

1 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

2 **SECTION 1. Findings:**

3 ~~_____ A. For the purposes~~ Ordinance 18810 adopted the 2018 update to the 2016 King
4 County Comprehensive Plan. The 2018 update included a restructure of effective land
5 ~~use the county's comprehensive planning and regulation, the King County council makes~~
6 ~~the following legislative findings:~~

7 ~~process, including shifting from a four-year to an eight-year update schedule to match~~

8 ~~_____ A. The 2012 King County Comprehensive Plan, adopted by King County~~
9 ~~Ordinance 17485, satisfied the Growth Management Act requirement for ("the county~~
10 ~~to GMA") mandated review and update is comprehensive plan by June 30, 2015;~~

11 ~~schedule _____ B. The Growth Management Act and modifications to the King County~~
12 ~~Code authorize adoption of comprehensive plan updates once per year;~~

13 ~~subarea planning program established in the _____ C. King County adopted the 2016 King~~
14 ~~County Comprehensive Plan via Ordinance 18472;~~

15 ~~. Ordinance 18810 also authorized adoption of a limited " _____ D. King County adopted the~~
16 ~~2018 amendments to the 2016 King County Comprehensive Plan via Ordinance 18810,~~
17 ~~which directed a review in 2020 called the 2020 midpoint update to the 2016 King~~
18 ~~County Comprehensive Plan;~~

19 ~~_____ E. King County adopted the 2020 Scope of Work via Motion 15329, which~~
20 ~~identified the topics to be considered in the 2020 update" update to the 2016 King County~~
21 ~~Comprehensive Plan in 2020.~~

22 ~~_____ B. Motion 15329 adopted the scope of work for the 2020 update to the 2016 King~~
23 ~~County Comprehensive Plan. The scope of work required development of text and policy~~

24 proposals, area zoning and land use proposals, code studies and reports that could be
25 included in the 2020 update. The scope of work also included the public outreach plan
26 and State Environmental Policy Act process for the 2020 update.

27 C. As part of the 2020 update, modifications to the urban growth area boundary
28 are included. One change expands the urban growth area boundary adjacent to the city of
29 Woodinville to allow the city to annex a right-of-way. Another change expands the
30 urban growth area boundary adjacent to the city of Maple Valley to allow the city to
31 annex existing utility tracts. Both of these changes facilitate the provision of urban
32 services and are authorized by K.C.C. 20.18.130. The third change removes three parcels
33 from the urban growth area. This redesignation to rural land outside the urban growth
34 area is consistent with countywide planning policy DP-18 and as authorized by K.C.C.
35 20.18.130.

36 D. such as The adopted policies and development regulations for fossil fuel
37 facilities, regulations to prepare for sea level rise impacts, and new zoning for the Bear
38 Creek Urban Planned Developments;
39 fuels and fossil fuel facilities ~~F. In accordance with the Growth Management Act, King~~
40 ~~County conducted a public engagement process to collect feedback on draft policies and~~
41 ~~regulations: creating a public webpage devoted to the draft plan components; holding six~~
42 ~~public meetings; and providing access through an online comment portal;~~

43 ~~G. The adopted policies and regulations address the health, safety and~~
44 ~~environmental risks from fossil fuel facilities of these uses. The policies and regulations~~
45 ~~also recognize the impacts of coal mining to air and water quality from mining for fossil~~
46 ~~fuels such as coal. The policies and regulations also address health and safety risks from~~

47 ~~already observed and projected sea level rise and associated impacts to structures, and~~
48 ~~facilities on Vashon-Maury Island; as such, prohibit the development of new or expanded~~
49 ~~coal mines.~~

50 ~~HE.~~ The operation of fossil fuel ~~storage and processing~~ facilities carries ~~risks~~
51 of explosion, leaks, spills and pollution of air and water. Burning of fossil fuels is a
52 major source of environmental pollution and carbon dioxide contributing to climate
53 change in King County. King County has responsibility for upholding the public health,
54 safety, and welfare of all residents while mitigating and preparing for natural and human-
55 caused disasters, protecting and preserving natural systems, and supporting economic
56 development. ~~According to the Impacts of Climate Change on Human Health in the~~
57 ~~United States report prepared by the United States Global Climate Change Program,~~
58 ~~health~~ impacts from smoke and air pollution and heat-related illnesses can lead to grave
59 health conditions, especially for vulnerable populations including children,
60 ~~elderly~~ ~~seniors~~, and people with pre-existing health conditions such as asthma. ~~The~~
61 ~~policies and development regulations place limits on the development and operation of~~
62 ~~fossil fuel facilities in order to address those impacts to the residents of King County.~~

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

66 ~~G. The last statutory update required by RCW 36.70A.130(4)(a) was met with the~~
67 ~~2012 King County Comprehensive Plan that was adopted by Ordinance 17485.~~
68 ~~Engrossed Substitute House Bill 2342, passed by the legislature and signed into law as~~
69 ~~Chapter 113, Laws of Washington 2020, by the governor as a result of 2020 legislative~~

70 session, modified the schedule for the GMA-mandated updates to Comprehensive Plans.
71 As a result, RCW 36.70A.130(5)(a) requires King County and the cities within King
72 County to complete a review of their comprehensive plans on or before June 30, 2024,
73 and every eight years thereafter. This 2020 update does not serve as the statutory update
74 required by RCW 36.70A.130.

75 H. The GMA and the King County Code generally allow the adoption of
76 comprehensive plan updates only once per year. The amendments to policies and text in
77 to this ordinance constitute the 2020 update to the 2016 King County Comprehensive
78 Plan. The GMA ~~I. The Growth Management Act~~ requires that King County adopt
79 development regulations to be consistent with and implement the Comprehensive Plan;
80 ~~and~~

81 ~~—~~ J. The changes to policies, development regulations, land use designations,
82 zoning classifications, shoreline environment designations and the shoreline jurisdiction
83 ~~contained~~ in this ordinance are needed to maintain conformity with the ~~2020 update to the~~
84 ~~2016~~ King County Comprehensive Plan. They bear a substantial relationship to, are
85 necessary for, the public, health, safety, and general welfare of King County and its
86 residents.

87 I. The 2020 update to the 2016 King County Comprehensive Plan is the first
88 "midpoint" update under the county's restructured comprehensive planning process. As
89 the county developed the 2020 update, and partly because of the reduced timeframe to
90 complete this update, some topics identified in the scope of work were not completed,
91 and it became clear that modifications to what can be included as part of a midpoint
92 update were necessary. To address these identified issues, the 2020 update includes

93 substantive changes made to the Workplan Action items. These substantive changes
94 modify existing Workplan Action items or establish new Workplan Action items. Future
95 midpoint updates will be allowed to modify or add Workplan Action items.

96 J. The Shoreline Management Act requires King County to develop and
97 administer a shoreline master program. Ordinance 16985 and Ordinance 17485 adopted
98 a comprehensive update of King County's shoreline master program as required by RCW
99 90.58.080(2). Ordinance 19034 adopted a periodic review of King County's shoreline
100 master program as required by RCW 90.58.080(4).

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

107 L. The 2016 King County Comprehensive Plan launched a Community Service
108 Areas subarea planning program. Community Service Area ("CSA") subarea plans are
109 expected to be created for the six rural CSAs and for the five remaining large urban
110 unincorporated potential annexation areas over a thirteen-year schedule. The CSA
111 subarea planning program recognizes the county's role as a local service provider in the
112 unincorporated area, including for localized long-range planning. Many areas of
113 unincorporated King County have not had subarea planning since the 1990s or earlier.
114 The CSA subarea planning program as restructured in the 2018 update and refined in the
115 2020 update will provide improved coordination, accountability and service delivery in

116 the area of long-range planning for unincorporated areas of King County.

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

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

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

137 SECTION 2. A.-1. Attachments A, B, C, D, E, F, G, H, and I to this ordinance
138 are adopted as amendments to the 2016 King County Comprehensive Plan, as adopted in

139 Ordinance 18472 and its attachments and as amended by Ordinance 18623 and Ordinance
140 18810.

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

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

146 C. The elements of the King County Shoreline Master Program in sections ~~42,~~
147 ~~43, 44, 68, 69, 70~~ and ~~4571~~ of this ordinance, in King County Comprehensive Plan
148 chapter six of Attachment A to this ordinance, and in Attachments E and H to this
149 ordinance are hereby amended to read as set forth in this ordinance and are incorporated
150 herein by this reference.

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

155 E. The land use and zoning amendments ~~contained~~ in sections ~~51, 52, 81, 82, 83,~~
156 ~~84~~ and ~~portions of 5689~~ of this ordinance and ~~Attachments~~Attachment D ~~and G~~ to this
157 ordinance are hereby adopted as amendments to Appendix A ~~of~~to Ordinance 12824, as
158 amended, and as the official land use and zoning controls for those portions of
159 unincorporated King County defined in those sections of this ordinance and attachments
160 to this ordinance.

161 F. The King County department of local services, permitting division, shall

162 update the geographic information system data layers accordingly to reflect adoption of
163 this ordinance.

164 SECTION 3. Sections 4 through 6 of this ordinance should constitute a new
165 chapter in K.C.C. Title 16-Ordinance 12075, Section 3, as amended, and K.C.C. 2.16.025,
166 are hereby amended to read as follows:

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

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

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

173 2. Preparing forecasts of and monitor revenues;

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

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

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

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

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

184 8. Performance management and accountability;

- 185 a. providing leadership and coordination of the performance management and
186 accountability system countywide;
- 187 b. overseeing the development of strategic plans and business plans for each
188 executive branch department and office;
- 189 c. providing technical assistance on the development of strategic plans and
190 business plans for agencies;
- 191 d. developing and using community-level indicators and agency performance
192 measures to monitor and evaluate the effectiveness and efficiency of county agencies;
- 193 e. overseeing the production of an annual performance report for the executive
194 branch;
- 195 f. coordinating performance review process of executive branch departments
196 and offices;
- 197 g. collecting and analyzing land development, population, housing, natural
198 resource enhancement, transportation and economic activity data to aid decision making
199 and to support implementation of county plans and programs, including benchmarks;
- 200 h. leading public engagement and working in support of county performance
201 management, budget and strategic planning; and
- 202 i. developing and transmitting to the council a biennial report on April 30 in
203 odd-numbered years about the benefits achieved from technology projects. The report
204 shall include information about the benefits obtained from completed projects and a
205 comparison with benefits that were projected during different stages of the project. The
206 report shall also include a description of the expected benefits from those projects not yet
207 completed. The report shall be approved by the council by motion. The report and

208 motion shall be filed in the form of a paper original and an electronic copy with the clerk
209 of the council, who shall retain the original and provide an electronic copy to all
210 councilmembers;

211 9. Strategic planning and interagency coordination:

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

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

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

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

218 10. Business relations and economic development:

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

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

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

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

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

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

235 11. Continuous improvement:

236 a. leading, coordinating and implementing a program of continuous
237 improvement, including the provision of leadership development, transformational
238 improvement and capacity building in Lean thinking; and

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

243 12. Regional planning:

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

247 b. coordinating countywide planning at the Growth Management Planning
248 Council consistent with the Washington state Growth Management Act, including
249 leading the Growth Management Planning Council's interjurisdictional staff team in
250 accordance with the interlocal agreement authorized by King County Motion 8495;

251 c. managing updates to the county's Comprehensive Plan in coordination with
252 the department of local services(~~(, permitting division,)~~) in accordance with K.C.C. Title
253 20;

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

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

259 f. coleading with the department of local services, permitting division, an
260 interbranch regional planning team that supports the council and executive through the
261 provision of information and data, development of policy proposals and options for
262 regional issues related to growth management, economic development and transportation.

263 Participation in the interbranch regional planning team shall include executive,
264 department and council staff as designated by the respective branches.

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

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

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

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

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

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

278 6. Providing resources for labor relations training for county agencies, the
279 executive, the council and others, in collaboration with the department of human
280 resources.

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

285 a. liquor licenses under chapter 66.20 RCW; and

286 b. licenses for marijuana producers, processors or retailers under chapter 69.50
287 RCW.

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

292 3. For each application reviewed under subsection D.1.b. of this section, the
293 executive shall transmit to the county council a copy of the application received with the
294 applicant's name and proposed license application location, a copy of all comments
295 received under subsection D.2. of this section and the executive's recommendation to the
296 Washington state Liquor and Cannabis board.

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

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

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

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

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

316 3. Develop and implement programs and strategies that emphasize:

317 a. improving the coordination of local services by county agencies through
318 increased collaboration;

319 b. strengthening partnerships between the county, communities and other
320 entities;

321 c. improving the delivery, responsiveness and quality of local services to the
322 people, businesses and communities of unincorporated King County through unified
323 accountability;

324 d. improving local services through robust employee engagement while
325 embracing equity and social justice and continuous improvement;

326 e. strengthening unincorporated communities by supporting local planning and
327 community initiatives; and

328 f. pursuing innovative funding strategies.

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

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

335 a. be based on a scope of work established with the community;

336 b. establish a long-range vision and policies to implement that vision. Policies
337 in the subarea plan shall be consistent with and not redundant to policy direction in the
338 Comprehensive Plan;

339 c. establish performance metrics and monitoring for implementation of the
340 subarea plan;

341 d. use the tools and resources developed by the office of equity and social
342 justice to develop the scope of work and to develop, review, amend, adopt and implement
343 the plan, including, but not limited to, community engagement, language access and
344 equity impact review tools. The county shall use, at minimum, the "County engages in
345 dialogue" and "County and community work together" levels of engagement as outlined
346 in the office of equity and social justice's Community Engagement Guide for the scoping,
347 development, review, amendment, adoption and implementation of the subarea plan. The
348 county shall include as an appendix to the subarea plan information detailing the
349 community engagement completed during the development of the subarea plan and how
350 the community engagement meets the requirements of this subsection B.2.d.;

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

355 f. include a review of policies specific to the subarea in the Comprehensive
356 Plan and previously adopted subarea or community plans, and, where appropriate,
357 transfer policies from the Comprehensive Plan and other county plans to the subarea
358 plan;

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

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

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

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

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

376 2. Each community needs list shall:

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

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

382 c. be developed, reviewed, prioritized, amended, adopted and implemented
383 using tools and resources developed by the office of equity and social justice, including,
384 but not limited to, community engagement, language access and equity impact review
385 tools. The county shall use, at minimum, the "County engages in dialogue" and "County
386 and community work together" levels of engagement as outlined in the office of equity

387 and social justice's Community Engagement Guide for the development, review,
388 amendment, adoption and implementation of the community needs list. The county shall
389 include as an appendix to the community needs list information detailing the community
390 engagement completed during the development of the community needs list and how the
391 community engagement meets the requirements of this subsection C.2.c..

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

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

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

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

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

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

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

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

410 (2) which county agencies are responsible for implementation; and
411 (3) an anticipated timeline for completion that reflects that future resources
412 and budget appropriations may change the timeline. The county shall encourage
413 creativity and flexibility in identifying potential partnerships with and opportunities for
414 others, such as community-based organizations, to meet these needs;

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

422 e. The community needs list shall establish performance metrics to monitor the
423 implementation of the community needs list and the overarching progress towards
424 reaching the twenty-year vision established in the policies of the subarea plan. The
425 performance metrics shall be:

426 (1) reviewed and reported on annually for the community needs list and
427 biennially for the subarea plan; and
428 (2) informed and monitored by the community and the council.

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

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

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

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

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

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

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

446 6. The community needs lists shall be used to develop proposals for the
447 executive's proposed biennial budget, including services, programs, infrastructure and
448 facilities that implement the list. As part of the executive's biennial budget transmittal,
449 the executive shall include a description of how the proposed biennial budget implements
450 the list.

451 D.1. The department shall also manage the community service area framework
452 adopted by Ordinance 17139, which shall be called the community service area program.
453 The community service area program shall develop and implement programs and services
454 to help all residents of unincorporated King County be more knowledgeable of, better

455 served by and heard by King County departments and agencies. The community service
456 area program shall work with all county departments and agencies whose services,
457 programs and projects are of interest to unincorporated area residents, to promote
458 successful public engagement.

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

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

465 b. address the required elements in Ordinance 17139~~((7))~~;

466 c. list potential action items for the area~~((7))~~;

467 d. list known planning activities for the area~~((7, and))~~;

468 e. identify public meetings for the area;

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

471 g. establish an ongoing communications and community engagement plan
472 using tools and resources developed by the office of equity and social justice, including,
473 but not limited to, community engagement, language access and equity impact review
474 tools. The county shall use, at minimum, the "County engages in dialogue" and "County
475 and community work together" levels of engagement as outlined in the office of equity
476 and social justice's Community Engagement Guide for the development, review,
477 amendment, adoption and implementation of the community needs list; and

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

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

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

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

491 2. Service partnerships agreements shall:

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

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

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

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

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

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

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

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

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

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

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

516 4. A schedule for completing the service partnership agreements with county
517 agencies shall be established as part of the executive's proposed 2021-2022 biennial
518 budget and is subject to council approval by motion. The schedule is expected to show
519 service partnership agreements with all required agencies in effect no later than
520 transmittal of the executive's proposed 2023-2024 biennial budget.

521 5. The service partnership agreements, after they are established, shall be
522 updated concurrent with the development of the biennial budget and shall be transmitted
523 to the council as part of the supporting material for the executive's proposed biennial

524 budget. In addition to the requirements for service partnership agreements described in
525 subsection E. of this section, the updates shall include evaluation and reporting on the
526 goals and performance metrics identified in the previous service partnership agreement
527 and in the community needs list.

528 ~~((C:))~~ F. Until an ordinance that makes changes to the King County Code
529 required in ~~((section 217))~~ Ordinance 18791, Section 217, is effective, the permitting
530 division shall be considered the successor agency to the department of permitting and
531 environmental review. Therefore, upon effectiveness of Ordinance 18791 and until an
532 ordinance required by Ordinance 18791, ~~((s))~~Section 217, is effective, where the code
533 states or intends a decision to be made or action to be implemented by the department of
534 permitting and environmental review, those decisions or actions shall be performed by
535 the permitting division.

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

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

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

544 ~~e:))~~ participating on the interbranch regional planning team as specified in
545 K.C.C. 2.16.025;

546 ~~((c-))~~ c. administering the state Environmental Policy Act and acting as lead
547 agency, including making the threshold determinations, determining the amount of
548 environmental impact and reasonable mitigation measures and coordinating with other
549 departments and divisions in the preparation of county environmental documents or in
550 response to environmental documents from other agencies;

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

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

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

562 ~~((h-))~~ g. developing and implementing an inspection program to identify fire
563 hazards and require conformance with K.C.C. Title 17, reviewing building plans and
564 applications for compliance with K.C.C. Title 17 and conducting inspections, including
565 inspections of new construction, for compliance with K.C.C. Title 17.

566 2. The permitting division manager shall be the:

567 a. county planning director;

568 b. zoning adjuster;

569 c. responsible official for purposes of administering the state Environmental
570 Policy Act;

571 d. county building official; and

572 e. county fire marshal.

573 3. The manager may delegate the functions in subsection ((D.2.))G.2 of this
574 section to qualified subordinates.

575 ((E.)) H. The road services division is responsible for designing, constructing,
576 maintaining and operating a comprehensive system of roadways and other transportation
577 facilities and services to support a variety of transportation modes for the safe and
578 efficient movement of people and goods and delivery of services. The duties of the
579 division shall include the following:

580 1. Designing, constructing and maintaining county roads, bridges and associated
581 drainage facilities;

582 2. Designing, installing and maintaining county traffic signs, markings and
583 signals;

584 3. Designing, installing and maintaining bicycle and pedestrian facilities;

585 4. Managing intergovernmental contracts or agreements for services related to
586 road maintenance and construction and to other transportation programs supporting the
587 transportation plan;

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

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

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

598 8. ~~NEW SECTION. SECTION 4.~~ There is hereby added to the chapter
599 established in section 3 of this ordinance a new section to read as follows:

600 ~~The definitions in K.C.C. chapter 16.03 and the following definitions apply to this~~
601 ~~chapter, unless the context clearly requires otherwise.~~

602 ~~A. "Sea level rise protection elevation" means three feet above the base flood~~
603 ~~elevation of the of the adjacent flood zone.~~Preparing, maintaining and administering the
604 county road standards;

605 9. Preparing and administering multiyear roads maintenance and capital
606 construction plans and periodic updates;

607 10. Administering the transportation concurrency and mitigation payment
608 programs; and

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

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

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

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

627 SECTION 5.

628 ~~B. "Sea level rise risk area" means lands on Vashon Maury Island adjacent to a~~
629 ~~coastal high hazard area that extend landward to an elevation three feet above the base~~
630 ~~flood elevation of the adjacent flood zone.~~

631 ~~NEW SECTION. SECTION 5. There is hereby added to the chapter established~~
632 ~~in section 3 of this ordinance a new section to read as follows:~~

633 ~~Within the sea level rise risk area the following building standards apply:~~

634 ~~A. All buildings and substantial improvements to existing buildings shall be~~
635 ~~elevated on pilings and columns in a manner consistent with applicable floodplain~~

636 ~~development standards in this title, K.C.C. Title 21A, the Federal Emergency~~
637 ~~Management Agency Coastal Construction Manual and other relevant requirements, and~~
638 ~~in a manner that provides the following at a minimum:~~

639 ~~———— 1. The bottom of the lowest horizontal structural member of the lowest floor,~~
640 ~~excluding the pilings or columns, is elevated above the sea level rise protection elevation;~~
641 ~~and~~

642 ~~===== 2. The pile or column foundation and building attached thereto is anchored to~~
643 ~~resist flotation, collapse and lateral movement due to the effects of flood water, wind and~~
644 ~~other loads as prescribed in this title acting simultaneously on all building components.~~
645 ~~Flood water loading values shall each have a one percent chance of being equaled or~~
646 ~~exceeded in any given year;~~

647 ~~===== B. A registered professional engineer licensed by the state of Washington shall~~
648 ~~prepare the structural design, specifications and plans for the building, and shall certify~~
649 ~~that the design and methods of construction to be used are in accordance with accepted~~
650 ~~standards of practice for meeting the provisions of subsection A. of this section, including~~
651 ~~applicable floodplain development standards in this title, K.C.C. Title 21A, the Federal~~
652 ~~Emergency Management Agency Coastal Construction Manual and other relevant~~
653 ~~requirements;~~

654 ~~———— C. The applicant shall provide a Federal Emergency Management Agency~~
655 ~~elevation certificate completed by a land surveyor licensed by the state of Washington~~
656 ~~documenting the elevation of the bottom of the lowest structural member of the lowest~~
657 ~~floor, excluding pilings and columns, of all new and substantially improved buildings and~~
658 ~~whether or not the buildings contain a basement. The department shall maintain the~~

659 ~~Federal Emergency Management Agency elevation certificates required by this section~~
660 ~~for public inspection and for certification under the National Flood Insurance Program;~~

661 ~~===== D. All buildings and substantial improvements to existing buildings shall~~
662 ~~maintain the space below the lowest floor free of obstruction. The space can include~~
663 ~~nonsupporting open wood lattice work or insect screening that is intended to collapse~~
664 ~~under wind and wave loads without causing collapse, displacement or other structural~~
665 ~~damage to the elevated portion of the building or supporting foundation system. The~~
666 ~~space below the lowest floor can be used only for parking of vehicles, building access or~~
667 ~~storage. The space shall not be used for human habitation;~~

668 ~~===== E. Fill for structural support of buildings is prohibited; and~~

669 ~~===== F. All manufactured homes to be placed or substantially improved within the sea~~
670 ~~level rise risk area shall meet the standards in subsections A. through E. of this section.~~

671 ~~===== NEW SECTION. SECTION 6. There is hereby added to the chapter established~~
672 ~~in section 3 of this ordinance a new section to read as follows:~~

673 ~~----- A. The director may approve variances to this chapter.~~

674 ~~----- B. In reviewing and evaluating variance applications, the director shall consider~~
675 ~~all technical evaluations and relevant factors, including, but not limited to:~~

676 ~~===== 1. The danger that materials may be swept onto other lands to the injury of~~
677 ~~others;~~

678 ~~===== 2. The danger of life and property due to coastal flooding or erosion damage;~~

679 ~~===== 3. The susceptibility of the proposed building or facility and its contents to flood~~
680 ~~damage and the effect of the damage on the individual owner;~~

681 ~~===== 4. The importance of the services provided by the proposed building or facility~~

682 ~~to the community;~~

683 ~~5. The necessity to the building or facility of a waterfront location;~~

684 ~~6. The availability of alternative locations for the proposed use that are not~~

685 ~~subject to flooding or erosion damage;~~

686 ~~7. The potential of the proposed development to create an adverse effect on a~~

687 ~~federally or state~~ **protected species or habitat;**

688 ~~8. The compatibility of the proposed use with existing and anticipated~~

689 ~~development;~~

690 ~~9. The relationship of the proposed use to the Comprehensive Plan, shoreline~~

691 ~~master program and flood hazard management plan;~~

692 ~~10. The safety of access to the property in times of flooding for ordinary and~~

693 ~~emergency vehicles;~~

694 ~~11. The expected heights, velocity, duration, rate of rise, sediment transport of~~

695 ~~the floodwaters and effects of wave action expected at the site; and~~

696 ~~12. The costs of providing governmental services during and after flood~~

697 ~~conditions, including emergency management services and maintenance and repair of~~

698 ~~public utilities and facilities such as sewer, gas, electrical, water systems, streets and~~

699 ~~bridges.~~

700 ~~C. The director may only approve a variance upon a determination that:~~

701 ~~1. Failure to grant the variance would result in an exceptional hardship to the~~

702 ~~applicant;~~

703 ~~2. The granting of a variance will not result in additional threats to public safety,~~

704 ~~extraordinary public expense, create nuisances, cause fraud on or victimization of the~~

~~public or conflict with existing laws or ordinances; and~~

~~3. The variance is the minimum necessary, considering the flood or erosion hazard, to afford relief.~~

~~D. When considering potential approval of variances as allowed in subsections B. and C. of this section, the director shall consider current and future risks from sea level rise conditions anticipated to occur over the next fifty years.~~

~~E. Applicants for variances shall be given a written notice that the approval of a variance to construct a structure below the sea level rise protection elevation established in this chapter in may result in higher future flood insurance premium rates up to amounts as high as twenty five dollars per one hundred dollars of coverage and that the construction below the sea level rise protection elevation increases risks to life and property.~~

~~F. The department shall maintain a record of all requests for variances, including justification for their issuance.~~

~~SECTION 7.~~ 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

728 . Ordinance 18810 ~~((and))~~, Ordinance 1881019034 and this ordinance. The
729 Comprehensive Plan shall be the principal planning document for the orderly physical
730 development of the county and shall be used to guide subarea plans, functional plans,
731 provision of public facilities and services, review of proposed incorporations and
732 annexations, development regulations and land development decisions.

733 SECTION 8. Ordinance 11575, Section 2, as amended, and K.C.C. 20.12.015 are
734 hereby amended to read as follows:

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

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

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

742 ~~— C. Pending or proposed subarea plans or plan revisions and amendments to~~
743 ~~adopted land use regulations, that are adopted on or after November 21, 1994, shall~~
744 ~~conform to all applicable policies and land use designations of the 1994 King County~~
745 ~~Comprehensive Plan;~~

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

749 ~~— 1. For aspects of proposals where both the ((c))Comprehensive ((p))Plan and a~~
750 ~~previously adopted community plan have applicable policies or land use plan map~~

751 designations that do not conflict, both the ~~((c))~~Comprehensive ~~((p))~~Plan and the
752 community plan shall govern;

753 ~~6~~ 2. For aspects of proposals where both the ~~((c))~~Comprehensive ~~((p))~~Plan and a
754 previously adopted community plan have applicable policies or plan map designations
755 that conflict, the ~~((c))~~Comprehensive ~~((p))~~Plan shall govern; and

756 ~~3~~. For aspects of proposals where either the ~~((c))~~Comprehensive ~~((p))~~Plan or a
757 previously adopted community plan, but not both, has applicable policies or plan map
758 designations, the plan with the applicable policies or designations shall govern;

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

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

773 ~~G~~. Nothing in this section shall limit the county's authority to approve, deny or

~~condition proposals in accordance with the state Environmental Policy Act.~~

~~SECTION 9.~~ Ordinance 11653, Section 6, as amended, and K.C.C. 20.12.017 are hereby amended to read as follows:

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

A. Ordinance 11653 adopts area zoning to implement the 1994 King County Comprehensive Plan pursuant to the Washington State Growth Management Act

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

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

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

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

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

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

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

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

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

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

797 Appendix J: Amendments to Newcastle Community Plan P-Suffix Conditions.
798 Appendix K: Amendments to Tahoma/Raven Heights Community Plan P-Suffix
799 Conditions.
800 Appendix L: Amendments to Enumclaw Community Plan P-Suffix Conditions.
801 Appendix M: Amendments to West Hill Community Plan P-Suffix Conditions.
802 Appendix N: Amendments to Resource Lands Community Plan P-Suffix
803 Conditions.
804 Appendix O: 1994 Parcel List, as amended December 19, 1994.
805 Appendix P: Amendments considered by the council January 9, 1995.
806 B. Area zoning adopted by Ordinance 11653, including potential zoning, is
807 contained in Appendices A and O. Amendments to area-wide P-suffix conditions
808 adopted as part of community plan area zoning are contained in Appendices B through N.
809 Existing P-suffix conditions whether adopted through reclassifications or community
810 plan area zoning are retained by Ordinance 11653 except as amended in Appendices B
811 through N.
812 C. The department is hereby directed to correct the official zoning map in
813 accordance with Appendices A through P of Ordinance 11653.
814 D. The 1995 area zoning amendments attached to Ordinance 12061 in Appendix
815 A are adopted as the official zoning control for those portions of unincorporated King
816 County defined therein.
817 E. Amendments to the 1994 King County Comprehensive Plan area zoning,
818 Ordinance 11653 Appendices A through P, as contained in Attachment A to Ordinance
819 12170 are hereby adopted to comply with the Decision and Order of the Central Puget

820 Sound Growth Management Hearings Board in Vashon-Maury Island, et. al. v. King
821 County, Case No. 95-3-0008.

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

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

829 H. The Black Diamond Urban Growth Area Zoning Map attached to Ordinance
830 12533 as Appendix B is adopted as the official zoning control for those portions of
831 unincorporated King County defined therein. Existing p-suffix conditions whether
832 adopted through reclassifications or area zoning are retained by Ordinance 12533.

833 I. The King County Zoning Atlas is amended to include the area shown in
834 Appendix B as UR - Urban Reserve, one DU per 5 acres. Existing p-suffix conditions
835 whether adopted through reclassifications or area zoning are retained by Ordinance
836 12535. The language from Ordinance 12535, Section 1.D., shall be placed on the King
837 County Zoning Atlas page #32 with a reference marker on the area affected by Ordinance
838 12535.

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

842 K. The special district overlays, as designated on the map attached to Ordinance

843 12809 in Appendix A, are hereby adopted pursuant to K.C.C. 21A.38.020 and
844 21A.38.040.

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

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

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

856 2. All ordinances adopting individual zone reclassifications effective ~~((prior to))~~
857 before February 2, 1995, including but not limited to Ordinances 43, 118, 148, 255, 633,
858 1483, 1543, 1582, 1584, 1728, 1788, 2487, 2508, 2548, 2608, 2677, 2701, 2703, 2765,
859 2781, 2840, 2884, 2940, 2958, 2965, 2997, 3239, 3262, 3313, 3360, 3424, 3494, 3496,
860 3501, 3557, 3561, 3641, 3643, 3744, 3779, 3901, 3905, 3953, 3988, 4008, 4043, 4051,
861 4053, 4082, 4094, 4137, 4289, 4290, 4418, 4560, 4589, 4703, 4706, 4764, 4767, 4867,
862 4812, 4885, 4888, 4890, 4915, 4933, 4956, 4970, 4978, 5087, 5114, 5144, 5148, 5171,
863 5184, 5242, 5346, 5353, 5378, 5453, 5663, 5664, 5689, 5744, 5752, 5755, 5765, 5854,
864 5984, 5985, 5986, 6059, 6074, 6113, 6151, 6275, 6468, 6497, 6618, 6671, 6698, 6832,
865 6885, 6916, 6966, 6993, 7008, 7087, 7115, 7207, 7328, 7375, 7382, 7396, 7583, 7653,

866 7677, 7694, 7705, 7757, 7758, 7821, 7831, 7868, 7944, 7972, 8158, 8307, 8361, 8375,
867 8427, 8452, 8465, 8571, 8573, 8603, 8718, 8733, 8786, 8796, 8825, 8858, 8863, 8865,
868 8866, 9030, 9095, 9189, 9276, 9295, 9476, 9622, 9656, 9823, 9991, 10033, 10194,
869 10287, 10419, 10598, 10668, 10781, 10813, 10970, 11024, 11025, 11271((;)) and 11651,
870 are hereby repealed and p-suffix conditions are replaced by the property specific
871 development standards as set forth in Appendix A to Ordinance 12824;

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

876 4. All ordinances adopting area zoning pursuant to Resolution 25789 or
877 converted by Ordinance 11653 are repealed as set forth in subsection M.4.a. through n. of
878 this section. All p-suffix conditions contained therein are repealed or replaced by
879 adopting the property specific development standards as set forth in Appendix A to
880 Ordinance 12824, the special district overlays as designated in Appendix B to Ordinance
881 12824 or the special requirements as designated in Appendix A to Ordinance 12822.

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

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

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

888 d. The Tahoma/Raven Heights Community Plan Area Zoning, attached to

889 Ordinance 6986 as Appendix B, as amended, is hereby repealed.

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

892 f. The Revised Vashon Community Plan Area Zoning, attached to Ordinance
893 7837 as Appendix B, as amended, is hereby repealed.

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

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

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

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

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

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

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

908 n. The West Hill Community Plan Area Zoning adopted in Ordinance
909 ~~((11116))~~ 11166, as amended, is hereby repealed; and

910 5. All ordinances adopting area zoning pursuant to Title 21A and not converted
911 by Ordinance 11653, including community or ~~((e))~~Comprehensive ~~((p))~~Plan area zoning

912 and all subsequent amendments thereto, are amended as set forth in subsection M.5.a.
913 through f. of this section. All property specific development standards (p-suffix
914 conditions) are retained, repealed, amended or replaced by the property specific
915 development standards as set forth in Appendix A to Ordinance 12824, the special district
916 overlays as designated in Appendix B to Ordinance 12824 or the special requirements as
917 designated in Appendix A to Ordinance 12822.

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

921 b. All property specific development standards established in Ordinance
922 11653, as amended, are hereby amended as set forth in Appendix E to Ordinance 12824.

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

925 d. All property specific development standards established in Ordinance
926 12061, as amended, are hereby amended as set forth in Appendix G to Ordinance 12824.

927 e. All property specific development standards established in Ordinance
928 12065, as amended, are hereby amended as set forth in K.C.C. 20.12.170.

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

931 SECTION 107. Ordinance 11166, Section 2, as amended, and K.C.C. 20.12.337
932 are hereby amended to read as follows:

933 ~~((A.))~~ The ~~((West Hill Community Plan, a bound and published document, as~~
934 ~~revised in the Attachments to Ordinance 11166))~~ 2020, as supplemented by the Skyway--

935 West Hill Land Use Strategy, Phase 1 of the Skyway-West Hill Subarea Land Use Plan,
936 dated ~~September 2019~~ March 2020, is adopted as an ~~((amplification and augmentation))~~
937 element of the King County Comprehensive Plan ~~((for King County))~~ and, as such,
938 constitutes official county policy for the geographic area of unincorporated King County
939 defined ~~((therein))~~ in the plan and strategy. In the case of conflict between the West Hill
940 Community Plan and the Skyway-West Hill Land Use Strategy, Phase 1 of the Skyway-
941 West Hill Subarea Plan, the Skyway-West Hill Land Use Strategy, Phase 1 of the Skyway-
942 West Hill Subarea Plan, controls.

943 SECTION 448. Ordinance 13147, Section 19, as amended, and K.C.C. 20.18.030
944 are hereby amended to read as follows:

- 945 A. The King County Comprehensive Plan shall be amended in accordance with
946 this chapter, which, in compliance with RCW 36.70A.130(2), establishes a public
947 participation program whereby amendments are considered by the council no more
948 frequently than once a year as part of the update ~~((eyele))~~ schedule established in this
949 chapter, except that the council may consider amendments more frequently to address:
- 950 1. Emergencies;
 - 951 2. An appeal of the plan filed with the Central Puget Sound Growth Management
952 Hearings Board or with the court;
 - 953 3. The initial adoption of a subarea plan, which may amend the urban growth area
954 boundary only to redesignate land within a joint planning area;
 - 955 4. An amendment of the capital facilities element of the Comprehensive Plan that
956 occurs in conjunction with the adoption of the county budget under K.C.C. 4A.100.010; or
957 5. The adoption or amendment of a shoreline master program under chapter 90.58

958 RCW.

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

- 966 1. Technical amendments to policy, text, maps or shoreline environment
967 designations;
- 968 2. The annual capital improvement plan;
- 969 3. The transportation needs report;
- 970 4. School capital facility plans;
- 971 5. Changes required by existing Comprehensive Plan policies;
- 972 6. Changes to the technical appendices and any amendments required thereby;
- 973 7. Comprehensive updates of subarea plans initiated by motion;
- 974 8. Changes required by amendments to the Countywide Planning Policies or state
975 law;
- 976 9. Redesignation proposals under the four-to-one program as provided for in this
977 chapter;
- 978 10. Amendments necessary for the conservation of threatened and endangered
979 species;
- 980 11. Site-specific land use map amendments that do not require substantive change

981 to Comprehensive Plan policy language and that do not alter the urban growth area
982 boundary, except to correct mapping errors;

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

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

990 14. Adoption of community service area subarea plans;

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

995 16. Amendments to the Comprehensive Plan Workplan; ~~((only as part of the
996 2018 subarea planning restructure adopted by this ordinance))~~ to change deadlines.

997 C. Every eighth year beginning in ~~((2023))~~ 2024, the county shall complete a
998 comprehensive review of the Comprehensive Plan in order to update it as appropriate and
999 to ensure continued compliance with the GMA. This review may provide for a cumulative
1000 analysis of the twenty-year plan based upon official population growth forecasts,
1001 benchmarks and other relevant data in order to consider substantive changes to ~~((policy
1002 language))~~ the Comprehensive Plan and changes to the urban growth area boundary. The
1003 comprehensive review shall begin one year in advance of the transmittal and may be

1004 referred to as the eight-year update. The urban growth area boundaries shall be reviewed in
1005 the context of the eight-year update and in accordance with countywide planning policy G-
1006 1 and RCW 36.70A.130.

1007 D.1. ~~((If there is a scope of work adopted by motion to perform))~~ At the midpoint
1008 of the eight-year update process, a limited update to the Comprehensive Plan to address
1009 time-sensitive issues ~~((prior to))~~ before the next eight-year update, may be authorized by
1010 motion. The update may be referred to as the midpoint update. The midpoint update may
1011 include those substantive changes to the Comprehensive Plan and amendments to the urban
1012 growth area boundary ~~((may also be considered at the midpoint of the eight-year update~~
1013 ~~((cycle))~~ schedule. This update can include substantive changes and amendments as
1014 ~~authorized by motion may be referred to as the midpoint update))~~ that are identified in the
1015 scope of work. The midpoint update may also include additions or amendments to the
1016 Comprehensive Plan Workplan related to a topic identified in the scope of work.

