantial improvements to existing structures on
3227 sites where any portion of the steep slope hazard area extends into the coastal high hazard
3228 area or sea level rise risk area:

3229 a. ((If a)) The critical area report shall include an assessment of current and
3230 future risks of sea level rise conditions anticipated to occur over the next fifty years and a
3231 recommended buffer;

3232 b. If a critical area report is not submitted to the department, the minimum
3233 buffer shall be seventy-five feet;

3234 2. For all other development not identified in subsection B.1.:

3235 a. If a critical area report is not submitted to the department, the minimum
3236 buffer ((is)) shall be fifty feet((-)); and

3237 b. For building permits for single detached dwelling units only, the department

3238 may waive the special study requirement and authorize buffer reductions if the
3239 department determines that the reduction will adequately protect the proposed
3240 development and the critical area; (~~and~~)

3241 C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an
3242 allowed alteration, removal of any vegetation from a steep slope hazard area or buffer is
3243 prohibited; and

3244 D. All alterations are allowed in the following circumstance:

3245 1. Slopes which are forty percent or steeper with a vertical elevation change of
3246 up to twenty feet if no adverse impact will result from the exemption based on King
3247 County's review of and concurrence with a soils report prepared by a geologist or
3248 geotechnical engineer; and

3249 2. The approved regrading of any slope which was created through previous
3250 legal grading activities. Any slope which remains forty percent or steeper following site
3251 development shall be subject to all requirements for steep slopes.

3252 SECTION 68. Ordinance 15051, Section 179, as amended, and K.C.C.
3253 21A.24.316 are hereby amended to read as follows:

3254 The following development standards apply to development proposals and
3255 alterations on sites containing critical aquifer recharge areas:

3256 A. Except as otherwise provided in subsection H. of this section, the following
3257 new development proposals and alterations are not allowed on a site located in a category
3258 I critical aquifer recharge area:

- 3259 1. Transmission pipelines carrying petroleum or petroleum products;
3260 2. Sand and gravel, and hard rock mining unless:

3261 a. the site has mineral zoning as of January 1, 2005; or

3262 b. mining is a permitted use on the site and the critical aquifer recharge area

3263 was mapped after the date a complete application for mineral extraction on the site was

3264 filed with the department;

3265 3. Mining of any type below the upper surface of the saturated ground water that

3266 could be used for potable water supply;

3267 4. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

3268 5. Hydrocarbon extraction;

3269 6. Commercial wood treatment facilities on permeable surfaces;

3270 7. Underground storage tanks, including tanks that are exempt from the

3271 requirements of chapter 173 WAC, with hazardous substances, as defined in chapter

3272 70.105 RCW, that do not comply with standards of chapter 173-360 WAC and K.C.C.

3273 Title 17;

3274 8. Above-ground storage tanks for hazardous substances, as defined in chapter

3275 70.105 RCW, unless protected with primary and secondary containment areas and a spill

3276 protection plan;

3277 9. Golf courses;

3278 10. Cemeteries;

3279 11. Wrecking yards;

3280 12. Landfills for hazardous waste, municipal solid waste or special waste, as

3281 defined in K.C.C. chapter 10.04; and

3282 13. On lots smaller than one acre, an on-site septic system, unless:

3283 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))272A; or

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

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

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

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

3. Hydrocarbon extraction;

4. Commercial wood treatment facilities located on permeable surfaces;

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

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

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

3307 protection plan;

3308 7. Wrecking yards;

3309 8. Landfills for hazardous waste, municipal solid waste, or special waste, as

3310 defined in K.C.C. chapter 10.04; and

3311 9. On lots smaller than one acre, an on-site septic systems, unless:

3312 a. the system is approved by the Washington state Department of Health and

3313 has been listed by the Washington state Department of Health as meeting treatment

3314 standard N as provided in WAC chapter 426-((172A))272A; or

3315 b. the Seattle-King County department of public health determines that the

3316 systems required under subsection B.9.a. of this section will not function on the site.

3317 C. Except as otherwise provided in subsection H. of this section, the following

3318 new development proposals and alterations are not allowed on a site located in a category

3319 III critical aquifer recharge area:

3320 1. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

3321 2. Hydrocarbon extraction;

3322 3. Commercial wood treatment facilities located on permeable surfaces;

3323 4. Underground storage tanks, including tanks exempt from the requirements of

3324 chapter 173-360 WAC, with hazardous substances, as defined in chapter 70.105 RCW,

3325 that do not comply with the requirements of chapter 173-360 WAC and K.C.C. Title 17;

3326 5. Above ground storage tanks for hazardous substances, as defined in chapter

3327 70.105 RCW, unless protected with primary and secondary containment areas and a spill

3328 protection plan;

3329 6. Wrecking yards; and

3330 7. Landfills for hazardous waste, municipal solid waste, or special waste, as
3331 defined in K.C.C. chapter 10.04.

3332 D. The following standards apply to development proposals and alterations that
3333 are substantial improvements on a site located in a critical aquifer recharge area:

3334 1. The owner of an underground storage tank, including a tank that is exempt
3335 from the requirements of chapter 173 WAC, in a category I or III critical aquifer recharge
3336 area or a category II critical aquifer recharge area located over an aquifer underlying ~~((an~~
3337 ~~island that is surrounded by saltwater))~~ Vashon-Maury Island shall either bring the tank
3338 into compliance with the standards of chapter 173 WAC and K.C.C. Title 17 or properly
3339 decommission or remove the tank; and

3340 2. The owner of an underground storage tank in a category II critical aquifer
3341 recharge area not located on located over an aquifer underlying ~~((an island that is~~
3342 ~~surrounded by saltwater))~~ Vashon-Maury Island shall bring the tank into compliance with
3343 the standards of chapter 173-360 WAC and K.C.C. Title 17 or shall properly
3344 decommission or remove the tank.

3345 E. In any critical aquifer recharge area, the property owner shall properly
3346 decommission an abandoned well.

3347 F. On a site located in a critical aquifer recharge area within the urban growth
3348 area, a development proposal for new residential development, including, but not limited
3349 to, a subdivision, short subdivision, or dwelling unit, shall incorporate best management
3350 practices included in the King County Surface Water Design Manual into the site design
3351 in order to infiltrate stormwater runoff to the maximum extent practical.

3352 G. ~~((On an island surround by saltwater,))~~ For critical aquifer recharge areas on

3353 Vashon-Maury Island:

3354 1. No new groundwater wells are permitted within a coastal high hazard area. A
3355 rainwater catchment system may be used as an alternative water supply source for a
3356 single family residence if the requirements of K.C.C. 13.04.070 are met;

3357 2. All new groundwater wells within a sea level rise risk area shall include a
3358 surface seal that prevents risks of saltwater contamination caused by sea level rise
3359 conditions anticipated to occur over the next fifty years; and

3360 3. ((§))The owner of a new well located within ~~((two hundred feet of the~~
3361 ~~ordinary high water mark of the marine shoreline and within a critical aquifer recharge~~
3362 ~~area))~~ the sea level rise risk area shall test the well for chloride levels using testing
3363 protocols approved by the Washington state Department of Health. The owner shall
3364 report the results of the test to Seattle-King County department of public health and to the
3365 department of natural resources and parks. If the test results indicate saltwater intrusion
3366 is likely to occur, the department of natural resources and parks, in consultation with
3367 Seattle-King County department of public health, shall recommend appropriate measures
3368 in addition to the minimum requirements of this title to prevent saltwater intrusion.