1017 2. The motion shall specify the scope of the midpoint update, and identify that the
1018 resources necessary to accomplish the work are available. A fiscal note for the scope of the
1019 midpoint update shall be provided to the council by the executive within fifteen business
1020 days of introduction of the proposed motion. If the executive determines an additional
1021 appropriation is necessary to complete the midpoint update, the executive may transmit an
1022 ordinance requesting the additional appropriation.

1023 3. If the executive proposes a midpoint update, the executive shall transmit to the
1024 council by the last business day in June two years before the midpoint year of the eight-
1025 year update ~~((eyele))~~ schedule a proposed motion specifying the scope of work for the
1026 midpoint update. The council shall have until September 15 of that year, to adopt a motion

1027 specifying the scope of work initiating a midpoint update, either as transmitted or amended,
1028 or as introduced or amended. If the motion is approved by September 15, the scope shall
1029 proceed as established by the approved motion. In the absence of council approval by
1030 September 15, the executive shall proceed to implement the scope as transmitted. If such
1031 a motion is adopted, the executive shall transmit a midpoint update by the last business day
1032 of June of the following year after adoption of the motion. The council shall have until
1033 June 30 of the following year after transmittal to adopt a midpoint update.

1034 4. Before initiation of the first eight-year update in ~~((2023))~~ 2024, substantive
1035 changes to the Comprehensive Plan and amendments to the urban growth area boundary
1036 may be considered. The amendments shall be considered in the 2020 Comprehensive Plan
1037 update and shall be subject to the midpoint update process and requirements. The
1038 executive shall transmit to the council by the first business day of January 2019 a proposed
1039 motion specifying the scope of work for the proposed ~~((amendments))~~ update consistent
1040 with K.C.C. 20.18.030.D.1. The council shall have until the last business day of February
1041 2019, to adopt the motion, either as transmitted or amended. In the absence of council
1042 approval by the last business day of February 2019, the executive shall proceed to
1043 implement the scope as proposed. If the motion is approved the last business day of
1044 February 2019, the scope shall proceed as established by the approved motion. The
1045 executive shall transmit to the council any proposed amendments for the 2020
1046 Comprehensive Plan update the by the last business day of September 2019. The council
1047 shall have until the last business day of ~~((June))~~ July 2020 to adopt the 2020
1048 Comprehensive Plan update.

1049 E. The executive shall seek public comment on the Comprehensive Plan and any
1050 proposed Comprehensive Plan ~~((amendments))~~ update in accordance with the procedures in
1051 K.C.C. 20.18.160 before making a recommendation, which shall include publishing a
1052 public review draft of the proposed Comprehensive Plan ~~((amendments))~~ update, in
1053 addition to conducting the public review and comment procedures required by SEPA. The
1054 public shall be afforded at least one official opportunity to record public comment before
1055 the transmittal of a recommendation by the executive to the council. County-sponsored
1056 councils and commissions may submit written position statements that shall be considered
1057 by the executive before transmittal and by the council before adoption, if they are received
1058 in a timely manner. The executive's recommendations for changes to policies, text and
1059 maps shall include the elements listed in ~~Comprehensive Plan~~ Comprehensive Plan policy I-
1060 207 and analysis of their financial costs and public benefits, any of which may be included
1061 in environmental review documents. Proposed amendments to the Comprehensive Plan
1062 shall be accompanied by any development regulations or amendments to development
1063 regulations, including area zoning, necessary to implement the proposed amendments.

1064 SECTION 129. Ordinance 13147, Section 20, as amended, and K.C.C. 20.18.040
1065 are hereby amended to read as follows:

1066 A. Site-specific land use map or shoreline master program map amendments may
1067 be considered during the annual update, midpoint update or eight-year update, depending
1068 on the degree of change proposed.

1069 B. ~~((The following categories of s))~~ Site-specific land use map ~~((amendments))~~ or
1070 shoreline master program map amendments that do not require substantive ~~change~~changes
1071 to Comprehensive Plan policy language and that do not alter the urban growth area

1072 boundary, except to correct mapping errors, may be initiated by either the county or a
1073 property owner for consideration in the annual update((:

1074 ~~1. Amendments that do not require substantive change to Comprehensive Plan~~
1075 ~~policy language and that do not alter the urban growth area boundary, except to correct~~
1076 ~~mapping errors; and~~

1077 ~~2. Four to one proposals)).~~

1078 C. The following categories of site-specific land use map and shoreline master
1079 program amendments may be initiated by either the county or a property owner for
1080 consideration in the eight-year update or midpoint update:

1081 1. Amendments that could be considered in the annual update;

1082 2. Amendments that require substantive change to Comprehensive Plan policy
1083 language; and

1084 3. Amendments to the urban growth area boundary.

1085 SECTION 1310. Ordinance 13147, Section 21, as amended, and K.C.C.

1086 20.18.050 are hereby amended to read as follows:

1087 A. Site-specific land use map and shoreline master program map amendments are
1088 legislative actions that may be initiated by property owner application, by council motion
1089 or by executive proposal. All site-specific land use map and shoreline master program map
1090 amendments must be evaluated by the hearing examiner before adoption by the council in
1091 accordance with this chapter.

1092 1. If initiated by council motion, the motion shall refer the proposed site-specific
1093 land use map or shoreline master program map amendment to the department of local
1094 services, permitting division, review for preparation of a recommendation to the hearing

1095 examiner. The motion shall also identify the resources and the work program required to
1096 provide the same level of review accorded to applicant-initiated amendments. An analysis
1097 of the motion's fiscal impact shall be provided to the council before adoption. If the
1098 executive determines that additional funds are necessary to complete the work program, the
1099 executive may transmit an ordinance requesting the appropriation of supplemental funds.

1100 2. If initiated by executive proposal, the proposal shall refer the proposed site-
1101 specific land use map or shoreline master program map amendment to the department of
1102 local services, permitting division, for preparation of a recommendation to the hearing
1103 examiner.

1104 3. If initiated by property owner application, the property owner shall submit a
1105 docket request for a site-specific land use map ~~((amendment))~~ or shoreline master program
1106 map amendment to the department of local services, permitting division, for preparation of
1107 a recommendation to the hearing examiner.

1108 B. A shoreline redesignation initiated by an applicant must include the following
1109 information in addition to the requirements in this section:

- 1110 1. Applicant information, including signature, telephone number and address;
1111 2. The applicant's interest in the property, such as owner, buyer or consultant; and
1112 3. Property owner concurrence, including signature, telephone number and
1113 address.

1114 C. All proposed site-specific land use map or shoreline master program map
1115 amendments, whether initiated by property owner application, by council motion or by
1116 executive proposal shall include the following:

- 1117 1. Name and address of the owner or owners of record;

- 1118 2. Description of the proposed amendment;
- 1119 3. Property description, including parcel number, property street address and
- 1120 nearest cross street;
- 1121 4. County assessor's map outlining the subject property; and
- 1122 5. Related or previous permit activity.

1123 D. Upon initiation of a site-specific land use map or shoreline master program map

1124 amendment, an initial review conference shall be scheduled by the department of local

1125 services, permitting division. The owner or owners of record of the property shall be

1126 notified of and invited to attend the initial review conference. At the initial review

1127 conference, the department of local services, permitting division, shall review the proposed

1128 amendment's consistency with applicable county policies or regulatory enactments

1129 including specific reference to Comprehensive Plan policies, countywide planning policies

1130 and state Growth Management Act requirements. The proposed amendment will be

1131 classified in accordance with K.C.C. 20.18.040 and the classification shall be provided at

1132 the initial review conference or in writing to the owner or owners of record within thirty

1133 days after the initial review conference.

1134 E. If a proposed site-specific land use map or shoreline master program map

1135 amendment is initiated by property owner application, the property owner shall, following

1136 the initial review conference, submit the completed application including an application fee

1137 and an environmental checklist to the department of local services, permitting division, to

1138 proceed with review of the proposed amendment.

1139 F. If a proposed site-specific land use map or shoreline master program map

1140 amendment is initiated by council motion, following the initial review conference, the

1141 council shall submit an environmental checklist to the department of local services,
1142 permitting division, to proceed with review of the proposed amendment.

1143 G. If a proposed site-specific land use map or shoreline master program map
1144 amendment is initiated by executive proposal, following the initial review conference, the
1145 executive shall submit an environmental checklist to the department of local services,
1146 permitting division, to proceed with review of the proposed amendment.

1147 H. Following the submittal of the information required by subsection E., F. or G. of
1148 this section, the department of local services, permitting division, shall submit a report
1149 including an executive recommendation on the proposed amendment to the hearing
1150 examiner within one hundred twenty days. The department of local services, permitting
1151 division, shall provide notice of a public hearing and notice of threshold determination in
1152 accordance with K.C.C. 20.20.060.F., G. and H. The hearing will be conducted by the
1153 hearing examiner in accordance with K.C.C. 20.22.170. Following the public hearing, the
1154 hearing examiner shall prepare a report and recommendation on the proposed amendment
1155 in accordance with K.C.C. 20.22.170. A compilation of all completed reports will be
1156 considered by the council in accordance with K.C.C. 20.18.070.

1157 I. A property-owner-initiated docket request for a site-specific land use map or
1158 shoreline master program map amendment may be accompanied by an application for a
1159 zone reclassification to implement the proposed amendment, in which case administrative
1160 review of the two applications shall be consolidated to the extent practical consistent with
1161 this chapter and K.C.C. chapter 20.20. The council's consideration of a site-specific land
1162 use map or shoreline master program map amendment is a legislative decision that should
1163 be determined before and separate from its consideration of a zone reclassification, which

1164 is a quasi-judicial decision. If a zone reclassification is not proposed in conjunction with an
1165 application for a site-specific land use map or shoreline master program map amendment
1166 and the amendment is adopted, the property shall be given potential zoning. A zone
1167 reclassification in accordance with K.C.C. 20.20.020 is required in order to implement the
1168 potential zoning.

1169 J. Site-specific land use map or shoreline master program map amendments for
1170 which a completed recommendation by the hearing examiner has been submitted to the
1171 council by January 15 will be considered concurrently with the annual ~~((amendment))~~
1172 update to the Comprehensive Plan. Site-specific land use map or shoreline master program
1173 map amendments for which a recommendation has not been issued by the hearing
1174 examiner by January 15 shall be included in the next ~~((appropriate review cycle))~~ update
1175 following issuance of the examiner's recommendation.

1176 K.1. An amendment to a land use designation or shoreline environment designation
1177 for a property may not be initiated unless at least three years have elapsed since council
1178 adoption or review of the current designation for the property. This time limit may be
1179 waived by the executive or the council if the proponent establishes that there exists either
1180 an obvious technical error or a change in circumstances justifying the need for the
1181 amendment.

1182 2. A waiver by the executive shall be considered after the proponent has
1183 submitted a docket request in accordance with K.C.C. 20.18.140. The executive shall
1184 render a waiver decision within forty-five days of receiving a docket request and shall mail
1185 a copy of this decision to the proponent.

1186 3. A waiver by the council shall be considered by motion.

1187 L. A shoreline master program map amendment and redesignation must meet the
1188 requirements of K.C.C. 20.18.056, 20.18.057 and 20.18.058 and the Washington state
1189 Shoreline Master Program Guidelines, chapter 173-26 WAC. A shoreline master program
1190 map amendment and redesignation must be approved by the Washington state Department
1191 of Ecology.

1192 SECTION 1411. Ordinance 114047, Section 4, and K.C.C. 20.18.055 are hereby
1193 amended to read as follows:

1194 A. All site-specific land use map amendments, whether initiated by property
1195 owner application, by council motion, or by executive proposal, shall be reviewed based
1196 upon the requirements of Comprehensive Plan policy ((~~RP-307~~)) I-207, and must meet
1197 the following additional review standards:

1198 1. Consistency with the policies, objectives and goals of the Comprehensive Plan,
1199 ((~~including any applicable subarea plans~~)), the countywide planning policies and the
1200 state Growth Management Act;

1201 2. Compatibility with adjacent and nearby existing and permitted land uses; and

1202 3. Compatibility with the surrounding development pattern.

1203 B. Site-specific land use map amendments for which recommendations have been
1204 issued by the hearing examiner by January 15 shall be submitted to the executive and the
1205 council by the hearing examiner by January 15. The department will provide for a
1206 cumulative analysis of these recommendations and such analysis will be included in the
1207 annual March transmittal. All such amendments will be considered concurrently by the
1208 council committee charged with the review of the ((~~e~~))Comprehensive ((~~p~~))Plan.

1209 Following this review, site-specific land use map amendments which are recommended by

1210 this committee will be incorporated as an attachment to the adopting ordinance transmitted
1211 by the executive for consideration by the full council. Final action by the council on these
1212 amendments will occur concurrently with the annual ~~((amendment))~~ update to the
1213 ~~((e))~~Comprehensive ~~((p))~~Plan.

1214 SECTION 1512. Ordinance 13147, Section 22, as amended, and K.C.C.
1215 20.18.060 are hereby amended to read as follows:

1216 A. Beginning in ~~((2024))~~ 2022, and every eighth year thereafter the executive shall
1217 transmit to the council by the last business day of June a proposed motion specifying the
1218 scope of work for the proposed ~~((amendments))~~ update to the Comprehensive Plan that will
1219 occur in the following year, which motion shall include the following:

1220 1. Topical areas relating to amendments to policies, the land use map,
1221 implementing development regulations, or any combination of those amendments that the
1222 executive intends to consider for recommendation to the council; and

1223 2. An attachment to the motion advising the council of the work program the
1224 executive intends to follow to accomplish ~~state((s))~~State Environmental Policy Act review
1225 and public participation.

1226 B. The council shall have until September 15 to approve the motion. In the
1227 absence of council approval, the executive shall proceed to implement the work program as
1228 proposed. If the motion is approved, the work program shall proceed as established by the
1229 approved motion.

1230 C. Beginning in ~~((2022))~~ 2023 and every eighth year thereafter, the executive shall
1231 transmit to the council by the last business day of June a proposed ordinance ~~((amending))~~
1232 updating the Comprehensive Plan, except that the capital improvement program and the

1233 ordinances adopting updates to the transportation needs report and the school capital
1234 facility plans shall be transmitted no later than the biennial budget transmittal and shall be
1235 adopted in conjunction with the budget. However, in those years when there is only a
1236 midbiennium review of the budget, the ordinances adopting the capital improvement plan
1237 and the school capital facility plans shall be transmitted by October 1 and adopted no later
1238 than the midbiennium review under K.C.C. 4A.100.010. All transmittals shall be
1239 accompanied by a public participation note, identifying the methods used by the executive
1240 to ensure early and continuous public participation in the preparation of amendments. The
1241 council shall have until June 30 of the following year to adopt ~~((the amendments))~~ an
1242 update to the Comprehensive Plan, in accordance with RCW 36.70A.130.

1243 SECTION 4613. Ordinance 13147, Section 23, as amended, and K.C.C.
1244 20.18.070 are hereby amended to read as follows:

1245 A. The executive shall transmit to the council ~~((any proposed amendments for))~~ the
1246 annual update by the last business day of June, except that the capital improvement
1247 program and the ordinances adopting updates to the transportation needs report and the
1248 school capital facility plans shall be transmitted no later than the biennial budget transmittal
1249 and shall be adopted in conjunction with the budget. However, in those years when there is
1250 only a midbiennium review of the budget, the ordinances adopting the capital improvement
1251 plan and the school capital facility plans shall be transmitted by October 1, and adopted no
1252 later than the midbiennium review under K.C.C. 4A.100.010.

1253 B. All transmittals shall be accompanied by a public participation note, identifying
1254 the methods used by the executive to assure early and continuous public participation in the
1255 preparation of ~~((amendments))~~ updates.

1256 C. Proposed amendments, including site-specific land use map amendments, that
1257 are found to require preparation of an environmental impact statement, shall be considered
1258 for inclusion in the next annual, midpoint or eight-year update following completion of the
1259 appropriate environmental documents.

1260 SECTION 1714. Ordinance 14017, Section 9, as amended, and K.C.C. 20.18.170
1261 are hereby amended to read as follows:

1262 A. The total area added to the urban growth area as a result of ~~((this))~~ the four-to-
1263 one program shall not exceed four thousand acres. The department shall keep a cumulative
1264 total for all parcels added under ~~((this section.))~~ the program. The total shall be updated
1265 ~~((annually))~~ through the Comprehensive ~~((p))Planplan~~ amendment process with any
1266 approved four-to-one proposal, and corrected as part of the next eight-year update for
1267 proposals where the applicant does not pursue development of the urban portion of the
1268 proposal in the timeframes specified in the ordinance approving the proposal.

1269 ~~—— B. Proposals from a property owner shall be initiated through the docket process~~
1270 ~~under K.C.C. 20.18.140. — B. ~~((Proposals shall be processed as land use amendments to~~~~
1271 ~~the Comprehensive Plan and may be considered in the annual update, midpoint update or~~
1272 ~~eight-year update. As part of the docket review of a proposal, ~~((S))siteSite~~ suitability and~~
1273 ~~development conditions for both the urban and rural portions of the proposal shall be~~
1274 ~~established through ~~((the preliminary formal plat approval process))~~ a preapplication~~
1275 ~~conference under K.C.C. 20.20.030 ~~the preliminary formal plat approval process.))~~ All~~
1276 ~~proposals shall be initiated by a property owner through the docket request process under~~
1277 ~~K.C.C. 20.18.140. During the docket review of a four-to-one proposal, a preapplication~~
1278 ~~conference under K.C.C. 20.20.030 shall be held to complete a review of the proposal's~~

1279 compliance with four-to-one program goals and requirements, and evaluation of site-
1280 specific conditions. Proposals for which the executive recommendation is supportive shall
1281 be processed as an areawide land use and zoning map amendment to the Comprehensive
1282 Plan and may be considered in the annual update, midpoint update or eight-year update.
1283 For proposals where the executive recommendation is not supportive or does not include a
1284 recommendation, the proponent may petition and the council may, by motion, direct the
1285 executive to work with the applicant to advance the proposal forward in a future
1286 Comprehensive Plan update. The motion shall include the timeframe for the executive to
1287 include the proposal in a future Comprehensive Plan update.

1288 C. ~~((A))~~ For all proposals, a term conservation easement satisfactory to King
1289 County shall be ((placed)) recorded on the open space ((at the time)) portion of the property
1290 within twenty-one days of enactmentthe effective date of the ordinance that
1291 approvesapproving the four-to-one proposal ((is approved by the council)). Upon final
1292 plat approval ~~for proposals not adjacent to an incorporated area, or upon annexation of the~~
1293 urban portion of the property to a city for proposals adjacent to an incorporated area, the
1294 open space shall be permanently dedicated in fee simple to King County.)).

1295 D. Proposals adjacent to an incorporated area or a potential annexation
1296 areasarea((s)) shall be referred to the affected city or town and special purpose districts
1297 ((for recommendations)) to make a recommendation((s)) to the county on whether the city
1298 or town and special purpose districts can support the urban development proposed and
1299 whether any property-specific development conditions are necessary. An agreement
1300 bywith the jurisdictioncity or town to add the new urban area to the jurisdiction's Potential
1301 Annexation Areacity or town's potential annexation area shall be required.

1302 E. For proposals ~~that are adjacent to an incorporated area, the legislation where the~~
1303 ~~adjacent city or town agrees to annex the urban portion of the proposal:~~

1304 ~~1. The ordinance approving the Fourfour-to-Oneone proposal shall include~~
1305 ~~property specific development conditions requiringrequire;~~

1306 ~~1. Development of the parcels shall only occur after the area is annexed to a city~~
1307 ~~or town; and~~

1308 ~~2. Adoptionadoption of an interlocal agreement between King County and the~~
1309 ~~adjacent jurisdictioncity or town within ninety days of enactmentthe effective date of the~~
1310 ~~ordinance that approves the proposal. At a minimum, the. The interlocal agreement shall~~
1311 ~~establish conditions for site require that the development that areof the urban portion occur~~
1312 ~~after annexation by the city or town, and that development be consistent with the four-to-~~
1313 ~~one program requirements and goals, such as limiting development to residential uses and~~
1314 ~~requiring minimum densities consistent with R-4 zoning, and shall require the development~~
1315 ~~be consistent with- and with the property-specific development conditions adopted in the~~
1316 ~~ordinance that approvedapproving the four-to-one proposal.; and~~

1317 ~~2. The open space shall be permanently dedicated in fee simple to King County~~
1318 ~~upon annexation of the urban portion of the property to a city or town.~~

1319 ~~F. For proposals that are not adjacent to an incorporated area or proposals adjacent~~
1320 ~~to an incorporated area where the adjacent city or town does not agree to annex the urban~~
1321 ~~portion of the proposal:~~

1322 ~~1. The ordinance approving the four-to-one proposal shall include the timeframe~~
1323 ~~for submittal of a preliminary plat application for the urban portion of the proposal;~~

1324 ~~2. The open space shall be permanently dedicated in fee simple to King County~~

1325 upon final plat approval; and
1326 3. If the applicant does not pursue urban development within the timeframe
1327 specified in the ordinance that approves the four-to-one proposal, or fails to record the final
1328 plat before expiration of preliminary plat approval, the urban properties shall be restored to
1329 a Rural Area land use designation and associated zoning classification during the next
1330 midpoint or eight-year update of the Comprehensive Plan.

1331 SECTION 4815. Ordinance 14017, Section 10, as amended, and K.C.C.
1332 20.18.180 are hereby amended to read as follows:

1333 ~~((Rural area land may be added to the urban growth area in accordance with the~~
1334 ~~following criteria:))~~

1335 A. A proposal to add land to the urban growth area under ~~((this))~~ the four-to-one
1336 program shall meet the following criteria:

1337 ~~1~~ 1. The minimum size of the site to be considered is twenty acres. Smaller
1338 parcels may be combined to meet the twenty-acre minimum;

1339 2. A permanent dedication to the King County open space system of four acres of
1340 open space is required for every one acre of land added to the urban growth area. Land
1341 added to the urban growth area for drainage facilities in support of its development that are
1342 designed to have a natural-looking visual appearance does not require dedication of
1343 permanent open space;

1344 ~~((2. The land shall not be zoned ((agriculture))~~ 3. Lands with agricultural, forest
1345 or mineral zoning classifications are not eligible for inclusion in the four-to-one program;

1346 ~~((3.))~~ 4. The land added to the urban growth area shall:

1347 a. be physically contiguous to urban growth area as adopted in 1994, unless the
1348 ~~((director))~~ county determines that the land directly adjacent to the urban growth area

1349 contains critical areas that would be substantially harmed by development directly adjacent
1350 to the urban growth area and that all other criteria can be met; and

1351 b. not be in an area where a contiguous band of public open space, parks or
1352 watersheds already exists along the urban growth area boundary;

1353 ~~((4.))~~ 5. The land added to the urban growth area shall be able to be served by
1354 sewers and other urban services;

1355 ~~((5.))~~ 6. All urban services shall be provided directly from the urban area and
1356 shall not cross the open space or rural area and all infrastructure shall be located in the
1357 urban area except as permitted in this section;

1358 ~~7.==5.~~ A road serving the land added to the urban area shall not be counted as
1359 part of the required open space and shall not, to the maximum extent feasible, cross the
1360 open space or rural area. The county may allow roads to cross either the open space or
1361 rural area, or both, to protect critical areas or for other ecological benefits;

1362 ~~((6. All urban facilities shall be provided directly from the urban area and shall~~
1363 ~~not cross the open space or rural area and be located in the urban area except as permitted~~
1364 ~~in subsection E of this section;~~

1365 ~~7. Open space areas shall ((retain a rural designation)) be given a land use~~
1366 ~~designation and zoning classification consistent with the intended use;~~

1367 ~~———))~~ 8. Urban development under this section shall be limited to residential
1368 development and shall be at a minimum density of four dwelling units per acre;

1369 ~~9. Open space areas shall ((retain a rural designation)) be given a land use~~
1370 ~~designation and zoning classification consistent with the intended use;~~

1371 ~~((8.))~~ 10. The open space shall primarily be on ~~the~~ site and shall buffer the

1372 surrounding ~~Rural Area~~rural area or ~~Natural Resource Lands~~natural resource lands from the
1373 new urban development. The ~~((minimum depth of the))~~ open space ~~((buffer ((shall be one~~
1374 ~~half of the property width, unless the director determines that a smaller buffer of no less~~
1375 ~~than two hundred feet is warranted due to the topography and critical areas on the site,))~~
1376 shall ~~((generally))~~, to the maximum extent possible, parallel the urban growth area
1377 boundary and shall be configured in such a way as to connect with open space on adjacent
1378 properties;

1379 ~~((9. The minimum size of the property to be considered is twenty acres. Smaller~~
1380 ~~parcels may be combined to meet the twenty-acre minimum;~~

1381 ~~10. Urban development under this section shall be limited to residential~~
1382 ~~development and shall be at a minimum density of four dwelling units per acre;))~~ and

1383 11. The land to be retained in open space ~~((is not needed))~~ shall not be used for
1384 any facilities necessary to support the urban development~~((; and))~~.

1385 B. ~~((A))~~ For a proposal that adds two hundred acres or more to the urban growth
1386 area ~~((shall also meet the following criteria:))~~:

1387 1. The proposal shall include a mix of housing types including thirty percent
1388 below-market-rate units affordable to low, moderate and median income households; and

1389 2. In a proposal in which the thirty-percent requirement in subsection B.1. of this
1390 section is exceeded, the required open space dedication shall be reduced to three and one-
1391 half acres of open space for every one acre added to the urban growth area~~((;))~~.

1392 C. A proposal that adds less than two hundred acres to the urban growth area and
1393 that meets the affordable housing criteria in subsection B.1. of this section shall be subject
1394 to a reduced open space dedication requirement of three and one-half acres of open space

1395 for every one acre added to the urban growth area((;)).

1396 D. ~~((Requests for redesignation))~~ Proposals shall be evaluated to determine those
1397 that are the highest quality, including, but not limited to, consideration of the following:))

1398 The county may approve a reduced open space dedication requirement if the open space
1399 portion of the proposal includes the protection of a property that is eligible as a high
1400 conservation value property in accordance with Section 897 of the King County Charter.

1401 E. The county shall consider the following when determining whether to support
1402 the open space dedication proposed as part of a four-to-one proposal:

1403 1. Preservation of fish and wildlife habitat, including wildlife habitat networks,
1404 and habitat for endangered and threatened species;

1405 2. Provision of regional open space connections or connections to other open
1406 space along the urban growth area boundary;

1407 3. Protection of wetlands, stream corridors, ground water and water bodies;

1408 4. Preservation of unique natural, biological, cultural, historical or archeological
1409 resources; and

1410 5. ~~((The size of open space dedication and connection to other open space~~
1411 ~~dedications along the urban growth area boundary; ((and))~~

1412 6. ~~The ability to provide extensions of urban services to the redesignated urban~~
1413 ~~areas;))~~ Size;

1414 ~~7. The size and configuration of the open space and improves the county's ability~~
1415 ~~to efficiently manage the property; and or the regional open space system.~~

1416 ~~8. The potential for public access.~~

1417 ~~E.))~~ F. The open space acquired through this program shall be preserved primarily

1418 as natural areas, passive recreation sites or ~~((resource))~~ lands for farming and forestry. The
1419 following additional uses may be allowed only if located on a small portion of the open
1420 space and provided that these uses are found to be compatible with the site's natural open
1421 space values and functions:

1422 1. Trails;
1423 2. Compensatory mitigation of wetland losses on the urban designated portion of
1424 the ~~((project))~~ proposal, consistent with the King County Comprehensive Plan and K.C.C.
1425 chapter 21A.24; and

1426 3. Active recreation uses not to exceed five percent of the total open space area.
1427 The support services and facilities for the active recreation uses may locate within the
1428 active recreation area only, and shall not exceed five percent of the total acreage of the
1429 active recreation area. The entire open space area, including any active recreation site, is a
1430 regional resource. It shall not be used to satisfy the on-site active recreation space
1431 requirements in K.C.C. 21A.14.180 for the urban portion of the four-to-one property.

1432 ~~SECTION 19. SECTION 16. Ordinance 12196, Section 9, as amended, and~~
1433 ~~K.C.C. 20.20.020 are hereby amended to read as follows:~~

1434 ~~A. Land use permit decisions are classified into four types, based on who makes~~
1435 ~~the decision, whether public notice is required, whether a public hearing is required before~~
1436 ~~a decision is made and whether administrative appeals are provided. The types of land use~~
1437 ~~decisions are listed in subsection E. of this section.~~

1438 ~~1. Type 1 decisions are made by the permitting division manager or designee~~
1439 ~~("the director") of the department of local services ("the department"). Type 1 decisions~~
1440 ~~are nonappealable administrative decisions.~~

1441 2. Type 2 decisions are made by the director. Type 2 decisions are discretionary
1442 decisions that are subject to administrative appeal.

1443 3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner
1444 following an open record hearing. Type 3 decisions may be appealed to the county council,
1445 based on the record established by the hearing examiner.

1446 4. Type 4 decisions are quasi-judicial decisions made by the council based on the
1447 record established by the hearing examiner.

1448 B. Except as provided in K.C.C. 20.44.120A.7. and 25.32.080 or unless otherwise
1449 agreed to by the applicant, all Type 2, 3 and 4 decisions included in consolidated permit
1450 applications that would require more than one type of land use decision process may be
1451 processed and decided together, including any administrative appeals, using the highest-
1452 numbered land use decision type applicable to the project application.

1453 C. Certain development proposals are subject to additional procedural requirements
1454 beyond the standard procedures established in this chapter.

1455 D. Land use permits that are categorically exempt from review under SEPA do not
1456 require a threshold determination (determination of nonsignificance ["DNS"] or
1457 determination of significance ["DS"]). For all other projects, the SEPA review procedures
1458 in K.C.C. chapter 20.44 are supplemental to the procedures in this chapter.

1459 E. Land use decision types are classified as follow:

<u>TYPE 1</u>	<u>(Decision by</u> <u>director, no</u> <u>administrative</u> <u>appeal)</u>	<u>Temporary use permit for a homeless encampment</u> <u>under K.C.C. 21A.45.010, 21A.45.020, 21A.45.030,</u> <u>21A.45.040, 24A.45.050, 21A.45.060, 21A.45.070,</u> <u>21A.45.080 and 21A.45.090; building permit, site</u>
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		<p><u>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 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.</u></p>
<p><u>TYPE</u> <u>2^{1.2}</u></p>	<p><u>(Decision by director appealable to hearing examiner, no further administrative</u></p>	<p><u>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.</u></p>

	<u>appeal)</u>	<u>21A.45.100; shoreline substantial development permit³; 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; sea level rise risk area variance adopted in K.C.C. chapter 21A.xx (the new chapter established by section 64 of this ordinance).</u>
<u>TYPE</u> <u>3¹</u>	<u>(Recommendation by director, hearing and decision by hearing examiner, appealable to county council on the record)</u>	<u>Preliminary plat; plat alterations; preliminary plat revisions.</u>

<u>TYPE</u> <u>4^{1,4}</u>	<u>(Recommendation</u> <u>by director, hearing</u> <u>and recommendation</u> <u>by hearing examiner</u> <u>decision by county</u> <u>council on the</u> <u>record)</u>	<u>Zone reclassifications; shoreline environment</u> <u>redesignation; urban planned development; special</u> <u>use; amendment or deletion of P suffix conditions;</u> <u>plat vacations; short plat vacations; deletion of</u> <u>special district overlay.</u>
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1460 ¹See K.C.C. 20.44.120.C. for provisions governing procedural and substantive SEPA
1461 appeals and appeals of Type 3 and 4 decisions to the council.

1462 ²When an application for a Type 2 decision is combined with other permits requiring
1463 Type 3 or 4 land use decisions under this chapter, the examiner, not the director, makes
1464 the decision.

1465 ³A shoreline permit, including a shoreline variance or conditional use, is appealable to
1466 the state Shorelines Hearings Board and not to the hearing examiner.

1467 ⁴Approvals that are consistent with the Comprehensive Plan may be considered by the
1468 council at any time. Zone reclassifications that are not consistent with the
1469 Comprehensive Plan require a site-specific land use map amendment and the council's
1470 hearing and consideration shall be scheduled with the amendment to the Comprehensive
1471 Plan under K.C.C. 20.18.040 and 20.18.060.

1472 F. The definitions in K.C.C. 21A.45.020 apply to this section.

1473 SECTION 17. Ordinance 13147, Section 34, as amended, and K.C.C. 20.22.170
1474 are hereby amended to read as follows:

1475 A. Upon initiation of a site-specific land use map amendment to the

1476 Comprehensive Plan under K.C.C. 20.18.050, the examiner shall conduct a public hearing
1477 to consider the department's written recommendation and to take testimony and receive
1478 additional evidence relating to the proposed amendment. The examiner may consolidate
1479 hearings in accordance with K.C.C. 20.22.110 to the extent practicable. No later than thirty
1480 days after closing the public hearing on the site-specific land use map amendment, the
1481 examiner shall prepare a recommendation that contains written findings and conclusions
1482 regarding whether:

1483 1. Under K.C.C. 20.18.040, a proposed site-specific land use map amendment
1484 may be considered as part of ~~((an))~~ the annual ~~((review cycle))~~ update; and

1485 2. A site-specific land use map amendment is consistent with the applicable
1486 review criteria.

1487 B. The office of the hearing examiner shall compile the written recommendations
1488 on all site-specific land use map amendments made in a year into a single report. The
1489 report shall be filed by January 15 in the form of a paper original and an electronic copy
1490 with the clerk of the council, who shall retain the original and provide an electronic copy to
1491 all councilmembers, the council chief of staff and the lead staff for the ~~((transportation,~~
1492 ~~economy and environment))~~ council committee ~~((or its successor))~~ charged with the review
1493 of the Comprehensive Plan.

1494 SECTION 18. Ordinance 10870, Section 5, as amended, and K.C.C. 21A.01.070
1495 are hereby amended to read as follows:

1496 A. The council directs the department to prepare proposed new zoning maps
1497 applying the 1993 King County Zoning Code and transmit within ten months of June 28,
1498 1993, for council review and adoption.

1499 B. The department shall use the table in subsection C. of this section and the
 1500 guidelines of this section in preparing an ordinance or ordinances to convert each area
 1501 zoning document to the 1993 Zoning Code, with modifications appropriate to be consistent
 1502 with the ((e))Comprehensive ((p))Plan land use map and policies, so as to implement the
 1503 ((e))Comprehensive ((p))Plan and convert old outright and potential ((zone designations))
 1504 zoning classifications to new ones in a consistent manner. ((The provisions of t))This
 1505 section also shall apply to conversion of the resource lands area zoning adopted pursuant to
 1506 K.C.C. 20.12.390.

1507 C. Conversion table. The following conversion table and criteria contained therein
 1508 shall be used by the department in converting the zoning maps adopted pursuant to
 1509 Resolution 25789 to the 1993 Zoning Code:

<u>RESOLUTION</u> <u>25789 ZONING</u> <u>MAP</u> <u>SYMBOLS</u>	<u>1993 ZONING</u> <u>CODE</u> <u>MAP</u> <u>SYMBOLS</u>	<u>ADDITIONAL CRITERIA</u>
<u>F</u>	<u>F</u>	<u>In Forest Production or Rural Areas</u>
<u>FR</u>	<u>F or RA</u>	<u>Use zone most consistent with the</u> <u>((e))Comprehensive ((p))Plan</u>
<u>A, A-10</u> <u>A-35</u>	<u>A-10</u> <u>A-35 or A-60</u>	<u>In Agricultural or Rural Areas</u> <u>Use zone most consistent with the</u> <u>((e))Comprehensive ((p))Plan</u>
<u>Q-M</u>	<u>M</u>	<u>Designated Mining Sites</u>
<u>AR-2.5</u>	<u>RA-2.5</u>	<u>In Rural Areas</u>

<u>AR-5</u> <u>AR-10</u>	<u>RA-5</u> <u>RA-10 or RA-20</u>	<u>Use zone most consistent with the</u> <u>((e))Comprehensive ((p))Plan</u>
<u>GR-5, GR-2.5,</u> <u>G-5</u>	<u>UR</u> <u>RA</u>	<u>Only in designated urban areas</u> <u>In areas not designated urban</u>
<u>G</u>	<u>R-1</u> <u>RA</u>	<u>Only in designated urban areas</u> <u>In areas not designated urban</u>
<u>SE, S-C</u>	<u>R-1</u>	<u>Only in designated urban areas or Rural</u> <u>Towns</u>
<u>SR/RS15000,SR/</u> <u>RS</u> <u>9600</u>	<u>R-4</u>	<u>Only in designated urban areas or Rural</u> <u>Towns</u>
<u>SR7200, RS7200</u>	<u>R-6</u>	<u>Only in designated urban areas or Rural</u> <u>Towns</u>
<u>SR5000, RS5000</u>	<u>R-8</u>	<u>Only in designated urban areas or Rural</u> <u>Towns</u>
<u>RMHP</u>	<u>R-4 through R-</u> <u>48</u>	<u>Use zone closest to zoning on adjacent</u> <u>property or midrange if adjacent zones</u> <u>vary</u>
<u>RD3600,</u> <u>RT3600</u>	<u>R-12</u>	
<u>RM2400,</u> <u>RT2400</u>	<u>R-18</u>	

<u>RT, RM1800, RT1800</u>	<u>R-24</u>	
<u>RM900</u>	<u>O or R-48</u>	<u>Apply zoning closest to ((e))Comprehensive ((p))Plan land use designations</u>
<u>RM 900 P</u>	<u>O or R-48</u>	<u>According to P-suffix limitations allowing only office or residential uses</u>
<u>B-N, BR-N</u> <u>B-C, BR-C</u> <u>C-G</u> <u>M-L, M-P, M-H</u>	<u>NB or RB</u> <u>CB or RB</u> <u>RB</u> <u>I</u>	<u>For all business zones, use zone most consistent with the ((e))Comprehensive ((p))Plan land use designation and actual scale of business area</u>

1510 D. Unclassified Use Permit Mining Operations. In addition to the conversions
1511 set out in the table in subsection C. of this section, all sites legally operating pursuant to
1512 an unclassified use permit for mining operations shall be zoned M (Mineral).

1513 E. Resolution of map conflicts. In cases of ambiguity or conflict between a
1514 community or ((e))Comprehensive ((p))Plan ((map)) land use designation and the
1515 ((zone)) zoning classification applied under the old code, the department shall use the
1516 following guidelines and procedures in recommending new zones:

1517 1. As a general rule, the outright or potential zoning ((designation))
1518 classification applied shall be that which is consistent with the 1994 King County

1519 Comprehensive Plan; adopted community plans, where they do not conflict, may be used
1520 to provide additional guidance;

1521 2. If the application of the guidelines in this subsection leads the department to
1522 propose applying an outright or potential (~~zone~~) zoning classification from the 1993
1523 Zoning Code that is not functionally equivalent to a classification from the old code as
1524 defined in the table in subsection C. of this section, the department shall notify the owner
1525 of the property proposed for reclassification no later than the council introduction date of
1526 the ordinance amending said property, and the property owner may request a change in
1527 the area zoning in a manner consistent with the procedures used for council review of a
1528 community plan and area zoning.

1529 F. Area-wide P-suffix development conditions. The department shall review all
1530 area-wide P-suffix conditions applied through zoning adopted pursuant to Resolution
1531 25789, and recommend legislation removing all such conditions which conflict with the
1532 (~~e~~)Comprehensive (~~p~~)Plan or have been replaced adequately by standards adopted in
1533 the 1993 zoning code. If P-suffix conditions implement policies in the
1534 (~~e~~)Comprehensive (~~p~~)Plan, then regulations shall be developed by the end of 1995 and
1535 the P-suffix conditions shall be removed. Any P-suffix conditions which implement
1536 policies in community plans which are not in conflict with the (~~e~~)Comprehensive
1537 (~~p~~)Plan but are not adequately addressed by this code shall be carried forward intact
1538 until they are evaluated for replacement by general code revisions in 1995.

1539 G. Site-specific development conditions. Approval conditions for previous zone
1540 reclassifications, planned unit developments, unclassified permits, and P-suffix
1541 conditions applied to individual properties in land use actions pursuant to Resolution

1542 25789, should be recommended for retention wherever they address conditions unique to
1543 a particular property and not addressed by the standards in the Zoning Code.

1544 H. For area zoning documents being converted to the 1993 Zoning Code without
1545 amendments to their respective community plan maps and policies, only requests for
1546 zone changes which meet one of the following criteria shall be considered during either
1547 the department or council review process:

1548 1. As provided in subsection E. of this section;

1549 2. When an applicant can demonstrate that the department's proposal incorrectly
1550 implements an adopted ((e))Comprehensive ((p))Plan map designation or policy in
1551 converting existing zoning to a new ((zone)) zoning classification; or

1552 3. The site is the subject of an application for a Master Planned Development or
1553 Urban Planned Development, and conversion to the 1993 Zoning Code is requested as
1554 part of such application. Rezoning of such sites during the conversion, area zoning
1555 otherwise shall be to Urban Reserve with the urban planned development overlay district
1556 as provided in K.C.C. chapter 21A.38.

1557 I. Requests which do not meet one of the criteria of subsection H. of this section
1558 shall be treated as quasi-judicial reclassification requests which must be formally applied
1559 for according to the process provided for such requests and shall be subject to the criteria
1560 in K.C.C. 20.22.150.

1561 J. —~~SECTION 20~~Requests for quasi-judicial reclassification that are
1562 consistent with the conversion table illustrated in subsection C. of this section and
1563 requests for quasi-judicial reclassification to the M zone, shall not be subject to the
1564 criteria in K.C.C. 20.22.150.

1565 K. Bear Creek MPD's. The following transition provisions shall apply to the
1566 Master Plan Development applications in the Bear Creek Community Plan (BCCP).
1567 1. An applicant may either continue to utilize the procedural provisions of the
1568 BCCP or may utilize the procedural provisions of K.C.C. chapter 21A.39.
1569 2. If an applicant utilizes the procedural provisions of K.C.C. 21A.39, the Pre-
1570 Development Applications previously submitted for the Blakely Ridge MPD and the
1571 Northridge MPD are deemed the equivalent of and accepted as complete applications for
1572 "UPD Permits" under Chapter 21A.39 of the 1993 zoning code.
1573 3. The substantive provisions of the BCCP Area Zoning MPD P-Suffix
1574 conditions and conditions precedent to rezoning set forth in Section 1C of the BCCP Area
1575 Zoning (page 140) shall remain in effect for purposes of considering the UPD
1576 applications, under either the BCCP or K.C.C. chapter 21A.39.
1577 4. The applicants may elect either one base zone pursuant to K.C.C. 21A.39, or
1578 multiple zones pursuant to the Bear Creek Community Plan, applying the equivalent zone
1579 and potential ((zone designations)) zoning classifications of the 1993 zoning code.
1580 5. The Novelty Hill Master Plan sites and urban designation adopted and
1581 delineated in the Bear Creek Community Plan and Bear Creek Area zoning shall be
1582 considered "UPD Special District Overlays" and "UPD boundary delineations" for
1583 purposes of applying K.C.C. 21A.38.020, 21A.38.070B.1. and ((070B-))2. and K.C.C.
1584 21A.39.020.

1585 SECTION 19. Ordinance 10870, Section 21, and K.C.C. 21A.02.110 are hereby
1586 amended to read as follows:

1587 A. Except when such areas are specifically ((designated)) classified on the zoning

1588 map as being classified in one of the zones provided in this title, land contained in rights-
1589 of-way for streets or alleys, or railroads shall be considered unclassified.

1590 B. Within street or alley rights-of-way, uses shall be limited to street purposes as
1591 defined by law.

1592 C. Within railroad rights-of-way, allowed uses shall be limited to tracks, signals or
1593 other operating devices, movement of rolling stock, utility lines and equipment, and
1594 ~~((facilities accessory to and used directly for the delivery and distribution of services to~~
1595 ~~abutting property)) freight-rail dependent uses.~~

1596 D. Where such right-of-way is vacated, the vacated area shall have the ~~((zone))~~
1597 zoning classification of the adjoining property with which it is first merged.

1598 SECTION 20. Ordinance 10870, Section 22, as amended, and K.C.C.
1599 21A.04.010 are hereby amended to read as follows:

1600 In order to accomplish the purposes of this title the following zoning
1601 ~~((designations))~~ classifications and zoning map symbols are established:

<u>ZONING ((DESIGNATIONS))</u>	<u>MAP SYMBOL</u>
<u>CLASSIFICATIONS</u>	
<u>Agricultural</u>	<u>A (10 -or 35 acre minimum lot size)</u>
<u>Forest</u>	<u>F</u>
<u>Mineral</u>	<u>M</u>
<u>Rural Area</u>	<u>RA (2.5-acre, 5-acre, 10-acre or 20-acre minimum lot size)</u>
<u>Urban Reserve</u>	<u>UR</u>
<u>Urban Residential</u>	<u>R (base density in dwellings per acre)</u>

<u>Neighborhood Business</u>	<u>NB</u>
<u>Community Business</u>	<u>CB</u>
<u>Regional Business</u>	<u>RB</u>
<u>Office</u>	<u>O</u>
<u>Industrial</u>	<u>I</u>
<u>Regional Use</u>	<u>Case file number following zone's map symbol</u>
<u>Property-specific development standards</u>	<u>-P(suffix to zone's map symbol)</u>
<u>Special District Overlay</u>	<u>-SO(suffix to zone's map symbol)</u>
<u>Potential Zone</u>	<div style="text-align: center;"> <p>-----</p> <p> </p> <p> </p> <p>-----</p> </div> <p><u>(dashed box surrounding zone's map symbol)</u></p>
<u>Interim Zone</u>	<u>* (asterisk adjacent to zone's map symbol)</u>

1602 SECTION 21. Ordinance 10870, Section 23, and K.C.C. 21A.04.020 are hereby
1603 amended to read as follows:
1604 The purpose statements for each ((~~zone and map designation~~)) zoning
1605 classification set forth in the following sections shall be used to guide the application of

1606 the ((zones and designations)) zoning classifications to all lands in unincorporated King
1607 County. The purpose statements also shall guide interpretation and application of land
1608 use regulations within the ((zones and designations)) zoning classifications, and any
1609 changes to the range of permitted uses within each ((zone)) zoning classification through
1610 amendments to this title.

1611 SECTION 22. Ordinance 10870, Section 28, as amended, and K.C.C.
1612 21A.04.070 are hereby amended to read as follows:

1613 A. The purposes of the urban reserve zone (UR) are to phase growth and demand
1614 for urban services, and to reserve large tracts of land for possible future growth in
1615 portions of King County designated by the Comprehensive Plan for future urban growth
1616 while allowing reasonable interim uses of property; or to reflect designation by the
1617 Comprehensive Plan of a property or area as part of the urban growth area when a
1618 detailed plan for urban uses and densities has not been completed((; or when the area has
1619 been designated as a site for a potential urban planned development or new fully
1620 contained community, as provided in K.C.C. 21A.38.070)). These purposes are
1621 accomplished by:

1622 1. Allowing for rural, agricultural and other low-density uses;

1623 2. Allowing for limited residential growth, either contiguous to existing urban
1624 public facilities, or at a density supportable by existing rural public service levels; and

1625 3. Requiring clustered residential developments where feasible, to prevent
1626 establishment of uses and lot patterns which may foreclose future alternatives and impede
1627 efficient later development at urban densities.

1628 B. Use of this zone is appropriate in urban areas, rural towns or in rural city
1629 expansion areas designated by the Comprehensive Plan, when such areas do not have
1630 adequate public facilities and services or are not yet needed to accommodate planned
1631 growth, do not yet have detailed land use plans for urban uses and densities, or are
1632 designated as sites for a potential urban planned development or new fully contained
1633 communities.

1634 SECTION 23. Ordinance 10870, Section 35, and K.C.C. 21A.04.140 are hereby
1635 amended to read as follows:

1636 The purpose of the regional use ((~~designation~~)) classification (case file number
1637 following underlying zone's map symbol) is to provide for individual review of certain
1638 proposed uses with unique characteristics and adverse impacts on neighboring properties.
1639 Regional uses are of a size and involve activities which require individual review to
1640 determine compatibility with surrounding uses.

1641 SECTION 24. Ordinance 10870, Section 36, as amended, and K.C.C.
1642 21A.04.150 are hereby amended to read as follows:

1643 The purpose of the property-specific development standards ((~~designation~~))
1644 classification (-P suffix to zone's map symbol) is to indicate that conditions beyond the
1645 minimum requirements of this title have been applied to development on the property,
1646 including but not limited to increased development standards, limits on permitted uses or
1647 special conditions of approval. Property-specific development standards are adopted in
1648 either a reclassification or area zoning ordinance and are shown in a geographic
1649 information system data layer for an individual property maintained by the department.
1650 Regardless of the form in which a property-specific development standard is adopted, the

1651 P-suffix shall be shown on the official zoning map maintained by the department and as a
1652 notation in a geographic information system data layer, which shall be updated as soon as
1653 possible after the effective date of the adopting ordinance adopting a P-suffix standard.

1654 SECTION 25. Ordinance 10870, Section 37, as amended, and K.C.C.

1655 21A.04.160 are hereby amended to read as follows:

1656 The purpose of the special district overlay (~~(designation)~~) classification (-SO suffix
1657 to zone's map symbol) is to carry out Comprehensive Plan and community, subarea or
1658 neighborhood plan policies that identify special opportunities for achieving public benefits
1659 by allowing or requiring alternative uses and development standards that differ from the
1660 general provisions of this title. Special district overlays are generally applied to a group of
1661 individual properties or entire community, subarea or neighborhood planning areas and are
1662 (~~designated~~) classified primarily through the area zoning process. Regardless of the form
1663 in which a special district overlay is adopted, the -SO suffix shall be shown on the official
1664 zoning map maintained by the department and as a notation in a geographic information
1665 system data layer, which shall be updated as soon as possible after the effective date of the
1666 adopting ordinance adopting an overlay.

1667 SECTION 26. Ordinance 10870, Section 38, as amended, and K.C.C.

1668 21A.04.170 are hereby amended to read as follows:

1669 A. The purpose of the potential zone (dashed box surrounding zone's map symbol)
1670 is to (~~designate~~) classify properties potentially suitable for future changes in land uses or
1671 densities once additional infrastructure, project phasing or site-specific public review has
1672 been accomplished. Potential zones are (~~designated~~) classified by either area zoning or
1673 individual zone reclassification. Area zoning may (~~designate~~) classify more than one

1674 potential zone on a single property if the community plan designates alternative uses for the
1675 site. Potential zones are actualized in accordance with K.C.C. chapter 20.20.

1676 B. The use of a potential ((~~zone designation~~)) zoning classification is appropriate
1677 to:

1678 1. Phase development based on availability of public facilities and services or
1679 infrastructure improvements, such as roads, utilities and schools;

1680 2. Prevent existing development from becoming a nonconforming use in areas
1681 that are in transition from previous uses;

1682 3. Allow for future residential density increases consistent with a community
1683 plan; and

1684 4. Provide for public review of proposed uses on sites where some permitted uses
1685 in a ((~~zone designation~~)) zoning classification may not be appropriate.

1686 SECTION 27. Ordinance 10870, Section 39, and K.C.C. 21A.04.180 are hereby
1687 amended to read as follows:

1688 The purpose of the interim ((~~zone designation~~)) zoning classification (* suffix to
1689 zone's map symbol) is to identify areas where zoning has been applied for a limited period
1690 of time in order to preserve the county's planning options and to protect the public safety,
1691 health and general welfare during an emergency or pending a community, comprehensive
1692 or functional plan amendment process. Any of the zones set forth in this chapter, with or
1693 without -P suffix conditions, may be applied as interim zones. The adopting ordinance
1694 shall state the reasons for the interim zoning and provide for its expiration upon a certain
1695 date or the adoption of a new plan, plan amendment or area zoning.

1696 SECTION 28. Ordinance 10870, Section 42, and K.C.C. 21A.06.010 are hereby
1697 amended as follows:

1698 Accessory living quarters: living quarters in an accessory building for the use of
1699 the occupant or persons employed on the premises, or for temporary use ((of)) by guests
1700 of the occupant. Such quarters ((have no kitchen)) do not include an area for the
1701 preparation or storage of food and are not ((otherwise)) used as a separate dwelling unit.

1702 SECTION 29. Ordinance 10870, Section 43, as amended and K.C.C. 21A.06.015
1703 are hereby amended as follows:

1704 Accessory use, commercial/industrial: an accessory use to a commercial or
1705 industrial use, including, but not limited to:

1706 A. Administrative offices;

1707 B. Employee exercise facilities;

1708 C. Employee food service facilities;

1709 D. Incidental storage of raw materials and finished products sold or manufactured
1710 on-site;

1711 E. Business owner or caretaker residence;

1712 F. Cogeneration facilities; ((and))

1713 G. Ground maintenance facilities; and

1714 H. Consumer-scale renewable energy systems.

1715 SECTION 30. Ordinance 10870, Section 44, as amended and K.C.C. 21A.06.020
1716 are hereby amended as follows:

1717 Accessory use, residential: an accessory use to a residential use, including, but
1718 not limited to:

1719 A. Accessory living quarters and dwellings;
1720 B. Fallout or bomb shelters;
1721 C. Keeping household pets or operating a hobby cattery or hobby kennel;
1722 D. On-site rental office;
1723 E. Pools, private docks or piers;
1724 F. Antennae for private telecommunication services;
1725 G. Storage of yard maintenance equipment;
1726 H. Storage of private vehicles, such as motor vehicles, boats, trailers or planes;
1727 I. — SECTION 21. Greenhouses;
1728 J. Recreation space areas required under K.C.C. 21A.14.180 and play areas
1729 required under K.C.C. 21A.14.190; ((and))
1730 K. Home occupations and home industries under K.C.C. chapter 21A.30; and
1731 L. Consumer-scale renewable energy systems.
1732 SECTION 31. Ordinance 10870, Section 45, as amended and K.C.C. 21A.06.025
1733 are hereby amended as follows:
1734 Accessory use, resource: an accessory use to a resource use, including, but not
1735 limited to:
1736 A. Housing of agricultural workers; ((and))
1737 B. Storage of agricultural products or equipment used on site; and
1738 C. Consumer-scale renewable energy systems.
1739 NEW SECTION. SECTION 32. There is hereby added to K.C.C. chapter 21A.06
1740 a new section to read as follows:
1741 Consumer-scale renewable energy system: a facility that produces on-site energy

1742 using renewable resources, such as solar, wind or geothermal, for the property on which
1743 the facility is located. A consumer-scale renewable energy system does not include
1744 energy generated at a scale for sale or donation to others, excluding net metering.

1745 SECTION 33. K.C.C. 21A.06.150, as amended by this ordinance, is hereby
1746 recodified as a new section in K.C.C. chapter 21A.06.

1747 SECTION 2234. Ordinance 11157, Section 29, and K.C.C. 21A.06.150 are
1748 hereby amended to read as follows:

1749 ~~((Bulk))~~ Local distribution gas storage ~~tanks:tank((s))~~: A tank ~~that is not a Fossil~~
1750 ~~Fuel Facility~~ from which illuminating, heating, or liquefied gas is distributed by piping
1751 directly to individual users. A local distribution gas storage tank is not a fossil fuel facility.

1752 SECTION 2335. Ordinance 13319, Section 3, and K.C.C. 21A.06.197 are hereby
1753 amended to read as follows:

1754 Coal mine by-products ~~stockpiles:stockpile((s))~~: an accumulation, greater than five
1755 hundred cubic yards and five feet of vertical depth, of undisturbed waste and/or byproduct
1756 materials having greater than fifty percent, as measured by weight, of ~~((mineral))~~ coal or
1757 coal shale as a component and which resulted from historic coal mining.

1758 NEW SECTION. SECTION 2436. There is hereby added to K.C.C. chapter
1759 21A.06 a new section to read as follows:

1760 Fossil fuels: ~~coal,petroleum and~~ petroleum products, ~~such as crude oil and~~
1761 ~~gasoline,coal~~ and ~~gaseous fuels, such as~~ natural gas ~~and, such as methane,~~ propane, ~~that~~
1762 ~~occur naturally beneath the earth's surface and are~~ and butane, derived from ~~decayed plants~~
1763 ~~and animals that lived millions of years ago and are~~ prehistoric organic matter and used
1764 ~~primarily as a source of to~~ generate energy. Fossil fuels do not include:

1765 A. Petrochemicals that are used primarily for non-fuel products, such as asphalt,
1766 plastics, lubricants, fertilizer, roofing and paints;

1767 B. ~~Denatured~~Fuel additives, such as denatured ethanol and similar fuel additives
1768 ~~and, or renewable fuels, such as~~ biodiesel or renewable diesel with less than five percent
1769 fossil fuel content; or

1770 C. Methane generated from the waste management process, such as wastewater
1771 treatment, anaerobic digesters, landfill waste management, livestock manure and
1772 composting processes.

1773 NEW SECTION. SECTION 2537. There is hereby added to K.C.C. chapter
1774 21A.06 a new section to read as follows:

1775 Fossil fuel facility: a commercial facility used primarily to receive, store, refine,
1776 process, transfer, wholesale trade or transport ~~of~~ fossil fuels, such as, but not limited to,
1777 bulk terminals, bulk storage facilities, bulk refining and bulk handling facilities. Fossil fuel
1778 facilities do not include: individual storage facilities of up to thirty thousand gallons and
1779 total cumulative facilities per site of sixty thousand gallons for the purposes of retail or
1780 direct-to-consumer sales, facilities or activities for local consumption; ~~non-~~
1781 ~~commercial~~noncommercial facilities, such as storage for educational, scientific or
1782 governmental use; or uses preempted by federal rule or law.

1783 ~~NEW SECTION. SECTION 26 38. There is hereby added to K.C.C. chapter~~
1784 ~~21A.06 a new section to read as follows:~~

1785 ~~Fossil fuel facility type I: a fossil fuel facility that includes any combination of~~
1786 ~~liquid fossil fuel storage capacity of up to three hundred seventy eight thousand gallons or~~
1787 ~~dry storage of one thousand four hundred twenty five cubic yards.~~

1788 ~~NEW SECTION. SECTION 27. There is hereby added to K.C.C. chapter 21A.06~~
1789 ~~a new section to read as follows:~~

1790 ~~Fossil fuel facility type II: a fossil fuel facility that includes any combination of~~
1791 ~~fossil fuel liquid storage capacity of more than three hundred seventy-eight thousand~~
1792 ~~gallons or dry storage of one thousand four hundred twenty-five cubic yards.~~

1793 ~~SECTION 28.~~ Ordinance 10870, Section 201, and K.C.C. 21A.06.805 are hereby
1794 amended to read as follows:

1795 ~~Nonhydro-~~ Non-hydro((-))electric generation facility: an establishment for the
1796 generation of electricity by nuclear reaction, burning fossil fuels((;)) or other electricity
1797 generation methods, except for fossil fuels generated as a by-product in the waste
1798 management process, such as wastewater treatment, anaerobic digesters, landfill
1799 waste management, livestock manure and composting processes excluding renewable
1800 energy.

1801 NEW SECTION. SECTION 39. There is hereby added to K.C.C. chapter
1802 21A.06 a new section to read as follows:

1803 Renewable energy generation facility: a solar energy system, including a
1804 community solar project, geothermal system or a wind generator, used for generating
1805 electricity. Renewable energy generation facility does not include consumer-scale
1806 renewable energy systems.

1807 NEW SECTION. SECTION 40. There is hereby added to K.C.C. chapter
1808 21A.06 a new section to read as follows:

1809 Sea level rise protection elevation: three feet above the base flood elevation
1810 identified in the Flood Insurance Study and Flood Insurance Rate Map, dated August 19,

1811 2020, for the adjacent coastal high hazard area flood zone. The sea level rise protection
1812 elevation only applies to Vashon-Maury Island.

1813 NEW SECTION. SECTION 2941. There is hereby added to K.C.C. chapter
1814 21A.06 a new section to read as follows:

1815 Sea level rise risk area. ~~Lands:~~ lands on Vashon-Maury Island adjacent to a
1816 coastal high hazard area that extend landward to an elevation three feet above the base
1817 flood elevation ~~of~~ identified in the Flood Insurance Study and Flood Insurance Rate Map,
1818 dated August 19, 2020, for the adjacent coastal high hazard area flood zone.

1819 SECTION 3042. Ordinance 10870, Section 310, and K.C.C. 21A.06.1350 are
1820 hereby amended to read as follows:

1821 Utility facility: a facility for the distribution or transmission of services, including:

1822 A. Telephone exchanges;

1823 B. Water pipelines, pumping or treatment stations;

1824 C. Electrical substations;

1825 D. Water storage reservoirs or tanks;

1826 E. Municipal groundwater well-fields;

1827 F. Regional surface water flow control and water quality facilities;

1828 G. Natural gas pipelines, gate stations and limiting stations, limited to local
1829 distribution service; and excluding fossil fuel facilities;

1830 H. Propane, compressed natural gas and liquefied natural gas storage tanks serving
1831 multiple lots or uses from which fuel is distributed directly to individual users, limited to
1832 local distribution service; and excluding fossil fuel facilities;

1833 I. Wastewater pipelines, lift stations, pump stations, regulator stations or odor

1834 control facilities; and

1835 J. Communication cables, electrical wires and associated structural supports.

1836 SECTION 3143. Ordinance 10870, Section 315, and K.C.C. 21A.06.1375 are
1837 hereby amended to read as follows:

1838 Warehousing and wholesale trade: establishments involved in the storage and/or
1839 sale of bulk goods for resale or assembly, excluding establishments offering the sale of
1840 bulk goods to the general public which is classified as a retail use in K.C.C. 21A.08.070
1841 and excluding local distribution gas storage tanks as defined by this chapter. These
1842 establishments shall include only SIC Major Group Nos. 50 and 51 and SIC Industry
1843 Group Nos. 422 and 423, excluding fossil fuels and fossil fuel facilities.

1844 SECTION 3244. Ordinance 10870, Section 330, as amended, and K.C.C.
1845 21A.08.030 are hereby amended to read as follows:

1846 A. Residential land uses.

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

1847

B. Development conditions.

1848

1. Except bed and breakfast guesthouses.

1849

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

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a. Site disturbance associated with development of any new residence shall be

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limited to three acres. Site disturbance shall mean all land alterations including, but not

1852

limited to, grading, utility installation, landscaping, clearing for crops, on-site sewage

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disposal systems and driveways. Additional site disturbance for agriculture, including

1854

raising livestock, up to the smaller of thirty-five percent of the lot or seven acres, may be

1855

approved only if a farm management plan is prepared in accordance with K.C.C. chapter

1856 21A.30. Animal densities shall be based on the area devoted to animal care and not the
1857 total area of the lot;

1858 b. A forest management plan shall be required for any new residence in the
1859 forest production district, that shall be reviewed and approved by the King County
1860 department of natural resources and parks before building permit issuance; and

1861 c. The forest management plan shall incorporate a fire protection element that
1862 includes fire safety best management practices developed by the department.

1863 3. Only as part of a mixed use development subject to the conditions of K.C.C.
1864 chapter 21A.14, except that in the NB zone on properties with a land use designation of
1865 commercial outside of center (CO) in the urban areas, stand-alone townhouse
1866 developments are permitted subject to K.C.C. 21A.12.040, 21A.14.030, 21A.14.060 and
1867 21A.14.180.

1868 4. Only in a building listed on the National Register as an historic site or
1869 designated as a King County landmark subject to K.C.C. chapter 21A.32.

1870 5.a. In the R-1 zone, apartment units are permitted, if:

1871 (1) At least fifty percent of the site is constrained by unbuildable critical
1872 areas. For purposes of this subsection, unbuildable critical areas includes wetlands,
1873 aquatic areas and slopes forty percent or steeper and associated buffers; and

1874 (2) The density does not exceed a density of eighteen units per acre of net
1875 buildable area.

1876 b. In the R-4 through R-8 zones, apartment units are permitted if the density
1877 does not exceed a density of eighteen units per acre of net buildable area.

1878 c. If the proposal will exceed base density for the zone in which it is proposed,

1879 a conditional use permit is required.

1880 6. Only as accessory to a school, college, university or church.

1881 7.a. Accessory dwelling units are subject to the following standards:

1882 (1) Only one accessory dwelling per primary single detached dwelling or
1883 townhouse unit;

1884 (2) Only allowed in the same building as the primary dwelling unit ~~((on))~~,
1885 except that detached accessory dwelling units are allowed when there is no more than one
1886 primary dwelling unit on the lot, and the following conditions are met:

1887 (a) ~~((an urban lot that is less than ((five))~~ three thousand six hundred square
1888 feet in area;

1889 ~~———— (b) a lot in a rural town that is less than))~~ the lot must be three thousand
1890 sixtwo hundred square feet in or greater if located in the urban area; or a rural town; or

1891 ~~(e) b) ((except as otherwise provided in subsection B.7.a.(5) of this section,~~
1892 a rural lot outside of a rural town that is less than the minimum lot size; or

1893 ~~———— ((c.)) (d) a lot containing more than one primary dwelling;~~

1894 ~~———— e. a lot containing more than one primary dwelling))~~ the lot must meet the
1895 minimum lot area for the applicable zone if located in the rural area but not in a rural
1896 town, except that if one transferable development right is purchased from the Rural Area
1897 or Natural Resource Lands under K.C.C. chapter 21A.37, a detached accessory dwelling
1898 unit is allowed on an RA-5 zoned lot that is two and one-half acres or greater;

1899 (3) ~~((The primary dwelling unit or the accessory dwelling unit shall be owner~~
1900 occupied;

1901 (4)(a) Except as otherwise provided in subsection B.7.a.(5) of this section,
1902 ~~one of the~~) The accessory dwelling ~~units~~unit((s)) shall not exceed one thousand square
1903 feet of heated floor area and one thousand square feet of unheated floor area except:
1904 (a) when ~~((one of))~~ the accessory dwelling ~~units~~unit((s)) is wholly contained
1905 within a basement or attic, this limitation does not apply; ~~((and))~~
1906 (b) ~~((When the primary and accessory dwelling units are located in the same~~
1907 ~~building, or in multiple buildings connected by a breezeway or other structure, only one~~
1908 ~~entrance may be located on each street; and~~
1909 ~~-~~ (5) On) for detached accessory dwelling units, the floor area contained in a
1910 basement does not count toward the floor area maximum; or
1911 (c) Accessory dwelling units shall not exceed the base height as
1912 established in 21A.12.030;
1913 ~~(5) On~~ on a site zoned RA: ~~((:~~
1914 ~~(a) If~~) if one transferable development right is purchased from the Rural
1915 Area or Natural Resource Lands under K.C.C. chapter 21A.37, the ~~((smaller of the))~~
1916 accessory dwelling ~~units~~unit((s)) is permitted a maximum heated floor area ~~((up to))~~ of
1917 one thousand five hundred square feet; and one thousand five hundred square feet of
1918 unheated floor area; ~~((and~~
1919 ~~(b) If one transferable development right is purchased from the Rural Area~~
1920 ~~or Natural Resource Lands under K.C.C. chapter 21A.37, a detached accessory dwelling~~
1921 ~~unit is allowed on an RA-5 zoned lot that is at least two and one half acres and less than~~
1922 ~~three and three-quarters acres;~~
1923 ~~(6) One additional off street parking space shall be provided;:))~~

1924 (4) Accessory dwelling units that are not wholly contained within an existing
1925 dwelling unit shall not exceed the base height established in 21A.12.030;

1926 (5) When the primary and accessory dwelling units are located in the same
1927 building, or in multiple buildings connected by a breezeway or other structure, only one
1928 entrance may front a street;

1929 (6) No additional off-street parking spaces are required for accessory
1930 dwelling units;

1931 (7) The primary dwelling unit or the accessory dwelling unit shall be
1932 occupied either by the owner of the primary dwelling unit or by an immediate family
1933 member of the owner. Immediate family members are limited to spouses, siblings,
1934 parents, grandparents, children and grandchildren, either by blood, adoption or marriage,
1935 of the owner. The accessory dwelling unit shall be converted to another permitted use or
1936 shall be removed if ~~((one of the))~~ neither dwelling unitsunit~~((s ceases to be owner))~~ is
1937 occupied; ~~by the owner or an immediate family member; ((and))~~

1938 (8) An applicant seeking to build an accessory dwelling unit shall file a notice
1939 approved by the department of executive services, records and licensing services
1940 division, that identifies the dwelling unit as accessory. The notice shall run with the land.
1941 The applicant shall submit proof that the notice was filed before the department ~~((shall~~
1942 ~~approve))~~ approves any permit for the construction of the accessory dwelling unit. The
1943 required contents and form of the notice shall be set forth in administrative rules:~~((If an~~
1944 ~~accessory dwelling unit in a detached building in the rural zone is subsequently converted~~
1945 ~~to a primary unit on a separate lot, neither the original lot nor the new lot may have an~~
1946 ~~additional detached accessory dwelling unit constructed unless the lot is at least twice the~~

1947 ~~minimum lot area required in the zone;)); and~~

1948 (9) Accessory dwelling units (~~and accessory living quarters~~) are not allowed
1949 in the F zone.

1950 b. Accessory living quarters:

1951 (1) are limited to one per lot;

1952 (2) are allowed only on lots of three thousand two hundred square feet or
1953 greater when located in the urban area or a rural town;

1954 (3) shall not exceed the base height as established in K.C.C. 21A.12.030;

1955 (4) shall not exceed one thousand square feet of heated floor area and one
1956 thousand square feet of unheated floor area; and

1957 (5) are not allowed in the F zone.

1958 c. One single or twin engine, noncommercial aircraft shall be permitted only
1959 on lots that abut, or have a legal access that is not a county right-of-way, to a waterbody
1960 or landing field, but only if there are:

1961 (1) no aircraft sales, service, repair, charter or rental; and

1962 (2) no storage of aviation fuel except that contained in the tank or tanks of the
1963 aircraft.

1964 ~~((e. Accessory living quarters:~~

1965 ~~(1) shall not include an area within the building intended for the preparation~~
1966 ~~and storage of food;~~

1967 ~~(2) are limited to one per lot;~~

1968 ~~(3) the minimum lot size for detached accessory living quarters in the urban~~
1969 ~~area and in rural towns is three thousand six hundred square feet;~~

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- ~~(4) shall not exceed the base height in K.C.C. 21A.12.030;~~
- ~~(5) shall not exceed one thousand square feet of heated floor; and~~
- ~~(6) are not allowed in the F zone.~~
- ~~.)~~ d. Buildings for residential accessory uses in the RA and A zone shall not exceed five thousand square feet of gross floor area, except for buildings related to agriculture or forestry.
8. Mobile home parks shall not be permitted in the R-1 zones.
9. Only as accessory to the permanent residence of the operator, and:
- a. Serving meals shall be limited to paying guests; and
- b. The number of persons accommodated per night shall not exceed five, except that a structure that satisfies the standards of the International Building Code as adopted by King County for R-1 occupancies may accommodate up to ten persons per night.
10. Only if part of a mixed use development, and subject to the conditions of subsection B.9. of this section.
11. Townhouses are permitted, but shall be subject to a conditional use permit if exceeding base density.
12. Required before approving more than one dwelling on individual lots, except on lots in subdivisions, short subdivisions or binding site plans approved for multiple unit lots, and except as provided for accessory dwelling units in subsection B.7. of this section.
13. No new mobile home parks are allowed in a rural zone.
- 14.a. Limited to domestic violence shelter facilities.

1993 b. Limited to domestic violence shelter facilities with no more than eighteen
1994 residents or staff.

1995 15. Only in the R4-R8 zones ~~((limited to))~~ subject to the following standards:

1996 a. ~~((developments no larger than one acre;~~

1997 ~~b. not adjacent to another cottage housing development such that the total
1998 combined land area of the cottage housing developments exceeds one acre;~~

1999 ~~e.))~~ All units must be ~~((~~ Developments shall contain only cottage housing

2000 units with no ~~((less))~~ fewer than three units ~~((and no more than sixteen units)), ((~~

2001 ~~provided that))~~ but only if). If the site contains an existing home that is not being

2002 demolished, the existing house is not required to comply with the height limitation in

2003 K.C.C. 21A.12.020.B.25. or the floor area and footprint limits in K.C.C. 21A.14.025.B;

2004 and.;

2005 b. Cottage housing developments should consider including a variety of

2006 housing sizes, such as units with a range of bedroom sizes or total floor area; and

2007 ~~((d.))~~ bc. Before filing an application with the department, the applicant shall

2008 hold a community meeting in accordance with K.C.C. 20.20.035.

2009 16. The development for a detached single-family residence shall be consistent

2010 with the following:

2011 a. The lot must have legally existed before March 1, 2005;

2012 b. The lot has a Comprehensive Plan land use designation of Rural

2013 Neighborhood Commercial Center or Rural Area; and

2014 c. The standards of this title for the RA-5 zone shall apply.

2015 17. ~~Repealed~~ Only in the R-1 zone as an accessory to a golf facility and

2016 consistent with K.C.C. 21A.08.040.

2017 18. Allowed if consistent with K.C.C. chapter 21A.30.

2018 SECTION 3345. Ordinance 10870, Section 333, as amended, and K.C.C.

2019 21A.08.060 are hereby amended to read as follows:

2020 A. Government/business services land uses.

P-Permitted Use		RESOURCE			RU	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
C-Conditional Use					RA								
S-Special Use					L								
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
*	Vector Waste Receiving	P	P	P	P18	P18	P18	P18	P31	P31	P31	P31	P

	Facility											
	BUSINESS SERVICES:											
*	Construction and Trade			P34					P	P9	P	
*	Individual Transportation and Taxi							P25	P	P10	P	
421	Trucking and Courier Service							P11	P12	P13	P	
*	Warehousing, (1) and Wholesale Trade											P40 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	P	P16
*	Professional Office						P	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 and Testing										P2	P2	P2
*	Heavy Equipment and Truck Repair												P
	ACCESSORY USES:												
*	Commercial/Industrial Accessory Uses			P	P22				P22	P22	P	P	P
*	Helistop					C23	C23	C23	C23	C23	C24	C23	C24

2021

B. Development conditions.

2022

1. Except self-service storage.

2023

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

2024

Educational Research, see general business service/office.

2025

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

2026

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

2027

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

2028

thousand five hundred square feet of floor area.

2029

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

2030

21A.32.

2031

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

2032

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

2033

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

2034 applies to the UR zone only if the property is located within a designated unincorporated
2035 Rural Town.

2036 6.a. All buildings and structures shall maintain a minimum distance of twenty
2037 feet from property lines adjoining rural area and residential zones;

2038 b. Any buildings from which fire-fighting equipment emerges onto a street
2039 shall maintain a distance of thirty-five feet from such street;

2040 c. No outdoor storage; and

2041 d. Excluded from the RA-10 and RA-20 zones unless it is demonstrated that no
2042 feasible alternative location is possible.

2043 7. Limited to storefront police offices. Such offices shall not have:

2044 a. holding cells;

2045 b. suspect interview rooms (except in the NB zone); or

2046 c. long-term storage of stolen properties.

2047 8. Private stormwater management facilities serving development proposals
2048 located on commercial/industrial zoned lands shall also be located on
2049 commercial/industrial lands, unless participating in an approved shared facility drainage
2050 plan. Such facilities serving development within an area designated urban in the King
2051 County Comprehensive Plan shall only be located in the urban area.

2052 9. No outdoor storage of materials.

2053 10. Limited to office uses.

2054 11. Limited to self-service household moving truck or trailer rental accessory to
2055 a gasoline service station.

2056 12. Limited to self-service household moving truck or trailer rental accessory to

2057 a gasoline service station and SIC Industry No. 4215-Courier Services, except by air.
2058 13. Limited to SIC Industry No. 4215-Courier Services, except by air.
2059 14. Accessory to an apartment development of at least twelve units provided:
2060 a. The gross floor area in self service storage shall not exceed the total gross
2061 floor area of the apartment dwellings on the site;
2062 b. All outdoor lights shall be deflected, shaded and focused away from all
2063 adjoining property;
2064 c. The use of the facility shall be limited to dead storage of household goods;
2065 d. No servicing or repair of motor vehicles, boats, trailers, lawn mowers or
2066 similar equipment;
2067 e. No outdoor storage or storage of flammable liquids, highly combustible or
2068 explosive materials or hazardous chemicals;
2069 f. No residential occupancy of the storage units;
2070 g. No business activity other than the rental of storage units; and
2071 h. A resident director shall be required on the site and shall be responsible for
2072 maintaining the operation of the facility in conformance with the conditions of approval.
2073 i. Before filing an application with the department, the applicant shall hold a
2074 community meeting in accordance with K.C.C. 20.20.035.
2075 15. Repealed.
2076 16. Only as an accessory use to another permitted use.
2077 17. No outdoor storage.
2078 18. Only as an accessory use to a public agency or utility yard, or to a transfer
2079 station.

2080 19. Limited to new commuter parking lots designed for thirty or fewer parking
2081 spaces or commuter parking lots located on existing parking lots for churches, schools, or
2082 other permitted nonresidential uses that have excess capacity available during
2083 commuting; provided that the new or existing lot is adjacent to a designated arterial that
2084 has been improved to a standard acceptable to the department of local services;

2085 20.a. No tow-in lots for damaged, abandoned or otherwise impounded vehicles,
2086 and

2087 b. Tow-in lots for damaged, abandoned or otherwise impounded vehicles shall
2088 be:

2089 (1) permitted only on parcels located within Vashon Town Center;

2090 (2) accessory to a gas or automotive service use; and

2091 (3) limited to no more than ten vehicles.

2092 21. No dismantling or salvage of damaged, abandoned or otherwise impounded
2093 vehicles.

2094 22. Storage limited to accessory storage of commodities sold at retail on the
2095 premises or materials used in the fabrication of commodities sold on the premises.

2096 23. Limited to emergency medical evacuation sites in conjunction with police,
2097 fire or health service facility. Helistops are prohibited from the UR zone only if the
2098 property is located within a designated unincorporated Rural Town.

2099 24. Allowed as accessory to an allowed use.

2100 25. Limited to private road ambulance services with no outside storage of
2101 vehicles.