3369 H. On a site greater than twenty acres, the department may approve a
3370 development proposal otherwise prohibited by subsections A., B. and C. of this section if
3371 the applicant demonstrates through a critical area((§)) report that the development
3372 proposal is located outside the critical aquifer recharge area and that the development
3373 proposal will not cause a significant adverse environmental impact to the critical aquifer
3374 recharge area.

3375 I. The provisions relating to underground storage tanks in subsections A. through

3376 D. of this section apply only when the proposed regulation of underground storage tanks
 3377 has been submitted to and approved by the Washington state department of ecology, in
 3378 accordance with 90.76.040 RCW and WAC 173-360-530.

3379 SECTION 69. Ordinance 15051, Section 185, as amended, and K.C.C.

3380 21A.24.325 are hereby amended to read as follows:

3381 A. Except as otherwise provided in this section, buffers shall be provided from the
 3382 wetland edge as follows:

3383 1. The buffers shown on the following table apply unless modified in accordance
 3384 with subsections B., C., D. and E. of this section:

WETLAND CATEGORY AND CHARACTERISTICS	INTENSITY OF IMPACT OF ADJACENT LAND USE		
	HIGH IMPACT	MODERATE IMPACT	LOW IMPACT
Category I			
Wetlands of High Conservation Value	250 feet	190 feet	125 feet
Bog	250 feet	190 feet	125 feet
Estuarine	200 feet	150 feet	100 feet
Coastal Lagoon	200 feet	150 feet	100 feet
Forested	Buffer width to be based on score for habitat functions or water quality functions		
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet

Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category I wetlands not meeting any of the criteria above	100 feet	75 feet	50 feet
Category II			
Estuarine	150 feet	110 feet	75 feet
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category II wetlands not meeting any of the criteria above	100 feet	75 feet	50 feet
Category III			
Habitat score from 8 to 9 points (high level of function)	300 feet	225 feet	150 feet
Habitat score from 6 to 7 points (moderate level of function)	150 feet	110 feet	75 feet
Category III wetlands not meeting any of the criteria above	80 feet	60 feet	40 feet
Category IV	50 feet	40 feet	25 feet

3385 2. For purposes of this subsection A., unless the director determines a lesser level
3386 of impact is appropriate based on information provided by the applicant, the intensity of
3387 impact of the adjacent land use is determined as follows:

3388 a. High impact includes:

3389 (1) sites zoned commercial or industrial;

3390 (2) commercial, institutional or industrial use on a site regardless of the
3391 zoning (~~designation~~) classification;

3392 (3) nonresidential use on a site zoned for residential use;

3393 (4) high-intensity active recreation use on a site regardless of zoning, such as
3394 golf courses, ball fields and similar use;

3395 (5) all sites within the Urban Growth Area; or

3396 (6) Residential zoning greater than one dwelling unit per acre;

3397 b. Moderate impact includes:

3398 (1) residential uses on sites zoned residential one dwelling unit per acre or less;

3399 (2) residential use on a site zoned rural area, agriculture or forestry;

3400 (3) agricultural uses without an approved farm management plan;

3401 (4) utility corridors or right-of-way shared by several utilities, including
3402 maintenance roads; or

3403 (5) moderate-intensity active recreation or open space use, such as paved trails,
3404 parks with biking, jogging and similar use; and

3405 c. Low impact includes:

3406 (1) forestry use on a site regardless of zoning (~~designation~~) classification;

3407 (2) passive recreation uses, such as unpaved trails, nature viewing areas, fishing
3408 and camping areas, and other similar uses that do not require permanent structures, on a site
3409 regardless of zoning;

3410 (3) agricultural uses carried out in accordance with an approved farm
3411 management plan and in accordance with K.C.C. 21A.24.045.D.53. and K.C.C.
3412 21A.24.045.D.54.; or

3413 (4) utility corridors without a maintenance road and little or no vegetation
3414 maintenance.

3415 B. The department may approve a modification of the minimum buffer width
3416 required by this section by averaging the buffer width if:

3417 1. The department determines that:

3418 a. the buffer averaging will improve wetland protection if the wetland has
3419 significant differences in characteristics that effect habitat functions, such as a wetland with
3420 a forested component adjacent to a degraded emergent component or a "dual-rated"
3421 wetland with a Category I area adjacent to a lower-rated area; or

3422 b. averaging includes the corridors of a wetland complex; and

3423 2. The resulting buffer meets the following standards:

3424 a. the total area of the buffer after averaging is equivalent to or greater than the
3425 area of the buffer before averaging;

3426 b. the additional buffer is contiguous with the standard buffer;

3427 c. the buffer at its narrowest point is never less than either seventy-five percent
3428 of the required width or seventy-five feet for Category I and II, fifty feet for Category III,
3429 and twenty-five feet for Category IV, whichever is greater;

3430 d. the averaged buffer will not result in degradation of wetland functions and
3431 values as demonstrated by a critical area((s)) report from a qualified wetland professional;
3432 and

3433 e. the buffer is increased adjacent to the higher functioning area of habitat or
3434 more sensitive portion of the wetland and decreased adjacent to the lower-functioning or
3435 less-sensitive portion as demonstrated by a critical area((s)) report from a qualified wetland
3436 professional.

3437 C. Wetland buffer widths shall also be subject to modifications under the following
3438 special circumstances:

3439 1. For wetlands containing documented habitat for endangered, threatened or
3440 species of local importance, the following shall apply:

3441 a. the department shall establish the appropriate buffer, based on a habitat
3442 assessment, to ensure that the buffer provides adequate protection for the sensitive species;
3443 and

3444 b. the department may apply the buffer reduction rules in subsection C.6. of this
3445 section and the buffer averaging rules in subsection B. of this section;

3446 2. For a wetland buffer that includes a steep slope hazard area or landslide hazard
3447 area, the buffer width is the greater of the buffer width required by the wetland's category
3448 in this section or the top of the hazard area;

3449 3. For a wetland complex located outside the Urban Growth Area established by
3450 the King County Comprehensive Plan or located within the Urban Growth Area in a basin
3451 designated as "high" on the Basin and Shoreline Conditions Map, which is included as
3452 Attachment A to Ordinance 15051, the buffer width is determined as follows:

3453 a. the buffer width for each individual wetland in the complex is the same width
3454 as the buffer width required for the category of wetland;

3455 b. if the buffer of a wetland within the complex does not touch or overlap with at
3456 least one other wetland buffer in the complex, a corridor is required from the buffer of that
3457 wetland to one other wetland buffer in the complex considering the following factors:

3458 (1) the corridor is designed to support maintaining viable wildlife species that
3459 are commonly recognized to exclusively or partially use wetlands and wetland buffers
3460 during a critical life cycle stage, such as breeding, rearing or feeding;

3461 (2) the corridor minimizes fragmentation of the wetlands;

3462 (3) higher category wetlands are connected through corridors before lower
3463 category wetlands; and

3464 (4) the corridor width is a least twenty-five percent of the length of the corridor,
3465 but no less than twenty-five feet in width; and

3466 (5) shorter corridors are preferred over longer corridors;

3467 c. wetlands in a complex that are connected by an aquatic area that flows
3468 between the wetlands are not required to be connected through a corridor;

3469 d. the department may exclude a wetland from the wetland complex if the
3470 applicant demonstrates that the wetland is unlikely to provide habitat for wildlife species
3471 that are commonly recognized to exclusively or partially use wetlands and wetland buffers
3472 during a critical life cycle stage, such as breeding, rearing or feeding; and