2102 26. Limited to two acres or less.

2103 27a. Utility yards only on sites with utility district offices; or
2104 b. Public agency yards are limited to material storage for road maintenance
2105 facilities.

2106 28. Limited to (~~bulk~~) local distribution gas storage tanks that pipe to individual
2107 residences but excluding liquefied natural gas storage tanks.

2108 29. Excluding (~~bulk~~) local distribution gas storage tanks.

2109 30. For I-zoned sites located outside the urban growth area designated by the
2110 King County Comprehensive Plan, uses shall be subject to the provisions for rural
2111 industrial uses in K.C.C. chapter 21A.12.

2112 31. Vector waste treatment, storage and disposal shall be limited to liquid
2113 materials. Materials shall be disposed of directly into a sewer system, or shall be stored
2114 in tanks (or other covered structures), as well as enclosed buildings.

2115 32. Provided:

2116 a. Off-street required parking for a land use located in the urban area must be
2117 located in the urban area;

2118 b. Off-street required parking for a land use located in the rural area must be
2119 located in the rural area; and

2120 c.(1) Except as provided in subsection B.32.c.(2) of this section, off-street
2121 required parking must be located on a lot that would permit, either outright or through a
2122 land use permit approval process, the land use the off-street parking will serve.

2123 (2) For a social service agency allowed under K.C.C. 21A.08.050B.13.b. to
2124 be located on a site in the NB zone, off-street required parking may be located on a site
2125 within three hundred feet of the social service agency, regardless of zoning classification

2126 of the site on which the parking is located.

2127 33. Subject to review and approval of conditions to comply with trail corridor
2128 provisions of K.C.C. chapter 21A.14 when located in an RA zone.

2129 34. Limited to landscape and horticultural services (SIC 078) that are accessory
2130 to a retail nursery, garden center and farm supply store. Construction equipment for the
2131 accessory use shall not be stored on the premises.

2132 35. Allowed as a primary or accessory use to an allowed industrial-zoned land
2133 use.

2134 36. Repealed.

2135 37. Use shall be limited to the NB zone on parcels outside of the Urban Growth
2136 Area, Rural Towns and Rural Neighborhoods and the building floor area devoted to such
2137 use shall not exceed ten thousand square feet.

2138 38. If the farm product warehousing, refrigeration and storage, or log storage, is
2139 associated with agriculture activities it will be reviewed in accordance with K.C.C.
2140 21A.08.090.

2141 39. Excluding fossil fuel facilities.

2142 ~~40. Excluding fossil fuels and fossil fuel facilities.~~

2143 SECTION 3446. Ordinance 10870, Section 335, as amended, and K.C.C.
2144 21A.08.080 are hereby amended to read as follows:

2145 A. Manufacturing land uses.

P-Permitted Use		RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
C-Conditional Use													
S-Special Use													
SIC #	SPECIFIC LAND	A	F	M	RA	UR	R1	R12	NB	CB	RB	O	I
	USE						-8	-48					(11)

20	Food and Kindred Products (28)							P2	P2	P2 C		P2 C
*	<u>Winery/Brewery</u> <u>/Distillery Facility I</u>				<u>P32</u>							
<u>*/208</u> <u>2</u> <u>/2085</u> <u>*</u> <u>-</u>	Winery/Brewery <u>/Distillery Facility II</u>	P3 <u>C4</u> <u>2</u>			<u>P3</u> <u>C12</u> <u>C30</u>			P17	P17	<u>PP29</u>		<u>PP31</u>
	<u>Winery/Brewery</u> <u>/Distillery Facility</u> <u>III</u>	<u>C12</u>			<u>C12</u>			<u>C29</u>	<u>C29</u>	<u>C29</u>		<u>C31</u>
*	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)												C29 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/Distribut ion										P		P

2146 B. Development conditions.

2147 1. Repealed.

2148 2. Except slaughterhouses.

2149 3.a. ~~Limited to wineries, SIC Industry No. 2082 Malt Beverages and SIC~~

2150 ~~Industry No. 2085 Distilled and Blended Liquors;~~

2151 ~~b.~~ In the A zone, only allowed on sites where the primary use is SIC

2152 Industry Group No. 01-Growing and Harvesting Crops or No. 02-Raising Livestock and

2153 Small Animals;

2154 b. Only allowed on lots of at least two and one-half acres, except that this

2155 requirement shall not apply on Vashon-Maury Island to winery, brewery or distillery

2156 business locations in use and licensed to produce by the Washington state Liquor and

2157 Cannabis Board before January 1, 2019, and that in the RA zone, for sites that contain a

2158 building designated as historic resource under K.C.C. chapter 20.62, only allowed on lots

2159 of at least two ~~c.~~ In the RA and UR zones, only allowed on lots of at least four and

2160 one-half acres;

2161 c. ~~d.~~ The aggregated floor area devoted to all processing of structures and

2162 areas for winery, brewery, distillery facility uses shall not exceed three thousand five

2163 hundred square feet, unless located in ~~a building~~whole or in part in a structure designated
2164 as historic resource under K.C.C. chapter 20.62, in which case the aggregated floor area
2165 of structures and areas devoted to winery, brewery, distillery facility uses shall not
2166 exceed seven thousand square feet in the RA zone and five thousand square feet in the A
2167 zone. Decks that are not occupied and not open to the public are excluded from the
2168 calculation for maximum aggregated floor area;

2169 ~~d. e.~~ Structures and parking areas ~~used for processing~~winery, brewery,
2170 distillery facility uses shall maintain a minimum distance of seventy-five feet from
2171 interior property lines adjoining rural area and residential zones, unless located in a
2172 building designated as historic resource under K.C.C. chapter 20.62, except that on
2173 Vashon-Maury Island this setback requirement shall not apply to structures and parking
2174 areas in use on December 4, 2019, by existing winery, brewery or distillery business
2175 locations licensed to produce by the Washington state Liquor and Cannabis Board before
2176 January 1, 2019;

2177 ~~e. f.~~ In the A zone, sixty ~~Sixty~~ percent or more of the products
2178 processed must be grown ~~in the Puget Sound counties~~on-site. At the time of the initial
2179 application under K.C.C. chapter 6.74, the applicant shall submit a projection of the
2180 source of products to be produced; ~~and~~

2181 ~~f.~~ At least two stages of production of wine, beer, cider or distilled spirits, such
2182 as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the
2183 Washington state Liquor and Cannabis Board production license, shall occur on-site. At
2184 least one of the stages of production occurring on-site shall include crushing, fermenting
2185 or distilling;

2186 g. In the A zone, structures and area for non-agricultural winery, brewery,
2187 distillery facility uses shall be located on portions of agricultural lands that are unsuitable
2188 for agricultural purposes, such as areas within the already developed portion of such
2189 agricultural lands that are not available for direct agricultural production, or areas without
2190 prime agricultural soils. No more than one acre of agricultural land may be converted to
2191 a nonagricultural accessory use;

2192 h. Tasting and retail sales of products produced on-site may occur only as
2193 accessory to the primary winery, brewery, distillery production use and may be provided
2194 in accordance with state law. The area devoted to on-site tasting or retail sales shall be
2195 limited to no more than thirty percent of the aggregated floor area and shall be included
2196 in the aggregated floor area limitation in subsection B.3.c. of this section. The limitation
2197 on tasting and retail sales of products produced on-site shall not apply on Vashon-Maury
2198 Island to winery, brewery, or distillery business locations in use and licensed to produce
2199 by the Washington state Liquor and Cannabis Board before January 1, 2019, or on sites
2200 in the RA zone that contain a building designated as historic resource under K.C.C.
2201 chapter 20.62. Incidental retail sales of merchandise related to the products produced on-
2202 site is allowed subject to the restrictions described in this subsection B.3. Hours of
2203 operation for on-site tasting of products shall be limited as follows: Mondays, Tuesdays,
2204 Wednesdays and Thursdays, tasting room hours shall be limited to 11:00 a.m. through
2205 7:00 p.m.; and Fridays, Saturdays and Sundays, tasting room hours shall be limited to
2206 11:00 a.m. through 9:00 p.m.;

2207 i. Access to the site shall be directly to and from an arterial roadway, except
2208 that this requirement shall not apply on Vashon-Maury Island to winery, brewery,

2209 distillery facility business locations in use and licensed to produce by the Washington
2210 state Liquor and Cannabis Board before January 1, 2019;

2211 j. Off-street parking is limited to a maximum of one hundred fifty percent of
2212 the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

2213 k. The business operator shall obtain an adult beverage business license in
2214 accordance with K.C.C. chapter 6.74;

2215 l. Events may be allowed with an approved temporary use permit under K.C.C.
2216 chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.; and

2217 m. The impervious surface associated with the winery, brewery, distillery
2218 facility use shall not exceed twenty-five percent of the site, or the maximum impervious
2219 surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,
2220 whichever is less.

2221 4. Limited to rough milling and planing of products grown on-site with portable
2222 equipment.

2223 5. Limited to SIC Industry Group No. 242-Sawmills and SIC Industry No.
2224 2431-Millwork. For RA zoned sites, if using lumber or timber grown off-site, the
2225 minimum site area is four and one-half acres.

2226 6. Limited to uses found in SIC Industry No. 2434-Wood Kitchen Cabinets and
2227 No. 2431-Millwork, (excluding planing mills).

2228 7. Limited to photocopying and printing services offered to the general public.

2229 8. Only within enclosed buildings, and as an accessory use to retail sales.

2230 9. Only within enclosed buildings.

2231 10. Limited to boat building of craft not exceeding forty-eight feet in length.

2232 11. For I-zoned sites located outside the urban growth area designated by the
2233 King County Comprehensive Plan, uses shown as a conditional use in the table of K.C.C.
2234 21A.08.080.A. shall be prohibited, and all other uses shall be subject to the provisions for
2235 rural industrial uses as set forth in K.C.C. chapter 21A.12.

2236 12.a. ~~Limited to wineries,~~In the A zone, only allowed on sites where the primary
2237 use is SIC Industry Group No. 2082 Malt Beverages01-Growing and SIC
2238 IndustryHarvesting Crops or No. 2085-Distilled02-Raising Livestock and ~~Blended~~
2239 ~~Liquors~~Small Animals;

2240 b.(1) ~~Except as provided in subsection B.12.b.(2) of this section, the~~ The
2241 aggregated floor area of structures and areas for ~~wineries, breweries and distilleries and~~
2242 ~~any accessory~~winery, brewery, distillery facility uses shall not exceed a total of eight
2243 thousand square feet. ~~The floor area may be increased by up to an additional eight~~
2244 ~~thousand square feet of underground storage~~Decks that is ~~constructed completely below~~
2245 ~~natural grade,are~~ not ~~including required exits and access points, if~~occupied and not open
2246 to the public are excluded from the ~~underground storage is~~calculation for maximum
2247 aggregated floor area;

2248 c. Only allowed on lots of at least four and one foot below-half acres. If the
2249 ~~surface and is not visible above ground; and~~

2250 ~~—————(2) On Vashon Maury Island, the total~~aggregated floor area of structures for
2251 ~~wineries, breweries and distilleries and any accessory~~winery, brewery, distillery uses ~~may~~
2252 ~~not exceed~~exceeds six thousand square feet, ~~including underground storage~~the minimum
2253 site area shall be ten acres;

2254 ed. Wineries, breweries and distilleries shall comply with Washington state
2255 Department of Ecology and King County board of health regulations for water usage and
2256 wastewater disposal. ~~Wineries, breweries and distilleries using water from exempt wells~~
2257 ~~shall install a water meter, and must connect to an existing Group A water system. The~~
2258 ~~definitions and limits of Group A water systems are described in K.C.C. 13.24.007, and~~
2259 ~~provision of water service is described in K.C.C. 13.24.138, 13.24.140 and 13.24.142;~~

2260 ~~===== d. Off-street parking is limited to one hundred and fifty percent of the~~
2261 ~~minimum requirement for wineries, breweries or distilleries specified in K.C.C.~~
2262 ~~21A.18.030;~~

2263 e. Structures and parking areas ~~used for processing winery, brewery distillery~~
2264 ~~facility uses~~ shall ~~be set back~~ maintain a minimum distance of seventy-five feet from
2265 interior property lines ~~adjacent to adjoining~~ rural area and residential zones, unless ~~the~~
2266 ~~processing is~~ located in a building designated as historic resource under K.C.C. chapter
2267 20.62;

2268 f. ~~The minimum site area is four and one-half acres. If the total floor area of~~
2269 ~~structures for wineries, breweries and distilleries and any accessory uses exceed six~~
2270 ~~thousand square feet, including underground storage:~~

2271 ~~----- (1) the minimum site area is ten acres; and~~

2272 ~~----- (2) a minimum of two and one-half acres of the site shall be used for the~~
2273 ~~growing of agricultural products;~~

2274 In the A Zone, ~~----- g. -----~~ The facility shall be limited to processing agricultural products
2275 ~~and~~ sixty percent or more of the products processed must be grown ~~in the Puget Sound~~

2276 ~~counties-on-site.~~ At the time of the initial application under K.C.C. chapter 6.74, the
2277 applicant shall submit a projection of the source of products to be processed; ~~and~~
2278 g. At least two stages of production of wine, beer, cider or distilled spirits,
2279 such as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized
2280 by the Washington state Liquor and Cannabis Board production license, shall occur on-
2281 site. At least one of the stages of on-site production shall include crushing, fermenting or
2282 distilling;
2283 h. In the A zone, structures and areas for non-agricultural winery, brewery,
2284 distillery facility uses shall be located on portions of agricultural lands that are unsuitable
2285 for agricultural purposes, such as areas within the already developed portion of such
2286 agricultural lands that are not available for direct agricultural production, or areas without
2287 prime agricultural soils. No more than one acre of agricultural land may be converted to
2288 a nonagricultural accessory use;
2289 i. Tasting and retail sales of products produced on-site may occur only as
2290 accessory to the primary winery, brewery, distillery production use and may be provided
2291 in accordance with state law. The area devoted to on-site tasting or retail sales shall be
2292 limited to no more than thirty percent of the aggregated floor area and shall be included
2293 in the aggregated floor area limitation in subsection B.12.b. and c. of this section.
2294 Incidental retail sales of merchandise related to the products produced on-site is allowed
2295 subject to the restrictions described in this subsection. Hours of operation for on-site
2296 tasting of products shall be limited as follows: Mondays, Tuesdays, Wednesdays and
2297 Thursdays, tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and
2298 Fridays, Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m.

2299 through 9:00 p.m.;
2300 j. Access to the site shall be directly to and from an arterial roadway;
2301 k. Off-street parking maximums shall be determined through the conditional
2302 use permit process, and should not be more than one hundred fifty percent of the
2303 minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;
2304 l. The business operator shall obtain an adult beverage business license in
2305 accordance with K.C.C. chapter 6.74;
2306 m. Events may be allowed with an approved temporary use permit under
2307 K.C.C. chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.;
2308 and
2309 n. The impervious surface associated with the winery, brewery, distillery
2310 facility use shall not exceed twenty-five percent of the site, or the maximum impervious
2311 surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,
2312 whichever is less.

2313 13. Only on the same lot or same group of lots under common ownership or
2314 documented legal control, which includes, but is not limited to, fee simple ownership, a
2315 long-term lease or an easement:

2316 a. as accessory to a primary forestry use and at a scale appropriate to process
2317 the organic waste generated on the site; or

2318 b. as a continuation of a sawmill or lumber manufacturing use only for that
2319 period to complete delivery of products or projects under contract at the end of the
2320 sawmill or lumber manufacturing activity.

2321 14. Only on the same lot or same group of lots under common ownership or

2322 documented legal control, which includes, but is not limited to, fee simple ownership, a
2323 long-term lease or an easement:

2324 a. as accessory to a primary mineral use; or

2325 b. as a continuation of a mineral processing use only for that period to

2326 complete delivery of products or projects under contract at the end of mineral extraction.

2327 15. Continuation of a materials processing facility after reclamation in

2328 accordance with an approved reclamation plan.

2329 16. Only a site that is ten acres or greater and that does not use local access

2330 streets that abut lots developed for residential use.

2331 17.a. ~~Limited to wineries, SIC Industry No. 2082-Malt Beverages and SIC~~
2332 ~~Industry No. 2085-Distilled and Blended Liquors~~The aggregated floor area of structures
2333 and areas for winery, brewery, distillery facility uses shall not exceed three thousand five
2334 hundred square feet, unless located in whole or in part in a structure designated as historic
2335 resource under K.C.C. chapter 20.62, in which case the aggregated floor area of
2336 structures and areas devoted to winery, brewery, distillery facility uses shall not exceed
2337 five thousand square feet. Decks that are not occupied and not open to the public are
2338 excluded from the calculation for maximum aggregated floor area;

2339 b. ~~The floor area devoted to all processing shall not exceed three thousand five~~
2340 ~~hundred square feet, unless located in a building designated as historic resource under~~
2341 ~~K.C.C. chapter 20.62;~~

2342 ~~—————~~c. Structures and parking areas ~~used for processing~~winery, brewery, distillery
2343 facility uses shall maintain a minimum distance of seventy-five feet from interior

2344 property lines adjoining rural area and residential zones, unless located in a building
2345 designated as historic resource under K.C.C. chapter 20.62;~~and~~
2346 ~~dc.~~ Tasting and retail sale of products produced on-site, and merchandise
2347 related to the products produced on-site, may be provided in accordance with state law.
2348 The area devoted to on-site tasting or retail sales shall be included in the aggregated floor
2349 area limitation in subsection B.~~18.b~~17.a. of this section;

2350 d. Off-street parking for the tasting and retail areas shall be limited to a
2351 maximum of one space per fifty square feet of tasting and retail areas;
2352 e. The business operator shall obtain an adult beverage business license in
2353 accordance with K.C.C. chapter 6.74; and
2354 f. Events may be allowed with an approved temporary use permit under K.C.C.
2355 chapter 21A.32.

2356 18. Limited to:

2357 a. SIC Industry Group No. 242-Sawmills and SIC Industry No. 2431-
2358 Millwork, as follows:

2359 (1) If using lumber or timber grown off-site, the minimum site area is four
2360 and one-half acres;

2361 (2) The facility shall be limited to an annual production of no more than one
2362 hundred fifty thousand board feet;

2363 (3) Structures housing equipment used in the operation shall be located at
2364 least one-hundred feet from adjacent properties with residential or rural area zoning;

2365 (4) Deliveries and customer visits shall be limited to the hours of 8:00 a.m. to
2366 7:00 p.m. on weekdays, and 9:00 a.m. to 5:00 p.m. on weekends;

2367 (5) In the RA zone, the facility's driveway shall have adequate entering sight
2368 distance required by the 2007 King County Road Design and Construction Standards. An
2369 adequate turn around shall be provided on-site to prevent vehicles from backing out on to
2370 the roadway that the driveway accesses; and

2371 (6) Outside lighting is limited to avoid off-site glare; and

2372 b. SIC Industry No. 2411-Logging.

2373 19. Limited to manufacture of custom made wood furniture or cabinets.

2374 20.a. Only allowed on lots of at least four and one-half acres;

2375 b. Only as an accessory use to a Washington state Liquor Control Board
2376 licensed marijuana production facility on the same lot;

2377 c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2378 d. Only with documentation that the operator has applied for a Puget Sound
2379 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2380 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2381 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2382 are imported onto the site; and

2383 e. Accessory marijuana processing uses allowed under this section are subject
2384 to all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.

2385 21.a. Only in the CB and RB zones located outside the urban growth area;

2386 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2387 c. Only with documentation that the operator has applied for a Puget Sound
2388 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2389 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

2390 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2391 are imported onto the site;

2392 d. Per lot, the aggregated total gross floor area devoted to the use of, and in
2393 support of, processing marijuana together with any separately authorized production of
2394 marijuana shall be limited to a maximum of two thousand square feet; and

2395 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
2396 every marijuana-related entity occupying space in addition to the two-thousand-square-
2397 foot threshold area on that lot shall obtain a conditional use permit as set forth in
2398 subsection B.22. of this section.

2399 22.a. Only in the CB and RB zones located outside the urban growth area;

2400 b. Per lot, the aggregated total gross floor area devoted to the use of, and in
2401 support of, processing marijuana together with any separately authorized production of
2402 marijuana shall be limited to a maximum of thirty thousand square feet;

2403 c. With a lighting plan, only if required by K.C.C. 21A.12.220.G.; and

2404 d. Only with documentation that the operator has applied for a Puget Sound
2405 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2406 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2407 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2408 are imported onto the site.

2409 23.a. Only in the CB and RB zones located inside the urban growth area;

2410 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2411 c. Only with documentation that the operator has applied for a Puget Sound
2412 Clean Air Agency Notice of Construction Permit. All department permits issued to either

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2413 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2414 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2415 are imported onto the site;

2416 d. Per lot, the aggregated total gross floor area devoted to the use of, and in
2417 support of, processing marijuana together with any separately authorized production of
2418 marijuana shall be limited to a maximum of two thousand square feet; and

2419 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
2420 every marijuana-related entity occupying space in addition to the two-thousand-square-
2421 foot threshold area on that lot shall obtain a conditional use permit as set forth in
2422 subsection B.24. of this section.

2423 24.a. Only in the CB and RB zones located inside the urban growth area;

2424 b. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2425 c. Only with documentation that the operator has applied for a Puget Sound
2426 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2427 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2428 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2429 are imported onto the site; and

2430 d. Per lot, the aggregated total gross floor area devoted to the use of, and in
2431 support of, processing marijuana together with any separately authorized production of
2432 marijuana shall be limited to a maximum of thirty thousand square feet.

2433 25.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2434 b. Only with documentation that the operator has applied for a Puget Sound
2435 Clean Air Agency Notice of Construction Permit. All department permits issued to either

2436 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2437 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2438 are imported onto the site; and

2439 c. Per lot, limited to a maximum aggregate total of two thousand square feet of
2440 gross floor area devoted to, and in support of, the processing of marijuana together with
2441 any separately authorized production of marijuana.

2442 26.a. With a lighting plan, only if required by K.C.C. 21A.12.220.G.;

2443 b. Only with documentation that the operator has applied for a Puget Sound
2444 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2445 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2446 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2447 are imported onto the site; and

2448 c. Per lot, limited to a maximum aggregate total of thirty thousand square feet of
2449 gross floor area devoted to, and in support of, the processing of marijuana together with
2450 any separately authorized production of marijuana.

2451 27.a. Marijuana processors in all RA zoned areas except for Vashon-Maury
2452 Island, that do not require a conditional use permit issued by King County, that receive a
2453 Washington state Liquor and Cannabis Board license business ~~((prior to))~~ before October 1,
2454 2016, and that King County did not object to within the Washington state Liquor and
2455 Cannabis Board marijuana license application process, shall be considered nonconforming
2456 as to subsection B.27.e. of this section, subject to the provisions of K.C.C. 21A.32.020
2457 through 21A.32.075 for nonconforming uses;

2458 b. Only with a lighting plan that complies with K.C.C. 21A.12.220.G.;

2459 c. Only with documentation that the operator has applied for a Puget Sound
2460 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2461 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2462 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2463 are imported onto the site;

2464 d. Only allowed on lots of at least four and on-half acres on Vashon-Maury
2465 Island;

2466 e. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
2467 except on Vashon-Maury Island;

2468 f. Only as an accessory use to a Washington state Liquor Cannabis Board
2469 licensed marijuana production facility on the same lot; and

2470 g. Accessory marijuana processing uses allowed under this section are subject to
2471 all limitations applicable to marijuana production uses under K.C.C. 21A.08.090.

2472 28. If the food and kindred products manufacturing or processing is associated
2473 with agricultural activities it will be reviewed in accordance with K.C.C. 21A.08.090.

2474 29. ~~Excluding fossil fuel facilities.~~ a. Tasting and retail sales of products
2475 produced on-site, and merchandise related to the products produced on-site, may be
2476 provided in accordance with state law;

2477 b. Structures and parking areas for winery, brewery, distillery facility uses
2478 shall maintain a minimum distance of seventy-five feet from interior property lines
2479 adjoining rural area and residential zones, unless located in a building designated as
2480 historic resource under K.C.C. chapter 20.62;

2481 c. For winery, brewery, distillery facility uses that do not require a conditional

2482 use permit, off-street parking for the tasting and retail areas shall be limited to a
2483 maximum of one space per fifty square feet of tasting and retail areas. For winery,
2484 brewery, distillery facility uses that do require a conditional use permit, off-street parking
2485 maximums shall be determined through the conditional use permit process, and off-street
2486 parking for the tasting and retail areas should be limited to a maximum of one space per
2487 fifty square feet of tasting and retail areas;

2488 d. The business operator shall obtain an adult beverage business license in
2489 accordance with K.C.C. chapter 6.74; and

2490 e. Events may be allowed with an approved temporary use permit under
2491 K.C.C. chapter 21A.32.

2492 30.a. Only allowed on lots of at least two and one-half acres;

2493 b. The aggregated floor area of structures and areas for winery, brewery,
2494 distillery facility uses shall not exceed three thousand five hundred square feet, unless
2495 located in whole or in part in a structure designated as historic resource under K.C.C.
2496 chapter 20.62, in which case the aggregated floor area of structures and areas devoted to
2497 winery, brewery, distillery facility uses shall not exceed five thousand square feet. Decks
2498 that are not occupied and not open to the public are excluded from the calculation for
2499 maximum aggregated floor area;

2500 c. Structures and parking areas for winery, brewery, distillery facility uses
2501 shall maintain a minimum distance of seventy-five feet from interior property lines
2502 adjoining rural area and residential zones, unless located in a building designated as
2503 historic resource under K.C.C. chapter 20.62;

2504 d. Tasting and retail sales of products produced on-site may only occur as

2505 accessory to the primary winery, brewery, distillery production use and may be provided
2506 in accordance with state law. The area devoted to on-site tasting or retail sales shall be
2507 limited to no more than thirty percent of the aggregated floor area and shall be included
2508 in the aggregated floor area limitation in subsection B.30.b. of this section. Incidental
2509 retail sales of merchandise related to the products produced on-site is allowed subject to
2510 the restrictions described in this subsection. Hours of operation for on-site tasting of
2511 products shall be limited as follows: Mondays, Tuesdays, Wednesdays and Thursdays,
2512 tasting room hours shall be limited to 11:00 a.m. through 7:00 p.m.; and Fridays,
2513 Saturdays and Sundays, tasting room hours shall be limited to 11:00 a.m. through 9:00
2514 p.m.;

2515 _____ e. Access to the site shall be directly to and from a public roadway;

2516 _____ f. Off-street parking is limited to a maximum of one hundred fifty percent of
2517 the minimum required for winery, brewery, distillery facilities in K.C.C. 21A.18.030;

2518 _____ g. The business operator shall obtain an adult beverage business license in
2519 accordance with K.C.C. chapter 6.74;

2520 _____ h. Events may be allowed with an approved temporary use permit under
2521 K.C.C. chapter 21A.32 or in compliance with the exemption in K.C.C. 21A.32.110.E.;

2522 _____ i. At least two stages of production of wine, beer, cider or distilled spirits, such
2523 as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the
2524 Washington state Liquor and Cannabis Board production license, shall occur on-site. At
2525 least one of the stages of production occurring on-site shall include crushing, fermenting
2526 or distilling; and

2527 _____ j. The impervious surface associated with the winery, brewery, distillery

2528 facility use shall not exceed twenty-five percent of the site, or the maximum impervious
2529 surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,
2530 whichever is less.

2531 31.a. Limited to businesses with non-retail brewery and distillery production
2532 licenses from the Washington state Liquor and Cannabis board. Wineries and remote
2533 tasting rooms for wineries shall not be allowed;

2534 b. Tasting and retail sale of products produced on-site and merchandise related
2535 to the products produced on-site may be provided in accordance with state law. The area
2536 devoted to on-site tasting or retail sales shall not exceed one thousand five hundred
2537 square feet;

2538 c. Structures and parking areas for brewery and distillery facility uses shall
2539 maintain a minimum distance of seventy-five feet from interior property lines adjoining
2540 rural area and residential zones, unless located in a building designated as historic
2541 resource under K.C.C. chapter 20.62;

2542 d. For brewery and distillery facility uses that do not require a conditional use
2543 permit, off-street parking for the tasting and retail areas shall be limited to a maximum of
2544 one space per fifty square feet of tasting and retail areas. For brewery and distillery
2545 facility uses that do require a conditional use permit, off-street parking maximums shall
2546 be determined through the conditional use permit process, and off-street parking for the
2547 tasting and retail areas should be limited to a maximum of one space per fifty square feet
2548 of tasting and retail areas;

2549 e. The business operator shall obtain an adult beverage business license in
2550 accordance with K.C.C. chapter 6.74; and

2551 f. Events may be allowed with an approved temporary use permit under K.C.C.
2552 chapter 21A.32.

2553 32.a. The aggregated floor area of structures and areas for winery, brewery,
2554 distillery facility uses shall not exceed one thousand five hundred square feet;

2555 b. Structures and parking areas for winery, brewery, distillery facility uses
2556 shall maintain a minimum distance of seventy-five feet from interior property lines
2557 adjoining rural area and residential zones, unless located in a building designated as
2558 historic resource under K.C.C. chapter 20.62;

2559 c. One on-site parking stall shall be allowed for the winery, brewery, distillery
2560 facility I use;

2561 d. The business operator shall obtain an adult beverage business license in
2562 accordance with K.C.C. chapter 6.74;

2563 e. At least two stages of production of wine, beer, cider or distilled spirits, such
2564 as crushing, fermenting, distilling, barrel or tank aging, or finishing, as authorized by the
2565 Washington state Liquor and Cannabis Board production license, shall occur on-site. At
2566 least one of the stages of production occurring on-site shall include crushing, fermenting
2567 or distilling;

2568 f. No product tasting or retail sales shall be allowed on-site;

2569 g. Events may be allowed in accordance with K.C.C. 21A.32.120.B.6; and

2570 h. The impervious surface associated with the winery, brewery, distillery
2571 facility use shall not exceed twenty-five percent of the site or the maximum impervious
2572 surface for the zone in accordance with K.C.C. 21A.12.030.A. or 21A.12.040.A.,
2573 whichever is less.

2574

33. Excluding fossil fuel facilities.

2575

SECTION 3547. Ordinance 10870, Section 336, as amended, and K.C.C.

2576

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

2577

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
<u>12</u>	<u>Coal Mining</u>												
<u>13</u>	<u>Oil and Gas Extraction</u>												
	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 Services	P25 C	P2 5C		P26 C	P26 C	P2 6C		P27 C2 8	P27 C28			
*	Marijuana producer	P15 C2 2			P16 C17					P18 C19	P18 C19		P20 C2 1
*	Agriculture Training Facility	C1 0											
*	Agriculture-related special needs camp	P12											
*	Agricultural Anaerobic Digester	P13											
	FORESTRY:												

08	Growing & Harvesting Forest Production	P	P	P7	P	P	P						P
*	Forest Research		P		P	P						P2	P
	FISH AND WILDLIFE MANAGEMENT:												
0921	Hatchery/Fish Preserve (1)	P	P		P	P	C						P
0273	Aquaculture (1)	P	P		P	P	C						P
*	Wildlife Shelters	P	P		P	P							
	MINERAL:												
10,((12,)) 14	Mineral Extraction and Processing		P9 C	P C1 1									
2951, 3271, 3273	Asphalt/Concrete Mixtures and Block		P8 C1 1	P8 C1 1									P
	ACCESSORY USES:												
*	Resource Accessory Uses	P3 P23	P4	P5	P3	P3							P4
*	Farm Worker Housing	P14			P14								

2578

B. Development conditions.

2579

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

2580

2. Only forest research conducted within an enclosed building.

2581

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

2582

4. Excluding housing for agricultural workers.

2583

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

2584

with mineral extraction or processing operation.

2585

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

2586 7. Only in conjunction with a mineral extraction site plan approved in
2587 accordance with K.C.C. chapter 21A.22.

2588 8. Only on the same lot or same group of lots under common ownership or
2589 documented legal control, which includes, but is not limited to, fee simple ownership, a
2590 long-term lease or an easement:

2591 a. as accessory to a primary mineral extraction use;

2592 b. as a continuation of a mineral processing only for that period to complete
2593 delivery of products or projects under contract at the end of a mineral extraction; or

2594 c. for a public works project under a temporary grading permit issued in
2595 accordance with K.C.C. 16.82.152.

2596 9. Limited to mineral extraction and processing:

2597 a. on a lot or group of lots under common ownership or documented legal
2598 control, which includes but is not limited to, fee simple ownership, a long-term lease or
2599 an easement;

2600 b. that are located greater than one-quarter mile from an established residence;

2601 and

2602 c. that do not use local access streets that abut lots developed for residential
2603 use.

2604 10. Agriculture training facilities are allowed only as an accessory to existing
2605 agricultural uses and are subject to the following conditions:

2606 a. The impervious surface associated with the agriculture training facilities
2607 shall comprise not more than ten percent of the allowable impervious surface permitted
2608 under K.C.C. 21A.12.040;

2609 b. New or the expansion of existing structures, or other site improvements,
2610 shall not be located on class 1, 2 or 3 soils;

2611 c. The director may require reuse of surplus structures to the maximum extent
2612 practical;

2613 d. The director may require the clustering of new structures with existing
2614 structures;

2615 e. New structures or other site improvements shall be set back a minimum
2616 distance of seventy-five feet from property lines adjoining rural area and residential
2617 zones;

2618 f. Bulk and design of structures shall be compatible with the architectural style
2619 of the surrounding agricultural community;

2620 g. New sewers shall not be extended to the site;

2621 h. Traffic generated shall not impede the safe and efficient movement of
2622 agricultural vehicles, nor shall it require capacity improvements to rural roads;

2623 i. Agriculture training facilities may be used to provide educational services to
2624 the surrounding rural/agricultural community or for community events. Property owners
2625 may be required to obtain a temporary use permit for community events in accordance
2626 with K.C.C. chapter 21A.32;

2627 j. Use of lodging and food service facilities shall be limited only to activities
2628 conducted in conjunction with training and education programs or community events
2629 held on site;

2630 k. Incidental uses, such as office and storage, shall be limited to those that
2631 directly support education and training activities or farm operations; and

2632 1. The King County agriculture commission shall be notified of and have an
2633 opportunity to comment upon all proposed agriculture training facilities during the permit
2634 process in accordance with K.C.C. chapter 21A.40.

2635 11. Continuation of mineral processing and asphalt/concrete mixtures and block
2636 uses after reclamation in accordance with an approved reclamation plan.

2637 12.a. Activities at the camp shall be limited to agriculture and agriculture-
2638 oriented activities. In addition, activities that place minimal stress on the site's
2639 agricultural resources or activities that are compatible with agriculture are permitted.

2640 (1) passive recreation;

2641 (2) training of individuals who will work at the camp;

2642 (3) special events for families of the campers; and

2643 (4) agriculture education for youth.

2644 b. Outside the camp center, as provided for in subsection B.12.e. of this
2645 section, camp activities shall not preclude the use of the site for agriculture and
2646 agricultural related activities, such as the processing of local food to create value-added
2647 products and the refrigeration and storage of local agricultural products. The camp shall
2648 be managed to coexist with agriculture and agricultural activities both onsite and in the
2649 surrounding area.

2650 c. A farm plan shall be required for commercial agricultural production to
2651 ensure adherence to best management practices and soil conservation.

2652 d.(1) The minimum site area shall be five hundred acres. Unless the property
2653 owner has sold or transferred the development rights as provided in subsection B.12.c.(3)
2654 of this- section, a minimum of five hundred acres of the site must be owned by a single

2655 individual, corporation, partnership or other legal entity and must remain under the
2656 ownership of a single individual, corporation, partnership or other legal entity for the
2657 duration of the operation of the camp.

2658 (2) Nothing in subsection B.12.d.(1) of this section prohibits the property
2659 owner from selling or transferring the development rights for a portion or all of the site to
2660 the King County farmland preservation program or, if the development rights are
2661 extinguished as part of the sale or transfer, to a nonprofit entity approved by the director;

2662 e. The impervious surface associated with the camp shall comprise not more
2663 than ten percent of the allowable impervious surface permitted under K.C.C. 21A.12.040;

2664 f. Structures for living quarters, dining facilities, medical facilities and other
2665 nonagricultural camp activities shall be located in a camp center. The camp center shall
2666 be no more than fifty acres and shall be depicted on a site plan. New structures for
2667 nonagricultural camp activities shall be clustered with existing structures;

2668 g. To the extent practicable, existing structures shall be reused. The applicant
2669 shall demonstrate to the director that a new structure for nonagricultural camp activities
2670 cannot be practicably accommodated within an existing structure on the site, though
2671 cabins for campers shall be permitted only if they do not already exist on site;

2672 h. Camp facilities may be used to provide agricultural educational services to
2673 the surrounding rural and agricultural community or for community events. If required
2674 by K.C.C. chapter 21A.32, the property owner shall obtain a temporary use permit for
2675 community events;

2676 i. Lodging and food service facilities shall only be used for activities related to
2677 the camp or for agricultural education programs or community events held on site;

2678 j. Incidental uses, such as office and storage, shall be limited to those that
2679 directly support camp activities, farm operations or agricultural education programs;

2680 k. New nonagricultural camp structures and site improvements shall maintain a
2681 minimum set-back of seventy-five feet from property lines adjoining rural area and
2682 residential zones;

2683 l. Except for legal nonconforming structures existing as of January 1, 2007,
2684 camp facilities, such as a medical station, food service hall and activity rooms, shall be of
2685 a scale to serve overnight camp users;

2686 m. Landscaping equivalent to a type III landscaping screen, as provided for in
2687 K.C.C. 21A.16.040, of at least twenty feet shall be provided for nonagricultural structures
2688 and site improvements located within two hundred feet of an adjacent rural area and
2689 residential zoned property not associated with the camp;

2690 n. New sewers shall not be extended to the site;

2691 o. The total number of persons staying overnight shall not exceed three
2692 hundred;

2693 p. The length of stay for any individual overnight camper, not including camp
2694 personnel, shall not exceed ninety days during a three-hundred-sixty-five-day period;

2695 q. Traffic generated by camp activities shall not impede the safe and efficient
2696 movement of agricultural vehicles nor shall it require capacity improvements to rural
2697 roads;

2698 r. If the site is adjacent to an arterial roadway, access to the site shall be
2699 directly onto the arterial unless the county road engineer determines that direct access is
2700 unsafe;

2701 s. If direct access to the site is via local access streets, transportation
2702 management measures shall be used to minimize adverse traffic impacts;

2703 t. Camp recreational activities shall not involve the use of motor vehicles
2704 unless the motor vehicles are part of an agricultural activity or are being used for the
2705 transportation of campers, camp personnel or the families of campers. Camp personnel
2706 may use motor vehicles for the operation and maintenance of the facility. Client-specific
2707 motorized personal mobility devices are allowed; and

2708 u. Lights to illuminate the camp or its structures shall be arranged to reflect the
2709 light away from any adjacent property.

2710 13. Limited to digester receiving plant and animal and other organic waste from
2711 agricultural activities, and including electrical generation, as follows:

2712 a. the digester must be included as part of a Washington state Department of
2713 Agriculture approved dairy nutrient plan;

2714 b. the digester must process at least seventy percent livestock manure or other
2715 agricultural organic material from farms in the vicinity, by volume;

2716 c. imported organic waste-derived material, such as food processing waste,
2717 may be processed in the digester for the purpose of increasing methane gas production for
2718 beneficial use, but not shall exceed thirty percent of volume processed by the digester;
2719 and

2720 d. the use must be accessory to an operating dairy or livestock operation.

2721 14. Farm worker housing. Either:

2722 a. Temporary farm worker housing subject to the following conditions:

2723 (1) The housing must be licensed by the Washington state Department of

2724 Health under chapter 70.114A RCW and chapter 246-358 WAC;

2725 (2) Water supply and sewage disposal systems must be approved by the
2726 Seattle King County department of health;

2727 (3) To the maximum extent practical, the housing should be located on
2728 nonfarmable areas that are already disturbed and should not be located in the floodplain
2729 or in a critical area or critical area buffer; and

2730 (4) The property owner shall file with the department of executive services,
2731 records and licensing services division, a notice approved by the department identifying
2732 the housing as temporary farm worker housing and that the housing shall be occupied
2733 only by agricultural employees and their families while employed by the owner or
2734 operator or on a nearby farm. The notice shall run with the land; ~~for~~

2735 b. Housing for agricultural employees who are employed by the owner or
2736 operator of the farm year-round as follows:

2737 (1) Not more than:

2738 (a) one agricultural employee dwelling unit on a site less than twenty acres;

2739 (b) two agricultural employee dwelling units on a site of at least twenty
2740 acres and less than fifty acres;

2741 (c) three agricultural employee dwelling units on a site of at least fifty acres
2742 and less than one-hundred acres; and

2743 (d) four agricultural employee dwelling units on a site of at least one-
2744 hundred acres, and one additional agricultural employee dwelling unit for each additional
2745 one hundred acres thereafter;

2746 (2) If the primary use of the site changes to a nonagricultural use, all

2747 agricultural employee dwelling units shall be removed;

2748 (3) The applicant shall file with the department of executive services, records
2749 and licensing services division, a notice approved by the department that identifies the
2750 agricultural employee dwelling units as accessory and that the dwelling units shall only
2751 be occupied by agricultural employees who are employed by the owner or operator year-
2752 round. The notice shall run with the land. The applicant shall submit to the department
2753 proof that the notice was filed with the department of executive services, records and
2754 licensing services division, before the department approves any permit for the
2755 construction of agricultural employee dwelling units;

2756 (4) An agricultural employee dwelling unit shall not exceed a floor area of
2757 one thousand square feet and may be occupied by no more than eight unrelated
2758 agricultural employees;

2759 (5) To the maximum extent practical, the housing should be located on
2760 nonfarmable areas that are already disturbed;

2761 (6) One off-street parking space shall be provided for each agricultural
2762 employee dwelling unit; and

2763 (7) The agricultural employee dwelling units shall be constructed in
2764 compliance with K.C.C. Title 16.

2765 15. Marijuana production by marijuana producers licensed by the Washington
2766 state Liquor and Cannabis Board is subject to the following standards:

2767 a. Only allowed on lots of at least four and one-half acres;

2768 b. With a lighting plan, only if required by and that complies with K.C.C.

2769 21A.12.220.G.;

2770 c. Only with documentation that the operator has applied for a Puget Sound
2771 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2772 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2773 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2774 are imported onto the site;

2775 d. Production is limited to outdoor, indoor within marijuana greenhouses, and
2776 within structures that are nondwelling unit structures that exist as of October 1, 2013,
2777 subject to the size limitations in subsection B.15.e. of this section;

2778 e. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
2779 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
2780 aggregated total of two thousand square feet and shall be located within a fenced area or
2781 marijuana greenhouse that is no more than ten percent larger than that combined area, or
2782 may occur in nondwelling unit structures that exist as of October 1, 2013;

2783 f. Outdoor production area fencing as required by the Washington state Liquor
2784 and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall
2785 maintain a minimum street setback of fifty feet and a minimum interior setback of thirty
2786 feet; and

2787 g. If the two-thousand-square-foot-per-lot threshold of plant canopy combined
2788 with area used for processing under K.C.C. 21A.08.080 is exceeded, each and every
2789 marijuana-related entity occupying space in addition to the two-thousand-square-foot
2790 threshold area on that lot shall obtain a conditional use permit as set forth in subsection
2791 B.22. of this section.

2792 16. Marijuana production by marijuana producers licensed by the Washington

2793 state Liquor and Cannabis Board is subject to the following standards:

2794 a. Marijuana producers in all RA zoned areas except for Vashon-Maury Island,
2795 that do not require a conditional use permit issued by King County, that receive a
2796 Washington state Liquor and Cannabis Board license business ~~((prior to))~~ before October
2797 1, 2016, and that King County did not object to within the Washington state Liquor and
2798 Cannabis Board marijuana license application process, shall be considered
2799 nonconforming as to subsection B.16.d. and h. of this section, subject to the provisions of
2800 K.C.C. 21A.32.020 through 21A.32.075 for nonconforming uses;

2801 b. In all rural area zones, only with a lighting plan that complies with K.C.C.
2802 21A.12.220.G.;

2803 c. Only allowed on lots of at least four and one-half acres on Vashon-Maury
2804 Island;

2805 d. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
2806 except on Vashon-Maury Island;

2807 e. Only with documentation that the operator has applied for a Puget Sound
2808 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2809 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2810 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2811 are imported onto the site;

2812 f. Production is limited to outdoor, indoor within marijuana greenhouses, and
2813 within nondwelling unit structures that exist as of October 1, 2013, subject to the size
2814 limitations in subsection B.16.g. of this section; and

2815 g. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with

2816 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
2817 aggregated total of two thousand square feet and shall be located within a fenced area or
2818 marijuana greenhouse, that is no more than ten percent larger than that combined area, or
2819 may occur in nondwelling unit structures that exist as of October 1, 2013;

2820 h. Outdoor production area fencing as required by the Washington state Liquor
2821 and Cannabis Board and marijuana greenhouses shall maintain a minimum street setback
2822 of fifty feet and a minimum interior setback of one hundred feet; and a minimum setback
2823 of one hundred fifty feet from any existing residence; and

2824 i. If the two-thousand-square-foot-per-lot threshold of plant canopy within
2825 fenced areas or marijuana greenhouses is exceeded, each and every marijuana-related
2826 entity occupying space in addition to the two-thousand-square-foot threshold area on that
2827 lot shall obtain a conditional use permit as set forth in subsection B.17. of this section.

2828 17. Marijuana production by marijuana producers licensed by the Washington
2829 state Liquor and Cannabis Board is subject to the following standards:

2830 a. Only allowed on lots of at least four and one-half acres on Vashon-Maury
2831 Island;

2832 b. Only allowed in the RA-10 or the RA-20 zone, on lots of at least ten acres,
2833 except on Vashon-Maury Island;

2834 c. In all rural area zones, only with a lighting plan that complies with K.C.C.
2835 21A.12.220.G.;

2836 d. Only with documentation that the operator has applied for a Puget Sound
2837 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2838 marijuana producers or marijuana processors, or both, shall require that a Puget Sound

2839 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2840 are imported onto the site;

2841 e. Production is limited to outdoor and indoor within marijuana greenhouses
2842 subject to the size limitations in subsection B.17.f. of this section;

2843 f. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
2844 any area used for processing under K.C.C. 21A.08.080 shall be limited to a maximum
2845 aggregated total of thirty thousand square feet and shall be located within a fenced area or
2846 marijuana greenhouse that is no more than ten percent larger than that combined area;
2847 and

2848 g. Outdoor production area fencing as required by the Washington state Liquor
2849 and Cannabis Board, and marijuana greenhouses shall maintain a minimum street setback
2850 of fifty feet and a minimum interior setback of one hundred feet, and a minimum setback
2851 of one hundred fifty feet from any existing residence.

2852 18.a. Production is limited to indoor only;

2853 b. With a lighting plan only as required by and that complies with K.C.C.
2854 21A.12.220.G.;

2855 c. Only with documentation that the operator has applied for a Puget Sound
2856 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2857 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2858 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2859 are imported onto the site; and

2860 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
2861 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum

2862 aggregated total of two thousand square feet and shall be located within a building or
2863 tenant space that is no more than ten percent larger than the plant canopy and separately
2864 authorized processing area; and

2865 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
2866 every marijuana-related entity occupying space in addition to the two-thousand-square
2867 foot threshold area on that parcel shall obtain a conditional use permit as set forth in
2868 subsection B.19. of this section.

2869 19.a. Production is limited to indoor only;

2870 b. With a lighting plan only as required by and that complies with K.C.C.
2871 21A.12.220.G.;

2872 c. Only with documentation that the operator has applied for a Puget Sound
2873 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2874 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2875 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2876 are imported onto the site; and

2877 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
2878 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
2879 aggregated total of thirty thousand square feet and shall be located within a building or
2880 tenant space that is no more than ten percent larger than the plant canopy and separately
2881 authorized processing area.

2882 20.a. Production is limited to indoor only;

2883 b. With a lighting plan only as required by and that complies with K.C.C.
2884 21A.12.220.G.;

2885 c. Only with documentation that the operator has applied for a Puget Sound
2886 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2887 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2888 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2889 are imported onto the site;

2890 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with
2891 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
2892 aggregated total of two thousand square feet and shall be located within a building or
2893 tenant space that is no more than ten percent larger than the plant canopy and separately
2894 authorized processing area; and

2895 e. If the two-thousand-square-foot-per-lot threshold is exceeded, each and
2896 every marijuana-related entity occupying space in addition to the two-thousand-square-
2897 foot threshold area on that lot shall obtain a conditional use permit as set forth in
2898 subsection B.21. of this section.

2899 21.a. Production is limited to indoor only;

2900 b. With a lighting plan only as required by and that complies with K.C.C.
2901 21A.12.220.G.;

2902 c. Only with documentation that the operator has applied for a Puget Sound
2903 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2904 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2905 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2906 are imported onto the site; and

2907 d. Per lot, the plant canopy, as defined in WAC 314-55-010, combined with

2908 any area used for processing under K.C.C. 21A.08.080, shall be limited to a maximum
2909 aggregated total of thirty thousand square feet and shall be located within a building or
2910 tenant space that is no more than ten percent larger than the plant canopy and separately
2911 authorized processing area.

2912 22. Marijuana production by marijuana producers licensed by the Washington
2913 state Liquor and Cannabis Board is subject to the following standards:

2914 a. With a lighting plan only as required by and that complies with K.C.C.
2915 21A.12.220.G.;

2916 b. Only allowed on lots of at least four and one-half acres;

2917 c. Only with documentation that the operator has applied for a Puget Sound
2918 Clean Air Agency Notice of Construction Permit. All department permits issued to either
2919 marijuana producers or marijuana processors, or both, shall require that a Puget Sound
2920 Clean Air Agency Notice of Construction Permit be approved before marijuana products
2921 are imported onto the site;

2922 d. Production is limited to outdoor, indoor within marijuana greenhouses, and
2923 within structures that are nondwelling unit structures that exist as of October 1, 2013,
2924 subject to the size limitations in subsection B.22. e. and f. of this section;

2925 e. On lots less than ten acres, per lot, the plant canopy, as defined in WAC 314-
2926 55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be
2927 limited to a maximum aggregated total of five thousand square feet and shall be located
2928 within a fenced area or marijuana greenhouse that is no more than ten percent larger than
2929 that combined area, or may occur in nondwelling unit structures that exist as of October 1,
2930 2013;

2931 f. On lots ten acres or more, per lot, the plant canopy, as defined in WAC 314-
2932 55-010, combined with any area used for processing under K.C.C. 21A.08.080 shall be
2933 limited to a maximum aggregated total of ten thousand square feet, and shall be located
2934 within a fenced area or marijuana greenhouse that is no more than ten percent larger than
2935 that combined area, or may occur in nondwelling unit structures that exist as of October 1,
2936 2013; and

2937 g. Outdoor production area fencing as required by the Washington state Liquor
2938 and Cannabis Board, marijuana greenhouses and nondwelling unit structures shall maintain
2939 a minimum street setback of fifty feet and a minimum interior setback of one hundred feet,
2940 and a minimum setback of one hundred fifty feet from any existing residence.

2941 23. The storage and processing of non-manufactured source separated organic
2942 waste that originates from agricultural operations and that does not originate from the site,
2943 if:

2944 a. agricultural is the primary use of the site;

2945 b. the storage and processing are in accordance with best management practices
2946 included in an approved farm plan; and

2947 c. except for areas used for manure storage, the areas used for storage and
2948 processing do not exceed three acres and ten percent of the site.

2949 24.a. For activities relating to the processing of crops or livestock for commercial
2950 purposes, including associated activities such as warehousing, storage, including
2951 refrigeration, and other similar activities and excluding ~~wineries, SIC Industry No. 2085—~~
2952 ~~Distilled and Blended Liquors and SIC Industry No. 2082—Malt Beverages~~winery,
2953 brewery, distillery facility I, II, III and remote tasting room:

2954 (1) limited to agricultural products and sixty percent or more of the products
2955 processed must be grown in the Puget Sound counties. At the time of initial application,
2956 the applicant shall submit a projection of the source of products to be produced;

2957 (2) in the RA and UR zones, only allowed on sites of at least four and one-
2958 half acres;

2959 (3) (a) as a permitted use, the floor area devoted to all processing shall not
2960 exceed two thousand square feet, unless located in a building designated as an historic
2961 resource under K.C.C. chapter 20.62. The agricultural technical review committee, as
2962 established in K.C.C. 21A.42.300, may review and approve an increase in the processing
2963 floor area as follows: up to three thousand five hundred square feet of floor area may be
2964 devoted to all processing in the RA zones or on farms less than thirty-five acres located in
2965 the A zones or up to seven thousand square feet on farms greater than thirty-five acres in
2966 the A zone; and

2967 (b) as a permitted use, the floor area devoted to all warehousing,
2968 refrigeration, storage or other similar activities shall not exceed two thousand square feet,
2969 unless located in a building designated as historic resource under K.C.C. chapter 20.62.
2970 The agricultural technical review committee, as established in K.C.C. 21A.42.300, may
2971 review and approve an increase of up to three thousand five hundred square feet of floor
2972 area devoted to all warehouseing, storage, including refrigeration, or other similar
2973 activities in the RA zones or on farms less than thirty-five acres located in the A zones or
2974 up to seven thousand square feet on farms greater than thirty-five acres in the A zone;

2975 (4) in the A zone, structures and areas used for processing, warehousing,
2976 refrigeration, storage and other similar activities shall be located on portions of

2977 agricultural lands that are unsuitable for other agricultural purposes, such as areas within
2978 the already developed portion of such agricultural lands that are not available for direct
2979 agricultural production, or areas without prime agricultural soils; and

2980 (5) structures and areas used for processing, warehousing, storage, including
2981 refrigeration, and other similar activities shall maintain a minimum distance of seventy-
2982 five feet from property lines adjoining rural area and residential zones, unless located in a
2983 building designated as historic resource under K.C.C. chapter 20.62.

2984 b. For activities relating to the retail sale of agricultural products, except
2985 livestock:

2986 (1) sales shall be limited to agricultural products and locally made arts and
2987 crafts;

2988 (2) in the RA and UR zones, only allowed on sites at least four and one-
2989 half acres;

2990 (3) as a permitted use, the covered sales area shall not exceed two thousand
2991 square feet, unless located in a building designated as a historic resource under K.C.C.
2992 chapter 20.62. The agricultural technical review committee, as established in K.C.C.
2993 21A.42.300, may review and approve an increase of up to three thousand five hundred
2994 square feet of covered sales area;

2995 (4) forty percent or more of the gross sales of agricultural product sold
2996 through the store must be sold by the producers of primary agricultural products;

2997 (5) sixty percent or more of the gross sales of agricultural products sold
2998 through the store shall be derived from products grown or produced in the Puget Sound
2999 counties. At the time of the initial application, the applicant shall submit a reasonable

3000 projection of the source of product sales;

3001 (6) tasting of products, in accordance with applicable health regulations, is
3002 allowed;

3003 (7) storage areas for agricultural products may be included in a farm store
3004 structure or in any accessory building; and

3005 (8) outside lighting is permitted if there is no off-site glare.

3006 c. Retail sales of livestock is permitted only as accessory to raising
3007 livestock.

3008 d. Farm operations, including quipment repair and related facilities, except
3009 that:

3010 (1) the repair of tools and machinery is limited to those necessary for the
3011 operation of a farm or forest;

3012 (2) in the RA and UR zones, only allowed on sites of at least four and one-
3013 half acres;

3014 (3) the size of the total repair use is limited to one percent of the farm size
3015 in the A zone, and up to one percent of the size in other zones, up to a maximum of five
3016 thousand square feet unless located within an existing farm structure, including but not
3017 limited to barns, existing as of December 31, 2003; and

3018 (4) Equipment repair shall not be permitted in the Forest zone.

3019 e. The agricultural technical review committee, as established in K.C.C.
3020 21A.42.300, may review and approve reductions of minimum site sizes in the rural and
3021 residential zones and minimum setbacks from rural and residential zones.

3022 25. The department may review and approve establishment of agricultural

3023 support services in accordance with the code compliance review process in K.C.C.
3024 21A.42.300 only if:

- 3025 a. project is sited on lands that are unsuitable for direct agricultural production
3026 based on size, soil conditions or other factors and cannot be returned to productivity by
3027 drainage maintenance; and
- 3028 b. the proposed use is allowed under any Farmland Preservation Program
3029 conservation easement and zoning development standards.

3030 26. The agricultural technical review committee, as established in K.C.C.
3031 21A.42.300, may review and approve establishment of agricultural support services only
3032 if the project site:

- 3033 a. adjoins or is within six hundred sixty feet of the agricultural production
3034 district;
- 3035 b. has direct vehicular access to the agricultural production district;
- 3036 c. except for farmworker housing, does not use local access streets that abut
3037 lots developed for residential use; and
- 3038 d. has a minimum lot size of four and one-half acres.

3039 27. The agricultural technical review committee, as established in K.C.C.
3040 21A.42.300, may review and approve establishment of agricultural support services only
3041 if the project site:

- 3042 a. is outside the urban growth area,
- 3043 b. adjoins or is within six hundred sixty feet of the agricultural production
3044 district,
- 3045 c. has direct vehicular access to the agricultural production district,

3046 d. except for farmworker housing, does not use local access streets that abut
 3047 lots developed for residential use; and

3048 e. has a minimum lot size of four and one-half acres.

3049 28. Only allowed on properties that are outside the urban growth area.

3050 SECTION 3648. Ordinance 10870, Section 337, as amended, and K.C.C.
 3051 21A.08.100 are hereby amended to read as follows:

3052 A. Regional land uses.

P-Permitted Use		RESOURCE			R U	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
C-Conditional Use					R A								
S-Special Use					L								
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (15)
*	Jail						S	S	S	S	S	S	S
*	Jail Farm/Camp	S	S		S	S							
*	Work Release Facility				S19	S19	S	S	S	S	S	S	
*	Public Agency Animal Control Facility		S		S	S					S		P
*	Public Agency Training Facility		S		S3					S3	S3	S3	C4
*	Hydroelectric Generation Facility		C14 S		C14 S	C14 S	C14 S						
*	Non-hydroelectric Generation Facility	C P12 (C1 2 S))	C P12 (C1 2 S))	C P12 (C1 2 S))	C P12 (C 12 S))	C-P12 (C12 S))	C P12 (C 12 S))	C P12 (S)					
*	Renewable Energy Generation Facility	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>								
*	Fossil Fuel Facility												<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	S27S	((C)) S27	((P)) S27	S27 S	((S)))	((S)))	((S)))	((S)))	S27 S	S27S	S27 S	((C))) S27
*	Fossil Fuel Facility Type I												C28
*	Fossil Fuel Facility Type H												S28 29
*	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								

3053

B. Development conditions.

3054

1. Except technical institutions. See vocational schools on general services land

3055

use table, K.C.C. 21A.08.050.

3056

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

3057

3. Except weapons armories and outdoor shooting ranges.

3058

4. Except outdoor shooting range.

3059

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

3060

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

3061

b. Limited to one satellite dish antenna.

3062

c. Limited to tower consolidations.

3063

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

3064

practices or for emergency landing sites.

3065

8. Except racing of motorized vehicles.

3066

9. Limited to wildlife exhibit.

3067

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

- 3068 11. Only as a reuse of a surplus nonresidential facility subject to K.C.C. chapter
3069 21A.32.
- 3070 12. Limited to ~~((cogeneration facilities for on-site use only))~~ gas extraction as an
3071 accessory use to a waste management process, such as wastewater treatment, landfill
3072 waste management, livestock manure and composting processes.
- 3073 13. Excluding impoundment of water using a dam.
- 3074 14. Limited to facilities that comply with the following:
- 3075 a. Any new diversion structure shall not:
- 3076 (1) exceed a height of eight feet as measured from the streambed; or
- 3077 (2) impound more than three surface acres of water at the normal maximum
3078 surface level;
- 3079 b. There shall be no active storage;
- 3080 c. The maximum water surface area at any existing dam or diversion shall not
3081 be increased;
- 3082 d. An exceedance flow of no greater than fifty percent in mainstream reach
3083 shall be maintained;
- 3084 e. Any transmission line shall be limited to a:
- 3085 (1) right-of-way of five miles or less; and
- 3086 (2) capacity of two hundred thirty KV or less;
- 3087 f. Any new, permanent access road shall be limited to five miles or less; and
- 3088 g. The facility shall only be located above any portion of the stream used by
3089 anadromous fish.
- 3090 15. For I-zoned sites located outside the urban growth area designated by the

3091 King County Comprehensive Plan, uses shown as a conditional or special use in K.C.C.
3092 21A.08.100.A, except for waste water treatment facilities and racetracks, shall be
3093 prohibited. All other uses, including waste water treatment facilities, shall be subject to
3094 the provisions for rural industrial uses in K.C.C. chapter 21A.12.

3095 16. The operator of such a facility shall provide verification to the department of
3096 natural resources and parks or its successor organization that the facility meets or exceeds
3097 the standards of the Animal and Plant Health Inspection Service of the United States
3098 Department of Agriculture and the accreditation guidelines of the American Zoo and
3099 Aquarium Association.

3100 17. The following provisions of the table apply only to major communication
3101 facilities. Minor communication facilities shall be reviewed in accordance with the
3102 processes and standard outlined in K.C.C. chapter 21A.27.

3103 18. Only for facilities related to resource-based research.

3104 19. Limited to work release facilities associated with natural resource-based
3105 activities.

3106 20. Limited to projects which do not require or result in an expansion of sewer
3107 service outside the urban growth area, unless a finding is made that no cost-effective
3108 alternative technologies are feasible, in which case a tightline sewer sized only to meet
3109 the needs of the school bus base and serving only the school bus base may be used.
3110 Renovation, expansion, modernization or reconstruction of a school bus base is permitted
3111 but shall not require or result in an expansion of sewer service outside the urban growth
3112 area, unless a finding is made that no cost-effective alternative technologies are feasible,
3113 in which case a tightline sewer sized only to meet the needs of the school bus base.

3114 21. Only in conformance with the King County Site Development Plan Report,
3115 through modifications to the plan of up to ten percent are allowed for the following:

3116 a. building square footage;

3117 b. landscaping;

3118 c. parking;

3119 d. building height; or

3120 e. impervious surface.

3121 22. A special use permit shall be required for any modification or expansion of
3122 the King County fairgrounds facility that is not in conformance with the King County
3123 Site Development Plan Report or that exceeds the allowed modifications to the plan
3124 identified in subsection B.21. of this section.

3125 23. The facility shall be primarily devoted to rural public infrastructure
3126 maintenance and is subject to the following conditions:

3127 a. The minimum site area shall be ten acres, unless:

3128 (1) the facility is a reuse of a public agency yard; or

3129 (2) the site is separated from a county park by a street or utility right-of-way;

3130 b. Type 1 landscaping as provided in K.C.C. chapter 21A.16 shall be provided

3131 between any stockpiling or grinding operations and adjacent residential zoned property;

3132 c. Type 2 landscaping as provided in K.C.C. chapter 21A.16 shall be provided

3133 between any office and parking lots and adjacent residential zoned property;

3134 d. Access to the site does not use local access streets that abut residential zoned

3135 property, unless the facility is a reuse of a public agency yard;

3136 e. Structural setbacks from property lines shall be as follows:

3137 (1) Buildings, structures and stockpiles used in the processing of materials
3138 shall be no closer than:

3139 (a) one hundred feet from any residential zoned properties, except that the
3140 setback may be reduced to fifty feet when the grade where the building or structures are
3141 proposed is fifty feet or greater below the grade of the residential zoned property;

3142 (b) fifty feet from any other zoned property, except when adjacent to a
3143 mineral extraction or materials processing site;

3144 (c) the greater of fifty feet from the edge of any public street or the setback
3145 from residential zoned property on the far side of the street; and

3146 (2) Offices, scale facilities, equipment storage buildings and stockpiles shall
3147 not be closer than fifty feet from any property line except when adjacent to M or F zoned
3148 property or when a reuse of an existing building. Facilities necessary to control access to
3149 the site, when demonstrated to have no practical alternative, may be located closer to the
3150 property line;

3151 f. On-site clearing, grading or excavation, excluding that necessary for
3152 required access, roadway or storm drainage facility construction, shall not be permitted
3153 within fifty feet of any property line except along any portion of the perimeter adjacent to
3154 M or F zoned property. If native vegetation is restored, temporary disturbance resulting
3155 from construction of noise attenuation features located closer than fifty feet shall be
3156 permitted; and

3157 g. Sand and gravel extraction shall be limited to forty thousand yards per year.

3158 24. The following accessory uses to a motor race track operation are allowed if
3159 approved as part of the special use permit:

- 3160 a. motocross;
- 3161 b. autocross;
- 3162 c. skidpad;
- 3163 d. garage;
- 3164 e. driving school; and
- 3165 f. fire station.

3166 25. Regional transit authority facilities shall be exempt from setback and height
3167 requirements.

3168 26. Transit comfort facility shall:

- 3169 a. only be located outside of the urban growth area boundary;
- 3170 b. be exempt from street setback requirements; and
- 3171 c. be no more than 200 square feet in size.

3172 ~~27. Use limited to gas extraction as an accessory use to waste management~~
3173 ~~process, such as wastewater treatment, landfill waste management, livestock manure and~~
3174 ~~composting processes.~~
3175 ~~a. Required for all new, modified or expanded fossil fuel facilities.~~
3176 ~~Modification or expansion includes, but is not limited to:~~

3177 ~~28. Required for all new, modified or expanded fossil fuel facilities where~~
3178 ~~modified or expanded include, but are not limited to:~~

3179 ~~a. (1) new uses or fuel types within existing facilities;~~

3180 ~~(2) b. changes to the type of refining, manufacturing and/or~~
3181 ~~processing;~~

3182 ~~e. (3) changes in the methods or volumes of storage or transport of raw~~
3183 ~~materials or processed products;~~

3183 (4) changes in the location of the facilities on-site;

3184 ~~d.~~ (5) replacement of existing facilities;

3185 ~~e.~~ (6) increases in power or water demands; or

3186 ~~f.~~ (7) increases in production capacity; and

3187 ~~g. changes in the methods or volumes of transport of raw materials or~~

3188 ~~processed products.~~

3189 ~~29. Limited to facilities that comply with the following:~~

3190 ~~a.~~ b. Facilities shall:

3191 (1) not be located within one thousand feet from any schools, medical care

3192 facilities, or places of assembly that have occupancies of greater than one thousand

3193 persons, such as arenas, gymnasiums and auditoriums;

3194 ~~b. shall~~ (2) not be located within two hundred fifty feet from a regulated

3195 wetland or aquatic area, except when a larger buffer is required under K.C.C. chapter

3196 21A.24, the buffer in K.C.C. chapter 21A.24 shall apply;

3197 ~~e. structures shall be~~ (3) maintain an interior setback of at least two hundred

3198 feet from adjacent properties; and;

3199 ~~d. storage of~~ (4) store fossil fuels must be contained completely within

3200 enclosed structures, tanks or similar facilities; and

3201 (5) be accessed directly to and from an arterial roadway.

3202 SECTION 3749. Ordinance 10870, Section 340, as amended, and K.C.C.

3203 21A.12.030 are hereby amended to read as follows:

3204 A. Densities and dimensions - residential and rural zones.

RURAL					RESIDENTIAL								
STANDARDS	RA-	RA-5	RA-10	RA-20	UR	R-1	R-4	R-6	R-8	R-12	R-18	R-24	R-48

	2.5					(17)							
Base Density: Dwelling Unit/Acre (15) (28)	0.2 du/ac	0.2 du/ac	0.1 du/ac	0.05 du/ac	0.2 du/ac (21)	1 du/ ac	4 du/ ac (6)	6 du/ac	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac
Maximum Density: Dwelling Unit/Acre (1)	0.4 du/ac (20)						6 du/ ac (22) 8 du/ ac (27)	9 du/ac (27)	12 du/ac (27)	18 du/ac (27)	27 du/ac (27)	36 du/ac (27)	72 du/ac (27)
Minimum Density: (2)							85% (12) (18) (23)	85% (12) (18)	85% (12) (18)	80% (18)	75% (18)	70% (18)	65% (18)
Minimum Lot Area (13)	1.875 ac	3.75 ac	7.5 ac	15 ac									
Minimum Lot Width (3)	135 ft	135 ft	135 ft	135 ft	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30ft	30 ft	30 ft
Minimum Street Setback (3)	30 ft (9)	30 ft (9)	30ft (9)	30 ft (9)	30 ft (7)	20 ft (7) (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)

3205

B. Development conditions.

3206

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

3207

residential density incentives in accordance with K.C.C. chapter 21A.34 or transfers of

3208 development rights in accordance with K.C.C. chapter 21A.37, or any combination of
3209 density incentive or density transfer.

3210 2. Also see K.C.C. 21A.12.060.

3211 3. These standards may be modified under the provisions for zero-lot-line and
3212 townhouse developments.

3213 4.a. Height limits may be increased if portions of the structure that exceed the
3214 base height limit provide one additional foot of street and interior setback for each foot
3215 above the base height limit, but the maximum height may not exceed seventy-five feet.

3216 b. Netting or fencing and support structures for the netting or fencing used to
3217 contain golf balls in the operation of golf courses or golf driving ranges are exempt from
3218 the additional interior setback requirements but the maximum height shall not exceed
3219 seventy-five feet, except for recreation or multiuse parks, where the maximum height
3220 shall not exceed one hundred twenty-five feet, unless a golf ball trajectory study requires
3221 a higher fence. ~~Accessory dwelling units and accessory living quarters shall not exceed~~

3222 ~~base heights.~~

3223 c. Accessory dwelling units and accessory living quarters shall not exceed base
3224 heights, except that this requirement shall not apply to accessory dwelling units
3225 constructed wholly within an existing dwelling unit.

3226 5. Applies to each individual lot. Impervious surface area standards for:

3227 a. Regional uses shall be established at the time of permit review;

3228 b. Nonresidential uses in rural area and residential zones shall comply with
3229 K.C.C. 21A.12.120 and 21A.12.220;

3230 c. Individual lots in the R-4 through R-6 zones that are less than nine thousand

3231 seventy-six square feet in area shall be subject to the applicable provisions of the nearest
3232 comparable R-6 or R-8 zone; and

3233 d. A lot may be increased beyond the total amount permitted in this chapter
3234 subject to approval of a conditional use permit.

3235 6. Mobile home parks shall be allowed a base density of six dwelling units per
3236 acre.

3237 7. The standards of the R-4 zone apply if a lot is less than fifteen thousand
3238 square feet in area.

3239 8. At least twenty linear feet of driveway shall be provided between any garage,
3240 carport or other fenced parking area and the street property line. The linear distance shall
3241 be measured along the center line of the driveway from the access point to such garage,
3242 carport or fenced area to the street property line.

3243 9.a. Residences shall have a setback of at least one hundred feet from any
3244 property line adjoining A, M or F zones or existing extractive operations. However,
3245 residences on lots less than one hundred fifty feet in width adjoining A, M or F zones or
3246 existing extractive operations shall have a setback from the rear property line equal to
3247 fifty percent of the lot width and a setback from the side property equal to twenty-five
3248 percent of the lot width.

3249 b. Except for residences along a property line adjoining A, M or F zones or
3250 existing extractive operations, lots between one acre and two and one-half acres in size
3251 shall conform to the requirements of the R-1 zone and lots under one acre shall conform
3252 to the requirements of the R-4 zone.

3253 10.a. For developments consisting of three or more single-detached dwellings

3254 located on a single parcel, the setback shall be ten feet along any property line abutting
3255 R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in
3256 K.C.C. 21A.14.190, which shall have a setback of five feet.

3257 b. For townhouse and apartment development, the setback shall be twenty feet
3258 along any property line abutting R-1 through R-8, RA and UR zones, except for
3259 structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback
3260 of five feet, unless the townhouse or apartment development is adjacent to property upon
3261 which an existing townhouse or apartment development is located.

3262 11. Lots smaller than one-half acre in area shall comply with standards of the
3263 nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or
3264 larger, the maximum impervious surface area allowed shall be at least ten thousand
3265 square feet. On any lot over one acre in area, an additional five percent of the lot area
3266 may be used for buildings related to agricultural or forestry practices. For lots smaller
3267 than two acres but larger than one-half acre, an additional ten percent of the lot area may
3268 be used for structures that are determined to be medically necessary, if the applicant
3269 submits with the permit application a notarized affidavit, conforming with K.C.C.
3270 21A.32.170A.2.

3271 12. For purposes of calculating minimum density, the applicant may request that
3272 the minimum density factor be modified based upon the weighted average slope of the
3273 net buildable area of the site in accordance with K.C.C. 21A.12.087.

3274 13. The minimum lot area does not apply to lot clustering proposals as provided
3275 in K.C.C. chapter 21A.14.

3276 14. The base height to be used only for projects as follows:

3277 a. in R-6 and R-8 zones, a building with a footprint built on slopes exceeding a
3278 fifteen percent finished grade; and

3279 b. in R-18, R-24 and R-48 zones using residential density incentives and
3280 transfer of density credits in accordance with this title.

3281 15. Density applies only to dwelling units and not to sleeping units.

3282 16. Vehicle access points from garages, carports or fenced parking areas shall
3283 be set back from the property line on which a joint use driveway is located to provide a
3284 straight line length of at least twenty-six feet as measured from the center line of the
3285 garage, carport or fenced parking area, from the access point to the opposite side of the
3286 joint use driveway.

3287 17.a. All subdivisions and short subdivisions in the R-1 zone shall be required to
3288 be clustered if the property is located within or contains:

3289 (1) a floodplain;

3290 (2) a critical aquifer recharge area;

3291 (3) a regionally or locally significant resource area;

3292 (4) existing or planned public parks or trails, or connections to such facilities;

3293 (5) a category type S or F aquatic area or category I or II wetland;

3294 (6) a steep slope; or

3295 (7) an urban separator or wildlife habitat network designated by the

3296 Comprehensive Plan or a community plan.

3297 b. The development shall be clustered away from critical areas or the axis of
3298 designated corridors such as urban separators or the wildlife habitat network to the extent
3299 possible and the open space shall be placed in a separate tract that includes at least fifty

3300 percent of the site. Open space tracts shall be permanent and shall be dedicated to a
3301 homeowner's association or other suitable organization, as determined by the director,
3302 and meet the requirements in K.C.C. 21A.14.040. On-site critical area and buffers and
3303 designated urban separators shall be placed within the open space tract to the extent
3304 possible. Passive recreation, with no development of recreational facilities, and natural-
3305 surface pedestrian and equestrian trails are acceptable uses within the open space tract.

3306 18. See K.C.C. 21A.12.085.

3307 19. All subdivisions and short subdivisions in R-1 and RA zones within the
3308 North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North
3309 Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and
3310 Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East
3311 Sammamish Community Planning Area that drains to Patterson Creek shall have a
3312 maximum impervious surface area of eight percent of the gross acreage of the plat.
3313 Distribution of the allowable impervious area among the platted lots shall be recorded on
3314 the face of the plat. Impervious surface of roads need not be counted towards the
3315 allowable impervious area. Where both lot- and plat-specific impervious limits apply, the
3316 more restrictive shall be required.

3317 20. This density may only be achieved on RA 2.5 zoned parcels receiving
3318 density from rural forest focus areas through a transfer of density credit pursuant to
3319 K.C.C. chapter 21A.37.

3320 21. Base density may be exceeded, if the property is located in a designated
3321 rural city urban growth area and each proposed lot contains an occupied legal residence
3322 that predates 1959.

3323 22. The maximum density is four dwelling units per acre for properties zoned
3324 R-4 when located in the Rural Town of Fall City.

3325 23. The minimum density requirement does not apply to properties located
3326 within the Rural Town of Fall City.

3327 24. The impervious surface standards for the county fairground facility are
3328 established in the King County Fairgrounds Site Development Plan, Attachment A to
3329 Ordinance 14808* on file at the department of natural resources and parks and the
3330 department of local services, permitting division. Modifications to that standard may be
3331 allowed provided the square footage does not exceed the approved impervious surface
3332 square footage established in the King County Fairgrounds Site Development Plan
3333 Environmental Checklist, dated September 21, 1999, Attachment B to Ordinance
3334 14808*, by more than ten percent.

3335 25. For cottage housing developments only:

3336 a. The base height is ~~((eighteen))~~ twenty-five feet.

3337 b. Buildings have pitched roofs with a minimum slope of six and twelve may
3338 extend up to ~~((twenty-five))~~ thirty feet at the ridge of the roof.

3339 26. Impervious surface does not include access easements serving neighboring
3340 property and driveways to the extent that they extend beyond the street setback due to
3341 location within an access panhandle or due to the application of King County Code
3342 requirements to locate features over which the applicant does not have control.

3343 27. a. Only in accordance with K.C.C. 21A.34.040.F.1.g. ~~((and))~~ or F.6.; or

3344 b. Only through the application of transfer of development rights, if all units
3345 above one hundred fifty percent of the base density are either:

3346 (1) rental housing permanently priced to serve households with a total
3347 household income at or below forty percent of the King County median income, adjusted
3348 for household size. A covenant on the property that specifies the income level being
3349 served, rent levels and requirements for reporting to King County shall be recorded at
3350 final approval; or

3351 (2) housing reserved for income- and asset-qualified home buyers with total
3352 household income at or below forty percent of the King County median, adjusted for
3353 household size. The units shall be limited to owner-occupied housing with prices
3354 restricted based on typical underwriting ratios and other lending standards, and with no
3355 restriction placed on resale. Final approval conditions shall specify requirements for
3356 reporting to King County on both buyer eligibility and housing prices.

3357 28. On a site zoned RA with a building listed on the national register of historic
3358 places, additional dwelling units in excess of the maximum density may be allowed under
3359 K.C.C. 21A.12.042.

3360 29. Height and setback requirements shall not apply to regional transit authority
3361 facilities.