3473 e. the alterations allowed in a wetland buffer in K.C.C. 21A.24.045 are allowed
3474 in corridors subject to the same conditions and requirements as wetland buffers as long as
3475 the alteration is designed so as not to disrupt wildlife movement through the corridor;

3476 4. Where a legally established roadway transects a wetland buffer, the department
3477 may approve a modification of the minimum required buffer width to the edge of the
3478 roadway if the part of the buffer on the other side of the roadway sought to be reduced:

3479 a. does not provide additional protection of the proposed development or the
3480 wetland; and

3481 b. provides insignificant biological, geological or hydrological buffer functions
3482 relating to the other portion of the buffer adjacent to the wetland;

3483 5. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055, the
3484 buffer widths shall be established under the rural stewardship plan and shall not exceed the
3485 standard for a low impact land use, unless the department determines that a larger buffer is
3486 necessary to achieve no net loss of wetland ecological function; and

3487 6. The buffer widths required for proposed land uses with high intensity impacts
3488 to wetlands can be reduced to those required for moderate intensity impacts under the
3489 following conditions:

3490 a. For wetlands that score moderate or high for habitat, which means six points
3491 or higher, the width of the buffer can be reduced if both of the following criteria are met:

3492 (1) A relatively undisturbed vegetated corridor at least one-hundred feet wide
3493 is protected between the wetland and any other Priority Habitats as defined by the
3494 Washington state Department of Fish and Wildlife in the priority habitat and species list.
3495 The corridor must be protected for the entire distance between the wetland and the
3496 priority habitat and legally recorded via a conservation easement; and

3497 (2) Measures to minimize the impacts of different land uses on wetlands as
3498 identified in subsection C.6.b. of this section are applied; and

3499 b. For wetlands that score low for habitat, which means less than six points, the
 3500 buffer width can be reduced to that required for moderate intensity impacts by applying
 3501 measures to minimize impacts of the proposed land uses, as follows:

Disturbance	Measures to minimize impacts
Lights	Direct lights away from wetland.
Noise	Locate activity that generates noise away from wetland. If warranted, enhance existing buffer with native vegetation plantings adjacent to noise source. For activities that generate relatively continuous, potentially disruptive noise, such as certain heavy industry or mining, establish an additional ten-foot heavily vegetated buffer strip immediately adjacent to the outer wetland buffer.
Toxic runoff	Route all new untreated runoff away from wetland while ensuring wetland is not dewatered. Establish covenants limiting use of pesticides within 150 feet of wetland. Apply integrated pest management.
Stormwater runoff	Retrofit stormwater detention and treatment for roads and existing adjacent development. Prevent channelized flow from lawns that directly enters the buffer. Use low impact intensity development techniques identified in the King County Surface Water Design Manual.
Change in water regime	Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces and new lawns.

Pets and human disturbance	Use privacy fencing or plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion. Place wetland and its buffer in a separate tract or protect with a conservation easement.
Dust	Use best management practices to control dust.

3502 D. The department may approve a modification to the buffers established in
3503 subsection A. of this section if the wetland was created or its characterization was upgraded
3504 as part of a voluntary enhancement or restoration project.

3505 E. If the site is located within the shoreline jurisdiction, the department shall
3506 determine that a proposal to reduce wetland buffers under this section will result in no net
3507 loss of shoreline ecological functions.

3508 SECTION 70. Ordinance 3688, Section 303, as amended, and K.C.C.
3509 21A.25.050 are hereby amended to read as follows:

3510 A. The requirements of the shoreline master program apply to all uses and
3511 development occurring within the shoreline jurisdiction. The King County shoreline
3512 jurisdiction consists of shorelines, shorelines of statewide significance, and shorelands as
3513 defined in RCW 90.58.030 and K.C.C. chapter 21A.06, and the one-hundred-year
3514 floodplain.

3515 B. The shoreline jurisdiction does not include tribal reservation lands and lands
3516 held in trust by the federal government for tribes. Nothing in the King County shoreline
3517 master program or action taken under that program shall affect any treaty right to which
3518 the United States is a party.

3519 C. The lakes and segments of rivers and streams constituting the King County

shoreline jurisdiction are set forth in Attachment ~~((K))~~ H to ~~((Ordinance 17485))~~ this ordinance. The King County shoreline jurisdiction is shown on a map adopted in chapter 6 of the King County Comprehensive Plan. If there is a discrepancy between the map and the criteria established in subsection A. of this section, the criteria shall constitute the official King County shoreline jurisdiction. The county shall update the shoreline master program to reflect the new designation within three years of the discovery of the discrepancy.

SECTION 71. Ordinance 10870, Section 539, as amended, and K.C.C. 21A.32.020 are hereby amended to read as follows:

A. ~~((With the exception of))~~ This chapter shall apply to all nonconformances, except:

1. ~~((n))~~ Nonconforming ~~((extractive))~~ operations ~~((identified in))~~ regulated by K.C.C. chapter 21A.22~~((, all nonconformances shall be subject to the provisions of this chapter))~~; and

2. Fossil fuel facilities regulated by K.C.C. 21A.08.100.

B. This chapter does not supersede or relieve a property owner from compliance with

~~1. The International Building and Fire Codes; or~~

~~2. The provisions of this code beyond the specific nonconformance addressed by this chapter~~) local, state and federal regulations and laws that apply to the property and structures and uses thereon.

SECTION 72. Ordinance 13274, Section 1, as amended, and K.C.C. 21A.37.010 are hereby amended to read as follows:

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 urban, rural((;)) and resource ((and urban separator)) lands that provide a public benefit. The TDR provisions are intended to supplement land use regulations, resource protection efforts and open space acquisition programs and to encourage increased residential development density or increased commercial square footage, especially inside cities, where it can best be accommodated with the least impacts on the natural environment and public services by:

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

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

B. The TDR provisions in this chapter shall only apply to TDR receiving site development proposals submitted on or after September 17, 2001, and applications for approval of TDR sending sites submitted on or after September 17, 2001.

SECTION 73. Ordinance 13274, Section 4, as amended, and K.C.C. 21A.37.020 are hereby amended to read as follows:

A. For the purpose of this chapter, sending site means the entire tax lot or lots qualified under ~~((subsection B. of))~~ this subsection. Sending sites ~~((may only be located within rural or resource lands or urban separator areas with R-1 zoning, as designated by~~

3566 ~~the King County Comprehensive Plan, and shall meet)) shall:~~

3567 1. Contain a public benefit such that preservation of that benefit by transferring
3568 residential development rights to another site is in the public interest;

3569 2. Meet at least one of the following criteria:

3570 a. designation in the King County Comprehensive Plan or a functional plan as
3571 an agricultural production district or zoned A;

3572 b. designation in the King County Comprehensive Plan or a functional plan as
3573 forest production district or zoned F;

3574 c. designation in the King County Comprehensive Plan as Rural Area, zoned
3575 RA-2.5, RA-5 or RA-10, and meeting the definition in RCW 84.34.020 of open space, of
3576 farm and agricultural land or of timber land;

3577 d. designation in the King County Comprehensive Plan or a functional plan as
3578 a proposed Rural Area or Natural Resource Land regional trail or Rural Area or Natural
3579 Resource Land open space site, through either:

3580 (1) designation of a specific site; or

3581 (2) identification of proposed Rural Area or Natural Resource Land regional
3582 trail or Rural Area or Natural Resource Land open space sites which meet adopted
3583 standards and criteria, and for Rural Area or Natural Resource Land open space sites,
3584 meet the definition of open space land, as defined in RCW 84.34.020;

3585 e. identification as habitat for federally listed endangered or threatened species
3586 in a written determination by the King County department of natural resources and parks,
3587 Washington state Department of Fish and Wildlife, United States Fish and Wildlife
3588 Services or a federally recognized tribe that the sending site is appropriate for

3589 preservation or acquisition;

3590 f. designation in the King County Comprehensive Plan as urban separator and

3591 zoned R-1; or

3592 g.(1) designation in the King County Comprehensive Plan as urban residential

3593 medium or urban residential high;

3594 (2) zoned R-4, R-6, R-8, R-12, R-18, R-24 or R-48; and

3595 (3) approved for conservation futures tax funding by the King County

3596 council;

3597 3. Consist of one or more contiguous lots that have a combined area that meets

3598 or exceeds the minimum lot area for construction requirements in K.C.C. 21A.12.100 for

3599 the zone in which the sending site is located. For purposes of this subsection, lots divided

3600 by a street are considered contiguous if the lots would share a common lot line if the

3601 street was removed. This provision may be waived by the interagency committee if the

3602 total acreage of a rural or resource sending site application exceeds one hundred acres;

3603 and

3604 4. Not be in public ownership, ((E))except:

3605 a. as provided in K.C.C. 21A.37.110.C.((, -or-));

3606 b. for lands zoned RA that are managed by the Washington state Department

3607 of Natural Resources as state grant or state forest lands((, -and in public ownership may

3608 not be sending sites. If the sending site consists of more than one tax lot, the lots must be

3609 contiguous and the area of the combined lots must meet the minimum lot area for

3610 construction requirements in K.C.C. 21A.12.100 for the zone in which the sending site is

3611 located. For purposes of this section, lots divided by a street are considered contiguous if

the lots would share a common lot line if the street was removed; this provision may be waived by the interagency committee if the total acreage of a rural or resource sending site application exceeds one hundred acres. A sending site shall be maintained in a condition that is consistent with the criteria in this section under which the sending was qualified.

B. Qualification of a sending site shall demonstrate that the site contains a public benefit such that preservation of that benefit by transferring residential development rights to another site is in the public interest. A sending site must meet at least one of the following criteria:

1. Designation in the King County Comprehensive Plan or a functional plan as an agricultural production district or zoned A;

2. Designation in the King County Comprehensive Plan or a functional plan as forest production district or zoned F;

3. Designation in the King Count Comprehensive Plan as rural residential, zoned RA 2.5, RA 5 or RA 10, and meeting the definition in RCW 84.34.020 of open space, farm and agricultural land, or timber land;

4. Designation in the King County Comprehensive Plan, or a functional plan as a proposed rural or resource area regional trail or rural or resource area open space site, through either:

a. designation of a specific site; or

b. identification of proposed rural or resource area regional trail 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

3635 ~~84.34.020;~~

3636 ~~5. Identification as habitat for federal listed endangered or threatened species in~~
3637 ~~a written determination by the King County department of natural resources and parks,~~
3638 ~~Washington state Department of Fish and Wildlife, United States Fish and Wildlife~~
3639 ~~Services or a federally recognized tribe that the sending site is appropriate for~~
3640 ~~preservation or acquisition; or~~

3641 ~~6. Designation in the King County Comprehensive Plan as urban separator and~~
3642 ~~zoned R-1)); or~~

3643 c. for lands that are managed by King County for purposes of residential or
3644 commercial development.

3645 ~~((C.))~~ B. For the purposes of the TDR program, acquisition means obtaining fee
3646 simple rights in real property(~~(;))~~) or a (~~((less than a fee simple))~~) property right in a form
3647 that preserves in perpetuity the public benefit supporting the designation or qualification
3648 of the property as a sending site. A sending site shall be maintained in a condition that is
3649 consistent with the criteria in this section under which the sending was qualified.

3650 ~~((D.))~~ C. If a sending site has any outstanding code violations, the person
3651 responsible for code compliance should resolve these violations, including any required
3652 abatement, restoration, or payment of civil penalties, before a TDR sending site may be
3653 qualified by the interagency review committee created under K.C.C. 21A.37.070.
3654 However, the interagency may qualify and certify a TDR sending site with outstanding
3655 code violations if the person responsible for code compliance has made a good faith
3656 effort to resolve the violations and the proposal is in the public interest.

3657 ~~((E.))~~ D. For lots on which the entire lot or a portion of the lot has been cleared or

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

SECTION 74. Ordinance 13274, Section 6, as amended, and K.C.C. 21A.37.040 are hereby amended to read as follows:

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

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

C. For purposes of calculating the amount of development rights a sending site

can transfer, the amount of land contained within a sending site shall be determined as follows:

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

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

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

2. If the sending site consists of a lot that is divided by a zoning boundary, the square footage or acreage shall be calculated separately for each zoning classification.

The square footage or acreage within each zoning classification shall be determined by the King County record of the action that established the zoning and property lines, such as an approved lot line adjustment. When such records are not available or are not adequate to determine the square footage or acreage within each zoning classification, the department of 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;

3704 3. Sending sites zoned RA-5 or RA-10 shall have a base density of one dwelling
3705 unit per five acres. Vacant sending sites that are zone RA-5 and are smaller than two and
3706 one-half acres or that are zoned RA-10 and are smaller than five acres shall be allocated
3707 ~~((one))~~ one additional TDR for each vacant lot that is smaller than two and one-half acres
3708 or five acres, respectively;

3709 4. Sending sites zoned RA and that have a designation under the King County
3710 Shoreline Master Program of conservancy or natural shall be allocated one additional
3711 TDR;

3712 5. Sending sites zoned A-10 and A-35 shall have a base density of one dwelling
3713 unit per five acres for transfer purposes only;

3714 6. Sending sites zoned F within the forest production district shall have a base
3715 density of one dwelling unit per eighty acres or one dwelling unit per each lot that is
3716 between fifteen and eighty acres in size; or

3717 7. Sending sites in the urban unincorporated area that meet the criteria in K.C.C.
3718 21A.37.020.A.2.g. shall be allocated TDRs that are equivalent to the zoning base density
3719 established in K.C.C. 21A.12.030 for every one acre of gross land area.

3720 E. A sending site zoned RA, A or F may send one development right for every
3721 legal lot larger than five thousand square feet that was created on or before September 17,
3722 2001, if that number is greater than the number of development rights determined under
3723 subsection A. of this section. A sending site zoned R-1 may send one development right
3724 for every legal lot larger than two thousand five hundred square feet that was created on
3725 or before September 17, 2001, if that number is greater than the number of development
3726 rights determined under subsection A. of this section.

3727 F. The number of development rights that a King County unincorporated rural or
3728 natural resources land sending site is eligible to send to a King County incorporated
3729 urban area receiving site shall be determined through the application of a conversion ratio
3730 established by King County and the incorporated municipal jurisdiction. The conversion
3731 ratio will be applied to the number of available sending site development rights
3732 determined under subsection A. or E. of this section.

3733 G. Development rights from one sending site may be allocated to more than one
3734 receiving site and one receiving site may accept development rights from more than one
3735 sending site.

3736 H. The determination of the number of residential development rights a sending
3737 site has available for transfer to a receiving site shall be valid for transfer purposes only,
3738 shall be documented in a TDR qualification report prepared by the department of natural
3739 resources and parks and sent to the applicant. The qualification report and shall be
3740 considered a final determination, not to be revised due to changes to the sending site's
3741 zoning, and shall be valid unless conditions on the sending site property that would affect
3742 the number of development rights the sending site has available for transfer have
3743 changed.

3744 I. Each residential transferable development right that originates from a sending
3745 site zoned RA, A or F shall be designated "Rural" and is equivalent to two additional
3746 units above base density in eligible receiving sites located in unincorporated urban King
3747 County. Each residential transferable development right that originates from a sending
3748 site zoned R-1 urban separator shall be designated "Urban" and is equivalent to one
3749 additional unit above base density. Each residential transferable development right that

originates from a sending site in urban unincorporated area lands meeting the criteria in
K.C.C. 21A.37.020.A.2.g shall be designated "Urban" and is equivalent to one additional
unit above the base density.

SECTION 75. Ordinance 13274, Section 7, as amended, and K.C.C. 21A.37.070
are hereby amended to read as follows:

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;

3773 2. A title report;

3774 3. A brief description of the site resources and public benefit to be preserved;

3775 4. A site plan showing the existing and proposed dwelling units, nonresidential

3776 structures, driveways, submerged lands and any area already subject to a conservation

3777 easement or other similar encumbrance;

3778 5. Assessors map or maps of the lot or lots;

3779 6. A statement of intent indicating whether the property ownership, after TDR

3780 certification, will be retained in private ownership or dedicated to King County or another

3781 public or private nonprofit agency;

3782 7. Any or all of the following written in conformance with criteria established

3783 through a public rule consistent with K.C.C. chapter 2.98, if the site is qualifying as

3784 habitat for a threatened or endangered species:

3785 a. a wildlife habitat conservation plan;

3786 b. a wildlife habitat restoration plan; or

3787 c. a wildlife present conditions report;

3788 8. If the site qualifies as an urban unincorporated area sending site meeting the

3789 criteria in K.C.C. 21A.37.020.A.2.g.:

3790 9. A forest stewardship plan, written in conformance with criteria established

3791 through a public rule consistent with K.C.C. chapter 2.98, if required under K.C.C.

3792 21A.37.060.B.3. and 6.;

3793 ~~((9-))~~ 10. An affidavit of compliance with the reforestation requirements of the

3794 Forest Practices Act and any additional reforestation conditions of the forest practices

3795 permit for the site, if required under K.C.C. 21A.37.020.~~((E))~~D.;

3796 ~~((14-))~~ 11. A completed density calculation worksheet for estimating the number
3797 of available development rights; and

3798 ~~((11-))~~ 12. The application fee consistent with K.C.C. ~~((27.36.020))~~ 27.10.170.

3799 SECTION 76. Ordinance 13733, Section 8, as amended, and K.C.C. 21A.37.100
3800 are hereby amended to read as follows:

3801 The purpose of the TDR bank is to assist in the implementation of the transfer of
3802 development rights (TDR) program by bridging the time gap between willing sellers and
3803 buyers of development rights by purchasing and selling development rights, purchasing
3804 conservation easements, and facilitating interlocal TDR agreements with cities in King
3805 County through the provision of amenity funds. The TDR bank may acquire
3806 development rights and conservation easements only from sending sites located in the
3807 rural area or in an agricultural or forest ~~((production district as designated))~~ land use
3808 designation in the King County Comprehensive Plan, or in the urban unincorporated area
3809 only from sites meeting the criteria in K.C.C. 21A.37.020.A.2.g. Development rights
3810 purchased from the TDR bank may only be used for receiving sites in cities or in the
3811 urban unincorporated area as designated in the King County Comprehensive Plan.

3812 SECTION 77. Ordinance 13733, Section 10, as amended, and K.C.C.

3813 21A.37.110 are hereby amended to read as follows:

3814 A. The TDR bank may purchase development rights from qualified sending sites
3815 at prices not to exceed fair market value and to sell development rights at prices not less
3816 than fair market value, except as allowed in K.C.C. 21A.37.130. The TDR bank may
3817 accept donations of development rights from qualified TDR sending sites.

3818 B. The TDR bank may purchase a conservation easement only if the property
3819 subject to the conservation easement is qualified as a sending site as evidenced by a TDR
3820 qualification report, the conservation easement restricts development of the sending site
3821 in the manner required by K.C.C. 21A.37.060 and the development rights generated by
3822 encumbering the sending site with the conservation easement are issued to the TDR bank
3823 at no additional cost.

3824 C. Any development rights, generated by encumbering property with a
3825 conservation easement, may be issued to the TDR bank if:

3826 1.a. The conservation easement is acquired through a county park, open space,
3827 trail, agricultural, forestry or other natural resource acquisition program for a property
3828 that is qualified as a TDR sending site as evidenced by a TDR qualification report; or

3829 b. the property is acquired by the county with the intent of conveying the
3830 property encumbered by a reserved conservation easement. The number of development
3831 rights generated by this reserved conservation easement shall be determined by the TDR
3832 qualification report; and

3833 2. Under either subsection C.1.a. or b. of this section, there will be no additional
3834 cost to the county for acquiring the development rights.

3835 D. The TDR bank may use funds to facilitate development rights transfers.
3836 These expenditures may include, but are not limited to, establishing and maintaining
3837 internet web pages, marketing TDR receiving sites, procuring title reports and appraisals
3838 and reimbursing the costs incurred by the department of natural resources and parks,
3839 water and land resources division, or its successor, for administering the TDR bank fund
3840 and executing development rights purchases and sales.

3841 E. The TDR bank fund may be used to cover the cost of providing staff support
3842 for identifying and qualifying sending and receiving sites, and the costs of providing staff
3843 support for the TDR interagency review committee.

3844 F. Upon approval of the TDR executive board, proceeds from the sale of TDR
3845 bank development rights shall be available for acquisition of additional development
3846 rights and as amenity funds to facilitate interlocal TDR agreements with cities in King
3847 County and for projects in receiving areas located in urban unincorporated King County.
3848 Amenity funds provided to a city from the sale of TDR bank development rights to that
3849 city are limited to one-third of the proceeds from the sale.

3850 SECTION 78. Ordinance 13733, Section 12, as amended, and K.C.C.

3851 21A.37.130 are hereby amended to read as follows:

3852 A. The sale of development rights by the TDR bank shall be at a price that equals
3853 or exceeds the fair market value of the development rights, unless the development rights
3854 are to be used to provide units over one hundred fifty percent of base density in
3855 accordance with K.C.C. 21A.12.030.B.27.b., in which case development rights shall be
3856 sold at one percent of the fair market value of the development rights. The fair market
3857 value of the development rights shall be established by the department of natural
3858 resources and shall be based on the amount the county paid for the development rights
3859 and the prevailing market conditions.

3860 B. When selling development rights, the TDR bank may select prospective
3861 purchasers based on the price offered for the development rights, the number of
3862 development rights offered to be purchased, and the potential for the sale to achieve the
3863 purposes of the TDR program.

3864 C. The TDR bank may sell development rights only in whole or half increments
3865 to incorporated receiving sites through an interlocal agreement or, after the county enacts
3866 legislation that complies with chapter 365-198 WAC, to incorporated receiving sites in a
3867 city that has enacted legislation that complies with chapter 365-198 WAC. The TDR
3868 bank may sell development rights only in whole increments to unincorporated King
3869 County receiving sites.