3362 SECTION 3850. Ordinance 16267, Section 30, and K.C.C. 21A.12.250 are
3363 hereby amended to read as follows:

3364 The general personal service use (SIC # 72 except 7216, 7218 and 7261) and the
3365 office/outpatient clinic use (SIC # 801 - 04) listed in K.C.C. 21A.08.050 are allowed as a
3366 conditional use, subject to the following requirements:

3367 A. The site shall be zoned R-4 through R-48;

3368 B. The establishment shall be located within one-quarter mile of a rural town,
3369 unincorporated activity center, community business center or neighborhood business
3370 center and less than one mile from another commercial establishment;

3371 C. The establishment shall be located in either:

3372 1. ((a))A legally established single family dwelling in existence on or before
3373 January 1, 2008. The structure may not be expanded by more than ten percent as
3374 provided in K.C.C. ((21A.30.xxx)) 21A.32.065 for the expansion of legally established
3375 nonconforming uses; or

3376 2. A mixed use development with one hundred percent of the dwelling units
3377 affordable to households with incomes at or below sixty percent of area median income
3378 and on-site supportive services consistent with the King County Consortium
3379 Consolidated Housing and Community Development Plan or successor plan;

3380 D. The maximum on-site parking ratio for establishments and sites shall be ((2))
3381 two per ((4000)) one thousand square feet and required parking shall not be located
3382 between the building and the street; and

3383 E. Sign and landscaping standards for the use apply.

3384 SECTION 51. Ordinance 15032, Section 18, as amended, and K.C.C.

3385 21A.14.025 are hereby amended to read as follows:

3386 For cottage housing developments in the R4-R8 zones:

3387 A. The total area of the common open space must be at least two hundred and
3388 fifty square feet per unit and at least fifty percent of the units must be clustered around
3389 the common space.

3390 B. The total floor area of each unit, ((including)) except for two hundred and fifty

3391 square feet of any enclosed parking, is limited to one thousand two hundred square feet.

3392 The footprint of each unit, including any enclosed parking, is limited to nine hundred
3393 square feet. A front or wraparound porch of up to one hundred square feet is permitted
3394 and is not to be included in the floor area or footprint calculation.

3395 C. Fences within the cottage housing unit development are limited to three feet in
3396 height. Fences along the perimeter of the cottage housing development are limited to six
3397 feet.

3398 D. Individual cottage housing units must be at least ten feet apart.

3399 E. Each dwelling unit that abuts common open space shall have either a primary
3400 entry; or a covered porch, or both, oriented to the common open space.

3401 F. Each dwelling unit ~~abutting or proximal to~~ within forty feet of a public right-
3402 of-way, not including alleys, shall have a ~~façade that is inviting, such as a primary or~~
3403 ~~secondary entrance or porch, -~~facade oriented to the public right-of-way; that includes a
3404 porch, an entrance or a bay window that projects a minimum of six inches and is a
3405 minimum of four feet in width. If a dwelling unit ~~abuts~~ is within forty feet of more than
3406 one public right-of-way, the department shall determine which right-of-way towards
3407 which the ~~inviting façade~~ facade elements shall be oriented. Materials used on this facade
3408 shall wrap the corners of the unit.

3409 SECTION 3952. Ordinance 10870, Section 407, as amended, and K.C.C.

3410 21A.18.030 are hereby amended to read as follows:

3411 A. Except as modified in K.C.C. 21A.18.070.B- through D, off-street parking
3412 areas shall contain at a minimum the number of parking spaces as stipulated in the
3413 following table. Off-street parking ratios expressed as number of spaces per square feet

3414 means the usable or net square footage of floor area, exclusive of non-public areas. Non-
 3415 public areas include but are not limited to building maintenance areas, storage areas,
 3416 closets or restrooms. If the formula for determining the number of off-street parking
 3417 spaces results in a fraction, the number of off-street parking spaces shall be rounded to
 3418 the nearest whole number with fractions of 0.50 or greater rounding up and fractions
 3419 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>Cottage housing</u> <u>One bedroom units</u>	<u>1 per dwelling unit less than 750 ft²</u> <u>1.5 per dwelling unit equal to 750 ft²</u> <u>and less than 1,000 ft²</u> <u>2 per dwelling</u> <u>unit equal to or greater than 1,000</u> <u>ft²</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	<u>0.9</u> 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 <u>0.9</u> per 1,000 square feet of indoor storage or repair areas
-Public agency archives	<u>0.9</u> 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 <u>0.9</u> 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 <u>0.9</u> 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
<u>Remote tasting rooms</u>	<u>1 per 300 square feet of tasting and retail areas</u>

-Wholesale trade uses	<u>0.9</u> 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	<u>0.9</u> per 1,000 square feet
-Winery/Brewery/ <u>Distillery Facility II and III</u>	<u>0.9</u> per 1,000 square feet, plus 1 per 50 <u>300</u> square feet of tasting area <u>and retail areas</u>
RESOURCES (K.C.C. 21A.08.090.A):	
-Resource uses	(director)
REGIONAL (K.C.C. 21A.08.100.A):	
-Regional uses	(director)

3420 B. An applicant may request a modification of the minimum required number of
3421 parking spaces by providing that parking demand can be met with a reduced parking
3422 requirement. In such cases, the director may approve a reduction of up to fifty percent of
3423 the minimum required number of spaces.

3424 C. When the county has received a shell building permit application, off-street
3425 parking requirements shall be based on the possible tenant improvements or uses
3426 authorized by the ~~((zone designation))~~ zoning classification and compatible with the
3427 limitations of the shell permit. When the range of possible uses result in different parking
3428 requirements, the director will establish the amount of parking based on a likely range of
3429 uses.

3430 D. Where other provisions of this code stipulate maximum parking allowed or
3431 reduced minimum parking requirements, those provisions shall apply.

3432 E. In any development required to provide six or more parking spaces, bicycle
3433 parking shall be provided. Bicycle parking shall be bike rack or locker-type parking
3434 facilities unless otherwise specified.

3435 1. Off-street parking areas shall contain at least one bicycle parking space for
3436 every twelve spaces required for motor vehicles except as follows:

3437 a. The director may reduce bike rack parking facilities for patrons when it is
3438 demonstrated that bicycle activity will not occur at that location.

3439 b. The director may require additional spaces when it is determined that the
3440 use or its location will generate a high volume of bicycle activity. Such a determination
3441 will include but not be limited to the following uses:

3442 (1) Park/playfield,

3443 (2) Marina,

3444 (3) Library/museum/arboretum,

3445 (4) Elementary/secondary school,

3446 (5) Sports club, or

3447 (6) Retail business (when located along a developed bicycle trail or
3448 designated bicycle route).

3449 2. Bicycle facilities for patrons shall be located within 100 feet of the building
3450 entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a
3451 structure attached to the pavement.

3452 3. All bicycle parking and storage shall be located in safe, visible areas that do
3453 not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.

3454 4. When more than ten people are employed on site, enclosed locker-type

3455 parking facilities for employees shall be provided. The director shall allocate the
3456 required number of parking spaces between bike rack parking and enclosed locker-type
3457 parking facilities.

3458 5. One indoor bicycle storage space shall be provided for every two dwelling
3459 units in townhouse and apartment residential uses, unless individual garages are provided
3460 for every unit. The director may reduce the number of bike rack parking spaces if indoor
3461 storage facilities are available to all residents.

3462 ~~SECTION 40.~~ SECTION 53. Ordinance 10870, Section 435, and K.C.C.

3463 21A.20.150 are hereby amended to read as follows:

3464 A. In the event that a billboard owner elects to relocate CB zoned billboards
3465 outside of the CB zone, the CB ((zone designation)) zoning classification shall be
3466 removed and that permit may not later be used to relocate a billboard in the CB zone.

3467 B. Billboards may be relocated only within the zone district identified on the
3468 valid billboard permit, except the number of billboards permitted within non-CB zone
3469 district may increase only as a result of billboard relocation from within the CB zone
3470 district.

3471 ~~SECTION 54.~~ Ordinance 10870, Section 439, as amended, and K.C.C.

3472 21A.22.010 are hereby amended to read as follows:

3473 The purpose of this chapter is to establish standards that minimize the impacts of
3474 mineral extraction ((and)) or processing, coal mining, materials processing ((operations))
3475 facilities and fossil fuel facilities upon surrounding properties by:

3476 A. Ensuring adequate review of operating aspects of mineral extraction ((and)) or
3477 processing, coal mining, materials processing facility and fossil fuel facility sites;

3478 B. Requiring project phasing on large sites to minimize environmental impacts;

3479 C. Requiring minimum site areas large enough to provide setbacks and

3480 mitigations necessary to protect environmental quality; and

3481 D. Requiring periodic review of mineral extraction ~~((and))~~ or processing, coal

3482 mining, materials processing ~~((operations))~~ facilities and fossil fuel facilities to ensure

3483 compliance with the approved operating standards.

3484 SECTION 55. Ordinance 10870, Section 440, as amended, and K.C.C.

3485 21A.22.020 are hereby amended to read as follows:

3486 This chapter shall only apply to the following uses or activities ~~((that are-))~~:

3487 A. ~~((m))~~Mineral extraction or processing, or both, and including SIC 10 and 14;

3488 B. Coal mining, including SIC 12;

3489 C. ~~((m))~~Materials processing ~~((operations))~~ facilities; and

3490 D. Fossil fuel facilities.

3491 SECTION 56. Ordinance 10870, Section 441, and K.C.C. 21A.22.030 are hereby

3492 amended to read as follows:

3493 ~~((Extractive))~~ Mineral extraction or processing operations, coal mine operations

3494 and materials processing facility operations shall commence only after issuance of a

3495 grading permit by the county.

3496 SECTION 57. Ordinance 15032, Section 26, as amended, and K.C.C.

3497 21A.22.035 are hereby amended to read as follows:

3498 A. Not later than thirty days after the department provides the notice of

3499 application to the public required by K.C.C. 20.20.060 ~~((on))~~ for a ~~((mineral extraction or~~

3500 materials processing operations. ~~The regulations in site))~~ use regulated under this chapter

3501 will apply, or for an expansion of an existing ((mineral extraction or materials processing
3502 site or operation)) use regulated under this chapter beyond the scope of the prior
3503 environmental review, the applicant shall hold a community meeting. The notice of
3504 application shall include notification of the date, time and location of the community
3505 meeting. At the meeting, the applicant shall provide information relative the proposal,
3506 including information on existing residences and lot patterns within one-quarter mile of
3507 potential sites and on alternative haul routes. The applicant shall also provide a
3508 preliminary evaluation at the meeting of any alternative routes that have been provided to
3509 the applicant in writing at least five days in advance of the meeting. The applicant shall
3510 provide to the department within fourteen days after the community meeting a written list
3511 of meeting attendees and documentation of the meeting.

3512 B. Public notice of the community meeting required by this section shall be
3513 prepared, posted and distributed in accordance with K.C.C. 20.20.060 at least two weeks
3514 before the community meeting. In addition, the department shall:

3515 1. Publish a notice of the meeting in a local newspaper of general circulation in
3516 the affected area;

3517 2. Mail the notice of the meeting to all ~~mining operations, including property~~
3518 owners within one-quarter mile of the proposed or expanded site or to at least twenty of
3519 the property owners nearest to the site, whichever is greater; and

3520 3. Mail the notice of the meeting to all property owners within five hundred feet
3521 of any proposed haul route from the site to the nearest arterial.

3522 SECTION 58. Ordinance 10870, Section 442, as amended, and K.C.C.
3523 21A.22.040 are hereby amended to read as follows:

3524 To the maximum extent practicable, nonconforming ((~~mineral extraction~~
3525 operations)) uses regulated under this chapter shall be brought into conformance with the
3526 operating conditions and performance standards of this chapter during permit renewal.
3527 The department shall establish a schedule for conformance during the first periodic
3528 review of the nonconforming ((~~mineral extraction~~)) operation or facility and
3529 incorporate((~~d~~)) such a schedule into the permit conditions.

3530 SECTION 59. Ordinance 10870, Section 443, as amended, and K.C.C.
3531 21A.22.050 are hereby amended to read as follows:

3532 A. In addition to the review conducted as part of the annual renewal of a mineral
3533 extraction or processing operating permit, coal mine permit or materials processing
3534 facility permit, the department shall conduct a periodic review of mineral extraction
3535 ((~~and~~)) or processing, coal mine, materials processing ((~~operation~~)) facility or fossil fuel
3536 facility site design and operating standards at five-year intervals from the date of issuance
3537 of the permit.

3538 B. The periodic review is a Type 2 land use decision.

3539 C. The periodic review shall ((~~determine~~)):

3540 1. Determine ((~~W~~))whether the site is operating consistent with all existing
3541 permit conditions and, if not, establish corrective actions; and

3542 2. ((~~That~~)) Apply the most current site design and operating standards ((~~are~~
3543 applied)) to the site through additional or revised permit conditions as necessary to
3544 mitigate identifiable environmental, public health and public safety impacts.

3545 SECTION 60. Ordinance 10870, Section 444, as amended, and K.C.C.
3546 21A.22.060 are hereby amended to read as follows:

3547 Except as otherwise provided ((for nonconforming mineral extraction operations))
3548 in K.C.C. 21A.22.040, in addition to requirements in this title, all ((mineral extraction
3549 and materials processing operations)) uses regulated under this chapter shall comply with
3550 the following standards:

3551 A. The minimum site area ((of a mineral extraction or materials processing
3552 operation)) shall be ten acres;

3553 B. ((Mineral extraction or materials processing operations o))On sites larger than
3554 twenty acres, activities shall occur in phases to minimize environmental impacts. The
3555 size of each phase shall be determined during the review process;

3556 C. If the department determines they are necessary to eliminate a safety hazard,
3557 fences or alternatives to fences ((approved by the department,)) shall be:

3558 1. Provided in a manner that discourages access to areas of the site where:

3559 a. active extracting, processing, stockpiling and loading of materials is
3560 occurring;

3561 b. boundaries are in common with residential or commercial zone property or
3562 public lands; or

3563 c. any unstable slope or any slope exceeding a grade of forty percent is present;

3564 2. At least six feet in height above the grade measured at a point five feet
3565 outside the fence and the fence material shall have no opening larger than two inches;

3566 3. Installed with lockable gates at all openings or entrances;

3567 4. No more than four inches from the ground to fence bottom; and

3568 5. Maintained in good repair;

3569 D. Warning and trespass signs advising of the ((~~mineral extraction or materials~~
3570 ~~processing operation~~)) use shall be placed on the perimeter of the site adjacent to RA, UR
3571 or R zones at intervals no greater than two hundred feet along any unfenced portion of the
3572 site where the items noted in subsection C.1.((~~a. through e.~~)) of this section are present;

3573 E. Structural setbacks from property lines shall be as follows:

3574 1. Buildings, structures and stockpiles used in the processing of materials shall
3575 be no closer than:

3576 a. one hundred feet from any residential zoned properties except that the
3577 setback may be reduced to fifty feet when the grade where such building or structures are
3578 proposed is fifty feet or greater below the grade of the residential zoned property;

3579 b. fifty feet from any other zoned property, except when adjacent to another
3580 ((~~mineral extraction or materials processing site~~)) use regulated under this chapter;

3581 c. the greater of fifty feet from the edge of any public street or the setback from
3582 residential zoned property on the far side of the street; and

3583 2. Offices, scale facilities, equipment storage buildings and stockpiles, including
3584 those for reclamation, shall not be closer than fifty feet from any property line except
3585 when adjacent to another ((~~mineral extraction or materials processing site~~)) use regulated
3586 under this chapter or M or F zoned property. Facilities necessary to control access to the
3587 site, when demonstrated to have no practical alternative, may be located closer to the
3588 property line;

3589 F. On-site clearing, grading or excavation, excluding that necessary for required
3590 access, roadway or storm drainage facility construction or activities in accordance with
3591 an approved reclamation plan, shall not be permitted within fifty feet of any property line

3592 except along any portion of the perimeter adjacent to another ((~~mineral extraction or~~
3593 ~~materials processing operation~~)) use regulated under this chapter or M or F zoned
3594 property. If native vegetation is restored, temporary disturbance resulting from
3595 construction of noise attenuation features located closer than fifty feet shall be permitted;

3596 G. Landscaping consistent with type 1 screening K.C.C. chapter 21A.16, except
3597 using only plantings native to the surrounding area, shall be provided along any portion
3598 of the site perimeter where site disturbances ((~~such as site clearing and grading, or~~
3599 ~~mineral extraction or materials processing is~~)) associated with a use regulated under this
3600 chapter are performed, except where adjacent to another ((~~mineral extraction, materials~~
3601 ~~processing or~~)) use regulated under this chapter, forestry operation or M or F-zoned
3602 property;

3603 H. Relevant clearing and grading operating standards from K.C.C. chapter 16.82
3604 shall be applied; and

3605 I. Lighting shall:

3606 1. Be limited to that required for security, lighting of structures and equipment,
3607 and vehicle operations; and

3608 2. Not directly glare onto surrounding properties.

3609 SECTION 61. Ordinance 10870, Section 445, as amended, and K.C.C.
3610 21A.22.070 are hereby amended to read as follows:

3611 Operating conditions and performance standards for all clearing and grading
3612 activity for a use regulated under this chapter shall be as specified in K.C.C. chapter
3613 16.82 except:

3614 A.1. Noise levels ((produced by a mineral extraction or materials processing
3615 operation)) shall not exceed levels specified by K.C.C. chapter 12.86;

3616 2. Hours of operation ((for mineral extraction and materials processing
3617 facilities)), unless otherwise specified by the director, shall be between 7:00 a.m. and
3618 7:00 p.m. Monday through Saturday and between 10:00 a.m. and 5:00 p.m. Sunday and
3619 holidays;

3620 3. Before approving any variation of the hours of operation, the department
3621 shall:

3622 a. determine whether on-site operations can comply with nighttime noise
3623 standards in accordance with K.C.C. 12.86.110, and K.C.C. 12.86.120;

3624 b. determine whether the variance would cause significant adverse noise
3625 impacts to the community in accordance with standards and methodologies developed by
3626 the Federal Transit Administration, Federal Highway Administration or World Health
3627 Organization, or any combination thereof, for evaluating noise impacts, or other
3628 comparable standards and methods; and

3629 c. require mitigation for any identified impacts before the department approves
3630 a variation in the hours of operation; and

3631 4. The director's decision to approve a variation in the hours of operation shall
3632 be in writing and shall include a specific finding of compliance with the noise standards,
3633 the facts and conclusions supporting that finding and any mitigation, conditions or
3634 limitations imposed. All decisions made under this subsection shall be compiled by the
3635 department and made available for public inspection;

3636 B. Blasting shall be conducted under an approved blasting plan;

3637 1. Consistent with the methods specified in the Office of Surface Mining
3638 Enforcement and Reclamation 1987 Blasting Guidance Manual in a manner that protects
3639 from damage all structures, excluding those owned and directly used by the operator, and
3640 persons in the vicinity of the blasting area, including, but not limited to ~~SIC Major~~
3641 Groups 10, 12 and 14., adherence to the following:

3642 a. Airblast levels shall not exceed one hundred thirty-three decibels measured
3643 by a two Hz or lower flat response system at the nearest residential property or place of
3644 public assembly;

3645 b. Flyrock shall not be cast one-half the distance to the nearest residential
3646 property, place of public assembly or the property boundary, whichever is less. For the
3647 purposes of this subsection B.1.b., "property boundary" means an imaginary line exterior
3648 to any enclosed structure, at ground surface, which separates the property of one or more
3649 persons from that owned by others, and its vertical extension; and

3650 c. Ground motion shall not exceed ground vibration levels damaging to
3651 structures using one of the four accepted methods in the Office of Surface Mining
3652 Enforcement and Reclamation 1987 Blasting Guidance Manual;

3653 2. During daylight hours; and

3654 3. According to a time schedule, provided to residents within one-half mile of
3655 the site, that features regular or predictable times, except in the case of an emergency. If
3656 requested by a resident, the operator shall provide notice of changes in the time schedule
3657 at least twenty four hours before the changes take effect;

3658 C.1. Dust and smoke (~~(produced by mineral extraction and materials processing~~
3659 ~~operations~~)) shall be controlled by best management practices to comply with relevant
3660 regulations of the Puget Sound Clean Air Agency.

3661 2. Dust and smoke (~~(from process facilities)~~) shall be controlled in accordance
3662 with a valid operating permit from the Puget Sound Clean Air Agency, when required.
3663 Copies of the permit shall be kept onsite and available for department and public
3664 inspection. Copies of the Puget Sound Clean Air Agency monitoring results shall be
3665 provided to the department on permit monitoring data submittal dates.

3666 3. Dust and smoke (~~(from process facilities)~~) shall not significantly increase the
3667 existing levels of suspended particulates at the perimeter of the site;

3668 D. The applicant shall prevent rocks, dirt, mud and any raw or processed material
3669 from spilling from or being tracked by trucks onto public roadways and shall be
3670 responsible for cleaning debris or repairing damage to roadways caused by the operation;

3671 E. The applicant shall provide traffic control measures such as flaggers or
3672 warning signs as determined by the department during all hours of operation;

3673 F. The operator shall control surface water and site discharges to comply with
3674 K.C.C. chapter 9.04 and the surface water design manual and K.C.C. chapter 9.12 and the
3675 stormwater pollution prevention manual. For the life of the (~~(mineral resource)~~)
3676 operation and until site reclamation is complete, the operator shall maintain a valid
3677 Washington state Department of Ecology National Pollutant Discharge Elimination
3678 System individual permit or maintain coverage under the sand and gravel general permit.
3679 The operator shall keep onsite and available for department review copies of the erosion
3680 and sediment control plan, the applicable National Pollution Discharge Elimination

3681 System individual or general permit and the Stormwater Pollution Prevention Plan. The
3682 operator shall make the plans and permit available for public inspection upon request.
3683 The operator shall provide to the department copies of the monitoring results on permit
3684 monitoring data submittal dates. The department shall make the monitoring results
3685 available for public inspection. If the department determines that National Pollution
3686 Discharge Elimination System monitoring frequency or type is not adequate to meet the
3687 demands of the site and the requirements of this subsection, the department may require
3688 more frequent and detailed monitoring and may require a program designed to bring the
3689 site into compliance;

3690 G. The operator shall not excavate below the contours determined through
3691 hydrologic studies necessary to protect groundwater and the upper surface of the
3692 saturated groundwater that could be used for potable water supply;

3693 H. If contamination of surface or ground water by herbicides is possible, to the
3694 maximum extent practicable, mechanical means shall be used to control noxious weeds
3695 on the site;

3696 I. Upon depletion of ((~~mineral~~)) resources or abandonment of the site, the
3697 operator shall remove all structures, equipment and appurtenances accessory to
3698 operations; and

3699 J. If the operator fails to comply with this section, the department shall require
3700 modifications to operations, procedures or equipment until compliance is demonstrated to
3701 the satisfaction of the department. If the modifications are inconsistent with the approved
3702 permit conditions, the department shall revise the permit accordingly.

3703 SECTION 62. Ordinance 1488, Section 12, as amended, and K.C.C. 21A.22.081

3704 are hereby amended to read as follows:

3705 A. A valid clearing and grading permit shall be maintained on a mineral
3706 extraction or coal mine site until the reclamation of the site required under chapter 78.44
3707 RCW is completed.

3708 B. A reclamation plan approved in accordance with chapter 78.44 RCW shall be
3709 submitted before the effective date of a zone reclassification in Mineral-zoned properties
3710 or the acceptance of any development proposal for a subsequent use in Forest-zoned
3711 properties. The zone reclassification shall grant potential zoning that is only to be
3712 actualized, under K.C.C. chapter 20.22, upon demonstration of successful completion of
3713 all requirements of the reclamation plan. Development proposals in the Forest zone for
3714 uses subsequent to mineral extraction or coal mine operations shall not be approved until
3715 demonstration of successful completion of all requirements of the reclamation plan
3716 except that forestry activities may be permitted on portions of the site already fully
3717 reclaimed.

3718 C. Mineral extraction and coal mine operations that are not required to have an
3719 approved reclamation plan under chapter 78.44 RCW shall meet the following
3720 requirements:

3721 1. Upon the exhaustion of minerals or materials or upon the permanent
3722 abandonment of the quarrying or mining operation, all nonconforming buildings,
3723 structures, apparatus or appurtenances accessory to the quarrying and mining operation
3724 shall be removed or otherwise dismantled to the satisfaction of the director;

3725 2. Final grades shall:

3726 a. be such so as to encourage the uses permitted within the primarily
3727 surrounding zone or, if applicable, the underlying or potential ((zone)) zoning
3728 classification; and

3729 b. result in drainage patterns that reestablish natural conditions of water
3730 velocity, volume, and turbidity within six months of reclamation and that precludes water
3731 from collecting or becoming stagnant. Suitable drainage systems approved by the
3732 department shall be constructed or installed where natural drainage conditions are not
3733 possible or where necessary to control erosion. All constructed drainage systems shall be
3734 designed consistent with the Surface Water Design Manual;

3735 3. All areas subject to grading or backfilling shall:

3736 a. incorporate only nonnoxious, nonflammable, noncombustible and
3737 nonputrescible solids; and

3738 b. except for roads and areas incorporated into drainage facilities, be surfaced
3739 with soil of a quality at least equal to the topsoil of the land areas immediately
3740 surrounding, and to a depth of the topsoil of land area immediately surrounding six
3741 inches, whichever is greater. The topsoil layer shall have an organic matter content of
3742 eight to thirteen percent and a pH of 6.0 to 8.0 or matching the pH of the original
3743 undisturbed soil layer. Compacted areas such as pit floors or compacted fill shall be
3744 tilled or scarified before topsoil placement;

3745 4. All reclaimed slopes shall comprise an irregular sinuous appearance in both
3746 profile and plan view and blend with adjacent topography to a reasonable extent;

3747 5. Where excavation has penetrated the seasonal or permanent water table
3748 creating a water body or wetland:

3749 a. All side slopes below the permanent water table and banks shall be graded
3750 or shaped as to not constitute a safety hazard;

3751 b. Natural features and plantings to provide beneficial wetland functions and
3752 promote wildlife habitat shall be provided; and

3753 c. Appropriate drainage controls shall be provided to stabilize the water level
3754 and not create potential flooding hazards;

3755 6. All cleared, graded or backfilled areas, including areas surfaced with topsoil,
3756 shall be planted with a variety of trees, shrubs, legumes and grasses indigenous to the
3757 surrounding area and appropriate for the soil, moisture and exposure conditions;

3758 7. Waste or soil piles shall be used for grading, backfilling or surfacing if
3759 permissible under this section, then covered with topsoil and planted in accordance with
3760 subsection C.3. and 6. of this section. Waste or soil piles not acceptable to be used for fill
3761 in accordance with this chapter or as top soil in accordance with subsection C.3. of this
3762 section shall be removed from the site; and

3763 8. Where excavation has exposed natural materials that may create polluting
3764 conditions, including, but not limited to, acid-forming coals and metalliferous rock or
3765 soil, such conditions shall be addressed to the satisfaction of the department. The final
3766 ground surface shall be graded so that surface water drains away from any such materials
3767 remaining on the site.

3768 D. The department may modify any requirement of this section when not
3769 applicable or if it conflicts with an approved subsequent use for the site.

3770 SECTION 63. Ordinance 15032, Section 34, and K.C.C. 21A.22.085 are hereby
3771 amended to read as follows:

3772 The applicant shall mitigate adverse impacts resulting from the ((~~extraction or~~
3773 ~~processing operations~~)) use regulated under this chapter and monitor to demonstrate
3774 compliance with this chapter.

3775 SECTION 64. Sections 65 and 66 of this ordinance should constitute a new chapter
3776 in K.C.C. Title 21A.

3777 NEW SECTION. SECTION 65. Within the sea level rise risk area the following
3778 standards apply:

3779 A. All buildings and substantial improvements to existing buildings shall be
3780 elevated on pilings and columns in a manner consistent with applicable floodplain
3781 development standards in this title, K.C.C. Title 16, the Federal Emergency Management
3782 Agency Coastal Construction Manual and other applicable requirements, and in a manner
3783 that provides the following, at a minimum:

3784 1. The bottom of the lowest horizontal structural member of the lowest floor,
3785 excluding the pilings or columns, is elevated to or above the sea level rise protection
3786 elevation;

3787 2. The pile or column foundation and building attached thereto is anchored to
3788 resist flotation, collapse and lateral movement due to the effects of flood water, wind and
3789 other loads as prescribed in this title acting simultaneously on all building components.
3790 Flood water loading values shall each have a one percent chance of being equaled or
3791 exceeded in any given year; and

3792 3. All utilities that service the building are elevated to or above the flood
3793 protection elevation.

3794 B. A registered professional engineer licensed by the state of Washington shall

3795 prepare the structural design, specifications and plans for the building, and shall certify
3796 that the design and methods of construction to be used are in accordance with accepted
3797 standards of practice for meeting the provisions of subsection A. of this section, including
3798 applicable floodplain development standards in this title, K.C.C. Title 16, the Federal
3799 Emergency Management Agency Coastal Construction Manual and other applicable
3800 requirements;

3801 C. The applicant shall provide a complete Federal Emergency Management
3802 Agency elevation certificate on the most current version of the form completed by a land
3803 surveyor licensed by the state of Washington documenting the elevation of the bottom of
3804 the lowest structural member of the lowest floor, excluding pilings and columns, of all
3805 new and substantially improved buildings and additions affixed to the side of a building,
3806 and whether or not the buildings contain a basement. The department shall maintain the
3807 Federal Emergency Management Agency elevation certificates required by this section
3808 for public inspection and for certification under the National Flood Insurance Program;

3809 D. All new buildings and substantial improvements to existing buildings shall
3810 maintain the space below the lowest floor free of obstruction. Breakaway walls are
3811 prohibited. The space can include nonsupporting open wood lattice-work or insect
3812 screening that is intended to collapse under wind and wave loads without causing
3813 collapse, displacement or other structural damage to the elevated portion of the building
3814 or supporting foundation system. The space below the lowest floor can be used only for
3815 parking of vehicles, building access or storage of items readily removable in the event of
3816 a flood warning. The space shall not be used for human habitation;

3817 E. Fill for structural support of buildings is prohibited;

3818 F. All manufactured homes to be placed or substantially improved within the sea
3819 level rise risk area shall meet the standards in subsections A. through E. of this section

3820 _____ ; and

3821 G. The department shall provide notice to all applicants for new development or
3822 redevelopment located within the sea level rise risk area that the development may be
3823 impacted by sea level rise and recommend that the applicant voluntarily consider setting
3824 the development back further than required by this title to allow for future sea level rise.

3825 NEW SECTION. SECTION 66.

3826 A. The director may approve sea level rise risk area variances to this chapter.

3827 B. In reviewing and evaluating sea level rise risk area variance applications, the
3828 director shall consider all technical evaluations and relevant factors, including, but not
3829 limited to:

3830 1. The danger that materials may be swept onto other lands to the injury of
3831 others;

3832 2. ~~The danger to~~ life and property due to coastal flooding or erosion damage;

3833 3. The susceptibility of the proposed building or facility and its contents to flood
3834 damage and the effect of the damage on the individual owner;

3835 4. The importance of the services provided by the proposed building or facility
3836 to the community;

3837 5. The necessity to the building or facility of a waterfront location;

3838 6. The availability of alternative locations for the proposed use that are not
3839 subject to flooding or erosion damage;

3840 7. The potential of the proposed development to create an adverse effect on a

3841 federally or state-protected species or habitat;

3842 8. The compatibility of the proposed use with existing and anticipated

3843 development;

3844 9. The relationship of the proposed use to the Comprehensive Plan, shoreline

3845 master program and flood hazard management plan;

3846 10. The safety of access to the property in times of flooding for ordinary and

3847 emergency vehicles;

3848 11. The expected heights, velocity, duration, rate of rise, sediment transport of

3849 the floodwaters and effects of wave action expected at the site;~~41~~

3850 12. The costs of providing governmental services during and after flood

3851 conditions, including emergency management services and maintenance and repair of

3852 public utilities and facilities such as sewer, gas, electrical, water systems, streets and

3853 bridges; and

3854 13. Current and future risks from sea level rise conditions anticipated to occur

3855 over the next fifty years.

3856 C. The director may only approve a sea level rise risk area variance upon a

3857 determination that:

3858 1. Failure to grant the sea level rise risk area variance would result in an

3859 exceptional hardship to the applicant;

3860 2. The granting of a sea level rise risk area variance will not result in additional

3861 threats to public safety, extraordinary public expense, create nuisances, cause fraud on or

3862 victimization of the public or conflict with existing laws or ordinances; and

3863 3. The sea level rise risk area variance is the minimum necessary, considering

3864 the flood or erosion hazard, to afford relief.

3865 D. An applicant for sea level rise risk area variance shall be given a written
3866 notice that the approval of the sea level rise risk area variance to construct a structure
3867 below the sea level rise protection elevation established in this chapter in may result in
3868 higher future flood insurance premium rates up to amounts as high as twenty-five dollars
3869 per one hundred dollars of coverage and that the construction below the sea level rise
3870 protection elevation increases risks to life and property.

3871 E.1. An application for a sea level rise risk area variance shall be submitted in
3872 writing to the permitting division, together with any supporting documentation that
3873 demonstrates how the proposal meets the criteria in this section.

3874 2. An application for a sea level rise risk area variance under this section shall
3875 be reviewed as a Type II land use decision in accordance with K.C.C. 20.20.020.

3876 3. Sea level rise risk area variances that allow the establishment of a use not
3877 otherwise permitted in the zone where the proposal is located shall not be permitted.

3878 4. The variance standards in K.C.C. 21A.44.030 and the alteration exception
3879 standards in K.C.C. 21A.24.070 shall not be used for variances to the sea level rise risk
3880 area regulations of this chapter.

3881 5. The department shall maintain in perpetuity a record of all requests for
3882 variances, including justification for their issuance.

3883 SECTION 67. Ordinance 17539, Section 47, and K.C.C. 21A.24.072 are hereby
3884 amended to read as follows:

3885 A. As an alternative to an alteration exception under K.C.C. 21A.24.070, during
3886 review of an application for a single detached dwelling unit, the director may approve an

3887 alteration to a wetland buffer, aquatic area buffer, steep slope hazard area and associated
3888 buffer, landslide hazard area and associated buffer and critical area setback as follows:

3889 1. There is no feasible alternative to the development proposal with less adverse
3890 impact on the critical area;

3891 2. The alteration is the minimum necessary to accommodate residential use of the
3892 property;

3893 3. The approval does not require the modification of a critical area development
3894 standard established by this chapter;

3895 4. The development proposal does not pose an unreasonable threat to the public
3896 health, safety or welfare on or off the development proposal site and is consistent with the
3897 general purposes of this chapter and the public interest;

3898 5. No more than five thousand square feet or ten percent of the site, whichever is
3899 greater, are disturbed by structures, building setbacks or other land alteration, including
3900 grading, utility installations and landscaping, but not including the area used for a driveway
3901 or for an on-site sewage disposal system. For purposes of this section, areas located within
3902 the shoreline jurisdiction that are below the ordinary high water mark shall not be included
3903 in calculating the site area;

3904 6. The applicant submits an approved rural stewardship plan or forest stewardship
3905 plan prepared in accordance with this chapter that addresses the development proposal and
3906 the proposed use of the property; and

3907 7. The proposal complies with K.C.C. 21A.24.125 and 21A.24.130.

3908 B. The applicant for the waiver of the alteration exception process shall submit any
3909 critical areas studies, alternatives analysis and other documents requested by the

3910 department following a preapplication review meeting.

3911 C. Within fourteen calendar days after the department determines the application
3912 under this section is complete, it shall provide written mailed notice of the proposed
3913 alteration as provided in K.C.C. (~~20.20.080.H~~) 20.20.060.H.

3914 D. The department shall allow twenty-one calendar days for comment before
3915 making a decision on the request under this section. The department's decision shall be
3916 mailed to the applicant and to any other person who requests a copy. The decision shall
3917 state the reasons for the decision and, if approved, shall include any required mitigation or
3918 conditions.

3919 SECTION 4268. Ordinance 10870, Section 478, as amended, and K.C.C.
3920 21A.24.310 are hereby amended to read as follows:

3921 The following development standards apply to development proposals and
3922 alterations on sites containing steep slope hazard areas:

3923 A. Except as provided in subsection D. of this section, unless allowed as an
3924 alteration exception under K.C.C. 21A.24.070, only the alterations identified in K.C.C.
3925 21A.24.045 are allowed within a steep slope hazard area;

3926 B. A buffer is required from all edges of the steep slope hazard area. To
3927 eliminate or minimize the risk of property damage or injury resulting from slope
3928 instability, landsliding or erosion caused in whole or part by the development, the
3929 department shall determine the size of the buffer based upon a critical area report
3930 prepared by a geotechnical engineer or geologist. The department of local services shall
3931 adopt a public rule to implement this subsection ~~B of this section~~, including
3932 implementing the requirements for development and review of a critical area report.

3933 ~~1. Except for new structures and substantial improvements to existing structures~~
3934 ~~on sites containing steep slope hazard areas defined in subsection B.2. of this section:~~

3935 ~~a. ((I))if a critical area report is not submitted to the department, the minimum~~
3936 ~~buffer is fifty feet((-)); and~~

3937 ~~b. ((F))for building permits for single detached dwelling units only, the~~
3938 ~~department may waive the special study requirement and authorize buffer reductions if~~
3939 ~~the department determines that the reduction will adequately protect the proposed~~
3940 ~~development and the critical area;~~

3941 ~~1. ~~2.~~ For new structures and substantial improvements to existing structures~~
3942 ~~on sites where any portion of the steep slope hazard area extends into the coastal high~~
3943 ~~hazard area or the sea level rise risk area, the department shall determine the size of the~~
3944 ~~buffer based upon:~~

3945 ~~a. ((If a)) The critical area report prepared by a geotechnical engineer or~~
3946 ~~geologist that includesshall include an assessment of current and future risks of sea level~~
3947 ~~rise conditions anticipated to occur over the next fifty years. If a critical area report is not~~
3948 ~~submitted to the department, the minimum buffer is seventy five feet; ((and)) and a~~
3949 ~~recommended buffer;~~

3950 ~~b. If a critical area report is not submitted to the department, the minimum~~
3951 ~~buffer shall be seventy-five feet;~~

3952 ~~2. For all other development not identified in subsection B.1.:~~

3953 ~~a. If a critical area report is not submitted to the department, the minimum~~
3954 ~~buffer ((is)) shall be fifty feet((-)); and~~

3955 ~~b. For building permits for single detached dwelling units only, the department~~

3956 may waive the special study requirement and authorize buffer reductions if the
3957 department determines that the reduction will adequately protect the proposed
3958 development and the critical area; ((and))

3959 C. Unless otherwise provided in K.C.C. 21A.24.045 or as a necessary part of an
3960 allowed alteration, removal of any vegetation from a steep slope hazard area or buffer is
3961 prohibited; and

3962 D. All alterations are allowed in the following circumstance:

3963 1. Slopes which are forty percent or steeper with a vertical elevation change of
3964 up to twenty feet if no adverse impact will result from the exemption based on King
3965 County's review of and concurrence with a soils report prepared by a geologist or
3966 geotechnical engineer; and

3967 2. The approved regrading of any slope which was created through previous
3968 legal grading activities. Any slope which remains forty percent or steeper following site
3969 development shall be subject to all requirements for steep slopes.

3970 SECTION 4369. Ordinance 15051, Section 179, as amended, and K.C.C.
3971 21A.24.316 are hereby amended to read as follows:

3972 The following development standards apply to development proposals and
3973 alterations on sites containing critical aquifer recharge areas:

3974 A. Except as otherwise provided in subsection H. of this section, the following
3975 new development proposals and alterations are not allowed on a site located in a category
3976 I critical aquifer recharge area:

- 3977 1. Transmission pipelines carrying petroleum or petroleum products;
3978 2. Sand and gravel, and hard rock mining unless:

- 3979 a. the site has mineral zoning as of January 1, 2005; or
- 3980 b. mining is a permitted use on the site and the critical aquifer recharge area
- 3981 was mapped after the date a complete application for mineral extraction on the site was
- 3982 filed with the department;
- 3983 3. Mining of any type below the upper surface of the saturated ground water that
- 3984 could be used for potable water supply;
- 3985 4. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;
- 3986 5. Hydrocarbon extraction;
- 3987 6. Commercial wood treatment facilities on permeable surfaces;
- 3988 7. Underground storage tanks, including tanks that are exempt from the
- 3989 requirements of chapter 173 WAC, with hazardous substances, as defined in chapter
- 3990 70.105 RCW, that do not comply with standards of chapter 173-360 WAC and K.C.C.
- 3991 Title 17;
- 3992 8. Above-ground storage tanks for hazardous substances, as defined in chapter
- 3993 70.105 RCW, unless protected with primary and secondary containment areas and a spill
- 3994 protection plan;
- 3995 9. Golf courses;
- 3996 10. Cemeteries;
- 3997 11. Wrecking yards;
- 3998 12. Landfills for hazardous waste, municipal solid waste or special waste, as
- 3999 defined in K.C.C. chapter 10.04; and
- 4000 13. On lots smaller than one acre, an on-site septic system, unless:
- 4001 a. the system is approved by the Washington state Department of Health and

4002 has been listed by the Washington State Department of Health as meeting treatment
4003 standard N as provided in WAC chapter 426-~~(172A)~~272A; or

4004 b. the Seattle-King County department of public health determines that the
4005 systems required under subsection A.13.a. of this section will not function on the site.

4006 B. Except as otherwise provided in subsection H. of this section, the following
4007 new development proposals and alterations are not allowed on a site located in a category
4008 II critical aquifer recharge area:

4009 1. Mining of any type below the upper surface of the saturated ground water that
4010 could be used for potable water supply;

4011 2. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

4012 3. Hydrocarbon extraction;

4013 4. Commercial wood treatment facilities located on permeable surfaces;

4014 5.a. Except for a category II critical aquifer recharge area located over an
4015 aquifer underlying an island that is surrounded by saltwater, underground storage tanks
4016 with hazardous substances, as defined in chapter 70.105 RCW, that do not meet the
4017 requirements of chapter 173-360 WAC and K.C.C. Title 17; and

4018 b. For a category II critical aquifer recharge area located over an aquifer
4019 underlying an island that is surrounded by saltwater, underground storage tanks,
4020 including underground storage tanks exempt from the requirements of chapter 173-360
4021 WAC, with hazardous substances, as defined in chapter 70.105 RCW, that do not comply
4022 with the standards in chapter 173-360 WAC and K.C.C. Title 17;

4023 6. Above-ground storage tanks for hazardous substances, as defined in chapter
4024 70.105 RCW, unless protected with primary and secondary containment areas and a spill

|

4025 protection plan;

4026 7. Wrecking yards;

4027 8. Landfills for hazardous waste, municipal solid waste, or special waste, as

4028 defined in K.C.C. chapter 10.04; and

4029 9. On lots smaller than one acre, an on-site septic systems, unless:

4030 a. the system is approved by the Washington state Department of Health and

4031 has been listed by the Washington state Department of Health as meeting treatment

4032 standard N as provided in WAC chapter 426-~~(172A)~~272A; or

4033 b. the Seattle-King County department of public health determines that the

4034 systems required under subsection B.9.a. of this section will not function on the site.

4035 C. Except as otherwise provided in subsection H. of this section, the following

4036 new development proposals and alterations are not allowed on a site located in a category

4037 III critical aquifer recharge area:

4038 1. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

4039 2. Hydrocarbon extraction;

4040 3. Commercial wood treatment facilities located on permeable surfaces;

4041 4. Underground storage tanks, including tanks exempt from the requirements of

4042 chapter 173-360 WAC, with hazardous substances, as defined in chapter 70.105 RCW,

4043 that do not comply with the requirements of chapter 173-360 WAC and K.C.C. Title 17;

4044 5. Above ground storage tanks for hazardous substances, as defined in chapter

4045 70.105 RCW, unless protected with primary and secondary containment areas and a spill

4046 protection plan;

4047 6. Wrecking yards; and

4048 7. Landfills for hazardous waste, municipal solid waste, or special waste, as
4049 defined in K.C.C. chapter 10.04.

4050 D. The following standards apply to development proposals and alterations that
4051 are substantial improvements on a site located in a critical aquifer recharge area:

4052 1. The owner of an underground storage tank, including a tank that is exempt
4053 from the requirements of chapter 173 WAC, in a category I or III critical aquifer recharge
4054 area or a category II critical aquifer recharge area located over an aquifer underlying ~~((an
4055 island that is surrounded by saltwater))~~ Vashon-Maury Island shall either bring the tank
4056 into compliance with the standards of chapter 173 WAC and K.C.C. Title 17 or properly
4057 decommission or remove the tank; and

4058 2. The owner of an underground storage tank in a category II critical aquifer
4059 recharge area not located on located over an aquifer underlying ~~((an island that is
4060 surrounded by saltwater))~~ Vashon-Maury Island shall bring the tank into compliance with
4061 the standards of chapter 173-360 WAC and K.C.C. Title 17 or shall properly
4062 decommission or remove the tank.

4063 E. In any critical aquifer recharge area, the property owner shall properly
4064 decommission an abandoned well.

4065 F. On a site located in a critical aquifer recharge area within the urban growth
4066 area, a development proposal for new residential development, including, but not limited
4067 to, a subdivision, short subdivision, or dwelling unit, shall incorporate best management
4068 practices included in the King County Surface Water Design Manual into the site design
4069 in order to infiltrate stormwater runoff to the maximum extent practical.

4070 G. ~~((On an island surround by saltwater, the,))~~ For critical aquifer recharge areas

4071 on Vashon-Maury Island:

4072 1. No new groundwater wells are permitted within a coastal high hazard area. A
4073 rainwater catchment system may be used as an alternative water supply source for a
4074 single family residence if the requirements of K.C.C. 13.04.070 are met;

4075 2. All new groundwater wells within a sea level rise risk area shall include a
4076 surface seal that prevents risks of saltwater contamination caused by sea level rise
4077 conditions anticipated to occur over the next fifty years; and

4078 3. ((~~€~~))The owner of a new well located within ((two hundred feet of the
4079 ordinary high water mark of the marine shoreline)) the sea level rise risk area and within
4080 a critical aquifer recharge area)) the sea level rise risk area shall test the well for chloride
4081 levels using testing protocols approved by the Washington state Department of Health.

4082 The owner shall report the results of the test to Seattle-King County department of public
4083 health and to the department of natural resources and parks. If the test results indicate
4084 saltwater intrusion is likely to occur, the department of natural resources and parks, in
4085 consultation with Seattle-King County department of public health, shall recommend
4086 appropriate measures in addition to the minimum requirements of this title to prevent
4087 saltwater intrusion.

4088 H. On a site greater than twenty acres, the department may approve a
4089 development proposal otherwise prohibited by subsections A., B. and C. of this section if
4090 the applicant demonstrates through a critical areasarea((s)) report that the development
4091 proposal is located outside the critical aquifer recharge area and that the development
4092 proposal will not cause a significant adverse environmental impact to the critical aquifer
4093 recharge area.

4094 I. The provisions relating to underground storage tanks in subsections A. through
 4095 D. of this section apply only when the proposed regulation of underground storage tanks
 4096 has been submitted to and approved by the Washington state department of ecology, in
 4097 accordance with 90.76.040 RCW and WAC 173-360-530.

4098 ~~J.~~ SECTION 70. Ordinance 15051, Section 185, as amended, and K.C.C.
 4099 21A.24.325 are hereby amended to read as follows:

4100 A. Except as otherwise provided in this section, buffers shall be provided from the
 4101 wetland edge as follows:

4102 1. The buffers shown on the following table apply unless modified in accordance
 4103 with subsections B., C., D. and E. of this section:

<u>WETLAND CATEGORY AND CHARACTERISTICS</u>	<u>INTENSITY OF IMPACT OF ADJACENT LAND USE</u>		
	<u>HIGH IMPACT</u>	<u>MODERATE IMPACT</u>	<u>LOW IMPACT</u>
<u>Category I</u>	-	-	-
<u>Wetlands of High Conservation Value</u>	<u>250 feet</u>	<u>190 feet</u>	<u>125 feet</u>
<u>Bog</u>	<u>250 feet</u>	<u>190 feet</u>	<u>125 feet</u>
<u>Estuarine</u>	<u>200 feet</u>	<u>150 feet</u>	<u>100 feet</u>
<u>Coastal Lagoon</u>	<u>200 feet</u>	<u>150 feet</u>	<u>100 feet</u>
<u>Forested</u>	<u>Buffer width to be based on score for habitat functions or water quality functions</u>		
<u>Habitat score from 8 to 9 points</u>	<u>300 feet</u>	<u>225 feet</u>	<u>150 feet</u>

<u>(high level of function)</u>			
<u>Habitat score from 6 to 7 points</u> <u>(moderate level of function)</u>	<u>150 feet</u>	<u>110 feet</u>	<u>75 feet</u>
<u>Category I wetlands not</u> <u>meeting any of the criteria</u> <u>above</u>	<u>100 feet</u>	<u>75 feet</u>	<u>50 feet</u>
<u>Category II</u>	-	-	-
<u>Estuarine</u>	<u>150 feet</u>	<u>110 feet</u>	<u>75 feet</u>
<u>Habitat score from 8 to 9 points</u> <u>(high level of function)</u>	<u>300 feet</u>	<u>225 feet</u>	<u>150 feet</u>
<u>Habitat score from 6 to 7 points</u> <u>(moderate level of function)</u>	<u>150 feet</u>	<u>110 feet</u>	<u>75 feet</u>
<u>Category II wetlands not</u> <u>meeting any of the criteria</u> <u>above</u>	<u>100 feet</u>	<u>75 feet</u>	<u>50 feet</u>
<u>Category III</u>	-	-	-
<u>Habitat score from 8 to 9 points</u> <u>(high level of function)</u>	<u>300 feet</u>	<u>225 feet</u>	<u>150 feet</u>
<u>Habitat score from 6 to 7 points</u> <u>(moderate level of function)</u>	<u>150 feet</u>	<u>110 feet</u>	<u>75 feet</u>
<u>Category III wetlands not</u> <u>meeting any of the criteria</u> <u>above</u>	<u>80 feet</u>	<u>60 feet</u>	<u>40 feet</u>

Category IV

50 feet

40 feet

25 feet

4104 2. For purposes of this subsection A., unless the director determines a lesser level
4105 of impact is appropriate based on information provided by the applicant, the intensity of
4106 impact of the adjacent land use is determined as follows:

4107 a. High impact includes:

4108 (1) sites zoned commercial or industrial;

4109 (2) commercial, institutional or industrial use on a site regardless of the
4110 zoning ((~~designation~~)) classification;

4111 (3) nonresidential use on a site zoned for residential use;

4112 (4) high-intensity active recreation use on a site regardless of zoning, such as
4113 golf courses, ball fields and similar use;

4114 (5) all sites within the Urban Growth Area; or

4115 (6) Residential zoning greater than one dwelling unit per acre;

4116 b. Moderate impact includes:

4117 (1) residential uses on sites zoned residential one dwelling unit per acre or less;

4118 (2) residential use on a site zoned rural area, agriculture or forestry;

4119 (3) agricultural uses without an approved farm management plan;

4120 (4) utility corridors or right-of-way shared by several utilities, including
4121 maintenance roads; or

4122 (5) moderate-intensity active recreation or open space use, such as paved trails,
4123 parks with biking, jogging and similar use; and

4124 c. Low impact includes:

4125 (1) forestry use on a site regardless of zoning ((~~designation~~)) classification;

4126 (2) passive recreation uses, such as unpaved trails, nature viewing areas, fishing
4127 and camping areas, and other similar uses that do not require permanent structures, on a site
4128 regardless of zoning;

4129 (3) agricultural uses carried out in accordance with an approved farm
4130 management plan and in accordance with K.C.C. 21A.24.045.D.53. and K.C.C.
4131 21A.24.045.D.54.; or

4132 (4) utility corridors without a maintenance road and little or no vegetation
4133 maintenance.

4134 B. The department may approve a modification of the minimum buffer width
4135 required by this section by averaging the buffer width if:

4136 1. The department determines that:

4137 a. the buffer averaging will improve wetland protection if the wetland has
4138 significant differences in characteristics that effect habitat functions, such as a wetland with
4139 a forested component adjacent to a degraded emergent component or a "dual-rated"
4140 wetland with a Category I area adjacent to a lower-rated area; or

4141 b. averaging includes the corridors of a wetland complex; and

4142 2. The resulting buffer meets the following standards ~~apply to groundwater wells~~

4143 ~~in:~~

4144 a. the total area of the buffer after averaging is equivalent to or greater than the
4145 area of the buffer before averaging;

4146 b. the additional buffer is contiguous with the standard buffer;

4147 c. the buffer at its narrowest point is never less than either seventy-five percent
4148 of the required width or seventy-five feet for Category I and II, fifty feet for Category III,
4149 and twenty-five feet for Category IV, whichever is greater;

4150 d. the averaged buffer will not result in degradation of wetland functions and
4151 values as demonstrated by a critical ~~aquifer recharge areas on Vashon-Maury~~
4152 ~~Island~~:area((s)) report from a qualified wetland professional; and

4153 ~~1. No new groundwater wells are permitted within a coastal high~~ e. the buffer
4154 is increased adjacent to the higher functioning area of habitat or more sensitive portion of
4155 the wetland and decreased adjacent to the lower-functioning or less-sensitive portion as
4156 demonstrated by a critical area((s)) report from a qualified wetland professional.

4157 C. Wetland buffer widths shall also be subject to modifications under the following
4158 special circumstances:

4159 1. For wetlands containing documented habitat for endangered, threatened or
4160 species of local importance, the following shall apply:

4161 a. the department shall establish the appropriate buffer, based on a habitat
4162 assessment, to ensure that the buffer provides adequate protection for the sensitive species;
4163 and

4164 b. the department may apply the buffer reduction rules in subsection C.6. of this
4165 section and the buffer averaging rules in subsection B. of this section;

4166 ~~2. For a wetland buffer that includes a steep slope hazard area, A rainwater~~
4167 ~~catchment system may be used~~ or landslide hazard area, the buffer width is the greater of
4168 the buffer width required by the wetland's category in this section or the top of the hazard
4169 area;

4170 3. For a wetland complex located outside the Urban Growth Area established by
4171 the King County Comprehensive Plan or located within the Urban Growth Area in a basin
4172 designated as an alternative water supply source "high" on the Basin and Shoreline
4173 Conditions Map, which is included as Attachment A to Ordinance 15051, the buffer width
4174 is determined as follows:

4175 a. the buffer width for a single family residence each individual wetland in the
4176 complex is the same width as the buffer width required for the category of wetland;

4177 b. if the buffer of a wetland within the complex does not touch or overlap with at
4178 least one other wetland buffer in the complex, a corridor is required from the buffer of that
4179 wetland to one other wetland buffer in the complex considering the following factors:

4180 (1) the corridor is designed to support maintaining viable wildlife species that
4181 are commonly recognized to exclusively or partially use wetlands and wetland buffers
4182 during a critical life cycle stage, such as breeding, rearing or feeding;

4183 (2) the corridor minimizes fragmentation of the wetlands;

4184 (3) higher category wetlands are connected through corridors before lower
4185 category wetlands; and

4186 (4) the corridor width is a least twenty-five percent of the length of the corridor,
4187 but no less than twenty-five feet in width; and

4188 (5) shorter corridors are preferred over longer corridors;

4189 c. wetlands in a complex that are connected by an aquatic area that flows
4190 between the wetlands are not required to be connected through a corridor;

4191 d. the department may exclude a wetland from the wetland complex if the
4192 applicant demonstrates that the wetland is unlikely to provide habitat for wildlife species

4193 that are commonly recognized to exclusively or partially use wetlands and wetland buffers
4194 during a critical life cycle stage, such as breeding, rearing or feeding; and
4195 e. the alterations allowed in a wetland buffer in K.C.C. 21A.24.045 are allowed
4196 in corridors subject to the same conditions and requirements of K.C.C. 13.04.070as
4197 wetland buffers as long as the alteration is designed so as not to disrupt wildlife movement
4198 through the corridor;

4199 4. Where a legally established roadway transects a wetland buffer, the department
4200 may approve a modification of the minimum required buffer width to the edge of the
4201 roadway if the part of the buffer on the other side of the roadway sought to be reduced:

4202 a. does not provide additional protection of the proposed development or the
4203 wetland; and

4204 b. provides insignificant biological, geological or hydrological buffer functions
4205 relating to the other portion of the buffer adjacent to the wetland;

4206 5. If the site has an approved rural stewardship plan under K.C.C. 21A.24.055, the
4207 buffer widths shall be established under the rural stewardship plan and shall not exceed the
4208 standard for a low impact land use, unless the department determines that a larger buffer is
4209 necessary to achieve no net loss of wetland ecological function; and

4210 6. The buffer widths required for proposed land uses with high intensity impacts
4211 to wetlands can be reduced to those required for moderate intensity impacts under the
4212 following conditions:

4213 a. For wetlands that score moderate or high for habitat, which means six points
4214 or higher, the width of the buffer can be reduced if both of the following criteria are met::

4215 ~~2. All new groundwater wells within the sea level rise risk area shall include a~~

4216 surface seal that prevents risks of saltwater contamination caused by sea level rise
 4217 conditions anticipated to occur over the next fifty years.

4218 (1) A relatively undisturbed vegetated corridor at least one-hundred feet wide
 4219 is protected between the wetland and any other Priority Habitats as defined by the
 4220 Washington state Department of Fish and Wildlife in the priority habitat and species list.
 4221 The corridor must be protected for the entire distance between the wetland and the
 4222 priority habitat and legally recorded via a conservation easement; and

4223 (2) Measures to minimize the impacts of different land uses on wetlands as
 4224 identified in subsection C.6.b. of this section are applied; and

4225 b. For wetlands that score low for habitat, which means less than six points, the
 4226 buffer width can be reduced to that required for moderate intensity impacts by applying
 4227 measures to minimize impacts of the proposed land uses, as follows:

<u>Disturbance</u>	<u>Measures to minimize impacts</u>
<u>Lights</u>	<u>Direct lights away from wetland.</u>
<u>Noise</u>	<u>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.</u>
<u>Toxic runoff</u>	<u>Route all new untreated runoff away from wetland while ensuring wetland is not dewatered. Establish covenants limiting use of</u>

	<u>pesticides within 150 feet of wetland. Apply integrated pest management.</u>
<u>Stormwater runoff</u>	<u>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.</u>
<u>Change in water regime</u>	<u>Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces and new lawns.</u>
<u>Pets and human disturbance</u>	<u>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.</u>
<u>Dust</u>	<u>Use best management practices to control dust.</u>

4228 D. The department may approve a modification to the buffers established in
4229 subsection A. of this section if the wetland was created or its characterization was upgraded
4230 as part of a voluntary enhancement or restoration project.

4231 E. If the site is located within the shoreline jurisdiction, the department shall
4232 determine that a proposal to reduce wetland buffers under this section will result in no net
4233 loss of shoreline ecological functions.

4234 SECTION 4471. Ordinance 3688, Section 303, as amended, and K.C.C.
4235 21A.25.050 are hereby amended to read as follows:

4236 A. The requirements of the shoreline master program apply to all uses and

4237 development occurring within the shoreline jurisdiction. The King County shoreline
4238 jurisdiction consists of(~~(=~~ shorelines, shorelines of statewide significance, and shorelands
4239 as defined in RCW 90.58.030 and K.C.C. chapter 21A.06, and the one-hundred-year
4240 floodplain.

4241 ~~1. All water areas of the state, as defined in RCW 90.58.030, including~~
4242 ~~reservoirs and associated wetlands, together with the lands underlying them, except for:~~
4243 ~~a. lakes smaller than twenty acres and their associated wetlands; and~~
4244 ~~b. segments of rivers and streams and their associated wetlands where the~~
4245 ~~mean annual flow is less than twenty cubic feet per second; and~~
4246 ~~2.a. The shorelands that extend landward in all directions as measured on a~~
4247 ~~horizontal plane for two hundred feet from the ordinary high water mark of the~~
4248 ~~waterbodies identified in subsection A.1. of this section;~~
4249 ~~b. the one hundred year floodplain and contiguous floodplain areas landward two~~
4250 ~~hundred feet from the one hundred year floodplain; and~~
4251 ~~c. all wetlands and river deltas associated with the streams, lakes and tidal~~
4252 ~~waters that are subject to chapter 90.58 RCW)) shorelines, shorelines of statewide
4253 significance, and shorelines as defined in RCW 90.58.030 and K.C.C. chapter 21A.06
4254 and the one hundred year floodplain.~~

4255 B. The shoreline jurisdiction does not include tribal reservation lands and lands
4256 held in trust by the federal government for tribes. Nothing in the King County
4257 ~~((S))~~shoreline ~~((M))~~master ~~((P))~~program or action taken under that program shall affect
4258 any treaty right to which the United States is a party.

4259 C. The lakes and segments of rivers and streams constituting the King County

4260 shoreline jurisdiction are set forth in Attachment ~~((K((--)))~~ H to ~~((Ordinance 17485 and as~~
4261 ~~amended by))~~ this ordinance. The King County shoreline jurisdiction is shown on a map
4262 adopted in chapter ~~((5))~~ 6 of the King County Comprehensive Plan. If there is a
4263 discrepancy between the map and the criteria established in subsection A. of this section,
4264 the criteria shall constitute the official King County shoreline jurisdiction. The county
4265 shall update the shoreline master program to reflect the new designation within three
4266 years of the discovery of the discrepancy.

4267 SECTION 4572. Ordinance ~~3688~~10870, Section ~~413~~539, as amended, and
4268 K.C.C. 21A.~~25.17032.020~~ are hereby amended to read as follows:

4269 ~~—A. Shoreline stabilization shall not be considered an outright use and shall be~~
4270 ~~permitted only when the department determines that shoreline protection is necessary for~~
4271 ~~the protection of existing legally established primary structures, new or existing non-~~
4272 ~~water dependent development, new or existing water dependent development or projects~~
4273 ~~restoring ecological functions or remediating hazardous substance discharges.~~
4274 ~~Vegetation, berms, bioengineering techniques and other nonstructural alternatives that~~
4275 ~~preserve the natural character of the shore shall be preferred over riprap, concrete~~
4276 ~~revetments, bulkheads, breakwaters and other structural stabilization. Riprap using rock~~
4277 ~~or other natural materials shall be preferred over concrete revetments, bulkheads,~~
4278 ~~breakwaters and other structural stabilization. Lesser impacting measures should be used~~
4279 ~~before more impacting measures.~~

4280 ~~—A. ((With the exception of)) This chapter shall apply to all nonconformances,~~
4281 except:

4282 1. ((n))Nonconforming ((extractive)) operations ((identified in)) regulated by
4283 K.C.C. chapter 21A.22((, all nonconformances shall be ~~—B.~~ Structural shoreline
4284 stabilization may be permitted subject to the standards in provisions of this chapter)); and
4285 as follows:
4286 ~~—1.~~ The applicant provides a geotechnical analysis that demonstrates that erosion
4287 from waves or currents is imminently threatening or that, unless the structural shoreline
4288 stabilization is constructed, damage is expected to occur within three years;
4289 ~~—~~ 2. The erosion is not caused by upland conditions;
4290 Fossil fuel facilities regulated ~~—3.~~ The proposed structural shoreline protection will
4291 provide greater protection than feasible, nonstructural alternatives such as slope drainage
4292 systems, vegetative growth stabilization, gravel berms and beach nourishment;
4293 ~~—~~ 4. The proposal is the minimum necessary to protect existing legally established
4294 primary structures, new or existing non-water dependent development, new or existing
4295 water dependent development or projects restoring ecological functions or remediating
4296 hazardous substance discharges; and
4297 ~~—~~ 5. Adequate mitigation measures will be provided to maintain existing shoreline
4298 processes and critical fish and wildlife habitat and ensure no net loss or function of
4299 intertidal or riparian habitat.
4300 ~~—C.~~ Shoreline stabilization to replace existing shoreline stabilization shall be
4301 placed landward of the existing shoreline stabilization, but may be placed waterward
4302 directly abutting the old structure only in cases where removal of the old structure would
4303 result in greater impact on ecological functions. In critical saltwater habitats, existing
4304 shoreline stabilization shall not be allowed to remain in place if the existing shoreline

4305 stabilization is resulting in the loss of ecological functions. Adequate mitigation
4306 measures that maintain existing shoreline processes and critical fish and wildlife habitat
4307 must be provided that ensures no net loss or function of intertidal or riparian habitat.

4308 ~~———— D. The maximum height of the proposed shoreline stabilization shall be~~
4309 ~~no more than one foot above the elevation of extreme high water on tidal waters, as~~
4310 ~~determined by the National Ocean Survey published by the National Oceanic and~~
4311 ~~Atmospheric Administration, or four feet in height on lakes~~ K.C.C. 21A.08.100.

4312 ~~———— E. Shoreline stabilization is prohibited along feeder bluffs and critical saltwater~~
4313 ~~habitat, unless a geotechnical report demonstrates an imminent danger to a legally~~
4314 ~~established structure or public improvement. If allowed, shoreline stabilization along~~
4315 ~~feeder bluffs and critical saltwater habitat must be designed to have the least impact on~~
4316 ~~these resources and on sediment conveyance systems.~~

4317 ~~———— F. Shoreline stabilization shall minimize the adverse impact on the~~ B.
4318 This chapter does not supersede or relieve a property owner from compliance with((:
4319 1. The International Building and Fire Codes; or
4320 2. The provisions of other this code beyond the specific nonconformance
4321 addressed by this chapter)) local, state and federal regulations and laws that apply to the
4322 maximum extent practical property and structures and uses thereon.

4323 ~~———— G. Shoreline stabilization shall not be used to create new lands.~~

4324 ~~———— H. Shoreline stabilization shall not interfere with surface or subsurface drainage~~
4325 ~~into the water body.~~

4326 ~~———— I. Automobile bodies or other junk or waste material that may release undesirable~~
4327 ~~material shall not be used for shoreline stabilization.~~

4328 ~~J. Shoreline stabilization shall be designed so as not to constitute a hazard to~~
4329 ~~navigation and to not substantially interfere with visual access to the water.~~

4330 ~~K. Shoreline stabilization shall be designed so as not to create a need for~~
4331 ~~shoreline stabilization elsewhere.~~

4332 ~~L. Shoreline stabilization shall comply with the Integrated Stream Protection~~
4333 ~~Guidelines (Washington state departments of Fish and Wildlife, Ecology and~~
4334 ~~Transportation, 2003) and shall be designed to allow for appropriate public access to the~~
4335 ~~shoreline.~~

4336 ~~M. The department shall provide a notice to an applicant for new development or~~
4337 ~~redevelopment located within the shoreline jurisdiction on Vashon and Maury Island or~~
4338 ~~the sea level rise risk area that the development may be impacted by sea level rise and~~
4339 ~~recommend that the applicant voluntarily consider setting the development back further~~
4340 ~~than required by this title to allow for future sea level rise.~~

4341 SECTION 4673. Ordinance 13274, Section 1, as amended, and K.C.C.
4342 21A.37.010 are hereby amended to read as follows:

4343 A. The purpose of the transfer of development rights program is to transfer
4344 residential density from eligible sending sites to eligible receiving sites through a
4345 voluntary process that permanently preserves urban, rural((r)) and resource lands, urban
4346 lands located in equity areas, ((and urban separator)) lands that provide a public benefit.
4347 The TDR provisions are intended to supplement land use regulations, resource protection
4348 efforts and open space acquisition programs and to encourage increased residential
4349 development density or increased commercial square footage, especially inside cities,
4350 where it can best be accommodated with the least impacts on the natural environment and

4351 public services by:

4352 1. Providing an effective and predictable incentive process for property owners
4353 of rural, resource and urban separator land to preserve lands with a public benefit as
4354 described in K.C.C. 21A.37.020; and

4355 2. Providing an efficient and streamlined administrative review system to ensure
4356 that transfers of development rights to receiving sites are evaluated in a timely way and
4357 balanced with other county goals and policies, and are adjusted to the specific conditions
4358 of each receiving site.

4359 B. The TDR provisions in this chapter shall only apply to TDR receiving site
4360 development proposals submitted on or after September 17, 2001, and applications for
4361 approval of TDR sending sites submitted on or after September 17, 2001.

4362 SECTION 4774. Ordinance 13274, Section 4, as amended, and K.C.C.
4363 21A.37.020 are hereby amended to read as follows:

4364 A. For the purpose of this chapter, sending site means the entire tax lot or lots
4365 qualified under ~~((subsection B. of))~~ this ~~section~~subsection. Sending sites ~~((may only be~~
4366 ~~located within rural or resource lands, or urban separator areas, or areas with urban~~
4367 ~~residential medium land use designations~~R-1 zoning, as designated by the King County
4368 Comprehensive Plan ~~and that meet the criteria in subsection B. of this section, and shall~~
4369 ~~meet)) shall:~~

4370 1. Contain a public benefit such that preservation of that benefit by transferring
4371 residential development rights to another site is in the public interest;

4372 2. Meet at least one of the following criteria:

4373 a. designation in the King County Comprehensive Plan or a functional plan as

4374 an agricultural production district or zoned A;
4375 b. designation in the King County Comprehensive Plan or a functional plan as
4376 forest production district or zoned F;
4377 c. designation in the King County Comprehensive Plan as Rural Area, zoned
4378 RA-2.5, RA-5 or RA-10, and meeting the definition in RCW 84.34.020 of open space, of
4379 farm and agricultural land or of timber land;
4380 d. designation in the King County Comprehensive Plan or a functional plan as
4381 a proposed Rural Area or Natural Resource Land regional trail or Rural Area or Natural
4382 Resource Land open space site, through either:
4383 (1) designation of a specific site; or
4384 (2) identification of proposed Rural Area or Natural Resource Land regional
4385 trail or Rural Area or Natural Resource Land open space sites which meet adopted
4386 standards and criteria, and for Rural Area or Natural Resource Land open space sites,
4387 meet the definition of open space land, as defined in RCW 84.34.020;
4388 e. identification as habitat for federally listed endangered or threatened species
4389 in a written determination by the King County department of natural resources and parks,
4390 Washington state Department of Fish and Wildlife, United States Fish and Wildlife
4391 Services or a federally recognized tribe that the sending site is appropriate for
4392 preservation or acquisition;
4393 f. designation in the King County Comprehensive Plan as urban separator and
4394 zoned R-1; or
4395 g.(1) designation in the King County Comprehensive Plan as urban residential
4396 medium or urban residential high;

4397 (2) zoned R-4, R-6, R-8, R-12, R-18, R-24 or R-48; and
4398 (3) approved for conservation futures tax funding by the King County
4399 council;
4400 3. Consist of one or more contiguous lots that have a combined area that meets
4401 or exceeds the minimum lot area for construction requirements in K.C.C. 21A.12.100 for
4402 the zone in which the sending site is located. ~~Except~~For purposes of this subsection, lots
4403 divided by a street are considered contiguous if the lots would share a common lot line if
4404 the street was removed. This provision may be waived by the interagency committee if
4405 the total acreage of a rural or resource sending site application exceeds one hundred
4406 acres; and
4407 4. Not be in public ownership, ((E))except:
4408 a. as provided in K.C.C. 21A.37.110.C., ((, or));
4409 b. for lands zoned RA that are managed by the Washington state Department
4410 of Natural Resources as state grant or state forest lands~~or lands that are managed by King~~
4411 ~~County for purposes of residential or commercial development, ((, land in public~~
4412 ~~ownership may not be sending sites. If the sending site consists of more than one tax lot,~~
4413 ~~the lots must be contiguous and the area of the combined lots must meet the minimum lot~~
4414 ~~area for construction requirements in K.C.C. 21A.12.100 for the zone in which the~~
4415 ~~sending site is located. For purposes of this section, lots divided by a street are~~
4416 ~~considered contiguous if the lots would share a common lot line if the street was~~
4417 ~~removed; this provision may be waived by the interagency committee if the total acreage~~
4418 ~~of a rural or resource sending site application exceeds one hundred acres. A sending site~~
4419 ~~shall be maintained in a condition that is consistent with the criteria in this section under~~

4420 which the sending was qualified.

4421 B. Qualification of a sending site shall demonstrate that the site contains a public
4422 benefit such that preservation of that benefit by transferring residential development
4423 rights to another site is in the public interest. A sending site must meet at least one of the
4424 following criteria:

4425 1. Designation in the King County Comprehensive Plan or a functional plan as
4426 an agricultural production district or zoned A;

4427 2. Designation in the King County Comprehensive Plan or a functional plan as
4428 forest production district or zoned F;

4429 3. Designation in the King ~~((Count))~~ County Comprehensive Plan as ~~((rural~~
4430 ~~residential))~~ Rural Area, zoned RA 2.5, RA 5 or RA 10, and meeting the definition in
4431 RCW 84.34.020 of open space, farm and agricultural land, or timber land;

4432 4. Designation in the King County Comprehensive Plan, or a functional plan as
4433 a proposed ~~((r))~~ Rural Area ~~rural~~ or Natural ((r))Resource ~~((resource area))~~ Land regional
4434 trail or ~~((r))~~ Rural Area ~~rural~~ or Natural ((r))Resource ~~((resource area))~~ Land open space
4435 site, through either:

4436 a. designation of a specific site; or

4437 b. identification of proposed ~~((r))~~ Rural Area ~~rural~~ or Natural ((r))Resource
4438 ~~((resource area))~~ Land regional trail or ~~((r))~~ Rural Area ~~rural~~ or Natural ((r))Resource
4439 ~~((resource area))~~ Land open space sites which meet adopted standards and criteria, and
4440 for ~~((r))~~ Rural Area ~~rural~~ or Natural ((r))Resource ~~((resource area))~~ Land open space sites,
4441 meet the definition of open space land, as defined in RCW 84.34.020;

4442 5. Identification as habitat for federal listed endangered or threatened species in

4443 a written determination by the King County department of natural resources and parks,
4444 Washington state Department of Fish and Wildlife, United States Fish and Wildlife
4445 Services or a federally recognized tribe that the sending site is appropriate for
4446 preservation or acquisition; ~~((or))~~

4447 6. ~~Designation in the King County Comprehensive Plan as urban separator and~~
4448 ~~zoned R-1;))~~; or

4449 ~~7. Designation in the King County Comprehensive Plan as urban residential~~
4450 ~~medium and located in an equity area identified by the county per King County Code~~
4451 ~~Chapter 26.12 that is approved for Conservation Futures Tax funding and zoned R-4, R-~~
4452 ~~6, R-8, or R-12.~~

4453 ~~c. for lands that are managed by King County for purposes of~~
4454 ~~residential or commercial development.~~

4455 ~~((C:))~~ B. For the purposes of the TDR program, acquisition means obtaining fee
4456 simple rights in real property; ~~((:))~~ or a ~~((less than a fee simple))~~ property right in a form
4457 that preserves in perpetuity the public benefit supporting the designation or qualification
4458 of the property as a sending site. A sending site shall be maintained in a condition that is
4459 consistent with the criteria in this section under which the sending was qualified.

4460 ~~((D:))~~ C. If a sending site has any outstanding code violations, the person
4461 responsible for code compliance should resolve these violations, including any required
4462 abatement, restoration, or payment of civil penalties, before a TDR sending site may be
4463 qualified by the interagency review committee created under K.C.C. 21A.37.070.

4464 However, the interagency may qualify and certify a TDR sending site with outstanding
4465 code violations if the person responsible for code compliance has made a good faith

4466 effort to resolve the violations and the proposal is in the public interest.

4467 ~~((E.))~~ D. For lots on which the entire lot or a portion of the lot has been cleared or
4468 graded in accordance with a Class II, III or IV special forest practice as defined in chapter
4469 76.09 RCW within the six years ~~((prior to))~~ before application as a TDR sending site, the
4470 applicant must provide an affidavit of compliance with the reforestation requirements of
4471 the Forest Practices Act, and any additional reforestation conditions of their forest
4472 practice permit. Lots on which the entire lot or a portion of the lot has been cleared or
4473 graded without any required forest practices or county authorization, shall be not
4474 qualified or certified as a TDR sending site for six years unless the six-year moratorium
4475 on development applications has been lifted or waived or the landowner has a
4476 reforestation plan approved by the Washington state Department of Natural Resources
4477 and King County.

4478 SECTION 4875. Ordinance 13274, Section 6, as amended, and K.C.C.
4479 21A.37.040 are hereby amended to read as follows:

4480 A. The number of residential development rights that an unincorporated sending
4481 site is eligible to send to a receiving site shall be determined by applying the TDR
4482 sending site base density established in subsection D. of this section to the area of the
4483 sending site, after deducting the area associated with any existing development, any
4484 retained development rights and any portion of the sending site already in a conservation
4485 easement or other similar encumbrance. For each existing dwelling unit or retained
4486 development right, the sending site area shall be reduced by an area equivalent to the base
4487 density for that zone under K.C.C. 21A.12.030.

4488 B. Any fractions of development rights that result from the calculations in

4489 subsection A. of this section shall not be included in the final determination of total
4490 development rights available for transfer.

4491 C. For purposes of calculating the amount of development rights a sending site
4492 can transfer, the amount of land contained within a sending site shall be determined as
4493 follows:

4494 1. If the sending site is an entire tax lot, the square footage or acreage shall be
4495 determined:

4496 a. by the King County department of assessments records; or

4497 b. by a survey funded by the applicant that has been prepared and stamped by a
4498 surveyor licensed in the state of Washington; and

4499 2. If the sending site consists of a lot that is divided by a zoning boundary, the
4500 square footage or acreage shall be calculated separately for each zoning classification.

4501 The square footage or acreage within each zoning classification shall be determined by
4502 the King County record of the action that established the zoning and property lines, such
4503 as an approved lot line adjustment. When such records are not available or are not
4504 adequate to determine the square footage or acreage within each zoning classification, the
4505 department of local services, permitting division, shall calculate the square footage or
4506 acreage through the geographic information system (GIS) mapping system.