3870 D. All offers to purchase development rights from the TDR bank shall be in
3871 writing, shall include a certification that the development rights, if used, shall be used
3872 only inside an identified city or within the urban unincorporated area, include a minimum
3873 ten percent down payment with purchase option, shall include the number of
3874 development rights to be purchased, location of the receiving site, proposed purchase
3875 price and the required date or dates for completion of the sale, not later than three years
3876 after the date of receipt by King County of the purchase offer.

3877 E. Payment for purchase of development rights from the TDR bank shall be in
3878 full at the time the development rights are transferred unless otherwise authorized by the
3879 department of natural resources and parks.

3880 SECTION 79. Ordinance 10870, Section 577, as amended, and K.C.C.

3881 21A.38.040 are hereby amended to read as follows:

3882 Special district overlays shall be ~~((designated))~~ classified on the official ~~((area))~~
3883 zoning map~~((s))~~ and as a notation in the department's electronic parcel record, as follows:

3884 A. A special district overlay shall be ~~((designated))~~ classified through the area
3885 zoning process as provided in K.C.C. chapters 20.12 and 20.18. ~~((Designation))~~

3886 Classification of an overlay district shall include policies that prescribe the purposes and
3887 location of the overlay;

3888 B. A special district overlay shall be applied to land through an area zoning
3889 process as provided in K.C.C. chapters 20.12 and 20.18 and shall be indicated on the
3890 zoning map and as a notation in the department's electronic parcel record and shall be
3891 designated in Appendix B of Ordinance 12824 as maintained by the department of local
3892 services, permitting division, with the suffix "-SO" following the map symbol of the
3893 underlying zone or zones;

3894 C. The special district overlays in this chapter are the only overlays authorized by
3895 the code. New or amended overlays to carry out new or different goals or policies shall
3896 be adopted as part of this chapter and be available for use in all appropriate community,
3897 subarea or neighborhood planning areas;

3898 D. The special district overlays in this chapter may waive, modify and substitute
3899 for the range of permitted uses and development standards established by this title for any
3900 use or underlying zone;

3901 E. Unless they are specifically modified by this chapter, the standard
3902 requirements of this title and other county ordinances and regulations govern all
3903 development and land uses within special district overlays;

3904 F. A special district overlay on an individual site may be modified by property-
3905 specific development standards as provided in K.C.C. 21A.38.030;

3906 G. A special district overlay may not be deleted by a zone reclassification; and

3907 H. Special district overlay development standards may be modified or waived
3908 through the consideration of a variance, subject to the variance criteria in K.C.C.
3909 21A.44.030.

3910 SECTION 80. Ordinance 10870, Section 578, as amended, and K.C.C.
3911 21A.38.050 are hereby amended to read as follows:

3912 A. The purpose of the pedestrian-oriented commercial development special
3913 district overlay is to provide for high-density, pedestrian-oriented retail ((/)) and
3914 employment uses. The ((P))pedestrian-oriented commercial districts shall only be
3915 established in areas designated ~~((within a community, subarea, or neighborhood plan as~~
3916 ~~an urban activity center))~~ as a center on the adopted Urban Centers map of the King
3917 County Comprehensive Plan and zoned CB, RB or O.

3918 B. Permitted uses shall be those uses permitted in the underlying zone, excluding
3919 the following:

- 3920 1. Motor vehicle, boat and mobile home dealer;
3921 2. Gasoline service station;
3922 3. Drive-through retail and service uses, except SIC Industry Number 5812
3923 (Eating places) in buildings existing before July 2017;
3924 4. Car washes;
3925 5. Retail and service uses with outside storage, e.g., lumber yards,
3926 miscellaneous equipment rental or machinery sales;
3927 6. Wholesale uses;
3928 7. Recreation/cultural uses as set forth in K.C.C. 21A.08.040, except parks,
3929 sports clubs, theaters, libraries and museums;

3930 8. SIC Major Group 75 (Automotive repair, services and parking) except 7521
3931 (automobile parking; but excluding tow-in parking lots);

3932 9. SIC Major Group 76 (Miscellaneous repair services), except 7631 (Watch,
3933 clock and jewelry repair);

3934 10. SIC Major Group 78 (Motion pictures), except 7832 (theater) and 7841
3935 (video tape rental);

3936 11. SIC Major Group 80 (Health services), except offices and outpatient clinics
3937 (801-804);

3938 12. SIC Industry Group 421 (Trucking and courier service);

3939 13. Public agency archives;

3940 14. Self-service storage;

3941 15. Manufacturing land uses as set forth in K.C.C. 21A.08.080, except SIC
3942 Industry Code 2759 (Commercial printing); ((and))

3943 16. Resource land uses as set forth in K.C.C. 21A.08.090;

3944 17. SIC Industry Code 7261 (Funeral home/crematory);

3945 18. Cemetery, columbarium or mausoleum;

3946 19. Interim recycling facility;

3947 20. Utility facility, except underground water, gas or wastewater pipelines;

3948 21. Vector waste receiving facility; and

3949 22. SIC Industry Group 598 (Fuel dealers).

3950 C. The following development standards shall apply to uses located in
3951 pedestrian-oriented commercial overlay districts:

3952 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;~~

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:

a. main building entrances shall be oriented to the ~~((pedestrian))~~ public street;

b. at the ground floor (at grade), buildings shall be located no more than ~~((5))~~ five feet from the sidewalk or sidewalk improvement, but shall not encroach on the public right-of-way. For buildings existing before of the effective date of this section of this ordinance, with setbacks greater than five feet and that have substantial improvements made to them after the effective date of this section 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%))~~ seventy-five percent of the total ~~((pedestrian))~~ street frontage for a property and if applicable, at least ~~((75%))~~ seventy-five percent of the total pedestrian route frontage for a property;

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 thirty percent of the building facade surface area and overhead protection above all building entrances; and

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. ~~((v))~~ 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. chapter 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 before the effective date of this section of this ordinance that have substantial improvements made to them after the effective date of this section of this ordinance; and

6. ~~((On designated pedestrian streets, sidewalk width requirements shall be increased to a range of ten to twelve feet wide including sidewalk landscaping and other amenities. The sidewalk widths exceeding the amount required in the King County Road Standards may occur on private property adjoining the public street right-of-way; and~~

7.)) Off-street parking requirements K.C.C. 21A.18.110 ~~((are modified as follows for all nonresidential uses:~~

a. ~~No less than one space for every 1000 square feet of floor area shall be~~

3999 provided;

4000 b. ~~No more than seventy-five percent of parking shall be on-site surface~~
4001 ~~parking. Such parking shall be placed in the interior of the lot, or at the rear of the~~
4002 ~~building it serves; and~~

4003 c. ~~At least twenty-five percent of the required parking shall be enclosed in an~~
4004 ~~on-site parking structure or located at an off-site common parking facility, provided that~~
4005 ~~this requirement is waived when the applicant signs a no-protest agreement to participate~~
4006 ~~in any improvement district for the future construction of such facilities))~~ shall apply,
4007 except that the relief from K.C.C. 21A.18.110.A.4. that may be granted by the director
4008 shall only allow use of on-street parallel parking in front of or adjacent to the subject
4009 parcel for the parking spaces that cannot be accommodated to the rear or sides of
4010 buildings.

4011 NEW SECTION. SECTION 81. There is hereby added to K.C.C. chapter 21A.38
4012 a new section to read as follows:

4013 A. The purpose of the Skyway-West Hill Neighborhood Business Mixed-Use
4014 Special District Overlay is to facilitate linkages to the existing Martin Luther King Jr
4015 Way South Neighborhood Business Center, incentivize commercial opportunities close
4016 existing high-density housing, incentivize commercial development by allowing more
4017 uses than traditionally found in mixed-use developments and provide flexibility in current
4018 square footage limitations.

4019 B. The following development standards shall be applied to all development
4020 proposals within the Martin Luther King Jr. Way South Mixed-Use Special District
4021 Overlay:

- 4022 1. Development shall be mixed-use as defined in K.C.C. 21A.06.753;
- 4023 2. A professional office as defined in K.C.C. 21A.06.910 is an allowed use as
- 4024 part of a mixed-use development in subsection B.1. of this section; and
- 4025 3. Any nonresidential component of the development that is personal services
- 4026 allowed in the R-48 zone under K.C.C. 21A.08.050 or retail use allowed in the R-48 zone
- 4027 under K.C.C. 21A.08.070 shall comply with K.C.C. 21A.12.230, except that K.C.C.
- 4028 21A.12.230.A., B. and C. do not apply to the development.

4029 NEW SECTION. SECTION 82. There is hereby added to K.C.C. chapter 21A.38

4030 a new section to read as follows:

4031 A. The purpose of the Bear Creek office and retail special district overlay is to

4032 provide additional commercial opportunities to support area residents and the local

4033 economy and to provide retail options for employees of the office zones.

4034 B. Allowed uses within the special district overlay shall be those uses allowed in

4035 the office zone in K.C.C. chapter 21A.08 and the following permitted retail land uses:

- 4036 1. Building materials and hardware stores;
- 4037 2. Retail nursery, garden center and farm supply stores;
- 4038 3. Department and variety stores;
- 4039 4. SIC Major Group 54 - Food stores;
- 4040 5. SIC Industry Group 553 - Auto supply stores;
- 4041 6. SIC Industry Group 554 - Gasoline service stations;
- 4042 7. SIC Major Group 56 - Apparel and accessory stores;
- 4043 8. Furniture and home furnishings stores;
- 4044 9. SIC Major Group 58 - Eating and drinking places;

- 4045 10. Drug store;
- 4046 11. SIC Industry Group 592 - Liquor stores;
- 4047 12. SIC Industry Group 593 - Used goods: antiques/secondhand shops;
- 4048 13. Sporting goods and related stores;
- 4049 14. Book, stationary, video and art supply stores, except adult use facilities;
- 4050 15. Jewelry stores;
- 4051 16. Hobby, toy and games shops;
- 4052 17. Photographic and electronic shops;
- 4053 18. Fabric shops;
- 4054 19. Florist shops;
- 4055 20. Personal medical supply stores; and
- 4056 21. Pet shops.

4057 SECTION 83. Ordinance 12627, Section 1, and K.C.C. 21A.55.010 are hereby
4058 amended to read as follows:

4059 ~~((Purpose:))~~ The purpose of this section is to provide for "demonstration
4060 projects" as a mechanism to test and evaluate alternative development standards and
4061 processes prior to amending King County policies and regulations. Alternative
4062 development standards might include standards affecting building and/or site design
4063 requirements. Alternative processes might include permit review prioritization,
4064 alternative review and revision scheduling, or staff and peer review practices. All
4065 demonstration projects shall have broad public benefit through the testing of new
4066 development regulations and shall not be used solely to benefit individual property
4067 owners seeking relief from King County development standards. A demonstration

4068 project shall be ~~((designated))~~ classified by the ~~((M))~~metropolitan King County
4069 ~~((C))~~council. ~~((Designation))~~ Classification of each new demonstration project shall
4070 occur through an ordinance which amends this code and shall include provisions that
4071 prescribe the purpose~~((s))~~ or purposes and location~~((s))~~ or locations of the
4072 demonstration project. Demonstration projects shall be located in urban areas, ~~((and/or))~~
4073 rural areas or natural resource lands, or any combination thereof, which are deemed most
4074 suitable for the testing of the proposed alternative development regulations. Within such
4075 areas development proposals may be undertaken to test the efficacy of alternative
4076 regulations that are proposed to facilitate increased quality of development and/or
4077 increased efficiency in the development review processes.

4078 SECTION 84. Ordinance 12627, Section 2, as amended, and K.C.C. 21A.55.020
4079 are hereby amended to read as follows:

4080 A. In establishing any demonstration project, the council shall specify the
4081 following:

- 4082 1. The purpose of the demonstration project;
- 4083 2. The location or locations of the demonstration project;
- 4084 3. The scope of authority to modify standards and the lead agency, department
4085 or division with authority to administer the demonstration project;
- 4086 4. The development standards established by this title or other titles of the King
4087 County Code that affect the development of property that are subject to administrative
4088 modifications or waivers;
- 4089 5. The process through which requests for modifications or waivers are
4090 reviewed and any limitations on the type of permit or action;

4091 6. The criteria for modification or waiver approval;

4092 7. The effective period for the demonstration project and any limitations on
4093 extensions of the effective period;

4094 8. The scope of the evaluation of the demonstration project and the date by
4095 which the executive shall submit an evaluation of the demonstration project; and

4096 9. The date by which the executive shall submit an evaluation of specific
4097 alternative standards and, if applicable, proposed legislation.

4098 B. A demonstration project shall be ~~((designated))~~ classified by the
4099 ~~((M))~~metropolitan King County ~~((C))~~council through the application of a demonstration
4100 project overlay to properties in a specific area or areas. A demonstration project shall be
4101 indicated on the zoning map ~~((or))~~ and as a notation in the geographic information system
4102 data layers maintained by the department of local services, permitting division, by the
4103 suffix "-DPA" (meaning demonstration project area) following the map symbol of the
4104 underlying zone or zones. Within a ~~((designated))~~ classified demonstration project area,
4105 approved alternative development regulations may be applied to development
4106 applications.

4107 SECTION 85. Ordinance 12627, Section 3, and K.C.C. 21A.55.030 are hereby
4108 amended to read as follows:

4109 A. The demonstration projects set forth in this chapter are the only authorized
4110 demonstration projects. New or amended demonstration projects to carry out new or
4111 different goals or policies shall be adopted as part of this chapter.

4112 B. Demonstration projects must be consistent with the King County
4113 Comprehensive Plan. ~~((Designation))~~ Classification of a demonstration project and its

4114 provisions to waive or modify development standards must not require nor result in
4115 amendment of the ((e))Comprehensive ((p))Plan nor the ((e))Comprehensive Plan land
4116 use map.

4117 C. Unless they are specifically modified or waived pursuant to the provisions of
4118 this chapter, the standard requirements of this title and other county ordinances and
4119 regulations shall govern all development and land uses within a demonstration project
4120 area. Property-specific development standards (P-suffix conditions) as provided in
4121 K.C.C. 21A.38 shall supersede any modifications or waivers allowed by the provisions of
4122 this chapter.

4123 D. Demonstration project sites should be selected so that any resulting amended
4124 development standards or processes can be applied to similar areas or developments.
4125 Similar areas could include those with similar mixes of use and zoning. Similar
4126 developments could include types of buildings such as commercial or multifamily and
4127 types of development such as subdivisions or redevelopment.