4507 D. For the purposes of the transfer of development rights (TDR) program only,
4508 the following TDR sending site base densities apply:

4509 1. Sending sites designated in the King County Comprehensive Plan as urban
4510 separator and zoned R-1 shall have a base density of four dwelling units per acre;

4511 2. Sending sites zoned RA-2.5 shall have a base density of one unit for each two

4512 and one-half acres. Sending sites zoned RA-2.5 that are vacant and are smaller than 1.25
4513 acres shall be allocated one additional TDR for each vacant lot that is smaller than 1.25
4514 acres;

4515 3. Sending sites zoned RA-5 or RA-10 shall have a base density of one dwelling
4516 unit per five acres. Vacant sending sites that are zone RA-5 and are smaller than two and
4517 one-half acres or that are zoned RA-10 and are smaller than five acres shall be allocated
4518 ~~((one))~~ one additional TDR for each vacant lot that is smaller than two and one-half acres
4519 or five acres, respectively;

4520 4. Sending sites zoned RA and that have a designation under the King County
4521 Shoreline Master Program of conservancy or natural shall be allocated one additional
4522 TDR;

4523 5. Sending sites zoned A-10 and A-35 shall have a base density of one dwelling
4524 unit per five acres for transfer purposes only;

4525 6. Sending sites zoned F within the forest production district shall have a base
4526 density of one dwelling unit per eighty acres or one dwelling unit per each lot that is
4527 between fifteen and eighty acres in size; or

4528 7. Sending sites in the urban unincorporated area that meet the criteria in K.C.C.
4529 21A.37.020.B.7A.2.g. shall be allocated TDRs that are equivalent to the zoning base
4530 density established in K.C.C. 21A.12.030 for every one acre of gross land area.

4531 E. A sending site zoned RA, A or F may send one development right for every
4532 legal lot larger than five thousand square feet that was created on or before September 17,
4533 2001, if that number is greater than the number of development rights determined under
4534 subsection A. of this section. A sending site zoned R-1 may send one development right

|
4535 for every legal lot larger than two thousand five hundred square feet that was created on
4536 or before September 17, 2001, if that number is greater than the number of development
4537 rights determined under subsection A. of this section.

4538 F. The number of development rights that a King County unincorporated rural or
4539 natural resources land sending site is eligible to send to a King County incorporated
4540 urban area receiving site shall be determined through the application of a conversion ratio
4541 established by King County and the incorporated municipal jurisdiction. The conversion
4542 ratio will be applied to the number of available sending site development rights
4543 determined under subsection A. or E. of this section.

4544 G. Development rights from one sending site may be allocated to more than one
4545 receiving site and one receiving site may accept development rights from more than one
4546 sending site.

4547 H. The determination of the number of residential development rights a sending
4548 site has available for transfer to a receiving site shall be valid for transfer purposes only,
4549 shall be documented in a TDR qualification report prepared by the department of natural
4550 resources and parks and sent to the applicant. The qualification report and shall be
4551 considered a final determination, not to be revised due to changes to the sending site's
4552 zoning, and shall be valid unless conditions on the sending site property that would affect
4553 the number of development rights the sending site has available for transfer have
4554 changed.

4555 I. Each residential transferable development right that originates from a sending
4556 site zoned RA, A or F shall be designated "Rural" and is equivalent to two additional
4557 units above base density in eligible receiving sites located in unincorporated urban King

4558 County. Each residential transferable development right that originates from a sending
4559 site zoned R-1 urban separator shall be designated "Urban" and is equivalent to one
4560 additional unit above base density. Each residential transferable development right that
4561 originates from a sending site in urban unincorporated area lands meeting the criteria in
4562 K.C.C. 21A.37.020.B-7A.2.g. shall be designated "Urban" and is equivalent to one
4563 additional unit above the base density.

4564 SECTION 4976. Ordinance 13274, Section 7, as amended, and K.C.C.
4565 21A.37.070 are hereby amended to read as follows:

4566 A. An interagency review committee, chaired by the department of local services
4567 permitting division manager and the director of the department of natural resources and
4568 parks, or designees, shall be responsible for qualification of sending sites.

4569 Determinations on sending site certifications made by the committee are appealable to the
4570 examiner under K.C.C. 20.22.040. The department of natural resources and parks shall
4571 be responsible for preparing a TDR qualification report, which shall be signed by the
4572 director of the department of natural resources and parks or designee, documenting the
4573 review and decision of the committee. The qualification report shall:

4574 1. Specify all deficiencies of an application, if the decision of the committee is
4575 to disqualify the application;

4576 2. For all qualifying applications, provide a determination as to whether or not
4577 additional residential dwelling units and associated accessory units may be
4578 accommodated in accordance with K.C.C. 21A.37.050.A.; and

4579 3. Be issued a TDR certification letter within sixty days of the date of submittal
4580 of a completed sending site certification application.

4581 B. Responsibility for preparing a completed application rests exclusively with the
4582 applicant. Application for sending site certification shall include:

4583 1. A legal description of the site;

4584 2. A title report;

4585 3. A brief description of the site resources and public benefit to be preserved;

4586 4. A site plan showing the existing and proposed dwelling units, nonresidential
4587 structures, driveways, submerged lands and any area already subject to a conservation
4588 easement or other similar encumbrance;

4589 5. Assessors map or maps of the lot or lots;

4590 6. A statement of intent indicating whether the property ownership, after TDR
4591 certification, will be retained in private ownership or dedicated to King County or another
4592 public or private nonprofit agency;

4593 7. Any or all of the following written in conformance with criteria established
4594 through a public rule consistent with K.C.C. chapter 2.98, if the site is qualifying as
4595 habitat for a threatened or endangered species:

4596 a. a wildlife habitat conservation plan;

4597 b. a wildlife habitat restoration plan; or

4598 c. a wildlife present conditions report;

4599 8. If the site qualifies as an urban unincorporated area sending site meeting the

4600 criteria in K.C.C. 21A.37.020.B.7:A.2.g.:

4601 ~~_____ a. demonstration that the site is located in an equity area as defined in K.C.C.~~

4602 ~~26.12.003; and~~

4603 ~~===== b. confirmation of Conservation Futures Tax award;~~

4604 9. A forest stewardship plan, written in conformance with criteria established
4605 through a public rule consistent with K.C.C. chapter 2.98, if required under K.C.C.
4606 21A.37.060.B.3. and 6.;

4607 ~~((9-))~~ 10. An affidavit of compliance with the reforestation requirements of the
4608 Forest Practices Act and any additional reforestation conditions of the forest practices
4609 permit for the site, if required under K.C.C. 21A.37.020-~~((E))~~D.;

4610 ~~((10-))~~ 11. A completed density calculation worksheet for estimating the number
4611 of available development rights; and

4612 ~~((11-))~~ 12. The application fee consistent with K.C.C. ~~((27.36.020))~~ 27.10.170.

4613 SECTION 5077. Ordinance 13733, Section 8, as amended, and K.C.C.
4614 21A.37.100 are hereby amended to read as follows:

4615 The purpose of the TDR bank is to assist in the implementation of the transfer of
4616 development rights (TDR) program by bridging the time gap between willing sellers and
4617 buyers of development rights by purchasing and selling development rights, purchasing
4618 conservation easements, and facilitating interlocal TDR agreements with cities in King
4619 County through the provision of amenity funds. The TDR bank may acquire
4620 development rights and conservation easements only from sending sites located in the
4621 rural area or in an agricultural or forest ~~((production district as designated))~~ land use
4622 designation in the King County Comprehensive Plan, or in the urban unincorporated area
4623 only from sites meeting the criteria in K.C.C. 21A.37.020.B.7A.2.g. Development rights
4624 purchased from the TDR bank may only be used for receiving sites in cities or in the
4625 urban unincorporated area as designated in the King County Comprehensive Plan.

4626 SECTION 5478. Ordinance 13733, Section 10, as amended, and K.C.C.

4627 21A.37.110 are hereby amended to read as follows:

4628 A. The TDR bank may purchase development rights from qualified sending sites
4629 at prices not to exceed fair market value and to sell development rights at prices not less
4630 than fair market value, except as allowed in K.C.C. 21A.37.130. The TDR bank may
4631 accept donations of development rights from qualified TDR sending sites.

4632 B. The TDR bank may purchase a conservation easement only if the property
4633 subject to the conservation easement is qualified as a sending site as evidenced by a TDR
4634 qualification report, the conservation easement restricts development of the sending site
4635 in the manner required by K.C.C. 21A.37.060 and the development rights generated by
4636 encumbering the sending site with the conservation easement are issued to the TDR bank
4637 at no additional cost.

4638 C. Any development rights, generated by encumbering property with a
4639 conservation easement, may be issued to the TDR bank if:

4640 1.a. The conservation easement is acquired through a county park, open space,
4641 trail, agricultural, forestry or other natural resource acquisition program for a property
4642 that is qualified as a TDR sending site as evidenced by a TDR qualification report; or

4643 b. the property is acquired by the county with the intent of conveying the
4644 property encumbered by a reserved conservation easement. The number of development
4645 rights generated by this reserved conservation easement shall be determined by the TDR
4646 qualification report; and

4647 2. Under either subsection C.1.a. or b. of this section, there will be no additional
4648 cost to the county for acquiring the development rights.

4649 D. The TDR bank may use funds to facilitate development rights transfers.
4650 These expenditures may include, but are not limited to, establishing and maintaining
4651 internet web pages, marketing TDR receiving sites, procuring title reports and appraisals
4652 and reimbursing the costs incurred by the department of natural resources and parks,
4653 water and land resources division, or its successor, for administering the TDR bank fund
4654 and executing development rights purchases and sales.

4655 E. The TDR bank fund may be used to cover the cost of providing staff support
4656 for identifying and qualifying sending and receiving sites, and the costs of providing staff
4657 support for the TDR interagency review committee.

4658 F. Upon approval of the TDR executive board, proceeds from the sale of TDR
4659 bank development rights shall be available for acquisition of additional development
4660 rights and as amenity funds to facilitate interlocal TDR agreements with cities in King
4661 County and for projects in receiving areas located in urban unincorporated King County.
4662 Amenity funds provided to a city from the sale of TDR bank development rights to that
4663 city are limited to one-third of the proceeds from the sale.

4664 SECTION 79. Ordinance 13733, Section 12, as amended, and K.C.C.
4665 21A.37.130 are hereby amended to read as follows:

4666 A. The sale of development rights by the TDR bank shall be at a price that equals
4667 or exceeds the fair market value of the development rights, unless the development rights
4668 are to be used to provide units over one hundred fifty percent of base density in
4669 accordance with K.C.C. 21A.12.030.B.27.b., in which case the development rights shall
4670 be sold at the administrative cost incurred by the county or fifteen percent of the fair
4671 market value of the development rights, whichever is less. The fair market value of the

4672 development rights shall be established by the department of natural resources and shall
4673 be based on the amount the county paid for the development rights and the prevailing
4674 market conditions.

4675 B. When selling development rights, the TDR bank may select prospective
4676 purchasers based on the price offered for the development rights, the number of
4677 development rights offered to be purchased, and the potential for the sale to achieve the
4678 purposes of the TDR program.

4679 C. The TDR bank may sell development rights only in whole or half increments
4680 to incorporated receiving sites through an interlocal agreement or, after the county enacts
4681 legislation that complies with chapter 365-198 WAC, to incorporated receiving sites in a
4682 city that has enacted legislation that complies with chapter 365-198 WAC. The TDR
4683 bank may sell development rights only in whole increments to unincorporated King
4684 County receiving sites.

4685 D. All offers to purchase development rights from the TDR bank shall be in
4686 writing, shall include a certification that the development rights, if used, shall be used
4687 only inside an identified city or within the urban unincorporated area, include a minimum
4688 ten percent down payment with purchase option, shall include the number of
4689 development rights to be purchased, location of the receiving site, proposed purchase
4690 price and the required date or dates for completion of the sale, not later than three years
4691 after the date of receipt by King County of the purchase offer.

4692 E. Payment for purchase of development rights from the TDR bank shall be in
4693 full at the time the development rights are transferred unless otherwise authorized by the
4694 department of natural resources and parks.

4695 SECTION 80. Ordinance 10870, Section 577, as amended, and K.C.C.
4696 21A.38.040 are hereby amended to read as follows:

4697 Special district overlays shall be (~~designated~~) classified on the official (~~area~~)
4698 zoning map(~~s~~) and as a notation in the department's electronic parcel record, as follows:

4699 A. A special district overlay shall be (~~designated~~) classified through the area
4700 zoning process as provided in K.C.C. chapters 20.12 and 20.18. (~~Designation~~)
4701 Classification of an overlay district shall include policies that prescribe the purposes and
4702 location of the overlay;

4703 B. A special district overlay shall be applied to land through an area zoning
4704 process as provided in K.C.C. chapters 20.12 and 20.18 and shall be indicated on the
4705 zoning map and as a notation in the department's electronic parcel record and shall be
4706 designated in Appendix B of Ordinance 12824 as maintained by the department of local
4707 services, permitting division, with the suffix "-SO" following the map symbol of the
4708 underlying zone or zones;

4709 C. The special district overlays in this chapter are the only overlays authorized by
4710 the code. New or amended overlays to carry out new or different goals or policies shall
4711 be adopted as part of this chapter and be available for use in all appropriate community,
4712 subarea or neighborhood planning areas;

4713 D. The special district overlays in this chapter may waive, modify and substitute
4714 for the range of permitted uses and development standards established by this title for any
4715 use or underlying zone;

4716 E. Unless they are specifically modified by this chapter, the standard
4717 requirements of this title and other county ordinances and regulations govern all
4718 development and land uses within special district overlays;

4719 F. A special district overlay on an individual site may be modified by property-
4720 specific development standards as provided in K.C.C. 21A.38.030;

4721 G. A special district overlay may not be deleted by a zone reclassification; and

4722 H. Special district overlay development standards may be modified or waived
4723 through the consideration of a variance, subject to the variance criteria in K.C.C.
4724 21A.44.030.

4725 SECTION 81. Ordinance 10870, Section 578, as amended, and K.C.C.
4726 21A.38.050 are hereby amended to read as follows:

4727 A. The purpose of the pedestrian-oriented commercial development special
4728 district overlay is to provide for high-density, pedestrian-oriented retail ((/)) and
4729 employment uses. The ((P))pedestrian-oriented commercial districts shall only be
4730 established in areas designated ((~~within a community, subarea, or neighborhood plan as~~
4731 ~~an urban activity center~~)) as a center on the adopted Urban Centers map of the King
4732 County Comprehensive Plan and zoned CB, RB or O.

4733 B. Permitted uses shall be those uses permitted in the underlying zone, excluding
4734 the following:

- 4735 1. Motor vehicle, boat and mobile home dealer;
- 4736 2. Gasoline service station;
- 4737 3. ~~((Drive-through retail and service uses))~~ Uses with drive-through facilities,
4738 except SIC Industry Number 5812 (Eating places) in buildings existing before July 2017;

- 4739 4. ~~((Car washes;))~~ SIC Industry Group 598 (Fuel dealers);
- 4740 5. ~~((Retail and service uses))~~ Uses with outside storage, e.g. lumber yards,
- 4741 miscellaneous equipment rental or machinery sales;
- 4742 6. ~~((Wholesale uses))~~ Bulk retail;
- 4743 7. Recreation/cultural uses as set forth in K.C.C. 21A.08.040, except parks,
- 4744 sports clubs, theaters, libraries and museums;
- 4745 8. SIC Major Group 75 (Automotive repair, services and parking) except 7521
- 4746 (automobile parking; but excluding tow-in parking lots);
- 4747 9. SIC Major Group 76 (Miscellaneous repair services), except 7631 (Watch,
- 4748 clock and jewelry repair);
- 4749 10. SIC Major Group 78 (Motion pictures); ~~((; except 7832 (theater) and 7841~~
- 4750 ~~(video tape rental);))~~);
- 4751 11. SIC Major Group 80 (Health services), except offices and outpatient clinics
- 4752 (801-804);
- 4753 12. SIC Industry Group 421 (Trucking and courier service);
- 4754 13. Public agency ~~archives;~~ archive((s));
- 4755 14. Self-service storage;
- 4756 15. Manufacturing land uses as set forth in K.C.C. 21A.08.080, except SIC
- 4757 Industry Code 2759 (Commercial printing); ~~((and))~~
- 4758 16. Resource land uses as set forth in K.C.C. 21A.08.090;
- 4759 17. SIC Industry Code 7261 (Funeral home/crematory);
- 4760 18. Cemetery, columbarium or mausoleum;
- 4761 19. Interim recycling facility;

4762 20. Utility facility, except underground water, gas or wastewater pipelines; and

4763 21. Vector waste receiving facility; and.

4764 ~~22. SIC Industry Group 598 (Fuel dealers).~~

4765 C. The following development standards shall apply to ~~((uses))~~ development

4766 located in pedestrian-oriented commercial overlay districts:

4767 1. ~~((Every use shall be subject to pedestrian-oriented use limitations and street~~
4768 ~~facade development standards (e.g. placement and orientation of buildings with respect to~~
4769 ~~streets and sidewalks, arcades or marquees) identified and adopted through an applicable~~
4770 ~~community, subarea or, neighborhood plan, or the area zoning process;~~

4771 2.)) For properties that have frontage on ~~((pedestrian street(s) or routes as~~
4772 ~~designated in an applicable plan or area zoning process))~~ a public street, the following
4773 conditions shall apply:

4774 a. main building entrances shall be oriented to the ~~((pedestrian))~~ public street;

4775 b. at the ground floor (at grade), buildings shall be located no more than ~~((5))~~
4776 five feet from the sidewalk or sidewalk improvement, but shall not encroach on the
4777 public right-of-way. For buildings existing before ~~of the effective date of this section of~~
4778 this ordinance with setbacks greater than five feet and that have substantial improvements
4779 made to them after the effective date of this ~~section of this~~ ordinance, a minimum five-
4780 foot-wide pedestrian walkway shall be constructed that connects the main building
4781 entrance to the public sidewalk or sidewalk improvement;

4782 c. building facades shall comprise at least ~~((75%))~~ seventy-five percent of the
4783 total ~~((pedestrian))~~ street frontage for a property and if applicable, at least ~~((75%))~~
4784 seventy-five percent of the total pedestrian route frontage for a property;

4785 d. minimum ~~((side))~~ interior setbacks of the underlying zoning are waived;

4786 e. building facades ~~((of ground floor retail, general business service, and~~
4787 ~~professional office land uses))~~ that front onto a ~~((pedestrian))~~ street ~~((or route))~~ shall
4788 ~~((include))~~ incorporate windows into at least thirty percent of the building facade surface
4789 area and overhead protection ~~above all~~ along at least fifty percent of length of the building
4790 entrances facade;

4791 f. ground floor building facades ~~((along a pedestrian street or route,))₂~~ that are
4792 ~~without ornamentation or are))~~ shall include ornamentation such as decorative
4793 architectural treatments or finishes, pedestrian scale lighting, and window and door trim;
4794 and

4795 g. buildings facades shall not be comprised of uninterrupted glass curtain walls
4796 or mirrored glass ~~((are not permitted;))~~; ~~((and))~~

4797 ~~((g.))~~ 2. vehicle access shall be limited to the rear access alley or rear access
4798 street where such an alley or street exists~~((-))~~;

4799 3. Floor/lot area ratio shall not exceed 5:1, including the residential component
4800 of mixed use developments, but not including parking structures;

4801 4. Building setback and height requirements may be waived through the
4802 application of residential density incentives under K.C.C. chapter 21A.34 or the transfer
4803 of development rights under K.C.C. chapter 21A.37, except for areas within fifty feet of
4804 the perimeter of any special district overlay area abutting an R-12 or lower density
4805 residential zone;

4806 5. The landscaping requirements of K.C.C. chapter 21A.16 ~~((may be waived if~~
4807 ~~landscaping conforms to a special district overlay landscaping plan adopted as part of the~~

4808 area zoning. ~~The overlay district landscaping plan shall include features addressing street~~
4809 ~~trees, and other design amenities (e.g. landscaped plazas or parks))~~ shall apply to all new
4810 development and to buildings existing before the effective date of this ~~section of this~~
4811 ordinance that have substantial improvements made to them after the effective date of
4812 this section of this ordinance; and

4813 6. ~~((On designated pedestrian streets, sidewalk width requirements shall be~~
4814 ~~increased to a range of ten to twelve feet wide including sidewalk landscaping and other~~
4815 ~~amenities. The sidewalk widths exceeding the amount required in the King County Road~~
4816 ~~Standards may occur on private property adjoining the public street right of way; and~~

4817 7.) Off-street parking requirements K.C.C. 21A.18.110 ~~((are modified as~~
4818 ~~follows for all nonresidential uses:~~

4819 a. ~~No less than one space for every 1000 square feet of floor area shall be~~
4820 ~~provided;~~

4821 b. ~~No more than seventy five percent of parking shall be on-site surface~~
4822 ~~parking. Such parking shall be placed in the interior of the lot, or at the rear of the~~
4823 ~~building it serves; and~~

4824 c. ~~At least twenty five percent of the required parking shall be enclosed in an~~
4825 ~~on-site parking structure or located at an off-site common parking facility, provided that~~
4826 ~~this requirement is waived when the applicant signs a no-protest agreement to participate~~
4827 ~~in any improvement district for the future construction of such facilities))~~ shall apply,
4828 except that the relief from K.C.C. 21A.18.110.A.4. that may be granted by the director
4829 shall only allow use of on-street parallel parking in front of or adjacent to the subject

4830 parcel for the parking spaces that cannot be accommodated to the rear or sides of
4831 buildings.

4832 NEW SECTION. SECTION ~~5282~~. There is hereby added to K.C.C. chapter
4833 21A.38 a new section to read as follows:

4834 A. The purpose of the ~~Skyway-West Hill Neighborhood Business~~Martin Luther
4835 King Jr. Way South Mixed-Use Special District Overlay is to facilitate linkages to the
4836 existing Martin Luther King Jr Way South Neighborhood Business Center, incentivize
4837 commercial opportunities close to existing high-density housing, incentivize commercial
4838 development by allowing more uses than traditionally found in mixed-use developments
4839 and provide flexibility in current square footage limitations.

4840 B. The following development standards shall be applied to all development
4841 proposals within the Martin Luther King Jr. Way South Mixed-Use Special District
4842 Overlay:

4843 1. ~~Development~~New buildings shall be limited to mixed-use as defined in
4844 K.C.C. 21A.06.753;

4845 2. A professional office as defined in K.C.C. 21A.06.910 is an allowed use as
4846 part of a mixed-use ~~development~~building in subsection B.1. of this section; and

4847 3. Any nonresidential component of the ~~development~~building that is personal
4848 services allowed in the ~~R-48~~-zone under K.C.C. 21A.08.050 or retail use allowed in the
4849 ~~R-48~~ zone under K.C.C. 21A.08.070 shall comply with K.C.C. 21A.12.230, except that
4850 K.C.C. 21A.12.230.A., B. and C. do not apply to the development.

4851 SECTION 83. Ordinance 17485, Section 43, as amended, and K.C.C. 21A.38.260
4852 are hereby amended to read as follows:

4853 A. The purpose of the Fall City business district special district overlay is to allow
4854 commercial development in Fall City to occur with on-site septic systems until such time as
4855 an alternative wastewater system is available. The special district shall only be established
4856 in areas of Fall City zoned CB and shall be evaluated to determine if it is applicable to
4857 other rural commercial centers.

4858 B. The standards of this title and other county codes shall be applicable to
4859 development within the Fall City business district special district overlay except as follows:

4860 1. The permitted uses in K.C.C. Chapter 21A.08 do not apply and are replaced
4861 with the following:

4862 a. Residential land uses as set forth in K.C.C. 21A.08.030:

4863 i. As a permitted use:

4864 (A) Multifamily residential units shall only be allowed on the upper floors of
4865 buildings; and

4866 (B) Home occupations under K.C.C. chapter 21A.30;

4867 ii. As a conditional use:

4868 (A) Bed and Breakfast (five rooms maximum); and

4869 (B) Hotel/Motel.

4870 b. Recreational/cultural land uses as set forth in K.C.C. ((21A.08.030))
4871 21A.08.040:

4872 i. As a permitted use:

4873 (A) Library;

4874 (B) Museum; ((and))

4875 (C) Arboretum; and

- 4876 (D) Park.
- 4877 ii. As a conditional use:
- 4878 (A) Sports Club/Fitness Center;
- 4879 (B) Amusement/Recreation Services/Arcades (Indoor);
- 4880 (C) Bowling Center
- 4881 c. General services land uses as set forth in K.C.C. 21A.08.050:
- 4882 i. As a permitted use:
- 4883 (A) General Personal Services, except escort services;
- 4884 (B) Funeral Home;
- 4885 (C) Appliance/Equipment Repair;
- 4886 (D) Medical or Dental Office/Outpatient Clinic;
- 4887 (E) Medical or Dental Lab;
- 4888 (F) Day Care I;
- 4889 (G) Day Care II;
- 4890 (H) Veterinary Clinic;
- 4891 (I) Social Services;
- 4892 (J) Animal Specialty Services;
- 4893 (K) Artist Studios;
- 4894 (L) Nursing and Personal Care Facilities;
- 4895 ii. As a conditional use:
- 4896 (A) Theater (Movie or Live Performance);
- 4897 (B) Religious Use;
- 4898 d. Government/Business services land uses as set forth in K.C.C. 21A.08.060:

- 4899 i. As a permitted use:
- 4900 (A) General Business Service;
- 4901 (B) Professional Office: Bank, Credit Union, Insurance Office.
- 4902 ii. As a conditional use:
- 4903 (A) Public Agency or Utility Office;
- 4904 (B) Police Substation;
- 4905 (C) Fire Station;
- 4906 (D) Utility Facility;
- 4907 (E) Self Service Storage;
- 4908 e. Retail/commercial land uses as set forth in K.C.C. 21A.08.070:
- 4909 i. As a permitted use on the ground floor:
- 4910 (A) Food Store;
- 4911 (B) Drug Store/Pharmacy;
- 4912 (C) Retail Store: includes florist, book store, apparel and accessories store,
- 4913 furniture/home furnishings store, antique/recycled goods store, sporting goods store, video
- 4914 store, art supply store, hobby store, jewelry store, toy store, game store, photo store,
- 4915 electronic/appliance store, fabric shops, pet shops, and other retail stores (excluding adult-
- 4916 only retail);
- 4917 (D) Eating and Drinking Places, including coffee shops and bakeries;
- 4918 (E) Remote tasting rooms.
- 4919 ii. As a conditional use:
- 4920 (A) Liquor Store or Retail Store Selling Alcohol;
- 4921 (B) Hardware/Building Supply Store;

4922 (C) Nursery/Garden Center;
4923 (D) Department Store;
4924 (E) Auto Dealers (indoor sales rooms only);
4925 f. Manufacturing land uses as set forth in K.C.C. 21A.08.080 are not allowed.
4926 g. Resource land uses as set forth in K.C.C. 21A.08.090:
4927 i. As a permitted use:
4928 (A) Solar photovoltaic/solar thermal energy systems;
4929 (B) Private storm water management facilities;
4930 (C) Growing and Harvesting Crops (within rear/internal side yards or roof
4931 gardens, and with organic methods only);
4932 (D) Raising Livestock and Small Animals (per the requirements of Section
4933 21A.30 of the Zoning Code)
4934 ii. As a conditional use: Wind Turbines
4935 h. Regional land uses as set forth in K.C.C. 21A.08.100 with a special use permit:
4936 Communication Facility.
4937 2. The densities and dimensions set forth in K.C.C. chapter 21A.12 apply, except
4938 as follows:
4939 a. Residential density is limited to six dwelling units per acre. For any building
4940 with more than ten dwelling units, at least ten percent of the dwelling units shall be
4941 classified as affordable under 21A.34.040F.1;
4942 b. Buildings are limited to two floors, plus an optional basement;
4943 c. The elevation of the ground floor may be elevated a maximum of six feet
4944 above the average grade of the site along the front facade of the building;

- 4945 d. If the ground floor is designed to accommodate non-residential uses, the
4946 elevation of the ground floor should be placed near the elevation of the sidewalk to
4947 minimize the need for stairs and ADA ramps;
- 4948 e. If the ground floor is designed to accommodate non-residential space, the
4949 height of the ceiling, as measured from finished floor, shall be no more than eighteen feet;
- 4950 f. Building height shall not exceed forty feet, as measured from the average
4951 grade of the site along the front facade of the building.

4952 NEW SECTION. SECTION 5384. There is hereby added to K.C.C. chapter
4953 21A.38 a new section to read as follows:

4954 A. The purpose of the Bear Creek office and retail special district overlay is to
4955 provide additional commercial opportunities to support area residents and the local
4956 economy and to provide retail options for employees of the office zones.

4957 B. Allowed uses within the special district overlay shall be those uses allowed in
4958 the office zone in K.C.C. chapter 21A.08 and the following permitted ~~retail~~-land uses:

- 4959 1. Building materials and hardware stores;
- 4960 2. Retail nursery, garden center and farm supply stores;
- 4961 3. Department and variety stores;
- 4962 4. SIC Major Group 54 - Food stores;
- 4963 5. SIC Industry Group 553 - Auto supply stores;
- 4964 6. SIC Industry Group 554 - Gasoline service stations;
- 4965 7. SIC Major Group 56 - Apparel and accessory stores;
- 4966 8. Furniture and home furnishings stores;
- 4967 9. SIC Major Group 58 - Eating and drinking places;

- 4968 10. Drug store;
- 4969 11. SIC Industry Group 592 - Liquor stores;
- 4970 12. SIC Industry Group 593 - Used goods: antiques/secondhand shops;
- 4971 13. Sporting goods and related stores;
- 4972 14. Book, stationary, video and art supply stores, except adult use facilities;
- 4973 15. Jewelry stores;
- 4974 16. Hobby, toy and games shops;
- 4975 17. Photographic and electronic shops;
- 4976 18. Fabric shops;
- 4977 19. Florist shops;
- 4978 20. Personal medical supply stores; ~~and~~
- 4979 21. Pet shops; ~~and~~
- 4980 ~~NEW~~ 22. General services – Daycare II.
- 4981 ~~SECTION 54. There is hereby added to 85. Ordinance 12627,~~
- 4982 ~~Section 1, and K.C.C. chapter 21A.42 a new section 55.010 are hereby amended~~ to read
- 4983 as follows:
- 4984 ~~A. The department shall conduct at five-year intervals from the issuance of the~~
- 4985 ~~permit, a review of the permitted fossil fuel facility site design, mitigation and operating~~
- 4986 ~~standards.~~
- 4987 ~~B. The review is a Type 2 land use decision.~~
- 4988 ~~C. The review shall ensure:~~
- 4989 ~~1. That the site is operating consistent with all existing permit conditions; and~~
- 4990 ~~2. That the most current site design and operating standards are applied to the site~~

4991 ~~through additional or revised permit conditions as necessary to mitigate identifiable~~
4992 ~~environmental, public health and public safety impacts.~~
4993 ~~((Purpose.)) The purpose of this section is to provide for "demonstration~~
4994 ~~projects" as a mechanism to test and evaluate alternative development standards and~~
4995 ~~processes ((prior to)) before amending King County policies and regulations. Alternative~~
4996 ~~development standards might include standards affecting building and/or site design~~
4997 ~~requirements. Alternative processes might include permit review prioritization,~~
4998 ~~alternative review and revision scheduling, or staff and peer review practices. All~~
4999 ~~demonstration projects shall have broad public benefit through the testing of new~~
5000 ~~development regulations and shall not be used solely to benefit individual property~~
5001 ~~owners seeking relief from King County development standards. A demonstration~~
5002 ~~project shall be ((designated)) classified by the ((M))metropolitan King County~~
5003 ~~((C))council. ((Designation)) Classification of each new demonstration project shall~~
5004 ~~occur through an ordinance which amends this code and shall include provisions that~~
5005 ~~prescribe the purpose((s)) or purposes and location((s)) or locations of the~~
5006 ~~demonstration project. Demonstration projects shall be located in urban areas, ((and/or))~~
5007 ~~rural areas or natural resource lands, or any combination thereof, which are deemed most~~
5008 ~~suitable for the testing of the proposed alternative development regulations. Within such~~
5009 ~~areas development proposals may be undertaken to test the efficacy of alternative~~
5010 ~~regulations that are proposed to facilitate increased quality of development and/or~~
5011 ~~increased efficiency in the development review processes.~~

5012 SECTION 86. Ordinance 12627, Section 2, as amended, and K.C.C. 21A.55.020
5013 are hereby amended to read as follows:

5014 A. In establishing any demonstration project, the council shall specify the
5015 following:

- 5016 1. The purpose of the demonstration project;
- 5017 2. The location or locations of the demonstration project;
- 5018 3. The scope of authority to modify standards and the lead agency, department
5019 or division with authority to administer the demonstration project;
- 5020 4. The development standards established by this title or other titles of the King
5021 County Code that affect the development of property that are subject to administrative
5022 modifications or waivers;
- 5023 5. The process through which requests for modifications or waivers are
5024 reviewed and any limitations on the type of permit or action;
- 5025 6. The criteria for modification or waiver approval;
- 5026 7. The effective period for the demonstration project and any limitations on
5027 extensions of the effective period;
- 5028 8. The scope of the evaluation of the demonstration project and the date by
5029 which the executive shall submit an evaluation of the demonstration project; and
- 5030 9. The date by which the executive shall submit an evaluation of specific
5031 alternative standards and, if applicable, proposed legislation.

5032 B. A demonstration project shall be ~~((designated))~~ classified by the
5033 ~~((M))~~metropolitan King County ~~((C))~~council through the application of a demonstration
5034 project overlay to properties in a specific area or areas. A demonstration project shall be
5035 indicated on the zoning map ~~((Ø))~~ and as a notation in the geographic information system
5036 data layers maintained by the department of local services, permitting division, by the

5037 suffix "-DPA" (meaning demonstration project area) following the map symbol of the
5038 underlying zone or zones. Within a ((designated)) classified demonstration project area,
5039 approved alternative development regulations may be applied to development
5040 applications.

5041 SECTION 87. Ordinance 12627, Section 3, and K.C.C. 21A.55.030 are hereby
5042 amended to read as follows:

5043 A. The demonstration projects set forth in this chapter are the only authorized
5044 demonstration projects. New or amended demonstration projects to carry out new or
5045 different goals or policies shall be adopted as part of this chapter.

5046 B. Demonstration projects must be consistent with the King County ~~D:~~
5047 Comprehensive Plan. ((Designation)) Classification of a demonstration project and its
5048 provisions to waive or modify development standards must not require nor result in
5049 amendment of the ((e))Comprehensive ((p))Plan nor the ((e))Comprehensive Plan land
5050 use map.

5051 C. Unless they are specifically modified or waived pursuant to the provisions of
5052 this chapter, the standard requirements of this title and other county ordinances and
5053 regulations shall govern all development and land uses within a demonstration project
5054 area. Property-specific development standards (P-suffix conditions) as provided in
5055 K.C.C. chapter 21A.38 shall supersede any modifications or waivers allowed by the
5056 provisions of this chapter.

5057 ~~D. The periodic review shall demonstrate consistency with Comprehensive Plan~~
5058 policies.

5059 Demonstration project sites should be selected so that any resulting amended
5060 development standards or processes can be applied to similar areas or developments.
5061 Similar areas could include those with similar mixes of use and zoning. Similar
5062 developments could include types of buildings such as commercial or multifamily and
5063 types of development such as subdivisions or redevelopment.

5064 SECTION 5588. Ordinance 13332, Section 33, as amended, and K.C.C.
5065 27.10.080 are hereby amended to read as follows:

5066 Fees for zoning or ((e))Comprehensive ((p))Plan or map modification shall be
5067 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 \$2,234.00
shoreline environment redesignation
- C. Other zoning reclassification requests including shoreline \$9,135.00
environment redesignation, deletion of special district overlay,
or amendment or deletion of p-suffix conditions

5068 D. If a site-specific amendment is implemented as part of ((the)) a Comprehensive
5069 Plan ((~~amendment process~~)) update, the application fee will be credited toward the zoning
5070 reclassification fee, provided that the application for zoning reclassification is filed within
5071 one year of the effective date of the site-specific land use map amendment.

5072 SECTION 5689. The following are hereby repealed:

5073 A. Ordinance 10870, Section 580, as amended, and K.C.C. 21A.38.070;

5074 B. Ordinance 12171, Section 7, and K.C.C. 21A.38.110;

5075 C. Ordinance 12823, Section 9, and K.C.C. 21A.38.140; and

5076 D. Ordinance 12823, Section 19, as amended, and K.C.C. 21A.38.240; ~~and.~~

5077 ~~E. Attachments I, II, III, VI and V to Ordinance 11166.~~

5078 ~~SECTION 57. The executive shall submit sections 42, 43, 44 and 45 of 90.~~

5079 ~~K.C.C. 20.12.100, as amended by this ordinance, amendments to is hereby recodified as a~~

5080 ~~new section in K.C.C. chapter 4.56.~~

5081 ~~SECTION 91. Ordinance 10810, Section 1, as amended, and K.C.C. 20.12.100~~

5082 ~~are hereby amended to read as follows:~~

5083 ~~A. The 2019 real property asset management plan, ((formerly called the county~~

5084 ~~space plan,)) dated September 1, 2019, and consisting of real property asset management~~

5085 ~~policies, practices and strategies, including planning policies, locations of county agencies~~

5086 ~~and implementation plans, planned moves and references to King County space standards,~~

5087 ~~is ((adopted as a component of the capital facilities element of)) intended to implement the~~

5088 ~~capital facilities element of the King County Comprehensive Plan chapter six in~~

5089 ~~Attachment A to this. The real property asset management plan dated September 1, 2019,~~

5090 ~~shall guide facility planning processes, decisions and implementation.~~

5091 ~~B. The executive shall ((update)) transmit to the council a proposed ordinance and~~

5092 ~~amendments to Attachment K of the Shoreline Master Program in Attachments E and~~

5093 ~~Updating the real property asset management plan, including the current and future space~~

5094 ~~needs and implementation plans of the real property asset management plan: ((and submit~~

5095 ~~them to this the council as amendments to the real property asset management plan))~~

5096 1. ((b))By the first business day in September ((1)) of every fourth year,
5097 beginning ((on September 1, 2019, and also)) 2023; or

5098 2. ((w))Within ninety days of any significant change in the county's ((space plan))
5099 inventory, such as a move, sale, purchase or other change, affecting fifty thousand or more
5100 square feet of useable space.

5101 C.1. The council may amend the executive's proposed real property asset
5102 management plan during the council's review.

5103 2. The council may at any time introduce and adopt an ordinance to the state
5104 Department of Ecology for its approval, as provided in RCW 90.58.090 modify the
5105 policies within the real property asset management plan.

5106 SECTION 58. Sections 42, 43, 44, 49, 52. The executive shall submit sections 68, 69,
5107 70 and 4571 of this ordinance, amendments to King County Comprehensive Plan chapter
5108 six in Attachment A to this ordinance and amendments to Attachment K of the Shoreline
5109 Master Program in Attachments E and H to this ordinance to the state Department of
5110 Ecology for its approval, as provided in RCW 90.58.090.

5111 SECTION 93. Sections 68, 69, 70 and 71 of this ordinance, amendments to King
5112 County Comprehensive Plan chapter six in Attachment A to this ordinance and
5113 amendments to the Shoreline Master Program in Attachments E and H to this ordinance
5114 take effect within the shoreline jurisdiction fourteen days after the state Department of
5115 Ecology provides written notice of final action stating that the proposal is approved, in
5116 accordance with RCW 90.58.909090. The executive shall provide the written notice of
5117 final action to the clerk of the council.

5118 SECTION 5994. Severability. If any provision of this ordinance or its

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5119 application to any person or circumstance is held invalid, the remainder of the ordinance

5120 or the application of the provision to other persons or circumstances is not affected.

5121 ."

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