4128 SECTION 86. Ordinance 13332, Section 33, as amended, and K.C.C. 27.10.080
4129 are hereby amended to read as follows:

4130 Fees for zoning or ((e))Comprehensive ((p))Plan or map modification shall be
4131 charged as follows:

A. Variance

- | | |
|--------------------------|------------|
| 1. Review | \$6,692.00 |
| 2. Extension of approval | \$244.00 |

- B. Site-specific amendment of land use map, plan, code or
shoreline environment redesignation \$2,234.00

C. Other zoning reclassification requests including shoreline \$9,135.00
environment redesignation, deletion of special district overlay,
or amendment or deletion of p-suffix conditions

D. If a site-specific amendment is implemented as part of ~~((the))~~ a Comprehensive
Plan ~~((amendment process))~~ update, the application fee will be credited toward the zoning
reclassification fee, provided that the application for zoning reclassification is filed within
one year of the effective date of the site-specific land use map amendment.

SECTION 87. The following are hereby repealed:

A. Ordinance 10870, Section 580, as amended, and K.C.C. 21A.38.070;

B. Ordinance 12171, Section 7, and K.C.C. 21A.38.110;

C. Ordinance 12823, Section 9, and K.C.C. 21A.38.140; and

D. Ordinance 12823, Section 19, as amended, and K.C.C. 21A.38.240.

SECTION 88. The executive shall submit sections 67, 68, 69 and 70 of this
ordinance, amendments to King County Comprehensive Plan chapter six in Attachment
A to this ordinance and amendments to the Shoreline Master Program in Attachments E
and H to this ordinance to the state Department of Ecology for its approval, as provided
in RCW 90.58.090.

SECTION 89. Sections 67, 68, 69 and 70 of this ordinance, amendments to King
County Comprehensive Plan chapter six in Attachment A to this ordinance and
amendments to the Shoreline Master Program in Attachments E and H to this ordinance
take effect within the shoreline jurisdiction fourteen days after the state Department of
Ecology provides written notice of final action stating that the proposal is approved, in
accordance with RCW 90.58.090. The executive shall provide the written notice of final

4152 action to the clerk of the council.

4153 SECTION 90. Severability. If any provision of this ordinance or its application
4154 to any person or circumstance is held invalid, the remainder of the ordinance or the
4155 application of the provision to other persons or circumstances is not affected."

4156

4157 Strike Attachment A, Comprehensive Plan Amends 2020 Update, and insert Attachment
4158 A, 2020 Update to 2016 King County Comprehensive Plan and 2017 Vashon-Maury
4159 Island Community Service Area Subarea Plan, dated April 17, 2020. The clerk of the
4160 council is instructed to engross changes from any adopted amendments and correct any
4161 scrivener's errors. Line numbers have been added to the attachment for ease of reference.
4162 The clerk of the council is instructed to remove line numbers in the attachment on the
4163 final version of this legislation adopted by the council before presentation to the
4164 executive. Upon final adoption, council staff is instructed to reflect the enactment
4165 number throughout Attachment A, incorporate adopted changes into the King County
4166 Comprehensive Plan and Vashon-Maury Island CSA Subarea Plan, update the tables of
4167 contents as necessary, update footnote numbers as necessary, and provide an electronic
4168 copy of each to the executive.

4169

4170 Strike Attachment B, Appendix C - Transportation, and insert Attachment B, Appendix
4171 C: Transportation, 2020 update to 2016 Comprehensive Plan, dated March 25, 2020. The
4172 clerk of the council is instructed to engross changes from any adopted amendments and
4173 correct any scrivener's errors. Line numbers have been added to the attachment for ease
4174 of reference. The clerk of the council is instructed to remove line numbers in the

4175 attachment on the final version of this legislation adopted by the council before
4176 presentation to the executive. The clerk of the council is also instructed to update the
4177 header to reflect the enactment number upon final adoption.
4178
4179 Strike Attachment C, Appendix C1 - Transportation, and insert Attachment C, Appendix
4180 C1: Transportation Needs Report, 2020 update to 2016 King County Comprehensive
4181 Plan, dated March 25, 2020. The clerk of the council is instructed to engross changes
4182 from any adopted amendments and correct any scrivener's errors. Line numbers have
4183 been added to the attachment for ease of reference. The clerk of the council is instructed
4184 to remove line numbers in the attachment on the final version of this legislation adopted
4185 by the council before presentation to the executive. The clerk of the council is also
4186 instructed to update the header to reflect the enactment number upon final adoption.
4187
4188 Strike Attachment D, Comp Plan Land Use Zoning Maps 2020 Update and insert
4189 Attachment D, Amendments to Land Use and Zoning Maps, 2020 update to 2016 King
4190 County Comprehensive Plan, dated March 25, 2020. The clerk of the council is
4191 instructed to engross changes from any adopted amendments and correct any scrivener's
4192 errors. Line numbers have been added to the attachment for ease of reference. The clerk
4193 of the council is instructed to remove line numbers in the attachment on the final version
4194 of this legislation adopted by the council before presentation to the executive. Upon final
4195 adoption, council staff is instructed to reflect the enactment number throughout
4196 Attachment D, and coordinate with executive staff to assign new P-suffix or Special
4197 District Overlay numbers, modify all Comprehensive Plan and technical maps that

4198 include the urban growth area boundary, potential annexation areas and the agricultural
4199 production district to reflect these changes.
4200

4201 Strike Attachment E, Shoreline Maps 2020 Update and insert Attachment E,
4202 Amendments to Shorelines of the State Map, 2020 update to 2016 King County
4203 Comprehensive Plan and Shoreline Master Program, dated March 25, 2020. The clerk of
4204 the council is instructed to engross changes from any adopted amendments and correct
4205 any scrivener's errors. Line numbers have been added to the attachment for ease of
4206 reference. The clerk of the council is instructed to remove line numbers in the attachment
4207 on the final version of this legislation adopted by the council before presentation to the
4208 executive. Upon final adoption, council staff is instructed to reflect the enactment
4209 number throughout Attachment E, and coordinate with executive staff to modify all
4210 Comprehensive Plan and technical maps that include the urban growth area boundary,
4211 potential annexation areas and the agricultural production district to reflect these changes.
4212

4213 Strike Attachment H, SMP Jurisdiction List 2020 Updates and insert Attachment H,
4214 Shoreline Jurisdiction, Streams and Lakes Segments, 2020 update to 2016 King County
4215 Comprehensive Plan and Shoreline Master Program, dated March 25, 2020. The clerk of
4216 the council is instructed to engross changes from any adopted amendments and correct
4217 any scrivener's errors. Line numbers have been added to the attachment for ease of
4218 reference. The clerk of the council is instructed to remove line numbers in the attachment
4219 on the final version of this legislation adopted by the council before presentation to the

4220 executive. The clerk of the council is also instructed to update the header to reflect the
4221 enactment number upon final adoption.

4222

4223 Strike Attachment I, Tech Appendix S-Public Participation Summary 2020 Update and
4224 insert Attachment I, Technical Appendix S: Public Participation Summary for 2020
4225 Update, 2020 Update to 2016 King County Comprehensive Plan, dated March 25, 2020.

4226 The clerk of the council is instructed to engross changes from any adopted amendments
4227 and correct any scrivener's errors. Line numbers have been added to the attachment for
4228 ease of reference. The clerk of the council is instructed to remove line numbers in the
4229 attachment on the final version of this legislation adopted by the council before
4230 presentation to the executive. The clerk of the council is also instructed to update the
4231 header to reflect the enactment number upon final adoption.

4232

4233 **EFFECT: The effect of S1 is described in the Summary Matrix that compares S1 to**
4234 **the Executive's transmitted proposed ordinance.**